



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

WEDNESDAY, 24TH AUGUST 1994

MOTION:-

Communication From the Chair	[Pg 1652]
Statements and Personal Explanations	[Pg 1652]
Consideration of Business Committee Report	[Pg 1653]

Price: Shs. 1,500

Wednesday 24th August, 1994

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

NATIONAL ANTHEM

PRAYERS

(The Deputy Chairman, Prof Victoria Mwaka, in the Chair)

The Assembly was called to order

COMMUNICATION FROM THE CHAIR

THE DEPUTY CHAIRMAN: Hon. delegates I warmly welcome you from your constituencies. I will need to apologize for having postponed our resumption of business because there were some problems as you have been made aware, and we hope that those problems at least have been solved or be solved in due course. Thirdly, I want to pass on the greetings from the Chairman, who cannot be with us today because he is not feeling well, but we hope that by tomorrow, he will be able to be with us. Thank you.

STATEMENTS AND PERSONAL EXPLANATIONS

MISS. KABIRISI LUBERENGA (Women Representative - Bushenyi): Madam Chairperson, thank you. In accordance with article 12 of our rules of procedure, I wish to make a statement of personal explanation on an article that appeared on page 11 of the *Monitor* Newspaper of August 5th to 9th, 1994. In the said article the reporter Peter G. Mwesige, wrote and I quote "Bakojja's team mate is Hope Kabirisi Luberenga. There are times she dons those long rather revealing slits that the folks in Kampala taxi park will surely quarrel about. And she has this habit of moving in and out ten times in any sitting, and occasionally returning with rather cheap polythene bags". Mwesige went on to quote a letter I had written to the editor of the *Monitor* requesting him never to use my picture in any article concerned with C.A women's attire after pointing out to him that I firmly believe that the people of Uganda are not interested in what I put on but rather in what I have to say as my contribution to the Constitution making process.

He then went on to cynically ask "Does any one remember what Miss Luberenga said in the CA?"

Madam Chairperson, hon delegates, I am deeply saddened and indeed terribly upset by these malicious and certainly untrue utterances.

Madam Chairperson I would have ignored this whole article for the trash that it is, but many people have expressed disgust, concern and outrage at the content of the said article which seems to be aimed at damaging my reputation as a person as well as bringing into disrepute my ability to represent the people of Bushenyi district in this august Assembly. That is why I deemed it necessary to make this statement, and I wish to set as follows: One; why I have no apologies to make about the way I dress, since I believe that dressing smartly in the CA or anywhere else is not a crime, and since I believe I dress very decently indeed, I wish to state that I do not own and I have certainly never worn to the CA anything with a long rather revealing slit. Madam Chairperson, I would further wish to point out that according to rule 24 (a), of our rules of procedure, all delegates are supposed to dress in a dignified manner. So if I was in the habit of donning those long rather revealing slits as Mwesige purports, which would be very undignified indeed, I am sure our alert and very able chairman, his Deputy, or my fellow hon. delegates who never hesitate to take anybody to task who dares contravene any of our rules would have taken me to task by now. Two; while I occasionally do go out of the CA like all other delegates do, there are good reasons for this, which reasons Mwesigye and any other interested person could ascertain if they so wished. I, however, wish to put it on record that this is not a daily occurrence and I have never, and I certainly do not plan to ever walk in and out of the CA ten times in a sitting. I came to the CA to do serious work which I have done my best to do so far, and which I intend to continue to do. Thirdly, I have definitely never on any occasion walked into the CA carrying a polythene bag, cheap or other-wise. As for anybody remembering what Miss Luberenga has ever said in the CA, all I can say is that, either Mwesige does not attend CA deliberations on behalf of his Paper, and that neither does he read other news papers or listen to the national radio, or if he does, he must have a short memory span, otherwise he would remember, like many other Ugandans do, what I have said in the CA since I have contributed my fair share during the proceedings of this Assembly so far; and I would invite Mwesigye and any one else who may so wish to consult official records of the CA proceedings which are public documents.

Finally, Madam Chairperson, hon. delegates, I would like to say that much as I believe in freedom of speech in general, and freedom of the press in particular, some media people, Mwesigye inclusive, are abusing this freedom. Instead of offering constructive criticisms and comments, some are engaging in writing offensive and openly malicious articles like the one referred to here. While others either misreport or intentionally misquote speakers or quote them out of context, all of which is causing misunderstanding and confusion and generally shaking the public's confidence in the CA. I would, therefore, like to end by thanking those journalists who are reporting objectively while appealing to those who are not to, please, join hands with us and other Ugandans and start making useful and constructive contributions which will help us to come out of the Assembly with a durable constitution for our country. Please, remember, Uganda belongs to all of us and we should all therefore, endeavour to ensure the success of the constitution making process. Thank you, Madam Chairperson, hon. delegates, for God and my country. *(Applause)*

PRESENTATION OF REPORTS OF COMMITTEES

THE DEPUTY CHAIRMAN: Hon. delegates, we are presenting the report of the Business committee of the Constituent Assembly on a work plan of the Assembly during the consideration stage. I think all of us have the paper circulated. I presume all delegates have a copy, and it is all well summarised in this paper. But if I can go through the report quickly, assuming that, most of us may not have had a chance to read it. I will go on very briefly as you also go on reading it. The first major area decided by the Business committee is that we covered two aspects. To begin with, that is on categorization of the constitutional provisions in the draft constitution, and two: we have some of the resolutions to present to you for consideration. Now when you look at the categorization of the constitutional provisions in the draft, we note that they are twenty (20), and we decided to categorize these according to three major criteria. One: the seemingly non-controversial matters. Two: those which we deemed related in terms of subject matter, and three, the likely contentious matters. And down in 2.1 we give the elements of the categories we have decided on, or we are proposing. We have chapter one that is under the seemingly non-controversial matters, chapter one, chapter five, chapter twelve, chapter fifteen, chapter sixteen,

chapter seventeen, nineteen, the first and the third schedules. The relevant details are given adjacent to the relevant numbers I have read. We also considered those area which seemed to be related in subject matter. We included chapter seven on the executive, chapter eight on the legislature, chapter nine on the National Council of State, Chapter ten on the Judiciary, finance chapter eleven, and then chapter fourteen on Defense and National Security. That is what we considered as the articles which should be considered together because of their interrelationships. Thirdly, we considered those areas which are likely to be contentious or which are potentially contentious matters based on the atmosphere that was gauged during the general debate. We considered the preamble, chapter one on the republic, chapter three on the National Objectives, chapter four on citizenship and chapter six on representation of the people, chapter thirteen on Local Government, chapter eighteen on the General and Miscellaneous, and chapter twenty on the Transitional provisions. We also looked at the second schedule on the Uganda ethnic composition and schedule four on the functions and services exclusively reserved to the central government, as being potentially contentious. So that is the justification for the sub division into one, two and three categories as outlined above.

Then we also propose some resolutions for your consideration. 1 - that this report be adopted by the constituent Assembly. 2 - that hon. delegates of the constituent Assembly should as much as possible be accommodative to each other's views with a view to as much as possible come to a consensus on matters under their considerations at all stages. 3 - that matters in categories 2.2 and 2.3 may require more time than those in 2.1. And 4 - that when it becomes necessary, select committees shall be put in place to consider matters referred to such committees. And lastly but not least, that the Legal and Drafting committee may from time to time prepare and circulate to Members guidelines on issues being debated at both the consideration and reconsideration stages. That is what the Business Committee has for the hon. delegates to consider at this point in time when we are resuming our business. Thank you very much *(Applause)* Corrections.

MR. NYAI DICK:(AYIVU COUNTY): While I do not want to reduce from your brilliant representation, to what the timetable of the Constituent Assembly should be, you are referring to 3 1, 3 2 and

so on, I believe the papers, all delegates have read 6.1, 6.2, 6.3. So I think for our records, Madam Chairperson, that correction be made. Secondly Madam Chairperson, if you can allow me your indulgence, would like to insert two corrections: on 6.1 the paper circulated reads, non-controversial matters. I believe, Madam Chairperson, the Business Committee submitted one word before the non-controversial, the word is 'seemingly' and I would like that word put back in place so that we are very clear in our records. This is what appeared to the committee to be seemingly non-controversial matters. Then on 6.3 there is also one word missing. I would like the word 'likely' to be introduced before 'contentious matters'. We are not saying that they will necessarily be contentious, we think there is a chance of their being contentious, and it would be good for our records in this Assembly that we proceed accordingly. Thank you very much, Madam Chairperson.

THE DEPUTY CHAIRMAN: Thank you very much. But with due respect to your correction, the 6 you are referring to is the order of our deliberations today but I am reading the report, each report has its own numbering.

MR. NYAI: Madam Chairperson, the trouble is, the rest of the Members of this Assembly do not have the report. Only the Members of the Business Committee may have that report, and that is why I was trying to be helpful, Madam Chairperson.

THE DEPUTY CHAIRMAN: Okay. I am very sorry to the delegates. I had assumed as I had earlier said that I hope that we all have access to this paper. Otherwise, following that, what I was reading actually should have been five something. I am sorry these papers were written in a hurry, but both corrections definitely may not be right. Because five is where I am reporting. Six is a different matter when somebody moves a Motion that we adopt what follows in 6.1 until we complete. So that is the resolution is proposed with the agenda. I think that was actually done to save time. But I hope members get what I am trying to come across. Then 2.1 on number three, actually on the report we have 'likely contentious matters'. So I am sorry what I have read actually is what should be and on my paper I have that one as 'likely contentious matters'. Thank you very much. The bad thing is that two papers have been distributed; some people have one and others do not have the other. But that one definitely shall be put right when we are compiling the *Hansard*.

MR. NDEGE(LUUKA COUNTY): Why you have categories of 'seemingly non-controversial matters', and 'likely contentious matters'? What about these inter-related matters, in which categories do they fall, are they neutral or what? I mean they are related but are they 'contentious', 'likely contentious' or 'seemingly' in your opinion?

THE DEPUTY CHAIRMAN: As a Chair I would not give my opinion but let me call upon hon. Kavuma to give an answer.

MR. STEVEN KAVUMA: Thank you very much, Madam Chairperson. All the chapters in this category have some relationship, so they are related. But more importantly, they are not straight forward and therefore they are not in category 1 which the committee regarded as more straight forward and easy to start with; and as you noted from the report given by the chairman, we consider that those subjects under 2.2 may take a little more time than those in 2.1, while those in 2.3 would most probably be contentious. So they are put in that category where they are not so straight forward, they require maybe deeper consideration, they may or may not be contentious, while those in the 3rd category are more likely to be contentious than not.

MR. BIDANDISSALI: I am sorry, Madam Chairperson. I may be alone but I am lost. I am not following the discussion. I was under the impression that we are following the agenda and that somebody was to stand up and move a Motion and then we would discuss the it. It seems some of the matters being discussed now or for which clarification is required is within the motion which is due to be moved. Why for the records, don't we have somebody perhaps already arranged to move the Motion under item 6 and then we go into what is contained in the Motion.

THE DEPUTY CHAIRMAN: Thank you very much. Actually that is what I had said when I was making an explanation, when hon. Nyai Dick wanted to make some corrections. I had said that what I was reading should have been under five. Then somebody would move a Motion to the effect. Then somebody else interjected. But definitely I think you are right; that was my earlier stand that somebody moves a Motion that we discuss the Business Committee's report.

MR. AGGREY AWOR: Madam Chairperson. I

see that the way the Motion is framed here is asking us to adopt whatever the mover is asking us to adopt. I would have assumed that first of all we table it before we adopt it.

THE DEPUTY CHAIRMAN: You are right. That was a mistake. That one should come after the discussion. I am sorry these papers came in very late. I had made a correction with the Clerk that actually it should be to move a Motion rather than to adopt something that has not been discussed.

MR. AWOR: Point of procedure. Madam Chairperson I would like to propose, now that we have received the report, maybe we could have the Chairman of the sub committee of the Business Committee to move the Motion

MR. KAVUMA: Thank you Madam Chairperson. I beg to move that it be resolved and that it is resolved that the Constituent Assembly adopts the report which you have just given to this committee as constituting the method of work during the consideration stage of the debate on the draft constitution of Uganda by this August Assembly. I beg to move.

MR. NYAI: Madam Chairperson. I would like to second the Motion-*(Interruption)*

MR. ETYANG: Madam Chairperson, like my Colleague from Nakawa, I am still at a loss. I have before me an order paper, in which the information read out is probably from. The order paper before me does not include the report of the Business Committee. I was going to suggest that perhaps those of us who are not members of the Business Committee could be availed that report. It may have some more details. Secondly, now that you have allowed the Motion to be introduced, I think the rest of the Assembly would have benefitted a lot from a little bit of a back-ground as to how this resolution was arrived at by the Business Committee. Because it would save a lot of argument as to one way or the other. Because by just reading out what is before us here, and then we go on to adopt or not to adopt or to adopt it with amendments as we go on, we are actually confused lot. Madam Chairperson.

THE DEPUTY CHAIRMAN: Thank you very much.

MR. AWOR: Where we are Madam Chairperson, could the mover of this Motion first of all be kind enough to introduce who he is. And give us a

background as to how this was arrived at, was it by consensus, was it by majority, we wish to know. I think the Assembly is entitled to rationalize as to how the categorization was arrived at.

THE DEPUTY CHAIRMAN: Thank you very much. Let me respond to your first problem. As I indicated earlier, that my report is more or less from section 6.1 of the Agenda. But as I said that two were juxtaposed. That is, the report I have given is summarized under the Motion to be moved. Otherwise when you read from 6.1 to 6.3, what is there is more or less the same, except for 6.3 which has the words 'likely contentious matters'. In my report, I said I am sorry you have not received this report because of the time factor. We left this place at midday, and I think the secretariat has not been able to put the papers in a manner that would fit a discussion. But I think the secretariat have tried to kill two birds with one stone because of the time factor. That is why you have this information put together on the order paper. But I think it is right hon. Kavuma can give you the background to our decision during the meeting.

MR. DICK NYAI: Madam Chairperson, the procedure I am recommending to you to my Hon. Colleagues is that, since hon. Stephen Kavuma has moved the Motion: that according to Parliamentary practice that it be seconded; and after that hon. Kavuma will talk to the Motion and during that talk, he will give the background to what we are discussing. I think, Madam Chairperson, if we adopted that strategy, we might move forward a little more expeditiously, and I had already indicated I am seconding that Motion.

THE DEPUTY CHAIRMAN: Thank you very much. It has been seconded by hon. Dick Nyai. Hon. Awor.

MR. AWOR: Madam Chairperson, I was called to order. That is why I quit the Floor. But I had seconded the Motion.

THE DEPUTY CHAIRMAN: I am sorry. So he moved the Motion and you seconded it.

MR. KAVUMA: The Business Committee considered the report that has been outlined by you, Madam Chairperson, and its main consideration was to find a way the Assembly would work best first by attending to those matters in the Draft constitution on

which it appeared there was more or less consensus during the general debate, or in other words, where it was not likely that there would be a lot of controversy. This would enable the Assembly to start on a good note, and as we progress, we shall go on to those subjects which are now categorized under 22.2 which may not be so straight forward but not so difficult as to be contentious. Madam Chairperson, the committee considers that during the consideration of those subjects there, we may require more time to deal with them unlike the case for the matters in category 22.1. Madam Chairperson, then as time goes on, we shall move into the more difficult areas and...

MR. NDEGE: Madam Chairpersons with due respect, we seem to be having different types of papers with different numberings and we find it very difficult to synchronise. Therefore, I do not know whether it is in order for us to continue debating a situation where all of us cannot synchronize.

MR. DICK NYAI: Madam Chairperson, right now as we are talking the second paper which is a report of the business committee is being distributed. I am quite sure we accepted your apologies and I think hon. Members did so in good spirit. There may be a difference in numbering, but the wording is almost the same, except for the words 'seemingly' and 'likely'.

MR. BABU: Madam Chairperson, I am sorry with a lot of respect, when an order is given it must be ruled on before anybody else can move. I would like therefore, to request that the first order which was given before the information be ruled upon by the Chair before the information. Thank you.

THE DEPUTY CHAIRMAN: Thank you very much. I had left that because I had explained the problem and definitely I had indicated that 6.1 is the same as 2 and that the problem is only with the numbering. At that juncture, I had not seen the Lady distributing the papers. So since they are being distributed, then the problem would not arise. Thank you very much. But all the same as the papers are being distributed, I think it does not stop the hon Kavuma to give the explanation because that explanation is not on paper. He is explaining the categories which you have in 6.1. I think that clears the cloud. Thank you.

MR. KAVUMA: Thank you Madam Chairperson. I was saying, Madam Chairperson, that as we proceed downwards in our report considering the subject under different categories, those categorized in the second set up which we could call 6.2, for those who have the order paper, will require more time than those talked about in 6.1, while those in 6.3 are more likely to be contentious and therefore, are more likely to take a little bit more time than any of the other categories. And we anticipate that as we proceed, we may find it necessary to establish select committees to handle some of these matters so that they are given thorough treatment; then the select committees will report back to this Assembly for final disposal. Madam Chairperson, I want to report that, the committee worked with the spirit of a lot of accommodation of each other's views, and we found it a very important virtue in the deliberations and we want to recommend that this Assembly adopts the same, so that in order to save time we as much as possible reach consensus on the matters that are going to be discussed by the Assembly. That is what we did. We reached these decisions by consensus and we would strongly recommend that spirit of accommodating each other, of developing a culture of reaching a consensus so that we can at the end of the day come out with a constitution within the time limit that we are to follow which limits are set by statutes of the Parliament. We are also mindful of the fact that politically it is undesirable to go back to the NRC and request for an extension either of the CA, or of the interim period of the administration of the National Resistance Movement government.

With those remarks, I beg to move and appeal to members of this august Assembly to consider this report positively and adopt it so that we start work and we go on to the real substance of considering the proposals in the draft constitution. I beg to move Madam Chairperson.

THE DEPUTY CHAIRMAN: Thank you very much. Procedure.

PROF. NABUDERE: Madam Chairperson, I would propose that at this stage we adjourn for the following reasons; the report is still being distributed, and we have hardly read it. Secondly even if it is a short report we still have to consult the draft constitution, and see the significance of the recommendation, and I do not think that it will be fair to us Members of the Business committee at times to consider these things but I do not think it is fair to the other Members. If

we just continue with the debate without properly considering them.

MR. KABUGO: I stand to oppose the adjournment of this because every one of us has had the draft constitution for over a month or so; so all these other items as recorded are not new to any of us. So there is no point of adjournment. Thank you Madam.

MR. KARUHANGA: I would like to oppose the proposal by hon. Nabudere that we adjourn the proceedings of this day because I think it is not in order...

MR. MAGEZI: Thank you very Madam Chairperson. Hon. Nabudere has moved a Motion, it has...

THE DEPUTY CHAIRMAN: I think it was a suggestion.

MR. KARUHANGA: Thank you very much. I would like to suggest that we meet about this procedure even if we go on until mid-night. we should finish this business. the people of Uganda expect us to get on with some work. It is very unfortunate that the secretariat has not been able to circulate that report; but the chairman of the sub committee has given us the report, you have given us the report, and the reports are coming in. I have seen some people receiving them. Now I think by the time we go on in the next phase, these reports will be available. Now on my contribution on the resolution moved by hon. Kavuma: I would like to thank the Business Committee which has moved business like and although I do find in the proposals some things which are clearly wanting, and I do not know whether I will get the answers to some of my questions. but I do see two clear things which are wanting - *(Interruption)*

MR. NDEGE: Point of order. Is it in order for hon. Elly Karuhanga to start contributing on the Motion when we have not disposed of hon. Nabudere's point?

THE DEPUTY CHAIRMAN: I thought he was debating his discussion.

MR. NDEGE: No, debating on the Motion.

THE DEPUTY CHAIRMAN: Which Motion? I think hon. Member you have not been attentive.

MR. KARUHANGA: Thank you. There are two things which are missing. I hope that this is not going

to be a contentious issue. There are two things which are missing in this paper which I would like the Business committee to think about. One, they have only given the consideration stage a kind of timetable, a proposal, but we have more than the consideration stage and I was expecting that they will give us a more comprehensive programme until the end of the session or something like that. Secondly, I do not see the time frame in this proposal and yet the time is an important element in our work. We are bound to be here up to a particular period of time. These proposals as they stand, if you want, can have an element of timelessness. I would like to know whether the contentious issues, or the seemingly - if you adopt the word 'seemingly' - non-contentious issues, are to last one month, or two; this seems not to have been dealt with by the Business Committee, and if it was, we would like to know what the reflections on these matters are. If it is impossible for them to gauge the timing, then we are really in trouble. as far as the time is concerned. Lastly, Madam Chairperson, we did move last time that we have subject committees, and I do see subject committees mentioned here but kind of in passing. They are mentioned in 64.3, that when it becomes necessary, select committees shall be put in place to consider specific matters referred to such committees. Now, when it becomes necessary, this aspect I know is in the rules, but couldn't the business committee also make proposals about some of the issues they could send to the select committees so that we can have a more comprehensive programme. Or wasn't there time for the Business Committee to finish, since they were called yesterday and they met this morning, that they could not actually finish this business. Couldn't we adopt at least starting with chapter I while the Business Committee continues to meet until may be after a week they can come with a comprehensive programme but not just a programme that is not really business like. Thank you.

BRIG. MOSES ALI: Madam Chairperson. I know hon. Karuhanga is normally on the Boards but before we broke off for recess the time table for the work done in this Assembly was distributed to all hon. Members, and hon. Karuhanga inclusive. Now if we are going to receive documents and as far as I am aware not to internalize them. Madam Chairperson, we may never be able to finish the writing of the constitution here. And I hope that is not what we are driving at. I agree very strongly. Madam Chairperson, I tried to raise a point of order, that hon. Nabudere just made a suggestion: there is nothing substantive on the Floor, and according to our rules

I do not even understand what we are debating on. Thank you, Madam Chairperson.

THE DEPUTY CHAIRMAN: Hon. Nabudere had suggested that we adjourn- let me explain, we had suggested that we adjourn, but it was not a Motion. So I thought he was discussing, and he was getting other views from Members

MR. BABU: Thank you madam Chairperson. First and foremost, Madam Chairperson, I would like to take this opportunity to welcome back all the delegates, and at the same time I would like to say that hon. Nabudere moved a point of procedure. It was not a Motion. Secondly, Madam Chairperson, I stand to oppose hon. Nabudere's point of procedure on grounds that the Business Committee represents us on district level. Two: that we have confidence in the Business committee. Three, we now have a point where we can start and they have asked us to debate and adopt the Motion. We can propose any changes, additions, subtractions. So, I would like to request that instead of wasting time and sending the wrong signals again, that we are delaying this Assembly purposely that we get on with the work, and we accept that the business committee knows what they are doing -*(Applause)*- Madam Chairperson, I therefore, propose that instead of adjourning this Assembly today, we debate the proposal which has been moved by hon. Kavuma, and my proposal is looking at this set out. I am a little bit worried about the last one which talks about contentious issues. To me, the contentious issues are not that many. I think some of them should be moved into likely contentious issues. The contentious issues Madam Chairperson, to me are only two or three. Namely: political systems and the Local Governments, we should move on the rest because the points people have raised on them have been too correct. Therefore, I do not think they are contentious. I think we should really remain with the real contentious issues and move the other points to areas where we can talk about them, correct and adopt them as quickly as possible. Therefore, apart from that, I think the job done by the Business committee is quite good and if we want more information from them, I am quite sure hon. Kavuma and his committee can meet again and help us and bring in the time table that everybody requires until the end. Meanwhile, Madam Chairperson, we should adopt this quickly and we start on the constitution, the people are waiting. Thank you

MR. RUZINDANA: Thank you Madam Chairperson. I was beginning to get worried that this side was out of focus, Madam Chairperson. I also wish to agree with those who oppose hon. Nabudere's proposal that we adjourn. Time is a very important aspect Madam Chairperson, and these proposals that have been made are not new, we got them before we went into recess, they were even much better than these because there was a time element attached to them, and therefore, there is nothing for us to study because we already had them. And I think we should not debate any further this element of adjournment because we have already wasted a lot of time. If I may come to the Motion, Madam Chairperson, I would like to say one main thing that I do not agree with this terminology of contentious and non-controversial matters. It does plant into our minds certain ideas which we need not to have. I do not think there were any controversial matters or any contentious matters. What is contentious about representation of the people? What is controversial or non-controversial about general and miscellaneous chapter? I do think the way the chairman of the subcommittee explained about some chapters needing select committees and others not needing them might be better titles. That we may say certain chapters because they may take a long time or because they need more clarity we may need select committees, and we could classify them as those matters that may need select committees and those matters that may not need select committees. Rather than use these words 'non-controversial' and 'contentious' and then the next thing we have in our minds is that, we are not agreeing about local government. What don't we agree about local government? The only issue that may be raised under local government, the only thing I have seen in the draft is about one typology of local government called Federal, by the way what other contentious matters are there and so on? So I would like, Madam Chairperson, to suggest that we delete these titles of contentious -*(Interruption)*-

DR. KANYEIHAMBA: Point of guidance.

MR. RUZINDANA: Madam Chairperson, I was saying that rather than use this terminology 'contentious matters' and 'controversial', we say the chapters that are likely to need select committees and chapters that are not likely to need select committees. Rather than plant certain ideas in our minds that there are contentious matters and controversial matters in this draft constitution. Thank you, Madam Chairperson.

MR. AWOR: Point of guidance. I am seeking guidance from the chair, are we discussing the chapters, or are we discussing the table which we have been given. That is the method of work. I am seeking guidance, Madam Chairperson. Because it seems we are already discussing chapter by chapter.

THE DEPUTY CHAIRMAN: I thought that what we are discussing is the time table, one suggestion came from hon. Babu that this time table needs adjusting. His suggestion is that - again on the time table - the heading used are not appropriate for the time table. That was my interpretation.

MR. AWOR: But we seem to be discussing a Motion I did not second, the one I seconded is different from what we are discussing.

THE DEPUTY CHAIRMAN: I thought your Motion was that we adopt this report.

MR. AWOR: That is it, we adopt the report.

THE DEPUTY CHAIRMAN: Rather than re-debating?

MR. AWOR: Exactly.

THE DEPUTY CHAIRMAN: I thought Members should be given a chance to debate the paper rather than rubber stamping it. I would not like to force Members to adopt a paper but we can put a question, whether we adopt or we discuss.

DR. KANYEIHAMBA: Thank you, Madam Chairperson. I think Madam Chairperson there is a great deal of misunderstanding as to what this committee - may I say that I am an ex official Member of this committee and I was Present when these proposals were made and I fully support them - so that I think answers hon. Nabudere's point to say that they should be submitted to our committees. That is the Legal and Drafting committee. I was representing the committee and we are part of this decision. Madam Chairperson, I think there is a misunderstanding. What the committees presenting are a series of proposals, they are saying that the draft constitution should be debated in this order. It does not matter whether somebody is arguing that one item should be a non-controversial one or not. What they are saying, let us start with chapter 1, chapter 5, chapter 12, and 13 and so on and so forth. People should look at the substance rather than the form, so

that is where really I differ a bit with Hon Ruzindana, m, how long it will take. This programme is to help us fill in those dates that we gave. Therefore there is no need to put in a time element in these recommendations of the committee. Madam Chairperson, I hope that really this clarifies the position and we can go ahead and approve this programme and then start the real business tomorrow. I thank you, Madam Chairperson. *(Applause)*

MRS. MATEMBE: Thank you very much, Madam Chairperson. I wish to support the Motion but I would like to say that, although the time table was given to us, as you will agree it is already now over taken by a week. So, I would like the Business committee to go back and re-adjust its time table and give it to us later. In the meantime, I wish to propose that you put the question and we go on with the business. Thank you. *(Applause)*

(Question put and agreed too)

THE DEPUTY CHAIRMAN: I think that takes us to resolution of item 7, and that is the adoption of the resolution which has been so adopted. *(Interruption)* But it is already done, hon Magezi, unless you are on a different issue other than the adoption of the resolution. But then it will not be on the agenda. So we adjourn until 8.30 a.m tomorrow.

(The Assembly rose at 4.30 p.m and adjourned until 8.30 on Thursday, 25th August, 1994)