



THE REPUBLIC OF UGANDA

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

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**OFFICIAL REPORT**

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MONDAY, 19TH SEPTEMBER 1994

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Monday, 19th September, 1994.

*The Assembly met at 8.30 a.m. in the International Conference Centre, Kampala.*

#### P R A Y E R S

*(The Chairman, Hon. James Wapakhabulo, in the Chair).*

*The Assembly was called to order*

#### COMMUNICATION FROM THE CHAIR

**THE CHAIRMAN:** Hon. Delegates, Hon. Zziwa Margaret approached me to request to make a statement concerning the matter which will become apparent when she makes that statement. And I did agree that she could make it. Then we see if it is the one where we can make a few comments.

#### STATEMENTS AND PERSONAL EXPLANATIONS

**MRS. ZZIWA (Kampala):** Thank you, Mr. Chairman. Mr. Chairman, I rise on a statement of national concern basically to clarify on Article 62 of page 24 Clause (3) of the Draft Constitution. Mr. Chairman, I wish to rise on an issue of public concern where I rise under section 12 (2) of the Rules of Procedure. Specifically on the press reports carried by the dailies, especially of Tuesday, September 13th which carried a report on CA proceedings of 12th September on the amendment moved and approved by the CA that day.

Mr. Chairman, the amendment ran as follows that. "No person has a right to terminate life of the unborn child except as maybe authorised by the law". Mr. Chairman, allow me to quote the various headings as were carried by the dailies. *The New Vision* page number (1) of that date, Mr. Chairman, carried a heading "CA Allows Abortion" whilst the sister paper which is a Luganda Daily *BUKEDDE* of 13th reported that "CA Egaanye aba jamu embuto" Mr. Chairman, that means that, CA has disapproved of abortion. *Ngabo* of 13th September ran a report that, "CA Ekiriza ekyabakazi okujamu embuto" meaning, Mr. Chairman, that CA has allowed women to abort.

Mr. Chairman, these terminologies, I think as you see them also, are now becoming very confusing. *Topic* in itself also, of 14th ran a title saying that CA

did not approve abortion. Whilst Monitor of 14th - when it was reporting on the NRC/CA proceedings, reported that, No, no. CA did not legalise abortion as reported by the government News Paper, the *New Vision* of 13th. Mr. Chairman, when I read all these, I got concerned and I guess most of my colleagues also got concerned. This being a very, very important topic, the one of abortion Mr. Chairman, I thought that I would come to this Floor and I beg you and this House, that we clarify this issue, so that there is proper and accurate reporting on this.

Mr. Chairman, you will note and you note dear Members that, the UN Conference on population which has been sitting in Cairo, which has just concluded, made fundamental resolutions on the issue of abortion. If I could be allowed to quote, Mr. Chairman. Like on resolution 8(25), it states that, "In no case, should abortion be promoted as a method of family planning of government and relevant non-governmental organisations are urged to strengthen their commitment to the women's health to deal with health impact of unsafe abortion as a major public health concern to reduce abortion through expanded and improved family planning services". Mr. Chairman, it is not only an international concern, but also a matter of national concern.

Many delegates, when they came on the Floor, they raised the issue of abortion. Mr. Chairman, I do not want to really repeat my submission which I gave to this House on 15th when I was debating still on this very Chapter of Human Rights. First, I remember very well, Hon. Prof. Senteza Kajubi, interjected when he was trying to find out my position on the said topic of abortion. And allow me, Mr. Chairman, to quote. Prof. Senteza Kajubi, raising on a point of clarification, he asked: "The Hon. Delegate on the floor has made a statement that, no one can give life and therefore, no one should have the power to take away life. And there is a very controversial matter these days. One of abortion. I would like to get the Hon. Member's opinion on that matter". And Mr. Chairman, you gave me the Floor and I responded. Mr. Chairman, with your ruling, I can say that I am also against abortion, this is a view which is from the Kampala women. And Mr. Chairman, I wish to state that I have been having very many problems ever since the running of this kind of report whereby most of my electorate, including the press itself, have been asking me what did we exactly approve. And I have

been finding it rather difficult to really put it clear from the way, how, may be, it is understood. That is why I thought that it should be brought back to this House to be clarified to the public and through the press to the public so that issues can be clearly run. And culturally most societies in Uganda, they do not approve of abortion. Because of its consequences, and religiously.

Mr. Chairman, you also know that, most religious denominations still do not approve of abortion like the Roman Catholic. They compare abortion to murder, and it is a sin. And it is in this line that I wish to stand before this House, and beg that you allow Members to come out and comment on this issues so that the dailies can actually get the issue correct. I may say that at times, they say that CADs - like it has been said - that CADs fail to follow debates and they run the synonymous of saying, it is us, maybe, who do not understand very well these issues.

In that respect, Mr. Chairman, I will beg to propose through you to the Business Committee, that may be we shall be having - we should conduct a press conference, every time, when we finish some of these chapters so that the press, can get clarified on what exactly they would run. But what perturbs me, is the conflicting reports which come in the various reports - rather in the various papers. I would say may be, that it would be proper also for some of the press Members to synchronize some of their papers, to enable our people really get the true picture. It is very important to report as accurately as possible, because this is a very, very paramount matter, Mr. Chairman. I beg you to allow Members to comment on this issues before we move. Mr. Chairman, I beg to move.

**THE CHAIRMAN:** Under our rules, if it is a statement of personal explanation, we do not allow debate. But if it is a statement which concerns the public interest, there is limited discussion, very, very limited. Now, this could not have been personal explanation, because it was not really relating to her personal views or statements generally to the House and also to a matter that attracted public attention. I think we shall allow very, very limited discussion and we go on to the next items.

**MR. KASAIJA (Bunyangabo):** Thank you very much, Mr. Chairman. Mr. Chairman, here I rise on a matter which worries me. We are starting off a bit late and then these personal explanations are also

bogging us. I thought the other day we agreed that possibly if somebody can circulate some of these explanations, then Members read, and we get an official stand on such issues then we get moving. Because we are wasting a lot of time. Imagine having wasted all that time, when actually some people are waiting eagerly to pass a few articles if we can this morning. So, I am getting worried. In future Members, please let us try to come out from such a lengthy personal explanation. For example if she stood up to say - with due respect please, if she told us that what we actually agreed on in the Assembly is not what was expressed in the papers, that would be enough, that we did not legalise abortion. As simple as that. Thank you very much, Mr. Chairman.

**MR. SAKWA (Bunkhokho South):** Thank you, Mr. Chairman. Much as I am worried about the late starting, I think the issue raised by Hon. Zziwa is very important because, there is a tendency for papers to deliberately misquote this House. My opinion here, Mr. Chairman, instead of us going into a lengthy discussion, we should ask the Legal and Drafting Committee to issue the official version of what we agreed. So that, we do not have to re-debate the issue. Thank you, Mr. Chairman.

**MAJ. ONDOGA (NRA):** Thank you, Mr. Chairman. I rise to make a very brief remark, on a statement that has been made. Having been one of those who have been attached in this House for reports I am supposed to be made in the press, I would just like to make a few observations. As most of us here, as we stood up to speak, have talked about freedom of expression, as a man who has been associated with the press, I would like to give one very little example. I have got a glass here, Mr. Chairman, which has got some water, if you call one of those press men to report on this glass, one can say it is down another one can say it is up and both of them will be correct. Give the press men their right to report, Mr. Chairman.

**CAPT. BABU (Kampala Central):** Thank you, Mr. Chairman. I would like to first and foremost thank the Hon. Mrs. Zziwa for having brought this point up. And at the same time, I would like to implore this House and the press that at the moment, we are in a very, very crucial stage of the life of this nation. And everything we make is so important that everybody in this country, including those who are not in this House, should be part and partial of making sure that, what we do is correct. And if democracy is a job

for all of us including the members of the press, it is very important now that we beg them and we implore them that, the public is consuming what they produce wholesale, especially with the majority of our people who read these days. It is therefore, very important Sir, that the freedom of expression should be used constructively to feed our people with correct information. If they get the wrong information and they get the wrong views, the press will be alright because they will buy their papers. But when we go to the constituencies, we are being asked these questions and they 're bogging us down, instead of going ahead and making sure that they contribute. We are not against the reporting, not against the freedom of expression, we are against reporting incorrectly and causing us problems. We would like them to report, we would like them to be part and partial of this process, of bringing about democracy in this country. I would therefore, like to beg them and support Hon. Mrs. Zziwa on this particular issue, and many others that they have reported. That they correct them, so that people can get the true picture of what is going on in this Assembly. Thank you very much.

**MR. MAYANJA NKANGI (Conservative party):** Thank you, Mr. Chairman. Before we attack the press, I think we should go and get clearance. I was not here, but reading what was passed, I get this impression. First, no one may take the life of a foetus. Second, anybody may take a life of a foetus if Parliament says so. Third, nobody may do so, if Parliament does not say so. Now, you see, we have got three statements, this assembly is non-committal, it is living the whole thing to be debated by Parliament. And the words used are - "*Parliament may not*", "*Parliament shall*". It is not a mandatory duty on Parliament to legislate either way. I think the press correctly reported what was passed at the Assembly, and therefore, if this assembly now wants to say, let us take back the powers of Parliament, and decide now, either we say completely Parliament may never, never pass a law allowing abortion, that can be a substantive motion. If we were saying, let us leave it to Parliament for in its wisdom to decide whether or not in what particular cases, abortion may be allowed - this is what this assembly understood first, and therefore, I do not think there is any reason to attack the press at all.

**MR. NASASIRA (Kazo County):** While thanking Hon. Margaret Zziwa for raising concern, if I understood her correctly, I think it is only one paper

which misquoted this House. Most of the papers quoted this House correctly of what it passed. I therefore, would have thought, for the future, if there were some misquotations from some papers, which happens in day to day journalism, the secretariat or somebody responsible should inform the paper - that particular paper - for a correction. And normally, most papers have always come out with such corrections, so that we do not spend more time debating on this misquotation of some papers. I thank you, Mr. Chairman.

**MR. KUTEESA (Mawogola County):** Thank you, Mr. Chairman. Mr. Chairman, I share the concerns raised by Hon. Mrs. Margaret Zziwa about the misreporting by certain newspapers. However, as Hon. Mayanja has pointed out, papers tend to pick out bits of a resolution and many bits of this resolution or rather this amendment, would have different meaning. What is even more important is not the text of this particular clause that we passed, but there are many other clauses that we have passed, and others that we shall continue to pass. And many of them may become liable to various interpretation by different papers, sometimes feeding different readership. However, I think as I did suggest at the beginning when we all had some comments to make here, before we started our business, and has been repeated by Hon. Zziwa. I think it is imperative that the Chairman, and not the Legal and Drafting Committee, after we have passed certain amendments, to make periodic press briefings which will bring out the official position as is understood by the Chairman and just as it has been passed by the assembly. I think that will help the newspapers, even to correct whatever impression they may have created.

I would like to suggest Mr. Chairman, that this House requests you to make periodic press briefings about, not only our work, because people are concerned at our speed, as the first speaker said - to comment periodically about what has been passed, and probably in the agenda - to the press of where we are going. All these are matters of concern to the whole public. But the solution will not be in condemning the press, the solution will be in giving the press the official version. I thank you, Mr. Chairman.

**THE CHAIRMAN:** I thank you. I think that, that should be sufficient for our discussion of this matter. I do appreciate the suggestion that, the Chairman

should brief the press. But we do not have secret meetings. These meetings are open and the press is there. What I do from time to time is that, I expose myself to the press for discussion, and they ask me questions. But if it is the wish of the House, yes, but otherwise, at the end of every chapter, the press is with us. And it is difficult. Unless you want the Chairman to go and write their headlines. It is for me to choose how to present it. But I think, the most important point is that, our people are entitled to be properly informed. Otherwise, we can mislead them or make them come to wrong conclusions. Otherwise, I think the press is here and they have listened to the views expressed but as already stated, the Chairman will continue from time to time, to interact with the press and in that way, maybe we shall build a better relationship in terms of reporting. But I think we have got enough on this issue, we should go on to some other business.

#### REPORTS FROM COMMITTEES

**THE CHAIRMAN:** Hon. Delegates, there has been meetings of some committees, there was the meeting of the Legal and Drafting Committee, they came up with ideas of Chapter 3 but because of technical Problems, we thought their report would be ready this morning, but it is not possible. And so, the Legal and Drafting Committee will be reporting tomorrow on Chapter 3, so that we proceed with it in accordance with that report. And this is partly the reason why we were delayed.

The other one was the business committee, it met on Wednesday 14th, and their report is as follows - I do not know whether it has been circulated. But essentially, a point made at this meeting was one. We did not discuss the regular business of the committee, we concentrated on one aspect namely, the speed at which we are proceeding in our work here. The committee noted that, for a number of factors, we are not proceeding as fast as we should, and should we proceed at this rate, we would need all together about 65 weeks to complete our work. It will be one year and three months from now. And you know that, the statute under which we operate does not give us more than seven months. And the reasons were varied. Of course we postponed starting because of factors which you already know. And so, we lost time following our recess. Then we have had problems of commencement on time. from time to time and our business being what it is now, we need a quorum really before we can transact business. We cannot

do so with less than 142 Members as per our rules. And whereas we may start and talk, we cannot vote or make decisions until we have the numbers.

Another one the committee thought was the tendency by the Members to indulge in more debate on Parliamentary lines than as a constituent assembly. So, they suggested that, we approach our work differently. They recommend that we should take advantage of our rules to set up select committees which would then handle specific areas of our business and report to the preliminary. I think this might speed up our work. They suggested that select committees should have up to say 60 Members so that, we have full representation of the Members on at least the committees. And they suggest as follows: We shall have Committee One, dealing with Public Service, Inspectorate of Government, Leadership Code, Land and Environment, Amendment of the constitution. Anyway, this will be circulated. So, I am just reading through. Then boundaries of Uganda and then most of the allegiance and so forth. Committee Two would handle the Executive, the Legislature the National Council of State, and Judiciary. Committee three, would handle Finance, Defence, and National Security. Committee four would handle the Republics, Citizenship, Local Government, General and Miscellaneous, and also schedules second and third. And Committee five would do Representation of the people and Transitional Provisions, these are mere suggestions. Others suggested that, the committee members should freely choose which committee they want to serve on by registering their names, but it was suggested that, the Membership will not be more than 60, but should some committees be over subscribed, then the Business Committee can meet and rationalise the membership. But that, also the members would then meet and select their own chairman, of the Select Committee.

The Committees would then report to the plenary and the assumption would be that, we would have fewer contributions since most of the Members who wish to talk on the subject will have done so in the Select Committee. That we should adhere strictly to our time frame after we have started on these committees if it is so approved, and that the Select Committees working on Chapters One, Committee number 1, should report within the next two weeks, from the time of its formation. In other words, we start on this committee, and then we shall also give time frames for the other committees.

Then it was agreed that, the press should be free to attend meetings of any Select Committee, and then we shall also give time frames for the other committees. That the press should be free to attend meetings of any select committee, so that we do not go into secret sessions, and that select committees should meet on Tuesdays, Wednesdays and Thursdays in the afternoon, and later in the evenings if they so decide. That all proposed amendments should go to the Legal and Drafting Committees assisted by the Technical Committee for rationalization before being presented to the Select Committees, then Select Committees will in turn present their report to the plenary session after considering all the proposed amendments with their recommendations. And then, we will proceed to consider those matters in plenary but limiting contributions to very few members.

This is essentially the importance of this report. Now, this was taken unanimously. I chaired that meeting, so I can say this. And seeing that the representation on the business committee is quite democratic, takes into account districts, takes into account all the other constituencies, this reporting is coming to you from a very broad cross section of the Constituent Assembly. If we agree on this formulation, then we shall - I would suggest it is agreed that, Members can indicate their preferences of the committees, by registering in a register which would be made available in the Clerk's office and then we go through the process of appointing Members and then we proceed from there to have the committees in session. Meanwhile, there are matters like Chapter 3, which has been studied by the Legal and Drafting Committee, which then we can be working on from say tomorrow until the committees can start meeting and we get the reports and we proceed that way. This is the proposition from the Legal and Drafting committee.

**DR. HIGIRO (Isingiro):** I am glad that the business committee has realized that our speed is so slow, and they have made some proposal which sounds alright. But Mr. Chairman, I would like you to allow me to propose an alternative which might improve the situation. Mr. Chairman, it is true, our interest is speed and accuracy, but especially speed, because accuracy will come when the final drafting is being edited. Mr. Chairman, let us accept that, we have not been very serious. We were here at 8.30 a.m. we are supposed to be here at 8.30 a.m., but 8.30 a.m. has become 10.30 a.m., 11.00 a.m. We waste a lot of time. Mr. Chairman, if we are wasting time now, it

is not likely that, committees themselves do not waste time! They are likely to do so. In fact, even more so, they will come when and when they want. I have known what other committees do somewhere else. Mr. Chairman, because of that, I want to make a suggestion here, for Mr. Chairman, to listen to and other Members to consider.

Mr. Chairman, I would propose that we all put in our amendments. We set a date, like say, by Thursday evening, all amendments to all Chapters should have come in, to the Clerk to the Constituent Assembly. Once all the amendments have been made, we all know their amendments, then, Mr. Chairman, I would propose that rather than we set into this select committee, that we expand the Legal and Drafting Committee, into possibly something like 21 people. And now this Drafting Committee will be sitting into three groups only to classify together with all those people who have got similar amendments on Chapters and on Clauses. Now, we can have one day or two of re-organising this. Finally, what will happen is that, we shall all have all amendments together, and those amendments we can print them and then we discuss them in plenary. I will tell you why Mr. Chairman, I am saying like that.

We have come 284, each of us is a representative of a group of people, and also, we have some ideas. Now, I would not like an occasion where one or two or three people feel that, they had an idea and this idea was overlooked. And as you know, Mr. Chairman, there is something we are creating here which is vital. We are creating a fraternity. A fraternity of people who have discussed, who have given in and taken away, people who have once proposed an amendment and if he sees that many people have not accepted, he withdraws it. This is a move that I like to continue. Mr. Chairman, I think we could waste less time, if we follow this procedure.

Thirdly, Mr. Chairman, there is also this idea of saying that, certain chapters are contentious. Let us not prejudice, I think we would only know that Chapter is contentious after we have seen the amendments, so that once we get them, definitely we would deal with them, seriously like that. But fourthly, Mr. Chairman, I think that Chapters as you mention them here, we do not need - there are chapters which would take very short time, which will not cause much debate. You know, if you look at Chapters like, the National Council of State, we are likely to deal with it immediately today. The Judiciary, the Finance,

what are we going to do with finance? The Defence, Inspectorate of Government, Leadership Code, which was clearly done by the Parliament, and quite a number. Mr. Chairman, if we organise ourselves in this way I am talking about, we could easily finish this job in time and when all of us feel we have done a job without wasting time.

I would like to feel that I am not proposing anything contrary to what you have proposed. Because our objective is the same. Your objective and your committee is to speed work. But please, consider my proposal also with sympathy because I think we really can do this job once all amendments are together with us and we classify them together and eventually we clear this job in a very short time. Mr. Chairman, I beg to move. Thank you, very much.

**THE CHAIRMAN:** What Hon. Mr. Higiroy is suggesting is that, we should not proceed as proposed by the business committee, but we should just expand the Legal and Drafting Committee to give a deadline for amendment. Of course and also, he is saying that, some Chapters are not necessarily contentious. Of course that is also, contentious in itself because at the beginning, we assume that since we all agree that we need human rights, and therefore, it will be a first job to go through that Chapter, it has taken us more than two weeks to do a Chapter on something we all agree on. And I do not know, how we can proceed.

**MR. NJUBA (Kyadondo East):** Mr. Chairman, I must thank you and the Business Committee for having seen the problem we are facing nationally. That is completing this constitution within a reasonable time. Mr. Chairman, as you know, government recommended to this August House, some rules, and included subject matter committees or select committees on different subjects. That was to try to reduce on time. But it was not adopted at the time. I think it is very important that we finish on time. Because it is stipulating having election as soon as possible, but not later than January 26th. Secondly, the Minister for Finance has expressed concerned at the Bill being paid out to us and the government can ill afford an extension beyond the period wasted.

I wish to inform the Assembly Sir, that as recently as 12th of September, four months expired and I was compelled to sign on recommendation of finance, another three months. And I do not think we can go beyond that and the seventh month ends on 11th

December. So, I definitely agree with the Business Committee, that the sooner we set the machinery in place, the better for us all, and for the nation. Thank you very much.

**THE CHAIRMAN:** Thank you. Of course at the beginning we were not as confident as we are now. So, we all feared the idea of committees. I think we are becoming wiser.

**MR. AWORI (Samia Bugwe North):** Point of information. I am seeking further information through your Chair, actually from the Hon. Sam Njuba in his other capacity as a minister for Constitutional Affairs. Mr. Chairman, when we started our deliberations, you gave us a work plan which had been worked out by the Business Committee, now we see, you are re-visiting, probably, that work plan. The first one you gave us, there was a proposed time table which would have given us so much time for a particular item. Among other things, you proposed to the Business Committee that is, that should we have a referendum, definitely we would spill over the stipulated time according to the statute. Mr. Chairman, I do not think, that proposal was idle. It is a serious matter, which we must address ourselves to immediately.

Some people are very fearful of talking about the extension of government, the extension of the CA, the extension of NRC. Mr. Chairman, let us face it now. There is no way we can be time driven to finish this job in a so called 7 months. It cannot be done. Mr. Chairman, let us call a spade a spade. It took five years, four years, to collect information. Now we want to do it in seven months, are we being fair to this nation by being just merely time driven? Why is it that, the country cannot afford to provide funds to make a lasting document - the mother of the laws, and yet we have got money for other, what I call useless budgets? I can name them. Mr. Chairman - *(Interruption)*-

**THE CHAIRMAN:** Order. The member has a right of the Floor. Please go ahead.

**MR. AWORI:** Mr. Chairman, I could name them. But as of course in new controversy, I do not want to open a totally different Chapter. Mr. Chairman, my point is, let us call a spade a spade, and let us go back to NRC and ask them, if they can change the statute but we are not confined to a specific number of months. Let us call it a reasonable time, not seven

months. There is no way we are going to do it. Mr. Chairman before I wind up, *(Interruption)* - Mr. Chairman, I know as I said at the beginning, it is a sensitive point when you talk about extension of the life of the CA. They do not want to talk about it, they are afraid, they are saying no, it looks like we do not want to face elections. Others say no, it looks like you want to extend NRM life, others say no, you are trying to create yourself a harvest period, and so forth. Mr. Chairman, all I am saying, let us be realistic, because if we are not realistic, what is going to happen at the end of the 9 months period? We are going to have a rushing through, more serious issues at a great speed and therefore, doing a disservice to this country. Mr. Chairman, I beg to move that, we propose to NRC to extend the life of deliberating this constitution.

**THE CHAIRMAN:** Hon. Awori, are you agreeing or disagreeing with the idea of select committees.

**MR. AWORI:** I was soliciting the information. But can we attach a new calendar to the new work plan so that we know when we can finish a particular item, and be on time to complete the constitution.

**MR. BIDANDI SSALI (Nakawa):** First of all, I would like to congratulate the committee for having followed the speech procedure of this House, up to now and come to this new approach which some of us are on record, to have recommended right from the very beginning. Mr. Chairman, let us take a leaf from international norms, we pointed it out and we do point it out today, that nowhere in the world, do you get a body like this, handling an affair of this magnitude in the way we have been really handling it. Even if the NRC sits to extend the period of time. In the first instance, you do not go deep enough in any matter when you are so many because at no time will you have about 100 people talking on a certain subject. And yet, when you are less, you really go into the detail including doing home work. So, I would like to thank the committee and really appeal to the Members here that, just like everything else here is based on what we have gained other than experience from other nations, other meetings, this is one other way of getting advantage of where the others have failed before and perfected a procedure. We do not need to really carry on until we finally find that we have also failed to turn to what should be proper. So, Mr. Chairman, this idea is not good.

I do not agree with Hon. Awori. Even if we go to the NRC at the moment, the NRC will be basing it on

what procedure is being followed by the NRC. Is it proper? On the basis of that, the NRC says Yes, or if they say No, No. They are just there wasting time, how do you consider a subject in a plenary and the question of whether they include an "and" or an "S" to be decided upon in the plenary. The NRC will say No. Supposing they say No. So, Mr. Chairman, this question of going to NRC is really not proper. Me, I would even say, Mr. Chairman, in the end, while I am still supporting, that it could do us a lot of good if you gave us about 30 minutes in the lobby over this particular issue and then we come back and we take a decision. Because some of the issues we are now raising could be ironed out in the lobby between me, between who, between Hon. Nekyon and somebody else.

Lastly, my fear Mr. Chairman, is that, some of us have been accused of intentionally wanting to drag on the CA work, either for political reasons or for financial reasons. Therefore, if we are not seen to be doing our work in the normal way, definitely this particular accusation might gain gradients to some of the opponents of some of us. Either politically, or those who say, we are here to get the money. Especially when you consider the amount of cheque each one of us receives every month. So, I would like to support the position of the committee, Mr. Chairman. Thank you.

**MR. KITARIKO (Democratic Party):** Thank you, Mr. Chairman. Mr. Chairman, I believe, we should be disciplined, first and foremost. We came in this Assembly, agreed to a time schedule for work. We are not keeping it. Let us really exploit all these avenues, and if out of sheer necessity to extend the period. I believe the time table given by the committee is a good one, let us use it. And if we cannot finish, people will understand why we cannot finish. Thank you, Mr. Chairman.

**MR. NEKYON:** Mr. Chairman, as you heard the report of the Business Committee, and the proposal made by Hon. Higiyo, I would like to propose as follows that we marry the two proposals and work with it so as to achieve our end. I agree that we have been going very, very slowly indeed to the extent that, the public are losing patience with us. Therefore, the proposal by the working committee is a good solution. In fact we had at the beginning this proposal, but was rejected as the Hon. Bidandi Ssali is saying. Now, let us come back from the working committee. I support it provided that we enlarge the Legal and Drafting Committee into 15 members,

and split them up into 5 sub committees, each one with 3 people. So that, each sub-committee of the drafting committee becomes part of the one of the five committees which we are proposing. The work of listening to the members proposals and proposed amendments and drafting proceeds at the same time. Then I will also bring the element of Hon. Higiro's proposal. That Members be encouraged to write out all their amendments as much as possible, and submit them in advance because this will facilitate the work of the five committees which we are proposing now.

When I went to a meeting of the Galo Society about two weeks ago, there was a proposal by that society that they set up a small office in Kampala to assist Members with drafting all their amendments, which I think we should take up. Because nobody should pretend that, making an amendment is an easy task, it is a very difficult thing. In fact even among lawyers, there are people who are specialised in drafting the law. So, those of us who come from the villages like me, I am growing cassava, sweet potatoes, I cannot pretend that, I know how to do this. And so, we take up that proposal and that offer by the law society and take our amendments there, tell them exactly what we want to do and they help. Then I want to say, once that is done, we allow every member who has got a proposal to move freely from one committee to another one to present his own view. And that means, at the end of today's work, we hang up on the black board, the programme of work of each committee, so that we would go there and know that tomorrow that committee is discussing this and that, then I would go there to present my own view, before going back to my original committee. Once that is done, I think there is no reason why we should not move fast. I am completely opposed to any idea of extending the life of this Assembly (*Applause*). And no reasonable Ugandan should ever think of that kind of thing. We came here for making a small law, but now we extend it by speaking things which are irrelevant. And then, we go to the people and say, we extend, we extend! I am not going to accept that. (*Applause*).

**THE CHAIRMAN:** Now, Hon. Delegates, let me make two clarifications which may not have come out. It was the view of the Business Committee, that once we have set up select committees, these committees would then themselves request that Members make amendments available to them by a given time in respect of the chapters they are dealing with so that those amendments are given a deadline as well

by the various committees. Two, it was also the view of the Business committee that members, in accordance with our rules, because our rules say so, should be free to attend any of the committees, make written or oral representations, but not taking part in decisions. Like our rules say. Because if you say that Members can go to committee (A), make their presentations, and then vote there, we just change one figure to another except the chairmanship. So, we said you have the Membership by registration, but members are free to go and argue their case in respect of all those chapters even if they are not members of those committees. So, that was agreed. Now, what is coming out as a suggestion is that, the present Membership of the Legal and Drafting Committee, I think there are 9 members, should be expanded to 15, so that when we have the 5 committees, they take benefit from sub committee of the Legal and Drafting committee right from the radical. Now, that is a proposal which marries the ideas of Hon. Dr. Higiro and those of the business committee as ably put by Hon. Adoko Nekyon.

**MR. KAIJUKA:** Thank you, Mr. Chairman. I want to start by saying that, as a method of work, I think it was necessary that people get to know each other, it was necessary that they get appointed with each other, and as usual, people are not a joke, and I think we have had a long enough time to reflect on the manner and method of work that is going to make our work cost effective in terms of time, in terms of money, in terms of expectation. So, having said that, Mr. Chairman, I want to agree with the business committee that if we are going to be business like, there is no short cut to having select subject committees. And as such, as we may make amendments, I want to appeal to Members that, we anonymously agree to adopt that approach of work. Only that, I want to suggest that, in order to improve this method of work, I wanted to suggest that, there are one or two chapters that may necessarily have to continue being part of the plenary, notwithstanding having other committees. What I have in mind are specifically two areas, one is representation of the people as one major controversial area that may enlighten the plenary, and that it should not leave this plenary. The second one is Local Government that I have in mind. Perhaps if you take care of those two areas, and we leave the rest to these committees, given the time frame, I am sure we shall finish in time.

I want to agree with Hon. Nekyon, that it will be wrong on our part to think, at this point in time, in terms of extension. It will give a wrong signal as if we

are not a serious batch. *(Interruption)*- I am sorry, Mr. Chairman, as if we are not serious representatives of the people. So that we are not misinterpreted as bunches of matooke. So, I am suggesting Mr. Chairman, that we really, in terms of procedure today, since we already have in the agenda Chapter 9, we can easily deal with that in 15 minutes, because I think most people are agreed. And really get on with the business of appointing select committees, give a time frame within which this work must be done and it will be done and we get on with more serious business of this nation building. I thank you.

**PROF. KANYENIHAMBA:** Thank you, Mr. Chairman. First of all, I would also like to thank the business Committee for these very good suggestions and I fully agree with them and I think we should adopt them without any delay. Having said that Sir, I wanted to explain that the reasons we have had some delay, has nothing to do with the work or indeed the progress of the Legal and Drafting committee. I am amused by the suggestion that, it should be expanded and people think that that would increase the pace of the work. As you know, Mr. Chairman, the legal and Drafting committee does make proposals to this August House and had actually proposed what Hon. Dr. Higiyo is proposing that, amendments should be in by a certain date. That report, every member has, but it seems that some may have forgotten it.

Secondly, the problem we have had, is Members not submitting their amendments in good time. This committee of nine has worked together very well, and we are capable of dividing ourselves into committees suggested without having it expanded. Our problem with expansion is that we get new people who do not - now we would have to learn the methods of work that we have adopted as a committee. So the point that I am suggesting is that the problem is that the reason why amendments have been slow is that Members have not been submitting them in good time. Otherwise this committee would have disposed of them in good time.

The business committee has suggested that we should be given more time after amendments have been suggested to the select committee so that we consider them in good time. Why have Members been unable to bring amendments in time or those who have brought them did not come to speak for them? The delays that we have had. Members had thought that the committee might perhaps amalga-

mate their amendments with others or dilute them. So for that reason, we have chosen to propose them here directly instead of passing through the committee. The advantage about this commendation by the Business Committee is that all amendments will have been considered and synchronized by the Legal and Drafting Committee before they go for select committees to consider them and I am sure that this will expedite our work tremendously. The point I was really making is that our function as a Legal and Drafting Committee is very much different from what some people are conceiving it to be and it will not change or improve even if you expand the committee. That is the point I wanted to make Mr. Chairman and I see that if we can adhere to the programme and suggestions made by the Business Committee, then work will run smoothly and we shall have no problems. I thank you Sir.

**MISS BYANYIMA (Mbarara Municipality):** Thank you Mr. Chairman. I too would like to congratulate the Business Committee for coming up with this proposal. I had suggested it at first when we were beginning our work that we work through select committees. If I pick from my experience in the constitutional reform organisation like UNESCO, that even the most contentious issues, a select committee was able to reduce them to very narrow issues that are themselves contentious but then the plenary was able to dispose of in the shortest possible time. I do agree that we have five select committees, but even those issues which are most contentious, if a select committee looks at them, it can narrow them down to the very issues that are contentious that the plenary can dispose of in the shortest possible time.

As for the Legal and Drafting Committee, Mr. Chairman, I too agree that it should be expanded so that we can have sub-committees of Legal and Drafting Committee serving the select committees. I think in that way, we can speed up. Also Mr. Chairman, the legal and drafting committee - I had become a little bit worried about it. It was beginning, Mr Chairman, to go beyond its mandate to discuss the substance of people's amendments. Personally, I think that it was not their business to check on the substance of people's amendments. Mr. Chairman, if we have sub-committees working with us in the select committees, I think that the temptation to hijack the issues from the Delegates will not be so high. And lastly, Mr. Chairman, I see that a list has been circulated to us, a list of Delegates who are lawyers. Mr. Chairman, I need your guidance. I do

not know why this list has been circulated to us. I do not know whether you would also like to circulate a list of engineers for example, and a list of teachers for example because Mr. Chairman, if we do need technical advice of a legal nature, I believe that the CA has a committee, has a Secretariat whose purpose is that. We are not supposed to consult fellow Delegates on these matters. We have a technical committee that is paid for that. So let us expand the *Legal and Drafting Committee*. Let us have delegates there who represent different perspectives and different regions but not lawyers. Thank you Mr. Chairman.

**MR. KASAJJA BYAKIKA:** Thank you Mr. Chairman. Mr. Chairman, I would like to support the idea of expanding the legal and drafting committee but I would like to also make the same remarks as Hon. Byanyima has said that the legal and drafting committee has tended to overrule candidates on their proposed amendments. There have been cases where they have refused candidates to present their proposed amendments and I think if we expand the legal and drafting committee and divide them into five groups, I think this tendency will be minimized. So I agree that I think we need to expand this committee and then have them split into five independent groups so that there is no question of the legal and drafting committee taking on the decision of which amendment should come to the plenary. Thank you very much.

**PROF. KANYEIHAMBA:** Point of order. Mr. Chairman, I think the record should be clear. Is it in order for an Hon. Delegate to say that the legal and drafting committee refuses people to move amendments when our rules are very clear that if a delegate insists on his or her amendment to be debated by the plenary session, he or she has a right to do so? I wanted the record to be put right that we do not, at all, refuse anybody bringing his or her amendment here.

**THE CHAIRMAN:** Well, there is no need for the Chair to rule out. I think you have put the record right.

**BRIG. KYALIGONZA:** Thank you Mr. Chairman. Mr. Chairman, having listened to a number of proposals and counter suggestions and after you had ably read out the recommendations of the report of the committee, and having also considered that Members seem to be in consonance with the recom-

mendation of the committee and that as Hon. Members may realise that time is becoming one of the matters which is about to become contentious in as far as the citizens of this country are concerned, the Press, the citizens and so on, they are solely concerned about time. And whereas time is not one of the major issues which should also drive us to do a shoddy constitution, it is also relative that while we are deliberating, we should have the correct convenient method of work which method of work has now been recommended to us by the business committee.

Hon. Delegates will appreciate that in the initial stages, when we had started deliberating on general matters, it was important that the recommendation of subject committee was correctly thrown out because Members were interested, at least, to air their views especially in telling us what their electorates had recommended to them. Now that we have all realised that not at every chapter, all Members will be able to talk and contribute, the proposal of the business committee that we reconsider the setting up of the select committees should be adopted. Therefore, Mr. Chairman, in view of that, I beg to move that this Assembly do reconsider and adopt rule 37 section (3) of our rules of this Assembly. Thank you Mr. Chairman.

**THE CHAIRMAN:** Are you suggesting that we should adopt the report of the Business Committee? I think that really is the substance of the matter. That there have been some proposals with regard to some of the idea that we expand the legal and drafting committee.

**BRIG. KYALIGONZA:** Mr. Chairman, I was moving that we adopt the report and recommendations of the business committee as reported.

**THE CHAIRMAN:** Thank you. Now, Hon. Delegates, we have I think canvassed the subject matter. Unless there is something really, really new.

**MR. LEANDER KOMAKEC:** Thank you Mr. Chairman. Although I am here, I happen to be a member of the Liberal Party but I am not representing the party here. I am representing Aruu County. Now, Mr. Chairman, I am really in sympathy with the proposal of the Business Committee which is trying to revisit a subject that has already been debated for a long time. We have commented on this and this same suggestion was actually rejected by the Assembly at the beginning of our session. I am one

of those who are not really fully convinced of the necessity of this. Mr. Chairman, I believe we have been going very slowly. We have been going very slowly for a number of reasons. One of which was that we were actually new and we were learning and I believe after two months of operation, we have actually learnt and I think we are likely to go a little faster than we have been doing in the past.

Secondly, you will have noticed that there has been very substantial recommendation or suggestion from the Floor. I would only accept the proposal or suggestion of the Business Committee if they would incorporate the ideas that were expressed by Hon. Higiroy and by Hon. Nekyon because part of the problem of why we have been going very slowly, apart from learning of our inexperience was that the Legal and Drafting Committee, in spite of what the Chairman has said, was also contributory. There have been a number of amendments that have been lost, typed and sent to the committee and you will never see them again. Mine was lost, there was a time I sat here until 8.00 O'Clock at night and we only saw one. I had four amendments and these were lost and have never surfaced again. I am not the only one, that is why I am in favour that the Legal and Drafting Committee should be expanded to 15 because we have the select committee. I will accept on condition that the five suggested committees have to be assisted and there should be in attendance, at each of their meetings, a committee member of the Legal and Drafting to help because there will be issues that will be debated there. We are in fact doing this because most of the debate will be at the select committees because from the suggestion which was not circulated in time, I see that on paragraph 5 on page 3 of this committee, it is very questionable. Some of it would, in fact, be incommunicado to the work of this committee as the representative of the people in Uganda.

So Mr. Chairman, unless we modify the working committee as suggested by the committee. I still have got some reservation. We are to improve on the time and must not infringe on the rights of Members to speak on the Floor. There are eight people, we are suggesting only eight people will come and talk to an issue and these committees, the five of them, will be working at the same time. Only three days are assigned to them. But they are five committees. Suppose the matter that a Member will want to speak on is being considered simultaneously by two different committees, what will happen? Mr. Chairman, we have to be very careful on this and I am saying that

there should be five, we give time which is known and there shall be time for people to go from one committee to another. And while they will report to the plenary session, I do not agree or accept the idea that only seven or eight people should be allowed to speak. I think we should leave it open. It will not go to 15. The experience we have had in this House Mr. Chairman, is that not very many people speak on this. Not more than 30. So I would think that eight is on the lower side. I would imagine that once the thing has been thrust out in the select committee, the speakers on the Floor will be few but it should not be restricted. I do not want the right of the plenary session to be taken away by that. It will not be too many. I think we should at least expand it. If you make it up to 15, I will agree.

**MR. DAMIANO LUBEGA (Rubaga Division South):** Thank you Mr. Chairman. First of all, I would like to talk on the procedure we are adopting now. We are trying to find out whether the recommendation or proposal made by the business committee is acceptable so that we can debate the details therein. By the time we started deliberating on the proposal, some of us had not received the details of the proposal. As I speak now, I realise that everybody is in possession of the detailed proposals of the Business Committee. Procedurally, I would think that one, if we accept in principle that the proposal by the Business Committee should be debated, then we decide that and secondly, we debate the details of the proposals which have now been passed to us. Beyond that, I am in favour of the recommendation of the Business Committee of breaking up into committees. I have been a member of the rules and orders committee which had proposed strongly that we break up into subject groups to consider detailed subjects as contained in the draft proposal and we laboured a lot to discuss the benefits of this method of work and did realise that in most fora of this type, there should be a committee which should work or operate like workshops to get the details.

As I speak, we have experienced from NRC and took up quite a long time before we broke. We advised ourselves on that procedure and when we did elect the committees of subject matters concerning different Ministry or Ministries or areas of operation, we discovered that our work was moving more efficiently and more thoroughly. So, I am in favour of the proposal generally and it is going to render efficiency in terms of cost benefits and I think it will give this Assembly a chance to benefit a lot. I would

therefore propose that if this proposal is acceptable, then first of all I put the question as to whether the proposal of the Business Committee should be debated and then we can debate the details. Thank you very much Mr. Chairman.

**THE CHAIRMAN:** Thank you. Hon. Delegates, I think we have reached a stage where we can make up our mind. We have surveyed the report. The recommendations are select committees, membership up to 50, Members are free to attend any select committee, make a proposition either orally or written and the committees will be open to the Press and the election of the chairmanship. It is the recommendation of the Chairman that it be done by the Members of the Committee themselves. The question we have to decide is whether we should expand the Legal and Drafting Committee. I think that is one proposition which we have here on the Floor.

**MRS. J. MUKWAYA:** Thank you Mr. Chairman. Although I agree in principle that we should have select committees, I am not very comfortable with the way the business committee distributed the topics. For example, if you look at Committee Four, I would think that the Republic, Citizenship and Local Government even from the general debate, appeared to be contentious issues. Having given those four contentious topics on one committee and then given them this other work, why Committee Three was given only two items which I do not think are contentious. They will finish them within no time. I would suggest that the Republic goes to Committee Three, then also Committee Five should have another chapter so that the ground is levelled Mr. Chairman. If that can be done, I have no objection. But I am not very comfortable. Thank you.

**THE CHAIRMAN:** Hon. Delegates, there is this proposition about the Legal and Drafting Committee. Our rules seem to say that we should have nine Members. If you look at rule 35 (1), "*The Assembly shall have a standing committee to be known as the Legal and Drafting Committee which shall consist of nine delegates elected by the Assembly*". Of course there is provision for co-option. We can leave the membership as it is and then co-opt.

**MR. SAM KUTESA:** Thank you Mr. Chairman. I also would like to draw your attention to rule 30 (2)(e). Rule 30 talks about the committees of the Assembly and it says "*the Assembly may establish*

*standing committees, select committees and other committees on any subject it considers appropriate for carrying out of its functions*". Then 2(e) says that "*subject to these rules, each committee established under these rules shall have power to appoint a sub-committee from among its members to undertake any part of the work of the committee and any such sub-committee shall submit its report to the committee which establishes it*".

So, Mr. Chairman, if you combine the option of under 35, provided these remain sub-committees of the Legal and Drafting Committee, you can expand it. The sub-committee can co-opt Members and then from among themselves, they can have people sitting on these committees plus those who are co-opted. So if you combine 30 (2)(e) and 35 which you read out Mr. Chairman, it is possible that the committee can co-opt other people and from among themselves, they could choose even leaders of the sub-committees in these subject matters and these co-opted members would serve to assist. The point being Mr. Chairman, that we have now nine Members of the Committee. Sometimes you do not get all of them even to consider the amendment that you have been considering. I remember that once I had a matter referred to them and only three people turned up from the sub-committee. So if you have five committees now, how more difficult will the task be for nine people to cover them! I think it should actually be expanded to 25 people so that you have five people out of which sometimes you may get only two capable of attending to these committees. What I have seen is that we have been having a committee of nine and sometimes when we are lucky, we get three coming up to hear your amendment; not all of them do turn up. Now if you were to stretch those nine to cover all the five committees, I think the task that you will be putting on their shoulder is far greater than they can shoulder. But if you made the committee up to 25 and you made sure that each committee is covered by five, you have a reasonable chance of two or three being present all the time. Thank you Mr. Chairman.

**THE CHAIRMAN:** Now can we know what we are seeking to make. Do we want to create more than one legal and drafting committee or do we just want to increase the membership of the present committee?

**MR. BEN WACHA:** Thank you Mr. Chairman. Mr. Chairman, I do not want to deal with the allegations which have been brought about by the

legal and drafting committee. I think Members who have attended the work of this committee and have since known that certain allegations which have been made here are baseless and should be taken as such. Now Mr. Chairman Sir, I want clarification from you in respect of co-option of members to these committees. I have looked at rule 35, I do not see any provision for co-option of any Member to any of these committees. I would suggest then Mr. Chairman, that maybe we could use rule 34 to amend the provision of rule 35 to increase the membership of this committee to any number which the Members would want. That is one, two, I would then ask the House Sir, to make specific provision as to how this work of the committee would be. So, if we are going to have committees of five attending this other select committees, what will happen? Would it be that the smaller committees would first report to the main committee or would it be that those sub-committees will talk directly to this House? I am saying this because we have been benefitting from each other in our work. And we would find it easier if we first collected ideas in respect to the work of this other select committees before a report is made here. It is important that we are clarified on this matter Sir. Thank you.

**THE CHAIRMAN:** Hon. Delegates, what we are now running into is a problem of first of all determining what we want. The proposal now on the Floor is that we create or expand so that we have sub-committees working independently under or with various select committees. We are in effect saying we are abolishing our legal and drafting committee and setting up five legal and drafting committees working with various select committees. I do not think that really is good because I think these Members also, like we are saying, have learnt to work together. They have now got experience in handling some of these matters. Should we abolish that committee and set up five committees? (*Interruptions*).

**MR. PATRICK MWONDHA:** Thank you Mr. Chairman. I do not think that we are saying that we abolish the Legal and Drafting Committee, not at all. We are saying that the five sub-committees will operate like branches of this committee. They will go and service the select committee. After that, they can take back their work and make an input to the legal and drafting committee for coordination purposes. In any case, the legal and drafting committee as it is now constituted, will come in handy when we finally

prepare the amended draft. So we cannot do away with it. But for the purposes of servicing, the select committee will need a distributor. I think that is the crust of the matter.

**DR. HIGIRO SEMAJEJE:** Mr. Chairman, if we look at the report made by the Business Committee, paragraph nine on page 3, you will see there is a reason why we should expand that Legal and Drafting Committee. Already this Legal and Drafting Committee has been overburdened. They were working many hours and sometimes getting bogged down but this time, we want speed. We are splitting ourselves into five committees for no other reason but for speeding up our job. Now look at what it will be. We are saying the proposed amendment shall go to the legal and drafting committee, assisted by the technical committee for rationalization before being presented to select committees. They are five committees now. The select committee will in turn report to the plenary after considering the proposal presented to it by the Hon. Delegates through the Legal and Drafting Committee. Mr. Chairman, just visualize the amount of work that this committee is supposed to do, it simply won't be easy and we are trying to see if we can make the work easy. The laws were made by us and we can amend them to suit our work. Mr. chairman, that is why I am saying that if we had say up to 15 so that each select committee actually goes directly, amendments go to that select committee so they deal with them for coordination, at the same time making final arrangements for them. But we do not have to have repeat jobs. That is my position Mr. Chairman. I thank you very much.

**MR. SEBAANA KIZITO:** Thank you very much Mr. Chairman. Mr. Chairman, while I support the expansion of the legal and drafting committee owing to the heavy work which they have been experiencing in the past, I also would like to seek clarification on two issues. One, will the select committee have the power to discuss and reject or accept an amendment and if that amendment has been rejected by the select committee, will that be the final position of the constitution? Two, it is recommended that the select committee will be composed of 60 Members of the Assembly.

**THE CHAIRMAN:** Up to 60.

**MR. SEBAANA KIZITO:** Up to 60 and, you have also added that any Members could go and attend any select committee they would like to attend. Does

this mean to say that if they go there and they are not Members of that select committee, will they be able to vote if there is any decision to be reached? Mr. Chairman, because here on the Floor of this Assembly, we have been discussing amendments which have been duly proposed and we have been rejecting some of them. Some of them are far reaching and therefore, are we going to give this job to only a group of people of 60 Members Mr. Chairman?

**THE CHAIRMAN:** I think something should be clarified. The select committees would report to the plenary. They will discuss and come with a recommendation to the plenary on matters that they have discussed. With regard to the attendance by non-members to the committee, the provision is in rule 37 sub-rule 4. It is very, very clear. Any Delegate is entitled to attend and make oral or written statement to any select committee but he is not entitled to vote in the proceedings of the committee unless he or she is a Member of the committee. And I did explain that if we are to run contrary to this, we would only be transferring some plenary to some other place less the Chairman. So other Members can come and also be like Members there. It will not really give the efficiency we are looking for. But Members are free to attend and make representations to the select committees without necessarily having to vote.

**MR. ABU MAYANJA:** Mr. Chairman can I just make a contribution?

**THE CHAIRMAN:** We are now on the issue of whether or not we should expand-

**MR. ABU MAYANJA:** The legal and drafting committee?

**THE CHAIRMAN:** Yes. And how should it work.

**MR. ABU MAYANJA:** Mr. Chairman, I think the legal and drafting committee should remain as it is but this proposal number 9 on page 3 which requires amendments to be sent to the select committee to go through the drafting committee should be revised so that Members who have got proposals to make or amendments should address them directly to the appropriate select committee. That is the purpose of the select committee and each select committee should be serviced or facilitated by a Member or some Members from the technical committee which has been put here at the disposal of the Assembly by the Attorney General. So as I see it, the drafting

committee will be working, it can see the things which have come from the select committees when they have been discussed but before they go there - otherwise the purpose of constituting these select committees in order to expedite the work would be repeated and the idea of having five legal and drafting committees is not good because it really means that it will not be the same people looking at the proposed amendments and recommending to the plenary what is to come before it finally. Thank you Mr. Chairman.

**THE CHAIRMAN:** Can I suggest this that we agree on increasing the membership of the legal and drafting committee. But how they should work, how many should go to which committee, at what time, should be left to the legal and drafting committee - how they spread themselves to work.

**MR. WANENDEYA:** Thank you very much Mr. chairman. Mr. Chairman, you just quite very well put what I had in mind that is that *-(Laughter)-* Hold on. Mr. Chairman, we should not discuss the legal and drafting committee but rather those members would be literally ex-officio members of the five committees which we form. Mr. Chairman, this will enable us to consider really everybody's proposed amendment and therefore those Members from the main legal and drafting committee will then meet together and put those amendments which they have made in different committees and thereby we move first. Mr. Chairman, I may say in this connection that I am very, grateful to the business committee because we people sometimes, we do not see points being made quickly. There is nowhere in the world where you have numbers like ours and you can get things being done quickly because if we had done this - but perhaps the experience is the best teacher and therefore, I am glad that we are coming to it and the sooner we can decide on this without wasting a lot of time Mr. Chairman, the better for us and I also echo the point made by Hon. Nekyon that let us not waste our people's money by extending the CA. I thank you Mr. Chairman.

**MR. TUMWIINE:** Thank you very much Mr. Chairman. Mr. Chairman, I am opposed to the idea of expanding the legal and drafting committee. If we look at the purpose of the committee, it is not to work with the select committees. But if we take the view of Hon. Higirow that we all submit in all our amendments that we have, then the nine-man committee of legal and drafting could look at them and advise to

various committees we are going to put in place at the beginning of our work into select committees, then theirs would only be to look at what is going on in terms of drafting, technical advice in liaison with the technical committee because if we are to get a five-man committee of legal and drafting to every committee, it looks as if the legal and drafting committee is taking the role of biasing the views of the select committee. So my view is that we all bring in the amendments we have and submit them to the legal and drafting committee which is going to advise all the other committees we are going to put in place. Thank you.

**MRS. CECILIA OGWAL:** Mr. Chairman, I am a bit at a loss because we have the report of the business committee before us. But at the same time, we are going ahead to debate as to whether the legal and drafting committee should either be expanded or whatever. Now, Mr. Chairman, I think we should have agreed, as a matter of principle, whether we have adopted this report and from the discussions right now, there are certain proposals which have come and which could actually lead us to amending the report which is before us. One of the proposals which I subscribe to is that of Hon. Kajuka where he suggested that contentious issues must be discussed at the plenary.

Mr. Chairman, the views that were expressed at the beginning when we discussed the issue of subject committees still hold up to today. Some of our people would like to know our views on certain issues in this draft and therefore, I feel very strongly that contentious issues must be discussed at the plenary and not at the select committee level. Secondly, Mr. Chairman, I do not want us to fall into a trap like what happened to the electoral commission during the time of election that whenever the President made a statement, it led to the adjustment of the regulations. Now we are aware that recently when the President came from outside, he made a statement to the effect that he would ensure that this House completes its work within the scheduled time. Mr. Chairman, Much as I will not want to accuse anybody here, but we are all very responsible people, we are all very conscious to the time limit which has been given to us and want to ensure that we complete our work within the scheduled time. We are not going to respond to any statement outside this House. So I feel very strongly Mr. Chairman, that this matter must be seriously considered. Thank you.

**THE CHAIRMAN:** But I think there, we have to make some clarification. I heard it on radio that the President said that he will do everything possible to make sure that we finish our work on time. But he also indicated how he can help. I think it was also on the radio. Because under our present procedures, only the President can prorogue or send home Parliament and he was saying that if part of the constraint is the fact that Parliament is sitting concurrently with CA, then he can use his other position elsewhere to ask the NRC to finish the budget and go so that we have more time, Tuesday, Wednesday and Thursday. That is how I understood him to be meaning. I do not think he was giving us instructions as to how we should proceed with our working. I think Hon. Cecilia Ogwal made an important point. We have first of all to agree on the report. Do we accept it that we should have select committees? That is agreed. There was then a proposition - two propositions, that some subject matters should be left with the plenary. That is a view which was shared by others but not everybody. So that issue is yet to be clarified but the other one which we had discussed well is the question of - in view of the fact that we are setting up select committees, do we need to expand the legal and drafting committee? That is one issue which we have been discussing and I think we have to make our mind on that one and if we have to expand it, the procedure would be this that we have to move under rule 43 that so much of the rules be suspended as would prevent this Assembly expanding the membership of the legal and drafting committee beyond the figure of 9. That is the only way we can resolve that. Because under the present rule, we are limited to 9 Members but of course 43 allows us to suspend the operation of a rule and then whatever we want.

**PROF. KABWEGYERE:** Thank you Mr. Chairman. I want specifically to address the question of whether we expand the legal and drafting committee or not. My view is as follows: if we leave the committee as it is to receive the proposed amendments, a process which involves the movers of amendments reaching the committee, presenting their case and the committee coming up with a final version. I feel that there is no need of how to expand it. But then I want us also to realise that the reason why we have that committee is because we recognise and respect the skill that lawyers have in the process of drafting the constitution. I will therefore go further to propose that in each of the five committees, since we have resources here numbering 49 which

include of course the 9 who are Members of the legal and drafting committee, therefore leaving us 40, we have a figure of 40 to draw from so that the five committees can have each an even number of eight or even more. But that what we would be emphasizing is that at least each committee should have lawyers, a certain number of lawyers. This could be by the following methods. One could be by persuasion and by advice if need be, if it turned out that a given select committee did not have this input because I think, here we have been recognising the contribution of the skills of Members here in their respective fields. So I would propose that we do not have to go into the amendment of our rule to expand the select committee. I thank you Sir.

**MR. BABU:** Mr. chairman Sir, first and foremost, I support the select committee but let me go straight to the expansion of the legal and drafting which is the motion now on the Floor. I do not see any problem with it at all. If we say that they are not as many as they should be and the work is going to increase in value, I do not see any problem at all. My proposal is that we revoke the rule suspending our rules 43, call for the list of the legal and drafting committee when we voted and increase the number to whatever number that we might agree with. And I think that would stop all this argument. Let us expand them, let them be a little bit more, let them have a slightly bigger quorum and we know the people we voted in. All we have to do now is to take the bar a little bit below and increase them to 15 and this will stop all this argument. However, I would like to propose that each select committee, instead of number 9, we should replace it with a full secretariat to service a select committee and in this secretariat, we could have all the technical people required both legal and both administrative so that the select committee can run well. And after that Mr. Chairman, I think you should now put the question of the legal and drafting committee and we go ahead. Thank you.

**MR. BIDANDI SSALI:** My idea is just complimentary and it is in form of clarification. How has the legal committee been working? It has received amendments; it has rationalized them and brought them to us, that is one work. The second aspect of the work is a clarification to us in the plenary on how or what they did. Every now and then Mr. Chairman, we have been calling on the chairman, or vice-chairman or a Member of the legal committee to clarify. That is what makes me believe that it is important that the committee should be expanded. In

the first instance, we all agree that we shall continue to send all the amendments to this legal and drafting committee. They will continue doing the same work. Now, the presence of the Members of the legal committee in all these sub-plenary or in other words, select committees, will be to clarify to that particular committee in the same way that they have been clarifying to the plenary committees. So that is why Mr. Chairman, I support the idea that the number should be increased so that they are enough in every select committee to clarify on the basis of their having merged or otherwise the relevant amendment that will be treated by that particular select committee. So I propose that we push it to 15 and the legal and drafting committee will then assign the various Members to each particular select committee for clarification purposes as they have been working in the plenary. Thank you Mr. chairman.

**THE CHAIRMAN:** Thank you. Now what we do is to pronounce ourselves on the proposition we have that so much of the rules of procedure - now we are invoking 43 - that so much of the rules of procedure be suspended as they would prevent the Constituent Assembly increasing the membership of the legal and drafting committee to 15 Members. That is the proposition and then the question of how we do it will be -

*(Question put and agreed to)*

**THE CHAIRMAN:** So we have democratically suspended the application of the membership level to the legal and drafting committee and increased to 15. Now the rules say that the Members of those committees are elected by the House. But nothing stops the House giving this mandate to the business committee to suggest. I think this should go to the business committee. Then they can come forward with additional names. Is that agreed?

**MRS. CECILIA OGWAL:** Mr. Chairman, I just wanted to suggest that if we have a list of persons that offer their candidature for the election to the legal and drafting committee and each one of them got points, why do we not just refer back to that list and get those that got the nearest points to those that were elected?

**THE CHAIRMAN:** Okay, if that be the case, that is very simple. The Chairman will get the results from the Secretariat and on the basis of that, we shall constitute the committee. Agreed?

**HON. DELEGATES:** Yes

**THE CHAIRMAN:** Thank you.

**MR. KAVUMA:** Mr. Chairman, I think the guidance you had sought from the Assembly was okay because it was not restricting the business committee from adopting any method of work. If they find that is the best, they can do it. I think it is more orderly if the business committee came in with the recommendation because you never know. Maybe somebody has now changed their mind. Mr. Chairman, some people might have changed their minds that they do not want to serve on this committee and others may still want to come. I think we should not tie the hands of the business committee. We should come with a recommendation which should be considered by the plenary and then a decision should be taken at that level. I thank you Sir.

**THE CHAIRMAN:** Well, that does not seem to be a very popular position. I think let us take what we have agreed on. Okay, that disposes of 3 now. The committee then will decide on how to work and service the various select committees. Now the question of membership of the select committees. What Members should do is to take the recommendation on the division of the subjects as recommended by the business committee. The clerk will open a register so that a Member indicates which one they would like to serve on and I think also it will be good if you indicated your second option in case you find that one committee is over-subscribed and other committees are not so oversubscribed. Then the business committee can meet and rationalise the membership so that we do not have lop-sided situations. That one we can do tomorrow and then maybe by Wednesday, the business committee can meet to come up with some ideas.

**MR. ODUR (Dokolo County):** Thank you Mr. Chairman. I was only reminding you Mr. Chairman that we have a substantial suggestion which was brought up by Hon. Kaijuka regarding these contentious matters. Can we make a ruling on that because if we did, there will be no need to have five select committees. You will only need four of them because if you see on page 3, committee five has got only two chapters and if we could also bring in local government to that, then we only need four committees. I would like us to make a ruling on that.

**THE CHAIRMAN:** Are you suggesting that transitional provisions, representation of the people and local government should be reserved for the plenary?

**MR. ODUR:** Yes Sir.

**MR. BASOGA NSADHU:** Thank you very much Mr. Chairman. I was of the view that by putting up these select committees and bearing in mind the programme which was given to us by the business committee of the order of the chapters to be discussed, that even when we were under select committees, I had the thinking that that order shall be followed so that these rather contentious matters would come when we have disposed of matters on which we all agree because they all need quite substantial time. So I was thinking that if we had covered great ground on matters on which we agreed, we shall be able to know how much time we discuss those rather contentious matters since they come at the end of the business committee programme.

**AN HON. MEMBER:** Thank you very much, Mr. Chairman. I was of the view that by setting up these Select Committees, bearing in mind the programme which was given to us by the Business Committee of the order of the Chapters to be discussed, that even when we are under Select Committees, I had a thinking that, that order shall be followed so that these rather contentious matters would come when we have disposed of matters on which we all agree, because they all need quite substantial time. So, I was thinking that if we have covered great ground on matters on which we agree, we shall be able to know how much time we discuss those rather contentious matters, since they come at the end of the Business Committee programme. So, Mr. Chairman, if the Plenary must discuss matters here, then we may have to pick from those which are next on the programme and we dispose of them very quickly to have more time at the end to discuss the more contentious matters. That was the thinking, Mr. Chairman, unless the Business Committee is going to review that programme in the Plenary here. Thank you very much.

**MR. BATEGANYA MUKUVE (Bukooli Central):** Thank you very much. I would like to suggest that all matters be subjected to the select committees because what we are after is to cut down on time. The more contentious they are, the more scrutiny they deserve. So, I would suggest that all matters go through select committees. Thank you very much.

**MR. KAGGWA MED (Kawempe Division South):** Thank you, Mr. Chairman. Mr. Chairman, I want to say that the Business Committee has made recommendation that we set up Select Committees and it is also true from experience as a member of the

Legal and Drafting committee, that we have encountered, discussed with members issues and agreed that should not come here. When otherwise, if they were left to come here, we would spend a lot of unnecessary time debating them. I am therefore of the view that whether the matter is contentious or not, it will finally come to the Plenary. Let it go to the select committee, people argue there because they will have more time, we will be leaving this place at 9.30 p.m. and people interested will stay there, they narrow the gaps, but once we bring the matter on the Floor, we are going to spend days and days and we would have achieved nothing. So, it is my plea to members that we really take the matter to the Select committees. Thank you, Mr. Chairman.

**THE CHAIRMAN:** What would like to be clarified?

**AN HON. DELEGATE:** Thank you, Mr. Chairman. My point of clarification which might be the one worrying some Members is the method or the procedure we are going to follow in the select committee if some people come to present their proposals or during the discussions. Would these proceedings in the Select committees be part of the Hansard, will they be part of the records? If someone went and made presentation to a select committee, would his views be later on reflected somewhere in the proceedings? This is one - I see this as a point that could be sort of some peoples fear - that their views will - may be siphoned there and the public will never know which position or what proposition they made.

**THE CHAIRMAN:** I think the Business Committee took trouble to make sure that proceedings of these committees are open to the public and to the Press. So, if members want their records to be known, there will no problem. But the question of the Hansard, you would be running how many transcription services? It will just be impossible almost. The Secretariat will be stagnated with work, we are to begin now transcribing six services. It will just be impossible. But they can be taped we can arrange to have them taped. But Hon. delegates, on this issue, on the question of, - I wanted to hear Hon. Ben Etonu.

**MR. ETONU BENEDICT (Amuria county):** Point of clarification. Thank you, Mr. Chairman. I would like just to be clarified. It will appear, at the time of registering for these Select Committees, we are likely to have more members wanting to register

in certain committees. I do not know how we are going to rationalise that one.

**THE CHAIRMAN:** I said the Business committee will help with rationalization and may be we shall be able to talk to members to suggest that they transfer to others

**MRS. KULANY GERTRUDE (Women Delegate Kapchorwa):** Point of clarification. I am also seeking clarification on the quorum of these Select Committees. What will be the quorum.

**THE CHAIRMAN:** Some of these matters will be the subject of the decisions within the committees themselves. But I think the Rules do provide somewhere - I cannot put my finger on it, particular one that they provide somewhere for Membership. We - shall have a quorum of half the Membership of the committee. There is general provision under Rule 30, sub-rule 2, (c). The committee of the House shall have a quorum of half the membership. But Hon. Members, do you not think that we can decide on this one now? You see, I can hear one Member saying that her proposal was not considered.

**AN HON. DELEGATE:** Of re-scheduling.

**THE CHAIRMAN:** You see, when you are commenting on a Motion, we do not pronounce ourselves on each and every proposition which is made. You see, unless you really want to make it that it is a matter that we must vote on, but otherwise, in normal discussion, you can make your views known, if they carry support, then of course, you can pursue it. But it was just one proposition like many others which were made on the Floor.

**MRS. EGUNYU ASEMO (Women Delegate - Kumi):** Point of clarification. Mr. Chairman, I am seeking clarification on the content of the Select Committees. I see here listed Chapter 9 as one of - as falling under Committee Two, and yet is subjected to being debated today, if we proceed as we had envisaged and then also, in the report of the Business Committee, they are talking of the Select Committee meeting on Tuesdays, Wednesday, and Thursday in the afternoons and evenings. That means, the mornings of Tuesday, Wednesday and Thursday, are still open and Monday and Friday the entire day is still open. In which case, I would like to know how the Plenary now is to proceed. That is the clarification I sought. Mr. Chairman.

**THE CHAIRMAN:** If you look at this report, it was presumed that we would take a lot more time on Chapter 5. But we moved faster; if you look at the bottom of page 3, it was presumed that the Plenary will continue while the Committee starts until the end of this month, when we should be finishing the Chapter 5, but we moved faster. Now, what we have is that the Committee on Legal and Drafting will be reporting tomorrow on Chapter 3, which then we can continue with and we have also by decision, decided to bring forward consideration of Chapter 9, which does no harm if we can discuss it then that Committee does not have to do it. But it was presumed that by the time we finished Chapter 5 and maybe Chapter 3, the first Committee will have reported, then the Plenary can then continue in that way. Now that we are going to have a report on Chapter 3, we can be discussing that one, while the other Committee also sits. We shall be going on in the Plenary as usual. Hon. Kaijuka, you wanted to clarify something.

**MR. KAIJUKA (Sheema County North):** Thank you, Mr. Chairman. It is in the light of the explanation that you have given. My original proposal was based on the assumption, that, whilst the Select Committees are busy discussing certain reports, this Constituent Assembly would then be addressing some of those contentious issues. But after your explanation and having read the report which was not in my possession at the time I made my contribution, it is very clear that we shall be busy discussing the drafting committee's report on Chapter 3, but there will be room for debating national council of state Chapter 9, under the circumstances, I have also appreciated that perhaps the contentious issues may need more time in the select committees and I hopefully will, by the time it comes to the Plenary, we will have got general agreed positions I am now suggesting that we do not waste time on this proposal, let everything go back to the select committees and then come back to the Plenary, because after all, everything will come back to the Plenary and we will pronounce our position. Thank you, Mr. Chairman.

**THE CHAIRMAN:** Can we take that decision that way? Agreed, that everything goes and then it comes back here anyway. Okay agreed. Hon. Katenta Apuuli, you have something new?

**MR. KATENTA APUULI (Conservative Party):** Thank you, Mr. Chairman. I would like to suggest that for purposes of the members being comfortable with belonging to certain committees, I

would like to appeal to you and to the Business Committee which made this proposal in the first place that we disperse committee No. 3, that is Finance and Defence and National security. I see that finance is very closely related to Local Government and defence has a lot of relationship with the executive. From the debates we have been having here, whenever those items have been talked about, some other Chapter has come up and I hope that I can convince you members that Committee Three 3 can be dispersed because those two particular items are actually very short and therefore, could easily be accommodated in the other committees. That is what I wish to suggest, Mr. Chairman.

**MAJOR TUMUKUNDE (Rubabo County):** Thank you, Mr. Chairman. I was sort of reiterating Mrs. Mukwaya's position that maybe to ease the way people would want to participate in these committees making sure that everybody is satisfied at least he touched one sensitive issue in one of the committees, I want to suggest, Mr. Chairman, that we categorise what we called sensitive or rather contentious and we distribute each of them to the committees so that it eases our pressures. I did not say anything or I did not participate. Thank you very much, Mr. Chairman.

**THE CHAIRMAN:** But I thought that decision we had already taken. We have already finished on that one. The decision was taken that we send everything to the committees. I think now, we are going into just details really. Hon. Maikut, what new idea do you have?

**MR. MAIKUT CHEBET (Kween County):** Mr. Chairman, I would like to seek clarification from you, Mr. Chairman, if the House could invoke Rule 37, sub-rule 4, which reads that, "Any delegate is entitled to attend and make oral or written statements to any Select Committee, but is not entitled to vote in the proceedings of the committee unless he or she is a member of the committee". Now, to me, Mr. Chairman, I feel there are issues which might be equally important to most of our delegates and so if one belongs to Committee One, and something in Committee Three is equally important, how does one ensure that he can fully or she can fully participate in that committee by just merely writing without defending or even participating by way of voting? So, to me, I think it would be good if we can invoke that Rule so that one can be seen to fully participate in all aspects of the Constitution that affect him or her. Thank you very much, Mr. Chairman.

**THE CHAIRMAN:** That, as I had said earlier that, if we were to change, we would just be descending into another Plenary in some other place. What we have agreed is that we shall select committees, they will have their majorities and quorums and they discuss. Members are free to go and convince the other people to vote in your favour. But if we were to shift and say we change, I think we shall just be creating another Plenary less the Chairman. Can I suggest that we finish at that, members register, the Business committee will rationalise? Let us give it a trial and see how it works, we reserve the right to review the situation as we go along. Is that agreed? Thank you. Thank you for coming to that good decision in relation to our work. Clerk now we go to the next item.

CONSIDERATION STAGE OF THE DRAFT  
CONSTITUTION OF THE REPUBLIC OF  
UGANDA.

CHAPTER 9, NATIONAL COUNCIL OF  
STATE.

**THE CHAIRMAN:** Hon. Delegates, we did agree on Friday that we would bring this matter forward and discuss it. That is why it appears first on the agenda here. As I said, the report on Chapter 3, will not come until tomorrow so, we have Chapter 9. Hon. Kiyonga.

**DR. KIYONGA CRISPUS (Bukonzo County West):** Thank you very much, Mr. Chairman. Mr. Chairman, I have a slight difficulty with the procedure. Myself and many others, Hon. Kirunda Kivejinja, Hon. Maliro, Hon. Mwaka, have moved amendments within Chapter 9, and as we agreed before, Mr. Chairman, all amendments should go before the Legal and Drafting Committee. We have as yet not been invited to go and rationalise our amendments there. I would therefore suggest that we be given time to appear before that committee before the Plenary suggests the matter. *(Applause)*

**THE CHAIRMAN:** Order, order! Could you give the Hon. Member a chance to speak - he has got the Floor. Hon. Kiyonga.

**DR. KIYONGA CRISPUS:** Mr. Chairman, as I said, there are many amendments which have been circulated. Indeed others came in this morning on Chapter 9. These are in different directions and have far reaching implications. The reason we agreed that

we should go to the Legal and Drafting Committee is to ensure that, one, amendments are rationalised there and members who have amendments which have relationship can be assisted to move one amendment, instead of three or four. This is a procedure we have been using up to now and I am only saying, we should be consistent with what we have already been doing. So, I propose, Mr. Chairman, that we defer this subject until the Legal and Drafting Committee has met us.

**MR. ADYEBO COSMAS (Kwania County):** Thank you, Mr. Chairman. This issue should be addressed now. I am of the opinion that this item called the National Council of State, which has appeared almost everywhere in the Draft, I think one Hon. delegate did say that it has appeared 120 times in the Draft, should really be handled now so as to give us time. *(Applause)* And in my humble assessment, I am of the opinion that the majority of the House has a consensus on this issue already and I am also of the opinion that, when we open debate on this, it will not take us long because most of the members have already a common position. I have also, Mr. Chairman, made extensive consultations both with my fellow Colleagues here in the House and also outside and the consensus is zeroing on one position which I will have to mention.

**THE CHAIRMAN:** No, we do not have any Motion on the Floor yet.

**MR. ADYEBO COSMAS:** Mr. Chairman, in my humble submission, and in accordance to the position which this House has taken that we should optimise on time, we should finish the debate within the time stipulated. This is actually one of the ways of optimising time by discussing this issue now. *(Applause)* I beg therefore to move that we discuss the National Council of State now. Thank you.

**MRS. KAWOOYA ANIFA (Women Delegate - Masaka):** Thank you, Mr. Chairman. Mr. Chairman, I strongly support Hon. Adyebo and most Members of the Assembly. As far as we are concerned, we have got so far two Amendments. One which is by Hon. Dr. Mugenyi and Dr. Kamanda, which also are saying the views - like a list of 40 plus another issue of may be of 20. Mr. Chairman, it is that those other Members are to be more democratic and they exercise their rights. I suggest they could also table their Motions, their Amendments, they bring them here, we support them

or we throw them out for the Chapter, Mr. Chairman. I support strongly that we decide and we debate on this Chapter, since even on Friday, most of us were more than ready to discuss the Chapter. Thank you, Mr. Chairman.

**MR. KAMURON PETER (Kongasis County):** Mr. Chairman, thank you very much. I think it is the first time we are deviating from our normal procedure that Amendments should be taken to the Legal and Drafting committee and the delegates who have moved the Amendments should present their case to the Legal and Drafting committee so that when they are brought here, they have been properly synchronised. I can see that the Amendments by Hon. Maliro, Hon. Kivejinja, Hon. Dr. Kiyonga, talk almost about the same thing. So, they need to be given time to synchronise, try to put them together so that they come up here when they are well polished. So, I support Hon. Kiyonga's Motion that they actually should be given time to go and discuss it with the Legal and Drafting committee.

**MR. LUBULWAMIGADDE (Katikamu South):** Thank you, Mr. Chairman. Actually the Amendments so far circulated on this National Council of State are three, and looking at them really, they all say one thing, that - actually the content is the same and you realise that the idea of sending these Amendments to the Legal and Drafting Committee is to synchronise, but here, there is nothing to synchronise. Therefore, if there is nothing to synchronise, why can we not go ahead and debate the Amendment.

**MR. MALIRO GASTON (Mwenge County North):** Mr. Chairman, you will remember that we had received the programme on which we would be working. The schedule was reading that we would be starting next with Chapter 12, but because of the existence of this National Council of State in almost every Chapter, we agreed to change and a change was effected on Friday. Now, on Friday, when it was effected, it was not very easy to circulate all the Amendments the Members wanted to make so that by this morning, they have reached the Legal and Drafting Committee and also reached every member of the House. I am personally one of those who have got Amendments. I think I have seen about four other Amendments by other Members, apart from this other one which they are talking about. Now, Mr. Chairman, if it is impossible to refer these Amendments to the Legal and Drafting Committee, then, let us table the Amendments as they come in. For

example, if I have an amendment, I table mine, Hon. Kirunda Kivejinja tables his, if they are similar, then perhaps we can synchronise them on the Floor. But some of us are interested in our Amendments sold to the House, you never know they could be adopted. Thank you, Chairman.

**MR. MULINDWA BIRIMUMASO (Bukoto West):** Thank you, Mr. Chairman. Mr. Chairman, not to depart from our normal procedure, when an Amendment is being sought to be done, we always start with that one which departs furthest from the text. Therefore, Mr. Chairman, let us assume all the Amendments are here and we get the one that departs furthest from the text. *(Applause)* and when that one fails, then another Amendment will be looked at. So, Mr. Chairman, I propose the Amendment which has been circulated to the Members departs furthest from the context and we start with that, Mr. Chairman. Thank you very much, Mr. Chairman.

**MR. MULONGO (Bubulo) County East):** Mr. Chairman, I would like to appreciate the spirit of members who are overwhelmingly against the Chapter of the National Council of state, but I think it will only be fair to give this Chapter a fair hearing. If it is dead, it deserves a good burial. Mr. Chairman, we should not take this Chapter so lightly because I think some of us have a case to defend the National Council of State with appropriate modifications. Mr. Chairman, I should also say in support of Dr. Kiyonga and the others, that the Rules, the norms of this House have not been followed in as far as this Chapter is concerned for some reasons and I think both sides should be given sufficient time to present their cases, other than just throwing it out just like that. Thank you Chairman.

**MR. SEBALU KENNEDY (Youth - Central Region):** Thank you very much, Mr. Chairman. Before us we have several amendments. We have one which is in favour of the National Council of State, and we have some which are against. So, it is my humble submission that those Amendments which have not been looked at by the Drafting committee can easily reconcile their Amendments with those that are in light with theirs. Otherwise, we have talked about time saving, we should handle this question and people can argue their case in light of those Amendments that are in light with their Amendments and we have the matter sorted out. Thank you very much, Mr. Chairman.

**THE CHAIRMAN:** Hon. delegates, I was testing the ground really. It would appear the majority view is that we should proceed with this Chapter. Now, of course, we have these Amendments that have come, some of them do extreme prejudice to the existence of the Chapter, others are framed wrongly because there is an Amendment by Hon. Dr. Ponsiano Mugenyi and Kamanda Bataringaya to delete the Chapter. Now, our Rules do not know Chapters, our Rules only know Articles. They say, we shall handle the Constitution article by article. The position then is that, I can see some amendments which have come in, there are those which talk of revamping the institution then there are those which talk of deleting or transferring the provisions to Parliament and its committees and there are those which say it should be removed completely. Now the procedure actually is this, that we have got Chapter Nine divided into articles, we shall handle the chapter article by article and that being the case, we start with Article 152. There is article - yes Hon. Kutesa Col. Sorry Hon. Kutesa Pecos.

**MR. KUTESA PECOS:** Thank you, Mr. Chairman. What I wanted to clarify is that, I see my name appearing on this list of people who said these articles 152, 155 should be deleted. I was not consulted. While I may not agree with the Composition but in principle, I am not against this idea of The National Council of States Clause. The composition can change but some one must marry the Parliament and the Executive. Thank you very much.

**THE CHAIRMAN:** That was for clarification. The point is that having decided that we continue to discuss this, chapter by upholding our decision of Friday, then the procedure we have been following is that we start with the first article on Chapter Nine and the question is that Article 152 do stand part of the Draft Constitution.

**DR. KABERUKA:** Thank you, Mr. Chairman. Mr. Chairman, I did hand in my amendment which proposes to delete article 152, and when you listed those who have handed in their amendments, mine did not appear.

**THE CHAIRMAN:** I see here proposed amendments by Hon. Dr. Kaberuka and Hon. Kajimu Kiwanuka seconded by Hon. Winnie Byanyima.

**DR. KABERUKA:** Mr. Chairman, I would like to move that this House considers deleting Article 152 of Chapter Nine. *(Interjections)*-

**THE CHAIRMAN:** No, you see what you are really - what you should be doing would be, you see the procedure is this, I did not have to wait for the Clerk to call out 152. But it is either the Motion is carried, or it is lost. The Motion is that Article 152 do stand part of the Draft Constitution, then you speak for or against, and then the chair will put the question. That is how it is, that is the procedure. We have been discussing all these Articles that way that the article do stand part of the Draft Constitution. Then you speak for or against it and then at the end of the day, the chair puts the question and on the basis of our consensus either way, he announces the result. So why should we depart from that agreed position. But along the way you amend - of course you can also move - I mean you can proceed to suggest as Hon. Kaberuka has suggested. But I would rather we took the disciplined position. The question is whether we should have that article as part of the constitution. Then you debate it. Hon. Kisamba Mugerwa.

**MR. KISAMBA MUGERWA:** Thank you, Mr. Chairman. I thought we are still discussing the procedure, and the idea was that, since the Motion by David Mwaka was badly drafted - was referring to the whole chapter, it could be amended to refer to articles and all along the procedure has been that we start with the one which proposes to delete the whole article or chapter, article by article.

**THE CHAIRMAN:** Hon. Delegates let me tell you what would happen. If article 152 fails, then the rest is of no consequence and that is why *(Applause)*- I was saying we decide whether or not it should be part of the Draft Constitution. If we say it is not part of the Draft Constitution, then everything else fails and you do not have to go into other provisions. So what I am asking is some contribution on whether or not it should be part of the draft constitution.

**MR. HASHAKA:** Thank you very much, Mr. Chairman. Mr. Chairman, with your wise advise, I would wish to request that a Motion be put to determine whether Clause 152 stands as part of the constitution. I beg to move. Thank you

**DR. C. KIYONGA:** Thank you very much, Mr. Chairman. Mr. Chairman, I stand to support Article 152. *(Applause)*. Mr. Chairman, however, I would like to move an amendment to that article and my amendments have been circulated. - *(Interjections)*- Shall I go ahead, Mr. Chairman?

**THE CHAIRMAN:** Now we have a difficulty here, you seek to amend which provision?

**DR. C. KIYONGA:** Mr. Chairman, I seek to replace the sub-sections (a) to (f) with new sections which will be (a) to (c), and Mr. Chairman, I hear Colleagues saying they do not have the amendment, but this was circulated more than a week ago so we have a difficulty if Members have not come with their papers.

**MR. RUKUTANA MWESIGWA:** Point of order. Mr. Chairman, is it in order, when there is a Motion to delete the entire article, actually the entire chapter, to allow another Motion seeking to amend? - (*Applause*) Because according to our procedure, we deal with amendments that depart furthest. Can there be an amendment to depart further than the one deleting?

**THE CHAIRMAN:** Now, we have a Motion which was moved by Hon. Kaberuka, it was seconded by Hon. Byanyima. Anyway I think Hon. Rukutana is correct. In ranking our amendments according to our rules, we take one which departs furthest. The question is that, Article 152 do stand part of the constitution. A Motion was moved that instead of the whole thing being deleted, and then there is an attempt to amend by Hon. Kiyonga. Now it would be useless for us to proceed with Hon. Kiyonga's in view of the former fundamental one - (*Applause*). The position is, we pronounce ourselves on Kaberuka's first. If it survives, then we amend it. Okay? Hon. Kiyonga Francis, you seem to have some good idea?

**MR. KIYONGA FRANCIS (Upe County):** Much as members seem to be ready for the question to be put, I would like to appeal to your Chair, at least to give the House the opportunity to debate before you put the question.

**THE CHAIRMAN:** Now, the question which we should be debating is simply this. There is a Motion to depart from the original question, that do stand part of the Constitution by seeking to say that it should be deleted, that is the Motion by Hon. Kaberuka. So, now we talk to that one whether we should delete it or we should retain it - not amendment yet. We can only amend if it has survived, but if we remove it completely, then, there is no point. Hon. Sendawula.

**MR. SENDAWULA (Bukoto South):** Mr. Chairman, I support the Motion by Hon. Kaberuka, that Article 152 be deleted. Mr. Chairman, when you look at this Article and the subsequent Articles in this Chapter, they seem to be creating a new institution all together. I am not just worried about new things, but I am finding that the intention is more less lost on the way. We are talking of a Council that is meant to co-ordinate the Executive together with the Parliament and check on the Government on the way. That is check on the Executive, but then, when you look at the way it is composed in this Article 152, you will see that the Executive that it is meant to check on, is the very executive that is chairing that very institution - (*Applause*). Then, as you go along, you still see that this is going to be yet another small Government by itself and I think it will create more chaos than it finding a solution to the affairs of this State and in that respect, I feel that in this present form as it is, it is not worthy for us to get involved in. If we want, we can draft a Constitution where we create another Chamber altogether because this means more or less a new Chamber like a House of Lords, that is the house of Lords which is going to be turned into an arbiter to all issues in this country. But otherwise, as we stand now, everybody else in Government is going to be sidelined, even the Parliament is going to be sidelined, if you retain this National Council of State in our Constitution. I therefore strongly support that this be deleted from our Constitution.

**MR. MWAKA DAVID (Nwoya County):** Thank you very much, Mr. Chairman. Mr. Chairman, I strongly support this Motion to delete 152 in the Draft Constitution. I had originally submitted the Motion, Mr. Chairman, to delete the entire Chapter Nine from the Draft Constitution. Mr. Chairman and Hon. delegates, we are writing a Constitution for posterity, let us not be blinded by what is pertaining today. In future, this country might have a dictator who might not bother about the decisions of Parliament. Should we make a mistake by allowing the National Council of State in our Constitution, he might decide to operate through the National Council of State and ignore Parliament.

Sir, I have read the Odoki Report from cover to cover and it is not mentioned anywhere during the Commission's numerous consultations in different parts of the country, that people in any particular area ever recommended for the establishment of a National Council of State. (*Applause*). In Chapter 13 of the Report, it is stated that this is a new organ that the

Commission recommends should be established under the new Constitution. Its roles Mr. Chairman, are as listed in Chapter Nine of the Draft Constitution. It is supposed to play an advisory and a consultative role and it is to mediate when there is a conflict between the Executive and the Legislature in addition to approving certain Presidential appointments.

Mr. Chairman, the National Council of State undermines and derogates the functions and powers of both the Legislature and the Judiciary. Members of this August Assembly can straight away see that this is not a body that would serve this country any useful purpose. A National Council of State dilutes the role of Parliament. Rather than resolving conflicts, a National Council of State would instead create more problems. Let our new Constitution save this country from any such conflicts that might arise as a result of having this organ of suppression. The President is Chairman of the National Council of State and all his Lieutenants in the National Council of State, would not resolve any conflicts between himself and Parliament. The question one would ask and answer very easily is, can a body which has its interest protect impartially any decision it reaches? If this body was to be allowed in our new Constitution, the Legislature would be weakened so much that its decisions would no longer serve any useful purpose. As for resolution of conflicts, courts of law offer the best answer.

Mr. Chairman and Hon. delegates, let our new Constitution ensure that Parliament remains the voice of the people. *(Applause)* In reference to Article 132 on functions of Parliament, it will be seen that Clauses 2 to 6, read together, provide for the supremacy of Parliament in the affairs of the state. So, be it. Let Parliament remain the supreme national and democratically elected Assembly which shall make laws for peace, order and good Government on any matter as stipulated in Article 132. Clause 2, which also states that one person or body other than Parliament, shall have power to make provisions, having the force of law, except under the authority conferred by an Act of Parliament. Mr. Chairman, these provisions would be effectively undermined by Chapter 9, which makes the functions of Parliament subject to the agreement of the precedent stated in one of the Articles. The integrity of the Legislature is thus totally undermined. Parliament would never therefore, be able to check on the work of the Executive. On the contrary, the Chapter reverses the proper relations by giving power to the

President to check Parliament. Mr. Chairman, what this country needs is accountability of the Executive to Parliament. The President and Cabinet should seek the approval of all their programmes by Parliament. Nothing that fails to obtain the approval of Parliament should be implemented. Mr. Chairman, Parliament must be independent, but not controlled by Presidency through this dubious body called the National Council of State. *(Applause)* We must not allow the doctrine of separation of powers and effective role of Parliament to be weakened by this body. Too much power for us. The President of this country should have just sufficient powers to govern, but not to terrorise the people. Parliament must effectively control the Executive. Government must be responsive and accountable to the people through their elected representatives in Parliament. Sir, there is no need whatsoever, for any such body to act as a liaison between the Executive and Parliament as suggested in Article 153 (a). The Executive must be directly accountable to Parliament but not through a third Party like the National Council of State.

Mr. Chairman and Hon. delegates, all those functions assigned to the National Council of State can best be carried out by Parliament itself or through its committees. The Draft Constitution makes it mandatory for Parliament to set committees of Parliament to handle various issues including those under the National Council of State. We shall be discussing in detail those committees of Parliament when we come to that section in the Draft Constitution.

Finally, Sir, I am aware that some African countries like Namibia, Nigeria and Ghana, are having in their Constitution the National Council of State, but our situation is quite different. We cannot transplant them here just for the sake of it. We are writing a Constitution for posterity. Let us leave no loop holes in our Constitution that should be exploited by any leader in future thus subjecting our descendants to untold suffering. Let it be a Constitution for a truly democratic state. That money that could be used to maintain the National Council of State should be used elsewhere such as to improve and provide better social services to our poverty stricken people in the country-side. I call upon all of you Hon. delegates to join me in rejecting totally the creation and inclusion of this body in our Constitution. I thank you all.

**THE CHAIRMAN:** Hon. delegates, order, order! That is the very case made by Hon. Mwaka. But I think we should listen to all sides. I will ask Hon. Kiyonga Francis.

**MR. WANENDEYA: (Budadiri East):** Point of order! Thank you very much, Mr. Chairman. Mr. Chairman, must we flog a dead body after such a wonderful speech from Mr. Mwaka, when I have surveyed, Mr. Chairman the consensus of opinion from Hon. David?

**THE CHAIRMAN:** That is the view of Budadiri East, but the Chairman is still Chairman. Could Hon. Francis Kiyonga speak to the Motion?

**MR. KIYONGA FRANCIS (Upe County):** I would like to rise to oppose the Amendment as intended to delete the Article as it is. I would like to cite some two examples and give some two reasons why I would like to support the Amendment as it is in the Draft Constitution. One thing, Mr. Chairman, I would like to forward to the Hon. delegates is that, we have had poor representation on the Parliament. We have some tribes who, because of their being a minority, are not represented in the Parliament and the - *(Interruption)*

**THE CHAIRMAN:** Order! order!

**MR. KIYONGA FRANCIS:** Mr. Chairman, this Article intends or is trying to cater for these minority tribes who are not catered for in the - *(Interruption)*

**THE CHAIRMAN:** Order, order! give him a chance to make his case. Hon. Mwaka had substantial time to present the other side, I think let us hear from him.

**MR. KIYONGA FRANCIS:** Secondly, Mr. Chairman, I also had some recommendations. One thing which has brought us I think trouble in this Article is because of the composition as it is now. The Hon. delegates should also try to understand, though we support this Article as it is, we intend to amend the composition. So, I am really appealing for some support please.

**THE CHAIRMAN:** Thank you Hon. Mbabazi.

**MR. AMAMA MBABAZI (Kinkizi County West):** Mr. Chairman, I take note of the apparent popularity of this amendment. But even then, I stand to strongly oppose it. *(Applause)* I oppose it because I think those that have spoken so far in favour of this Amendment are confusing two issues and these two issues must be clearly separated. There is a principle embedded in this provision - of a provision of another

Chamber in this country and that is a very, very, important provision, an important principle that we should not ignore or we should not confuse with the second point which is the composition of National Council of State.

Mr. Chairman, I am totally opposed to the composition of the National Council of State as it is proposed for the reasons given by Hon. Sendawula and others. I think it is not right and even Hon. Mwaka. I think it is not right to have a Chamber which is chaired by the President, with ten Ministers and people like that. I think it is certainly wrong. But I think there is a strong case for having a second Chamber like other countries. Many countries in this world, have found it useful. Mr. Chairman, I have many reasons for this. The first reason - *(Interruption)*

**PROF. NABUDERE (Budadiri West):** Point of information. Mr. Chairman, the proposed National Council of State is not in fact, a second Chamber, it is supposed to be somewhere mid-way between a One-Chamber Parliament and a two-Chamber Parliament. So, in fact, the argument has always been made that it is better to get rid of the National Council of State so that we have a proper Second Chamber. So, I think if that is what you suggest Hon. Amama Mbabazi, then you better be specific. We can still discuss whether there is need for a second Chamber when we come to the area dealing with the legislature.

**THE CHAIRMAN:** Let Hon. Amama Mbabazi continue.

**MR. AMAMA MBABAZI:** Thank you very much for that information. The point I am making here, is a case for -

**THE CHAIRMAN:** Is this the right place to discuss that or should we discuss it when we come to Parliament and the representation of the people? Order! Order!

**MR. AMAMA MBABAZI:** I think I am told, although Hon. Nabudere did not say so, that this would appropriately come under Chapter (6). Isn't that so? Well, Mr. Chairman, I will make the case here and if it is not appropriate for this one, because my understanding was that the proposition here under Chapter (9) was to provide for another Chamber. That is my understanding. Mr. Chairman, that

is my understanding and I was trying to make a case for a second Chamber under this National Council of State Chapter. Mr. Chairman, I believe that Chapter (6) is dealing with Legislature, representation of the people and that is why the Legislature is - well, Mr. Chairman, my point is this, *(Interruption)* - My point is that there is a case in Uganda, like elsewhere, for us to have a second Chamber and I see this National Council of State providing that opportunity for Uganda to have a second Chamber like other countries have had it and I know why others chose to have two Chambers. I think we have had an experience in one Legislative Chamber.

**THE CHAIRMAN:** There is a Point of Order from Hon. Eresu?

**MR. ERESU (Kaberamaido county):** Thank you Mr. Chairman. The subject we are discussing is not a second Chamber. We are neither discussing the second Chamber, nor discussing the representation of the people. What we are discussing is a National Council of State which lies somewhere ambiguously between the representation of the people and the representation of the Executive. So, is it in order Mr. Chairman, for the Member holding the Floor to begin discussing something pertaining to a second Chamber when we are not discussing representation of the people?

**THE CHAIRMAN:** Well, I think he was advancing his arguments in favour of his position on the matter. *(Applause)* But Hon. Mbabazi, you have finished, have you not?

**MR. MBABAZI:** No, Mr. Chairman, I have not. I gave way to a point of Order. *(Interruption)*

**THE CHAIRMAN:** Yes, but could you conclude your remarks because -

**MR. MBABAZI:** Yes, certainly. Mr. Chairman, I must say I have been trying to listen as I was speaking, to the various voices and most of the people seem to think that this is not the right place for the point I am making but my view is that, there is no other place yet in the Draft Constitution other than this one that appropriately caters for the points I am making and allow me to finish it. The point I am making is for having a second Legislative Chamber for this country and there are many reasons, I think, why we should have it: 1) Mr. Chairman, we have a lot of people in this country - yes, a lot of people who

have given a distinguished service to the Republic of Uganda. Mr. Chairman, some of them would wish to continue giving the service to this Republic, who in the many years they have served the Republic - *(Interruption)*

**MRS. BAGARUKAYO (Women Delegate - Ntungamo):** Point of Order. Mr. Chairman, is it really in order for the Hon. Member on the Floor to continuously talk about second chamber when we are not talking about first chamber at all? *(Applause)*

**THE CHAIRMAN:** Hon. Mbabazi, I think you will have to move closer to the subject matter. Order! Order! Hon. Delegates, I think, where we have reached, it would appear - there is a lot of consensus.

**DR. MUSEKURA (Bufumbira North):** Mr. Chairman, I would like to strongly support the Motion by Hon. Dr. Kaberuka that Article 152 be deleted from the Draft Constitution. My reasons are simple Mr. Chairman and I will not take much time. First of all, the National Council of State, in the manner stated in the Draft is completely unnecessary and will only reduce or interfere with the exercise of the full sovereignty of the people. It would take away the people's power. I am of the view, Mr. Chairman, that the Legislature should have supreme authority through Parliament. This new body would severely weaken Parliament, Mr. Chairman.

All the functions and duties of the proposed National Council of State can be ably performed by Parliament or Committees of Parliament. *(Applause)* The people's will, Mr. Chairman, must always be catered for and is of paramount importance. The National Council of State will, in fact, be subject to easy manipulation by the Executive and would, therefore, not genuinely work in the interests of the people. This new institution, Mr. Chairman, is even uneconomical and unnecessary and will *(Applause)* - create a lot of confusion and chaos in our country, especially if a dictator somehow comes to power. So, let us not leave a loophole Mr. Chairman, which can be exploited by bad leadership. Thank you very much Mr. Chairman.

**MR. SABIITI, J. (Rukiga County):** Thank you Mr. Chairman. Chapter (9) which provides for a new structure called National Council of State will, in my opinion, create more problems - *(Applause)* cause chaos, conflict between Parliament and the Executive. We have talked much about the separa-

tion of powers and if really we are serious about empowering Parliament, we should not try and create problems between the Executive and Parliament. We should empower Parliament *(Applause)* If you look at the composition of this new structure, I do not know what the initiators of this structure were up to because any person who is versed with the structure and organisation of any society, which structures must serve society - I do not see how this new innovation should have been brought into this Draft Constitution. I, therefore, Mr. Chairman, oppose the insertion of this Article. In other words, it should be deleted from this p 6X deleted from *plause)* Thank you Mr. Chairman.

**THE CHAIRMAN:** Now, it would appear we can spend the whole afternoon talking about this one. Let us take (2) for and (2) against. Those for the Motion that it be deleted - No, let me listen to Hon. Apuun Longoli.

**MR. APUUN LONGOLI (Bokora County):** During our Consultation, I went to my county on the 20th of August, 1994 and the Council Members drawn out from all sections in Bokora County had to say this, in regard to Chapter 9, Article 152. They said this Article should be improved upon. *(Applause)* That, this Article should be taken to a Committee of Parliament. That the Members can be drawn from Parliament and they can get their Chairman from the Committee Members. This will safeguard the interest of the people. So, as we are about to delete this Article Mr. Chairman, *(Laughter)* I would suggest that the views of my people who suggested that there should be an improvement on this Article should be catered for by Parliament and therefore, I have to delete also that Article on behalf of the people of Bokora County. *(Applause)*

**THE CHAIRMAN:** Okay is this for or against the Motion?

**MR. APUUN:** Against.

**THE CHAIRMAN:** Let us hear Hon. Kulany.

**MRS. KULANY (Women Delegate - Kapchorwa):** Thank you Mr. Chairman. I oppose the Motion. *(Applause)* Mr. Chairman, there has to be checks and balances in government. I believe strongly that this National Council of State will carry out this function of checks and balances. Mr. Chairman, if Members can only listen to me - I am

not happy with the Composition. But if we can modify the composition, this Council of State can operate a good job for us. MR. Chairman, what has been happening, much as you say that Parliament is supreme but what have we witnessed? Parliament has been manoeuvred many times and many times they have acted as rubber stamps without checks and balances *(Applause)*. Mr. Chairman, if only we can only change *(Interruption)*

**MR. NDEGE (Luuka County):** Point of Order! Mr. Chairman, the Hon. Member is bringing a very ~~the Constitutional~~ as a Member of Parliament, that she as a Delegate, thinks that the Parliament of today is being manipulated by government and as an NRC Member as well, and she knows that unless she can substantiate it and we have authorised so many bills. It is to my opinion that NEC is the one which is manipulated more than even any other organ by the President - she should be able to say and really if she cannot substantiate, let her withdraw her comment because I am really out of mood. I am out of mood on this point Sir. *(Laughter)* This is the most democratic Parliament in Africa today! So, is she in order to really accuse Parliament without substantiating?

**THE CHAIRMAN:** Hon. Ndege, what you have done is that you put words in her mouth, then argued logically to that conclusion. Because she never said that NRC or this present Parliament. She said Parliaments are manipulated. She was in general - *(Applause)* She was talking generally.

**MRS. KULANY:** Thank you Mr. Chairman, for your protection. Mr. Chairman, if Members can only agree and we change the composition in such a way that this body is directly elected from each district to cater for the maneuvers of both the Executive and Parliament which can be rubber stamped. So, Mr. Chairman, we would want a second House to cater for this function. Thank you Mr. Chairman. I oppose the Motion.

**THE CHAIRMAN:** Hon. Adyebo, you opened the debate on this matter earlier on.

**MR. ADYEBO:** Mr. Chairman, some minutes ago I told you that I had made a lot of consultations and that this House had actually a consensus position on this issue and that when we dispose of it, we are going to save a lot of time since this National Council of State appears about 120 times. I am glad, Mr.

Chairman, that you have just witnessed the mood on the Floor is that - let us accept to give National Council of State a decent burial. *(Applause)* I am saying so because Mr. Chairman, the intention of this National Council of State is really not what will be on the ground. I have studied the intentions. The National Council of State intended is non other than an Executive within an Executive. It is almost a government within a government and it is going to complicate matters. This is a kind of Institution which is behaving like a wild cat sitting amongst innocent sheep. It is almost a caricature, which to me, it behaves as if it is asleep when it awakes at the same time and creeps into the jungle by being cunning *(Applause)*

I will just disagree with my Colleague, Hon. Mbabazi - Hon. Mbabazi, I am sorry. What you did say that we are confusing matters - it is not true. What you did say here, is to me terminological ineptitude. What I am saying - the character of the National Council of State is - I am opposing it because if you see, if you read *(Applause)* - Mr. Chairman. This Institution is supposed to promote good working relationship but in a sense it is going to demote the good working relationship in my own submission. Why? Because the Institution is trying actually to distance the President from the population - *(Applause)* - And that is dangerous. This behaviour of the Institution is cantankerous - *(Applause)* - I do not want to accept this, then I am going to say Mr. Chairman, that first of all even the maintenance - they are saying, the President is a member, the Vice President is a Member, then 10 other cabinet members. Already 11 and here in the Draft Constitution, we are saying the next cabinet should be composed of 21 members. Already you get the institution having more cabinet members than the proper cabinet. Almost over half. So, this is why I am saying it is almost a government within a government and it does not work out well.

Thirdly, Mr. Chairman, we are just developing Uganda. We are putting this Constitution to develop a new nation. Then we should not establish institutions which we are not going to manage. The present cabinet, we cannot manage well economically. Even the cabinet ministers well, how about this new cantankerous institution which is behaving like caricature. I, therefore, oppose this Institution. My Colleagues, I want you to join me to bury this Institution today. *(Applause)* Thank you very much.

**THE CHAIRMAN:** I think Hon. Delegates we now pronounce ourselves on this one. The Motion is that Article 152 of the Draft Constitution be deleted. I will now put the question.

*(Question put and agreed to)*

**THE CHAIRMAN:** Hon. Members, we have to be very careful because the Chairman was about to call a division because when Members stood up, I thought you were challenging my ruling - *(Interjections)* - and I was about to call a division. Now, that Hon. Kaberuka's Motion on 152 has been carried, there is not much we are going to discuss after this. Hon. Kuteesa, you have something?

**MR. KUTEESA SAM (Mawogola County):** Point of Clarification. Mr. Chairman, I am seeking Clarification from you. Admittedly, I am glad that the decision has been taken but as you realise Mr. Chairman, these words - "National Council of State" appear in so many sections of this Draft Constitution and a lot of sentiments have been expressed here that whatever had been allocated to the National Council of State should go to Parliament or a Committee thereof. I would like to seek Clarification from you Mr. Chairman, whether it will not be advisable that we pass a Resolution that where appropriate, the Legal and Drafting Committee - rather than repeating every - because we are all talking about saving time. Every Clause will come, then we have another Amendment, then the question is put and we vote again and we are basically saying that the National Council of State should be replaced by Parliament or a Committee thereof. Is it not reasonable, Mr. Chairman. I am seeking your guidance and if you do guide me, the way I am disposed - I will seek a Motion. But I am seeking your guidance. Is it not better for us to do it now?

**THE CHAIRMAN:** You see, Hon. Kuteesa, it is a bit tricky because each situation depends on what it is saying. You may find that in some place you want to be specific and say Parliament. In another, you may say a Committee and so on and so forth. So, I think it is better when we come to those provisions. That we look at each case on its own merit. Otherwise, we can cause problems. If that is agreeable we leave it as it is. Hon. Delegates, as I did indicate earlier on, the Legal and Drafting Committee was not ready with Chapter 3 but they will be reporting tomorrow.

So, that being the case, we have come to the end of the business available to us today and I would, therefore, like to adjourn the Constituent Assembly to tomorrow, at 8.30. We stand adjourned. Thank you.

*(The Assembly rose and adjourned to Tuesday,  
20th 1994 at 8.30 a.m.)*