



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

FRIDAY, 31ST MARCH 1995

MOTION:-

Consideration of the Draft Constitution of the Republic of Uganda [Pg 3738]

Friday, 31st March 1995

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

P R A Y E R S

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

(The Assembly was called to Order)

COMMUNICATION FROM THE CHAIR

THE DEPUTY CHAIRMAN: Hon. Delegates, as you may all observe, the Clerk has counted and we are only 94. This is an important Chapter, so I suspend the Assembly for 15 minutes and see whether we will get at least the required quorum. If we are really less than 100, I do not see how we can operate business. But I will remain here.

(The Assembly adjourned for 15 minutes)

CONSIDERATION STAGE OF THE DRAFT
CONSTITUTION OF THE REPUBLIC OF
UGANDA

CHAPTER 13 - LOCAL GOVERNMENT.

ARTICLE 207. DISTRICT CHIEF EXECUTIVES.

MR. KATENTA APUULI (Conservative Party): Madam Chairperson, Article 207, former 207, new 208, District Chief Executive Clause I. The committee recommends that Clause I be amended to read:

- i) There shall be a District Chairman, who shall:*
 - a) Be the political head of the district,*
 - b) Be elected by universal adult suffrage through the secret ballot and,*
 - c) Take precedence over every official in the district.*

Madam Chairperson, I beg to move.

MR. KAVUMA STEVEN (K: Idondo South): Thank you Madam Chairperson. I seek clarification from the Hon. Chairman of the committee, about this Clause, that he shall take precedence over all officials in the district. First of all, how does this relate to the position of officials we now

call the Central Government Representatives (CGRs)?

Secondly, why are we talking about officials and not persons in the district? I wanted clarification on that, Madam Chairperson, then I can may be do a bit of a contribution.

MR. KATENTA APUULI: Madam Chairperson, this was a matter that was seriously considered by the Select Committee 4, and wide consultation was made. In particular with regard to the current association of District Chief Executives who are called Chairmen of RC V. They had a conference near Mukono in Seeta and we had the opportunity to interact with them over this matter. We decided to make this issue a constitutional matter to resolve the quarrel between CGRs and elected District Executives once and for all. This quarrel has beset us since the office of special District Administrator was established during the war in 1985 and thereafter to District Administrator in 1986 up to today, when that office is held by an official called a CGR. In fact, there was argument among members that this office of CGR should actually be abolished and should not be a constitutional office. However, a compromise was arrived at, that to solve the impasse, let us make the District Chief Executive be the person who takes the precedence over the CGR. For the reason, the logic behind this is that, the Chief Executive is an elected official, he is elected, we are proposing that he be elected by Universal adult suffrage throughout the district. Whereas the CGR is an appointee of the Government. So long as we are talking about giving effect to decentralisation and not appearing to be giving with one hand a taking away with the other. That is why we came out with this formulation, that the issue of precedence should be settled because it is a very tricky issue on the ground. It is a very important issue, it is something that is hindering the smooth running of districts. Why did I talk about officials only? Why does the committee recommend the officials only? The Committee is also aware that in certain districts, there are traditional leaders, there are bishops and cardinals. Therefore, this precedence should only be limited to officials and should not extend to other people who may have other titles and owners that are not necessarily related to the day-to-day administration. That is why we came out with this formulation, Madam Chairperson.

MRS. RWABYOMERE JOAN (Presidential Nominee): Thank you Madam Chairman. I would like the Chairman of the committee to clarify to me, as far as the protocol problem is concerned, because as far as I am concerned, the point raised by Hon. Kavuma concerns the protocol. When you look at Article 223, the former 220 of the Draft Constitution, the resident District Commissioner, is someone being appointed by the President and the Chairman being very well conversant with protocol. A person appointed by the President, automatically takes precedence and also - *(interruption)*

THE DEPUTY CHAIRMAN: Let her complete.

MRS. RWABYOMERE: Madam Chairman, can I be protected from Hon. Birimumaso? Madam Chairperson, I still insist that this is a protocol matter and also the word 'official,' it would rather be 'persons.' What does this mean? That if you say that the District Chairman takes precedence, it means that, he will arrive after all persons. Even the mode of address, he is addressed first, no matter whether there are religious leaders and any other person in the district. So, Madam Chairman, I am seeking clarification. Thank you.

THE DEPUTY CHAIRMAN: Hon. Katenta Apuuli, let me get others, so that we compile, Hon. Kasajja.

MR. KASAJJAPATRICK (Bulamogi County): Thank you Madam Chairman. Madam Chairman, I had wanted of course to raise a point of order, but you did not give me the chance. The Madam who has just been contributing, was referring to Article 223 about the District Commissioner. First of all it is shaming that this Article will pass or has passed and I think it is not proper for somebody always to refer to something which we have not reached and then you use it as a strong point for arguing for your case. In any case, here we are talking of democracy. We are talking of giving respect to a person's choice, we are in a democratic state. Every person has elected somebody and at this level, we are talking of the district. Then how do you talk of the precedence? Somebody who has been put there by somebody, is going to take over precedence over somebody who has been given mandate by the majority of the people in the district. Therefore, Madam Chairperson, I think when we are discussing this matter, of the Chairman, RC V taking precedence over every official in the district, we should just discuss it with all the soberness in order

to resolve the issue that the Chairman of the committee has talked about. In fact, in the committee there was a lot of debate, it was heated, which was referring to all these conflicts that have been there since this post of the District Administrator was introduced. So, this is an attempt and this is our chance to come up with that order of precedence which will iron out these inconsistencies. Therefore, with that, I would like to support vehemently that the committee I think has done a very commendable job to put this provision, that the District Administrator should take precedence over every official in the district. We should be able to give this person all the respect, all the mandate, so that he can work as a person who has been given that mandate by the people. So, Madam Chairman, I think the members should really discuss this matter very carefully.

MR. MUSOBYA GODFREY (Kagoma County): Thank you Madam Chairman. Madam Chairman, I think it is advisable to treat the problem of protocol at the district level as we handled the executive. Because when we were discussing who should take precedence over the other, as far as the two, the Speaker and the Chief Justice are concerned, we said, the Speaker should take precedence, because he is elected by the people. So it should be the same manner in which we should treat this part. If we say, the CGR or the Resident Commissioner takes precedence over the Chairman, we shall be watering down the powers of the people who have elected the Chairman. Thank you.

DR. BYARUHANGA FABIUS (Kitagwenda County): Thank you Madam Chairman. In the Constitution which we are still using, the 1967 Constitution, technically, the President appoints every official. Given the clerical officer, technically the clerical officer is also appointed by the President, because the Public Service Commission is doing its work on behalf of the President. So, what the Hon. Rwabyomere was telling us, is not correct. We cannot say that because somebody has been appointed by the President, therefore, he takes precedence because the President also takes precedence at the national level. Now, with this question of CGR, I do not believe we should narrow it to a problem between the Chairman and the CGR.

MRS. RWABYOMERE: Point of information. Thank you Madam Chairman and thank you Hon. Byaruhanga for giving way. It is true and I know that the President appoints many officers, but these

officers he appoints are not there to represent him. So this is a different scenario. Therefore, you cannot say that I was wrong. Thank you Madam Chairman.

DR. BYARUHANGA: I was talking about the narrowing of this issue of precedence to the tensions that have been between the office of the CGR and that of the Chairman. It should be taken as a principle, because we are creating the office of the District Chairman, who is going to be the political head of the district. Since this man is the political head of the district, should there be any official above him? Definitely, since he is the political head of the district, he should be above every one else. Now, our committee used this word 'official,' because the question of precedence according to protocol, has not even been solved at the national level. Recently, in a committee of the NRC, they were trying to discuss, at least to come out with the national order of precedence, that we involve even cultural leaders, would involve even bishops and what have you. Now that the question is still a bit confused, it is better that we limit ourselves to this official. As far as the cultural leaders are concerned, definitely, where the cultural leaders are, they are respected and everybody knows where they should stand in as far as the order of precedence is concerned. But this other question of bishops and other religious leaders and so forth. Those can be accommodated, but let us in the Constitution, at least, clear the order of precedence as far as Government officials are concerned.

DR. ODUR DICK (Dokolo County): Thank you Madam Chairman. Madam Chairman, the Clause under discussion really is an administrative matter. The question of protocol which was handled by that committee, I am sure is derived from 101- Executive where the question of precedence for the President and other officials are given. But these are to be reflected as taking precedence on all persons in Uganda. Now, when you try to handle this at the district level I think we are going a bit too far. Because in some areas, where you have resident Ministers, how are you going to handle that type of protocol? And in case there will be changes in some of the titles in future, shall we be called upon to make amendments in the Constitution? Personally, I believe that the matter of protocol at district level is administrative. And it should be left to those who can handle such matters administratively. It should never appear in our Constitution at all. Thank you Madam Chairman.

MR. KAGIMUKIWANUKA (Bukomansimbi County): Thank you Madam Chairman. Madam Chairman, the Chairman of the committee has explained. There has been a lot of conflict between these two offices, the CGR and the District Chairman. Now, instead of spelling it out clearly here in the Constitution, so that each one knows his demarcation, we are trying again to water down what the committee has passed. In fact, Madam Chairman, for me, I preferred the formulation in the Draft Constitution of Article 207, that there shall be a District Chief Executive, so that everybody knows who is above who. I remember one time a CGR was talking over the Television, that nobody will ever be above me. I am the presidential appointee, things like that. Now, to avoid all this confusion, for me, I would beg the Chairman of the committee to accept to put the District Chief Executive, so that it is clear who is who. This is the man who has been elected by the people, he is the man who is representing the district, who is representing everybody in district. They have put all their confidence in him. So, Madam Chairman, I would like to move that we include that word, in Article 1, to read: "*There shall be a District Chief Executive.*" Madam Chairman, I beg to move.

PROF. NABUDERE DANI (Budadiri West): Thank you Madam Chairman. I just wanted to draw the attention of Hon. delegates to the fact that the Odoki Commission considered this matter and he pointed out the views of the people regarding the same issue. On page 501, Paragraph 18. 113, they say the following. "*The views received from the people overwhelmingly want the political head of the district to be elected. They argue that the head of a district must be answerable to the electorate not to the President. People reject the argument that they are not educated enough to make the right choice, nor do they accept that elections of district leaders necessarily encourages parochialism. They believe they are mature enough and have had enough experience through our history to make the right judgement. At any rate, the best way of learning to govern them selves is by doing it practically.*" The commission also pointed out that the Government had accepted this view. On Page 502, they say: "*The Central Government has already accepted the views of the people on this matter. Implementation of the decentralisation policy, will result in the district Council Chairman assuming political leadership of the district. The role of the D.A will change to one of representation of Central*

Government in the District. " Not of the President, but of the Central Government in the district. I think that we should go with the views of the people in this matter and we should not waste too much time.

MR. NABURI WILLIAM (Chekwii Kadam): Thank you Madam Chairman. Madam Chairperson, I would like to make my contribution first declaring that I am one of the few secretary Generals of the 1960s who is still surviving and still in active politics. Madam Chairman, I suppose what we are trying to discuss now, is what existed in the 1960s. In the 1960s, there used to be what was called the Secretary General, who was the political head of the district. In the district, we also had the District Commissioner. The district Commissioner was a representative of the President and just for the benefit of the members. That time, as a Secretary General of Karamoja, which was one district, I was purely responsible for the running of the district and in charge of the District Council affairs. The district Commissioner was a Central Government Representative relating all his activities to issues connected with the administration at the centre. In fact, on many occasions, we could interact on both local and issues that are related to the Central Government. I now see one problem on what we are trying to introduce and one thing that is going to confuse us, is the word 'precedence.' I wish we could find a suitable word to replace 'precedence,' because there is no where and there is no way, a person who represents the President, who is the Chief Executive of this great Republic of Uganda, can be relegated to be under a person who is elected locally at the district.

Madam Chairman, I have great difficulties in these two offices. The best would be, not to cause confusion in the district. I will give you an example. In a region like Karamoja now, we are getting confused as to who strikes the match. In Karamoja, you have a Minister for Karamoja. You have the District Administrators for Kotido and Moroto, you have the RC V Chairman for Kotido and Moroto, you have the Special Assistant to the President, then you have the Chairman of KDA. The Chairman of KDA is just to do with the development. Now, we have a problem as to who really is responsible for the affairs of the district. So, I would like to appeal to my Colleagues, that let us see the best way forward in which the office of the Chief Executive who would be the RC V Chairman, and relate to that of the Central Government Representative. It may

be a Central Government Representative, but we can call him a District Commissioner. Definitely, during our time, the precedence, even in functions, was that, the Secretary General would arrive, just before the District Commissioner arrived. So, in that order, who takes precedence? In most cases, the President's messages were being delivered by the District Commissioner, but I really do not see how this man, the RC V Chairman or this woman, the RC V Chairperson, can take precedence over a representative of the President.

Finally, Madam Chairperson, there is also the question of elections.

THE DEPUTY CHAIRMAN: Let him complete his presentation.

MR. NABURI: Depending on - (*Interruption*)-

THE DEPUTY CHAIRMAN: Hon. Naburi, Hon. Bageya wants to be clarified.

MR. BAGEYA PATRICK (Kigulu North): Point of clarification. Thank you Madam Chairman. I would like to ask the Hon. Member, Naburi, holding the Floor, when he was talking the district commissioner and the District Executive Secretary or Secretary General. I wanted him to clarify to us, were any of these two people directly elected by the people?

THE DEPUTY CHAIRMAN: Hon. Naburi, there is an additional request from Hon. Musoby.

MR. MUSOBYA: Thank you Madam Chairman. I want to beg the Hon. Member who is on the Floor, who is representing those who were former Secretary Generals of Uganda, that this is a new era of decentralisation. Whereas what you are giving us as an example is a colonial mentality or legacy. Can you differentiate between the two?

MR. NABURI: Madam Chairman, I became the Secretary General of Karamoja in 1968, that was six years after Independence. I do not think anybody can call that a colonial era. We had already attained out independence. Madam Chairman, answering my Colleague, Hon. Bageya, I would like him to know that during that time, the Secretary General was elected by the District Council. While the office of the District Commissioner, not the District Executive, it used to be called District

Commissioner. That one was an office appointed by the Public Service Commission. Madam Chairperson, that person, was expected to have a blessing of the President before he is posted to the District, because that is equivalent to what we now refer to as a CGR. I do not think the President would like to appoint a non-starter to a district and expect him to represent him effectively.

Finally, Madam Chairperson, I would like to state here clearly, unless we give clear qualifications for the office of the RC V Chairman. I really do not know how this man who is going to be Chief Executive, is going to relate in his day-to-day's duties, with those of the technocrat in the district. That is why I still insist that the CGR who is a Government representative, we may not call him finally the CGR when the new Constitution is promulgated. We may call him something else, this fellow definitely would be of high calibre, highly qualified and should be able to coordinate the activities at the district. So, I would like to appeal to my Colleagues that, the issue of precedence, the issue of the RC V Chairman, taking precedence I think should be left out. I thank you.

PROF. KANYEIHAMBA GEORGE (Rubanda County East): I thank you Madam Chairman. I am sorry that when the day went for the second round, I came a bit late, because I intended to move a Motion that this Clause be deleted. Madam Chairperson, I think we are going too far in trying to solve problems at every level. A matter of precedence is not a Constitutional matter, only in reference to the Presidents and as the committee too quite rightly set out. We decided that the President shall take precedence over all other persons in the country and that is correct. But when it comes to lower levels of Government, Local Government, precedence should be a matter that has to be negotiated between these chiefs and other people. Because to put it here, Madam Chairperson I am making this appeal, actually agreeing in my opinion, I share the view that the elected Chairman of the Council being the political head and the chief of the district, should, within that district take precedence. I have no problem with that. But what I am arguing about is that, is it really a Constitutional matter, that we should really put it here? Is it not enough to say that there is a political head and Chief Executive of the district, without having to also say, he takes precedence over all officials in the district? My fear, Madam Chairperson, is that, - *(Interruption)*

THE DEPUTY CHAIRMAN: Hon. Kanyeihamba, are you referring to the whole Clause I no I (c)?

PROF. KANYEIHAMBA: I (c), Madam Chairman, I am asking that 208, Clause 1 (c) be deleted.

THE DEPUTY CHAIRMAN: Is he seconded by the way?

PROF. KANYEIHAMBA: I am seconded.

THE DEPUTY CHAIRMAN: There is a Motion on the Floor which is seconded, that we delete (c). So that is what we are debating now.

PROF. KANYEIHAMBA: So, Madam Chairman, my view is that if we say that in (a), that he shall be the political head and Chief Executive of the district. That takes care of his importance as the biggest man in the district, that in relation to precedence. That precedence is not a matter of constitutionalism, that for example, if we wanted to give the hierarchy of this whole country, may be we should go to hold this. It is the Chief Justice, then to Supreme Court Judges, may be Ministers, then may be State Ministers. How far can we go?

Secondly, when these people are visiting the district, by putting this here, you are going to create confusion. Obviously we know that if judges visit the district, by the nature of the present precedence. Unless we want to change it, they take precedence over the Chief Executive of the district including the Central Government Representative, whom some people are pleading for now. There are many people in the country who will actually take precedence over the local officials. Therefore, by putting it in the Constitution, we are really confusing the situation, we should let this matter be determined administratively. Indeed recently, a list was published by the Government establishing precedence of all persons. It was a matter of negotiation between members of the NRC, the Judges, and other officials of the Government. Madam Chairman, can you protect me from a lot of discussions on my left?

MR. KASAJJA: Point of Information. Thank you very much Madam Chairperson. I wish to thank Hon. Kanyeihamba first for accepting this information. The information I am giving him is in relation to what he has said. He has said that the issue of the

precedence in the district is not a constitutional matter and therefore should be left to be dealt with administratively. I would like to tell him that we have dealt with quite a number of issues, which in the wisdom of the House, had earlier on been looked at as administrative. But because of the inherent problems that we have pressing and because we want to solve those problems, we have had to put them in the Constitution. Like yesterday, when we were discussing the issue of the affirmative action on the women, putting there the third of the women to be on the lower Councils. Many people were arguing that we should have left this, the Parliament, the electoral Commission, to decide the composition. But because we did not like our women who contribute a big percentage to be left behind, we say that we should constitutionalise it. Therefore, because we want to solve the problem of precedence which has always been the source of conflict, which in some instances has caused some districts to be paralysed. I think this one should be constitutionalised. So that we solve this problem once and for all. *(Applause)*

PROF. KANYEIHAMBA: I thank Hon. Kasajja for the information given. It really does not subtract from the substance of my argument nor assist it any further. Because, Madam Chairperson, my concern is that, we are going into unnecessary details about administrative matters which are not constitutional. I have stated very emphatically that once you say that the Chairman of the Council is the head and Chief Administrator if you like, of the district, that is enough. It determines and defines his position as the most important man in the district. Then you do not want to go into precedence which actually confuses his position with other officials of Uganda. So, for me, the others were okay, because the situation was straight forward on the affirmative action of women. That is very clear forward, it is not conflicting and he said that it was harmful to put it there, but this one, is likely to create a problem for us.

Secondly, Madam Chairman and finally, how far are we going to go? Are we going for example to the county, at the county, who is going to take precedence? Is it the Assistant D.S? Or, is it going to be elected Chairman of RC IV, what about at the Sub-County? Is it going to be RC III Chairman or is it going to be the Gombolola Chief? Must we really refer to these matters there and put them in the Constitution? Because if you solve the matter at the

district council and you say I have predetermined the precedence there. You are going to have the same problems at the County level and at the Gombolola level, even at the Muluka level. So, Madam Chairman, with those very pertinent reasons, I beg to move that we delete this Clause before it creates a lot of confusion.

MR. BIDANDISSALI (Nakawa Division): Point of clarification. Madam Chairperson, I oppose the Amendment - *(Applause)* by my good Friend, Hon. Kanyeihamba on mainly two grounds. One, is that it has been a problem for a long time and has tended to cause a lot of confusion. Two, we are talking about officers or officials within the district, we are not talking about other fellows who come. Ministers who come in the district and therefore, become a problem. We are talking about the officials employed within the district. Now, the Constitution set down the duties of the Chairman and those who fear the representatives appointed by the President, the duties are supposed to be put in place by Parliament. But here, we are saying, these are the duties of the Chairman who is directly elected. Therefore, in my view, it is fair to say, that within the district, the person who is elected by universal adult suffrage, and he is the political head, should naturally take precedence and since he derives his authority - *(Applause)* - from the constitution, there is nothing wrong with saying that, he should take precedence within his district over all those officers who are within the district. Madam Chairman, I beg to oppose the Amendment.

MR. RWABITA DEO (Ibanda South): Point of clarification. Thank you. Madam Chairperson and Hon. Members, the problem we are facing now is that we are discussing two officers. That is, the Chairman, who sometimes in conflict with the CGR or Resident District Commissioner, but we have not reached the District Resident Commissioner. Therefore, we are going to pass resolutions against somebody we have not studied. So, in order to save time, Madam Chairperson, I will move that Clause 3, be stood over until we have studied what Resident District Commissioner is going to be, then we can decide who should take precedence. I beg to move, Madam Chairman. Otherwise, Madam Chairman, the fact is true that then, is a terrible conflict between the CGR and the Chairmen of the RC V. When there is mobilisation you find that the Chairman puts his programme under the same time, the CGR does his and there is a lot of conflict

in many districts about these two officers. So, let us first study them and then decide on who should take precedence over the other. Rather than passing a resolution now and then when we come to the Resident District Commissioner, you find that it passes another person who should have taken precedence. I beg to move, Madam Chairperson.

THE DEPUTY CHAIRMAN: Hon. delegates, we heard Hon. Kanyeihamba's Motion, that we delete, then there is another one, that we stand over this sub-clause.

MR. MASALU MUSENE (Manjia County): Thank you Madam Chairman. Madam Chairperson, I rise to contribute to the Motion on the Floor which is to delete Clause (c), of Article 208, Clause 1. I think it is proper that we dispose of that Motion before we go to any other issues. Madam Chairperson, I rise to support the Motion to delete Article 208, Article 1, Clause (c) for the following reasons. One, Hon. delegates, will realise that we are making this Constitution to last a test of time, it is not a Constitution for now. It is not a Constitution for NRM, it is not for five years, but for many years to come. It is a Constitution whereby in future, we are going to have for example, multiparties. So, I want to present a scenario where we have multiparties operating in future and the issue of the Chairman of the district. Madam Chairperson, I will illustrate with an example from neighbouring Kenya, whereby now, there are many political parties, with one party in power. Now, the Mayor of Nairobi is a member of Ford Asili. He is democratically elected by the people of Nairobi, under Ford Asili to take charge of Nairobi. But then, we have a ruling Party KANU, in power. Now, what has happened is that, the Provincial Commissioner who is nominated by the President of KANU, takes charge of Nairobi Province but may be to go to a district. Let me give an example of the district of Siaya, where the Chairman of Siaya County Council is a member of Ford Kenya. Now, the ruling Government KANU, which is in power has appointed a District Commissioner to take care of the interest of Government which is in power of KANU. If we say that the Chairman of the district takes precedence, what about the situation of multiparty? Because in future, we are also going to have multiparties, so the party in power, must have a representative at the district to take care of its interests, like I have illustrated in Kenya.

Two, Madam Chairman, Hon. Bidandi Ssali has said that this applies to officials within the district. But now, I want to give a second scenario where for example, we have Kampala District. Now, the Chairman RC V Kampala District whereby within Kampala District, there are Ministers, there are Deputy Ministers and all sorts of officials. Now, they are all within Kampala district. Now, are you going to say, that when there is a function, the Chairman of RC V Kampala takes precedence over all these other officials also within Kampala district. I will give a practical example - (*Interjections*)

THE DEPUTY CHAIRMAN: Hon. Musene, Hon. Bidandi Ssali is responding to ..

MR. MASALU MUSENE: But let me give this example. During Amin's time, many delegates will recall, that we had the Governor of Central Province, Nasur. Now, Nasur stated that he is the Governor of Central Province and that everybody in central Province, including Ministers or who, is below him. So this caused a row, because, how could a Governor be above the President and the Ministers? So, the following day, he was transferred to Karamoja. So, I thought that the issue of precedence should not be a constitutional matter, but it should be a matter to solved administratively as and when the occasion arises. For those reasons, Madam Chairman, I support the Motion. I thank you.

MR. ELYAU MIKE (Kalaki County): Thank you Chairperson. I oppose the Motion for many reasons. One, we have said, we are giving power to the people and the RC chairman shall be elected by the people who should take the precedence over the people. You see, we must make sure, that this time we solve the problem of agitating for power in these two offices, the CGR and the Chairman who will be. Since we have accepted to decentralise, Madam Chairperson. We have accepted to decentralise. That means that we are given the power down and to symbolise decentralisation, it must be that the Chairman elected by the people, is a person respected at the district. I will give an example. If you are my uncle and I invite you to visit me, do you take the precedence over my house? It is me to welcome you. So, I think we should make this very clear, so that our people are enjoying the decentralisation if it is going to be there. Otherwise, we are just joking. For example, where a CGR, like in Teso previously, a person appointed Special District Com-

missioner, took part in district affairs to represent the President. These are the people who cannot even respect. So I think we should not look at the President as a matter, but look at the people as a matter. I am urging this House to see that our people should enjoy their rights as we have given them through this Constitution. So, I strongly oppose this Motion.

MR. ADYEBO COSMAS (Kwania County):

Madam Chairperson, now, I was a bit amused by the statement made by a very renowned lawyer in Uganda. And moreover on constitutional affairs, that is Hon. Prof. Kanyeihamba. That is this a Constitutional matter? Surely, it is. Surely it is, because, we are deliberating. I do agree with Hon. Bidandi Ssali when he did say that for a long time, there has been a lot of confusion in the relationship within the officials in districts. We have even times, when a President of a country like Uganda was asked who should really prevail over a district, if say there was a member of Parliament present. Then there was the Chairman of the District present, and there was the Central Government Representative present. We have been having this problem, it is high time we resolved this matter once and for all and this is the place. *(Applause)* But to say you are going to stand on it, you are going to postpone, you are just postponing problems. Now, Hon. Musene from Mbale was arguing that we must cater for multiparty rule or multiparty system. But the question is, even Constitutions within multiparty Governments, are they not amended? Take for example, Hon. Members, the most renowned Constitution in the World, the American Constitution. It has been amended I think 26 times! In America, is running on non other than multi-party system. Take for example, India. It is a very good Constitution, but it has been amended over 45 - 46 times. Please, we are dealing with problems now, let us handle the problems now, when other Governments come, they will handle those problems as they come. I will therefore say, it will be a mistake to delete this Clause (b). Let us deal with it, I am in agreement that the Chairman of the district elected, be the political head as well as the Chief Executive as it is proposed by Hon. Kanyeihamba, I do agree with him there. But I disagree with him to delete this proposal in 1 (c). I am strongly asking you to allow the Chairman to be the head and Chief Executive and he should take precedence over every official in the district. You see, Hon. members, we agreed here that we are writing a hybrid Constitution and

we are also to be dynamic, we must not be static. What was agreed on in 1960 is not prevailing now, we are dealing with Uganda 30 years - 35 years from the Independence Era and things have evolved. The Constitution also must evolve, it must be dynamic. It must be subject to change and here is the time we are saying, it is high time the Chairman, takes precedence, because he is elected. We have decentralised the power and in our opening statement here in the Constitution, we said power belongs to the people and that is why we will agree to devolve power back to the district. So, if there is a district officer elected by those people, he should take precedence definitely. I disagree with my brother with due respect, that we should not allow this Clause to be deleted. Let us support the Clause and I thank you.

MR. ETONU BENEDICT (Amuria County):

Thank you Madam Chairman. I rise to support the deletion of this Clause for this reason. We are not yet clarified, unless it has been clarified. Who has the power in the district? Who will be having the power in the district? Because now, we are saying the Chairman, okay, there will be a Government Representative in that district who is appointed by the President. That representative of the President should take the precedence in the district for these reasons. I will give an example. If you go to a foreign country from here, where we are represented by the High Commissioner or Ambassador, you are a Prime Minister. Like my Colleague, was a Prime Minister. If you went there, and we are celebrating our Independence Anniversary or a big occasion. You are invited to attend that function as a Prime Minister. Would you allow the High Commissioner or the Ambassador to preside over that function on behalf of Uganda Government, when the Prime Minister is there? Another example, I am giving Madam Chairperson. People have talked about protocol here. We have already passed in that Article, that the President takes precedence over all persons in Uganda. Equally the persons the President gives his powers are supposed to take precedence. I am saying that we are going to cause confusion here unless we remove the other post of CGR or whatever you want to call him or government Representative in the district. We shall continue to have this problem. I will even go further to say that, we would have stayed over this Clause until we have handled the CGR thing. I beg to oppose.

THE DEPUTY CHAIRMAN: Let us hear from Hon. Katenta Apuuli, the Chairman of the committee.

MR. KATENTA APUULI: I thank you Madam Chairperson. Madam Chairman, I have sought to be able to be heard on this matter. Because as Chairman of Committee 4, I was not allowed to speak. I only chaired the meeting and made sure that everybody had their chance to speak, except me.

Madam Chairman, this issue we are debating here, is not a light matter. It is a very serious matter and it goes to the very roots of whether we are interested, to have a unitary Government or a decentralised system. This issue, the debate we are about to hear is the contraction in the minds of Hon. Members about what we are about to do. Either members should be prepared to accept a strong local Government or we should go ahead and water down the recommendation on Chapter 13 by committee 4 towards a Unitary system. We need to resolve that matter in our minds first and foremost. This issue of the CGR, the problem we are debating here is not about the Chief Executive of the District, the problem is about the CGR in the Constitution. Should a CGR be a Constitutional matter or not? If the CGR was not a Constitutional matter as has been recommended by Committee 4, we would not be having this debate. We made a compromise in Committee 4 to accept both a CGR and the Chief Executive who is named here as Chairman. This matter came up about precedence, because it is a problem in real terms, we are not imagining it here, it is a problem in real terms. Colleagues of mine who have understanding of how political parties manage their affairs, have tended to paint the picture that the position of a CGR would be a problem if we had multiparty. I wish to tell you here now that, that would not be a problem because if we had multiparty we would not need a CGR anyway. The office of CGR would not exist as such. Who is a CGR? A CGR is a political appointment of the President. The current CGRs are appointed by the NRM Secretariat. They are not civil servants as such. They are political leaders in a district representing the president. In a situation where we have multiparty, I am clarified about this matter Hon. Delegates. In a situation where we have multiparty, it does not matter the examples like my colleague Hon. Musene brought up about Kenya. The issue of the Kenya Municipality, Nairobi City Council. This problem

has been long standing before multi party returned to Kenya. There has always been a conflict between the central government and the mayor under KANU when KANU was the sole party in Kenya. So, really it is not a relevant example. What Committee IV has sought to do to help this country get along, is to set up a firm and strong local government system. This attempt is health for NRM, this attempt is health for Uganda. This attempt is health for whoever will come to power. Whether it will be UPC, DP or some other organization. It is health attempt and I would like to appeal to Hon. Members not to start undermining it from the beginning. The issue of CGR, some people have tried to advance the argument that if the CGR does not take precedence, he is not effective. That is wrong. The CGR can take precedence and become ineffective. It is a personal matter, it is a personal ability of the individual who holds the office. Whether you arrive last in the line of people who arrive at a ceremony, that does not in anyway improve your personal ability to perform. Your personal ability to perform depends on your training and experience. *(Interjections)* Shall I continue Madame Chairperson?

THE DEPUTY CHAIRMAN: Please.

MR. KATENTA APUULI: Madame Chairperson, those interruptions do derail one's trend of thought. The issue of protocol needs to be solved here and now because it is an issue. It is an issue in the politics of Uganda. It is a very burning issue in the districts. It gets in the way of the smooth administration of the district. If you wish that trend of things to continue the confusion to continue in the districts, then you can delete this paragraph. But if you want us to solve some of the problems that have been identified in this country as to the smooth running of districts, then leave the recommendation there. This matter was debated at great lengths and compromises were arrived at between those who support the CGR and those who support the precedence of the Chair. Therefore, I would like to appeal to Hon. Delegates that let us not begin to undo the work of the committee because undoing this work which took so much time to put together, will render this whole chapter useless. And the interpretation that go with that are unfortunate in themselves. We have gone through some very rough time this week. I really do not think that the issue of protocol is so important to the CGR for him or her to be able to perform their duty. I thank you Madame Chairperson.

THE DEPUTY CHAIRMAN: Hon. Okullo Epak.

DR. OKULLO-EPAK (Oyam County South): Thank you very much Madame Chairperson. I am opposing this amendment particularly on the arguments advanced by the Mover that it is a mere administrative arrangement which should be left to be resolved in the district among the different personalities there. Madame Chairperson, I am surprised that argument could be advanced by a Member of NRC who in passing the Local Government Statute - Statute Number 15, specified on Page 17 of that Statute under Article 23, Clause 3. That the Central Government Representative shall represent the Head of State and the Central Government in the district and as such shall take precedence over all officials in the district. Madame Chairperson, we already have a statutory enactment to order of precedence in the district and precedence is allocated to a specific office of the CGR. It, therefore, ceases to be a mere administrative arrangement which should be left to be decided by the local officials. It was in our committee because of this predicament, having decided to elevate the status of the chairmen of the District Council to that of a Local Chief Executive, that the issue of precedence must be resolved constitutionally. If we delete this provision now, it means we revert to the situation in the Local Government Statute until that Statute is amended. We have decided through the policy of administrative decentralisation to treat allocation of power in a hierarchical manner. I would like to put emphasis on the Chief Executive. At the national level, therefore, we agree without any problem that the Chief Executive at the national level takes precedence over everybody in the country. What is now difficult at the level of the district which is the next lower level to the national level, that the Chief Executive in that area should be given the honour to take precedence at district level. What is the difficulty? Some of us would like to see a situation where the Chief Executives at two levels enjoy some kind of privilege and respectability. And that they will relate to each other in that manner rather than indirectly. Through a Central Government Representative, Madame Chairperson, in principle, therefore, if we accept the amendment suggested by Hon. Prof. Kanyeihamba. We leave this matter as it obtains in the Local Government Statute or pending and the confusion will continue until the Statute is amended. The administrative arrangement being suggested by Hon. Kanyeihamba is

brought into effect. So, I oppose this amendment, Madame Chairperson, on the fact that it will leave this matter in suspense and we should resolve it here now and for good. It will also guide us on how to deal with the position of the Chief Government Representative in the district in this following article. I thank you Madame Chairperson.

THE DEPUTY CHAIRMAN: Hon. Delegates, let me try to make a small point here. I propose that first I put the question on Hon. Kanyeihamba's Motion on deletion. Because it seems, while we are discussing deletion, Members are discussing what is in the (c). So I have some amendments here on (c). So, let us decide whether we remove it or not, then after that, we shall agree on the language to use in (c). Okay? Now, I put the question.

(Question put and negatived)

MR. KAGIMU (Bukomansimbi): Thank you Madame Chairperson. To avoid confusion, as Hon. Masalu Musene, whatever it means

THE DEPUTY CHAIRMAN: No, no Hon. Kagimu, I do not like your language. Something of the sort, whatever it means. You do not have to understand the meaning of somebody's name.

MR. KAGIMU: I withdraw Madame with all the due respect.

THE DEPUTY CHAIRMAN: Thank you.

MR. KAGIMU: With the Hon. Member how he said that this might bring confusion that the districts RC V Chairman may wake up one day and say that I am taking precedence over every person, even ministers, even governors and everyone. To avoid that confusion, I beg to amend that it reads -
(Interjections)

THE DEPUTY CHAIRMAN: Order! Hon. Kagimu has an amendment.

MR. KAGIMU: I have an amendment. Sorry, if I inconvenienced you. There shall be a District Chairman who shall take precedence over all district officials so that we are after the district officials. So that when we come to districts like Kampala where there are ministers where there are others, it may not bring confusion. We are after district officials. Madame Chairperson, I beg to move.

THE DEPUTY CHAIRMAN: That Motion was seconded by Hon. Medi Kaggwa. Hon. Bageya.

MR. BAGEYA: I do appreciate.

THE DEPUTY CHAIRMAN: There is a procedural matter from Hon. Hope Mwesigye.

MRS. MWESIGYE HOPE (Women Delegate-Kabale): Thank you Madame Chairperson. As a procedural issue, I do not see any change in substance in the amendment put before the Floor. It does not actually change anything to what is already in (c).

THE DEPUTY CHAIRMAN: Hon. Mwesigye that is an argument. It is not a procedural matter. That is your interpretation!

MR. BAGEYA: Madame Chairperson, I do not see what we are labouring for at this point in time. The committee that has submitted this paper has carefully stated that the chairman of the district shall take precedence over every official in the district, not outside the district. I do not see why people are labouring to have it changed or even removed. As far as I am concerned, this is the time when a decision has got to be made and should be made today. We have had a chance and we should use the privilege of Hon. Bidandi Ssali in the other capacity, a minister of local Government for a number of years. He has been finding these problems as a daily bread because everyday he has had problems. So, he knows best. I, having been a chairman of a district, I too would confirm that Hon. Bidandi Ssali had a very strong case which should be supported by this House. We are not saying that the chairman RC V of any district or whatever the name will be, will be over other officials from outside the district. The language is very clear. I do not see why we are labouring with other amendments to this particular Clause. If, we have agreed that deletion is not the best, which I support very strongly, we should go along with the formulation presented to us by the committee. I think it is about the best. I thank you. *(Applause)*

THE DEPUTY CHAIRMAN: Hon. Medi Kaggwa, what would you say about your Motion. We have to pronounce ourselves on that Motion first, by Hon. Kagimu.

MR. KAGGWA MEDI (Kawempe South Division): Thank you Madame Chairperson. We brought this in view of what the practice in this country has been. I think it was under Amin, when he called Ambassador Kinene. I think he called him his Special Assistant and the row came when some Members of Government said, he was making him a Deputy President. Eventually he had to go out and say no, the fellow is at the rank of a PS. Now, in practice today, I know that the Member of Parliament is above the Chairman currently but you cannot tell me that when a chairman of a district is there and there is an MP, then MP will take precedence. In practice, it does not happen. So, to clear this confusion, let us say, all those district officials. Because if you tell me, the chairman is going to take precedence over every official in the district. My interpretation is, whether you are minister or what, once you are in the district, I am above you and this is the problem we must avoid. It is a real problem and unless we specify the people over whom the chairman will take precedence, we shall continue to have this problem, Madame Chairperson. So, I would call upon Members to appreciate this in the practical terms and the realities of what we have today. Thank you Madame Chairperson.

MR. HASHAKA JACKSON (Kibale County): Thank you Madame Chairperson. I would like to be clarified by the Mover and perhaps the co-sponsor of this amendment. The co-sponsor has somehow talked about the official who is not in the district. I think that is how I got him. I would like him to give me a clear distinction between the official in the district and the district official. I would like to get that clear distinction between the two. Thank you.

THE DEPUTY CHAIRMAN: Hon. Kaggwa, Hon. Maliro has another request. So, let him give them to you and then you do respond.

MR. MALIRO GASTON (Mwenge County North): Point of clarification. Thank you Madame Chairperson. My clarification is in regard to the CGR, if that office is approved. When you say 'over the district officials,' is the CGR taken to be a district official? If not, are we not leaving him out of this order of precedence?

MR. KAGGWA: Thank you very much Madame Chairperson. I will start with Hon. Hashaka's

clarification. As far as I am concerned, I may be wrong. We are talking of precedence in a district and this precedence may come at a function, may come in ordinary life. Now, take this situation where we have a function in a district. You go there, you are a visitor. Agreed? But you are an official who is in that district at that material time. There is a chairman who takes precedence over every official. So, if I am the chairman, you have been sent there to preside over independence or whatever. I will say Mr. Minister, you will go and I will come after you. I will be the last person because you are an official and you are now in the district and I take the precedence. Yet, if I said you take a precedence over every official in the district. We know people who are in the district, in fact, it brings me to what Hon. Maliro wanted to clarify. As far as I am concerned, a CGR, will be a district official and therefore, the chairman should take precedence over him. Thank you Madame Chairperson.

THE DEPUTY CHAIRMAN: Let me hear from Hon. Specioza Kazibwe.

DR. WANDIRA KAZIBWE SPECIOZA (Kigulu South County): Thank you Madame Chair. I am not going to take up a lot of time but I think the problem we have here is differentiating 'in' and 'of.' The other problem is having two cocks in the same pen. Madame Chairperson, I want to support the amendment that is on the Floor in that it also goes in to take care of the fears of both sides. Those who wanted to delete and those who are in for this Clause being retained but being clarified better. In fact, Madame Chair, if the members of the Committee do not want their formulation to be mutilated very much. We could even say that the chairman will take precedence over every official of the district so that at the end of the day, the committee will feel that their ink did not go for nothing. Otherwise, I go ahead to support the amendment. Thank you.

THE CHAIRMAN: Let me ask Hon. Katenta Apuuli whether we can resolve this.

MR. KATENTA APUULI: Madame Chairperson, I thank you. This amendment is neither here nor there. I would like to appeal to Hon. Delegates, especially delegates from my committee that we should not waste the time of the Assembly over this matter. Let us accept this matter. The technical team will go and look at adequate language and they will insert it here.

THE DEPUTY CHAIRMAN: So, we are adapting Hon. Kagimu and Hon. Kaggwa's Motion.

(Question put and agreed to)

THE DEPUTY CHAIRMAN: Thank you very much Hon. Kaggwa and Hon. Kagimu. So, now I put the question on (c) that (c) as amended does stand part this constitution.

(Question put and agreed to)

THE DEPUTY CHAIRMAN: So, we adapt (c) as amended. I think now we go to Clause 2. Hon. Kassajja, what is the problem? We have resolved (c). I thought it should be chairman to come in.

MR. KATENTA APUULI: I thank you Madame Chairperson.

THE DEPUTY CHAIRMAN: Wait Hon. Kavuma has his hand up.

MR. KAVUMA: Thank you very much Madame Chairperson. I am not very clear in my mind whether we actually pronounced ourselves on (a) and (b) and whether we have also pronounced ourselves on the entire article. I remember as if when we started debating, we went straight to the position of CGR and the chairman and did not pronounce ourselves specifically on (a) and (b). I do not think we have pronounced ourselves on the entire article.

THE DEPUTY CHAIRMAN: Thank you very much. We have been alerted by Hon. Kavuma that there was silence on (a). So we assume it was okay. There was silence (b), there seems to be no problem. We have just resolved (c) but I will put the question on 208 (1) - Hon. Obua Otoa, what is the problem?

MR. OBUA OTOA (Erute North County): Thank you Madame Chairperson. I really do not have a problem but before we pronounce ourselves on this Clause, I have been putting my hand up to point out something but you were not able to recognise me. The point is, the Clause we have just passed says the chairman will take precedence over every official of the district. What about all other citizens? Are they affected also? He is only going to take precedence over officials. What about ordinary people who are not officials? Does he take precedence over them also?

THE DEPUTY CHAIRMAN: Okay, Hon. Specioza.

DR. WANDIRA SPECIOZA KAZIBWE: Madame Chairperson, I want to just inform Hon. Obua Otoa that this will be official functions because, the Mayor in Kampala does not take precedence in Mr. Kazibwe's home. Mr. Kazibwe takes precedence. So, we are talking about official functions in the district. Thank you.

THE DEPUTY CHAIRMAN: Thank you very much. I think we have resolved that one. We should not open a Pandora's box. Hon. Katenta Apuuli.

MR. KATENTA APUULI: Madame Chairperson, having amended Clause I and the Assembly having accepted our recommendation *-(Interruption)*

THE DEPUTY CHAIRMAN: Sorry, Hon. Katenta Apuuli, I have not yet put the question. I put the question on 208, that as amended it stands part of this constitution.

(Question put and agreed to)

THE DEPUTY CHAIRMAN: Now, you can proceed.

MR. KATENTA APUULI: Madame Chairperson, having amended the stipulation as in the original draft, it became necessary for Committee II to recommend that Clause II of Article 207 in the draft be deleted as a result of having amended Clause I immediately above. Madame Chairperson, I beg to move.

(Question put and agreed to)

THE DEPUTY CHAIRMAN: Clause 2 is deleted.

MR. KATENTA APUULI: Clause 3. The Committee recommends that Clause 3 be amended to read. "3) *The District Chairman shall, in accordance, with the rules, decisions, and recommendations of the council (a) preside at meetings of the Executive Committee of the district. b) Monitor the general administration of the district. c) Coordinate the activities of the urban councils and councils of local administrative units in the district. d) Coordinate and monitor the central government*

functions as between the district and the central government and *-(Interruption)*

THE DEPUTY CHAIRMAN: Hon. Katenta Apuuli, the word 'central' is not appearing in my report.

MR. KATENTA APUULI: I beg your pardon, it does not appear Madame. It is correct. It should not be there because government in this constitution means only the central government and "*(e) perform such other functions as parliament may prescribe.*" Madame Chairperson, I beg to move.

THE DEPUTY CHAIRMAN: It seems there is no problem on (3). Those in favour say aye, to the contrary, no.

(Question put and agreed to)

THE DEPUTY CHAIRMAN: Just hang on please. Hon. Bagarukayo.

MRS. BAGARUKAYO JANET (Women Delegate - Ntungamo): Thank you very much Madame Chairperson. We have just passed Clause 3 (d) saying that the district chairman will coordinate and monitor the government functions as between the districts and the central government. Now, are we going to say that there will be no government representative like the CGR when we have the issue of Central Government, Madame Chairperson? I would like to get clarification.

THE DEPUTY CHAIRMAN: Hon. Katenta Apuuli, perhaps you can clarify that one.

MR. KATENTA APUULI: Madame Chairperson, we will cross that bridge when we come to it. However, for the comfort of the Hon. Member who is also a member of my committee. We discussed these matters through and through and there are officials of central government in the district. There are members who are not really directly under the chairman of the district. People in the police, people in the army, other functionaries of Central Government and other ministries and departments who operate in more than one district. Those do not come directly under the chairman. But for purposes of central government activities in that district, that are only for the district, the chairman will coordinate and oversee the activities.

THE DEPUTY CHAIRMAN: So. I put the question again, that Clause 3 of Article 207 do stand - (e) was read. Is there any problem on (e)? So, I put the question on 3(a), (b), (c) and (d) and (e) that they do stand part of the constitution. Those in favour say aye, to the contrary, no.

(Question put and agreed to)

MR. KATENTA APUULI: Madame Chairperson, the Committee recommends that we introduce a new Clause 4 to read: "*In the exercise of his or her functions, under Clause 3 of this article, the district chairman shall be answerable to the District Council.*" Madame Chairperson, I beg to move.

(Question put and agreed to)

MR. KATENTA APUULI: That Madame Chairperson, brings us to the end of that Article.

THE DEPUTY CHAIRMAN: So, I put the question on Article 207 as amended that do stand part of this Constitution. Hon. Bageya want is the problem?

MR. BAGEYA: Madame Chairperson, I would like to remind you. It is 208, rather than 207 which you pronounced. I thank you.

THE DEPUTY CHAIRMAN: Okay, sorry, 208. Now, I put the question on 208 as amended, do stand part of this constitution.

(Question put and agreed to)

THE DEPUTY CHAIRMAN: So, 208, as amended, does stand part of this Constitution. We are through 208 and I do not expect anybody to speak before the Chairman of the committee. If he is introducing a new - Okay, Hon. Kasajja.

MR. KASAJJA: Thank you very much Madame Chairperson. We are introducing a new article relating to the qualifications for a district Chairman. As you see, in the committee report, the qualifications have been left out. So, a number of Members have been left out. So, a number of Members have seen this omission and we have come up with a formulation and the amendment Madame Chairperson has been distributed. I hope you have a copy. The amendment reads that: "*A person is qualified to be a district Chairman if he is*

a citizen of Uganda. 2) He has completed a minimum formal education of advanced level standard or its equivalent and 3) has attained the age of not less than 30 years. Madame Chairperson, I beg to move.

THE DEPUTY CHAIRMAN: There is a point of information here Hon. Kasajja.

MR. KAYIIZI ASANASIO (Kassanda North): I would like to inform the current Mover that I understand, if I recall very well, in Article 205, Clause 2 we had already requested the Technical Committee to take care of the qualification of the Chairman of the District. Yes, Clause 2, Article 2 which says that Parliament shall, by Law, prescribe the composition, qualification, functions and electoral procedures in respect of the local government councils.

THE DEPUTY CHAIRMAN: Okay, thank you very much. Hon. Katenta Apuuli you can proceed. We have pronounced ourselves on 3 and 4 and the whole article and Hon. Kayiizi has clarified that the thing has been taken care of. Let us proceed with Hon. Katenta Apuuli. Yes, Hon. Kasajja.

MR. KASAJJA: Madame Chairperson, that article that they are talking of does not specifically go into the details of giving the qualification, of this person of a chairman. Madame Chairperson, in an era where are introducing decentralisation and where we want to introduce strong government as the chairman of the committee is stating, these qualifications, Madame Chairperson, have to be spelt out in this constitution. We cannot just leave it that the Parliament will come out with these qualifications. They have to be specific here because in light of the reason that the committee has given and the responsibilities that this chairman is going to have, we cannot afford to leave the qualification of this chairperson just hanging like that. So, Madame Chairperson, I still insist that we should move this amendment.

THE DEPUTY CHAIRMAN: Hon. Delegates, I even have another one by Hon. Henry Basaliza Alari. It is also proposing A' level Certificate. So, they are more or less the same. Hon. Katenta Apuuli.

MR. KATENTA APUULI: Madame Chairperson, I would like urge Hon. Delegates to accept the proposal of Hon. Kasajja.

THE DEPUTY CHAIRMAN: Hon. Sebalu.

MR. SEBALU KENNEDY (Youth Delegate - Central): Thank you very much Madame Chairperson. I rise to support the amendment as moved by Hon. Kassajja. Now that we have already said that power belongs to the people in the constitution and they have got the right to choose their leaders. It is only fair to be specific and list out the qualification of these leaders. Let them be constitutionalised. Because if we leave it to Parliament, this idea may be watered down because we want these people to get real powers and these powers to be in the constitution. Even the qualifications. I am glad that my friend Kasajja is even considering young ones to take up this Office. So, I do not have any reason. I beg to put the question. This is an obvious case.

MR. ATWOKI AMBROSE (Youth Delegate - Northern): Madame Chairperson, thank you. I would not have had quarrel with this amendment but the qualification of 30 years. I do not think it can impress me because Madame Chairperson we have even passed the qualification for a Member of Parliament who is going to deliberate on national issues. We have given the age of 18. Why are we not consistent and more so it is good to expose the young leaders of this society earlier than putting 30 years. Actually, it would even be better off even if it is deleted.

MR. AWORI AGGREY (Samia Bugwe North): I would like to amend that amendment and make it read the same way we have provided for Members of Parliament. The same qualifications in every aspect as Members of Parliament.

MR. WAGIRA MOSES (Kibuku County): Thank you Madame Chairperson. I just rise to support. There was a view first of all that Parliament shall prescribe and therefore, using that Clause to bar the amendment brought by Hon. Kasajja. In light of the office that we have created and in light of the responsibilities that will go with this office, notwithstanding the policy of decentralisation, which is taking root. I would feel that we would really be abdicating ourselves of a very important duty, if we do not spell out a minimum qualification for somebody who is going to take charge of the district. Mr. Chairman, I would like to plead with my Colleague Hon. Kasajja and neighbour. If he feels it does not so much harm its Motion, which I

feel it does not. We would just go out and spell that the qualification is for the chairman of the district, will be as those of a Member of Parliament. That will also save us of going over the qualifications, spelling them out and pronouncing ourselves over all those qualifications. Madame Chairperson, I beg to support the amendment by Hon. Aggrey Awori if it is acceptable to the Mover. Thank you.

MR. AWORI: Not long ago, Madame Chairperson, I had made a Motion to amend the amendment and I think I was seconded. Madame Chairperson, can I beg that you put the question.

THE DEPUTY CHAIRMAN: No, but people are still debating your Motion. Why do you want to cut us very short. Hon. Basaliza.

MR. BASALIZA HENRY (Fort Portal Municipality): Thank you very much Madame Chairperson. I support the Motion moved by Hon. Kasajja and oppose the Motion moved by Hon. Aggrey Awori. We have already spelt out the qualifications for a Member of Parliament. The qualifications for one to be elected as a president. Now, there is no reason why we should squash this good amendment and say that the same as a Member of Parliament. Now, it should stand in its own right because the chapter we are dealing with is very important. Decentralisation has come to stay. The chairman of the council district council, is going to be a very important person and we have given him a lot of responsibilities. Further more he will be dealing with those people we have already accorded qualifications. He will be dealing with the president, he will be dealing with the Members of Parliament. Now, Madame Chairperson, why should we put it in just in one clause without spelling it out clearly within this article which are intending to introduce - Article 209. I think Madame Chairperson, I appeal to the Members of this Assembly that we should leave it as Hon. Kasajja has moved it. Thank you very much Madame Chairperson.

MRS. BAGARUKAYO: Madame Chairperson, thank you very much. I am a Member of Committee IV and we gave a lot of powers this leader, political head of the district. Now, considering the age we gave to the president of this country. Now, we gave him 35 years upwards and since the district political head, the chairman RC V, is going to man a smaller area, I would suggest that we give him the age of 30 years. 18 years is a very young age for

somebody who has to manage a large section of the district and with the functions we have given him, of coordinating all district activities, the central government activities and everything. So, Madame Chairperson, I support the amendment moved by Hon. Kasajja that we have 30 years, not 18 as moved by Aggrey Awori.

THE DEPUTY CHAIRMAN: No, the Motion on the Floor is that - we are not on 3. But we are saying that the qualifications for parliamentarians should be the same. So what you are debating is different from what we are debating.

MRS. BAGARUKAYO: No, it is the same Madame Chairperson. Because here I am opposing the amendment and I am suggesting that we stick to the amendment moved by Hon. Kasajja of 30 years.

MR. HASHAKA: Madame Chairperson, I would like to be clarified by the chair. Article 205, Clause 2 we agreed that Parliament shall, by law prescribe the composition, qualification, functions and electoral procedure in respect of Local Government Councils, etc. Now, what are we debating? Are we abandoning what we have already agreed upon in Clause 2 of Article 205?

MR. BIDANDI SSALI (Nakawa Division): No, we are not Madame Chairperson. The point is that we talked of the District Council. Separately we talked of the chairman of the Council and then somewhere we said that chairman will be a member of the council. Now, this is what we discussed but we are now trying to say that a chairman whom we have said is chairman with his qualifications after being elected chairman in his own right, should also be a member of the council. So, I think we are quite in order as Hon. Members are suggesting we could set the qualifications and make him a member of the council. Secondly, Madame Chairperson, I would like to take this opportunity to oppose the amendment by Hon. Awori. He is trying to give an impression that the Member of Parliament is perhaps more important than the chairman. So, qualifications of a Member of Parliament could really do for a chairman. One, I think the general trend is that we might say the chairman must be elected by universal adult suffrage throughout the district. So by that virtue alone, his constituency is much bigger than that of a Member of Parliament. Two, I would like once again to caution members that the chair-

man we are visualising in this constitution is going to be a more important person than even a central government minister. He is going to handling billions and billions of shillings on behalf of the population. Therefore, when you are talking of the qualification. Do not relate it to a Member of Parliament the way we have known him but relate him to the responsibility we in this particular constitution are giving him. And the extent of his constituency when he is being elected by every individual throughout the district. When I as a Member of Parliament it is only part of the district. Thank you.

MR. MULENGA JOSEPH (Democratic Party): Thank you Madame Chairperson. I want to augment the point made by Hon. Bidandi Ssali by saying that the other context we should consider is this. The chairman being executive head, he is going to have responsibility that he will discharge by himself. Whereas, a Member of Parliament always acts in the council with other M.Ps. If he is as young as 18, his inexperience will be helped by the other M.Ps who are older. That is also something to consider that this person that is chairman may have to act alone using his judgement and so forth. So, let us not equate him with an M.P who may act with others.

THE DEPUTY CHAIRMAN: Let me put the question on Hon. Aggrey Awori's Motion.

(Question put and negatived)

THE DEPUTY CHAIRMAN: So, we go back to 208. Whatever the numbering is proposed by the Movers.

MR. BAGEYA: Madame Chairperson, whereas I agree with the amendment, I observe here that yesterday when we were talking about Article 205, Clause 3 takes care of this Clause 1 which is being specified by the Movers that a person is qualified a district chairman if he is a citizen of Uganda. I think this will be a reputation if we include this one. So, I propose that we delete this one because we have already dealt with it elsewhere as we have it in Clause 3.

THE DEPUTY CHAIRMAN: How does it read?

MR. BAGEYA: Clause 3 in Article 205 says a person shall not be a member of a local council

unless that person is a citizen of Uganda. Here we are talking about he is a citizen of Uganda. Naturally, he will be a Member of the council only if he is citizen. We have already catered for that. So, I would propose that we delete sub-clause 1 as proposed by Hon. Kasajja.

MR. KASAJJA: Madame Chairperson, I have no quarrel with that one. After all when we wrote this amendment we had not yet passed that clause. But when the Technical Committee will be rationalising these clauses, they will find out where it is repeated, they can delete. So, I have no problem with what Hon. Bageya is suggesting as long as 2 and 3 are maintained because to me I find those ones are the most crucial in this amendment.

MR. SEKITOLEKO SEBASTIANE (Bugangaizi): Thank you very much Madame Chairperson. I wish to support this amendment except with a few amendments. My concern is on number 3. The age. I consider that 30 years is quite on the high side. Considering that most of our children today leave the university at the age of 22, 23 sometimes even at 21. It will really be wrong for a person to wait over 9 years before becoming a chairman of a district. I think the age of 25 would be enough considering more especially to women. I would, therefore, move - *(Interruption)*

THE DEPUTY CHAIRMAN: Hon. Sekitoleko, Hon. Kabugo has a problem.

MR. KABUGO MESUSERA (Nakaseke): Thank you very much Madame Chairperson. I would like to be clarified by Hon. Member holding the Floor whether we are creating the position of a district chairman for our children who are still at the university. This is a very high position with a great responsibility and he is taking us back to reducing age of 30. How can you expect a boy of 30 years to stand before a senior citizen and give him orders? We need somebody who is with some experience.

MR. SEKITOLEKO: Madame Chairperson, all I was saying is that most of the children these days leave university at the age of 22, 21, 23. If someone was given a chance to have working experience of about 3, 4 years?

THE DEPUTY CHAIRMAN: There is a point of Order. Hon. Semala.

MR. SEMAALA (Kyamuswa County): Is it in order Madame Chairperson, to discuss this very important chapter when really we do not have a quorum?

THE DEPUTY CHAIRMAN: We have been alerted that we may not have a quorum. So, they are counting. We are 101. So, I suspend the Assembly for 15 minutes and they ring the bell but I will remain here.

(The Assembly was suspended for 15min)

THE DEPUTY CHAIRMAN: Hon. Delegates, we are 101 and I do not think there are any 40 Members outside to make us realise the quorum. So, we adjourn until 2.30 p.m.

(The Assembly adjourned until 2.30 p.m.)

THE DEPUTY CHAIRMAN: We are only 82. I will wait for another 15 minutes. I suspend the Assembly but I remain here. After 15 minutes if we are not in good numbers required, we shall adjourn. So, I suspend the Assembly for 15 minutes.

(The Assembly was suspended for 15 minutes)

THE DEPUTY CHAIRMAN: Hon. Delegates, after 15 minutes our numbers are no better than in the morning. We are 102. So, I adjourn until Monday, 9.00 O'clock but Hon. Kavuma has an announcement. So, after him we stand adjourned until next week, Monday.

MR. KAVUMA: Thank you very much Madame Chairperson. This announcement is really to request delegates from Buganda to remain behind for five to ten minutes and to wish all the others a very happy week-end and to participate in the fundraising in Mbale.

(The Assembly rose and adjourned until Monday, 3rd April, 1995 at 9.00 a.m.)