

The swearing-in of members of the 12th Parliament has been completed. We await the election of the Speaker and Deputy Speaker of the 12th Parliament — the first item in its order of business.

We proceed to share below, a May 2020 piece titled *A Motion of Infamy*. The contents are self-explanatory. Our humble purpose in sharing is to attempt to contribute to the strategic orientation of the new members (those who may read this), and (over the longer term) to the strategic orientation of the political class and the intelligentsia. We are, of course, keenly aware that all this unfolds in tandem with the historical process of socio-class differentiation — in Ugandan specifics:

Last Thursday, the Parliament of Uganda passed a so-called 'Motion of Displeasure' directed at the President for, among other things, 'making disparaging remarks against the Speaker and the Parliament of Uganda'. Another charge was, to paraphrase, disregarding 'the doctrine of separation of powers'! etc. A veritable day of infamy — as architects of mischief sought to drag down the Fountain of Honour into opprobrium!

I have spoken to many MPs. Some say the President 'undressed' them before the electorate. That he rendered them 'worthless' in front of *wananchi*. That the population 'now think we are thieves'. They add that not only was money legally appropriated, but that there is a need for it... That their constituents need 'food', 'medicare', and so on, ad infinitum.

I have not the slightest doubt about the sincerity of some of the legislators I have spoken to — I think they may have a point or two. However, I could see that they had not internalised the fact that whatever issues they may have had, no grounds whatsoever could justify the motion of infamy that they passed last Thursday.

A motion of infamy

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Clearly, again, they failed to discern the multiple reasons why the President would be irked by the appropriation they had made in their own favour.

Let us try to trace the 'original sin'. On examination of the information available, it appears that the offensive item of appropriation (shrob for the MPs) was never in the supplementary schedule introduced by the finance minister. It further appears that the item was not in the budget committee report initially. Additionally, it seems that the initial signed copy uploaded onto the MPs' iPads did not contain that item.

Now, under the Ugandan Constitution, the authority to originate an appropriations or supplementary appropriations Bill lies with the Executive. It does not lie with Parliament. When a supplementary request has been received, Parliament approves or rejects (giving the reasons thereof) the request or reallocates money under a set ceiling, with the concurrence of the finance minister.

The unique item referred to as 'Allocation to Parliamentary Commission' did not originate from the Executive — meaning it could not have had initial knowledge of it. Under all these circumstances, with the President being

additionally uncomfortable with the rationale for the Parliamentary fait accompli, it was absolutely necessary for him to give a firm, metaphorical rap to the heads of his compatriots under whose watch this travesty had unfolded.

Our political elite and intelligentsia should also move away from insularity and a mechanical comprehension of the separation of powers doctrine. This is because, in reality, state power is indivisible. We would rather speak of a differentiation in roles. I like giving two examples to help me make this point. In the UK, up to the Constitutional Reform of 2005, the lord high chancellor was a senior cabinet minister and in charge of the judiciary, simultaneously head of the Judiciary (chief justice), and chair (speaker) of the House of Lords (the Upper House of Parliament)... The lords were also the final appellate court! To crown this very interesting situation, the 26 or so bishops of the Church of England are members of the House of Lords... the queen is the head of the Church of England!

The US provides another interesting example of the ultimate indivisibility of state power: The vice-president is still the president (speaker) of the Senate. He chairs the joint session of Congress dealing with electoral votes for the President. He is also the designated constitutional successor to the President — that is, outside the electoral process.

In Uganda, all arms have no choice but to work very closely together, while being very conscious of the

differentiation and specialisation in roles and functions.

Uganda is a budding multiparty democracy. Apart from independents, the overwhelming majority of MPs belong to political parties and organisations — they are flag-bearers. The MPs must consequently be given the whip by their mother political parties and organisations.

As we build a constitutional and democratic Government, jostling among and between the Executive, the Legislature and the Judiciary is inevitable, especially given the still-unfolding processes of national and state formation. There, however, should be no glossing over the fact that under Article 99 of the Constitution, executive authority over Uganda is vested in the president. Nobody should, in any way, seek to usurp it.

Not least, when we are battling a pandemic of unprecedented proportions. As alluded to above, some of the MPs have told me that they have acted the way they have because their people need food, etc. That they are dissatisfied with the measures put in place to fight the COVID-19 pandemic. Those, precisely, are the kind of issues to raise in the numerous councils of state in which they represent *wananchi* — so that we improve on the management of the pandemic. That is why there must be absolute clarity on the functions of Parliament as a collegiate body, as well as of individual MPs. Fortunately, these are clearly spelt out in our law.

The sabre-rattling reflected in motions of infamy, such as what passed yesterday, is pointless and a complete waste of time. We should, irrespective of our different perceptions, close ranks behind the President, together continue the onslaught against the pandemic and defeat it".

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