



PARLIAMENTARY DEBATES

(HANSARD)

OFFICIAL REPORT

FOURTH SESSION - THIRD MEETING

THURSDAY, 13 FEBRUARY 2025



PARLIAMENT OF UGANDA
IN THE PARLIAMENT OF UGANDA

Official Report of the Proceedings of Parliament

FOURTH SESSION - 13TH SITTING - THIRD MEETING

Thursday, 13 February 2025

Parliament met at 2.00 p.m. in Parliament House, Kampala.

PRAYERS

(The Speaker, Ms Anita Among, in the Chair.)

The House was called to order.

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable members, I would like to welcome you to this afternoon's meeting. As I said yesterday, today, we should be able to review the rules before we go into the Prime Minister's Time.

I would also like to inform you that we have a lot of pending business in the committees. We have 10 Bills and three petitions, pending in various committees. Such delays in processing business violate the parliamentary calendar. I urge the chairpersons of those committees to ensure that we have all that business ready in one week.

If they do not do it, I will come and name them in the House; I will name and shame! I urge these committees to work hard so that by the time we go for the ministerial policy statements, we can do our work efficiently without any encumbrances of pending Bills.

Honourable members, I am in receipt of a notification from the Electoral Commission, extending the timeline for the general update of the National Voters' Register by one week,

from 11 February to Monday, 17 February 2025. If you have not registered, kindly, go and register so that you can exercise your constitutional mandate to vote for the person that you wish to do so. I would like to urge all of you, especially, Hon. Sseki –(Laughter)-Sseki, please, make sure you go and register.

As I guided during the previous meeting, I would like us to move with the rules and I am happy the committee chairperson is here. Mr Chairman, we are aware that you have lost somebody. We are with you in prayer and we will continue praying for you. However, given the importance of these rules, I had to plead with the committee chairperson to be around. Please, we will do that very fast and let you go.

Honourable members, I would like to thank you once more. I would also like to inform the House that Hon. Ssekikubo is bound to host the Pope of the Orthodox Church. Maybe we could hear from him, first.

2.06

MR THEODORE SSEKIKUBO (NRM, Lwemiyaga, Ssembabule): Thank you, Madam Speaker, for the kind introduction. It is true that the Patriarch and Pope of Alexandria and the whole of Africa, Theodore II, of the Orthodox Church –(Interjections) - of course, I am a small person. - I am just the knight of the Pope. I cannot even tie his shoelaces. I am a small member of the church –

THE SPEAKER: You are a small Theodore.

MR SSEKIKUBO: Yes, a small Theodore. He is on a three-country visit, starting with Nairobi, Kenya, and will be arriving in Uganda on the 18th of this month – next week. We hope he will have audience with His Excellency, the President and, thereafter, he will be received at the Church.

On the 19th, Madam Speaker, the Pope will be having his patriarchal visit to St George and Andrew Church, Lwemiyaga – that will be a Wednesday – before proceeding to Gulu on the 20th. He will conclude his visit with the eastern region in Jinja. We hope we will have his itinerary arranged, but the bishops of those areas are well-informed and are coordinating well.

I take the opportunity, Madam Speaker, to invite you, the Rt Hon. Prime Minister and all the honourable Members of Parliament. Let us meet the Pope and take the blessings. It is non-partisan. We are all one in God, and that is his message. He comes at a time when the country needs his message, and we look forward to the support from Members of Parliament, with your presence and in every way.

I am glad that Hon. Elijah Okupa is heading the protocol at the reception of the Pope and I hope he will work tirelessly to ensure that everything goes well, together with the other members.

I beg to submit, Madam Speaker. I thank you for the opportunity and blessings from the church.

THE SPEAKER: Thank you. I will give you another person to help Hon. Elijah with the protocol and that is Mr Adilo. He is the one who received our Pope when he came to Uganda. Thank you so much for the invite. Let us support Hon. Ssekikubo by going to welcome the Pope and being with him. On issues of religion, we are one.

2.09

MR ELIJAH OKUPA (Independent, Kasilo County, Serere): Madam Speaker, I accept the appointment to lead the protocol team. *(Laughter)*

THE SPEAKER: Thank you. Yes, Hon. Linos?

2.09

MR LINOS NGOMPEK (NRM, Kibanda North County, Kiryandongo): Thank you, Madam Speaker. We all know very well that tomorrow is a day of love -*(Laughter)*- yes, and we all have loved ones; It is Valentine's Day. So, I implore Members and all of us to share love wherever necessary so that God can also accept us when we go to Him. Thank you.

THE SPEAKER: Thank you. *(Laughter)* I could not imagine Hon. Linos being somebody to be talking about love. He does not look like one who can love. *(Laughter)* Yes, Member from Bugabula?

2.10

MR HENRY KIBALYA (NRM, Bugabula County South, Kamuli): Thank you, Madam Speaker. We appreciate the communication from the Electoral Commission. However, the machines are not working, even after extending the dates. Secondly, in my subcounty, there is one person who will give the schedule that he will be in place A on Wednesday and place C on Friday, meaning that if the people miss that person on Wednesday, they cannot get the chance.

Therefore, Madam Speaker, through your office, let the Electoral Commission step up the game. As they give these dates and as they extend, the machines up to now are not working. They have one person in the subcounty – who is registering – yet the subcounty cannot be covered by that person in that style. Thank you, Madam Speaker.

THE SPEAKER: Thank you. I am going to inform the Chairperson of the Electoral Commission of your findings. Yes, there is information on the same. Let us get on to the Electoral Commission.

2.11

MS HANIFA NABUKEERA (NUP, Woman Representative, Mukono): Thank you, Madam Speaker. In addition to what the honourable

member is talking about, the stipulated time for the Electoral Commission to start its work is supposed to be from 8.00 and 9.00 to 6.00, but they come in at 10.00 and leave by 1.00. Those other people who come in the afternoon find when they have left. Let them keep time such that the voters or these people are given a chance to register themselves.

THE SPEAKER: Thank you. Clerk, take note of all the concerns from Members.

2.12

MR JONATHAN EBWALU (Independent, Soroti West Division, Soroti): Madam Speaker, in relation to that, there is a *Gombolola* Internal Security Officer (GISO) – I am on record - called Joseph Orujuma. He is the GISO for Soroti West Division. This GISO is not only asking for money from the people of Soroti West Division to stamp on the forms but also asks: “Whom do you support?”

There is a lady called Loyce Akello in Majengo who wanted to transfer to the West. He asked her, “Where have you been?” She answered, “Serere.” He asked her whom she was going to vote for. The lady responded that she would vote for Ebwalu. The man chased her away. The lady is called Loyce Akello. It is on record. Therefore, some GISOs are not doing what is correct.

THE SPEAKER: That is the GISO and not the EC. Now, we are speaking about the EC. The registration of EC. The issue of the GISO can be handled with the Minister of Security.

MR EBWALU: Madam Speaker, the reason I raised this is because the exercise is being conducted by the Electoral Commission. There is, however, a space on the form, where the GISO must sign.

THE SPEAKER: But honourable members, let us be sensitive to our voters. When you mention the identity of that lady, you are endangering her. You do not know what the other person can do to the lady. You can actually just say that one of the voters, so long as you have mentioned the name of the GISO. Protect your voters. Yes, Allan.

2.14

MR ALLAN MAYANJA (NUP, Nakaseke Central County, Nakaseke): Thank you, Madam Speaker. In addition to that, in Nakaseke Central, the technical people from the Electoral Commission are asking for some money for electricity, because these kits use electricity. Therefore, they are asking for money for electricity.

THE SPEAKER: From whom are they asking for money?

MR ALLAN MAYANJA: From those who go to register. They say that the machines and kits use electricity and that the Government is not paying for the machines’ electricity. Therefore, they extort –

THE SPEAKER: Let me tell you: Government has paid the money for everything. There is nobody who should ask for money to update anybody’s data.

As a leader of that area, if you get anyone asking for money, please report to the police. And the police must arrest that person.

MR ALLAN MAYANJA: Madam Speaker, the reason I am saying as their representative is to raise their matters or issues so that the Electoral Commission or the Government comes in and does the needful.

THE SPEAKER: Excuse me! Let us not continue lamenting. We should be able to take action where there is a problem because that is criminality. If someone is asking for a bribe, asking for money from the people, you must, as a leader, inform the security agencies and ask what is happening here. We are not going to continue being with those people like. If it is true. You should take action. Actually, after here, give me the names of those people and I take action for you.

MR ALLAN MAYANJA: Thank you, Madam Speaker.

THE SPEAKER: Hon. Aisha, don’t you have problems in Butambala? (*Laughter*)

2.16

MS AISHA KABANDA (NUP, Woman Representative, Butambala): Thank you, Madam Speaker. I am only shy to say that I have actually helped to pay – *(Interjections)* – yes, this is it because, first of all, time is running out –

THE SPEAKER: No, we have extended by one week.

MS AISHA KABANDA: People are being chased back and forth to look for money. The LCs themselves are extracting money from people. The DISOs are extracting money from people. Actually, some are so arrogant that they tell people “Tell them that I have refused to register you. Do whatever you want.” That is what they are saying.

THE SPEAKER: Is that money for photocopying the forms?

MS AISHA KABANDA: It is money for signing. They say that it is money to pay for their signatures. In fact – *(Interjections)* – if I may conclude - some of the LCs have colluded with security agencies. They collect forms in bulk from people who give them money, sign for them, collect the forms, take them to the GISOs, and append their signatures.

For the people whom they believe will not vote for the side that they want, they refuse to help them and tell them to look for the GISOs wherever they may be. The system is very ugly. It is not helping our people.

THE SPEAKER: We will take action within this one week. Yes, Hon. Itungo, then I will come back to you.

2.17

MR NATHAN TWESIGYE (Independent, Kashari South County, Mbarara): Thank you, Madam Speaker. I have been in these elections since 2010. Whenever this exercise occurs, the Electoral Commission has been sending at least a computer to every parish. But what is happening now is that they have sent one computer to a sub-county. In my

case, there are 11 sub-counties with only nine computers. These computers are in very dangerous mechanical conditions. There is a team of mechanics running up and down.

When you look at Article 62 of the Constitution, this Commission is supposed to be independent. The information I got is that these computers were borrowed from NIRA. How can an independent Commission borrow from NIRA? Even if they extend the exercise by days and/or years, it will not be successful if they do not have enough kits on the ground.

Therefore, we need to do something as far as the kits are concerned, not even the number of days. Thank you, Madam Speaker.

THE SPEAKER: Thank you. Chairman.

2.18

MR BASIL BATARINGAYA (NRM, Kashari North County, Mbarara): Thank you, Madam Speaker. In addition to the computers, which are in very dangerous condition, very many areas – and I think it is across the country but I will speak for my constituency and my district – do not have electricity. Of course, these computers work for a short time and run out of battery. As a result, the people are sent back home.

People are getting disappointed and disgusted with the way we work as the Government. It is an issue that will make it very difficult at elections. This can also sway people from one side to another –

THE SPEAKER: I know. Thank you.

MR BATARINGAYA: I beg that this issue be handled.

2.19

MR PAULSON LUTTAMAGUZI (DP, Nakaseke South County, Nakaseke): Madam Speaker, what Hon. Allan Mayanja was talking about is very true. Most of the rural areas are experiencing load shedding most of the time. For instance, we can take almost four days without electricity in Nakaseke. Yet

people are supposed to register, and these kits use electricity. We are facing that challenge. People may wish to come and register, but they may find that there is no electricity and that the people who are supposed to register them have no alternative.

Perhaps the Government needs to come up with some alternatives of maybe getting generators in the meantime to enable the exercise to move on smoothly. Thank you.

THE SPEAKER: Honourable members, at least you have raised substantive issues on the Electoral Commission exercise. I would like to ask the Prime Minister to get out, call the Chairman of the Electoral Commission, give the chairman some of these issues that have been raised, and then report back to us during the Prime Minister's time. Let us first hear from the LOP because this is very crucial.

2.21

THE LEADER OF THE OPPOSITION (Mr Joel Ssenyonyi): Madam Speaker, I thank you. About two weeks ago, I raised this matter with several concerns regarding the update of the voters' register. The presiding officer then sent this matter to the relevant committee. The committee brought to us here a good report, which we discussed a bit and the Government committed to take action because there were numerous concerns cutting across, by the way.

There was the concern of very few kits scattered in humongous places. You find three sub-counties having one kit. Again, many of these few kits were also faulty. There was another concern about GISOs, DISOs, HISOs, FISOs, and all of those. We were saying that these people have no business at all in the electoral process. Even more problematic is that they ask for money from people. All these issues were captured in that report, and the Government committed to take action.

We asked the Government to prevail upon the EC to avail more time because even the Government conceded that there were all these issues. So, we said the limited number of days would not be adequate. We are happy to see the

Electoral Commission extend this by one week. We said to the Government, "We hope that in these seven days, they are going to fix all the issues that have been raised by all the Members here." We are now into the extra seven days, but the issues have not been sorted out.

Madam Speaker, the Government needs to relook into that. When we asked for the extension, it was not just for the sake of it. It was so that, number one, they make sure there is an adequate number of kits, and the kits are functional, so that all the people who want to either check their voter ability, the new voters, those that want to transfer, are able to do it. However, we are now into the extra days, and there are all these concerns.

I hope that the Government can find it worthy to extend some more, but also, we do not want to keep extending again and again. Do what you ought to do. Make the kits available, because this process is very important. The Government came to Parliament to get money for this electoral process. Money was made available. What is the problem?

Madam Speaker, I do not want to keep standing here and saying, let us extend, because there must be a limit. The extension is caused by the inefficiencies on the part of the Government. We want an update on how those things are being fixed.

THE SPEAKER: Thank you. You will find that some of the staff who were updating the registers were students, and they have gone back to school, and because of that, there is a vacuum that needs to be filled.

During the Prime Minister's Time, we will need to hear from you, the Prime Minister, after you have talked to the Chairman of the Electoral Commission. Yes, is it the same issue? I have made a ruling on this one. On what? Yes, Alex?

2.24

MR ALEX BYARUGABA (NRM, Isingiro County South, Isingiro): Madam Speaker, you did raise an issue regarding the legislative agenda, which was distributed to all the chairpersons, and by extension, to all Members.

I now seek your guidance. Having read the legislative agenda, and approached the minister or the ministry concerned, four times, and there was no response from the Government department, what am I expected to do as a chairperson of a committee, for fear of being named as inefficient?

THE SPEAKER: What business do you have in your committee?

MR BYARUGABA: I am a chairperson of a committee, Madam Speaker.

THE SPEAKER: I am asking: what business do you have in your committee? Do you have a Bill?

MR BYARUGABA: Yes, I have a Bill, Madam Speaker, regarding disaster management in the country.

THE SPEAKER: I want that Bill.

MR BYARUGABA: Come again?

THE SPEAKER: Thank you. Yes, Hon. Ethel Naluyima.

2.25

MS BETTY NALUYIMA (NUP, Woman Representative, Wakiso): Thank you so much, Madam Speaker. I am here to plead with you to continue guiding us together with the committee chairpersons, on matters that we, at times, conflict. For example, we have sectoral committees that are keeping us occupied because it is now their time. However, standing committees, especially those on accountability, are stuck with work because we have to first finish the sectoral committee work. We shall not have an extension of the six months to handle the work –

THE SPEAKER: We shall give an extension of two months to standing committees.

MS NALUYIMA: Thank you so much.

THE SPEAKER: Yes, Hon. Christine Kaaya. I hope it is not a matter of national importance.

2.26

MS CHRISTINE KAAYA (NUP, Woman Representative, Kiboga): Thank you, Madam Speaker.

Madam Speaker, you have raised your voice and given information to us, but when we go down to translate the information about the extended days, we really cannot transfer it because of the cut-off of the community radios and community microphones. Yes, some of our districts –

THE SPEAKER: That is why I asked whether it was the same matter that you wanted to raise. I want you to raise it during the Prime Minister's Time because I need your question to be answered very well.

MS KAAYA: Much obliged, Madam Speaker.

THE SPEAKER: I know what your question is. Thank you. Next item. Prime Minister, we are waiting for your response.

MR SSEWUNGU: Thank you, Madam Speaker. Yesterday, after raising issues of grading of students, you directed the Minister of Education and Sports – and I don't see any of the ministers here - to bring a statement on Tuesday.

The procedural matter I am raising is: we are getting more issues. The leading newspaper in Uganda, the *Daily Monitor*, published a story saying that there is an issue with the criteria of the selection of students. I would like to seek your guidance on whether it is procedurally okay to ask the Prime Minister to direct the minister for education –

THE SPEAKER: Is the *Daily Monitor* the leading newspaper?

MR SSEWUNGU: The lead story, Madam Speaker. My prayer is for the minister to include this before coming on Tuesday.

As far as I know, there should not be any child denied to go to schools St. Mary's College Kisubi and King's College Budo, because of

poor marks, since they all passed. The classes of schools must all disappear now because all students passed. That business of looking for first class, A and aggregate four - if every student passed and the parent has money, they should go to King's College Budo, Mount Saint Mary's College Namagunga, and everywhere, because we are moving classes of grades. This is stated by trained teachers –

THE SPEAKER: We will discuss that on Tuesday.

MR SSEWUNGU: So, I would like to know the real criteria by knowing the real facts, so that we stop getting calls from our friends that they want their child in King's College Budo. It is now a clear deal. Every parent can send them as long as the child has one –

THE SPEAKER: There is passing with an A, B, C, D, E.

MR SSEWUNGU: The order is one; they are all supposed to go to King's College Budo, Madam Speaker. (*Laughter*) They all passed and got certificates.

THE SPEAKER: Thank you. Next item. For that point of order, - he has finished. Members need assurance that you are going to give us feedback on the Electoral Commission.

2.29

THE THIRD DEPUTY PRIME MINISTER AND MINISTER WITHOUT PORTFOLIO (Ms Rukia Nakadama): Madam Speaker, I thank the Members for raising what is in the newspapers –

THE SPEAKER: It is the Electoral Commission.

MS NAKADAMA: I am going to take it up and give it to the minister for education. When she is here on Tuesday, she will give a clarification.

Madam Speaker, about the EC, the Speaker said I should go and consult; it is not now. However, as I consulted, I talked to some of these people who raised issues in the community. Like she

said, for some of those things, you need to take action. These people are getting money on their own. It is not a Government instruction that they should go and pick money from the voters. People are doing it illegally.

As a leader, you have to take action by reporting them to the police, so that it is taken up. Do not just keep quiet and start paying as my colleague, Hon. Aisha Kabanda did. The Government has paid for everything. You are not supposed to pay for electricity. You are not supposed to pay for registration or being updated. Nobody is supposed to pay. They are illegally doing this. Please, Members, let us take action as leaders. I thank you.

THE SPEAKER: Thank you. Could you give that information to the Chairman of the EC, and get back to us on what he says, during Prime Minister's Time.

Honourable members, in the public gallery this afternoon, we have students from Kampala International University, Greater West Nile Students' Association, and they are here to observe the proceedings. They are represented by all the Members of Parliament from West Nile. You stand up. These are your Members, thank you so much. Thank you for coming. Even Hon. Aisha Kabanda is from West Nile. You wave to them.

Honourable members, also in the public gallery this afternoon, we have students from Lwantama Child Development Centre in Busiro County North, in Wakiso District. They are represented by Hon. Paul Nsubuga and Hon. Ethel Naluyima. Ethel is there; your Member of Parliament. Thank you so much for coming.

2.32

MS ETHEL NALUYIMA (NUP, Woman Representative, Wakiso): Madam Speaker, allow me this opportunity to welcome the *Busironians*. You are welcome to Parliament. This is where everything happens and we are busy deliberating for you to have a better Uganda. You are welcome.

THE SPEAKER: Thank you. You have heard your Member of Parliament.

2.33

MR TOM ALERO (NRM, West Moyo County, Moyo): Madam Speaker, in a similar vein, may I take this opportunity to welcome my students from West Nile -

THE SPEAKER: Yes, the West Nile team.

MR ALERO: From West Nile who have come to witness how we deliberate on their issues related to the development of the roads, electricity and infrastructure. Thank you very much, you are welcome, my dear sons.

MINISTERIAL STATEMENT ON THE
48TH COMMEMORATION OF SAINT
JANANI LUWUM DAY, 16 FEBRUARY
2025

THE SPEAKER: Honourable members, you recall that yesterday I highlighted a matter in my communication, and pursuant to Rule 52 of the Rules of Procedure, I now invite the Minister for the Presidency to present the statement on Saint Janani Luwum Day commemoration. Please, honourable minister?

2.34

THE MINISTER OF STATE FOR KAMPALA CAPITAL CITY AUTHORITY AND METROPOLITAN AFFAIRS (Mr Kyofatogabye Kabuye): Thank you very much, Madam Speaker. On Sunday, 16 February 2025, Uganda will celebrate the 48th commemoration of Saint Janani Luwum Day at Wii-Gweng, Mucwini in Kitgum District. This is in honour of Janani Luwum, the second Archbishop of the Church of Uganda, Rwanda, Burundi and Mboga-Zaire, who died in 1977, that is 40 years ago.

His devotion and martyrdom were especially recognised by the Church of England, which is the mother church of the Anglican Communion. He was given a special place in the history of the Anglican Communion as one of the 10 martyrs of the 20th Century.

His Excellency, the President of Uganda, Yoweri Kaguta Museveni, announced in 2015 that 16th February would be designated as St. Janani Luwum Day, and the day was declared a public holiday.

Consequently, every year, we honour, celebrate and provide thanksgiving for the life, testimony, and martyrdom of Saint Janani Luwum. The commemoration is organised annually by the Government of Uganda in collaboration with the Church of Uganda and the Janani Luwum family.

Madam Speaker, it is important for Ugandans to note that Archbishop Janani Luwum did not die alone. He died on 16 February 1977 together with -

THE SPEAKER: Are you reading from the same document I am reading?

MR KYOFATOGABYE: Yes, Madam Speaker.

THE SPEAKER: Here it says, "He not killed alone."

MR KYOFATOGABYE: Oh, yes, killed - I was only summarising, Madam Speaker - with the then Minister of Internal Affairs, Hon. Charles Oboth Ofumbi and the then Inspector General of Police, Mr Erinayo Oryema. This was under a fabricated case that they had conspired to overthrow the Government.

I would like us to recognise those two sons of Uganda who left a landmark in the history of our nation.

Madam Speaker, the theme for the 48th Commemoration is "Imitating God's Goodness by Doing Good." It is taken from the Book of Galatians 6:9-10. The expected outcome of the commemoration is that the congregation would desire to imitate God's goodness by doing good to others, such as helping those in need, being ethical, trustworthy and serving their nation with patriotism.

The main commemoration event will start with a church service at the late Archbishop Janani Luwum's burial ground at Wii-Gweng, Mucwini Ceremonial Grounds in Kitgum District, followed by speeches as usual.

The chief guest is expected to be His Excellency, the President of the Republic of Uganda. The main celebrant will be the Archbishop of the Church of Uganda, the Most Rev. Dr Stephen Samuel Kaziimba Mugalu, while the guest preacher will be Rt Rev. Ass. Prof. Dr Sheldon Mwesigwa, the Bishop of Ankole Diocese.

Other commemoration activities, which the Church of Uganda has organised will include evangelical missions within Kitgum Diocese to mobilise the believers. Furthermore, pilgrims will walk from Kampala, Lira, Gulu and other areas up to Mucwini in affirmation of their faith.

A football competition has been organised among the youth at the archdeaconry level and the finals will be played at Mucwini on Friday, 14 February 2025, tomorrow. The winning team shall be given a trophy.

On the night of 15 February 2025, there will be an open-air crusade of praise and worship. Consisting of groups from various parishes.

Madam Speaker, as I conclude, I invite all Ugandans to attend the 48th commemoration of Saint Janani Luwum Day on Sunday, 16 February 2025 at Wii-Gweng, Mucwini in Kitgum District. The church service shall begin at 9.00 a.m. sharp. This is a national holiday involving all stakeholders including believers from all denominations, government, diplomatic corps, civil society, the media, the private sector, and the international community.

Janani's martyrdom provides a powerful message of forgiveness and reconciliation among all believers in God and therefore, let us turn up in large numbers to honour, celebrate and provide thanksgiving for this martyr of the 20th Century. For God and my country. I beg to submit.

THE SPEAKER: Thank you so much, honourable members. The minister's message is informative and self-explanatory. One important thing is "Imitating God's goodness by doing good." We need to learn forgiveness. That is what he has talked about. Thank you. He is inviting all of you to celebrate and remember those who went to be with the lord innocently. Next item?

BILLS COMMITTEE STAGE

REVIEW OF THE RULES OF PROCEDURE OF PARLIAMENT

Rule 54

2.39

THE CHAIRPERSON, COMMITTEE ON RULES, PRIVILEGES AND DISCIPLINE (Mr Abdu Katuntu): Thank you very much, Madam Chairperson. The committee proposes that rule 54 be amended –

- (i) by substituting for the headnote, the following -
"Matters of urgent public importance"
 - (ii) by substituting for sub-rule (1) the following –
"(1) A member who desires to raise a matter of urgent public importance shall, with the leave of the Speaker, raise the matter."
 - (iii) by inserting immediately after sub-rule (1), the following: "1(a) In determining whether a matter should have urgent consideration, the Speaker shall ensure that the matter -
(a) relates to a genuine emergency, calling for immediate and urgent consideration to warrant taking precedence over other business on the Order Paper; and
(b) has stimulated public concern or interest.
- 1(b) A statement made by a Member under sub-rule (1) shall be non-controversial on a matter of public importance or an emergency, and shall not take more than five minutes of the House's time.

- 1(c) The Speaker may order the Member to resume his or her seat if, in the opinion of the Speaker, the Member is not raising a matter of urgent public importance under sub-rule (1).
- (iv) In sub-rule (2), by deleting the words, “shall be presented on Thursday and.”

The justifications are:

1. To harmonise the headnote with the content of the rules;
2. To streamline the procedure for raising matters of urgent public importance;
3. To require notification of the Speaker, prior to raising a matter of national importance for purposes of ensuring orderly transaction of business in the House;
4. To ensure that Rule 25(3) and (4) on matters of urgent public importance are properly placed under Rule 54; and
5. To remove the restriction on the presentation of a statement by a Member to Thursdays only.

I beg to move.

THE CHAIRPERSON: Hon. Aisha?

MS AISHA KABANDA: No objection, Madam Chairperson.

THE CHAIRPERSON: Thank you. I have seen Gen. Mugira. Do you have something to say?

GEN. MUGIRA: Thank you, Madam Chairperson. On Rule 54, the stated justification for amendment of the rule inter alia is to harmonise the headnote with the content of the rule. In line with that said justification, I propose - and for consistency - that 1(a) reads, “in determining whether a matter is of urgent public importance”, not “should have urgent consideration.” That would be in line with the headnote, the justification and for consistency.

MR KATUNTU: That, I immediately concede. *(Laughter)*

THE CHAIRPERSON: Thank you. Yes?

MR SSEWUNGU: Madam Chairperson, something is missing and the committee chairperson can guide us. On a matter of urgent importance, procedurally, we have to meet the Speaker, who will determine whether that matter is of urgent importance. That is why while there, normally, the Speaker calls the minister to appear.

However, what is missing in this amendment is that a Member meets the Speaker, brings the matter of urgent importance to the Speaker, but when he comes on the Floor, he changes what he raised to the Speaker to something else. I think that is what should be reflected in this amendment.

Otherwise, once the Speaker determines that Hon. Ssewungu’s matter is of urgent importance - because it is within the realms of the Speaker to determine. If Hon. Ssewungu comes on the Floor and brings something outside of what the Speaker was informed about, that is what the amendment should bear. What I am seeing here is quite very different.

Committee chairperson, could you kindly guide us and whether that amendment should be fully reflected on.

I would also like to educate the honourable member that there is nothing wrong with pocketing while in this House. It is my style of speaking, not from Kibanda, where you come from. *(Laughter)*

THE CHAIRPERSON: Honourable chairperson, after amending Rule 54, does that mean, we are deleting Rule 49, which is on notice of urgent questions?

MR KATUNTU: Madam Chairperson, Rule 49 is a different matter; it is a question whereas matters of urgent public importance are a wider one. This one restricts it to questions.

THE CHAIRPERSON: They are actually questions. Yes?

MS BETTY NAMBOOZE: The requirement that a person goes to the Speaker before he

or she raises this matter was built on the presumption that we trust the Speaker to exercise good judgment; to know that this is an urgent matter, which fits within the rules.

Therefore, Madam Chairperson, I propose that because we trust the Speaker, we do not again go on specifying what should be in the matter to be raised.

Secondly, is the fact that we are restricting this to Thursday -

THE CHAIRPERSON: No, we are not.

MS BETTY NAMBOOZE: Then I withdraw that -

THE CHAIRPERSON: Can you check Rule 49(3)?

MS BETTY NAMBOOZE: It states: *“The Speaker shall determine the admissibility of a question in accordance with rule 44.”*

I would like to support Hon. Ssewungu’s position that we leave this to the Speaker. Once the Speaker is satisfied that this is a matter of national importance, and it is very urgent in nature, then that person should not be restricted by those -

THE CHAIRPERSON: Read sub-rules (3) and (4) also.

MS BETTY NAMBOOZE: Of Rule 49?

THE CHAIRPERSON: Yes.

MS BETTY NAMBOOZE: It says, *“A question without notice shall only be asked with the prior leave of the Speaker.”*

THE CHAIRPERSON: No, Rule 49(4).

MS BETTY NAMBOOZE: Rule 49(4) says: *“Where the Speaker is of the opinion that any question, which a Member has sought leave to ask without notice infringes any of the conditions set out in this Rule, the Speaker may direct that it be printed or asked with such alterations, as the Speaker shall direct, or that*

it be returned to the Member concerned as being inadmissible”.

THE CHAIRPERSON: Thank you.

MSAISHAKABANDA: Madam Chairperson, to Hon. Ssewungu and Hon. Betty Nambooze, first of all, you cannot access the Floor unless with the leave of the Speaker.

Secondly, if you look at Rule 54 (1)(c), it gives the Speaker the discretionary right to judge your matter whether it is of national urgent importance or not. In case he does not see so, it says the Speaker will ask you to resume your seat. All they are arguing for has been taken care of in the amendment.

THE CHAIRPERSON: Thank you. Yes, Doctor.

DR BAYIGGA: Thank you very much – *(Interruption)*

MR KATUNTU: Madam Chairperson, we are trying to help the presiding officer determine what criteria she uses to determine -

THE CHAIRPERSON: She or he.

MR KATUNTU: Yes, she or he, to determine that this is a matter of genuine emergency, immediate and urgent consideration to warrant this. We are helping him or her to decide in accordance with the rules.

DR BAYIGGA: Madam Chairperson – *(Hon. Ssewungu rose)* - I was given the Floor. Hon. Ssewungu, please, resume your seat. *(Laughter)*

Thank you very much, Madam Chairperson. My concern with this rule is the mode of communication to the presiding officer on this matter of urgent public importance. Some people could be abroad or unable to be within the precincts of Parliament yet a matter of urgent public importance has occurred.

Would we admit that a telephone call, an SMS or a WhatsApp communication to the presiding officer about such a matter would also suffice?

This is because you may not be physically present within the precincts of Parliament to bring a matter to the attention of the presiding officer.

THE CHAIRPERSON: Hon. Dr Bayigga Lulume, that is administrative. In most cases, you have called over problems and we handled them. Therefore, that is administrative. Yes, Hon. Jessica?

MS ABABIKU: Thank you so much, Madam Chairperson, for the opportunity. My concern is on sub-rule (1a)(b). Let me read it verbatim: “(b) has stimulated public concern or interest...”

Madam Chairperson, I believe that, that is catered for under 54(1a)(a) because if it is an emergency calling for action – probably, 54(1a)(b) would have been catered for in (1a)(a) because if it was not an emergency, it cannot be considered.

Therefore, I feel that (1a)(b) is redundant. Thank you.

MS KAAYA: Madam Chairperson, something may be urgent, but not of public importance. So, (1a)(b) is very relevant.

THE CHAIRPERSON: I was going to give an example, but I am restrained. I put the question that Rule 54 – yes Hon. Emmanuel Ongiertho.

MR ONGIERTHO: Thank you, Madam Chairperson. I would like to come back to the point that my colleague, Hon. Ssewungu, stated. The point is that let the determination by the presiding officer be done from his or her office. Instead of embarrassing somebody by saying “sit down,” yet that person is raising something that the presiding officer has already accepted from the office – let the embarrassment not come on the Floor. Let it be determined from there. If somebody is being allowed to present on the Floor, then, let it flow, unless this person is presenting something else.

MSAISHAKABANDA: Madam Chairperson, under 54(1), it is stated: “A Member who desires to raise a matter of urgent public importance shall, with the leave of the Speaker...”

So, whether it is done in the office or by phone call, you find your way of seeking -

THE CHAIRPERSON: Honourable members, I put the question that rule 54 be amended as proposed, with further amendments by Lt Gen. Mugira.

(Question put and agreed to.)

Rule 54, as amended, agreed to.

Rule 59

MR KATUNTU: Madam Chairperson, rule 59 is amended in sub-rule (1) paragraph (m) by substituting for the word “question” the word “point”.

Justification

This is a consequential amendment intended to align the rule with rule 78, which provides for a point of privilege.

THE CHAIRPERSON: Hon. Aisha?

MS AISHA KABANDA: No objection.

THE CHAIRPERSON: I put the question that rule 59 be amended as proposed.

(Question put and agreed to.)

Rule 59, as amended, agreed to.

Rule 60

MR KATUNTU: Madam Chairperson, we propose to amend rule 60 by inserting, immediately after sub-rule (1), the following –

“(1a) The Motion or amendment under sub-rule (1) shall be seconded by at least two Members and the Speaker shall mention the name or constituency of each seconder.”

Justification

To ensure that the names of Members that second a motion are put on record.

MS AISHA KABANDA: I agree.

THE CHAIRPERSON: I put the question that rule 60 be amended as proposed –

MR KAFUZI: I agree with your amendment, but I am just seeking clarification. What if more than one Member stand?

THE CHAIRPERSON: “At least” – you know, there was a case we had here, on *Togikwatako*, where Members stood up and they said it was seconded. However, in that secondment, there was no mention of names. At least mention two names before you say that it is seconded. I think they are trying to cure what the court raised at that time. I put the question that rule 60 be amended as proposed.

(Question put and agreed to.)

Rule 60, as amended, agreed to.

Rule 61

MR KATUNTU: Thank you, Madam Chairperson. On rule 61, we propose an amendment in sub-rule (3) by substituting for the word “shall”, the word “may”.

Justification

To make the requirement for a mover to put an amendment in writing discretionary.

MS AISHA KABANDA: I agree.

THE CHAIRPERSON: I put the question that rule 61 be amended as proposed.

(Question put and agreed to.)

Rule 61, as amended, agreed to.

Rule 64

MR KATUNTU: Madam Chairperson, rule 64 is amended in sub-rule (4) paragraph (e) by substituting for the word “question” the word “point”.

Justification

This is a consequential amendment intended to align the rule with rule 78, which provides for point of privilege.

MS AISHA KABANDA: No objection.

THE CHAIRPERSON: I put the question that rule 64 be amended as proposed.

(Question put and agreed to.)

Rule 64, as amended, agreed to.

Rule 70

MR KATUNTU: Madam Chairperson, we propose to amend rule 70 –

(i) by substituting for sub-rule (11) the following -

“(11) A Member shall not speak for more than five minutes in a debate or on any matter before the House.”

(ii) by inserting immediately after sub-rule (11), the following -

“(12) *Notwithstanding* sub-rule (11), the Speaker may at the commencement of, or any time during the proceedings of the House, announce the time limit he or she is to allow each Member contributing to the debate on any matter before the House and may direct a Member who has spoken for the period given, to take his or her seat.”

Justification

To expressly provide for a time limit for debate and the discretion of the presiding officer.

THE CHAIRPERSON: Let us have Hon. Christine and, then, the Attorney-General.

MS KAAYA: Madam Chairperson, I am requesting that we also provide for the minimum time, if we are providing for a maximum of five minutes. I am proposing two minutes.

MR KAFUZI: Madam Chairperson, the proposed amendment may be welcome, but it puts a cap; it restricts the Speaker. Assuming I was submitting and I am cut off by time, the Speaker is not at liberty to give me extra time.

THE CHAIRPERSON: No, the Speaker, has the –

MR KAFUZI: The rule has taken that privilege away, which I think is not right.

THE CHAIRPERSON: Which rule is that?

MR KAFUZI: Rule 70.

THE CHAIRPERSON: Sub-rule (11) is being substituted in (i) to read, “(i) *A Member shall not speak for more than 5 minutes in a debate in any matter before the House*”. Do you get it? Just a minute.

The committee is also proposing in “(ii), by inserting immediately after sub-rule (11) the following:

“(12) Notwithstanding sub-rule (11), the Speaker may, at the commencement of, or any time during the proceedings of the House, announce the time limit he or she is to allow each Member contributing to the debate on the matter before the House and may direct the Member who has spoken for a period given to take his or her seat?”

MR KAFUZI: Madam Chairperson, it means the presiding officer’s authority is limited to the time given and you cannot give extra time in the event of need.

MR KATUNTU: No. Why don’t I explain first? You seem to be misconstruing the amendment proposed, and I need your attention.

THE CHAIRPERSON: Hon. Abdu?

MR KATUNTU: We are getting a standard time of speech, which is five minutes such that, every Member of Parliament knows that when he or she is on the Floor, his or her time is five minutes, maximum.

However, sub-rule (ii) - first of all, it says, “... notwithstanding sub-rule (11) of five minutes” meaning, it is making sub-rule (i) inferior; the one of five minutes has been made inferior to the circumstances and the Speaker’s discretion. It says – (*Interjections*) - let me explain.

THE CHAIRPERSON: Hon. Betty, please sit.

MR KATUNTU: Sometimes it is better that we listen to each other so that we understand the basis, then you can make the interjections.

The sub-rule, which is providing for the five minutes says, “*Notwithstanding sub-rule (11), the Speaker may, at the commencement of, or any time during the proceeding of the House, announce the time limit he or she is to allow each Member contributing...*”

THE CHAIRPERSON: Hon. Katuntu, in the original rules, sub-rule (11) already caters for both. Why are you introducing sub-rule (12)?

MR KAFUZI: Thank you, Madam Chairperson. I am seeking - I need my senior colleague, Hon. Katuntu, to understand me. The first amendment requires the Speaker to set a time limit of five minutes. That we have agreed to.

The second amendment envisages a time – let us say, when we were having EALA Elections - and the place is flooded but the Speaker -

THE CHAIRPERSON: Attorney-General, we have not yet agreed to it because I have not put the question.

MR KAFUZI: Yes, that is why I am debating.

THE CHAIRPERSON: You are saying that it has been agreed to.

MR KAFUZI: No, I meant myself.

THE CHAIRPERSON: We have not yet agreed to it.

MR KAFUZI: I am agreeable to the first amendment of five minutes. The second amendment is: you find Parliament is full to the brim and five minutes are not practicable. This rule says, “Notwithstanding the provision for five minutes...” the Speaker may make adjustments and say, “Today, it will be two minutes.”

However, I am envisaging a time when you, Hon. Katuntu is submitting and they run out of your five minutes yet what you are submitting is essential to all of us and it would be important for you to go on and conclude. This amendment takes away the power of the Speaker to say, “Kafuuzi, you can continue for two more minutes”.

THE CHAIRPERSON: Honourable chairperson, with due respect - I told you not to touch the powers of the Speaker. *(Laughter)* So, that rule is not going to be amended. Next rule – I put the question *(Hon. Aisha Kabanda rose)* – *Hajjat*, hold on.

MSAISHA KABANDA: Madam Chairperson, before you put the question, the rationale behind this amendment was to cure the problem of a one or two-minutes talk, where you are cut off before you have even explained exhaustively what needs to be understood. Maybe we did not put it right but the House can now adopt otherwise.

THE CHAIRPERSON: We are 556 Members of Parliament.

MS AISHA KABANDA: That was the intention. The intention was not to limit the Speaker or give an upper ceiling -

THE CHAIRPERSON: Honourable members, let me put the question - first of all, it is the discretion of the Speaker. Whenever we start a debate, you always hear me tell my team, “Two minutes”. I cannot stop, for ex-

ample, the Leader of the Opposition (LOP), when he has something very important to present - and I give him two minutes. Neither can I stop this side – for example, when the Rt Hon. Prime Minister is presenting and I give her five minutes. This means you are trying to tie the hands of the Speaker.

Honourable members, I put the question that rule 70 be amended as proposed.

(Question put and negated.)

Rule 72

THE CHAIRPERSON: Yes, Rule 72.

MR KATUNTU: I am going to rule 72 but at an appropriate time, I will have that provision recommitted.

THE CHAIRPERSON: Rule 72 - what do you want to debate?

MR KATUNTU: Rule 72 is amended –
(i) by substituting for sub-rule (2) the following – *(Interruption)*

THE CHAIRPERSON: First listen to him and then you can bring it up.

MR KATUNTU: “(2) the conduct of the Speaker, Members, the Chief Justice and Judges of the Courts of Judicature shall not be raised, except upon a substantive motion”.

(ii) by inserting immediately after -

THE CHAIRPERSON: Honourable chairperson, why can't you say, “Members of Parliament?”

MR KATUNTU: Members of Parliament have already been defined.

THE CHAIRPERSON: Okay.

MR KATUNTU: (ii) by inserting immediately after sub-rule (2) the following: “(3) A Member shall not impute improper motive to the President or the name of the President to influence debate”.

“(4) It is out of order to make reference to the conduct of the President, Speaker, Members, Chief Justice, Judges of the Courts of Judicature in an amendment, questioned to a Member or remarks in a debate on a motion dealing with any other subject”.

“(5) It is out of order to impute improper motives to the President or use the name of the President to influence debate.”

Justification

- i) To have the provision clear and concise.
- ii) To bar imputation of improper motive on the President and use of the President’s name to influence the debate.

I need to emphasise that the first part of the categories of people or offices is already in our rules. That concerns the Speaker, Members, Chief Justice, and Judges of Judicature. What we have added is that of the President, because the others are already provided for in the current rules. I beg to move.

THE CHAIRPERSON: Thank you. Member from Bugabula?

MR KIBALYA: Thank you, Madam Chairperson. The committee chairperson has said that the issue of judges and so on is already provided for. We had the issue of the Speaker and the Chief Justice. By now the case of judges is going to cause issues here that we cannot talk about them before we come to seek permission from your office. There are situations and cases where I do not need to first come. I have to raise an issue when there is something that is not right with the judge here.

Now, the committee chairperson has brought in a situation that the judges have also now become big issues in this House that we cannot talk about.

THE CHAIRPERSON: Honourable member from Bugabula, first of all, you know very well, according to our rules, you cannot discuss a person who is not in the House. How will you talk about them? You shouldn’t. Yes, Hon. Aisha.

MSAISHAKABANDA: Madam Chairperson, I lost the argument because all the other officers were exempted by law except the President. The issue is that if other people need a motion, why not the President? Therefore, I did not depart from the majority report.

THE CHAIRPERSON: I put the question that Rule 72 –

MR SSENYONYI: Madam Chairperson, I am a bit constrained by this because sometimes the Head of State could be at functions and he issues directives, as an example. These directives are meant to be acted upon. As Parliament, we could seek clarity from the Minister for the Presidency, for example, who I see here - it is good to see you, honourable minister.

I do not think that is a bad thing because you see here we are saying it is out of order to impute improper motives to the President or use the name of the President to influence debate.

When I ask for clarity about a directive, one would say I am influencing debate. That is not a bad thing because ultimately, Madam Chairperson, usage of whether it be language or improper motive about anybody, by the way, the privilege stops with you to call a Member to order. However, when we put this within our rules to say we cannot even use the name of the President to influence the debate; debate is not a bad thing.

The debate would be clarifying something or seeking - you see the President is represented here by the Executive, beginning with the Vice President, who is rarely here and the Prime Minister, the Leader of Government Business. It is okay to at times say, the Head of State said this or maybe a policy direction, could you clarify? If we pass this, then I am not even allowed to raise such an issue.

Ultimately, if any of us in this House raises anything against anyone whether it be in or outside of this House that is outside the law that is improper, Madam Chairperson, you have got the prerogative – the rules allow you - to call someone to order. Therefore, we should not limit this.

THE CHAIRPERSON: You know, when you say Rule 72, contents of a speech - 72(2): “The conduct of the Speaker, Members, the Chief Justice and Judges of the Courts of Judicature shall not be raised, except upon a substantive Motion, and, in any amendment, question to a Member or remarks in a debate on a Motion dealing with any other subject, any reference to the conduct of persons mentioned is out of order.”

Now, all other heads are catered for. The first to be catered for should be the President. Yes, Hajji.

MR KATUNTU: What is the current situation as the rules are now? Let us read the rules as they are: Rule 72(2). Listen to this, “The conduct of the Speaker, Members, the Chief Justice and Judges of the Courts of Judicature shall not be raised, except upon a substantive Motion...”

There are two operating words here. First, what is being barred here is conduct. Secondly, there is a proviso that the conduct can be raised but only upon a substantive motion. That is what the rules provide. So, it is not that we are completely barring discussion of the conduct of these officers.

What we are doing additionally, Madam Chairperson, is to add the office of the Fountain of Honour to this – (*Interjections*) - Okay, can we also have proper conduct? (*Laughter*) So, this is what it is. The issue is not that the rules are barring the discussion of the conduct, but it can only come upon a substantive motion.

THE CHAIRPERSON: Attorney-General?

MR KAFUZI: Madam Chairperson, with all due respect to my senior colleague, if you read the first proposal for amendment, you notice that it says: “The conduct of the Speaker, Members, the Chief Justice and Judges of the Courts of Judicature shall not be raised...” I would like to propose that in this very line-up, we add the President. That way, it will have catered for all the rest.

MR KATUNTU: What the learned Attorney-General is proposing is that the rule stays as it is but we only add the Office of the President. Is that your proposal? Would my member who wrote a minority report have an objection? The majority and minority have no objection to that.

MR KIBALYA: Thank you, Madam Chairperson. I am seeking clarification from the chairperson of the committee, whether he has given a provision that in a situation where we have to present a substantive motion against the conduct of any other person including the Speaker and the Speaker does not honour the motion - where do I run to?

THE CHAIRPERSON: You can go to court. Honourable members, I put the question that Rule 72 be amended as proposed by the Deputy Attorney-General.

(Question put and agreed to.)

Rule 72, as amended, agreed to.

Rule 73

MR KATUNTU: Under Rule 73, the committee proposes that it is amended in sub-rule (2) -

THE CHAIRPERSON: There is a procedural matter from Bukunja. First, cool down - now that you are smiling, you can talk.

DR BAYIGGA: Madam Chairperson, I thought that since we are amending these rules and they take some time, we needed to reflect a lot on some of those issues that we want these rules to cure. I wanted to bring to your attention something that had taken me to the Committee on Rules, Discipline and Privileges, and I am mentioned as one of the people who handed in memoranda. I had discussed with the chairperson how to bring this matter to your attention.

The matter concerns the acceptance of people, of Members’ access to your attention in speaking, because this is a democratic

space where majorities and minorities are present. I had a feeling that I needed to have an amendment to the rules to ensure that all shades of opinion in this Parliament be heard on a subject matter under debate. This is so that the Speaker ensures purposely – I wanted to get the attention of the Speaker.

I wanted to raise this procedural matter because we are passing Rule 70, yet I had recommended a part (c) that, “Subject to sub-rule (b) above, the Speaker shall ensure that the position of all shades of opinion represented in Parliament are heard on any subject matter under debate.”

The justification is that Parliament is a democratic space in which the majority and minority coexist and in which all positions need to be heard. That is what I want to bring to your attention, Madam Chairperson.

MS AISHA KABANDA: Chair, indeed the Member was entertained in the committee and his opinion was heard and considered, but the committee is of the view that once we are in Parliament, we cease to look at ourselves as people coming from our respective parties, but we have the people in Government and the people in Opposition.

The colleague proposes that the Speaker would call, “Can we hear from DP, can we hear from FDC, can we hear from...” That is his proposal, but we thought that once we are here, we would hear from the Opposition and the ruling party.

THE CHAIRPERSON: Honourable members, Rule 70: “Time and Manner of Speaking. (1) A Member desiring to speak shall –

- (a) in the case of a Member physically present in the Chamber, rise and face the Chair of the Speaker,
- (b) or in the case of a Member virtually present in the House, raise his or her hand, and shall not speak until he or she catches the Speaker’s eye.”

Honourable Members, you want me to start saying, NUP we have – shades of opinion. There is Opposition, the ruling party, PWDs,

military, independent, youth, elderly, and women. What if they have not stood up to catch my eye? Do you get it? Is there any time that we do not pick a person and we remain without anybody talking? There is no time that we do not – maybe let us hear from the chairman why he did not make – no, just a minute.

MR KATUNTU: Thank you, Madam Chairperson. We addressed our minds to the proposal by Hon. Dr Lulume. Unfortunately, we could not agree with him. There are only two sides reflected, either in the Constitution or in the Administration of Parliament Act, or even in our Rules of Procedure. That is: both sides of the House - (*Interjections*) - no, this thing called “Independent” we should also – every independent here - I am one, but I am independent from another independent person. We are not in any way lumped together, only that we came on individual merit. So, there are only two sides.

We did not appreciate the point raised by Hon. Bayigga. I think these rules sufficiently cover everybody interested and there is no mischief intended to be cured by that proposal.

DR BAYIGGA: Madam Chairperson –

THE CHAIRPERSON: I said you do not access a microphone before I give it to you. Can we first go to the next rule?

Rule 73

MR KATUNTU: Madam Chair, the committee proposes that Rule 73 be amended in sub-rules (2) and (5) by inserting the phrase “Of chairperson of a committee” immediately after the word “Speaker”.

Justification

To empower chairpersons of the committees to determine matters of sub judice that arise in their respective committees. This is because when a matter is sub judice and there is a presiding chairperson, he should be able to determine it and not adjourn the committee, then run to the Office of the Speaker, or write

the Speaker until they get a reply. There is also another process in case somebody is dissatisfied with the decision of the chair.

THE CHAIRPERSON: Because the chair has delegated powers and the chairperson should not wait for the Speaker to determine whether it is sub judice. You should be able to act rather than saying let me wait for the Speaker.

Attorney-General, is that okay with you? Hon. Aisha, are you okay with this?

MR KAFUZI: I agree.

MS AISHA KABANDA: There was a consensus

THE CHAIRPERSON: I put the question that Rule 73 be amended as proposed.

(Question put and agreed to.)

Rule 73, as amended, agreed to.

Rule 78

MR KATUNTU: Madam Chairperson, Rule 78 is substituted for the following – “Interruption of Debate –

- (1) Debate may be interrupted
- (a) By a matter of privilege suddenly arising
- (b) by a point of order being raised
- (c) upon a point of information, elucidation, or clarification,
- (d) upon a point of procedure.”

When giving leave to interrupt the debate, the Speaker shall follow the following precedence: points of privilege, points of procedure, points of order, points of information, elucidation, or clarification.

A Member who stands up to interrupt a debate on a point of privilege, procedure, order, information, elucidation, or clarification shall not depart from that point.”

THE CHAIRPERSON: And should also mention the rule.

MR KATUNTU: I am continuing. Insertion of new rules. The rules –

THE CHAIRPERSON: Let us finish this one first.

MR KATUNTU: It is just coming at the end because it all concerns Rule 78.

THE CHAIRPERSON: No, that is a new rule.

MR KATUNTU: Okay. It all concerns Rule 78-

THE CHAIRPERSON: That is a new rule.

MR KATUNTU: I want to first go through the whole of it – *(Interjections)* – yes, but we are particularising it.

THE CHAIRPERSON: That is rule 78(a)?

MR KATUNTU: To appreciate it, you need to wait for me to complete it. This is because Members are going to jump on this without knowing what is amended.

THE CHAIRPERSON: We shall put two questions on rule 78 and the new rule.

MR KATUNTU: Madam Chairperson, if we pass this one, and the House has a problem with the subsequent one, what happens?

THE CHAIRPERSON: Okay, read it; we shall put two questions.

MR KATUNTU: Thank you very much, Madam Chairperson.

Insertion of new rules

The rules are amended by inserting immediately after rule 78 the following -

“78A Point of privilege -

- (1) A Member may raise
- (2) a point of privilege during debate where a breach of privilege suddenly arises.
- (3) Where a Member raises a point of

privilege, the Speaker shall make a ruling on the point of privilege.

- (4) The Speaker shall, in making a ruling under sub-rule (2), have regard to the provisions of the Parliamentary Powers and Privileges Act.
- (5) Notwithstanding sub-rule (2), the Speaker may refer the matter raised on the point of privilege to the Committee on Rules, Privileges and Discipline.

78B Point of order

- (1) A Member may raise a point of order on un-parliamentary language being used by another Member, or on any matter of un-parliamentary conduct by another Member, immediately the un-parliamentary language is used or the un-parliamentary conduct arises;
- (2) Where a Member rises on a point of order, the Member holding the Floor shall immediately resume his or her seat;
- (3) Where the point of order has been raised under sub-rule (2), no other Member shall, except with the leave of the Speaker, rise until the Speaker has decided on the matter; and
- (4) Where a Member interrupts debate on a point of order, the Member shall cite the rule of procedure he or she deems to have been breached by a Member, before subjecting the Member to the Speaker's ruling.

78C Point of information, elucidation and clarification

- (1) A Member may rise on a point of information, elucidation or clarification based on a matter raised by a Member holding the Floor, and may only proceed with the point if the Member holding the Floor is unwilling to take the point of information, elucidation or clarification, and resume his or her seat; and

- (2) Where a minister is holding the Floor and a point of information, elucidation or clarification is raised, the minister shall not reject the point of information, elucidation or clarification, more than three times.

78D Point of procedure

- (1) A Member may raise a point of procedure where a breach of rules arises.

Members, take note of this because this is a fundamental departure from the current status.

- (2) Where a Member rises on a point of procedure, the Member holding the Floor shall immediately resume his or her seat;
- (3) Where the point of procedure has been raised under sub-rule (2), no other Member shall, except with the leave of the Speaker, rise until the Speaker has decided on the matter; and
- (4) Where a Member interrupts a debate on a point of procedure, the Member shall state the rule of procedure, he or she deems to have been breached by the Member holding the Floor, or on the procedural matter he or she wishes to be ruled upon, before the presiding officer makes a ruling.

The justification is to clarify when a point of privilege, order, procedure and information, elucidation, or clarification may be raised.

What has been happening, colleagues, is that Members use "point of procedure" to con the presiding officer. They rise up on "point of procedure" and they go into a substantive debate, when there is nothing procedural at all.

Therefore, we are now trying to redefine it. If you are to rise up on a point of procedure, please be on a point of procedure and state the exact rule, other than saying, "point of procedure" and taking another tangent. That is what we are seeking to clarify, Madam Chairperson.

MR MACHO: Madam Chairperson - *(Interjections)* - we are discussing.

THE CHAIRPERSON: Honourable members, you have heard Rule 78. Yes, Hon. Macho?

MR MACHO: Madam Chairperson, we are just making the rules -

THE CHAIRPERSON: Under which rule?

MR MACHO: The way I see us running, leadership is politics. Leadership being politics, to be limited and tied, not to talk, by quoting every rule that every person should say, it is really trying to jeopardise -

THE CHAIRPERSON: I thought that is one of the documents that is given to you when you are being sworn in. You ought to be knowledgeable of what rule you are rising on to debate the point.

MR MACHO: You are right, Madam Chairperson, but the way the committee is bringing it, is really tying our hands and we will not have freedom of speech in the House.

THE CHAIRPERSON: We need discipline in the House; and decorum. Yes, Hon. Alex Byarugaba and then the Deputy Attorney-General.

MR BYARUGABA: Madam Chairperson, I am almost constrained to go along with what a colleague was talking about.

In legislation, colleagues, some lacunas are deliberate. It is a principle in legislation. Once you make the law, and it is too stiff, the chances of breaking that law are very high. That is why they insist on having a malleable law - soft, so that the Speaker has a latitude to make a ruling, and a Member feels free to make a contribution. That is what we should be looking at. Let us not make very difficult and stiff regulations that might be misconstrued to gag Members' freedom to debate.

MR KAFUZI: Madam Chairperson, stringent as these rules may appear, the presiding officer, is still at liberty to say, "You can speak" because she is the custodian of the

rules. So, these rules are placed there so that we do not abuse the process.

However, Madam Chairperson, while I agree with the proposals, there is only one that I wish to raise a concern on; that is the proposal in rule 78C (2). It says: "Where a minister is holding the Floor and a point of information, elucidation and clarification is raised, the minister shall not reject the point of information, elucidation, clarification, more than three times."

Now, that may be okay. My worry is -

THE CHAIRPERSON: Maybe you could put "in succession".

MR KAFUZI: Pardon?

THE CHAIRPERSON: In succession - successive -

MR KAFUZI: Three successive times.

THE CHAIRPERSON: Yes.

MR KAFUZI: True, but my fear, Madam Chairperson, is that even if you put the word "successive" Members can deliberately decide that this minister will not speak - (*Interjection*) - yes. If I start - Madam Chairperson, I need your attention on this. Members can conspire and say: "We will not hear him out." When you speak, Hon. Naluyima says "information", the LOP says - I am just giving an example - "elucidation" -

THE CHAIRPERSON: Honourable members, listen.

MR KAFUZI: You cannot say anything and, so, you sit down. When you get back, they raise it again. Okay? Therefore, Madam Chairperson, I want us to be cautious. This rule may prevent a minister from presenting whatever he intends to present.

THE CHAIRPERSON: Hon. Aisha and then honourable minister.

MS AISHA KABANDA: Thank you, Madam Chairperson. Number one, to honourable

colleagues, these provisions are actually giving us an opportunity to interrupt debate. The point that the Attorney-General is very worried about is actually to help Parliament. This is because the practice, by some ministers, has been that they come to read the statement and when you seek a clarification, they keep quiet as if they are not hearing; they read the statement to the end and sit down.

There are circumstances where Members of Parliament need to be given clarification on the information that the minister is giving. That is why the provision here is saying, yes, you can decline to accept one, two or three Members, but, at least after three have sought – and three requests from different Members, not the same Member, say, Hon. Aisha, standing and saying “information”, “information”. If you have declined at least three times, give way for people to give information and seek clarification. It is a good thing for Parliament to be informed of what the Executive is doing.

MS KANUSHU: Thank you, Madam Chairperson. I want to support the position of the committee on that entire - first, in this House, we have seen that Members abuse all these rules on order, procedure – someone says “procedure” but they start talking about the goats somewhere. I think the amendments are curing that. People say “point of order” but they go on to debate. This is curing that.

Madam Chairperson, we all swear by these rules when we come here. There is nothing stringent about the amendments. We need to keep our House in order. Sometimes this House looks like a marketplace because people keep saying “procedure” when it has nothing to do with procedure.

So, Madam Chairperson, I support that we have stringent rules. You are the custodian of the rules. If you think that I need more time to speak about something, you will allow me or another Member to speak. We cannot water down the very rules that we swear upon when we come to this Parliament. I thank you.

THE CHAIRPERSON: Honourable members, we are talking about an orderly House, which will be productive. That is why we are bringing in these rules.

I want to make a clarification on rule 72(2): some people think that we are infringing on the privileges and immunity of the President under the Constitution. That is not correct. The pre-condition for the substantive motion is to ensure that there is compliance with the Constitution and any other law of the land. We are only saying that the President should not be discussed unless you bring a substantive motion. Hon. Kibalya have you heard? Okay. Yes, honourable minister.

MR OGWANG: First of all, I would like to thank you, Madam Chairperson. I also want to try and speak to Rule 78(2) Honourable colleagues, at one time, you will be where we are and, at one time, we might be where you are. Therefore, I want to, first, say this: When we come here, we come on behalf of the Government, specifically to address a subject matter, which, in my considered opinion, has been directed upon by this august House. There is a reason why I am bringing this context.

Number two, it is also true that, sometimes, you may want to give information and seek clarification from my presentation. I want to implore us – as the Deputy Attorney-General did say, that it is also true, sometimes, you can afford to deliberately deny me space to address you. So, I want to say that the question of information – first, I want to go back to the main principle. What is wrong with the current rule? –

THE CHAIRPERSON: Honourable members, let the minister finish.

MR OGWANG: It should be at the discretion of the Member holding the Floor –

THE CHAIRPERSON: Of the Speaker.

MR OGWANG: Of the speaker holding the Floor to give you permission –

THE CHAIRPERSON: No, the Speaker.

MR OGWANG: Okay, the Speaker and the Member to give you permission to give information or seek clarification, where applicable. However, for us now to begin saying that we have three times – Hon. Kivumbi is my good friend – and many others there. They can afford to deliberately say that the subject matter that Hon. Ogwang is coming to present, on behalf of the Ministry of Education and Sports, should not be listened to or entertained, and you can afford to frustrate it.

So, Madam Chairperson, we come here on behalf of the Government to do Government business - I want to plead that we maintain the existing rule as it is. I thank you.

THE CHAIRPERSON: Honourable members, what was in contention was the issue of the minister rejecting clarification or elucidation three times, consecutively. Do you get it? The minister should be able to allow clarification or elucidation. Why don't you leave that to the discretion of the Speaker - yes, leave that to the discretion of the Speaker. Honourable members, why are you over-reducing the powers of the Speaker? (*Laughter*)

MSAISHA KABANDA: Madam Chairperson, the current situation – can I be heard? The current situation is that it is at the discretion of the minister holding the Floor. What some of them have done is that they have ignored us consistently – some of them, not –

THE CHAIRPERSON: In most cases, you have seen the Speaker saying: “Minister, please, clarify; take the information...” Attorney-General, rephrase.

MR KAFUZI: Madam Chairperson, we are proposing to say: “This proviso notwithstanding...” – I may not word it properly, but “... the minister shall be required to yield once.”

THE CHAIRPERSON: You people, is there somebody else chairing this House? The Speaker is chairing this House.

MR KAFUZI: Madam Chairperson-

THE CHAIRPERSON: Even if a Member raises a point of information, it is the Speaker's responsibility to allow it. Why are you pushing the whole burden on the minister? Gen. David, do you want to say something? Honourable Minister of Internal Affairs.

GEN. MUHOOZI: Madam Chairperson, I move in unison so that we avoid an orchestrated or deliberate effort to frustrate a minister.

Madam Chairperson, what if the three times are repeated? Should we now rest in the solace of the Speaker intervening? Or do we need some express provision, a proviso of sort, to say, provided the repeated interruptions do not go beyond a certain point? Something like that.

THE CHAIRPERSON: Yes.

MS AISHA KABANDA: Madam Chairperson, rules are there to help us avoid relying on the presiding officer's mood. Sometimes, the presiding officer's mood can be that the person should not give way.

Madam Chairperson I beg your indulgence to not misunderstand me. I pray that you allow us to have a rule that will protect Members from reliance on the Speaker's mood so that we have a rule for the ministers to give way to give us information because it is necessary.

THE CHAIRPERSON: Hon. Aisha, the Speaker's role here is to protect all Members and ensure harmony and order in the House. When we do that, we do it for the good of Ugandans.

MR KAFUZI: Madam Chairperson, every time we make a law, including our own rules, it is because there is mischief we intend to cure.

THE CHAIRPERSON: What mischief are we trying to cure on that one?

MR KAFUZI: Here, in cases where a minister has refused to yield, the Speaker has always said, please, yield. What is the mischief that we are trying to cure?

MR KATUNTU: Can I answer that? Madam Chairperson, the minister is holding an office in trust. It is not about him as an individual. When a Member is seeking clarification, the Speaker does not know the clarification but rather, it is the Member who knows the clarification.

THE CHAIRPERSON: Who gives a Member permission to speak?

MR KATUNTU: The presiding officer does, but not until you have raised the clarification. You only stand up and say, "Clarification", which is the only judgment you have to use. The substance of the clarification is the Member raising it, who knows?

Madam Chairperson, if you just stop him without the presiding officer even knowing, then they put you in a difficult position. *(Hon. Kafuuzi rose_)* Let me make my point.

Madam Chairperson, this has nothing to do with the presiding officer's powers. Why? When a Member stands up on a point of clarification, he or she does not go ahead until the Speaker has given him or her audience. You will not hear the clarification as a minister, until it has been raised on the Floor.

If you consistently say, "No," yet somebody is seeking clarification - they are not asking about Hon. Kafuuzi; they are seeking clarification from the Attorney-General.

THE CHAIRPERSON: Honourable members, I do not see anything we are curing. In the circumstances that a rule is not provided for, we shall apply Rule 8. Can we have that part of -

THE CHAIRPERSON: After Hon. Ngompek, then Hon. Hassan.

MR NGOMPEK: Madam Chairperson, whatever we are discussing - anything touching the powers of the Speaker should be disregarded.

THE CHAIRPERSON: *Owekitiibwa.*

MR NGOMPEK: Madam Chairperson-

THE CHAIRPERSON: Yes, I am listening.

MR NGOMPEK: Any discussion regarding the powers of the Speaker should be disregarded - *(Interjections)*- the Speaker must maintain the power he or she holds. *(Interjections)* No, no. I am being honest. Otherwise, we shall not cure anything. *(Hon. Kirumira and Hon. Katuntu rose_)*

THE CHAIRPERSON: Hajji and honourable chairperson, I have not allowed you to talk. Sit down.

MR NGOMPEK: We shall not cure anything. Thank you, Madam Chairperson.

THE CHAIRPERSON: Thank you. Hajji Hassan. Honourable members, let us listen.

MR KIRUMIRA: Madam Chairperson, the fact that the Front Bench is worried about the insertion of that particular rule is problematic itself. Points of clarification and elucidations arise because Members want the minister to clarify a particular matter.

Deleting it and shying away from it, means that we are leaving Members out of the debate that is happening at that particular time in the House.

Madam Chairperson, we legislate for our people, and rules are rules. We have to respect them, or else we are savages.

My application on that rule is to allow the chairperson proceed with the rule the way it is because it is going to allow Members to come in that particular debate. Thank you, Madam Chairperson.

MR TIMUZIGU: Thank you, Madam Chairperson. We have been making rules in good faith, and we have been amending them in good faith ever since we started. When you look at this sub-rule, the ministers say, "No, let us remove it." The other side says, "Let it remain." Why don't we delete this so that we can keep what we have been using as Parliament?

Madam Chairperson, we should amend these rules in good faith so that we maintain the good faith. Thank you.

THE CHAIRPERSON: Hon. Itungo, Hon. Moses and Hon. Alum Santa. Honourable members, if you rise up – (*Hon. Katuntu and Hon. Kafuuzi rose*) Order! How can two men come in front of the Speaker?

MR ITUNGO: Madam Chairperson, the committee chairperson is in the meeting, but I want to bring to your attention rule 70, which you have just read, specifically the last paragraph, which says, “A Member shall not speak until he or she catches the Speaker’s eye.”

Madam Chairperson, if the rule is already there, why do you want a person to raise points of information or procedure without catching the eye of the Speaker? (*Hon. Aisha Kabanda and Hon. Alum Santa rose*)

THE CHAIRPERSON: Hon. Moses?

MR WALYOMU: Madam Chairperson, looking at that law, I would not have a problem. Where the problem arises is the three times. My question is: three times by who? Is it by the individual Member who seeking clarification or the three Members?

THE CHAIRPERSON: Three times. Yes?

MR DAVID KABANDA: Thank you, Madam Chairperson. I would like to seek clarification from the Attorney-General or the committee chairperson. What if honourable members conspire - 10 or 20 of them from either the NRM or the Opposition side and they deliberately do it to fail the minister?

Unless the Speaker has not allowed it, the rules dictate that members debate after the minister’s presentation. What if there is something that the minister didn’t bring out well, you note it down and bring it up during the debate.

Honourable members are going to conspire - point of order - about 20 of them, and they will fail the minister. Can’t we do that during the debate?

THE CHAIRPERSON: Thank you. Hon. Mpuuga?

MR MPUUGA: Much obliged, Madam Chairperson. First of all, I would like to take exception to the submission of Hon. Ngompek, who was trying to incite the Chairperson by way of his submission so that the Chairperson can reject Members’ submissions on this subject matter. That said, tongue-in-cheek, we are dealing with two principal issues, with this amendment;

- i) Access to the microphone and the power of legislation.
- ii) The doctrine of separation of powers.

This is space for Members to legislate and represent their constituencies, while for the ministers, it is a space for accountability. Therefore, the amendment, if I understood the chairperson well and the committee’s intentions, is to try and cement the power of Members to demand accountability from ministers, and therefore, there should be no denial. We have been here and ministers deny clarification, then they take leave or even take flight.

When that happens, you constrain the whole intention of legislation and representation. The Speaker, under the rules, will be at latitude to even say, “I have ordered that this matter takes leave”. That power cannot be taken away from the Speaker by this rule. That is why I took exception to the submission of the Hon. Ngompek, who was trying to incite you as if this rule has eyes -

THE CHAIRPERSON: Nobody has incited me.

MR MPUUGA: I saw him, Madam Chairperson, but of course, you are smart to -

THE CHAIRPERSON: Nobody has incited me, but I am also telling you that even if you stand 10 times if the Speaker has not given you time to speak, you will not.

MR MPUUGA: Exactly, that is why -

THE CHAIRPERSON: At the same time, if somebody stands up on a point of clarification - I have seen many times that ministers do not want clarification, but the Presiding Officer says, "Clarify", "take it" or "give way". Why are you abusing that?

MR MPUUGA: Madam Chairperson, the Presiding Officer does that discretionarily because she or he does not know the matter of clarification from the Member at the time the Member rises.

THE CHAIRPERSON: We have never asked for what clarification; all we want is to let the Member seek for a clarification.

MR MPUUGA: That is my point, Madam Chairperson, and I think they are getting away with not accounting for their actions.

THE CHAIRPERSON: Okay. Hon. Santa, then Hon. Ebwalu?

MS SANTA ALUM: Thank you, Madam Chairperson. You are the custodian of the rules we are making. Here is a problem: Sometimes honourable members want clarification from the ministers. Sometimes it is very important matters on the ground that need clarification but the minister might deliberately refuse.

Madam Chairperson, being the custodian of the rules that we are making, I think - this is a very simple matter - any point of interruption must go through the Speaker, and you know the interest of your Members, that they want clarification. Therefore, if it is through the Speaker, I see no way a minister can consistently and repeatedly refuse the point of interruption.

THE CHAIRPERSON: Yes.

MR EBWALU: Madam Chairperson, we have seen situations in this House where Members have sought clarification only once and you allowed a Member to ask the minister, and ministers have given way.

We also have ministers who fear responding to questions from Members but with your discretionary powers, we have seen situations where you have allowed Members to raise their matters to the ministers on the point of procedure, or point of order, at the discretion of the Speaker.

My humble view is that the ministers should give way. Why do you fear to respond to our clarifications? Thank you very much.

MS NALUYIMA: Madam Chairperson, with your leave, we have just observed that we have problems with the Electoral Commission because when the minister was presenting here, we asked for clarification, and he did not clarify those matters. Up to this day, the problem still exists, and we have no solutions, yet the minister came and presented a statement and later left. We want clarification -

THE CHAIRPERSON: Honourable member, I have not even heard any word of what you have said.

MS NALUYIMA: Apologies.

THE CHAIRPERSON: Can I have the Deputy Attorney-General?

MR KAFUZI: Madam Chairperson, considering the many different views we have on this and to avoid clogging the system, I move that the proposed amendment under Rule 78(2)(c) be deleted going forward.

MR KATUNTU: Madam Chairperson, I am going to respond to the request of the Attorney-General, but before I do that, I have to say this. Sometimes, the reason honourable colleagues have been raising points of procedure whereas they are not a point of procedure, or even a point of order when it is not, is because they have failed to get the clarification. Therefore, they move around and say "point of procedure" even when it is not.

Having said that, I hope the Executive has picked the lesson that Members want the clarification. If you continue behaving the way

you are, we shall bring the amendment again. *(Laughter)* As of now, for peace, let us concede that part, but if you do continue behaving like it has been, we shall be back with that amendment.

I concede, Madam Chairperson.

THE CHAIRPERSON: Thank you. Honourable members, I put the question that Rule 78, with its attendant amendment, as proposed by the committee and modified by the Deputy Attorney-General, be approved by this honourable House.

(Question put and agreed to.)

Rule 78, as amended, agreed to.

Rule 82

MR KATUNTU: Madam Chairperson, the committee proposes the following amendment; (i) in sub-rule (1)(a) (a) in subparagraph (i) by inserting immediately after the word “shirt”, the words “cravat, flaps”.

The other time I tried to explain to honourable colleagues what cravat and flaps are. The Presiding Officer is now putting on a cravat. The flaps are distinct from the cravats.

- b) By deleting sub-rules (2), (3), (4), and (5)
2. In sub-rule (1a), by substituting for subparagraph (ii), the following;
- i) Decent dress with sleeves or dress with jacket.
- a) By substituting for paragraph (iii) the following;
- ii) Decent blouse with sleeves and decent skirt or decent trouser or decent blouse with jacket and decent skirt or decent trouser.
- b) by deleting subparagraph (iv)
- iii) By inserting immediately after sub-rule (2) the following;

3. A Member attending a House or a committee meeting who does not adhere to the dress code prescribed in sub-rule (1a) shall be cited for being out of order, and the presiding officer shall order the Member to withdraw immediately from the House or committee and return when dressed in accordance with the rules.
4. For purposes of this rule, “Decent” means dressing in a manner that is socially acceptable and generally considered to be smart, good, reasonable and portrays a good image of Parliament.

Justification is to maintain the decorum and dignity of Parliament.

However, I will explain the justification. Honourable colleagues, Members of Parliament should be an inspiration to the public; the way we speak, dress and conduct ourselves.

We cannot have a House, and it is like a market. People come dressed in all manner of curtain materials and we have a problem, because we know the very good work done. For example, by our staff, the doorkeepers. They are very good members of staff, but sometimes a member walks in like a doorkeeper and you do not know whether this a doorkeeper or a Member of Parliament.

Thirdly, sometimes our staff are smarter than the MPs. Therefore, it is in pursuit of decorum and respect that we think we should not only be MPs but appear to be Members of Parliament and that is why we are proposing this.

Madam Chairperson, we have got this thing called “Mandela shirt”. Everybody walks in here and without mentioning individual names, I think it is time to look into our rules such that we give that image of what a Member of Parliament should be. This is not too much to ask, honourable colleagues.

For those of you who are professionals, everybody knows that, for example, lawyers know how they dress in courts of law. Doctors, even nurses, they dress in a particular way to distinguish themselves from their patients

Lastly, about the Uganda People's Defence Forces (UPDF)

The membership of the UPDF in this house is constitutional. Nobody should think that this rule in any way touches the status of Members representing the UPDF in this House.

Secondly, I have heard people say that we are banning UPDF uniforms from the House; this is far from the truth because no person in his sane mind can do that; otherwise, it would certainly be unconstitutional.

However, just look at the Members of the UPDF currently seated in this House - (*Applause*) - they are extremely smart! Just look at them. There is also another pair of uniforms which they wear; the shirt is like a plain khaki and then green trousers. It is sort of ceremonial; I think - I do not know what they call it - Smart.

In any case, the UPDF officers here are sometimes identified by their ranks. So, they cannot come here dressed in civilian uniform. If they so wish, we would like them to come here in their uniform, then I can say, "Col Nekesa" or "Gen. Mugira" because their ranks are on their shoulders and they can only be in uniform.

However, we have one exception, which is that our UPDF officers should not wear combat uniforms when they are in the House. They are "*madoadoa*". Why? Because ordinarily –

THE CHAIRPERSON: Please continue.

MR KATUNTU: Save this House from Hon. Ngompek. Because generally, these are supposed to be, for example, combat uniforms, camouflage or even in their barracks and so on.

THE CHAIRPERSON: That is okay.

MR KATUNTU: But when you are here - like we are prescribing a dress code for Members of Parliament – even us we are not allowed to come here dressed the way we wish but what we are saying in the rules is that it should be this way.

So, we request that the UPDF officers dress formally, and smartly, like we see them now. We have no objection. Madam Chair. I beg to move.

THE CHAIRPERSON: No, there is a minority report.

MS AISHA KABANDA: Thank you, Madam Chairperson.

THE CHAIRPERSON: Honourable, can I first ask a question before you hear the minority report? Assuming somebody, say on Fridays, puts on a "*Kanzu*" and a coat, is that acceptable or not?

MR KATUNTU: Madam Chairperson, since we released this report, we have had a number of interactions with colleagues and one issue that has been pertinent is about the "*Kanzu*."

THE CHAIRPERSON: And the coat.

MR KATUNTU: On the "*Kanzu*" - and I have a consensus that we are going to concede.

THE CHAIRPERSON: A "*Kanzu*" and a coat.

MR KATUNTU: And a coat. On that one, we are ready to concede.

MSAISHAKABANDA: Madam Chairperson.

THE CHAIRPERSON: Yes?

MS AISHA KABANDA: I am happy to hear my chairman say he intends to concede on that because it was a matter before the committee, and there was some disagreement.

So, I disagree with the removal of "*Kanzu* and jacket" and I propose that we remove the military attire. Is the argument clear? That is under Rule 82(1)(6): Military attire for members of the armed forces.

How I wish Members would listen because you asked which one and I am going to explain.

THE CHAIRPERSON: Honourable members, first listen.

MS AISHA KABANDA: Madam Chairperson, many of us do not understand the variance in the military attire.

The military attire is a military attire to them but to us, this is a civilian space. Their attire is very intimidating and the pips that my colleague is arguing for, intimidate people more – that it is important that we get to see the pips.

When you hear that someone is a General, some people may feel kind of subdued because of the pips. Therefore, my argument is that military attire should not be in Parliament. They should come here as colleagues, dressed in their civilian wear. Important to know –

THE CHAIRPERSON: Members, first listen to her point of dissent. We are listening to the point of dissent.

MS AISHA KABANDA: Madam Chairperson, we all come from different professions; you know, even lawyers have a style of dressing, they are not going to come with their clothing here as lawyers and doctors have their style too. Therefore, we recognise that we all come from different professions. As we enter Parliament, we leave our professions out and enter Parliament as representatives of the people.

I recommend that military attire be removed for both men and women. I recommend that we should insert the females' wear of the *hijab* as an acceptable way for Women Members of Parliament and the *kanzu* and coat.

THE CHAIRPERSON: Is that *hijab* that you are wearing? We have not said we are removing that, *Hajjat*.

MS AISHA KABANDA: Madam Chairperson, the *hijab* is not in our rules as of now, and it is surviving –

THE CHAIRPERSON: So, we are inserting the *hijab*.

MS AISHA KABANDA: How I wish the “Love master” would listen. Madam Chairperson, the *hijab* is currently surviving on the allowance of traditional wear. When you delete traditional wear, the *hijab* will have no room. It is unless we leave the traditional wear, or insert the *hijab* as an acceptable wear for the Muslim women in this Parliament.

THE CHAIRPERSON: *Hajjat*, first, we have agreed to insert a *kanzu* with a coat. Then, the *hijab* – Honourable members, wait. I would like to make a clarification. We have a *hijab* for the religious aspect, a *kanzu* with a pair of trousers inside. Do not come without a pair of trousers and a coat – (*Laughter*) – (*A Member rose*) Wait.

MR KATUNTU: Madam Chairperson, as we deliberate on this issue of *kanzus*, we need to specify that there should be a long pair of trousers under the *kanzu*. (*Laughter*) This is because it has happened here; I do not want to go into details.

THE CHAIRPERSON: Honourable members, I would like to first of all commend the UPDF representatives that we have in this House. We have the most disciplined UPDF officers in this House. (*Applause*) At times I even forget that they belong to the UPDF.

Secondly, the uniform they are wearing is an official uniform. It is not the other *madoadoa*. That is the one we are saying we do not want but this is like the one we wear in Kyankwanzi. Let me hear from the General.

GEN. MUHOOZI: Madam Chairperson, with due respect, I would like to debunk what Hon. Kabanda submitted – that this is for civilians and we have to put on civilian attire. We are a constituency, known to the Constitution, for your information, so we have to be identified as such.

THE CHAIRPERSON: They are elected here as UPDF. (*Applause*)

GEN. MUHOOZI: The only identifier is the uniform. Now, the detail of what uniform is

suitable for this environment is what we are talking about. I agree the camouflage uniform is for combat. We have number one, the red tunic for the army, and then the blue for the Air Force and the other services. This one is number two; for it is a work dress. Maybe, if the committee agrees and Parliament agrees, we can approve number two for the purposes of Parliament. *(Applause)*

THE CHAIRPERSON: Thank you.

MR KATUNTU: We have no objection at all.

THE CHAIRPERSON: Thank you. Honourable members, I am part of the *gomesi* team. *(Applause)*

MR KATUNTU: We concede on the *gomesi*. *(Applause)*

THE CHAIRPERSON: Hon. David?

MR DAVID KABANDA: Thank you, Madam Chairperson. I request that –

THE CHAIRPERSON: Honourable members, can we have some order?

MR DAVID KABANDA: Madam Chairperson, this suggests that a Member attending the House or committee meeting, who does not adhere to the dress code prescribed in sub-rule (1), shall be cited for being out of order. I also request that we insert, “a Member attending the House physically and virtually” because we have seen the Members here on *Zoom* –

THE CHAIRPERSON: Honourable members, let me first speak. One time somebody was voting on *Zoom* and the person – I should not say it.

MR KATUNTU: Madam Chairperson, I concede to Hon. Kabanda’s amendment.

THE CHAIRPERSON: Thank you. Yes, Hon. Orone?

MR ORONE: Thank you, Madam Chairperson. This Parliament is in Africa. I am

one of the people who respect African culture. It will be unfair; the UPDF has been accepted, the other side has been accepted and then you chase away the African wear, as smart as I am right now. People like Hon. Macho and that honourable member are very smart in African wear. Therefore, I request the African wear to be accepted. Thank you very much, Madam Chairperson.

THE CHAIRPERSON: Let me first have Hon. Ebwalu.

MR EBWALU: I would like to inform Hon. Orone that African wear is not defined. You can even bring here a bark cloth, which we call *Olubugo* – *(Interjection)* - I have never seen you in a bark cloth. We should not accept that, Madam Chairperson.

THE CHAIRPERSON: Hon. Asuman, go back to your seat. Yes, Hon. Ebwalu?

MR EBWALU: Madam Chairperson, we have seen Members walk into this House in African wear or traditional wear with blouses because it is traditional wear. I would like to implore Members that the chairperson of the committee has done a commendable job. The people who want to hide behind wearing *Kaunda* must be banned – *(Interjections)* - Let me conclude. *(Interjections)* No.

Madam Chairperson, just like the committee chairperson said, you will be thrown out –

THE CHAIRPERSON: Hon. Hanifa –

MR EBWALU: Just like the committee chairperson said, we must inspire people out there who are watching us. Before I came to this Parliament, I used to watch how the likes of Hon. Abdu Katuntu, Hon. Okupa, and others dressed. I started dressing like that. Madam Chairperson, we must inspire people out there. If you do not want to wear a suit like this, go back to Toroma or wherever, but we must wear suits. *(Laughter)*

THE CHAIRPERSON: Can you withdraw the word “Toroma”, Hon. Ebwalu?

MR EBWALU: Madam Chairperson, I withdraw it. If I do not want to wear a suit, let me go back to Soroti. I withdraw. Thank you very much. I withdraw “Toroma”.

MR PETER OGWANG: Madam Chairperson, I thank my brother, Hon. Orone, for raising the issue of African wear. We can all go back to our wardrobes – and I want to confirm that I have quite a number of African wears. I would like to say the following as I debate this subject matter: First, I support the proposal by the committee. (*Applause*) Friends, we must be sincere to ourselves. This is the national assembly of the Republic of Uganda. It is even wrong for us to begin comparing African wear to the UPDF uniform. Please note that the UPDF is our national army, and they also have a designated uniform for this specific function – as the General has just stated here. We should not come here and try to compare their uniform to an African wear, such as a bark cloth.

Madam Chairperson, I always admire the LOP. The LOP has never come here in an African wear, but – I like him – whenever he is out there, he is in African wear, doing his normal duties. So, can we take our African wears to our constituency work – to continue being Africans? For the purpose of the national assembly, I implore us –

THE CHAIRPERSON: Honourable members, can we have some silence. I would like to hear from Hon. Goli.

MR OGWAL: Thank you, Madam Chairperson. The catchwords that we have are “decent” and “smart”. I would like to mention that around the world, clothing is a very big item in development. To support development, especially of the youth, we need to have tailoring promoted. We can promote this country. Even Nigerian clothing was purposely promoted there. (*Applause*) If you wear decent African wear, which is well-tailored, you are going to influence others to wear it.

MS NAIGAGA: Thank you, Madam Chairperson. I would also like to commend the committee. We need to appreciate that we are all Africans. However, Members have taken it

out of order. People now pick materials from Owino, take them to any tailor, make any form of cloth and they appear here, saying: “This is a traditional wear.”

Madam Chairperson, if you make Hon. Macho stand up – in just this House, Hon. Macho is in traditional wear, Hon. Orone is also in traditional wear, but you cannot compare the two. So, to avoid weighing which one is viable and which one is not, let us phase it out. We can promote the tailors of traditional wear in our constituencies when we are doing other activities.

THE CHAIRPERSON: Thank you. Hon. Mugira, can you tell us which uniform we should gazette for you?

LT GEN. MUGIRA: Thank you, Madam Chairperson. The institution that we represent is disciplined, rule-based and order-based. So, we are very happy that the committee has come up with proposals to amend this rule so that there is decency and order in the House and we do not have anarchy. That is point number one.

Number two, on the question of the uniform, a uniform is a symbol of honour and a symbol of pride. It brings discipline, which is the bedrock of any organisation, especially the military organisation – and for which we are known. It is a symbol of identity – for purposes of identification. Otherwise, we can be mistaken to be militias. So, for purposes of discipline and identification, we need to put on this uniform.

Thirdly, as it has been pointed out, our presence here is a creation of the Constitution of the Republic of Uganda. How else can you identify us?

I, therefore, wish to associate myself with the recommendation of the committee that we put on this uniform, but we are discouraged from putting on the combat uniform, and we are going to sort it out as the UPDF Caucus. Thank you very much for the opportunity.

THE CHAIRPERSON: Honourable members, we are talking about the decency of Members of Parliament. When you look outside

there, somebody will say: “I wish I could dress like Hon. Silas.” These are some of the things that encourage children or the people outside there. It should also be, as he has said, rule-based. It is also our pride.

How it looks very beautiful –

(Whereupon, Maj. Gen. Masiko entered the Chamber.)

THE CHAIRPERSON: *(Laughter)* Honourable members, when we pass the rules, Hon. Masiko will not come in that *madoadoa*. *(Laughter)*

Honourable members, listen to me. I think that whatever the committee did was in good faith. It is for the pride of this institution, the good image of this institution and the betterment of this country – that when you go to the Parliament of Uganda, there is decency.

I am telling you – Hon. Macho, you are my friend; we will not allow that. *(Applause)* Listen.

Are we together? We have agreed on a *gomesi*. We have agreed on the official attire of our army; the UPDF. We have agreed on the hijab for the case of the Muslim fraternity. I want to hear from the Member for Bulambuli.

MR WAMAKUYU: Thank you, Madam Chairperson. I have seen on several occasions –

THE CHAIRPERSON: Honourable members, can we listen? Dr Abed.

MR WAMAKUYU: I have seen colleagues, at times, in committees, come in T-shirts and open shoes. We have been talking about jackets – *(Interjections)* - but we also need to talk about the type of shoes Members of Parliament should wear. I have seen colleagues come in jeans – *(Interjections)* - Members, at one point, we had invited –

THE CHAIRPERSON: Hon. Mudimi, the rules apply both to the committee and the House.

MR WAMAKUYU: Yes, so we should agree on what type of shoes we should put on.

THE CHAIRPERSON: In the circumstance where somebody has a wound, you seek leave of the Speaker, to put on open shoes. I made a mistake when I mentioned the uniform for police. I meant the uniform for the army, the UPDF.

When you look at Rule 82(2), it talks about the shoes. Attorney-General?

MR KAFUZI: Madam Chairperson, I propose an amendment to rule 82(2)(b), which would be-

(2b) by substituting for paragraph (3) the following –

- i) Decent blouse with sleeves,
- ii) Decent skirt or decent trousers, or decent blouse with jacket,
- iii) Decent skirt or decent trouser.

I want to add closed shoes. I remember a colleague who came here in sandals, some time back. *(Interjection)* Yes.

I want to propose that we add –

THE CHAIRPERSON: Rule 82(2).

MR KAFUZI: Does it cause any harm? I propose closed shoes for men, and dignified shoes for women.

MR AOGON: Madam Chairperson, we have seen situations where some people put on socks in rare colours, which is not acceptable. *(Laughter)* If we are working on our rules, let us do it once and for all. You put on yellow socks –

THE CHAIRPERSON: Thank you. Hon. Atyang?

MSATYANG: Thank you, Madam Chairperson. I seek clarification – *(Interjections)* – Protect me, Madam Chairperson. Thank you.

Looking at the list that the Deputy Attorney-General has just given, I have not seen any clarification on the dresses, especially the *kitenge* dresses. This is because we also have decent *kitenge* dresses. *(Interjections)* – Yes.

The other one is the issue of traditional wear - *(Hon. Kibalya rose_)*

THE CHAIRPERSON: Hon. Kibalya, Hon. Atyang is still submitting. Hon. Asinansi Nyakato, you are actually dressed indecently; so you cannot speak.

MS ATYANG: I want to comment on the issue of avoidance of the traditional wears, and the acceptance of some traditional wear like the *gomesi* and the *kanzu*. We have refused other traditional wear like the *sukas* for the Banyankole, and the skirts of the Karamojong. I request that we avoid double standards. If we are saying we do not want traditional wear, let it be across the board. Why *gomesi and kanzu* only? *(Hon. Kibalya rose_)*

THE CHAIRPERSON: Honourable members, we are going to spend all the time on this. We have an agreed position, to which amendments have been made.

I put the question that Rule 82 be amended as proposed.

(Question put and agreed to.)

Rule 82, as amended, agreed to.

New Rule

THE CHAIRPERSON: Honourable members, I remember recently, Hon. Moses Wetangula, the Speaker of the National Assembly of Kenya, chased away a Member dressed in a *Kaunda* suit – a safari suit. Even when the President of Kenya is going to the House, he first changes into a suit. Let us not make this

House have people dressed like they are going for burials. Next.

MR KATUNTU: Thank you very much, Madam Chairperson. I feel like going to another rule of gross disorderly conduct.

THE CHAIRPERSON: Yes.

MR KATUNTU: Okay, maybe let me start with another one.

THE CHAIRPERSON: New rule.

MR KATUNTU: The rules are amended by inserting immediately before rule 85, the following-

“85A. Sanctions

THE CHAIRPERSON: Sanctions after rule 85A.

MR KATUNTU: Yes.

1. Where the Speaker or the House finds that a Member has breached the Code of Conduct, or that a Member has breached any of the provisions of the Rules for which no specific sanction has been provided, the Speaker or the House may, in addition to any other sanction to which a Member may be liable under these rules -
 - (a) Issue a formal warning to the Member;
 - (b) Reprimand the Member;
 - (c) Direct the Member to apologise to the House or any other person in a manner determined by the Speaker or the House;
 - (d) Withhold for a specific period of time, the Member’s right to use or enjoy any specific facility provided to Members of Parliament;
 - (e) Remove or suspend the Member from any other position held by the Member in Parliament for which no specific grounds for removal or suspension are provided for under these rules or any other law;
 - (f) Suspend the Member from the service of the House or any committee for a period determined by the Speaker or the House.

Justification

To provide for sanctions, breach of the Code of Conduct and breach of the rules where no specific sanction has been provided.

THE CHAIRPERSON: Hon. Aisha Kabanda?

MS AISHA KABANDA: I agree with the majority position.

THE CHAIRPERSON: I put the question that the proposed new rule be inserted as proposed.

(Question put and agreed to.)

New Rule, agreed to.

Rule 88

MR KATUNTU: Rule 88 – this is the proposal – be amended by inserting immediately after sub-rule (2) the following:

1. Gross disorderly conduct

A Member commits an act of gross disorderly conduct if the Member;

- (i) Defies a ruling or direction of the Speaker or chairperson;
- (ii) Disrupts the Speaker's communication;
- (iii) Demonstrates or makes disruptive utterances;
- (iv) Declines to retract words ruled unparliamentary by a Presiding Officer or declines to offer an apology when ordered to do so;
- (v) Attempts to or causes disorder of whatever nature;
- (vi) Uses or attempts to use violence against any other person in the House, committee or within the precincts of Parliament;
- (vii) Destroys property in the House or committee;
- (viii) Attempts to or disrupts the Speaker's procession;
- (ix) Attempts to or removes the mace from its place;
- (x) Deliberately gives false information to the House;

(xi) Publishes or discloses a committee report, evidence, or a document received by a committee before the presentation of a committee report.

Justification

- i) To provide for circumstances under which a Member's conduct may amount to gross disorderly conduct as referred to in Rule 88(2).
- ii) To enable Members to rise on a point of order where a Member commits an act of gross disorderly conduct.

I beg to move.

THE CHAIRPERSON: Hon. Aisha?

MS AISHA KABANDA: There is consensus.

THE CHAIRPERSON: Deputy Attorney-General?

MR KAFUZI: Madam Chairperson, I am in agreement with most of it except I wish to add one word.

On subsection (ix); "Publishes or discloses a committee report, evidence or a document received by a committee before the presentation of the committee report to Parliament," because the presumption is that they are public documents, but they only become public after presentation.

MR KATUNTU: You do not have to labour; I concede.

THE CHAIRPERSON: I put the question that Rule 88 be amended as proposed and amended by the Attorney-General.

(Question put and agreed to.)

(Rule 88, as amended, agreed to.)

THE CHAIRPERSON: Honourable members – Hon. Silas, we have been sitting here from 2.00 p.m. – You were in church? Okay, the rule has passed. Yes?

MR KATUNTU: Madam Chairperson, Rule 90.

Substitution of Rule 90 – A Member suspended to withdraw from precincts

Rule 90 is substituted for the following;

“A Member who is ordered to withdraw or who is suspended from the services of the House or committee under these rules shall immediately withdraw from the precincts of Parliament and shall not participate in any Parliamentary business or activity until the end of the suspension period.”

Justification

To ensure that Members do not participate in parliamentary business or activities for the period of their suspension.

THE CHAIRPERSON: Hon. Aisha Kabanda?

MS AISHA KABANDA: There is consensus.

THE CHAIRPERSON: I put the question that Rule 90 be amended as proposed.

(Question put and agreed to.)

Rule 90, as amended, agreed to.

Rule 91

MR KATUNTU: Madam Chairperson, the committee proposes that Rule 91 is amended by substituting for sub-rule (1) the following;

“Defamatory statements to be investigated by the Committee on Rules, Privileges and Discipline;

1. Whenever in the opinion of the Speaker, a statement made by a Member is prima facie defamatory of a Member, the Speaker shall refer the matter to the Committee on Rules, Privileges, and Discipline for inquiry.

2. By inserting immediately after sub-rule (1) the following;

(1a) Where a Member makes a statement in a committee which is prima facie defamatory of a Member, the chairperson of the committee shall refer the matter to the Speaker.

(1b) Where in the opinion of the Speaker, the statement referred to under sub-rule (1a) is prima facie defamatory of a Member, the Speaker shall refer the matter to the Committee on Rules, Privileges and Discipline for inquiry.

(1c) Notwithstanding sub-rule (1b) where a defamatory statement is made before the Committee on Rules, Privileges and Discipline, the Speaker shall refer the matter for inquiry to a select committee appointed in accordance with Rule 190.

(1d) Where a matter is referred to the committee under sub-rule (1) and (1b) or (1c), the committee shall report its findings to the House not later than 21 working days after the matter is referred to it.

Justification

1. To reconcile with Rule 175, which requires the Committee on Rules, Privileges and Discipline to consider matters of discipline referred to it by the House or the Speaker.
2. To allow the Speaker retain the powers of referral of business to committees.
3. To provide for referral to a select committee where a defamatory statement is made before the Committee on Rules, Privileges and Discipline because it would be a conflict of interest if the same committee hears a matter that is arising during its business.

THE CHAIRPERSON: Let me first hear from Hon. Aisha Kabanda.

MS AISHA KABANDA: I agree with the majority position.

THE CHAIRPERSON: Thank you.

MR SSEWUNGU: This is a suit by the way – (*Laughter*) – but if the rules are going to remove it, at least I am always smart.

Madam Chairperson, I want to learn from the chairperson of the committee, where does the defamatory statement occur? Recently we had challenges here where people abused themselves within the constituency. Others were fighting in Lwengo. Now, if it is outside the precincts of Parliament, shall we take that as a defamatory statement against the Member, or it must be within the precincts of Parliament because we do not want to go into the work of court outside Parliament.

In addition, the business of the Speaker, in protecting honourable members, is within the precincts of Parliament. The Attorney-General should come out clearly on where we see defamatory statements. Is it here in the precincts of Parliament or out? Members are going to start abusing themselves outside, depending on where they come from. A Member from East or West; Kiruhura, Women Members of Parliament attacking each other, these are examples. They have not done it to a senior man but we want to know, Madam Chairperson. Otherwise, we need to insulate that area very carefully. Thank you.

MR AOGON: Madam Chairperson, free speech is very critical in democratic societies. Parliament should be allowed to allow Members to deliver freely. I have a feeling that if we over-legislate on this matter, Members will end up quelling up and they fail to debate.

In my opinion, it will be good for us to allow Members – if we talk of defamatory statements, for instance, what qualifies to be defamatory? Can we standardise, specify, and describe properly, so that there is a measure?

It should be that even before I enter the House, I start practising speaking without getting caught up, because when you talk about committee, how do we know that everybody is being

treated fairly? Let us not overlock ourselves, to the extent that we even fail to debate. I will try to – We should move freely.

THE CHAIRPERSON: Honourable members, when you look at Rule 91(1): “*Whenever it is in the opinion of the Speaker or person presiding in a committee a statement made by the Member is prima facie defamatory of any person, the person presiding shall refer the Member for inquiry to the Committee on Rules, Privileges and Discipline which shall report its findings to the House not later than 21 days after the matter is referred to it.*”

Dr Nekesa, and Hon. Silas, it is confined to the House and the committee, but that does not give you latitude to go and abuse a Member in his constituency.

MR KAFUZI: Madam Chairperson, I agree with this proposal but to the chairperson of the committee, I would like us to put a provision or create room for a party who considers himself culpable before the committee, admits, and the matter ends there, and the committee does not have to report back to the House.

For example, I keep joking with Hon. Kabanda; assuming I call him a *Munyamulenge* today, and the Speaker deems that defamatory, and refers it to the committee – if I go to the committee, I admit, apologise and I withdraw it, does that committee have to bring that back to the House with a report?

THE CHAIRPERSON: Can I tell you about Kagabo’s case? Kagabo went to the committee, admitted his guilt, and apologised. The committee returned to the House with an apology report, and the House forgave him. This is because that was a House referring; so the House was to receive the report. That is where it ended. Yes?

MS KANUSHU: Madam Chairperson, I wanted clarification from the chairperson of the committee about defamatory statements made on social media because the Zaake case is law precedent.

The defamatory statements were on Twitter or other social media platforms. If I pronounce defamatory statements against a Member on Twitter and Facebook, how does the rule help with that?

THE CHAIRPERSON: The civil court can apply on that. It will apply to that.

MR DAVID KABANDA: Madam Chairperson, the Attorney-General here, has just gone on record calling me a *Munyamurenge*. A *Munyamurenge* is a member of the March 23 (M23) Rebel Group.

THE CHAIRPERSON: Are you sure?

MR DAVID KABANDA: Yes. I am requesting that the Attorney-General withdraw that statement because *-(Laughter)-* The government of the Democratic Republic of Congo can start looking for me, thinking that a member of M23 is a representative in the Ugandan Parliament.

THE CHAIRPERSON: I actually did not hear the word *Munyamurenge*.

MR DAVID KABANDA: Because he is part of them.

MR KAFUZI: You can see, he is *-(Interjections)-* Okay, I withdraw.

THE CHAIRPERSON: Thank you. Yes, Hon. Bakkabulindi?

MR BAKKABULINDI: Thank you very much, Madam Chairperson. I have been listening, and I thank the chairperson of the Committee on Rules. You know, we have intended to be excited by giving the powers of the Speaker to the committee chairpersons.

Madam Chairperson, we have experience in conducting our businesses, particularly committees on accountability, where you find a chairperson almost biased toward the people who have come to be interrogated.

The Members get annoyed when you say, "Please, give us a chance to question them. "You are now extending the powers of the Speaker by saying, "The chairperson can say, "I have sacked you," and you will also miss the plenary. We need to be very careful when treading on that. I do not know if I misunderstood the statement.

THE CHAIRPERSON: It is for the Speaker, not the chairperson of the committee. Yes. Hon. Bakkabulindi, it is for the Speaker.

MR SSEWUNGU: Madam Chairperson, we have had these scenarios in the committees of Parliament, and some members who were with us in the Committee on Public Accounts; you remember. A Member of Parliament comes and makes a defamatory statement against a fellow Member that he got Shs 10 or Shs 30 million from the entity they are meeting.

Then the chairperson says, "Honourable member, do you have evidence and everything." The chairperson says, "Please produce the evidence." The Member says, "Stop intimidating me," and it becomes another stalemate in the committee.

Where there is defamation in the committees, I accept the chairperson's powers. Whenever a chairperson chairs a committee of Parliament, it is the Speaker chairing that committee.

THE CHAIRPERSON: Honourable members, let me read for you Rule 89(2): "*Where a Member has been named then-*

- (a) *in the case of the House, the Speaker shall suspend the Member named from the service of the House; or*
- (b) *in the case of the Committee of the whole House, the Chairperson shall forthwith with leave, the Chairperson will report to the circumstances to the House and the Speaker shall suspend the Member named from the service of the House."*

We have had scenarios from accountability committees where their members have behaved in a funny way and the chairpersons

have reported those issues. We have handled them administratively, either transferring you from one committee to another or whichever.

The powers are not yet with the chairpersons. Where a Member has been named by the chairperson of the committee, the chairperson shall, with the consent of the committee, suspend the member named from its service and report to the House in the next sitting. With the consent of the committee, not as a person – and then report to the House in the next sitting. Yes, Member for Butiru County?

MR WAKOOLI: Thank you, Madam Chairperson. I now want to put it vice-versa. Here, you are talking about a member who is behaving in a funny way. If the chairperson is the one behaving in a funny way, what happens to him? Can the committee now suspend the chairperson because now, that one also needs to be spelt out? Thank you, Madam Chairperson.

THE CHAIRPERSON: Honourable member, that is the procedure for removing a chairperson or a deputy chairperson from office.

Rule 195 states: *“A chairperson or deputy chairperson of a committee may be removed by members of the committee on a Motion supported by two-thirds of all members in the committee on any day of the following grounds*

-
- (a) *Incompetence*
- (b) *Misconduct or misbehaviour*
- (c) *Failure or refusal without justifiable reason to execute the duties of the committee.”*

The powers are in your hands. If you are in a committee and the chairperson alone says, “I must put this person to oath,” and the members have not agreed, you put it to a vote. The members must agree for a person to take an oath.

Committee chairperson – On which rule? Wait and they read the rule (*Hon. Aogon rose*) We have not reached that point. I was clarifying what the honourable member from Butiru was saying.

Rule 91 had an addition of “Parliament”.

MR KATUNTU: We are done with Rule 91 but the question was not yet put.

THE CHAIRPERSON: I put the question that Rule 91 be amended as proposed with an amendment from the Attorney-General

(Question put and agreed to.)

Rule 91, as amended, agreed to.

Rule 109

MR KATUNTU: Thank you, Madam Chairperson. Rule 109 is substituted for the following:

- (1) Proceedings for censure of a minister shall be initiated by a petition to the President, through the Speaker, signed by not less than a third of all Members of Parliament.
- (2) A Member who is desirous of moving a petition for the censure of minister shall notify the Clerk in writing of his or her intention to present the petition to the President.
- (3) The proposed petition shall cite the grounds and set out the particulars of the grounds for censure.
- (4) The Clerk shall, within three working days of receipt of the notice of petition for censure in sub-rule (2), notify the Speaker of the proposed petition.
- (5) The Clerk shall, within three working days after notifying the Speaker of the proposed petition, notify all Members of Parliament by causing the proposed petition to be pinned on the Members’ notice board and uploaded on the parliamentary information system.
- (6) The Clerk shall, on the date of pinning and uploading the proposed petition as required in sub-rule (5), cause to prepare a list of all Members of Parliament with an

- open space against each name for purposes of appending signatures, which list shall be titled “SIGNATURES IN SUPPORT OF THE PETITION FOR THE Censure OF HON.... MINISTER OF...IN THE REPUBLIC OF UGANDA.”
- (7) The list of Members of Parliament in sub-rule (6) shall be deposited with the Sergeant-at-Arms for a period of 10 working days for purposes of the Members of Parliament appending signatures in support of the petition.
- (8) A signature appended under sub-rule (7) shall not be withdrawn.
- (9) When at least one-third of the Members of Parliament have appended their signatures on the list signifying support for the proposed petition under sub-rule (1), the Sergeant-at-Arms shall immediately forward the list to the Clerk, who shall not later than 24 hours, transmit the petition to the Speaker.
- (10) If after the 10 working days referred to under sub-rule (7), less than one-third of all the Members of Parliament have appended their signatures on the list, the petition shall lapse.
- (11) On receipt of the petition under sub-rule (9), the Speaker shall transmit the petition to the President.
- (12) The Speaker shall, upon transmitting the petition to the President, inform the petitioner that the petition has been submitted to the President.
- (13) The President shall, upon receipt of the petition, cause a copy of the petition to be given to the minister against whom the motion for a resolution of censure is to be moved.
- (14) The petitioner shall, upon receipt of the information from the Speaker that the petition has been transmitted to the President under sub-rule (12), notify the Clerk that he/she intends to move a motion for a resolution of censure of a minister.
- (15) The motion shall set out the particulars and grounds for the vote of censure against the minister.
- (16) The Speaker shall, after 14 working days of receipt of the censure motion, cause the censure motion to be placed on the Order Paper.
- (17) The petitioner shall move the censure motion and lay all supporting documents on the Table, and each document so laid, shall be endorsed by the Clerk.
- (18) The Speaker shall refer the motion and all supporting documents to a select committee appointed in accordance with rule 190.
- (19) The select committee to which the motion is referred under sub-rule (18) shall examine, analyse and scrutinise evidence adduced in the matter and report to the House after 15 working days.
- (20) The committee may, in the exercise of its duty under sub-rule (19):
- (a) Co-opt any person to the Committee;
 - (b) Receive additional information.
- (21) The committee shall give a minister against whom a motion for a resolution of censure has been moved or his/her representative an opportunity to appear before the committee to defend himself or herself against any allegations made.
- (22) The motion for the resolution of censure shall not be debated in the House until the expiry of 30 days after the petition was transmitted to the President.
- (23) Upon presentation of the select committee report, the Speaker shall;
- a) Where the select committee finds that the evidence adduced supports the grounds

for the vote of censure, call upon the petitioner to open the debate on the motion, followed by the minister against whom the vote of censure has been moved to provide his/her defence before the debate ensues;

- b) Where the select committee finds that;
- (i) the evidence adduced does not support the grounds for the vote of censure; or
- (ii) that the allegations are false, misleading or frivolous, the Speaker shall put the question for the adoption of the report of the select committee.
- (24) Where the question for the adoption of the Select Committee report is carried under sub-rule 23(b), the motion lapses.
- (25) Where the question for adoption of the select committee report is not carried under sub-rule 23(b), debate shall ensue.
- (26) After debate in sub-rule (23) (a) or sub-rule (25), the House shall vote on the motion for the resolution of censure, and if the motion is carried by more than half of all the voting Members of Parliament, the minister is censured.
- (27) The Speaker shall, within 24 hours from the time of censure of the Minister, inform the President of the censure of the Minister and the President shall take appropriate action in the matter.”

Justification

To align the procedure and the rules with the provisions of Article 118 of the Constitution of the Republic of Uganda on the censure of a minister. I beg to move.

THE CHAIRPERSON: Thank you. Hon. Katuntu, I want you to look at Article 118 and relate it to sub-rule (1), where you are saying: “Proceedings for censure of a Minister shall be initiated by a Petition to the President through the Speaker signed by not less than a third of all Members of Parliament.”

Does it not contradict Article 118(3)?

MR KATUNTU: What we are trying to do here is to align our rules with Article 118.

MR BAKKABULINDI: Thank you, Madam Chairperson. I have just heard that when I put my signature on a censure motion, I am not supposed to withdraw the signature.

I would like to ask the Attorney-General: Is that not my constitutional right? What if I find out that I have been coerced based on wrong evidence and the following day I find out that what you used to convince me was wrong, can't I withdraw my signature? (*Interjections*) No, I want to be guided by the Attorney-General.

THE CHAIRPERSON: Attorney-General?

MR KAFUZI: Madam Chairperson – (*Interjection*)- I need protection; there is a lot of noise.

THE CHAIRPERSON: Honourable members!

MR KAFUZI: Madam Chairperson, Hon. Katuntu and the other lawyers in here know very well that a judge sits and writes judgement, but he can be persuaded to review his position. There are exceptions. You could sign in support of a censure motion, yet you were not privy to certain information and then you get information or evidence to the contrary.

So, freedom of conscience – and whatever happens, no one has the right to take away your conscience. By restricting ourselves in this proposal, we are curtailing our freedom to withdraw, even when you discover evidence to the contrary.

I would want us to qualify it and say that “within a particular period, your signature cannot be withdrawn”. We could qualify it by providing for, let us say, seven days. I beg to submit.

THE CHAIRPERSON: Yes, Hon. Aisha? By the way, when you read Article 118 in totality, you will find that the committee is right.

MS AISHA KABANDA: Thank you, Madam Chairperson. Members got excited and began debating before I gave the position of the minority.

What the majority members of the committee did was to align our rules with the Constitution, and I entirely agree with what they did, but I have an addition. The proposed Rule 109 is amended by inserting immediately after subparagraph (27), the following-

“(28) Where the President has been informed of the censure under sub-rule (27) and he has not yet taken appropriate action in the matter, the Speaker shall –

- a) Where the censured minister is an Ex-Officio Member, suspend the minister from the House in accordance with Rule 90.
- b) Where the censured minister is a Member of Parliament, bar him or her from taking up a seat on the front row on the right-hand side of the Speaker until the President communicates his decision on the matter.”

Justification

To ensure that the censured minister only resumes his duty in Parliament after the President has taken appropriate action, following the censure. Thank you.

MR KATUNTU: Madam Chairperson, let us have this clarification. First of all, unlike the practice is in other committees, I would like to thank Hon. Aisha Kabanda because she brought all her points of dissent to the committee and we discussed them in detail – all of them. So, there is no view she is giving in which she is ambushing us, as a committee. We had the opportunity to discuss whatever she had and we did not agree, which is normal.

You see, there is always mischief. What was the mischief here? Historically, in this House, for those of you who have been in this House longer than I, you would know that during – (*Interjection*)- No, we are talking about a different thing, Hon. Kibalya. You see, there is

a petition which is initiated and, immediately after it comes out, Members are unduly influenced and, then they go and withdraw their signatures, yet they have already made the petitioner believe that he has got enough signatures.

When they are unduly influenced and they withdraw their signatures, the petition does not see the light of day. It just collapses.

Now, there is also an opportunity for a Member – I think this is what Hon. Bakkabulindi and the Hon. Attorney-General are talking about. This is just the beginning of the process. However, at the time of voting for that motion, you have a right to change your mind and say: “When I signed that petition, I was not privy to this information. Now, I have it and, therefore, I will not vote for this.” You do it transparently, other than going to append and, then, you go there and say: “I have withdrawn”. You just cause confusion.

MR SSEWUNGU: Madam Chairperson, this is more information to the chairperson of the committee. Once a petition of this nature is brought, it is about convincing Members on both sides. Let me tell you one interesting scenario that we have had here. Members who have been – Hon. Ogwang, we came together. You can even get room to hold off your Members before they sign anything – recall of Parliament or anything. One time we had the recall of Parliament and people could hide their Members. You would look for them, but not find them. You would travel up to Kween, looking for a Member to sign.

So, by the time you sign – if I am trying to convince you, someone else could also be coercing you not to sign. You can even be coerced to withdraw. The best option is what the chairperson has given. You cannot be a Member of Parliament who signs a document and then says: “I was misled by Tom or Peter at the initial stage.” A whole Member of Parliament?

That is why musicians like Walukagga have sung songs about Members voting in

Parliament and there are votes that are invalid in the House. It is very funny.

MR DAVID KABANDA: Thank you, Madam Chairperson. I think what Hon. Ssewungu raises is totally different. Here, we have an example of the service awards. I gave my signature to the people who were collecting signatures on the commissioners just on one item – service awards.

When they collected all the signatures, they went and amended the motion. They added some other things; trips, jobs, among others. Now, if you amend a motion, yet I gave you my signature on something different, why should you stop me from coming to withdraw my signature?

MR AOGON: Madam Chairperson, this is the Independents' voice. Even in the banks when we deposit money, we withdraw. Sometimes we say fixed account, savings account, current account, things are there. Even in marriages, there are divorces; people divorce. It is very important. At our level, we are people who have the conscience to determine what is right in our judgment.

We should be freely thinking about what is right and what is wrong, but not lock it and say, "If you sign, you cannot withdraw." I have seen people abort journeys. I wanted to travel but I stayed. All these things happen.

Madam Chairperson, I know through your wise guidance, this House will not make mistakes. Thank you.

THE CHAIRPERSON: Thank you.

MR KIBALYA: Madam Chairperson, we have been debating since morning to say that this is the Parliament. By the time a Member of Parliament appends a signature, he has really thought many times about the motion. How would you go to sign and tomorrow you receive a call and withdraw? This cannot be, Madam Chairperson; this is Parliament. This is not a sitting of councillors.

Madam Chairperson, as I conclude, the honourable member talked about the motion. I would like to be helped by the committee chairperson. A motion, according to what he was reading, must be presented here and the signatures are in the Sergeant-at-Arm's office. Where is the scenario where people looking for signatures come to Jinja, go to the radio and say, "Kibalya, we are looking for you; come to the Town Hall and sign?" Where have you catered for that part?

MR KATUNTU: I have not catered for that scenario because I do not think it is correct.

MR KIBALYA: Honourable minister, before the committee chairperson says it is not correct, it happened. The motion that has been here and moving everywhere; people came upcountry.

MR PETER OGWANG: Hon. Katuntu, I have a lot of respect for you and I will continue to have it. However, I would like to say the following: For God's sake, why do we want to behave as if we cannot change our minds? Let us be realistic. You see, sometimes we stand here and begin to think as if we were angels, and we cannot make mistakes.

We are normal human beings; so for purposes of a signature, if I have appended my signature based on certain information and I am convinced to change my mind, why shouldn't I withdraw my signature? For God's sake, why should it become criminal that for me it should be permanent? No! We are here to legislate. Friends, we are here to make rules for the governance of this House.

I would like to propose that we have Rules of Procedure where a Member is free to withdraw his or her signature. I thank you.

MSAISHAKABANDA: Madam Chairperson, if I could give –

THE CHAIRPERSON: Honourable members, the amendment of "may" should apply to 107, 108, 108, 109, and 110. If you agree that a Member may withdraw, let it be uniform across the board.

MR KAFUUZI: It should include the petition for the censure of a Speaker.

MR KATUNTU: I agree. If it is applying across the board, I have no objection.

THE CHAIRPERSON: It should apply across.

MR KATUNTU: I have no objection. Members should treasure their signatures. Their signatures should not be for buying.

THE CHAIRPERSON: Honourable members-

MR KAFUUZI: Madam Chairperson, I would like us to be clear.

THE CHAIRPERSON: Make the clarification, Attorney-General.

MR KAFUUZI: I would like us to be clear. This issue arose after I – The proposal was a signature appended under sub-rule (7) shall not be withdrawn and we started creating exceptions. We said there could be new evidence that you were not privy to before signing.

Secondly, as a Member of Parliament or any other human being, you have freedom of conscience; you can change your mind. You do not even need to be influenced. They can allege that you have been corrupted. That is very okay. What matters is your conscience. People have been nominated to contest in primaries as NRM. The next day, they stand as Independents. They withdraw; so let us not tie our hands here.

However, what we have to do, Madam Chairperson, is to make sure that this proviso is extended to the proviso on the censure of the Speaker –

THE CHAIRPERSON: No, the President, the Speaker, the minister, the Commissioner –

MR KAFUUZI: Yes, to all the other censures provided for. One should be at liberty to give or withdraw one's signature. I beg to submit.

MS AISHA KABANDA: Thank you, Madam Chairperson. Colleagues are perceiving this as if a signature on a censure motion is tantamount to a vote for censure. A signature for a censure motion-

THE CHAIRPERSON: It is a precursor.

MS AISHA KABANDA: It is a precautionary process to give you an opportunity to discuss even circumstances or to give the minister the opportunity to come and make his case. Therefore, having signed and new issues come up, actually is an opportunity for those issues to be relayed here in the House. People should not fear that once they sign a censure motion, they have censured. No, you are just beginning a process and the reason – by the way, Members should know that the rule is not an input of our committee. It has been an existing rule. It has just been supplanted and put in the right position where it belongs, just to enable the process to take place.

Otherwise, Madam Chairperson, if people are going to start signing and withdrawing, no censure process will ever start.

THE CHAIRPERSON: Honourable members, the signing of a censure motion is a precursor to the removal. It is not final. However, you cannot have “may” for a minister and you have “shall” for a Commissioner, Speaker, or Deputy Speaker, or the President – No, not to committees of Parliament. We are now talking about the big people, not reports. So, we are saying the “may” will cut across from 107 to 110.

I put the question that Rule 109 be amended as proposed with amendment on “may” cutting from 107 to 110.

(Question put and agreed to.)

Rule 109, as amended, agreed to.

Rule 110

MSAISHAKABANDA: Madam Chairperson, as amended.

THE CHAIRPERSON: As amended, yes.

MSAISHAKABANDA: Madam Chairperson, it is not on record – as amended by both the minority and majority because we have two – (*Interjection*) – Yes I put my amendment also. I said I agreed entirely with the committee and I made additional suggestions. So it is “as amended by both the majority and the minority reports.”

MR KATUNTU: I think Hon. Kabanda makes a substantive amendment in addition to the general one, and if Members carry or vote for it without appreciating it, it might be very difficult to justify. I request that Hon. Aisha Kabanda puts that specific amendment so that Members know exactly what they are voting for.

THE CHAIRPERSON: Let us first finish what is coming from –

MSAISHAKABANDA: Madam Chairperson, the proposal is to add – in addition to where the committee chairperson ended – say, “Where the President has been informed of the censure under subparagraph (27) and has not yet taken appropriate action on the matter, the Speaker shall;

- (a) Where the censured minister is an ex-officio member, suspend the minister from the House in accordance with Rule 90;
- (b) Where the censured minister is a Member of Parliament, bar him or her from taking up a seat on the front row on the right-hand side of the Speaker until the President communicates his decision on the matter.”

The justification is to ensure that the censured minister only resumes their duties in Parliament after the President has taken appropriate action following the censure.

Honourable colleagues, the Constitution says the President will communicate but there are cases where the President does not communicate. In my opinion, we cannot deem the President’s silence to be communication, whether for or against. In Rule 90 of our Rules of Procedure, any Member of Parliament can be suspended. So, this proposal is that a censured minister is subjected to Rule 90 until we hear from the President.

The effect of Rule 90 would be that an ex-officio member is barred from attendance whereas a Member of Parliament is barred from sitting on the front row until we hear from the President. Otherwise we cannot simply sit and the President is incommunicado and Parliament does its things as if business is normal. I submit.

MR KIBALYA: Madam Chairperson, on the amendment brought by Hon. Aisha Kabanda, I am seeking clarification from her. She said when the minister is a member of Parliament he or she is barred from sitting on the Front Bench. But does he or she continue executing the duties as a minister or they are stopped until the communication from the President has come?

Lastly, Madam Chairperson, the provision that has been suggested by the chairperson of the committee – that before we append our signatures, you write to the President. How do you first write to the President to give us permission to append signatures on a censure motion? It means that our powers are gone. The President will not allow because according to the report –

THE CHAIRPERSON: You know that is a constitutional provision – Article 118(3). If you want, you can have an amendment of the Constitution so that you can have all your powers.

MR KIBALYA: Madam Chairperson, let the President act after we have appended signatures and passed the motion. But first seeking permission from the President – we will have

surrendered our powers to the President and we shall never have a censure motion.

THE CHAIRPERSON: Alebtong representative?

MS ACEN: Madam Chairperson, I am thinking about this from this perspective. Yes, we can bar the minister from sitting on the Front Bench and also the ex-officio member from attending. But what if Members of Parliament in the House have critical issues that will require answers or clarification from this minister and now they are sitting behind – we have barred them, they are not even accessing and yet they are still holding the docket – where shall we go?

THE CHAIRPERSON: Honourable members, the appointing authority is the President and if the President feels or deems it fit that our censure was – I do not want to say of no consequence but was not pleasing him – let it be so. For me, if you have been censured, you cannot present a report when I am chairing. No. You can sit wherever and I won't recognise you, period. So we cannot put it in the rules because we shall be contradicting the presidential – because we are not the ones who appoint ministers.

MS AISHA KABANDA: Madam Chairperson, what we intended to cure – the Constitution, Article 118(2), “*Upon the vote of censure being passed against a minister, the President shall...*” – the word is “shall” – “*unless the minister resigns his or her office, take appropriate action in the matter.*”

This article commands the President to act, but there are cases –

THE CHAIRPERSON: And an action – even silence can be an action.

MSAISHA KABANDA: Madam Chairperson, there have been situations where the President has not acted at all and yet the Constitution says the President “*shall*”. So, what we want to cure in the rules is that once a successful censure motion is passed here in Parliament,

as we wait for the President to communicate, the censured minister will not act as a minister in this House. That is all. Unless the President comes back and says, “I want my man and my man must stay.”

MR SSEWUNGU: Madam Chairperson, let us correct the mischief. Censuring of a minister, writing to the President and everything else is a process. There is no way you can stop the minister carrying out his duties and remaining a minister until you come to the final process of censuring him. You see, in the Constitution he has what we call the Bill of Rights; he is innocent until proved guilty. So, if you attack the Constitution as you carry out your process, still he can even challenge you in court. So as you censure him, he remains a minister, and it has happened here. So until you conclude the process, he remains a minister.

Secondly, Madam Chairperson, writing to the President after giving him the signatures, still the President will refer them back to you. He cannot stop the process because he is getting him as mandated by the Constitution and your committee was curing a mischief here because the Constitution under Article 118(3) is very clear; you must transmit that process from the beginning to the end, about this person. Where I have a problem, Madam Chairperson, is putting in Rule 190 – going to a select committee. That is another tedious exercise we do not need to go through. I do not know why they brought in that part – that a select committee has to go through the process.

I pray that that part is pulled out, and we take the process as it is. Otherwise, you cannot ask the minister to get off the Front Bench because you have begun a process. He is still innocent – (*Interjections*) – if it is at the end, he or she is censured.

MR KATUNTU: First of all, what we are providing in these proposals is not new. That is the current status of our rules. What we have done is to transplant the whole process, as it is provided for in the Constitution, and put it in our rules. Everything we are talking about is within the Constitution.

Number two, the process of censure ends with the President taking appropriate action. The lacuna – lacuna means the gap – which is there is that the Constitution did not define appropriate action; so it left it within the discretion of the President –

THE CHAIRPERSON: Rule 110?

MR KATUNTU: Yes. Therefore, until that decision has been taken, this process is still on. The only thing we can do, in my view, now that I have listened to it, is say that the President's appropriate action shall be communicated to Parliament. That we can do. We have powers because we are not amending the Constitution, but we are trying to align and operationalise that particular article. The President's course of action shall be communicated to Parliament, such that it is formal. Other than, when you communicate and there is nothing coming out of Plot 1, Uganda.

THE CHAIRPERSON: Rule 110. Yes?

MR KAFUZI: Madam Chairperson, I appreciate this discourse and I agree with the chairperson's final comment on that. That should help us put to rest, Hon. Kabanda's proposal.

I want to take you back to your proposed amendments. Under Rule 13, you are saying, "The President shall, upon receipt of the petition, cause a copy of the petition to be given to the minister, against whom the motion for a resolution of censure is moved."

Natural justice requires that the accused party be served. However, Article 94 of the Constitution says, "*Parliament shall make its own rules.*" We are now going beyond that and making a rule turning the President into a process server; asking him to be the one to serve the petition upon his minister. *(Interjection)* - You will guide –

MR KATUNTU: You might make an erroneous argument. What does the Constitution say under Article 118(4)?

THE CHAIRPERSON: "*The President shall, upon receipt of the petition, cause a copy of it to be given to the minister in question.*"

MR KAFUZI: My argument is withdrawn. *(Laughter)*

MR KATUNTU: Much obliged.

MR BABA Madam Chairperson, I have one issue: It is basically to support the proposal from Hon. Aisha Kabanda. By the time this House goes through a motion of censure, it will have undergone a very rigorous and tedious process to reach that decision. Hon. Katuntu, the chairperson, said that the gap is that sometimes the President's perception of the censure is different from what this House has. That is why sometimes he does not take any action. He may not agree with what we are doing here, but this House is convinced that a minister deserves to be censured.

Therefore, what Hon. Aisha Kabanda has proposed, helps us to be in charge of our decisions here. Let the ex-officio member stay away. Let the elected Member of Parliament who is a minister sit somewhere else, and do his duties outside there with his President, but not in this House. *(Laughter)* Quite frankly, yes. Let us exercise our powers. I agree, fully, with Hon. Aisha Kabanda that the censured minister should be kept away from this House until the President takes action.

THE CHAIRPERSON: Honourable members, I already made a ruling to that effect. Lt Gen. Mugira?

LT GEN. MUGIRA: Thank you, Madam Chairperson. I have an issue with Rule 13 and I would wish that it is expunged from this amendment. Rule 13 provides that, "The President shall, upon receipt of the petition, cause a copy of the petition to be given to the minister, against whom the motion for the resolution of censure is to be moved." Why do I have an issue with this? If you look at –

THE CHAIRPERSON: Article 118(4).

LT GEN. MUGIRA: I will begin with Article 94 of the Constitution that provides for the Rules of Procedure, which we are amending now; it says “*Subject to the provisions of this Constitution, Parliament may make rules to regulate its own – emphasis - its own procedure, including the procedure of its committees*”. It is not the procedure that is going to be used by the President that is already provided for under Article 118(4). I do recommend that it is expunged and we just maintain this provision in the Constitution. Otherwise, we would be putting in place a process for the President.

THE CHAIRPERSON: Honourable chairperson, have you heard the assumption that the minister that we would be censuring would not be a Member of Parliament, because we are making laws for the House? The person that we would be censuring would be in the House, and because of that, they are appointed by the Executive. Therefore, the House must inform the Executive that the person he brought to them should be taken back to wherever he wants. I mean, we are copying it from the Constitution. It is a constitutional provision.

MSAISHA KABANDA: Madam Chairperson, you already asked a question about that, and a decision was taken. Besides, there are several laws that we are quoting, and transplanting for consistency and coherence, and they are put in our rules. That is not the first one. He can only bring it back under a re-committal.

THE CHAIRPERSON: Next rule.

MR KATUNTU: Thank you very much. Lt Gen. Mugira, this is just one process. How does it start and how does it end? It starts from Article 118(1), and it goes on up to Article 118(6). Therefore, to start pulling out some aspects of the constitutional provision – because you see, you need what we call a one-stop-centre point of law. If you want to know the process of censuring a minister, you go to either Article 118 or the Rules of Procedure. It is not constitutional in any case. If we were inventing this for our rules, without it being in the Constitution, I would agree with you.

THE CHAIRPERSON: As you go to Rule 110, I want a correction from Hon. David Kabanda about what he said on Banyamulenge being M23 rebels. That may not go well with us. Therefore, can you correct that statement of yours?

MR DAVID KABANDA: It is true, Madam Chairperson, that not all Banyamulenge are part of the M23 –

THE CHAIRPERSON: No. The Banyamulenge are not; they are a tribe.

MR DAVID KABANDA: I will withdraw the statement, but I need to explain it because the President of Rwanda and Congo have both agreed that there is a tribe called “Banyamulenge”, who are Tutsi. The leader of the M23 rebels comes from that tribe. However, not every Nyamulenge is part of the M23 rebels; so I withdraw that statement.

THE CHAIRPERSON: Thank you. Next rule?

Rule 110

MR KATUNTU: Madam Chairperson, Rule 110 is amended by -

- (i) In sub-rule (1), by deleting paragraph (c).
- (ii) In sub-rule (2), by inserting immediately after the words “initiated by” –
 - (a) the words “member giving”
- (iii) By substituting for sub-rule (4) the following -

“The Clerk shall, within three working days, upon receipt of the notice of a motion under sub-rule (2), notify Parliament by causing the notice, grounds, and the particulars supporting the grounds of the proposed motion to remove a commissioner to be pinned on the Members’ notice board and upload on the parliamentary information system.”

- (iv) By inserting immediately after sub-rule (4) the following -

“The Clerk shall, on the date and time of pinning the notes of motion on the Members’ notice board, also cause to be prepared and deposited with the Sergeant-at-Arms for a period of 10 working days, a list of all Members of Parliament with an open space against each name, for purposes of appending of signatures, which list shall be titled “SIGNATURES IN SUPPORT OF THE NOTICE OF MOTION TO REMOVE COMMISSIONER X”

(4)(b) Notwithstanding sub-rule (4)(a), where at least one-third of the Members append their signature on the list, signifying support of the proposed motion, before the expiry of the 10 working days under sub-rule (4)(a), the Sergeant-at-Arms shall forward the list to the Clerk, who shall, not later than 24 hours, transmit the notice of motion, the grounds and all supporting particulars and signatures to the Speaker.

(4)(c) Where, after 10 working days referred to in sub-rule (4)(a), less than one-third of Members have appended their signatures on the notice, the notice shall lapse.

(4)(d) A signature appended to the notice shall not be withdrawn.

(5) By inserting immediately after sub-rule (5) the following -

“(5)(a) The Member who initiates the motion for resolution of removal of a commissioner under sub-rule (2) shall move the motion and lay all supporting documents on Table, and each document shall be endorsed by the Clerk.

(5)(b) The Speaker shall refer the motion for removal of a commissioner to the Committee on Rules, Privileges and Discipline for consideration.

(5)(c) The committee, to which the motion for removal of commissioner is referred, shall afford the commissioner, against whom the motion for removal is moved, an opportunity to appear before the committee to defend himself or herself.

(5)(e) The commissioner, against whom the motion for removal is moved, may be represented by a counsel in the proceedings before the committee.

(5)(f) The committee shall, within 15 working days, consider the motion and report to the House.”

(6) By substituting for sub-rule (6) the following-

“The resolution for the removal of a commissioner shall be supported by more than half of all the voting Members of Parliament.”

(7) By inserting immediately after sub-rule (6) the following-

“For the purposes of this rule, misconduct includes unlawful conduct, breach of the code of conduct, conduct that is likely to bring Parliament into hatred, ridicule, disrepute, or negligence in the performance of duty.”

The justifications are:

1. To align the grounds for the removal of a commissioner with Section 5 of the Administration of Parliament Act.
2. To provide a detailed procedure for the removal of a commissioner.

I beg to move.

MR KAFUZI: Madam Chairperson, I agree with the proposal, except (4)(d), which says, “A signature appended to the notice, shall not be withdrawn.” I wish to have this adjusted as a consequential.

THE CHAIRPERSON: That was adjusted.

MR KAFUZI: Yes, thank you.

MR KIBALYA: Thank you, Madam Chairperson. We thank the committee but it only emphasised the lapse of the motion when signatures have not been attained.

However, we want to be informed of scenarios like where Hon. Ssewungu and Hon. Ssekikubo move with the files home. The Members write their names, come in the morning and, for instance, inform the media that they have 20 signatures.

Secondly, there are those situations whereby Hon. Ssekikubo and Hon. Alioni go upcountry, go to the media, and say they are looking for particular Members to sign. They sign from town hall; others sign from their rooms of sleeping –

THE CHAIRPERSON: The signatures are supposed to be signed before the Sergeant-at-Arms.

MR KIBALYA: Madam Chairperson, we need the committee to put an explicit provision that in a situation where somebody moves with the files or takes them outside the Office of the Sergeant-at-Arms, it collapses or something of the kind.

THE CHAIRPERSON: It automatically collapses.

MR SSEWUNGU: A censure and a motion are different. What Hon. Ssekikubo did – by the way, you did not see me moving anywhere, but you love my name. They moved out looking for signatures –

THE CHAIRPERSON: Hon. Ssewungu, the signatures that they were collecting from whichever village are supposed to be collected from the Sergeant-at-Arms' office. You put a table there and the Sergeant-at-Arms sits there. If you are doing the correct thing and your conscience is clear, you go and sign before the Sergeant-at-Arms, and then at the end of the day –

MR SSEWUNGU: Madam Chairperson, you are very right. Moreover, it is going to be very difficult now. With what we are making now, never expect any censure here. Just stay assured of that.

MR DAVID KABANDA: I thank the committee for the good report. Madam Chairperson, I would like to propose a new rule as 110(a) To provide for the censure of the Leader of the Opposition. We have provided the rules for the censure of ministers, commissioners; so I am proposing a new Rule 110(a) to provide for the censure of the Leader of the Opposition.

THE CHAIRPERSON: Can I ask? Do you appoint the Leader of the Opposition? Or do you vote for him?

MR DAVID KABANDA: Madam Chairperson, the minute –

THE CHAIRPERSON: I am just asking you.

MR DAVID KABANDA: I am going to answer.

THE CHAIRPERSON: Do you vote for him? Do you vet him?

MR DAVID KABANDA: They draw money from the Consolidated Fund.

MR KAFUZI: Madam Chairperson –

MR AOGON: You are the big person. Madam, Chairperson. I beg –

THE CHAIRPERSON: Yes?

MR AOGON: The Attorney-General will help, even me. Number one, the proposal that Hon. David Kabanda is bringing needed to have been submitted to the committee, for thorough consideration because, to me, it is a big thing. However, I also agree that the Leader of the Opposition occupies a big position and it will be necessary that a provision for censure is there.

THE CHAIRPERSON: Why are you looking at the LOP? Look at me. *(Laughter)*

MR AOGON: What I am trying to say is that this is not the time. That matter should have been brought to the attention of the committee.

Number two, I have a concern about the number of working days, in accordance with this provision – 15 days for the select committee to report. If you look at the standard drafting that we have always adopted here, we provide –

THE CHAIRPERSON: Which one? That one is on the report.

MR AOGON: The report of the chairperson.

THE CHAIRPERSON Why don't we, first, dispose of Hon. David Kabanda's issue?

MR AOGON: I agree with Hon. Kabanda, that the Leader of the Opposition can be censured, like the rest.

THE CHAIRPERSON: Then, you sit down.

MR KAFUZI: Madam Chairperson, the office of the Leader of the Opposition came into being as a result of a constitutional amendment. In so being –

THE CHAIRPERSON: When we went into the multiparty system.

MR KAFUZI: Yes. While other aspects were provided for – ministers can be censured, Members of Parliament can be censured and our rules, now, are also providing for the censure of commissioners – the Leader of the Opposition's office has not been provided for. There can be a time when it is necessary to communicate to the party that appoints this Leader of the Opposition that there is a problem – he does not work well with Parliament or there is a problem with the position that he represents in Parliament.

How do we provide for that in the rules? I think that is what Hon. Kabanda is trying to provide. We may need to –

MR KATUNTU: Honourable colleagues, the office of the Leader of the Opposition is constitutional –

THE CHAIRPERSON: Before you come in, committee chairperson, under Article 82A. Leader of the Opposition.

“(2) Parliament shall, by law, prescribe the following in respect to the Leader of the Opposition -

(a) how he or she is chosen and how he or she ceases to hold that office...” – meaning, we needed to amend the Administration of Parliament Act, first, to define how he is chosen and how he ceases to have that office. This is such that we can borrow from the Administration of Parliament Act

“... (b) his or her status; (c) his or her role and functions...” – that is what we are supposed to determine – and that is supposed to be determined in the Administration of Parliament Act.

“...(d) The benefits and privileges attached to his or her office.”

That should also be determined or included in the Administration of Parliament Act.

MR KATUNTU: Madam Chairperson, let us sort out the law, first, because that is the most important, in my view. The Leader of the Opposition is a public office. That is why it is provided for in the Constitution. The Constitution has given powers to Parliament to make a law. We have made some law, but we have not catered for everything which the Constitution provided. One of those aspects is how the Leader of the Opposition can cease to hold that office.

That can only be done when we amend the Administration of Parliament Act. We did not provide for the qualifications for being the Leader of the Opposition. That is purely the discretion of the appointing party – we have left it to them. If the law had provided, then, we could also provide for the disqualification. That is when we can try to deal with it under our Rules of Procedure.

As of now, we cannot do anything until we enact a substantive law, if it is within the wisdom of this House, to operationalise Article 82A. There is nothing we can do about it as of now.

THE CHAIRPERSON: Hon. Katuntu, just for information, the law is there. The law is there – the 2006 amendment to the Administration of Parliament Act. It provides how the Leader of the Opposition ceases to hold an office; the grounds are there.

- “a) *if removed by the party that elected him or her;*
 b) *if he or she resigns from that office;*
 c) *if he or she leaves the party which elected him or her;*
 d) *if he or she ceases to be a Member of Parliament under Article 83 of the Constitution;*
 e) *if the party which elected him or her ceases to have a position in Parliament described in section 6B(1).”*

What is needed here is how he should be censured from Parliament.

MR KATUNTU: Madam Chairperson, you see, what we are reading are what we call “generic reasons”, for example, him dying. You do not have a procedure of death. All the reasons given under the Act are generic. However, when we talk about censure, there are other grounds, for example, if there is a conflict within the parties within Parliament.

THE CHAIRPERSON: Put it in the law.

MR KATUNTU: That is the point I was making. Those can only come under the substantive Act. As of now, the reasons given are generic. If he has ceased to be a Member of Parliament – Do we need a procedure?

THE CHAIRPERSON: Which one?

MSAISHAKABANDA: Madam Chairperson, I want to agree with Hon. Silas that this matter, having not come to the committee, the committee did not have time to think through it. It can be a proposal in the next amendment. Allow me –

THE CHAIRPERSON: Thank you. Next time, when they call you people to take proposals to the committee, kindly, do it.

MSAISHAKABANDA: Madam Chairperson, there is another matter. Colleagues are speaking continuously here about people moving with flying papers for signatures, and we seem to relate the two with the censure of a minister.

In case of the censure of a minister, the rules are express on where the documents should be deposited and where Members sign from. When it comes to censure of the commissioner, it is not there. So, if you want it, you can put it there.

THE CHAIRPERSON: All of them must cut across. The drafting people, it must cut across. They should all sign from the Sergeant-at-Arms’ office, during working hours.

MR SSEWUNGU: Madam Chairperson, on this matter, even as a Shadow Minister, I do not know how I am censured. (*Laughter*) Are we also putting that in the law?

THE CHAIRPERSON: What we can do – Hon. Kabanda, if the House feels the Leader of the Opposition must be censured, then bring a Private Member’s Bill on the Administration of Parliament (Amendment) Act.

MR KAFUZI: Madam Chairperson, this is not a banter between one side or another. We are trying to address a lacuna. As we said earlier, anyone of us can end up on either side. Therefore, this can apply to anyone. If there is a lacuna that has been discovered, we must find a solution.

However, as the committee chairperson has said and the Madam Chairperson agreed, it appears we are not ready.

MR KATUNTU: The same applies to the Leader of – There is no specific constitutional provision for the censure of a Prime Minister or the Vice President.

THE CHAIRPERSON: Exactly.

MR KATUNTU: Whereas the President, there is, for the Vice President and Prime Minister, there is still a gap in the law. Rule 109 caters

for only the President. I propose we proceed, Madam Chairperson.

THE CHAIRPERSON: Thank you. I put the question that Rule 110 be amended as proposed.

(Question put and agreed to.)

Rule 110, as amended, agreed to.

Rule 112

THE CHAIRPERSON: Leave of absence -

MR KATUNTU: Madam Chairperson, we propose that Rule 112 be amended by substituting for sub-rule (10), the following:

“(10) Where the Committee on Rules, Privileges, and Discipline, upon investigation, finds the allegation referred to against a Member under sub-rule (8) proved, and the report of the committee is adopted by Parliament, the Member shall, upon a resolution of Parliament vacate his/her seat as provided under Article 83(1)(d) of the Constitution.

Justification

To harmonise rule 112 with Article 83(1)(d) of the Constitution.

THE CHAIRPERSON: Hon. Aisha?

MS AISHA KABANDA: No objection, Madam Chairperson.

THE CHAIRPERSON: I put the question that Rule 112 be amended as proposed.

(Question put and agreed to.)

Rule 112, as amended, agreed to.

Rule 113

MR KATUNTU: Madam Chairperson, Rule 113 is substituted for the following:

113. Leave of absence in committees

(1) A Member of a committee shall attend meetings of the committee unless leave of absence has been granted to the Member by the Speaker or chairperson of the committee.

(2) Leave of absence may be granted to a member of the committee who has provided a satisfactory explanation to the Speaker or chairperson of the committee not to attend the meeting of the committee.

(3) A request for leave of absence shall be in writing unless the Speaker or chairperson, in exceptional circumstances otherwise, permits.

(4) The chairperson shall, where it comes to his/her attention that a Member of the committee has missed ten meetings of the committee without leave of absence under sub-rule (2) during any period when the committee is continuously meeting, refer the conduct of the Member to the relevant whip.

(5) The whip shall, upon receipt of the reference of the Member’s conduct from the chairperson of a committee, issue a written warning to the Member.

(6) The warning referred to in sub-rule (5) shall be communicated by the chairperson of the committee during a meeting of the committee.

(7) Where a Member of a committee warned under sub-rule (5) persists in absenting himself/herself for an additional five meetings when the committee is continuously meeting following the warning, the chairperson of the committee shall refer the conduct of the Member to the Speaker.

(8) The Speaker shall, upon receipt of a reference under sub-rule (7), refer the matter to the Committee on Rules, Privileges, and Discipline.

- (9) The Committee on Rules, Privileges, and Discipline may, upon concluding investigations into the matter finding the conduct of the Member referred under sub-rule (7) proved, recommend that the Member is discharged from the committee to which the Member was designated.
- (10) Where the House finds that the Member has been absent for 15 meetings of a committee during a period when the committee is continuously meeting, the House may in addition to other sanctions discharge the Member from the committee.
- (11) A Member discharged from a committee under sub-rule (10) shall not be re-designated to another committee for a period of three months from the time the House resolved to discharge the Member from the Committee.

Justification

- 1) To strengthen the powers of whips in ensuring attendance of meetings by Members.
- 2) To provide for sanctions for errant Members.

Honourable colleagues, chairpersons of committees are having a problem. You call a meeting; you will only have three Members attending continuously. Sometimes you have invited officers of the Government, they come and you are only there with your clerk.

We need the rules to help chairpersons to have committees do their work and help the party whips because they have a tool to use to whip their Members to attend Parliamentary business. I so move.

THE CHAIRPERSON: Yes, Hon. Aisha?

MS AISHA KABANDA: Madam Chairperson, this was to reinforce performance in committees and I am in total agreement with the amendment.

MR SSEWUNGU: No.6 talks about the chairperson reading the letter from the whip in

the committee. I think it should be specific. In a committee, we are already interfacing with some witnesses; so we should indicate that, "...shall read to the Member in an in-house committee meeting."

We have what we call, "in-house," as Members. You cannot read before the witness.

Imagine the Ministry of Education and Sports is appearing before the Committee on Education and Sports and then you read –

THE CHAIRPERSON: That is administrative.

I put the question that Rule 113 be amended as proposed.

(Question put and agreed to.)

Rule 113, as amended, agreed to.

Rule 119

MR KATUNTU: Madam Chairperson, we propose that rule 119 is amended in sub-rule (1) by deleting the words "...upon recommendation of the appropriate committee of the House appointed for the purpose."

Justification

To ensure that there is expedited consideration of urgent Bills by the House without any delays.

THE CHAIRPERSON: Hon. Aisha?

MS AISHA KABANDA: No objection.

THE CHAIRPERSON: I put the question that Rule 119 be amended as proposed.

(Question put and agreed to.)

Rule 119, as amended, agreed to.

Insertion of new part

THE CHAIRPERSON: New insertion?

MR KATUNTU: Insertion of a new part.

The rules are amended by inserting immediately after XXIII the following:

“PART XXIII A

143A Consideration of subsidiary legislation

(1) Where the Constitution or an Act of Parliament requires a statutory instrument to be laid for approval by Parliament, the minister responsible for issuing the statutory instrument shall lay the statutory instrument before Parliament.

(2) Where the statutory instrument is laid under sub-rule (1), the Speaker shall refer the statutory instrument to the committee on subsidiary legislation and post-legislative scrutiny.

(3) The committee shall examine the statutory instructions in detail and report to the House within the time prescribed by the relevant law or in accordance with the rules as the case may be.

Justification

To provide a procedure for consideration of subsidiary legislation. I beg to move.

MR KIBALYA: Thank you, Madam Chairperson. We need the committee chairperson to be clear on statutory instruments because we suffered during the merger. Some statutory instruments could be laid after the minister has even appeared before the committee. So, we require a timeframe when the statutory instrument should be laid so that the Speaker can have it referred to the committees. Could we have a timeframe in which the legislation is handled?

THE CHAIRPERSON: That would actually come on the functions of the committee on subsidiary legislation, just like we have Public Accounts Committee that is given six months.

When you have a report, we give you 45 days and when you have a Bill, 45 days also. Like

yesterday, we passed a law and we said we need regulations within three months. So, that is what the committee would actually –

MR KIBALYA: But Madam Chairperson, this one has no stipulated timeframe.

MR KATUNTU: I think this is general, but what we should be looking at -

THE CHAIRPERSON: You cannot have a standard timeframe, because different aspects have different timelines. Yes?

MR KATUNTU: Put the question.

THE CHAIRPERSON: I put the question that the proposed new part be inserted as proposed.

(Question put and agreed to.)

Rule 157

MR KATUNTU: Madam Chairperson, the committee proposes Rule 157 to be amended by substituting for sub-rule (4) for the following; “(4) *The party or organisation in Government or Leader of the Opposition shall, where applicable, ensure that at least 40 per cent of the leadership of the committees of Parliament are women and shall take into consideration as much as feasible representation by special interest groups.*”

Justification

To ensure that there is inclusive participation in the leadership of committees.

THE CHAIRPERSON: Hon. Aisha Kabanda?

MS AISHA KABANDA: No objection, Madam Chairperson.

THE CHAIRPERSON: I put the question that Rule 157 be amended as proposed.

(Question put and agreed to.)

Rule 157, as amended, agreed to.

Rule 158

MR KATUNTU: Madam Chairperson, Rule 158 is amended in sub-rule (1) by inserting immediately after paragraph (o) or the following - “(p) *the Committee on Subsidiary Legislation and Post-Legislative Scrutiny.*”

Justification

This is a consequential amendment to the establishment of the Committee on Subsidiary Legislation and Post-Legislative Scrutiny. I beg to move.

THE CHAIRPERSON: Hon. Aisha?

MS AISHA KABANDA: No objection, Madam Chairperson.

THE CHAIRPERSON: I put the question that Rule 158 be amended as proposed.

(Question put and agreed to.)

Rule 158, as amended, agreed to.

Rule 161

MR KATUNTU: We have a minority view on Rule 167

MSAISHA KABANDA: Madam Chairperson, I beg to amend Rule 167 to include the Committee on Human Rights. It will, therefore, read, “*Notwithstanding sub-rule (6) that standing committees on Public Accounts (Central Government), Public Accounts (Local Government), Public Accounts (Commissions and Statutory Bodies) and the Committee on Human Rights.*”

Justification

Accountability is not only in form of money or action, human rights is a form of accountability on the part of the Government and it is a committee that deserves to be led by the Opposition. I submit.

THE CHAIRPERSON: Hon. Aisha Kabanda is suggesting that the Committee on Human Rights becomes an accountability committee, managed by the Leader of the Opposition. Hon. Milton?

MR AOGON: Madam Chairperson, I want to believe that is the right position. Let accountability committees –

THE CHAIRPERSON: Are you Milton?

MR AOGON: When my chairperson of the Committee on Education and Sports was looking at me, he made me believe that you –

MR MUWUMA: Thank you, Madam Chairperson. I beg to differ with the minority report and support the majority report.

The Committee on Human Rights has done a very diligent work for this Parliament because assignments that have been given to it have been executed religiously. I think we need to strike a balance that besides putting on opposition lenses, there are issues that bind us together.

Recently, there was an assignment regarding the detention of Dr Besigye and you allocated that assignment to the committee and they executed and reported accordingly. I, therefore, feel that we should maintain the status quo by this committee remaining chaired by the Government side. I beg to submit.

THE CHAIRPERSON: Thank you. Member for Alebtong?

MS ACEN: Thank you, Madam Chairperson. With all due respect to the views from Hon. Aisha, I would like to submit that from the side of Government, there are so many issues and so many areas where Government has also been very committed to upholding issues of human rights and also ensuring that things are done in the correct way.

Therefore, I think it is proper that as a side of Government, which is also accountable to the population – to the country – it is good to have

this committee chaired by the Government side, notwithstanding that we will keep sharing the issues together.

THE CHAIRPERSON: Hon. Angura?

MR ANGURA: Thank you, Madam Chairperson. Many times people tend to look at the Opposition in disregard as to punching holes only on the side of Government.

However, the Opposition should be looked at in the aspect of the Government-in-waiting. And the party in power always finds themselves conscious of the scrutiny being given by the Opposition.

Therefore, offering leadership to the human rights committee, should actually be a preserve of Government such that the Opposition is able to highlight what they think is not going right. In that aspect, let us leave the human rights committee to be under Government and the Opposition to keep watch – and that watch should be able to correct the Government in some circumstances where they think they are going wrong.

THE CHAIRPERSON: Hon. Macho, so that you remove those clothes. Hon. Macho is independent.

MR MACHO: Madam Speaker, today is my last day to put on a safari suit here. With the submission of Hon. Aisha, I have seen in the years of leadership a good track record of human rights, defence and support by the regime in power.

In addition to that, when it comes to such a wonderful committee and to honourable members, I have seen impartiality. I, therefore, believe that the Government sees one of its major roles is to protect its image. This very important country's human rights should be left under its custodianship so that it protects its people and builds the image of this country very well.

THE CHAIRPERSON: Thank you. Hon. Emmanuel?

MR ONGIERTHO: Thank you, Madam Chairperson, for this opportunity. In this amendment, we are also looking at the kind of practice that has been happening already. Therefore, when some people are giving proposals, they are looking at what has been happening. For me, I would not mind who chairs this committee. I am on the Committee on Public Accounts – Local Government (PAC – Local Government) but, Madam Chairperson, I can tell you, that when we are in that committee, sometimes it is very difficult to know who is in the Opposition, and who is not, because we are looking at the issues which are before us. We look at them fairly and squarely.

My sister, Hon. Kabanda, is bringing this proposal based on some of the practices which have been there, in which case her thinking and that of a number of other people is that probably if it was the Opposition chairing, maybe they would not be beaten the way they are being beaten even when they are peacefully demonstrating. That is the practice which is occasioning this kind of thing.

I propose that we can still have it with the Government side, but when we are there, let us act in the interest of the whole country. Thank you.

THE CHAIRPERSON: Thank you. Hon. Ebwalu?

MR EBWALU: Madam Chairperson, in the Commonwealth practice, the Committee on Human Rights is chaired by the Opposition. What is happening here – when we make laws, we make laws for posterity; for even those who will come after us. I am certain that the Hon. Aisha Kabanda is very specific that it must be chaired by the Opposition, given the current situation in our country. However, one day we shall be in the Government. My humble view is that Hon. Abdu Katuntu had guided very well in his report and I support the majority position.

THE CHAIRPERSON: Thank you. There was actually no amendment to that rule. Hon. Allan?

MR MAYANJA: Madam Chairperson, thank you for the opportunity. I am in support of Hon. Aisha Kabanda's amendment or view. Uganda is part of the Commonwealth countries, like our neighbours Kenya, and Rwanda; Committees on Human Rights are headed by the Opposition. Therefore, I am of the view that Uganda also takes that step and this committee is headed by our side, which is the Opposition.

THE CHAIRPERSON: Thank you. Just like what somebody said: Are you going to remain in the Opposition? No, you will not remain in the Opposition. Yes, Hon. Gonzaga?

MR SSEWUNGU: I thank you, Madam Chairperson. Ever since this committee was created – and that was in the Ninth Parliament – and the Leader of the Opposition then was Hon. Nandala-Mafabi, it has given us sleepless arguments on the Floor but we have never gotten a remedy up to now.

Committees of Parliament are specifically given to the ruling Government and a few are given to the Opposition. Those given to the Opposition have an element of accountability. There is no Opposition leader, not even the Leader of the Opposition, who can ever determine the appointment of the Auditor-General and all those big officers.

However, go and specifically look at the reports coming from the Uganda Human Rights Commission by Madam Wangadya and her team. What comes out is accountability on the Government. Chairing the committees of Parliament – there is a reason why all the sessional committees are chaired by the Government and then there is a reason why accountability committees are given to the Opposition.

The leadership takes precedence in running that business. For example, I think two days ago, Hon. Odur, when we were reading the report from Luzira about Dr Col Kiiza Besigye, as a member of the committee, put it in his minority report and thanked the Speaker for having directed the committee to go and carry out that investigation. Otherwise, had it not been done,

the committee would have been in sleeping mode throughout until that duty was given to the committee to go there.

Madam Chairperson, I remember one time you even directed that you were going to cause a meeting with the Attorney-General, Minister of Justice and Constitutional Affairs, the Leader of the Opposition, so that you could raise this matter.

Why do we want this committee to be headed by the Opposition? It is not because we have many numbers, but chairing alone has duties on our side as per the rules. There is no Member of the Opposition holding guns, having barracks, or having prisons, but they are all entities of the Government.

As we check – and as Hon. Ebwalu has stated – though he has changed it; he has given very good soup and mixed it with some water and killed the taste. You are talking about a Commonwealth practice in Kenya and everywhere, and then you are running away, saying you are now for the majority.

Madam Chairperson – and for the good of how she has even been guiding us on this matter – Mr Attorney-General, look at this: Why do you fear? What is wrong with having a chairperson who looks at the accountability of the Government about issues that have come out of the report of Madam Wangadya and the Uganda Human Rights Commission from the Opposition? There is nothing you lose. I thank you, Madam Chairperson.

THE CHAIRPERSON: Yes, Hon. Silas?

MR AOGON: This debate needs a lot of patience. I have seen that we need to be in our full consciousness. When we talk about human rights, and you are on the other side or this side, you are tempted to think that you should do –

THE CHAIRPERSON: Can you give us your point?

MR AOGON: Madam Chairperson, you are right – and I was building up. In my opinion, if the two of you are pulling ropes, allow us,

the Independents, to chair that committee. We should put it in the rules clearly that we need somebody who is purely independent. You should not have participated in party primaries; you should have come straight away through an independent ticket, like me. *(Interjection)* Yes.

You chair the committee so that you do not consider matters as if you are in the Opposition, as if you are what you are – looking at matters with that human rights lens. So let the Independents chair that committee – *(Interjection)* – Yes, let me take that information.

MR AZA: Thank you very much, honourable member for giving way. Madam Chairperson, all criminals are measured under the same yardstick. Whether you are black, blue, DP, or NRM, all those in prison are people who have committed crimes and are all measured under the same yardstick. Even if the committee is chaired by a Member from the Government side, there is no difference. When you go to Luzira right now or to any prison, whether in Arua, you will find that there are more NRM members than the Opposition. Therefore, we can have this chaired by the Government side. Thank you very much.

MS NAIGAGA: Thank you, Madam Chairperson. I would like to appreciate my sister, *Hajjat* Kabanda. If we all agree that the Committee on Human Rights is an accountability committee, then we should not labour much. Like other accountability committees, it should be given to the Opposition. Here is my justification, Madam Chairperson: I was a member of this committee –

THE CHAIRPERSON: First, define what accountability is.

MS NAIGAGA: You account for what you do – for your actions, and for everything that you do in the country in relation to Ugandans.

Madam Chairperson, I was a member of the Committee on Human Rights in the 10th

Parliament. We have even had reports where the chairperson declined to sign the report. Few members of the NRM signed the reports of the Committee on Human Rights.

Therefore, this should not be like we are doing it in bad faith, but if we are looking at accountability, like she has clearly justified her argument; we have many departments that are doing this. We have the ODPP and the Uganda Human Rights Commission. Now, surrendering a committee for checks and balances wouldn't be a bad act. Thank you very much.

MR BABA: Madam Chairperson, I was a member of the Committee on Human Rights in the 10th Parliament and most of the tough and critical members were from the Government side of human rights abuses in this country. They even took Gen. Elly Tumwine to task and that was spearheaded by members of the NRM side. Therefore, this argument that the NRM side – the Government side – is soft on human rights issues is a fallacy.

Secondly, the credentials of the ruling party are based on its record on human rights' stand. It fought wars all these years on account of human rights. It has a stake in making sure the human rights of Ugandans are respected and honoured. Therefore, it is only proper that the committee is chaired by the Government side – until NUP or whoever comes to power can chair. For now, let the NRM chair that committee. Thank you.

MR KIBALYA: Thank you, Madam Chairperson. Everybody here believes in you. These committees have been there and you have intervened where necessary; you have directed where necessary. You have done your part.

Madam Chairperson, the issue on human rights is something that everybody thinks about. You have heard the Opposition crying over human rights. If you gave an opportunity to someone from the Opposition to chair the Committee on Human Rights, you will have given them the stick and you will see what they will complain about again. At that time, you will

say, “The chairperson is from the Opposition. You are overseeing and you are monitoring and checking everything.”

In my opinion, given that the Opposition has cried and everybody in the public says human rights – people in the public imagine that atrocities are extended to people of the Opposition, and not the ruling side.

Madam Chairperson, as you manage, chair and run Parliament, I implore you and honourable colleagues to have the Committee on Human Rights chaired by the Opposition, so that we see what happens. We should ensure that the checks and balances are clear; put in black and white, so that whenever any issue comes up, you have a way out to handle the Leader of the Opposition (LOP). You will ask the LOP, “The person chairing the Committee on Human Rights is from your side; so what next?”

My suggestion is that we have the Committee on Human Rights given to the Opposition so that they chair that committee and we move on.

MR EBWALU: Madam Chairperson, whether the committee is given to the Opposition or the NRM, the implementing authority is the Government. You can make reports and recommendations, but as long as the Government is not committed to implementing them, nothing will be done. Therefore, we need to hold the Government accountable to implement; whether it is done by the NRM or by the Opposition.

MR SSENKYONYI: Madam Speaker, it is a good thing. I think any serious Government would want to be held accountable and I think it is good manners. Any government should be desirous of that – that you are held accountable.

As the Opposition, our cardinal role is to keep the Government in check and that is a good thing. That is how we get to do it through the accountability committees that we preside over currently. By extension, we do that with the Committee on Human Rights because there are many human rights violations that do happen and the Government ought to account. I think

that the Government should be open to this scrutiny. That is what we are saying. We are not asking for a lot more powers and so on. We shall still bring those reports here and say, “Government, please be answerable to these issues.”

By the way, even when we eventually get to Government, it is important that the Opposition – whoever will be this side – the Shadow Attorney-General and the others could be this side – but seriously, that you allow yourself to be held accountable. It is difficult for you to hold yourself accountable and that is really what we are up to.

There have been numerous concerns. How often has the Committee on Human Rights’ leadership, as it is now, delved into these matters? I do not know. Could it be that they do not have that much interest?

Like an honourable colleague said, then the onus would be on us to say, “Okay, you are not just going to be complaining that you are brutalised and harassed as the Opposition; you are chairing the human rights accountability committee. What are you doing?” That is the place we want to get to.

MR KAFUZI: Honourable colleagues, I thank you for all the presentations. This is my view: You know that human rights are universal. It affects us all, regardless of our party positions or political offices; it cuts across.

For us now to decide that we change the way the Committee on Human Rights in Parliament has been led; one, it will be an indictment on ourselves, as Members of Parliament, that our committee has not performed.

Two, it will also be an indictment on the Speaker who heads the – (*Interjection*) – Yes; allow me submit because you are actually saying she has not taken keen interest in seeing this committee perform.

Therefore, like *Mzee* Baba has said, in the last Parliament, the 10th Parliament, I was a

member of the Committee on Human Rights together with Hon. Mariam Naigaga. We moved around Kampala looking for what were alleged to be safe houses. We were holding the Government accountable, despite the fact that we are members of the Government. We went to Kyengera, Kabuusu, and all the places. You can look for those reports.

It is wrong for anyone to think that members of the Government do not care about human rights and that the committee should be led by the Opposition because it holds the Government more accountable. It would be unreasonable for any Member of Parliament to think that human rights do not apply to him and that they apply to the others; and that the onus should be on the Opposition to oversee what happens on this side. My humble prayer is that we maintain the status quo.

MR KATUNTU: Madam Chairperson, as you know I am briefed and I have been seated here from 2.00 p.m. –

THE CHAIRPERSON: We want to dispose of Hon. Aisha's amendment.

MS AISHA KABANDA: Thank you very much, Madam Chairperson, for giving me the right to make a final submission on this matter.

Honourable Attorney-General, no one is indicting the Committee on Human Rights. It has been said here that this matter has been a continuous debate from the previous Parliament. We already set a principle that accountability committees are chaired by the Opposition and the fact is that the Opposition would better hold the Government in check than the people in the ruling party. This is because when you are on the ruling side, you are bound to protect; but here we want to hold the Government in check.

Therefore, we are not indicting the committee, nor are we indicting the Speaker. Things have been done, but I think they can better be done with the leadership of the Opposition.

I have been in Government and I know the appetite of – each one of us would like to protect our own side. I know what it is like. Honourable colleagues, we pray that we leave the leadership of this committee to the Opposition for the betterment of all of us. You never know when it will serve you best, but it is indeed for the good of the country that we are kept in check – for the good of all citizens.

It is a humble prayer; and I pray that the Attorney-General would give in on this matter. You do not lose a lot when you give in on this committee only. Thank you.

THE CHAIRPERSON: Honourable members, you have heard both arguments from the Government side and Hon. Aisha. In the debate, Hon. Aisha has said that the Committee on Human Rights should go to the Opposition, because it should keep the Government in check. Those in favour say “Aye” and to the contrary “Nay”.

(Question put and negatived.)

THE CHAIRPERSON: Honourable members, I think that, for now, since there was no – let us maintain the status quo as we study it. I am happy – incidentally, we have the best leadership in the human rights committee. Maybe you want to change something. *(Mr Ssewungu rose)*

There is something that you want to change, not the committee. The Leader of the Opposition knows this. Let us not mix these things. The “Nays” have it.

MOTION FOR THE HOUSE TO RESUME

7.00

THE CHAIRPERSON, COMMITTEE ON RULES, PRIVILEGES AND DISCIPLINE (Mr Abdu Katuntu): Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

THE CHAIRPERSON: I put the question that the House resumes and the Committee of the whole House reports thereto.

(Question put and agreed to.)

(The House resumed, the Speaker presiding.)

THE SPEAKER: Honourable members, we have not finished the rules.

REPORT FROM THE COMMITTEE OF
THE WHOLE HOUSE

7.01

THE CHAIRPERSON, COMMITTEE ON RULES, PRIVILEGES AND DISCIPLINE (Mr Abdu Katuntu): Madam Speaker, I wish to report that the Committee of the whole House has considered several amendments to the Rules of Procedure, from Rule 19 up to Rule 161, and passed them with amendments.

MOTION FOR ADOPTION OF THE
REPORT OF THE COMMITTEE OF THE
WHOLE HOUSE

7.01

THE CHAIRPERSON, COMMITTEE ON RULES, PRIVILEGES AND DISCIPLINE (Mr Abdu Katuntu): Madam Speaker, I beg to move that the report of the Committee of the whole House be adopted.

THE SPEAKER: I put the question that the report of the Committee of the whole House be adopted.

(Question put and agreed to.)

Report, adopted.

THE SPEAKER: I adjourn the House to Tuesday at 2.00 p.m.

(The House rose at 7.02 p.m. and adjourned until Tuesday, 18 February 2025, at 2.00 p.m.)