



THE REPUBLIC OF UGANDA

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

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**OFFICIAL REPORT**

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**FRIDAY, 17TH JUNE 1994**

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**Price Shs.: 1,545/-**

Friday, 17th June, 1994

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

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

*(The Assembly was called to order)*

#### COMMUNICATION FROM THE CHAIR

**THE CHAIRMAN:** Presentation of certificates of participation by the Chairman to the participants as their record for historical purposes and for themselves that they did participate in the debate - they requested if permission could be given for a photograph to be taken as they receive their certificates. I did not think that it would offend us too much. I did authorise that, again for historical records and I understand, for publication that will arise following this participation. So hon. Delegates, do not be surprised if a flash takes place during the presentation of certificates. Meanwhile, as far as our work schedule goes, I have been informed by the chairman of the rules committee that his committee is still formulating rule 32 and 33 and in addition, they have now to formulate provisions relating to the appointment of the various committees; the standing committee that we set up yesterday and also a procedure relating to the working of select committees in view of the fact that the previous proposal for subject committees was rejected. That being the case, the chairman informs me that his committee will not be ready today with the draft for us to discuss. So what I will propose to do is that we shall continue discussing the remaining provisions of the draft rules and stand over rules 32 and 33 together with all the other matters that were referred to the committee and then we receive their report on Monday. We shall adjourn to Monday at lunch time, then the committee will continue in session to produce the necessary drafts. We get them out of the way on Monday and then we get on to the business of composing - maybe the business committee - and then proceed with the business of the Assembly in accordance with the rules that we shall have adopted on that day. That is as much as I can communicate to the Assembly from the Chair.

Now, as for the procedure for presentation of the children's memorandum, I will call upon the clerk.

#### PRESENTATION OF MEMORANDA BY THE CHILDREN:

**THE CHAIRMAN:** The order of business will be that the Chairman will call upon the junior chairman, to come and make his presentation from the podium by reading the memorandum, I presume. This will be then handed to the Commissioner who will hand it over to me. Then we shall recognise it and the Secretary General of the National Council for Children who also happens to be a Delegate in this Assembly will come and request the Chairman to present certificates. The Commissioner will say a few words on receipt of the memorandum and I will proceed also to say one word or two. We expect this process not to take a long time and I do expect that in good reasonable time, we shall have finalised and go to our business. Accordingly, I call upon the chairman of the mock debate to come to the podium and address the Constituent Assembly and present the children's memorandum. The Deputy Chairman of the junior Constituent Assembly will read the memorandum and then the Chairman will say a few words. That is how we shall start. But we can start with the reading of the memorandum.

#### THE DEPUTY CHAIRMAN OF JUNIOR CONSTITUENT ASSEMBLY:

The Chairman, vice chairperson, hon. Delegates, distinguished guests, Ladies and Gentlemen. I have the honour to present to you the resolution after a hot debate of the children of Uganda. The debates were carried out on district level. We had two Delegates from each district and we came to the national level and this is what the children Delegates to the CA mock debate came up with. The first issue which is a national language: the children of Uganda all opted for swahili to be adopted as a national languages (*Applause*). They had the following reasons of suggesting

Swahili: 1. It can be spoken and even learnt by the majority of our peoples. It has a rich vocabulary and standard grammar. Its acceptable and promotes unity, it facilitates communication even outside Uganda. The second issue is the strengthening of the national unity. They suggested that there is need for adoption of a national language because it promotes cooperation and unity among the people of different ethnic backgrounds in Uganda. Civic education should be a continuous process.

The national army should be made up of only citizens with a good character and recruited from all districts of Uganda. All citizens of the country should be treated equally. The State should adopt systems that ensure even and integrated development of each part of the Country and no one should be above the law and every person should enjoy equal protection of the law. Nepotism should be discouraged and instead a national culture which integrates the values and aspirations of the people of Uganda should be promoted. Ugandans should have the freedom to practice any religion, Uganda should always be a secular State with no state religion. The State should always pursue a policy of national reconciliation especially among the former Presidents.

Kingdoms should be abolished (*Applause*). People should be given the chance to decide on who to govern them and how they are to be governed through regular free and fair elections. And the third issue was fundamental rights and freedoms of individuals and groups such as the children, women and the family. Women should have a right to inherit property. The State should protect and ensure the proper administration of the estate of the deceased persons in favour of widows and orphans. The State should establish numerous remand homes and reformatories. Sex education should be encouraged in both schools and homes. Children should have a right to parental care and love. Children should have a right to choose their guardians in the event of the death of their parents or in the case of divorce. Children should have a right to freely express themselves and to associate amongst themselves and with each other. The State should promote children's rights and special courts should be established to handle cases of child abuse and mistreatment of children by parents. Every citizen has a right to life. Therefore the death sentence should be abolished and instead be replaced by a sentence of life imprisonment with hard labour.

The fourth issue was about social services. The children of Uganda said the State should provide compulsory basic education, that there should be no cost-sharing in higher institutions of learning in order to afford every citizen equal opportunity to attain the highest education standard possible. The children continued that the State should undertake to provide basic medical services to all the population; that English should be used as an official language in Institutions of learning and children should be well represented in the National Council for children; that the State should provide and support social services

and preferential treatment to the disabled or handicapped persons to enable them to live as independently as possible because being disabled does not mean you are unable. The State should ensure an even distribution of social services; that is schools, roads, hospitals, electricity throughout the country. The fifth issue was about safeguards of the new constitution. The children of Uganda decided that constitutional education should be provided to all categories of people including members of the army; that political education should be taught in secondary schools while civic education should be taught in primary schools; that it should be a treasonable offence to try and assume power through unconstitutional means. Parliament should establish a panel of judges who would be responsible for selecting the Chief Justice and other High Court judges; that any amendments to the new constitution should be done through a referendum and not by Parliament; that the High Court should be responsible for trying constitutional cases; that the new constitution should be simplified and translated into all the local languages in Uganda. The sixth issue was about environmental protection. The children of Uganda suggested that every district should have a forest reserve; afforestation should be encouraged; the State should promote mass education campaign about environmental protection; that the State should encourage the use of alternatives to wood fuel, for example, hydro-electric power, solar energy, biogas instead of finding no solution for the people in the rural areas. The State should check the importation of environmental hazardous materials such as toxic chemicals; that fishing should be controlled by the State in order to ensure that the fish stocks in the water bodies last for generations to come; that the land tenure system should be revised; that the State should ensure that waste products from the various industries are recycled. That is all that the children of Uganda had to present after a lot of resolutions. Thank you very much. (*Applause*).

**THE CHAIRMAN:** Hon. Delegates, in order to join me in thanking the deputy chairperson of the children's mock debate for a very able presentation of their memorandum and also to congratulate them and thank them as a group for a good job well done and from now, we cannot say that the children of Uganda did not participate fully at all levels in the constitution-making process of our country. Thank you very much. I had earlier made a statement as if the chairperson was going to make a statement here after reading the memorandum. They will be making that statement at another meeting this afternoon,

otherwise our proceeding should relate only to the presentation of the memorandum and recognition of the participants. It is now time for presentation of the memorandum that has just been read.

**MR. MULONDO:** Mr. Chairman, I would like to have the opportunity to say that a copy of that memorandum or whatever you want to call it, should be distributed to us because some of the points raised by the children are very important.  
(*Applause*).

**THE CHAIRMAN:** I can assure *Ssabalangira* Mulondo that the memorandum will be duplicated and copies made available to all the Delegates.

**PROF. NSIBAMBI:** Thank you Mr. Chairman. I know this is not the right time to object but I want to say this categorically; that the issue of monarchy is not negotiable. That is all.

**MR. ABU MAYANJA:** Mr. Chairman, those who want to abolish kings should live in another country.

**THE CHAIRMAN:** Order. I am not going to allow a debate to arise out of the memorandum. (*Applause*). And would like to advise the Delegate for Busunju that they should recognise the memorandum before they speak - I will not allow any further debate on this matter, be it procedural or otherwise. We shall go ahead with the programme as I outlined it. Commissioner, go ahead.

**THE COMMISSIONER OF THE CONSTITUENT ASSEMBLY: (Mr. Akabway):** Mr. Chairman, hon. Delegates, children CA delegates. I would like to inform the House that hon. David Pulkol in his capacity as the secretary General of the National Council for Children, will accordingly introduce the chairman and the vice-chairman of the children's CA mock debate later on. Mr. Chairman, before I formally hand over the memorandum to you in my capacity as the Commissioner for the Constituent Assembly, I want to use the capacity of mine and that is that of a teacher. That I attended a full scale debate of this mock arrangement organised by the National Council for Children. I listened to the ideas and to me as a teacher, an educational administrator, this was not new to me 'This is something that we have encouraged in schools for a long time' And I would like to remind hon. Delegates that what we are witnessing today is only a continuation of what we started right from the beginning, I would

like to remind you that in those early stages, even, at the stages that you - indicated that you wanted to stand; that is, you were telling voters that you were an aspiring candidate, the children were there. Were they not? They were there and my role as a teacher at that particular time, role number one and the other - Role two, was first to acknowledge their presence in those meetings be they those early meetings where you expressed your aspiration or later on during the candidates meetings and they have been following the process. Allow me Mr. Chairman, hon. Delegates, to use the analogy of serving food by different cultures in this country. The style in which we serve food to different age groups, the style in which we eat food whether it is an evening meal or it is an afternoon meal or it is a morning meal, whatever it is, if it is done correctly, most cultures in this country serve food to the children first. The fact that the children have had mock debate is a demonstration of the fact that they have gone into the food, they have tasted the food and to use the analogy in this case, the food is the draft constitution itself and a constitution in the final stage. You distribute the food to the children depending on their age. The child which has just been weaned out will be given what it is able to chew, what the National Council for Children did was to draw the attention to some sections of the draft constitution, as you notice from their memorandum, they have not covered the entire process. They have touched on those areas where the National Council guided them on and those ideas will be circulated. In fact the chairman has already indicated. Now it is my duty as the Commissioner, Mr. Chairman, hon. Delegates, to present the document of the children of Uganda to you. Thank you Mr. Chairman, thank you, hon. Members. (*Applause*).

**THE CHAIRMAN:** Hon. Delegates, in case some of you were getting a bit jittery about the fact that the Commissioner was addressing us and I think some of you may have thought that you need a resolution. The point though is that he is head of our Secretariat and an officer of this Assembly and as such, he was on his way to present the memorandum, he had received, to us by saying a few words. It was not an address that requires compliance with the Statute. I have received the memorandum and as I did promise in response to a point raised from the Floor, the memorandum will be duplicated and copies will be made available through your pigeon holes.

Let me at this juncture, say one or two words. Firstly, as I did say earlier, I would like to pay tribute to the

secretary general of the National Council for Children, the teachers and other people involved in the organisation of the children's debate right from the district level now to the national level leading to today's ceremony involving presentation of their memorandum. It may appear to be a simple occasion but when you look at it from the constitutional-making point of view, it is a very important occasion for reasons that need not to be said. But maybe one can say one or two. First, we are making this constitution not only for ourselves, who are of adult age but also for the children, their children and their children's children ad-in-finitum. In that way therefore, whereas sentiments have been expressed that children were represented by their parents, some of us take the view that their presentation here was a very important development.

Secondly, we are in fact giving and inciting our children to be future leaders of this country and by doing so in fact asking them to be among the protectors of our product which will come out of here, in the sense as I said earlier, no one can say that the children of Uganda were left when the constitution was being made. It may have been a mock debate out of which have come recommendations, some of them controversial if I may say, others not necessarily, but this is a good thing because the constitution-making process is not one way or one direction. It involves representation of youths, consideration of other people's views in a spirit of give and take and arriving at the final product that will govern our relationships as a people belonging to the country - Uganda.

I will end therefore, by thanking you hon. Delegates for having agreed to enable this occasion to take place and I am sure, when we look back, we shall say we were Uganda's wise men when we decided as we did. I wish the children a good stay in kampala and a safe return for those who are going back up-country. Thank you very much, Ladies and Gentlemen.

**MR. D. PULKOL: (SECRETARY GEN. OF THE NATIONAL COUNCIL OF CHILDREN):** Hon. Chairman, hon. Delegates, children's Mock Debate Delegates here present, Ladies and Gentlemen. I would like to thank you all for having given the children one of their basic rights, the right to be listened to.

When you passed that resolution, you were actually helping to fulfil one of the fundamental rights of the

Ugandan child. They are crying to be heard, they want to be listened to and I think as people who are making this law, in accordance with part of our resolution in this House, we did resolve to recognise those children that have participated at the mock CA debate at the national level. Altogether, they are 76 children, they should be 78. Kalangala District did not participate.

Two child delegates were sent by each district; one boy, one girl and in this hall, the 76 children from all parts of Uganda are here represented. We will make the list of names per district available to you later on and also we will circulate to you, later on, the copies of the guidelines that we developed and the guiding questions that were given to these children in order to assist them debate the constitution and come out with their own views. Now the chairman who was elected on 15th at the Parliamentary building is Mr. Kizito Ronald from Ntungamo District. I would like him to stand up. He enjoyed the support and confidence of all the child delegates including the majority votes and he was followed by Rucogoza Alga from Kampala District. She is the one who read the memorandum here as the Vice-Chairperson. Now the certificate we are giving these children is in two categories. One is a general certificate of attendance for having participated in this important event at the district level. The two that managed to come to national level are today going to receive certificates of merit as so - and so - has earned the merit of successfully participation in the children's mock debate on children's rights and responsibilities in the Constituent Assembly. These are the words that are in this certificate and I would like to ask the hon. Chairman to give these certificates as part of fulfilment of the resolution that was made in this House.

Besides receiving the memorandum, this House will also recognise the 78 children now 76 here present and to assist me in this case, is the Ministry of Labour and Social Affairs Deputy Minister Betty Okwir who has worked tirelessly together with the Constituent Assembly Secretariat and the National Council for Children to make all this a success. But what is most important is the ownership of the document that this House is going to promulgate. These children should be able to say in 20 years' time or so that we are the ones who made this constitution, it is ours, we participated, we gave our views and if they are contesting for any leadership in this country in future, they will be able to refer to this occasion and say you want to know about me? I am not a simple

person, I participated in 1994 and the CVs of these children which I cannot read, if you ask them to introduce themselves, these are former captains, classroom captains, monitors, head boys, head girls; a collection of these student leaders at all levels. It is such a nice thing to expose them. I want to thank the State for giving them the facilities of this Hall, the facilities of Radio Uganda, the facilities of Parliament, even using the machines in Parliament because we are going to publish a *Hansard* for these children which will be circulated in all libraries in Uganda as testimony to this great event. So, thank you very much distinguished Delegates, (*Applause*).

#### PRESENTATION OF CERTIFICATES

The following students were awarded certificates:

1. Jo Charles	Nebbi	37. Nansumba Joyce	Mbale
2. Apio Otwi Annete	Nebbi	38. Ogwadi Simon	Jinja
3. Kakooza Peter	Mubende	39. Bayenda Gilbert	Kamuli
4. Nambuya Barbara	Mubende	40. Okiror Stephen	Kumi
5. Kokunda Sheila	Kabale	41. Ruharuzza Patrick	
6. Nambasi Daniel	Kabale	42. Kiyimba Emmy	
7. Kalebo Charity	Iganga	43. Tushabe O,	
8. Obbo Fred	Iganga	44. Nakiranda Joyce	
9. Kaberu K,	Hoima	45. Kabangu A.	
10. Nyarwawa A	Hoima	46. Lwanga J.	Soroti
11. Bainomugisha	Masindi	47. Amongu Jane F.	Kumi
12. Musinguzi Justus	Masindi	48. Batwala A.	Mpigi
13. Musolini Hamida	Mbarara	49. Mugisha Solomon	Tororo
14. Kabagenyi Faith	Mbarara	50. Abonyo J.C.	Gulu
15. Lwanga J.	Luwero	51. Bagenda Emanuel	Kampala
16. Maweku Susan	Luwero	52. Kawa Robbert	Mukono
17. Peter Wako	Rukungiri	53. Akuku Savio	
18. Tumwesigye Patiance	Rukungiri	54. Oyera Lilian	Kitgum
19. Caroline	Kisoro	55. Rutakire Emanuel	Kiboga
20. Tony	Kisoro	56. Nakatinde A. Jinja	
21. Mugisha	Kibale	57. Bliengoma Dorren	Mukono
22. Baseke	Kibale	58. Andama Felix	Arua
23. Kabatagare P.	Bushenyi	59. Mulondo Hellen	Pallisa
24. Kayemba	Bushenyi	60. Kamanzi Clare	Tororo
25. KAYEMBA	Rakai	61. Mwine Moses	Kitgum
26. Nabukobero Maria	Rakai	62. Igulu Patrick	Apac
27. Oryem Dorothy	Masaka	64. Oran-a Kezekia	Kiboga
28. Otto Makmot	Masaka	65. Ociti Florence -	Apac
29. Kasande Jane	Ntungamo	66. Kayima Faith -	Kapchorwa
30. Acha Harriet	Lira	67. Aren Andrew -	Moroto
31. Egwel Denis	Lira	68. Ujoo Consolete-	Arua
32. Katusime Abel	Bundibugyo	69. Alinyikira Sheila -	Kamuli
33. Mpigwa Winifred	Bundibugyo	70. Akech Fatuma -	
34. Okurut Vincent	Soroti	71. Kandi Charles -	Gulu
35. Lokeya Jacinta	Soroti	72. Guma Paul -	Kotido
36. Bansuku Mary	Mbale	73. Obote John -	Kapchorwa
		74. Wantuzi Michael-	Mbale
		75. Oyera Susan -	Moroto
		76. Ndaula A. -	
		77. Alumansi Saidi -	Kasese
		78. Jacinta -	Moyo
		79. Akuku Steven -	Moyo
		80. Didas -	Kabarole
		81. Kayima Daniel -	Bushenyi
		82. Rucogoza A. -	Kampala
		83. Kizito Ronald -	Ntungamo

Thank you very much.

**THE CHAIRMAN:** Order, hon. Delegates, you will agree that this has been a worthwhile exercise as you can see. Everybody is happy and our supporters have been introduced to us; supporters and friends.

The children and those who accompanied them and who are managing their affairs are welcome to attend our proceedings as you proceed now to the next item on our agenda.

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

**THE CHAIRMAN:** Hon. Delegates, when we adjourned last night, we had covered a substantial motion of the rules of procedure that form the job before us right now. We had done and completed article 48. Of course as you do recollect, some articles have been stood over but we had finished 48. We are now going to article 49. I will call on the clerk to read out the article.

Rule 49 - Reconsideration Stage:

I notice the Chairman of the rules committee on the Floor.

**MR. KAVUMA:** Thank you Mr. Chairman. On rule 49(1) and (2), the committee has revisited them and wants to make the following alterations for the consideration of the hon. Delegates. In Rule 49(1) Mr. Chairman, in the fourth line, after the word 'may' the committee wishes to insert the words '*subject to the provisions of Rule 14 of these rules*' and then continue at any time so that that rule would read, '*if any Delegate deserves to delete or amend a provision of the draft constitution or introduce any new provisions into it after it has passed through the consideration stage, he or she may subject to the provisions of Rule 14 of these rules, at any time before a Delegate rises to move for the enactment of the draft constitution; move that the draft constitution pass through another consideration stage either wholly or in respect only of some particular part or part of it*'.

The idea behind the proposed alteration is that this kind of motion must come with prior notice to the Delegates. The reasons are Mr. Chairman, the Assembly will have gone through four, five, six or possibly nearly seven months of hard work considering the draft constitution and it is deemed appropriate that before the proceedings are disturbed in this manner, the Delegates should have an opportunity to know in good time, by way of a notice from the person intending to make or move the motion.

Hon. Members, you will also note that elsewhere in these rules, I think it is Rule 16, we enumerated the

motions that do not require notices and we believe that it must have been out of an over-sight that this important provision was being brought in without having been subjected to the requirement of notice. The rule talking about notices without motion is rule 16. Mr, Chairman, I think also by this notice, the Assembly will be given an opportunity to see where it is really worth spending any more time opening the issues that had been covered during the deliberations of the Assembly so that this notice may serve as a device that will facilitate our saving on time which we know we are really working in a very, very tight arrangement in terms of the time we have to complete the job, Mr. Chairman, then in Rule 49 (ii), we propose that that sub-rule be deleted. I beg to move, Sir.

**THE CHAIRMAN:** The Draft Rules were circulated and became property of the House and therefore changes to it is by way of Motion, the Chairman of the Rules committee has moved that Rule 49 (i), be amended by inserting the words subject to the provisions of rule 14 of these rules in the fourth line after the word may appearing in that line and the rest remains as it is. I do not think I should put the question on both, he has made two Motions in fact, one relating to sub-rule one and the next relating to sub-rule 2. Now I will put the question on the first Motion.

*(Question put and agreed to).*

**THE CHAIRMAN:** Sub-rule 1 of 49 is amended. Now, the second Motion is for deletion of sub-rule 2,

**PROF. KABWEGYERE:** Mr. Chairman, I wanted to say some thing on rule 1 before I move to rule 2.

**THE CHAIRMAN:** Not in relation to the Amendment, but something else.

**PROF. KABWEGYERE:** Thank you, Mr. Chairman. I believe the intention under 49 is that each delegate is so important that he can reverse the process and have the whole House come back again to discuss an article or discuss a clause. I appreciate that, but Mr. Chairman, if we have gone beyond consideration, and possibly we have even considered an article and we have gone to the next and any person as it is stated, any delegate desires to delete or amend the provision; that he can simply, even after

due notice, surely, are we not giving each individual delegate too much importance, much as he is a very important historical figure, because you need five or ten people who may, out of their prolate, who may re-introduce Motions of this nature and we could be bogged down here for centuries. So, I am wondering, looking at it from that point of view, whether who ever wants to move an Amendment or call us to reconsider a clause should not do more than himself, should not be more than one person, because I think the House should be called back to its business when there is more than one person.

**THE CHAIRMAN:** Could you frame an appropriate Amendment, because that is only a statement, if you really want to .

**PROF. KABWEGYERE:** Well, Mr. Chairman, I am about to propose or to move that that clause be deleted - clause No. 1. because of the reasons I have just given.

**PROF. KANYEIHAMBA:** Point of information. Thank you Mr. Chairman. I would like to give the information to the hon. delegate who has just left the Floor, that this provision actually, is very, very relevant for example, in a situation where after considering a subsequent provision in the Draft Constitution, there is a necessary subsequential Amendment, and therefore it would be appropriate for a Delegate to move that subsequential Amendment in accordance with the provisions of this Rule; therefore, it is very, very relevant Sir, that we retain it. I thank you, Sir.

**THE CHAIRMAN:** That was not information, you were in fact, contributing on the Motion.

**MR. KATUREEBE:** Thank you, Mr. Chairman. The information I want to give to hon. Prof. Kanyeihamba, is that, this provision, if it is allowed to stand, is not only talking of consequential Amendments, you are saying that you may introduce any new provision, in other words, you may have five, ten people introducing new things which are not consequential to what has already been discussed and bearing in mind that we have a time limit, to passing this Constitution, anybody can come up with a new proposed provision, and call us back for debate here. If this is allowed to stand, Mr. Chairman, we must be prepared to stand for a long time.

**THE CHAIRMAN:** I will ask a Member of the

Committee to speak in response to the two views already expressed.

**MR. KARUHANGA:** Thank you Mr. Chairman. First of all, the member who wants to do what is proposed is only moving a Motion and the Motion will either be defeated or will pass. So really the fear is uncalled for, may be what hon. Prof. Kabwegyere should have said is that, such a Motion should receive the support of a number of people to justify the involvement of the whole plenary. But to just to say that we delete it, is dangerous, because you may find like the experience we have got in the NRC, that in fact, you have passed the law, section by section and all of a sudden one of the members among the delegates, finds out that there is a lacuna in the law which you have left and wants to cure this gap which is left in the law. So, it would sometimes be a very good insurance for us to be able to do a good job. This is a very important clause and it cannot just be ignored or deleted. Maybe I propose to - with the permission of my Colleagues here and the Mover, receive the support of at least 20 delegates.

**THE CHAIRMAN:** So that we do not waste time, let me ask the Mover whether he is prepared to take this proposal so that we modify the Motion and we proceed.

**CAPT. BABU:** Point of information. Mr. Chairman, in this case, is it Rule 14 or Rule 16? Subject to rule 14 or 16. I just want to confirm. I think it is Rule 16, because it is without notice.

**THE CHAIRMAN:** No, the effect of the Amendment we made which was proposed by the Chairman of the Rules Committee and which was passed, was subjecting this Sub-rule 1, to 14 so that you also have to remove sub-rule 2, so that the requirement of notice would be in place at least three days' notice of a Motion prior to it being moved, so it is 14. 16 is listing those which you can proceed with, without notice and there saying, you need notice, because of the importance of that Motion.

**CAPT. BABU:** The reason why I brought this up, Mr. Chairman, is when we are running along, and suddenly I realise that what we have just passed, has got a mistake in it, that is why I wanted to ask that Clarification, because I might put the objection as we move that particular day - do we really need a notice of three days?

**THE CHAIRMAN:** No in that case, if it is so urgent, I think if I am not wrong, you would have to proceed with 43, that so much of the rules suspended as would prevent you to move a Motion without notice on this matter.

**PROF. KABWEGYERE:** Thank you, Mr. Chairman, I am prepared to accept a figure and I move that the figure of 50 be accepted.

**THE CHAIRMAN:** The Committee Chairman would like to say something before I put the question.

**MR. KAVUMA:** Sorry, Mr. Chairman, we wanted to express our concession to the figure of 50. Mr. Chairman, I was thinking if the principle is accepted, then we shall tie up the drafting and we just report back when we report on the other provisions of the rules which are not stood over.

**A HON DELEGATE:** Mr. Chairman, I would like to draw the attention of the Assembly to Rule 16, paragraph (c) which we have already passed. Mr. Chairman, our report is referring to 50 but should now be referring to the existing 49. So, first of all the first thing we have to do is to correct 16 (c), it is now referring to 50, but it should be referring to 49. Now, 16 (c) says, the following Motion shall not need notice, any Motion for reconsideration under Rule 49 of these rules. Therefore, we have already decided that reconsideration shall not need notice. So, if we leave these two together, they are inconsistent, we have already decided approving 16 (c), that reconsideration shall not need notice.

**THE CHAIRMAN:** I think that is a valid observation.

**A HON DELEGATE:** Point of information. I think once we accept the Amendment as proposed by Prof. Kabwegyere, there will be an automatic consequential Amendment, first of all, dropping of sub-rule 2 of rule 49 and automatic subsequent Amendment of (c) of rule 16.

**THE CHAIRMAN:** Thank you, Professor for your guidance. The fact that if we adopt the Motion by Prof. Kabwegyere under normal interpretation of laws, the Assembly will have changed its mind in relation to previous matters which conflict with that one and in fact, one of the jobs that the rules committee will have to do, is to synchronise the various sections in view of the Amendments we are

making so that when we go to print such things like 16 (c), will have to be deleted from the text in view - if we pass the Motion. Now, let me frame the question and we vote.

The question is that a Motion under sub-rule 1 of 49 be moved only with the support of not less than 50 delegates. The wording will be done by the Rules Committee, we just pass the principle, not less than 50 delegates; it must be supported.

**MR. KATEGAYA:** Thank you Mr. Chairman. I thought there were two amendments to 41 (i). One is that there must be notice, two that it should be supported by 50 people. So, I think when you are framing your question, you should have those two Amendments put forward.

**THE CHAIRMAN:** No, I am framing in relation to the second one only because we had already voted on the first and accepted it.

**A HON DELEGATE:** Can we speak on that Motion, because I want myself to oppose the figure of 50 which I think is too high and cumbersome and propose an Amendment to 20.

**THE CHAIRMAN:** Now, the position is this for the guidance of Members. We have two Motions on the Floor, there is a Motion by hon. Kabwegyere proposing an Amendment to 49 (i), so that the Motion is supported not less than 50 delegates, and that Motion is being Amended by another delegate Prof. Kajubi, that we delete 50 and insert 20, so I will put the question on the last one, it was seconded by hon. Nekyon and hon. Wanendeya I think. That being so let me put the question on the latest Amendment if that carries, of course then, we shall have actually carried Professor's Motion, but with a figure of 20, we do not go back to it, we now go to the other one. I now put the question that those in favour of the Motion that the figure be replaced with 20 say *Aye* and to the contrary *Nay*. It was very difficult, can I say it again? A consensus is refusing to emerge. This is an important provision, because it will determine how we proceed with the reconsideration stage of our Constitution. Clerk, I will ask those in favour of the Motion to stand in their places, they will be counted and then we shall count those against and we find the result. Those in favour please stand in your places, those who favour 20.

*(The Delegates in favour of the Motion stood up)*

**MR CHAIRMAN:** Hon. delegates, we have a result and I think the Chairman was in difficulty justifiably, those for the Motion were 34, against the Motion 90 and abstainees 3. *(Applause)* In other words, now sub-rule 1 is amended to subject any Motion thereunder to receive the support of not less than 20 delegates before it is moved.

**A HON. DELEGATE:** Further Amendment to 49 (i), Mr. Chairman. I propose that the words, *'either wholly or'* be deleted for the reasons being that the time frame we have, is extremely limited, we cannot reconsider the entire Draft Constitution in the reconsideration stage. Thank you, Mr. Chairman.

**THE CHAIRMAN:** What is being proposed is that the words *'either wholly or'* that we do not recommit the entire document. Now, I will put the question, the question is in relation to 1 of 49, that the words *'either wholly or'* be deleted so that we do not recommit the entire document.

**A HON. DELEGATE:** Thank you, Mr. Chairman. I oppose this Amendment. Once we have agreed that a delegate subject to 20 delegate support may introduce any new provision, then we have to retain the words *'either wholly or'* in respect because, a new provision maybe touching on so much on the document we have discussed. So, once we agree that you can introduce any new provision, then this must remain as it is.

*(Question put and negatived)*

**THE CHAIRMAN:** I will now put the question in respect of sub-rule 2, but I think sub-rule 2 now becomes really a consequential - tiding up, because having amended sub-rule 1, 2 falls by the way. I do not think we should vote on that one. 3, the numbering will be done as an ordinary matter, it does not require any further Motion here, it will be done by the Rules Committee.

**MR. OWOR:** I would like probably to raise a point seeking clarification. In my opinion, sub-rule 3 does not make any sense, especially the first lines. I have a feeling that either there is a word missing or a lack of punctuation or something to that effect. I seek clarification.

**THE CHAIRMAN:** Okay, I will give the Floor to any member of the Rules Committee or the Chairman to clarify.

**MR KAVUMA:** Mr Chairman, I am sorry the Committee was carrying out some consultations here and they did not get properly what hon. Delegate is saying. Can we have the benefit of his repeating it Sir?

**THE CHAIRMAN:** Could you please re-phrase your problem so that the Committee can reply?

**MR OWOR:** Mr. Chairman, I am seeking clarification from the committee that this Draft - the reading of this sub-rule is very unclear. *'I if the Motion is agreed to then the Draft Constitution,'* what I am saying is either lack of punctuation or a word missing and this needs to be clarified because a small thing of this nature can be the source of ambiguity and future problem.

**THE CHAIRMAN.** Okay, you will now get the clarification.

**MR. KAVUMA:** We are much obliged to the hon. Delegate, there should be a comma immediately after the word to, so that it reads, *'if the Motion is agreed to, then the Draft Constitution has and ...'*

**MR. MEDI KAGGWA:** Mr. Chairman, it would appear in that sub-section 3, the Rule referred to should be 48 not 47, because we are talking of reconsideration stage.

**THE CHAIRMAN:** I had noticed that too, but I thought since they are going to go through the whole thing, but any way it is good you have pointed it out. Thank you.

**PROF. KANYEIHMBA:** The drafting of sub-clause 3 will make sense if it reads as follows, there is still a mistake. It should read as follows: *'if the Motion is agreed to, the Draft Constitution or part or parts to which the Motion relates, as the case may be'*, that is how it should make sense in the Draft.

**THE CHAIRMAN:** We do not need a Motion on that one. I now put the question on 49 as amended.

*(Question put and agreed to).*

*Rule 50, agreed to.*

*Rule 51, agreed to.*

*Rule 52, agreed to.*

Rule 53.

**MR. MULASSANYI:** Thank you Mr. Chairman. I would like to move an Amendment, Mr. Chairman, on Rule 53. I want to insert these words, 'of the *Constitutional affairs*' after the Minister so that we can distinguish this Minister from the others.

**THE CHAIRMAN:** I do not think we need to proceed with that although it is more helpful if everything is said, but if you acquaint yourself with the Statute and look at the definition of the word 'Minister' means the Minister responsible for Constitutional Affairs and also it is redefined in the Rules, there is no need to go back to the definition.

**MR. KATEGAYA:** Thank you Mr. Chairman, I am afraid I have to request the indulgence of the House, we have passed 51, but I am not very sure about 51 (iii), if we go back, Mr. Chairman, 51 (iii), is almost like the Amendment we have done in 49, whereby when there is a Motion to enact the Constitution, any delegate can move for a postponement of the reconsideration of the Motion given in for postponement. Should we leave it like that? Once again, I would like to close the gaps which can be used by people to come and keep us dancing around here. If we have really gone as far as this, do we really require somebody to stop us? To show some support for that line of action?

**THE CHAIRMAN:** We have already voted on 51.

**MR. KATEGAYA:** Mr. Chairman, I think we could waive the legalities and get reconsideration.

**THE CHAIRMAN:** Well, if you are arguing against reconsideration, you are finding already - Let me get some guidance from the Chairman, because, this is an unusual request that we go back.

**MR. KAVUMA:** Mr. Chairman, this Rule refers to enactment and our committee would go along with equating with what we decided in the previous rule regarding reconsideration, the requirement that there should be a Motion supported by 20, then the matter would be - there would be consistency and I think the worry that we could be taken for - we could be led into time-wasting exercise, could also be catered for.

**THE CHAIRMAN:** I would like to generally get the feeling of the house, do you think we should re-open 51 (iii)? Let us just reconsider 51 (iii), so that

we are consistent because of what we did on the other one. I think that is the main reason; and can someone frame the Motion so that we may vote on it and proceed? It is very much in line with the Motion that was previously moved by Prof. Kabwegyere and it was amended in relation to 49.

**MR. MULENGA (Democratic Party):** Point of clarification. Mr. Chairman, I would like some clarification, because I would have gone further than the hon. delegate of Rwampara to even question the need for this provision. There is no indication what happens after the postponement, we do not see that after the postponement then you move to stage of other debate or what. So, Mr. Chairman, unless it is justified I would think that there is no purpose for it, to postpone enactment after you have passed the Constitution.

**THE CHAIRMAN:** Let me listen to other views.

**MR. MASALU:** Thank you, Mr. Chairman. According to me, sub-rule 3 should be looked at in relation to sub-rule 1. Sub-rule 1 says that the chairman shall within a period of not less than 72 hours, cause the Draft to be laid to the table for enactment and then this sub-rule 2 says, that when that happens, then the delegate shall move a Motion, but then that means that that Motion must be within 72 hours, Now, sub-rule 3 provides that a delegate may move that that be postponed, which means that the 72 hours, be postponed, maybe to enable Government to make arrangements for delegates to come on that occasion with their families and so forth, you know, to witness the important occasion. So, to me, this is administrative, it has nothing to do with the substance of the Constitution, Mr. Chairman. That is administrative procedure, if it cannot be done within 72 hours, it can be postponement to enable administrative arrangements to be put in place.

**A HON. DELEGATE:** Mr. Chairman, having listened to the submission of the hon. delegate from Rwampara I wanted to make some clarification that the substance in the two rules are different, while in 49, what you are talking about - synchronising the Amendments made therein - and in this one, 49 talks about substantial additions or alterations in the subject matter under consideration. Now, I think that entails a fundamental requirement that in that event, we should tie ourselves to that 20 figure of delegates supporting the Motion, while on the current rule we are taking a procedural matter of merely delaying a

Motion moved to enact the Constitution. This does not at all include any debates, introduction of any new matters in the document or opening up even a debate on any issue, it is merely a procedural matter at what time we actually enact the Constitution. I therefore, Mr. Chairman, think that, we should allow it to stand instead of tying our hands down. Thank you, Mr. Chairman.

**THE CHAIRMAN:** I think I can see what is emerging.

**MR. KOMAKEC:** Mr. Chairman. I think this sub-section 3 is too open handed to be left as it could be abused, I want members of this House to consider the possibility after having gone through the reconsideration of the draft, and completed the work, the enactment could be postponed indefinitely, there is not time frame indicated here, so I think that just to make sure that when we finish our work we should enact the Constitution in time as soon as possible, I would suggest that we do away with this section all together.

**THE CHAIRMAN:** Let me give the Floor to the Chairman of the Committee first.

**MR. KAVUMA:** Mr. Chairman, after further reflection and hearing contributions from the delegates, the sub-rule is important when read together with 51(i) Mr. Chairman, the fear of suspending the enactment indefinitely does not arise, because under section 19 of the Statute, sub-section 2 as amended there is time specified within which the enactment of the Constitution has to be effected. So, in other words, I think this is more related to administrative arrangements and I think it is good to have it just in case there is a need that we depart from - strictly complying with the requirements of 5 (i).

**A HON. DELEGATE:** Point of information. Mr. Chairman, I would like to inform the Chairman of the sub-committee that Section 19 of the Statute gives a time limit for promulgation not for enactment and it would not be relevant to this

**A HON. DELEGATE:** Point of clarification. Mr. Chairman, the clarification I want to bring forward is, the emphasis here is on the Motion being moved by somebody by giving reasons to the House as to why he is moving that Motion and the decision as to whether the postponement should take place or not,

is entirely left to the Assembly. So, the decision will actually depend on the reasons being given to the Assembly. So, if we read this one, with 51, I really do not see any fear myself.

**Mr. RINGWEGI:** Thank you, Mr. Chairman. The fear is real, in that when hon. Delegate from Rwampara moved this Motion, he was saying we should not allow this august Assembly to waste its time if it knows for instance that, the Motion being moved, is one which we cannot pass. Therefore, to give the opportunity for any delegate to move a Motion for a postponement and yet it stands out later that the august Assembly will find the reasons advanced are flimsy or frivolous, we would just be wasting our own time - why then can we not agree that there is no need to waste such a time when if we have already considered the Draft and we have gone to a stage of enactment, then, there should be no reason why a delegate should be given the power to ask for a postponement for merely enactment. I also want to say further, Mr. Chairman, this thing is not only administrative, it is not administrative because I do not see how an hon. delegate here would try to get involved with administrative matters of putting place either chairs or reception for members. The administrative nature which is envisaged under Rule 1, is not the work of the delegate, but it is the work of the people who we have already constituted to make provisions for the enactment. Therefore, Mr. Chairman, I think I agree with the Motion by hon. Delegate from Rwampara, that this clause here, is superfluous and should be deleted. Thank you.

**MR. KAJARA:** Having listened to submissions the hon. delegates, especially for hon. Member for Rwampara, I would like to suggest that other than only putting the limit as the approval of a certain number of delegates before the Motion can be debated, after the motion has been debated and voted on. I suggest Mr. Chairman, that the postponement be supported by a majority of the delegates to the tune of two thirds of the delegates so that when someone may have a good reason for the postponement of the enactment, it should be supported by the majority of the Assembly so that the issue of someone putting people at whims at his own Motion should be avoided so, I propose that, first of all, it shall be competent of any delegate supported by not less than 20 members to move the Motion for postponement of the consideration of the Motion giving reasons should for postponement. Such postponement or such Motion, should be supported

or voted on by not less than two thirds of the delegates. Thank you, Mr. Chairman.

**THE CHAIRMAN:** I think let us now sort out our ideas before we talk, because we have many ideas on the Floor. There are those who are saying that the entire provision should be deleted, there are those who are saying that the Motion so that it is competent for discussion should be supported by not less than 20, then there are those saying that you should get the support of 20, but should be passed by two thirds majority, then there those who are saying, it should be left as it is, because it is purely administrative. Now, I would like to ask the originator of the debate the Member for Rwampara to indicate preference which will become a Motion and we vote on it.

**MR. KATEGAYA.** Mr. Chairman, thank you very much. After listening to the views of the hon. members, and I have looked at my comments on these rules, I said what is the purpose of this. Now, somebody said, it is for administrative purposes, that we should put this rule here, but as the member from Nebbi was saying, it is not the job of the delegates to arrange chairs and invite our ladies to come here; that is an administrative matter which should not be part of the Rules of this House. Therefore, I am persuaded by those who are saying we should get it out, because it seems to have no purpose at all, is it administrative, is to regulate our proceedings here or not? To me, if we have gone through all these stages, we have done everything and then when we are coming to enact somebody says do not, now what does he want? As hon. Mulenga said, what do we do next? Do we go back to debate the Constitution, do we go to amend the Constitution, what do we do, what is the purpose of the Motion? I mean under this rule 3, so I am persuaded, Mr. Chairman, that I will join those who think it should be out.

**A HON. DELEGATE:** Point of information. Mr. Chairman, the information I would like to give, the hon. Speaker, on the Floor is that the administrative arrangements being referred to are not purely those which are required in the part of the Secretariat, but Rule 51 (i), requires that within a number of hours, the Assembly must sit to enact, there may be -  
(*Interruption*)

**THE CHAIRMAN:** No, we cannot have two informations on the Floor, if someone is informing, he finishes first, then some other person can come in.

**A HON. DELEGATE:** Mr. Chairman, while a meeting would have been called to enact there may be reasons given which make it impossible for that period at which enactment is supposed to take place, may be there is a catastrophe which makes it impossible for those who are supposed to be in attendance to attend, maybe there is a requirement which makes it inconvenient for the various arrangements for that day to be possible so that it gives a way for some body to move an Amendment not because of the Secretariat problems but also because of reasons which are pertinent for the members of the Assembly. It is just a saving provision in my own view.

**A HON. DELEGATE:** Point of information. My information, Mr. Chairman, is this. Under Rule 51, sub-rule 1, it is not compulsory that the Assembly will be convened after 72 hours to enact. On the contrary it is just saying, that we cannot reconvene before 72 hours expire. What is important about that, is that the Chairman in consultation with the business committee will decide on the day so, they will take into account all the administrative, the social considerations, the catastrophes that may be around, and they will fix a day beyond 72 hours, so there is no need for a delegate of the Assembly here to move a Motion here for postponement of enactment, that will be done administratively by the Chairman in consultation with the Business Committee, that is why I support the Motion that, sub-rule 3, be deleted.

**THE CHAIRMAN:** I think we have had enough deliberations on this. The question now before us is that, sub-rule 3 of 51 be deleted.

*(Question put and agreed to)*

**MR. BIDANDI SSALI:** I just wanted a clarification from the Chairman of the Committee there to clear my mind as to whether when you say not less than 72 hours within not less, whether it is not necessary, to also put a limit within which this should be done. I wonder whether it could not be a loophole that could be abused depending on the atmosphere and the environment that will be prevailing at that time. Could they decide on doing this in nine months as an example?

**THE CHAIRMAN:** Could the Chairman of the committee please clarify then we proceed.

**MR. KAVUMA:** Mr. Chairman, the rationale in this provision was to fix a minimum as it appears and I think it was under the background that matters pertaining to the other arrangements as to when a Constitution shall become effective, are amply attended to in section 19 (i), (ii), of the Statute.

**THE CHAIRMAN:** In other words, there are some provisions which will govern? I will now put the question on 51 as amended.

*(Question put and agreed to).*

**DR. KINYATA:** I would like also in a similar manner to take you back to 52. We have left a very important item, we have not amended, you have allowed people to come here and discuss the Constitution and go away without signing their names against it. Mr. Chairman, if you look at 52, at the end, it says, *all delegates whether present at the enactment or not*, and you have inserted, *who wish to append their signatures*. I am saying I would like, Mr. Chairman, to suggest an amendment that they should or they must append their signatures to the certificate and sign, because we cannot pass here six months talking and after that, you give a document which you are not part of.

**THE CHAIRMAN:** Let me ask the Chairman of the Committee to comment on that. Order! Order!

**MR. KAVUMA:** Mr. Chairman, there is provision for members or delegates who wish to sign this Constitution if they so wish and the idea here, is Sir, that, really there are two aspects to it. One, whether you decide to affix your signature on a document or not, is a matter of personal preference and choice. Two, after having sat here, for seven months or so, and you are on record as having attended throughout, and you have contributed effectively, mere absence of your signature from the document does not exonerate you from having been party to it. Mr. Chairman, supposing you wanted to force everybody to sign and then somebody who effectively went through all these processes is half dead is in comma he cannot sign and the requirement is that everybody who was there must be sign, I think sir, you run into unnecessary problem and I think - *(interruption)*

**PROF NABUDERE:** Point of clarification. Mr. Chairman, the Amendment moved by Dr. Kinyata, I think we should reflect on it very seriously with all the respect to the Chairman of the Committee and a

situation could arise at the last moment where someone says I am not going to endorse THIS Constitution, the question being raised by Dr. Kinyata is whether in fact, we should have that right and I think we should seriously debate this Amendment. A situation will arise where someone will say, at last moment, something has been done and we shall disagree and on behalf of my constituency, I am not signing.

**THE CHAIRMAN:** Can I suggest one thing, that we stand over this particular provision and ask the Rules Committee to research it and come back with the report and then we proceed. I think that is best way. we cannot debate it now, if we agree that we stand it over and they research the legal effect of non-signature or if someone says I am not signing. If we debate now then we come back with report and we debate again, we shall be repeating ourselves. Let them go and do the work and they come back on Monday and then we debate it.

**MRS. MWONDHA:** Mr. Chairman, I say that we should debate this issue, because it seems it is very important as you have already said that somebody -

**THE CHAIRMAN:** We are not going to debate it. What I am saying is, Prof. Nabudere raised an important point, that it is a serious matter we should reflect on and I say it is better if the Rules Committee went and researched the pros and cons of the situation. Then we debate. But if we debate now, they go and research and come back and we debate again, we shall be wasting time. so we stand it over, and refer it to them. Let us proceed.

Rule 53, agreed to.

Rule 54.

**PROF. KANYEIHAMBA:** The provisions of section 19 of the Constituent Assembly statute do provide necessary promulgation of the Constitution, but it seems that this rule - Rule 54, would seem to give the power, or rather it is seeking to give power to the Assembly to determine the procedure, could the Rules Committee amplify on the relationship between the Statute and this rule they are proposing, I thank you, Sir.

**MR. KAVUMA:** Mr. Chairman, our view in the Committee is that the Statute substantially provides for the effecting - coming into effect of the Constitu-

tion and the purpose of Rule 54, is to allow the Assembly to determine the procedure, through which the provisions of Statute are going to be complied with. Mr. Chairman, we thought this might be a better way of doing things, rather than trying to lay the procedure now, we could allow ourselves to debate the Constitution and in the meantime, during the process, ideas will be taken note of, which may have a bearing on how we want this Constitution of Uganda to be promulgated and then at the end, a Committee that will be responsible for this kind of job will come out with the procedure which shall be followed to effect the provisions of the Statute and to ensure that the occasion of promulgation is carried with the dignity and the seriousness it deserves in the eyes of all Ugandans. That is the purpose, there is no departure from the Statute.

**THE CHAIRMAN:** Are you commenting on the clarification?

**PROF. KANYEIHAMBA:** Yes, Mr. Chairman, I am very happy with the explanation given in by the Chairman of the Rules Committee, but I would like to insert an Amendment on this particular provision in light of his explanation and by simply inserting at the beginning of this section, that subject to provision of section 19 of the Statute, then we proceed as they have said.

**MR. KAVUMA:** Definitely, these Rules are subject to the operations of the Statute and in fact, Mr. Chairman, it is provided for in the section. We need not to repeat it. The Assembly may determine the procedure of the promulgation of the Constitution under section 19 of the statute, that is sufficient cover for the worry of hon. Prof. Kanyeihamba.

**MR. KABERUKA:** Thank you Mr. Chairman. I wish to note that while section 19 of the Statute, puts the time limit to the time of enactment promulgation, I wish to add my voice to hon. Bidandi Ssali, that actually the enactment process is left open, The explanation which the Chairman gave does not actually arise in that case of section 51.

**THE CHAIRMAN:** No, you are taking us back, we do not accept that please.

**MR. OWOR WILLIAM CHARLES (Aswa County):** Mr. Chairman, I would like to agree with the views of hon., Kanyeihamba. That we substitute

the word 'under' by subject 2 (19) because my understanding of what the Chairman of the Rules Committee said that we should have leverage to design the procedure by which this promulgation should be taken and if it is made under, then means we should follow to the letter what is provided in section (19). But if he says subject two, it means we can do any other thing as long as it does not contravene that section.

**THE CHAIRMAN:** Is that seconded?

**HON. MEMBERS:** Yes.

**MR. RINGWEGI SAM FIESTER SURF (Padyere County, Nebbi):** Thank you, Mr. Chairman. I am supporting for the following reasons: The correct interpretation, Mr. Chairman, is that if you leave it with the word 'under' we shall not have any way but when you say, subject to, then you can only confirm but not to contradict what is contained in that section of the Statute, Therefore, that Amendment is necessary if you are going to have a correct interpretation of that Rule. So, I would like that Amendment to be inserted as proposed. Thank you, Mr. Chairmam.

**MR. WAGIRA MOSES P (Kibuku County, Pallisa):** Thank you Mr. Chairman. The information I would like to pass over, is just an amplification of what the Chairman of the Rules Committee said, That by putting there the word 'subject to' the provisions in the current Act. Those words are actually just redundant or rather total legacy because all these Rules are subject to the parent Act which is the Statute. So much as we would like to put there that word, it makes little difference even if it were not there. Thank you.

**THE CHAIRMAN:** The Motion on the Floor is that Rule 54 be amended by deleting the words under section 19 of the Statute and inserting immediately before the word 'be' appearing first on the first line the words, subject to section 19 of the Statute.

*(Question put and agreed to)*

Rule 55.

**MR. MULENGA N. JOSEPH (Democratic Party):** Mr. Chairman, I do not think that we should be saying that the Rules of procedure of National Resistance Council in force on the date of the

commencement of Statute shall not apply to the proceedings of the Assembly. It is already provided in the Statute Instrument, Chairman. Rule two, that is at the beginning, that: *the Rules of procedure of the National Resistance Council in force on the commencement of the Constituent Assembly, Statute 1993, shall for the purposes of the conduct of the proceedings of the Constituent Assembly be modified so as to read as set out in the schedule to the Instrument.* That to me is clear enough. Now, if we must repeat in the Rules in form of 55, I think what would have been appropriate, it would be to say anything where there is conflict between these rules and the Rules of the N.R.C. the provisions of these shall reveal rather boldly saying that, the N.R.C. Rules of Procedure shall not apply, Mr. Chairman, this may sound technical but the explanation given by the Chairman when he was introducing the Report that it was to make it absolutely clear, I think, does not justify the language of this section of Rule 55. I therefore, would move that 55 be deleted.

**THE CHAIRMAN:** Is that seconded?

**HON. DELEGATES:** Yes.

**MR. MUSUMBA ISAAC ISANGA (Buzaaya County):** Thank you, Mr. Chairman I would very much like to agree with former Speaker for his suggestion that we may make mention of inconsistencies between the Rules of the National Resistance Council and the Rules here before us. In my view that does not arise. What we have here is supposed to be the final text of the: Rules of application. So, in my view at this point there is no need to refer to the National Resistance Council Rules at all, We have now got our rules and once they have been agreed and adopted, that is it is authorised by Statute and so Mr. Chairman, I am in agreement it should be deleted altogether

**MRS. KALEMA RIIODA NSIBIIRWA (Kiboga County East):** Thank you, Mr. Chairman just want to support the previous hon, Delegate's proposition that it is actually redundant that there is no need for this to come at the end of the Rules because after having major Rules that are going to govern the Assembly, why should we again have to refer to N.R.C. Anything to do with the N.R.C is just a waste of our work. I would like to support him and that I would like to ask him, Mr. Chairman that we vote on it and we delete the whole Rule 55.

**A HON. DELEGATE:** Mr, Chairman before we proceed with any further debate on this matter, I would like you to give us your interpretation of section 16 of this Statute. My interpretation seems to be that these Rules that we are making are just a modification of the Rules of National Resistance Council and that after we have modified them we will give them to the Minister in-charge of Constitutional Affairs to pass a Statutory Instrumentt, in other words we do not even have the power to exclude National Resistance Council Rules. That is my interpretation of 16 - (1). I would like you to give us your interpretation so that we can proceed without being oblivious of provisions of this Statute

**THE CHAIRMAN:** Thank you. You see we are in a very difficult situation in relation with the conduct of our business here. The Chairman, is not the Attorney General of the Constituent Assembly and yet I am being asked to give my interpretation. I guess at one stage we shall have to recognise one of us as a leading council here during the discussion of the document. Now, hon. Delegates, as I did indicate in my opening remarks, -(interjection)- Sorry, I took it that we have come to an end. I will call on the Clerk to read out the schedules and then the title.

**BRIG. MOSES ALI (East Moyo County):** Mr, Chairman, in the first Draft Proposals before the Committee reconvened, there were three different types of prayers which should be chosen. The Committee chose the first one and I am saying that I would like to replace the choice by the second one because the second to me is more relevant -(interruption)-

**THE CHAIRMAN:** Could you read it out please.

**BRIG. MOSES ALI:** The Second one says '*Oh God, grant us a vision of our country fair as it might be; a country of righteousness where none shall wrong his neighbour; a country of plenty where evil and poverty shall be done away with; a country of brotherhood where all success shall be founded on service and honour shall be given to the deserving; a country of peace where Government shall rest on the will of the people and love for the common good*'. I think prayers must have a purpose. If you are asking God, you ask him exactly what you want, you do not go and beat about the bush and so on.

**THE CHAIRMAN:** Are you moving a Motion?

**BRIG. MOSES ALI:** Mr, Chairman. I want to

move the Motion that we delete prayers recommended by the Committee in Schedule I, replace with the second one I have just read.

**THE CHAIRMAN:** Is it seconded?

**HON. DELEGATES:** Yes.

**A HON. DELEGATE:** Mr. Chairman, I beg to support the Motion in my reason it is slightly different from the reasons given by the Mover. If you read the proposed schedule 11, you come to a point up to a second sentence where it states, *grant Delegates vision, integrity and courage*; which implies that we the Delegates do not have now the vision; we do not have integrity. I think this reflects badly on us. I have integrity, vision and I am not going to beg again. This can be used against us in the Constituencies where they can say, you see these people they did not have integrity. Now, they are just asking God to give them. So, I would like to support the Motion.

**MRS. MIRIA MATEMBE R. K. (Women - Mbarara):** Mr. Chairman actually buy Delegate Moses Ali's idea of the second prayer. But my problem with it is lack of gender sensitivity and Mr. Chairman, I would like to be given a fair hearing.

**THE CHAIRMAN:** Go ahead you are protected.

**MRS. MATEMBE:** Mr. Chairman, even the Bible mentions male and female in their own words like that. So, Mr. Chairman, I would like to beg the indulgence of the hon. Members and they take my point. We are here in our capacity as women, and I am here as a Woman District Delegate for Mbarara

**THE CHAIRMAN:** Will you go to the point you would like to make please. We know all that.

**MRS. MATEMBE:** If I may proceed, Mr. Chairman, it is lack of gender sensitivity - *(interruption)*

**A HON. DELEGATE:** Point of Order. Is it in order, Mr. Chairman, when we know right from the creation that God created man and we became mankind, is it in order therefore, for hon. Delegate Miria Matembe to labour on this issue that we should have the gender issue or Genesis issue.

**THE CHAIRMAN:** That is a point of argument not a point of order.

**MRS. KALEMA:** Point of information. Mr. Chairman, I would like to inform the hon. delegate holding the Floor about this gender sensitivity which is bothering her. I am a woman myself, but at the same time, I am a christian and I am quite conversant with the Bible and prayer book; and in brotherhood is used in the Bible although Jesus loved women in the same way and although God respected women. There were even Queens, but at the same time there is a limit to how far we can trace the Gender issue *(Applause)*. So, Mr. Chairman, if this the problem of hon. Delegate and my other fellow women here, I think it is not really an issue to change the prayer simply because you want to include the Gender issue. Thank you, Chairman.

**MRS. MATEMBE:** Thank you, Mr. Chairman. I am grateful to the information, But I wish to proceed with my argument. I wish to say, Mr. Chairman, that I am not arguing for the sake of arguing. Mr. Chairman, we are here to make a Constitution where everybody feels accommodated. And where everybody feels good when words are used; and Mr. Chairman, while my sister here may not care - *(interruption)*-

**THE CHAIRMAN:** There is information on the Floor, Will you take it?

**MRS. MATEMBE:** Oh My God. I am not taking any further information because I want to advance my argument, Mr. Chairman, I know it is a controversial matter, but I am here for that cause, Mr. Chairman, for which I must talk. Thank you. If I may proceed, this kind of Gender insensitivity has lead to our problems. I can assure you, Mr. Chairman even when we are of talking of his, for the president and every body, it is very vivid in the minds of the people because of the long standing socialisation that His refers to a man; and in so doing they end up appointing men in these positions Mr. Chairman, It is not a simple matter, therefore, Mr. Chairman - *(interruption)*

**DAVID ONYOK (Moroto County):** Is it in order for hon. Member, to discuss God who is neither man nor woman?

**THE CHAIRMAN:** She is advancing her argument on Gender Sensitivity; she is not talking about God.

**MRS MATEMBE:** Mr. Chairman, if I may proceed, I have not discussed God here and I do not see God here; we are talking together here, If he is overlooking that is his affair and he is handling it, I am to fight for the woman cause and therefore Mr. Chairman, I am saying that even the - by-the-way 'woman encompasses man why do we not even say, 'woman' because woman takes man, or why do we not even say, 'she' because 'she' takes 'he'. 'He' is part of she, If you are going to cover these words and 'man' is part of 'woman' - In those words, Mr. Chairman, however controversial my issue may be, I feel offended - and I do not feel happy and at peace in sisterhood spirit when we are left out. Mr. Chairman, I will continue talking because we must be given fair hearing, I am therefore, concluding by inviting the hon. Members to really give this matter a due consideration for our happiness, we also want to also feel accommodated in those audiences. Thank you very much. *Nimwija kutongana nimuruha.*

**MR. STEPHEN KAVUMA.** Thank you very much. Indeed in the original Draft there were three versions and we had to choose one, We went through these versions together with another contribution which was made from a Distinguished Delegate and we considered the matter very carefully and we found that - out of marrying principles in those versions, we came out with the version which now appears, Every content in the proposed prayer by hon.' Delegate, Brg. Moses Ali, if you looked at it and you came and looked at this prayer carefully, you will find that it is accommodated. So, the difference is in the way the expression has been preferred. The Committee preferred this expression: it was simple, easy to follow, it was Gender Sensitive, and it encompassed all the contents that we wanted; and in fact, Mr, Chairman, even the question of praying God about vision, integrity and the rest of it, it is continuous - it is a continuous process. We could have integrity today, if God does not bless you for those of you who believe in God you could lose it. We want this to continue throughout so that our efforts while deliberating on this Constitution guided by this virtue so that we come out with the constitution that will be beneficial to this Country. Mr. Chairman, we also took note of the fact that matters being handled by this Assembly were matters of crucial political nature. So, we wanted to have a prayer that really fits the job that we are doing here. I would therefore, Sir, recommend that we accept this since it covers in substance - and the difference is in the form - the way it is expressed so that we move.

**THE CHAIRMAN:** Now, I put the Question that we replace the first Schedule with the Prayer as read out by hon. Moses Ali.

*(Question put and negatived)*

Schedule 2.

**AHON. DELEGATE:** Point of Clarification, Mr. Chairman, on two things. First of all yesterday a Member drew to your attention Mr. Chairman, about Press Reports which are going on about the Members of the Assembly, and you promised to consult with the Chairman on those matters and report back. Those comments in Press do still persist. The second point of administration I want to make, Mr. Chairman, is that the Prayer we have just agreed upon, when you read the second line, it does not seem to make sense although I support the Prayer as a whole, But I think there is either some word missing or some insertions need to be made. Where it says, to perform its high duty with honour and in your sight.

**THE CHAIRMAN:** Okay. Can I suggest that you interact with Members of the Committee for clerical verbal or grammatical corrections that may be necessary; and - *(interruption)*-

**MR SSENDAULA G (Bukoto South):** [Mr., Chairman, I want first of all to apologise to you for bringing up an issue which may not be immediately related to our business that I feel it is important that I bring it up. Mr. Chairman, last week the Minister of Constitutional Affairs did through the Radio and the rest of the Mass Media direct you to organise elections in Bukoma Simbi County.

**THE CHAIRMAN:** That is factually wrong, He did not direct me.

**MR. SSENDAULA:** Okay, he directed the Commissioner to hold by-election or elections in Bukoma Nsimbi County, in Masaka, and he said this should be done within fifteen days. And obviously now that we have moved and we are more or less - *(interruption)*- finishing with the setting up regulations, to govern the body to which we are all elected, it is obvious that we shall be starting to debate the substance next week, But the people of Buomansimbi are not represented - they have not heard any word. Although we are not represented on district basis but certainly as opinion leaders from Masaka, we feel

concerned, because the judgement was passed over a month ago and there has been no word. I would request that we have some clarification so that some action - or we get to know when action is going to be taken. I Thank you very much, Mr. Chairman.

**THE CHAIRMAN:** That matter might be as important as you say it is on the basis that people of Bukomansimbi should be represented. But nothing in the Law establishes us here - says that we should hold over our work until by-elections have been held. Let the process take its course, the Amendment to the Law only provides that if we shall have been so advanced, that it will be useless to conduct elections, the Chairman can interact with others to say, 'sorry'. But in this case, it is not too late, and I do not think we should bother ourselves on matters which other people are handling. I would like to Suggest to hon. Ssendaula to visit the Commissioner and urge him in the Office of The Commissioner or elsewhere to proceed with this work faster. But it is not really for us to interfere with his work. I think that is the last one.

**MISS BYANYIMA:** Thank you, Mr. Chairman. Mine is to congratulate the House for accepting that we adopt a Prayer that everyone can say without any conscious objection, and to request the House, Mr. Chairman, very seriously that we adopt a spirit of tolerance here whether it is gender perspective or political views but that we are tolerant because we are building the culture of the future. Thank you, Mr. Chairman

**THE CHAIRMAN:** Hon. Delegates, as I said, we have come to the end of the business we had before us, the Committee will meet over the weekend and submit a Report on Monday so that we finalise the Rules in the morning and then we start our business in accordance with those Rules. We have done good progress and I am sure that in the early - by mid-day or even not earlier on Monday we shall have finished with Rules and we proceed to other business in accordance, as I said, with those Rules. The President will be addressing the students - some of them who came here and others who will be arriving here with drums and bands. So those Members who would like to respond to the invitation can come and join. And so therefore, this is to warn you not to leave your papers behind because this Chamber is going to be used in the afternoon for that purpose. Otherwise, I would like to wish you a good weekend and the House stands adjourned until Monday at 9.30 a.m.

*(The Assembly adjourned until Monday, the 27th June 1994, at 9.30 p.m.)*