



THE REPUBLIC OF UGANDA

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

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**OFFICIAL REPORT**

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WEDNESDAY, 15TH JUNE 1994

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Wednesday 15th 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.*

**THE CHAIRMAN:** Distinguished Delegates, I do not have any Particular matter on which to address you from the Chair except to say that hon. Elly Karuhanga, the delegate for Nyabushozi, has approached me with a request that he be permitted to move a Motion under Section 11 of the Constituent Assembly statute and I duly granted that permission and it appears by way of an item on today's programme as Item No.2.

**MR. ELLY KARUHANGA:** Thank you very much, Mr Chairman, for this opportunity. Mr chairman, my resolution is ready, it should have been circulated, I do not know whether Members have received it. But due to the historical factors facing the CA, we are very much aware about the problems in photocopying but I am very sure that in the next one minute the efficient secretariat will have given you this resolution. But in the meantime, with your permission, Mr. Chairman, I think I can proceed to read it.

Mr. Chairman, as you know or as the Delegates know, the day 16th June is a very important day on the African continent. the 16th of June, we remember it as the day when the soweto massacres took place in South Africa in 1976. As a result of that and due to the emergence of a new era of leaders on the African continent in 1991 at the O.A.U summit, it was resolved that we have a year of the African child and that June 16th be observed as the year of the African child in all African countries. As a result of that and since we are a day before that and since we realise that the 16th of June happens also to be the Budget Day for Uganda and for Kenya and for Tanzania having synchronized the Budget days, I move that we do recognise the children of Uganda and we give them the first call on our time. I know that the Constitutional Commission headed by Justice Odoki did collect views from all the people of Uganda, various groups and individuals but it did not do so from the children. However, they made a very good attempt in inviting some of the children to write

essays about the constitution. These essays were competition essays and were organised by the Constitutional commission but they were not enough. Fortunately the National council for children which has recently been formed following the World summit Resolution at the United Nations Headquarters in 1990 and the Data Convention - the Data OAU Summit which is called the OAU Data Consensus Conference passed that the plight of children in Africa did indeed deserve the urgent attention of our leaders. Since that time the national Council of Children has organised a very interesting debate in all the 39 districts of Uganda and has invited all school children below 18 years in secondary schools to come and take over district councils and debate what they would like to see in the constitution for themselves since they have not been allowed to stand for elections; (ii) to vote; (iii) to give their views to the constitutional Commission. They therefore have been debating throughout the country in all the districts and they have made memoranda. They have now at every district selected one girl and one boy, one female one male, to come to the national level, 78 of them. Mr. Chairman, as I speak today, these children have now, having taken over the District resistance Chambers, have now taken over the Parliamentary Building and the 78 delegates or children are coming for a mock debate about the constitution that we are about to have. In light of what is going on, I felt that it was opportune for this Distinguished Assembly to give the first call on their time to these children. As a result, I make my Motion. When the children today finish their deliberations they will write a memorandum and the Chairman of that conference who is going to be elected today would love very much to come and address the Distinguished Delegates of Uganda in this Assembly. But to do so they have to move under the statute and under our Rules. Accordingly, I would like, sir, in accordance with Sub-section (2) of Section 11 of the constituent Assembly statute No.6 of 1995, to move a resolution which I hope by now Members are beginning to receive.

There is a liability on that but I am sure that by the time, Mr. Chairman, we engage in the debate, may be, the photocopies will be available to Members. May I now, therefore proceed to read the resolution which Members could then, with your permission, debate, Mr. chairman.

The Motion reads as follows:

In accordance with sub section (2) of Section 11 of the Constituent Assembly Statute No.6 of 1993. Noting that the 16th of June 1994 is commemorated as the day of the African child by all governments in Africa since 1991 Soweto when Uganda as the Chairman of OAU proposed that the Soweto massacres of 16th June 1976 be observed as above stated.

Noting that the OAU Data Consensus Conference of 1991 and the World Summit for Children of September 1990 held in UN Headquarters in New York urged governments to give children the first call on the national resources and time, informed that His Excellency the President has agreed to return from OAU Summit in Tunis to join in the important day of the African Child to address the nation on the affirmative action by the government to ameliorate the plight of children.

Aware that the Constitutional Commission collected views and proposals from various groups of people and individuals and asked for essays about the constitution from schools;

Appreciating that the National Council of Children (NCC) has organised the Ugandan children and collected views from them throughout the country and has given them an opportunity to debate the draft constitution at the national level now going on at the parliamentary Building;

Realising that the constitution we are about to embark on will have an immediate and direct bearing on the children of this country who are the hope of Uganda and her future leaders;

Desiring to have all groups of Ugandans to feel that they are part and parcel of this constitution and further involve children in the ownership of the constitution we are going to debate, enact and promulgate for future posterity;

Now informed that the National Children's Council in Collaboration with the Minister of Education and Sports and the Constituent Assembly secretariat have organised constitutional debates by all children from secondary schools below the age of 18 years in all the 39 districts of Uganda and thereafter selected two children per district, one male, one female, to come to the national level and

further informed that they are debating the constitution today at Parliamentary Building with full radio and television coverage as part of the climax activities to commemorate the day of the African Child and that the said Mock C.A. debate will result into a memorandum consisting of resolutions made thereat, this Constituent Assembly sitting on this 15th day of June hereby resolve:

- (i) That the child CA Mock Debate Chairman who will be duly elected in today's parliamentary proceedings be allowed to address the C.A. Delegates and the nation on 17th June, 1994;
- (ii) That the District children participants, 78 of them for the CA. Mock Debate be allowed to be recognised by the CA Delegates by standing in the CA. Hall from where they will be accommodated;
- (iii) That H.E. the President be invited to address the CA. Delegates and the nation on this historical day. Thank you. *(Applause)*

**THE CHAIRMAN:** Delegates, the question before the Constituent Assembly is in terms of the motion just read by hon. Elly Karuhanga and for the benefit of the Delegates, the provisions of Section 11 sub section (2) of the Constituent Assembly statute reads: *'That the chairman may at any time, upon a decision of the Assembly signified by a resolution, supported by the majority of delegates invite any persons to address the Assembly on any matter before the assembly.'*

The matter before us is essentially to consider, debate and approve the constitution for Uganda. The Motion is asking that permission be granted so that the Chairman or Chairperson of the children's debate is allowed to address this Assembly and that also His Excellency the President be allowed to be present and if he so wishes also address us on this occasion. In other words, the Motion, in view of the Chairman, is within the ambit of sub section (2) of Section 11. The resolution will have to be taken by adoption of the Motion and once adopted then will do the necessary paper work, if you so adopt. What is required is a majority of the delegate here. I would therefore like now to leave the question to the Floor for any Members who would like to talk about it. Sorry, I must correct myself. I did not see a seconder. Okay, I see one now, thank you.

**A DISTINGUISHED DELEGATE:** Thank you very much, Mr. Chairman. In view of the importance of this day of the African Child, I will propose that

we adopt that Motion so that this country, through this Assembly, recognises the important role played by the African child. Thank you very much.

**PROF. KANYEIHAMBA:** Thank you very much, Mr. Chairman. Like the Mover I very much support the Motion. My own reservation is that it is unnecessarily long and verbose. I wonder whether Mr. Chairman it could be reduced in size. It recites all the history, the surrounding circumstances and God knows what else. So I would suggest that we should be brisk business-like and simply say that this Distinguished Constituent Assembly recognizes the day of the African Child and permits the leaders of the children who have been assembling in Kampala and all the delegates to come here and present their views to this Assembly, without going into unnecessary details. I thank you, Mr Chairman.

**MR. CHAIRMAN:** I do respect the view of Senior counsel and Delegate Kanyeihamba but I do not think that really we need to go into all that. I think it is helpful that the Mover gave us recitals which put into context the Motion and I think the operative part of the Motion is the last part which starts "*This Constituent Assembly sitting*" and I think that is a pertinent historical part, as I said, by way of recitals gives the and historical background and in view of the Chairman I do not think we should really waste the time trying to doctor the document. I would rather we just move to the substance. Thank you.

**PROF. APOLLO NSIBAMBI:** Thankyou, Mr. Chairman. I strongly support the Motion because these are the children who are going to take over from us. We must encourage them to internalise the ethics of constitutionalism. I would, however, suggest that we should give them a time frame. In other words, they should address us for not more than an hour and we call it a day and we continue with our business.

**MR KWERONDA RUHEMBA:** Thank you, Mr. Chairman. I support the Motion but with an amendment that we allow the Chairman of the children to come and address this august House but that it is not necessary for the President to come and address the House since he will have addressed the nation, as informed by Karuhanga, in the National Assembly.

**THE CHAIRMAN:** Could I ask Delegate Karuhanga to clarify whether that is the proper understanding of his Motion?

**MR. KARUHANGA:** Mr. Chairman, may be before I come to that, I see now most Members have the resolution. When you get the Motion there are two amendments on page one where the Soweto Massacre of 16th June is referred to as 1994, it took place in 1976 and then on page two where the first resolution is talking about the "That the Child CA Mock Debate Chairman". Please substitute that with "Chairperson" to accommodate the gender sensitivity.

Now, Mr. Chairman, I think the Distinguished Delegate from Kajara misunderstood me when I said that what is going on at Parliamentary Building is of delegates is also going to be addressed by the President. No. My information from the secretariat and from the organisers is that as the CA we are going to be given the benefit and honour of taking the President's address to the nation on the Plight of children here when he comes from Tunis from where he has not yet come. I think there was a misunderstanding. The intention is that that be the important climax of the activities because this body is now regarded in the country as a very important organ. Thank you.

**THE CHAIRMAN:** Thank you. What Delegate Karuhanga referred to as amendments in the text are actually corrections because if they were amendments they would require a Motion so you just correct your text over there.

**MR. KAWANGA:** Thank you very much, Mr. Chairman. I support the motion but I want the importance of distributing the Motion before it is debated. As you notice most members have it, amendments are being moved to it and they do not understand the import of the amendment. So it has made it a little bit difficult to debate it without having it. I do not know whether Mr. Karuhanga will ensure that the copies get to the members before we pass the Motion. Thank you very much, Mr. Chairman.

**THE CHAIRMAN:** Thank you but so far as the Chair is concerned no amendment has been proposed. The amendment which was proposed by hon. Kweronda Ruhemba was not accepted because it was misconceived. It was based on wrong facts.

**DISTINGUISHED DELEGATE:** Thank you, Mr. Chairman. I support Motion but I want to move that resolution No.2 be deleted as it does not fall in the ambit of Section 11 sub section 2 meaning that

we can only make resolutions as to who we invite to talk, as to whom you want to attend is entirely your discretion. Mr. Chairman, I do not think that 2 falls in the ambit of section 11 sub section 2, so I beg to move.

**THE CHAIRMAN:** I considered that matter and before we consider whether we should proceed with your Motion and I took the view that it is possible that the children, the CA children may want either to read a poem or to sing the children's anthem and in doing so they will be more or else addressing us and so I would rather we leave it there, I do not think it does any harm unless really you insist.

**MR. KISAMBA MUGERWA:** Mr. chairman, it is unfortunate that we are debating this Motion without it for some of us. It may look out of the way, but if I could recall, there were three parts. I entirely accept part one where we are inviting the chair person who might have been elected to come and address district Members on whatever they must have agreed upon in their CA mock debate. I think that is the most important part of it. The third part regarding the President is a bit confusing and I am not convinced that it is worth now calling the President again to this House to address us on matters on the constitution. He was here and we have not done any business and we seem to have agreed there though the procedure has not been - that his speech be adopted as part of the working papers and I do not see any other message he has for us now. Why don't the children come and the chairperson of the children address us. He will be a very important person in that matter and we shall take the address as important. But now when the President comes it will suppress even what the chair person will have talked about. I think the issue is not now to recognise the President it is to recognise the participation of the children in the process of constitution making. So I do not know how to Move the amendment because, after all, I do not have the Motion but I beg to move that the last part which permits the President to come to address us be deleted. *(Applause)*.

**THE CHAIRMAN:** I would like to make an observation before we proceed on that Motion. I think the organisers of this occasion had in mind the following: That we are established by the constituent Assembly Statute to make a constitution for Uganda and we shall do so by talking and voting or by developing a consensus. The same Act that provides and gives us that power also provides for the President

to call a referendum on some of the matters that you, as delegates, may deliberate upon so that he is part, by virtue of the Statute, of the constitution making process.

The children are going to debate and arrive at resolutions which they want to present to the constitution makers. The constitution makers are asked plus whenever a situation so warrants the President. I did not see any harm in allowing this, it was essentially because of that that they will present their views in the presence of all the facets of us that are involved in the constitution making process and I do not expect the President to come and talk to us about general matters, he must be limited to the matter before us and the matter before us will be the constitution making process as seen by the children of Uganda. That is how I saw it and allowed it to be here. But anyway has the Motion been seconded or do you still insist on your Motion? Okay, now let us debate the Motion as moved that paragraph 3 relating to the invitation of His Excellency the President be deleted. It has been seconded by Kweronda Ruhemba. He seconded the Motion by Kisamba Mugerwa.

**DISTINGUISHED DELEGATE:** Procedure, Mr. Chairman. We are going to debate an amendment by the Distinguished Delegate Kisamba Mugerwa. There was a substantive amendment by a Distinguished Delegate, Prof. Apollo Nsibambi, with regard to a time frame. I would suggest we dispose of the first one first in the orders that they came, Mr. Chairman.

**THE CHAIRMAN:** My understanding was that Prof. Nsibambi did not move a Motion; so, the Motion we have on the Floor is by hon. Kisamba Mugerwa. It is seconded and, therefore, I proceed to give the Floor to the seconder and then we shall take other speakers on the Motion. The Motion now and for relevance is whether or not (3) should be deleted.

**DISTINGUISHED DELEGATE:** Point or order. Thank you, Mr. Chairman. Mr. Chairman, is it in order for this Assembly to begin debating Amendments before all Members have been given opportunity to discuss the Motion in general?

**THE CHAIRMAN:** It is in order. In terms of normal procedures applicable to meetings, an Amendment can be moved at any stage, unless the rule so prevent; and since we have not come to that issue yet, we are using the common law rules, and the

rules do apply and the Amendment is properly put before the House.

**MR. NJUBA:** Point of order. Mr. Chairman, is it really in order for us to start debating when Members do not have a copy of this Motion or text? It has not reached this end, at least.

**THE CHAIRMAN:** I think to save time we can go ahead. The Motion was read to Members and I understand the - I think we go ahead, it is in order.

**MR. KWERONDA RUHEMBA:** (Kajara County): Thank you very much, Mr. Chairman. I will begin by saying that I do not have the Paper in front of me yet; nevertheless I would like to second hon. Kisamba Mugerwa's Amendment to the effect that this House can entertain the Chairperson of the children to come and address the House, but it is not an occasion for the President to come and overshadow the Chairperson, and for that matter I would like to second the Motion. Secondly, the President, as hon. Kisamba Mugerwa said, was here on the occasion of opening this august House and his input was accepted and adopted as part of the constitutional making process, and we have not even debated his submission, and then he comes and overloads it with another submission, and I think it is too much to expect of the President at this time when he is, actually, even coming from OAU, may be he has not even been informed of his required presence here. And all of a sudden we invite him to come and address the nation on an occasion which is not his. So, for that matter, Ladies and Gentlemen, I support that we delete the question of inviting the President here. Thank you very much.

**MR. KARUHANGA:** Point of clarification. Thank you, Mr. Chairman. Just a point of clarification. The organisers of the conference, when I was making this resolution I also queried them about what this was all about, and they told me, and I think it is for the benefit of Members that this information be shared, that because of the following reasons they approached the President and asked him to, actually, come and speak and that from a telephone in Tunis he agreed and that he was coming specifically quickly to make important address. But the reasons why the - and the background to that which I got from them was, one; that while he was the Chairman of OAU he is the one who came up with the Motion about this day in the OAU, and that when OAU adopted it, it was also part of the - it was Uganda

again which moved in the Darka consensus conference which carried the day, and that at the UN Headquarters the President was very effective there and he took some children with him to that conference, and that since that time Uganda has been ahead in Africa in implementing the Resolutions of the UN conference, and that it would be important for a distinguished body like this one to be briefed about an affirmative action that this Government in Uganda is taking towards the plight of the children. I am informed that on Radio this morning, that some neighbours of ours even picked 48 children yesterday and their whereabouts are unknown and they are feared dead, and that if - (Interruption).

**THE CHAIRMAN:** I think you are going beyond ordinary information.

**MR. KARUHANGA:** Yes, Mr. Chairman, but just to clarify on that, it is not that I did not consult, but it seems that the necessary consultations have taken place and it would be an honour for this delegates conference, actually to receive the President and to hear for the benefit of our Constitution, what the position is, from our leaders on this issue. Thank you.

**MR. ABU MAYANJA:** Point of order. Would hon. Karuhanga speak in the microphone because some of us are getting a bit deaf and we will find it very difficult to strain our ears. Everybody else can talk so we hear him.

**THE CHAIRMAN:** I think he has completed and unless you want him to repeat we would rather take it as it is.

**MR. KAYONDE (Gomba County):** Thank you, Mr. Chairman. I do support the Amendment moved by hon. Kisamba Mugerwa, distinguished delegate. The children are coming to address - (Interruption).

**THE CHAIRMAN:** For the benefit of our people who are going transcribe these proceedings, we should start by mentioning our names.

**MR. KAYONDE:** Mr. Chairman, the children have got access to the President outside this august Assembly. We should not confuse State function with C.A. matters; because if the President wants to address the nation on matters of children, the President is free to do it outside this Assembly. My understanding is that the children are coming here to

present their case to the C.A. delegates for consideration. So, I support the deletion of Resolution No.3 as moved by - and I want to possibly caution the Assembly that we should not involve the President in the matters of C.A. unnecessarily. That is why the Statute did not give him direct access to the C.A. because we want to call him when it is really necessary. I thank you.

**MR. NEKYON (Maruzi County):** Mr. Chairman, I have no objection to the Motion, although I do not support it fully *-(Interruption)*.

**THE CHAIRMAN:** Which Motion are you talking of? We have two Motions, we have the Principal Motion and -

**MR. NEKYON:** We have got the principle Motion which you have discontinued the debating of and then going to an Amendment - I do not know whether you are going to go back to the original Motion as a Member has already raised, but you said you are using common sense.

**THE CHAIRMAN:** No, the point is; that we are now debating the Motion by hon. Kisamba Mugerwa to delete paragraph 3; if it is carried then, we shall go back to the Motion as amended and if it is not carried then we go back to the Motion as it is.

**MR. NEKYON:** Okay, Mr. Chairman, I support the Motion or the Amendment by the Distinguished Delegate Mugerwa. Personally, I think that if you are going to bring here a child to represent children because it is their day, it is pointless for you to say at the same time that the President must escort the child. The President is a national President and tomorrow he will probably be going to the National Assembly, the NRC, because there is a Budget debate, as he always does. The NRC is, actually, the right body to be addressed by the President on an occasion like this. We here were elected for a specific purpose, the making of the national Constitution and we were given a time limit within which to make that Constitution. We have got a limited amount of money to spend on the process. Must we, therefore, Mr. Chairman, waste public funds which is a large sum of money on listening to endless speeches, instead of concentrating on the work for which we were elected? I submit that we must become serious and begin on the work of writing the Constitution. I allow that because it is children's day, they can come here and maybe this time we can see them because

they are our children. But I want to tell this House that for us to say the children come here with the President then he submits a memorandum, when everybody had an opportunity of submitting a memorandum to the Commission, we are opening a flood gate, because it means anybody will now and in future come here to present a memorandum, and then we start afresh to go back to square one. So, I want us to be concentrating on the matter now before us. This one, therefore, I will insist on the proposal of Prof. Nsibambi that we give only a few minutes for the children to come. After all we made the memorandum to the Commission from RC 1, and we wrote memoranda on behalf of everybody in this country including our children. These children who are coming here tomorrow are our children. I do not know where they are going to get views which are completely different from those of their parents. Thank you, Mr. Chairman.

**MR. ETYANG (Tororo County):** Mr. Chairman, thank you. I will go along with those who are proposing that at this stage of our deliberations, the presence of His Excellency the President and his suggested address to this Assembly should not be encouraged at this point. I go along with that Amendment. If it is carried, Mr. Chairman, then I suppose the fourth preamble after that paragraph will also have to go, the one stating that the President is coming back for that purpose. Mr. Chairman, otherwise besides that I really share the concern of my Colleague who has spoken immediately before me, that really we had adopted the rules of procedure. Tomorrow, Mr. Chairman, is exactly one month since we started our deliberations, that is four months minus one. Now, unless and until we address the substantive matter for which we are here, with all due respect to the President, with all due respect to our children and what have you, we may end up listening to everybody else and do what brought us here last and, therefore, least. I hope it does not allow to be that. Thank you, Sir.

**THE CHAIRMAN:** Is it in form of an order or what?

**MR. BIDANDISSALI:** Mr. Chairman, I hesitated answering your question, because if I said order, I did not know under what set of rules I was making that order, that is why I hesitated. But I was hiding behind procedure to move that the question be put, Mr. Chairman.

**THE CHAIRMAN:** Under normal rules once a question is moved, that question be put and it is seconded, then it is put without debate.

**DISTINGUISHED DELEGATES:** Seconded.

**THE CHAIRMAN:** I will now move the Motion that the question be put.

*(Question put and agreed to.)*

**THE CHAIRMAN:** I proceed now to put the question that paragraph 3, of the Motion as moved by hon. Elly Karuhanga be deleted.

*(Question put and agreed to.)*

**THE CHAIRMAN:** Paragraph 3, is now deleted. Now, we proceed to debate the Motion by hon. Karuhanga as amended.

**MR. KAWANGA (Masaka Municipality):** Mr. Chairman, I think we have sufficiently debated the main Motion, and I beg to move that the question be put.

**THE CHAIRMAN:** In accordance with procedures I already outlined to you, if it is seconded and I suspect it is, I now proceed to put the question without debate.

*(Question put and agreed to.)*

**THE CHAIRMAN:** Now, I put the question on the principle Motion that the Motion by hon. Elly Karuhanga as amended *-(Interruption)*.

**MR. ABUMAYANJA:** Point of order. Order, Mr. Chairman. The preamble paragraph must be removed also before you vote on it *-(Interruption)*

**THE CHAIRMAN:** Really, I do not think it is necessary for us to vote on a consequential matter; upon the adoption following the Amendment of the other aspects of the Motion which relate to the President coming here fall by the way side. So, I now put the question.

**MR. WANENDEYA:** Point of order. Thank you, Mr. Chairman. Members have deliberated on time element as a way of saving our time for deliberations on the Constitution. Is it, therefore, in order, Mr. Chairman, for us to pass this Resolution without

putting a time element as to how long the children will speak for? What I have in mind, Mr. Chairman, is this that on the third paragraph - I mean, on the third line on Resolution No.1, just merely adding the words 'for an hour on the 17th June 1994' that should be the time which should be allowed for the children to address - the Chairperson or the Chairman of the children to address us rather than just leaving us a blank *-(Interruption)*.

**MR. ABU MAYANJA:** That is a point of debate.

**THE CHAIRMAN:** I was going to say that, it is going beyond the point of order. I think we are now going into administrative matters; I think we can really find a way of accommodating this without having to appear so draconian, but the sentiments have been noted that we should not take too long. I would rather we left it at that. Now, let me put the question on the Motion as amended.

*(Question put and agreed to.)*

#### LAYING OF PAPERS ON THE TABLE

**THE CHAIRMAN:** For lack of a Parliamentary type of Chamber, hon. Kavuma has complied by laying on the authoritative table of the Chairman, the draft rules as prepared by his Committee together with their report thereof. That discharges Agenda 3.

#### MOTION FOR THE ADOPTION OF THE DRAFT RULES OF PROCEDURE OF THE CONSTITUENT ASSEMBLY

**MR. KAVUMA (Kyadondo South):** Mr. Chairman, I thank you very much for this opportunity given to me and the Committee to propose that the report and the rules be considered and adopted. But before I do that, Sir, allow me to make a small correction on page 6, of the report; paragraph 5 (2), the paragraph which introduced Standing Committees - which introduces the business committee, that is half-way through that paragraph 5(2) after the subparagraphs named in the Roman numbers. The Amendment is that this paragraph will now read: *"Of these Standing Committees, the Business Committee has very important functions which include the following..."* That should be the new version of that paragraph. Mr. Chairman, now a small Amendment on page 6, of the draft rules themselves - a small correction, Mr. Chairman. This is in rule 2, subrule 1, - it is page eight, Mr.

Chairman. -(Interjections.)- okay . Mr. Chairman, can we move to page 6, then. The correction we are making, Mr. Chairman, is to exclude subject matter committees which are considered under rule 37 in these rules from the definition of a Standing Committee. In other words, subject matter committees as proposed are not standing committees. I would request Members to bear this in mind when they look at rule 37 and the definition in this section. The gist of the matter, Mr. Chairman, is that subject matter committees as considered under rule 37 are not Standing Committees. So, we can leave out rule 37. Now, with those remarks, Sir, I beg to move that the report of the Committee on Rules of Procedure of the Constituent Assembly together with the draft rules of the Constituent Assembly be considered and adopted by this august Assembly.

**MR ELLY KARUHANGA:** Seconded.

**MR. KAVUMA:** Mr. Chairman, the Committee that is presenting its report to this august Assembly  
-(*Interruption*).

**MR. KIRENGA:** Point of information. Mr. Chairman, I think before the Mover moves this Motion, I would like to draw his attention to a grammatical mistake or a clerical mistake on page 2. I do not know whether that is intentional - that is section 2, page 4.

**MR. KAVUMA:** What was the information?

**MR. KIRENGA:** That I think there is a mistake, it is not 57, I have not found that one.

**MR. KAVUMA:** I thank you delegate Kirenga, that was a typing error, it is 55 instead of 57, thank you very much. Mr. Chairman, the Committee on the Rules of Procedure of the Constituent Assembly was elected by this august Assembly on the 20th May of this year, and its composition is outlined in paragraph 1, on page 1, it consisted of: Mrs. Catherine Mavunjina, Mr. Daniel Omara Atubo, Mrs. Winifred Adio, Mr. Elly Karuhanga, Mr. Damiano Lubega, Mrs. Joan Rwabyomere, Mr. Nathan Okakwol, Dr. Crispus Kiyonga and Steven Kavuma as Chairman. Mr. Chairman, I am glad to report that the Committee started its work as soon as it was possible, but because of the inability of one member, Adio Winifred to serve on the Committee due to other commitments, the Committee co-opted, with prior consultation with the Chairman, another delegate from this august

Assembly in the name of Fiona Egunyu Asemu who joined it and did business with it to the end. Mr. Chairman the responsibility of the Committee was to consider draft rules and make a report to this august Assembly on them. The rules have now been considered and the report has been formally laid on the table, and it will form the text for our deliberations on this subject. Mr. Chairman, we did consider the legal position of the rules of procedures that we have proposed to this august Assembly, and we noted that section 16 of the Constituent Assembly Statute permitted the Assembly to adopt the rules of procedure of the National Resistance Council with such modifications as it may deem necessary, and it also allowed it to regulate its own procedure. The Committee considered it of vital importance that the special nature of the work of the Assembly be considered together with the competing demands on time of delegates who are both delegates to this august Assembly and hon. Members of the National Resistance Council. The Committee further thought to avoid inconsistency between the rules of the Assembly as proposed and the Constituent Assembly Statute itself. It further thought to avoid conflict between the Assembly and the commission and the staff of that body.

Mr. Chairman, the committee was very mindful of the need for the delegates to have one comprehensive document to govern the proceedings of this august Assembly; hence the document that is before us this morning. Mr. Chairman, for purposes of avoiding doubt, the Committee found it appropriate to put rule 55 in the rules being proposed which excludes application of NRC rules which are not incorporated in the rules that are before this august House this morning. In other words, all we do when we deliberate here or when we consider our rules of procedure is to look at the text we have provided and if we find that any rule of the National Resistance Council has not been incorporated in this text, that rule of the Council does not apply to this Assembly. The position is perfect and there is no legal infringement, whatsoever, of that position. Mr. Chairman, I would now want to turn to the work done by the Committee.

The Committee started its work on the 25th May, 1994 and it continued meeting at the Conference Centre until it completed its work. The Committee had at its disposal the following documents which it used as resource documents and documents of reference as it was found necessary.

There was Legal Notice No.1 of 1986, the National Assembly Powers and Privileges Act, Cap.249 of the laws of Uganda; The National Flag and Aerial Insignias Act, Cap.254; The Constituent Assembly Statute 1993; The Constituent Assembly(Amendment) Statute 1994; The Interim Rules of Procedure of the National Resistance Council of Uganda; The Draft Constitution; submission from Distinguished Delegates, both written and oral; The Draft Constituent Assembly Rules of Procedure Instrument Max 1994.

I am also glad to report that Members freely expressed their views and suggested Amendments to the draft rules, and throughout its deliberations all the decisions were reached by consensus. Mr. Chairman, I now turn to some of the main consideration on the main guiding principles which were considered by the Committee during its work. These included the need for simplicity in the rules to facilitate easy reading and following by all. It also included the need for giving or availing equal opportunity to Distinguished Delegates to speak while balancing it with the need to complete the Assembly's work in the time stipulated by law.

Another matter that was considered was the question of gender sensitivity, both in language and the substance of the rules. Mr. Chairman, it was of paramount importance in the view of the Committee that these rules should ensure maximum transparency throughout all the stages of the Assembly's deliberations on the Constitution. Bearing those in mind, the Committee proceeded to make some alterations in the rules as they were originally proposed, and I will not highlight some of them. Mr. Chairman, the Committee comes out with the proposal about our national flag, and it is recommending that in order to foster the spirit of nationalism, the Committee deems it necessary that the national flag shall be born by the marshal walking ahead of the Chairman or the Deputy Chairman when the Chairman or the Deputy Chairman is entering or leaving the Assembly at the beginning or end of any sitting; and when the Assembly is sitting, this national flag shall be positioned in a conspicuous place within the Assembly Chambers.

We also propose that at every first sitting of every week the Assembly shall sing one verse of the national anthem. Mr. Chairman, I want to assure the Distinguished Delegates that we have looked at the law governing the national flag and anthem and our

proposition does not infringe any law whatsoever. Mr. Chairman, we did consider the manner of addressing delegates to the august House, and the Committee comes out with a recommendation that delegates shall be referred to as Distinguished Delegates. Mr. Chairman, we did note that sections of the Press had adopted the word 'CAD' to refer to delegates in this august House, the word 'CAD' is derogatory, it can be defined and it is so defined as a man who behaves dishonourably, and we have no doubt whatsoever that Distinguished Delegates here are not people of that sort. We, therefore, propose that the official reference to the delegates shall be 'Distinguished Delegates' or in short 'DD' and then the name follows it, it could come out as DD Agard Didi.

We also considered the behaviour of Distinguished Delegates in the Assembly, and we think it is proper and we did recommend that Distinguished Delegates shall be dressed in a dignified manner. Mr. Chairman, we did not labour to list what we think being dressed in a distinguished manner is, we left this to the wisdom of the Chair and the Assembly itself. Because, maybe, it is not easy to exhaust the list.

We also proposed that Distinguished Delegates do not carry into the Assembly any article not directly connected to the business of the Assembly. I want to assure Members that we do not propose that these beautiful bags that have been provided to facilitate our work shall not be allowed into the Assembly; first of all they are directly connected if the material carried therein is also directly connected with the business of the Assembly, and we have put a provision in our proposal that the security may have occasion to search any articles that are being brought in by a delegate.

The Committee considers that when a Distinguished Lady Delegate comes in, she may have a bag which is not this bag that was provided here, but that bag is part of her dress, and it is not excluded by our proposal. But should occasion arise that some security personnel wants to look at what is inside to determine whether it is directly connected with the deliberations of the Assembly, then that function shall be carried out by a woman security personnel.

We did consider the question of clapping and we recommend that clapping will be allowed in the august Assembly, because we found it is the only way open to a delegate to show his support to any

view that is being aired by a fellow delegate. We found it difficult to adopt the foot stamping, so, we are proposing, Mr. Chairman that clapping is allowed but it must be done in a dignified manner. Now, what constitutes a dignified manner or way of clapping again the wisdom of the Chair will no doubt resolve those issues if they do arise.

We considered the question of gender sensitivity. Mr. Chairman and delegates you will find that there is a departure from the traditional drafting method in the text we have proposed - in the text or rules we are proposing. We have used he or she in the text and this is really to enhance our gender sensitivity as an august House here, and we are comfortable to note that, actually, in resorting to that method of drafting we do not infringe the law regarding drafting or any statutory interpretation. We are aware of the provisions of the interpretation decree which provide that wherever you say 'he' it automatically includes 'she' but in the world of gender sensitivity I think it is in order that we should not shy away to say 'he' or 'she' it does not take too much in terms of ink, if it is writing, nor does it take too much in terms of speech.

We are also pleased to report that we learnt that actually, there are sufficient precedents to accommodate this departure from the traditional way of legislative drafting. Many countries have already adopted this kind of drafting and we think it is a good method that we should also adopt to conform to our undoubted commitment, as Ugandans, the policy of gender sensitivity.

We have proposed in the rules that are before this august House two types of committees: one is the group comprising of Standing Committees and the other is Subject matter committees. The Standing Committees, Mr. Chairman, in accordance with our proposal will include a committee called the Business Committee, then a committee to deal with the rules and orders - called the Rules and Orders Committee.

We have also proposed the inclusion of a Legal and Drafting Committee, and we have included a proposal for a Committee on Privileges Discipline and Welfare. Mr. Chairman, as I have had occasion to mention the Business Committee is going to have very, very important functions which I would want to outline and these will include: The preparation of a work plan or a plan of action for the august Assembly; this is very important in view of the fact we have constraints in terms of time, and we feel there must

be a long term plan of action prepared by this Committee which, of course, may be amended from time to time as circumstances may require. This committee will also have the responsibility of monitoring the progress of the Assembly and following up the Assembly's decisions. It will also have the responsibility, where necessary, to rationalise membership in the subject matter committees or in the other committees, and it will be charged with the responsibility of ensuring proper coordination of the activities of all the other committees.

The other category of committees we are proposing is the Subject matter Committees. Mr. Chairman, it is the considered opinion of the Committee that in order to expedite on the work that is before this House, it is necessary and imperative that some subject matter committees be established. These will comprise of a reasonable number of members who will have time to look at the subject matters that will be before them in detail so that they can treat them justly and then report to the Assembly. These committees will have power within the rules to modify these rules if they find it necessary in order to facilitate faster workings in those committees. They can also request any person, whether a delegate or not, to appear before it if they think that person is going to be useful in assisting the committees in doing the work they are supposed to do. Mr. Chairman, those committees can also request that certain documents be produced to them. Mr. Chairman, of course, ideally if it was possible all the 17 million Ugandans would find some place where they can sit and write out a Constitution for Uganda, but this is not possible in practice. In the same way, it would be good if all the delegates in this Assembly could consider every aspect of the Draft Constitution in a general debate or in a plenary of this House, but the Committee is convinced that that may not be very, very possible. First of all we shall have constraints on time, secondly there could also be the tendency to superficially treat a subject that is important in the Constitution bearing in mind the question of time. So, this is why we propose that this august Assembly, like many other august Houses and Assemblies do accept the principle of working through some subject matter committees when and as they are found necessary to treat a particular subject and then they report back to the Assembly. Mr. Chairman, we are also aware of the fear that these committees could usurp the power of the Assembly to write the Constitution in these committees. We did consider this worry and we were

satisfied that there are sufficient safeguards in the rules of the procedure that are before this House to safeguard against that kind of abuse. I will mention a few of them. First of all, Mr. Chairman, these subject matter committees are not going to be decision makers; they are going to deliberate on the questions before them, write a report with recommendations, which report shall now be presented to the Assembly for consideration. The Assembly then will have an opportunity to accept the report to alter provisions in that report or even to reject that report if they find it necessary. All we are saying, let somebody have time to look at these matters in detail, come back here and report to us, we treat the document and if we find it is okay we will take it, if we find we must make alterations we shall. What is important is that there is that opportunity for Members to come and debate matters which have been recommended by the subject matter committee.

We were also mindful of the fact that not every delegate may belong to a committee where they will be most useful, but in the rules there is provision for a delegate who has a contribution to make to a committee where he is not a member to appear before that committee and either make his submission orally or to submit in writing his proposals for consideration by that committee, and as I said the committees themselves also have a right to summon or to invite or to summon any person to come to them, so that if even where you are not a member of a particular committee you can make your views heard or seen or read by way of submitting or attending to that committee.

Mr. Chairman, I was saying that when these reports come there will be an opportunity for delegates to contribute on those matters. But also our general provisions about procedure in the rules here afford further opportunities which must be utilised by the delegates. First of all, we propose that there will be a time for general debate where a delegate will have as many as 30 minutes to talk generally on the principles of the Constitution and the provisions in the Constitution. There is also a proposal in the rules that there is what we shall call the Consideration Stage. After the general debate, most probably the committees will take over the work of the House so that we break into committees, then they report back, then after considering the report there is the consideration stage where members are free to debate any matter, and in the event that something has escaped the memory or the eyes of a delegate there

are provisions which can be invoked to cause a reconsideration of any provision in the Constitution, and even at the very last hour, just before the Constitution is enacted, a delegate can move that the enactment of the Constitution be postponed and then he can seek a re-opening of a debate on any particular item that the delegate thinks did not receive sufficient attention. Mr. Chairman, we believe if all these opportunities are utilised, definitely, there is no way one is going to feel cheated that this Constitution was written by a few individuals in committees. Of course, Sir, there is the worry that there could be duplication of work that, in fact, we may lose more on time when we go through this kind of thing; but Mr. Chairman, our rules have given sufficient guidelines to the Chair and the Assembly itself to regulate our work and to be smart in the aspect of time management. So, it is very easy for the Chairman or even the Assembly itself to call any delegate who may be engaged in time wasting exercise so that we can keep within the time that we have. But we feel it is very important that all these matters are accorded sufficient attention by people seriously looking at these subject matters who can report and then we can have these other general debates on the subject matters.

With regard to the fear of time wasting, it is within the powers of this Assembly when appointing a committee to give it a deadline that we would want your report within such and such a time, so that they do not work endlessly to rob the Assembly of the opportunity of treating the matter in sufficient time or to beat the deadline we have in time.

Having said that, Sir, allow me to turn to the proposal of these subject matter committees. The Committee recommends the setting up of five subject matter committees with functions specified in the draft rules. We are proposing that these be; for instance, committee one, this committee one we are proposing could look at the executive; Chapter 7 of the Constitution, the Legislature, the National Council of State and the Judiciary.

I must say, Mr. Chairman, that; because a question could go through the minds of some Delegates. How do you determine this subject should be to a particular committee? We tried to propose areas that had a connection, but as you know, you may find a subject matter can have a connection with - you know, can have overlapping connections in terms of categorization. But we tried as much as possible to

see those areas which have a connection so that they could be dealt with by one committee. Mr. Chairman, committee two according to our proposals shall deal with national objectives and directive principles of State Policy, that is chapter 3, Finance, inspectorate of Government, the Leadership Code, General and miscellaneous chapter 18, and then amendment to the constitution. Committee three, would deal with the constitution, that is chapter one; the subject of citizenship and local government. Committee four, would deal with Public Service, Defence and National security, Land and Environment. And Committee five would deal with the Republic, the Representation of the people, Fundamental Human Rights and then the Constitutional Provisions of the Constitution.

We are recommending that in the Rules of Procedure, the procedure to be followed by the assembly in taking its decisions be clearly spelt out and we have endeavoured to do this in rules 26, 27, 28 and 29 of the Draft Rules as before this August Assembly. The guiding principle here was really to give effect to the provisions of the current Act in this area of Decision Making. Mr. Chairman, the Committee considered other matters relevant to the smooth running of the Assembly and as Distinguished Delegates are aware, most of these were so ably dealt with by our Chairman, and I need not repeat them here. The emphasis though, was to facilitate easy sitting and easy methods of communication, and also the production of our daily transcripts.

We did consider the question of the Assembly's sitting. The interest here that had to be balanced was the need for the Assembly to seriously attend to its work, and complete the same within the time frame we have balanced against the needs for the Distinguished Delegates, to have time to consult the electorate, to have to study and do research, and for those who are Members of NRC to have time to sit at the NRC other than when it meets. Mr. Chairman, permit me to remind Members Delegates in this House, that under Legal Notice No. 1 of 1986, the interim period of this administration of the NRM Administration within which the Constitution must be completed, requires that it expires in January 1995. Mr. Chairman, that means there is not much time left between now and that time. It is therefore, necessary that we would not only appear to be attending to our work here seriously, but we must actually, attend to it so in that manner. Members also may want to refresh their memory with the

provisions of section 27 : 1 of the Constituent Assembly Statute which requires every delegate to attend to the CA business in a full time basis. section 8 Sir, stipulates that we must complete our assignment within a given basis of time.

With these considerations in mind Mr. Chairman, and the realization that there must be flexibility, to accommodate circumstances other than when they occur, that we propose a re-drafting of the Rule regarding our sitting and in effect we are saying, this august House will set itself the task of completing a minimum of or working for a minimum of 40 hours a week. Mr. Chairman, but we are not coming out to say these 40 hours shall be achieved in this manner. Because that would mean we are becoming rigid. We are saying, the business committee which will be in charge of the day to day operations of the Assembly must be left the flexibility to see how we achieve the minimum hours we want to achieve in a particular week.

So, it will be able to accommodate, circumstances as and when they arise.

For instance, if on Friday we want to meet and be able to also to attend to our Juma Prayers, this business committee can accommodate that and in arranging that on Friday when you are here, we meet until, maybe midday, then we adjourn and come back at 3.00 p.m. after we have paid our respects to the Almighty. So, Mr. Chairman, we think this will enable us to move, but with flexibility without compromising on the seriousness of the work we have to do and the manner in which we have to do it.

We are not unmindful of the fact that circumstances may arise, when once in a while, it may not be easy to achieve the 40 hours minimum a week. With your permission Sir, I want to draw the attention of the Distinguished Delegates to the provisions of rule 43. In those rules, that rule provides that this August Assembly has the authority to suspend the operations of any rule if it so finds it necessary to do so. So that rule could be suspended just like any other rule. It is a rule about these subject matter committees we have been talking about. They can be - by using this rule to a certain subject committee you know could be suspended under this rule, or completely a new sub committee could be formulated. So, this is a rule that is intended to allow flexibility in our workings but without compromising too much on the element of keeping the time we have to complete the work of the Assembly.

We have provided in the rules, that there must be due emphasis paid, in the question of transparency throughout all our work. And on that behalf, this Assembly shall be open to Members of the public who want to listen to what is going on here, as long as they comply to the requirements of the law and the regulations. Mr. Chairman, members of the International Community whom you wish to be around can also be accommodated, the Chairman has the place in the Assembly where those people usually referred to as the Chairman's visitors can sit and they follow what is happening.

Mr. Chairman, with our friends the press, this committee has no quarrel whatsoever with the press attending and covering the proceedings of the Assembly. We know a lot of debate has been going on, but we find no reason why we should even think about excluding the press from covering these proceedings here.

Because what we want to achieve is maximum transparency to lead to legitimacy of whatever document we come out with at the end of the day, and one of the ways the population can follow - those who may not be here - is to use the media. Our only hope is, that when the press is here, they will behave in accordance to the requirements of the rules here or any other rules that will be made in that behalf or the requirements of any other law regarding their function.

On the question of the promulgation of the constitution, we have proposed a new rule in the rules which will allow this august Assembly to work out a procedure or lay out a procedure for the promulgation of the constitution. At the end of the day after we have gone through this exercise, ideas may come as to how Ugandans may want to celebrate this important day, when they are going to promulgate their only indigenous and fully home made constitution. We are saying, we need not go into those details now, but may be one of the Committees proposed in this draft, and as we deliberate, keep these matters in mind and at the end of the day, they can come out with rules of procedure, to achieve what we want that day to be at the end of the exercise.

Allow me on behalf of the committee, to thank you, Mr. Chairman and Members of this august Assembly, for the confidence you placed in us when you elected us to serve in this committee. Mr. Chairman, I also wish to thank the Distinguished Delegates who in

response to the Committee's invitation, submitted proposals for amendments of the draft rules. As I said, some of them came in a written form, others were communicated through the various members of the committee, and others were made verbally. These proposals contributed to a very great extent to the improvement in the rules that we think has been effected in the text that is for you. Mr. Chairman, we are equally grateful, to the members of the - I am very grateful to the members of the draft committee, for the frank and mature approach exhibited by them, throughout the committee's meeting. And for their commitment. This committee had to sit beyond the usual working hours and at times beyond the normal known working day, Saturdays and Sundays; and the purpose was, to come out with what we think is good piece of work to present to honourable delegates of the Assembly. We hope that in a similar manner, when pressure of time and business calls, we may also in this Assembly say, we could come and work on Saturday and Sunday,; of course on Sundays after saying our prayers in the early Masses that we can attend to.

I want also to place on record, the committee's appreciation to the assistance given to the members by the technical committee, and the constitutional adviser, Ministry Justice and Constitutional Affairs, and the Commission and its Staff during the deliberations of this committee. All of those have contributed to a great extent to the production of the document that are laid before you.

Finally, Mr. Chairman, allow me to say, that we have no doubt in our minds as members of your committee you elected here on the 28th, that we have tried to do a good job. We have tried to accommodate, all the competing interests on our time and the demands that are before us. We have always had it in mind, that the 17 million Ugandans are anxiously waiting to see their new constitution. Those voices have already been in this morning, heard in this august House. It is with this mind, that we recommend and strongly do so that we adopt these rules of procedure and pass them so that we can attend to the substance of the work that we have to do here, bearing in mind the commitment we made, the electorate people, that we shall definitely come out with a best document within the time we have. I beg to move Sir.

**THE CHAIRMAN:** I think that was dignified enough. So, we now have the rules to go by. I must thank hon. Kavuma for a very able presentation of

the report from the Ad hoc Committee on the rules of procedure of the Assembly. Now, the procedure we are going to adopt is as follows; I will propose the question, and then open debate for the Floor, and at the right time or if the Chair is moved by a Member of the House, may call upon the Mover to respond, and then I will put the question, and depending on the response, we shall adopt either with or without modifications the rules as proposed. I am not saying reject because you all know that we must have some rules to go by. It would be too bad to reject the draft rules.

The question is in terms of the Motion, namely: that the report and the draft rules of procedure as prepared by the Ad hoc Committee on the rules of procedure be adopted. The Motion was seconded by hon. Elly Karuhanga which I recollect correctly, and it is only fair that I should call upon him as a seconder, if he so wishes to take the Floor and then from there on, we will debate from the Floor.

**MR. KARUHANGA:(Nyabushozi County):** Thank you, Mr. Chairman, Distinguished Delegates, I wish to invite you to look at rule 43; in fact, you need not even look at it. I will summarize it for you. It says that *'at any one time you can do away with these rules and do with those that you think are convenient for that day or any other occasion'*. Therefore, in fact there is no need for too much debate about the Procedure.

Because we have put in the rules a provision that when you think that you do not like these rules, just move and change it. I think it is important that the debate be so limited. We are presenting the paper complain, but we are saying, that we have put in sufficient safeguard for any other voice now, not to care so much about whether they have won the debate or not. We just appeal to you, to allow us and having put in a lot of input, I consulted wisely, and also taken advantage of other countries which have held assemblies of this nature like Ghana. And we have consulted to that extent. We really appeal to you, to give us the trust that we have done a good job. So that we can move to the real business that brought us here. I thank you.

**THE CHAIRMAN:** Thank you, for that brief contribution. The Motion is on the Floor, subject to the observations of the previous speaker. Let me take the centre first, then I will go to the wing there, then there.

**MR. KAWANGA:(Masaka Municipality):** I wish to thank the committee for a well done job. I think the rules, cover virtually every thing that one would wish to be covered. I was worried about rule 7, sub rule 1; which was fixed in a minimum period within which to work. Because I feared it might put too much pressure on Members and perhaps they would have no period for resting. Because even at the end of the day, there must be some rest; and I also felt there would be need for at least one day in a week, working day, when Members would have access to library, to consultation, and so on; which could also be considered as a working day, but free enough; preferably a Monday. But I think that is something which would be handled by the business Committee. I do not wish to comment on rule 9, sub rule 5; which says *'A Delegate shall not be absent for two consecutive sittings, without reasonable excuse except with the permission of the Chairman.'* I can see the spirit within which this rule was put. But its implementation is what I fear. Because really at the end of the day, you may have a problem which within the two consecutive days, keeps you away from the Chairman, to get his permission. And there must be genuine reasons. So, I thought that, the two days being consecutive again makes, it a little bit difficult. Since a delegate has seven days a month within which he can loose his seat, I would suggest that the number of days be increased to four. And they need not be consecutive, so that if a delegate got problems somewhere upcountry, got stuck, and he cannot send his excuse by any means, the Chairman, need not blame his absence. And four days would be good enough, and they need not be consecutive. So, I would seek the indulgence of the committee to amend this rule to accommodate that request.

Now, as regards to rule no. 14, which talks about the delegates giving notice in writing to the Clerk, I do not know what the rule wants to say, but I think what it does say is most important. That he should give his notice to the Clerk fair enough, but his Motion should also be in writing. I think that does not come out very clearly under this rule. It is very important that the Motions that come up for debate should be in writing - of course to the Clerk - *(interruption)* but the Motion should be received in writing to all the Members. The recent experience we have just gone through in debating a motion which is not with the Members is sufficient practical experience to see the need of ensuring that the Motion itself should be in writing except in accepted circumstances. I would request the committee to make the necessary

amendment to reflect that position. I would accept one.

Now, the other small point I would like to point out is rule 32, which is on page 24; now, this is the rule which deals with the business committee, rule 32 subrule one and the membership of the Committee. I have noted the importance of the committee, according to the functions which have been outlined in sub rule 3, and I think the committee is so important that it should include everybody. The membership is 20 Delegates, plus the Chairman, the Deputy Chairman, and then under C, a non specified number of Chairmen of other committees. I would prefer that this Committee should be as near as possible to every district in this country. And I suggest that each district should have a member on this business committee. This one would make great provision for every district internally here to know what is going on, but also should be able to report back when they go. And perhaps to avoid the cumbersome procedure of electing which is set out in rule 33, we would request the delegates of each district to elect a member to this committee. That would give us a committee of about 38 members, plus two the Chairman and the Vice Chairman. That will be about 41, or perhaps will be 38 and they could choose the Chairman and the Vice-Chairman, from among themselves. That will be fairly largest committee, but large enough I think for the covering of this district.

And finally, Mr. Chairman, I just want to comment on rule 37, which is on page 34. This is the one which deals with a subject matter committee. I have found some difficulty in knowing why certain chapters were put in one committee. For example immediately one looks at committee number one, one feels that it is covering virtually most of the important work. And every member of this organisation would want to be a member of that committee. Now, it would be a problem deciding which people should be on this one and which one should be on other committees. For example, committee number 4, on page 35; puts Public Service, Defence, and then Land and Environment together. I do not know what they saw in common to put these together. But this could be re-arranged. I think that this committee will be so important, that members of this Assembly should have access to them as much as possible.

I was going to propose that even if people cannot be on all committees, they can rotate around the

proceedings of these committees which should be reported virtually everyday; so that people get to know what took place on a committee which one may not have attended. And that can generate the kind of response if you always feel that something took place there which you would want to respond to immediately or which you would want to influence immediately. I do not know whether it will be within the logistics of this organisation to be reporting on the proceedings of these committees on a daily basis and of course depending on the number and membership of those committees.

With those few remarks, Mr. Chairman, I thank very much the Committee for the work well done and I think after deliberations, we should be able to get something inside. Thank you very much.

**THE CHAIRMAN:** I am dealing with the centre first.

**CAPT. ABBEY MUKWAYA:(Busega East):** Thank you very much, Mr. Chairman. I would also like to start by thanking the committee for the wonderful work they have done, and also support hon. Kawanga for his proposal for the elections or appointment of the business committee which must have a national outlook. And his submission that it must be by election through districts; and that districts sit and they elect their members of the committee. I think that is a good proposal.

Secondly, Mr. Chairman, I would like to react to page 12, proposal 19 or rule 19 and 20 of the content of speech and of debate. Mr. Chairman, the committee referred to the offensive and insulting language, and comments made on government or head of state. I think, Mr. Chairman, if we were going to be free to debate all issues we feel, I think since we have the liberty to address the House with privileges, I think we should be left to make our comments freely. Of course I do not support the idea of insulting or using offensive language. But one may be constrained as to how deep he may express your feeling about certain individuals. And I think if we are going to correct the mistakes of the past, some of the issues must be said openly. So that these people whatever their position in public is, do not make those mistakes again. And if we are referring to foreign country, or head of state, if it is passionate that remark must be made, as long as it can be substantiated that actually happened. Then what is wrong with making that reference? Mr. Chairman, my view is that, we

should not limit ourselves too much with the fear that if I speak about somebody, he may or she may be offended because of my remarks, as long as the remarks are correct in respect of what one is contributing upon.

Thirdly, Mr. Chairman, I would like to ask the Chairman of the committee, what he has in mind about clapping, especially people in the gallery. What if a Member makes a point and there is no applause from the Floor? And the people in the gallery would like to make an applause by clapping or whatever, are they also allowed to express their feelings? Those are my observations, Mr. Chairman, thank you very much.

**THE CHAIRMAN:** Thank you.

**MR. RWABIITA:(Ibanda South):** Thank you very much, Mr. Chairman. Mr. Chairman, I want to comment on the sitting arrangement. That is rule No. 7. Mr. Chairman, I think, if everybody here has to work for five days a week, 40 hours, it will be too much for us and the result will be that at the end of the day, you will be getting sneaking out, and we shall be having no quorums, and this will raise and will bring us a bigger problem. So, I am suggesting, Mr. Chairman, that we work for four days a week so that the Friday is free for Members to go and meet their families and meet their constituencies, and make consultations. Because if we can start on time everyday and if it needs be, we also work up to 6.00 p.m., and be precise with no repetitions and waste of time during the discussions, I am convinced that 32 hours a week would be enough to run through this exercise. Because, Mr. Chairman, you know the laws of nature, the diminishing returns. We can work for a week and after three weeks, after a week we can see a big difference here, we will get a lot of holes in the conference.

So I suggest Mr. Chairman, that we work for four days, from Monday to Thursday, then Friday is given free to Members to contact their constituencies and visit their families.

We have got our pigeon holes alright, but sometimes a Member may need to ring out, to have a contact with somebody, instead of driving their and wasting more time, I thought we would be availed some telephone facilities as we have in the National Resistance Council.

**THE CHAIRMAN:** Is that going to be part of the rules or you are rising - I think we are discussing the rules.

**MR. RWABIITA:** Yes, it is part of the sitting really because it will reduce wasting time for the Members, so that we can have time to discuss the matters at stake.

I want to comment also, on business committees on page 24, as you can appreciate, not everybody will have a chance to go to every committee and discuss thoroughly the matter that will be on table. So, I am suggesting that, Members prepare the suggestions in writing, give them to our Clerk, and these suggestions are received by the Chairman of the various committees, and are included in the discussions or even in their contributions, so that this will help the House to have what we call collective responsibility. So that at the end of the day when the document is out, we will know that most of the Members have contributed to every aspect of the constitution. So, if that can be done, it will eventually also save time when we come to a general discussion here, rather than everybody repeating himself on the various issues. If he has given his comments or suggestions to the committee then those will be incorporated in the final draft. Mr. Chairman, thank you very much.

**MR. MAGINE:** Thank you very much, Mr. Chairman. Mr. chairman, I would like to talk about rule No. 19, subsection 2, it reads, *it is out of order to use offensive and insulting language in the assembly*. I am the supporter of this. I would like to add something which might not be regarded as an insult or an offense because of tradition. Me as disabled pupil, normally the public has put certain levels to us. If I could say, here in the central they use the word 'kate yaamba' meaning useless person. It has some negative connotation and some impact on a disabled person. So, I would like to propose that, labels and any negative language used in regard to disability should also be avoided. Rule No. 24, section (a), *the committee proposes that all delegates shall dress in a dignified manner*. 'Can it be defined so that we know who is dressed in a dignified manner or not. Otherwise, it might be difficult to implement if we leave as it is.

Rule No. 32, composition of the business committee. Whereas Members were suggesting that, the criteria should be the district, some of do not represent districts, and whereas I would love very much to be on the committee I would find myself out of place. So, I would suggest that another criteria be looked at in addition to the district. May be I would like to propose that, the interest groups those who also

wish, also be added on the committee, if we have to follow the criteria. Thank you very much. Mr. Chairman.

**THE CHAIRMAN:** Is it on the point of order or you just want to speak?

**MR. BIDANDI SSALI:** Mr. Chairman, with your due respect to the Chair, I seem to be developing a feeling that we are making observations on various issues, and I do not see where we are going to say, the comments that have been made by so and so are valid or invalid. Because whoever makes a point, there are those who support and there are those who oppose. So, Mr. Chairman, I was proposing that in order to save time, we go rule by rule. We get all the comments on the same rule, we get a consensus and that is part of the rule. That way, we shall proceed in much less time and in proper order. Thank you. Mr. Chairman.

**THE CHAIRMAN:** I think let me make some observations. I was inclined to suggest that procedure earlier on or when the matter was brought to me by the committee that you appointed. But I was reminded or I reminded myself of the reasons why we set up the committee. In fact I was getting worried to see so many hands being raised to comment on this text. The reasons were given by hon. Katureebe, that time when he suggested. He said, to debate the draft rules on our own in plenary may take too long, and it may be rather cumbersome. Why do we not set up a committee to delve into the draft, come back with a report so that we expedite our work. The committee has done its job and brought a report which was presented today. I can see the debate is just beginning, as if the work of the committee never took place. And this might in fact reflect on how we find ourselves working when we do work by committee. That we send them through their work, they come back, then we open debate as if they did not do any work at all. This committee went through the rules, rule by rule, and they made propositions which are contained in this document. It is now proposed by hon. Bidandi, that we do exactly the same again. Go through the rules, one by one and pronounce ourselves on them, as if the work of the committee did not exist. Now, of what benefit was the committee then? I saw that one first over there. You want to clarify on a point of observation or something?

**DISTINGUISHED DELEGATE:MR.** Chairman, what the distinguished delegate has just

proposed, is to save time. We are here all responsible. All we need to do, is for each rule to be read out. Rule No. 1, you have got to have an idea, rule No. 2, and then we go through. And we shall adopt them one by one. Because, Mr. Chairman, we cannot accept that since that committee is there, we are not just going to blindly say, go ahead. So, Mr. Chairman, please accept the procedure that either you or the Clerk reads us the rules and we endorse them one by one.

**THE CHAIRMAN:** Let me hear any other views. Not saying I add but anyone with an opposite view or so. A contrary view there?

**DISTINGUISHED DELEGATE:** Thank you, Mr. Chairman. My view was that since the committee has done such a commendable job, and we have had a chance to look at the whole report, that we have been given an opportunity to make comments about it. Out of these comments, if there is no other procedure, we ought to be taking those issues that are raised and then at the end of it, we can ask the committee again to revise the report according to those issues that are raised thank you.

**THE CHAIRMAN:** I do not think we should be going into lengthy debate over this at this hour. Comment? I will give hon. Babu a chance.

**CAPT BABU:** Mr. chairman, I thank you, very much. I think what we are debating here is a relationship of a committee on this House, with the Chairman. My argument is the committee does her work, checks if there are any areas they can improve on and we have to pass what they have looked at. We are the final authority, and we must now pass these rules, if the method is to go rule by rule, we have to do that, if this august Body so wishes to pass all the rules as they are, they have that choice. the choice that has been proposed by hon. Bidandi Ssali in my opinion, is the best. We must go, rule by rule. Thank you.

**THE CHAIRMAN:** I do not think we should really debate this at length, in fact they are wasting more time. I agree now, that we proceed rule by rule and it will be a procedure as follows: we shall be performing as if we were a committee of the whole House alright? And the Clerk will follow out the particular rule, then I will propose that the rule do stand part of the rules *-(interruption)-*

**DISTINGUISHED DELEGATE:** An observation, Mr. Chairman, because you have been

mindful about time. I think it will be necessary for you to indicate either the list of contributors because otherwise we may spend more time than we imagine. And in fact I suspect that, we have had to debate this because in many ways we had opened up a debate as it were. Otherwise, the procedure that hon. Bidandi Ssali has suggested, may take much better period than others have said.

**THE CHAIRMAN:** Yes, I agree but what I would also like to say, is that the Chairman also has the right to put the question. So, the procedure will be as I was outlining so that we have a disciplined discussion. The Clerk will call out the particular rule and then the Chairman will propose the question that it do stand part of the rule, we hear some observations, I put the question either with or without amendments and we go on. I do not think we should waste any more time on this. I now call on the Clerk.

**DISTINGUISHED DELEGATE:** Mr. Chairman, point of procedure. It is a very simple one Mr. Chairman. The way you are putting it, it will be a long debate. If we could only observe on rules which have amendments on. If they do not have amendments they should go forward and it becomes part of the rules. Not to observe for the sake of observing, Mr. Chairman I thank you.

**THE CHAIRMAN:** That in fact, helps to clear the air. The point is that, the only time when you want to make an observation on the rule is that you have an amendment to make, but not just to congratulate the committee or the previous speaker. That way we shall move faster and we shall be very strict.

*Rule No. I agreed to.*

Rule No. 2

**THE CHAIRMAN:** Point of order?

**PROF NABUDERE:** Is it in order Mr. Chairman, for you to ignore a hand?

**THE CHAIRMAN:** Which hand?

**PROF. NABUDERE:** I put up my hand because I wanted to make an amendment.

**THE CHAIRMAN:** I did not ignore your hand in fact, may be you are sitting under from the Chairman. But I think for the benefit of Prof.

Nabudere, we can re-open and hear the amendment.

**PROF. NABUDERE:** I note the concern of the committee on the sensitivity, but they do not make any departure at all. Sorry it is on rule 2. I think that that committee should not have taken departure in the issue of sensitivity. I propose that word 'Chairman', be substituted by the word 'Chairperson'.

**THE CHAIRMAN:** Can I ask the Chairman of the committee or any member of the committee to respond to that point or we go forward?

**MR KAVUMA:** Mr. Chairman, the statute had covered it, but nevertheless, for the purposes of emphasis we have no objection.

**DISTINGUISHED DELEGATE:** I would like to seek your guidance here as a point of order. Are we in order when drafting these rules to depart from the provision to the Statute? I am very sensitive to gender issues, but the statute is specific. And I am not sure that it is with proper legal construction of these rules to amend the Statute with rules which are subsidiary to the actual Statute. I would like to have your guidance on this matter.

**THE CHAIRMAN:** Does it offend the Statute if you put the word Chairperson in place of the Chairman? In what sense?

**DISTINGUISHED DELEGATE:** Mr. Chairman, I agree with hon. Delegate's amendment, but for the Chairman of a committee we are to put Chairperson.

**THE CHAIRMAN:** Are you agreeing with the amendment?

**DISTINGUISHED DELEGATE:** Mr chairman, i was saying the chairman, of this August House same day remains chairman. That is what the law says. But for the chairman of the committee we can say, Chairperson. Because there is chairman of the house.

**THE CHAIRMAN:** Well, you see, the difficulty here is this, the Statute under which we operate, you find Chairman, and provides for chairman, and the Deputy Chairman, and whenever there is a reference to Chairman, it includes Deputy Chairman. And the elections here took place of Chairman and Deputy Chairman. But as suggested, we may have to make a distinction if we are making reference to committees,

because those are our own creations. But in relation to the Chairman and Deputy Chairman of this place, we are tied by the law under which we operate. Now, does Professor Nabudere wish to claim his proposed amendment reflectively?

**PROF. NABUDERE:** Yes, Mr. Chairman, I would propose that but I would have seen nothing wrong with making of the Statute. Any way, I do not want to create controversy. I propose that, the Chairman and the Deputy Chairman of the committee of this assembly shall be referred to as Chairperson and Deputy Chairperson.

**THE CHAIRMAN:** The rest of drafting will be done, but I think the idea is clear. Now, let me put the question, that in relation to committees, Chairman - I mean we shall delete the word 'chairman' and say 'chairperson'.

*(Question put and agreed to)*

Rule No. 3

**DISTINGUISHED DELEGATE:** Mr. Chairman, I just wanted to give some clarification on the issue that we have just passed.

**THE CHAIRMAN:** No, we cannot go back. When we come to that point then you will clarify otherwise, we have finished with rule 2 and now we are on rule 3 and I put the question.

*(Question put and agreed to)*

Rule 4.

**DISTINGUISHED DELEGATE:** Thank you, Mr. Chairman, I believe there ought to be a minimum time period in this recess.

**THE CHAIRMAN:** That is not an amendment, that is a statement of opinion. Do you want to make an amendment?

**DISTINGUISHED DELEGATE:** Mr. Chairman, I am suggesting that arrangement of meetings by the Clerk or the Chairman carry a minimum time period otherwise - at least two days, Mr. chairman.

**THE CHAIRMAN:** Is it seconded? So, the Motion is not proceeded with.

**DISTINGUISHED DELEGATE:** I would like to second that Motion because it is two days for Members who have to travel from distant places, usually calling meetings in the radio for only one evening, one night or two days may be too short a time. So, I feel it is correct we should put a minimum time of calling a meeting, unless it had been already scheduled, before we met, to this assembly.

**THE CHAIRMAN:** No, let me clarify one thing. This question of notices, going out to give either two, three or four, five days, may not be really seriously applicable to our circumstances here. We have a limited period of life. And we are supposed to be more or less in session throughout to do our job. This is really precautionary in the event of - like in the last time when we had to delay and it is really administrative, I would rather we did not really proceed as we are suggesting. Let me put the question.

*(Question put and agreed to)*

Rule No. 5.

**MR. WANENDEYA:** Mr. Chairman, I would like to suggest that this sitting arrangement, alphabetically should be considered and therefore, I am making an amendment so that you would remember when during the delegates meetings, One had to pick a number and therefore, speak accordingly. I would therefore, suggest that we get numbers, we are 280, put them in the basket, and from that basket, somebody picks up the number and that number which he picks up, is the number which would make the sitting arrangement. There is nothing wrong over here, and we have to adhere by democracy. For permitting me to meet that proposal, Mr. Chairman, thank you.

**THE CHAIRMAN:** Is it seconded? So, I put the question on rule 5.

**LT. COL. ODONG:** Mr. Chairman, rule No. 5 is tantamount to condemning me to be a backbencher against my will. I am forced to sit with a person I did not choose to sit with by an accident of my name. I therefore, propose that the delegates should sit wherever they wish to.

**THE CHAIRMAN:** Seconded?

**DISTINGUISHED DELEGATE:** Mr. Chairman, may I offer my experience in international practice in

this regard. The determination of where a Delegate may sit is usually the work of the chief of protocol if we had one. Now that we do not have one, we may have a marshal or a clerk in the House. This could be amended to read that Delegates shall only sit in alphabetical order of their names as shall be determined by the clerk. It means this, at the beginning of each week, if we so decide, the clerk picks up a name and that name will be the first on the right of the Chairman and all the others fitting there. It will avoid a situation where people will find themselves perpetually behind or in front.

**THE CHAIRMAN:** We discussed this matter when we had general remarks and we resolved, we have come back here, more desks are going to come, those who are at the back are going to move on the tables. We are going to lengthen the cables and people will be able to get the microphones in their place, I think we are wasting time really. Let me put the question.

*(Question put and agreed to.)*

Rule No. 6.

*(Question put and agreed to.)*

Rule No 7.- sittings.

**DISTINGUISHED DELEGATE:** Mr Chairman, I find myself in a situation whereby I may not catch up with the session knowing the distance from here up to Kotido because if we have got to work from Monday up to Friday, and at the same time also, we have to consult our people, you find that one day, I may not be even able to reach to my station, of course the roads are too bad, Mr. Chairman. Your place, you have good roads; you can drive and in two hours you are in Mbale and then on Monday morning, you can even come.

**THE CHAIRMAN:** Would you like to propose, instead of making a long speech?

**DISTINGUISHED DELEGATE:** So Mr. Chairman, me, I thought the members could be free on Fridays, then they return on Mondays.

**THE CHAIRMAN:** Now, that is still a general observation because the rule here is not saying Monday to Friday. It is talking about 40 hours a week.

**MR. ELYAU:** I am observing that we are required to stay here for 40 hours in a week. This is too much. I suggest that or I put an amendment that there be a free day out of the working days; that is Friday so that we can have arrangement to meet our people and even to read and consult. So, I am proposing that instead of 40 hours, it should be 32 hours.

**THE CHAIRMAN:** That is an amendment which has been proposed and who has seconded? Okay, now hon. Elyau is suggesting that in place of 40 we substitute 32. Now, this is the motion on the Floor amending paragraph 1 of draft rule 7. Now we dispose of that one. I do not think we should debate that.

**MR. ONEGI OBEL:** Mr. Chairman, first of all there was a very reasonable and emotional remark earlier on about the need to finish this job we are assigned to within the time given. I wonder Mr. Chairman, if the proposer of this amendment can tell us how long we would have to sit here using 32 hours as opposed to eight hours for four days. Let us have a look at that because 32 hours might take us far beyond the seven months we are anticipating Mr. Chairman.

**THE CHAIRMAN:** Okay, that is your contribution to the motion. Who has not spoken?

**Mr. ODOY-ASOKA:** Thank you Mr. Chairman. Mr. Chairman, I wanted to remind the distinguished Delegates that we do not want to get into the problem of what we have heard about other Houses getting into similar problem. If we say we are going to debate here for 40 hours a week. Mr. Chairman, what we are likely to end up with is absenteeism and therefore, the House will suffer and then the time we will wish to complete the job will not be completed in time and others will eventually come up and start complaining that you see, this matter was passed and I was not there and so on and so forth. So Mr. Chairman, I am suggesting that four days a week at eight hours, you will have regular attendance and the fact that different committees have been instituted in place, it means that work will be more expedited and there will be more effectiveness of contribution and so on other than having long hours and people will be not really effective in their contribution Mr. Chairman. Thank you.

**LT COL SERWANGA-LWANGA:** Thank you Mr. Chairman, 40 hours is okay and it does not say

that we should do it in three days or two. We can do this 40 hours in four days. The practical thing is what will come when we are about to finish. Saturdays and Sundays, we shall actually be required to come here to finish this document. So I appeal to the Distinguished Delegates to support 40 hours and we dispose of our work rather than being lazy. Consulting people, we have been consulting and we can even consult through the Press. Thank you Mr. Chairman.

**MR. KAVUMA:** Thank you very much Mr. Chairman. Mr. chairman, the Committee really took a lot of time considering this question and we felt there was need to give ourselves methods that will reflect the seriousness we need to attend to this work. Not only in commitment in words but actually how we are working must reflect this. But we are also aware that there, might be need to be flexible. This is why we said we shall not even mention days because at one week, it may be impracticable for people to be here on Tuesday when they have gone to consult. Some people go as far as Arua, Tororo and the rest of it. We are saying that the business committee when planning the work of the week, will take into consideration all these circumstances and see how we achieve 40 hours. Mr, Chairman, you know there is this question of saying okay, sometimes you become tired but when the work is really calling. If we borrow a leaf from those people who sit in those Houses, they call them Houses of Commons, sometimes they meet up to midnight if business warrants. So really we thought this was the best way. The business committee could come out with a proposal that we are going to meet here for two weeks and then after that we adjourn for five days for people to go and consult after taking, due consideration of what is happening and I think that is the best arrangement. We do not have to make this thing rigid, it should be flexible but reflect the seriousness. *(Applause)*.

**MR NEKYON:** Point of clarification. Mr. Chairman, I would like to clarify a point here. The amendment says a minimum of 32 hours. It does not say you cannot reach 40 hours. I want that to be clear. 32 hours does not stop us from going to 40 hours, 60 hours if we so wish. Then we have got here members of the NRC 80 of us.

**THE CHAIRMAN:** 102.

**MR NEKYON:** 102 and sometimes they will

have to be meeting in the same week and then going home to consult. So i propose that we really go to that 32 hours and leave it to the minimum of 32 hours and leave it to the Chairman, to determine what to do because he has to reach an agreement with the Chairman of the NRC for specific dates so that we separate the two meetings. This one we have not yet done. Otherwise we are going to run into very serious confusion.

**DISTINGUISHED DELEGATE:** Thank you Mr. Chairman, I think all we are trying to debate about is the minimum hours per week but before we reach that Mr. Chairman, I would want through you to refer clause 4 to the Distinguished Delegates 4(2) which says, *'The clerk shall notify Delegates of the time for all sittings'* which I am sure he will do with your authority. In other words, you will determine when we start each sitting and of course when we end it. Then the other issue is that before we decide the minimum hours per week, it is difficult to do that unless we have talked on the subject committees because if we are going to deal with most of these issues in the constitution by subject committees, then the Assembly will be sitting only for the general debate which has been proposed to start and after that, to review the issues or the reports of the subject committees. In other words, most of the time, if we accept the subject committee principle, will be spent by the committees themselves not the Assembly. So we are talking about the minimum sitting hours for the Assembly for a general debate and then later considering reports from the subject committees if we accept them. So, I think Members should not worry. I would further go to support hon. Adoko Nekyon that there is no problem of referring to the minimum of less than 40 hours to 32 hours and then it is up to you to make them 40 or 50 per week depending on the business at hand. Thank you very much Mr. Chairman.

**THE CHAIRMAN:** I now want to put the question on the amendment. The amendment by hon. Elyau is that we substitute 32 for 40 hours as recommended

*(Question Put and agreed to)*

**THE CHAIRMAN:** Now, I will put the question on rule 7 as amended.

**CAPT. MUKWAYA:** I think if we are going to go through these procedures, the Member should wait until you have finished putting the question so that we all answer at the same time for you to determine

. But once you say Ayes and they say Aye before the Nos, then you are going to be confused. Like the motion we have just proposed and passed. There are people who were supposed to say No, and I am, one of them. We did not get the chance to say no.

**THE CHAIRMAN:** The ruling was made that that particular part of the rule is available for suspension if you accept the subsequent recommendation. I do not think it will be good for the work of this Assembly if we are to keep reversing ourselves. The ruling has been made, we proceed.

**MRS. SEBAGEREKA KAKOKO:** Mr. Chairman, of the 32 hours or 40 hours, we have not clarified whether the public holidays are going to be affecting these sittings.

**THE CHAIRMAN:** The chairman of the committee made it very clear that these are only minimum and how we aggregate them, will depend on how we arrange our business with the business committee. I think now let me put the question.

**MR. KIRENGA:** Point of order. Mr. chairman, before you put the question to the vote as to number 7, I suggest that it is out of order. Is it in order to put the question before you ask for any further amendments if any?

**THE CHAIRMAN:** It is in order if I do not see any other.

**MR. KIRENGA:** I have further amendments to make to rule 7.

**THE CHAIRMAN:** Not sub-rule 1 though?

**MR. KIRENGA:** Sub-rule 1. Mr. chairman. Because we have considered only the question of hours but there is another thing I want to amend.

**THE CHAIRMAN:** Okay, that one, we can listen to if it does not repeat what has been disposed of in relation to hours.

**MR. KIRENGA:** Yes, Mr. chairman, thank you MR. Chairman. I want to further amend this rule by deleting the word "sundays" appearing therein.

**THE CHAIRMAN:** The word "sundays" or the words "and sundays"?

**MR. KIRENGA:** "And Sundays".

**THE CHAIRMAN:** Okay. Now, is it seconded?

**DISTINGUISHED DELEGATES:** No!

**THE CHAIRMAN:** It has received no seconder. Oh! there is a seconder there, Okay, if it has been seconded, be patient, let us listen and we dispose of the matter.

Now, the motion is that the words "and Sundays" be deleted. I will proceed to put the question but as pointed out by Capt. Mukwaya, you wait until I have finished, then you answer. The question is in terms of the motion namely that the words "and Sundays" be deleted.

*(Question put and negatived).*

**MR. DICK NYAI:** Mr. chairman, I will propose that the brilliant suggestion by the sub-committee on sub-rule 2 stops and ends with a full stop after the word 'public' so that we are not seen to be enemies of the Press. I think it should be subject to these rules: "the sittings of the Assembly and of its committees shall be public". We are trying to promulgate a constitution for the people of Uganda and I do not see anything we have to hide Mr. Chairman. Thank you.

**THE CHAIRMAN:** Is it seconded?

**DISTINGUISHED DELEGATES:** Yes!

**THE CHAIRMAN:** The motion is that the words starting with "unless" to the end in sub-rule 2 of 7 be deleted.

**DISTINGUISHED DELEGATE:** Mr Chairman, the committee would have no objection in that amendment in light of the fact that rule 43 is always there if it is necessary to second it. So we can pass this amendment and we have no objection at all.

**MR. BAGEYA:** Mr. chairman, I would like to second the motion on the Floor that we stop at 'public'. This is purely because we are dealing with a constitution which is putting stress on liberties and freedoms. As long as we start putting some areas or restrict some areas, it will mean that occasionally we shall find ourselves locking out the Press and then of course the freedom of the Press will be subjected and we shall be put to -

**MR. OGOLA:** Point of clarification. Mr. Chairman, I am seeking your guidance, which sub-section of rule 7 is being amended? We are at rule 2 and the Press is mentioned in rule 4. Is it in order to talk about it in 2 when the press is talked about in 4? And if Mr. Dick Nyai's motion is predicated in rule 4 or sub-rule 4, then there should be no talk about 2. I would like to seek your guidance Mr. Chairman. The Press does not appear in those rules until we get to sub-rule 4. Is it therefore in order to talk about sub-rule 2 when we are talking about the contents of sub-rule 4?

**MR. NYAI:** I moved that amendment Mr. Chairman, because I believe the public has a right to what we are talking in terms of this Constitution and therefore, it is in that light, not particularly only for the Press but for every Ugandan citizen that our sittings be public.

**THE CHAIRMAN:** He has amended the argument but anyway, it still holds. Now, the point is this, the committee is prepared to go along with the proposed change. Must we really now labour on the subject? The only thing I would like to draw your attention to is that while you say that you can suspend these rules anytime, a committee which may want to exclude for whatever reason, will not have that power to suspend the rules. They will have to come to wait until you have convened to suspend on their behalf. That is some practical difficulty.

**MR. BAGEYA:** Okay, then Mr. chairman, there will have to be some consequential amendments deleting 3 and 4 as a result.

**MR. AWORI:** Mr. Chairman, if the amendment on 7(2) is accepted, then automatically 7(3) goes and 4.

**THE CHAIRMAN:** No, we cannot anticipate debate on 4.

**MR. AWORI:** Mr. Chairman, we have been looking at this thing for some time and it is quite obvious that if you do not have the front wheel you cannot drive the vehicle. So we definitely, when we come to number 3, the first word is *'if it is decided that the sitting shall be open to the public'* and we have decided in number 2 that it shall be open to public, automatically number 3 is superfluous and 4.

**THE CHAIRMAN:** No, let me hear hon. Kavuma on this subject before we come to a close on the matter.

**MR. KAVUMA:** Thank you Mr. Chairman Sir. The opening of the rule we have just amended starts with *'subject to these rules...'* Mr Chairman, as I did indicate, there is rule 43 which allows us to suspend these rules. So in fact the committee had this in mind when it was preparing to a go along with the amendment and if that rule is there, there may be an opportunity where it is deemed necessary that the provisions in sub-rule 3 are applied. So it would be dangerous Mr. chairman to say that it disappears automatically because of the amendment which we made in sub-rule 2.

**THE CHAIRMAN:** I think we are not having a full story here. Whereas these rules are here, also the powers and privileges as applied to meetings of this Assembly and committees and under that ACT, we can close off the Press but under certain guidelines of course and by rules made thereunder. However, it has been considered by the committee. The only question is, do we retain 3 and 4? The chairman on the committee on rules *says yes* because you may need to apply the rule to suspend these rules and therefore say the members of the public are not allowed in. If you do that then 3 becomes relevant and therefore, it is necessary to keep it. 4 was only being particular. It was only talking about the Press. We can either leave it in or leave the Press to come in under 2 as the amended proposition has been made. In which case, they would only come in as members of the public; but this one was giving the Press prominence because of the need to mention it. I think there has been this general fear. So I do not see any harm in retaining it really. So, in my view, we now vote on the amendment of 2 and then we leave the rest. I will put the question and take into account that the committee has conceded.

*(Question on 2 as amended agreed to.)*

**THE CHAIRMAN:** Further amendment to 2? which part of 2 do you want to amend because if it relates to an amendment -

**MR. MULENGA:** It is to exclude the committees in view of what you remarked that they have no powers to suspend the rules. I would propose Mr. Chairman, that the expression *'and its committees'* be deleted so that we make special provision for committees to exclude because there are committees which may want to exclude the public from its deliberations and they will not have the power to suspend. As you observed, you said they will have to come to the

Assembly itself. I am speaking of the committees like the business committee, the privileges committee; those dealing more with administration than with the context of the constitution.

**THE CHAIRMAN:** Now, Delegate, the best way to approach this is this, we have already passed an amendment to 2 by deleting all the words starting with 'unless to the end'. The only way we can accommodate an amendment on the line proposed by the previous speaker is to include another provision specifically relating to committees.

**MR. KAVUMA:** Point of information. Mr. Chairman, if we look at rule 31(1) on page 22, there is a provision for these rules to apply to all committees of the Assembly with the necessary modification and I think that would cater for the situation we are worried about.

**THE CHAIRMAN:** But what are the modifications? Modifications will be in terms of nomenclature where the word Constituent Assembly appears to substitute committee. I do not think it relates to a situation where the committee may want to exclude say the committee on discipline if they are discussing the discipline of a member, and they are supposed to be acting as a judiciary but in a rather confidential manner. Should they be free to call in the Press and other members of the public? This is what I was looking at.

**MR. KAVUMA:** I concede Mr. Chairman.

**THE CHAIRMAN:** Yes, the chairman concedes. So, what we need in order to accommodate the views expressed by hon. Mulenga is to make a specific provision by amending 7.

**PROF. KANYEIHAMBA:** Point of information. Sir, I do not think that the amendment proposed by Mr. Mulenga is incompatible with what we have just passed. What we have deleted is from the provision. We did not touch anything regarding the Assembly or the committee. So it is possible for us now to delete the words committee from this provision and meet the point which hon. Mulenga is making, which is very valid in the sense that you have elaborated upon it that there may be occasions when committees want to exclude members of the public and the Press in their proceedings. Thank you Sir.

**THE CHAIRMAN:** But are you suggesting that by just deleting the word committee and being silent on it, you are giving the committee power to exclude the public?

**PROF. KANYEIHAMBA:** Yes Sir.

**THE CHAIRMAN:** Are you? I doubt it. Does silence mean that you have given power? That is really silence.

**PROF. KANYEIHAMBA.** Mr. Chairman, both sides have got stronger causes but I want to say that it is not necessary for us to insert another article or even sub-clause because this concept is brought from Parliamentary procedure all over the Commonwealth that sometimes Parliament may find it necessary to hold meetings in camera; that is, in secret, not open to the public but the reasons are that there may be an occasion when the Parliament is discussing a delicate matter affecting a neighbouring State, may be trying to declare a state of war with the neighbouring country or discussing something concerning an individual or a family which may be scandalous, so they exclude everybody so that the matter is discussed within Parliament without destroying the future of the children of that family and that kind of thing. And with a Constituent Assembly, I do not see any reason why there should be any occasion when the main body or even a committee should exclude members of the public. In fact if anything, the committee should be anxious to invite members of the public to see its proceedings or details of the work and this is what we are here for. We are a public body, some of us have been asking for our work to be done in camera so that the whole country can see that we are doing things in their interest. So now, I do not even see any reason why we should be trying to go into hiding.

**CAPT. BABU:** Mr. Chairman, thank you very much. We are arguing a very simple point. Somebody was talking about freedoms a few minutes ago. I picked it up. You form a committee and then you limit its freedom of operation. You are saying you are going to have a committee that is going to do work. People are confusing two committees here. We have standing committees and we have subject committees. Subject committees are public committees. Some of the other committees are privileged committees. I would like to suggest therefore that we take distinguished Mulenga's proposal and we have a sub-clause 2(a) and (b) and

we go ahead because you cannot limit a committee of a distinguished body like this one, you mean you have started by taking privileges away from this house, so what are you creating? When you have a body like this, it has privileges and its committees have privileges. You are saying, let us take those freedoms away. I do not agree with this Mr. Chairman, I therefore would like to propose that we have a provision giving those committees also powers. Thank you very much.

**MR. KIRENGA:** Thank you very much Mr. Chairman. I am suggesting that actually the problem posed by the distinguished Delegate Mr. Mulenga is very valid.

**THE CHAIRMAN:** What I am looking for are suggestions really.

**MR. KIRENGA:** An alternative suggestion?

**THE CHAIRMAN:** Yes.

**MR. KIRENGA:** In fact in line with his argument that when time comes to look at rule 43, we amend it in such a way that the committees can also have the powers to suspend the rules.

**THE CHAIRMAN:** Okay, I think that is the best solution. We shall come to the section dealing with committees. We might have to empower those specifically and some we may deny them that right depending on what they are going to handle. And there was a proposal to amend 3.

**MR. WANENDEYA:** Thank you Mr. Chairman. I am Wanendeya from Budadiri East. Mr. Chairman, the American Constitution was discussed in secret. We do not have to do that because it is a number of years since it was done and there were no fast communications as we have currently. Therefore Mr. Chairman, sub-section 3 of rule 7 is superfluous and should therefore be out for the sake of making everything transparent to our country men and country women Mr. Chairman. I therefore propose that sub-section 3 be deleted from these rules Mr. Chairman. I thank you.

**THE CHAIRMAN:** Is that seconded? But you see, I did explain earlier on before I propose the question and we are not going for lunch until we finish 7. I did explain that there is proposed rule 43; any of these rules may be suspended. Now, a Member might

move a motion in the following terms: that so much of these rules be suspended as would prevent this Assembly proceeding on matter so and so in camera and you vote on it and it is passed. Once that happens, you need 3 because then you must have a procedure for excluding those who are strangers. So as long as you have 43, you need 3. But a motion has been moved, it was seconded, I will put it to vote.

**DISTINGUISHED DELEGATE:** Mr. Chairman, I agree with Delegate Wanendeya; I do not know whether it is the first time I have ever agreed with him but now I am agreeing with him. I do not think at any given time, we have to hold this meeting in camera. I do not think it is envisaged; provided we have agreed that on committees say of discipline and others, we have other ways of how we do it without putting it in public. But to come here and discuss this constitution in camera, I do not think it will come up. So number 3 and 4. I do not think they really are relevant. That is my own opinion.

**THE CHAIRMAN:** Yes, let us get clarification from the chairman of the rules committee.

**MR. KAVUMA:** Mr. Chairman, we may not think that an occasion may arise when we want to do business in camera here. But it is very possible during the course of our deliberations that a matter comes up where we all agree by our own majority that we should have meetings in camera. We are going to discuss matters pertaining to boundaries of this country, supposing our discussion may touch boundary interests of a neighbouring State and we want to resolve that matter internally, is it not prudent that we should have that rule as safeguard? If do not invoke it, well and good but if we need it, we must have something that we can fall back to.

**THE CHAIRMAN:** I put the question that sub-rule 3 of rule be deleted.

*(Question put and negatived).*

*(Rule 7 as amended agreed to).*

**THE CHAIRMAN:** With that, I adjourn for lunch. We resume at 3.00 P.M.

*(The Assembly adjourned for lunch and resumed at 3.00 p.m)*

**THE CHAIRMAN:** When we adjourned for lunch, we were on rule 7. We have just disposed of it after a healthy debate.

*Rule 8 put and agreed to.*

**PROF. KANYEIHAMBA:** Point of order. Mr. Chairman you ruled earlier on that if somebody has got an amendment on any rule, they should put their hands up and then you were asking to propose the amendment. I have an amendment on this particular rule that we have passed but I was calling and shouting, you put the question.

**THE CHAIRMAN:** It is ordinary that you are slow, but I do not remember hearing you shout or call.

**PROF. KANYEIHAMBA:** I did Sir because Mr. Chairman, Sir, we have a problem here which we faced in fact in NRC. There is a possibility and a real one Sir, that both the Chairman and the Deputy Chairman could be absent, in which case, the work of the Assembly could be paralysed.

**THE CHAIRMAN:** Okay, I think let us be regular. I can see you are raising an important point. I think Delegates, you do agree that the way the rules are written, there is no other room. Of course I think it is intended that the Chairman and Deputy Chairman must be here all the time or at least one of them. But the Delegate is trying to raise the problem they faced in reality in the National Resistance Council. Should we allow him to raise it as a substantive amendment and i rescind our position and allow him to raise it.

**PROF. KANYEIHAMBA:** Mr. Chairman, I beg that I address the distinguished Delegates on this particular issue because it is very, very important. It may very, very adversely affect our time table. So, Mr. Chairman, I know that these rules are subject to the Statutory Instrument of the Minister and if we do propose an amendment, it could be so incorporated and was going to move Sir, with your permission, that we amend rule 8 and insert 1 and 2 which would read as follows: that 'in the absence of both the Chairman and the Deputy Chairman, the members present and forming a quorum, could elect one of them to be a temporary chairman.

**THE CHAIRMAN:** I would like to read provisions of section 9 of the Statute and see whether what we are talking about is in the ambit. Distinguished

Delegate Kanyeihamba, I wish to draw your attention to the provisions of section 9 of the Statute governing this body. My interpretation of it seems to be that it may not give us leeway to proceed in the manner you are suggesting. It is unfortunate but I think this is a job for the NRC rather than this Body. Because the particular provision is this: "*the Chairman and in his absence, the Deputy Chairman shall preside at all meetings of the Assembly. But the Chief Justice shall preside over the first two sittings of the Assembly for the purpose of administering the oath of allegiance to the Delegates and for the election of Chairman and Deputy Chairman.*" How do you interpret that hon. doctor?

**PROF. KANYEIHAMBA:** Thank you Mr. Chairman, I entirely agree with you but there is an omission in the law which is likely to hamper our work. So if need be, we can make this proposal and request the NRC to enact a law if that is the case. But we should not just leave the gap and then be hampered simply because the law is there. The law is there to serve man and not the other way round Mr. Chairman.

**MR. KIRENGA:** Point of order. Mr Chairman, is it in order for the distinguished Delegate to propose an amendment which would be in contravention of the law namely section 9 sub-section 6 of Statute No. 6 of 1993 which says that all the meetings must be presided over by the Chairman or the Vice Chairman So, if we are to make a law which is in contravention of that, that will be illegal. So I think, we should wait until there is an amendment to the Statute so that we can make rules thereunder. But Mr. Chairman, I am saying that it is out of order.

**THE CHAIRMAN:** It is me to rule whether he is in order or out of order. But you have raised your point. Distinguished Delegate Kanyeihamba is making a proposition now having retracted from the proposition to make a formal amendment to make a proposition which we have taken note of that we should address the NRC on the matter so that it can be rectified and I think with that we just proceed because we had already adopted the rule anyway.

Rule 9 - Quorum.

**MISS WINNIE BYANYIMA:** Mr. Chairman, could the opportunity also be taken to ask the NRC to make the amendment concerning chair-person instead of chairman. Thank you.

**THE CHAIRMAN:** I had expected an amendment to 9.

**MR. BASALIZA HENRY:** I am Basaliza Henry for Fort-Portal Municipality.

**THE CHAIRMAN:** Yes, we need to have our names said for two reasons. Those who are going to transcribe, there are those who are taking minutes and also for the benefit of the Press. Thank you.

**MR. BASALIZA:** Thank you very much Mr. Chairman. Now, sub-section 5 Mr. Chairman, seems to be extremely rigid because it says that a Delegate shall not be absent for two consecutive sittings. Now bearing in mind that most of the distinguished Delegates come from very far, there is a possibility that these Delegates could have problems either on the way and I propose and I support hon. Kawanga that there should be an amendment for four consecutive sittings rather than for two consecutive sittings.

**THE CHAIRMAN:** Is that a Motion?

**DISTINGUISHED DELEGATE:** Point of information. Mr. Chairman, I thought we had agreed that we shall go section by section. Have we already finished 9(1), 9(2), 9(3) like that? So, could we go section by section?

**THE CHAIRMAN:** Okay, let me clarify. We are doing rule 9 and in rule 9, unless we had placards of people showing which one they want to amend on rule 9, I can only pick whoever catches my eye first in this matter. If someone moves and successfully amends 9 it does not stop us amending 1 or 2 or 3 of 9; because at the end of the day, we are going to amend 9 and put it as amended anyway. But since there are some Members who have indicated the desire to amend maybe earlier provisions, could you hold with yours and we start with 9(1)?

**MR. WAMBEDE MASSA:** Thank you Mr Chairman. Mr. Chairman, given the fact that we have reduced the hours to 32 and in recognition that we have limited time, this quorum of half of the Members may be a bit difficult. would I suggest that we have a third to make up a quorum. *(Interruptions)*.

**THE CHAIRMAN:** Order, the hon. Member, I would like to advise him that I am sorry, I am using the word hon. Member, it should be Distinguished Delegate - the requirements of section 15(1) of the

Statute bind us to this quorum. So, we are unable to change. Possibly it can be one of the matters which you may want to refer to the NRC, should Members so wish. But we shall take note of it for the time being. Is there any other person?

**MR. WANENDEYA:** Thank you Mr. Chairman. Mr. Chairman, I am talking about line 3 in paragraph 1 where obviously the Chairman must be present. Therefore the words 'the article' in line 3 and the Chairman, and the word "and" should be deleted from number 1 so that it reads as follows: "*shall comprise of not less than one half of the total number of Delegates.*" Because the Chairman has got to be around all the time. So having Chairman in rule number 9 as it is put here, it may be superfluous Mr. Chairman. Thank you.

**THE CHAIRMAN:** Let us hear from the committee.

**MR KAVUMA:** Mr. Chairman, I would have expected the distinguished Delegate, being a Member of NRC to have referred himself to section 15 of the Statute which has been actually copied verbatim to the rules. Therefore we cannot delete the word Chairman. In any case, would they want to be here, constitute a quorum without a Chairman?

**THE CHAIRMAN:** Thank you. I think we leave it at that really because we are tied by the Statute itself.

**MR. LEANDER KOMAKEC:** Point of information. Well this is an additional information to the House. *(Interruption)*.

**THE CHAIRMAN:** There is a point of order distinguished delegate if you give way to the point of order.

**CAPT. BABU:** Point of order. Mr. Chairman, I do not know if you did allow the hon. Member before I give my order. But if you did not, the point of order is, could we please follow the procedure. You only inform another Delegate who is submitting on the Floor and if there is none, there is no point of information. Therefore, Mr. Chairman, is it in order for the hon. distinguished Delegate to continue with his information?

**THE CHAIRMAN:** No, in this case, we had information received from the committee and this is additional information, we shall allow it but in very

limited circumstances. Please finalise your point of information quickly.

**MR. KOMAKEC:** Thank you Mr. Chairman. The information I wanted to give here was to the effect that it has become very apparent that because of some apparent weaknesses in this document, this House will be stranded or at least strangled with laws that have got a lot of inhibitions. I think you can see Mr. Chairman, that there have been now about three or four amendments that this House will want to pass but they cannot do so because of this Statute No. 6. The Statute Mr. Chairman, has been found to be defective. Therefore, I would urge that if there is anything to be done that contravenes this Statute No. 6, I think the CA should go ahead and do what they think is right.

**THE CHAIRMAN:** Order, order, the distinguished Delegate just completed making a contribution, It was not a point of information. It was a point of argument. I allowed it so that we do not disrupt each other very much. But definitely as Chairman, I do not think I will allow this Constituent Assembly to proceed in a manner that contravenes the law. I think we must operate within the ambit of the law with due respect.

**MR. BIDANDI-SSALI:** Mr. Chairman, I would like clarification following up a point by Distinguished Delegate Wanendeya whether in the absence of the Chairman, but in the presence of the Deputy Chairman, this is understood. I just wanted that clarification.

**THE CHAIRMAN:** If you make reference to the definition of provisions of the Statute, you will find the answer. The Chairman meaning the Chairman of the Constituent Assembly and the reference to the Chairman shall be constituted to mean the chairman or the Deputy Chairman as may be presiding.

**DISTINGUISHED DELEGATE:** Mr. Chairman, I wanted to propose that in the spirit of saving time for the same reasons that we were given for 9(1) because I see 1, 2, 3 are picked almost word by word from the Statute like we passed them at a go and moved to 4, 5 I beg to move. Thank you.

**THE CHAIRMAN:** Well, if there is no one really objecting, we can do 4 now.

**MR. SSENDAULA:** Thank you very much Mr.

Chairman. I would like to move an Amendment to 9, (iv) and I wish to appeal to fellow delegates to reason the issues that I want to put forward. The NRC has been going through problems of quorum and things are sometimes, if I may say, taken for granted. People are not there and that is the end of it. If you can check in 9 (iii), you will see starting from line 2, you see the demand of the quorum and then going out for some minutes, then the bells are rung and then people return and if they are not there, finally, we then conclude and say we are on resumption of the proceedings, there is still no quorum, the Chairman shall suspend or adjourn the sitting of the Assembly and that ends there. You know we have to get this work done, Mr. Chairman, fellow Delegates, and if we have to get this work done, we would need to be very clear here just as we have done in 9 (v); that if you are not there, for some time, then obviously, you are named. So, all I am saying here, when there is room in 4, when the people are still not forming a quorum, we should take a record of those who are present so that we get to know those who are absent and they are named the next day, that is my proposal. Thank you.

**THE CHAIRMAN:** Are you making an amendment or you are just making a statement?

**DISTINGUISHED DELEGATE:** Mr Chairman, I am moving an Amendment so that we have the wording following down on (iv) and say, after 'Assembly' and then we start. "A record is made of those present plus those absent and the next business day, they are named".

*(Question on Amendment put and negatived.)*

**THE CHAIRMAN:** Order, order.

**MR. KABAYO (Kassanda South):** Thank you, Mr. Chairman. Mr. Chairman, Rule 9 parts 8 and 7, which are all related are not consistent with the law as contained in the Statute. Section 27 and subsection 2 and Section 28 could I request the Committee to rewrite them so that they are consistent with the law.

**THE CHAIRMAN:** How and in what sense do you think it is not consistent with the law?

**MR. KABAYO:** Mr. Chairman, in the Statute, it refers to more than seven days within one month, whereas in these Rules, it says for two consecutive days.

**THE CHAIRMAN:** I think you have not fully read the provisions of 27 (ii), in relation to what is being proposed. 27 (ii) is saying, if you are absent, without good cause or prior permission of the Chairman, for seven days, within any one month, during which the Assembly is sitting, whether the days are consecutive or otherwise, then, you will be deemed to have vacated your seat and we shall conduct an election. The other one is saying, to ensure among ourselves, the word naming means, actually putting a stigma on you and so you do not vacate your seat, but you are pointed out as one who is undisciplined, that is all. I do not see how these are conflicting. In fact, it is refining, helping us to lead to 27(ii). I do not find any conflict there. So, I do not think we should pursue that line of action you are proposing.

**MR. BANTARIZA (Buhweju):** Mr. Chairman, I want actually to find out when you suspend a delegate, whom are you punishing, the delegate or the electorate

**THE CHAIRMAN:** Both.

**MR. BANTARIZA:** But that is unfair, the electorate

**THE CHAIRMAN:** Because they have themselves to blame.

**MR. BASALIZA (Fort Portal Municipality):** I am particularly speaking about sub-section 5. Mr. Chairman, sub-section 5, is too rigid and Mr. Chairman, I believe that if we are allowed four days instead of two days, that would at least facilitate the delegates; so that we do not feel that we are over strained. Now, Mr. Chairman, for that reason, I would like to move an Amendment to that sub-section, instead of two, put there four consecutive days.

*(Question put and agreed to).*

**THE CHAIRMAN:** If you are going to amend the same, if you are going to amend 5, you have got to indicate whether you are amending in relation to the days, then the Amendment will be incompetent.

**MR. MOSES ALI:** Mr. Chairman, I am amending the total deletion of section 5, because, one, it amounts to intimidation - intimidating delegates, two, it is a potential source of concrete problems between delegates and the Chairman, and it does not even

take into account those of us who come from the end of the world. So, Mr. Chairman, I think taking into account that this are distinguished delegates, I propose that we delete *(Interruption)*

**DISTINGUISHED DELEGATE:** Mr. Chairman, is it in order for the hon. delegate to discuss a resolution which has already been passed?

**THE CHAIRMAN:** No that is also out of order. *(laughter)*. Order. Hon. delegates, it is the Chairman who rules whether it is in order or not in order, but not delegates. I think it is in order to proceed because we amended only the word relating to the numeral form, but now, I do not know whether he intended to make a statement or to make a Motion moving the deletion.

**MR. MOSES ALI:** Mr. chairman, I have already said I am proposing to delete the total deletion, that is an Amendment also.

**THE CHAIRMAN:** You see the Chairman is only attracted by words which are exact. You are not proposing, you are moving the deletion.

**MR. MOSES ALI:** Now which ones do I say. I move or - because, Mr. Chairman, you must know we are not all lawyers. So tell me which one is correct.

**THE CHAIRMAN:** I know that the Distinguished Delegate is a person of long experience in Parliament, the word to be used is 'I move the deletion' or that - *(Interruption)* -

**MR. MOSES ALI:** Mr. Chairman, I move the deletion of Section 5. *(Laughter)*.

**MR. WANENDEYA:** Mr. Chairman, I feel it important that the electorate should not be punished and therefore, including sub-section 5 and even 6, is not in the best interest of these Distinguished audience, Mr. Chairman. Therefore, I say that they should be completely removed out, even Section No. 6, Mr. Chairman, so that at any time, supposing the delegate is sick or he will have reasons, but Mr. Chairman, it creates bad relationship and therefore these two should be completely removed.

**MR. ODOY-ASOKA:** Point of Order. Mr. Chairman, the distinguished delegate is not in order *(Interruption)*

**THE CHAIRMAN:** Are you raising a point of order?

**MR. ODOY-ASOKA:** Mr. Chairman, is it in order for the distinguished delegates to advocate for the deletion of sub-section 5 and 6, when in fact, the distinguished delegates would wish to have a kind of safeguard to ensure that we are here to perform and be responsible to the task that has brought us and without sub-section, 5 and 6, we would be less - a kind of an open-ended, laissez faire approach to the important deliberations of this business, Mr. Chairman. Thank you.

**THE CHAIRMAN:** The delegate who proposed deletion is in order. I would like to ask Members to be careful and also to take note of the different ways in which we shall conduct our business. If you want to make a contribution, you put up your hand and be recognised, but you should not use the points of order or points of information or clarification to camouflage your intentions to make a substantive contribution. A point of order arises where a person has either said something or done something that should not have been done or said, and the Chair is then called upon to rule. A point of information is given to a person on the Floor and in very limited cases, the Chairman, may allow a delegate to inform the whole House, but otherwise, you inform a delegate holding the Floor and that information can only be proceeded with if the delegate holding the Floor accepts to be informed. A point of clarification will be in very limited circumstances where we need a matter to be made clear and that may not necessarily have been made clear or has been misunderstood. But like the previous Speaker, and of course if you are not previously acquainted with the Rules, I do not blame you, but the position is, that you actually made a substantive contribution, but camouflaged it as a point of order. I therefore even have to rule on it, it was a camouflaged contribution. So, if I am harsh on a question of whether the question is one of order or information or camouflaged substantive contribution, please, bear with the Chair, but here what we have now, is a Motion, seeking a deletion of sub-Rule 5. I intend to put the question but I see the hand of the chairman of the Committee if he can give us some rationale first, and then see how we proceed, if they have it.

**MR. KAVUMA:** Thank you, Mr. Chairman, I wanted to avail to the distinguished delegates the information that the committee actually considered

these provisions in detail and all these worries were properly treated. We found that actually these provisions are for the protection of the delegate himself, first of all, so that he does not get into trouble with the provisions of Section 27 (ii). Secondly, it is also protection for the electorate, who should be informed if a delegate is neglecting his duties. Mr. Chairman, this is in line with the spirit of the Act which requires us to attend to our duty on full time basis and it is healthy that the population really know what is happening. Thirdly, Mr. Chairman, the Rule is permissive, there is a discretion, it does not mean that the Chairman, every time he has seen someone missing for four sittings, shall inform - he may not. So, it is not as dangerous as people may think and on the question of suspension, Sir, I think we are being courteous to inform the electorate that you may start thinking of preparing ground for sending another serious delegate if circumstances arise which require the utilisation of section 27(ii) of the statute. With those sir, I think we would strongly recommend that these provisions be left to call us to order when the need arises.

**MR. KABERUKA (Ngorwa County West):** I can see five, six and seven being a problem in case they are followed as they are written, because if you are already mentioned in five and then in the subsequent one, you are also told, in seven you are told that you can also be mentioned and then be given three days. So, I can say the seven days which are required in 27 (ii), are being brought forward quickly by the Chairman; because if somebody is already absent for four days, if you add there three days, then you are sending him out.

**THE CHAIRMAN:** No, I do not understand it that way. I think that is the last contribution, and I put the question.

**PROF. KABWEGYERE (Igara County West):** Mr. Chairman, I oppose this Motion, I oppose the Amendment on the ground that the words '*without reasonable excuse*' are provided if the Mover thinks that a delegate should absent himself without reasonable reason, without reasonable excuse, then I am sorry, it must be misleading this House. I think we are trying to urge all members who come here to be as reasonable as possible, to be as hard working as possible, and if they have a reasonable excuse, with the reasonableness and wisdom of the Chairman, the Chairman will not take the action that is provided here. So, I do not see why there should be fear that

the Mover could even talk of intimidating the delegates. I oppose very strongly this Motion.

*(Question put and negatived).*

**MR. OKALEBO:** Thank you, Mr. Chairman. With regard to rule 6, I would like to move an Amendment by adding the words that, the Chairman will only name the delegate on the advice - *(Interruption)*

**MR. KIRENGA:** Point of Order. Mr. Chairman, is it in order to consider sub-rule 6 before we have exhausted Rule 5? Mr. Chairman, I was rising to make further Amendment - *(Interruption)*

**THE CHAIRMAN:** You are late delegate, we voted on that one and we passed it.

**DISTINGUISHED DELEGATE:** Point of Order. Mr. Chairman, is it in order for the distinguished delegate to consistently mislead this House with orders on and off?

**THE CHAIRMAN:** I think you better leave that to the Chair, he is in order. I think let us proceed.

**MR. OKALEBO:** Thank you, Mr. Chairman for saving me from all this. In regard to sub-rule 6, I was going to move an amendment. My addition is that before the Chairman issues a Yellow card, to a distinguished delegate for absence, he should only do so on the advice of the committee responsible for discipline. Thank you. Mr. Chairman.

**THE CHAIRMAN:** Now could we get clear on the language you use? If the terms of your Amendment are to be included in these Rules, then, you have to define yellow card because really -

**MR. OKALEBO:** Mr. Chairman, by yellow card, I meant before naming the delegate the Chairman should first do it on the advice of a committee responsible for discipline. I think this will give him the facts for naming the delegate, otherwise, he may name him without facts, justifying that naming.

*(Question on the Amendment put and negatived).*

**MR. MWESIGWA RUKUTANA:** Thank you. Mr. Chairman. I wish to propose an Amendment, sub-section 6. by adding a provision saying, provided the Chairman shall not name the delegate unless he is satisfied that there was no reasonable excuse for

the absence. Mr. Chairman, the importance of that Amendment is that it is possible for a delegate to be absent for more than four days without access to the Chairman. It would be unfair in the circumstances for the Chairman to name the delegate before ascertaining whether there was reasonable excuse for his absence or not. I move that the sub-section be amended in those words.

**THE CHAIRMAN:** Not seconded.

**MR. WACHA:** I would want to move an Amendment to 6.

**DISTINGUISHED DELEGATE:** Point of order. Mr. Chairman, is it in order for a Motion which has been seconded, to be ignored and another delegate is rising?

**THE CHAIRMAN:** The secondment was not heard by the Chair and so the Chair called upon the next person, to go ahead.

**MR. WACHA:** Mr. Chairman, I want to amend sub-clause 6 by adding the following words and I quote, "A delegate who contravenes sub-rule 5 of this Rule on two occasions, may be named by the Chairman in the Assembly on two separate occasions"

**THE CHAIRMAN:** Hon. delegate what you are doing is actually reducing - see now we amended 5 to 4 and it says, "who contravenes sub-rule 5..." i.e, or who contravenes sub-rule 2 twice-you mean? Okay that is different. Okay go on.

**MR. WACHA:** Sorry, if you did not understand me Mr. Chairman. The idea is that you should contravene sub-rule 5 on two different occasions before you are named. The idea here, fellow delegates, Mr. Chairman, is to try to ameliorate what some delegates think is a very harsh sub-rule by trying to make occasion when the delegate can be warned internally before he is actually brought before the Assembly. Thank you, Mr. Chairman.

**MR. KAVUMA:** Mr. Chairman, I have got a worry if the Amendment is carried, we may be trespassing on the provisions of section 27 (ii) of the Statute which is the parent legislation which we cannot amend by provisions of a Rule of this nature; and for that reason Sir, I oppose the Amendment, because this would amount to eight days. Mr. Chairman and the Statute is talking about seven days and this can

happen within a space of one month and could lead to contravention of the parent Act.

**THE CHAIRMAN:** Is the Mover still insisting on proceeding with his Motion given the clarification? Let the Mover clarify first.

**MR. WACHA:** Mr. Chairman, I sincerely appreciate the fears of Chairman of the ad hoc committee and the idea is that, whereas Section 27 of the Statute talks of seven days, we are talking of separate occasions in this respect, and not necessarily in one month.

**THE CHAIRMAN:** Could you repeat it?

**MR. WACHA:** I said that the fears of contravention of this provision within one month as expressed by the Chairman of the ad hoc Committee should not be taken into account, because we are talking of two different occasions, of course if it goes contrary to the Act, then it shall be a question of the Chairman to follow the Act.

*(Question put and negatived).*

**MR. NEKYON:** Mr. Chairman, I would like to move that 7 be amended on line 2 by inserting after the word permission, the following words, "Or reasonable excuse" So, it may read as follows: "in case of any a subsequent period of absence without permission, or reasonable excuse by a delegate previously named under Rule 6 of this rule, the delegate shall be suspended from the Assembly for a period not exceeding three sittings, subject to Section 11 and 27 of the Statute which provide for the vacation of office of the delegate." My reason in moving this is that, if you leave it as it is here, it means that even if somebody has got reasonable excuse, even if he was sick or had an accident somewhere, as long as he did not get permission from the Chairman, he can now be disqualified. I beg to move.

**THE CHAIRMAN:** Could you repeat it please, for the benefit of the Chair?

**MR. NEKYON:** Is it not clear? You see above this one, we are giving two reasons for somebody to be punished, first of all he must be absent without reasonable excuse, secondly, he must be absent without permission of the Chairman and this one now, we are reducing it only to permission of the

Chairman, even if he has got reasonable excuse. So I want to bring that reasonable excuse to be carried even here to safe guard someone who may fall sick suddenly, somebody who might have gone for the burial of his father, before he is punished, because this is a much more serious punishment.

**MR. OWINY-DOLLO:** Thank you, Mr. Chairman. I am moving that we substitute a denial of allowances in place of suspension of a delegate who has been found to have acted in contravention of sub-rules 5 and 6 of 9. I am saying this Mr. Chairman, because the mischief which is intended to be curtailed is non-attendance. You cannot curtail that mischief by increasing the non-attendance. Secondly, you will not be punishing the delegate, you will be punishing the people who sent him here, we would rather the delegate be allowed to sit here for three or two days without receiving any allowances, but contributing, because that is what he came here for. I so propose.

**THE CHAIRMAN:** But before I ask for secondment, do you want us to have a starving member who has come all the way from Kitgum by being denied the sitting allowance and subsistence allowance and he has no where to go and no food to eat?

*(Question put and negatived).*

**THE CHAIRMAN:** I think really we have had enough debate on 7. Let me put 9 as it is.

**MR. OBIGA KANIA MARIO:** Thank you, Mr. Chairman. In sub-section 7, it says "in the case of any subsequent period of absence..." Mr. Chairman, I wish to propose an amendment immediately after the word 'absent', because the subsequent period is not spelt out, it is not said whether if you are absent for a day or two, and my amendment is therefore, to include these words after absence, such that it will read, "in case of any subsequent period of absence, equal to the period as stipulated in section 5", which is the four days as amended because the aim of sub-section 6 is to name you, the aim of 7, in my opinion is to suspend you and to you, that period should also be after he has contravened the law for that period as stipulated in section 5. So, I am saying that the subsequent period of absence is vague and that should be clarified by a Motion to amend by inserting the words, "period of absence of equal duration as stipulated in section 5." Thank you.

**THE CHAIRMAN:** I think delegate, that will be in contravention of that Statute, because if you have already taken four days off, and you take another four days off without permission, then you attract the provisions of 27 (ii), and I do not think we can proceed with that Motion.

**DISTINGUISHED DELEGATE:** My understanding of the amendment of section 5 is four consecutive sittings and not days. So, I would like to seek clarification from you, is it days or sittings?

**THE CHAIRMAN:** The difference is tenure.

**DISTINGUISHED DELEGATE:** Mr. Chairman, under the definition of sittings, it is totally different and I would like to refer members to the definition of a sitting. It says, "*sitting means a period during which the Assembly is sitting continuously without adjournment and it includes any period during which the Assembly is in committee*". So, it does not mean days according to this definition.

**THE CHAIRMAN:** The sitting is like today we begun at around 10.30 and we are still sitting and it includes the adjournment for lunch until we adjourn to the next sitting which will be tomorrow, that is a sitting. So, when you are talking about a day and a sitting, that is why I said the difference is tenure. It is only nomenclature, the series of sittings make a meeting and a series of meetings make a session. Today is a sitting and so if you miss today's sitting, you have missed the day.

**MR. NASASIRA:** Point of clarification. Sub-section 7. As we conclude this Clause, I want a clarification from you or the Chairman of the ad hoc committee whether these rules and punishments also refer to sittings of the subject committees, if we do pass those subject committees. We seem to be thinking about the sittings of the Assembly, full Assembly, but if we pass the subject committees, we are going to have half of the time spent in the subject committee work and we have already been informed that one can wander from one subject committee to another depending on his interest and time. I think we need to be very careful here. Does that sitting cover the sitting of the subject committees or only when we are in plenary?

**THE CHAIRMAN:** You recall during the morning the Chairman of the Committee drew your attention to the provisions of some of the rules which provides

that these rules apply *Utatis mutandis* to the proceedings of committees. In other words, with necessary modifications. What I meant was that these Rules apply with necessary modifications to the meeting of the committees and the modification there, would be that where reference is made to a delegate not attending a sitting, the same shall apply, as I take it, with necessary modifications to the committee. Now, I do not think we should really proceed any further on these matters.

I now put the question that Rule 9 stands part of the Rules.

*(Question put and agreed to).*

**MR. MALIRO:** Thank you, Mr. Chairman. Rule 10 seems to give a lot of powers to the Chairman, whereby the Chairman can adjourn at any time or suspend the sitting. I am also moving that we should add the words, "*upon reasonable grounds*"

**MR. ERESU ELYANU:** Thank you, Mr. Chairman. Rule 10. I would like to propose an amendment and I would like to have it this way, the word 'suspend' be deleted, because if we give the Chairman, that complete authority to suspend a sitting, we run the risk of not completing our work in time, should the Chairman decide to do so. Two, the experience of an August body like this one, we must take note of other similar bodies like this one in some countries that have failed to take off and it is very important therefore, distinguished delegates that we take note of this. Lastly, the word 'suspension' creates the impression that the end period is indefinite and therefore, in view of the fact that the Constitution must be promulgated by January next year, I propose and I beg to move that the word 'suspension' be removed.

**MR. KAVUMA:** Thank you, Mr. Chairman. Mr. Chairman, if distinguished delegates could recall, there was a problem which we specifically attended to in this room where there was power for the Chairman to suspend the Assembly and we thought for reasons given by distinguished delegates, that was very dangerous. It would lead to a situation where our ability to complete the work we have would be prejudicially affected. So, we removed any power from the Chair to suspend the Assembly and we restricted it to a sitting or a days meeting as we are doing business. Secondly, I think the Chair should have sufficient authority to make sure that business

in the Assembly sits without any undue delays if only to these short periods of time. So, Mr. Chairman, I oppose the Amendment because the fear it is trying to cure does not apply to the rule as it stands now.

**THE CHAIRMAN:** May I clarify something before we proceed on this one. Suspension of a sitting is a very narrow area of operation for the Chairman, you suspend for instance a sitting in order for instance to realise a quorum, you may be sitting and quorum runs out and the Chairman's attention is drawn, so the Chairman suspends. He does not adjourn, suspension is for a limited period of time of the day, you can suspend for fifteen minutes or twenty minutes, but you can adjourn for a longer period, either for lunch, but suspension you can suspend to receive a dignitary for instance, so that you resume. For instance, now as we are meeting, if we were to receive a foreign dignitary who is coming to address us, I would ask the house to suspend our proceedings and allow me to go out to receive the dignitary then, we resume. That is the function of suspension. It is not intended that you suspend and go home. You suspend to resume. I thought I should clarify this one.

**DISTINGUISHED DELEGATE:** Mr. Chairman, I note your explanation, but for the sake of consistency, if Mr. Chairman, you could look at 9 (iii), which says whenever the objection taken under sub-rule 2 of this rule is upheld by the Chairman, the Chairman shall adjourn.

**THE CHAIRMAN:** The word there should not have been 'adjourn'. It should have 'been suspend'.

**DISTINGUISHED DELEGATE:** But for clarity, I do not see the reason why we do not stick to the word adjourn throughout this Rule.

**THE CHAIRMAN:** No, adjourn is wider, if you look at the same rule 4 -

**MR. KYEMBA:** Point of information. If you look on the main Statute, Chapter 15 (iii), when they speak of adjournment, they use suspension and adjournment as if they could be used whatever you decide: "shall stand suspended or adjourned" and it looks as if there is no difference between the two in the main Statute.

**THE CHAIRMAN:** No, there is a difference, we have described and we have explained it. In 9 (iii) the

word should have been suspend, you suspend for a short space of time, but you can then choose to say it is close to lunch time let us adjourn until the afternoon so that the two can be used depending on circumstances and the choice of the Chairman. But suspend is smaller than adjourn. Adjourn, you can adjourn to the next time, to the following day or adjourn sine die. In other words, adjourn without specifying a day and then you will be called back in Session, but suspend is either to facilitate the happening of an event for instance, and God forbid, if there was a fight between some members, to enable us to come back to order, I would suspend the proceedings for a while.

**MR. NYAI:** Thank you Mr. Chairman. I have a feeling that the Chair is attracting overwhelming authority, but with your explanation it is quite clear that your judgement will be best and in the interest of the delegates here. So, Mr. Chairman may be we could add the following amendment, the Chairman, may at anytime suspend or adjourn any sitting of the Assembly without consent of members.

*(question put and negatived).*

**THE CHAIRMAN:** I now put the question on 10.

*(Question put and agreed to).*

**MR. AWORI:** Mr. Chairman, the last word in 11 (A), is not identifiable, in Rule NO. 11 (i) the word 'marshal' is not identifiable anywhere in the interpretation.

**THE CHAIRMAN:** I think in writing laws, sometimes some words carry their ordinary meaning but in view of the fact that the marshal may be given some responsibilities, I do not know if there is, then it may be necessary to give him a definition.

**MR. OWORI:** We have to give him a definition, Mr. Chairman.

**THE CHAIRMAN:** That will be done by those concerned - taking note of this proposition, I do not think we have to amend the text for that.

**MR. OWORI:** An amendment may be required Mr. Chairman in your own words, also seeking guidance from the Chair.

**THE CHAIRMAN:** I would like to know, how many times does the word marshal appear in the text? Marshal can take its ordinary meaning in the dictionary, but only requires to be defined if it is not, to avoid repetition.

I think 41 helps this. It is clarified there, 41 (i) states, *and creates and provides for the appointment of a marshal* and marshal will take its meaning in the dictionary and then close it with the authority he is given and functions and completes the picture, I do not think we need an amendment. Thank you.

**MR. WANENDEYA:** Thank you, Mr. Chairman, if you do not mind I am talking about sub-section 3 of Rule 11.

**THE CHAIRMAN:** No, let us finish 2 first. I will ask the Chairman of the committee in case what he says may help the others, so we do not have to -

**MR. KAVUMA:** Mr. Chairman, it is only for correction of typing error in 11 (i). the second last line where we are talking about national flag. 'U' should be deleted, it was a typing mistake Sir, which I want to have corrected. The word is the flag is borne ahead of the Chairman and it is borne without 'u'.

**DR. KAKUNGULU:** Thank you Mr. Chairman. I wish to move that in Sub-rule No. 1 of 11, that word should be added in this manner, that *"the Chairman, when entering or leaving the Chamber of the Assembly, at the beginning or end of the sitting shall be announced and shall be preceded by the National Flag..."* The announcement of Chairman should be added on.

**THE CHAIRMAN:** That one was considered by the committee and I presume the House - So, we proceed without an amendment. Let us go to 2.

**MR. WANENDEYA:** Thank you, Mr. Chairman, sub-section 3 (a), I would like to add the words, *"singing the first verse of the national Anthem"* and add towards the end, *"at the beginning of each week."* If this amendment is acceptable to all distinguished delegates, Mr. Chairman, it would mean that sub-section 4 of Rule 11, will be crossed out and you will have two verses with one tone Mr. Chairman, I therefore, beg to move that the amendment be accepted by distinguished delegates, Mr. Chairman, I thank you.

**THE CHAIRMAN:** Now, I have some nos. as

well. My fear is that the way (iii) is written, is to indicate what will appear on the Order Paper; this is what will be appearing on the Order Paper. Another one is giving substantive authority to the House to sing and with prayers. So, if we take the amendment we shall be carrying power into a matter which should be stating or just setting out the routine as to what would appear on our Order Paper. I would suggest that if he does not object, hon. Wanendeya withdraws his amendment.

**MR. WANENDEYA:** Mr. Chairman, be it whatever it is, but I feel that I should not withdraw it because it gets things done in a rather meticulous manner to the best advantage of everybody concerned.

*(Question put and agreed to).*

**MR. WAGIRA:** Point of clarification. The point of clarification I wish to say, I am not well versed with the language of music, singing is the first verse or the first stanza? That is the clarification I wish to seek from the Chair, Thank you.

**THE CHAIRMAN:** We shall have to consult the law relating to the National Anthem and see but from the report we got from the Chairman, it would appear they have fully consulted and come up with this. I would take it to be the word commonly used, verse.

**MR. ATWOKI AMBROSE: (Youth Northern REGION):** I am still on sub-section 3 of Rule 11. I am addressing myself to sub-section (A) and (B). Mr. Chairman, according to my observation here, I would propose that the arrangement here is not in line with what I am thinking. I would propose that prayers should take precedence over singing of the National Anthem.

**THE CHAIRMAN:** The way we do these things here any way is that we normally sing the National Anthem and then say prayers and proceed to the next subject whether eating or discussing.

**MR. ATWOKI:** But I am going by the saying that it is always God first, and then any other thing second 'FOR GOD AND MY COUNTRY'

**THE CHAIRMAN:** Anyway, your observation is taken.

**MRS. KULANY:** Thank you, Mr. Chairman. I am moving an amendment to 11 (3) a; Instead of the

House singing, we would play a tape. I remember when we just entered this House there was very good music and I would wish the same to continue. *(Laughter)* So instead of singing, the National Anthem, we should play a tape.

**THE CHAIRMAN:** Is that seconded?

**HON. DELEGATES:** No.

**THE CHAIRMAN:** It has not received any secondment so we cannot talk of it.

**HON. DELEGATE:** Seconded.

**THE CHAIRMAN:** It is seconded by another member from Kapchorwa. Now, the Motion having been seconded, the only hands which would have been up would be to talk on that Motion, the Proposed amendment; and is that what you want to talk about?

**HON. DELEGATE:** Yes.

**THE CHAIRMAN:** Okay.

**MR. BYAKIKA KASAJJA GERESOM SAMSON (Bunyole County):** Mr. Chairman, I am proposing that section 11 (3) (a) be deleted. The reason I am giving, Mr. Chairman *-(interruption)-*

**HON. DELEGATE:** Point of Order Mr. Chairman, is the hon. Delegate in order to propose another amendment when we have not disposed of an amendment on the Floor?

**THE CHAIRMAN:** He is not in order, and I am surprised that may be Byakika would be the one to do that having been very experienced. Let us first dispose of Kapchorwa's amendment. I will put the question.

**HON. DELEGATE:** Thank you, Mr. Chairman. While I do appreciate to have the Members sing the National Anthem on a daily basis, I object to subject numbers - to sing it on a weekly basis. We do not want to turn out a choir by singing every Monday and then the following Monday and then another Monday for six months. It will be too tedious. I would suppose that we have a tape which has a National Anthem on it; every time we walk in here, then it is played. Those Members who would like to join in the singing, they are free to do so. Otherwise we do not

want to stay here and at the end of six months, we are a full choir. Thank you very much.

**THE CHAIRMAN:** Let me put the question.

*(Question put and negatived)*

**MR. BYAKIKA KASAJJA:** Mr. Chairman, I am proposing that section 11 (3) (a) be deleted. The reason why I am proposing the deletion is that we have already said that Members should come here in big quorum. We should respect - when the Chairman is coming in and Members should also behave in a manner that is expected of them in the House of this status. Secondly, Mr. Chairman, the time of the Chairman's coming in, Members usually are still moving into the House. You find some of them standing by the door, others on the steps. I think that singing the National Anthem when some Members are just walking in and others are standing on the steps may not be respecting the Anthem. And therefore, I suggest that since we have - at the beginning so many items to start with and the normal procedure is to come in and start with the prayer. A prayer is a normal thing to start with in a meeting of this status and then we go on to other business. So, I propose that section (3)(a), be deleted.

**THE CHAIRMAN:** Seconded?

**ENG. WINNIE BYANYIMA KARAGWA (Mbarara Municipality):** Mr. Chairman, I appreciate that we are trying to build values of a nationality and all that. But I also appreciate the excesses of nationalism; and we have seen them and we are still seeing them. I think we should take a moderate part in whatever culture we are trying to build. If we want to have an Anthem, let us have it when we begin our real business and let us have it at the end of our real business.

Let us not make it something to do every week, as if we are in the 1930's, I think it is a bit of an abuse of our National Anthem and I would prefer that we use it to begin with our real business and the end, otherwise we pray and then get on with our business. Thank you, Mr. Chairman.

**THE CHAIRMAN:** I put the Question.

*(Question put and negatived)*

**MR. KISEMBO MULEJU GEORGE WILLIAM, (Burahya County):** Mr Chairman, I would like to move an amendment on 11 (4) to delete the words 'the first' and then insert the words "at every sitting" of which Delegates have to sing the first verse of the National Anthem.

**THE CHAIRMAN:** Seconded?

**HON. DELEGATES:** No.

**MR. KISEMBO:** Mr. Chairman, this would not actually take us a lot of time we are only going to sing the first *-(interruption)-*

**THE CHAIRMAN:** But you cannot speak on a Motion which has not been seconded. So we proceed.

*(Question on rule 11 put and agreed to)*

Rule 12.

*(Question put and agreed to)*

Rule 13.

*(Question put and agreed to)*

Rule 14 - Notice of Motions

**MR KAWANGA JOHN:** Mr. Chairman, I want to move a small amendment which I spoke about this morning. It regards the Motion to introduce the element of giving it in writing; and I intend to suggest that Rule should read "*A Delegate who intends to move a Motion, shall present it to the Clerk three days towards the Sitting at which he or she intends to move it.*" It is a good idea for members to have the Motion in writing rather than people having it not in writing.

**THE CHAIRMAN:** Is it seconded?

**MR. ELLY KARUHANGA:** Mr. Chairman, the hon. Member, Distinguished Delegate, did make remarks about what he intends to do namely to make sure that Members get a notice in writing. But then he read the amendment, he just read exactly what we had written. He did not indicate where the amendment was going to be. So, in effect who ever seconded it just seconded the existing provisions. I think he

wanted to include that Members inform the Clerk which would make it very difficult because if at the time a Member comes up with a Motion and gives it to the Clerk three days before, it is to enable the Clerk to do the typing and so that the Clerk, the following day, maybe two days before, could circulate it. But the Clerk and the Members cannot have this notice at the same time. So I would like to ask the Member to actually make the amendment he wants to make but at the moment, he is just not making any amendment.

**THE CHAIRMAN:** Would the Mover indicate in what way he wants it to be?

**MR. KARUHANGA:** Mr. Chairman, when you read the Statement as it is, "*a delegate shall give notice in writing to the Clerk not less than 3 days before the sitting at which she or he intends to move the Motion.*" This Statement as read can mean you just inform the Clerk that you intend to move a Motion. The stress I want to put on is that, actually the Motion should be presented to the Clerk at the time when you move it, so that he has it himself. Do not just inform him that you intend to move a Motion; and that is the amendment I am suggesting emphasizes that point rather than the original text as it reads.

**THE CHAIRMAN:** But if I may ask the Distinguished Delegate from Masaka, who is an eminent Lawyer, how do you normally give notice of Motions in Court?

**MR. KAWANGA JOHN :** We put it in writing.

**THE CHAIRMAN:** But do they say, put it in writing, do you not put it in the whole -

**MR KAWANGA:** You have to put the text of your notice of Motion. That is why sometimes they are rejected because they are not in proper form. The idea is to make sure that the Clerk who has it, has it in proper form and he can even assist the Delegate to put it in proper form and that is what I want to put stress on.

**MR. KAIJUKA RICHARD HENRY (Sheema North County):** Thank you, Mr. Chairman. I want in support of hon. Kawanga to say, with his permission, to help his amendment by suggesting that if we read, "*a Delegate shall give notice,*" and you add "*of the Motion in writing to the clerk,*" it will carry the meaning that he is looking for. He is

very right that if you leave this sentence as it stands today, if you can give notice to the Clerk in writing that you intend to move the Motion without actually spelling out the Motion, and so in order to make sure that not only do you give notice for wanting to move a Motion, but that you give the text of the Motion, we should be absolutely clear. That can be borne by just insertion of these additional three words if my Friend Distinguished Delegate Kawanga would agree to move along with me.

**MR. KAVUMA:** I thank you, Mr. Chairman, I only want to avail this information to the Assembly that the Committee has no objection in accepting the principle that that Motion should be in writing. Then the drafting can be taken care of by the technical committee which we have here.

**THE CHAIRMAN:** Is that agreeable? Let me put the question.

*(Question put and agreed to)*

**HON. DELEGATE:** Mr. Chairman, I think as we notice this morning, if this Rule was operational, hon, Karuhanga could not have put the Motion. There maybe issues which come to the notice of Delegates that they wish to give a Motion - (Interruption)-

**THE CHAIRMAN:** Have you looked at 16 and 15, and then 43 in the event of a desire to proceed without notice?

**HON. DELEGATE:** Thank you, Mr. Chairman, I am grateful to the kind attention to these Rules. I think the point I wanted to cover is covered by those Rules. Thank you Sir.

**THE CHAIRMAN:** Now, I put the Question on 14.

*(Question put and agreed to)*

Rule 15.

*(Question put and agreed to)*

Rule 16

*(Question put and agreed to)*

Rule 17.

*(Question put and agreed to)*

Rule 18.

**A HON. DELEGATE:** Mr. Chairman, on Rule 18 (3) - I am seeking an amendment on 18 (3). It is very well drafted then towards the end it says, after the word 'speak' and 'in principal' Delegates shall speak in the order in which they registered their names. I would like to amend that we take out - delete the two words 'in principal' and leave it as "Delegates shall speak in the order in which they registered their names." Thank you.

**THE CHAIRMAN:** That one may be useful but suppose the Member has a name and then just walks out, shall we wait? The words "in principal" helps us. I would rather, you did not insist on the amendment.

**A HON. DELEGATE:** I am advised, Mr. Chairman.

**MR. CHEBET MAIKUT: (Kween County):** Thank you very much, Mr. Chairman. I would like to make an amendment on 18 (4)9 to read as follows: "A Delegate shall be referred to as a honourable Delegate". I am saying this Mr. Chairman. When you look through the Dictionaries, I did not see any significant difference between this word you are calling 'Distinguished' or 'Honourable'. So, to me in order to synchronise the titles of the Distinguished Delegates here, and the Honourable Delegates, I would wish to propose - to make an amendment to say that Members have one title rather than different titles which will be synchronised. That is my amendment which I beg to move. Thank you.

**THE CHAIRMAN:** Is it seconded? It seems to be a very popular subject. I will seek a bit of guidance from the Floor.

**MR. RUZINDANA AUGUSTINE: (Ruhama County):** I am seconding that Motion for a number of reasons. One; in this Assembly we have over 100 N.R.C. Members who are already called Honourables. Now if we are to address them properly in this Assembly, we would be calling them "Distinguished Delegate hon. Agard Didi" Mr. Chairman, I think we should make matters easier for the public, the Press and even Members of

this Assembly to have a title that is already quite well known to everybody. It is very difficult to abbreviate this Distinguished Delegate. Take 'D.D.' for example, I think we are beginning to get abbreviations which are causing problems. I have heard C.G.R called *SIGIRI*. Now, we are going to have many versions of this D.D. and so on, and I would like to request the House that we look at it from another light and revisit this 'Distinguished Delegate' business and call Delegates 'Honourable'. Thank you, Mr. Chairman,

**HON. DELEGATE:** Mr. Chairman, while the word 'Honourable' may sound attractive, I wish to oppose the amendment because we are going to confuse the population. When you go in town, you are referred to as a Delegate and the population will know that you are on an important exercise in the country and I would rather be called a Distinguished Delegate so that the job I am doing here is recognised. But we are now going to face a situation where the Members of the N.R.C. who are not Delegates will also be called honourables and we are also honourables. So, Mr. Chairman, I would urge the Members that this "Distinguished Delegates" will sell us better to the population and definitely the word "Distinguished Delegate" in my view would sell better and if I am allowed, I would rather take "Distinguished Delegate" rather than "Honourable".

**THE CHAIRMAN:** Let us have the Chairman of the Committee give his reason.

**MR KAVUMA:** Thank you Mr. Chairman, and Distinguished Delegates, your Committee gave thorough consideration to all these things. Now there is a danger of misunderstanding from the population of the two different roles of this Assembly and the N.R.C. Mr. Chairman, our people are still, developing their understanding of our politics and at this stage already I have been out in the field where I found that unfortunately, there was also a possibility that some Delegates read a little more in being called 'honourables' in that they go and want to give an impression that now after this election, all matters, even outside the Constitution making, that should be addressed to the ordinary Member of the N.R.C. there, should come here. If we allow this kind of situation to obtain here, the Committee thought it will not be good for the politics of our country and the term "Distinguished Delegate" would be adequate. Secondly, Sir, those Members who are Members of

the N.R.C. I do not think have any objection when they come here to be referred to as "Distinguished Delegates" without including the "Honourable" bit of it. Their title remains in the N.R.C. and when they come here, they come as Distinguished Delegates. On that we would really appeal to the Assembly to accept the recommendation of the Committee.

**THE CHAIRMAN:** Now, I will do one thing. I will allow one speaker for and one against, then I put the question.

**MR. NEKYON:** Mr. Chairman, thank you. I will speak in favour of the use of the word "honourable" in applying to the Delegates to the Constituent Assembly. This is because a Constituent Assembly is a very high organ of State. In fact normally it is above the National Assembly because this Body writes the Constitution which then constitutes the Parliament. You cannot put it below the Parliament which is going to be created by the Constitution created by this House. Now, the word 'Honourable' is usually used by other people not ourselves. When I go to the city, I do not say, I am hon. Nekyon, Sir. It is other people who decide to call me hon. Nekyon. If I am not honourable in my behaviour, they will not even use the word, 'honourable' irrespective of whether I am in N.R.C. or a Delegate. Now, if you say, Distinguished Delegate, any conference here will have a Distinguished Delegate whether they are going to discuss locusts or army worms or guinea worms. So, the difference is going to be in this form. Honourable Member of N.R.C., then Honourable Delegate to the Constituent Assembly. Because I see as we were elected, the reporters said the CADs. But we must add, we could use CA, Delegate to the Constituent Assembly, instead of CAD. So, I support the idea. Let the word 'honourable' be used and let us be honourable in our behaviour.

**BRIG. KYALIGONZA MATAYO:(Buhaguzi County):** Thank you, Mr. Chairman, I am saying 'Delegate' not 'Honourable'. Honourable is in NRC, not in this Delegates' Conference. My reasons why I am saying we should remain 'Distinguished' is that the job that we have been assigned to do is so distinguished that whatever we are doing among the many people in the country, we are distinguished to have done better and very distinguished work. This word 'honourable' Mr. Chairman, has been derailed by a mere fact when reasons were given to the Constitution Commission, why a new body should be elected to discuss and promulgate this Constitution.

It was adequately given that the honourable members of the N.R.C. were found not to be competent enough to do this kind of work and therefore, the work which we are going to do and we people who were identified as competent enough were identified and distinguished among the many; and therefore, we are supposed to be so distinguished for the work we are doing and we are not honourable Distinguished Delegates that even in committees like the District Council, this word has already been smuggled. You find district councillors are also called hon. so and so. So when we are doing an honourable job which is going to protect, guide and steer this country to the peaceful coexistence, we need to distinguish our work and therefore, become Distinguished Delegates. Thank you very much.

**THE CHAIRMAN:** I now put the Question. It is in the terms of the Motion that the word 'Distinguished', be replaced by the word 'Honourable'

*(Question put and consensus not reached)*

**DISTINGUISHED DELEGATE:** Point of Order. Is it really in order for you, Mr. Chairman, to open the Debate after the vote has been taken instead of changing the method of voting?

**THE CHAIRMAN:** The Law under which we are operating says that we should try as far as possible to find the consensus and I was trying to encourage that. You see, the best way to find the consensus is to get people to speak on the subject and may be convince those to cross and then we shall find the consensus easier. Because from the voices a consensus does not emerge. I could have called a division straight away but I thought it might be better that we allow two more speakers - for and against. Now, the first for and followed by against, then for followed by against.

**A DISTINGUISHED DELEGATE:** Mr. Chairman, I was under the the impression that until you pass these Rules, the interim Rules of the NRC do guide the Debate. I would like you to clarify to us whether indeed under those rules, Debate can be further entertained so as to achieve consensus after a vote has been called. Because you must be operating under some rules. Thank you, Mr. Chairman.

**THE CHAIRMAN:** That provision says that the Rules apply with modifications and also it goes on to say that we shall not have our hands tied in developing our work and it is under that arrangement that the Chairman was allowing this unusual step. Because we are now developing our methods of work until we have our Rules.

**MR. BAGEYA GEORGE PATRICK:** Thank you, Mr, Chairman. As you may have noticed most delegates, who have been against members of Parliament other than, hon. Adoko Nekyon - *(interruption)*-

**THE CHAIRMAN:** Can I ask you to withdraw that because hon. Nekyon is also a Member of the House. You should not impute improper motives,

**MR. BAGEYA:** Some people would like to hide behind the reality but even when you go around these tables

**DISTINGUISHED DELEGATE:** Point of Order. Is the hon. Member in order to continue speaking when the Chairman has already ruled that he should withdraw his statement'?

**THE CHAIRMAN:** I am giving a Member the chance to withdraw part of his statement then proceed to make a substantive contribution.

**MR. BAGEYA:** With such grace, Mr. Chairman, I beg to withdraw. I have conveniently noticed that there is a division here in addressing Members of this august House and I think that is what is creating a division. Even naming, you will find that there are names here, and the word 'honourable' is included. If we agree that we all are to be addressed accordingly, then I do not see any hitch in Members here to be called honourable, What we are trying to avoid is the titles like that of cars which are being used by the Press and public and besides there is nothing wrong. I do not see why other people would fear that the Members of this House should be addressed as honourables. I have picked it up and that is why I had made my first statement that the word 'honourable' was only a preserve of the Members of Parliament. Mr. Chairman, I would like to find out whether this is true. If it is not true, then I do not see any reason why the Members of this House cannot be addressed as honourables; both here and to the public.

**THE CHAIRMAN:** Thank you. I know that the Judges in some countries are called honourables.

**MR. AMANYA MUSHEGA (Igara County East):** Thank you, Mr. Chairman I agree with hon. Nekyon, the Distinguished Delegate, that the C.A in terms of status and assignment, is above the NRC, and the word 'Distinguished' in common usage is superior to honourable and that it why it is not commonly used. We should abandon the emotion and go to reality. We have a distinguished job to do, not an honourable job to do; and we should be called Distinguished, and therefore, instead of calling us CAD we should be called D.D - Distinguished Delegates to this council. That is why it is not commonly used. Even in common usage where a Delegate means you have a special assignment to accomplish. You accomplish and you have a report to make. In Parliament you may be there and accomplish nothing and you will still be called honourable. You can sit in the NRC for the last five years, you accomplish nothing, you are still there.

**A DISTINGUISHED DELEGATE:** Point of Order. Mr Chairman, is the Distinguished Delegate in order to misguide deliberately this House that you cannot be in Parliament and do a distinguished job of legislation.

**THE CHAIRMAN:** He was only expressing his opinion. I think you better continue.

**MR A MUSHEGA:** Thank you, Mr. Chairman. As an individual in Parliament, you may do a distinguished job. But as a collective responsibility - here, we are all assigned as a compulsory assignment to do a distinguished job for the future of this country; and even in many other delegations - even when you go as a Minister, you are referred to as a Distinguished Delegate who has come to accomplish the particular assignment.

Secondly, Mr. Chairman, we have a destination. But mixing up our job with that of the NRC would be most unfortunate. It would and that is even mixing our titles because that is why the population when the Odoki Commission went around specifically asked that a special team be given this special assignment to discuss and promulgate this Constitution. That is the job we are supposed to do and if some people are carrying the two or three titles, that is not our problem. There are people here who are army commanders, there are those who are doctors; there

are those who are engineers; there are those who are reverends, those are the extra titles they have acquired elsewhere and if we are beginning to acquire titles here, we should really take it very seriously and acquire our first title and take it with the duty it deserves. Therefore, Mr. Chairman, I not would like to mix my role as a legislator with the distinguished role as a constitution-maker. And if I was to be asked to choose which of the two is to be distinguished, I would take that one of making the Constitution as distinguished and that one of making the legislation as honourable and I would really urge the Distinguished Delegates to take our assignment with humility and dignity and avoid mixing up our roles with those of NRC simply because those are referred to with a sub-title 'honourable'. Thank you very much.

**MR KARUHANGA:** Point of Information. Mr Chairman, actually I thought that I should inform the hon. Distinguished Delegate that our Committee had a very long, as the Chairman said, Debate on this. But what convinced us to separate the two was to also separate clearly the Members of Parliament and the C.A Delegates. Because in the Statute, the Member of Parliament is referred to as a representative. The Member of C.A is referred to as a Delegate. It is a specific, purposeful identification. Now, if we have the same label in society, when you arrive as a Distinguished Delegate, I do not think it will be easy for everybody to know that there is nobody else called that except the Member of the C.A. While when you say you are a hon. Member, Members immediately know that you are a Member of Parliament. Now it is important that Members decide whether they would like to be mixed up with others so that the identification and separation becomes difficult. But our Committee felt that we had to look for a honourable title - a distinguished title - an important title that will be kept uniquely by the Members of this Assembly. It is not likely that any other group will use it in future. In any case we thought that the Members here are founding fathers and mothers of our country; and therefore, had to be found a title that would be kept by them only.

**MR. AMANYA MUSHEGA:** Mr. Chairman. I thank the information from the Distinguished Delegate from Nyabushozi, only to emphasize what we were making that in common usage, hon. is normally reserved for Members of Parliament; and when somebody has done a distinguished job, even in Parliament, he is distinguished beyond being

honourable and I do not know why we would like to take a lower level when there is this higher level at which to begin. Thank you.

**MAJ. TINYEFUZA DAVID:** Point of Clarification. I would like to clarify, Mr. Chairman, that I think it is rather pretentious to think that there will be a mix up if these Distinguished Delegates of this Assembly are referred to as honourables (*Applause*). It is a misrepresentation and it does not happen in practice. Ministers are called 'hon. Ministers' but they are not mistaken to be Judges. There are hon. C.A Delegates who shall not be mistaken to be hon. Resistance Councillors. Therefore Mr. Chairman, I think that it is very clear that first of all the directorate knows who is who, and therefore even if it is not carried, Mr Chairman, I want to clarify that there is no confusion what-so-ever in mistaking the roles of these people. Thank you.

**PROF NSIBAMBI:** Thank you, Mr. Chairman. I feel that I have to stand up so that I may make a clarification. The feeling is that we are giving wrong signals to the people. Today we appeared in the papers apparently accused of wanting cars. We are now gropping for titles. So, we are giving the impression that we came here to grab but not to serve (*Applause*). Our role here is to serve this country and then we shall be honoured by posterity. So my feeling is that in fact we shall be honoured when we do a good job. But we shall not be honoured by simply giving titles to ourselves. So I would like to appeal to my fellow Delegates to disabuse yourself of this quest for titles. They are meaningless. At the end of the day you are judged by what you can give. Even some people who are called professors; who have produced nothing they are highly despised. What should matter is what you contribute but you should not go for titles. I am totally opposed to making this confusion. We have a different role and let us be given a different role. We should not be called honourables.

**THE CHAIRMAN:** Through a rather confusing intervention, I have achieved what I intended to. I had two speakers for and against. Major Gen. came on a point of clarification and spoke for, and when I was looking for someone against, Prof. stood up and spoke against. In the process I have received the numbers. I think we have thought about it and now we proceed to vote. Now if we were in Parliament, we would move into the lobbies. But we are not in

Parliament. What we have done is that the Chairman has reserved areas. That area on the Chairman's right is the lobby for those voting for; and that area is the lobby for those voting against. I will ask the Clerk to have the lists of names of Members and I ask those Delegates in favour of the Motion that we insert the word 'honourable' in place of 'distinguished' to move to the right into those lobbies and those against to move to the left. They will take a tally - those who abstain remain in their seats and their name will also be ticked against then we shall declare the results when the tallying comes back. So. I proceed to call upon you to move as I have just stated.

*(The Assembly went into Division)*

#### DELEGATES IN FAVOUR OF THE MOTION

1. Adio Winfred
2. Adoko Nekyon (Hon)
3. Ajiga Abdul
4. Akech Okullu Betty (Mrs)
5. Akello Grace (Mrs)
6. Amandrua Paul
7. Aniku Jacob R.F. (Dr)
8. Atamvaku Zubairi Nasseem
9. Atare Ajai James
10. Atwoki Ambrose
11. Awori Aggrey Siryori
12. Bagarukayo Maisotigalya Janet (Mrs)
13. Bagen Anthony M.S.
14. Bageya George Patrick
15. Bamwenda Toterebuka Boniface
16. Bantariza Francis
17. Basalize Henry Araali
18. Batanyenda Gaitano (Rev Father)

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|------------------------------------|-------------------------------------|
| 19. Byakika Kasajja Geresom Samson | 45. Kimera Vincent                  |
| 20. Byanyima Winnie Karagwa (Eng.) | 46. Kinyata George Stanley (Dr)     |
| 21. Byaruhanga Bakunda Alex        | 47. Kiraahwa Monica                 |
| 22. Chebet Maikut                  | 48. Kitaka Gawera Elijah John       |
| 23. Wagira Moses P.                | 49. Kiwanuka Sam                    |
| 24. Chepsikor Muhammad             | 50. Kiwanuka-Musisi G.              |
| 25. Eresu Elyanu John              | 51. Kiyonga - Franci- Adamson       |
| 26. Eswau Charles                  | 52. Kizito John Ssebaana (Hon)      |
| 27. Etonu Benedict                 | 53. Komakec Leander                 |
| 28. Etuku-Onyok David              | 54. Kulany Gertrude (Hon)           |
| 29. Gumisiriza Guma David (Lt.)    | 55. Kule Muranga Kighoma Joseph     |
| 30. Hashaka Jackson                | 56. Kuteesa Sam K.                  |
| 31. Jurua Alex                     | 57. Kweronda Ruhemba                |
| 32. Kabayo John Patrick            | 58. Langoya Timony                  |
| 33. Kaberuka William               | 59. Liiga Aloysius C.M.             |
| 34. Kabirisi Luberenga Hope        | 60. Lokeris Samson                  |
| 35. Kaheebwa Fox Johnson           | 61. Lubulwa Migadde Umar            |
| 36. Kajara Aston Peterson          | 62. Malings Lo Ojulla Ignatius      |
| 37. Kakungulu Shannon (Dr).        | 63. Maliro Gaston John R.           |
| 38. Kamanda Bataringaya Cos (Dr)   | 64. Masalu Musene Wilson            |
| 39. Kanyike Anthony William Henry  | 65. Mazima Eliphaz                  |
| 40. Kasole Bwerere Lwanga Edward   | 66. Muyingo Kezimbira Lawrence (Dr) |
| 41. Katumba Robinson Mathew        | 67. Mugisha Muntu (Hon)             |
| 42. Kawooya Anifa                  | 68. Mugyenyi Posiano R. (Dr)        |
| 43. Kayizzi Asanasio               | 69. Mulassanyi David John           |
| 44. Kigaye-Billyawo Eriya Paul     | 70. Mulindwa Birimumaaso            |
|                                    | 71. Mulongo simon                   |

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|--|---------------------------------------|
| 72. Musaana Sophy (Dr)                   | 99. Ruzindana Augustine               |
| 73. Museruka Ndaruhutse B. Thaddeus (Dr) | 100. Rwomushana Charles               |
| 74. Mushereza Elijah Dickens             | 101. Sabiiti Jack                     |
| 75. Musobya Lubega Godfrey               | 102. Sakwa Darlington Nanywaka        |
| 76. Musumba Isaac Isanga                 | 103. Sebalu Kennedy Mike              |
| 77. Muiyisa John Chrizestom              | 104. Sebi Data Haroun                 |
| 78. Mwaka David                          | 105. Semajege Higirow (Hon)           |
| 79. Mwebesa Francis (Mr)                 | 106. Sempa Victoria Esther (Mrs)      |
| 80. Mwesigwa Rukutana Mugasha            | 107. Seruwu-Bakojja Beatrice          |
| 81. Nankabirwa Sentamu Ruth (Miss)       | 108. Ssekandi Edward                  |
| 82. Ngobi Mathias (Mr)                   | 109. Ssekweyama Wagaba Anthony        |
| 83. Nsangi Kakembo                       | 110. Ssemaala Kirundu Kiwanuka Kimize |
| 84. Odoy-Asoka Alfred                    | 111. Ssemakula Nakabugo Kiggundu Hawa |
| 85. Odur Dick                            | 112. Ssentongo Theopista              |
| 86. Ogola Akisoferi Michael              | 113. Tibamanya Urban K.               |
| 87. Ogwel Loote Sammy                    | 114. Tigwesire John Kasajja           |
| 88. Ojok B'Leo                           | 115. Tinyefuza David (Hon)            |
| 89. Okanya James                         | 116. Tirusasira Katongole Difasi      |
| 90. Okwonga-Latigo Onesimo               | 117. Tumwine Polly Katahwa            |
| 91. Olega Ashraf                         | 118. Wacha Ben                        |
| 92. Omeda Hebron O'Max                   | 119. Wagidoso Madibo Charles          |
| 93. Omolo Peter                          | 120. Wambede Seth Massa               |
| 94. Ondoga Amaza (Maj)                   | 121. Wamulongo Wahibi Alupakusadi     |
| 95. Oneti-Batia Samuel A.B.              | 122. Wandera Ogalo Dan                |
| 96. Owor William Charles                 | 123. Wanjuzi Wasieba Sylvester        |
| 97. O'let Charles Christopher            | 124. Zziwa George                     |
| 98. Pulkol David Bwangamoe (Hon)         | 125. Kimera Ndikabona                 |
|  | 126. Rainer Kafire                    |

## DELEGATES AGAINST THE MOTION

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|------------------------------------|---|
|                                    | 27. Kaija John Wycliffe (Hon)           |
| 1. Abaliwano Albert Brewer         | 28. Kajubi Senteza William              |
| 2. Adiima Betty (Hon)              | 29. Kalema Rhoda Nsibirwa (Hon)         |
| 3. Adimola Andrew Benedicto        | 30. Kalikwani Irene (Miss)              |
| 4. Akure H. Peter                  | 31. Kamuron peter (Hon)                 |
| 5. Ali Moses (Brig. Hon.)          | 32. Kandole Clement (Hon)               |
| 6. Amana-Mushega Nuwe (Hon)        | 33. Kanyeihamba George (Hon)            |
| 7. Apuun Longoli Patrick           | 34. Karuhanga Elly W. (Hon)             |
| 8. Aronda Nyakairima (Maj)         | 35. Karusoke Constantine (Hon)          |
| 9. Babu Edward Francis (Hon)       | 37. Kasaija George patrick (Hon)        |
| 10. Bageine Bajura Shem (Hon)      | 38. Kasangaki Pantaleo Kaahwa           |
| 11. Baguma Isoke Matia (Hon)       | 39. Kasujja Aziz (Mr)                   |
| 12. Basoga nsaju (Hon)             | 40. Kateregga Livingstone (Hon)         |
| 13. Bikorwenda Ida Rubale (Hon)    | 41. Katureebe Bart Magunda (Hon)        |
| 14. Bwambale-Biira Loice (Hon)     | 42. Kavuma Stephen B.K. (Hon)           |
| 15. Bwanika Bbale Absolom (Hon)    | 43. Kawanga John Baptist (Hon)          |
| 16. Byaruhanga M. Fabius (Hon)     | 44. Kawere Sempa Pius                   |
| 17. Byenkya Beatrice (Mrs)         | 45. Kayonde Israel (Hon)                |
| 18. Chango Machyo                  | 46. Kisenbo Muleju George milliam (Hon) |
| 19. Chebrot S. Chemiko Hon.Dr)     | 47. Kiwagama william Wilberforce (Hon)  |
| 20. Dhugira Esther Opoti (Hon)     | 48. Kiyonga Chrispus Walter C. B. (Hon) |
| 21. Ejoku Samuel                   | 49. Kyaligonza Matayo (Hon)             |
| 22. Eguny Asemo Fiona Lucy (Mrs)   | 50. Kyemba Henry Kisaja Magumba (Hon)   |
| 23. Elyau Mike Juventine (Hon)     | 51. Lagada Amongi Beatrice (Mrs)        |
| 24. Etyang Orono Paul (Hon)        | 52. Lorot John (Hon)                    |
| 25. Kabugo Mesusera (Hon)          | 53. Lubega-Wagwa Swayibu (Hon)          |
| 26. Kabwegyere Tarsis Bazana (Hon) | 54. Lubowa Moses Paul (Hon)             |

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|-------------------------------------|---------------------------------------|
| 55. Lukumu Fred (Hon)               | 82. Okalebo Hensley Ephrahim          |
| 56. Lule Waswa                      | 83. Okeny Tiberio Atwoma              |
| 57. Lutalo Kamyia Jamil             | 84. Okorimoe Janet (Mrs)              |
| 58. Masika George Wilson            | 85. Okula O. Charles                  |
| 59. Masiko Winfred                  | 86. Okullo-Epak Yefusa (Dr)           |
| 60. Mateke Philemon (Hon)           | 87. Okwakol Nathan                    |
| 61. Matovu Byatike David (Hon)      | 88. Omara Atubo Daniel (Hon)          |
| 62. Mavenjina Akumu Catherine (Mrs) | 89. Omute Julius (Hon)                |
| 63. Mbura-Muhindo Jerome (Hon)      | 90. Ongaria Steven (Hon)              |
| 64. Mukasa Muruli Wilson (Hon)      | 91. Otafiire Kahida (Hon)             |
| 65. Mukiibi Benigna (Hon)           | 92. Rwabita Deo K. (Hon)              |
| 66. Mukwaya Abbey Hafez (Hon)       | 93. Rwabyomere Joan N.k. (Hon)        |
| 67. Mukwaya Balunzi Janat (Mrs)     | 94. Sebageureka-Kakoko Victoria (Hon) |
| 68. Mutagamba Lubega Mary (Hon)     | 95. Sekitoleko Sali Sebastiane (Hon)  |
| 69. Mwondha Faith (Mrs)             | 96. Ssendaula Gerald (Hon)            |
| 70. Nabudere Dani Wadada (Prof)     | 97. Serwanga-Lwanga (Hon)             |
| 71. Nabumali Lorika William (Hon)   | 98. Tumukunde Henry                   |
| 72. Nacha Lorika Rose (Hon)         | 99. Wanendeya William Giboni (Hon)    |
| 73. Nakyanzi Maria Veronica (Dr)    | 100. Zziwa Nantongo Margaret (Mrs)    |
| 74. Nasasira John Mwoono (Hon)      |                                       |
| 75. Nsibambi Apollo (Prof)          | ABSTENTIONS                           |
| 76. Nsubuga Nsambu Yusuf            | 1. Bateganya Mukuve Dick              |
| 76. Ntabgoba Jeninah (Hon)          | 2. Bidandi Ssali Jaber (Hon)          |
| 77. Nyai Dick                       | 3. Bwambale Walemba Ivan              |
| 78. Obel Onegi                      | 4. Kibirango Gyagenda (Maj)           |
| 79. Obonyo Jabwor Clement Henry     | 5. Kisamba-Mugerwa Wilberforce (Hon)  |
| 80. Obua Otoa James Nagai           | 6. Mwondha Patrick John               |
| 81. Odong J.J. (Hon)                | 7. Obiga Kania Mario                  |

**THE CHAIRMAN:** Delegates, I have received the results of the division and we were divided over the question whether the delegates should be referred to as 'Distinguished' or 'Honourable'. The Motion was that the word 'Distinguished, should be replaced with the word 'Honourable' so that we have Clause 18 (4) reading '*A Delegate shall be referred to as a hon. Delegate.*' We were divided for and against and also abstentions. We had seven (7) abstentions. Those against the Motion were 100 and those voting for the Motion were 126. *(Applause)* The Motion, therefore is carried and the word 'Distinguished' appearing in Rule 18 (4) is replaced by the word 'Honourable'. *(Applause)* Now, I put the Question on Rule (18)

*Rule agreed to.*

Rule 19 - Contents of Speeches.

**MR. KAVUMA:** Mr. Chairman, in Rule 19(2), the second last word on the first line of that subrule which is 'and' should be deleted and replaced by the word 'or'. This is a typing error. So, it should read '*It is out of order to use offensive or insulting language in the Assembly*' That is the typing error I wanted to have corrected Sir.

**THE CHAIRMAN:** That is a correction. We go to the next Rule.

*Rule 19 agreed to.*

*Rule 20 agreed to.*

*Rule 21 agreed to.*

*Rule 22 agreed to.*

*Rule 23 agreed to.*

Rule 24 - behaviour of Delegates.

**A HON. DELEGATE:** Mr. Chairman, subject to the explanation that may be offered by the Chairman of the Committee, could I propose that under (f) we use the word 'applause' which will be understood to include clapping rather than just clapping. Because there are some people who would prefer to say 'hear! hear!' or something to that effect without necessarily clapping, whereas this one is only restrictive to hands as an expression of approval or disapproval. So, I am proposing that in 24 (f), we use the word of 'applause' or 'applauding' as appropriate - it being a word to include clapping. Thank you.

**THE CHAIRMAN:** Do you mean to extend it to

include 'ululations' in case some Members want to?

**HON. DELEGATE:** I did not have that in mind but I just thought that some people would rather use their voices and if ululation becomes necessary, it being African traditionally, I have no objection to that.

**THE CHAIRMAN:** Is that seconded?

*(Question put and negatived)*

**THE CHAIRMAN:** I have not yet put that one yet. *(Interruption)* To which rule?

**HON. DELEGATE:** 24 (A)

**THE CHAIRMAN:** Now, really I do not think we should waste much time on these rules. Some of these are really straight forward. Let us put the question on 24 as it is. I have read through this also and I see really there is not much -

**HON. DELEGATE:** Mr. Chairman, 24 (A). I moved the Motion that we should delete the word 'manner' so that instead we insert the word 'attire' - so that it reads that *All Delegates shall dress in a dignified attire.* The word 'attire' is more professional and more dignified.

**THE CHAIRMAN:** But you cannot speak on a Motion which has been rejected. No person has seconded it. I put the question.

*Rule 24, agreed to.*

Rule 25 - Rules of order,

**MR. WANENDEYA:** Thank you Mr. Chairman. Mr. Chairman, I know that in the Bible, the wise men came from the East and that is why you are Chairman of this Assembly. *(Laughter)*- Mr. Chairman, I would like to say that after (25) sub-section I - after your ruling and somebody in case he has been aggrieved, I would like to propose the following Amendment after the word 'appeal'. *Any Delegate aggrieved of the decisions of the Chairman, shall appeal to the Rules and Order Committee.* The reason why I say this is not to make it as if it was dictatorship; in case someone is aggrieved he knows that he will go to some place if that could assist. Thank you Mr. Chairman.

**THE CHAIRMAN:** Could you rephrase your Amendment and indicate specifically.

**MR. WANENDEYA:** After the word 'to appeal - full stop - any Delegate aggrieved of the decision of the Chairman shall appeal to the Rules and Order Committee. I beg to move Mr. Chairman.

**THE CHAIRMAN:** Is that seconded?

**HON. DELEGATES:** No.

**HON. DELEGATE:** Mr. Chairman, I take that all references to Chairman of Committees will be subsequently amended to say Chairperson. Is it not so?

**THE CHAIRMAN:** I am glad that you have pointed out that.

Following the Amendment we carried this morning, the Rules will be redrafted

to comply so that there are consequential Amendments which do not require us to amend each of them.

*Rule 25 agreed to.*

*Rule 26 agreed to.*

Rule 27 - Decisions on provisions of the Draft Constitution where consensus is not clear.

**A HON. DELEGATE:** Thank you, Mr. Chairman. I have a problem rather like the one Prof. Kanyeihamba had - where the hands of the C.A may be tied by the parent statute. If you look at Rule (27)d, e, and f, you will find the last words used there 'delegates voting'. I have had the occasion to ask the drafting department or the Technical Committee to say that this means those delegates who are present and voting. Now, the problem that could arise out of this provision is linked with Rule (9) - Establishing Quorum. The Quorum of this Assembly is supposed to be half which could be around 142. Now, if we have Delegates voting meaning those who are present at the time of voting, you could have business conducted by the Assembly by 142 people because that is the requirement of the quorum. If you would take a decision on a fairly contentious matter, then you end up with the voting delegates being 142 and you could require two thirds. It would then mean that 94 people could pass a serious provision of this Constitution.

A worst scenario is, of course, if 42 out of the 142 abstain and 100 voted, then only 66 could pass a serious provision. Unfortunately, Section (17)3 (f) of the Statute, also also uses the same language of Delegates voting. So, it maybe impossible for us here to delete the word 'voting' because it is already used in the Parent Act. I would have personally preferred that the word voting should be deleted and you would get two thirds of the delegates which I hope and I think was the intention of the Legislature.

The Legislature would not have wanted a contentious provision to be passed by two thirds of 142. I thought the intention was that it should be passed by two thirds of all delegates but if the interpretation attached by me and also by the drafting people here is correct, it would appear then that 100 or 66 people could be here and would pass a controversial provision. So, my intervention Mr. Chairman, is that we add this to the list of those which you would wish to take back to NRC and if found correct then it should be amended. Thank you Mr. Chairman.

**THE CHAIRMAN:** Thank you. That is an observation and a proposition. I would rather we vote. This is more or less tied up with the Statute. There is not much we can do about it. So, I want to proceed by putting the question on Rule 27.

**A HON. DELEGATE:** I seek guidance from the Chairman of the ad-hoc committee on the Rules of Procedure. I see that in 27 (3) c, it is clearly understood if the matter is contentious, (*Interruption*) I see that it is clear if the matter is contentious and it needs to take us to a National referendum. I only seek guidance to be educated if the matter is of regional nature. The Constituent Assembly Act is quiet about this and these rules procedure seem to be quiet about it - maybe it has missed my eyes, it may be somewhere else. Can I be guided?

**MR. KAVUMA:** Mr. Chairman, I beg your indulgence. Could the Delegate restate the clarification he is seeking.

**HON. DELEGATE:** What I am saying is - if the matter is contentious, the procedure in 27 (3) is very clear how it is voted and how it comes to take us to a national referendum. I imagine the case which may be of a regional nature. It is not mentioned at all. How would we determine if the issue is just of a regional nature and does not need a national referendum.

**MR. KAVUMA:** Thank you Mr. Chairman. The Committee considered this position and it also read very closely the provisions in the Statute. It also benefited from the presence of members on the Committee who are also Members of the NRC and it realised that Parliament in its wisdom had provided in the Statute the provisions pertaining to this question and it did not want to depart from the provisions of the Constituent Assembly Statute and it resolved to leave the position as it is reflected in the rules, Sir. This is on a matter of a local nature.

**MR. WANENDEYA:** Thank you Mr. Chairman. I would like 27 (1) sub-section(b)- that is supported by 50 people, to be changed Mr. Chairman to 30 people. Mr. Chairman, while still holding the Floor, I would like 27 Sub-section 3 to seek the Committee's indulgence. Mr. Chairman, I feel that *(Interruption)*

**THE CHAIRMAN:** No, let us be clear first. You want to make an Amendment to 27 *(Interruption)*

**MR. WANENDEYA:** I (b) Mr. Chairman. Let us dispose off that one first.

**THE CHAIRMAN:** Let us dispose of with that one first. Now, you are saying that there should be in there inserted 30 instead of 50. I put the question - if it has been Seconded I will put it.

**HON. DELEGATES:** Seconded.

**THE CHAIRMAN:** It is in 17 (3) of the Statute. So, we cannot proceed with it. I was going to put the question on 27.

**MR. WANENDEYA:** Mr. Chairman, I would like the Committee to consider the fact that we would be having a Business Committee. Mr. Chairman, I would like this Business Committee with the indulgence of some members to go through the Draft Constitution and get matters which they think are contentious and put it to us so that we can vote on those matters as possibly being contentious, discuss those matters towards the end of the Draft. Mr. Chairman, if there are contentious issues all the way, my fear is that some people may want to stage a walk-out which may not be good for the Constitution which we are trying to make. I therefore, would like the committee to look into this and possibly inform us at a later stage and this is in connection with 27 (3) C.

**THE CHAIRMAN:** I do not think the Member is suggesting an Amendment. He is only suggesting that when the Business Committee takes on its job,

it should look at this as well. That is how I understand it.

**MR. ETUKU-ONYOK:** Now, after perusing through these two Draft Proposals, I have noticed that Rule 29 which is in the Draft Proposals *(Interruption)*

**THE CHAIRMAN:** But you are anticipating our work, we have not yet come there.

**MR. ETUKU-ONYOK:** No, I am reflecting to rule 27 (3) C: when you go to the first Draft Proposal which was given to us, you will notice that Rule (29) is completely omitted - which talks about report of contentious matters to the Minister. What is reflected in 3 (c) will only handle of the Statute 18 (1) and (2). I am referring this to matters which are in Section 18 (5). *For the avoidance of doubt, It is hereby declared that no national referendum may be held on any contentious matter which is of a local character to a particular region, district or but the matter shall be settled through negotiational consultation between the concerned region, district or community and the government.*

Mr. Chairman, when you go through this presentation, we do not have the provision of how to determine which issue is of a national nature or character or how to determine which one is of a local character as far as 3 (c) is concerned. I seek some clarification from the Chairman.

**THE CHAIRMAN:** I thought the Chairman of the Committee did explain this. Maybe he should repeat it for the benefit of the Member then we go on quickly.

**MR. KAVUMA:** Thank you Mr. Chairman. I did explain that the Committee had thorough discussions over this subject - the question of a Contentious matter of a local nature. It also studied the Statute. It also benefited from submissions from people who participated in the debate of the Constituent Assembly Statute Amendment and it noted that the NRC in its wisdom adopted the procedure and method laid down in the Provisions of the Amendment Statute and we saw no cause of departing from that; so we adopted the same attitude and the provision as it appears in 3 (c) was decided upon to be recommended as the provision to be considered by the Assembly.

*Rule 27, agreed to.*

*Rule 28, agreed to.*

*Rule 29, agreed to.*

*Rule 30, agreed to.*

Rule 31 - Procedure in Committees generally.

**A HON. DELEGATE:** Mr. Chairman, I refer to paragraph or subrule (8).

**THE CHAIRMAN:** I think it is better if we went down until we reached that one.

**HON. DELEGATE:** Mr. Chairman, I beg to move that we amend that part by changing the word 'to' coming after 'commence' into 'its' and then 'sit' into 'sitting' so that it may read as follows: 'Every Committee shall commence its sitting as soon as possible after it is established' and so on and so forth; instead of saying every committee shall commence to sit. I beg to move.

**THE CHAIRMAN:** I think that is an acceptable proposition from our experienced Delegate. It is just by consensus. That is actually some correction of sorts.

**MR. NEKYON:** Mr. Chairman, I would like to move an Amendment to this Section by adding at the end immediately after the word 'Committee', 'provided that the minority is of the right to present a minority report to the Assembly'. The purpose here is that a Committee is going to be constituted *(Interruption)*

**THE CHAIRMAN:** Is it seconded before you speak?

**A HON. DELEGATE:** Seconded.

**MR. NEKYON:** The purpose here is that I do not want a majority to press the minority in the Committee and matters end there. The way we are going to constitute the committees will be such that we will not have really a representative body as such. Certain areas may not have equal representation in the Committee. So, if a matter develops in such a way that a minority feels strongly that their views should be carried and they lose in the voting, I would want to give them the right to write a minority report which will be tabled simultaneously with the main report so that the Assembly may take a decision on such a matter. I think this is a fair way of judging on these issues. I beg to move.

**THE CHAIRMAN:** The question is that subrule (6) be amended by inserting at the end thereof the words that *provided the minority shall be entitled or may be entitled to submit the minority report.*

*(Question put and agreed to)*

**PROF. NABUDERE:** Mr. Chairman, what I had intended to propose in subrule 8 has already been taken up by hon. Delegate Nekyon.

*Rule 31, as amended agreed to.*

**MR. WANENDEYA:** Is it order Mr. Chairman, for us to continue when the Law of diminishing returns has started taking its toll and could we therefore, stop here and come tomorrow full of vigour Mr. Chairman? We could start possibly about 9.00 a.m. *(Applause)*

**THE CHAIRMAN:** Is that a vote of no confidence in the Chairman?

**MR. WANENDEYA:** No, Mr. Chairman, no.

**THE CHAIRMAN:** The Chairman proposes that we adjourn at 7.00; so, let us do more.

**MR. WANENDEYA:** Mr. Chairman, if my Motion has been seconded which *(Interruption)*

**THE CHAIRMAN:** Let us go on up to 7.00 then we adjourn.

Rule 32 - Business Committee.

**THE CHAIRMAN:** On which one do you want to speak so that in case you are speaking on a *(Interruption)*

**MR. KAWANGA:** I am speaking on 32 (1). I am proposing that the membership of this Business Committee should include at least a Member from every district. It is going to be doing a very important job; and as I have said earlier, I feel it will be necessary for every district to feel represented on this very important body. So, I was proposing that the membership be amended to 39 delegates, one from each district and that they themselves, can choose a chairman and deputy chairman from among themselves. I was proposing that if this is to be the case, then each district would be required to elect its own delegate to this committee and if that is done, then consequentially, the subsequent rule 33 will not

be required which goes into a very cumbersome election procedure for the membership of this committee. I gave the reasons earlier - I hope the Delegates still remember the reasons I gave.

**A HON. DELEGATE:** Seconded.

**MR. KAVUMA:** Mr. Chairman, I am uncomfortable with the proposal because first of all I think this committee will now become too big. It will have over 40 or close to 60 members and I believe that would be too large a committee for the purpose we want this Business Committee for. Secondly, Sir, when Delegates were elected, we really were elected on a personal presentation of ourselves to the voters. It was not so much of a matter of a district apart from the district women. I can see going by way of a district, robbing this committee of some resourceful persons who may not find their way because they have already had a member of the district coming to this committee who should otherwise be very useful to that committee.

Thirdly, Sir, we may also run into problems of our gender sensitivity. It may prove more difficult to get gender balancing in these elections through the district Delegates. Having said that Sir, the proposals we have made regarding elections which allow due consultation, nomination - I am sure this is enough avenue which can be utilised by people who want to consult to make sure that whatever interests we may have are properly represented on this Business Committee. On that ground, Sir, I would urge the Members to go along with the recommendation of their own committee on this matter which they reached after considering exhaustively all these questions and other competing interests we may have in the Constituent Assembly.

**MR HASHAKA JACKSON:** Thank you very much Mr. Chairman. I would like to add on sentiments raised by the chairman of the ad-hoc committee that we may have a swelling committee of the business and eventually come out without many useful discussion done. On top of that, if we insist on having district representations, there is already one Distinguished Delegate who gave in his fear of saying every representation here - presidential elections, army, disabled, that would also wish to say that they come on this committee and as you see we may have even more than 50 people; which I think the size of the committee may not be very useful as the fears raised by the chairman of the ad-hoc Committee. Thank you.

**A HON. DELEGATE:** Thank you Mr. Chairman. I, too, want to agree with the Chairman of the Committee. I feel the work of the Business Committee is a lot and they probably are people who are going to meet nearly on a daily basis. A group of 39 people really cannot achieve something so far as a group of 20 people. Secondly, I feel that we need to look beyond the districts. We need to look at political shades for example; we need to look at the gender balance as well, we need to look at age - people who represent youth, as well as the old and all these factors which cannot come through if we just choose from the districts. So, I strongly support the fact that we choose these 20 people - even look at their C.Vs if we must and then choose those we think are best able to guide us through this task. Thank you.

**MR. ELYAU:** Thank you Mr. Chairman. I rise to support the Amendment by hon. Kawanga for the reason that these districts which we are trying to talk about have a voice in this House and this business which is going to be done, is done for the people. There is no cleverer person than the other. We are utilising this area so that every corner of Uganda is heard so that eventually we do not have to complain that so and so was missing. I do not want people ganging in groups to bring chaos later on. Let us allow this 39 - that one according to me is a very small group. It can do a good job. So, I think Members should know that every inch of Uganda needs to be known what their interests are about this Constitution. So, I say I support him.

**THE CHAIRMAN:** I put the question.

*(Question put and negatived)*

**THE CHAIRMAN:** I have made my ruling and if there are 50 Members then we go to a division.  
*(Interjections)*

*(Counting of standing Delegates carried out)*

**THE CHAIRMAN:** Delegates, we have 86; now the question arises whether the 86 were for the Motion or they are just standing to protest the ruling of the chair; because I could simplify matters  
*(Interruption)*

**MR. KOMAKECH:** Thank you Mr. Chairman. When we stood up, we were merely challenging the ruling. We were not voting. We were saying we thought that you did not hear very well. So, that was

the point ; we were not voting.

**THE CHAIRMAN:** You did not hear well or I did not hear well. I had said that if we have more than 50 because do not forget we have not yet got the rules in place yet. I had said if we are more than 50 protesting the Chairman's ruling, we can go to the vote. Now, instead of going through the process of walking across the Floor, I will take the following procedure. The Motion is that Rule 32 (1) be amended so that instead of 20 Delegates, we have a Delegate from each district elected by the Members from that District. Is that a correct understanding? Now, I will propose the voting this way. Those in favour of the Motion, will stand in their places and be counted and then they will sit and those against will also stand to be counted. So, those in favour of the Motion, you stand in your places and the Clerks will count and then we shall do the other one.

Now, Delegates, do not forget we must have the record of those who voted for and against. So, we cannot only take the numbers of those who voted for.

*(Counting of Delegates carried out)*

**THE CHAIRMAN:** Abstentions, in view of the dispute on the question of abstentions can I ask them to stand again please.

*(The Abstaining Delegates stood up)*

**MR CHAIRMAN:** We have six (6) abstentions, 31 against the Motion, 123 for the Motion. *(Applause)* In future they should shout loud enough-*(Laughter)*- so that the Chairman can get the correct sound in his ears. Now, (b) is amended. Now, the question arises. *(Interruption)*

**AHON. DELEGATE:** Thank you Mr. Chairman. Now, that we have carried the Motion forward. May I know how we are going to treat the special groups because they are the minority. *(Interjection)* Yes, though it is on district level but I think the minorities should also be considered. So, in view of this, may I move that at least one person from the special groups should be represented on the Committee as well to carry-*(Interjections)*- may I suggest Mr. Chairman, in view of that at least one person from the special groups be nominated by the special groups to join the group for that matter

**HON. DELEGATES:** Seconded.

**HON. DELEGATE:** Thank you very much Mr. Chairman. I would like to second that Motion and go further ahead and clarify that the Assembly is already bound by Rule 30, subsection Which we have passed here on gender sensitivity and it follows therefore, that there should be a gender balance in this Business Committee - likewise, the interests groups should be represented in the Business Committee. Thank you very much.

**AHON. DELEGATE:** Thank you Mr. Chairman. Although we may be only about 50 women or less in this House, we were not elected here to garnish the House, we want to participate and I am proposing Mr. Chairman that on this Committee - that there is a representation of 30 per cent women. Thank you.

**THE CHAIRMAN:** That is a contribution.

**MRS. KABIRISI LUBERENGA:** I would like to add my voice to the hon. Delegates who are talking about the gender sensitivity. We have already passed a rule saying we are going to take into consideration the gender sensitivity. Now, if we do this thing at the district level as you have decided to do, we must also include in our rules something that covers - I am going to talk about the women, I am not going to talk about any other minority. Now, if we do it on a district level, it is true that women came from districts but knowing the culture of the men in this country, I am wondering how many women are actually going to be elected by their districts to get on to that Committee because the truth is we are a minority from each district. For example, I am the only one from my district and much as I might lobby, I wonder if my men will put me on that committee, although I would like to be there. Thank you Mr. Chairman.

**MR. ALI MOSES:** Mr. Chairman, I want to allay the fear of Delegates here who have come in through special interests. Naturally, they did not fall from heaven. Each one of them must have a district. So, go to your district, then we shall elect you - it does not matter which interest you represent but you go to your district and we shall cover you. We have been reasonable with even gender issues. Our Vice chairperson has been elected by us - more men here than any of the women. So, we are more gender sensitive than anybody else. *(Applause)* So, they should go and be elected in their districts because this is where the power lies.

**A HON. DELEGATE:** Mr. Chairman, I seek clarification from the Chair. We have already passed a rule which says your interpretation on these rules is final and we have already passed a Rule 30 Subsection (V) on gender sensitivity. Mr. Chairman, how are we going to implement this rule in light of what we have already passed in the Rule on the Business Committee. Thank you very much.

**THE CHAIRMAN:** Well, the point is this - that the Constituent Assembly passed this Amendment in full knowledge that it had passed the rule relating to gender sensitivity and I take it that they will take into account that rule which provides for gender sensitivity.

**DR. KAZIBWE:** Thank you very much Mr. Chairman. Mr. Chairman, on the issue of gender sensitivity, I would like to inform the hon. Delegates that this country is a signatory to the SEDO Convention which convention goes out to eliminate all forms discrimination against women and on top of that Mr. Chairman. (Interruption)

**A HON. DELEGATE:** I do not know why people should discriminate before we come to it and, therefore, I would like to say that the Speaker is out of order (*Laughter*) - is she in order to insinuate that we are going to be discriminative.

**THE CHAIRMAN:** No, she was making a point. There is a Motion on the Floor which was moved by a lady that special interest groups should have special representation on this committee. That is the Motion we are debating. 30 per cent was only a statement from the floor. It was not a Motion. The Motion only was calling for participation by special interest groups in the membership of the Business Committee. What was inadequate about that Motion, though, is that it is not specific enough as to how we could arrive at that representation and I had thought that someone would polish it up by way of Amendment. If the Mover agrees, then the polishing can be used for us to proceed and put the question and so the point of order raised is not in order because she was making a contribution to a Motion relating to interest groups and I take it that the special representation of women is a special matter here. So, you proceed but I would have been happier if someone could get the Motion on the Floor polished up as to how the interest groups should be represented in Business Committee, then we vote on it. Either we take or we do not. Meanwhile the Member holding the Floor can proceed.

**MRS. KAZIBWE:** Thank you very much Mr. Chairman. I was saying that this country has ratified the SEDO Convention, which is the Convention on the elimination of all forms of discrimination against women and in this Convention all countries that have ratified have in effect said that by the year 2000, we must have a minimum of 30 per cent of women at the top policy making level. Uganda is one of the leading countries in spearheading the issue of encouraging as many countries as possible to make sure that they ratify this Convention. Mr. Chairman, in line with that, the women who came to this august body - some of them came as a result of affirmative action. Mr. Chairman, some of us would not have beaten six (6) men if we had not tasted the cake first. It was a big struggle and I believe this august House will, in its wisdom, work out a formula so that if this House was to have sat by the year 2000, we should have reached the 30 per cent; but now that we are going to sit within seven (7) months, currently, Uganda has a representation of about 12 per cent at the policy making level (*Interruption*)

**A HON. DELEGATE:** Thank you very much. I would like to inform the hon. Delegate holding the Floor that on the recent ad-hoc Committee on Rules of Procedure, we elected 30 per cent women.

**THE CHAIRMAN:** Proceed.

**MRS. KAZIBWE:** Mr. Chairman, thank you very much for this information. That is why I am appealing to the good sense and wisdom of this august House to continue. Mr. Chairman, we would like to borrow from the examples of those that are going to come after us. The youth elected their representation to the NRC. During the consultations, they said we want five youths of this country elected from five regions and they said that they knew that because of the culture in this country, women would not be elected and they said they will go ahead to cast lots and if the numbers are decided upon that we need so many women on this body; then we cast lots and the districts that choose females will in effect elect a woman representative. The districts that pick a male will elect a male representative. Mr. Chairman, I am not oblivious of the presence of other interest groups but in this country there are two basic persons - a man and a woman. Either can be an army man or can be an army woman. We could have a disabled woman or disabled man. The issue here is the man and the woman. We are only asking to have the female sex on this Committee which is a very important

Committee. So, I would like to polish it by suggesting to the hon. Delegates that since all of us came here on merit, we are very capable, we are honourable, we are distinguished Delegates going to make a Constitution for this country - let us keep it in mind that in so many years to come we need both views of both sexes to be represented in each Committee.

**THE CHAIRMAN:** That does not polish up the Motion. Do you like to clarify?

**DR. KAZIBWE:** I clarified by giving the example because where I come from, they say that even your child can beat the drum and you dance. I said the way we solved this problem with the youth was to get lots - we know the number of districts. If we accept that we have 20 percent representation or even 30 percent which would be the most ideal - then we put out the number of districts and get the number that is equal to that 20 percent or 30 percent; and the district which will have picked female, will elect a female Delegate to the Business and one for the male will elect a male delegate to the Committee. **THE CHAIRMAN:** I think *(Interruption)*

**MR. CHEBET:** Point of Clarification. I am seeking clarification from the Chair as to the proper interpretation of Rule 30, subsection (v-) which talks of gender sensitivity because when we talk of committees of the Assembly - to me, I thought we were referring specifically to all the committees; not necessarily the Standing Committees or the Subject matter Committees. Because if we were talking of gender sensitivity, already as seen by the present ad-hoc committee on Rules of Procedure, I think the question of gender sensitivity has already been addressed. So, I am really getting concerned as to where we are at the moment.

**THE CHAIRMAN:** Now, what we have is a Motion on the Floor proposing for special interest groups to be represented on the Business Committee in addition to the district representatives - the 39. Now, what I said and pointed out was that the procedure were not set out in that Motion as to how if it is carried, we can achieve that. The proposal being made by the Delegate from Kigulu South seems to be complicated. Now, I would like to suggest this. We vote on the Motion as it is but with a proviso that the Technical Committee will come back with a proposal as to how the special interest groups if the Motion is carried will be elected, then we vote on it tomorrow. Is that alright? So, let us vote on the Motion now.

*(Question put and agreed to)*

**THE CHAIRMAN:** The Motion therefore, is that special interests groups will be represented. The Technical Committee will come up with a Draft proposal for our voting upon tomorrow. The matter has been disposed of on that one.

**A HON. DELEGATE:** What I want to put to you for clarification is - it seems that many of the speakers are treating this Committee as if it is one Committee for which they had to fight, Whereas we have several committees which they are calling here standing committees. This one is the first one being mentioned. Now if a district is being asked to send members to four or five committees, I do not think they are likely to say we send only five men to the various committees. Since we have already had strong appeal about gender, I think the technical committee should come with a proposal as to how the membership of the old committees are to be settled instead of dealing with only the business committee.

**THE CHAIRMAN:** Now if I may draw your attention to the other subsequent provisions we are coming to, it was suggested that one of the jobs of the business committee is to allocate members to other committees. It is in here; so in fact you are anticipating because until we remove that, it is as it is. Now, we have carried out an amendment to rule 32 (1).

**A HON DELEGATE:** Point of clarification. I want the chair to indicate to me how we the middle people and the back benchers will attract the Chairman's eye. Since morning I have been putting up my hand, very high but the chair seems to be attracted to the sides. So I beg you, Chairman, that tomorrow you get attracted to the centre and the back benchers. Thank you, Mr. Chairman

**THE CHAIRMAN:** I am in fact being very impartial; because they are complaining here and complaining there, and so if there is a complaint from the centre then I am being fair. The Technical committee draws my attention to the fact that this proposed draft of how we think the special group should be represented involves some form of policy, and determination are that the best forum would be the rules committee. I think that is a valid observation that the rules committee should come back with a proposition on this one. And that also means having passed that, that sub-rule two is now not necessary. We do not have to go into a procedure for election-

**A HON DELEGATE:** Point of clarification Mr Chairman. I want to move an amendment here at the beginning. Here you said the Assembly shall have a standing committee to be known as the business committee. My amendment is as follows: Remove the words 'standing' and put 'administrative'.

**THE CHAIRMAN:** Why?

**A HON DELEGATE:** These are the reasons: We have got two types of committees proposed here. One group is called standing committee, the other group is called Subject matter committees. In my opinion this first group should be called an Administrative committee because it deals with administrative matters only; Such as the business of the House, such as rules, such as privileges. These are only administrative matters, drafting of the Constitution and that kind of thing, whereas the real matter which brought us here is the writing of the constitution and this is what it is going to be dealt with by the committee which is now being called subject matter committee. We will call that one the standing committee because it is much more important than the administrative committee. I want the administrative committee to be below the standing committee which is dealing with the subject matters. This is my idea and I do not see any conflict in this proposal, and the argument which is becoming heated here is because of what you have mentioned that the business committee is going to allocate Members to the various standing committees. When we come there am going to propose that the Members to the subject matter committee be made this way. Every Member should be asked to volunteer to go to any of the main committees after they have distributed themselves registering their names under the committee lists, then the business committee will merely adjust instead of allocating. They discuss with various people so that some people can move to committees which have got less Members. This will remove all the heat we are having over this competition of the business committee which is a less important committee than to the main committee because they think they are going to send only men and leaving out other people.

**THE CHAIRMAN:** Let me clarify one thing. I think for the benefit of our delegates who are not associated regularly with Parliamentary procedure; The word 'standing' in relation to a committee has a definite technical meaning. It means committees that last through a session. Others are select committees

or you can call them ad-hoc committees which operate and lapse on reporting. Once they have finished their mandate they cease to exist. Now the use of the word 'standing' here is that it is in relation to those committees that we expect to be in existence right through the business of the House, unless this House by motion deliberately chooses to change it. Ad-hoc committees on a subject matter if they are given and they do their business in good time and finish, they do not have to continue in the deliberations; that is the reasoning behind it, unless the chairman of the rules committee had a different understanding with his committee. That being so, it would be really causing confusion in naming of committees in say a Parliamentary situation like we are running, if we were not to have an administrative committee and so on. What we are having are the standing or what sometimes they call the permanent committees and then select or ad-hoc committees handling specific subjects within a time frame without reducing on their importance. But at the same time I would like to remind the Members that one of the important things this committee is supposed to do is to set our programme of work. And normally when you know how you are going to work you are already half way through your job. So we should not say it is not as important as that. Nevertheless, I would not know whether the proposed motion is seconded. But if it is not, I would rather we proceed and finish rule 32 and we go home. There was an amendment which I think hon. Nekyon has now abandoned and I am now going to move away from the one we amended - the only thing I wanted to know is whether in view of the amendment carried out, whether we still need 32 (1) c.

**A HON DELEGATE:** Point of clarification. First of all, the motion moved by hon. Kawanga which was carried, did state that the committee when elected from the district, it chooses a chairman and Vice chairman. I am wondering whether that therefore, gets rid of (a) - I do not know. If that is really what happened, I do not like the wisdom of it because I think if the committee is going to be drawing up a programme, it will be wise to involve the chairman of this Assembly. But if that is what was carried, then I would like to be sure that 32 1 (a) is deleted and we all know where we stand. Certainly I agree with you, Mr. Chairman, that once the motion hon. was carrying cannot hold anymore.

**THE CHAIRMAN:** Well, I wanted it to be specifically decided because I think the rationale was that, chairmen of other committees should benefit

from the proceedings of the business committee to enrich themselves and help in the coordination. Chairman of the committee on rules.

**MR KAVUMA:** Thank you, Mr. Chairman. Yes that was part of the consideration with regard to the reasoning behind including the chairmen of these other committees and I do not think the motion from hon. Kawanga included the deletion of (a) in that, it was saying that the committee shall then appoint its own chairman, that was not touched. Mr. Chairman, in light of the decision we have taken that we go and come out with a proposal tomorrow, I see a danger of proceeding now and then we handle matters at this moment which could have been handled better after we have come back tomorrow with the work we have been asked to do. And with your permission Sir, I was going to suggest that this may be a convenient time to adjourn then this committee goes and attends to the work it is supposed to do, and when we come back tomorrow Sir, we proceed from there.

**THE CHAIRMAN:** It was not in form of a motion. Was it? *(Laughter)* It was not an adjournment motion. The only thing is that I had wanted since we have made it a specific provision relating to 32 (1), that we finish two and three and then we do four, but I can see I am pushing. Okay, now we have done up to rule 31 and part of 32 and we shall proceed from there. But before I adjourn, there is some information. Tomorrow there will be the official opening of the new Session of Parliament, by the Head of State to be followed by the Budget. The functions will take place in the afternoon in Parliament, and hon. delegates have been invited, and your invitations are right now in pigeon holes. So I would urge you to pass by the pigeon holes and collect them. This affects our work to some degree, the morning will still be available for us to work so we will adjourn so that we assemble in the morning and then maybe do some work of three hours. Hopefully, we shall finish the rules during the three hours and then proceed to join the other Ugandans for the opening of the 8th session of Parliament and also listen to the Budget.

*(The Assembly rose and adjourned until 9.30 a.m on Wednesday, 16th June, 1994)*