



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

THURSDAY, 16TH JUNE 1994

MOTION:-

Adoption of Rules of Procedure for the Constituent Assembly

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Thursday, 16th June, 1994.

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

(The Chairman, Mr. J. Wapakhabulo, presiding)

The Assembly was called to order

COMMUNICATION FROM THE CHAIR

THE CHAIRMAN: Hon. Delegates, I do not have any specific Communication from the Chair except to say that I have interacted with the Chairman of the Rules Committee. The Rules Committee had a meeting this morning, we had given them the job of drafting some aspects of Rule 32 so that they bring out the Motion we adopted relating to representation of interest groups in Business committee. I am advised by the Chairman that they have yet to complete their job. If you recollect we adjourned well after 7.00 p.m. yesterday or last night and they did not have the time to have the draft ready but they will continue. That being the case we shall have to stand over Draft Rule 32 and 33 to wait the report of the Rules Committee.

I would, therefore, like to say that when we come to the relevant item we go on to other parts of the Draft Rules.

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

THE CHAIRMAN: As I have just said, we cannot proceed with Rule 32 and 34, I would now proceed to ask the Clerk to read out the Rules, starting from 34 and go on, the other matters having been stood over.

Rule 34 - Rules and Orders Committee.

Before we proceed I see there is a hand there.

MR. OGOLA (West Budama South Tororo): Mr. Chairman, I wanted to request you to consider whether it would be in order for me to ask the Chair to explain to the House in a statement clarifying stories which have been appearing in the press imputing decisions of this House which, as far as I know, this House has not discussed. Yesterday's newspaper, the *New Vision*, carried a story prominently suggesting that this House has demanded

vehicles from the government and today a whole editorial has appeared again in the *New Vision* imputing and pronouncing itself on the same subject I consider that, since this House has not discussed any of this matter at least to my knowledge, would it be in order for the House to clarify this for the public so that it is not misunderstood. Thank you very much.

THE CHAIRMAN: Thank you for raising this matter. I have also read the two pieces of write up to which you refer. I have not had the time to interact with the Commissioner to whom the stories are attributed. I intend to have that time and interact with him and following that then I shall make a statement in relation to the matter here and so I was taking time. I am also aware but I did not want to make a statement on the basis of a newspaper report without first talking to the person to whom it is attributed. As you recollect we adjourned late and we had some other engagement this morning prior to this meeting and therefore I have not had that time but I can only make the promise that I will interact with the Commissioner and then subsequent to that interaction make a statement on the subject.

MR. CHANGO MACHO: Mr. Chairman, I want you to assist me to understand this. Supposing someone says it is against his conscience or her conscience to be addressed as "honourable", can he deny the title?

THE CHAIRMAN: That is strictly personal. You can be telling your friends not to refer to you in that manner because you cannot and you do not have to use it on your stationery. I think that is personal, you can choose.

MR. CHANGO MACHO: Thank your, Mr. Chairman. so I am not "Honourable".

MR. BYAKIKA KASAJJA (Bunyole) Thank you, Mr. Chairman. Yesterday delegates did object to the use of the word "CAD" by the press. It is very prominent even in today's paper, that the press- the *New Vision*, has continued to use this word inspite of the fact that yesterday Members expressed reasons why this word should not be said - because they even said that it is derogatory. I do not know, Mr. Chairman, whether the Chairman of the Constituent

Assembly can advise the newspapers to desist from the use of the word "CADS" when referring to Members of this Assembly.

THE CHAIRMAN: That one we shall take it up by talking to the Press so that they do not use what is obviously abusive language in the newspapers. I think they intend well - but I think they did not understand initially that the use of the word "CAD" is derogatory. But we will definitely address them on the matter.

MR. DICK NYAI: Clarification. Mr. Chairman, the rules of English are that any abbreviation does not contain the same meaning as a full word. The capital letters C.A.D. do not mean and I repeat, Mr. Chairman, they do not mean the small cad. I believe, Mr. Chairman, if we pursue this matter further the press will be amusing themselves at our expense, I think we are mature enough to ignore it, if CAD means Constituent Assembly Delegate so be it. I do not think we should belabour the point further, Mr. Chairman.

THE CHAIRMAN: I think we are just beginning to make a debate over nothing. Let us go to the Rules and debate them. I had recognised a gentleman over there in relation to Rule 34 which has been called out.

DR. KAKUNGULU (Presidential Nominee): Mr. Chairman, I wish to start with the second sub-rule in Rule No. 34 which has been called out.

THE CHAIRMAN: No, let us take it this way. If there is any other delegate who would like to speak on sub-rule one.

CAPT. BABU (Kampala Central): Thank you very much, Mr. Chairman, I wanted to bring an amendment supporting the first amendment he had brought of removing the word "with recommendation of the Business Committee". We are the body to elect this Committee and I do not think we should give our responsibility to somebody else. I would like to request that this House in its wisdom should vote for the Rules Committee and all other Committees. Thank you very much.

THE CHAIRMAN: That is your amendment because you made a statement, you did not move a Motion.

CAPT. BABU: Mr. Chairman, I thought Dr. Kakungulu had moved that. Okay, Sir, I would like to remove the last line - a full stop at the end of "appoint".

THE CHAIRMAN: Hon. Delegate, the Motion is that Rule 34 sub-rule (1) be amended by deleting the words "on recommendation of the Business Committee" and inserting after the word "appoint" a full stop.

(Question put and agreed to).

(Sub rule (1) is amended).

Sub rule (2):

MR. BEN WACHA: Mr. Chairman, I want to move a further amendment, Sir, in respect to sub-rule (1). I want, Sir, to put a specific number of number of delegates and, therefore, the sub rule will read as follows: "The Assembly shall have a Standing Committee to be known as the Rules and Orders Committee which shall consist of seven delegates appointed by the Assembly."

MR. CHAIRMAN: The Motion was seconded and I put the question.

(Question put and negatived).

MR. WANENDEYA: Thank you, Mr. Chairman. I beg to think in the same way as Delegate Ben Wacha although the seven has been rejected, Mr. Chairman, but I feel strongly that we should have a specific number and I am thinking of 21 members without any particular reason but I had a reason, Mr. Chairman.

MR. CHAIRMAN: The Motion is not seconded, we proceed. Sub rule (2). Sub Rule 2.

AHONDELEGATE: Thank you, Mr. Chairman. In addition to the functions outlined in (a), (b), (c) and (d) I propose to move the following. That the functions include, Mr. Chairman, to propose to the Chairman the rules in the Statute No. 6 of 1993 that require amendment by the NRC to enable the efficient running of the business of the Assembly. Thank you very much, Mr. Chairman.

THE CHAIRMAN: Are you restricting yourself to the rules in the Statute or other provisions of the statute? I am just trying to assist.

A HON DELEGATE: So far, Mr. Chairman, it is the statute that is tying our hands in amending most of these rules. So I refer myself to the statute, Mr. Chairman.

THE CHAIRMAN: No, I was trying to help you this way. The Statute has two parts to it. It has the Statute itself and then there is a big schedule to the Statute which contains rules. Now you used the word 'rules'. If we frame your Motion then it will only restrict itself to rules but not those aspects of the Statute that are not rules. So do you want to make _ if I were you I would frame it by referring to the Statute and then the rest as you stated it and then I would seek to know whether it has been seconded and then we discuss it or put it on vote.

A HON DELEGATE: Yes, Sir, Rules and other provisions. Thank you.

THE CHAIRMAN: The Motion is that we give an additional function to the Rules Committee Chairman to make recommendations regarding proposals to have the rules and other aspects or other provisions of the Statute governing this House No.6 for amendment to facilitate the better development of the work of this Assembly. That is the amendment which would be an addition as (e) to sub rule (2). Is it seconded?

DELEGATES: Yes.

THE CHAIRMAN: So I will put the question.

(Question put and agreed to).

THE CHAIRMAN: The Drafting Committee and the Rules may work out some reasonable draft to include that but I think the principle has been approved. Does the Chairman of the Ad Hoc Rules Committee have any problems with the formulation? Okay, I give the Floor to the Chairman of the Ad Hoc committee.

MR. KAVUMA: Mr. Chairman, with your indulgence we seek to take you and the House back to 34(1) as amended. We were wondering, what the position is - whether it is very good for our workings to leave the rule as amended as it stands without indicating what numbers the Assembly has in mind for this kind of committee and we were Proposing that probably we could have a number of nine members to complete the committee so that we are

fairly guided by that rule when the Assembly comes to appointing it. That is our recommendation, Sir.

THE CHAIRMAN: That takes us back. In terms of procedure it is inappropriate but I guess this Assembly has a right to reverse itself. This takes us back the point being that when it was written, the way it was written there was going to be a recommendation I think both, in terms of numbers and also names but we have deleted that part of the rule and whereas the other proposal was rejected when it was moved by hon. Delegate Ben Wacha and the proposal by a delegate for Budadiri East was not seconded I will, never-the-less, on the indulgence of the House and on the understanding that the House can reverse itself in appropriate circumstances, I suggest that I frame a Motion and if it is seconded as proposed by the Chairman of the Rules Committee then we put it to the vote. The Chairman of the Rules Committee has moved that Rule 34 sub rule (1) be amended by inserting the word "nine" in place of the word "such" i.e. "9 delegates as the Assembly may appoint". Is it seconded? The Motion is seconded.

CAPT. BABU: Mr. Chairman, Sir, the bigger, the larger the committee the more problems you have especially when you have to discuss the important matters that concerns this august body. I would like to request that you accept nine, it is an easy number to look after, it is an easy number to debate and when you look at the quorum you are talking about five people. When you have large numbers you look for a quorum of ten or fifteen people you will not get them. I would like to request - some of us are chairmen of Standing Committees and large Standing Committees can never realise quorums. I would like, therefore, to request Mr. Chairman through you to all the hon. Delegates that the smaller the committee the better and nine is an odd number and it is a good number. Thank you very much, Sir.

(Question put and agreed to).

THE CHAIRMAN: 34(2) there was an amendment carried and the framing of it is going to be made. Now I put the question on Rule 34.

(Question put and agreed to).

Rule 35 Legal and Drafting Committee.

MR. KABAYO (Kassanda South): I move, Mr. Chairman, that Rule 35 should be amended in the same way as Rule 34 was amended for the same reasons, Mr. Chairman, i.e. removal of the last sentence in the first paragraph and insertion of the numbers of delegates to be appointed. Thank you, Mr. Chairman.

THE CHAIRMAN: Is that seconded?

DELEGATES: Yes.

THE CHAIRMAN: I put the question.

(Question put and agreed to).

THE CHAIRMAN: Rules 35 is amendment as in terms of the Motion. Any other amendments?

MR. AMBROSE ATWOKI (Youth Representative, Northern Region): If I observe the work of the Legal and Drafting Committee and compare it with that one of the Technical Committee of Rules, I feel that there is some kind of duplication. So I would propose that the whole Section 35 of the Rule be deleted because the work of the Legal and Drafting Committee is fully catered for by the Technical Committee which will be provided by the Commission.

THE CHAIRMAN: The Technical Committee does not belong to this House. The Technical Committee is a separate institution set up consisting of officials to assist.

CAPT. BABU: Information. Mr. Chairman. I would like to inform the hon. Delegate who has just proposed this that actually he is right if you look at the Rules and the Orders Committee which we have just passed, that is the very job, that is the essence of having the Rules and Orders Committee. There is no need to have another Committee if you want it to do the same job and I think, unless if you want of course, to have more people in committees but my opinions are the Rules and Orders Committee should do exactly that job.

THE CHAIRMAN: I recognise the Chairman of the Ad Hoc Committee. Can he give us some light?

MR. KAVUMA: Mr. Chairman, Sir, this matter regarding the Legal and Drafting Committee was considered by this Committee very exhaustively.

First of all there must be a distinction which you so well brought to the attention of the Assembly. The Technical Committee is a committee of experts, it is not part of this Assembly. There must be a committee at a policy level which coordinates with the Technical Committee if only for purposes of ensuring that what this august house has deliberated upon and passed is properly put in terms of what comes out in the final document. Mr. Chairman, we also took care to avoid a situation where there would be obvious conflict in the workings of these two committees. So the provision we have put here are just enough to facilitate the general oversight by the Drafting Committee of this Assembly over the work of the Technical Committee without involving itself or over involving itself in the actual technical work which is supposed to be carried out by the experts. Mr. Chairman, it is the usual practice that in assemblies of this nature this Legal and Drafting Committee is a must and we see no good reason why we should depart from that very good and useful custom.

MR. CHAIRMAN: I think I would like to suggest to the Mover that actually the Motion may be you should not proceed with it. For the benefit of hon. Delegate Babu, I think he may find it very difficult to see a distinction not being a lawyer I think it is like you have a Flight Engineer and a Pilot. They are both in the cockpit but they are doing different jobs. In any case the Motion was not seconded so I think we proceed - (interjection) well, it was seconded but do you want me to put it to the vote really? Okay let me put the question on Rule 35.

(Question was put and negated).

THE CHAIRMAN: I now put the question on Rule 35.

(Question was put and agreed to).

Rule 36 - Committee on Privileges, Discipline and Welfare.

MR. MAIKUT (Kween County, Sebei): Thank you very much, Mr. Chairman. Like it was amended in 35(1) I propose that Rule 36(1) read as follows: *The Assembly shall have a Standing Committee to be known as a Committee on Privileges, Discipline and Welfare which shall consist of eleven delegates as the Assembly may appoint.* So I beg to move. Thank you.

THE CHAIRMAN: His Motion is Eleven.

DELEGATES: Nine.

THE CHAIRMAN: No, let us put it this way, someone has to second the Motion and if you want then you amend it. The Motion has been seconded and it is now on the Floor

MR. ADOKO NEKYON: Mr. Chairman thank you. I have seconded the Motion but I would like to draw the attention of the Chairman and the committee that drafted these rules to the following facts. The Committee on Privileges, Discipline and Welfare is a very powerful committee whose functions are really varied. Varied because we come from different areas with different problems which can affect the functions of the various Members. Therefore, since this is a kind of court at some times when it comes to discipline they are actually courts and the welfare of a person in Karamoja may not necessarily be the same as the welfare of somebody in Kibaale and also privileges while considering them has to carry, taking into consideration the various background. Therefore my proposal would be if the Mover would be willing to increase the number so that the various backgrounds are reflected in the same way that we did with the Business Committee and I also would like the same procedure of appointment that we adopted for the Business Committee namely that districts will provide the members to be adopted. This may sound rather farfetched but if the Committee looks seriously into this Committee it will find that this is worth the proposals I am putting forward. That is all I have to say.

MR. CHAIRMAN: You seconded the Motion ...

A HON DELIGATE: 34

THE CHAIRMAN: The previous speaker I think made observations of the need to have the Committee bigger, he did not suggest any specific number. I am looking for someone because there was a general feeling that it should be amended.

MR. PETER AKURE (Kotido District): Mr. Chairman, I feel the number should remain like that one we amended because having a large number at times it would - say that having a quorum of about seven or eight people but this one, the nine one, when you have five members you are able to proceed. Me.

I feel that the number should be nine. Thank you.

THE CHAIRMAN: There is a Motion moved. This Motion now seeks to amend the other Motion. So we move on that one first. Okay, let me clarify to you first how you deal with Motions. The Motion is on Rule 36 but that we adopt Rule 36. I have not put that one. Before I could put it a delegate moved that we delete some of the words and also insert a number of eleven. The number of eleven is a subject of an amendment by Hon. Akure to say they should be nine. So we vote on the last amendment. If it is carried then I will put the question on his amendment as amended and then I will finally put the question on No.36(1) as amended. So we are now voting on the amendment to replace eleven with nine.

(Question put and agreed to).

THE CHAIRMAN: The Motion has been amended by replacing eleven with nine. Now, I put the question on his amendment i.e. to delete the other words so that it reads like 35(1).

(Question put and agreed to)

THE CHAIRMAN:(Rule 7.6 (1) has been amended).

A HON DELEGATE: Procedure, Mr. Chairman. Thank you very much, Mr. Chairman. I am seeking your guidance on the procedure on the construction of these Rules as amended. The English does not seem to be good if you say, originally when they were saying "such members as" that was correct English but to say "nine members as" it does not seem to be correct English.

CHAIRMAN: No, all those were "nine members as the Assembly may appoint". The rest is going to be really, the fine tuning of the draft is going to be done by the technical committee together with the Rules Committee but what we have approved here are the principle, the rest is just verbal and grammatical. Those do not require Motion, those are done by just fine tuning. Now, Rule 36(1).

A HON DELEGATE: Point of clarification. I seek clarification relating to what Hon. Nekyon had raised in relation to the procedure of election of these committees we are appointing. As you realise previously they were supposed to be elected in accordance with the recommendation of the Busi-

ness Committee which we have deleted. We are saying they will be appointed, we shall appoint nine people. How will they be nominated, how will they be subsequently elected. I think a procedure must be established for that purpose. And, Sir, may be if it is taken I would propose that we appoint it in accordance with the procedure that had been proposed for the election of members of the Business Committee.

THE CHAIRMAN: Let me point out there, that is a valid observation but it will be repetitive if we were to provide a procedure in respect of each Committee. The better way to do it is this, and I was going to propose this after we have finished the question of committees, that the Rules Committee comes up with a proposal relating to appointment of committees. In other words we are giving ourselves power as an Assembly to appoint committees, we should have only one section relating to appointment of committees or any other Rule and that could be drafted and brought because otherwise we will be forced to repeat Business Committee procedure, Committee on privileges' procedure: Rules Committee procedure. We should just have one procedure under one rule and that could be drafted and brought back to us when we receive the report relating to Rule 32 and 33. I think that is acceptable.

A HON DELEGATE: Mr. Chairman the discussion on Rule 32 was deferred and it is precisely under this Rule that the procedure for electing other committees is proposed and I think we should come to that, discussion when we come back to Rule 32 because there is a general provision in Rule 32 which recommendation - that the Business Committee - there is a function there which authorises this committee to nominate names or for Members to put forward names and then they are appointed to these committees by the Business Committee. We may debate that issue whether that is appropriate or at that point so it is not necessary for the Rules Committee to draft another proposal. We can still discuss it when we come back to this rule.

THE CHAIRMAN: No, I suggested this way because the provision in rule 32 (3) (f) talks of allocation of Delegates to Subject Matter Committee but these are Standing Committees, the one we are referring to and I thought we should have a specific provision relating to all committees. The other one was narrow and that is why I was suggesting this. But before we leave 36(1) let me clarify one

thing. I think there is a general confusion with regard to the word "privileges". I have seen the press and other people talk of privileges referring to privileges: material, vehicles and money. That is not what this is all about. This is privileges i.e. under the Statute this committee would be implementing or being the overseer of provisions of the powers and privileges Act. Now, these privileges are not material. The privileges we are referring to there is a legal term referring to the fact, for instance, that the statements you people will be making in here are privileged. They will not constitute a basis upon which you may be sued in defamation. That is what the word "privileges" refers to. In other words you can bring a Motion, you can make a statement here and unless you repeat it outside this Chamber, you cannot be sued. It is a privileged statement or a privileged Motion. Now, the Privileges Committee is to ensure that Members do not abuse that privilege i.e. do not abuse the fact that their statements do not constitute a basis for them to be sued in defamation. It does not mean a reference to cars, money and so on and so forth as some people are making themselves believe. The only aspect relating to cars and money is the welfare aspect. In other words this Committee will look after a number of things:

1. Whether or not the privilege is being properly used, privilege granted by the law;
2. Discipline of Members in relation to the general provision of our rules and the law as for instance attendance;
3. Immunities i.e. the Members have immunity under that Statute from arrests if they are proceeding to and returning from the proceedings here of a civil nature. I mean civil arrest not criminal of course;
4. Also it provides for protection of our precincts so that people do not serve court processes in our precinct you cannot come here and serve warrants of arrests and such other things.

Now, these are the things which this Committee will be concerned with in addition to the welfare. So when you use the word "privilege" please remember you are using a legal term not a reference to material benefits. I hope the press also will correct this impression which has been created. I had called out 36 (2). I saw no amendment to propose so I put the question on 36 as amended.

(Rule 36, as amended, agreed to).

Rule 37 - Subject Matter Committee.

MR. MALINGA L'OJURA: Thank you, Mr. Chairman. Mr. Chairman, I think we have now got to the crest of the matter with Rule 37. The business we have come here is to consider the draft constitution which has been presented to us. Now, we are saying that we should chop up the Assembly into committees and send the work to the Subject Matter Committees. I object to this for the following reasons that the people of Uganda would like to follow how their constitution is being made by this Assembly. If we divide up into committees it will not be possible for the people to follow the proceedings of this Assembly. Also, Hon. Delegates will recall that when they went for the elections they told the people that they were going to contribute effectively on all aspects of the draft. Now, dividing ourselves into committees to consider the proposals will not make it possible for us to fulfil that promise that we gave the people that we shall deliberate on all aspects of the draft. So Mr. Chairman, I therefore beg to move that we delete this provision, that the draft proposal should be referred to the Subject Matter Committees altogether.

THE CHAIRMAN: Is that seconded?

HON. DELEGATES: Yes.

THE CHAIRMAN: That is the Motion on the Floor, you may not like it but do not make noise. Just put up your hand and speak. It has been seconded and I notice the Hon. Member, Mr. Elyau.

MR. ELYAU (Kalaki County): Mr. Chairman, I rise to second the Motion on these grounds. The electorates are entitled to go through every subject matter in this draft to make sure that everybody has an opportunity to say a word and decide upon. Let us allow, instead of having, a committee, the Assembly should have a long time to discuss as a general debate to cover all these issues so that you hear the views from all corners of Uganda regarding a subject matter. I do not want, to see a situation where the people will, gang as blocks to deny others who are a minority to get a problem - in making a good constitution. Sir, I beg to support.

MR. KAYONDE: Thank you, Mr. Chairman. I wish to oppose the proposed amendment. Mr. Chairman, the task ahead of us is great and the time work in which we have to accomplish this work is

short. If we debate the draft constitution and approve every article in this plenary we may take a year. Is it a conventional method that normally to run an Assembly like this one you have a plenary and debate the general principles and then you break into committees to refine the ideas that will have been collected within the general debate and then they come up with a refined provision and thereafter we shall go through the articles one by one as exemplified in this what we have gone through. You can imagine if we had not provided for the committee it would have been very difficult to even get through these Rules. So, Mr. Chairman, it is necessary that we have a general debate for a specified time, then we break into committees and individuals will go whenever they think they have a particular interest and then after we get reports which we shall adopt. I thank you.

MR. SSENDAWULA: Mr. Chairman, Sir, first before may be I make my Point on this subject, I wish to put a humble request that you help and see all of us because even we who are seated at the back -
(*interruption*)

THE CHAIRMAN: I think you are wasting time, we have seen you. Can you go ahead?

MR. SSENDAWULA: Mr. Chairman, I move to the subject matter then. Mr. Chairman, I would have wished, it is just my humble request that we get an explanation from the committee which drafted the regulations to tell us exactly what they wanted to see happen. As to why they put in this arrangement of the subject matter committees so that we would then be guided effectively to understand because (1) it is not possible to start from Chapter I of the Draft Constitution to the very end when we are debating unless we are going to take about three or four years. The best way of doing it and I wish it is what they intended to achieve is for us to either debate the entire draft and then we break into these subject matter committee or go stage by stage debating a portion of the Draft say from Chapter I to Chapter V on a general debate and then we leave it to the Subject Matter Committee. Unless we handle it in that order I cannot see any prospects of us moving. (2) I would like if they get opportunity to explain, to let me know the magical formula they used in determining what should be in Committee One and what should be in Committee Two because that is also important to know the criteria finally on how you decided that this one should be combined with this. That is my submission, Sir, Chairman.

THE CHAIRMAN: Now, on the question of - as to who should speak, when the chairman should explain, I think we leave it to the Chairman of the Assembly to determine because my view is that we should first of all hear from the Floor so that when they come to explain they have, taking into account a lot of views that have been expressed when they respond.

MR. SSENDAWULA: Mr. Chairman, I think it would help in the interest of this august House because this is a new arrangement for most Members who may have not had the opportunity to attend or to be delegates to bigger conferences where this kind of approach is applicable, this is entirely new and it would help this one to be handled in a different way that the Chairman of the Committee starts by explaining and then we contribute.

THE CHAIRMAN: I will hear from the Floor first.

MRS MATEMBE: Thank you Mr. Chairman for seeing me clearly I would have lost my chance if you did not say "red". Mr. Chairman, I would like to oppose the amendment raised by the hon. Delegate over here. I did not get his name clearly and I wish to identify myself with Delegate Ssendawula by supporting the Subject Matter Committees. Because, Mr. Chairman, certainly the conferences of this nature there is no way they handle things in a bulk like here. Experience, for instance, of this House has already shown that the committee is important. We sat here, we chose the Rules Committee, it perused through the Rules and did a just good course - I mean good business - now we are just hurrying up endorsing what is already done as good job. And Mr. Chairman experience has also shown in our house we spent a number of years, we as CMS, trying to do business expeditiously and we were failing until we had to demand that committees be put in place to make us do the work better and when we did that, the hon. Members here present will agree with me that business now in the House goes very quickly. A technical committee handles the matter, we iron out everything and we bring them to the House for endorsement and, Mr. Chairman, with this draft constitution of this magnitude, unless we get this Subject Matter Committees, we cannot finish this work. I would like to allay the fears of the delegates who think that his electorates may not follow these debates because when we are sitting in committees I imagine they will be open to public when they want to come and listen, the press will be

available and the delegates will actually talk even better and even very well because we shall be seen clearly; we have been putting up hands here but at times Mr. Chairman does not see the hands behind but if we are few in a small room, on a committee of your interest, we shall be able to really do a good job and then we shall come together here to endorse. All Members will have a chance to look at the work done by the technical committee and put in their comments here and there. So Mr. Chairman, I appeal to all my colleagues here present to adopt this Rule, it will help us to finish our work within the expected time without having to extend CM next year. Thank you.

MR. MASIKA (Mbale): Thank you, Mr. Chairman. I think the last speaker misunderstood what the Hon. Ssendawula said. What the Hon. Ssendawula said was that let the Chairman of the Ad Hoc Committee explain to this House what criteria they used in making up the Subject Matter Committees. After that Members will be in a Position to debate because then they will be guided by what criteria the ad hoc committee used. So Mr. Chairman I agree with that and I ask that the Ad Hoc Committee Chairman should address us and enlighten us on why they went into this system. After that we shall all be in a position to contribute. Thank you Mr. Chairman.

THE CHAIRMAN: I was inclined to think that way but there is also one danger that after he has explained we go through the same number - we just sort of read it because my intention was to call on him towards the end then I put the question but anyway - I can see there is a lot of interest.

LT. MAYOMBO (NRA Delegate): Mr. Chairman, I would like to associate myself to the view that we should have a committee. We should have Committees, Subject Matter Committees, and my reasons are that first of all it is not true to say that the power of people to discuss the draft is being hijacked by the committees. We know very well that the power of the people, first of all, the people gave their views through a Constitutional Commission. If the people of Uganda were to draft this constitution, in their numbers of 17 million, I think, they would need a century to finish. They delegated that power by giving their views to a Constitutional Commission with which we have managed to have this draft. So it is also possible for this House to relegate this power to a committee and out of that committee we

would have our views refined. A second view, Mr. Chairman, is the question of time. The people of Uganda, Mr. Chairman, are waiting for a constitution and an elected government. It is very difficult for us to hammer out a constitution when everybody is discussing everything. What is important is for this committee to account to us. We discuss all matters, they report back to us, what we do not agree with we strike out, Mr. Chairman. We have the ultimate power and, finally, Mr. Chairman, I do not agree that there is any matter which is technical, which is beyond us. I have read every article of this draft, I have read every page of the report and I am satisfied that this Assembly is competent to discuss every detail however, the first issue of time is very important. Thank you very much, Mr. Chairman.

MR. SEMAALA KIWANUKA KIRUNDI(Kyamuswa, Ssese): Thank you very much, Mr. Chairman. I think the hon. Delegate who presented an issue that everybody would like to contribute, it is true indeed but I do not think that every member of this body, at any time, is going to contribute to every article in the constitution. And also in the provisions No.4 of Rule 37, it indicates that any delegate is entitled to attend and make oral or written statement to any subject matter committee. So whether you are a member of that Committee or you are not you can contribute to whatever article you would like to. So I do not support the fact that this Article should be deleted. I think in a matter of time like Lt. Mayombo stated it is imperative and we should uphold it. Thank you very much, Mr. Chairman.

MR MALINGA: Thank you Mr. Chairman. I would like to associate myself with those who are not supporting the committees. The reason for this, Mr. Chairman, is that I consider the work of this Assembly as being the consideration of the proposals of the Constitutional Commission. The constitutional Commission submitted a report in three volumes. One of the volumes is the index of sources of peoples views. So this took a number of years to gather views from all the people of Uganda, condense them into Proposals they gave the background to their proposals in their report, volume one and so on. I think that what consideration we should give should obviously take into account that background that this report has a very intense input of the population as evidenced by the indice of sources. I would consider that it would be sufficient if Members in a plenary would consider article by article only after we have

a general debate and after that consider article by article, and the members present amendments to the articles which would be written and circulated - where they intend to make any amendment. We consider the Article and any circulated Amendments and dispose of them one by one. I suspect that there are many Articles on which no Amendment will be raised, where we would simply adopt them and they become part of the Constitution. In areas which are contentious, what I would propose is that for those particular areas, then we would form a Select Committee. The Select Committee would involve all those people representing the contending issues or the contending points. The various shades of opinions which are contending would be joined into a committee to go and try to hammer out a consensus. Having arrived at an agreeable position within that committee, I think it will be easier for the House to assume a consensus on the contentious matter. Therefore, what I wish to move, Mr. Chairman, what I wish to propose is that we replace the question of subject matter committees with select committees, so that this rule remains but becomes amended to read select committees, and 37(1) to read: *The Assembly may establish such committees to be known as select committees as it considers necessary* ... and subsequently and make such other amendments in that line. I beg to move, Mr. Chairman.

THE CHAIRMAN: Are you saying you are moving an Amendment to the original Motion? Because you see, we have two Motions on the Floor right now.

A HON. DELEGATE: Mr. Chairman, I am moving an Amendment to the original Motion. The original Motion sought to delete this rule 37: I am seeking an Amendment that rather than deleting we amend it to select committees.

THE CHAIRMAN: Now what you are suggesting is that the Motion moved by delegate Malinga be amended by inserting the provision as proposed for selecting committees. In other words the subject matter becomes select committees and that the Assembly may from time to time appoint select committees as need arises. If we carry that then we shall have amended his and then we delete this. Now, this is as serious as that.

MR. NASASIRA: Point of clarification; My clarification, Mr. Chairman, is that on Clause 37 - *(Interruption)*.

THE CHAIRMAN: You are seeking clarification but not debating?

MR. NASASIRA: I thought you allowed me to give clarification on this.

THE CHAIRMAN: Okay.

MR. NASASIRA: It is that, I think, we are missing two issues on that Clause. Clause 37 subclause 1, up to subclause 8, talks about subject committee of any form, and those subject committees can be elected or appointed in the process of our debate, and I think that is what the Distinguished Delegate hon. Besigye was talking about. But subclause 11, talks about specific subject matter committees. I would have imagined that the hon. delegate who moved the earlier Motion was for deleting subclause 11, removal of subject matter committees with defined work, rather than removing the principle of appointing subject committees at any time.

THE CHAIRMAN: That is not how I understood him. His Motion was that we delete 37, correct? Is that not what you moved, can you clarify?

MR. MALINGA: Mr. Chairman, I said in principle we should not on the outset go to the committees, but I am prepared to go along with the proposal that if in course of our proceedings we find it necessary to refer a matter to a Select Committee, that is fine with me, I will go with that proposal. Thank you Mr. Chairman.

THE CHAIRMAN: In other words, the mover is now saying this, that he is prepared to have his original Motion which was to delete 37, that we delete but only put a provision providing for appointment of select committees; is that correct?

MR. NASASIRA: The principle is that we delete subclause 11 of clause 37.

THE CHAIRMAN: No, if you want to move an Amendment you do so. What is on the Floor is this: There was a Motion proposing deletion of rule 37. Instead of us proceeding with that Motion, another Motion amending that one was proposed and accepted by the Mover of the Amendment, that we should delete 37, but only insert provisions providing for the appointment of select committees as and when the situation so requires. Now, I think we have discussed enough - shall we vote?

DELEGATES: No, no.

THE CHAIRMAN: Okay, let me give the Chairman of the Ad Hoc committee a chance to explain before we go to the vote.

MR. KAVUMA (Kyadondo South): Mr. Chairman, I thank you very much; I want to by way of refreshing our memories, say the following; that really the main consideration behind your committee was how to achieve maximum efficiency in our work within the time that the law allows us to finish our job as we - the Constituent Assembly. Mr. Chairman, these subject matter committees were considered to be device that is going to help us to expedite the workings of the Assembly, and yet allow us opportunity to get all these subject matters in the Constitution thoroughly treated in detail by a group of our own members who will do their business in a more flexible atmosphere in that they can modify some of these rules so that they are not so formal. They can, Mr. Chairman, invite anybody they want and members are free on their own volition to go to these committees, and then what is important is that these people are not coming out with decisions to be endorsed by the Assembly, but they are coming with recommendations which shall now be treated by the Assembly in debating a plenary. Mr. Chairman, these committees are not going to work in secrecy; the population and the public will be entitled to follow if they want, they are not going to be shut out, unless circumstances warrant that matters they are discussing be discussed in camera, as we were debating yesterday. Mr. Chairman, the idea that we should start debating generally is dangerous; there is a problem of treating these matters here superficially. In the rules of our procedure, Mr. Chairman, it is more difficult to allow a lot of time in these plenary discussions, even re-opening subjects as frequently as it would be during the deliberations of the committees; and, in fact, Mr. Chairman, we may end up by taking a lot more time if we adopted the procedure of coming here, discussing generally, then reaching at a certain stage and we say 'now we need a select committee' we might have discussed for three days or even a week and we reach that decision. Then that select committee, if I would be allowed to make my contribution, then that select committee will definitely need time to go and work. After it has worked, it will have to bring back the report to us to discuss; that is already duplication in terms of work and in terms of loss of time. We find that, that actually, the select committee has not done sufficient

work or has not attended to the provisions sufficiently, we may refer some matters back, as we are already saying that some of these rules are referred to the committee. Mr. Chairman, I think we are losing on time in that respect; I think it is a more orderly way of business to proceed as we propose. We have a general debate where the principles and the provisions of the draft are debated by all delegates here; then we break into these subject matter committees, which are not standing committees anyway, I think it is also important to note that they are not standing, they are flexible - and our rules are very, very flexible themselves if at any particular time we feel a particular committee need not consider any subject we can change it. But then we receive a report from these committees, then we come and debate that report, and members are free to debate any item in that report, accept or refuse the report or accept it with any alterations that we may make. Mr. Chairman, then from there our rules have also another set of safeguards just in case something has skipped or has escaped our mind. There is the consideration stage where again we can discuss matters which might have been attended to by the committee. There is even a provision for reconsideration stage; Mr. Chairman, even at the end day as I was saying, there are rules which permit a Member, just before enacting the Constitution, to suspend the enactment of that Constitution if there is anything in the whole document that he thinks deserves further attention. So, Mr. Chairman, as I said the 17 million Ugandans would very much have wanted to be here in this hall to make their own Constitution, I would want them to be here, but dictates of time and methodology of work require that we do this Constitution through delegates elected. In the same way we are saying let particular subjects be handled by subject matter committees, but we have the ultimate authority over what comes from them to accept or to refuse their recommendations. The people's power will not have been usurped, and I think we shall have proceeded in a more orderly manner, in a serious manner, and we shall come out with work that befits the level of this august House.

MR. BYARUHANGA: Mr. Chairman, we have a middle course, I think. We could have the subject matter committees, but ensure that the basic chapters in the Draft Constitution are dealt with in the plenary. I am talking of chapters No. 1, to 6, and then the rest could be handled by subject committees.

AN HON. DELEGATE: Point of order. I do not

have to remind you, Mr. Chairman, that we are 284 in this House, and you appear to be choosing the same people, and this really - you should remember other than NRC Members and those you know, there are those who are not known but who represent counties and constituencies and, therefore, we should be given a chance also to deliberate.

THE CHAIRMAN: The person on the Floor is not an NRC. Member, proceed.

MISS BYANYIMA(Mbarara Municipality): Thank you, Mr. Chairman. Mr. Chairman, I too feel that if we try to debate everything here in plenary, we shall not be able to achieve our time frame. I feel that the procedure of having subject matter committees is not new; it is time tested experience and it works; and I want to bring to you the benefit of my experience at some international organisations where we use the method. Perhaps we need to amend it in some ways in order for it to suit the needs of those people I have heard - the delegates I have heard complaining about wanting to talk in plenary. First of all, I would feel that we could keep the subject matter committees and give them permanent bureaux. These would be a Chairman, a vice Chairman, a Secretary, a Vice Secretary and maybe one or two other delegate whom we see as, particularly conversant with the subject matter of that committee. That would be a permanent bureau to ensure continuity and consensus building in that committee. Then the rest of the delegates would refer to a daily journal that would be telling us what the work is being done in each committee. If committee 1, has talked about Article 1,2,3, and it is going to continue today with 4, and 5, say on land; and 3, is going to be talking about the political system and 4, on another subject, it will be up to me the delegate to divide my time and see that I make an appearance in each of these committees - *(Interjection.)* - you do because you have a whole day and you are not going to talk the whole day on one issue. You make your contribution, you leave the committee and you go to another committee, you make your contribution there and so on. But the bureau makes sure that - they record the contributions of every delegate who has attended and that the consensus is being built as people come in and make their contributions. When you have a permanent committee you get people stuck in their positions, you get a committee of 30 people stuck rigidly in their positions and very, very hard to move and to build a consensus. Let us have the committees, but let them be open ended with a

strict bureau that manages and continues the exercise of debating and building the consensus. There are other advantages to working like this: when it comes to the end and we bring the work to the plenary — the reports, it will be very difficult for any one to unravel a consensus coming from a committee, because he will have had the opportunity to be there and make his point there. Why should he want to reverse everybody when he had the opportunity or she had the opportunity to attend all the committees. So, it will be difficult to unravel consensus built in our committees; that is one advantage. Another advantage there is in having open ended subject matter committees is building enthusiasm and motivation. I do not think that everything in a particular subject matter committee will interest me that much, and my participation will drop hypothetically with my enthusiasm on the subject. But if I am free to move to the other committee where I feel that that is very important for Mbarara Municipality I will make a quality contribution in that working committee. Lastly, I think that a small bureau has a better chance to wrap up a debate of 300 delegates who may have come in on three or four different occasions to talk about the same subject, wrap it up nicely, to present it well and to reflect it surely to all of us rather than a group of 40 people. Mr. Chairman, I move that let us keep the subject matter committees but make them open ended and give them strong bureaus who will look after the work of consensus building. Thank you.

MR. ONEGI OBEL (Jonam County): Thank you, Mr. Chairman. Mr. Chairman, the idea of committees is not a bad one in general terms, but I have a problem, Mr. Chairman, that these are very many — the committees are very many, and because they are many I would wonder how one would divide himself to going to make a contribution to each of them, unless, and that has not been specified, unless they are going to meet — one committee is going to meet on a separate day and not all of them on the same day, making it possible for a hundred people possibly move to go and make contributions to this one committee. Mr. Chairman, I went through this draft during the candidates meeting, and I can tell this august House that I propose to contribute on every Article, because there is none that is of less importance to my electorate. So, Mr. Chairman — *(Interjections.)* — it has not also, Mr. Chairman, been explained to me to my understanding that the contributions by the committee brought here will not or will invite the contributions from here sufficiently to

create another debate. But the most important point I want to make, finally is, Mr. Chairman, let us consider the possibility of, as I have said 200 people or a hundred people going to that committee to make a contribution, and that committee considering as a nuisance, because we are so many and finding them at different stages of discussion. How do you go and begin to make a contribution in the middle of what has already been discussed? I think, Mr. Chairman, I would accept the idea of the committee only if they were few. But because they are many, I will suggest that we subject ourselves to discussing the draft chapter by chapter and doing justice, because the idea of talking about — people talking about taking too long is not going to be a cause of that. Our taking the matter too long will be that people are talking too much, too long, and perhaps repeating. Finally, Mr. Chairman, I do not know if I am not a victim of this already, if it is not a fault of the microphone, I think, Mr. Chairman, you could save us from some contributions that are made in such — it sounds as the speakers are shouting; that would help some of us who may be having problems of disease of the ears. Thank you Mr. Chairman.

THE CHAIRMAN: I think we have different vocal codes, and I think —

MR. SABIITI (Rukiga County): Mr. Chairman, I support the Motion as amended by hon. Kiiza Besigye. I would suggest that we should be allowed to have a free debate and every delegate should be given a chance to fully debate every chapter in the Draft Constitution. This, Mr. Chairman, will help to mould opinion, we are here to have consensus, but if you have subject committees there will be a tendency, as it has been in many committees, many conferences or conferences of this nature whereby the opinion of the people may be derailed, and that is my fear. Mr. Chairman, we have known of many committees that have been manipulated, will come in and then you will find that the opinion of the delegates is not really considered seriously. I, therefore, think that these committees will be just a duplication; give a chance to the hon. delegates to debate the Constitution and where it is necessary, as hon. Kiiza Besigye put it, let us have mere select committees — these could be one or two, on contentious issues. I, therefore, fully support the Motion as amended. Thank you very much.

AN HON. DELEGATE: Thanks very much, Mr. Chairman. I have calculated the time factor and I

have come up with about 601 working days if we are putting in eight hours, giving each hon. delegate three minutes if we have to go by the Amendment of hon. Lt. Col. Kiiza Besigye. In any case just now, we are discussing a report of a committee, are you not satisfied that we have all of us been given a chance to contribute? Nobody has been stopped from being - I have not seen the Chairman denying anybody a contribution. So, Mr. Chairman, me I am of the view that we continue with the committees, because the committees will come here and we will have a chance to pass through what they have prepared. Thank you very much, Mr. Chairman.

THE CHAIRMAN: Hon. Delegates, the number of hands that are up on this subject alone may take us until another few days. I do not think really we should - I mean we have already spent over an hour and something on one rule, and the arguments for and against, I think have been broadly conversed. I think why they made this recommendation. I would rather we proceeded to make a decision on this particular rule.

MRS. ZZIWA: Point of clarification. Thank you very much, Mr. Chairman. There is a very big omission which the Chairman of the Ad Hoc committee made, that is he did clarify why did he make specific clarifications of chapters as they appear - as they laid out. I think it is very, very noble and very important, maybe, if we know why the executive, the legislature, the National Council of State, the Judiciary are in committee 1, and maybe the relevance of it being bundled together. We would even know why exactly we should support either select committees or subject matter committees, Mr. Chairman.

THE CHAIRMAN: Let us hear from the Chairman of the Committee, and then we shall proceed from there.

MR. KAVUMA: Thank you very much, Mr. Chairman. I am obliged to the hon. delegate. Mr. Chairman, I did mention yesterday that we considered linkages to a certain extent of some chapters in the Draft Constitution and tried to put those chapters with linkages together. But I did also say that it is really difficult to say that a particular chapter may not have a linkage to more than one other chapters or even more. So, you not come out with a water tight sub-division of these subject matters, but we tried to, first and foremost, to see where linkages were traceable and had those subjects put together. Sec-

ondly, we also tried to make sure that these committees none of them is unduly overburdened by dealing with too many subjects while others have little or nothing to do. So, Mr. Chairman, as you can see hon. delegates from committee 1, here we have the Executive, Legislature, National Council of State and the Judiciary; this more or less deals with those organs of state. Then committee 2, you have a linkage of accountability with a substantial leaning towards finance and behaviour of leaders; then you have Committee -(Interruption).

AN HON. DELEGATE: Point of order. Is it in order for the Chairman of the Ad Hoc Committee to begin to read the committees which we have already on this submission. We know what these committees are.

THE CHAIRMAN: I think he is in order; the point that was frequently mentioned during the contributions from the Floor was a rationale for arriving at this distribution in addition to the need for committees; and when the Chairman did intervene at one stage, he did not clarify this particular point and delegate Zziwa did raise it and I thought it was a valid point for him to clarify. I will ask the Chairman to be brief so that we finish this point and we go on.

MR. KAVUMA: Thank you very much, Mr. Chairman -(Interruption).

PROF. NSIBAMBI: Thank you, Mr. Chairman. I think the problem which the Chairman is facing is that he did not have -(Interruption).

THE CHAIRMAN: Which Chairman?

PROF. NSIBAMBI: The Chairman of the Ad-hoc Committee, not you, with due respect, is that they did not have broad categories which indicate areas of focus. For example, committees, should have been the form of government and organs of government and, therefore, people can, therefore, see the linkages; and committee 2, would have been accountability and, therefore, people would have fathomed the linkages. As it is, we do not have these broad categories and it is difficult to fathom the linkages, and that is one cause of the problem which people are having. I would suggest that we shall have to refine these committees and then people will see the advantages of committeeology this is part of the problem we are having.

MR. NDEGE: Point of clarification. Thank you, Mr. Chairman, for giving me the first opportunity to talk. I would like the Chairman to clarify - the Chairman of the Ad hoc Committee, to clarify to some of us who are county representatives and have been given a mandate to see each and every chapter debated here publicly - how he expects us to keep wondering from one room to the other. We have the same thing after the Budget in the NRC, and I can assure the Chairman that I have not been able to attend more than three committees, because they are all sitting concurrently and we have even to suspend Parliament for these committees to sit. If suppose we sit eight hours here, I do not know even where to find all these committees. So, could he clarify to us where we are going to find time; and really the whole thing to me is not practical and it is not democratic for the people *-(Interruption)*.

THE CHAIRMAN: Sorry, you took the Floor on a point of clarification and you are now making a long contribution.

MR. NDEGE: Sorry, Mr. Chairman, maybe, I got derailed, Sir. Thank you.

THE CHAIRMAN: Now, let the Chairman proceed some of these things may be answered and then we proceed; otherwise we are really taking too long on this matter.

CAPT. BABU: Point of information. Thank you very much, Mr. Chairman. There has been a misinformation which is being given that when you have discussed a particular action of this Constitution in a committee other members will not have a chance to debate it. I think we should get the concept of how these committees work. To me it looks like that somebody has not given us the concept; the concept is very simple. Committees work and the plenum chamber composes whatever the committees have discovered, have researched, where people have gone and given their contribution, and something has been paraphrased and they can cross-check. But if you are in a plenum chamber you discuss and when you are more than a certain number you can never finish the item. I have got a very good example and a very good friend of mine who was on the Constitutional Commission where they had only 20 people and he has - he is sitting right behind me, he has made it very clear, that certain clauses they could never reach a consensus because each one was continuously talking. The committee

will help us to carry out all that work in concept, bring it here and this very body will discuss it. Thank you very much, Mr. Chairman.

MR. NGOBI: Point of procedure. Mr. Chairman, the point of procedure that I would like to bring to your notice, Mr. Chairman, is that we have had a lot of views expressed on either side. I thought that at one time you had come to a point to summarise so that we can vote on the Amendment as has been moved by the hon. Kiiza Besigye, and I think when you know that you have a select committee, the way he moved, if we only agreed on that then we can proceed; if that did not go through we will proceed to consider the contents of the subject matter, But not at this stage, and I think we will make progress if we now decide whether to take his Amendment or to reject it, and we proceed. That is the point of procedure. Thank you.

THE CHAIRMAN: Now, I would have expected that with your experience you would move a Motion that the question be now put.

MR. NGOBI: Alright, thank you, Mr. Chairman. I take your advice that now the question be put.

THE CHAIRMAN: That Motion once moved according to procedure is put without debate, and we have to vote on that one first. That Motion has been seconded and I put it to vote.

(Question put and agreed to.)

THE CHAIRMAN: Now *-(Interjection.)-* is it a point of order or?

MRS. MATEMBE: Mr. Chairman, the point of order I would like to raise is in relation to the manner you were saying that Motion when it is not clear in our minds which Motion. Is it in order, Mr. Chairman, to tell us 'do you agree on this Motion' without clearly putting that Motion or question to us so that we know what we are voting on, Mr. Chairman? For instance, the last point, I do not want after all this talk, Mr. Chairman -

THE CHAIRMAN: The point of order does not arise. The Chairman clearly proposed and, in fact, when I framed and put the question, I said the question is that we vote on the Motion that the question be now put; do you recollect that?

DELEGATES: Yes

THE CHAIRMAN: And I think the hon. Member was not listening; and then we went ahead and voted on that and the AYES had it.

MRS. MATEMBE: What now?

THE CHAIRMAN: What now I am proceeding to do, that Motion having been passed, is to put the question on the Motion that rule 37 be deleted and instead be inserted a provision providing for the appointment of select committees by the House and when need arises. That is what we are voting on now.

(Question put and agreed to.)

THE CHAIRMAN: Order, order. Members who are rising I can see you are not even ten. Rule 37, has been removed and replaced; and, therefore, there is no need to go back to rule 37. We are now on rule 38, Technical Committee.

Rule 38, put and agreed to.

Rule 39 - Clerk and other staff of Assembly.

MR. KARUHANGA: Mr. Chairman, the technical committee which we passed now, we have decided, if we have passed it as it is, - sorry, I beg your pardon.

Rule 39, put and agreed to.

Rule 40, put and agreed to.

Rule 41.

AN HON. DELEGATE: Mr. Chairman, I agree with the principle of having an official attending to the Chairman of this Assembly. But, I think, let us be consistent; the term 'Marshal' is foreign to our language here. What we know here is a Sergeant-at-Arms. So, I would propose that we have a Sergeant-at-Arms; that is my proposal.

THE CHAIRMAN: I do not know whether that one is indigenous.

AN HON. DELEGATE: Point of information. Mr. Chairman, I would like to inform the speaker that a Sergeant at Arms carries a mace; we do not have a mace here and we cannot have a Sergeant-at-Arms. I thank you.

THE CHAIRMAN: Anyway, let me put the question.

(Question put and agreed to.)

Rule 41, agreed to.

Rule 42, agreed to.

Rule 43 - Suspension of Rules.

MR. KIRENGA: Thank you very much, Mr. Chairman. I propose that rule 43, be amended by adding at the end thereof the following provision, that is to say: "provided that where any rule pertains to the proceedings of a committee, the chairman of that committee or a majority of its members may suspend that rule." Mr. Chairman, I am moving that Amendment to accommodate a position where a committee may want, for instance, to proceed in camera so that they have the power to suspend the rule requiring publicity, openness.

THE CHAIRMAN: Is that seconded?

AN HON. DELEGATE: Seconded.

MR. KAWANGA: Mr. Chairman, I second and support the Amendment hon. Kirenga has moved.

THE CHAIRMAN: It was already seconded, you can only make a contribution.

MR. KAWANGA: I support because in some meetings of committees there may be need to suspend some rules of procedure, and the Amendment he is moving is intended to make those committees to be able to take that step whenever there is need, and the need will always occur.

MRS. EGUNYU: Point of information. Thank you, Mr. Chairman, I would like to inform the Mover of the Motion that this has been covered in 31(1) of the rules.

MR. KAVUMA: Mr. Chairman, I think hon. Kirenga's proposition is slightly wider than what is in rule 31, although to our mind we thought it covered the situation and - because 31 talks about modifications which may not necessarily include suspension. So, Mr. Chairman, I think we have had late consultations and the committee has no objection to hon. Kirenga's Amendment.

THE CHAIRMAN: I put the question on that Amendment by hon. Kirenga that rule 43 be amended by adding the words in terms of his Motion to enable committees suspend rules applicable to them as and when appropriate.

(Question Put and agreed to.)

Rule 44 - Amendment of rules.

AN HON. DELEGATE: Mr. Chairman, I think on this order, I am particularly mindful of our procedure; whereas we have passed hon. Kirenga's Amendment we have not received rule 43 as passed as amended.

THE CHAIRMAN: Now I will put rule 43 as amended.

AN HON. DELEGATE: Mr. Chairman, I would like to add another Amendment before you put it to vote. I would like to delete the 'or' because we are saying consent to the Chairman or the majority of delegates present. We should add the word 'and' - I mean put the word 'and' instead of 'or'. Because we seem to be giving you powers, too much, to suspend the rules. So, it should be really with the consent of the majority of the delegates.

AN HON. DELEGATE: Seconded.

MR. KAVUMA: Mr. Chairman, the Committee wanted to provide this arrangement in the alternative. I do not think really you give too much power to the Chairman by this provision. Because the Chairman, definitely before he acts must also read the mood of the Assembly. So, Mr. Chairman, we think there is the rule as it stands now is in good form and should facilitate the working of the Assembly so that when it is appropriate the Chairman judging the mood can - and, you know, taking into account all the circumstances obtaining - he can exercise that power, and the Assembly itself also has reserved itself the power to effect the same kind of decision. I thought it was flexible enough, but would help us to achieve the purposes of running the Assembly in a more orderly manner.

PROF. KANYEIHAMBA: Point of information. Thank you, Mr. Chairman. I think it is important, through you, to inform hon. Members that there are certain rules which the Chairman could suspend or modify without the opportunity of Members having

to have a say on it. For example, one of the rules related to discipline of hon. Members, the one relates to where we agreed that a Motion could be brought within less than two days notice in which case, obviously, it would lose meaning if the Members had to consent to that kind of thing. Therefore, I think that the rule the way it has been worded by the committee is really proper, because there are certain rules which would not be discussed by delegates as a whole. Thank you, Sir.

THE CHAIRMAN: I think let us put it to vote. The Motion is that the word 'or' appearing on the last line of rule 43 be replaced with the word 'and'.

(Question put and negated.)

Rule 43, agreed to.

Rule 44.

MR. WACHA: Point of clarification. Mr. Chairman, if the Chairman of the Ad hoc Committee could clarify, rule 44(3) says: "No proposal for Amendment under this rule shall have effect, unless made in accordance with section 16 of the Statute." Now section 16 of the Statute, if I could paraphrase talks about the rules of procedure as in effect in the National Resistance Council. Now, Mr. Chairman, my question is; does it mean that all proposals for Amendment should be as in accordance with those procedures of the NRC, and if it does how does the Committee reconcile these with the proposal in respect to rule 55 which we are going to come to?

MR. KAVUMA: Mr. Chairman, one of the main reasons really of this rule is that whatever these rules do, in relation to the provisions of 44(3), does not conflict with the parent Act. But I want to draw the attention of the hon. delegate and the other delegates to the provisions in rule 55 which we have not come to, which will cure the kind of - which will deal with the situation the hon. delegate is asking about. Under that section 16, the committee has proposed that these rules once adopted will be the sole rules to guide the deliberations of the Assembly, and therefore, since that provision itself does not contradict section 16, there will be no problem of any inconsistency between sub-rule 3, and the section 16 of the Statute, if and I believe we shall pass rule 55.

MR. WACHA: In view of that explanation, and in view of the existence of 55 which is not controver-

sial, I would want to amend, Sir, that this House deletes rule 44(3).

AN HON. DELEGATE: Seconded.

THE CHAIRMAN: But before debate ensues, is 44(3) not seeking to ensure that any rules made, because even the amending rules once made here are also rules of this House. In other words, we have the rules we are making, but even Amendments when they are made - those amending provisions are themselves rules of procedure of this House. That being the case, they must be passed in accordance with the or by way of a resolution, one; two - by way - and supported by a majority of the total number of the delegates, and must be notified by way of Statutory Instrument; in other words under the hand of the Minister for Constitution Affairs. Those are provisions in 16 which I think are applicable to the making of rules, be they the ones we are making now or the amending rules. If I understand that to be correct - if my understanding is correct, then should we proceed with an Amendment that seeks to delete a provision that, in fact, brings the - which makes provision for application of various provision of 16 to the making of rules as required by the law?

MR. WACHA: Mr. Chairman, the making of these rules as they stand now is based on the existence of section 16 of the Statute. Now, my proposed Amendment is that section 44(3) as it stands now is superfluous in respect to the existence of rule 55. We cannot go ahead and make these rules except with the existence of section 16 of the Act.

THE CHAIRMAN: No, I think there is a small misunderstanding here, and I think all the lawyers know that where a provision confers a power, that power is exercisable from time to time as need arises. The fact that you have made this rules does not exhaust your power to make further rules, either repealing these or amending them. Now, if you abdicate the power under 16, then under what other authorities would you make rules? Because that power is a creature of the Statute. That power is the preacher of the Statute. Could we hear from you?

MR. WACHA: Sir, I think we are talking at cross purposes. I am saying, that these rules exist because Section 16 of the Act exists. That is the fundamental - that is the mother of the operations of these rules. But I am saying now Sir, that 44:3 actually, does not say anything. It does not. Because now you are

going to say, you have to make these rules in accordance with Section 16 of the Act, and then in 55; when we pass it, we are going to say, all these rules exist because they have been made by this assembly.

THE CHAIRMAN: Yes, you have explained.

A HON DELEGATE: Point of clarification. Mr. Chairman, in supporting that amendment, what was said in short that this sub rule is superfluous if it does not have to be stated. Because article 16 is quite clear. We do not have to repeat it in the rules, that an amendment has to compile with article 16, because it must in fact compile. So, what is the point of stating it in the rules?

MR. KARUHANGA: Mr. Chairman, it is a pity that we are taking so much time on this very obvious rule, our committee looked at this, we were given a task to make sure that we write rules which are simple, clear, which avoid doubt, and when Members receive them, they will refer to them without having to go to look at other laws digging in other Statutes; and they would find the work and if they want to read anything that makes clear what they want to do, they will find it here in the rules. My Learned Friends are saying, no, we lawyers know where to find laws. But not everybody here is going as learned as Distinguished as hon. Wacha or Hon. Nabudere. It does no harm, it makes the work of all the Members here easy. And I do not see why we are wasting time on this. I will really appeal to them to withdraw it.

MR. ATUBO: Thank you very much, Mr. Chairman. Mr. Chairman, the title of this - of rule 44, is amendment of rules. And what we are trying to bring to the attention of members is that, if you propose to come out with an amendment of the rules, these are the provisions we should bear in mind. We may delete 3, but at the same time for purposes of reference, we may not be able to recall that actually. All that you are doing should bear the provisions of Section 16 relevantly. So, we are putting as a matter of information, that if we want to move any amendment, we must bear in mind the provisions of section 16. And you lawyers know very well that, superfluity in law is not harmful. In fact, for purposes of emphasis you have a lot of provisions. So, I would call up on my Distinguished Hon. Lawyers Ben Wacha and Hon- Nabudere, that in fact for purposes of making this rule more perfect, more clear and

more effective, rule 3 does no harm in being there. Thank you.

MR. KITARIKO: Mr. Chairman, when I look at the Statutory Instrument to be issued by the Minister, paragraph one says so. So, why are you blaming this point? Says the Constituent Assembly, Rules of Procedure instrument 1994, and section 16:1 with Constituent Assembly Statute 1994: Statute 6,93 that is the authority for making the rules. Now what do you have to put instead of the rule. It would appear as a cover on these rules.

THE CHAIRMAN: Order.

MR. MUSHEMEZE: I would like to move Mr. Chairman, that you put a question because you are wasting a lot of time.

THE CHAIRMAN: Okay; the Motion which is on the Floor now, is that the question be put. That is what they are voting on.

(Question put and agreed to)

THE CHAIRMAN: Now, I will put the question relating to the 44:3; the Motion is that 44:3 be deleted.

(Question put and negated)

THE CHAIRMAN: I now put the question on 44 to stand part of the rules.

(Question put and agreed to)

Rule 45, agreed to.

Rule 46.

MR. WANENDEYA: I would like to make an amendment to rule 46:2 Mr. Chairman if there is no one making anything with protocol. I, Mr. Chairman, the amendment I want to make is that, we should include the word soon thereafter, to be part of rule 46. I beg to move, Mr. Chairman. Thank you. The whole sentence would then read as follows, Mr. Chairman. After the Motion referred to in sub-rule 1 of this rule; has been seconded the debate on the draft constitution shall commence soon thereafter. I beg to move.

THE CHAIRMAN: Seconded? It has not been

seconded so I say *(Interruption)*- No, are you going to make a proposition or you are seconding that?

(Question put and negated)

THE CHAIRMAN: I put the question on rule 46 now.

(Question put and agreed to)

Rule 47.

MRS. JANET MUKWAYA: Mr. Chairman, I want to move that we add the following words after constitution. Chapter by chapter so that we discuss logically.

THE CHAIRMAN: Which particular sub- rule?

MRS. MUKWAYA: In the general debate. 47:1. The reason being that Mr. Chairman, if you give the Floor to an hon. Delegate, one may discuss chapter 1, take us to chapter 40, chapter 20, and back. I would think that, for some of us who want to follow, it will be logical that we discuss chapter by chapter.

THE CHAIRMAN: Is it seconded? I have not seen any seconder. So, we move on.

MR. NGOBI: I am seconding it. Shall I be given a chance to explain since I am seconding it? Mr. Chairman, I would like to second this suggestion. I am bearing in mind the amendment that we agreed on, that we discuss the constitution, and when we have a particular chapter or chapters, which is contentious we have a select committee. If we have a general debate which does you know, limit us when in a particular chapter, we are really repeating. And I think it makes sense, Mr. Chairman, that we go chapter by chapter. In that way it is a very good organisation of work, we shall finish. Instead of having a general debate and then again come back to debate chapter by chapter, and decide where we have a select committee. So, I beg to second.

THE CHAIRMAN: Now, first of all, can I say something. In view of the observations made by the seconder, it would appear what really they would proposing would be a total deletion of 47, so that we have only 48. Because 48 provides that after general debate, you go to article by article, being called by the Clerk, if you look at 48:5. In other words, you either do away with general debate. I am just trying

to clarify so that we know what we are doing. That Motion of Delegate Mukwaya would be better put for deletion of 47.

A HON DELEGATE: Point of information. Mr. Chairman, the information I want to give, the amendment should be looked in light of what is being proposed in 47:2. that the maximum amount of time will be 30 minutes Mr. Chairman, if we go chapter by chapter, that means, the delegate will have to speak let us say for five minutes. And we have 20 chapters and that would bring a total of 50 minutes. So, Mr. Chairman, the information I want to give is that, if we adopt what is being proposed, the time framework in which a Member is going to debate, will be too big that cannot be contained.

THE CHAIRMAN: Now, let me clarify on something before I take on other ideas from the Floor. When you combine the provisions of 47, and those of 48, what really is happening is this, for the benefit of some members who may not have been in Parliamentary practice. What really is happening is that, like we treat Bills when they are brought in Parliament. A bill is read a first time. In this case they are saying, in 46 a Member shall move, that we debate. Just like the first reading of the theme. Then we say okay, we have now taken possession of the draft constitution and we are now going to debate it. Under 47, it is what we do in Parliament when we are dealing with bills in what they call second reading. At the second reading, the Mover justifies the bill. Alright in this case we do not have a government side. So, we have the document there and we do not have someone leading the debate, only only the Chairman regulates. Under those provisions, you are not allowed to debate details of the bill. You only debate the general principles. And in debating in general principles you can make references to various sections or clauses, but you are not allowed to move amendments. You can only talk about them, and you move from section to section; at your own wish. But if you want people to follow you properly, you can move logically. Now, most members do not speak to all the clauses they only pick those which they want to high light because of the policy behind those. And then, after you have finished the general debate on principles of the bill, you go into a committee of the whole House. Now, in committee of the whole House, you now consider clause by clause. You are not allowed to make a general statement on the clause. You do exactly like what we are doing now to the rules. You move amendments,

you seek clarifications and so on and so forth. And each clause is treated alone until you finish, and you do the Schedules and the long title. That is a Committee Stage. That is what is being envisaged in 48. Instead of calling it Committee Stage, they are proposing consideration stage, where you would go into details having given yourselves a chance to make a general statement, not necessarily on every article of the draft constitution, but only on those areas where a member thinks that within the time allotted, he may want to high light. Now, I thought you should benefit from this background so that you know when you come to vote on this Motion. At the end of the Committee Stage, you go to the Third Reading, I guess here, they have made some provisions relating to enactment. At that Stage then, you vote - sorry, there is a report from the Committee Stage to say, when we went into committee, we considered clause by clause, either we passed the bill without amendment of any clause or clauses were amended, you adopt that report from the committee, and proceed then to vote on the entire bill and adopt and it passes. Now, I can see the framers of these rules, were looking at that sort of thing i.e. general debate on principles, consideration stage like a committee in detail of the whole House, and then at the end you adopt the document as amended. Now, the Motion was seconded. It is about to generate a lot of debate, but do not forget we do not have much time. We shall have to adjourn so that Members can take advantage of the invitation to the State Opening of the Session of NRC plus the Budget. And I thought we should adjourn at 12.30 p.m. And that is why I am pushing to finish this. Now, should we discuss this or should we vote on it?

HON. DELEGATES: We should vote.

THE CHAIRMAN: Okay, let me put the question. Now, did you take my advice that we couch the Motion in terms of deleting 47? Because, that what, it makes sense really. Now we are talking about voting, but what I want is to know how to frame the Motion so that we vote on it. Because what was being suggested is that we go chapter by chapter under this one. But that will not make sense because you would have - So, what we should be voting on is whether or not you should delete 47. Let me put the question now.

HON. DELEGATE: Mr. Chairman, before you put the question, I would ask you to clarify to the House and we agree right now; as to whether we are

going to have a full scale general debate on the whole constitution, finish it, and then we do not repeat a general debate on each chapter. Because this is the issue of contention. Some people, I think that they will have to have a general debate on a chapter or on certain matters. Because the way you have explained means that once you finish a general debate, then we just go into analysis chapter by chapter or clause by clause. because I see the point. If we are going to have a general debate, lasting may be one month or one and a half month. And then you start other general debates by chapter. We are going to go into two, three years. So, I want you to clarify that point.

THE CHAIRMAN: No, the point is made very clearly in the provisions of 48 which we are coming to. You debate the general principles of the constitution in 47. The Clerk shall call the number of each article in succession. Then if no amendment is proposed, the Chairman shall propose the question. When all the members have finished to speak on that particular article then I shall put the question and then we go to the next one. It does not provide again indulging in detailed debates. The general debate is the one which may take us time, each Member will have the chance to speak if they so wish, and then from there we go into details like we are doing these rules now. Now, I put the question.

(Question put and negatived)

PROF KABWEGYERE: Thank you, Mr. Chairman. I think we have gone through number one. I have some points on number 47:2. Mr. Chairman it is just an addition. The reason why the delegates are restricted 30 minutes, is because of our number and the time schedule we have. However, I feel, Mr. Chairman, that the content of the constitution, you will be very much to depend of what the delegates say on the views they express on the people's messages they bring to the House. I, therefore, Mr. Chairman, think that Members should somewhere be allowed to freely write papers if they so wish, if the 30 minutes is not enough, they should be able to write papers on subjects, on articles, that are of interest, that they feel they have their views to be recorded for the benefit of our country.

Secondly, for those who may even wish to talk out some to machine in a room in this building - they have something to say. Because of the limited time they have in the House, that they can say so, and what they

say is recorded and is available for future generation to see. So, that an hon. Member Karuhanga who is a delegate from Nyabushozi is recorded having talked in the assembly but also having to talk, having used his time while he was a delegate to say something that he had no time to say in the House. I thank you Sir.

THE CHAIRMAN: Some kind of clarification from the Chair, now the speech in the machine where would it be used?

HON. DELEGATE: Yes, I would clarify that, Mr. Chairman, where will it be used? I think if there was an office where anybody who wants to record his views, would be free to go and that recording would be typed out and made available. If you are a delegate, and you said nonsense, it will be recorded.

ENG WINNIE BYANYIMA: I thank you, Mr. Chairman, I agree very much with what Prof. Kabwegyere has said. But I would like to propose an amendment on 2. In view of the time that we have, why do we not make it a maximum of 20 minutes, since after all, we are going to go through every chapter after that. We are only making general comments and we used only 20 minutes on our campaigns and managed to convince people and get here. Thank you.

THE CHAIRMAN: Is that seconded? No seconder.

HON. DELEGATE: Thank very much, Mr. Chairman. I would like to propose an amendment on section 3, of this chapter, that we delete the word 'its'. The whole sentence says, at the consideration stage, the assembly shall not discuss the principles - *(Interruption)* -

THE CHAIRMAN: Sorry, you are ahead over.

HON. WOMAN DELEGATE: Point of order, Mr. Chairman, is the Member in order to take us to 3, when we have not disposed of 2. May be, I look forward, Mr. Chairman, to your decision on 47:2, you were asking whether there is any seconder to the mover hon. Byanyima. And I think I second her, Mr. Chairman. Bearing in mind that we are going to debate Chapter by chapter or every other chapter, Mr. Chairman, I am bearing in mind that the number of Delegates is 284; I propose, I second hon. delegate, Winnie Byanyima, that we take 20 minutes.

THE CHAIRMAN: I put the question. Those in favour of deleting 30 and substituting 20, appearing in sub rule of 47.

(Question put and negatived)

Rule 47:3

HON. DELEGATE: I was just moving that we vote on section 47.

THE CHAIRMAN: Okay let me put the question on 47. Those in favour.

(Question put and agreed to)

Rule 48:1

Rule 48:2

MR. WANENDEYA: Thank you, Mr. Chairman. Mr. Chairman, I feel very strongly that we have considered the subject matter and agreed that if need be, we set up subject matter committee - select committee, Mr. Chairman. Having considered that, Mr. Chairman, I am saying that, under consideration stage, we should include in part two to say that - *the consideration stage shall include recommendation under select committee* Mr. Chairman. So that anything discussed by select committee comes before us.

Secondly, I would include the third section which should say that reports and proceedings of the select committee shall be laid to the assembly by the committee chairman, Mr. Chairman. Now, the point over here is that unless we include this in just as we did, with ad hoc committee, there is no where in these considerations where that - it should be covered. Therefore, I move, Mr. Chairman, that after 1, we should have two in number 3 and then 2 becomes four. I beg to move, Mr. Chairman.

THE CHAIRMAN: Is it seconded. Not seconded.

Rule 48:3

DR. KINYATTA: Thank you very much, Mr. Chairman. I would like that we delete 'its'. The three at the consideration stage; the assembly shall not discuss the principles of the draft constitution, but only details of each chapter or title or whatever. Instead of 'its'. Because that is what we are doing. Only details of each chapter.

THE CHAIRMAN: Have you looked at sub article 5?

DR. KINYATTA: Yes.

THE CHAIRMAN: The Clerk shall call the number of each article in succession. So, really we shall be - it is actually covered. Do you still insist on your amendment?

DR. KINYATTA: Okay, I was not.

Rule 48:3

MRS. KALEMA: I would like to propose an amendment on 48:4. At the consideration stage, a delegate may speak more than once to any question proposed, at any event, shall not speak for more than 15 minutes on any occasion. Mr. Chairman, I feel that considering the time we have, we have already passed rules which are going to stress us on time unfortunately and now, here if a Member may speak more than once, this may not give enough time to - for everybody to speak. I would like to suggest that, a Member may speak only once. More than once and for 15 minutes Mr. Chairman, we cannot manufacture the time to be able to go through the reconciliation stage.

THE CHAIRMAN: Is that a Motion?

MRS. KALEMA: It is a Motion, Mr. Chairman.

THE CHAIRMAN: Is it seconded? Okay, it is seconded.

MR. HASHAKA: I wish to disagree with the previous speaker in that the Chairman, really is capable of seeing a person who has not spoken. And if one is able to contribute more than once, I do not see why he or she is refused the occasion to do it. And 15 minutes surely is not so much, that one may not hammer the point home. So, I think the time of 15 minutes to me is okay, and one can speak more once, if found really that he can contribute effectively to the Motion. Thank you.

HON. DELEGATE: I would like to inform the previous speaker that what we are talking about is consideration of article by article. Clearly, there may be a need for one Member to move two amendments, to a specific article, which would require him obviously to speak twice. So, I think at

this stage when we are considering amendments, it would be inappropriate to require each Member to speak once, when there may arise a need for a Member to rise two amendments in the same article.

THE CHAIRMAN: But really, must we have a debate on this one? I will just put the question, that we amend sub rule 4 to provide that a delegate may speak once instead of more than once on any one question.

(Question put and negated)

RULE 48:5

RULE 48:6

MR. WANENDEYA: What I am saying, Mr. Chairman, before amendments are moved, what I have in mind is that, is that, we have agreed that select committees should be appointed by the assembly when it is necessary. But I am asking, and I want clarification from the ad hoc committee, as when we point these select committees where will they come in and where will their reports - and chairman and brief us without having an amendment? I ask clarification, Mr. Chairman.

THE CHAIRMAN: That one is going to be covered under the Committee's procedure. In fact the committee has been asked to go and prepare some provisions relating to appointment of committees and other procedures relating to them. That does not come at this stage. It comes within committee procedure, and I think the rules committee has taken note of that. We are now at 6.

Rule 48:6

Rule 48:7

MR. WANJUZI: I am only getting worried, Mr. Chairman, with our Chair, because it appears we are not following the procedure. When I see our Chairman, being laboured so much, when he is taking over the work of the Clerk. The Clerk should be able to read out the sections which we are supposed to discuss, so that the Chair follows the argument and discussions of the Members properly. Thank you very much, Mr. Chairman.

THE CHAIRMAN: There is no such a thing here. The Clerk has called the rules, we do not vote on these sub rules, I am just calling them out so that Members may react to them so that we move faster

in a logical manner.

RULE 48:8

HON. DELEGATE: Mr. Chairman, is it in order, for this House to be limited to only one form of amendment, when other Members are proposing other dimensions of amendment. This refers to section 4, Mr. Chairman, where one Member wanted to propose another amendment and she was stopped.

THE CHAIRMAN: Let us proceed.

HON. DELEGATE: Mr. Chairman, I want to move an amendment on clause 8. Considering that we should have heard this draft constitution, since we came, and considering that we have heard a general debate, on the draft constitution, I find it unacceptable to me, and we want to convince my fellow delegates that amendments should not just be moved whenever the Chairman proposes. I accordingly, move the following amendments. That clause 8 starts as follows can follow: A delegate shall give a notice of any article in writing to the Clerk in good time for the amendment to be circulated before it is considered by the assembly. And then this bit of Clause of sub-clause 8 can follow up with us, Mr. Chairman. I beg to move.

THE CHAIRMAN: If you look at rule 14, you give notice of Motions. You see the consideration of, a bill if I may give that example at committee stage, you do not give notice. Supposing we are to require notice of these amendments we are making now? Would you be able to work like they are working? 8 is intended to make discussion at the consideration stage to proceed like we are proceeding now. That you can make amendments couched by way of Motion. Because it is the only way you can get a decision made, is upon a resolution on a Motion. But these are Motions without notice because you are in a committee stage or consideration stage right there. but if we were required that someone gives a notice of intention, then you cannot conduct a committee stage. This is what sub article 8 is all about.

MR NASASIRA: Mr. Chairman, you know well, even in practice, in NRC if any Member has an amendment, he sends it to the Clerk, the amendment is printed, and it is circulated to Members, so that Members can contribute positively to that Amendment. It is the same thing done at committee stage, when we are considering bills, Mr. Chairman. In

other words, Mr. Chairman, we should know which amendments are on each article by the time we go to the article.

THE CHAIRMAN: It is only possible when you have a lot of time. But anyway, it helps. I am not saying that it is not necessary. It helps if one can write their amendment in advance, and circulate it. So that other people can also see and react. But here they are suggesting, which is normal practice in many places that you amend and you proceed like we are doing now. May be the chairman of the committee can react to that before we see whether there has been secondment of the Motion.

MR NASASIRA: I concur with the guidance from the Chair, and I think we should proceed.

HON. DELEGATE: Mr. Chairman, if you refer to article 14, - 15:2, I think it does solve the problem being raised by hon. Delegate Nasasira. It says that, an amendment moved for an article, and seconded in the assembly without notice shall be referred to be inviting and delivered to the Clerk. That is 15. Amendments without notice. That means we are doing amendments without notice, even then the article says, any an amendment moved to an article or seconded in the assembly without notice shall be to be in writing and delivered to the Clerk.

THE CHAIRMAN: Yes, I agree. That covers it. Of course any matter delivered to the Clerk as you know under general practice - any material for the assembly delivered to the clerk is going to be in possession of the assembly, and he is supposed to circulate it to the Members.

HON. DELEGATE: Thank you, Mr. Chairman, I intend to support the hon. Delegate. Because when we come to committee stage we shall be coming to really to point where we shall be meaning the final draft. And other than lack of logistics, papers, machines and so on, anybody really who wants to amend the draft constitution, should have his amendment in writing. But if we just move them orally here, we will even loose trends.

Rule 9

MR. KABA YO: I move that we add the words pre-consideration at the end of 9, to complete the meaning of that sentence.

THE CHAIRMAN: No, I do not think really we should proceed with that. Because another section providing for the functions of the legal and drafting committee, among those is consideration of things like these when we refer to them. So, in a mere fact that they are given possession, is that they go and act on it that way. It would really amount to repetition if you do not mind.

Rule 10.

Rule 11.

MR. HARUN SSEBI: I would like to propose an amendment, on 11, replacing the word 'first' with the word 'last'. The reason being that, in practical life, you start from what is known before you go to the unknown. It reads, the amendment which in the opinion of the Chairman, departs furthest from the text under discussion, shall be debated and disposed on first. I take it that *-(interruption)-*

THE CHAIRMAN: In order to add proper reading of that, it would read 10. If you have a series of amendment, relating to an article, you take the furthest then you come back by disposing of those, and then eventually, the amending of the article itself. That is how it works. If you accept this, I would request that we proceed.

MR. HARUN SSEBI: My point was that, if we start by amending first what departs furthest from the text, then it would be far better, time consuming and straining, and we need to save time.

THE CHAIRMAN: Hon. Delegate, those are series of amendment by form of a Motion before the House. If you have three amendments, you take the amendments in order in which they relate to each other. Like we did this morning, when hon. Malinga amended and then hon. Besigye amended his amendment we had to dispose of his amendment first before we go back to this one. Luckily, he conceded. For there was one earlier one, where we disposed of the amendment to the amendment. So, if you have got an amendment to the amendment, then you should start with the furthest amendment. You dispose of them, and if one of them is carried, you may even dispose all these others. That is how we do it.

HON. DELEGATES: Accepted. Thank you.

Rule 12

Rule 13,

Rule 14,
Rule 15,
Rule 16,
Rule 17,
Rule 18,

(Question on Rule 48 put and agreed to).

THE CHAIRMAN: Hon. Delegates, the ceremonies and functions at Parliament Building start sometime after 1.00 p.m., I have not looked at the programme lately, but I think people should begin taking seats. We cannot therefore, go beyond this I think, we should end and continue with 49 and others; we have done a good job. We have gone through very difficult sections.

I therefore, adjourn to 9.30 a.m. tomorrow morning.
We stand adjourned.

(The Assembly rose at 1.05 p.m. and adjourned until 9.30a.m. on Friday 17th June 1994)