

The House Appointments Committee approves, on behalf of Parliament, the appointment of persons nominated for appointment by the President or any other appointment required to be approved by Parliament under any law.

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Has House Appointments committee got a bad rap?

"Other than providing for the membership, not much is said about how they conduct business. Obviously, other than having a quorum, there is no requirement that they meet in public. There is no requirement that they consult another body other than themselves," Mr Walubiri told *Saturday Monitor*.

Mr Ogalo says he still maintains the view he held before the first Appointment Committee in the Museveni era took its baby steps. "I don't think it's right for me to divulge my personal issues, details of what happens in my house and so on [to the public] just because I'm going to be appointed to a public job."

Speaking of baby steps, walk us through those of House committees...

Committees of Parliament are birthed by Article 90 of the Constitution, which by extension provides for the Administration of Parliament Act to elaborate how the way Parliament is governed. In order to create a specific direction, these above legislations create the Rules of Procedure of Parliament which dictate how in House business is conducted.

Specifically, Part XXVI of the Rules of Procedure starting from Rule 163 (1), which says "the House shall appoint committees of Parliament necessary for the efficient discharge of its functions" is crucial.

The Rules of Procedure, therefore, create four categories of committees—Standing committee; Sectoral committee; Select committee; and Ad-hoc committees.

The sub-types of committees that fall under the Standing Committees include committee on budget; committee on national economy; committee on human rights and committee on appointments.

In essence, Mr Walubiri says, legislators hold the full discretion to decide the manner and course of direction that this committee takes.

He says such powers are derived from the Rules of Procedure that Parliament usually reworks or polishes, especially at the start of every tenure of a given administration.

"Rules of procedure are made by Parliament. One of the first tasks of Parliament, normally after selecting and swearing in of the Speaker and Deputy Speaker, is to approve rules of procedure that they will be using," Mr Walubiri said.

"They normally would look at the old rules, change a few things. So it is the Parliament that makes its own rules of procedure," he added.

Mr Ogalo also offers his two cents, saying thus: "Most of the people who have been appointed to the Appointments Committee have been [placed there], in this case, to rubber-stamp what the President has asked them to do. The best they have been able to do is to understand what the president wants done, which is unfortunate. So, it is really the nature of the people who work in the Appointments Committee which matters. If you appoint serious people, you will get serious work done."

So, who sits on the Appointments Committee of the 11th Parliament?
Procedurally, Rule 172 of the Rule of Procedure commands that the Appoint-



Pater Walubiri, lawyer

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Dan Ogalo, Former MP

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ments Committee can conduct business with a quorum of "one half of the members of the committee."

Records show that this Committee in the 11th Parliament is constituted by 34 members. Besides Speaker Anita Among and her deputy Thomas Tayebwa, the other members of the committee include the Leader of Opposition (LoP), Joel Ssenyonyi, Prime Minister Robinah Nabbanja; the Government Chief Whip, Denis Hamson Obua; and the Chief Opposition Whip, John Baptist Nambeshe.

Other notable members include Justice Forum (Jeema) party president, Asuman Basalirwa; Mr Mathias Mpuuga, a parliamentary commissioner; Lt Gen Peter Elwelu, one of the army's listening posts; Mr Abdu Katuntu (Bugweri); Odoi Bernard Onen Mutusa (Eastern Youth MP); David Kabanda (Kasambya County); and Margaret Rwabushajja (Workers).

What happens during the Committee's vetting process?

The Committee is, among others, "responsible for approving, on behalf of Parliament, the appointment of persons nominated for appointment by the President under the Constitution or any other appointment required to be approved by Parliament under any law."

The Committee is also empowered to "determine any question which arises under Article 113 (4) of the Constitution as to whether or not any office is an office of emolument, the holding of which

is likely to comprise the office of a minister or public officer."

Once the names of the nominated persons are received by Parliament, the Committee invites the said persons for interrogation on an assigned date. These candidates are required to appear with documents aligned to their biodata.

All sittings of this committee are held behind closed doors per Rule 171 (2) of the Rules of Procedure. House rules command that the sittings of the committee can be only chaired by the Speaker or the Deputy Speaker in case the former is absent.

The candidates that appear for vetting are then asked to present and speak to their credentials and thereafter inform the round of questions that committee members press on the respondent.

In the process of interrogation, every decision to be arrived at has to be subjected to an open vote by committee members in attendance.

The same happens in the event members are to decide whether to approve the nominated person or not. Only excess votes are considered.

"In practice it is a closed group. They meet. I am sure they can even meet for two minutes and close business and make a resolution. So it is really a Committee that does not provide for public participation of the public in the decision it makes. There is no provision for people [of the public] to make contributions for the committee," Mr Walubiri notes.

"Its agenda is never published. So, you don't know when they are meeting. So, you don't know what they are meeting over. It is not like any other committee of Parliament which reports to the plenary for the committee's report to be debated and approved by Parliament," Mr Walubiri added.

What happens after the Committee members have had a meeting of minds?

Rule 176 of the Rules of Procedure dictates that the Committee's results can only be made known to the other legislators in the House.

The same legislation impedes anyone from debating the outcomes of the committee.

"The chairperson of the Committee on Appointments shall report to the House any appointment approved by the committee and the report shall not be subject to debate," Rule 176 reads in part.

"The Speaker shall communicate to the President in writing, within three working days after the decision of the committee on appointments, on any person nominated by the President for appointment [...]" Rule 177 reads in part.

It is for this reason that Mr Walubiri concludes that the committee largely endorses candidates nominated by the President.

"In other words, the committee is really a rubber-stamp. It is used by the Executive to circumvent public scrutiny of public appointments," Mr Walubiri opines.

Mr Walubiri faults the architects of the 1995 Constitution who according to him authored the supreme law to protect the Museveni regime.

"A dictatorship thrives where there are no processes for scrutiny, public participation and accountability. These are things that don't happen overnight. They were well planned. Whatever you are seeing in Uganda today is the handwork of Mr Museveni's 1986 scheme. He held on for 10 years, appointed the [Justice Benjamin] Odoki Commission to write the Constitution," Mr Walubiri observes.

"He made sure that the constitution is debated by largely his NRA [National Resistance Army] people because political parties were not allowed to participate. He entrenched himself and ensured that the successive Parliaments will be NRA parliaments," he adds.

What needs to be done to remedy the situation?

Mr Timothy Kalyegira, a political analyst, suggests that the powers of the president be trimmed.

"The Chief Justice is in a different category, this is an important issue, based on merit, education, accumulated knowledge, peer reviews, recognition within the Judiciary, but nothing is being handed to the President," Mr Kalyegira says.

Mr Ogalo, one of the key architects in the formulation of the Administration of Parliament Act, says: "The [vetting] process needs to be changed to understand who leads between the Parliament and the president. What the country should do is to open up the process and then secondly, to limit the presidential influence over that process and to increase the influence of Parliament."