

**PARLIAMENT OF UGANDA**

**Thursday, 17 February 2022**

*Parliament met at 2.06 p.m. in Parliament House, Kampala.*

PRAYERS

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

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE SPEAKER:** Honourable members, I wish to welcome you to today’s sitting. As I communicated last time about the Rt Hon. Jacob Oulanyah, he is now in very good state. *(Applause)* He has been able to talk to a number of you. I can comfortably tell you that God is good.

Today, we shall pay tribute to the late Fr Simon Lokodo. Let us pay this fallen son of Uganda, and a very diligent servant of the Catholic Church and Uganda, a befitting tribute in a non-partisan manner.

Fr Lokodo was a member in the 10th Parliament. He was such a humorous person. He represented the people of Kaabong District and also served this country as the Minister of State, Office of the President (Ethics and Integrity). So, today we will pay tribute to him in this House, as we comfort the family. We pray the family finds peace out of this. May his soul rest in eternal peace. Let us stand up and observe a moment of silence in his honour.

*(Members rose and observed a moment of silence.)*

2.10

**MR SOLOMON SILWANY (NRM, Bukooli County Central, Bugiri):** Madam Speaker, I stand on a procedural matter. About three weeks ago – all of us may remember – a police officer was attacked while performing his duty and he lost his leg.

Madam Speaker, you delegated me to go and visit these people in hospital and the family has been on my neck. The Government Chief Whip committed himself here and today, I see the Minister of Internal Affairs around *–(Interjections)-* oh, he is no longer in the House. *(Laughter)* I was thinking Hon. Kania was still the Minister of State for Internal Affairs.

The two weeks within which the Government Chief Whip committed to give an answer have elapsed. Wouldn’t it be procedurally right for Government to give Ugandans and his family an answer? This would also satisfy us so that people know that we handle their matters urgently.

**THE DEPUTY SPEAKER:** Thank you, Commissioner. I took up that issue myself. I sent the Commissioner to see the patient and my good Government Chief Whip had promised to check on the patient as well and give us feedback. He also promised us a report from Government on what was being done. What happened to that gentleman was very unfortunate. Can we have a response from the Government?

2.12

**THE GOVERNMENT CHIEF WHIP (Mr Thomas Tayebwa):** Thank you, Madam Speaker. I was joking with my brother, Hon. Silwany. I called him to take me to where the patient was and he told me he was in Rukungiri. I did not know where to start. I was stuck. Hon. Silwany, when we finish here, I think it would be good for you to take me so that we fulfil what we promised the Speaker.

However, Madam Speaker, at the next convenient time, give us space on the Order Paper and we shall make a statement.

**THE DEPUTY SPEAKER:** Can we give you space on Tuesday?

**MR THOMAS TAYEBWA:** Thank you, Madam Speaker. Much obliged.

**THE DEPUTY SPEAKER:** Honourable Members, today, it has happened to that police officer and tomorrow, it will happen to somebody else. Just imagine that it is your son, brother or father. We all do not know the police officer, but todate, he cannot take his children to school. The young man is suffering. Let us get a solution for that problem.

In the Public Gallery this afternoon, we have Ms Phiona Rwandarugali and Ms Elizabeth Wanyana from Ssewagudde, Kalema & Co. Advocates. They have come to observe Parliamentary proceedings. Please, join me in welcoming them. *(Applause)* Thank you for coming over.  Next item.

**MR AKAMBA:** Thank you, Madam Speaker. Usually, you accommodate your Members to raise matters of urgent national importance. I thought today would be the same thing. Wouldn’t it be procedurally right if you accommodated a few matters of national importance? I have two urgent ones.

Madam Speaker, this being my maiden speech –

**THE DEPUTY SPEAKER:** I wish I were you. Had it been my maiden speech, I would have already mentioned what I wanted to mention.

**MR AKAMBA:** Thank you. *(Laughter)*

**THE DEPUTY SPEAKER:** Honourable Members, kindly, bear with me. You know how much I love that my Members may raise matters of national importance, but the group that has come from Karamoja is supposed to go back. After we are done with the proceedings, we will have matters of national importance. Nonetheless, Hon. Akamba, raise your matter since you have already stood up.

2.15

**MR PAUL AKAMBA (NRM, Busiki County, Namutumba):** Thank you, Madam Speaker. Busiki County in Namutumba District has been hit by a strange disease. Children below the age of 12 are the most affected. They urinate and cough blood for two days, and they also become anaemic and end up dying. In just one month, we have lost over 70 children.

Up to now, the doctors in the district are puzzled. They do not know what to do. I am afraid this strange disease might spread to the entire country. Madam Speaker, I seek your indulgence on this matter.

The other matter regards a bridge that is being constructed to connect Busiki Constituency to Bunyole West in Butaleja District. The Government appropriated money for the construction of this bridge and it was supposed to be completed last year.

Todate the bridge is still at 80 per cent completion, but UNRA has deliberately refused to pay the contractor and so, the contractor has demobilised and taken away all the equipment. Madam Speaker, I seek your indulgence on this matter as well.

**THE DEPUTY SPEAKER:** Thank you, honourable member. Government Chief Whip, there is a strange disease; maybe Hon. Dr Chris Baryomunsi would be -

2.17

**THE GOVERNMENT CHIEF WHIP (Mr Thomas Tayebwa):** Madam Speaker, I was also going to say that Hon. Chris Baryomunsi can help on the matter regarding the strange disease because he is well positioned in that area.

However, on the bridge matter, I want to put it on record that Government cannot and will never deliberately refuse to pay a contractor whom they have entered into a contract with. We can run short of money, but to deliberately refuse to pay; we would be breaching our very own contract. Anyhow, I am going to link up with the Minister of Works and Transport and Hon. Akamba, for us to meet and ensure this matter is resolved.

**THE DEPUTY SPEAKER:** And, use the words, “deliberately refusing to pay the contractor” is a little harsh on Government. However, what we can do is to find out what the issue is, why is the contractor off the road and what is the problem with UNRA? If it is an issue of money, then we can make a provision for that. Therefore, it cannot be deliberate refusal. Follow-up on that and then give us a feedback. Write to Madam Kagina, and copy the communication to the Member and the minister.

2.19

**THE MINISTER OF INFORMATION, COMMUNICATIONS TECHNOLOGY AND NATIONAL GUIDANCE (Dr Chris Baryomunsi):** Thank you, Madam Speaker. I thank Hon. Paul Akamba for raising the issue of the deaths of children; that is a very strong issue if they have lost over 70 children in a short period. It is very unfortunate. We convey our condolences to the families that have lost their children.

Ordinarily, the district health officer should have gotten in touch with the Ministry of Health and by now, a team should have gone to the ground to assess the situation. There is what we call “differential diagnosis” the disease could be responsible - I will not delve into that.

Anyhow, I will ask Hon. Akamba Paul to give me the contact of the district health officer. I will move out and call him to get more facts. In addition, I will call the Minister of Health or the Director General of Health Services to establish whether they already know and if there are any steps that have been taken.

If there is any useful information in terms of progress, I will come back and request for time to respond. However, if they have not gotten in touch with the Ministry of Health, then we shall request them to move to the ground.

On Tuesday, the Minister of Health should come and give us the update in terms of what the ministry has done and what the actual problem is. Otherwise, I am going to call and if I get any useful information, I will come back to update the House.

**THE DEPUTY SPEAKER:** Hon. Baryomusi, thank you for the prompt response. Hon. Akamba, can you go out with Dr Chris Baryomunsi to get more information and report back?

Honourable members, in the VIP gallery this afternoon is a delegation of senators from the Upper House of the Parliament of the Democratic Republic of Congo (DRC). *(Applause)*

The senators include - I may not be able to read all the other names, but I can at least mention some names:

1. Hon. Pierrot Ukaba - Head of delegation;
2. Hon. Nestor Ngbonda;
3. Hon. Tibasima Mbogemu Ateenyi;
4. Hon. Jean Pierre;
5. Hon. Anita Zeta Bamanyisa;
6. Hon. Alphonse Ukeci Muswa Rundi; and
7. Amb. Jean Pierre Massala.

You are welcome. That is the delegation from the Democratic Republic of Republic of Congo.

I had a meeting with the team before we came in. They have some suggestions on how we can:

i)  Strengthen security between Uganda and the DRC, especially at the border;

ii)  Strengthen collaboration between the Members of Parliament of Uganda and those in DRC;

iii)  Improve on business between DRC and Uganda; and

iv)  Handle the issue of our security personnel beating people on Lake Albert while fishing.

Those are the four issues that brought them here. I committed myself that this is a very able Parliament, and we will handle all the matters as per their request. Thank you for coming*. (Applause)*

LAYING OF PAPERS

2.23

**MR SOLOMON SILWANY (NRM, Bukooli County Central, Bugiri):** Madam Speaker, I beg to lay on the Table the Uganda Human Rights Commission 21st Annual Report, 2018.

**THE DEPUTY SPEAKER:** Thank you. I refer that report to the Committee on Human Rights for consideration and report back to this House.

MOTION FOR A RESOLUTION OF PARLIAMENT TO PAY TRIBUTE TO THE LATE HON. FR SIMON LOKODO FOR HIS DEDICATED AND PATRIOTIC SERVICE TO THE REPUBLIC OF UGANDA

**THE DEPUTY SPEAKER:** Honourable members, as I told you earlier on, we are going to pay tribute to our own, the late Hon. Fr Lokodo who passed on in Geneva recently.

Without really pre-empting what the mover - Leader of Government Business - is going to present, I want to say Fr Lokodo was a friend to everybody in this House. He was so humorous and worked well with everybody in the 10th Parliament.

He was the Minister of Ethics and Integrity. We will dearly miss Fr Lokodo because every time we felt we had somebody to joke with, it would be Fr Lokodo. We will miss him and may his soul rest in eternal peace.

Before the Prime Minister says something, the family of Fr Lokodo is here with us. We have:

i) Mr Lokwang Aldo – Brother;

ii) Logwee Michael – Nephew;

iii) Lokori John Bosco – Nephew;

iv) Lokwang Alfred – Nephew;

v) Lootan Jackson – Cousin;

vi) Achalei Kizito Sisto – Cousin;

vii) Lomodo Francis – Nephew;

viii) Akom Julius – Cousin

ix) Peter Fred Lochomin – Nephew

x) Romeo Dida – Nephew

xi) Lilly Francis Naderei – Niece

xii) John Locha – Nephew; and

xiii) Anna Timat – Niece

They are here to listen to the motion for a resolution of Parliament to pay tribute to the late Hon. Lokodo. You are all most welcome. Thank you for coming.

2.27

**THE SECOND DEPUTY PRIME MINISTER AND DEPUTY LEADER OF GOVERNMENT BUSINESS (Gen. (Rtd) Moses Ali):** Madam Speaker, I am moving a motion on behalf of the Prime Minister. The motion is for a resolution of Parliament to pay tribute to the late Hon. Fr Simon Lokodo, for his dedicated and patriotic service to the Republic of Uganda. The motion is moved under rule 56 of the Rules of Procedure of Parliament. It reads:

*“WHEREAS the Parliament of Uganda received, with deep sorrow, the sad news of the death of Hon. Fr Simon Lokodo, which occurred on Saturday, 29 January 2022 in Geneva, Switzerland;*

*AWARE that Hon. Fr Simon Lokodo served in various capacities both pastoral and political, in Uganda and internationally including being a minister, Member of Parliament and a member of the Human Rights Commission, with a distinguished career;*

*RECOGNISING that Hon. Fr Simon Lokodo notably served in key positions of responsibility including:*

*(a) As Parish Priest of Kaabong Catholic Parish, Moroto Diocese from 1987 to 1994;*

*(b) The In-charge of Lay Apostolate in Moroto Diocese from 1991-1995;*

*(c) Coordinator of Social Services and Development at Kotido Diocese from 1991–1994 –*

**THE DEPUTY SPEAKER:** Honourable members, those who did not know Fr Lokodo, you can check the pictures there.

**GEN. (RTD) ALI:** *(d) As Parish Priest of Karenga Catholic Parish, Kotido Diocese from 2000-2006;*

*(e) Member of Parliament for Dodoth County, Kaabong District from 2006-2011;*

*(f) Vice-chairperson, Committee on Government Assurances from 2008-2009;*

*(g) Minister of State for Industry and Technology from 2009- 2011;*

*(h) Member of Parliament for Dodoth West Constituency, Karenga District from 2011-2021;*

*(i) Minister for Ethics and Integrity from 2011-2021;*

*(j) Chairman of the Inter-Agency Forum, which coordinates Government efforts in the fight against corruption from 2011-2021;*

*(k) Executive member representing Africa on the International Authorities Against Corruption Association (IAACA), from 2013-2021; and*

*(l) Member of the Uganda Human Rights Commission from 202l until the day he passed on.*

*APPRECIATING that Hon. Fr Simon Lokodo served Uganda with dedication and patriotism. He was a strong advocate of family values and morals through the Ministry of Ethics and Integrity, as well as contributed* to development of the Catholic Church in Karamoja subregion;

*NOW, THEREFORE, be it resolved that:*

*Parliament collectively conveys its deep condolences to the bereaved family, relatives, friends and the people of Uganda for the loss of a distinguished and gallant citizen of this country.*

*Parliament recognises and appreciates the contribution that the late Hon. Fr Simon Lokodo rendered to the country.”*

I beg to move.

**THE DEPUTY SPEAKER:** Thank you very much, Gen. Ali. Is the motion seconded? It is seconded by the whole House. Would you like to speak to your motion briefly or have you already spoken?

**GEN. (RTD) ALI:** I must justify what I said.

Justification for the resolution of Parliament to pay tribute to the late Hon. Fr Simon Lokodo.

Madam Speaker, on 29 January 2022, we received sad news of the death of Hon. Fr Simon Lokodo. He died while on duty in Geneva, Switzerland.

Hon. Fr Simon Lokodo attended St Mary’s Seminary Nadiket in Moroto District. In 1985, he obtained a Bachelor’s Degree in Theology from the PontificalUrban University of Rome, Italy. In 1986, he was ordained a Roman Catholic Priest. In 1996, Fr Lokodo obtained a Master of Arts in Biblical Theology from the Pontifical Urban University of Rome, Italy.

Besides his native language, Hon. Fr Lokodo spoke Italian, French, German, Spanish and English. Hon. Fr Lokodo was a Parish Priest of Kaabong Parish in the Catholic Diocese of Kotido.

From 2006 to 2021, Hon. Fr Simon Lokodo served as a Member of Parliament for Dodoth County, Kaabong District. In February 2009, Hon. Fr Lokodo was appointed the Minister of State for Industry and Technology. In May 2011, he was appointed Minister of State for Ethics and Integrity. In 2021 until his death, he was a Commissioner at the Uganda Human Rights Commission.

Hon. Fr Lokodo was a dedicated advocate of good morals, high family values and decency. As a Minister of Ethics and Integrity, he formulated a pornography control committee and pushed for an anti-pornography law as well as athe Marriage and Domestic Relations Bill.

Hon. Fr Lokodo was also an anti-corruption crusader who advocated for zero tolerance to corruption. In July 2021, the Inspectorate of Government honoured Hon. Fr Lokodo for founding the Inter-Agency Forum, an alliance in fighting corruption and other financial crimes.

Hon. Fr Lokodo worked hard to constitute the Leadership Code Tribunal and played a key role in the amendment of the Leadership Code Act.

He will always be remembered as a passionate servant of God and a leader who fought for good morals. We extend our sincere sympathies and condolences to the family, Church, Karamoja subregion and the people of Uganda. May his soul rest in eternal peace. For God and my country.

**THE DEPUTY SPEAKER:** Thank you very much, Leader of Government Business. Can we have Hon. Okupa, the seconder?

2.41

**MR ELIJAH OKUPA (Independent, Kasilo County, Serere):** Thank you, Madam Speaker. I rise to second the motion of a resolution of Parliament to pay tribute to the late Hon. Fr Simon Lokodo for his dedicated and patriotic service to the Republic of Uganda, as moved by the Leader of Government Business.

Allow me, on behalf of the people of Kasilo and the people of Teso, who, for the reasons known to this House, the majority of the leaders from Teso are in Teso preparing for the burial of *Papa Emorimor*. They asked me to convey heartfelt condolences to the family and to the people of Karamoja who are our uncles, and to the country at large. We are with you during this difficult time.

Hon. Fr Lokodo found me in this House in the Ninth and the 10th Parliaments. I have interacted with him; he was somebody who loved this country. Once, we were joking; I asked him why he left the work of God to join politics. He told me that this too was the work of God and so, he had not left the work of God. He said he was going to proceed with the work of God and promised that I would see what he meant.

I am not surprised that Hon. Lokodo died when he had gone to attend a conference to defend the morals and the human rights issues of this country. *(Applause)* It was no surprise to me.

What is disheartening to me is that when I got the news of the demise of Hon. Fr Lokodo - I could have been one of the first people in this country because I called Hon. Dr Chris Baryomunsi; I was trying to confirm and he said he had not yet heard. Within two minutes, I had received information from the Uganda Human Rights Commission and I was able to relay information to him. Every right thinking Ugandan felt they had lost a true Ugandan – a person who fought for morals.

What is disappointing is that some people went on social media, celebrating and attacking the dead. What has happened to Ugandans? What has happened to our morals? Why would one go on social media to attack the person of Hon. Fr Lokodo who fought for the morals of this country?

When we had issues here about the Anti-homosexuality Bill, he stood firm and stood by his word because that is what he stood for when he was here and in the Church. But some people, for whatever reasons, opted for that. All we can do is to pray that God forgives them because they do not know – they only deserve to repent.

Serving with Hon. Lokodo in this House - like you have heard, he was very instrumental when we were doing amendments to the Leadership Code Act. When he was in that ministry, he saw how corruption eroded this country. He felt that one of the contributions he could make was through making an amendment to the Leadership Code, which he spearheaded and this House passed it. We remember him for that. *(Applause)*

He was very instrumental in formulating the anti-pornography law. When the issue of “Miss Curvy” under Hon. Kiwanda came up, he was not supportive of it. *(Laughter)* He thought it was not moral to have such a beauty contest in this country.

There was the issue of “*Nyege Nyege*”. Everyone will remember Hon. Fr Lokodo’s stand on that event. He wanted the children of this country to grow up morally upright. We should carry on with that legacy and be able to instil discipline and good moral values in our children.

I hope at an opportune time, Dr Chris Baryomunsi will give us a full medical report about the cause of his death. Otherwise, there are very many theories on what caused his death. Of course, we have read in the papers, but we hope to formally get communication from the medical fraternity such that we put to rest what took the life of Rev. Fr Simon Lokodo. Once again, may the soul of Rev. Fr Simon Lokodo rest in eternal peace. Thank you.

**THE DEPUTY SPEAKER:** Thank you, Hon. Okupa. For Members who are new in this Parliament, Rev. Fr Lokodo was very consistent with what he wanted. He said the Catholic Church did not want him to be a politician, but he said, “I am going for it” and indeed, he went for it and he became a Member of Parliament.

However, even as a Member of Parliament, he still continued to uphold the Catholic Church morals and values as the Minister of Ethics and Integrity. I remember when Rev. Fr Lokodo harassed people who wore miniskirts. He did not want to see anyone in a miniskirt, even an MP, and in Parliament, no one would wear a miniskirt. That was Fr Lokodo. He hated homosexuality and he used to campaign against it. We will remember him for that. He even hated Female Genital Mutilation (FGM) and forced early marriages, and would openly talk against them.

2.48

**THE MINISTER OF STATE, OFFICE OF THE PRIME MINISTER (RELIEF, DISASTER PREPAREDNESS AND REFUGEES) (Ms Esther Anyakun):** Thank you, Madam Speaker. I stand here to support the motion and to thank my *Papa*, Gen. (Rtd) Moses Ali, for moving the motion and my brother Hon. Okupa, who happens to be a nephew to Rev. Fr Lokodo.

I am speaking here to let the nation know that Karamoja has lost somebody who made us known for good morals, and all sorts of discipline he tried to instil in institutions, including this Parliament.

As a region, when we heard the news, we were very saddened; we got so shocked because we did not expect him to die that soon. Karamoja subregion has indeed lost a man. In Karamoja, by the time you are called “a man” there is a checklist that must qualify you. So, when I say Rev. Fr Lokodo died “a man”, it is because he supported the entire region and not only Karenga where he came from.

Regarding education service, Rev. Fr Lokodo took very many children, when he was still a Catholic Priest; not when he was a Member of Parliament or minister and educated them. He actually got scholarships from all the Italian connections he had for the children when he studied there. So, we got some good support in terms of education from him.

When he became minister, Rev. Fr Lokodo taught Ugandans cultural values, as a true Karimojong. We still value morality and all other cultural values, and that is what Fr Lokodo stood for. I stand here as a very proud Karimojong and a person who comes from the same region with him.

Rev. Fr Lokodo left a huge responsibility. I saw, in social media, a lot of ring-fencing going on. As a region, we are asking this Government to give us back that position on the membership of the Uganda Human Rights Commission. Let it remain for a Karimojong. Madam Speaker, we have educated people who can take up that position. We are not talking about big things. In fact, we are very few educated Karimojong and we also have -

**THE DEPUTY SPEAKER:** Members, order! That is someone’s opinion and have respect for everyone’s opinion. Didn’t you see people from Kigezi ring-fencing the position for the Governor of Bank of Uganda? *(Applause)* So, if Karamoja is ring-fencing, what is wrong with it?

**MS ANYAKUN:** Thank you for your protection, Madam Speaker. It demoralises, when you hear fellow colleagues making noise. This is what Fr Lokodo would tell us to have; morals.

I would like to thank you for giving me this opportunity, Madam Speaker. I know everyone in this House was touched one way or the other by Rev. Fr Lokodo. He touched me personally; he came to my family in 2004 and told me, “I want to take your daughter to be given a scholarship”.

Madam Speaker, I was not living in a conducive place to take a picture. The funniest thing was that we had to go from Mbale Senior Quarters to Namatala to look for a *manyatta,* where we were able to smear my daughter with some ashes to look like she was from a deep village. This was because he wanted to support me by taking my daughter to school through a scholarship. As a region, we are going to miss him. I repeat, let that position be given to Karamoja. I beg to move.

**THE DEPUTY SPEAKER:** Thank you, Hon. Anyakun. The seconder had asked for a report from the *only* doctor in the House. He is a doctor of medicine. I do not mean the other doctors. He is a gynaecologist. *(Laughter)*

2.53

**THE MINISTER FOR INFORMATION, COMMUNICATIONS TECHNOLOGY AND NATIONAL GUIDANCE (Dr Chris Baryomunsi):** Thank you, Madam Speaker. I stand here to second and support the motion that we pay tribute to our fallen colleague. I did not get a copy of the post-mortem report, but I went for burial in Karamoja.

The information which was given to us by the Uganda Human Rights Commission is that Fr Lokodo had travelled to Geneva to represent, the commission. He was leading the team, but while the conference was going on, he began feeling unwell, and deteriorated and was rushed to hospital. He had cough, flu, and did not survive for long in the hospital; shortly after, he died. However, I did not look at the post-mortem report. What I can say is that he died due to natural causes. I think the report was given to the family. Maybe now that Hon. Okupa has raised it, I will liaise with the family and see whether there are specific details.

I went to Karamoja and delivered your message, as our Speaker. However, the devastation on the faces of people from Karamoja was very visible and palpable. You could really feel that the people of Karamoja had lost a great son.

People wailed – children cried – to the point of almost disrupting the funeral service. When we inquired why the wailing was very heavy, among other reasons, we discovered that Fr Lokodo was spending all his emoluments and earnings to help the underprivileged and orphans, especially in the greater Karamoja.

People were very saddened. Actually, they asked us, who represented Government: “Where shall we put all these children and young people, who were being supported by Fr Lokodo, to access education in secondary schools, university and so forth?” It is the question that we came back with.

We want to thank the Lord for the life of Fr Lokodo, who was with us here in Parliament, and we pray that God receives and gives him eternal rest.

The body took time in Geneva and by the time it arrived, I think the family and the Church had arranged a date to have the funeral service and burial – which was quite short – and we did not pay tribute in this House. There has been speculation and a lot of talk on social media that Government did not accord respect to Fr Lokodo.

I want to clarify that the Uganda Human Rights Commission, working with the family, agreed on the dates - and the time was very short - between when the body arrived and the burial. It had already been agreed upon - but I communicated in Karamoja, that we would pay tribute to him in the House.

I would like to thank you, Madam Speaker, that we have got the chance and opportunity to pay tribute to him and to also clarify that Government met all the funeral expenses, including paying for the medical bill in Geneva and bringing back the body. *(Applause)*

His Excellency the President released over Shs 400 million to cater for all these arrangements.

**THE SPEAKER:** Thank you, Dr Baryomunsi.

**DR BARYOMUNSI:** Before I finish, Madam Speaker, Fr Lokodo was with us in this House. When he was made minister, the church requested him to choose whether to remain a church minister or a Government minister. He said, and I remember we discussed it, “I am here to serve the people of God” and he continued as a Government minister.

I remember we sat - for your information, I was also training to become a priest, but I did not reach his level. We shared a verse in the Bible, which is recorded in the book of Psalms 110:4 which says, *“The Lord has made his vows and he shall not withdraw them: You are a priest forever; you are a priest of the order of Melchizedek.”*

For those of you who read the Bible, Melchizedek was a king and priest. Therefore, when Fr Lokodo remained in Parliament and as a minister, he remained serving as a true priest and a true politician. That is why if there was time, we would give testimony about his achievements and what he stood for. Particularly, he wanted a more moral society; a society based on morality, ethics, integrity and professionalism.

We shall dearly miss him, and we thank him. We also thank the people of Karamoja who gave us Fr Lokodo; and he did great work during the time he spent in Parliament and in Cabinet, and also when he joined the Uganda Human Rights Commission.

May the soul of Fr Lokodo rest in eternal peace. Thank you. *(Applause)*

**THE DEPUTY SPEAKER:** Thank you, Dr Chris Baryomunsi. Like you have said, on top of being a Reverend Father, he was a politician. He was a rightist and a moralist.

Doctor, can you first give us feedback on what we sent you for since we are dealing with health?

**DR BARYOMUNSI:** Yes, we are dealing with death and sickness, Madam Speaker. Hon. Akamba Paul had earlier raised an issue that there is a strange disease in his district and constituency that has killed a number of children below 12 years. I pledged to move and do consultations.

First of all, it is true that he raised the issue with the district health officer. However, when I spoke to the district health officer, it sounded strange that he had not done anything to check. He said, “Are you sure the children are dying?”

I then spoke to the mayor of Namutumba Town Council, the subcounty chairperson of Namutumba subcounty and the district chairperson, who all confirmed that there is a strange disease that is killing children. Actually, the chairperson of Namutumba subcounty said about 10 children had died in his subcounty. He said he knows of a family which has lost three children, and that out of every 10 children they send to Mbale, about seven or eight die.

So, from the political leadership, the problem is there. I have since talked to the Minister of Health and she said no report had come from the district, but we agreed that she is going to link up with the District Health Officer (DHO)and send her team. On Tuesday, she will bring a report. She agreed that she will take action to ensure that something is done, first of all, to identify what the disease is and then -

**THE DEPUTY SPEAKER:** Just before you finish, can you also take action on the DHO – because we do not want these *laissez-faire* civil servants?

**DR BARYOMUNSI:** Absolutely! We shall follow it up because I was not happy with him. That is not how we are trained, as doctors. Even if it is only one death, you are supposed to leave what you are doing and ensure you attend to it. So, action will be taken and the Minister of Health will bring a report here on Tuesday.

**THE DEPUTY SPEAKER:** Thank you so much. Hon. Nakut.

3.03

**MS FAITH NAKUT (NRM, Woman Representative, Napak):** Madam Speaker, I wish to join my colleagues to pay tribute to the late Hon. Fr Simon Lokodo. We miss him dearly, as the people of Karamoja.

I knew Fr Simon Lokodo when he was a priest at Kangole S.S. and then when he joined politics in 2006 and 2007. He was a peace-loving man. In 2007, Government decided to do a disarmament exercise in Karamoja. Although Fr Simon was new in politics, he took up –

**THE DEPUTY SPEAKER:** Members, two minutes.

**MS NAKUT:** He took the initiative to provide strategic direction. In a meeting I attended in Kotido in 2007, he helped coordinate the Karamoja disarmament exercise that was successful. The region enjoyed peace for 10 years after that. You are aware, Madam Speaker, that as we speak, insecurity is back in Karamoja and we need peace to return especially at such a time when we have lost a man that we needed the most.

I do not think, in our team as leaders of Karamoja now, we have somebody who can be both a priest and politician to coordinate the reconciliation and peace that we need.

On the 8th of February, we buried Fr Lokodo when Parliament was discussing the matter of security – that the Karimojong were causing insecurity to the neighbours. We were all absent because we were at the burial of Fr Lokodo. The matter of peace and security is not something that we –

**THE DEPUTY SPEAKER:** Hon. Faith, can you limit yourself to paying tribute? The issue of peace and the issue of the neighbours will come as a report.

**MS NAKUT:** Thank you, Madam Speaker. I cry like this because we are missing a man who was instrumental in the fight for the peace that we need now. He has left a gap and I, therefore, request this Parliament that, as a gift in remembrance of the late Fr Lokodo, do whatever you can to restore peace, not only to the neighbours of Karamoja, but in the Karamoja subregion too. People are hurting. May the soul of Fr Lokodo rest in eternal peace. Thank you.

3.06

**MS LILLIAN ABER (NRM, Woman Representative, Kitgum):** Thank you very much, Madam Speaker. I rise to support the motion. Indeed, we have lost a true man of God. I first got to know Rev. Fr Lokodo when I was in youth politics. We met and invited him to address the young people during a conference. He never hesitated. He talked to the young people and inspired them. He asked them to love God and their country. That day, I got inspired.

I knew Rev. Fr Lokodo for being an honest and straightforward man. He would not bend his head. Whether he was pleasing you or not, he would tell you facts. That is the man we have lost.

Rev. Fr Lokodo loved children, widows and orphans very much. One time, I met him in Gulu driving to his village. He had over six children in the car. I asked him, “Where are you going with all these children?” He told me, “Those are the people that give me hope every day to live and I work for them.” This was a very strong statement.

Madam Speaker, St Janani Luwum Day was celebrated yesterday, and it is an annual event. When Rev. Fr Lokodo was the Minister of Ethics and Integrity, he put in all his energy; he would be in Kitgum to ensure this day was organised well. Yesterday, I was disappointed. I felt the loss of Rev. Fr Lokodo and I wished he was there. He would have done a lot more.

Madam Speaker, we have appreciated Rev. Fr Lokodo for standing firm and speaking against immorality in the country, but he also suffered from social media insults. Today, I pray that this comes to an end.

Yesterday, the Bishop, while preaching, said that he is very disappointed with how the Members of Parliament go on social media to use vulgar words, and insult their leaders. This is something that, if Rev. Fr Lokodo were alive, would not want to see. *(Applause)* He urged us to ensure that we respect each other. This was a message from the Bishop and he emphasised it thrice.

Madam Speaker, I pray that this august House lives to the test of ethical representation; whether you are in this Parliament or outside. That is something that we would call ethical behaviour. That is what our people would want to see from our leaders. I thank you.

3.09

**MR HILLARY LOKWANG (NRM, Ik County, Kaabong):** Thank you very much, Madam Speaker, for this opportunity.

**THE DEPUTY SPEAKER:** Use two minutes, please.

**MR HILLARY LOKWANG:** Madam Speaker, I join my colleagues, the people of Karamoja and the rest of the Ugandans, in mourning and paying tribute to our fallen hero, our honourable colleague true son of Karamoja; a son of Uganda, and senior citizen and national and international figure, for contributing immensely to the nation. He was a patriot, human rights activist and defender; a person of integrity who fought corruption and had the battle of Satanic and Divine forces by condemning, animosity, foreign cultures of homosexuality, lesbianism, indecent dressing for seducing the opposite sex and many other vices.

Hon. Fr Simon Lokodo was a former Parish Priest. He baptised me and I used to go with him for apostolic lessons. I have known Fr Lokodo for the last 31 years, since 1990.

He served as a Member of Parliament for Dodoth County in my district and then later, when Karenga District was created, he went to Dodoth West County.

Madam Speaker, Fr Simon Lokodo died in the line of duty while in Switzerland. According to a member from the Uganda Human Rights Commission, Fr said in his message, “I am unwell. I need a return flight.” Again, later, Fr Lokodo sent a message saying, “I am afraid, I may not make it back home.” That was his last message before he died.

Hon. Fr Lokodo did the following: Education; he sponsored hundreds of children within Karamoja –

**THE DEPUTY SPEAKER:** Honourable members, do not repeat what has already been said.

**MR HILLARY LOKWANG:** Fr Lokodo built the first nursery school in Karamoja. He took care of the elderly, the orphans, the disabled people and those that were helpless; he also fed the hungry.

Fr Lokodo fought corruption, and at one time, he said that the law should be amended for civil servants to be employed on contractual terms of five years, so that their performance is evaluated. That was Fr Simon Lokodo.

The late Hon. Fr Lokodo fought a good fight. He will be remembered for his hard work and insistence for the right cause, while he lived. It is hard to accept that Fr Lokodo has gone too soon. May his soul rest in eternal peace.

3.13

**THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati):** Thank you, Madam Speaker. I rise to join my colleagues in supporting the motion to pay tribute to our former friend, Fr Simon Lokodo and truly appreciate the contribution he made as a Priest in the Church, the sacrifices he made and his contribution as a minister and political leader in Karamoja.

I remember him as a very truthful person and a firm leader. Allow me cite a few examples where I found him a very firm leader. The first was, as Hon. Okupa said, when “*Nyege Nyege”* was organised in Jinja. The late Fr Simon Lokodo stood very firm. He fought that function and said it should not take place. Unfortunately, the function took place. He, however, called a press conference and mentioned, in public, that the devil had won, and he had lost; and he was very firm.

The second was when we were in a certain meeting discussing the leadership code. I was of the opinion, like he was, that when we declare our assets, they should be published in the newspapers to avoid many questions because many times, people write about things that we do not possess. In that meeting, we argued, and unfortunately, again, he could not win the argument. Fr Lokodo said, “They have won again”, but he was very firm.

During the time colleagues and I moved the Anti-homosexuality Bill, Fr Lokodo was very instrumental in defending our action. *(Applause)*

He was pro-life; he really worked hard on issues of pornography, and made sure that this law was enacted here - the antipornography law.

He supported efforts to fight issues of abortion and other moral issues in the country.

Therefore, we really want to thank him for all that he contributed to. We thank the relatives who are seated in the gallery for supporting him, and the people of Karamoja for continuing to support him when he was not feeling well.

Madam Speaker, we have a duty to carry on the work of Fr Lokodo, especially on issues of morals. He was very passionate against corruption; he abhorred corruption. Therefore, we have a duty as colleagues to enact all the remaining legislations to stop this issue of corruption. I thank you.

**THE DEPUTY SPEAKER:** Thank you so much, Hon. Bahati. Honourable minister, the elder of Karamoja.

3.16

**THE MINISTER OF STATE FOR ENERGY AND MINERAL DEVELOPMENT (MINERALS) (Mr Peter Lokeris):** You are right, Madam Speaker.  I am a senior elder there. I have come here to talk about the person I knew from childhood.

Fr Lokodo completed primary education and immediately chose to do God’s work by training as a priest. He trained in Karamoja, Kampala and abroad, in Italy, Germany and other places.

At the time of his death, he spoke four international languages, including Greek. But when he was doing all that, whenever he came, he would do talk about education and encouraged the young Karimojong to become priests. I also wanted to become a priest, but my parents said, “No, you should produce some children to increase on the number of people in the world”. *(Laughter)*

Therefore, whenever he came, he would do that. When he became a priest, because of his connections, he started getting some money from abroad to uplift the church and educate the people of Karamoja. I come from the far south and he comes from the north. However, the way we interacted was unimaginable.

After being ordained priest, he would raise concerns affecting Karamoja. He would articulate issues very well and Government would accept. During the first disarmament exercise, I was the Minister of State for Karamoja. He told my colleagues that these guns shall destroy us and other people, and everybody bought in; we really worked hard with Fr Lokodo.

When I lost my wife recently, he came quarrelling with me because I did not ring him immediately. I said I was crying, so he also started crying. I told him let us go and bury. After the burial, I again met him, but I do not know when he left to go abroad.

However, when I checked on social media, I saw a picture of Fr Lokodo and that he had died. I wondered whether these people were wishing him death. I was now quarrelling because I had just seen him and we had interacted. However, I learnt later that it was true.

I could not help crying. The children he had and many other students whom he was sponsoring fainted at his burial and were being carried away. I would hear them saying, “Now you have left us, what can we do; we should also die”. These were the utterances of the children. Therefore, I do not know, Madam Speaker, just as the Government spokesperson said, we must find a way of assisting these children.

To my brother who is now in Heaven, we shall also come and share the seat with you some day. Thank you very much.

**THE DEPUTY SPEAKER:** Thank you very much.

3.21

**MR JOSEPH KOMOL (NRM, Dodoth North County, Kaabong):** Madam Speaker, I want to take this opportunity to thank you for this session, convened to pay tribute and last respects to the late Hon. Fr Simon Lokodo, the former Minister of Ethics and Integrity.

The late Fr Simon Lokodo is my cousin. He was born in Arengpak Parish, Kasile Subcounty in Dodoth North. However, for the latter part of his life, he settled in Kapedo subcounty, in Dodoth West Constituency.

The late Fr Simon Lokodo is known to the people of Karamoja, first as a dedicated Catholic Priest who worked hard as an evangelist and in community development, by supporting education, the elderly and the orphans.

The late Fr Simon Lokodo spearheaded the sponsorship for boys and girls to further their education, a task he has done till his death.

Madam Speaker, Fr Lokodo was always at the forefront in mitigatigating famine in Kaabong District. As you know, Karamoja is always prone to famine due to drought and weather vagaries. Therefore, in all the parishes where he worked as a priest, he made sure that he lobbied for food and fed the orphans.

Madam Speaker, the rest has been said. Allow me to re-echo the feelings of the entire Karamoja, that the tribute to Hon. Fr. Simon Lokodo will be meaningful if accompanied by the following tangible development in his honour, and as a gesture of our willingness to continue his legacy that should be considered by this august House:

i) Government should educate the hundreds of children who have been left behind, having been under his care.

ii) Government should establish a seed secondary school at Sangari subcounty in the names of Fr Simon Lokodo.

iii) Government fast-tracks the upgrading of Karenga Health Centre IV to a fully-fledged hospital.

iv)  The position that he died in, where he had been appointed as a commissioner, be given to a Karimojong. I beg to move.

**THE DEPUTY SPEAKER:**  Thank you so much.

**MR JOHN BOSCO NGOYA (NRM, Bokora County, Napak):** Thank you, Madam Speaker, for giving me the opportunity to pay tribute to a man I have known, after I lived with his brother Lokwang Aldo, who is here, while at St Mary’s Seminary.

He lived a life of service. For those who know the training in the seminary, somebody who has lived 36 years in service, the training takes about 10 or 15 years. Therefore, he has lived virtually all his life, in service.

As if he was not content with being a priest; thereafter, instead of resting, he spent another 16 years serving the nation. So, we are celebrating life of a person who has served the nation. He called for the fusion of the church and the State. After working as a priest, I think he was not comfortable; he, therefore, went to work with the State as well.

He lived a life that we all want to live and we hope to live - caring for the less privileged. Many people have talked about how many people collapsed due to his death. It is a call on us to take care of the less privileged - those who cannot get education and those who cannot get what they need to be able to survive. I beg to submit. Thank you.

3.26

**MR ISMAIL LOMWAR (NRM, Kotido Municipality, Kotido):** Thank you, Madam Speaker. I join the august House in paying tribute to Rev. Fr Lokodo. God gave man three duties; to protect human dignity, to protect human blood and to protect human property. Rev. Fr Lokodo lived by the principles of God in protecting human dignity.

African values were abused by the “Western powers” by introducing cultures that are not African. Rev. Fr Lokodo stood with Africans in protecting the dignity of Africa. I celebrate the life of Fr Lokodo for upholding the African values that he stood for. No amount of influence could change his position.

Fr Lokodo fought to protect human property. In Karamoja, among the communities that do not engage in theft is Napore, where Fr Lokodo comes from. They do not steal or raid others; they are farmers and pastoralists. During the disarmament, Madam Speaker, Fr Lokodo spoke to ensure sanity came to Karamoja. He stood by the word of God to protect human blood.

Finally, Rev. Fr Lokodo fought so hard to make sure that there was no bloodshed in Karamoja. That is why he stood with Government in fighting the “war on the gun”. I beg to submit.

3.29

**MR PHILIPS LOKWANG-ILUKOL (NRM, Napore West County, Karenga):** Madam Speaker, I join the rest of my colleagues and the august House to pay tribute to the late Fr Lokodo who was an icon of possibility, and made sure the impossible becomes possible.

The rot in our society should be exposed and corrected. Despite the majority “guests” who did not want correction in our society to be done, he stood firm. In this respect, as Members of Parliament, I request that we emulate the beginning that he ushered in; that we can push forward and cleanse our society. I pray to God that his soul rests in eternal peace. Thank you.

3.30

**MS SYLVIA AWAS (NRM, Woman Representative, Nabilatuk):** Thank you, Madam Speaker. I rise to join the rest of the Members of Parliament to pay tribute to our brother, Rev. Fr Lokodo.

Rev. Fr Lokodo was a family friend. He was very generous and his support was not limited to only his family. As long as you approached Fr Lokodo, he would support you. Colleagues, that is the man we have lost. His home was always full. They used to cook food in big saucepans; he had very many dependants. Whenever I would go to Seeta, I would find very many people.

Fr Lokodo was a very good mentor. He mentored me politically, including other people whom he educated. He did not like holding grudges with people. Whenever he had a problem with you, later, he would call and say, “No, let us reconcile.” That is the man we have lost. Losing Fr Lokodo is a very big loss to Karamoja as a subregion and to Uganda at large. Thank you very much.

3.32

**MS NANCY ACORA (Independent, Woman Representative, Lamwo):** Thank you, Madam Speaker. I join the rest of my colleagues to condole with the family of the late Fr Lokodo. We have lost a great man.

On behalf of the people of Lamwo that I represent and on my own behalf, I would like to say that as great leaders of this nation, we need to emulate all the moral values that he was preaching while serving this country. As leaders, we are so corrupt in our minds that there are many things that we do that do not portray us as leaders: people abuse themselves on social media. When we talk of ethics, you cannot wake up in the morning to abuse the Deputy Speaker or your fellow colleagues, and you call yourself a Member of Parliament.

When we talk of corruption, Fr Lokodo has been preaching issues of incorruptibility. There is a book that was once written by Ayi Kwei Armah titled, *“The Beautiful Ones Are Not Yet Born”,* but when are they going to be born? We need to start walking the journey by showing the light to the people that we lead, and showing good morals in society.

We should not be corruptible in our thoughts and actions because we are representatives of many people.

Madam Speaker, as I conclude, Fr Lokodo was not only representing the people of Karamoja; he was representing Uganda. By the time he breathed his last, he was representing Uganda, among great nations. Therefore, I would like to urge Government to remember him for all his good deeds. He should also be given a medal when other people *– (Member timed out.)*

**THE DEPUTY SPEAKER:** Thank you. Hon. Milton Muwuma.

3.34

**MR MILTON MUWUMA (NRM, Kigulu County South, Iganga):** Thank you, Madam Speaker. On behalf of the people of Kigunga, Seeta-Mukono, where the late used to stay, I convey our heartfelt condolences. The late was my neighbour; we all lived along Nviri Road, Mukono Municipality. On behalf of those people who are not here, I convey our heartfelt condolences.

Madam Speaker, the late lived a civil life. He remained himself. For the 10 years I was with him here in the House, he never changed his way of life. It is a humble appeal to our colleagues here; some of our friends are always very friendly before they are elevated to some levels. The moment they cross the line, they totally change in terms of access and behaviour. It should be on record, as we see off our dear one, that he lived a true life of a Ugandan, who loved his country and his people. He was very endearing and friendly to the people of Iganga.

Iganga and Jinja host very many Karimojong and he always thanked me for keeping his people. He would always take off time to come and greet them. Even during the campaigns, he would pass by and tell them *“mata mata”.* He would then tell them, “When it comes to voting, please, remember our friend.” He was an asset in my politics. I remember him. May his soul rest in peace.

**THE DEPUTY SPEAKER:** Members, we have a Bill that will take about four hours.

3.36

**MR PIUS WAKABI (NRM, Bugahya County, Hoima):** Thank you, Madam Speaker. I rise to support the motion. In life, no one will remember how you looked –

**MR WAKABI:** I was saying that in life, no one will remember how you looked, walked, talked or what you did. Everyone remembers you by the way you made them feel, when they were with you.

Rev. Fr Lokodo made us feel that corruption was, indeed, ungodly and very bad. Unfortunately, corruption in Uganda, according to the reports we get, is either constant or increasing. The best we can give to Fr Lokodo is for us to unite against corruption.

He made us believe that dressing in tight miniskirts was evil, but todate, people have failed to change, including here in Parliament. Sometimes, you see people wearing what Fr Lokodo was fighting. May his soul rest in peace.

**THE DEPUTY SPEAKER:** Thank you, Hon. Wakabi. I have not seen any of my Members in a miniskirt. *(Applause)* All my Members are very decently dressed and they are still following what Fr Lokodo said, that we should not wear miniskirts.

3.38

**MR SILAS AOGON (Independent, Kumi Municipality, Kumi):** Madam Speaker, allow me to start by thanking you for having accorded my uncle a befitting tribute in this House. That has been very kind of you.

Whenever I met him in the corridors of Parliament, he would call me “*Ocenio*” and I would call him uncle. He always represented joy. Even when I was broke and I met him, I felt like I had money because the man was good. *(Laughter)*

Rev. Fr Lokodo was a true father. We have people here, many may be called fathers – I am not talking in terms of the religious meaning of the word – but they are not fathers. Rev. Fr Simon Lokodo was a true father, both in the religious sense of the word and as a father of the world.

I would like to say that he was a very humble person. He was the chairperson of our association; the International Association of Parliamentarians for Peace. There was a time I was supposed to travel with him to Niger, but I think he was not feeling well and so, he was not able to come with me. Were it another person, they would have struggled even when they were sick and insisted on travelling. However, he was the kind of person who did not put money ahead of his health. That is why, when he was on duty, he kept our word as citizens of Uganda; he made it clear that we do not accept issues of homosexuality.

He has worked with the Human Rights Commission for less than a year, but the mark he has left, with what he has done, is a big legacy. What a heart! What a man! What a father! He was a true citizen of this country. I respected him.

I pray that we second the position, which was proposed by one person that we ring-fence his position for my uncles. What is wrong with that? *(Applause)* Let us give that position back to my uncles. They deserve it because they are part of this country and they are good people. They have good hearts. They are hard-working; and they mean what they say and they say what they mean. May his soul rest in peace.

3.40

**MR REMIGIO ACHIA (NRM, Pian County, Nabilatuk):** Thank you, Madam Speaker. Very many things have been said about Rev. Fr Lokodo and I would like to do two things. The first is to thank you for this day and to thank His Excellency for the quick response. Otherwise, where, in Karamoja, would we have gotten that much - Shs 400 million to transport his body and take care of the burial up to this moment?

Madam Speaker, we would like to thank you, in a special way, for your contribution to the family. You gave me Shs 20 million, which I delivered to the family. They are here with you today.

We are not paying tribute to Fr Lokodo because he was a Priest or because he was an honourable Member of Parliament or a former minister. It is because he fought cultural imperialism. This is a new disease. They want to colonise us again. For God’s sake, why is it that these new ideas of homosexuality – some of these words are not in our languages – lesbianism, same sex marriages. These new things are being introduced to us in the pretext of giving us grants.

Uganda was summoned to Geneva for a Human Rights Peer Review to explain their position about these words that I do not want to repeat. Rev. Fr Lokodo insisted that he puts the text down. He worked with human rights lawyers and he wanted to be there to ensure that the message was delivered and he did deliver. *(Applause)* I am sure he knew that in the process, he could lose his life because he was not feeling well. That is another question. How could he have left Entebbe on 25th with negative COVID-19 test results, then in one day, he dies of COVID-19? I do not understand those things.

**THE DEPUTY SPEAKER:** We shall get the report.

**MR ACHIA:** Let us uphold the principle of preserving a positive African culture. He fought for the Africans. Let us take that to heart as Members of Parliament in this House. Let us protect our cultural and Christian values.

3.43

**MS MOURINE OSURU (NRM, Woman Representative, Arua City):**  Allow me to join colleagues to pay tribute to our fallen colleague. Rev. Fr Lokodo was a pro-people person, a religious man, a family man, a friend, a father and a colleague. At the time he served as a minister, he made sure that he lowered himself to the same level with Members of Parliament. He was down to earth, not only to us here in the House, but even to other Ugandans; to the extent that when he visited an area, he ensured he called the Members of Parliament of the area. In case you were not available, Fr Lokodo would speak on your behalf without your knowledge.

Rev. Fr Lokodo was a humorous person. I remember I shared a joke with him in the 10th Parliament. I told him that in this august House, we only eat and sit and so, I wanted him to join sports. He kept promising to do so, but unfortunately, God called him before he could join. We shall always miss him for the great contributions he made towards development. May his soul rest in peace.

**THE DEPUTY SPEAKER:** Amen. For that reason, on Tuesday, we are going to lay on the Table the gold medals that you brought. We got many gold medals.

3.49

**THE MINISTER OF STATE FOR DEFENCE AND VETERAN AFFAIRS (VETERAN AFFAIRS) (Ms Huda Oleru):** Thank you, Madam Speaker. I join colleagues to pay tribute to Fr Lokodo. I knew him when we all joined the Eighth Parliament. He was a very jolly and friendly person.

Fr Lokodo contributed to the economic transformation of this country. Those days, if you travelled to Karamoja, you would move up to Kidepo where you could get accommodation or else you would remain in Moroto. However, right now, when you travel to Karamoja, you can have comfortable sleep in Kaabong. He put up a hotel and nice cottages that we can use. In the process, he created employment opportunities for our people.

Recently, I was there and I even found a worker who was from Kenya and some were people from Jinja, meaning that the late Father created jobs for the East Africans and not only Ugandans.

Fr Lokodo has been paying taxes. This is because if you have that facility, whether you want it or not, you must pay taxes. That is how he contributed to the economic transformation of the area.

Indeed, Fr Lokodo supported good African cultures of the Africans and worked against those that were not good. For example, he did not support Female Genital Mutilation (FGM). He said that those who supported Female Genital Mutilation were against God because they did not desire God’s design. That is how he talked against FGM*. (Applause)*

When he talked against miniskirts, I asked him whether he wanted to change to Islam because it is only Muslim women who are supposed to dress in long dresses. He told me: “No, my sister, the long dresses are not only for the Muslim women because when you dress in a decent long dress, you look smarter than opening your body for people to see.” That is how Fr Lokodo was.

As a friend, before he became minister, we used to sit with him in that corner.

Father, you have done your part. God has called you because in the Koran God said, “*Inna Lillahi wa inna ilayhi raji’un*” meaning, “From God you come and to God you must return”. Now that you have returned, may –*(Member timed out)*

**THE DEPUTY SPEAKER:** Amen. Minister for Karamoja?

3.55

**THE MINISTER, OFFICE OF THE PRIME MINISTER (KARAMOJA AFFAIRS) (Ms Maria Kitutu):** Madam Speaker, on behalf of the Ministry of Karamoja Affairs and the Office of the Prime Minister, I pay tribute to the late Fr Lokodo. I met Fr Lokodo in the 10th Parliament, where we were both Members of Parliament and also served as members of Cabinet.

He was a down-to-earth legislator who fought for upright and acceptable standards of behaviour in society. He may have had his weaknesses, which is human to all of us, but as the Karamoja ministry, we treasured him for his enthusiasm in helping and supporting the people of Karamoja.

Fr Lokodo was a pillar and icon to his people of Karenga, Kaabong and Karamoja as a whole. I was reliably informed about how he paid school fees for many of the Karimojong youth and children. This was evidenced at his burial where over 200 children, dressed in black T-shirts with his photograph, were wailing and crying when the Father’s casket was lowered into the grave.

They had a song which they were all singing – “our father, we are very sorry” – and we all listened to this song. It was a touching moment to many of us who attended that burial. He spent all his resources for the right cause of giving education to the vulnerable people of Karamoja.

As a Ministry for Karamoja Affairs, we are working day and night to do more to cover the gaps the Father left in the community.

He was a developmental person. For example, he constructed a state-of-the-art hotel in Kaabong town to create jobs and his hotel attracts tourists and other visitors who bring money into the districts of Kaabong and Karenga.

I was also reliably informed that he held peace meetings aimed at stopping cattle rustling in the region of Karamoja. We are yet to hold a regional council in Moroto and we are planning, as a ministry, to push for more to be done so that the children of Karamoja can have a fair education. As a ministry, we have lost a stakeholder and a friend we needed most at this time. May his soul rest in eternal peace.

**THE DEPUTY SPEAKER:** Members, you have heard all the good things the Father did – how he was a very good Father with very good values. He has left a legacy of integrity and of being corruption-free. He valued his culture and believed in non-forced marriage. He was a politician, a rightist and moralist. We thank God for his life. May his soul rest in eternal peace.

I now put the question to the motion for a resolution of Parliament to pay tribute to the late Hon. Fr Simon Lokodo for his dedicated service to the nation.

*(Question put and agreed to.)*

*Motion adopted.*

**THE DEPUTY SPEAKER:** Now, I ask the Clerk to extract the resolutions of this House and give them to the family, including the amendments. Thank you very much for paying tribute to our uncle. *(Applause)*

Family, thank you very much for coming “*Odol ejok. Eyalama.”*

PRIME MINISTER’S TIME

**THE DEPUTY SPEAKER:** Today, we will not have Prime Minister’s Time. Next item?

BILLS

SECOND READING

THE MINING AND MINERALS BILL, 2021

**THE DEPUTY SPEAKER:** Honourable members, the Mining and Minerals Bill, 2021 was tabled for the First Reading on 18 November 2021 and referred to the Committee on Environment and Natural Resources. The committee considered the Bill and it is now due for Second Reading. Honourable Minister of Energy, can you move the motion?

3.55

**THE MINISTER OF STATE FOR ENERGY AND MINERAL DEVELOPMENT (MINERALS) (Mr Peter Lokeris):** Madam Speaker, I beg to move that the Bill entitled, “The Mining and Minerals Bill, 2021” be read for the second time. I beg to move.

**THE DEPUTY SPEAKER:** Is the motion seconded? Okay,it is seconded by the whole House. Would you like to speak to your motion, honourable minister, just briefly?

**MR LOKERIS:** Thank you, Madam Speaker. This Bill is to seek for various items, which were omitted in the 2003 Bill, to be included and passed into law for implementation. They are missing in the law that is currently being used in the mineral sector.

So, there are very many items, which we have included, that we beg this honourable House to pass into law for us to have a vibrant mining sector in place.

You will notice, as we discuss this, salient issues that are of interest to you and which we need to revitalise the mining industry in Uganda. Thank you very much.

**THE DEPUTY SPEAKER:** Thank you so much, honourable minister, for the brief justification on the principles of the Bill. Can I now have the chairperson of the natural resources committee to present the committee report? The report was uploaded; it is on the iPads.

3.59

**THE CHAIRPERSON, COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES (Dr Emmanuel Otaala):** Thank you very much, Madam Speaker. Before I present the report, I beg to lay on the Table, minutes of proceedings in consideration of the Mining and Minerals Bill, 2021, together with other accompanying documents. Madam Speaker, I beg to lay.

**THE DEPUTY SPEAKER:** Please lay.

**DR OTAALA:** Madam Speaker, as you rightly observed, our report is already uploaded and for that matter, I am going to make a synopsis of the whole report to enable us go through it much more quickly because the report is quite voluminous.

Madam Speaker, I beg to present a report of the Committee on Environment and Natural Resources on the Mining and Minerals Bill, 2021. The committee considered the Bill, in accordance with the Rules of Procedure of Parliament, Rule 18 –*(Interruption)*

**MS NANTABA:** Madam Speaker, our iPads cannot allow us to access the report via *Alfresco* and we cannot really follow what the chairperson is presenting.

**THE DEPUTY SPEAKER:** Do you have the report on the iPads?

**MS NANTABA:** Sorry, Madam Speaker?

**THE DEPUTY SPEAKER:** Do you have the report?

**MS NANTABA:** No, we cannot access it because *Alfresco* is off yet the report has just been uploaded, Madam Speaker.

**THE DEPUTY SPEAKER:** Can you check your iPads again? Yes, Hon. Kabasharira?

**MS KABASHARIRA:** Madam Speaker, allow me to take this opportunity to inform you that while you gave us these gadgets, the so-called iPads, some of us do not even carry them because they have a lot of problems. I wonder what is happening. No wonder, some cannot even open.

**THE DEPUTY SPEAKER:** Kindly, ICT Department, could you support the Members? All of you cannot open the report?

**HON. MEMBERS:** No.

**THE DEPUTY SPEAKER:** Honourable members - can I hear from the Member from Kanungu. Tell us, is it opening or not?

**MS NKUNDA:** Madam Speaker, mine is opening and so, I do not know the problem others have.

**THE DEPUTY SPEAKER:** Thank you. The iPads are the same. Department of ICT, can you work on the iPads for the honourable members from Kayunga and Ntungamo? I guess you just do not know how to operate it. Hon. Silas Aogon, you just do not know how to operate it.

Honourable members, let us get serious on the Bill. If you want a hardcopy of the report, let it be availed to you. Otherwise, let us go ahead with the Bill; we should not waste time.

**DR KEEFA KIWANUKA:** Madam Speaker, although it is available on some iPads, it has just been uploaded. That means we have not actually read and internalised it, other than what the chairperson is going to present.

According to our Rules of Procedure, there is provision that says that the report can be presented and the debate ensues at a later point in time. Will it be procedurally okay, Madam Speaker, to receive it and then debate it in the course of next week?

**THE DEPUTY SPEAKER:** Government Chief Whip, there is a procedural matter here. You have the document on your iPad. Now, the chairperson is also reading the same report. You would be listening and understanding what the report is about. This report has been with the committee for over 60 days. It is a Government report and you people are in -

**MR THOMAS TAYEBWA:** Madam Speaker, the Member of Parliament -

**THE DEPUTY SPEAKER:**  And a chairperson of a committee.

**MR THOMAS TAYEBWA:** Thank you, Madam Speaker. A Member of Parliament is a member to at least a committee and an ex-officio member on every committee. When you have an interest in a certain issue, which belongs to a certain committee, you go to that committee and make presentations. We have done it on several occasions.

This Bill is long overdue. As Government, we have very important assignments. We need to move. Therefore, on our side, as Government, we really needed this Bill as soon as yesterday. We request that you allow us to proceed with processing the Bill.

**THE DEPUTY SPEAKER:** Chairperson, can you read your report?

**DR OTAALA:** Madam Speaker -

**THE DEPUTY SPEAKER:** Can we listen to the report? When we have a disagreement, we will raise it. I am going to allow you to debate this report on condition that we finish it; even if it means going up to midnight, we shall sit here.

**DR OTAALA:** Madam Speaker, I seek for clarification; whether I should read the whole report or I go to the synopsis I was presenting.

**THE DEPUTY SPEAKER:** Are you going to read 300 pages? I told you to give us an executive summary.

**DR OTAALA:** Thank you, Madam Speaker, for your guidance. I would like to first of all thank you for according my committee additional time the other week, when we asked for an extension of time to allow us scrutinise this Bill.

**THE DEPUTY SPEAKER:** Members, we have a minority report, which will be read later *-(Interjections)–* I thought you are a senior member of this House.

**DR OTAALA:** Madam Speaker, the Mining and Minerals Bill, 2021 seeks to provide for a robust, predictable and transparent legal regime that sets out to unlock the potential of the mineral subsector to spur economic development and transformation of Uganda. Currently, the subsector’s contribution to the national economy stands at a decimal 1.4 per cent despite its huge potential.

Therefore, the Mining and Minerals Bill, 2021 seeks to address the inconsistencies in the subsector, fill the gaps identified in the Mining Act of 2003 and also align Uganda’s legislative framework with the emerging trends in the national development agenda and the global mining industry.

As I have already said, I have a comprehensive report, but allow me to highlight the key components.

Financial implications

The committee observed that the implementation of the Bill over a period of 10 years will require Shs 2,372.181 billion, of which, only Shs 26.166 billion, an equivalent of 1 per cent has been committed. However, the committee noted that there is no corresponding financing in the 2021 budget to implement the Bill and the mineral development programme remains unfunded under the NDP III.

The committee recommends that Government prioritises the implementation of the Mining and Minerals Bill, 2021 by ensuring adequate funding in the Financial Year 2022/2023, approximately in the next 10 years *–(Interruption)*

**DR BUKENYA:** Thank you, Madam Speaker, for the opportunity. On Tuesday, last week, there was an advert in the papers, inviting stakeholders to present their views. The miners from Bukuya were just preparing their submission. A week later, there is a report ready. I do not know whether it is procedurally right for us to proceed without exhausting the views of the mining communities.

**THE DEPUTY SPEAKER:** Can we find out if they met the miners?

**MR KATESHUMBWA:** Thank you, Madam Speaker, and thank you, our colleague, for raising that issue. We interacted with stakeholders and among them, was the representative of the association that brings together the small-scale artisanal miners. Therefore, it is not true that they never had an opportunity to present their views. The committee adequately considered their presentations. Thank you.

**DR BUKENYA:** Madam Speaker, even on their list of stakeholders, they are not there. I represent these people. We just sat over the weekend to come and give you a petition after we heard that it was going to be presented this week. I beg that they give us a week or a day and we present our views. There is no reason why we are in a hurry. Even my sister from Busia is sending me a message that they have not interacted with the committee yet. So, I beg that they give us more time.

We have two associations in Bukuya; a federation and Mubende Miners Assembly. They have not listened to us. They only advertised last week on Tuesday and finished the report - maybe they had the report already. That is the only explanation. Let us give them a chance to come and make their presentation.

**THE DEPUTY SPEAKER:** When your Government Chief Whip is talking -

**MR THOMAS TAYEBWA:** Madam Speaker, we are the people’s representatives here and indeed, we guard the interests of our people. When this Bill came, as colleagues, we should have made the effort to go and represent our people.

The chairperson of the committee came here to even ask for extra time, which was granted, and he had to present the report in that extra time. The report here is now beyond the committee. It is a report of the House; it is our report here. The chairman does not have powers to take it back.

Therefore, Madam Speaker, if a Member has interviews from their constituency, they still have a chance at Committee Stage - where you will give them a chance - to present the views of their people.

I am sorry if indeed - because I tried to follow up. I understand two groups of artisanal miners were represented. If the chairman did not include it in the report, he can explain, but he can also present, here on the Floor, their submission, so that it is captured.

However, Madam Speaker, you gave us enough time. I think this culture of us having Bills for months and months - we have to take our stand so that it does not continue in this House.

**THE DEPUTY SPEAKER:** Dr Bukenya, I want you to attentively listen to the clauses; where you feel you are not satisfied, for the good of your people, bring the amendments - remember you are their representative.

**DR BUKENYA:** Madam Speaker, I beg that we listen to the report, give us the weekend so that we prepare for committee stage when we have adequately read their recommendations.

**THE DEPUTY SPEAKER:** Dr Bukenya, I am only one presiding officer in this House. You should appreciate that I am going into ministerial policy statements. I cannot do all these things, please. Unless you are saying that we suspend it until further notice.

4.15

**THE DEPUTY ATTORNEY-GENERAL: (Mr Jackson Kafuuzi):** Madam Speaker, at the risk of running ahead of myself, I would like to allay the fears of the honourable MP for Bukuya whose constituency has many artisanal miners.

This Bill in essence fortifies their work; it allows them to operate, as you will see. I request that you allow us process the Bill, and then you will see that they are comfortable. It has catered for them; there is nothing adversely provided for as far as artisanal miners are concerned.

**THE DEPUTY SPEAKER:** Honourable chairperson, can you read your report?

**DR OTAALA:** Thank you, Madam Speaker. As I proceed with my report, I want to allay the fears of my colleague, Hon. Dr Bukenya, that artisanal miners were consulted.

Among the various stakeholders that we consulted include:

i) Uganda Chamber of Mines and Petroleum,

ii) The Uganda Law Society,

iii) The National Environment Management Authority,

iv) The Minister of Finance, Planning and Economic Development,

v) Civil society organisations (including representatives of artisanal miners),

vi) The Attorney-General,

vii) Gold Refiners and Dealers Association,

viii) African Union Advocates for Natural Resources and Development and

ix) Nalule Energy and Mineral Consultants, among others.

The consultation was comprehensive. Just as in Parliament here, not everybody can come; so representatives of all stakeholders were duly consulted.

Allow me to now move to the second key issue contained in our report; building substances.

Building substances

The committee is of the view that regulation for the exploitation of building substances should be regulated in a separate law, rather than being lumped up in a law intended to regulate minerals.

The committee, therefore, recommends that part six of the Bill be deleted, and that Government moves a Bill to regulate building substances within six months from the date of gazettement of this Bill. Else, my committee will take it up to regulate building substances such as sand, clay, murram and others.

Prohibition of use of explosives without authorisation

Madam Speaker, the use of mercury and cyanide, especially in the mining of gold is inevitable considering the locally existing technology in our country.

The committee recommends that the use of mercury in the informal sector of artisanal and small scale and gold miners should be regulated, as Government works towards its total elimination in accordance with the Minamata Convention on Mercury.

State Equity participation

The Bill grants that a large-scale or medium-scale mining licence may give the state an ownership interest at no cost of up to a maximum of 15 per cent in a large-scale mining license, or medium-scale mining license.

The committee recommends that state equity interests be reduced from 15 per cent to 10 per cent to attract investors in the sector, and to allow our country to compete favourably with the countries whose mining subsector is already well established, developed and have fixed theirs at 15 per cent. *(Interjection)* I am summarising; this is a summary of the report.

The committee further found it pertinent to increase the percentage of royalties received by local governments, given that they are the ones that have to contend with the negative impacts of mining.

The committee recommends providing for the sharing of royalties as follows:

i) 70 per cent - Central Government,

ii) 15 per cent - Local Governments,

iii) 10 per cent - Subcounties, and

iv) Five per cent to the land owners.

Madam Speaker, another pertinent issue concerns the Mineral Protection Force. The committee observed that the mandate of the force as provided for in the Bill is a replica of that of the Directorate of Geological Surveys and Mines. This overlap in mandate is likely to result in disputes and conflicts.

The committee further noted that the protection force attached to government agencies and departments have been misused to violate the rights of the persons carrying out businesses in their respective sectors.

The committee, therefore, recommends that the responsible minister enters into a memorandum of understanding with the Uganda Police Force for proper management of mineral protection.

Mineral Agreements

Clause 30 of the Bill seeks to provide for terms and conditions contained under a mineral agreement and among these is a production sharing agreement.

The committee took cognisance of the need to qualify the application of the production sharing agreement and, therefore, recommends that the production sharing agreements apply to a highly capitalised, high investment and complex mining.

Furthermore, application of these agreements should be limited to where the presence of minerals have been ascertained or quantified.

Madam Speaker, these are the most pertinent issues that I felt needed to be highlighted.

In conclusion, my committee observes that a thriving mineral sector contributes immensely to a country’s social and economic development.

The Mining and Mineral Bill is pertinent in addressing the existing gaps in the current Mining Act, 2003, such as licensing of artisanal, small-scale miners, issuing production sharing agreements that prioritise the country’s interests, establishing a national mining company and strengthening the role of local governments in the mineral subsector.

Therefore, passing the Mining and Minerals Bill, 2021 will strengthen the legal and regulatory framework as well as the human and institutional capacity that will immensely enhance the mineral subsector.

Accordingly, the committee has proposed amendments to the Bill, which we now invite this House to consider for approval to enable its passing into law. I beg to report. Thank you.

**THE DEPUTY SPEAKER:** Thank you, committee chairman for the executive summary. I will still urge you to look at the main summary. The committee members were mindful of their voters at the grassroots.

We had a meeting before we came here to reconcile the positions, and as the representatives of the people, there are things we did not agree with Government and Government had to concede that we cannot make our people suffer. We will look at them at the Committee Stage. We have a minority report. Hon. Charles Tebandeke and Hon. Evans Kanyike.

**MR NSEREKO:** Thank you, Madam Speaker. I have also seen the window of the minority report. Unless you delegate or give authorisation that, that rule be suspended so that I present the minority report, otherwise the Rules of Procedure grant you that power that - and you are the only one with the power. If the House approves that the rule on the presentation of minority reports be suspended so that the whole House gets chance to briefly listen, it can be suspended with the leave of the Speaker.

**THE DEPUTY SPEAKER:** Thank you, Hon. Nsereko. Yes, Government.

4.25

**THE GOVERNMENT CHIEF WHIP (Mr Thomas Tayebwa):** Thank you, Madam Speaker. Indeed, it is in your power and the House that we can suspend rules, but there must be a clear reason. No one has been stopped from coming to this House and no one has asked for permission, formally, to be absent from this House such that we can reach an extent of even suspending the rules to accommodate their views.

Madam Speaker, I beg your indulgence that for any Member, who wants his or her views to be presented in a certain fashionable way, without seeking your permission to be outside this House or without having any serious reason for being outside this House, should not be given audience.

**THE DEPUTY SPEAKER:** Members, rule 205(2) of the Rules of Procedure of the Parliament of Uganda says, “*The Member or Members dissenting from the opinion of the majority of the Committee shall be given time to present the minority report at the time of the consideration of the Committee report*.”

I am not sure whether it is a do or die for us to suspend the rule. Let us go by the rule because this is a people’s House. Hon. Charles Tebandeke and Hon. Evans Kanyike are Members of this House. They should have come to present their views. We agree with them -

**MR NSEREKO:** Most obliged, Madam Speaker.

**THE DEPUTY SPEAKER:** Thank you. Can we move on? Thank you, Members for the report. I am opening debate.

4.27

**MR MUHAMMAD NSEREKO (Independent, Kampala Central Division, Kampala):** Thank you, Madam Speaker. I would like to thank the committee for the job well done. I know we are late in the enactment of this law because the policy was out as far back as 2018.

I would also like to thank the committee for having harmonised the position on the issue of building substances. We would like to commend you on that matter and state categorically clearly that the views of our people in regard to the ownership of murram, sand, clay and other building substances, at least, be in the hands of our people that need a scientific approach.

If you did a study, you might find that over 60 per cent of the land in Uganda is covered with sand, murram or clay. At the end of the day, if that is all left only in the hands – I am not saying “not”, but “only” in the hands of Government, we may deny our people that useful income and innovative skills to come up with either construction or what we would call “elementary mining”. Therefore, I would like to thank the framers of the report for having come up with that compromise.

Secondly, on the issue of time, I am also concerned, but now that we have agreed that we are here as Members, we shall listen keenly and include the views of our people. However, there is a ruling on this matter, I think in the Bank of Uganda case and I will quote it for you at a later stage; that enactment of laws without including the views of the people is against the spirit of the Constitution.

Therefore, it would be important to give them chance to give their views and then you sieve them, as elected legislators, and we come up with our opinion and process them. Since we have agreed, as a House, we can move together clause by clause, as we present the views of our people, although we feel that the artisanal miners should have been given more time.

We have seen the hullabaloo around those who own mines and those who are trying to encroach on them in Buhweju, Kabale, Kanungu, Mubende and Mityana districts. A law is great when people have an input so that they are also carried together forward. Thank you very much.

**THE DEPUTY SPEAKER:** Hon. Nsereko, what I need to put on record is that a substantial number of people were consulted and you know what substantial means. It does not mean that you need to get 100 per cent, but substantially, there was a representation and that is what the law requires. Thank you very much. I thought Hon. Muhammad Nsereko had moved that we go to the next stage.

4.31

**MR JOEL LEKU (NRM, Terego West County, Terego):** Thank you, Madam Speaker and I thank the committee for bringing up the report.

The mineral areas of this country are being ring-fenced for reasons which are not known. People think that when a mineral comes from a particular place, say Karamoja, it belongs to Karamoja; from Mubende, it belongs to Mubende and Kasese the same. It is good that today, the committee has come up with the sale of the royalties. The 70 per cent belongs to Government, but the five per cent, which the honourable member was trying to bring out - what usually happens is that people in Government run and buy the sites of these minerals.

**THE DEPUTY SPEAKER**: Honourable member, that is a clause which will be dealt with at Committee Stage. When we reach that clause, you will bring it up. If you want to amend from 70 per cent to two per cent, you will do that at Committee Stage. For now, let us look at the principles of the Bill.

**MR LEKU:** Most obliged. Thank you.

**THE DEPUTY SPEAKER**: Thank you.

4. 32

**MR SILAS AOGON** **(Independent, Kumi Municipality, Kumi):** Madam Speaker, first, allow me to thank you, for the guidance that you have given to the House. Similarly, I would also like to thank the chairperson of the committee, together with the committee members.

I remember the day when you complained about reports delaying, particularly on Bills - now that this committee has delivered, they deserve some applause *–(Applause)*

That notwithstanding, it is also very important that we observe the Rules of Procedure. Madam Speaker, I am happy that you are the custodian of the rules. What we are mindful about is that at the end of the day, we should not be working on an empty hand. I want to believe that we shall tow the correct line because I believe you have guided correctly.

In the 10th Parliament, I was a member of the Committee on Natural Resources and I happened to visit most of the places, where mining takes place. One of the places I visited was Bukuya, Dr Bukenya’s constituency. We saw what was happening there and how people were being chased away. The evictions left behind very many wounds. I think this Bill comes in handy in sorting out part of the mess, which has been there.

I would like to observe and be happy with the committee for the decision to leave out these other aspects of mining, which are minor to us – murram and sand: these materials for construction. Do not tamper with those ones for now. This is because when you do that, you are going to raise the cost of construction and that will be bad. You will be increasing the number of slums and informal houses in the country.

Doctor and your team, you did a good job.

Madam Speaker, I am aware that there are minerals in Karamoja, for instance. I would like to call upon my uncles and aunties from Karamoja to put their eyes on this Bill. This is our Bill – the uncles and nephews.

I see trucks always crossing over from the other side and passing via Kumi and going to Tororo and the other side – on issues of cement and what have you. Let us check in the Bill; what do we have there? This is so that our people benefit. When it comes to sharing of the profits that come out of mining, what percentages are being given to our people?

I have also seen that when it comes to mining, there is a lot of destruction meted on the roads. Some of these roads are maintained by local governments, but what is the law giving to local governments to compensate them for the damaged roads? This law is very important for us.

I also heard that there are people of Busia who had concerns that –

**THE DEPUTY SPEAKER:** First of all, to answer what you are saying, that is why the committee has made a provision of 10 per cent, in one of the clauses, for the local governments. It has reduced what comes to the Consolidated Fund and increased what goes to local governments because of the environmental impact.

Secondly, including sand and murram would be unconstitutional. I am happy with the committee on that issue. They did a good job.

**MR AOGON:** Yes, Madam Speaker. More to that, there are districts which are not fortunate enough to have minerals. The only minerals we have are murram and sand –

**THE DEPUTY SPEAKER:** Those are not minerals.

**MR AOGON:** They call them minerals. There is a way the scientists have also called them minerals.

**THE DEPUTY SPEAKER:** Look at it from the Constitution. Do not mislead the House. Those are not minerals. Those are building materials.

**MR AOGON:** Madam Speaker, much obliged. I know with the wisdom you have, those are not minerals. *(Laughter)* In Kumi, we do not have any mineral. What I wanted to emphasise here is that in this law, let us make sure that for the districts where there are no minerals, you make an allocation for us to also benefit from something because there is something that we also contribute, as you do your mining. Please, be mindful about us too.

An equaliser should be provided for a district like Kumi, which does not have minerals. We only have sand and murram.

I know doctor is an intelligent man. I am happy that this Bill is going to sort out a lot of issues. As I sit down, I request that, Madam Speaker, you accord the Members of Parliament, who come from places that have minerals, enough time – particularly Dr Bukenya. Even if he wants 20 minutes, accord it to him so that he is able to air out all the views –

**THE DEPUTY SPEAKER:** Hon. Aogon, you are not going to manage the House for me. *(Laughter)*

**MR AOGON:** Much obliged, Madam Speaker. I only said so because I know you listen to your humble Members. I thank you. I end my submission by wishing Members fruitful deliberations. This is a serious matter. Do not go out. Stay put. Thank you.

4.38

**MR TONNY AYOO (NRM, Kwania County, Kwania):** Thank you, Madam Speaker. I would like to start by thanking the committee.

In making laws like this about minerals that affect the lives of the people, I believe that these laws should be pro-people. When I see the recommendations that have been presented by the committee, I believe that many considerations have been made to support the people and the country. One of the areas that I would like to look at is the recommendation that there should be planned training of Ugandans for employment and progressive reduction of expatriate workers in the mining industry.

We should support this position that, as foreign miners come in, they should have a plan to show that Ugandans are going to be employed and they are going to be trained so that over time, we develop our own mining skills. By that, we would be reducing on the number of experts in most parts of mining.

Madam Speaker, involving the local communities is yet another concern that affects the people. Sometimes, there are minerals in a particular area, but the communities are not part of any mining and they do not even get any benefits from the minerals within their areas because right from the beginning, they are not involved. They see foreigners coming and taking over the place, displacing them, fencing the land off and they just watch the dust.

I think that in this particular case, we are proposing that we involve the local people, look into their issues and ensure that environmental impact assessments are done. Then, royalties - what they should benefit from – is included as well as ensuring that the social corporate responsibility of putting up schools and hospitals are planned for from the beginning.

With this, this committee report is okay. The Bill has considerations that are pro-people. I would like to thank the committee and we shall support it. Thank you.

4.41

**MR ENOSI ASIIMWE (NRM, Kabura County, Lyantonde):** Madam Speaker, based on the time we had to go through the report and the way the chairperson summarised the report, and considering the time left, I would like to move the motion that we move to Committee Stage so that we discuss item by item and properly make our contributions based on clauses of the Bill. Thank you, Madam Speaker.

**THE DEPUTY SPEAKER:** Is the motion seconded? *(Members rose\_)* Yes, it is seconded. Honourable members, I now put the question that the Bill entitled, “The Mining and Minerals Bill, 2021” be read for the second time.

*(Question put and agreed to.)*

BILLS

COMMITTEE STAGE

THE MINING AND MINERALS BILL, 2021

4.42

Clause 1

**THE CHAIRPERSON, COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES (Dr Emmanuel Otaala):** Thank you, Madam Chairperson. These are the proposed amendments to the Bill.

Clause 1. Commencement:

The committee is recommending that we substitute the provision as follows –

“This Act shall come into force on a date of publication in the gazette, save for section 335(2)(s) on levies payable for export of minerals, which shall come into force on the first of July 2021.

The justification is to avoid delay in the implementation of the Act and to enable Government recover revenue from gold exporters in the arrears. I beg to submit.

**MR LOKERIS:** Madam Chairperson, I do concede to the proposal as moved.

**THE DEPUTY CHAIRPERSON:** Thank you. I put the question that clause 1 be amended as proposed.

*(Question put and agreed to.)*

*Clause 1, as amended, agreed to.*

Clause 2

**DR OTAALA:** Madam Chairperson, in clause 2 which is on application, the committee is proposing that we delete subclause 2 (b).

The justification is that building materials or substances should be regulated separately because Article 244(5) of the Constitution excludes them from the definition of minerals. I beg to summit.

**MR LOKERIS:** Madam Chairperson, I do concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 2 be amended as proposed.

*(Question put and agreed to.)*

*Clause 2, as amended, agreed to.*

Clause 3

**DR OTAALA:** Madam Chairperson, clause 3 is on the purpose of the Act and the committee proposes to amend paragraph (c) by deleting the words “extraction of building substances” and any reference to building substances wherever it appears in the Bill.

The justification is that this is consequential since we have already deleted the words “reference to building substances.” I beg to submit.

**MR LOKERIS:** I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 3 be amended as proposed.

*(Question put and agreed to.)*

*Clause 3, as amended, agreed to.*

*Clause 4, agreed to.*

*Clause 5, agreed to.*

*Clause 6, agreed to.*

*Clause 7, agreed to.*

Clause 8

**THE DEPUTY CHAIRPERSON:** This is on interpretation.

**DR OTAALA:** Madam Chairperson, on interpretation, the committee proposes the following amendments: (i) amend the definition of “precious mineral,” under paragraph (b) by deleting the words “rare earth elements.”

The justification is that rare earth elements are not precious minerals; they are industrial minerals and are not treated as precious by world markets.

Rare earth elements should be separately defined and for that matter we propose to introduce definitions of new words as follows:

(i) “Borehole” means a narrow shaft bored into the ground, either vertically or horizontally as part of the geotechnical investigation, environmental site assessment, mineral exploration, temperature measurement, installing piers or underground utilities for geothermal installations or for underground storage of unwanted substances.

(ii)  “Complex project” means a project with significant integrated components, unique equipment, multifaceted systems, intricate phasing or that is marginal in context.

(iii) “Geothermal resource” means a reservoir of heat occurring naturally within the subsurface of the earth carried to the earth’s surface by water and/or steam.

(iv) “Highly capitalised project” means a project whose capital investment is about $300 million.

(v)    “Primary host community” means a single community of persons mutually agreed –“ *(Interruption)*

**MR AOGON:** Thank you, Madam Chairperson. I did not intend to interrupt. Usually, when we are processing Bills, we start with other business and conclude with the interpretation clause.

There is meaning in doing that because you are about to interface with a lot of work that needs proper interpretation and, therefore, if we rush and start with interpretation now, we may get stuck. I beg to move.

**THE DEPUTY CHAIRPERSON:** When you set a precedent, you can equally set another one. So, in the 11th Parliament, we are also setting another precedent and so don’t worry; we are moving in the right direction.

**MR AOGON:** Much obliged, Madam Chairperson.

**THE DEPUTY CHAIRPERSON:** Thank you.

**DR OTAALA:** Thank you, Madam Chairperson, for your ruling. May I repeat that:

“Primary host community” means a single community of persons, mutually agreed by the holder of a large scale, medium scale or small scale mining licence and the local government where the mining area is located, but if there is no community of persons residing within 30 kilometres of any boundary defining the mining area, the primary host community shall be the local government.

“Rare earth element” means a group of 17 elements appearing in the periodic table comprising 15 lanthanides, yttrium and scandium.” I beg to submit the proposed definitions.

**THE DEPUTY CHAIRPERSON:** Honourable minister.

**MR LOKERIS:** It seems they explain what is appearing in the Bill. Thank you.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 8 be amended as proposed.

*(Question put and agreed to.)*

*Clause 8 as amended, agreed to.*

*Clause 9, agreed to.*

Clause 10

**DR OTAALA:** Madam Chairperson, the committee proposes to amend the headnote to read as follows: “Prohibition of unauthorised activities.” The justification is that this is for clarity.

In subclause (1), we are also proposing to delete the reference to “regulations made under this Act”.

The justification is that an Act must make reference to its equivalent and not to regulations; and besides, reference to the Act includes regulations met thereunder.

The next proposed amendment is that in subclause (2), we insert the words, “in consultation with the relevant state authority” after the word “minister”.

The justification for this is to enable the minister consult with the relevant authority, in order to make decisions from an informed point of view.

In subclause (3), Madam Chairperson, we are proposing that:

1. Paragraph (a) be amended by substituting “one hundred thousand currency points” with “fifty thousand currency points” and “imprisonment not exceeding ten years” with “imprisonment not exceeding five years”.
2. We also propose, in paragraph (b), that we substitute “one hundred thousand currency points” with “fifty thousand currency points”.

The justification is to avoid giving very stringent penalties.

We further propose to delete subclause (4). The justification for this is that the punishment under subclause (3) is adequate and, therefore, there should not be any additional penalties.

We further propose that we insert a new subclause to read as follows:

“*Court may, in addition to the penalties imposed under this section, order that the mineral substances that were extracted illegally, and any items and instruments used in the commission of the offence, be seized and forfeited to Government*.”

The justification, Madam Chairperson, is for a robust penalty.

We further propose to insert a new clause, after clause 10, to read as follows:

“Aiding illegal operators” and under that, we propose the following:

*“A person who aids illegal prospectors or operators, in contravening the provisions of Section 10* –

**THE DEPUTY CHAIRPERSON:** Chairperson, why don’t we handle section 10 first, before you bringing the new clause? That is a new clause. Let us first finish section 10, then you bring in the new clause.

**DR OTAALA:** Thank you for your guidance.

**THE DEPUTY CHAIRPERSON:** Hon. Muhammad Nsereko?

**MR NSEREKO:** Before the minister comes in, thank you, chairperson. The chairperson proposes a reduction of the currency points. Honourable members, for avoidance of doubt, each currency point is 20,000. So, in this case, 150,000 currency points would be a maximum limit of about Shs 3 billion, if it is 150,000. On reduction to 50,000, it comes to about Shs 1 billion.

My proposal would be about 25,000, instead of 50,000 currency points; that takes us to about Shs 500 million. The justification is in prohibition of the following: if you conduct any of the following, as per clause 10; exploration, mining, processing, refining. There are very many people who process minerals in their secondary form and not their primary form. Ordinarily, very many people might not know that it is in its raw form, but it is a mineral. Then, you process it in its secondary form. That one has not been clearly been distinguished. So, this one is looking at the high players, but we have these artisanal miners who add value and are not necessarily licensed.

Mining is very complicated at its level, but we have what we call “secondary processing” - cut for me the edges, like cutting of certain minerals. That is part of processing in the value chain of a mineral.

Unless we sensitise them, but giving them a penalty of one billion shillings - I know it is deterrent and good, but Shs 500 million is reasonable because when we talk about Shs 500 million, now all of us hear one another. What we heard in the first instance - and I would like to thank the committee - was about Shs 3 billion. In your wisdom - which was right - it came down to about Shs 1 billion - 50,000 currency points.

Since it is *sui generis*, my proposal, Madam Chairperson, is 25,000 currency points, that take us to a maximum limit of Shs 500 million, would be sufficient. That is my proposal.

**THE DEPUTY CHAIRPERSON:** Thank you, Hon. Muhammad Nsereko. I want to refer you to the principles of this Bill and specifically look at principle (f). One of the principles of this Bill is to introduce a prohibitive penalty and fines regime.

**MR KATESHUMBWA:** Thank you, Madam Chairperson. The information I want to give my colleague is that when you talk of the minerals, the value of some of the minerals is so high that if you provide for a very small penalty, you are bound to have people who actually abuse the law and take away our minerals, and they will easily pay that Shs 500 million. So, it was a very huge debate. The considered view of the members is that you provide for high penalties to protect the minerals of the people of Uganda. Thank you.

**MR ENOSI ASIIMWE:** Thank you, Madam Chairperson. I wanted to refer you to clause 10(2). I wanted us to dilute the powers of the minister under that section because here, it says, “The minister may prohibit mining operations, in the interest of security”.

However, Madam Chairperson, we might have a case where a minister is conflicted, like the current case we have right now. I believe the honourable minister has an interest in this Bill. So, if a minister is conflicted, it might have an effect. I suggest that we dilute the powers of the minister under clause 10(2).

**THE DEPUTY CHAIRPERSON:** Hon. Enosi Asiimwe, we do not make laws for an individual. Today, the minister is there; tomorrow, you will be in Agriculture. We are making this law for the people of Uganda, not for individual ministers.

**MR ENOSI ASIIMWE:** Thank you, Madam Chairperson, but my argument has a lot to do with having a similar scenario, where a minister is conflicted or has interest in the mining sector. So, in my view, we limit or dilute the powers of the minister in controlling or prohibiting the mining operations, based on the reasons stated in this Bill.

**THE DEPUTY CHAIRPERSON:** You see, Hon. Enosi Asiimwe, this is the same thing we did in the petroleum laws. We have a political head who should be responsible and this is the same thing we are doing today. We do not need to have a contradiction. In the petroleum law, you have something else; in the mining law, you have something else. You need consistency whenever you are making a law.

**MR ENOSI ASIIMWE:** Madam Chairperson, I appreciate your argument, but I believe every sector has different requirements –

**THE DEPUTY CHAIRPERSON:** Anyway, we will get a response from the chairperson and the minister.

**MS NANTABA:** Thank you, Madam Chairperson. We are discussing a very important matter, concerning of our income and economic activities that we do on a day-to-day basis to raise and uphold what we have for the betterment of our country.

I would like to raise the issue of quorum because we are discussing an important matter. Rule 24 of our Rules of Procedure reads:

*“(1) The quorum of Parliament shall be one third of all Members of Parliament entitled to vote.*

*(2)  The quorum prescribed under subrule (1) shall only be required at a time when Parliament is voting on any question.*

*(3) At any time when a vote is to be taken, the Speaker shall ascertain whether the Members present in the House form a quorum for the vote to be taken, and if he or she finds the number is less, the Speaker shall suspend the proceedings of the House for an interval of fifteen minutes, and the bell shall be rung.*

*(4) If on the resumption of proceedings after the expiry of fifteen minutes the number of Members present is still less than the required quorum for voting, the Speaker shall proceed with other business or suspend the sitting or adjourn the House without the question put, and in case of a committee, the chairperson shall adjourn the committee.*

*(5) If it appears to the chairperson in a Committee of the whole House that there is less than the required quorum for the committee to take a decision, the House shall be resumed thereupon and the Speaker shall act in accordance with the procedure set out in subrules (3) and (4).*

*(6) For the avoidance of doubt, a Member virtually present in the House shall form part of the quorum of the House.”*

It is in view of that rule that I request that we ascertain the number of Members of Parliament present here today to vote on this Bill. This is a vital Bill that every Member of Parliament should have been given a chance to debate such that we take decisions that will not affect the interests of those that are not here present today. I beg to move.

**THE DEPUTY CHAIRPERSON:** Thank you very much, *Mama* Kayunga. I am happy that you have been in this House since the COVID-19 period started. The COVID-19 regulations were made and we agreed that we will be having sittings of 100 Members. The rules are that we must have a third of the Members of the House; the fact that we have one third of the Members in the House, we are proceeding very well.

**DR KEEFA KIWANUKA:** Madam Chairperson, I would like to give information. Hon. Nsereko, you are right. The penalty of Shs 1 billion is very high.

There are two things we need to bear in mind. When we talk about illegal mining, there are two categories of people; the first category is the artisanal miners. Those are ordinary people making a living and actually their capital is normally limited to Shs 10 million.

Then, we have many big companies operating on an exploration licence. Many of them are mining without a mining licence, but with an exploration licence.

Therefore, when talking about the fine, we need to divide it into two; there should be a fine for artisanal small-scale miners and a fine for bigger companies. I do not think they should pay the same amount. This is what I am inviting hon. Nsereko, the honourable chairperson and the others to think about.

**THE DEPUTY CHAIRPERSON:** Thank you very much. Maybe just to correct what my little son, hon. Enosi said - that what “I argued” - I did not argue; I only guided. The Speaker guides; the Speaker does not argue.

**MR NSEREKO:** Madam Chairperson, as I correlate his point, we can strike a balance here. We are making a law for small and big players. In my view, we can say that in case of artisanal miners - and I do not know how we can coin this with the Attorney-General - that the fine - because someone using about Shs 10 million shillings of capital - if we talk about mining, then he is also caught up in the Act. This guy mining on artisanal level - if they do not have a licence - on conviction, it is Shs 1 billion. Unless we have an escape gap for small players - I can understand the rationale for this, but how do we accommodate the small players, like hon. Kiwanuka has said?

**THE DEPUTY CHAIRPERSON:** Before the Attorney-General comes in, the minister issues a licence and in issuing the licence, the minister determines whether it is a small miner or a big one. When you look at the rules, it is categorically clear that the minister will issue and determine the type of miner. Attorney-General, can you guide us?

**MR KAFUUZI:** Thank you, Madam Chairperson. I acknowledge that we have artisanal miners who are small operators, but we also know that behind some artisanal miners, there are very big operators. If we say “artisanal miners”, we exempt them as such. Every big operator will now go underground and operate as an artisanal miner behind the scenes. *(Interruption)*

**MR NSEREKO:** Hold on a second. Madam Chairperson, I would like the minister - you see - we talk of young people trying to find their feet. I understand your fear. Equally, just like you have to – you know the miners who use alluvial style of mining; a young lad, 16 years gets out, he is at the banks of the river or in the wetlands, checks that thing and gets some little gold – I am trying to say this because it is possible. Are you saying that that person cannot sell that gold since it is illegal and they need a licence? That is what I want to hear from the minister. Those are thousands and millions, and if they are found with this gold, they will have to pay Shs 1 billion.

**THE DEPUTY CHAIRPERSON:** Let us hear from the Minister.

**MR PETER LOKERIS:** Thank you very much, my friend, Hon. Nsereko. Yes, I know the fears that we have. First, we are saying you must have a licence. That is why we are reorganising people into cooperatives. We have said that even if you are an individual, you should get that licence.

There are many reasons you have a licence. There are people who can spoil the ground with a lot of gaping holes and they go away; they would have spoilt the environment. There should be some kind of control in the activities you are doing.

If you now say “I am going to mine”, even when you need to move what they call “prospecting” which is moving throughout Uganda - it could be a foreigner. If you want, you move with some little money, but for the case of fines - there is a legal word; we are saying, “not exceeding”. Not exceeding is to give the court what they call fines. “Not exceeding” is to give the court discretion. You do not deter and say do this.

**MR NSEREKO:** I have conceded. Do not worry since that is the limit.

**THE DEPUTY CHAIRPERSON:** Honourable minister, when you look at the interpretation clause on the artisanal mining license, it means a license issued under section 99. It is accepted.

**MR PETER LOKERIS:** Thank you. With the cooperation of my friend, I concede; but the flexibility of court should be left.

**THE DEPUTY CHAIRPERSON:** Thank you. I put the question that clause 10, be amended, as proposed.

*(Question put and agreed to.)*

*Clause 10, as amended, agreed to.*

New clause

**DR OTAALA:** Madam Chairperson, just for the record, I misread clause 10, by reading subclause (1) as subclause (i) so for the record that should be captured.

Madam Chairperson, I now move to the insertion of a new clause after clause 10 to read as follows *–(Interjection)–* it will be done later on by the draftspersons.

The proposal is to insert “Aiding illegal operators” so that it reads: “A person who aids illegal prospectors or operators in contravening the provisions of section 10 commits an offence and is liable on conviction to a fine not exceeding twenty-five thousand currency points or imprisonment not exceeding two years”.

The justification is to be all inclusive. I beg to submit.

**THE DEPUTY CHAIRPERSON:** Minister?

**MR PETER LOKERIS**: Madam Chairperson, I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that the new clause stands part of the Bill.

*(Question put and agreed to.)*

*New clause, agreed to.*

Clause 11

**THE DEPUTY CHAIRPERSON:** On which clause are you raising a point of clarification?

**MR AOGON:** Madam Chairperson, I am sorry if I am taking you back. Otherwise, I feel there is a very big issue on confiscation of all equipment that is used in the process of facilitating mining wrongfully.

If someone is using a car and the car is hired, for instance, and now it is captured and sold - as a Member of Parliament, you own a truck, and suppose your driver uses it and you do not know that he has taken it to a mining site, and it goes, how do we handle that?

**THE DEPUTY CHAIRPERSON**: There is what they call “strict liability” and “vicarious liability” in law. Have you heard? I put the question that clause 11 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 11, agreed to.*

Clause 12

**DR OTAALA:** Madam Chairperson, which clause 12, we are proposing to amend subclause (2) by deleting the words “quarry license”.

The justification is that clause 12(2) bundles a quarry license together with mineral rights, which subsequently creates the impression that a quarry license is a mineral right and yet a quarry license is not among the mineral rights listed under section 14. I beg to submit.

**THE DEPUTY CHAIRPERSON:** Minister?

**MR PETER LOKERIS:** We did discuss so and, therefore, I concede.

**THE DEPUTY CHAIRPERSON:** I now put the question that clause 12, be amended, as proposed.

*(Question put and agreed to.)*

*Clause 12, as amended, agreed to.*

*Clause 13, agreed to.*

*Clause 14, agreed to.*

*Clause 15, agreed to.*

Clause 16

**DR OTAALA:** Madam Chairperson, under clause 16, we are proposing to insert a new paragraph immediately after paragraph (a) to read as follows: “provide policy guidance, oversight and adherence to standards”.

The justification is to be more comprehensive.

**THE DEPUTY CHAIRPERSON:** Minister?

**MR PETER LOKERIS:** I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 16 be amended as proposed.

*(Question put and agreed to.)*

*Clause 16, as amended, agreed to.*

Clause 17

**DR OTAALA:** In clause 17, I beg to amend subclause (3) by substituting for the word “minister” the word “director”.

The justification is that it is a typographic error. The clause provides for the powers of director and reference to minister is misplaced.

We are also proposing to insert a new subclause (4) to read as follows: “A person aggrieved by the decision of the Director, may appeal to the minister and the minister shall respond to the appeal within 21 days from the date of appeal”.

The justification for this proposed amendment is to provide for the appeal process.

**MR PETER LOKERIS:** Madam Chairperson, we examined this with the chairperson of the committee and others. We found out that in many jurisdictions, the minister handles some functions, so these should go back to the minister. The directors are technical people who work around to do all the technicalities. So, the minister should be involved in the administration. Otherwise, when the minister is summoned, he/she may say, “I really do not know what happened”. In countries like Tanzania and Kenya, the minister is responsible so that he/she is pinned, if there is any problem.

In addition, in the Cabinet, this matter was brought and it was passed that the minister should also be held responsible because it is the minister who determines the every nitty-gritties. Just like the way we do for petroleum, the discussions are there and when you append your signature, you should be held responsible and not to leave it hanging.

**THE DEPUTY CHAIRPERSON:** Honourable minister, I thought this Bill came from the Executive. What the committee is doing is to make corrections of what you put there that, … the minister shall”. The heading of the clause is the “Powers of Director”. We are only correcting. Instead of “minister”, put “director”. The one of the minister is clause 16.

**DR OTAALA:** Madam Chairperson, actually, we have not reached where he is responding to. Therefore, this was merely typographical.

**MR MUHAMMAD NSEREKO:** Madam Chairperson, I understand the fear of Hon. Lokeris –

**THE DEPUTY CHAIRPERSON:** Do not go there.

**MR MUHAMMAD NSEREKO:** Madam Chairperson, I am not going there, but it is true there are very many sweeping powers by technical officers. That is why at times, when you seek redress from the policy directors, who are the ministers, they have no answers. They tell you: “Listen, you tied my hands when you were making the law.” On this, we can assure you that we are going to support you 100 per cent. You should have sweeping powers because everywhere, on decisions of licensing – I think we even made it clear in the Petroleum Act and other Acts – the powers shall be vested with the minister so that you are answerable to us here in Parliament. So, I know your worry, but is catered for in clause 19.

**MR AOGON:** I was giving Hon. Muhammad Nsereko information that actually, a minister without powers is no minister. Therefore, we need to empower the minister. We cannot afford to have you there with a vehicle and an office without powers. You will be nobody. Therefore, we stand with you. Let your power be restored accordingly.

**THE DEPUTY CHAIRPERSON:** Members, I want you to look at the Bill very well.

*“… (3) In exercising his or her powers and functions under this Act, the minister shall-*

*(a) Ensure that as little damage and inconvenience as possible is caused to the registered owner, customary owner, lawful occupant or bonafide occupant of the land on which the powers are exercised; and*

*(b) Take into account the spatial, physical planning and land use considerations as determined by the National Planning Board.”*

It gives the minister powers.

**MR MUHAMMAD NSEREKO:** The issue why the chairperson came up is that it was put under the powers of the director in clause 17, whereas functions of the minister are in clause 16.

Therefore, it is two way: either you pull this back to clause 16, as 16(d) – in exercising his powers and functions. When you read clause 16, it is where the functions of the minister are. After that, we move to the powers of the director.

You either pull this back to the functions of the minister – because it is spelling out the functions of the minister, that in exercising his or her powers and functions under this Act, the minister shall… You either pull it back to clause 16 or, if it was meant for the director, then you amend to remove the title of “minister”. However, if the powers are for the minister, like I want them to be, then we move them back to clause 16.

**THE DEPUTY CHAIRPERSON:** You see, the Act is giving a limitation on the director. It is saying that the director, in exercising his duty, the minister shall do A, B, C and D – meaning that the minister is still responsible for what the director does. Can we hear from the Attorney-General?

**MR MUHAMMAD NSEREKO:** Let us not be ambiguous – that is why we are here to legislate. If that is what we are saying, let us make it explicit.

**THE DEPUTY CHAIRPERSON:** That is why it is saying, “in exercising his or her powers and functions, the director…” – check clause 17.

**MR KAFUUZI:** Madam Chairperson, just like you have said, clause 17 makes reference to the director. The amendment moved by the chairperson is to remove the word “minister” and replace it with the word “director”. The intention is that the director handles the nitty-gritties while clause 19 is to be amended: the “functions of the director” should be “the functions of the minister” *–(Interjection)-* yes, on the grant of the licence.

Therefore, the administration of nitty-gritties *–(Interruption)*

**MR MUHAMMAD NSEREKO:** In lieu, are you proposing that when we go to clause 19, we remove all the functions of the director and replace them with those of the minister? Are you saying we should put in clause 19 – Madam Chairperson, I am sorry to move you faster – that the minister shall be responsible for granting mineral rights, licences, permits and other authorisation under this Act? Is that so? Okay.

**THE DEPUTY CHAIRPERSON:** Hon. Muhammad Nsereko, clause 16 of the Act talks about the functions of the minister. Even when you go to clause 99 –

**MR MUHAMMAD NSEREKO:** Clause 19 –

**THE DEPUTY CHAIRPERSON:** 99.

**MR MUHAMMAD NSEREKO:** 19 –

**THE DEPUTY CHAIRPERSON:** No, check clause 16 first.

**MR MUHAMMAD NSEREKO:** Yes, I have seen.

**THE DEPUTY CHAIRPERSON:** Clause 17 talks about the director.

**MR MUHAMMAD NSEREKO:** Yes.

**THE DEPUTY CHAIRPERSON:** Clause 18 is on the functions of the directorate.

**MR MUHAMMAD NSEREKO:** Then clause 19?

**MR KAFUUZI:** I am sorry to appear to be moving ahead of ourselves. The contents of clause 19 should have formed part of clause 16. They are powers of the minister, not the director.

**MR MUHAMMAD NSEREKO:** Since it is the Government proposing, who are we to say no?

**MR KAFUUZI:** The powers to grant the licence should be with the minister. Therefore, we shall amend clause 19. Instead of “director”, call it “functions of the minister”.

However, what we need to correct is that clause 16 also talks about functions of the minister. These two clauses are all talking of functions of the minister. We need to merge them so that we have one clause about the functions of the minister. I beg to submit.

**MR AOGON:** Madam Chairperson, I rise on a point of procedure. I wanted to invite colleagues –

**THE DEPUTY CHAIRPERSON:** I am not listening to you. *(Laughter)*

Honourable members, after reconciliation, you realise licensing is very important and should be handled by the minister. Anything in the Bill that regards licensing is the responsibility of the minister. *(Applause)*

**MS ALYEK:** Madam Chairperson, I would like to seek clarification on two things: the functions and powers. What I understand is that the functions of either the minister or the director are the responsibilities, but I am not seeing the powers of a minister being catered for here apart from the powers of the director. I would, therefore, like to seek some clarification. Are they not similar things? Thank you.

**THE DEPUTY CHAIRPERSON:** I have already guided on that. The persons who are going to do the drafting of this Bill must capture this very clearly. Anything on licensing must be under the minister. I am putting a question -

**MS ALYEK:** Thank you, Madam Chairperson.

**THE DEPUTY CHAIRPERSON:** Okay, I put the question on my guidance that all matters of licensing, as the House has proposed, be under the minister.

*(Question put and agreed to.)*

*Clause 17, as amended, agreed to.*

Clause 18

**DR OTAALA:** Madam Chairperson, under clause 18, on the functions of the Directorate of Geological Surveys and Mines, we propose to redraft subclauses (1),(2),(3) and 4 to read as follows:

“(1) The Directorate of Geological Surveys and Mines is responsible for the regulation and management of minerals and mining activities through the Department of Geological Surveys, the Department of Mines, the Department of Geothermal Resources and any other departments that shall be created by the directorate.

(2) The Department of Geological Surveys shall –

1. Establish and promote the mineral potential of Uganda through reconnaissance, exploration, geological mapping, geochemical surveys, geophysical surveys and any other method;
2. Collect, manage and provide access to geological data and information from mineral exploration and development operations;
3. Promote mineral beneficiation and value-addition;
4. Establish and maintain an accredited mineral laboratory for analysing mineral samples, rocks, mineral concentrates, tailings or minerals;
5. Delete (e)
6. Promote and conduct research and development in the mineral sub sector;
7. Delete (g) because it is already subsumed under (a);
8. Delete (h) because it is covered under (a);
9. Delete (i) because it is covered under (d); and
10. Delete (j) because it is covered under (e).”

Further, we propose an insertion of paragraph

(k) Perform such other functions incidental to the Department of Geological Surveys.

(3) The Department of Mines shall be responsible for:

1. The regulation of mineral rights, monitor implementation of programmes, plans and reports and inspect, monitor and audit mining operations;
2. Enforce the provisions of this Act and any other written law to implement the certification of designated minerals;
3. Delete paragraph (c) because it is contained in (a);
4. Assess and verify mineral royalties and other payments under this Act;
5. Mainstream and organise artisanal mining in Uganda;
6. Delete paragraph (f) because it is not a core function of this department. It is important and shall be performed even when not in the law;
7. Delete (g) because this is a role of the entire ministry and the national mining company;
8. Regulate and manage the impact of mineral activities on the economy, environment and socio-economic life.”

We are proposing to delete paragraph (i) because it is containing (a);

“(j) Facilitate the development of skills and capacity among Ugandans and promote technological development in the mineral subsector;

(k) Encourage private sector participation in the exploration and exploitation of mineral resources;

(l) Recommend to the director the suspension or revocation of mineral rights as a result of inspections and monitoring;

(m) Develop and observe internationally accepted standards of health, safety, environmental protection and protection of human rights in the mineral subsector in consultation with Uganda National Bureau of Standards and other relevant Government agencies.”

We are proposing to delete (n) because this is a role for the entire ministry.

(o) We are proposing to insert, “perform such other functions incidental to the department of mines.

(4) The Department of Geothermal Resources shall –

1. Conduct surface and subsurface exploration of geothermal prospects;
2. Undertake pre-feasibility and feasibility studies in order to provide an economic basis for licencing of geothermal resources;
3. Participate in the preparation of agreements including implementation agreements - we are proposing to delete ‘power purchase agreements’ because these are not for direct use of geothermal resources; ‘power purchase agreements’ and ‘connection agreements’ should be deleted – and direct use contracts to support licences and enable private sector participation in the development of energy from geothermal resources,
4. Promote sustainable - delete the word ‘commercial’ – “development of geothermal resources;
5. Delete the whole of paragraph (e) because it is incidental to (d);
6. Regulate and monitor the performance and technical compliance of licences for geothermal operations;
7. Recommend to the director the suspension or revocation of licences for geothermal operations as a result of non-compliance. Delete ‘inspection and monitoring.’;
8. Manage the geothermal database and provide information to stakeholders, and conduct research and advise on appropriate geothermal technology and development;
9. Delete paragraph (i) because it is contained in (h);
10. Perform any other function incidental to the function of the department of geothermal resources.

(5) “The directorate may, for the purpose of this Act, establish regional offices.” That is an insertion, which we are proposing. I beg to submit.

**THE DEPUTY CHAIRPERSON:** Minister; let him either accept or reject.

**MR PETER LOKERIS:** There are consequential words here; for instance (l), on page No.35 it says, “Recommend to the director the suspension or revocation of mineral rights….” The person who suspends the licence should recommend to the minister.

**THE DEPUTY CHAIRPERSON:** That is already given.

**MR PETER LOKERIS:** Thank you very much.

**THE DEPUTY CHAIRPERSON:** Attorney-General do you want to say something?

**MR KAFUUZI:** It may not be very different from what the honourable minister said. Clause 2(l), recommend to the - replace the word “director” with the word “minister” and add “responsible for licencing, the suspension or revocation of mineral rights as a result of inspection and monitoring.” Meaning that the directorate of geological surveys recommends to the minister and this subclause (l), should be reflected in subclause (g) of clause 4.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 18 be amended as proposed, with amendments from the Deputy Attorney-General.

*(Question put and agreed to.)*

*Clause 18, as amended, agreed to.*

Clause 19

**THE DEPUTY CHAIRPERSON:** I put the question that clause 19 be synchronised with clause 16 -

**MR MUHAMMAD NSEREKO:** Before you put the question; clause 19 was first dealt with in subclause (1) by changing the functions of licencing. In subclause (2), “The director shall in granting”- in this case it should be, “The minister shall, in granting mineral rights and licences in accordance with the Act, coordinate with other Government ministries.”

Then, there is revocation as well; now even the issue of revocation is shifted from the director to the minister. In the first amendment the question in synchronisation was licencing.

**THE DEPUTY CHAIRPERSON:** I said synchronise clause 19 with 16, carry 19 to 16 as it is; with the word “minister” replacing the word “director”.

**MR MUHAMMAD NSEREKO:** I agree with you, Madam Chairperson, only that it should be clear that the consequential amendment is named here and you state that, “clause 16 be synchronised with clause 19.”

That would imply we stood over clause 16 and, therefore, the functions of the minister now shall be, amongst others, “16(1) The minister shall mobilise financial and other resources” that would mean we introduce clause 16(I)(a) to read as follows: “Mobilise financial and other resources for the management and development of the mineral subsector;

(b) Perform any other function that is incidental” - but before (b), because that would be a concluding one; that “The minister shall be responsible -” and now this should come first.

Now the new clause 16 may read: “The minister shall be responsible for granting mineral rights, licences, permits and authorisation under this Act.”

**MR KAFUUZI:** Madam Chairperson, we agree with the principle that the contents of paragraph 19 form part of paragraph 16; whatever is left is for drafting. We have also agreed in principle that for that purpose, the word “director” is replaced with the word “minister.” The rest is for the draftsperson to align the clauses.

**MR MUHAMMAD NSEREKO:** But I hope we are explicit on issuing and revocation, so that we are not ambiguous.

**THE DEPUTY CHAIRPERSON:** No, it is on both.

**MR AOGON:** Madam Chairperson, I am happy with your guidance and we are proceeding very well. However, I have one procedural concern: Wouldn’t it be procedurally proper for us to let the technical officers handle this? We can then proceed with other business, they return the draft and then you put the question after we have understood exactly what they have drafted.

**THE DEPUTY CHAIRPERSON:** Hon. Silas Aogon, do you think if you have not understood, we all have not understood? *(Laughter)* We are following this Bill very critically.

I put the question that clause 19 be synchronised with clause 16, including the amendments of Hon. Nsereko.

*(Question put and agreed to.)*

**MS ALYEK:** That is right, Madam Chairperson; that is correct. However, I am still insisting on where the functions of the director will be. There is a big difference between functions and authority; because authority is the power that you have over something while functions are responsibilities. I may have responsibilities, but I may not have the authority. I may be assigned responsibilities to do something, but the powers will not lie on me; they will lie on somebody else.

So, where are the functions of the Director? The powers are there; the powers of the director are put under clause 17. We are now synchronising clause 19 with clause 16. This is okay, but where will the powers of the director be, Madam Chairperson?

**MR THOMAS TAYEBWA:** Madam Chairperson, not all powers, authority and whatever else is captured in the law. When a minister is given powers, the minister cascades those powers down and the director, in the appointment, is given the functions clearly spelt out. So, we do not need to spell it out in the law. Once the minister has powers, that minister will cascade the powers and functions down.

**THE DEPUTY CHAIRPERSON:** We will have the regulations, Hon. Judith Alyek. We have a statutory instrument that will be issued by the minister on what should be done and what should not be done. Do you get it? [HON. ALYEK: *“Yes.”*]

**MR ACHIA:** Thank you, Madam Chairperson. Your guidance is the best; giving the licensing revocation to the minister. My brother, the minister and senior elder, Lokeris - the people in your Geological Surveys and Minerals Department there gave out an entire parish called Komaret and gave the licence and everything without his knowledge. You almost lost elections because of that. So we will now know who is doing this. For us in Karamoja, this is a very good move because we never knew who was doing these things.

The next point is on the local governments; where do these powers cascade to? We also want the local government powers to clearly come from the minister to the LCVs (the council), so that we have clarity that elected leaders are responsible for doing these things, rather than civil servants.

**THE DEPUTY CHAIRPERSON:** Thank you. That is where minerals come from. When people from the mineral areas speak, the rest keep quiet.

**DR BUKENYA:** Madam Chairperson, before clause 20 - before we shifted the powers and functions to the minister for licensing, the committee had proposed an appeal, if there is a grievance on issues of licensing, to the minister. What is the Attorney-General proposing as a remedy? Is the minister final and not error-prone? So, where do we appeal, when we have grievances?

**THE DEPUTY CHAIRPERSON:** Check clause 174 on “appeals”.

**DR BUKENYA:** Thank you, Madam Chairperson.

**THE DEPUTY CHAIRPERSON:** Can we go to clause 20?

Clause 20

**THE DEPUTY CHAIRPERSON:** Chairperson, why are you people confused? *(Laughter)*

**DR OTAALA:** I beg for your indulgence, Madam Chairperson. Under clause 20, which is on the Mining Cadastre Department, we propose that this clause be redrafted as follows:

(1) The minister responsible for public service shall, in consultation with the minister, establish a Mining Cadastre Department within the Directorate of Geological Surveys and Mines to administer mineral rights and maintain the cadastral registers;

(2) The Mining Cadastre Department shall –

1. Receive, evaluate and process applications for mineral rights and other licences and permits under this Act, including applications for renewal, extension, reduction, transfer and abandonment, and make recommendations to the minister on the applications;
2. Establish and manage a transparent, accessible and competitive licensing regime and implement a well-developed mining cadastre and registry system;
3. We propose that paragraph (c) be deleted because it is incidental to (b);
4. Manage the computerised mining cadastre and registry system;
5. Maintain public cadastral maps and cadastre registers;
6. “Perform any other function incidental to the function of the Department of Mines”.

The justification is to merge functions which seem to be repetitive. Madam Chairperson, I beg to submit.

**THE DEPUTY CHAIRPERSON:** Minister?

**MR PETER LOKERIS:** I do concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 20 be amended as proposed.

*(Question put and agreed to.)*

*Clause 20, as amended, agreed to.*

Clause 21

**DR OTAALA:** Madam Chairperson, the committee proposes that we delete clause 21. The justification is that the functions are merged under the Department of Geological Surveys, which is clause 18(2). Madam Chairperson, I beg to submit.

**THE DEPUTY CHAIRPERSON:** Minister?

**MR PETER LOKERIS:** Madam Chairperson, I do concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 21 be deleted as proposed.

*(Question put and agreed to.)*

*Clause 21, deleted.*

Clause 22

**DR OTAALA:** Madam Chairperson, under clause 22, we propose to delete subclause (3).

The justification is that the Companies Act should apply in regulating the provisions under this Act, and this Act should not supersede the Companies Act under any circumstances.

Madam Chairperson, I beg to submit.

**THE DEPUTY CHAIRPERSON:** Minister?

**MR PETER LOKERIS:** I do concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 22 be amended as proposed.

*(Question put and agreed to.)*

*Clause 22, as amended, agreed to.*

Clause 23

**DR OTAALA:** Madam Chairperson, under clause 23, we propose to amend the provision to read as follows:

“23 Functions of the Uganda National Mining Company

The functions of the Uganda National Mining Company are -

(a) To manage the state’s strategic commercial interests in the minerals subsector.”

We are proposing to delete paragraphs (b), (c), and (d). Then, paragraph (f) should remain to read -

“(f) To participate in accordance with the terms of mineral agreements, in joint ventures in which it holds an interest on behalf of the State;

(h) To study and propose any new mining ventures locally and internationally.” This means we delete “initially” and “later.”

“(i) To undertake the exploration and mining operations in the best interest of the State where private entities are unwilling to do so.”

The justification is to provide for a robust function of the mining company. Madam Chairperson, I beg to submit.

**MR PETER LOKERIS:** Madam Chairperson, we concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 23, be amended, as proposed.

*(Question put and agreed to.)*

*Clause 23, as amended, agreed to.*

Clause 24

**DR OTAALA:** Madam Chairperson, the committee is proposing to amend clause 24, which is on Board of Directors of Uganda National Mining Company as follows:

a. In subclause (2) by inserting the words “and demonstrable competence” immediately after the words “experience and”

b. By inserting two new subclauses after subclause (2) as follows: –

i) “The chairperson and members of the board shall be persons of high moral character and proven integrity.”

ii) “At least two thirds of members of the board shall be women“.

The justification is to take into consideration the character, gender and qualification of the members.

c. Delete subclause (4)(d)

The justification is that it is redundant.

**THE DEPUTY CHAIRPERSON:** Chairperson, what is the number of the members that you are talking about? You are only talking about two thirds, but how many members are they? Is it two thirds of everybody?

**DR OTAALA:** One third is what the law proposes –

**THE DEPUTY CHAIRPERSON:** How many members are those? Are they seven, five or nine?

**DR OTAALA:** There are nine members.

**THE DEPUTY CHAIRPERSON:** Is it in your report? What we want is the total number of members on the board.

**MR MAGOLO:** Madam Chairperson, in the report, they are nine and it is one third.

**THE DEPUTY CHAIRPERSON:** What we are saying is that it is not in the report. Amend your report and say “there shall be nine members in the board, two thirds of whom shall be women.”

**MS ALYEK:** Thank you, Madam Chairperson. I support the idea of women being two thirds because we have qualified women and –

**THE DEPUTY CHAIRPERSON:** I have not yet put the question.

**MS ALYEK:** Thank you, Madam Chairperson.

**THE DEPUTY CHAIRPERSON:** I am saying correct your report. State in the report that, “There will be nine members and two thirds of which shall be women.” Do not say “may”, but “shall be women.”

**DR OTAALA:** Madam Chairperson, as per your guidance -

**THE DEPUTY CHAIRPERSON:** Please, correct it and we move on.

**DR OTAALA:** Madam Chairperson, as per your guidance -

**MR AOGON:** Madam Chairperson, I rise on a procedural concern. Like you guided before, consistency is very key. I thought - if I got it right - in the proposal, they are talking of “two thirds shall be women”, but -

**THE DEPUTY CHAIRPERSON:** Let us just agree on the number of board members.

**MR AOGON:** My thought is that nine is adequate. For purposes of voting, one person must always be on top - you use the odd numbers not even; nine members. The number for the women is a third to be consistent with how other laws have been drafted. Thank you.

**THE DEPUTY CHAIRPERSON:** Which laws?

**MR AOGON:** They are many; almost all.

**DR OTAALA:** Madam Chairperson, I wish to amend our report to provide for the number of members of this board to be nine, as per your guidance – you said two thirds, but I want to take into cognisance the provisions of other laws, which state at least one third. With your indulgence, Madam Chairperson -

**THE DEPUTY CHAIRPERSON:** It says “at least one third” and so, it can even be more than one third.

**DR OTAALA:** It can be more. With your indulgence, Madam Chairperson, I would like to request to amend the second insertion to read “at least one third of whom shall be women.” I beg to submit.

**THE DEPUTY CHAIRPERSON:** Members, I put the  question that clause 24 be amended as proposed with the number of board members being nine, with at least a third of whom shall be women.

**DR OTAALA:** Madam Chairperson, I missed one other insertion, which is to delete subclause (4)(d). As I said, that is redundant.

We also have another insertion immediately after subclause (6) to read as follows:

“(7) The Board of Directors of the Uganda National Mining Company shall advise the minister on matters of production sharing agreements.”

The justification is that this is for information. I beg to submit.

**MR PETER LOKERIS:** I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 24 be amended as proposed.

*(Question put and agreed to.)*

*Clause 24, as amended, agreed to.*

Clause 25

**DR OTAALA:**  Madam Chairperson, the committee is proposing to amend clause 25 by:

Inserting a new paragraph (c) to read as follows:

“Funding of the Uganda National Mining Company shall come from the Consolidated Fund and any other sources that may from time to time, be directed by the minister responsible for Finance, and shall be managed in accordance with the Public Finance Management Act, 2015.” I beg to submit.

**THE DEPUTY CHAIRPERSON:** Minister -

**MR PETER LOKERIS:** I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 25 be amended as proposed.

 *(Question put and agreed to.)*

*Clause 25, as amended, agreed to.*

Clause 26

**DR OTAALA:** Madam Chairperson, on clause 26, we are proposing to redraft the provision to read as follows:

“(1) The minister may issue instructions to the board in respect of how the Uganda National Mining Company shall execute its functions under this Act.

(2) Instructions issued under subsection (1) shall be in respect of the mining policy.”

I beg to submit.

**MR AOGON:** I seek clarification on whether what the chairperson is intending to say here is not about regulations. This is because I thought that the regulations would even cover issues of instructions. Is there a difference between the two?

**THE DEPUTY CHAIRPERSON:** There is a difference. Minister?

**MR PETER LOKERIS:** I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 26 be amended as proposed.

*(Question put and agreed to.)*

*Clause 26, as amended, agreed to.*

Clause 27

**DR OTAALA:** Madam Chairperson, we propose to delete clause 27, which is on “Establishment of the Mineral Protection Force”.

Justification

This can easily be abused. The Mineral Protection Force should be assigned from the Uganda Police Force and should only be called upon as and when required. The ministry can create an enforcement unit internally through regulations. This clause is a replica of the mandate of the Directorate of Geological Surveys and Mines. I beg to submit.

**MR PETER LOKERIS:** We concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 27 be deleted as proposed.

*(Question put and agreed to.)*

*Clause 27, deleted.*

**THE DEPUTY CHAIRPERSON:** You know, we have the mineral police. What the ministry can do is to have a memorandum of understanding with police for them to have the persons just like we have the police here. Can we call the security in Parliament, “Parliament Police”? They come from police.

**DR KEEFA KIWANUKA:** Madam Chairperson, I had the opportunity of being the Chairperson of the Committee on Natural Resources for three years and the committee’s vice-chairperson for two years . This was a very big problem that I had to deal with. I see there are several Members here who were members of that committee.

At the moment, the problem we have is that there is a Police Minerals Protection Unit, which is completely parallel to the Ministry of Energy and Mineral Development. It does not take instructions from the ministry and they do their own things.

However, it is possible to create a force within the Ministry of Energy and Mineral Development. We have done that for the National Environment Management Authority (NEMA) and Uganda Wildlife Authority *-(Interruption)*

**MR KATESHUMBWA:** The information I want to give my colleague is that if you compare Uganda Wildlife Authority and their force, it is because they are handling protected areas. We have a precedence in this country where you have institutions like URA that have internal enforcement units and they have secondment from the security services.

Rather than create a parallel force, I think you can benchmark on the existing institutions and strengthen the internal enforcement of the ministry.

**MR ENOSI ASIIMWE:** Luckily, my colleague has worked with URA. In addition, I believe you know that URA has an enforcement unit under their powers and instructions. Therefore, I do not see anything wrong with the ministry having its own force that enforces the requirements of the Acts and their operations.

**MR MAGOLO:** We appreciate that NEMA has a force –

**THE DEPUTY CHAIRPERSON:** Honourable members, you are debating what we have already gone through. If there is a problem, the minister will come back and we make an amendment. It can even be a statutory instrument. We can handle that.

Clause 28

**DR OTAALA:** Madam Chairperson, we propose that clause 28 be deleted.

Justification

This is a consequential and, besides, the same roles and functions are provided for under the roles and functions of the department of mines under clause 18, which we have already dealt with.

**MR PETER LOKERIS:** It is a consequential amendment.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 28 be deleted as proposed.

*(Question put and agreed to.)*

*Clause 28, deleted.*

Clause 29

**DR OTAALA:** Clause 29. “Role of local governments”.

The committee is proposing that we amend subclause (1) as follows –

 a. By amending paragraph (b) by substituting the words “building substances” with the word “minerals”.

The justification is that it is a consequential amendment.

b. By inserting a new paragraph after paragraph (e) to read as follows -

(f) “receive reports and plans of the companies operating in their jurisdiction every six months”.

Justification

To empower local governments to monitor mining activities under their jurisdiction.

**THE DEPUTY CHAIRPERSON:** Minister?

**MR PETER LOKERIS:** I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 29 be amended as proposed.

*(Question put and agreed to.)*

*Clause 29, as amended, agreed to.*

Clause 30

**DR OTAALA:** Clause 30. “Mineral Agreement”

We are proposing to amend the provision as follows:

a. In subclause (1) by inserting the words “in respect of high capitalised and complex projects” at the end of the provision.

The justification is that it is for clarity.

b. In subclause (2)(d) by inserting the words “where minerals have been ascertained and quantified” at the end of the provision.

The justification is that this is for clarity so that Government can only enter into production sharing arrangements where there is projected production.

c. By redrafting subclause (2)(n) to read - “resolution of disputes through arbitration mechanisms.”

Justification

To avoid limiting the state to international arbitration, which is costly.

d. The in subclause (2)(o) by deleting the word “small” appearing before the word “portions”.

e. By inserting the word “of” before the words “the registered”.

Justification

To correct a grammatical error.

f. Amending subclause (2)(f) by deleting the words “whether wholly or partly in Uganda.”

g. Insert a new subclause immediately after clause 30(4) to read as follows: “The minister shall lay before Parliament mineral agreements signed and adopted by Government within 60 days from the date of signing of the agreement.”

Justification:

To comply with Extractive Industries Transparency Initiatives (EITI). Madam Chairperson, I beg to submit.

**THE DEPUTY CHAIRPERSON:** Thank you. There is a ruling we made where there is a director, yet, now you put a minister.

**MR PETER LOKERIS:** Thank you, Madam Chairperson. We do concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 30 be amended as proposed.

*(Question put and agreed to.)*

*Clause 30, as amended, agreed to.*

*Clause 31, agreed to.*

Clause 32

**MR MUHAMMAD NSEREKO:** Madam Chairperson, under clause 32, by implication of the powers we granted to the minister - for Members to follow, it states thus: “The director shall, in a manner prescribed by the regulations, receive applications for an exploration licence on the first-come, first-serve basis.”

Now, since we have changed the powers in section two and it says, “The director shall grant…” I think after receiving receipts and considering the application. We already said that the minister shall have powers, in this case, to grant licences. Consequently, I would like to propose that this is worded as follows: “The director shall receive applications and then submit them to the minister for grant of exploration licences.”

These are the mineral rights we talked about, which we granted in clause 19, previously to the minister. These rights are enshrined in clause 14 and they include the prospecting licence, the exploration licence, the retention licence, the large-scale mining licence, the medium-scale, the small-scale and artisanal mining licences. We already said that the powers to grant these licences shall be vested in the minister.

Therefore, in this case, the proposal is that the director receives and submits to the minister for consideration.

**THE DEPUTY CHAIRPERSON:** Hon. Muhammad Nsereko, I thought that would be prescribed by the minister in the regulations.

**MR MUHAMMAD NSEREKO:** No, this is explicit because later, it talks about approval. In this case if we –*(Interjections)*- I am about to leave *–(Interruption)*

**MR THOMAS TAYEBWA:** If we granted the powers to the minister instead of the director, then the minister can put in place mechanisms of how applications –

**THE DEPUTY CHAIRPERSON:** Yes.

**MR MUHAMMAD NSEREKO:** Consequently, you are saying that in this case, we say that the minister shall, in a manner prescribed in the regulation - alright, we can take that.

**THE DEPUTY CHAIRPERSON:** Yes, where there is the director, we can have the minister.

**MR KAFUUZI:** Madam Chairperson, on this particular one, I would like to maintain the status quo of this clause; that the director receives the applications and submits them to the minister, and then the minister considers them for grant. Otherwise, you are making the minister the directory where everybody takes their applications and then the minister considers them. Let them go through the channel of the director so that the director submits them to the minister, who considers them.

**THE DEPUTY CHAIRPERSON:** Yes, he supports you. Please, make the amendment.

**MR KAFUUZI:** We maintain it as: “The director shall, in a manner prescribed by the regulations, receive the applications for an exploration licence on a first-come, first-served basis and submit the same to the minister for consideration and grant.”

**MR MUHAMMAD NSEREKO:** Madam Chairperson, this consequently would impact on clauses 37 and 43, which talk about the consequent right. I beg to submit and thank my honourable colleague.

**MR PETER LOKERIS:** I concede as proposed.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 32 be amended as proposed.

*(Question put and agreed to.)*

*Clause 32, as amended, agreed to.*

Clause 33

**DR OTAALA:** Madam Chairperson, the committee proposes to redraft clause 33(2) to read as follows: “The announcement referred to in subsection (1) shall be published in the Gazette and in a newspaper of wide circulation and in other electronic and print media.”

The justification is that talking about international media would be too much; wide circulation would cover most of what we require to include. I beg to submit.

**MR PETER LOKERIS:** What they have suggested covers everything. Therefore, it is okay.

**THE DEPUTY CHAIRPERSON:** Can we say in the “National Gazette?”

**MR KAFUUZI:** Madam Chairperson, Gazette is already provided for.

**THE DEPUTY CHAIRPERSON:** It is, but I am saying, “In a National Gazette.”

**MR KAFUUZI:** You want to add the word “national.”

**THE DEPUTY CHAIRPERSON:** Yes.

**MR KAFUUZI:** Do you recognise that Gazette is one?

**THE DEPUTY CHAIRPERSON:** Yes, but it is also in all the other laws that we have passed; let us call it a National Gazette.

**MR KAFUUZI:** Okay, but you see, in all the other laws where we have provided for publication, we talk of the Gazette. We do not talk of the “National Gazette.”

**THE DEPUTY CHAIRPERSON:** It is still a national Gazette.

**MR KAFUUZI:** Madam Chairperson, I think –

**THE DEPUTY CHAIRPERSON:** What is the problem with it?

**MR KAFUUZI:** It may sound superficial and so, for uniformity, I would prefer we maintain “Gazette” because that is what it is in other laws.

**THE DEPUTY CHAIRPERSON:** Okay.

**MR ESENU:** Madam Chairperson, thank you very much. In clause 1, there is mention that “the minister may, in exceptional circumstances - ” This seems to be requiring somewhere to be clarified. When is a circumstance exceptional in which we require for the minister to ask for open bidding?

**MR KAFUUZI:** Madam Chairperson, I would like to thank my colleague for bringing that to the forefront. I am of the view that we remove the words “exceptional circumstances” because we are giving the mandate to announce areas of exploration to the minister.

Therefore, he does not need exceptional circumstances. Once areas of exploration are discovered, it is the role of the minister to announce. If you say “exceptional circumstances”, then it means there will be other circumstances for which exploration areas will not be announced and then people will go ahead and exploit that.

**THE DEPUTY CHAIRPERSON:** That is true. Can you reframe?

**MR KAFUUZI:** I would say, “notwithstanding section 32, the minister may, by regulations, announce areas open for bidding, for exploration licenses, medium-scale mining licenses or large-scale mining licenses under this Act”.

**THE DEPUTY CHAIRPERSON:** Minister, is that okay with you.

**MR PETER LOKERIS:** Thank you for reframing. I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 33 be amended as proposed by the Deputy Attorney-General.

*(Question put and agreed to.)*

*Clause 33, as amended, agreed to.*

Clause 34

**DR OTAALA:** Madam Chairperson, we are proposing to amend clause 34 as follows,

a. Amend subclause(1) by substituting the words, “in at least one national newspaper of wide circulation in Uganda” with, “in a newspaper of wide circulation and in other electronic and print media.”

The justification is for consistency with clause 33 that we have just passed.

b. In subclause (2)(b) we amend by inserting the words, “medium-scale license and large-scale mining license” at the end of the provision.

The justification is to be all inclusive.

Madam Chairperson, I beg to submit.

**MR PETER LOKERIS:** I concede.

**MR LEKU:** Thank you very much. I wish to inquire about the duration of these licenses. Are we going to leave an open expiration license in medium-scale? We should fix the duration. How long are we offering?

**THE DEPUTY CHAIRPERSON:** That will come in the regulations. It will be provided there.

**DR OTAALA:** Madam Chairperson, they are actually specified under other clauses as we shall get to know.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 34 be amended as proposed.

*(Question put and agreed to.)*

*Clause 34, as amended, agreed to.*

Clause 35

**DR BUKENYA:** Madam Chairperson, when you look at clause 35(6), a person aggrieved by the decision of the director under subclause (2) may appeal against the decision to the minister within 30 days of receipt of the decision.

We propose that we put an Appeals Tribunal instead of the minister, in view of the earlier amendment.

**THE DEPUTY CHAIRPERSON:**  Yes, remember we said it is the minister that gives a license and gives the rights. So, appealing to the minister again is not correct. Therefore, we need a tribunal.

**DR OTAALA:** Madam Chairperson, I also want to refer my colleague to section 335 subclause 2(q) that provides for the arbitration mechanism. So, it is already catered for ahead.

**THE DEPUTY CHAIRPERSON:** Then you delete that part.

**DR BUKENYA:** Madam Chairperson, the committee chairperson is proposing that, that be handled in the regulations, as stated, but we would prefer that it is explicitly stated in view of the earlier amendments concerning the director and the minister.

**MR KAFUUZI:** Madam Chairperson, like we earlier agreed to give the powers to the minister, even the objection would be from the minister in subclause (2). So, the appeal can only be to court.

If I have understood it clearly, subclause 2 of 35 says, “The director shall consider the objection raised -”

**THE DEPUTY CHAIRPERSON:** No. 35(6), “A person aggrieved by the decision of a minister under subsection (2) may appeal against the decision to the minister”. What he is saying is that instead of appealing to the minister, you appeal to –

**MR KAFUUZI:** To court. You appeal the decision of the minister to court.

**THE DEPUTY CHAIRPERSON:** Why don’t you start with a tribunal?

**MR KAFUUZI:** Are you thinking of establishing an Energy and Minerals Tribunal?

**THE DEPUTY CHAIRPERSON:** Yes. In the regulations.

**MR KAFUUZI:** It is not in the Bill. It was not envisaged and even procedurally, all the other appeals from the minister –

**THE DEPUTY CHAIRPERSON:** Do you think court is better?

**MR KAFUUZI:** Yes.

**DR BUKENYA:** Thank you, Madam Chairperson. The Attorney-General knows very well that the court processes, like you have seen the Sudhir case, has taken three years, and in mining, we invest significant amounts of money. By the time I go through the whole process – we needed a special team to handle us.

**MR KAFUUZI:** Madam Chairperson, allow me –

**THE DEPUTY CHAIRPERSON:** I think the minister can come up with that regulation. Just like when you look at the Administration of Parliament Act, it does not have a disciplinary committee, but we had to create a disciplinary committee under the rules.

**MR KAFUUZI:** May I propose that we stand over this as the technical team looks at it?

**THE DEPUTY CHAIRPERSON:** If we are standing over the whole thing we stand over the whole thing. Can we move?

**MR AKOL:** Madam Chairperson, when we started, you said that we are going to sit here until it is done; so if we start standing over some clauses it is going to be a problem. I got the concern of my colleague very well.

The most important thing here is; we are all aware of the court processes in this country and if we leave this to be in the regulation for the minister to do, we are saying it is a very sensitive area that we are trying to handle; what if they do not put it in the regulations? That is going to be a problem.

In this case, we are saying that it is a very sensitive area; let us put is it in the tribunal so that before you go to court, at least you are being heard somewhere. And we lose nothing for doing that.

We also want the people who are in business to get their concern addressed before they go to court. When they are not satisfied with the decision of the tribunal that is when they go to court. Thank you.

**THE DEPUTY CHAIRPERSON:** Honourable members, we already have the nine people who are on the board. The minister can decide to get people from there and cause a tribunal to sort out this issue. You cannot push people to court before you have an internal process.

**MR PETER LOKERIS:** Thank you, Madam Chairperson. This is a very complex area, where disputes are prevalent. In your guidance your suggestion of forming a tribunal where one goes first when dissatisfied with the minister’s decision before going to court would be good. Or something like a dispute resolution; there must be something which can establish where people can go when they are dissatisfied with the minister’s decision other than going to court direct.

That would be okay, to establish at least a tribunal or a dispute resolution mechanism before going to court. I appeal to Members that a tribunal or a mechanism for dispute resolution is established.

**THE DEPUTY CHAIRPERSON:** So, what have you agreed?

**MR PETER LOKERIS:** Yes, I agree with the establishment of a mechanism resolution or a tribunal.

**THE DEPUTY CHAIRPERSON:** Honourable members, I put the question that clause 35 be amended as proposed with a clause from the minister.

*(Question put and agreed to.)*

**MR SSEKIKUBO:** We are processing a very contentious matter. A tribunal is not a matter of cause; first of all, with its financial implications which was never envisaged in the drafting of this Bill.

**MR THOMAS TAYEBWA:** Madam Chairperson, this is a matter which has already been resolved. A senior colleague knows that if you want to reopen a clause, you have to move a motion for recommittal.

**THE DEPUTY CHAIRPERSON:** First of all, I thank Dr Bukenya. There was no amendment on this which left it virgin for any arbitration and he is saying, “Yes, whereas the minister is responsible for giving out the licences, in case the minister errs, we need a body that can put checks and balances for the minister.”

That is why we are saying; just like you have a dispute resolution for workers, you have UCC, we should have for mines and minerals and that is what the minister has conceded to saying, “Let us have a dispute resolution committee/tribunal that will be checking on grievances.” Dr Bukenya, are you satisfied with that?

**DR BUKENYA:** Madam Chairperson, I would be happy with a tribunal.

**THE DEPUTY CHAIRPERSON:** Yes, that is what we have captured.

**DR BUKENYA:** We make it a fair process because; “the monkey is in the forest and is determining which tree to cut and which fruit to eat”; we need someone from outside to handle.

**THE DEPUTY CHAIRPERSON:** Let me put the question again so that you are clear that it is a tribunal.

**MR SSEKIKUBO:** Thank you, Madam Chairperson. At this stage is where we go to the minute details and for such an important -?

**THE DEPUTY CHAIRPERSON:** Just bring your amendment; do not tell us what we are supposed to do.

**MR SSEKIKUBO:** I do not know why you -

**THE DEPUTY CHAIRPERSON:** You have come late; I have been here since 2.00 p.m.

**MR SSEKIKUBO:** It cannot be the point, Madam Chairperson. Once you have a Bill on our hands -

**THE DEPUTY CHAIRPERSON:** Okay, bring your amendment. Members, I put the question that clause - did you say “dispute mechanism” or “tribunal”?

**MR PETER LOKERIS:** Madam Chairperson, I had said a “dispute resolution mechanism” that will be found.

**THE DEPUTY CHAIRPERSON:** Honourable minister, we want a tribunal.

**MR PETER LOKERIS:** Thank you, Madam Chairperson, for your guidance. If we feel a tribunal is the one to be responsible - because what I want is to apply justice everywhere. Legal processes must be handled very well. If it is a tribunal and it is in the wisdom of the august House to say a “tribunal”, yes, I concede.

**MR KAFUUZI:** Madam Chairperson, despite the fact that you seem agreeable to a tribunal, allow me -

**THE DEPUTY CHAIRPERSON:** Not me; the House.

**MR KAFUUZI:** No, my colleagues. For the record, at the making of this Bill a tribunal was not envisaged, so that comes with financial implications.

Secondly, this Parliament passed the Administration of Judiciary Bill; making the Judiciary finances independent and their budget has been doubled.

This year alone, by the time the year ends, they will have appointed close to 20 judges, which is more than has ever been done before. We shall be reducing the efforts of the Judiciary, if we take this away from them.

**MR THOMAS TAYEBWA:** Colleagues and my colleagues on the Front Bench, what I pick from a tribunal - The process of a tribunal is much easier for a lower person; for example, an artisanal miner. *(Applause)* By the time an artisanal miner goes through court, it is so difficult.

Colleagues, we are doing this for the big people who can afford court and also for the small people who cannot afford court processes. *(Applause)* So, I implore my colleagues that let us go with the tribunal and then, even with the tribunal, you can still go to court. So, you would not have stopped anyone from going anywhere.

**THE DEPUTY CHAIRPERSON:** Honourable members, I now put the question that clause 35, be amended, as proposed by the Government Chief Whip.

*(Question put and agreed to.)*

*Clause 35, as amended, agreed to.*

Clause 36

**DR OTAALA:** Madam Chairperson, I propose that we amend subclause (2) by spelling the word “cadaster” as “cadastre”.

The justification is for consistency. I beg to submit, Madam Chairperson.

**THE DEPUTY CHAIRPERSON:** Minister?

**MR PETER LOKERIS:** I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 36, be amended, as proposed.

*(Question put and agreed to.)*

*Clause 36, as amended, agreed to.*

Clause 37

**DR OTAALA:** Amend subclause (2) by inserting the first subclause as follows:

“(2) An application for a prospecting licence shall:

contain in respect of an individual, the name and nationality of each individual making the application”.

renumber the provision accordingly.

The justification is that a prospecting licence should apply to an individual as well, and also to be consistent with clause 43(2) and other clauses. I beg to submit.

**THE DEPUTY CHAIRPERSON:** Minister?

**MR KAFUUZI:** I am agreeable to the amendment. However, I wish to add, like we had earlier agreed, to replace the word “director” with “minister”.

**THE DEPUTY CHAIRPERSON:** That was the agreed position.

**MR KAFUUZI:** Yes.

**THE DEPUTY CHAIRPERSON:** That is a constant.

**MR PETER LOKERIS:** On consequential amendments, I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 37 be amended as proposed.

*(Question put and agreed to.)*

*Clause 37, as amended, agreed to.*

Clause 38

**THE DEPUTY CHAIRPERSON:** I put the question that clause 38 stands part of the Bill – *(Hon. Enosi Asiimwe rose\_)* - under clause 38?

**MR ENOSI ASIIMWE:** Madam Chairperson, I have a concern with clause 38. We are only talking about granting a prospecting licence, but we are not making provision for rejection. I suggest that we add a section to provide for rejection. Thank you.

**THE DEPUTY CHAIRPERSON:** There is a clause on revocation. That is why you see there is no amendment here. We have not passed clause 38. I put the question that clause 38 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 38, agreed to.*

Clause 39

**THE DEPUTY CHAIRPERSON:** I put the question that clause 39 stands part of the Bill. I have not yet said the “ayes” have it.

**MR SSEKIKUBO:** Madam Chairperson, granting a prospecting licence –

**THE DEPUTY CHAIRPERSON:** Where is that? Which clause?

**MR SSEKIKUBO:** Clause 39 –*(Interjection)*- Yes, I was on the duration under clause 39. I am of the view, honourable minister and Members, that for a prospecting licence to be valid for a period of one year may not be realistic because the process of applying - By the time you go through the application, depending on where you are prospecting for the minerals - I would propose that we leave it at five years – *(Interruption)*

**THE DEPUTY CHAIRPERSON:** Honourable learned friend, prospective is for us to assess whether you will be able to manage; that is prospective. Just like you have a prospective buyer, you are not sure whether the buyer will come or not.

**MR KAFUUZI:** Madam Chairperson, I understand the concerns of Hon. Ssekikubo. However, I want us to be flexible on this. It can be in place for one year, as the clause proposes, but imagine if you were prospecting for minerals and in the 12th month, you find them, but your licence expires before. So, maybe we can add that it can be renewable once for either a period of one year or six months. There, we can agree that it can be maybe renewable for six months; extended for six months.

**MR SSEKIKUBO:** I would agree to the ‘renewable once’ because it involves investment. It involves someone having investor confidence, though the investor confidence may not necessarily be sustained in one year. So, if we can allow for it to be renewable once, that one can be a win-win and I would beg Members to look at it in that light.

**MR KAFUUZI:** Madam Chairperson, I have a concern. I beg your indulgence, Madam Chairperson.

**THE DEPUTY CHAIRPERSON:** Can I ask something? In the circumstance that in this prospective license this person fails to perform or make use of his licence, what happens? I am just asking Hon. Ssekikubo.

**MR KAFUUZI:** Madam Chairperson, I have just conferred with the technical team and maybe the position –

**THE DEPUTY CHAIRPERSON:** The technical team, by the way, do not legislate for our people down there. They know about the law.

**MR KAFUUZI:** Madam Chairperson, prospecting is a general exercise and it is given throughout the country; it is not for any specific area, as opposed to exploration. So, they are saying that if your licence expires, then you apply afresh. It is a form of scouting – you walk around looking for minerals. I propose that we maintain this as it is.

**THE DEPUTY CHAIRPERSON:**  When you apply, are you supposed to pay?

**MR KAFUUZI:** Yes.

**THE DEPUTY CHAIRPERSON:** We need money, as Government.

**MR KAFUUZI:** Yes, but if one year expires, you apply afresh. So, we maintain the clause as it is.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 39 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 39, agreed to.*

*Clause 40, agreed to.*

Clause 41

**MR ENOSI ASIIMWE:** Madam Chairperson, the reason I believe we should have supported what hon. Ssekikubo proposed is that when you look at clause 41(e), they are saying you must:

*“*Clause 41

(e) Remove on or before the expiration of the prospecting licence, any camps, temporary buildings or installations, which may have been erected; and

(f) Repair or make good any damage caused to the surface of the land to the satisfaction of the director and the National Environmental Management Authority.”

Do we look at one year to have done all these things? How much time will this person have? Thank you.

**MR PETER LOKERIS:** Madam Chairperson, this prospecting gives you a chance to move around the country to look for the mineral that you desire to get in the next stage of exploration. The people have moved - whom we have given these prospecting licences – scouting around. In fact, they finish them quickly. Someone says “I have finished, but I have not got the mineral I need” and just walks away.

However, if you have an area of interest, which you have already seen, then you move to the next stage of applying for exploration. In fact, the camps they say you should remove are those you got temporarily. For example, you sit in Arua for about two days or one month.

If you do not see anything, you move away from there. We are telling you not to leave your camps there because you are not applying for exploration. You are just scouting – moving around; you go to Kabale and try there or go to Karamoja and try there. Within one year, if you have not found anything, what are you doing? You leave. You cannot reapply to say that you are still moving around. You have to pay again.

**MR SSEKIKUBO:** Hon. minister, what the honourable MP for Kabula raised *–(Interjections)-* but I am seeking a clarification. It is within this Bill.  We may rely on the technical persons, but what the Member has raised is pertinent and you are trying to run away from it. Once you have all these processes before the expiration - camps are not a one-day affair. Temporary buildings, installations - meaning that these minerals we are prospecting are not on the surface. It requires a deeper analysis of the soils, the samples *–(Interjections)-* but it is part of the Bill.

It is saying “remove on or before the expiration of the prospecting licence”. This means you are in the activities of prospecting and they envisage that while you are prospecting, you may have set up camps – structures – that may be temporary.

**THE DEPUTY CHAIRPERSON:** Prospecting is different from exploration.

**MR THOMAS TAYEBWA:** Madam Chairperson, people come and get these prospecting licences and then, start selling them. There are very many who are just vending and people are losing a lot of money.

Hon. Ssekikubo and hon. Enosi, what I understand is that they are saying: “Remove your camps. If you still have interest in remaining in the area, before the expiry of your licence, reapply for a fresh licence and you remain with your camps.”

What it also means is that we are creating way for others who might be interested in the area, to come. You might have failed to get the minerals, but others are interested in coming into the area. If you have your camps, you will stop them. So, reapply.

**MR ENOSI ASIIMWE:** Honourable Government Chief Whip, look at clause 39. We said it is not renewable. That is what was passed. They are saying -

**THE DEPUTY CHAIRPERSON:** That is prospecting.

**MR ENOSI ASIIMWE:** Clause 39 is about prospecting. Clause 41 is also under prospecting. It is an obligation of the holder of the prospecting licence. So, they are all prospecting licences. We are still under prospecting licences.

In clause 39, you are saying that a prospecting licence shall be valid for a period of one year and it is not renewable. Under clause 41, you are saying that when you are leaving this area that has been licensed to you for one year, make sure you clean it up. We have areas where you will go and prospect for gold and, for example, install machines and set up camps. If you do not find it there, what happens?

**MR THOMAS TAYEBWA:** Honourable colleague, you know at prospecting, there are no machines. Secondly, there is a difference between renewal and reapplying. When you reapply, no one can take away your right for reapplying for your licence, but for renewal, we can take it away.

**THE DEPUTY CHAIRPERSON:** Renewable is more of a right.

**MR BIRAARO:** Madam Chairperson, I come from a mining area. I grew up mining gold and the people there are still doing it. The honourable minister says that when they are prospecting, they want to see if there is a mineral or not.

What takes place on the ground during the prospecting is that - and we have looked at the licences of some people - they do full-scale mining. At times, they deplete the area over the years that they have got that licence and move to another area or go away. The minerals that they get during that time are not accounted for anywhere.

That is why I am saying prospecting should be as short as possible. One year is enough, renewable for another one year. *(Applause)* Thank you very much.

**THE DEPUTY CHAIRPERSON**: Honourable members, can we proceed? We have 400 clauses. I put a question that clause 41 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 41, agreed to.*

*Clause 42, agreed to.*

Clause 43

**DR OTAALA:** In clause 43, we propose to amend subclause (2)(f) by substituting the words, “not exceeding three years” with the words “not exceeding four years.” The justification is for consistency with the current laws.

We also propose to insert a new subclause, after subclause (2), to read as follows: “Application made under this section shall be in accordance with the National Environment Act 5 of 2019.” I beg to submit.

**THE DEPUTY CHAIRPERSON:** Yes, honourable minister.

**MR PETER LOKERIS:** I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 43 be amended as proposed.

*(Question put and agreed to.)*

*Clause 43, as amended, agreed to.*

*Clause 44, agreed to.*

*Clause 45, agreed to.*

Clause 46

**DR OTAALA:** Madam Chairperson, we propose that in clause 46, we delete subclauses (2) and (3). The justification is that they are redundant. I beg to submit.

**MR SSEKIKUBO:** I do not see how redundant they are because they give the full extent. They provide the area and mechanisms of this very license. In addition, the chairperson has not justified why he is deleting them.

It is not a question of granting a license. Once you have a licence there must be terms, conditions, duties and responsibilities for the person who obtains the licence; you have to bear that in mind. Madam Chairperson, I propose that we leave clause 46 the way it is.

**THE DEPUTY CHAIRPERSON:** I agree with Hon. Ssekikubo that we retain 46 as it is.

**DR OTAALA:** Madam Chairperson, my committee had observed that these are for regulations. However, if in the wisdom of this House, it is felt that we retain them, then I concede.

**THE DEPUTY CHAIRPERSON:** You look at where Hon. Ssekikubo is coming from. You are saying we delete subclauses (2) and (3), but I do not see any problem with them.

**MR KAFUUZI:** Madam Chairperson, something small on clause 46(1)(a) on the contents. It talks about the date of granting the licence. I think we should also add the date of expiry.

**THE DEPUTY CHAIRPERSON:** But if we have said that a licence will run for one year, it is automatic; it is just common sense that if one year starts in January, it will expire in January of the following year. I put the question that clause 46 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 46, agreed to.*

Clause 47

**DR OTAALA:** Madam Chairperson, we propose to amend clause 47 by deleting subclause (2) paragraph (c). We observe that it is redundant.

**MR IDDI ISABIRYE:** Madam Chairperson, the chairperson of the committee is suggesting a deletion with reason that it is redundant. However, he does not explain to us how redundant this subclause is.

**THE DEPUTY CHAIRPERSON:** Assuming there are areas of overlap, what happens?

**MR KAFUUZI:** Madam Chairperson, I am of the view that we maintain this. It would save us from overlaps where the minister issues a licence to an already licensed area –*(Interjections)*- Yes. So, I move that we maintain it.

**THE DEPUTY CHAIRPERSON:** Yes, honourable minister?

**MR PETER LOKERIS:** I concede to the proposal to maintain it.

**THE DEPUTY CHAIRPERSON:** I now put the question that -

**MR SSEKIKUBO:** Madam Chairperson, again, the way we have processed this Bill is to cater for the common person; our artisanal miners in the villages. However, I am kindly begging for your attention to the area of land in respect to “an exploration licence may be granted” because it says that such land shall not be more than 250 square kilometres.

Madam Chairperson, we are again inviting large scale exploration and mining. If you want to be democratic and fair to all the citizens, do not exceed five square kilometres. Let us put a cap at five square kilometres. Otherwise, for you to give the entire 250 square kilometres, you are having large scale miners in your mind. Let us put it to manageable portions in order to give other Ugandans chance. People are going to be covering big land –

**THE DEPUTY CHAIRPERSON:** But I would imagine it depends on the kind of mineral you are looking at because there are certain minerals where if one started exploration from here, you only find it in Lwemiyaga. Therefore, the minister in the regulations will determine that really -

**MR SSEKIKUBO:** But they put it as part of the Bill.

**THE DEPUTY CHAIRPERSON:** Yes, it can be adjusted.

**MR SSEKIKUBO:** Madam Chairperson, you know 250 square kilometres?

**THE DEPUTY CHAIRPERSON:** It depends on the mineral.

**MR KAFUUZI:** Madam Chairperson, to allay my senior colleague’s fears – the Bill says, “…not more than…” and so, it can be less *–(Interjection)–* yes because if you put a cap, you will also be putting a cap on the magnitude of investment.

If you find a person who has the capacity to invest in all that and proves that he has that capacity in his application for that licence, he should be granted the licence. Then I come with my small capacity from Kyegegwa, and I am granted a given size. Therefore, it says “not more”, but it can be less.

**THE DEPUTY CHAIRPERSON:** Attorney-General, it still depends on the kind of mineral you are looking at. There are some rare earth minerals that have a longer space or whatever. However, if you are going to limit that you want 50 for somebody and another for another person, it may not help.

**MR SSEKIKUBO:** For the Government Chief Whip – because his line has been to democratise this and allow as many people as possible. In a country of 41 million Ugandans, how can you allow 250 square kilometres ?

**MR THOMAS TAYEBWA:** Madam Chairperson, I agree with Hon. Ssekikubo, but there are minerals, like the Chairperson put it, for example phosphates; you follow a line, but also, the way the Attorney-General put it, you find someone needs to come here and put up a factory of around US$500 million.

Therefore, for that project to be bankable, you must have enough space. You may also find that you can have only one factory in that category.

I would propose that we go with this view such that where someone has capacity, they do the work. In other countries they are covering 1,000 square miles. Maybe for the sake of Hon. Ssekikubo, we can also include that of all those square miles, you do not extend to Lwemiyaga. *(Laughter)*

**MR PETER LOKERIS:** Madam Chairperson, this licencing is progressive. We came from the termination of prospecting licence and now, we are going to exploration. There are some minerals, which are scarce and scattered that you give a big area for a person to assign how much – but there are also areas when you go in front “there” of the mineral type, where you can have the artisanal miners with smaller numbers, amounts, and acreages.

Even these ones, when you are doing exploration, you might find what you are looking for is specifically in one place. At the time of grant of a mining licence, you go to the area, where you have found the mineral; the other is abandoned. If you stay for a long time without confirming it, before you renew, another part may be cut off. If you go on meandering for a long time, you may lose the whole area.

As we continue with this Bill, you will see where we come in as people. However, this one is just for generality; for those large-scale mines. Otherwise, we are not losing the whole thing; this is one part of exploration -

**THE DEPUTY CHAIRPERSON:** Are you in agreement with no amendment? Okay, I put the question that clause 47 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 47, agreed to.*

Clause 48

**DR OTAALA:** Amend the provision as follows *–(Interruption)*

**MR AOGON:** Madam Chairperson, I looked at my watch clearly and it is already coming to 8 o’clock. I would like to say that we have done quite a good job. I would like to ask you whether it is not procedurally right that we adjourn for now and then come back when we are fresh enough and finish up with the work. It is also possible that tomorrow, we can reconvene another sitting at the discretion of the chairperson. I beg to ask.

**THE DEPUTY CHAIRPERSON:** The good thing is that I am the one chairing and I am not yet tired. Tomorrow, I have to go and bury my *Emorimor*. Therefore, do not waste my energy.

**DR OTAALA:** Madam Chairperson, we propose to amend the provisions of clause 48 as follows:

In clause 48(1) by deleting the words “is the subject of a large-scale mining licence, medium-scale mining licence, retention licence, artisanal or small-scale mining licence, or in a fragile or sensitive ecosystem, or protected area without the consent in writing of the responsible Government ministry, department or agency”.

And redrafting the provision to read as follows:

(1) “Is the subject of a large-scale mining licence, medium-scale mining licence, retention licence, artisanal or small-scale mining licence”.

(b) In subclause (3), by inserting a new paragraph immediately after paragraph (a) to read as follows – “or in a fragile or sensitive ecosystem or protected area without the consent in writing of the responsible Government ministry, department or agency.”

(c) By inserting a new clause immediately after clause 48(3) to read as follows: “For the purpose of this section, the minister shall, by regulation, prescribe information needed from the applicant to prove that he or she satisfies the requirements in paragraphs (a) to (g)”.

The justification for these amendments is to avoid any confusion. Madam Chairperson, I beg to submit.

**MR ENOSI ASIIMWE:** Madam Chairperson, I believe that the committee has actually created more confusion by cutting the sentence into halves because the clause is saying, “Restrictions on grant of exploration licence: An exploration licence shall not be granted over an area that is in a sensitive ecosystem”. That was the purpose of the clause.

Therefore, when you separate it, it does not make any sense. I suggest that we retain it because the main purpose is to make sure that if a licence is to be issued, it is not issued within the ecosystem. Even if it is issued within that protected area, it is done by the agency that is concerned with regulations of that area. Madam Chairperson, I suggest that we retain the clause the way it is.

**THE DEPUTY SPEAKER:** Minister?

**MR PETER LOKERIS:** In every legislation, sectors are given their portions. The ecosystem is very sensitive, as we shall read.

Therefore, what we are trying to say is we must preserve the area. The way it is, is clearer than the way my chairperson put it. I beg him to concede.

**THE DEPUTY SPEAKER:** Thank you. I put the question that clause 48 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 48, agreed to.*

*Clause 49, agreed to.*

*Clause 50, agreed to.*

*Clause 51, agreed to.*

Clause 52

**DR OTAALA:** We propose to amend clause 52(1) paragraph (e) by inserting the words “and any relevant authority” at the end of the provision.

The justification is to abide by the principles of good governance. I beg to submit, Madam Chairperson.

**MR PETER LOKERIS:** Madam Chairperson, let us proceed.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 52 be amended as proposed.

*(Question put and agreed to.)*

*Clause 52, as amended, agreed to.*

*Clause 53, agreed to.*

*Clause 54, agreed to.*

Clause 55

**DR OTAALA:** In clause 55, we propose to amend the provisions as follows:

a. In subclause (3) paragraph (e), by substituting the words “appropriate experts or consultants acceptable to the director” with, “an accredited consultant”.

The justification is for clarity.

b. Inserting a new provision -

**THE DEPUTY CHAIRPERSON:** Just a minute. The director or minister?

**DR OTAALA:** Minister. I beg to correct that, Madam Chairperson.

b. we are proposing to insert a new provision under subclause (3) paragraph (e) to read as follows –

“(iii)Forecast for market trend”.

The justification is that this is a necessity.

c. We are proposing inserting a new provision after subclause (3) as follows -

“(4) For the purpose of this section, “accredited consultant” means a consultant accredited by a nationally or internationally recognised authority to undertake such studies”. The justification is for clarity.

Madam Chairperson, I beg to submit

**MR AOGON:** Madam Chairperson, I just wanted clarification from the committee chairperson on whether it will not be proper to categorise that under the interpretation clause instead of having it here. Take it to the area of interpretation – the definitions. Thank you.

**DR OTAALA:** Madam Chairperson, for purposes of consistency with other drafting options, which are adopted, this word is only being used once. And so, it is not necessary to put it in interpretation clause.

**THE DEPUTY CHAIRPERSON:** That is when it relates to that particular activity. It is okay. Minister -

**MR PETER LOKERIS:** I consent.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 55 be amended as proposed.

*(Question put and agreed to.)*

*Clause 55, as amended, agreed to.*

*Clause 56, agreed to.*

*Clause 57, agreed to.*

Clause 58

**MR SSEKIKUBO:** Thank you, Madam Chairperson. We are dealing with duration of a retention licence. That means that the term of the licence could have expired. An investor applies for a renewal of the retention of the licence which expired in the first place and this is three years.

Now, for this clause, again we are talking about renewal of a retention licence. It is going to be abused. If it expired and you applied for renewal, that should be under the duration of retention licence provided for under clause 57.

**THE DEPUTY CHAIRPERSON:** So, how do you want it to read?

**MR SSEKIKUBO:** Madam Chairperson, let us delete it because apparently, you are using retention and you are renewing the retention again. It is going to be subject to abuse. There has to be a cutoff point – the first four years, another three years, and you are now proposing another term of period.

**MR THOMAS TAYEBWA:** Thank you, Madam Chairperson. Hon. Ssekikubo, it says, “may be granted”. Now, “may be granted” means that the minister will have to look at the circumstances under which you are applying for a renewal. If the circumstances are not very unique, or you did not play your part, for example, then the minister will not grant it.

Now, it goes ahead to limit the minister on how many times he or she can renew it. That is for three years. I think the minister here is given power to look at the circumstances under which you are applying for renewal. And that power should not be taken away from the minister.

**THE DEPUTY CHAIRPERSON:** First look at section 54, then look at the interpretation clause – what the definition of “retention” is. Then I want you to differentiate between “prospective”, “exploration” and “retention.” Differentiate those and look at the definition or interpretation clause. Yes, Chairman.

**MR ACHIA:** I see no problem here in this process, but there is one thing. Suddenly, the rights of the owner of the land are not reflected in this renewal of the retention licence going further to keep it. In the prospecting licence we have avoided this issue of speculators. We are very happy with that, because there are many in Moroto who keep on having this kind of thing.

But there are also those who have these retention licences because they cannot commence the commercial part of exploration, they keep holding it. And this is the case in Kosiroi,where someone owns the whole area, but has not put the factory and keeps renewing it.

Therefore, at some point, we should put conditions under which this person can renew this licence, instead of allowing the person to keep retaining. If he has done the first four years, has added another three years, then added two, why give more time? It means that he does not have the money to do the work and is holding the country back. He just keeps on renewing and that is cheaper.

**THE DEPUTY CHAIRPERSON:** When you look at this clause, it says “a retention licence may be granted for a period not exceeding three years.” So, it is not open-ended.

**MR PETER LOKERIS:** Can I offer some clarification?

**THE DEPUTY CHAIRPERSON:** Yes.

**MR PETER LOKERIS:** This issue of mining; when a person is given an exploration licence, it is when you expect them to bring machines to do the trenching and try to establish the quantities – whether they will be of a commercial value or not.

Someone who goes there for three years, but keeps on bringing progressive returns to the Directorate of Geology - all the time, they look and ask what the man is doing. There are rules there which you should follow.

If you are not doing anything and after three years, we have not got any returns, that one which they say “may”, you may not get a retention licence. But if you say, through your progressive returns, “I have managed to do this, if I am allowed to continue for these years, I might bring good results to you.” And when they are doing it, by the way, they are also making the ministry to know whether the minerals exist there for future consideration for another person. Then we say, “Okay, go ahead.” In fact, if we move head, there are even mineral rents and we can now deal with surface rights; the one he is talking about.

How about the land? Since the districts are now fully involved - we shall be discussing what a person gets as a right at this time - and the person will consent. Why we are saying three years, is because we want people to prove that they can make it. On the other one, which is seven years – if you have got a licence, then there is no renewal and you should be able to tell us what is there. If you have not progressed, you go and we continue with other people. Otherwise, the mineral is ours. Thank you.

**MR AOGON:** Madam Chairperson, I would like to agree with your earlier position and we do not need to meander about this provision. The fact that the provision is already stating that “not exceeding” gives the minister discretion even to give just 30 days, so there should be no challenge at all. Therefore, I move that we put the question on this and move on.

**THE DEPUTY CHAIRPERSON:** We already finished. We are just on commercial break. Next clause.

**DR OTAALA:** Madam Chairperson, I am withdrawing the amendment we had proposed in view of the amendments we made earlier on, where the duty of licencing lies with the minister. I beg to withdraw.

**MR PETER LOKERIS:** Thank you, Chairperson. I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 58, be amended, as proposed.

**MR THOMAS TAYEBWA:** Madam Chairperson, they have withdrawn the amendment.

**THE DEPUTY CHAIRPERSON:** Okay. I put the question that clause 58 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 58, agreed to.*

*Clause 59, agreed to.*

*Clause 60, agreed to.*

Clause 61

**DR OTAALA:** Madam Chairperson, we propose to amend as follows:

a. Subclause (2)(e)by deleting the term “bankable”.

b. Subclause (2)(l) by deleting the word “full”.

c. Subclause (2)(o) by inserting the words “and progressive reduction of expatriate workers in the industry”.

d. Subclause (2)(p) deleting the words “life and”.

e. Subclause (2)(v) be deleted. The justification is that this is provided for under clause 61(2)(i).

f. Subclause(2)(w)(vi) and (vii) be deleted. The justification is that these are catered for under environmental provisions.

g. Replace the words “work for profit” with “break-even point”. The justification is that it is a grammatical correction.

h. Subclause (2)(f) by deleting the words “only” appearing after the word “part”.

The justification is that it is redundant. I submit.

**MR ENOSI ASIIMWE:** I have reservations on the amendments the chairperson has proposed in the clause. When you say “state the period applied for informed by a bankable feasibility study”, the feasibility study is looking at the financial resources of the applicant. Therefore, when we pull it out of the clause, we are putting ourselves at risk of giving a licence to someone who has no resources to conclude what he/she has set out to do.

In the same manner, when you say that we remove the full feasibility study -

**THE DEPUTY CHAIRPERSON:** Hon. Enosi, we are only removing the word “bankable” not the “feasibility studies”

**MR ENOSI ASIIMWE:** Either way, a feasibility study should be bankable that is why it is done. We are looking at the financial capacity of the company and the financial capacity of that company should be acceptable by the banks. That is the purpose of “bankable”. When you say “be accompanied by a full feasibility study…” - and they are saying we remove the word “full”, I believe we should retain -

**THE DEPUTY CHAIRPERSON:** Hon. Enosi, first get information from the people who know accounts.

**MR KATESHUMBWA:** Madam Chairperson, the most important thing is a “feasibility study” because it tells you that what you are going to do can give results. “Bankable” is subject to whoever is going to finance. So, you cannot put it in legislation because you will be subjecting someone to first get some kind of no objection from the banks, which I think is a very dangerous clause to investment. Feasibility is good enough and that is an international practice.

**THE DEPUTY CHAIRPERSON:** It will be like we are guaranteeing the person to get a loan.

**MR ENOSI ASIIMWE:** Madam Chairperson, I thank him for the information, but a few moments ago, the Government Chief Whip told us about people who are getting licences, but they do not put them to good use; they only sell them to other users.

The only way to guarantee that someone is taking a licence and is going to put it to good use is that he/she should be having resources, and the purpose of a feasibility study is to ensure you have the resources. So, I insist and request that we retain the definitions as per the clause.

**MR THOMAS TAYEBWA:** Madam Chairperson, if you doubt the quality of the feasibility study done, the minister can spell out more, under the regulations, on what a feasibility study that it is acceptable should be composed of.

Colleagues, no bank will say that I am going to give you money when you do not have a letter of no objection. What a bank can only give is to confirm that you have a good banking record and prove of money does not mean, if I own $1 billion, I am going to use that money for that project, no. I can be worth a billion dollars, but it is the assets I will use to guarantee to the bank to get money. So, when you say, “bankable”, the bank will now require me to get a letter of no objection then I am going to be in trouble.

Therefore, Madam Chairperson, to me, feasibility study is good enough. If we want to spell out what that feasibility entails, then it can be covered under regulations.

**THE DEPUTY CHAIRPERSON:** The statement should read: “state the period applied for, informed by a feasibility study” not a bankable feasibility study. Bankable is very dangerous for Government. It will be good for you and me, who wants to go and get loans to finance this. Otherwise, to the Government, no, since it would be giving no objection.

**MR AOGON:** I would like to agree with you, but on condition that the minister is directed to make regulations, which prevent people from coming to just tour around and sell licences. This is where the problem is. His concern is genuine and so we must not runaway from it. Thank you.

**THE DEPUTY CHAIRPERSON:** Minister, have you heard? The regulation should be tight.

**MR PETER LOKERIS:** Thank you very much. Maybe the word we used “bankable” is harsh, but we have formats when applying for these things and they ask you many questions, which are confidential to you.

Before the minister grants a person a licence he/she must know that the person is not coming to joke. This is what is written there. Otherwise, for purposes of harmony, let us just say “feasibility study” because feasibility study gives the money. Otherwise, you will not do it. So, I concede.

**THE DEPUTY CHAIRPERSON:** Thank you.

**MR KAFUUZI:** Before you put the question, I just wanted to make a grammatical correction on subclause (2)(d). It says: “(d) where applicable, contain…” Shouldn’t it be “where the application contains…?” –*(Interjection)*- We retain it? Okay, proceed.

**THE DEPUTY CHAIRPERSON:** Okay. Hon. Enosi Asiimwe had not finished.

**MR ENOSI ASIIMWE:** I have not finished, for one reason. Madam Chairperson, when we talk about a bankable feasibility study, it is a detailed report, prepared and verified by an independent consultant. It is not necessarily about something that you can take to the bank. It is how detailed the study is.

So, now it comes to the definition of the word “bankable”. I suggest that we look at it critically before we delete it.

**THE DEPUTY CHAIRPERSON:** But since the minister says the application has a number of strict parameters, we can rely on the minister.

**MR KAFUUZI:** I would still invite you to look at clause 56, which we have already passed. It explains and covers all his queries. If I may read it again:

*“Clause 56. Grant of retention licence -*

*Where the minister is satisfied that commercial development of a mineral deposit is not possible* *for reasons specified in an application for a retention licence*, *but may be possible within a period of three years from the date of the application, the minister may grant…*”

In essence, you are saying the minister is satisfied with your application – and the feasibility study forms part of that application.

**THE DEPUTY CHAIRPERSON:** Honourable members, I put the question that clause 61 be amended as proposed.

*(Question put and agreed to.)*

*Clause 61, as amended, agreed to.*

*Clause 62, agreed to.*

*Clause 63, agreed to.*

*Clause 64, agreed to.*

Clause 65

**DR OTAALA:** Madam Chairperson, we propose to amend the provisions of clause 65 as follows –

Clause 65(h) be qualified by inserting the word “may”.

1. Inserting a new subclause under clause 65 to provide for “any other matters as might be prescribed in the regulations”.
2. Madam Chairperson, I beg to submit.

**THE DEPUTY CHAIRPERSON:** Minister?

**MR PETER LOKERIS:** I concede.

**MR AOGON:** Madam Chairperson, I think that would be a welcome suggestion. However, to defer a little, did I hear you say “as may be prescribed by regulations”? My concern is that this Bill, when it becomes law, supersedes the regulations - and we should not be talking about regulations here.

So, I do not know whether there is a way you can specify “other business” without referring to regulations because this one, in my opinion, supersedes the other one. Thank you.

**DR OTAALA:** Madam Chairperson, the committee felt that it would not be good drafting if we went into the details of enumerating the various conditions under which this would apply. That is why we thought the minister would take time to prescribe regulations for which that would be applicable.

**THE DEPUTY CHAIRPERSON:** Hon. Silas Aogon, I tend to agree with him. They did not want to enumerate all the other aspects. So, what they are saying is that it will be provided for in the regulations.

**MR AOGON:** Thank you, but maybe the way it has been drafted must sound proper to refer to the minister that he is the one going to make regulations. To a certain extent, if it is so, it becomes redundant because in this Bill, there is already a provision which is asking the minister to make regulations. That one is almost a given – you cannot operationalise a law without regulations.

**THE DEPUTY CHAIRPERSON:** So, you redraft it.

**MR THOMAS TAYEBWA:** Madam Chairperson, when you look at it, even subclauses (g) and (h) – because you cannot say a large-scale mining licence “shall conditions”. Okay? Maybe you can say “shall prescribe”. So, instead of starting with “conditions”, we can say “shall prescribe”.

**THE DEPUTY CHAIRPERSON:** So, can you amend it the way it is supposed to be?

**MR THOMAS TAYEBWA:** Yes. I propose that under subclause (g), we say:

*“Clause 65. Contents of a large-scale mining licence*

*A large-scale mining licence shall -*

*(g) prescribe conditions or restrictions relating to any land rates or surface rights of the registered owner, customary owner, lawful occupant or bonafide occupant of the land*;”

Then for subclause (h), where the committee is proposing “may”, “may” cannot go with “shall”. You have already, here, provided for “shall”. “Shall” and “may” cannot be used at the beginning. So, for (h), I propose that it should also read that:

*“Clause 65. Contents of a large-scale mining licence*

*A large-scale mining licence shall -*

*(h) prescribe conditions with respect to value addition, disposal or sale of the mineral to be mined.”*

**THE DEPUTY CHAIRPERSON:** Then, when you look at subclauses (a), (b), (d), (e), (f) – “specify”, “specify”, “specify”: that is bad drafting.

**MR THOMAS TAYEBWA:** We can even adopt “specify” instead of “prescribe”.

**THE DEPUTY CHAIRPERSON:** You can have “specify”.

**MR THOMAS TAYEBWA:** Yes, I concede on that, Madam Chairperson.

**MR AOGON:** Madam Chairperson, we are in agreement.

**THE DEPUTY CHAIRPERSON:** Are we at par?

**MR PETER LOKERIS:** On this side, we do not have any contention. We concede.

**THE DEPUTY CHAIRPERSON:** Chairperson, are you okay with that?

**DR OTAALA:** I agree, Madam Chairperson.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 65 be amended as proposed by the Government Chief Whip.

*(Question put and agreed to.)*

*Clause 65, as amended, agreed to.*

*Clause 66, agreed to.*

*Clause 67, agreed to.*

*Clause 68, agreed to.*

**MR SSEKIKUBO:** I am having difficulty –

**THE DEPUTY CHAIRPERSON:** On which clause?

**MR SSEKIKUBO:** On clause 68. Having looked at clause 67 that provides for a licence duration of 21 years and, again, under clause 68, you are providing 15 extra years.

Madam Chairperson, I think once you have exhausted your 21 years – whatever good intentions you have and whatever prospects you might have – you, again, do not overlap and start to use this to have another 15 years. We shall be creating conglomerates, Madam Chairperson. That is why I wanted, before the question could be moved to delete clause 68 because it is providing for holding of licenses in perpetuity, which is against the spirit of this very Bill.

If the mine is exhausted, they say whichever is shorter; either 21 years or the shorter or the exhaustion of the deposit, but again under clause 68, you are again providing room for another 15 years.

**THE DEPUTY CHAIRPERSON:** It is not exceeding 15 years; it is not 15 years per se.

**MR SSEKIKUBO:** Yes, it is providing enough room; one can go up to 15 years *–(Interruption)*

**MR AOGON:** I want to believe that we are together on clause 68, hon. Ssekikubo. I think what they are saying is that before 21 years, one should have applied for the renewal, if they want. They are not adding to the 15 years. I think what is there is just okay. We should take the position of the committee -

**THE DEPUTY CHAIRPERSON:** And mindful of the large scale miners who have very heavy investments involved. I would truly go with the committee recommendation. Thank you, hon. Aogon.

**MR LOKERIS:** Yes, large-scale mining; let us talk about Hima in Kasese. If all those towers are put there for making cement, then all of a sudden, you say “no, you have gone for a long time now move.”

To get a replacement to do the job immediately is not easy, and it will be a disincentive to people to bring good machinery to do their job, if they know their license cannot be renewed, especially if they have worked for a long time, and that machinery is almost looking dilapidated or there is a new innovation; one cannot invest in such because they will think they might be in danger yet mining is supposed to be giving us resources.

Tororo Cement Factory, for instance – and all the other large-scale mining industries - I think one will not have the right mind to just say “You get up now. You have done enough.”

**THE DEPUTY CHAIRPERSON:** Honourable minister, can you conclude?

**MR LOKERIS:** Thank you very much. I beg you - if you have invested in such large scale industries - even if it is you and you are told “today go away, you will cry.”

**THE DEPUTY CHAIRPERSON:** What you are saying is we have passed it already.

Clause 69

**THE DEPUTY CHAIRPERSON:** That one was passed. It will be –

**DR OTAALA:** We can even renew a license for another 21 years, but where has the owner of the land disappeared? In this renewing and giving them more years, where is the owner? This assumes that I have sold my land together with surface rights.

**THE DEPUTY CHAIRPERSON:** Chairperson, this is the Mining and Mineral Bill - we have other laws in regard to the land acquisition. We have the Land Act and other laws in regard to that. We have a Constitution, the mother - compensation - There is nobody who will just come to your land and say “because there are minerals here…” No, they must follow all the other laws. Now we are looking at mining and minerals. If you discover that the minerals are in your land, then we start from there using other laws. You will not even see it there.

**DR OTAALA:** I am saying this because I have read all the clauses on surface rights from clause 197 up to 204 –

**THE DEPUTY CHAIRPERSON:** Yes, it comes here.

**DR OTAALA:** I have read it and realised that there is no room for negotiation during extension.

**THE DEPUTY CHAIRPERSON:** Do not worry. It is covered in other laws –

**DR OTAALA:** I am worried. It seems I have been thrown out completely.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 69 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 69, agreed to.*

**DR OTAALA:** Madam Chairperson, we move that clause 70 be amended, in paragraph (d) to substitute the words “stack or dump” with the word “dispose.” I beg to submit.

**THE DEPUTY CHAIRPERSON:** It is a matter of English minister.

**MR LOKERIS:** Madam Chairperson, we concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 70 be amended as proposed.

*(Question put and agreed to.)*

*Clause 70, as amended, agreed to.*

*Clause 71, agreed to.*

**DR OTAALA:** Madam Chairperson, I beg your indulgence. In clause 70 the word should be “disposed of.” I beg to correct that.

In clause 72, we are proposing to delete sub clauses (4) and (5) and the justification is to avoid repetition. I beg to submit

**MR LOKERIS:** I mentioned that is all. I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 72 be amended as proposed.

*(Question put and agreed to.)*

*Clause 72, as amended, agreed to.*

*Clause 73, agreed to.*

*Clause 74, agreed to.*

**THE DEPUTY CHAIRPERSON:** Yes, hon. Ssekikuubo. You stand to speak to what clause, 73 or 74?

**MR SSEKIKUBO:** I stand on clause 73, Madam Chairperson. I am seeing a complication where the minister has moved away from the policy guidelines. Now, the minister, the way we are processing it, will be the one involved in the day-to-day operations of this Bill because there is this: “the minister shall by regulation prescribe a threshold for medium-scale mining.” The minister who is involved in the day-to-day running of this is again the same minister who is mandated by this law to issue Statutory Instruments - now, is the minister regulating himself or herself?

**THE DEPUTY CHAIRPERSON:** The minister will be giving compliance parameters to the people doing the day-to-day running; it is basically that.

**MR SSEKIKUBO:** But they wanted this power yet now they are looking ugly.

**THE DEPUTY CHAIRPERSON:** Where is hon. Nankabirwa?

**MR SSEKIKUBO:** How will the minister regulate himself? You have deprived the technical persons of all their operations. Now, when it comes to this, again you are the ones to give yourselves guidelines - you are creating a very difficult -

**THE DEPUTY CHAIRPERSON:** Hon. Ssekikuubo, when you set the parameters, you hold the technical people accountable. Like we have set parameters here, you should not come and start abusing – or if you do it, we take you to the disciplinary committee*. (Laughter)*

**MR THOMAS TAYEBWA:** Madam Chairperson, to me, these regulations, and the power we talked about of the minister - Hon. Ssekikubo, we wanted someone we can hold accountable here.

I have seen situations - Hon. Silas, we were in the Natural Resources Committee, the minister dodges you because he does not even know what the technical people did. Now we want to say it is you, the minister, who did it; you cannot hide anywhere.

However, that does not stop you from making regulations. Therefore, a threshold is not that much to say that he has gone into the nitty-gritty; what is very important has been prescribed here. However, for a threshold, they look at your capacity and say, “Well, so and so has this capacity” because even with the medium-scale, they are not the same.

**MR AOGON:** Madam Chairperson, when we talk about a threshold, it is more of a policy matter, which a minister should be entitled to handle. I do not see it as a big thing; just prescribing a threshold. For now, Hon. Ssekikubo, my friend, we can agree to this, because I want to believe this is the right thing and we want people who are accountable to their House.

Now, if you put it to the director, when you want to ask a question, he cannot come here. The law requires the minister to appear before us so that we ask questions. Therefore, let us move by the position, which allows us to grill ministers.

**THE DEPUTY CHAIRPERSON:** Thank you, honourable members. I put the question that clause 75 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 75, agreed to.*

Clause 76

**MR SSEKIKUBO:** Madam Chairperson, when you say a “medium-scale person is ineligible” and you say “medium-scale mining licence shall not be granted to an individual, cooperative or association” and yet up, in the large-scale, you have not locked out the individual -

**THE DEPUTY CHAIRPERSON:** It is implied.

**MR SSEKIKUBO:** Yes, but once here you now say that you can be eligible as an individual for the large-scale, even for small-scale, but for the medium-scale, you are not permitting them. How did you reconcile this?

**MR THOMAS TAYEBWA:** Maybe, Madam Chairperson, the more you reduce on the scale, the more you attract smaller people. You will find if you have moved from the big one, someone will look at this and say, as an individual I can manage.

Therefore, I think, whereas indeed, like the chairperson has guided that for large-scale is implied, really you cannot come in with a $500 million and all that. However, for the medium-scale, by the time I think you need to say, I can participate in the medium-scale - for example, auctioning for licences, at least, you should be able to form a company. If you are an individual and you have money, form a company; if you are an association, form a limited liability company so that we can take you.

Therefore, to me, this does not harm in any way or restrict anyone who would be qualified, because even the investment in the medium-scale is also still big.

**THE DEPUTY CHAIRPERSON:** Hon. Ssekikubo, it is not something fundamental that should keep us here for long. I put the question that clause 76 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 76 agreed to.*

*Clause 77, agreed to.*

Clause 78

**DR OTAALA:** Madam Chairperson, we propose to redraft subclause (1) of clause 78 to read as follows:

 “A medium-scale mining licence shall not be granted over an area of land in or which is, an exploration area, a retention area or a mining area unless the applicant is the holder of an exploration licence, a retention license, an artisanal mining licence, a small-scale mining licence or large scale mining licence as the case may be, in respect of that area”. The justification for this is to be all-inclusive. I beg to submit

**THE DEPUTY CHAIRPERSON:** Minister -

**MR PETER LOKERIS:** I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 78 be amended as proposed.

*(Question put and agreed to.)*

*Clause 78, as amended, agreed to.*

*Clause 79, agreed to.*

*Clause 80, agreed to.*

Clause 81

**MR SSEKIKUBO:** Thank you, Madam Chairperson. When we are talking about cancellation of a medium-scale mining licence, you are touching the right of an individual, of an investor. The reason we are giving is failure to start the mining activities within six months.

We are talking about an area of more than 50 square kilometres. In addition, for you to just whittle away the rights of an individual, to terminate his mining licence, something that he owns, there should be very strong and compelling reasons. I would rather that we look at this clause carefully, and we give it a minimum of one year. However, for you to say six months; before you have mobilised the resources and the equipment, the six months would have elapsed.

Therefore, I think this was being high-handed and I would invite honourable members, if we are talking in the spirit of an investor, medium-scale mining is not a small matter. I want to amend 81.

**THE DEPUTY CHAIRPERSON:** Honourable minister, can we amend it to one year?

**MR PETER LOKERIS:** Your amendment is fine.

**THE DEPUTY CHAIRPERSON:** I now put the question that clause 81 be amended as proposed.

*(Question put and agreed to.)*

*Clause 81, as amended, agreed to.*

*Clause 82, agreed to.*

*Clause 83, agreed to.*

*Clause 84, agreed to.*

*Clause 85, agreed to.*

*Clause 86, agreed to.*

*Clause 87, agreed to.*

*Clause 88, agreed to.*

Clause 89

**DR OTAALA:** Under clause 89, we propose to amend subclause (1) by substituting the provisions as follows: “A small-scale mining licence shall not be granted over an area of land in or which is, an exploration area, a retention area or a mining area unless the applicant is the holder of an exploration licence, a retention licence, an artisanal mining licence, a medium scale mining licence or large-scale mining licence as the case may be, in respect of that area.”

The justification, just as in clause 78, is to be all-inclusive. Madam Chairperson, I beg to submit.

**THE DEPUTY CHAIRPERSON:** Minister?

**MR LOKERIS:** I do concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 89 be amended as proposed.

*(Question put and agreed to.)*

*Clause 89, as amended, agreed to.*

**DR BUKENYA:** Madam Chairperson, whereas the “Ayes” have it there, I was meditating a bit and I lost something. I see here that for the small-scale miners - we need to understand from the minister what he categorises as small-scale miners because he is restricting it to only companies owned by Ugandans. There are few Ugandans who are at the level of Hon. Thomas Tayebwa, who may be able to raise a lot of capital. I imagine small-scale miners may require about US$ 3 million. I would like the minister to clarify what he meant by a small-scale miner and a medium-scale miner? I imagine large is US$ 100 million.

I would like clarification because we are putting a lot of restrictions and we are denying Ugandans foreign capital at a smaller scale. At least the artisanal miners should be Ugandans, but for small-scale and medium-scale, we should allow companies that majorily Ugandan with capital possibly from elsewhere because Ugandans are not very –*(Interjection)*– Yes, they can form a company and – but these companies should be 100 per cent Ugandan. I am uncomfortable.

**THE DEPUTY CHAIRPERSON:** Hon. Bukenya, the capital regulations can be in the regulation. That should be taken up by the minister to include in the regulation.

**DR BUKENYA:** Maybe he can edit that too because clause 86 clearly states, “100 per cent Ugandan shares”, but the minister does not disclose to us what he categorises as “small-scale” and “medium-scale”. He just mentions the words yet I may fail to raise as much capital as Hon. Thomas Tayebwa and then I am left out.

**MR AOGON:** Madam Chairperson, for the first time, let me disagree with my very immediate neighbour here. It is normal, we share the same notes, but – my issue is that we have been labouring, as a country, to ensure that there is local content meant for Ugandans. I thought this is very pertinent. It is not about the amount of money that we have, but at least, to have a right: let us ring-fence something for our people.

Concerning getting money for the work, that will be sorted from another angle. Government can easily come in and people can borrow loans through the Uganda Development Bank and they will do work. Therefore, I would stand that we retain it the way it is; it is very pertinent.

**DR BUKENYA:** Madam Chairperson, I found an Asian investor in Kumi selling pancakes. So, I do not understand what he is talking about.

**MR THOMAS TAYEBWA:** Madam Chairperson, I want to understand. Hon. Bukenya, what is important is you holding a licence then exploration, I can do it in a joint venture with someone who has –

**THE DEPUTY CHAIRPERSON:** Hon. Thomas Tayebwa, Hon. Aogon has already clarified. I put the question that clause 90 stands part of the Bill.

*(Question put and agreed to.)*

**MR SSEKIKUBO:** Madam Chairperson, under clause 90, we have been having petitions from areas like Bukuya, among others. By us leaving clause 90 the way it is - the area size covered by small-scale mining licence - and we leave it under regulations, this is capricious legislation; people will not be aware.

The minister, depending on which interests he or she may have, can encroach on the rights of these small-scale miners, under the regulations. We are now are saying that it will be covered under the regulations, but as Parliament, we have had petitions to protect the small-scale miners who are being pushed out.

Madam Chairperson, once we leave this, we are leaving it open to abuse. Let us give small-scale miners the right to their land, if we say, “the right to the areas of mining” so that it is clear. However, once you leave it to be determined under the regulations, we shall not be clear. As a result, they will be pushed out as and where the minister provides for the regulations.

I, therefore, would like to request the chairperson to have this clause carefully considered. We can put that “where their mining activities are involved, we leave them to their own means.”

**THE DEPUTY CHAIRPERSON:** Let us first move, you will go for recommittal.

**MR SSEKIKUBO:** Madam Chairperson, we are forming consensus on clause 90.

**THE DEPUTY CHAIRPERSON:** There is no consensus here because if you are going to allow this, you are going to go into things like what is happening in Namayingo. Let the regulations determine. Let the minister do work because you hold the minister accountable. We cannot hold the technical people accountable apart from the minister.

**DR OTAALA:** The information I wanted to give to my colleague is that we are considering different minerals. If we prescribe say, five square miles, that may be such a large area for a mineral like gold whereas for a mineral like iron ore, it may not be big enough. That is why we felt this provision should remain as is. The minister will prescribe regulations as applicable to specific minerals. I beg to submit.

**MR AOGON:** More to that, the regulations are our own because they will be brought to the Table here and laid before the House then we shall follow up and see whether they are implemented or not.

**THE DEPUTY CHAIRPERSON:** Hon. Aogon, you deserve a gold medal today. I put the question that clause 91 stands part of the Bill.

*(Question put and agreed to.)*

**DR BUKENYA:** Madam Chairperson, I propose that the duration be increased to seven years. These people have never been in mining and they do not know what investment to put in and how much time, and that is in consonance with what happens in the neighbouring countries of Tanzania and Rwanda, among others.

**MR SSEKIKUBO:** By giving it 10 years –

**THE DEPUTY CHAIRPERSON:** No, read it fully; it says, “renewable”. Now, if it is renewable, Hon. Bukenya, even if it is five years, you will go back and you are given another five and you will make 20 years. Let us move a little bit faster. This is just –

**DR BUKENYA:** The renewal is three years; so, you go from – we would prefer that they give us at least seven years.

**MR LOKERIS:** Thank you very much, colleague. When we said that we are giving to Ugandans and restricting them, it is because we know that we are all Ugandans. What could be the ability of those people in the regulation to work on this? Because we are indigenous, we go on giving a short time and then make it renewable all the time because you are not going anywhere. Therefore, there is no problem.

**DR BUKENYA:** Honourable minister, the large-scale miners are getting 21 years while the smaller scale miners are getting five years –

**MR LOKERIS:** They are small because of the income.

**THE DEPUTY CHAIRPERSON:** Hon. Bukenya, you will grow. You start with small-scale, then go to medium, then to large-scale. You keep on growing and the terms keep on improving.

**DR BUKENYA:** But the minister has refused to categorise for us. I would have gotten a clue on what he means. He is restricting this mining to large companies that are definitely not Ugandan, and the Ugandans will be left out. We are not going to develop. *(Interjection)*

Large-scale is at 21 years and then the small-scale ones, who are possibly Ugandans, whom you have denied the chance to partner with foreigners; you are restricting them to five years. So, they get their small capital, as they start getting something, it is expired. You have to go through a process. At least seven to 10 years would be fair. The foreigners are taking 15 or 21 years. They are large-scale and they have the capital.

**THE DEPUTY CHAIRPERSON:** Why don’t we say, it is renewable for another five years?

**DR BUKENYA:** Maybe five years. That is an improvement. When they give you something small, you take it. That is an improvement.

**THE DEPUTY CHAIRPERSON:** It is forfive years, renewable for another five years.

**MR LOKERIS:** We have been talking about the involvement and the quantum involved. That is also taken into account. What is your involvement on the land there? What are you doing?

This also covers ability. If they say smaller scale, they know that if it is this, we know, with those regulations, you will be able to afford. But if you advance, you can even form a company and apply in a different name. You can say that I am now a company, I can apply. And you will fall on the other side; to enable you to at least participate. That is why we are forming cooperatives and so on. We know what we have as Ugandans. In fact, it is not a disadvantage to Ugandans. It is a favour to them. That is why we are splitting all these things and we have cascaded upto small-scale; and to artisanal as well. This will involve many people and we are taking care of them.

**MR FETA:** Madam Chairperson, considering the investment required, I would think that if we give a renewal period of another five years, we would be fair to our local investors.

**THE DEPUTY CHAIRPERSON:** Members, since this has already been passed, you go for a recommittal. The question was already put. We are now on clause 92. So, you will do a recommittal.

Clause 92

I put the question that clause 92 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 92, agreed to.*

*Clause 93, agreed to.*

*Clause 94, agreed to.*

*Clause 95, agreed to.*

*Clause 96, agreed to.*

*Clause 97, agreed to.*

*Clause 98, agreed to.*

*Clause 99, agreed to.*

*Clause 100, agreed to.*

*Clause 101, agreed to.*

Clause 102

**MR SSEKIKUBO:** Madam Chairperson, on the revocation of the artisanal mining licence, we are saying, within a period of four months from the date of the licence, if you have not carried out the artisanal mining, you will have your license revoked.

**THE DEPUTY CHAIRPERSON:** Actually, it should reduce to three months.

**MR SSEKIKUBO:** I propose that it should be one year.

**THE DEPUTY CHAIRPERSON:** We passed a law here on landlord tenancy; we put it to three months. We also passed the market bill, we put it to three months. For consistency, we should reduce to three.

**MR SSEKIKUBO:** But Madam Chairperson, the consistency should first originate within the particular Bill, unless when we are cross-referencing with other Acts.

**THE DEPUTY CHAIRPERSON:** If we have given you a licence and you have not done anything –

**MR KATESHUMBWA:** Madam Chairperson, the information I would like to give is that this Bill is actually meant to boost investment in the mineral sector. And my colleague, the information I want to give is that, if you do not tie and commit people to actually invest and take their licences seriously, we are going to have speculators and this sector will never grow.

If you look at the countries that have moved quickly, within the four months, if you have not shown – then you are regarded as a speculator and then country moves on.

In the interest of boosting and attracting-investment, getting serious people in the sector, I think this is a very important timeline.

**MR SSEKIKUBO:** Listening to my colleague, will this be labour intensive, or capital intensive? He is a good investor. I am surprised that he wants to take investment in minerals as different from his usual investments. Honourable member, we need –*(Interruption)*

**MR LOKERIS:** We are reading artisanal – we are saying three years and two years at a time. This is because we have people who go three years, then they give you two years. It is infact in perpetuity, in consideration of our people. It goes on unless you have done nothing completely. So, to me, the assurance of our people to be on the land is there.

**THE DEPUTY CHAIRPERSON:** Honourable Minister, he is talking about 102(b): within a period of four months from the date the licence was granted or renewed, no mining operations commenced under this licence. Or, how much time would you give somebody?

**MR ENOSI ASIIMWE:** Madam Chairperson, can I make a submission on this?

**THE DEPUTY CHAIRPERSON:** Yes.

**MR ENOSI ASIIMWE:** We are dealing with small-scale miners here, who at times use their hands. They are at times doing it by themselves. Somebody can get sick and within four months, he has not recovered and he has his licence under his bed.

I would like, therefore, to support my colleague that we give them at least one year. If somebody has not put his licence to good use within one year, let them return it. This is because they are very small-scale miners. I do not think that we should even be licensing them, but we are just licencing them because we want to regulate them. However, in reality, they should not be licenced so that we promote them as individuals. Thank you very much.

**MR KUGONZA:** Thank you. I think this is very clear, because it says, “may”. This assumes that to be an artisanal miner you must already be in practice. This is intended to weed out the people who want to get into the sector when they have not been there.  I strongly support the four months as provided.

**THE DEPUTY CHAIRPERSON:** We are avoiding speculators. I put the question.

**DR OTAALA:** Madam Chairperson, with due respect and in regard to the promotion of local content; who are the people that we are promoting? We are promoting the small-scale people – those who do not have capital. Four months, I think, is a very short period. Why doesn’t this law come up to encourage? Within four months, someone is preparing. At least, let us make it one year.

**MR LOKERIS:** I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 102 be amended as proposed.

*(Question put and agreed to.)*

*Clause 102, as amended, agreed to.*

*Clause 103, agreed to.*

*Clause 104, agreed to.*

*Clause 105, agreed to.*

*Clause 106, agreed to.*

*Clause 107, agreed to.*

*Clause 108, agreed to.*

*Clause 109, agreed to.*

*Clause 110, agreed to.*

*Clause 111, agreed to.*

*Clause 112, agreed to.*

*Clause 113, agreed to.*

*Clause 114, agreed to.*

Clause 115

**DR OTAALA:** Madam Chairperson, we are proposing to amend the provisions as follows:

a. By deleting the words “or the estimated life of the geothermal resource whichever is shorter”.

Justification: A geothermal resource, does not have an estimated life.

By deleting subclause 4(b).

Justification: It is already provided for under subclause (3).

I beg to submit.

**MR THOMAS TAYEBWA:** Madam Chairperson, clause 115 does not have subclause (b), so, I do not know what the chairman is referring to. It does not even have subclause (a).

**THE DEPUTY CHAIRPERSON:** I hope you did not mean clause 116?

**DR OTAALA:** Madam Chairperson, I beg for your indulgence. We are proposing to amend clause 115.

**THE DEPUTY CHAIRPERSON:** It does not have subclause (b).

**DR OTAALA:** Yes, just by deleting that last part of the provision “or the estimated life of geothermal resource”. That is what we want to be deleted. The justification is that a geothermal resource does not have an estimated life. It remains there in perpetuity.

**THE DEPUTY CHAIRPERSON:** So, is (b) a typo? We have understood that, but in your proposed amendment, you are saying that “(b), by deleting subclause 4(b)….”

**DR OTAALA:** Madam Chairperson. Right now, clause 115 reads: *“The period for which a licence for extraction of geothermal resources for direct use is granted shall be specified in the licence and shall not exceed 10 years or…”* in other words, we are saying it “shall not exceed 10 years” – delete whatever is forward.

**THE DEPUTY CHAIRPERSON:** Okay, minister?

**MR PETER LOKERIS:** Thank you very much, Madam Chairperson. I do not think what the chairman is saying could be right. Geothermal resource means – because the core of the earth is very hot. It emits heat up and when it comes to the subsurface and water from rain, gets through to meet the hot air, it makes steam and it is trapped there. Then, you look for it by punching a place and you put a bowl which will bring steam out. So, this is renewable energy, which will continue for a long time.

When we are giving time, we know the rains will continue raining and water sinks inside and meets the hot air. If this is the decision – I am trying to define – then this thing continues. Even if it is like that, it does not have any harm.

**THE DEPUTY CHAIRPERSON:** Honourable members, I put the question that clause 115 be amended as proposed.

*(Question put and agreed to.)*

*Clause 115, as amended, agreed to.*

*Clause 116, agreed to.*

*Clause 117, agreed to.*

*Clause 118, agreed to.*

Clause 119

**DR OTAALA:** Madam Chairperson, we are proposing to amend subclause (1)(i) by inserting the words “which may include traditional use of geothermal resources” at the end of the provisions.

Justification: To protect the historical use of geothermal resources.

**MR LOKERIS:** I do concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 119 be amended as proposed.

*(Question put and agreed to.)*

*Clause 119, as amended, agreed to.*

*Clause 120, agreed to.*

*Clause 121, agreed to.*

Clause 122

**DR BUKENYA:** Madam Chairperson, under clause 122 - actually Part VI talks about building materials yet Article 244 of the Constitution does not categorise them as minerals, though the Constitution prescribes how Parliament can make a law. So, I think that, one, it is against the Constitution. And two, it is going to disenfranchise Ugandans mining sand and clay, and might create many other problems, and it is also going to make building very expensive for Ugandans.

**THE DEPUTY CHAIRPERSON:** We talked about building materials; it is about “Licencing of building substances exploited for a commercial purpose.”

**DR OTAALA:** Madam Chairperson, the information I want to give my colleague is that the whole of part six goes and so, it is not necessary to discuss that right now. What we recommended is that it will be regulated under a different law. So, the entire Part VI goes.

**THE DEPUTY CHAIRPERSON:** Hon. Kateshumbwa, can you clarify? The part you are deleting is part XX.

**MR KATESHUMBWA:** Madam Chairperson, on this whole Part VI, when we discussed it, the recommendation was that all of it goes out and gets regulated under a different law because commercial – you have not defined whether small-scale, commercial purposes or large-scale.

Madam Chairperson, if you look at, for example, a quarry - people who are just digging aggregates - and you want to redirect them under this law, you are likely to have a problem or a crisis of implementation. Therefore, our recommendation was that this part goes out.

**MR KAFUUZI:** Madam Chairperson, just to add to what Hon. Kateshumbwa has said, as Government, we intend to bring a law, specifically for this. So, it cannot form part of this mining law.

**MR AOGON:** Madam Chairperson, I want to agree with my neighbour who is whispering informally to me that we move to clause 148 –*(Interjections)*- yes. This issue of quarrying - this thing we do using hoes; that is how we also survive. Our locals use this and when you over regulate – this is for mining; we are not miners. This is for our people.

**DR BUKENYA:** The voters of Hon. Ssekindi will not have work in Kalungu, where there is a sand quarry.

**MR SSEKIKUBO:** Madam Chairperson, I am only noticing legislation by ambush because on the government side, neither the minister who is responsible for the Bill nor the chairperson of the committee, are putting the Chairperson on the same page with the position earlier agreed upon.

For the responsible persons who are processing the Bill to just allow the Speaker to take notes from the chairperson, as if this House has no procedures –

**THE DEPUTY CHAIRPERSON:** Hon. Ssekikubo, you like quarreling.  Hon. Dr Bukenya has a point; these are building materials, which is against the Constitution. So, can we hear from you?

**MR LOKERIS:** Thank you, Madam Chairperson. First of all, in the Constitution, some of these things are not mentioned as minerals because these are natural resources, which should benefit the country.

The silica we have been introducing from Lweza is a lot, then we say, “we are not regulating”, but the Constitution, in subsection (6), says that Parliament, in its wisdom, can legislate on how to control these materials, which are used for commercial purposes - not for building houses - but for commercial purposes. It is specified. However, in their wisdom, the committee says, “No, let us get another one; we do not have to put it here.”

Otherwise, I agree with that position; to delete and we immediately get another so that we regulate these things. These are natural resources and they are very expensive; they can bring a lot of money to the country. *(Applause)* You see, if you can sell your matooke and get –

**THE DEPUTY CHAIRPERSON:** Move the amendment.

**MR LOKERIS:** So, I do say that if we delete it and get another law, no problem.

**THE DEPUTY CHAIRPERSON:** That is not the amendment. Can you move the amendment to delete Part VI?

**MR LOKERIS:** I beg to move that we delete Part VI of this Bill, in favour of making a separate law. I beg to move.

**THE DEPUTY CHAIRPERSON:** Honourable members, I put the question that we delete Part VI of the Bill, comprising clauses 122 to 147.

*(Question put and agreed to.)*

*Part VI, deleted.*

*Clause 148, agreed to.*

*Clause 149, agreed to.*

*Clause 150, agreed to.*

*Clause 151, agreed to.*

*Clause 152, agreed to.*

*Clause 153, agreed to.*

Clause 154

**DR OTAALA:** Under clause 154, Madam Chairperson, we propose to amend paragraph (h) by substituting the words “stack or damp” with the word “dispose” wherever it appears throughout the Bill. I beg to submit, Madam Chairperson.

**THE DEPUTY CHAIRPERSON:** Thank you. Yes, honourable minister?

**MR LOKERIS:** I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 154 be amended as proposed.

*(Question put and agreed to.)*

*Clause 154, as amended, agreed to.*

Clause 155

**MR SSEKIKUBO:** Whereas we have provided for the mineral smelting licences, I note with particular concern that there is no way, under this legal regime, where that licence can be revoked. Is Government surrendering entirely to the smelters? We are now running into licencing for refining, but it appears as if once one has obtained a smelting licence, it is absolute *–(Interjections)-* I am not seeing it because it should have been before clause 155, 154 - there is a lacuna. I can see the lacuna, Madam Chairperson, we are leaving this as if it is absolute and yet, the law should specify conditions and areas. It is not -

**MR THOMAS TAYEBWA**: Hon. Ssekikubo, what of clause 163 - which talks of suspension or cancellation of processing, smelting or refinery licence? I think it should be able to cover that.

**THE DEPUTY CHAIRPERSON:** Yes.

**MR SSEKIKUBO:** In general provisions, yes. Once you are moving from the note of smelting and you have provided, therefore -

**THE DEPUTY CHAIRPERSON:** Hon. Ssekikubo, that can be provided for by regulations that have been given out by the minister. We said the regulations will be issued by the minister on this.

**MR SSEKIKUBO:** There is poor draftsmanship here because what we have gone through should be a pattern throughout; you provide for a licence, legal regime, the regulatory framework and also circumstances where such can be reformed.

**MR THOMAS TAYEBWA:** Hon. Ssekikubo, you are not reading it in full. You are reading it in isolation because you are focused on only one clause. From page 149, if you have the Bill, go directly up to clause 166; it is all about the mineral refining licence. The whole of that part is about the mineral refining licence. Hence, it is not bad draftsmanship. I think if you look at clauses 163 and 164, they all handle issues of cancellation. In my view, this was very good draftsmanship.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 152 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 152, agreed to.*

*Clause 153, agreed to.*

Clause 154

**THE DEPUTY CHAIRPERSON:** I put the question that clause 154 as amended – We had finished this and we went back. Please, Hon. Ssekikuubo, stop taking us back.

I put the question that clause 155 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 155, agreed to.*

*Clause 156, agreed to.*

*Clause 157, agreed to.*

*Clause 158, agreed to.*

*Clause 159, agreed to.*

*Clause 160, agreed to.*

*Clause 161, agreed to.*

*Clause 162, agreed to.*

*Clause 163, agreed to.*

*Clause 164, agreed to.*

*Clause 165, agreed to.*

*Clause 166, agreed to.*

*Clause 167, agreed to.*

*Clause 168, agreed to.*

*Clause 169, agreed to.*

*Clause 170, agreed to.*

*Clause 171, agreed to.*

*Clause 172, agreed to.*

*Clause 173, agreed to.*

*Clause 174, agreed to.*

*Clause 175, agreed to.*

*Clause 176, agreed to.*

Clause 177

**DR OTAALA:** Madam Chairperson, under clause 177, we are proposing to amend subclause (4) (d) -

**MR AOGON:** Madam Chairperson, I heard a colleague saying “sit.” It is a right of a Member to raise a point of procedure; so, you cannot wish it away.

We have sat and I felt that the minister in charge of the Bill should do something because we are determined to finish this Bill. Can you provide tea? Do something. Isn’t it procedurally proper that you do something because we are really determined? We can even trans-night here for you.

**MR LOKERIS:** Finish the Bill and tomorrow, we shall provide. *(Laughter)*

**DR OTAALA:** Madam Chairperson, under clause 177, we are proposing to amend subclause (4)(d) by inserting immediately after the words “export permit” the words “or any related documents issued by the relevant Government department from the country of origin.”

The justification for this is that certain countries, where the minerals may come from, may not necessarily have export permits, but they may have other documents that they issue. For that we wanted to be more inclusive to allow for any other documents so long as it is approved by the relevant Government department. I beg to submit.

**THE DEPUTY CHAIRPERSON:** Minister.

**MR PETER LOKERIS:** I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 177 be amended as proposed.

*(Question put and agreed to.)*

*Clause 177, as amended, agreed to.*

*Clause 178, agreed to.*

*Clause 179, agreed to.*

*Clause 180, agreed to.*

*Clause 181, agreed to.*

*Clause 182, agreed to.*

*Clause 183, agreed to.*

*Clause 184, agreed to.*

*Clause 185, agreed to.*

Clause 186

**DR OTAALA:** Madam Chairperson, under clause 186, we are proposing to delete subclause (1).

The justification is that it is subject to abuse.

In paragraph (i) and (j) by substituting the word “without” with the word “except with” and the justification is for consistency. I beg to submit.

**THE DEPUTY CHAIRPERSON:** Minister.

**MR KAFUUZI:** Madam Chairperson, I wish to depart from the assertion of the committee chairperson. Clause 186(1) is giving grounds. If we delete it, then the minister will not act and the Bill will be toothless.

If we are empowering the minister to grant the licence, we are also giving him/her grounds for revocation and those are established in this clause. Therefore, I propose that we maintain it.

**THE DEPUTY CHAIRPERSON:** We maintain the clause the way it is.

**DR OTAALA:** Madam Chairperson, we concede that we maintain the subclause as it is.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 186 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 186, agreed to.*

*Clause 187, agreed to.*

*Clause 188, agreed to.*

*Clause 189, agreed to.*

*Clause 190, agreed to.*

*Clause 191, agreed to.*

*Clause 192, agreed to.*

*Clause 193, agreed to.*

*Clause 194, agreed to.*

*Clause 195, agreed to.*

*Clause 196, agreed to.*

Clause 197

**DR OTAALA:** Madam Chairperson, under clause 197 we are proposing that we delete subclause (1) paragraphs (g), (h) and (i).

The justification is that these are redundant.

We are further proposing to insert a new subclause immediately after clause 197(1)(f) to read as follows:

“In a national park, swamp, within a forest reserve, unless the holder of the mineral right has first given notice to and obtained permission from the relevant authorities and complies with any conditions imposed by the authorities”. I beg to submit.

**MR ACHIA:** Thank you, Madam Chairperson. Under subclause(1)(j), I wanted us to keep the words “in respect of, or on any land, which is held communally” and remove the words “for cultural rights” because that is restrictive. It means even if it is communal land, you can only have rights when it is about cultural sites.

So, we say, “in respect of any land which is held communally without the written consent of the community concerned”; you remove the words for “cultural rights”.

**MR KAFUUZI:** Madam Chairperson, I want to disagree with my senior colleague. You see, there are lands or pieces of land that are held communally or even for cultural rights, like Naggalabi here in Buganda. Therefore, if you delete it, it means that area is not protected. The intention of the Bill is that even if a licence is granted over that vast area, if a particular part of that area is for cultural purposes, it should be protected and the licencee should not exercise his or her rights over, let us say, Naggalabi, because it is a cultural area. Therefore, I would propose that we maintain this clause.

**THE DEPUTY CHAIRPERSON:** Do you understand land held for cultural rights? Which one is that?

**MR ACHIA:** Madam Chairperson, I get what the Attorney-General is saying. He says even if you give a licence in this area, you have no right to interfere with some spot, which is for cultural rights. However, my idea is to give a wider net that communal land should not be interfered with, without written consent of the community concerned. Whether it is a cultural site or not, once they are communally owned, we shall not make use of them without the written consent of the community concerned. It is not limited only to those cultural sites, but the whole land that must be protected.

**MR LOKERIS:** Madam Chairperson, they have mentioned all these things like communal ownership, cultural rights. Then the other one is “without the written consent of the community concerned”. There are two issues here; the cultural sites and the community concerned. I think all these things we are saying are here. Thank you.

**THE DEPUTY CHAIRPERSON:** Thank you. Hon. Enosi Asiimwe?

**MR ENOSI ASIIMWE:** Madam Chairperson, I want to disagree with the committee recommendations on deleting section (g) –

**THE DEPUTY CHAIRPERSON:** Are you in agreement with the first one?

**MR ENOSI ASIIMWE:** For the community, I agree. Madam Chairperson, in the same spirit, we should not delete (g), (h) and (i). Let us retain them for purposes of clarity and emphasis on the environment. If it is a national park, let them get a licence from the Uganda Wildlife Authority. If it is a swamp, let it be the National Environment Management Authority (NEMA) and if it is a forest, let us get clearance from the National Forestry Authority (NFA). I suggest we retain.

**THE DEPUTY CHAIRPERSON:** I agree with Hon. Enosi Asiimwe. We are maintaining the clause as is.

**MR ACHIA:** Section (j) protects communally held land. Actually, nobody should interfere with cultural sites. However, if we pick specifically that the only spot we are going to protect is the cultural site, what happens to other communally owned land?

We are saying, if you want to have access to communally owned land, get written consent of the community concerned; whether you are in Gulu or Tororo, as long as the land is communally owned, it must be protected and it must be the community that communally uses that land, that should get you the written consent. This is common in North-western Uganda. We need to protect, including the cultural sites.

**THE DEPUTY CHAIRPERSON:** Honourable member, I think the communal land would mean all land, which is owned communally, where we are saying you should get permission. However, these cultural sites for instance, Buganda here, you would look at Bulangi and Kasubi tombs and they should be protected. Yes, that is what the law is saying.

**MR ACHIA:** Madam Chairperson, my request is that we say you cannot do anything in respect of or any land, which is held communally, including cultural sites without the written consent of the community.

**THE DEPUTY CHAIRPERSON:** What he wants is the word “including”, which is okay.

**MR ACHIA:** Including cultural sites without the written consent of the community. That is okay.

**MR LOKERIS:** The amendment proposed by my brother is good because he wants to pronounce that there is communal land. I agree with him. However, saying that authorities such as the Uganda Wildlife Authority will remove – it is not him, but the chairperson said - We must maintain this. Are we maintaining it? *[*Members: *“Yes”]* Then I concede.

**MR IDDI ISABIRYE:** Madam Chairperson, I have concerns on clause 197(e) with regard to respect of any land within 200 metres from any lake –

**THE DEPUTY CHAIRPERSON:** Where is that?

**MR IDDI ISABIRYE:** It is clause 197(e).

**THE DEPUTY CHAIRPERSON:** That is the NEMA Act. It is consistent with other laws.

**MR THOMAS TAYEBWA:** Maybe the Member should know that we put supremacy clauses. Therefore, on those matters, the NEMA law is supreme and so, we cannot do anything about it.

**THE DEPUTY CHAIRPERSON:** Honourable members, I put the question that clause 197 be amended as proposed by Hon. Remigio Achia.

*(Question put and agreed to.)*

*Clause 197, as amended, agreed to.*

*Clause 198, agreed to.*

Clause 199

**DR OTAALA:** Madam Chairperson, under clause 199, we propose to amend subclause (2) by –

a. deleting the word “exploration”. The justification is that it is misplaced.

b. Amend subclause (3) by substituting “fourteen days” with “thirty days”. The justification is to allow sufficient time for consideration and determination of the matter submitted for arbitration. I beg to submit.

**THE DEPUTY CHAIRPERSON:** Minister?

**MR LOKERIS:** I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 199, be amended, as proposed.

*(Question put and agreed to.)*

*Clause 199, as amended, agreed to.*

**MR THOMAS TAYEBWA:** Madam Chairperson, when Hon. Aogon negotiated for “tea”, it was for the whole House. I now see him enjoying alone. He only gave Hon. Tonny Ayoo, who has put it under the chair. *(Laughter)*

**THE DEPUTY CHAIRPERSON:** I put the question that clause 200 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 201, agreed to.*

*Clause 202, agreed to.*

*Clause 203, agreed to.*

*Clause 204, agreed to.*

Clause 205

**DR OTAALA:** Madam Chairperson, under clause 205, we are proposing to amend subclause (1) by substituting the reference to “Act, 2017” with “Act, 2018”.

The justification is to correct an error. I beg to submit

**MR SSEKIKUBO:** Madam Chairperson, where we say “designation of the directorate as a competent authority” –*(Interjections)-* I hope you will protect me from the Government Chief Whip.

How would we go about this? The directorate is designated as the competent authority for purposes of this part. It may not be for the other underlying policy matters and decisions, but for this particular one. Do I take it that the committee chairperson will not propose a consequential amendment to this?

Whatever you do, let us allow the directorate to retain some residual powers as a technical arm in the mining sector. I would say that this part would not be subject to the consequential amendment that I found, earlier on, agreed upon. I beg that this remains as it is, for purposes of the smooth-running and operationalisation of this Bill.

Let us remain conscientious that under the minister, there remains a team of technical persons dedicated to the implementation of this Bill. I beg.

**THE DEPUTY CHAIRPERSON:** Honourable members, we are on clause 205 and hon. Ssekikubo is proposing that it remains as it is.

**MR LOKERIS:** These are the technical duties, which are everyday duties. I do not dispute this one because this is not a licence. Thank you.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 205 stands part of the Bill.

*(Question put and agreed to.)*

**MR KAFUUZI:** Madam Chairperson, the Bill came with an error. There was a proposal to amend, specifically in reference to development in the Great Lakes Region Act, 2018.

**THE DEPUTY CHAIRPERSON:** The error of 2017 *vis-à-vis* 2018.

**MR KAFUUZI:** Yes.

**THE DEPUTY CHAIRPERSON:** That is going to be corrected. Honourable Members, I put the question that we correct the error of “2017” to “2018”.

*(Question put and agreed to.)*

*Clause 205, as amended, agreed to.*

Clause 206

**DR OTAALA:** Madam Chairperson, I withdraw this proposed amendment. We have consulted with the minister and agreed to maintain 15 per cent. I beg to submit

**MR LOKERIS:** We conferred and agreed. I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 206 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 206, agreed to.*

*Clause 207, agreed to.*

*Clause 208, agreed to.*

*Clause 209, agreed to.*

*Clause 210, agreed to.*

*Clause 211, agreed to.*

*Clause 212, agreed to.*

*Clause 213, agreed to.*

*Clause 214, agreed to.*

*Clause 215, agreed to.*

*Clause 216, agreed to.*

*Clause 217, agreed to.*

*Clause 218, agreed to.*

*Clause 219, agreed to.*

*Clause 220, agreed to.*

*Clause 221, agreed to.*

Clause 222

**DR OTAALA:** Madam Chairperson, we are proposing to substitute subclause (2) to read as follows -

“The holder of a mineral right, licence or permit shall within 12 months after the grant of the mineral right, licence or permit under this Act, and on each subsequent anniversary of that grant, submit to the directorate for approval, a detailed programme for recruitment, training and promotion of Ugandans, and shall take into account gender, equity and persons with disabilities in accordance with this Act and any other applicable written law*.”*

The justification is so that it is all-inclusive. I beg to submit.

**MR AOGON:** Madam Chairperson, this is to find out why the committee chairperson chose to say “applicable written law”. Which other written law is there, which is applicable?

**DR OTAALA:** We are alluding to compliance with laws such as the Equal Opportunities Commission Act, Persons with Disabilities Act and all other relevant laws that provide for inclusiveness and equity.

**MR AOGON:** The reason I was asking about this is because if we said “applicable laws”, what danger would be there? Maybe the Attorney-General should be able to help us here. “Applicable written law” – is there a law, which is not written?

**MR KAFUUZI:** Hon. Aogon, that is called semantics.

**THE DEPUTY CHAIRPERSON:** There are unwritten laws.

**MR KAFUUZI:** There are developed practices that are also binding over time. There are written laws. We have what we call the Certificate of Gender Equity. We have the Equal Opportunities Commission Act, as he has said, and several others. So, this is going to be one of those areas where the minister who issues or renews the licence will examine one’s performance and see how they have been doing the recruitment exercise and whether they considered that among others. I believe it is good.

**MS NANKABIRWA:** Thank you, Madam Chairperson. I would like the chairperson to clarify. We have various special interest groups. Gender takes care of both male and female. If we go beyond that and mention people with disability, the elderly and the youth, the workers will all rise up because you want to be all inclusive. You will be accused of discriminating against Hon. Gidudu’s constituency. Probably, we stop at making sure that gender is being taken care of. Otherwise, you run a risk of -

**MR THOMAS TAYEBWA:** When you say, “gender and equity” you have covered all.

**DR OTAALA:** Madam Chairperson, I concede to the submissions of my two senior colleges, the honourable minister and the Government Chief Whip.

**MR PETER LOKERIS:** I do concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 222 be amended as proposed by the Government Chief Whip.

*(Question put and agreed to.)*

*Clause 222, as amended, agreed to.*

Clause 223

**DR OTAALA:** Madam Chairperson, I propose that clause 223 be amended by inserting a new subclause, immediately after subclause (1), to read as follows:

“Persons living in the host communities of the mining operations shall be given first priority in training and employment.”

This is not only to take local content to the lowest level, but also to exercise fairness to those communities. I beg to submit.

**MR AOGON:** We need to understand from the committee what they meant here. What kind of training and at what level, because this may be training for experts or people who are at a high level?

**MR THOMAS TAYEBWA:** Madam Chairperson, we already have the oil laws where we have gotten very good experience. During your licencing regime, the minister can go beyond the conditions you put here as conditions of the licence because when developing minerals in all these areas, we use resources from other parts of the country.

So, to put in a law that the jobs will first go to those from that area, would be totally wrong and would not be in tandem with the equity we have talked about.

Therefore, I propose that we maintain it, without going into further details, which can be provided for by the minister under the licencing regime as conditions of the licence. Otherwise, if you say that you want Shs 100 billion to develop a road in that area, someone will argue: “But our children are not going to get jobs so why do we take there money?”

**THE DEPUTY CHAIRPERSON:** What does the oil law say?

**MR THOMAS TAYEBWA:** Under the licencing regime, a minister has powers to include other conditions and regulations in the regulations. So, if we make a law and say that people from this area are the ones going to be given priority for jobs, we will be discriminating right away. We would be violating the Constitution.

**THE DEPUTY CHAIRPERSON:** Let us leave it as it is.

**MR PETER LOKERIS**: The chairman has conceded because our law says that Ugandans should be treated alike. I know what we are doing in the other place where we are carrying out oil activities, there are some jobs, which are created and those people take them without telling others that they are working there. So, let other people who are qualified and are staying there - I agree; I concede! Let us maintain it.

**THE DEPUTY CHAIRPERSON:** Honourable members, I put the question that clause 223 stands as part of the Bill.

*(Question put and agreed to.)*

*Clause 223, agreed to.*

Clause 224

**DR OTAALA:** Madam Chairperson, in this clause we propose to amend subclause (2) by inserting the article “the” immediately after the word “within” appearing on the third last line of the provision.

The justification is to correct a typing error. I beg to submit.

**MR PETER LOKERIS:** I concede to the correction.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 224 be amended as proposed.

*(Question put and agreed to.)*

*Clause 224, as amended, agreed to.*

Clause 225

**DR OTAALA:** In this clause, we propose to amend subclause (1) by deleting the extra word “licence” and in subclause (4), by deleting the extra word “and” appearing between the words “geographical record” and “technical data.”

The justification is to correct errors. I beg to submit.

**MR PETER LOKERIS:** I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 225 be amended as proposed.

*(Question put and agreed to.)*

*Clause 225, as amended, agreed to.*

*Clause 226, agreed to.*

*Clause 227, agreed to.*

*Clause 228, agreed to.*

*Clause 229, agreed to.*

*Clause 230, agreed to.*

*Clause 231, agreed to.*

*Clause 232, agreed to.*

*Clause 233, agreed to.*

*Clause 234, agreed to.*

*Clause 235, agreed to.*

*Clause 236, agreed to.*

*Clause 237, agreed to.*

*Clause 238, agreed to.*

*Clause 239 agreed to.*

*Clause 240, agreed to.*

*Clause 241, agreed to.*

*Clause 242, agreed to.*

Clause 243

**DR OTAALA:** Madam Chairperson, under clause 243, we propose to redraft subclause (1) to read as follows:

“243(1) Every holder of a mineral right, licence or permit shall carry out an environmental and social impact assessment and human rights risk assessment of his or her proposed operations, in accordance with the National Environment Act, 2019.”

The justification for this amendment is that the inclusion of “human rights risk assessment” should be contained under this part because it is a big component, in regard to environmental assessment.

Madam Chairperson, I beg to submit.

**THE DEPUTY CHAIRPERSON:** Yes, Deputy Attorney-General -

**MR KAFUUZI:** Madam Chairperson, my belief is that once there is an Environmental Impact Assessment, the offshoot effects, if the assessment is to the effect that pollution will do A, B, C, D, there will be A, B, C, D; that will be contained in the report. I do not believe we need to add human rights to this.

**THE DEPUTY CHAIRPERSON:** Chairperson, we had agreed that we are going to go by what was in the Bill, without including human rights.

**DR OTAALA:** Madam Chairperson, that is what we discussed during the harmonisation and I want to withdraw this other aspect of human rights risk assessment.

**THE DEPUTY CHAIRPERSON:** So, should we maintain it as it is?

**DR OTAALA:** Let us maintain it as it is. I beg to submit.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 243 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 243, agreed to.*

*Clause 244, agreed to.*

*Clause 245, agreed to.*

Clause 246

**MR ENOSI ASIIMWE:** Clause 246, section 1; there are two issues. One, is that considering that we are not dealing with quarries and building substances, we should remove it. It should read: “There is an established decommissioning fund for each large-scale, medium-scale, small-scale or artisanal mining licence for other facilities operated, in relation to a licence for beneficiation”. Then, we end there because it involves quarry and building substances, which we had already removed in the definition, for purposes of this Bill.

Two, in relation to the same –

**THE DEPUTY CHAIRPERSON:** Let us move together. First, have you understood what hon. Enos Asiimwe is saying? So, move the amendment, if you are in agreement with it.

**MR LOKERIS:** Yes, this is consequential. I do concede because we have already handled it.

**THE DEPUTY CHAIRPERSON:** The amendment?

**MR LOKERIS:** Yes, yes.

**MR ENOSI ASIIMWE:** Under the same section, Madam Chairperson, I also suggest that we exempt artisanal miners because asking them to pay for a decommissioning fund and yet they do not really operate in large areas, I think, would be straining them. I suggest that we look at exempting them.

**MR THOMAS TAYEBWA:** Madam Chairperson, the whole of this part is what is provided for under the NEMA Act. So, you must have all this; that law on such issues of the environment and what is received. So, its supremacy is well covered.

However, Madam Chairperson, to save ourselves, I think we can agree here that any clause that has a reference to the part we deleted - Part VI - when they are doing the final combing and drafting, they should be able to clear it out. Otherwise, some of them will go without us noticing.

**MR AOGON:** Madam Chairperson, I have been on the Natural Resources Committee and I know what artisanal miners can do. Just visit one of their sites and see; you will realise that they need to pay when exiting. That is very important because there is a possibility that matters of the environment are not limited to other people; it is the responsibility of all of us –*(Interjection)*- Yes, let me take it.

**DR BUKENYA:** Additionally, Madam Chairperson, there are artisanal miners. Whereas they are the smallest scale miners, they are very destructive. So, they should be pay the decommissioning fee. You should come and visit and see what they do. Thank you.

**MR ENOSI ASIIMWE:** Madam Chairperson, the two honourable gentlemen are now contradicting themselves because at first, you wanted them to be given licences for five years. Now, you are, at the same time, submitting that they are actually destructive. So, I think we should give them one year so that they keep coming back for licencing so that the licencing agency can be able to review their operations.

**DR BUKENYA:** The two are not related; the ministry has a directorate for monitoring. Madam Chairperson, hon. Enosi Asiimwe is bringing some misleading information. Whereas they are destructive, there is a directorate for monitoring – unless you want the directorate to sleep and leave the responsibility to the minister.

**THE DEPUTY CHAIRPERSON:** Can we first sort out clause 246 with hon. Asiimwe’s amendment?

**DR OTAALA:** Madam Chairperson, hon. Asiimwe proposed an amendment to clause 246(1), but he submitted that we end at “beneficiation”. However, I want to observe that we only delete the words “or quarry licence for building substances” and the rest of the part continues. He had recommended that we delete everything after “beneficiation”. That is the correction I want to make, Madam Chairperson.

**THE DEPUTY CHAIRPERSON:** Have you moved the amendment?

**DR OTAALA:** I am amending his amendment that –

**THE DEPUTY CHAIRPERSON:** The final person to make that amendment is you. Can the Government Chief Whip read the amendment as it is?

**MR THOMAS TAYEBWA:** Madam Chairperson, it is not only this amendment, but we have others.

**THE DEPUTY CHAIRPERSON:** No, first read that one.

**MR THOMAS TAYEBWA:** We should do an omnibus amendment for everything that is impacted by the deleted Part VI. That will save us, whether we have skipped it or not. That will be modified at the last minute of cleaning up.

**THE DEPUTY CHAIRPERSON:** Okay, let us first go to clause 246.

**MR THOMAS TAYEBWA:** Clause 246 will read “There is an established decommissioning fund for each large-scale, medium-scale, small-scale or artisanal mining licence or for other facilities operated in relation to a licence for beneficiation.” Then we delete “or a quarry licence for building substances under this Act.”

Madam Chairperson, the reason I am insisting is –

**THE DEPUTY CHAIRPERSON:** Can I first put the question and then, you will bring your other –?

**MR THOMAS TAYEBWA:** Much obliged.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 246 be amended as proposed by the honourable Government Chief Whip.

*(Question put and agreed.)*

*Clause 246, as amended, agreed to.*

**THE DEPUTY CHAIRPERSON:** Honourable members, I want to guide you that all the parts of the Bill that are affected by the deleted parts, especially Part VI, will be cleared up by the drafting team. They should not appear in the draft. The drafting team must take note of this.

Clause 247

**THE DEPUTY CHAIRPERSON**: I put a question that clause 247 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 247, agreed to.*

*Clause 248, agreed to.*

*Clause 249, agreed to.*

*Clause 250, agreed to.*

*Clause 251, agreed to.*

*Clause 252, agreed to.*

*Clause 253, agreed to.*

*Clause 254, agreed to.*

*Clause 255, agreed to.*

*Clause 256, agreed to.*

*Clause 257, agreed to.*

*Clause 258, agreed to.*

*Clause 259, agreed to.*

*Clause 260, agreed to.*

*Clause 261, agreed to.*

*Clause 262, agreed to.*

*Clause 263, agreed to.*

*Clause 264, agreed to.*

*Clause 265, agreed to.*

*Clause 266, agreed to.*

*Clause 267, agreed to.*

*Clause 268, agreed to.*

*Clause 269, agreed to.*

*Clause 270, agreed to.*

*Clause 271, agreed to.*

Clause 272

**DR OTAALA:** Madam Chairperson, under clause 272, we are proposing to delete the words “mineral protection force”.

The justification for this deletion is that this is consequential. I beg to submit.

**MR LOKERIS:** I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 272 be amended as proposed.

*(Question put and agreed to.)*

*Clause 272, as amended, agreed to.*

*Clause 273, agreed to.*

*Clause 274, agreed to.*

*Clause 275, agreed to.*

*Clause 276, agreed to.*

**MR SSEKIKUBO:** Clause 276, if not properly managed, can cause international fallout. For a hot pursuit to go outside the territorial boundaries, where you are aware - Members, that even for the army that has the cardinal mandate of protecting territorial integrity, it has to be authorised by Parliament.

Now, for you to allow an authorised officer hot pursuit even across and beyond the country’s boundaries, suppose what the authorised officer suspects may not be the case or suppose it brings a confrontation with another sovereign country, I thought we should be careful about this; to grant powers of hot pursuit. It can only be to the armed forces *-(Interruption)*

**MR KATESHUMBWA:** Hon. Ssekikubo, this provision refers to pursuit under international law. Therefore, it does not envisage a situation where you are going to pursue a vessel outside of the borders of Uganda because you will be violating international law.

**THE DEPUTY CHAIRPERSON:** Yes, counsel.

**MR KAFUUZI:** The first sentence of 276 - the last two words of the first sentence are after “hot pursuit”; we remove the word “after” and replace it with “of” to read, “The power of an authorised officer shall include the power of hot pursuit” not “the power after hot pursuit”.

**THE DEPUTY CHAIRPERSON:** That is under 276.

**MR KAFUUZI:** Yes, clause 276.

**MR ENOSI ASIIMWE:** I was citing rule 134 section 7; it allows us to go back to a clause that we had already put a question to. I wanted you to allow me take you back slightly to clause 258. We were too fast and somehow you did not give me a chance to submit.

**THE DEPUTY CHAIRPERSON:** No, do not take me back.

**MR ENOSI ASIIMWE:** It is something very small, Madam Chairperson. I am standing under rule 134, section 7.

**THE DEPUTY CHAIRPERSON:** You people, just put yourself in my shoes, come here and I be there -

**MR ENOSI ASIIMWE:** Okay, there is something we left out and I believe it is very important.

**THE DEPUTY CHAIRPERSON:** You will move a recommital.

**MR ENOSI ASIIMWE:** Okay, then 272 -

**THE DEPUTY CHAIRPERSON:** No, we are on clause 276 you people. What Hon. Ssekikubo talked about is what we are handling.

**MR AOGON:** Madam Chairperson, I would love the chairman of the committee and the minister to support us on this one. Maybe what we need to understand properly is the “hot pursuit”. What does it entail? Does it give the person pursuing somebody an opportunity to observe procedures and protocols? Because if you are going to cross borders, and you are going to another country like Hon. Ssekikubo observed, you might cause chaos in the neighbouring country. Maybe Hon. Ssekikubo should give the minister or the chairman of the committee to explain what “hot pursuit” entails.

**THE DEPUTY CHAIRPERSON:** Let us also hear from the Government Chief Whip.

**MR THOMAS TAYEBWA:** I think Hon. Ssekikubo raises an important point. We can only legislate within our boundaries. We cannot go beyond our boundaries as Uganda. If we were to go beyond, then we would need other agreements, which are outside this law.

Therefore, it is very important, as Hon. Ssekikubo has raised it, we should delete that part *-(Interjection)-* not the entire part; just the part of “outside Ugandan waters”  because you would need other agreements that would give you that - not this provision. Maybe the Attorney-General can guide better.

**MR KAFUUZI:** Madam Chairperson, I want to differ a little from my senior colleague. We are providing a basis for which we can send an officer to pursue someone beyond this country.

In addition to this basis, there has to be consideration for international laws, obligations and bilateral relations. So, that officer will be empowered not just by this law, but one would have to consider the international relations we have with the countries that we are considering - the bilateral relations, international law itself, because that is why we have Interpol, for example. Therefore, we can send a police officer from here to work with a police officer in Kenya, to pursue a suspect who has escaped to Kenya.

**MR THOMAS TAYEBWA:** Let me get clarification from my colleague, so that we have a convergence of mind. Because you need to look at the calibre of an officer who is patrolling; you are running after a smuggler, and you need to take a decision and then, how will you first go into agreements and all that?

This is a low calibre officer who is patrolling; it is not a senior officer who can make a crucial decision.  Therefore, I would think that this can always be provided for under other agreements and arrangements. Not necessarily this low calibre officer who will come and say, “The law allows me to pursue you beyond my waters” *–(Interjection)-* yes, the law of Uganda allows him to pursue you beyond the boundaries of Uganda, and he has interpreted. By the time you try to correct him, you have declared war on another nation. That is my fear; this patrolling officer is of a low calibre to make a crucial decision.

**DR BUKENYA:** Honourable Chief Whip, maybe we need to consult the former Minister of Fisheries, she might be having some experience.

**MS NANKABIRWA:** Exactly. I do not know how you read my mind. Madam Chairperson, I am standing to give you a scenario, which we were experiencing on Lake Albert, where I had fisheries enforcement officers who used to face challenges of getting culprits who could have crossed over to DRC.

The moment they tried to pursue them inside, our enforcement officers ended up being arrested in DRC. In addition, getting them out of custody in DRC was a very rigorous exercise and involved going through Foreign Affairs; it was not possible. We could only contact the leadership in DRC - but you know very well, on the eastern side of DRC, you do not even know whom to contact. Therefore, this might be problematic.

Therefore, where we face a challenge with our low cadre officer, we normally use diplomatic means to do bilateral negotiations so that we sort out the challenges. This is the information I wanted to give.

**MR SSEKIKUBO:** I, therefore, move, Madam Chairperson, that we delete clause 276.

**MR THOMAS TAYEBWA:** Madam Chairperson, we only delete the part of “outside Ugandan waters” but hot pursuit is allowed within the country. So, it should read, “The powers of an authorised officer shall include the power after hot pursuit and pursuant to Uganda’s rights.”

**THE DEPUTY CHAIRPERSON:** “Hot pursuit” is supposed to be for international law.

**MR THOMAS TAYEBWA:** So, “hot pursuit” cannot be in our country?

**THE DEPUTY CHAIRPERSON:** No.

**MR THOMAS TAYEBWA:** So, let us even double-delete it. *(Laughter)*

**THE DEPUTY CHAIRPERSON:** I put the question that we delete clause 276 in totality.

*(Question put and agreed to.)*

*Clause 276, deleted.*

Clause 277

**MR SSEKIKUBO:** There is a small amendment on clause 277. We are giving a warrant obtained from a magistrate. However, the learned Attorney-General would know that these are matters of jurisdiction. If the matters being contested are of a certain amount of value, for instance, if it is Shs 500,000, it can be a Grade One Magistrate.

**THE DEPUTY CHAIRPERSON:** Maybe we put “a competent court”?

**MR SSEKIKUBO:** Yes, we could put an amendment to say “from an appropriate court”.

**THE DEPUTY CHAIRPERSON:** “Competent court” would be better.

**MR SSEKIKUBO:** Madam Chairperson, clause 277 should state, “An authorised officer shall not exercise the powers of entry under section 275 in respect of a dwelling house without a warrant obtained from a competent court, after satisfying the court that it is necessary to make a search.” I beg to move.

**THE DEPUTY CHAIRPERSON:** Thank you. I put the question that clause 277 be amended as proposed by Hon. Ssekikubo.

*(Question put and agreed to.)*

*Clause 277, as amended, agreed to.*

Clause 278

**DR OTAALA:** Madam Chairperson, we propose to delete clause 278.

The justification is that this is not their mandate. This is the mandate of the DPP. I beg to submit.

**THE DEPUTY CHAIRPERSON:** Attorney-General?

**MR THOMAS TAYEBWA:** Madam Chairperson, it is not only the Director of Public Prosecutions (DPP) who has powers of prosecution. For example, the Inspector General of Government has powers of prosecution. That is why we needed the guidance of the Attorney-General on this and we see whether, indeed, deletion would help us.

**MR KAFUUZI:** Madam Chairperson, we have the Office of the DPP whose role is to prosecute matters. Let us not house this under some other ministry. I suggest we delete it.

**THE DEPUTY CHAIRPERSON:** Thank you. I put the question that clause 278 be deleted as proposed.

*(Question put and agreed to.)*

*Clause 278, deleted.*

*Clause 279, agreed to.*

Part XX

**MR THOMAS TAYEBWA**: Madam Chairperson, before we go to Part XX, since Part XIX was talking about security – without us going back for recommittal – I propose that all clauses affected by the deletion of clause 27, which was on establishment of the Mineral Protection Force, should also be harmonised at the final stage like we did for Part VI.

**THE DEPUTY CHAIRPERSON:** Okay. Part XX.

**DR OTAALA:** Madam Chairperson, for Part XX, which entails clauses 280 to 297, the committee proposes that we delete this entire part, which makes reference to the Earth Scientists Board because this is a professional board and, like all professional boards, they are regulated under different laws. For example, the Uganda Law Society, the Uganda Medical and Dental Practitioners Council and the Architects Registration Board, etc., are all regulated under different laws.

Therefore, we beg to move that the entire Part XX be deleted from this Bill.

**THE DEPUTY CHAIRPERSON:** Minister?

**MR LOKERIS:** I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that Part XX of the Bill be deleted as proposed.

*(Question put and agreed to.)*

*Part XX, deleted.*

*Clause 298, agreed to.*

*Clause 299, agreed to.*

*Clause 300, agreed to.*

*Clause 301, agreed to.*

*Clause 302, agreed to.*

*Clause 303, agreed to.*

*Clause 304, agreed to.*

*Clause 305, agreed to.*

*Clause 306, agreed to.*

*Clause 307, agreed to.*

*Clause 308, agreed to.*

*Clause 309, agreed to.*

*Clause 310, agreed to.*

*Clause 311, agreed to.*

*Clause 312, agreed to.*

*Clause 313, agreed to.*

*Clause 314, agreed to.*

*Clause 315, agreed to.*

*Clause 316, agreed to.*

*Clause 317, agreed to.*

*Clause 318, agreed to.*

*Clause 319, agreed to.*

*Clause 320, agreed to.*

*Clause 321, agreed to.*

*Clause 322, agreed to.*

*Clause 323, agreed to.*

*Clause 324, agreed to.*

*Clause 325, agreed to.*

Clause 326

**DR OTAALA:** Madam Chairperson, we are proposing to delete clause 326. The justification is that all monies must be collected and remitted to the Consolidated Fund. I beg to submit.

**MR LOKERIS:** I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 326 be deleted.

*(Question put and agreed to.)*

*Clause 326, deleted.*

Clause 327

**THE DEPUTY CHAIRPERSON:** I put the question that clause 327 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 327, agreed to.*

*Clause 328, agreed to.*

*Clause 329, agreed to.*

*Clause 330, agreed to.*

*Clause 331, agreed to.*

*Clause 332, agreed to.*

*Clause 333, agreed to.*

*Clause 334, agreed to.*

Clause 335

**DR OTAALA:** Madam Chairperson, in clause 335, we propose to;

a. insert a new paragraph after subclause (2) paragraph (r) to read as follows:

 “Fees, levies and charges payable for export of minerals.”

The justification is to be all inclusive. I beg to submit.

b. We have proposed another insertion in subclause (2), to amend subclause (2), by inserting a new clause immediately after paragraph (r) to read as follows:

 “levies payable for export of minerals.”

The justification is for clarity.

c. Further, we are also proposing to insert another paragraph to read as follows:

 “categories of minerals excluded for small-scale operations.”

The justification is for clarity. Madam Chairperson, I beg to submit.

**MR LOKERIS:** I concede.

**THE DEPUTY CHAIRPERSON:** I put the question that clause 335 be amended as proposed.

*(Question put and agreed to.)*

*Clause 335, as amended, agreed to.*

*Clause 336, agreed to.*

*Clause 337, agreed to.*

*Clause 338, agreed to.*

*First Schedule, agreed to.*

**DR OTAALA:** On Schedule Two, I am withdrawing the amendment we had proposed to reduce the percentage royalty to the Central Government, from 70 to 65. In other words, I am saying that we maintain it at 70.

We had also increased the one for local governments to 20. I am now moving that we maintain it at 15 per cent.

**THE DEPUTY CHAIRPERSON:** So, we are maintaining it as it was?

**DR OTAALA:** Yes, Madam Chairperson.

**MR AOGON:** I beg for support here. Can the chairperson of the committee explain what happens with cities and municipalities? We now have new large cities and there are those that may be having mining areas. I feel this schedule is silent on them.

**THE DEPUTY CHAIRPERSON:** Are cities not local governments? They are. Just translate it into Ateso. *(Laughter)*

**MR AOGON:** Madam Chairperson, can colleagues respect others when they are submitting? I was trying to say that there could be a specific interpretation under the interpretation clause. Does a local government include cities and municipalities? That is what I was asking. And I am right to ask.

**THE DEPUTY CHAIRPERSON:** Local governments include cities and municipalities. Honourable members, let us not go into this debate; it is common sense.

I put the question that Schedule Two stands part of the Bill.

*(Question put and agreed to.)*

*Second Schedule, agreed to.*

*Third Schedule, agreed to.*

Title

**THE DEPUTY CHAIRPERSON:** I put the question that the title stands part of the Bill.

*(Question put and agreed to.)*

**MR KAFUUZI:** Madam Chairperson, you had promised me a recommittal.

**DR OTAALA:** Madam Chairperson, Schedule Three is on “Earth Scientists Board”, which we have already removed, but you said that it stands as part of the Bill. So, it is irrelevant here.

**DR BUKENYA:** Madam Chairperson, you had promised me a recommittal on clause 91.

**THE DEPUTY CHAIRPERSON:** I do not remember, we corrected it. When we make these laws, they are not cast in stone; you can bring an amendment even after a year.

**MR KAFUUZI:** Madam Chairperson, I wish to recommit - for clarity, under Rule 138 of the Rules of Procedure of Parliament, I seek to recommit clauses 16, 17 and 19 of the Bill; dealing with the powers and functions of the minister, to add a clause.

We can title it; “Delegation of powers and functions of the minister.” So, the clause would state: “The minister may delegate or assign any public officer any of his or her powers, duties and functions under this Act, but in so doing, the minister shall not be taken to have divested himself or herself of the rights to exercise any of those powers, duties and functions.” I beg to submit.

**THE DEPUTY CHAIRPERSON:** You are just picking the role of delegation; just like when my boss, the Speaker, is not there, he delegates me to do work and I execute as if he is the one doing it. So, that is not for recommittal. If you see that the minister is misbehaving, you will bring it back and we amend.

MOTION FOR THE HOUSE TO RESUME

10.41

**THE MINISTER OF STATE FOR ENERGY AND MINERAL DEVELOPMENT (MINERALS) (Mr Peter Lokeris):** Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

**THE DEPUTY CHAIRPERSON:** Honourable members, I now put the question that the House do resume and the Committee of the whole House reports thereto.

*(Question put and agreed to.)*

*(The House resumed, the Deputy Speaker presiding.)*

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

10.42

**THE MINISTER OF STATE FOR ENERGY AND MINERAL DEVELOPMENT (MINERALS) (Mr Peter Lokeris):** Madam Speaker, I beg to report that the Committee of the whole House has considered very many clauses of the Bill entitled, “The Mining and Minerals Bill, 2021” and two new clauses have been introduced, while the others have been deleted. I beg to report.

MOTION FOR THE ADOPTION OF THE REPORT OF THE COMMITTEE

 OF THE WHOLE HOUSE

10.42

**THE MINISTER OF STATE FOR ENERGY AND MINERAL DEVELOPMENT (MINERALS) (Mr Peter Lokeris):** Madam Speaker, I beg to move that the report from the Committee of the whole House be adopted.

**THE DEPUTY SPEAKER:** I now put the question that the report from the Committee of the whole House be adopted.

*(Question put and agreed to.)*

*Report adopted.*

BILLS

THIRD READING

THE MINING AND MINERALS BILL, 2021

10.43

**THE MINISTER OF STATE FOR ENERGY AND MINERAL DEVELOPMENT (MINERALS) (Mr Peter Lokeris):** Madam Speaker, I beg to move that the Bill entitled, “The Mining and Minerals Bill, 2021” be read for the third time and do pass.

**THE DEPUTY SPEAKER:** Honourable members, I now put the question that the Bill entitled, “The Mining and Minerals Bill, 2021” be read for the third time and do pass.

*(Question put and agreed to.)*

A BILL FOR AN ACT ENTITLED, “THE MINING AND MINERALS ACT, 2022”

**THE DEPUTY SPEAKER:** The title settled and the Bill passes. *(Applause)* Congratulations honourable Minister of Energy and Mineral Development. The Bill will help us to implement the tenets of the new mining and mineral policy in Uganda.

As Parliament, we have done our part; we have sat here for all those hours facilitating Government to get its desired goal and reforms that are required and we hope that this will add value to our local people and will promote “Buy Uganda Build Uganda”.

We thank the committee for the tireless work they have done. *(Applause)* You have done a great job.

I thank the main minister and all the Members of Parliament; thank you for being here up to this time. *(Applause)*

Government Chief Whip, you are a wonderful Government Chief Whip; I will add you another *kisanja*. *(Applause)*

I thank everybody; thank you, thank you. Be blessed. Yes, minister?

10.48

**THE MINISTER OF ENERGY AND MINERAL DEVELOPMENT (Ms Ruth Nankabirwa):** Madam Speaker, I feel obliged to stand here and express our appreciation, on behalf of the Ministry of Energy and Mineral Development, to you specifically, for your stamina. You had all the powers to adjourn this House, but you chose to sit patiently and processed this Bill up to its conclusion. We cannot take you for granted. I thank you so much. *(Applause)*

I thank my colleagues from the Government Chief Whip to the chairperson and members of the Committee on Environment and Natural Resources. *(Laughter)* This cannot go unnoticed. My colleagues, thank you very much. To the entire House, especially those of you who are still here up to this hour, may God reward you abundantly. If we go like this, we will be able to process very many Bills. We do not take you for granted; I thought that I should thank you.

I thank our technical team from the ministry, which has been accompanying us to appear before the committee because they have also contributed a great deal. I promise, on behalf of my ministry, to make sure that I work with my able Deputy Attorney-General and the Attorney-General to see to it that the required regulations that are supposed to accompany this Bill are brought here very quickly.

**THE DEPUTY SPEAKER:** Thank you.

**MS NANKABIRWA:** Lastly, we will also have a careful look at the NEMA Act, so that we are certain that the building materials that we moved out of this Bill are catered for under the NEMA law and if there is anything missing, then we will be able to make sure that we bridge the gaps that may have been identified. Thank you so much, Madam Speaker. *(Applause)*

**THE DEPUTY SPEAKER:** Thank you. Chairperson, a brief one -

10.50

**THE CHAIRPERSON, COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES (Dr Emmanuel Otaala):** Thank you very much, Madam Speaker. I also would like to add my voice in thanking you, first of all, for according my committee additional time, when our initial 45 days expired, to process this Bill. I believe we have not disappointed you; that we have managed to process this Bill within the additional three weeks that you accorded us, in fact, within less than three weeks. So, I thank you very much for the opportunity.

Similarly, I thank all the members of the front bench who helped us to process this Bill in record time. But also, most importantly, the honourable members of Parliament, who endured this day and stayed up to this time. Without you, we would not have been able to process this Bill to completion. Thank you very much. *(Applause)*

May I also add my voice in thanking my technocrats; the technocrats from Parliament, the technocrats from the ministry and indeed all technocrats. Madam Speaker, even over the public holiday yesterday, we were in this Parliament processing this Bill. That is the dedication of members of my committee. Hon. Kateshumbwa, my deputy there, Hon. Dr Kugonza, Dr Magolo and indeed, all the members worked diligently to process this Bill. I thank them most immensely.

Madam Speaker. I assure you that we have another Bill before us – the Electricity (Amendment) Bill. We are not letting this steam die. Next week, we shall be ready with another report of the Electricity (Amendment) Bill. I thank you and this is the spirit of service to this nation. I thank all of you and congratulations to everybody and to the whole country. *(Applause)*

**THE DEPUTY SPEAKER:** Honourable members, thank you very much and thank you for sparing your time up to this time. I am adjourning this House *sine die*.

*(The House rose at 10.53 p.m. and adjourned sine die.)*