



THE REPUBLIC OF UGANDA

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

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**OFFICIAL REPORT**

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Monday, 20th June, 1994

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

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

*The Assembly was called to order.*

#### COMMUNICATION FROM THE CHAIR

**THE CHAIRMAN:** We are expecting some cables which are coming from overseas because we could not find them either in Kampala or in Nairobi, to extend on the microphones beyond the present length so that those Delegates occupying the front tables and those at the back rows will be able to have access to the microphones. I understand British Airways will be flying them in. It is as serious as that but you will bear with us - definitely we shall have solutions to our problems as soon as the cables arrive. For the time being, we shall try to share as much as possible whatever is available but definitely we shall have the tables ready this week and the cables, as I said, will be brought in. We should get started without having to continue with this problem of house-keeping. As I said, you have to bear with us - we are trying our best to get things in place.

#### PRESENTATION OF THE REPORT OF THE COMMITTEE ON RULES AND PROCEDURE OF THE CONSTITUENT ASSEMBLY.

**MR. STEVEN KAVUMA:** I thank you very much Mr. Chairman. It will be recalled that on the 17th of this month, The Assembly referred to the ad hoc Committee on the Rules and Procedure of the C.A certain provisions to be reconsidered by the Committee and a report to be made to this august Assembly. Mr. Chairman, I am glad to report that the committee has duly considered the matters that were referred to it and it has made the report together with the amendments which have already been circulated or made available to hon. Delegates through their pigeon holes. Mr. Chairman, the Committee also considered in addition to rules 32, 33, 37 and 52, rule 55 and rule 30 and rule 51 and has proposals to make with regard to those rules.

Rule 32 deals with Business Committee and the Committee took into consideration the decision of the Assembly that districts be represented on the

Business Committee. It also considered the issue of representation of the specified groups or specified bodies which are also represented in this House; and the Committee has made recommendations as to the composition of the Business Committee to consist of the chairman and the deputy chairman of the Assembly as was the case in the original rule. Then, 39 district representatives with one representative from each district and 17 Delegates representing the specified bodies or interest groups detailed as below. Maybe I would inform the hon. Delegates that really here we looked for a principle which would accommodate the representation of the special interest groups and we adopted the use of percentage representation by the way this Assembly is constituted. Each of these groups is represented by a certain percentage. So, we adopted the percentage representation in the House and we wanted it to be reflected on this Business Committee. So, going by that, we found that hon. Women Delegates will be represented by 10 members on that committee. Then the NRA would be represented by two (2) Delegates on that committee. The President's nominees would also be represented by two (2) Delegates. The youth would be represented by one (1). Then Mr. Chairman, there was the problem of the question of what happens to those other bodies that if you get their numbers and you adopt a percentage, you would not get a Delegate to represent them. We felt since the principle was to have the interest groups represented we felt it reasonable and we are recommending that the political parties as a group shall be represented by one (1) Delegate on that committee. Then, we are proposing that the workers - these are Members who came in through NOTU and the hon. Delegate who came through the National Union of Disabled Persons should also combine and be able to get one (1) representative to represent them on the Business Committee. By that way Sir, we have a committee which consists of 56 Delegates elected to represent the districts and the interest groups.

On the procedure of elections to these committees we did consider Rule 33 and for the Business Committee and other standing committees, the provisions in the Amendment proposals would cater for how they are going to be elected. Briefly, each district shall be required to nominate at least two (2) Delegates from among the Delegates who come from that district. They can nominate three (3), they can nominate five (5) but they cannot nominate one (1). Then, when

those are nominated, it will become the function of this Assembly to elect a representative to join the Business Committee. The specified groups Mr. Chairman, will also nominate a number of Delegates who shall not be less than twice the number of Delegates they are entitled to represent them on the Business Committee. As I said Mr. Chairman, all these Delegates will be elected by the Constituent Assembly. The reason here, really is that, this is a sub-committee of this Assembly. It is important, therefore, that the elections - the actual election of the Members who go to that committee is done by this Assembly. It is not a Committee of the various districts and, yet, we noted the very serious view the Assembly took that the district interests should be taken into account. So, we are convinced that once the districts have had an opportunity to sit and recommend from among themselves two, three, five or even all of them as eligible for standing, their interests will have been taken care of and then the rest shall be left to this august Assembly to elect members of its own committee after due consideration of the interest of that district and the interest groups concerned.

The committee recommends - obviously, there have to be some modifications in the rules of procedure regarding election so that we accommodate the different numbers when it comes to electing of Select Committees. So, Mr. Chairman, in short the recommendation of this House as regards the election of members of Select Committees under Rule 37, is that each of these select committees shall be composed in the same way as the Business Committee is composed. In other words, again a district will be represented and the special groups shall also be represented. The modifications that will be necessary, will cater for numbers as properly indicated in the Amended Regulations.

Then there is the question of other standing committees other than the Business Committee. Again these rules will generally apply, subject to modifications because we did agree that these committees will be composed of nine (9) members. So, the rules have been modified to accommodate the smaller number of these other standing committees so that they are also elected in a manner that is clear and straight forward.

We did consider the question of what legal effect would be for the failure of some members of the committee to sign the Constitution; and it is our

considered opinion and submission Mr. Chairman, that once the provisions of Section (17) and (19) of the Constituent Assembly Statute and, as amplified, by Rules 26 and 27 of the proposed rules of procedure of the Constituent Assembly - once those are complied with, then, the validity of the Constitution is accomplished as a matter of law. The legal basis will be there irrespective of whether there are signatures of Delegates of this Assembly or not; but we recognised that some hon. Delegates may want to have their signatures affixed to the Constitution and we are therefore, saying Mr. Chairman, that it is safer to leave that provision permissive so that those who want can do it without being compelled. Even if you wanted to compel them Sir, we could not find a legal way of enforcing the compulsion to Members who do not want to sign this document to come and affix their signatures.

There also the practical problems you never know. You could have the Constitution duly promulgated and maybe one or two, three, four, five members, for reasons beyond their control, are not available for signing. So, we thought we should be liberal enough to leave the room open for members who may not be willing or members who may not be capable of affixing their signatures to remain in that position; but those for who wish, if only for purposes of posterity, should be free to affix their signatures on the document but what matters is the understanding that at the end of the day, the validity of the Constitution will not be in law, prejudicially affected. For instance, no Delegate could stand up and say, you know when you elected me, I was there for seven months - we were debating but I did not agree and therefore, I did not sign. We think if a Delegate wants to explain, he can do it politically during the times of consultation or even during briefings to his Constituency. Members of the Constituency can have an opportunity to come and look at the records of the Assembly but since it does not affect the legal validity of the Constitution, we think the provision leaving it discretionally to hon. Delegates is safe and very reasonable.

The Committee also considered Rule 55 of the Statute. It noted that what it really wanted to talk about is already covered in the body of the Statutory instrument and we agreed that, that provision could be safely left out from the Rules of Procedure as proposed. Mr. Chairman, in Rule 30, we did consider it important that a Delegate should not be a member to two (2) Standing Committees or two

Select Committees. In other words, if you are member to the Business Committee, then you will not be allowed to become a member of any other Standing Committee but you can be a member of the Business Committee and you can also become a Member of a Select Committee, if one is established by this Assembly - but you cannot again be a member of more than one Select Committee, assuming the House would have set up two or more Select Committees. So, a Member's role will be restricted to one membership to a Standing Committee and one membership to a Select Committee but that membership could be combined as long as it does not affect committees of the same class.

Mr. Chairman and hon. Delegates, I note that in the report, the position of membership to this committee may not come out as clear as it does in the proposed Amendments. So, I would appeal to Members to emphasise the position reflected in the Amendments proposed. Having said that, I do not know whether I should briefly again introduce the rules - but it maybe duplication of work. I, therefore, Sir, wish to thank you very much for having availed the ad-hoc committee this opportunity to make its report to this august Assembly which includes the Amendments proposed by this Committee. At the end of the day, Sir, we are also coming out with a Motion which shall be moved at the appropriate time to facilitate faster and easy working of this Assembly. I thank you very much Mr. Chairman. *(Applause)*

**THE CHAIRMAN:** Thank you. I must agree that our ad-hoc Committee on Rules are serious people. They have devoted their week-end to the work of the Assembly and as promised, they have delivered their report duly on time. We must thank them for their dedication and good work. Now, you have two documents. One is the report which has just been presented by the chairman of the ad-hoc committee. The other is the proposed Amendments. Now, the proposed Amendments must be read together with the main document - the rules which we discussed last week. As you recollect, these matters were referred to the committee for further consideration and report. The report has been made. Most of the rules - virtually all the rules except these which were referred, we approved them except for the form. I think the certificate - and the long title. So, we have to consider the recommended Draft rules, then proceed to do Schedule (2) and then we shall have the long title and then we shall move to the main Motion recommending the adoption of the rules, as amended.

That is the procedure we shall follow.

Now, let us turn to Amendments circulated. The first part seeks to amend Rule 30, which we approved. It is recommending the addition of a subrule to be numbered (6). I give you a chance to quickly go through the recommendation there. Actually, they recommend to add subrules 6,7 and the Chairman did indicate that this Amendment essentially, is to rationalise and restrict membership to various committees and also under proposed subrule 8 to apply to committees the provisions relating naming of members who absent themselves from committee meetings. Now, I would like to propose the question.

**MR. LUBEGA-WAGGWA:** Point of Clarification. I want the Chairman to clarify Rule 30 (a): because there are some districts with about three delegates and there are more than three committees of this Assembly - so, what will happen if the three have gone to three committees, does it mean that they will not be represented on other committees or there will be a provision which covers the smaller districts with a smaller number than the committees?

**MR. KAVUMA:** Mr. Chairman, first of all the provision really restricts membership on two Standing Committees or restricts membership to two Select Committees. If the district has only three delegates, I think first of all they will have one Delegate as by right to the Business. Then, that will be the end of that Delegate's performance on any other Standing Committee. The other two can be elected - one on another Standing Committee and a Select Committee and the other could also do that; but we did also provide Mr. Chairman, that where it becomes absolutely necessary, these rules could be modified. We think if there was a practical problem deserving particular or special attention, there is sufficient room to take care of it.

**MR. ELYAU:** Point of Clarification. Similarly, I am asking Mr. Chairman, to clarify on the district with nine Members, for example, and then the committees could be below nine, what will those who do not have a place in the Committee - will they be accommodated?

**MR. KAVUMA:** I think the same principle would take care of the situation.

**PROF. KANYEIHAMBA:** Point of Clarification. I would like further clarification on, particu-

larly, Clause (6) d we are suggesting that the Assembly will establish Select Committees whenever it is necessary to do so and what is visualised is that these Select Committees will emerge from time to time. Therefore, I cannot understand why there should be any restriction on membership of these Select Committees - since one Select Committee may come and go and another one starts.

Secondly, is it the view of the Rules' Committee that whereas one is not a member of the Select Committee, he may be free to visit that committee and make contributions to it? Because I think it is very important that even though you may not be a member of that Select Committee, you may want to make some comments on the work they are doing by being given audience there. I seek clarification on those two points, Sir.

**THE CHAIRMAN:** I think Chairman of the Committee - maybe if you could take the points then you answer them one by one. Any other point seeking clarification?

**MR. KASANGAKI:** Point of Clarification. I just wanted to know from the Chairman of the Rules and the Procedures, how many Standing Committees do we have so far? So as to know whether members will be on one Standing Committee or the other?

**MR. NYAI:** I would like clarification through you Mr. Chairman, from the chairman of the ad-hoc committee on rules; because my understanding is that this Assembly committee did pass Rule 30. Do we have authority to revisit it or did the ad-hoc Committee seek that authority from you with out recourse to this Assembly, Mr. Chairman?

**THE CHAIRMAN:** Just take all the points down.

**DR. OKULLO-EPAK:** Point of Clarification. Mr. Chairman, I would like to concur with Prof. Kanyeihamba but then add that ideally select Committees should be left open so that other members who are not appointed to it are free to go there and contribute as - and when they want, but if voting is required, maybe that is when those who go there on specific interest may not be allowed to vote; and really, it would look quite unfair to try to put so much restrictions on Select Committees because there will be *(Interruption)*

**THE CHAIRMAN:** Do not begin debating the

Motion yet. I think just make points of clarification, then we proceed. We shall debate the merits later.

**MR. HASHAKA:** I was reacting to the fears of members about the number of people from particular districts but Rule 37. Section 5, clearly states that each subject matter committee shall consist of such delegates as the Assembly may appoint on the recommendation of the Business Committee and at the same time Mr. Chairman, on the Amendment on Rule 30 number (7) - it says: *'nothing in subrule 6, of this rule prohibits a Delegate from being an ex-officio member of a committee while being a substantive member of another committee'*. So, I feel whether small or big number from a district, I think these rules cover us. Thank you very much Mr. Chairman.

**MR. AMANYA MUSHEGA:** While I am not in a major disagreement with the decision to make the Business Committee represent the districts, I would like to caution that we should not attempt to turn the Constituent Assembly into a confederal discussion of District interest groups because the main constituency apart from that one of women was based on population, representing counties or divided into small groups depending on the amount of population. So, we are really first and foremost representing population of Uganda to formulate a Constitution for the whole of Uganda - and when I read in the rules, I have a fear that the districts are beginning to have an upper hand as if we are largely here to represent the districts and we may miss the boat of formulating a Constitution of the whole of Uganda and begin discussing confederal or federal issues relating to the powers of the districts. I just was cautioning the committee when they were discussing this - to take into account that we are not here to represent our districts but our constituencies, with a view of formulating a national constitution. I just wanted that point to be noted. Thank you, Sir.

**MR. AKURE:** I just want to know - in the document it says *'the district can nominate two members and then they will be voted in by the whole Assembly'*. Supposing, if the members of any of the districts agreed to send one, without necessarily sending two in the Assembly; does it implicate anything or it is okay? I want to know.

**THE CHAIRMAN:** Now, of all the points that were raised - I will now ask the chairman of the ad-hoc committee to respond including the preliminary

objection of Delegate Dick Nyai - saying that we had disposed of Rule 30. Why are we coming to it? In my view, the Committee was still helping us to polish our rules and if they have a proposal to make, unless it is repugnant, I think, until we have adopted the document, we are entitled to polish it up and I give the Floor to the Chairman.

**MR. KAVUMA:** I thank you very much Mr. Chairman. If I may start with the last question put by hon. Delegate Akure. It is not according to the proposal we have permissible for the district to nominate only one, the reason is very pertinent. We take the Business Committee as a sub committee of this House. It is not a committee of different districts. Therefore, if you allow the situation where a district could come with only one and they are entitled to one place, it means, in effect, that the district has taken away the power of this House to elect - in effect, it would have elected a member to that committee which is a committee of this Assembly. We are therefore, saying you can send three, you can send all the Delegates from the district but you cannot send less than two for that good reason.

With regard to hon. Amanyua Mushega's caution. Yes, we as a committee, did have the caution in mind but we were really working to implement the decision of this House and we thought this was the best way to do it - that you leave the powers of election to this House so that whoever goes to the Business Committee or other sub committees knows that he has not gone there as solely a representative of his district but he is carrying out a national obligation entrusted to him by this august Assembly.

The hon. Member from Oyam South did concur with hon. Prof. Kanyeihamba and argued that these committees should be left open ended. Mr. Chairman, we have in the rules provided that a Member is free first of all - he can be an ex-officio member to any of these committees. It was also approved that a member can go and appear before any committee even if he is not a member and make his oral or written submissions to that committee. So, there is no restriction to this kind of appearance to a committee even if you are not a member of that committee.

I thank you very much for the guidance you gave as regards rule 30. We, as your committee, we were trying to rationalise these provisions and bring them back for your consideration and approval because they must be the rules of this Assembly and we felt

there was good reason to revisit that provision. We were also aware that our procedures, as the Chairman had indicated earlier on in our proceedings, were still quite flexible since we have not had anything adopted to the contrary.

The hon. Member from Buruli wanted to know how many standing committees we propose. I think these are four committees namely; The Business Committee, The Rules and Orders Committee, The Committee on Legal and Drafting, then Privileges, Discipline and Welfare. Those are the sub committees we have in the rules. I think, I have dealt with hon. Kanyeihamba's question but only to add that if a Select Committee has done its work and the report has been adopted by this Assembly, then that committee ceases to exist so that when another one is elected; even if it is elected in the same hour the other one was dissolved, you cannot be a member to two committees because there will be one existing at that particular moment; and this is a House of 280 and above Delegates and we think we have enough human resources to equitably distribute membership to this committee without allowing them to be monopolised by a few individuals from the Assembly. I think Mr. Chairman, that is all I had.

**THE CHAIRMAN:** Now, in view of the clarifications, I would like to suggest that we move quickly and I will start by framing the question on the proposed Amendment to Rule 30 to add three subrules 6, 7 and 8.

The question is that rule 30 be amended by adding at the end thereof, three subrules 6, 7 and 8 as proposed by the Rules Committee.

*(Question put and agreed to)*

Rule 30 is amended as indicated.

The next one - I will frame the question with regard to rules 32 and 33. The Question is that Rules 32 and 33 be deleted and be replaced with the rules as recommended in the Draft. I think I should, do one by one. I should start with 32. That Rule 32 be deleted and be replaced with texts appearing in the circulated document from the Rules Committee. That is the Motion before us. You can put your comments.

**MR. KAWANGA:** Mr. Chairman, my understanding of the deliberations of last time was that we had made an Amendment to Rule 32 and had

requested the Committee to put into effect the Amendment we had passed here after a vote and the Amendment then, was that the Business Committee should consist of 39 Delegates representing each of the districts of Uganda and that the representatives to this committee will be elected - represented from that particular district and that one had been passed. My expectation was that the committee would amend the rule to put into effect what this Assembly had passed to them. But the Amendment which is being proposed now is a total reorganisation of the whole rule. Therefore, perhaps seeking to amend what had been passed in this Assembly and of course it adds another effect. For example, when it goes into the various representation of the interest groups, a position I would not have to quarrel with, but for example, one would have thought that each district has one woman representative and therefore, you would be a member of that district when electing a member. Now, if you get ten now, does it mean that when a district is proposing names here for the election - it need not select any woman from the districts since she will be catered for as an interest group among the ten. A situation, which I think, I would not want to occur because I would have wanted a woman Delegate to be part of her own district and could even be elected from her own district without coming as a special interest group. *(Applause)* So, really my prayer is that the Resolution that we passed here then should be put into effect and what has been brought here appears to be a total mutilation of the original intention, Mr. Chairman.

**THE CHAIRMAN:** Before I hand over the Floor to the Chairman, I think we should also remember that the instructions to the committee was to find out how best the interest groups should be represented. We passed the Amendment yes, but then it created a problem. The problem arose of gender sensitivity and other special interest groups and the decision was - let the committee go and come back with a recommendation as to how we should accommodate the gender question and small interest groups. If that is not the recollection, maybe I can be corrected. Anyway, I give the Floor to the Chairman.

**MR. KAVUMA:** Mr. Chairman, I only concur with your statement of the position. This is how we understood and this is how we went ahead to implement it and of course Mr. Chairman, if women appear to have a double advantage in these elections, I think it is within what we have been doing all along, even when we were being elected ourselves *(Ap-*

*plause)* the women had the double advantage. It was not by coincidence, it is a commitment to a policy that this country has decided to go along and I think we should do well to carry it through even in this august Assembly. I thank you Mr. Chairman.

**MR. KOMAKECH:** Thank you Mr. Chairman. I would like to concur with the mover of the Motion here, that is, with hon. Kawanga from Masaka, in that whereas this House had authorised the Rules Committee to go and do a specific job, I think it has over-stepped its mandate in the sense that their proposal is not just a mere Amendment of what has been passed by the House. I think the House should be consistent and also remember what it had done, because the increase in number alone - when these 10 women are represented and other groups, you will have an additional number of over 15. I think the House should remember that we actually took the gender issue into account when the Amendment was made - in that when the Members are voting for the district representatives, they will remember that women in particular should be nominated so that they can be elected. I think Ugandan men and women are in the forefront of this gender issue. I do not think this House would actually ignore women when they are voting for the members of this or any other committee. So, I am opposed to this Amendment as presented here and that we should stick to what we had decided upon when we first referred this matter back to the committee. Thank you.

**DR. KIYONGA:** Point of Information. As you stated Mr. Chairman, the decision on this Article had two provisions. One, the issue of representation for the districts, and two, the issue of the specified groups. So, this committee - the ad-hoc committee, has not done anything beyond that. We agreed here that the specified groups must be represented and the ad-hoc Committee was to find a way of doing that. So, if Members want to change the decision, that is different but it is not this Committee which has brought in women and the other people.

**PROF. NABUDERE:** Point of Clarification. I do not remember in view of the Clarification made by hon. Kiyonga, I do not remember this House directing the Committee to go and recommend the method of electing district representatives. I do not recollect that, that was requested by the Assembly.

**THE CHAIRMAN:** It will be commented on by the Committee. You have the Floor.

**PROF. NABUDERE:** Mr. Chairman, I think hon. Kiyonga has assisted us to understand what is on the Floor. Hon. Kiyonga started with the point about election of district representatives. His contention and I think it is accurate is that the Assembly decided that the district representatives on the committees shall be elected by the district delegates and they forward a name to the Assembly for adoption. Now, the Committee has, as explained by the Chairman - thinks that is not correct, it should be election by the Assembly from nominees by district Delegates. Mr. Chairman, I think that, that first part should be cleared first before it is mingled up - about the representation of interest groups. I think it should be clear - what was decided and whether we should revisit or stick by what was decided on district representation.

**THE CHAIRMAN:** We ask any member of the committee to comment on that.

**MR. KAVUMA :** Mr. Chairman, the committee was asked actually to look into how first, members of the district could be elected and secondly, how members of the specified bodies could be elected. In fact, I remember Mr. Chairman, one hon. Delegate even suggested that once we accept that we shall have district representatives, then maybe, we can adopt, with modification, the procedure that had been laid out for election of members to the Business Committee. Unless Mr. Chairman, the committee wants to revisit the decision, this is how we understood it and this is how - and I think in line with the caution of hon. Amanya Mushega. When we are here really - first of all we came through an election through electoral areas; we came to do a national duty; and I think Mr. Chairman, it only appropriate that when we have a sub-committee of this House, it should be this House which has the authority to elect that sub-committee. Then, we look at issues as a sub-committee of this national forum for discussion and passing the National Constitution. It will minimise on the risks of somebody looking at himself as purely a representative of the district whereas at the same time he can use his having been nominated by his district to represent any views which they have on the committee. But what really matters at the end of day - what we do - should have been done on behalf of this House which should not abdicate its responsibility of electing its own sub committees.

**MR. WAGIRA:** My comment is about the rationale of first, the districts nominating and then this

Assembly electing. The point, if I understood the Chairman correctly - of the ad-hoc committee, is that it will give people a nationality outlook and a sense of belonging to the entire Assembly and not the feeling that perhaps they are there as district representatives. Either way, it can also be argued that it is also a matter of how one looks at himself. We are all here, we were elected by counties simply because you cannot begin from everywhere. At least you have to begin from somewhere. Even Jesus who was to have a universal mission was born in a particular place. That is to say, therefore, that even if I was elected as representing a district, it is possible that I will also have a nationalistic feeling; just like we are having a nationalistic feeling here. We are making a constitution for Uganda and with a feeling for Uganda, much as we were elected by counties. As to whether we should have the interest groups like the women being represented as a special interest group. My feeling is - since this is an era of self determination, I would suggest that possibly we could have a voice of a woman telling us whether they still want to be patronised or they want to demonstrate their equality in practice. Thank you Mr. Chairman.

**THE CHAIRMAN:** Hon. Delegates, I can see this is generating a lot of debate on matters which we can handle as per our precedent. A minute ago we voted to recall Rule 30 and revisit it and amend it. We did that. The Committee here have studied the situation over the weekend; they say well, one, you are agreed on district representation - yes. Two, they are saying that we may have been misconceived in terms of procedure to think that nomination should come from districts - they are recommending that they should be elected by this House. Now, this is a Motion on the Floor - to revisit Rule 32 as it was couched on Friday. You can amend it, you can approve it - like we amended Rule 30. We all agreed to amend 30. Let us go forward and discuss - if someone feels strongly that we should retain the position that was there, amend the proposal which is now on the Floor to go back to that. So, that we go forward instead of arguing to recollect our memories.

**MR. AMANYA MUSHEGA:** Point of Order. The normal procedure when there is a dispute as to what was decided, is to refer to the people who are officially assigned the job of recording the decisions - that is the secretariat; to read to us what decision was actually taken. If the decision was wrong, we refuse it, knowing the consequences of our decisions.

The Chairmen normally, are not meant to give records to us. So, Mr. Chairman, is it in order for us to proceed discussing a decision without availing the opportunity for the secretariat to tell us what actually we decided on, on this matter, so that when we are revisiting it, we know exactly the decision we have taken. Thank you Sir.

**THE CHAIRMAN:** Thank you. But I doubt whether the secretariat has produced it yet.

**MR. WACHA:** Mr. Chairman, I would want the chair to assist us on the matter of procedure. At the beginning you directed that we should first discuss and dispose of Rule 32 which is the concept and composition of the Business Committee and then afterwards we go to 33 which is the procedure of election of Members of the Business Committee. Now, it seems as if we are now discussing both items at the same time.

**THE CHAIRMAN:** I thank you very much for your intervention. I think that is very helpful. In fact it had skipped the eye of the Chairman. Let us dispose of the composition - that is Rule 32 and then 33 sets out the procedures for election. If you do not like the recommended procedures, then we shall amend them accordingly but the only comments I am going to accept now will relate to the composition of the Business Committee as recommended under Rule 32.

**PROF. KABWEGYERE:** Thank you Mr. Chairman. The contribution so far on Rule 32, seems to indicate that the proposal, as we now have it, has opened the Pandora's box. I would, therefore, like to propose that we shift our attention from this concept of district representation. Because Mr. Chairman, we are not here to make a Constitution for districts. We are to make a Constitution for the people of Uganda. Districts change and have continued to change. We now have 39, we might find next year we have 40. Yet, the people of Uganda - whether all of us present die - the concept we want to enshrine in the constitution, will remain. I, therefore feel, Mr. Chairman, that what we may have decided previously as proposed by hon. Kawanga that geographical representation and in particular district representation should be reflected in the Business Committee but given the reflection we have had so far with the business committee, I now feel, that we should actually elect representatives on the basis of what we are able to evaluate them as delegates here. And as

the Membership of - I think the Membership as now proposed, is so big that nearly 60 people are supposed to be sitting to decide on how we do things everyday. This may create a whole - *(Interruption)*-

**MR. CHEBET MAIKUT:** Point of order. Thank you very much Mr. Chairman. Is the Member in order to take us back to whether a decision was taken on Friday in favour of district representation, because I can give you the figures. On Friday *(Applause)* Those who voted for district representation had 123 votes those against district representation had 31, abstains 6, so is the hon. Member in order to take us back to where decision was taken. Thank you.

**THE CHAIRMAN:** Well, you see, the difficulty is that the draft rule as recommended by the committee also relates the number of 39. Otherwise, I think the Members of the committee thought that given the overwhelming votes it was going to be just a matter of noting and not raising it again.

**A HON. DELEGATE:** Thank you Mr. Chairman. You see, if we look at the composition now, already we are talking of 58, but also we have people now wondering whether women should now be a category of representation, whether Presidential nominees should have a pigeon's hole, and so on and so forth; and yet really what we are about is the committee which will guide the business of this Assembly. And they all come from districts. So, Mr. Chairman.

**THE CHAIRMAN:** Could you conclude.

**A HON. DELEGATE:** Thank you, Mr. Chairman. I therefore would want to move that this House reconsiders the proposals now given and that we think of a committee of 30 people elected by this House.

**THE CHAIRMAN:** It is a very messy way of making decisions. You say we agreed on district representation and that one was taken, now you want to go back. We shall be shuffling forwards and backwards. I think I should be assisted by the committee on rules here as to whether in their view they considered that the question of 39 will be re-opened. Just a moment, let us hear from the committee

**MR KAVUMA:** Mr. Chairman, we were working within the instruction given by the Assembly, and we thought, may be when we come, it will be a question of the Assembly accepting the principle of how we get to the 39 people elected. But this House is free, if it wants to revisit it is its decision. But before I finish Sir, I may also pass on this information that all along this Assembly has been saying it would be the legal power of the Assembly to elect these committees. If you look at what we passed in rule 34, 35, 36 it is the Assembly, Sir.

**THE CHAIRMAN:** I think the chairman of the committee, you are taking us to a different point, you are taking us to the point of election. We are now discussing the question of composition.

**MR. BYAKIKA KASAJJA:** Point of information. Thank you very much, Mr. Chairman. I want to inform the chairman of the ad hoc committee on rules first that this Assembly resolved that business committee shall have 39 Members one from each district and that the district will forward one Member from each district to form the business committee. I think that was enough authority from this Assembly to elect that one member from each district.

**THE CHAIRMAN:** No, no you are talking on the wrong subject. We are talking about composition, not election.

**A HON. DELEGATE:** Point of information. Mr. Chairman, since you have ruled on the basis of the information given by hon. Wacha, that 32 should be handled separately from 33, I beg to move that this House adopts the recommendation of the committee of the committee on 32.

**THE CHAIRMAN:** Is that seconded?

**HON. DELEGATES:** Aye.

**THE CHAIRMAN:** Now I do take that to be a motion and the question is now put.

*(Question put and agreed to).*

**THE CHAIRMAN:** So we now go on to vote, that rule 32 do stand part of the rules in accordance with the recommendation of the committee on rules.

*(Rule 32 agreed to)*

**A HON. DELEGATE:** Point of order. Mr. chairman, is it in order for some of us to put up our hands for centuries and then you are not seeing us - so as to comment on issues that affect us?

**THE CHAIRMAN:** I did not refuse to see you, a Member of the Assembly in accordance with rules moved that we vote, and under procedures as we know them, once a motion of that nature has been moved, you put it to the vote without debate. If you had wanted to continue with debate, you should have rejected the motion that the question be now put. Once that motion was carried, then I had no power to call on anybody else to speak but to go straight to the vote. That is what the procedure is, and we have just done that. I did not refuse to see any Member.

Rule 33 - Procedure for election of Members of standing committees.

**THE CHAIRMAN:** Hon. Delegates, you have got a recommendation from the committee, it was commented upon by the chairman, it has been partly debated out of mistake but now it is before you. The question is that, rule 33 do stand part of the rules as recommended by the committee in its report.

**PROF. NABUDERE:** I would like to make an amendment to the proposed rule 33 subrule (2). Unless there is someone who wants to deal with subrule (1).

**THE CHAIRMAN:** I wanted to go in that order. Subrule (1), any one commenting on sub rule one?

**MR. NGOBI:** Thank you very much, Mr. Chairman. I wanted to make one point clear so as to hopefully facilitate what we are doing. Since we decided, and this was a contentious point which necessitated even voting, that each district will appoint -will select one delegate to form part of the committee, I think it was very wise decision, it was within the competence of this Assembly, there was no question of going beyond our powers. I think we should stick to that issue, Mr. Chairman, of one Member to be nominated by the district and to be adopted automatically by this Assembly. That was a wise decision, and it is in accordance with the majority wish, I do not think that it will upset anything. So, I am appealing, Mr. Chairman, to the delegates that instead of us again debating on verbose, let us stick to that decision, it is a good one. Thank you.

**THE CHAIRMAN:** I will give the Floor to hon. Elly Karuhanga as a member of the committee.

**MR. KARUHANGA:** Mr. Chairman, our committee actually looked at this decision of having every district represented on that business committee of this House. It also looked at all the rules that we have made in line with *-(Interruption)-*

**MR. NGOBI:** Mr. Chairman, you are taking us back to the general debate on the whole rule. You said you wanted to deal with subrule (1); it is not dealing with representation of district. I want to make a specific amendment to sub rule number 2 but you ruled that you want to deal with one first.

**THE CHAIRMAN:** But in the process, hon. Ngobi raised the point as to whether we should proceed in accordance with our previous decision.

**MR. NGOBI:** Yes, but that discussion would have come under subrule (2) not under subrule 1.

**MR. NYAI DICK:** I beg to move an amendment to subrule 1 as follows: *'The chairman shall declare to the Assembly a period of 1 day during which nominations of names of delegates to be adopted as members of the committee may be submitted to the Clerk.'* In other words, I move: the word 'adopted' be substituted with the word 'elected'. Thank you, Mr. Chairman, I beg to move.

**BIDANDI SSALI:** Mr. Chairman, on point of information, if that amendment is debated and carried then it means that all committees will be formed in the same way. But I think the amendment is focusing on the members that will be presented from district groups. Therefore, if the mover of this amendment would accept, we could only add 'elected' or 'adopted'. Then it will take care of the committee that will need representatives of the districts to be adopted and the committees that will need to be elected, directly from here to be done exactly like that. So, I just wanted to point out that if we debate and carry the amendment it will not apply to some other committees which will have to be elected directly from here that is my impression, Sir.

**THE CHAIRMAN:** No, let me hear from the members of the committee: hon. Rwabyomere, hon. Karuhanga ...

**MR. KARUHANGA:** Mr. Chairman, I oppose the

amendment on the grounds that the mover is asking this House to rubber stamp and not to participate in the election of its committees in the procedure of electing members of standing committees. I think it should be rejected it will also be contrary to the spirit of how we want to proceed and what the rules are all about. The rules and all amendments 34, 36, 35 which have been adopted are saying that this House shall elect the committees of this House - they shall be committees of this House. But now if it is going to become a rubber stamp Assembly, I think it will be unfortunate. Secondly, Mr. Chairman, I think the views of hon. Bidandi Ssali are correct obviously the mover had not noted that 33 (1) is a rule of general application, and I think he fixed his mind on the district element of the 39. But I would like to add and this is what prevailed - *-(Interruption)-*

**A HON. DELEGATE:** Point of information. Thank you very much, Mr. Chairman. I would like to inform the Member on the Floor that he does not have to labour to forward the point he is putting because we have already passed rule 30 which includes subrule (1) which states, *the Assembly may establish standing committees and other committees.* To establish means to set it up, we are the ones setting it up but we are not just rubber stamping. So anybody saying that we shall only adopt it, would be taking us back to rule 30. So, for the information of the Member, I think that point has already been decided on when we passed rule 30 so we have to elect.

**THE CHAIRMAN:** No, rule 30 provides for the creation of the committee but not for the election.

**MR. KARUHANGA:** The others, Mr. Chairman, 34, 35, 36 all say that the Assembly shall have standing committees to be known as such and such. And also I think for a delegate to feel that, that committee which is composed of so many people is representing him or her, he feels he would like to give them the vote, to do so. In any case we have said we maintain the district spirit for - the district just gives us two people and they be endorsed. We are not going to remove the district from representation; it is just the form which bestows on that individual the respect and integrity that he wants to enjoy and feeling that he is enjoying the support of everybody in the House. It also by-the-way takes into account certain problems that might arise in the later stage. **We do not know how influential the districts are going to be on these Members when they are electing**

these names. You may find that in fact there will be a complaint and we do not know how to handle it. A complaint can come from the district and say, in our place there was not a democratic method of work. In fact, there was an influence from the RC V chairman, there was this, that - So why do not we get all these things done here in the open, why are we fearing to take responsibility. We want to have democracy and when we look at it we want to run away from it, what is this? *(Applause)*

**MR. OGOLA MICHAEL:** Thank you, Mr. Chairman. Mr. Chairman, I am troubled by that word 'election'; Mr. Chairman, those who are proposing this lie, are they trying to suggest that somehow this House can reject the dedication, the commitment of a delegate to this Constituency Assembly can they doubt that. Because election is choice, choice on quality and performance but it would also imply a rejection of the candidacy of that individual. And I am calling that - whether it is illegally possible for any body in this Assembly to query that my being here is somehow deficient.

**THE CHAIRMAN:** No, they are not saying that they would query your presence here. What they are recommending is that, a committee will be set up by this House and now we are discussing how Members will be put to serve on that committee. That is all.

**MR. OGOLA MICHAEL:** Thank you, Mr. Chairman. First of all, we were elected here as individuals representing our constituencies and individually we will be held responsible for whatever decision this Assembly does; though collectively but individually we are answerable to our constituencies. Therefore, I would wish that whatever we do should be endorsed by everybody in this Assembly. *(Applause)* Therefore, we should elect, here we are talking about the method, the method of election, we have adopted that each district should bring a representative, and the essence is that, we want to enrich ideas to these committees. Therefore, Mr. Chairman -

**MR. NYAI DICK:** Point of order. Mr. Chairman, is the hon. Member in order to misguide this House by saying that when this House adopted the existing ad hoc rules committee, therefore, we were not being democratic.

**MR. OGOLA MICHAEL:** So, really, Mr. Chairman, we have adopted the principle that we should elect people from the district. The manner which has

been proposed by the committee in view, is a compromise.

**THE CHAIRMAN:** We are debating whether the word 'adopt' should replace the word 'elect'.

**MR. OGOLA MICHAEL:** In my view from what I have said, I support the idea of 'elect' - this House electing those people even if it is district representatives. *(Applause)*

**MAJ. TUMUKUNDE:** Point of information. Mr. chairman, I am saying something about 'adopt' and 'elect', we have a danger here of a district for example being unable to pass somebody, and they spend a lot of time quarrelling about it. It is always easier to fail to come to a consensus to send one person than two in that case, therefore, Mr. Chairman, to ease problems for this Assembly, I would suggest that we at least talk about two people in the first place, then about 'adoption' Mr. Chairman, this House stands a danger of rubber stamping some district conflicts or district clicks. I think to be safe, I would want that, Mr, Chairman, this House retains its powers at the end of the day being the decision makers on who should go on these committees. *(Applause)*

I cannot see anything better than this, and we may endanger our position as National representatives by trying to refer ourselves back to our local conflicts and intrigues and other small ideas. That is all, Mr. Chairman.

**MR. KAJARA ASTON:** Thank you, Mr. Chairman. Mr. Chairman, I would like to add my voice to those who are opposing the motion that, the word adoption be substituted for the word elected. My view, Mr. Chairman is, the function of electing people to these committees rests with this Assembly, it is not actually our function to adopt something that has been decided on by a district, not even by a constituency. So the Assembly should have the power to look and scrutinize the person proposed by the district or persons proposed by the district after which they can have the power even to throw out or refuse someone to be on this committee and the reasons will be that, that committee is an important committee and the House should be satisfied that the people so elected to that committee are competent enough to lead the House in the very important function of leading the House in most important deliberations. Thank you, Mr. Chairman.

**MR. RUKUTANAMWESIGWA MUGASHA:** Additional information. Thank you, Mr. Chairman. Mr. Chairman, it is true that the power to appoint committee is vested only in this House. But this House has powers to delegate some of its powers, if the House says let districts elect representatives each, then it has effectively authorised them to do so. and *-(Interruption)-*

**CAPT. BABU:** Point of information. Mr. Chairman. I just want to inform the hon. delegate on the Floor that when some of us were sent here in this House, we were told to come and debate the National Constitution and not to delegate any of the authority given to us to anybody. *(Applause)* Thank you.

**MRS. RWABYOMERE:** Additional information. Mr. Chairman, I would like to inform the hon. delegate that although this Assembly has powers to delegate he should know that there are powers which cannot be delegated and also remind him of the *maxim delegatus* or the *non-voters delegatus* in Law. Thank you.

**MR. RUKUTANAMWESIGWA MUGASHA:** Thank you very much, Mr. Chairman, and the two informers. Mr. Chairman, I agree that on substantive matters this House may not have the powers to delegate. But this is a procedural matter, election of a committee - sincerely, I wish to say that there is nothing wrong in this House authorising districts to come up with one person if they so wish. If they do not wish, those which do not wish to come up with two that is why I agree with the motion which unfortunately has been neglected - of hon. Bidandi Ssali - that along side the word 'elect', we could say '*or for election or adoption*' so that for those districts which can clearly come up with one candidate, the Assembly can adopt for those which cannot, the Assembly can elect from among the delegates they will have chosen. So I do not see any fear or any harm in a delegate coming up with a particular nominee.

**A HON. DELEGATE:** Point of order. I thank you, Mr. Chairman. Mr. Chairman, is it in order for the hon. delegates and others to continue on this issue of districts being represented in electing this committee when the statute which set up this august House does not refer to district except in reference to women delegates? Therefore, every Member here Sir, is a delegate representing a constituency in many cases smaller than a district. Is therefore, Members in

order to continue using the district as a division that can be used here instead of accepting the very reasonable recommendations by the rules committee? Is he in order, Sir?

**THE CHAIRMAN:** He is in order because you have already adopted rule 32 *(Applause)* Now what emerges is a proposition to amend the motion as previously proposed that, we delete the word 'elect' and insert the word 'adopt'; that motion there is a proposal to amend it. What does the mover say?

**MR. NYAI DICK:** Mr. Chairman, I would remiss, if I miss to take benefit of the wisdom of hon. Bidandi Ssali. I have changed the amendment.

**THE CHAIRMAN:** Now, hon. Bidandi Ssali had suggested words - that the words '*be elected or adopted*', and I think if you were to be draftsmen, you would have added '*as the case may be*'. Now the mover, having been prompted says it should read: '*elect or adopted as the case may be.*'

**MRS. MATEMBE:** I thank you, Mr. Chairman. I would like to have clarification on the implication of the words 'adopted or elected' because if I got hon. Bidandi Ssali correctly, he was suggesting having the two in alternative while referring to adoption in case of business committee and then election in case of other committees. And yet, Mr. Chairman, the motion that we have been discussing here when you put the word election it means we bring more people here and re-elect, when you put the word adoption, it means it is the other one person to be adopted. I would like to know the proper implication in respect to the business committee we are trying to put in place in relation to using those words in alternative, because I see a danger.

**THE CHAIRMAN:** Well, as I said on Friday, unfortunately we do not have an Attorney General to guide us on matters of this nature, but I can hasten to say that if the proposed amendments were adopted, then it would mean that certain parts of the subsequent rules would have to be amended to accommodate a new situation. In other words for instance, in case of subrule 2, it would be that in case of the business committee, for the purposes of adoption instead of the word 'elect' you will have to amend that as well so that the words '*as the case may be*' then catch up with the rest. So, first of all we vote. If it fails, of course the situation remains as it is. If

it succeeds, then you will have to bring in amendments in subsequent subrules to be able to bring into place what you will have adopted.

**MR. KIRENGA:** Before we vote, I want to amend that suggested amendment by deleting the words 'or adopt' so that the word 'elect' remains. So I am moving an amendment.

**THE CHAIRMAN:** No, you see we have got the words *elect or adopt as the case may be*.

**MR. KIRENGA:** I want to delete the words *or adopt as the case may be* from the amendment.

**THE CHAIRMAN:** Has that been seconded?

**DELEGATES:** No

**THE CHAIRMAN:** Okay, now we have to vote on that one. You see there are two motions; there is one motion that we add between the words *elected as Members* appearing on line three, we insert the words *'or adopted as the case may be'* so that it reads *'elected or adopted as the case may be'*; that motion is the one we are going to vote on. But before we vote on it, another Member has moved an amendment to that amendment

**MR. MULENGA:** Mr. Chairman, it seems to me that the attempted amendment to the amendment is in effect to saying let us not amend. And I think there is something wrong with that because he can vote against the motion and it will remain a restate. So let us not use these procedures to delay matters. That amendment I suggest should be rejected.

**CAPT. BABU:** Point of clarification. Mr. Chairman, I was wondering if somebody could help and clarify to me. If we first debate the business committee's electoral system; and we agree that this House is going to elect or we agree this House is going to adopt, will that not be automatic that this particular amendment we are doing will fall either to elect or adopt. I thought the real subject would be to decide how the business committee is going to be elected, and this one will be automatic.

**THE CHAIRMAN:** No, I think let us proceed as we are proceeding. My ruling is this, that on the basis of the attempted amendment to the motion, that that amendment in the first negates the entire motion. You can not move a motion which totally negates the

spirit of another motion. So we disregard that one and the Member can exercise his right by voting against. We go to vote and then...

**MR. KASAJJA P:** Mr. Chairman, now we are going to vote on this point of either to elect or adopt; but we have not been clarified as to which one we are going to adopt. Are we to adopt the the method of adopting of these Members of-(*Interruption*)-, the names, Mr. Chairman; the names which we are going to get from the district. I want to be clarified if they are the ones we are going to adopt.

**THE CHAIRMAN:** Now we are going to vote on this motion then come to subrule two, and then, three. In those, you find the word 'elected' and then those who would like to tie it up will have to move amendments. So that as indicated earlier in relation to business committee, maybe, someone may want to amend to use the word 'adopt'.

**A HON. DELEGATE:** Point of clarification. Thank you, Mr. Chairman. I would like to clarify to hon. Babu's request that if we were to vote that the word adoption be substituted or added to the word elected; it would mean that all the committees - all the standing committees - for all the standing committees, we would have to use adopt because, Mr. Chairman, rule 33 sub-Section (1), suggests that the chairman shall declare the Assembly a period of one day during which nominations of names of delegates to be elected as members of a committee. So, this in effect, would mean that all the standing committees would have to be dealt with in accordance to that amendment; in which case, Mr. Chairman, I would suggest that we leave the word elected instead of adopted or adoption. To leave the - all the powers to the Assembly instead of delegating them to some person or some district to elect for us somebody who may not even be useful for the purpose for which they were elected. Thank you, Mr. Chairman.

**THE CHAIRMAN:** Now, you see, hon. Members, you use points of information, points of clarification to make arguments. We should be strictly, either informing or seeking clarification.

**MR. KITAKA GAWERA:** Mr. Chairman, now that the matter has been duly discussed, I move that the question be put.

**THE CHAIRMAN:** We cannot debate that motion. Once the motion that the question be

put has been moved, I put it to the vote. Let us vote on that one.

*(Question put and agreed to.)*

**THE CHAIRMAN:** Now I will put the question that the words '*adopted as the case may be*' be added immediately after the word 'elected' appearing in rule 33 subrule (1) on the third line from the top.

*(Question put and negatived.)*

**THE CHAIRMAN:** Now we have disposed of one. We are on subrule two, I think you had some proposal earlier on.

**MR. NABUDERE DANI WADADA:** Mr. Chairman, I beg to move an amendment to the proposed amendment to read as follows for the purposes of election of these representatives, '*the delegates from each district shall nominate one delegate to be elected by the Assembly*'. Mr. Chairman, I would like to speak on my motion. The Assembly had already adopted this recommendation and I am just reminding the Assembly that we have already in fact made a decision. We have had so much talk by some Delegates that if we adopted this procedure, this Assembly would be just rubber stamping the decisions of the district. But this is not the case, because if the Assembly itself decides that our election proceed by that procedure, it is a procedure of election; and therefore, if we get one nomination from a district and put to the Assembly and the Assembly elects those representatives to be Members of the committee that is the proper mode of election by the Assembly, therefore, I beg to move.

**THE CHAIRMAN:** Let me propose the question and then we debate it. The motion is that Paragraph (a) of subrule 2 of rule 33 be amended by deleting the words "*At least two delegates*" and substituting in their place the words "*one person to be elected by the Assembly*". We delete the words after the word 'nominate' and substitute '*one person to be elected by the Assembly*'. Hon. Elly Karuhanga on behalf of the committee what do you say before I give the Floor?

**MR. KARUHANGA:** Mr. Chairman, our committee would like very much to oppose this amendment on two grounds: One, technical ground; Two, principle. Starting with a technical ground. If there

are three people representing a district, and they go and sit in their little cocoon and they cannot produce a name; it means that that district will not be represented on the business committee because they have to come up with a name. They could even be five and still fail to come up with name. They could delay the proceedings of this House. So, therefore, technically it will be a mistake to say one person. Secondly, we have already - on technical grounds, we have already said in 33 (1) that there will be an election. An election implies choice; you cannot elect one person from one. So, technically for those two technical reasons, it is difficult this amendment is grossly technically out. Now, on principle...

**MR. AMANYA MUSHEGA:** Point of clarification. I would like to be helped on this matter, and while doing so, I would like to refer to rule 39 where the Clerk to the Assembly is supposed to record our decision. I have said 39 - I presume we passed it and it should be operational so that we have record to stay here. My worry here - where I want to be helped, Mr. Chairman - it seems that we took a decision to go to the districts. Having decided to go to the districts we are again deciding not to go there. Really, you decide to take a road that is thorny. Along it, you find that you have no shoes and you have a problem of moving ahead. Then you do not want to turn back either. So, you are neither moving forward nor are you coming back. I am referring to rule 40 sub-Section (6) where the Clerk is supposed to tell us what we decided. The biggest problem really up to now we do not know - on Friday, what did we decide? When we decided to go to the districts, did we say that the districts will elect a person to come on the committee or they will send us names - so that is why I want to be helped, Mr Chairman, we decided to go the districts.

**THE CHAIRMAN:** Are you seeking clarification, or are you debating?

**MR. AMANYA MUSHEGA:** No, to be helped. A clarification. You go to a district suppose one district has failed to get a name, what guarantees that it will bring two - is that a possibility. but supposing that district has agreed unanimously, there is the other alternative: that for us since the matter was referred to us we think this is the best person to represent our district. Really, I want to be helped there, where one district has said this is the best person. I think every delegate here is competent. Because we all passed the test. *(Applause)*

**THE CHAIRMAN:** You are now debating, I think I take away the Floor from you.

**MR. AMANYA MUSHEGA:** So then what guarantees that when we say they will bring two, that a district which failed to bring one will not fail to bring two, we must have - we must clear those huddles because once we took a decision to go to the districts the Bible says: "you harvest what you sow" we are now harvesting the consequences of going to the districts, yet we do not harvest the bitter pill of going there. I want to be helped, Mr. Chairman. Supposing one district has decided that we want a person and it has no second one, and on the other side there is a district which has failed to raise two, how shall we resolve the matter. Thank you, Sir.

**THE CHAIRMAN:** That was not a point of clarification, I was only patient. What you are saying is in terms of the motion. So, we should not even waste time.

**MR. OGOLA AKISOFERI M. (Kisoko South Tororo District):** Thank you, Mr. Chairman. Mr. Chairman, I do agree with the hon. Amanya Mushega's statement for this reason; I would like to suggest, Sir, that when we were electing the present committee now, which is the business committee, the chairman you consulted with delegates and you proposed names to the house; and those names were endorsed -

**THE CHAIRMAN:** You did not say who you are.

**MR. OGOLA A.M.:** Sorry Sir, My name is Ogola Akisoferi Michael - Kisoko South Tororo District. I therefore, think that in order not drag on this thing for so long and get contending positions, I wish to propose this amendment. That for the purposes of election of district representatives, the Chairman, meaning yourself, Sir, after due consultation with delegates from each districts shall propose the names to the House for election. That way we will grant the chairman the dignity of consulting with the house we shall remove the unnecessary - and I would imagine rather indirect judgements that this house is likely to pass on individual delegates here by allowing the House itself to go and elect individuals. Thank you, Sir.

**PROF. SSENTEZA KAJUBI:** Thank you, Mr. Chairman, I suppose that this district amend-

ment has not been seconded so - *(Interruption)*-

**THE CHAIRMAN:** We are still on the original amendment.

**PROF. SSENTEZA KAJUBI:** On the original. Mr. Chairman, the assumption under the House seems to be that if there is one name, no election can take place; and I should like to inform the house that a person can be elected unopposed. And we have three areas in this house where elections have taken place, and there has been only one candidate. *(Applause)* But in order to give the House the opportunity and those districts which may want to send more than one - let me take, I would like to propose the following amendments: that for the purpose of election of or adoption of district representatives the delegates from each district shall nominate not more than two delegates. That is the same thing which is also in the Statute with regard to the President nominating for us for the candidates for the chairman and Deputy Chairman. If this is put in, a district which is to send in more than one - then an election shall take place. A district which wishes to send only one candidate - still this house will elect that candidate unopposed. I beg to move, Mr. Chairman.

**THE CHAIRMAN:** Let me hear the mover first. Because there is a proposition on the Floor.

**PROFNABUDERE:** Mr. Chairman, I accept that.

**THE CHAIRMAN:** Could hon. Ssentenza read out his modification of the original motion.

**PROF. SSENTEZA KAJUBI:** Mr. Chairman, that the amendment be as follows for the purpose of election of the district representatives. *The delegate/s from each district shall nominate not more than two delegates*, the rest stand as read, please.

**MR. MULONDO KIWANUKA:** Thank you very much, Mr. Chairman. Mr. Chairman, I would like to propose that the question be put. Yes, thank you.

**THE CHAIRMAN:** You all know what the motion is all about. The motion is saying, delete the words "at least two delegates" and insert the words: "not more than two delegates"

*(Question put and agreed to).*

**THE CHAIRMAN:** Paragraph two (a) of rule 33

be amended by deleting the words "at least two delegates" and inserting in there instead the words "not more than two delegates"

*(Question put and agreed to.)*

**THE CHAIRMAN:** I think I will have to consult the Chairman of the committee first if you could just hold on.

**MR. MULENGA:** Two (b), Mr. Chairman, should also be I think consequentially amended by the same expression deleting in line five: the expression *not less than twice* and substitute with *not more than twice* the number.

**THE CHAIRMAN:** I do not think so because that part relates to non-district delegates. It is being proposed, I think that requires to be a substantive amendment not consequential. It was not consequential up on the amendment of the other one but this one has to change.

**MR. MULENGA:** Move it as a substantive amendment.

**THE CHAIRMAN:** In other words the women could bring in a list of 10 only or 20. I am just trying to get clarified so that when members hear the amendment they are actually taking into account that fact. Okay, could you move an amendment then.

**MR. MULENGA:** Mr. Chairman, I wish to move that rule 33 subrule (2) paragraph (b) be amended in line five by substituting the expression not more than twice for the expression not less than twice.

**THE CHAIRMAN:** In other words you are suggesting the deletion of the word 'less' and replacement of it with 'more'.

**MR. MULENGA:** That is right, Mr. Chairman. And the reason, Mr. Chairman, is that even the interest groups or the special groups like, as you have pointed out the women, they should be able to have the liberty to name only the number that they are allocated, that is ten (10) without compulsion that they produce 20, and I think the argument that goes for the districts is true also of the groups.

**MR. MWESIGWA RUKUTANA:** Point of Information. I support the motion, but I wish to point out a grammatical correction: when you say, not

more than twice you mean that if it is (10) it should not be more than, so in that case, it should be not more than half the number of the delegates it is entitled to elect. Thank you very much

**THE CHAIRMAN:** No, I do not think that is correct.

**MR. KWERONDA RUHEMBA:** Mr. Chairman, I support the bill. In one, you surrendered the - your powers or rather that of the Assembly surrendering its powers to the districts to nominate either one or two, and I am, of the belief that most of these districts are going to come up with one name. Similarly, in two, in support of hon. Mulenga's amendment, we should give free way to these women either to bring in one name or two names. Or rather (10) instead of (20). And, therefore, the amendment as put forward by hon. Mulenga -

**MRS. LOICE BWAMBALE-BIIRA (Women Kasese):** Thank you, Mr. Chairman. I would like to support the amendment submitted by Hon. Mulenga. This amendment, Mr. Chairman, as it is put in Section (b) of Subrule (2), I would like it to reflect in the drafting a situation where the women can also have an opportunity to elect from all the women that are in the Assembly regardless of whether they came from the 39 or they encompass all other women that are in the House. Because we want to be as broad as possible. Where a woman has competed at the electoral level I would like such a woman also to have an opportunity to compete among other women here if an opportunity arises. I beg to support.

**MR. KINTU MUSOKE (Kalungu East):** Thank you, Mr. Chairman. I strongly support the amendment as moved by Hon. Mulenga. I propose that the question be put.

*(Question put and agreed to.)*

**A HON DELEGATE:** Thank you, Mr. Chairman. I would like to have a clarification on why the Committee decided on 20. What criteria did they follow, must we have 20, can we not have less? Mr. Chairman, since we are going to get only two, not more than two delegates from a district why put this number so high. I propose, Mr. Chairman, that 10 people are enough to support or even two, to support this member, Mr. Chairman.

**THE CHAIRMAN:** Is the amendment seconded?

**DELEGATES:** Yes.

**THE CHAIRMAN:** It is seconded.

**MR. SSENTEZA KAJUBI (Kyadondo North):** Point of order. Mr. Chairman, in view of the decision we have made in 2 (a) and (b), is it in order to discuss (3)?

**THE CHAIRMAN:** Well, the Members are free to discuss any of the rules.

**A HONDELEGATE:** Mr. Chairman, I am asking for clarification because in respect of election of members of the Business Committee, I find Rule 3 irrelevant. The members to be elected are going to be nominated at district level or special groups and you are saying that during the nominations they should be seconded by at least twenty delegates. Now, if you have already nominated not more than two, that is to say one, where is this delegate going to get the twenty supporters for that nomination since the nomination is done at district level? Secondly, this rule might work when you are electing members of other standing Committees which are not affected by the districts or the interest groups. I seek your clarification on that, Mr. Chairman.

**THE CHAIRMAN:** Let the Chairman of the Committee comment on that.

**MR KARUHANGA:** Mr. Chairman, with the permission of our chairman here, in regard to the election of the Business Committee, Subrule No.4 is the relevant section. So when it comes to the Business Committee what would be required is that the majority of the members from that college or from that district will sign to indicate that they are supporting that one or two nominations. So, (3) does not apply to the Business Committee but (4) is the relevant subrule.

**THE CHAIRMAN:** Yes, then it has to be made clear.

**MR KARUHANGA:** Secondly, Mr. Chairman, while I am on the Floor, the delegate was asking this question of 20, why not less as he was saying. The other Standing Committees we were proposing, they should have people and these are going to be elected in the Assembly, 9 People out of 284, we thought really for you to be nominated so that we do not get too many nominations we should have a substantial

number of people supporting you, something like 20 for example instead of two or three. That was the reason for the 20, Mr. Chairman.

**THE CHAIRMAN:** No, what I think you have to do is to clarify 3. Nominations other than in respect of the Business Committee.

**MR. BEN WACHIA (Oyam County North):** Mr. Chairman, I think 3 is clear. 3 (b) specifically with Subrule (1) of 33 and if you look at Subrule (2) it states clearly "*In the case of the Business Committee*". So I do not think there is any confusion.

**THE CHAIRMAN:** But I think the main question is the people supporting the nominations. It does not seem to discriminate between the Business Committee and other committees and we are saying it does no harm if 3 was written clearly to indicate that it does not apply to the Business Committee. Can I hear from the members of the committee?

**MR. KAVUMA :** Mr. Chairman we can subject the provisions of Rule 3 to those of Rule 4 and say '*subject to Subrule 4 of this Rule, nominations under...*' and we continue.

*(Question put and agreed to.)*

**MR. OWOR (Aswa County):** Mr. Chairman, I would like to propose an amendment to the effect that when the Chairman announces the name of the delegate nominated in accordance with Subrule (3) and then make a written list of the names of the delegates duly nominated, there should be an indication of a brief account of the C.V. of these delegates. This is not to run through the qualifications of any person but I think it is important if the delegates have to put the right resources in the right committee. That is my view of this.

**THE CHAIRMAN:** Could you frame the amendment, if it is supported then we proceed?

**MR. OWOR:** Okay, I would like, therefore, to propose that subrule reads as follows: '*As soon as it is practicable after the closure of the nomination period provided in Subrule (1) of this Rule, in accordance with Subrule 3 or 4...*' okay, whatever as amended now '*...of this rule and shall cause to be circulated to the delegates, a written list of the names and a brief account of the curriculum vitae of the delegates duly nominated*'

**THE CHAIRMAN:** Sorry, it is not seconded.

**MR. KISAMBA-MUGERWA (Bamunanika County):** Mr. Chairman, before we dismiss it perhaps the Mover could buy my proposal that instead of the C.V. since this Business Committee has nothing to do with the C.V., one would put down strong reasons why he thinks he can serve on such a committee.

**THE CHAIRMAN:** Any way the Motion was not seconded.

**A HON DELEGATE:** Mr. Chairman, not on 6 - but I am sorry to take you back a little. I am disturbed a little bit before we proceed. On 4, we have passed it, but when the process of electing or nominating the two members or the one member it is not clear who will preside over these district committees which we have.

**THE CHAIRMAN:** I do not think the House wants to concern itself with how you come - if it means that - and the nature of arm twisting that may take place behind closed doors. I think we shall leave it to the various districts to work out their own procedures.

**A HON DELEGATE:** I had thought that guidance is needed so that we are uniform throughout.

**THE CHAIRMAN:** No, that is alright.

**MR. MUSUMBA (Buzaaya County):** Mr. Chairman, I seek clarification. If people are going to be elected here in this Assembly, what is the criteria that is going to be followed because the people whose names have never been heard of and there are those which are household names by virtue of the fact that they have been in the arena for some time. Now, what is going to be done in this House to ensure that those who do not have or who have not been in the arena are also heard, are also considered. No C.V., no strong reasons why one should believe that he is capable, nothing. I seek clarification, Mr. Chairman.

**THE CHAIRMAN:** You should have supported the other Motion when it was moved but you didn't.

**MR. SSENTEZA KAJUBI (Kyadondo North):** Any ballot paper with more than 9 boxes marked, I think there should be a consequential amendment there to indicate that women shall have 10. So if you are electing 10 women, each person should have 10 votes.

**THE CHAIRMAN:** I think here, let me hear from the Committee.

**MR. KAVUMA (Chairman of the Committee):** Sir, the 9 relates to standing Committees other than the Business Committee. The 10 women delegates are going to be elected in connection with the Business Committee and they will come from their electoral College and that position is also covered in Rule 17.

**THE CHAIRMAN:** I think, chairman, you should have acknowledged in 10 the presence of subrule 17. If you look at subrule 17 it sort of seems to cover what Hon. Ssentenza Kajubi is proposing.

**MR. KAVUMA:** Okay, Sir, for purposes of clarity you can subject the provisions of this to 17. We have no objection to that position, Sir.

**THE CHAIRMAN:** In other words to help the readers without having to read what hon. Ssentenza Kajubi has had to raise, we amend 10 by saying "subject to subrule 17 of this rule".

*(Question put and agreed to).*

**A HON DELEGATE:** Mr. Chairman, I was simply pointing out that as we amended 10, we should consequentially amend 13, 14 and 16 to subject them to 17.

**THE CHAIRMAN:** Does the chairman of the committee have something to say to that?

**MR. KAVUMA (Chairman of the committee):** Mr. Chairman, we thought the way it had been provided for in 17 had taken care of all this but in view of the fact that members may want to be clear whenever they read a Rule to know whether it is subject to some other rule following, three or four or five rules after it, we can ask the draft people to follow what we adopted in Rule 10.

**THE CHAIRMAN:** Shall I put it to the vote?

**DELEGATES:** Yes.

*(Question put and agreed to).*

**THE CHAIRMAN:** Now, I put the question on 33 as amended.

**DR. KANYEHIAMBA:** Thank you, Mr. Chairman. I beg your indulgence, Sir, that before you put the question on the whole Rule. Hon. Delegates should be aware that really I think that the intentions which were intended in Clause 2 are not what were conveyed. My own feeling is that many Members voted for the amendment thinking that every district would submit two names for election by this Constituent Assembly but the amendment we have moved allows districts to nominate just one because we have worded it in such a way, we say that a district may not nominate more than two candidates. That means that they are allowed to nominate one. We should have said "a district may nominate not more than and not less than two candidates". That would have made it clear. In other words I am saying, as we have allowed that amendment, a district is entitled to nominate one whereby we have accepted Prof. Nabudere's amendment indirectly which we had rejected directly.

**MR. BEN WACHA:** Point of order. Is it in order, Mr. Chairman, for an hon. Member to re-open a debate which has been effectively closed?

**THE CHAIRMAN:** It is not in order and, in any case, to say not more than two does not mean you are limited to one. It means two or less but because we are human beings we cannot have one and a half. Okay, let me put the question on 33 as amended.

*(Question put and agreed to).*

**THE CHAIRMAN:** We are now on page 6 on the Procedure for Select Committees.

Rule 37 - Select committees.

**DR. MUSANA (Buikwe County North):** I have got a problem with Subrule 2 with respect to the way we are going to select Members to the Business Committee of having at least one Member in the Select Committee from the districts. I still have a fear of Members from small districts having to move from one Select Committee to the other while those members who come from big districts will have to be restricted to being ex-officials because they cannot fit on the Select Committees at any one given time. So I wish to move a Motion that this subrule be amended to say that "A Select Committee shall be composed and the Members shall be elected in the manner which will fit, not provided for by Rule 32 but which will fit all the available resources in the

Constituent Assembly so that we have got the leeway to select these people on the Select Committees who will efficiently serve on those Committees.

**MR. KAVUMA:** But, Sir, these rules are applicable subject to necessary modifications. There is a provision to that effect. So, where that situation arises then that provision could be invoked for a small district.

**MR. PULKOL (Matheniko County):** Mr. Chairman, I just want us to be clear what we are deciding in (2). In 2 we are saying that the composition of the Select Committee shall be (a) the Chairman of the Assembly; (b) the deputy Chairman of the Assembly and then the districts. Now, if that is what we are deciding - In 37(2) A Select Committee shall be composed in the same way as the Business Committee and if you look at the composition of the Business Committee it is composed of (a) the Chairman and the Deputy Chairman of the Assembly and then the 39 district representatives and then the 17 representatives of the interest groups. Mr. Chairman and Members, the matter I want us to address ourselves to is this that what will happen if we have more than two Select Committees working at the same time. What will happen, our Chairman will he be able to chair? *(Interruption)*

**THE CHAIRMAN:** I do not think that it is intended that the Chairman should chair Select Committees, God forbid.

**MR. PULKOL:** I am just pointing out this so that we know - what are we saying in this?

**MR. KAVUMA:** Sir, like as you pointed out, it was not intended that the Chairman and the deputy Chairman shall also be the chairman and chair person of these sub committees.

**THE CHAIRMAN:** How do you write to make it clear?

**MR. KAVUMA:** I think we can revisit the drafting of this to exclude the chairman and the deputy chairman.

**A HON DELEGATE:** Clarification. Mr. Chairman, I think this point was clarified earlier on when we said that for the Purposes of this Select and Business Committee "the Chairman and the Vice Chairperson" who will have been appointed sepa-

rately on each occasion - (*Interruption*) - well, the word is that we change the word "chairman" to "chairperson and Vice Chairperson" for the Committees. This is what we had agreed upon.

**THE CHAIRMAN:** Yes, I agree but the point being made here is this that the way Subrule 2 is written, it says "A Select Committee shall be composed in the manner provided by Rule 32.". Now, Rule 32 says "There shall be a Business Committee consisting of the following including the Chairman and the Deputy Chairman" and the Member is asking that is it intended that the Chairman and Deputy Chairman could be on the Business Committee or if it is not so intended then there is a need to re-write Subrule 2 to exclude the Chairman and the Deputy Chairman. The Chairman of the Committee on Rules has said yes, he agrees there is a problem with Subrule 2 and it shall be re-written to make it clear that the Chairman and the Deputy Chairman are not members of the Select Committees. What I was going to do now, since this matter is simple, is to put the question and then they will just go and redraft to exclude the Chairman and the Vice Chairman.

**MAJ. GEN. TINYEFUNZA:** Thank you, Mr. Chairman. Mr. Chairman, I find myself uncomfortable with Subrule 2 of 37 in that we are trying to subject those Select Committees to the same rigours in their setting up as we did to the Business Committee. Mr. Chairman, the Business Committee is a far wider committee dealing with quite a lot of issues under your chairmanship. It draws up the programme for the Assembly so its decisions could be far reaching. Well, I find the Select Committees as merely expert committees more or less ad hoc committees set up to deal with specific issues which may arise from time to time and, therefore, they do not require all these rigorous checks and balances of district, of having a chairman or a vice chairman of the C.A.; or of having to get all these people seconding. So, Mr. Chairman, I think ...

**PROF. NABUDERE:** Information. I would like to draw the attention of the Hon. Delegate that according to the motion moved by Hon. Delegate who is addressing you, the issue of setting up Select Committees would arise, only, in cases where we have a contentious issue. I think those are the words he used. So if we have a situation which cannot be resolved through debate in the Assembly and it is contentious then we set up a committee otherwise we

resolve all the issues in the Assembly. I would submit that where a situation arises, where there is contentious issues then I think it is important that we make it possible for as a wide representation as possible in that Select Committee and the district element and this gender element I think it is still necessary to take into account.

**MAJ. GEN. TINYEFUNZA:** Mr. Chairman, having listened to that Point of information I think it misses the point because if you look at Section 37 subrule (1) it says, which is actually already passed, it says, the Assembly may appoint Select Committees as and when the Assembly considers it necessary" not when they are contentious issues. That is one. Secondly, Mr. Chairman, if you recall what happened on Friday one hon. Delegate found out what was tying us in the apparent statute of Section 16 which actually brought up confusion as to whether Section 16 could still apply vis a viz Rule 55 and we had to refer this matter to the Rules Committee which did this work. I want to submit, Mr. Chairman, that this was not a contentious issue and such issues may rise from time to time. Therefore we do not need, I still insist, these checks and balances of districts and all this.

I think, Mr. Chairman, what we need is the House to be satisfied that this issue need to be considered out of this House either because it will take a long time or we need more consultations and more briefings and the House in its own intelligence selects or appoints those Members here. And, therefore, Mr. Chairman, I suggest that we go back to Subrule 5 of the deleted original Section 37. I want to say Subrule 5 because Members could find it easier to refer to since they have the rules, where it is required that each subject matter committee, this time I would say "each Select Committee shall consist of such a delegate as the Assembly may appoint on the recommendation of the Business Committee. Now, having set up Business Committees which represent the gender question, which represent the district question, which represent the special interest groups, I find it absolutely adequate under the Chairman of the Assembly to set up and appoint these Members who can deal with specific issues without, Mr. Chairman having to re-introduce ballot paper boxes, emptying boxes here to select about twenty or thirty Select Committees which we may end up having from time to time. Thanks Mr. Chairman.

**THE CHAIRMAN:** It has been seconded. Now, you can speak on the Motion. The Motion, if you look at the old draft it has got there a paragraph or subrule 5 of the old 37 and it says "each subject matter" for the word "subject matter" insert "each Select Committee shall consist of such delegates as the Assembly may appoint on the recommendation of the Business Committee". The Motion is that, that should replace subrule 2 appearing in 37 - the new 37.

**PROF. KABWEGYERE (Igara-West, Bushenyi):** Mr. Chairman, in addition to what Hon. Tinyefunza has already said, I think in terms of time surely we will reduce a lot on time required if we avoided the whole question again of consulting the districts, attending a nomination and so on and so forth for each Select Committee that we have to work with. Mr. Chairman, I see, for example, the ad hoc committee that has done this job as one of those - Select Committees that we may have in future. Very neat, small, on the job and recommend to the House for debate and for a decision. I support the Motion.

**MR. NDEGE (Luuka county):** Mr. Chairman, thank you very much. I find this amendment or this suggestion or whatever - simple and to the point and it covers everything including gender issues. So I think we make it simple and we proceed, Mr. Chairman. Thank you.

**MR. KAVUMA:** Mr. Chairman, on behalf of the Committee we concede, we have no problem with the proposed amendment by Hon. David Tinyefunza. And in that spirit, Sir, 3 will definitely have to disappear.

**MR. NDEGE:** Mr. Chairman Sir, I move that the question be put.

*(Question put and agreed to).*

**THE CHAIRMAN:** Now, the Motion is that Paragraph 2 of 37 be deleted and replaced with the wording I have just read.

*(Question put and agreed to).*

**MR. KAVUMA:** Thank you, Mr. Chairman. Sir, in view of what has been decided in subrule 2, we move that subrule 3 be deleted.

**A HON DELEGATE:** seconded.

*(Question put and agreed to).*

**MR. BATEGANYA (Bukooli Central):** Thank you, Mr. Chairman. I would like to propose that No-5 reads as follows: "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 whether he or she has contributed substantially to the proceedings of that committee."

**THE CHAIRMAN:** Is that seconded?

**DELEGATES:** No.

**A HON DELEGATE:** Clarification. The clarification I am seeking, Sir, is in respect of the amendment we have made whether it now provides for the election of the Select Committee chairman or chair person or whether there is need to provide a specific procedure for that.

**MR. KAVUMA:** Mr. Chairman, I think that one is provided under Rule 30 subrule 3. Yes, Mr. Chairman, Rule 30 subrule 2 and subrule 3 provides for the election of chair persons.

**THE CHAIRMAN:** Now we have changed to "chairperson". The Chairman of the Committee will chair the first meeting just like the Chief Justice chaired here,

**MR. KIRENGA (Mityana North):** Regarding Subrule 8 -

**THE CHAIRMAN:** Well we had finished.

**MR. KIRENGA:** Yes but there is a technical problem. It reads: "except the Assembly may determine a Select Committee shall stand dissolved after its report has been presented to and accepted by the Assembly". I am worried by the word "accepted". I think that means that it has to be accepted. Mr. Chairman, I would have preferred we use the words "dealt with or disposed of" because it can be rejected.

**MR. KAVUMA:** Mr. Chairman, when the word "accepted" is used here, we had no intention that there is no discretion to this House to reject a report. What we really want to convey is that once that

report has been considered or dealt with and adopted and the subject matter has been put to rest then that committee dissolves. If it has any drafting problem, Mr. Chairman, the draft people can see how best they can put that idea in the subrule.

**THE CHAIRMAN:** We shall substitute the word "received" and I put the question.

*(Question put and agreed to).*

**THE CHAIRMAN:** In other words "accepted" has been replaced by the words "received". Now, I put the question on 37 as amended.

*(Question put and agreed to).*

Rule 51

**THE CHAIRMAN:** It is proposed that Rule 51 be amended by adding subrule 4. Hon. Members, during the course of our work we deleted Subrule 3 of 51 and 4 became 3. So the proposition is to add a new Subrule 4 which reads as it appears on page 7 under (d).

**MR. MALINGA:** Mr. Chairman, I think for drafting purposes the new subrule should be 3 and the existing 3 which was originally 4 should remain 4 because of the subject matters dealt with in those two subrules.

**THE CHAIRMAN:** Could you repeat it for the benefit of the House?

**MR. MALINGA:** Yes. I am suggesting that the suggested amendment should be numbered 3 and the existing 3 should be re-numbered as 4 as it was originally.

**THE CHAIRMAN:** The Committee has no problem with that? Chairman, of the Committee could you comment on that?

**MR. KAVUMA:** Mr. Chairman, Sir, we are grateful for Hon. Malinga's observation. It is in fact what the committee proposed that the committee had in mind.

**MR. HASHAKA:** Rule 51, Mr. Chairman. Clarification. I do not see the reasons the hon. Delegate is giving because Rule 3 which was Rule 4 then talks

of the Motion under subrule 2 and what we are inserting as subrule 4 confirms that for the avoidance of doubt the Motion shall be adopted by the resolution according to that. Now, if you insert it before the 3, I do not see the relevancy really in connotation. Thank you, Mr. Chairman.

**MR. KARUHANGA:** Mr. Chairman, hon. Malinga's proposal is superior to that of Hon. Hashaka because 3 as it was proposed by the committee is talking and referring to the law that allows this enactment to take place. The 4 as proposed by Hon. Malinga then says "Now that, that has happened, let us adopt and conclude". This is the sequence, so the sequence of Malinga's is superior in our opinion.

*(Question put and agreed to).*

Rule 55

**THE CHAIRMAN:** The question is that Rule 55 be deleted.

*(Question put and agreed to).*

THE SECOND SCHEDULE

**A HON DELEGATE:** Thank you very much, Mr. Chairman. I thought we were going to have some comments on Rule 52 Certificate of Enactment and you skipped it and you went on to 55.

**THE CHAIRMAN:** It does not appear in the amendment proposed.

**A HON DELEGATE:** It is in the report, Mr. Chairman.

**THE CHAIRMAN:** Yes, but we cannot just talk generally. We agreed that we shall be taking these rules one by one.

**A HON DELEGATE:** Yes, but last time, Mr. Chairman, on Friday, I think Members said that we get a clear picture of how Rule 52 can best be handled, whether all the signatures of honourable delegates be appended or not.

**THE CHAIRMAN:** That issue was part of the legal opinion that came through the report. I do not think we should really debate that one because the law does not bind us at all. Let us discuss the Second Schedule.

**MR. KAVUMA:** Sir, we referred to the question of the signatures in our report and with that position, Sir, we have nothing to add to the report and this reference is on page 3 of the report in paragraph 5(1).

**THE CHAIRMAN:** The hon. Member over there had wanted to comment on the question of signatures. It is under the Second Schedule that the matter arises actually.

**MR. KAVUMA:** Mr. Chairman, Sir, the question of whether a delegate would want to affix his signature on the document once it has been finalised with in accordance with the provisions of the Statute and these Rules, is a matter of choice. If a Member decided not to sign it has no legal consequence to the validity of the Constitution. The Committee, Sir, felt that in spite of the fact that, that is the position, certain delegates may wish to have their signatures affixed on the Constitution and since that position has no legal consequences what-so-ever, we felt that this position could be retained so that those who want to sign can sign without being compelled and those who do not want to sign are free not to sign although it does not mean they are not bound or the electorate which sent them here is not bound by the Constitution. That is why we left it, Sir, it is permissive we have no quarrel with it. It will be available for Members who want to invoke it, those who do not want will leave it, they will not be committing any offence, it is up to them. We also considered that it could be in some cases unpracticable for all Members to be around and sign and we thought that it was safe to leave the provision as it stands including the Second Schedule, Mr. Chairman.

**MR. CHEBET MAIKUT (Kween County):** Mr. Chairman, thank you very much, Mr. Chairman, there is a saying 'that history is always the best teacher'. Just to reflect on, may be, on the Members of the Constitutional Commission, we are already beginning to hear some Members of the Constitutional Commission who are now denying certain provisions in the draft when they openly claim that they were not part of the decision making. - (*Interjection*). Yes, in certain aspects of the draft Constitution, we have already heard in public, I do not want to indulge myself in names so it is my submission, Mr. Chairman, that I make an amendment binding at least two-thirds of the Members - at least the minimum two-thirds to sign on this certificate of enactment so that in future nobody can run away from responsibility. Because what is going to happen is

that should there be any criticisms then some Members of our - hon. delegates may try to run away to say they were not part of the decision making in their deliberations here. Thank you very much, Mr. Chairman.

**THE CHAIRMAN:** I do not think you have benefitted from the explanation as made by the chairman of the committee. It would be a useless enactment, that is what he is saying because it cannot be enforced and, in any case, the legality of the document takes effect upon its enactment and the certification rather than signature by the Members. Acts of Parliament when they are passed are not signed by the entire membership of the House. An Act becomes law when the President signs it or it is notified in the Gazette. It does not require that every Member of Parliament signs it. If you will look at it from that angle then what you are suggesting is purely for sentimental reasons. People who want to say that posterity should see their signatures on the document but certification and enactment in accordance with the Statute and the Rules could be sufficient. May be I will hear again from the committee, I think you should clarify it.

**MR. KARUHANGA:** Mr. Chairman, we really have nothing more useful to add, save that to emphasise the point that the law, according to the Statute, is that we enact using Section 17 of the Statute. We pass a vote on it and we decide the Constitution is hereby enacted, full stop. That is the law, that is the Statute and the Statute then ends there but then in our view we say that but some of these Members may want to be remembered in posterity, they might want to say, look I would like my signature to appear on some history's sake we are founding fathers and mothers of this nation, why do we not append our signature. Some Members may say, no, no, for me I am such a humble man or woman, I do not want to be seen in posterity as having played a role and I do not want to be praised. I am doing this because I enjoy this. So you leave them. If you want do it, those who do not want to do it, will not do it, there is no force of law. It is just that some Members felt that some group of people might want to sign.

**THE CHAIRMAN:** I will allow only one or two speakers and put the question.

**MR. ERESU (Kaberamaido County):** Thank you, Mr. Chairman. I do not see the point of debate because if there is no law which can make us - oblige

us to sign and there is no way by which you will be held responsible or irresponsible, I do not see the reason why we are wasting time debating, we would rather put the question and we go to other matters which are more relevant.

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

**MR. ERESU:** No, I am just making an observation and I would like therefore, to move a Motion that Mr. Chairman put the question.

*(Question put and agreed to).*

**THE CHAIRMAN:** The question is that the Second Schedule be adopted and do stand part of the Rules.

*(Question put and agreed to).*

The Long Title: The Rules of Procedure of the Constituent Assembly of the Republic of Uganda.

**MR CHAIRMAN:** Before we go to the Long Title, I am reminded that we did not vote on Rule 52. We stood it over. Now the committee has recommended that we retain it as it is. So I put the question.

*(Question put and agreed to).*

**MR. BYAKIKA (Bunyole County):** I propose, Mr. Chairman, an amendment to add to the Third Schedule to the Rules of Procedure, I propose that the Third Schedule be added for the National Anthems. We have already resolved that we shall be singing the National Anthem at the beginning of the first sitting every week but, Mr. Chairman, the first verse has not been included as a Schedule here. I am therefore suggesting, Mr. Chairman, that we append as a Third Schedule the first verse of the National Anthem.

**MR. KAVUMA:** Mr. Chairman, Sir, we accept the proposal that the three verses of the National Anthem be included in a Schedule III to these Rules.

*(Question put and agreed to).*

THE RULES OF PROCEDURE OF THE CONSTITUENT ASSEMBLY OF THE REPUBLIC OF UGANDA.

*(Question put and agreed to).*

**THE CHAIRMAN:** Now we have gone through the entire document plus the amendments that are referred to the committee but do not forget there was a Motion on the Floor that was moved by the Chairman of the Committee that we do consider, approve and adopt the Rules of Procedure. *(Interruption).*

**DR. MIYINGO KEZIMBIRA (Bukoto County Mid-West):** Mr. Chairman, I wanted to seek a clarification. I wanted to know because you have said that after the Select Committee has done its job it stands to be dissolved and that we have a point where we may have a reconsideration and a topic or an article may be brought back. Supposing it is one of those that would have gone to a Select Committee, would it be recalled if need be?

**THE CHAIRMAN:** Under these Rules the Assembly appoints its Select Committees and if it has reported and dissolved but you have matters you think could be re-visited you can revive the life of the committee in accordance with limited mandate, there is no problem there.

**MR. KAVUMA:** Mr. Chairman, Sir, before I move the Motion, I will seek your indulgence and that of the Hon. Delegates to carry out slight corrections in the Motion which has already been circulated to the Hon. Delegates and these are in the paragraph which opens "Whereas" on the second line after the last word there which is "The", we insert the word "Constituent" so that it reads the "Constituent Assembly to be conducted...". *(Interjection)* Okay, we are on the Motion, this is a one page Motion which I believe Delegates have it. Now the paragraph which opens "Whereas sub section 1 of Section 16," the second line thereof, the last word appearing in the second line is the word 'the'. Now, immediately after that word 'the' we propose we insert the word "Constituent" so that it becomes "The Constituent Assembly". Then Mr. Chairman in the last paragraph of the Motion which starts that "the Rules of Procedure" in the last line thereof, immediately after the word "the" appearing before - just before the word "Assembly" which is the last word in that paragraph, we insert the word "Constituent" so that it becomes "The Constituent Assembly". Mr. Chairman, allow me also on behalf of the Committee to express the Committee's thanks and gratitude to all the Members of the House, hon. Delegates of this Assembly for having considered the report and the draft rules as presented by the

Committee in such an open and constructive manner which has enabled this Assembly to provide the rules of procedure that will govern our deliberations in our efforts to come up with a national Constitution for mother Uganda.

We have been particularly touched by the desire of the delegates to come to the assistance of the Committee, both openly and in private when they have approached us and several members of the Committee we could see the overriding factor was: we should come to consensus when we determine how our Constitution is going to be made; we all worked as one Ugandan with one purpose of having procedures that will enable us to have a Constitution and we hope within the time-frame we have, that is allowed by the law. Having said that, Mr. Chairman, the Motion we are moving is intended to ensure expedience on behalf - rather expedience in the House when we handle the substance of the Constitution. We have been considering the procedure and now it is time to get on with the main function of this Assembly and the Committee feels that we should not lose any time in starting on this considering that we have already taken over a month since the time span of the Assembly started to run. Mr. Chairman, efforts will be made, as soon as possible, to provide a copy to the Chairman embodying all the Amendments and alterations that have been made for easy reference by the House in case of need, so that by the time the printed versions of the rules come, we shall have moved and we shall be certain that we are moving within the rules of procedure that we agreed upon as this Assembly. We are assured that all steps necessary will be taken to ensure that, that kind of procedure will contravene either the rules or the Statute under which we are operating. We, therefore, Mr. Chairman, beg to move that this Motion is being moved under subsection 1, of section 16, of the Constituent Assembly Statute, 1993; and it goes: *'whereas subsection 1, of the section 16, of the Constituent Assembly Statute, 1993 provides that the proceedings of the Constituent Assembly be conducted in accordance with the rules of procedure of the National Resistance Council in force on the date of commencement of that Statute with such modifications as the Minister may by Statutory Instrument may with the prior approval of the Assembly signified by Resolution supported by the majority of the total number of delegates, and whereas the Assembly has considered the draft Constituent Assembly rules of procedure Instrument 1994, incorporating the proposed modifica-*

*tion to the rules of procedure of the National Resistance Council and effected Amendments in those modifications; now, therefore, this Constituent Assembly sitting on the 20th day of June 1994 resolves that the rules of procedure of the National Resistance Council with the modification in the draft Constituent Assembly rules of procedure, Instrument 1994 as amended by the Assembly, be approved as the rules of procedure of the Constituent Assembly'*. I beg to move, Sir.

**MR. ABU MAYANJA:** Mr. Chairman, I just want to move a technical Amendment that where you say *'as amended by the Assembly be approved and are hereby approved'*. We should add on the last line, after the word - the first words on the beginning of the last line, to say: *'Now, therefore, this Constituent Assembly sitting on the 20th of June, 1994 resolves that the rules of procedure'* Now, on the last line where it says: *'be approved as the rules of the Assembly.'* I beg to move that we add *'be approved and they are hereby approved as the rules of procedure of the Constituent Assembly.'*

**MR. KAVUMA:** We are very grateful to the learned Attorney General for his contribution and we accept the proposed Amendment

**THE CHAIRMAN:** He moved that Motion in his position as delegate for Busujju County.

**MR. KAVUMA:** Much obliged, Mr. Chairman.

**MR. KIRENGA:** Mr. Chairman, I am seeking clarification as to why we have omitted the word "Constituent Assembly" in one of the words in the last paragraph?

**MR. CHAIRMAN:** Mr. Chairman, it is something we could have, but some of these drafts-people once you have used the term already in the same paragraph you need not repeat it. You see, this Assembly really refers to the Constituent Assembly which is already mentioned in the same paragraph. But we can add it if you so wish.

**PROF. KANYEIHAMBA:** Thank you, Mr. Chairman. I propose an Amendment in the second paragraph of the Motion where it begins with "and whereas the assembly." in the last but one line; instead of saying that the National Resistance Council and effected Amendment - the word "effected" should be "it proposed". The reason for that, Sir,

is that as I understand it, these rules are to be handed over to the Minister of Constitutional Affairs who will enact them by way of Statutory Instrument and lay it before the National Resistance Council and, therefore, we ourselves cannot effect these but we can only propose them for effectual enactment by the NRC. So, I propose, Sir.

**MR. KAVUMA:** Mr. Chairman, we are grateful to delegate Dr. George Kanyeihamba; we have no problem with that "it effected" can be substituted by "proposed".

**MR. BIDANDI SSALI:** Mr. Chairman, I am just seeking clarification in light of what we experienced earlier on this morning, when we wanted a proper record of what had gone on Friday, and apparently nobody could with authority say this is what it was. So, I am just wondering that since we have had so many Amendments here and there, at what stage shall we have a chance to know that, actually, what is being claimed to be the actual Amendment by whoever is recording before the printing goes on?

**THE CHAIRMAN:** I am surprised that the experienced hon. Bidandi Ssali should raise that, because in Parliament when we pass Amendments we do not wait to come back before we enact the laws. However, the position is that there is a technical committee, and they are seated over there.

**MR. BIDANDI SSALI:** Mr. Chairman, that committee should not this morning tell us exactly what was decided on Friday?

**THE CHAIRMAN:** They were not asked.

**MR. KAVUMA:** Mr. Chairman, in addition to your guidance, that technical committee was specifically requested to deal with all the Amendments as and when we proceed. The other question involved a kind of policy question which is normally not the preserve of the technical committee of this nature. So, it was a problem within ourselves in the Assembly here; but all the Amendments we have been effecting or carrying out, have been duly taken care of by the technical committee, and your Committee also has a Secretary who has also been here taking the Amendments as proposed and passed.

**DR. MIYINGO-KEZIMBIRA:** Mr. Chairman, I am not a lawyer but I would like to seek clarification that where you have inserted - you know, after the

word Statute, I would imagine that the year would be between two commas to make sense. But then I do not know whether the Committee does not consider that valid.

**MR. KAVUMA:** Much obliged to the hon. delegate from Bukoto, Mr. Chairman, and we have duly carried out the

**AN HON. DELEGATE:** Mr. Chairman, I am here to second the Motion, and I move that the Motion be put to vote.

*(Question put and agreed to.)*

**THE CHAIRMAN:** The Motion now is that the Motion in terms of the documents circulated and moved by the Chairman of the Rules Committee be adopted as amended.

*(Question put and agreed to.)*

**THE CHAIRMAN:** We have now given ourselves a set of rules, the technical Committee is going to polish the draft, incorporate all the Amendments and they will be published under instrument as one document under the hand of the Minister for Constitutional Affairs as required by the provisions of the law. I am anxious that this is done as quickly as possible; I am not so sure that we should really wait the publication of these rules as the Minister has no power to change them - that is my understanding of the section. The Minister is only an instrument of notification; but as to the content of what we have decided, until we revisit them, will be rules of procedure that will guide our proceedings here. These rules provide for a number of things, but among them are two things; that we can conduct a general debate but also that we elect a business committee which would give us our programme of work. What is not clear in my mind at this juncture is whether we should proceed with the general debate while we consult on setting up of the committees or we consult to appoint the committees and then we start our work in accordance with the programme drawn by the business committee.

**CAPT. BABU:** Mr. Chairman, the second proposal sounds quite good; that is the one of getting our committees organised so that the business committee can draw up our programme. I think by the time we finish electing that committee even the Statutory Instrument will be ready. I think if we start with the

committees, Mr. Chairman, we will save time and then at the same time the Minister we will implore him to be kind enough to get the Statutory Instrument reproduced and brought and even gazetted if possible. Thank you very much, Mr. Chairman.

**MR. ATWOKI:** Mr. Chairman, I do not agree with hon. Babu because we have been here articulating that there is a short time during which we are supposed to handle this matter, and the rules of procedure have already been passed, there is no way it is going to be changed, I feel that the general debate should begin forthwith so that as the Minister works on the Statutory Instrument we will have, at least, made a head way in discussing the Draft Constitution. Thank you, Mr. Chairman.

**MR. KABWEGYERE:** Thank you, Mr. Chairman. I support the last speaker; I think we do not need the guidance of the business committee on having general debate. Because the content of general debate is in the heads of the speaker, it does not matter and we do not have to be told how to speak and so on. On the other hand, there is even an organisational problem; the district groups must consult, they must sit and consult and, therefore, they need time before they can have their nominees for us to look at. So, I think this afternoon, for those who are ready, could go ahead and start the general debate, and I think this would save time, Mr. Chairman. So, I feel that the committee can come later while the business of this House working with the rules as have been now passed, and we go ahead. Thank you, Sir.

**MR. RUZINDANA:** Mr. Chairman, I think we should proceed and elect the committees and after electing the committees - the business committee, while it is preparing our programme then we can start the general debate. I do think that this afternoon the district C.A. delegates can make the necessary consultations and thereafter we can elect the business committee immediately and once we have done that the business committee can start the business of preparing a programme which we shall follow throughout the business of this Constituent Assembly and then while they are preparing that programme we can start the general debate, rather than interrupt it with the election of the business committee and then start anew again when the business committee has prepared the programme. Thank you, Mr. Chairman.

**THE CHAIRMAN:** You see, my problem is in trying to save the time that we have; under the rules you have just passed, I am supposed to declare a day to be a nominations day, and then after we have received the nominations we should give ourselves, at least, 12 hours prior to election. But, of course, we can apply rule 43 and reduce on the time factor; what I was going to suggest is that we adjourn and leave this afternoon available to the delegates to consult in their various districts, and then I declare tomorrow to be a nominations day; that we assemble here tomorrow so that should it be necessary after that, we have some kind of programme so that we see how we can use 43 to reduce on the time, the 12 hours requirement, so that maybe we could have elections as soon as possible of the business committee and other committees and then we start the general debate. If this is okay, and I see no objection, I adjourn the House to 10.00 O'clock tomorrow morning. We stand adjourned to 10.00 O'clock tomorrow morning. Thank you.

*(The Assembly rose and adjourned until  
Tuesday 21st June, 1994 at 10.00 a.m.)*