

**PARLIAMENT OF UGANDA**

**Monday, 10 May 2021**

*Parliament met at 10.44 p.m. in Parliament House, Kampala.*

PRAYERS

*(The Speaker, Ms Rebecca Kadaga, in the Chair.)*

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE SPEAKER:** Honourable members, I welcome you to this morning’s sitting. I just have one piece of communication. I would like to inform you that this is the final week of the plenary of the Tenth Parliament. However, it will be interrupted by two events - the inauguration of His Excellency the President, which will be a public holiday, and also the likelihood of Eid Al Fitr. In effect, therefore, we have only three sitting days to complete our urgent work of the Tenth Parliament. Therefore, I would like to urge you to apply yourselves to the task so that we can discharge our obligation. Thank you very much.

10.47

**MR THEODORE SSEKIKUBO (NRM, Lwemiyaga County, Ssembabule):** Thank you very much, Madam Speaker, for the opportunity that you have given me.

I rise on a matter of extreme public importance whereby over the weekend, we read press reports on the issuance of new tough rules on bail. It is reported that the Chief Justice, acting within his powers under Article 133 of the Constitution, was issuing directives on the terms and conditions of bail.

I read with concern the fact that bail is now going to turn into another trial for one to get. It is a constitutional right for one to apply for and get bail, which has been problematic in Court right from the colonial times through the period of President Amin, Obote to-date. The courts have been managing this bail properly without infringing on the rights of the citizens.

You are all aware that Article 28(3) provides for the presumption of innocence. In a criminal trial, the presumption of innocence is protected by the Constitution but according to the press reports, for one to apply for bail, there should be certainty that the person being released on bail shall not commit another crime. This is very presumptuous, and in these moments when Members are losing focus, I pray that the Attorney-General ensures that the practice directions, as provided for in the Constitution, do not go down to the root of denying people their freedoms.

If one is still presumed innocent and they are denied bail, it will be very retrogressive. I can tell you that at a time where politics takes the centre stage, now, we are creating room, through these practice directions, for one to be denied bail, yet at that stage, an accused person is presumed innocent until proven guilty or until he has pleaded guilty.

For that matter, I would like it brought to the Attorney-General’s attention to make sure that the citizens of this country remain protected because the Constitution still protects them.

I urge that there be no other way of scuttling this matter. Practice direction should not go to amend the Constitution of this country. The Chief Justice, by these practise directions, is attempting to amend the provisions of this Constitution, where the presumption of innocence is protected by this Constitution that nobody should whittle it away by whatever directives. It should remain standing because it is the protection to all of us. It is our guarantee and we all remain protected by the Constitution.

I pray that this be communicated to the relevant authorities. Concern is being raised to use Article 133 to scuttle and to indirectly amend the provisions of this Constitution, which goes against the spirit of the Constitution. I thank you.

**THE SPEAKER:** Honourable members, I have not had an opportunity to study what the Chief Justice has provided but we shall ask the Attorney-General to examine it and report to this House at an appropriate time. Thank you.

BILLS

SECOND READING

THE INLAND WATER TRANSPORT BILL, 2020

**THE SPEAKER:** Honourable members, last time, we adjourned because we wanted a few more Members to contribute but I do not see them. Is there anyone who wants to contribute to this Bill?

10.52

**MR ROBERT KAFEERO (NRM, Nakifuma County, Mukono):** Thank you very much, Madam Speaker. The other day, some Members debated after our presentation but we wanted to give a chance to the islanders, who are unfortunately not yet here, although last evening I kept mobilising some of them to come and debate. Hon. Migadde has the whole of Buvuma Islands. I do not know whether it is because of rain but my minister and I are ready to move to committee stage.

**THE SPEAKER**: I think we should give it at least one hour. I really want to hear from the islanders because other than hon. Josephine Babungi of Bundibugyo, the others did not speak. Let us give them an opportunity. Let us move to item 4 as we wait. If by midday they are not here, then, we can proceed.

MOTION FOR A RESOLUTION OF PARLIAMENT TO AUTHORISE GOVERNMENT TO BORROW UP TO $166 MILLION AND € 200 MILLION FROM THE AFRICAN EXPORT IMPORT BANK (AFREXIM); AND € 200 MILLION FROM TRADE AND DEVELOPMENT BANK TO FINANCE THE BUDGET FOR THE FINANCAL YEAR 2020/2021

**THE SPEAKER:** I also do not see the minister of finance, who is the mover of the motion. Let us go to the report of the Human Rights Commission.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE ON HUMAN RIGHTS ON AN INQUIRY INTO THE ALLEGED HUMAN RIGHTS VIOLATIONS THAT MARRED THE 2021 ELECTIONS

**THE SPEAKER:** No. The one we wanted was the statutory report of the Human Rights Commission.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE ON HUMAN RIGHTS ON THE RECOMMENDATIONS OF THE 20TH ANNUAL REPORT OF THE UGANDA HUMAN RIGHTS COMMISSION

**THE SPEAKER:** Honourable chairperson - and Clerk, can you in the meantime, send for the minister of finance and also ask your assistant to contact the Members representing islands?

10.55

**THE VICE-CHAIRPERSON, COMMITTEE ON HUMAN RIGHTS (Ms Agnes Taaka):** Thank you, Madam Speaker. Before I proceed, I beg to lay on Table, the Report of the Standing Committee on Human Rights on the Recommendations of the 20th Annual Report of the Uganda Human Rights Commission.

I also beg to lay the minutes of the Committee on Human Rights on the Report and the Recommendations on the 20th Human Rights Commission Annual Report.

In accordance with the Article 52 of the Constitution, the Uganda Human Rights Commission is required to publish periodic reports on its findings and submit annual reports on the state of human rights and freedoms in the country.

The 20th Annual Report for 2017 of the Uganda Human Rights Commission was laid before the House and referred to the Committee on Human Rights for further scrutiny in accordance with Rule 182(c) of the Rules of Procedure of Parliament. The report is primarily informed by the complaints received by the Commission, investigations conducted and inspections of detention facilities, human rights education and outreach activities.

Furthermore, the report is based on information arising out of monitoring, the state of food security in Uganda, the right to palliative care, the right to fair and speedy hearing in the criminal justice system, increased occurrence of insecurity, land disputes and children’s rights.

The report makes reference to information provided during interviews, focus group discussions and UHRC stakeholder engagements, where relevant reference to secondary information has been made.

I beg that the Report of the Committee on Human Rights on the 20th Annual Report of the UHRC be considered by the House and the recommendations therein adopted. I beg to move, Madam Speaker.

**THE SPEAKER:** Honourable members, is the motion seconded? *(Members rose\_)* It is seconded. You can now read the report.

**MS TAAKA:** I now read the Report of the Committee on the 20th Annual Report of the Uganda Human Rights Commission. We have the introduction, which prescribes the mandate of the Uganda Human Rights Commission and the mandate of the committee in the Rules of Procedure of Parliament. To save time, I beg to summarise.

**THE SPEAKER:** Members can read the introduction and the methodology.

**MS TAAKA:** Thank you, Madam Speaker. We met all the entities listed.

Recommendations to the Uganda Police Force (UPF) are as follows:

1. The Right to a fair hearing in the criminal justice system in Uganda
2. The UPF should prioritise the welfare and training of police officers in specialised and scientific criminal investigations.
3. The UPF should desist from parading suspects before the media.
4. The right to security of a person and increased occurrence of violence, the committee recommended that the Uganda Police Force should increase security presence and foot patrols in the villages and highly populated places.
5. The UPF should adequately facilitate its officers with the required tools and equipment to effectively perform their duties.
6. The Criminal Investigations Directorate of the UPF should investigate and conclude all pending high-profile cases.
7. The UPF should adopt modern technology like CCTV cameras and modern forensic investigation technology to curb and prevent violent crimes.
8. The UPF should strengthen and adequately facilitate the Police Professional Standards Unit.
9. The Criminal Investigations Directorate should undertake evidence-led investigations as opposed to mass arrests.
10. The UPF should release its current and previous annual crime reports; by the time the recommendations were made, the police had taken long without reading the annual crimes report.
11. The UPF should conduct refresher courses and training especially for investigators.
12. The UPF undertake security deployments that optimise human resource utilisation.
13. The UPF should make physical regular inspection and audit of firearms in all security agencies.

Emerging Human Rights Concerns

Sexual violence and exploitation against children in schools

The UPF together with the Ministry of Justice and Constitutional Affairs, the Directorate of Public prosecution in conjunction with Ministry of Local Government should ensure the speedy prosecution of perpetrators of sexual violence.

Land disputes and Human Rights in select regions in the country

Recommendations

1. The UPF should not take sides while handling land matters.
2. The UPF should intensify community policing so that a vast number of people can be reached.
3. The UPF should exercise professionalism in executing court orders relating to evictions.
4. The UPF should, together with other security agencies, avoid taking sides on land matters.

The committee interacted with the Police and their responses were as follows:

Security presence and foot patrol was being adhered to and mechanisms have been re-established and revised.

The 999 Patrol System has also been reconstituted –

**THE SPEAKER:** But I think you should just go to your recommendations.

**MS TAAKA:** The committee observations are as follows:

Firearms have been in the hands of ordinary citizens without a proper data bank on the various types of guns, who holds them and where they originated from. This has led to difficulties in tracing the perpetrators of crimes where guns have been used.

However, the construction of a National Command Centre, the firearm marking exercise and efforts by the UPF to integrate and decentralise the recently re-constituted 999 Patrol System and Call Centre System into the CCTV project are a step in the right direction.

A robust CCTV system will enhance the UPF’s ability to monitor security and ably avert and respond to any criminal incidents in any location in the country.

Identification and marking of firearms will help curtail i1legal use of firearms by individuals.

Although the UPF has undertaken efforts to improve its capacity, for instance, through the recruitment of Local Defence Unit (LDUs) personnel involving in criminal activities as well as abuse and torture of civilians in the areas in which they are deployed.

Madam Speaker, the committee’s observation number five is that although LDUs are supposed to beef up the police, the UPDF is the lead agency in recruiting the LDUs.

The recommendations are as follows:

1. The existing police surveillance system should be used to complement and not replace routine policing and investigations.
2. The Ministry of Internal Affairs should ensure that UPF receives adequate financing for specialised equipment such as tracking devices in order to enhance the patrol system, which is critical for crime prevention and deterrence.
3. The UPF should promptly and thoroughly investigate the reports of abuse by LDU personnel and punish the perpetrators. Further, uniform standards regarding the criminal background acceptable by LDU recruits should be created so that individuals with a criminal past are not recruited. Madam Speaker, you will notice the errant behaviours of LDUs that have continued up to today – to recent killings of innocent people.
4. The committee recommends that the UPF fast-tracks the completion of the creation of the databank and the police should recruit more police officers to beef up their numbers.

The other recommendation by the Humans Rights Commission was concerning the facilitation of officers with required tools and equipment, to effectively perform their duties.

There was also a concern on investigation and concluding of pending high-profile cases such as the one for ASP, Mohammad Kirumira and Resty Mbabazi, hon. Ibrahim Abiriga and Saidi Kongo, Joan Kagezi and AIGP A.F Kaweesi, Maj. Mohammed Kiggundu, Susan Magara and the murder of 23 women in Nansana Municipality and Katabi, Sheikh Abubakar Muhammad Kiwewa, Sheikhs Ibrahim Mustafa Kirya and Mustafa Bahiga, murder of Sheikhs Yunusu Mudungu, Abdul Ssentugga and Ductoor Muwaya from Busoga, death of foreign nationals, Mr Thomas Terasvouri and Mr Sebastiano Axel (Swedish).

Madam Speaker, the police gave the responses as you can see on page 12. I beg to go to the committee’s recommendations.

Recommendations

1. There is an urgent need to reduce the growing backlog of cases. Therefore, the investigations that have not yet been concluded should be expeditiously undertaken because justice delayed is justice denied. Madam Speaker, they have kept bereaved families waiting and we urge prosecution entities to expeditiously handle the investigations so that they relieve the relatives and the nation of the anxiety.

1. The committee recommends that the Ministry of Internal Affairs adequately facilitates police stations to ease the work of the officers.

3. The Ministry of Internal Affairs should ensure that police officers have decent accommodation.

Although police responded that they facilitate police posts, the public has continued to complain about police asking for fuel from them whenever they report cases and they want the police to act. Also, amongst our forces, their accommodation leaves a lot to be desired. This needs urgent attention so that we also work on their psychology and preparations as they go for work. Maybe when they sleep in bad conditions, they go out and handle the citizens with a lot of anger.

The other recommendation by the Human Rights Commission was that the UPF should ensure that the CCTV camera project is adequately rolled out throughout the country, after doing a thorough mapping of the crime in communities to identify hotspots. This should be done in consultations with local leaders.

The Ministry of Finance, Planning and Economic Development should provide adequate funds for effective implementation and rolling out of the CCTV project. Also, funds for maintenance of the surveillance system should be provided.

The UPF should adequately train more personnel in management and operation of the CCTV system and also ensure that there is fulltime deployment of officers at the surveillance centres.

Madam Speaker, the CCTV cameras have been installed but we need to see more impact of the installation of those cameras because crimes take place and sometimes the centres are even locked and there are no staff available. Therefore, they cannot tell what happened.

Recommendation number five from the Uganda Human Rights Commission was that the UPF should strengthen and adequately facilitate the Police Standards Unit (PSU). Police is establishing regional PSU centres with support from JLOS to draw services closer to the people. The responses are on page 15.

Recommendations

1. The committee re-echoes the UHRC’s recommendations and thus recommends that Uganda Police Force ensures that crimes reports are made on annual basis.
2. The other UHRC’s recommendation was on refresher courses for investigators.
3. The committee recommends that the trainings are undertaken on a regular basis and rolled out to all officers in the Uganda Police Force. Madam Speaker and members, you will notice that in the response, the numbers of CID officers who were trained by the police are given as response to UHRC but we recommend for more to be trained.
4. Also, UPF should outsource experts to train trainers in the UPF so that we have more investigators being mentored almost on a daily basis.
5. The other recommendation by UHRC was on gun labelling to address the issue of guns that are used in shootings and they disappear and we fail to trace the perpetuators. The committee recommends that gun labelling or marking should be made mandatory in all security agencies and in the private sector.

Emerging human rights concerns

1. Sexual violence and exploitation against children in schools

The UPF and Ministry of Justice and Constitutional Affairs, Office of the Director of Public Prosecution in conjunction with Ministry of Local Government should ensure speedy prosecution of perpetrators of sexual violence.

Madam Speaker, the response of the police goes up to page 17.

The recommendations are as follows:

1. There is need to strengthen the capacity of all justice sector actors including the judiciary, police, magistrates, prosecutors, and state attorneys to handle sexual abuse cases appropriately, since these actors are part of the prevention and response cycle.
2. Our failure to conclude cases on sexual violence is one of the issues that has led to more increase on issues regarding sexual violence since people do not see those punished. There has been a continuous increase in sexual offences in the country. The committee further notes this can be done through training, increased budget allocation for the entities, adequate personnel, strengthened institutions in terms of laws and policies and collaboration between actors.
3. The errant officers and parents of victims found to connive with perpetrators of sexual violence should be charged and prosecuted.

We have heard of cases that are settled sometimes at police, where parents decide to negotiate on cases of defilement, yet there are provisions in the Penal Code Act that provides for the prosecution of perpetrators.

Land disputes and human rights in selected regions of Uganda

1. The committee recommends that community policing should be strengthened through building and sustaining effective partnerships with local communities to enhance sharing information hence allowing improved response, land disputes and illegal evictions.
2. The police in collaboration with The Ministry of Lands, Housing and Urban Development should ensure that evictions considered to be legally justified are monitored and carried out in a manner that respects human rights and human dignity of the affected persons.

We acknowledge that sometimes, there are legal evictions but the way in which it is carried out - people have woken up to evictions in the middle of the night and even early in the morning at 5.00 a.m.

1. The UPF must desist from aiding and abetting cases of land eviction and should remain impartial.

The other entity was the Ministry of Public Service.

Government compliance with the Uganda Human Rights Commission Annual Report recommendations

Members will read the recommendations of UHRC Annual Report and the responses.

Observations and Recommendations

The committee observed that UHRC in its previous annual reports to Parliament made the same recommendations to the Ministry of Public Service in respect to the above-mentioned issues.

The Committee on Human Rights in consideration of the previous UHRC annual reports made recommendations to both the Ministry of Public Service and the Ministry of Health on the above-mentioned issues, hence undertakes to reinstate the same and emphasises that these should be implemented expeditiously.

Uganda Human Rights Commission Work

The UHRC provided a detailed analysis of its activities and challenges faced in implementation of its mandate.

The following are the recommendations:

The Ministry of Public Service together with Parliament of Uganda and Ministry of Finance, Planning and Economic Development should enhance the salaries for members and staff of UHRC to match those earned by staff and members in other statutory institutions.

This echoes to our plea to the Government to settle salaries for all civil servants in the country.

The observations by the committee are that for so long, UHRC has been requesting for enhancement of salaries of its workers but this has not been done and the recommendations are;

 Recommendations

1. H.E the President should appoint a substantive chairperson and members of the Commission with immediate effect in accordance with Article 51(2) of the Constitution, to enable it discharge its mandate.

Madam Speaker, since the death of hon. Meddie Kaggwa, the Chairperson of the UHRC has not been appointed. This has, therefore, made work for the Commission a little difficult.

1. In compliance with the Paris Principles, the Government should adequately fund UHRC to enable it to perform its mandate independently.
2. The salaries and contracts of all staff and members of UHRC should be reviewed.
3. The Ministry of Finance, Planning and Economic Development should allocate resources for the construction of the UHRC offices. Otherwise, they need a standalone building to handle sensitive and private matters.

The Ministry of Trade, Industry and Cooperatives

Emerging human rights

Human rights implications on gaming with a focus on youth

The Ministry of Trade, Industry and Cooperatives should consider reviewing the Lotteries and Gaming Act, 2016. Madam Speaker, Members, can read that part. I beg that I go to the Ministry of Gender Labour and Social Development.

Recommendations

1. The Ministry of Trade, Industry and Cooperatives should develop a responsible gambling policy to reinforce the existing law on Lotteries and Gaming Act, 2016 as well the regulations for 2017.
2. The Lotteries and Gaming Regulatory Board should open regional branches and widely disseminate the Lotteries and Gaming Act.

Madam Speaker, the Ministry of Gender, Labour and Social Development has recommendations from UHRC. Under this, we have issues of child protection, alternative care, juvenile justice, treatment of child victims’ rights with disabilities.

The committee observations are as follows:

The committee commended the Ministry of Gender, Labour and Social Development for the effort undertaken so far to ensure the protection of the rights of the Maragoli Community. However, the committee observed that the citizenship rights issues of the Maragoli community have remained unresolved for a long time.

Despite initial effort made by the representatives of the community by petition to Parliament on 21 May 2015 and subsequent actions by the relevant Government agencies over the issue, protection of the community’s right to belong is still inadequate. These people are in this country but we do not recognise their citizenship.

Although recent Government intervention allowed for the Maragoli to apply for citizenship by naturalisation, their descendants cannot acquire the same, which leaves many in a state of statelessness. As a consequence, challenges in accessing banking services, bursaries, leasing land, among others when some lack national identification documents are inevitable.

The committee further observed that the inclusion of the Maragoli as an indigenous community can only be made possible by a constitutional amendment. Therefore, the on-going consideration of the Constitutional Amendment Bill by the Committee on Legal and Parliamentary Affairs is a step in the right direction. At the time when we made the report, the committee was handling some amendments.

The recommendation, under the Ministry of Gender, Labour and Social Development is that the ministry should ensure that inclusion of the Maragoli as an indigenous community is given urgent attention in any constitutional amendments.

The ministry of gender should, in collaboration with NIRA, strengthen their interventions and put in place measures to address the challenges currently faced by the Maragoli community, as they await their inclusion in the Constitution as an indigenous tribe in Uganda.

Together with the Ministry of Education and Sports, the Ministry of Gender, Labour and Social Development should devise and strengthen partnerships and coordination, to address issues of sexual violence in schools.

The committee recommends that the ministry of gender, on issues of child rights, should strengthen its focus and efforts on monitoring violence against children in schools and taking the necessary action, in the event that violations occur.

The Ministry of Gender, Labour and Social Development should develop a national strategy for prevention of sexual violence in schools, which requires the dismissal of teachers and bars their reengagement in any educational institution, when found guilty of sexual assault on students.

The Ministry of Gender, Labour and Social Development should put in place GBV shelters in all regions in the country, to ensure adequate protection of women and girls that experience GBV. In addition, the ministry should partner with NGOs operating GBV shelters, and provide them with support. The shelters that we have in our country all belong to the private sector.

The Ministry of Gender, Labour and Social Development, in collaboration with the Ministry of Health, should ensure that PEP drugs are available for free in every health Centre IV, in every district.

The Ministry of Education and Sports should develop educational materials such as booklets, cartoon strips, comic stories for use in both primary and secondary schools. These materials should dramatically expose –

**THE SPEAKER:** The microphone is on the side.

**MS TAAKA:** These materials should dramatically explore topics such as sexual violence, rights over one’s body, teenage sexuality, among others, to create awareness among the students.

The Ministry of Education and Sports should ensure that the curriculum for primary and secondary schools incorporates topics about gender violence.

Assessment of the National Legal Framework on the Rights of the Child to determine compatibility with the UN Convention on the Rights of the Child; the right to identity and registration. The responses were given therein. I request that I go to the recommendations.

There were a lot of issues there regarding children; treatment of victims and children with disabilities. The committee observations include the following;

The committee observed that some of the UHRC’s recommendations to Ministry of Gender, Labour and Social Development, regarding alternative care have been implemented; by virtue of the amendment to the Children’s Act, in 2016.

Other recommendations relating to registration of children by a single parent; right to identity; provision of temporary forms of alternative care for refugee children and offering of support; and re-integration of juveniles into the community when released, are ably provided for in the Children’s Act, Registration of Persons Act and Refugee Act.

However, the committee noted that Uganda is not party to the Hague Convention on Protection of Children and Cooperation, in respect of inter-country adoption. Although the Children’s Act, as amended, now imposes more stringent measures on adoption and legal guardianship by foreigners; in reality, tracking Ugandan children who are placed under foster care abroad remains a challenge. More so, several children have previously been trafficked out of the country, with no mechanism in place to trace where they end up or who they end up with.

It is further observed that the rights of unaccompanied refugee children remain at stake in the absence of clear legal provisions; on temporary safe care or foster care, hence the need to protect their rights is vital.

Recommendations

Government should urgently ratify the Hague Convention on Protection of Children and Cooperation, in respect of inter-country adoption.

The ministry should strictly monitor foster care and other alternative care institutions, to ensure that the care provided to the children is adequate and does not increase their vulnerability.

The Employment Act should be amended to bring the minimum age for employment into harmony with the minimum age recognised by the Children’s Act.

The Committee on Legal and Parliamentary Affairs should fast-track the Anti-Slavery Bill so that it is passed into law by Parliament.

Issue No. 3

Status of Uganda’s reporting to international and regional human rights treaty mechanisms. Here, we have the response by the ministry of gender.

Committee observations

The committee commends the ministry of gender on meeting its reporting obligations to international treaty monitoring bodies, compared to before.

We recommend that there should be a series of follow-up meetings to evaluate how far the country has gone, in the implementation of recommendations or commitments and where the country has not been able to achieve this, the interventions that should be made.

The human rights concerns by the Ministry of Internal Affairs relate to citizenship rights, with special focus on the Maragoli and national identification.

The committee observation and recommendation is that we re-echo our earlier observation that recognition of the Maragoli as an indigenous tribe in Uganda is important.

The Ministry of Internal Affairs, in collaboration with other stakeholders, should ensure that inclusion of the Maragoli in the constitutional amendment proposals is given priority.

We have the human rights issue on the National Identification and Registration Authority (NIRA).

Citizenship Rights with Special Focus on the Maragoli Community

The observations are there. The recommendations are that:

1. NIRA, in partnership with the Ministry of Gender, Labour and Social Development and the Ministry of Internal Affairs should strengthen their interventions and put in place measures to address the challenges currently faced by the Maragoli.

2. The interventions should be undertaken with the full participation and engagement of the community and their leaders to enable them to understand the processes involved, their benefits and risks, if any.

Ministry of Health

The Assessment of the Right to Palliative Care in Uganda in 2017

Observations and recommendations of the committee

The committee agreed with the recommendations made by the UHRC aimed at promoting the right to palliative care in Uganda in recognition of the growing number of patients at the end of life that suffer from treatable pain, anxiety and other symptoms. The absence of a policy and specific legislation on palliative care, inadequate human and financial capacity and inadequate monitoring of palliative care provision services undermines realisation of the right.

The committee recommends that the Ministry of Health takes reasonable steps to ensure that a comprehensive policy on palliative care is formulated and consequently, ensure that standards of palliative care are progressively adopted and integrated at all levels of care; that is, primary health care and home-based care among others.

The Ministry of Health should train health professionals in palliative care and the importance of pain control.

The Ministry of Health should ensure the availability of essential drugs for the management of pain and other symptoms and psychological distress.

The Assessment of the National Legal Framework on the Rights of the Child to Determine Compatibility with the UN Convention on the Rights of the Child

There were comparisons of the existing law with the obligations of Uganda under the international treaties and relevant rights of the children. The recommendations that follow were made by the UHRC.

The committee, however, observes that it is in agreement with the recommendations made by UHRC to review the various laws to prevent discrimination against HIV positive children to ensure that health-related decisions are made in the best interest of the child, coverage of all children in immunisation programmes and elimination of risk to reputation as a ground for emergency admission to mental health units.

The recommendations by UHRC should be implemented by the respective agencies.

Government Compliance with the UHRC Report

Recommendations

The UHRC expressed concern about the failure of Government to comply with its recommendations contained in the previous annual reports. The recommendations that follow are some of the previous recommendations that had been made by the UHRC to the Ministry of Health; Ministry of Finance, Planning and Economic Development and Ministry of Public Service.

Page 43 of the report has the committee’s observations and recommendations. They include:

1. Government increases health financing to 15 per cent of the national budget in fulfilment of Uganda's commitment under the Abuja Declaration.
2. The Government should ensure effective utilisation of resources to improve health care in the country.
3. The Ministry of Health should take reasonable steps to ensure that the human capacity in health-care institutions is strengthened.
4. The Ministry of Finance, Planning and Economic Development should ensure that the welfare of health-care staff is improved by providing the required resources. You will realise that of recent, nurses were threatening to go on strike because of the lunch allowance. The medical workers who have been working in the COVID-19 centres also have a lot of dissatisfaction on facilitation.
5. Government should adopt and implement a national health insurance scheme that provides coverage to low income households, vulnerable groups, including persons with disabilities, the elderly, among others.

The Lotteries and Gaming Regulatory Board

There are emerging human rights concerns on gaming with a focus on youth.

Observations and recommendations of the committee:

1. The law enforcement agencies should enforce the Lotteries and Gaming Act.
2. Government should review the tax regime on gaming upwards to make them prohibitive.
3. Our population is comprised of the youth as the majority but this group that should be working for our economic prosperity are most of the time engaged in betting. As a result, the committee recommends that Government should urgently address the high levels of youth unemployment because it is a precursor to the unproductive and time-wasting activities that the youth are engaged in.

The Ministry of Energy and Mineral Development

Human Rights Implications on Land Disputes

Observations and recommendations:

1. The Ministry of Energy and Mineral Development develops and implements robust procedures to consult with the local communities and their leaders in order to obtain their free and informed consent before mining licences are granted to investors. For example, hold public meetings in all affected communities, provision of information at all stages and ensure that the consultation process is all inclusive.
2. Together with NEMA, complements all Environmental Impact Assessment with all Human Rights Impact Assessment to assess the potential impact that mining activities have on affected communities and their rights as well as the planned interventions by mining companies to mitigate any rights violation.
3. Initiate reform of the Mining Act to require mining companies to provide evidence of free and informed consent from affected communities prior to granting mining leases and licences.
4. Adequate dissemination of the provisions of the Mining Act to create awareness, including rights and obligations of the communities.
5. Ensure compliance with international human rights standards such as the UN Basic Principles and Guidelines on Development-based Evictions and Displacement when implementing any land evictions or displacement, hence, compensation to affected individuals should be fair and commensurate to the market value of the land.

The Ministry of Water and Environment

Food insecurity and other effects of famine in selected districts of Uganda in 2017 and the National Forestry Authority, Uganda Wildlife Authority

The recommendations are:

1. National Forestry Authority in collaboration with Uganda Wildlife Authority should ensure effective participation of communities in forest management and governance by promoting transparent and open decision-making process. The Community Forest Management arrangements should ensure representation of women and vulnerable groups to protect their interests.
2. National Forestry Authority and Uganda Wildlife Authority should simplify processes for developing and eventual signing of agreements to reduce delays and costs.
3. They should revise policies to provide for compensation for investments in the event that the Community Forestry Management’s rights are lost.

Office of the Prime Minister on Food Insecurity and Other Effects of Famine

1. The committee recommends that there is an urgent need for a policy on national and regional food reservoir given the onset of COVID-19 pandemic that has negatively affected the population.
2. Government should come up with a law on food security in the country.
3. Government Compliance with the Uganda Human Rights Commission Annual Report

Recommendations

Land disputes and human rights in select regions in the country

The committee recommends that the Office of the Prime Minister establishes the Disaster Preparedness and Management Commission to deal with the disasters in accordance with the Constitution.

Uganda Law Reform Commission

Issues raised related to land disputes and human rights. Their responses are there. The committee observations and recommendations are:

1. Uganda Law Reform Commission together with the Ministry of Lands, Housing and Urban Development should ensure that amendments to the land acquisition law provide for fair and just compensation for any losses of personal, real or other property or goods, including rights or interests in property.
2. The ministry of lands should ensure full participation of affected persons, groups or communities in the planning and management of return and resettlement processes.
3. Additionally, the ministry of lands should facilitate the resettlement of such persons in a just and equitable manner in accordance with the international human rights norms and principles. Where return is possible, the ministry in collaboration with Local Government leaders should provide support for voluntary return in safety and security and with dignity to their homes.

There are responses and committee observations on issues related to identity.

The recommendations are:

1. The committee recommends that children of refugees born in Uganda should be granted citizenship and should be registered at birth as Ugandans.
2. Refugees should be encouraged to engage in productive activities in order to reduce the economic pressure that they exert on host communities.

The committee observations on dual-citizenship for older children are there, up to page 58.

Issues Related to Child Protection (Alternative Care, Inter-Country Adoption, Juvenile Justice, Crimes Against Children, Employment of Children, Treatment of Child Victims, Right to Health; Right to Education, and Rights of Children with Disabilities)

We interacted with the ministry and those were their responses. They were quite many because issues related to children are very sensitive.

The committee recommendations are:

1. The Uganda Law (ULRC) Reform Commission should review the children’s Act periodically to ensure all aspects including support to child victims of violence, trafficking and other forms of abuse are taken into consideration.
2. The ULRC together with the ministry of gender should popularize the Children's Act, 2016 by producing child friendly materials and ensuring that these are translated into local languages.
3. The ministry of gender should support implementation of the Act across different sectors such as education, health, justice and social welfare. Specific focus should also be put on monitoring violence against children in schools and taking the necessary action in the event that violations occur.
4. Government should adequately fund the ULRC to enable it translate laws into local languages.

These were recommendations from the UHRC. Those from the committee are such that there is need for all relevant stakeholders to accelerate the law reform process to bring legislation in tandem with the constitutional principles of non-discrimination and equality between men and women. Therefore, the Marriage and Divorce Bill should be handled expeditiously to ensure that laws on marriage, divorce and property are compatible.

Issues relating to compliance with UHRC reports by the Law Reform Commission

The committee recommends amendment of the Public Order Management Act, 2013 to align it to international standards and obligations relating to the freedom of assembly.

In conclusion, it is hereby noted that the amendment of various laws has not been effected despite several recommendations. Based on the recommendations from UHRC, the committee and other agencies, it is imperative that the Government of Uganda adopts a human rights sensitive approach to development.

Furthermore, Government should come up with a Human Rights certificate of compliance to all Ministries, Departments and Agencies (MDAs) of Government before their budgets are considered and approved.

The committee also notes that oftentimes, recommendations are not acted upon. It is, therefore, important that Government prioritises these recommendations and sets up an implementation strategy. I beg to report.

**THE SPEAKER:** Thank you, honourable chairperson and members of the Standing Committee on Human Rights for your report. The Clerk is directed to reflect the full text of the report in the *Hansard.*

**MS KAMATEEKA:** Thank you, Madam Speaker. I would like to thank the chairperson for this comprehensive report. I rise on an issue of procedure. We would like to do justice to this report but it has not been uploaded on the intranet.

Could we request for a few hours or up to tomorrow so that the report is uploaded and we discuss it thoroughly? This report contains very important recommendations, Madam Speaker. I beg to submit.

**THE SPEAKER:** As far as I am concerned, that report has been on the intranet for some time. Let the chairperson confirm.

**MS TAAKA:** Madam Speaker, the report was uploaded two weeks ago. I even have it on my iPad.

**THE SPEAKER:** Hon. Ssenyonga, proceed.

11.54

**MR JOHNSON MUYANJA (NRM, Mukono County South, Mukono):** Thank you, Madam Speaker. I would like to thank the chairperson and members of the committee for the work well done.

In their report, the committee recommended that children of refugees should be granted citizenship, which is very dangerous. This country is well known for accommodating many refugees. Currently, there are hundreds of Sudanese, Congolese, Burundians and Rwandese refugees. The moment we grant that, it will be another outlet for these refugees to purchase land.

When you come to Mukono, in the Seeta area, Sudanese have their independent villages and a special service for refugees. Why am I saying this? The refugees come with a lot of money and so, it is easy for them to buy off poor peasants. At the end of the day, we are going to end up losing out totally. Let refugees remain refugees.

Even this system of them fully integrating in the community should not be allowed. Refugees are supposed to be in refugee camps but in Uganda, they are left free. They buy and settle anywhere as long as they have money. Therefore, I totally disagree with that recommendation of giving them citizenship. I thank you.

**THE SPEAKER:** Honourable members, I was equally bothered by that recommendation because it means that their parents remain refugees and yet, they are Ugandans. Refugees are supposed to return to their country when things are better.

I would like to share with you what the United Arab Emirates does. Even if you are born there, you do not become an Emiratis. That is to ensure that their population is intact. Hence, that recommendation is problematic.

11.57

**MR JAMES WALUSWAKA (NRM, Bunyole West County, Butaleja):** Thank you, Madam Speaker. I would like to thank the chairperson of the committee for the good work done. When we were here, I thought that even the Kitara report would come but it is at the bottom on the Order Paper.

Regarding the issue of citizenship of refugees, right now, Kenya is closing refugee camps but in Uganda, we are saying that immediately a refugee gets pregnant here, the child is automatically Ugandan. I would only accept this if a Ugandan male impregnated a refugee. If they are purely refugees, that is unacceptable because time will come when the refugees should return to their country.

Therefore, I do not agree with this issue of citizenship for refugees. I will only agree in the case of a Ugandan impregnating a refugee here. I beg to submit.

10.59

**MR THEODORE SSEKIKUBO (NRM, Lwemiyaga County, Ssembabule):** Thank you very much, Madam Speaker. I would like to thank the committee for the report.

Debating this committee report on human rights is very critical but the essential element of the Uganda Human Rights Commission is missing.

The chairperson has ably told this House - and I remember even in your communication a few days back, you had indicated this problem - how do we receive reports whose Commission is non-existent? This is a constitutional body that is provided for under Article 51 of the Constitution; the Uganda Human Rights Commission.

The Government had its history for setting up the Uganda Human Rights Commission because of the troubled past of this country. The only safeguard is by having a Commission in place. The moment we do not have the Human Rights Commission, it is as if we are giving lip service to the human rights problems and issues involved of this country.

Functions of the Commission, under Article 52, include powers to investigate, at its own initiative or on a complaint made by any person or group of persons against violations of any human rights.

It also has the right to visit jails, prisons and places of detention amongst others *–(Interruption)*

**MS TAAKA:** Madam Speaker, the clarification I would like to give is that this report was received way back when the chairperson of the Commission was still alive and the input of the Human Rights Commission is in the report. However, we note the Member’s concern.

**THE SPEAKER:** Hon. Ssekikubo, I would like to confirm that in this report, our committee has dealt with the issue of salaries of the staff and ensuring that their conditions are reviewed but also, the fact that the Commission is not fully constituted. They have talked about it.

**MR SSEKIKUBO:** Most obliged, Madam Speaker. I am just emphasising the point that without a fully constituted Commission, a lot remains to be done. People are stampeding Parliament; those arrested without being produced in court, those whose rights have been violated and where the Commission cannot sit to award people whose rights have been violated. This is happening.

This is why I urge the Government that we demand that this Commission be fully constituted. Let the Commission have its Chairperson and roll out its work programmes so that we can help them in the enforcement of human rights of citizens in this country. Short of that, other institutions like Parliament and the Judiciary are being stampeded and yet, they may not be as effective as they would if there was a Commission in place.

That is why I urge the Government to make sure that we expedite the Human Rights Commission and have it fully investigated.

I am glad that you have pointed it out, Madam Speaker. Granting the children of refugees Ugandan status, you are abusing the whole system of the refuge system in the country and internationally.

It is meant that once situations stabilise in their respective countries, these refugees should go back. Other than that, you are going to create a problem for this country. People are kept in camps, settlements awaiting the return of normalcy in their respective countries.

Uganda being a host to many refugees around the Great Lakes Region, we cannot abuse that and allow the refugees to be Ugandans. You cannot automatically acquire citizenship in other countries. We have seen in Tanzania, people who had been there since the 1960s being evicted. We are seeing what is happening in Congo and Kenya.

Therefore, the question of citizenship is very critical and I would urge the chairperson to reconsider this and not take it lightly. We are a host country; we are peace loving but we also respect that the citizens of this country must remain Ugandans without people using other excuses to come here and get the citizenship just because they are here as refugees.

Lastly, we need the human rights certificate of compliancy and I would like to support the committee. For everything we do in this country and every budget we pass, we need a certificate of compliance- *(Member timed out.)*

12.05

**MS VIOLET AKURUT (NRM, Woman Representative, Katakwi):** Thank you, Madam Speaker. I would like to thank the chairperson and the members of the committee for this detailed report.

I have about three issues that I wanted to share in this report especially on the recommendations they have made. First is failure of Government to adhere to the recommendations made by the Uganda Human Rights Commission on the MDAs.

I had the opportunity of working with Uganda Human Rights Commission as a member of the Commission for four years. These recommendations to the MDAs are year in and year out. They make annual recommendations to these ministries but nothing is done.

For instance, what they pointed out that we should adhere to the 15 per cent Abuja Declaration in the Ministry of Health, rising the budget of the Ministry of Health to 15 per cent- that recommendation has been on for quite a while. I know health is under economic and social cultural rights, which is said that we realise them progressively depending on the availability of resources.

Madam Speaker, there is no single year that the budgets we pass here have gone down. They have been going up every year. However, when you come the economic, social and cultural rights that they say you realise them progressively depending on the availability of resources; we do not see the increase in the budgets. We do not adhere to what is expected of us.

I was wondering and when the recommendation came as a requirement of the human rights certificate to these MDAs just like we are doing it for gender and equity, would conquer with the committee that we need this certificate for this MDAs to be able to comply. Otherwise, the Commission will continuously make recommendations and nobody will be taking them up.

Madam Speaker, the issue about reporting to the international institutions - I also think that if we have this human rights certificate of compliance, maybe the ministries that are supposed to report to these Commissions and international committees will be able to do due diligence and their work.

However, because there is nothing we are using to be able to bring them to book, we have had arrears in terms of reporting or backlogs in terms of these reports to these committees or international organizations. If we think that a certificate of human rights compliancy is very critical, then the MDAs that are supposed to report especially the ministry of gender is one that is key in making these reports will be able to report.

The final one is about the funding of Uganda Human Rights Commission. We know that the Commission is supposed to be an independent institution although of course,formed by Government. However, as far as I am concerned, the budget of Uganda Human Rights Commission is not met 100 per cent by Government.

There is no way you expect such a body that has a mandate to investigate, to litigate to be able to do this independently when other people are the ones funding the Human Rights Commission. I remember we used to get funds from DGF and other development partners.

It is important that the Government takes it upon itself to make sure that it funds the Uganda Human Rights Commission 100 per cent so that the mandate of Uganda Human Rights Commission is not compromised. For you to be independent, just like Electoral Commission - I want to believe the Electoral Commission gets 100 per cent of its budget from Government or from the Consolidated Fund and so, it should be the case with the Uganda Human Rights Commission. I beg to submit, Madam Speaker.

**THE SPEAKER:** Thank you.

12.10

**MS ESTHER ANYAKUN (NRM, Woman Representative, Nakapiripirit):** Thank you, Madam Speaker. I would like to thank the committee for the detailed report. I specifically want to talk about the recommendation on forming the Commission for disaster preparedness. I remember our colleague from Mpigi came up with a motion about this. This should be taken very seriously.

Now that the Government has decided to merge most of these Commissions and MDAs, I do not know whether this is going to be taken up seriously. We can see what is happening in the country. I returned from the constituency yesterday. There are many disasters happening now because of the heavy rains. I am now wondering, what about the people who are in the highlands and mountains? If this Commission is really taken up, I think it will be in position to help to solve the issue of disasters in the country.

The other issue I wanted to talk about is about the issue of land rights. I want to disagree with the committee because we know very well that Government could be targeting some places like Karamoja that has very high level of minerals.

We have briefcase companies that have been surveying land in Karamoja but we want Government to first deregister all these companies and we should be given rights as people of Karamoja to possess our land but not for it to be taken up by Government. Thank you very much.

12.12

**MR GEOFFREY MACHO (NRM, Busia Municipality, Busia):** Thank you, Madam Speaker. I bring you greetings from the people of Busia. Before, I submit this morning, they reminded me to vote you back as the next Speaker of the 11th Parliament.

I would like to thank the chairperson for her wonderful submission. I keep comparing the Human Rights Commission of Uganda and other countries and majorly Kenya who are neighbours *vis-a-vis* the Federation of East Africa.

The Ugandan Human Rights Commission looks to be a rubber stamp because its mandate is to protect the rights of Ugandans and to make sure Uganda lives under a harmonious human rights environment. However, we have had many challenges with our people in this area but no recommendation in that regard has been made at all. I keep giving a reference to my case regarding the killing of my bodyguard, which occurred on 14 January 2021.

We have tried to appeal and visited the Uganda Human Rights Commission but they keep saying: “Wait until we get a substantive chairperson of the Commission.” I do not know whether it is Government’s intention that the chairperson of the Uganda Human Rights Commission is not put in place up to date.

Madam Speaker, this is a matter that I would support the committee on; that we need a Chairperson of the Uganda Human Rights Commission in office as soon as possible. This will help in addressing the many issues of Human Rights abuse prevailing.

Secondly, the issue of the Anti-Slavery Bill needs to be passed into an Act of Parliament as quickly as possible because we have challenges in this country of broad day and open human trafficking. Sometime back, I gave a submission on how children from Karamoja sub-region were being trafficked to Kenya and sold in markets as if they were animals; the law is really wanted. This will help even in handling issues affecting some of our girls who are being taken as slaves, in the name of labour export, to Arab countries. Therefore, I would like to agree with the committee.

On the issue of land acquisition - in Africa, we believe that the wealth we have – in Busia, land in addition to other two that I will not mention because they might cause a controversy - Uganda should come up with good policies to ensure land tribunals in the districts are implemented.

To observe and protect the rights of our people in this country, we need the Human Rights Defenders Protection Bill passed into a law that will help our people have a voice to talk about their human rights issues.

Lastly, I do not support the refugees getting citizenship. We who live on the borders know how people come from Kenya and buy land in Uganda cheaply because of the value of their money and yet, we are not allowed to go to Kenya and buy land.

Therefore, Uganda should not be an open market for citizens from other countries to come and acquire any property like land without Government’s notice. When we do this, we might find that in the future, when we have gone, we shall get presidents who are not Ugandans, which will bring a very big problem to our grandchildren. Thank you, Madam Speaker.

12.16

**MR EMMANUEL ONGIERTHO (FDC, Jonam County, Nebbi):** Thank you, Madam Speaker. I start by thanking the committee, particularly the chairperson, for presenting this comprehensive report. I have two issues: I also want to emphasise a little bit on what my colleague, hon. Macho, has said about the Human Rights Defenders Protection Bill.

The human rights defenders need a law to protect them because if they are left open, they may come down on bringing out some of the human rights issues.

Anyhow, one of the two things I want to bring forward relates to the children’s rights. In our communities, defending children’s right is more or less an accidental thing. There is less consistency in seeing children’s rights defended, even at family level.

In districts or communities, where you have some international NGOs trying to support is where we at least see something being done. The two organisations that come to mind are: Plan International and World Vision. Unfortunately, they are not well spread in the country. As a result, the issues of children’s rights have not been well defended and where they are defended, it is done accidently.

Therefore, I plead that we support such organisations and where possible, have them well spread in the country.

Madam Speaker, the chairperson talked about some emerging issues. I would like to share some experience I had yesterday, which is also an emerging issue relating to the name of the Police or the army.

Yesterday, as I drove back from Pakwach, I met a line of vehicles at the checkpoint at Matugga. I wondered what was happening because I know that that check point only checks buses. However, while still there, there came a lady putting on an army jacket but on a civilian cloth and gumboots. We waited for a long time and I got concerned. I got out and asked what was happening. What I am talking about is interesting because many times, we condemn the police and army, not knowing that sometimes, we have wrong people who paint a bad name to the two forces; this is a typical example.

Madam Speaker, I am sorry I may take some little more time but I need this story to be clearly stated here. When I asked the lady what was happening, her first answer was interesting. She said: “I am on duty.” I said: “I have not asked whether you are on duty or not. I am asking, what is happening?” She said: “Are you not aware of the Presidential directive? Am I an animal?”

In my car, we had three chickens and according to her, it was like we were not supposed to move with these “things.” I said, “Are you sure?” Anyhow, we continued the argument until she asked for my identity card. I said, “Now that you have asked for my identity card, I also want to see yours.” I called the two police officers with whom she was purportedly working. I said to her in front of the police officer, “I am bringing out my ID, bring out yours and I want the police officers to look at these IDS.” I brought out mine but she did not bring hers out. I said to her that in that case, I would ask the police to arrest her. I told her she was one of the people who keep spoiling the name of the police and the army and spoiling the name of the President’s Office.

Good enough, in the car, we had somebody from Nebbi who also works in the President’s Office. I called him out. On getting out of the car, he also brought out his ID. Immediately the lady ran back to her vehicle Reg. No. UAV 169G. I said that I would not leave the place until she has also left. She had not given her ID and we could not identify her yet masquerading that she works in the Office of the President.

She was telling our driver to leave with everybody. I asked for my bag out. I told my colleagues that we would stay there until she left. I called the police and they said: “Honourable, we feel very bad. We even do not know her. She came here because we are at this checkpoint and now, she is using us.” I said: “How do you accept to be used by somebody you do not know? You needed to have asked her for her identification.” Eventually, she collected herself and drove away.

Honourable members, I am telling you this story to let you know that sometimes, the names of our forces are spoilt by such wrong people and this is something that we need to be keen about. I beg to –

**THE SPEAKER:** Thank you.

12.23

**MR MARGARET RWABUSHAIJA (Independent, Workers Representative):** Thank you very much, Madam Speaker. I would like to take you slightly back on the issue of refugees. Please, bear with me.

Much as I thank the chairperson and her team on the issue of human rights, I know that we have over one million refugees in Uganda, which is a very big number and quite a number of them have had education. I used to teach in one of the schools around Kampala and in the school of about 3,000 learners, 400 were from Sudan and Somalia.

These people have had education and some of them are even graduates. Ugandans have done a lot for them. As a result of that and the liberty that they have been given, some of them have started buying land around, as hon. Macho said.

Much as some of them buy land in the names of Ugandans and they are constructing, others are prominent businessmen. Therefore, I feel that we have done enough and if we add on citizenship, we will be going overboard in as far human rights are concerned.

Funny enough, these people, in their own countries around us, are very hostile. Recently, I was interacting with a person who is a painter and he was given a job in Sudan for about two months. He was painting a house of some big person. He took about five other colleagues but they were being guarded day and night because of the fear that they could be raided at night.

In spite of all that, they would time them even late in the night and attempt to come and take their money. As a result of that hostility, I think that as a country, we have done something and I do not agree that we should give them another opportunity to become citizens of this country. I submit.

**MR SEBAGGALA:** Thank you very much. I would like to give information because I am a member of the Committee on Human Rights. In our report, we mentioned the welfare of nurses and midwives.

Patients are suffering across the country because the nurses and midwives are on strike. For the last four days – if you go to level four in Mulago Hospital for ears and skulls, the cry going on in Mulago and other hospitals across the country is worrying.

I request that as we talk about defending human rights, we cannot leave Ugandans who are stranded and in need of health care.

The Government should come up with a clear programme for the midwives and nurses because we know that however much we have doctors, without nurses and midwives, the patients across the country suffer.

In Mulago Hospital and many other hospitals, there are no nurses and midwives treating patients. We need to handle this urgently because when we do not treat Ugandans, we would be denying them their basic human rights.

As we debate this report, let us get a clear statement from the Government on when the nurses and midwives are going to sit on a roundtable with Government to ensure that they are back to work so that we save many lives.

**THE SPEAKER:** Honourable members, I invite the chairperson of the committee to formerly withdraw the recommendation on citizenship for refugee children born here. It is extremely risky.

**MS TAAKA:** Madam Speaker, I wish to concede and withdraw the recommendation. However, I draw your attention to the right of citizenship to child refugees. The talks can go on with the governments of the refugees so that we find a solution -

**THE SPEAKER:** Honourable member, the issue of citizenship is extremely -

**MS TAAKA:** I withdraw that one but how do we ensure that they are registered?

**THE SPEAKER:** That is a separate issue under the Refugees Act. Our concern is-

**MS TAAKA:** I withdraw the recommendation.

**THE SPEAKER:** Thank you very much. Honourable members, the recommendation on citizenship for refugees born here is withdrawn. I now put the question that the question be put.

*(Question put and agreed to.)*

**THE SPEAKER:** I now put the question that the House do adopt the report.

*(Question out an agreed to.)*

*Report adopted.*

**MS TAAKA:** Madam Speaker, I wish to thank the chairperson for the committee, members and staff for the commitment they put on this work to ensure that we delivered this report. I also thank Members for their contributions and adopting the report.

**THE SPEAKER:** I also thank the honourable members for giving in time, especially the Committee on Human Rights, for the work done.

BILLS

SECOND READING

THE INLAND WATER TRANSPORT BILL, 2020

12.31

**MR JOHNSON MUYANJA (NRM, Mukono County South, Mukono):** Thank you, Madam Speaker. We, the islanders, have a few concerns. First of all, there is the issue of change of name or alteration of the vessel after registration.

As I thank the committee for the work well-done, they should consider that change of name cannot take time to go to see the minister. If vessels are registered, for example, in the name of Muyanja and I lose interest and give it to be changed to the name of my son, daughter or my wife - I do not see any reason why that should also be a problem when it is not change of licence.

Another concern is what is referred to as “short-term licence” of a period of not more than three months for sessional businesses. That period of three months is a very short time. Many of these people making this law do not know the challenges of the islanders. I suggest that it should be not less than six months for the good of our people. I have been talking to the chairperson and I know that even the minister will concede.

The next issue is on appeal in connection with licence. When it comes to appeal, the committee recommends that it should be addressed to the minister. Ministers are not very easy to approach. I want the committee to come up with at least a Board, where the appeal can be referred to. However, when you say the appeal must be addressed to the minister, that can take a period between six months to a year. By that period, a big loss will be done, causing problems to the users.

Finally, Madam Speaker, there is also a permit and licence for small boats or vessels. If they consider the same arrangement when issuing permits and licences - some of these boats are not used for transport or fishing. They are used by farmers on the shores of the lake, more so, when going to the islands of Buvuma, Koome and Namayingo. We have very many farmers in these islands. Therefore, these should be considered in a special way, when giving out licences because these are farmers; not in transport section. They should be handled differently.

As I conclude, the committee should consider the different sizes of the vessels because many different use different vessels on the lake. I thank you.

**THE SPEAKER:** Thank you very much, honourable members. As I had indicated, I had wanted very much to hear more from the islanders but they have been represented. I also want to state that there is another opportunity, under the Fish and Aquaculture Bill, to deal with some of these issues. I hope that the two laws will not contradict one another.

I now put the question that the question be put.

*(Question put and agreed to.)*

**THE SPEAKER:** I now put the question that the Inland Water Transport Bill, 2020 be read for a second time.

*(Question put and agreed to.)*

BILLS

COMMITTEE STAGE

THE INLAND WATER TRANSPORT BILL, 2021

Clause 1

12.37

**THE CHAIRPERSON, COMMITTEE ON PHYSICAL INFRASTRUCTURE (Mr Robert Kafeero):** Madam Chairperson, much as we normally deal with the title at the end, on this very one, the committee proposes to delete clause 1.

Our justification is that it is redundant, given that according to the sections 3 and 15 of the Act of Parliament, Cap. 2, the short title appearing immediately before the long title is sufficient to identify the Act.

**THE CHAIRPERSON:** HonourableMembers, the question is that clause 1 be deleted.

*(Question put and agreed to.)*

*Clause 1, deleted.*

Clause 2

**MR KAFEERO:** Madam Chairperson, the committee proposes to delete clause 2.

The justification is to enable the proposed law come into force on the date of its publication in the Gazette, since the key administrative structures are already in place.

**THE CHAIRPERSON:** Don’t you need to state that it will be become law, upon publication? Don’t you need to state that?

**MR KAFEERO:** We thought so, Madam Chairperson.

**THE CHAIRPERSON:** No. What I am saying is that what you are deleting is that it will come to force on the date appointed by the minister. However, I am asking, supposing you say, “Shall come into force on the date of publication”, is that not okay?

**MR KAFEERO:** That would be fairer than stating “Date appointed by the minister”, Madam Chairperson.

**THE CHAIRPERSON:** So, let us amend it to say, “On the date of publication in the Gazette.”

**MR KAFEERO:** I concede to that, Madam Chairperson.

**THE CHAIRPERSON:** Okay. Honourable members, I put the question that clause 2, be amended, as proposed.

*(Question put and agreed to.)*

*Clause 2, as amended, agreed to.*

*Clause 3, agreed to.*

*Clause 4, agreed to.*

Clause 6

**THE CHAIRPERSON:** Do you have something on clause 6?

**MR KAFEERO:** Yes. Madam Chairperson, the committee proposes to substitute for subclause (3), the following:

*“*(3) The maritime administration is designated as the Maritime Administration Unit, for purposes of section 11 of the Lake Victoria Transport Act, 2007.”

The justification is for clarity and ensure consistency with the interpretation of maritime administration.

**THE CHAIRPERSON:** Honourable members, I put the question that –*(Mr Ssenyonga rose\_)* Yes, hon. Ssenyonga?

**MR SSENYONGA:** Thank you, Madam Chairperson. That concern is on Lake Victoria alone; it looks as if we do not have other lakes. They should include “and other lakes”.

**THE CHAIRPERSON:** But there is a Lake Victoria Transport Act. Do we have a Lake Kyoga Act?

**MR SSENYONGA:** Yes.

**THE CHAIRPERSON:** Is there a Lake Kyoga Transport Act or a Lake Albert Transport Act?

**MR KAFEERO:** Madam Chairperson, the East African Legislative Assembly passed the Lake Victoria Transport Act. We do not have any other laws, in regard to other water bodies. So, this particular clause is specifically for the Lake Victoria Act.

**THE CHAIRPERSON:** Honourable members, this is about inland water transport. I am sure it will cover all the other lakes because it is now about inland water. I put the question that sub-clause (3) be amended, as proposed.

*(Question put and agreed to.)*

*Clause 6, as amended, agreed to.*

Clause 7

**MR KAFEERO:** On Clause 7, the committee proposes to delete the words “under the control and instruction of the Minister”, appearing in lines one and two.

The justification is to ensure adherence to the established reporting structures within the ministry by the maritime administration to avoid conflict.

Madam Chairperson, under clause 7(r), we propose to delete the words “administer this Act and”, appearing at the beginning of paragraph (r).

Justification

The words are a duplication of clause 6(1) and, therefore, they are redundant.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 7 be amended as proposed.

*(Question put and agreed to.)*

*Clause 7, as amended, agreed to.*

Clause 8

**MR KAFEERO:** The committee proposes to delete the whole clause.

Justification

1. Clause 8 has been provided for under clause 23, which provides for licencing of all vessels intending to carry on business.
2. Registration of vessels is a prerequisite for licencing of all vessels; whether a vessel is registered in Uganda or possesses a recognised certificate of a foreign registry.

**THE CHAIRPERSON:** Honourable members, the question is that clause 8 be deleted.

*(Question put and agreed to.)*

*Clause 8 deleted.*

Clause 9

**MR KAFEERO:** In clause 9, the committee proposes to delete the words, “unless exempted by the minister” appearing in lines (2) and (3).

Justification

1. The requirement for registration of vessels should apply to all vessels required to be registered under the Act; to enhance safety and security and ease of monitoring.
2. Categories of vessels exempted from the application of this Act are clearly provided for under clause 4(2).

**THE CHAIRPERSON:** Honourable members, I put the question that clause 9 be amended as proposed.

*(Question put and agreed to.)*

*Clause 9, as amended, agreed to.*

Clause 10

**MR KAFEERO:** In clause 10(2)(j), we propose to substitute for paragraph (j) the following:

“(j) Number of applicable life-saving appliances”.

Justification

To require all vessels to have life-saving appliances in place in order to enhance safety of human lives.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 10 be amended as proposed.

*(Question put and agreed to.)*

*Clause 10, as amended, agreed to.*

Clause 11

**MR KAFEERO:** Madam Chairperson, we propose to insert a new paragraph –

**THE CHAIRPERSON:** Where?

**MR KAFEERO:** Just before clause 11.

**THE CHAIRPERSON:** New paragraphs after clause 10.

**MR KAFEERO:** We propose to insert two new paragraphs immediately after paragraph (k) as follows:

“(m) Proof of payment of prescribed registration fee.

(n) Any other relevant information as may be prescribed by the minister through regulations.”

Justification

1. To empower the minister to prescribe additional requirements for registration that may be deemed necessary.
2. To provide for the registration fee.

**THE CHAIRPERSON:** Honourable members, I put the question that new paragraphs be introduced as proposed.

*(Question put and agreed to.)*

*Clause 11, agreed to.*

*Clause 12, agreed to.*

Clause 13

**MR KAFEERO:** Madam Chair, in clause 13(1), we propose to insert the following new paragraphs immediately after paragraph (d) as follows:

“(i) The name of the master of the vessel.

(ii) A description of the vessel in terms of materials used for construction.

(iii) The purpose of the vessel.

(iv) The tonnage of a vessel or passenger capacity.

(v) The size and length of the keel.

(vi) The number of life-saving appliances.

(vii) The number of the crew to work on a vessel.”

Justification

To require the registrar of vessels to contain as much information as possible about vessels, in order to ease regulation and monitoring of operations of the vessels.

**THE CHAIRPERSON:** Honourable members, the question is that clause 13 be amended by the addition of those new provisions.

*(Question put and agreed to.)*

*Clause 13, as amended, agreed to.*

**THE CHAIRPERSON:** I think there is a new clause also.

**MR KAFEERO:** Madam Chairperson, which will be inserted immediately after clause 15.

**THE CHAIRPERSON:** I put the question that clause 14 do stand part of the Bill.

*(Question put and agreed to.)*

*Clause 15, agreed to.*

New Clause

**MR KAFEERO:** We propose to insert a new clause immediately after clause 15 to read as follows:

“Issuance of construction certificate

The Maritime Administration shall, upon registration of a vessel, after completion of construction, issue a construction certificate.”

Justification

To empower the Maritime Administration to issue construction certificates as proof of completion of construction of vessels under its supervision.

**THE CHAIRPERSON:** Honourable members, I put the question that a new clause be introduced as proposed.

(*Question put and agreed to.*)

Clause 16

**MR KAFEERO:** In clause 16, we propose that in the headnote, we insert the words, “of registration” immediately after the word, “certificate”.

Justification

It is for clarity and specificity.

Under clause 16 (2), we propose to substitute for sub-clause (2) the following:

“

1. The Maritime Administration shall, upon examination of the certificate of registration submitted under sub-section (1) and being satisfied with the status of the certificate-
2. sign and seal the back of the certificate;
3. indicate the date of examination as a record of authenticity and correctness of certificate of registration.”

Justification

It is to clarify and ensure that the mandate to examine certificate is restricted to the Maritime Administration, since officers would be working on behalf of the Maritime Administration.

**THE CHAIRPERSON:** Honourable members, I put the question that a new clause be introduced.

(*Question put and agreed to.*)

*Clause 16, as amended, agreed to.*

Clause 17

**MR KAFEERO:** In clause 17(1), we propose to substitute for sub-clause (1) the following:

“

1. Where a change of ownership of a vessel occurs, the intended owners shall apply to the Maritime Administration for a new certificate of registration.
2. The Maritime Administration shall, upon verification of change of ownership of a vessel and on payment of a prescribed fee, issue a new certificate of registration to the intended owner and cancel the former certificate of registration.”

Justification

1. For clarity.
2. To require the Maritime Administration to first verify the change of ownership before issuing a new certificate of registration.
3. To provide for payment of a fee for issuance of a new certificate of registration.

Clause 17(3)

We substitute for sub-clause (3), the following:

“(3) Where the intended owner of a vessel fails to comply with subsection (1), the vessel shall be treated as belonging to the former owner.”

The justification is for clarity.

**The Chairperson:** Honourable members, the question is that clause 17 be amended as proposed.

*(Question put and agreed to.)*

*Clause 17, as amended, agreed to.*

Clause 18

**Mr kafeero:** On the head note, we intend to insert the words, “of registration” immediately after the word “certificate”.

Justification

It is for clarity given that there are several certificates to be issued under this Act.

**The Chairperson:** Honourable members, I put the question that the head note to clause 18 be amended as proposed.

*(Question put and agreed to.)*

*Clause 18, as amended, agreed to.*

Clause 19

**Mr kafeero:** The committee proposes to delete the words, “and to the person in charge of any vessel belonging to the Government” appearing in lines two and three.

The justification is that the words are redundant.

**The Chairperson:** Honourable members, I put the question that clause 19 be amended as proposed.

*(Question put and agreed to.)*

*Clause 19, as amended, agreed to.*

Clause 20

**Mr kafeero:** We substitute for sub-clauses (2), (3) and (4) the following:

“(2) Where the Maritime Administration has granted the approval under subsection (1) and the alteration is made on a vessel, the owner or master of a vessel shall, within 30 days after alterations, notify the Maritime Administration.

(3) The Maritime Administration shall, on receipt of the notice of alteration of a vessel under subsection (2), require the owner or master of the vessel to submit a certificate of registration.

(4) Upon receipt of the certificate of registration under subsection (3), the Maritime Administration shall, within 21 days and upon payment of a prescribed fee, register the alterations of the vessel and -

(a) retain the original certificate of registration and issue a new certificate of registration containing the description of the vessel as altered; or

(b) endorse and sign on the original certificate of registration, a memorandum of alteration.”

The justification is for clarity and proper sequential arrangement of the provision.

Clauses 20 (5): We propose to delete sub-clause (5).

The justification is that it is a duplication of sub-clause (4).

**The Chairperson:** Honourable members, I put the question that clause 20 be amended as proposed.

*(Question put and agreed to.)*

*Clause 20, as amended, agreed to.*

*Clause 21, agreed to.*

Clause 22

**Mr kefeero:** Clause 22(2), substitute for the words “owner of a vessel” appearing in line one with the word “mortgagor”.

Justification

To enable the mortgagor secure his or her interest in a mortgaged vessel by ensuring registration of the charge within the Maritime of Administration.

**The Chairperson:** Honourable chairperson, you have left out the word, “lien”. Are you no longer interested in it on the vessel? Anyway, I think let us take your proposal but your explanation has left it out.

**Mr kafeero:** Madam Chairperson, the word “lien” is there. If you read clause 22 in the Bill, it has “the owner of the vessel may use vessels as mortgage, charges or liens.” We are just removing the word “owner”.

**The Chairperson:** Honourable members, I put the question that clause 22 be amended as proposed.

*(Question put and agreed to.)*

*Clause 22, as amended, agreed to.*

Clause 23

**Mr kafeero:** We propose to insert a new sub-clause immediately before sub-clause (l) as follows:

“A person shall not use a vessel to trade in or from the inland waterways unless the vessel is licensed by the Maritime Administration in accordance with this Act.”

Justification

1. To ensure clarity and take care of clause 8, which has been deleted.
2. To clearly provide for a restriction on engaging a vessel in trade of carriage of goods or passengers without a licence.

We also propose to substitute for sub-clause (2), the following:

“(2) In exercising the powers under subsection (1), the Maritime Administration shall take into consideration the following:

1. The desirability of encouraging the provision of adequate and efficient services, and
2. The coordination of transport on inland waterways.

(3) Where the Maritime Administration refuses to issue a licence, it shall within 14 days provide a written explanation to the applicant giving reasons for refusal.”

Justification

The current sub-clause (2) is already catered for under clause 30 but also to merge clauses 27 and 29 for better placement and avoid duplication.

**The Chairperson:** I think my report is not exactly like yours. I do not have part of what you are reading but let me put the question that clause 23 be amended as proposed –

**MR KAFEERO:** Madam Chairperson, I beg your pardon. I read a wrong one; I took two pages at the same time –

**THE CHAIRPERSON:** Yes, because I was looking at page 36.

**MR KAFEERO:** I was reading for clause 25, so kindly pardon me so that I can read for page clause 23.

In clause 23 (1) substitute sub-clause (1) the following:

“A person who intends to use a vessel for trade in carriage of goods or passengers, inland waterways, shall apply to the Maritime Administration for a licence.”

Justification

1. The words “company, organisation or partnership” are redundant given that the word “person” as defined under the interpretation Act Cap 3 includes “any company or association or body of persons, corporate or incorporated.”
2. To restrict the application of the provision license of a vessel for trade only.

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

*(Question put and agreed to.)*

*Clause 23, as amended, agreed to.*

*Clause 24, agreed.*

Clause 25

**MR KAFEERO:** In clause 25, on the headnote, we intend to substitute for the word "procedure" appearing in the headnote, the word "requirements".

The justification is to align the headnote to the main provision since the provision does not provide for a procedure for application, but requirements for application for a licence.

We also intend to insert new paragraphs

Insert two new paragraphs immediately after paragraph (h) as follows-

"Seaworthiness certificate."

"Proof of payment of application fees as may be prescribed by the minister, by regulation."

Justification

1. To enhance protection by requiring a vessel to possess a certificate of seaworthiness before licensing.
2. To provide for the requirement of payment of application fees for a licence.

**THE CHAIRPERSON:** Honourable members, I put the question that two new clauses be introduced as proposed.

*(Question put and agreed to.)*

*Clause 25, as amended, agreed to.*

*Clause 26, agreed to.*

Clause 27

**MR KAFEERO:** In clause 27, we propose to substitute for sub-clause (2), the following-

"(2) In exercising the powers under subsection (l), the Maritime Administration shall take into consideration, the following-

1. the desirability of encouraging the provision of adequate and efficient services; and
2. the coordination of transport on inland waterways.

(3) Where the Maritime Administration refuses to issue a licence it shall, within 14 days, provide a written explanation to the applicant, giving reasons for the refusal.”

Justification

1. The current sub-clause (2) is already catered for under clause 30.
2. To merge clauses 27 and 29 for better placement and avoid duplication.

**THE CHAIRPERSON:** Members, I put the question that clause 27 be amended as proposed.

*(Question put and agreed to.)*

*Clause 27, as amended, agreed to.*

*Clause 28, agreed to.*

Clause 29

**MR KAFEERO:** In clause 29, we propose to delete the whole clause.

The justification is that clause 29 has been merged with clause 27 for proper placement and sequencing.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 29 be deleted.

*(Question put and agreed to.)*

*Clause 29, deleted.*

Clause 30

**MR KAFEERO**: In clause 30, on the headnote, we substitute for the headnote, the following-

"Maintenance of vessel standards"

The justification is for clarity since clause 30 does not provide for conditions for grant of a license but the conditions attached to a licence after the grant.

Under clause 30 (1), we substitute for subclause (1) the following-

"(1) An owner or master of a vessel, to whom a licence is granted under section 27 shall-

1. ensure that the vessel is maintained in a seaworthy condition; and
2. comply with the provisions of any law relating to prevention and control of pollution, the limit of weight laden and unladen, the loading of vessels and the number of passengers to be carried."

The justification is for clarity.

**THE CHAIRPERSON:** Members, 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, agreed to.*

*Clause 33, agreed to.*

Clause 34

**MR KAFEERO:** In clause 34, we propose to amend clause 34 by renumbering the current provision as (1) and inserting after it, the following new sub-clauses:

“(2) The minister shall, within 30 days of receiving an appeal, notify the applicant of his or her decision.

(3) A person who is dissatisfied with the decision of the minister may apply to the High Court."

Justification

(i) To provide for timelines within which the minister should act on an appeal.

(ii) To provide a mechanism through which a person dissatisfied with the decision of the minister may seek redress.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 34 be amended as proposed -

**MR SENYONGA:** Madam Chairperson, the 30 days given to the minister is quite a long time. I thought when we were going through this, we agreed that let it be a fortnight because the minister is a full-time worker. Some of these people who apply may not have all that excessive time. I still insist that we make it a fortnight.

**THE CHAIRPERSON:** Do you have an objection to shortening the period?

**MR KAFEERO:** Madam Chairperson, I would not have an objection to making it 14 days instead of 30 days since the honourable ministers are permanently employed.

**THE CHAIRPERSON:** Honourable minister, do you have an objection to that?

**MS KABATSI:** Madam Chairperson, maybe we can make it 21 days because we need time to investigate and come up with the correct decision.

**THE CHAIRPERSON:** Hon. Senyonga, can we go from 14 to 21 days?

**MR SENYONGA:** In the interest of the committee, I concede.

**THE CHAIRPERSON:** Okay, honourable members, so will we adjust the days from 30 to 21 days. I now put the question that clause 34 be amended as proposed.

(*Question put and agreed to.)*

*Clause 34, as amended, agreed to.*

**MR KAFEERO:** In clause 35(1), we propose to insert the words “and vessels of traditional build” immediately after the word “vessels”.

The justification is to align the provision to the headnote since the provision applies to both small vessels and vessels of traditional build.

In clause 35(2), insert the following paragraphs immediately after paragraph (c)-

“(d) Scope of operation;

(e) Marking of vessel.”

The justification is to enable comprehensive regulation of small vessels and vessels of traditional build.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 35 be amended as proposed.

*(Question put and agreed to.)*

*Clause 35, as amended, agreed to.*

Clause 36

**MR KAFEERO:** Clause 36(6) we propose to substitute for the word “thereto” the words “to the crew agreement”.

The justification is for clarity.

**THE CHAIRPERSON:** Can you read the full sentence as you want it?

**MR KAFEERO:** Clause 36(6), “A copy of every crew agreement and any amendment thereto shall be lodged with a Maritime Administration.”

Therefore, we are saying instead of the word “thereto” we say, “A copy of every agreement and any amendment on the agreement shall be lodged with the maritime administration”.

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

*(Question put and agreed to.)*

*Clause 36, as amended, agreed to.*

*Clause 37, agreed to.*

*Clause 38, agreed to.*

Clause 39

**MR KAFEERO:** In clause 39(2), we propose to delete the words “Maritime Administration” appearing at the end of sub-clause (2).

Justifications:

(i) To avoid restricting the provision to only certificates of competence issued by the Maritime Administration, and recognise certificates of competence issued by a competent body responsible for Maritime Administration in another state.

(ii) To align the provision to the definition of “certificate of competence” as proposed in the amendment.

We also propose to insert a new sub-clause immediately after sub-clause (2) as follows:

“(3) The Maritime Administration shall not issue a certificate of competence to a person unless the person is a qualified seafarer.”

The justification is to require Maritime Administration to issue certificates of competence to only persons who have undergone training to become seafarers. This will guarantee competence of members of the crew.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 39 be amended as proposed.

*(Question put and agreed to.)*

*Clause 39, as amended, agreed to.*

Clause 40

**MR KAFEERO:** In clause 40(1), insert the words “the member of the” immediately after the word “where” appearing in line three.

The justification is for clarity and to ensure consistent use of the phrase.

In clause 40(2), insert the words “or her” immediately after the word "his".

The justification is to ensure gender inclusiveness.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 40 be amended as proposed.

*(Question put and agreed to.)*

*Clause 40, as amended, agreed to.*

*Clause 41, agreed to.*

*Clause 42, agreed to.*

*Clause 43, agreed to.*

*Clause 44, agreed to.*

*Clause 45, agreed to.*

*Clause 46, agreed to.*

Clause 47

**MR KAFEERO:** We substitute for the words “home port of a member of the crew” appearing in lines five and six, the words “port of engagement”.

The justification is for clarity since “home port” relates to vessels only and “port of engagement” relates to members of the crew.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 47 be amended as proposed.

*(Question put and agreed to.)*

*Clause 47, as amended, agreed to.*

*Clause 48, agreed to.*

Clause 49

**MR KAFEERO:** Clause 49(2), substitute for sub-clause (2), the following:

“(2) Notwithstanding sub-section (1), where a member of the crew alleges sickness and does not perform his or her duty, and the master has reason to believe that a member of the crew –

1. is not medically indisposed; or
2. wilfully concealed the sickness at the time of engagement, a member of the crew shall not be entitled to wages for the time during which he or she did not perform his or her duty by reason of the alleged sickness.”

The justification is that it is for clarity.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 49 be amended as proposed.

*(Question put and agreed to.)*

*Clause 49, as amended, agreed to.*

*Clause 50, agreed to.*

*Clause 51, agreed to.*

*Clause 52, agreed to.*

*Clause 53, agreed to.*

*Clause 54, agreed to.*

*Clause 55, agreed to.*

*Clause 56, agreed to.*

*Clause 57, agreed to.*

*Clause 58, agreed to.*

Clause 59

**MR KAFEERO:** Madam Chairperson, on clause 59(1) we insert the word “record” immediately after the word “identification” appearing in line two.

Justification

For consistent usage of the phrase “seaman’s identification record book.”

**THE CHAIRPERSON:** Honourable members, I put the question that clause 59 be amended as proposed.

*(Question put and agreed to.)*

*Clause 59, as amended, agreed to.*

Clause 60

**MR KAFEERO:** Clause 60(a) we substitute for the word “qualification” appearing in paragraph (a), the word “competence”.

Justification

Since qualifications of a crew member are assessed at the time of employment, the relevant information at the time of discharge would be the ability of the member of the crew to perform his or her duties and not qualifications.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 60 be amended as proposed.

*(Question put and agreed to.)*

*Clause 60, as amended, agreed to.*

Clause 61

**MR KAFEERO:** Madam Chairperson, clause 61(1) we insert the word “crew” immediately before the word “agreement” appearing in line five.

Justification

For clarity and to ensure consistent usage of the phrase “crew agreement”.

Under clause 6l (2) substitute for sub clause (2), the following –

“(2) Where a member of the crew is discharged under this section, the provisions of this part relating to the Seaman’s identification record book and the return of a member of the crew to the port of engagement shall apply as if the service of the member of the crew, had been terminated other than by consent to be discharged during the existence of the crew agreement.

Justification

1. For clarity.
2. To ensure consistency with clause 59 (1).
3. Having introduced the definition of “port of engagement”, the appropriate place to return a member of the crew, at the discharge is the port of engagement.

Madam Chairperson, I beg to move.

**THE 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

**MR KAFEERO:** Madam Chairperson, clause 62(1) we substitute for the words “home port” appearing in paragraphs (a) and (b), the words “port of engagement”.

Justification

It is a consequential amendment.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 62 be amended as proposed.

*(Question put and agreed to.)*

*Clause 62, as amended, agreed to.*

Clause 63

**MR KAFEERO:** Madam Chairperson, clause 63 substitute the “forty-eight currency points and two year’s imprisonment” with “two hundred forty currency points and five year’s imprisonment” respectively.

Justification

To increase the penalty to make it commensurate with the offence.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 63 be amended as proposed.

*(Question put and agreed to.)*

*Clause 63, as amended, agreed to.*

Clause 64

**MR KAFEERO:** Madam Chairperson, under clause 64(1) we substitute for sub clause (1), the following –

“(1) Where by way of inspection or complaint, it appears to Maritime Administration that a member of the crew –

1. is unfit to discharge his or her duties by reason of incompetence, misconduct or for any other reason;
2. has been negligent in the discharge of his or her duties; or
3. has failed to comply with the provisions of this Act and any regulations made under this Act,the Maritime Administration may carry out an inquiry.”

The justification is that it is for clarity.

Under clause 64(2), we propose to insert the words “of competence” immediately after the word “certificate” appearing in line four.

The justification is that it is for clarity and specificity.

Madam Chairperson, we propose to delete clause 64(3)

Justification

It is not applicable to clause 66 after amending the clause to apply to an inquiry by the Maritime Administration.

Under clause 64(4), we substitute for clause (4), the following:

“(4) The Maritime Administration may, after holding an inquiry into the fitness or conduct of a member of the crew under this section –

1. disregard the complaint, if it finds a member of the crew competent and compliant with the Act; or
2. if satisfied with any of the circumstances referred to in subsection (1) –
3. suspend or cancel the certificate of competence; or
4. censure the member of the crew.”

Justification

For clarity, and to require the Maritime administration, to carry out an initial inquiry into the conduct of a member of the crew instead of requiring the minister to appoint persons to carry out such inquiry. The minister can appoint an inquiry team, where he or she is not satisfied with the inquiry by the Maritime administration.

Madam Chairperson, we also propose to insert two new clauses –

**THE CHAIRPERSON:** Let us first take a vote on the old clause.

**MR KAFEERO:** Most obliged.

**THE CHAIRPERSON**: Honourable members, I put the question that clause 64 be amended as proposed.

*(Question out an agreed to.)*

New sub-clauses

**MR KAFEERO:** We insert two new sub-clauses, immediately after sub clause (4), to read as follows: “Where the Maritime Administration suspends or conceals a certificate of competence under subsection (4), it shall cause the certificate of competence to be delivered to the Maritime Administration. The Maritime Administration shall upon completion of the inquiry make a report to the minister.”

Madam Chair, this is for clarity.

**THE CHAIRPERSON:** Honourable members, I put the question that a new sub clause be introduced as proposed.

*(Question put and agreed to.)*

*Two new clauses, agreed to.*

*Clause 64, as amended, agreed to.*

Clause 65

**MR KAFEERO:** Madam Chairperson, we propose to insert the words “or cancelling” immediately after the word “suspending” appearing in line (1). The justification is for consistency.

In clause 65(4), we propose to substitute the words “issue another notice to that effect” appearing in line (4), with the words “notifying the member of the crew” and that is for clarity.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 65 be amended as proposed.

*(Question put and agreed to.)*

*Clause 65, amended, agreed to.*

Clause66

**MR KAFEERO**: We propose to delete clause 66 because it has been merged with clause 67.

**THE CHAIRPERSON:** I put the question that clause 66 be deleted.

*(Question put and agreed to.)*

*Clause 66, deleted.*

Clause 67

**MR KAFEERO:** We propose to substitute clause 67 with the following: “Appeal from inquiry and rehearing

1. A member of the crew who is dissatisfied with the decision of the Maritime Administration, under section 64, may appeal to the minister.
2. Where after receipt of the appeal under subsection (1) it appears to the minister that-

(a) a new and important evidence, which could not be produced at the time of inquiries is discovered; or

(b) there are reasonable grounds that a miscarriage of justice may have occurred,

the minister may order a rehearing of the whole part or part of the case.

1. Where the minister orders the rehearing, the minister shall appoint one or more persons and one or more assessors to conduct an inquiry into the decision of the Maritime Administration.

(4) A person conducting an inquiry under this section may-

(a) confirm the decision taken under section 64 and cancel or suspend the certificate of competence;

(b) where the decision was to cancel the certificate of competence instead suspend the certificate;

(c) where the decision was to suspend the certificate of competence suspend the certificate for a different period; or

(d) make an order with regard to the cost of injury.

(5) A person conducting an inquiry under this section shall within two weeks of completion of the inquiry submit a report to the minister.

(6) The minister shall within 21 days of receipt of the report under subsection (5) notify the member of the crew of his or her decision.

(7) Where a certificate of competence is suspended or cancelled under this section the holder of the certificate of competence shall deliver it to the Maritime Administration.

(8) Any costs which a member of the crew is ordered to pay under subsection (4)(d) may be recovered by the minister.

(9) A person who is aggrieved by the decision of the minister may appeal to the court.”

The justification is that this for clarity and empower to order of a rehearing of the matters handled by the Maritime Administration under specified circumstances.

**THE CHAIRPERSON:** I put the question that clause 67 be amended as proposed.

*(Question put and agreed to.)*

*Clause 67, as amended, agreed to.*

*Clause 68, agreed to.*

Clause 69

**MR KAFEERO:** In this clause, Madam Chair, we propose to substitute it with the following:

“69. Failure to deliver suspended or cancelled certificate of competence

A member of the crew who fails to deliver certificate of competence as required under section 64(2) and section 67(7), commits an offence and is liable on conviction to a fine not exceeding 100 currency points or to imprisonment for a term not exceeding three months or both.”

The justification is that this is for clarity and specificity but also to increase the fine to make it deterrent.

**THE CHAIRPERSON**: The question is that clause 69 be amended as proposed.

*(Question put and agreed to.)*

*Clause 69, as amended, agreed to.*

*Clause 70, agreed to.*

Clause 71

**MR KAFEERO:** Madam Chairperson, in clause 71 on official logbooks, we intend to substitute clause 71 with the following:

“(1) A vessel of ten or more metres in length registered or licensed under this Act shall have an official logbook.

(2) The master of the vessel shall enter or cause to be entered in the official logbook the following particulars:

1. Every conviction by a court of a member of the crew and the punishment imposed.
2. Every offence committed by a member of the crew for which the owner or master intends to institute proceedings, or for which punishment has been imposed on board a vessel;
3. Every case of illness or injury happening to a member of the crew, the nature of the illness or injury and any medical treatment given.
4. Every refusal by a member of the crew to take any medicine.
5. Any marriage, birth and death happening on board a vessel.
6. The name of every member of the crew who ceases to be member of the crew other than by death, stating the place, time manner and cause of the cessation.
7. The wages due to any member of the crew who dies during a voyage and the gross amount of all deductions to be taken from the wages.

(h) The sale of the personal effects of a member of the crew with a statement of each article sold and the sum received for it.

(i) Every collision with any other vessel and the circumstances in which it occurred.

(j) The date and time of posting up in a vessel of a notice containing particulars of the draught and freeboard of a vessel.

(k) Any other entry directed by this Act to be entered in the official logbook.

(3) An entry in the official logbook shall be signed by the master of a vessel and a mate.

(4) The master or mate shall keep the information entered in the official logbook confidential, except in accordance with this Act.

(5) The master of the vessel shall, within 48 hours after the arrival of the vessel at the final port of destination of the vessel or on the discharge of the crew, whichever happens first, deliver the official logbook of the voyage to the Port Administrator.

(6) Where the vessel is lost or abandoned, the owner or master of a vessel shall, where practicable, and as soon as possible, deliver or transmit to the Port Administrator, an official logbook duly made out, up to the time of the loss or abandonment.

(7) Where the official logbook of the vessel ceases to be required by reason of the transfer of ownership of the vessel, the owner or master of the vessel shall, within 15 days of the transfer of ownership, deliver or transmit to the Port Administrator, a logbook duly made out, up to the time of the transfer.”

The justification for this, Madam Chairperson, is for clarity and to ensure that the official logbook is clearly distinguished from other types of logbooks.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 71 be amended, as proposed. Yes, Hon. Aogon?

**MR AOGON:** Thank you, Madam Chairperson. I need some clarity from the chairperson. In the event that one loses a logbook, what happens? I do not know whether there is a provision that caters for that, in terms of maybe reporting. What remedy is there in case a person loses the logbook? I would like to believe that this is the category handing all those matters.

On the form of maintaining the logbook, are you going to have one digitally for ease of reference and tracing? Thank you.

**MR KAFEERO:** Madam Chairperson, we have said under sub-clause (6) that even when you record, you must report to the Port Administrator, as soon as practicable. I think after docking, if you lose the logbook, you are still required to inform the Port Administrator or even police, whichever becomes simpler.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 71 be amended, as proposed.

*(Question put and agreed to.)*

*Clause 71, as amended, agreed to.*

Clause 72

**MR KAFEERO:** Madam Chairperson, we propose to delete the whole clause 72.

The justification is that clause 72 has been incorporated under clause 7l, since the particulars of entry are applicable to the official logbook.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 72 be deleted.

*(Question put and agreed to.)*

*Clause 72, deleted.*

Clause 73

**MR KAFEERO:** Madam Chairperson, we intend to substitute for clause 73, the following and move it immediately after clause 74.

“(1) The master of a vessel, who fails to comply with section 71 or 74, commits an offence and is liable, on conviction, to a fine not exceeding 48 currency points or to imprisonment for a term not exceeding two years, or both.

(2) A person, who wilfully destroys or mutilates or renders illegible any entry in a logbook or wilfully makes or procures to be made a false or fraudulent entry in the logbook, commits on offence and is liable, on conviction, to a fine not exceeding 48 currency points or to imprisonment for a term not exceeding two years, or both.”

The justification is for clarity and better chronology, Madam Chairperson.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 73 be amended, as proposed.

*(Question put and agreed to.)*

*Clause 73, as amended, agreed to.*

Clause 74

**MR KAFEERO:** On clause 74, we substitute for the headnote, the following:

“Deck logbook and engine room logbook”.

The justification is for clarity and specificity, given that the provisions under clause 74 relate to deck logbook and engine room logbook.

Under clause 74(1), we substitute for subclause (l), the following:

“(1) A vessel with a deck or engine room shall carry on board a deck logbook or an engine room logbook, in which shall be recorded particulars relating to the deck watch and the engine room watch respectively.”

Madam Chairperson, this is for clarity and to ensure that the requirement for a vessel to have a deck logbook and an engine room logbook is not based on the length of a vessel but possession by a vessel of a deck or an engine room.

Clause 74(3)

We delete sub-clause (3) because the provision is a duplication of clause 73(2).

**THE CHAIRPERSON:** Honourable members, I put the question that the headnote be amended.

*(Question put and agreed to.)*

*Clause 74, as amended, agreed to.*

Clause 75

**MR KAFEERO:** In clause 75, Madam Chairperson, we intend to insert the words “and goods” immediately after the word “persons”, appearing in line two.

The justification is to require an owner or a master of an abandoned or lost vessel to include, in the list, goods that were on board the vessel at the time of loss or abandonment.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 75 – Hon Aogon?

**MR AOGON:** Thank you. My problem is when we talk about the master of the vessel and then the owner of the vessel. I do not know whether owners of these vessels always keep track of what the vessels are carrying.

Therefore, I do not know whether this is very clear. We need a comment from the chairperson.

**MR KAFEERO:** Thank you, Madam Chairperson**.** We were alive to the fact that at times, owners of the vessel may not know the kind of goods that aboard the vessel. This is why we used the word, “or” to say “owner or master”. So, if the master knows, he can still include.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 75, be amended, as proposed.

*(Question put and agreed to.)*

*Clause 75, as amended, agreed to.*

Clause 76

**MR KAFEERO:** In the headnote, we propose to substitute for the headnote the following: “Master to deliver document”.

The justification is for clarity

**THE CHAIRPERSON:** Honourable members, I put the question that the headnote be amended as proposed.

*(Question put and agreed to.)*

*Clause 76, as amended, agreed to.*)

Clause 77

**MR KAFEERO:** In clause 77, we propose to delete the whole clause. It is a duplication of clause 72 (e).

**THE CHAIRPERSON:** Did you amend clause 72(e)?

**MR KAFEERO:** Yes, Madam Chair. We amended clause 72(e).

**THE CHAIRPERSON:** It is because clause 74 –

**MR KAFEERO:** We amended clause 71. Under clause 71(e) in the proposed amendment we said, “Every marriage, birth and death happening aboard the vessel”. That takes care of –

**MS GALIWANGO:** Thank you, Madam Chairperson. I am a bit confused since we deleted clause 72. We said it was being incorporated in clause 71. Which clause 72 is being referred to? I need a clarification. Thank you.

**MR KAFEERO:** Madam Chair, the proposed amendment under clause 71(2)(e), states that “a master of a vessel shall enter or cause to be entered in the official logbook the following particulars”. When you go to sub-clause (2)(e), it says “Every marriage, birth and death happening on board of the vessel”.

Clause 77 of the Bill says, “Where a marriage, birth or death takes place aboard a vehicle, the master of the vessel shall make an entry to the effect in the logbook”. It is a repetition, but for avoidance of doubt, we can leave it. Otherwise, it has been captured in clause 71.

**THE CHAIRPERSON:** Are we now on clause 74?

**MR KAFEERO:** We are on clause 77.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 77 be deleted.

*(Question put and agreed to.)*

*Clause 77, deleted.*

Clause 78

**MR KAFEERO:** In the headnote of clause 78, we propose to insert the words, “of member”, immediately after the word, “repatriation”.

The justification is to ensure consistent use of the phrase “member of the crew”.

In clause 78(1), we propose to amend the sub-clause (1)(a) by inserting the word “crew”, immediately before the word “agreement”, appearing in line.

In sub-clause (1)(b), by substituting for the words “home port”, appearing in line three the words “port of engagement”.

The justification is for clarity and to ensure consistence usage of the words, “crew agreement”. Also, it is a consequential amendment.

In clause 78(2)(a), we propose to substitute for the words “home port”, appearing in paragraph (a) the words “port of engagement”, which is also a consequential amendment.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 78, be amended, as proposed.

*(Question put and agreed to.)*

*Clause 78, as amended, agreed to.*

Clause 79

**MR KAFEERO:** In clause 79, we propose to substitute for clause 79 the following:

“79. Limitation of Liability of owner or master of the vehicle –

(1) Where a member of the crew is left at a place or port other than the port of engagement and remains at the place or port for a period of three months, the owner or master of the vessel who last employed the member of crew shall make provision for the return of the member of the crew to the port of engagement.

(2) An owner or a master of a vehicle who fails to make provision for the return of a member of a crew under sub-section (1) shall be responsible for any expenses incurred after the end of the three months period.”

The justification is for clarity and to ensure precision.

**THE CHAIRPERSON:** Honourable members, I put the question –

**MR AOGON:** Thank you, Madam Chairperson. I would like to find out from the committee whether we are not going to prescribe conditions. For instance, if the person has stayed there because of a certain reason, don’t we need to prescribe the reason to provide for an exception? We might be talking about someone remaining there, and yet the person does not actually want to return. I do not know whether it is not necessary for us to prescribe exceptions.

**MR KAFEERO:** Madam Chairperson, it has been a practice of some of owners or masters of vessels to intentionally leave or abandon members of the crew at any port. Sometimes, these people do not have transport money on them. Now we are trying to compel these owners – However, if an owner or master of a vessel finds out that for some reason, this member of the crew does not want to leave that port, even if it is not his port of engagement, then he can leave. But we are not certain on how we will capture that in the law. Those discussions that “I do not want to go or I want to stay” is not easy to be captured in the law.

**mr aogon:** Madam Chairperson, my proposal is that we let this be handled by the minister through the regulations. It is much easier than prescribing it in the law; in my opinion, because conditions vary. It may be difficult for you to fix it here. I do not know what the chairperson will say, but that is the suggestion I have. It may be difficult to invent a provision now, right here. Thank you.

**Mr kefeero:** Madam Chairperson, also clause 80 to some extent, can provide a cure to the honourable member’s concern. Probably, if we get there, he will get it.

**The Chairperson:** What was the original provision? It is not much different from what the minister had provided, except that it has been broken into two provisions.

**Mr aogon:** Madam Chairperson, we are trying to share and get the right solution. I would suggest that the person who is left stranded should first of all make Government aware, by reporting. Otherwise, when do we start counting the days that make the three months? It is my suggestion that within this part, let us prescribe for reporting by the affected person; so that we know when to start counting. We can then leave the rest the way it has been proposed.

**The Chairperson:** Before the Government comes in, there is a liability on the employer. I think that is what this provision is addressing.

**MR KAFEERO:** Exactly, Madam Chairperson. We want to put the owner to task before even Government comes in.

**The Chairperson:** Honourable members, I put the question that clause 79 be amended as proposed.

*(Question put and agreed to.)*

*Clause 79, as amended, agreed to.*

*Clause 80, agreed to.*

Clause 81

**MR KAFEERO:** We substitute for clause 81, the following:

“Where a member of the crew is left at a port or discharged from the vessel at a port other than the port of engagement, the Port Administrator may demand from the owner or master of the vessel, adequate security or guarantee for the repatriation of the member of the crew to the port of engagement.”

Justification

This is for clarity. It is also a consequential amendment.

**Mr aogon:** It is my feeling that repatriation itself is not enough. What about the welfare of the person left in such a place? If you leave somebody there, you may not be sure that the person has money for food. Therefore, there is need to provide for welfare; their livelihood as they wait to be repatriated. I feel that the master must be responsible for that equally.

Within that provision, let us provide for the upkeep, so that they do not continue with such behaviour.

**MR KAFEERO:** How are we going to determine the amount for upkeep? It is going to be quite difficult because the demands of the member of the crew may become very high, and we inconvenience the owner.

I think repatriation in itself should be enough, because we want to ensure that this member can be able to go back to his home. Instead of leaving him or her at any port, we want to take him back where he was engaged to begin working on that vessel. That is what we call the “port of engagement.” When he reaches there, he can be able to quickly go home.

**The Chairperson:** Honourable members, I put the question that clause 81 be amended as proposed.

*(Question put and agreed to.)*

*Clause 81, as amended, agreed to.*

Clause 82

**MR KAFEERO:** We propose to amend sub-section (1) as follows:

(a) By substituting for the words, “proper return port” appearing in line two with the words, “port of engagement”;

(b) By inserting the word “official” immediately before the word “logbook” appearing in line three.

Justification

1. This is a consequential amendment.
2. For specificity since the information relating to personal effects is specifically entered in the official logbook.

**The Chairperson:** Honourable members, I put the question that clause 82 be amended as proposed.

*(Question put and agreed to.)*

*Clause 82, as amended, agreed to.*

Clause 83

**MR KAFEERO**: Madam Chairperson, we amend clause 83:

(a) By deleting the word “behind” appearing in line two;

(b) By substituting for the words “home port” appearing in line three, with the words “port of engagement.”

The justification is for clarity.

**The Chairperson:** Honourable members, I put the question that clause 83 be amended as proposed.

*(Question put and agreed to.)*

*Clause 83, as amended, agreed to.*

Clause 84

**MR KAFEERO:** Clause 84(2), we substitute for the words “home port” appearing in line four with the words “port of engagement”.

The justification is for clarity.

**The Chairperson:** Honourable members, I put the question that clause 84 be amended as proposed.

*(Question put and agreed to.)*

*Clause 84, as amended, agreed to.*

Clause 85

**MR KAFEERO:** In the headnote, we substitute for the words “crew member” with the words, “member of the crew”.

This is to ensure consistent usage of the phrase.

Clause 85(l), we substitute for the words “home port” appearing in paragraphs (a) and (b), the words “port of engagement” and wherever they appear.

The justification is for clarity.

Clause 85(2), we amend sub-clause (2):

(a) By substituting for the words “home port” appearing in paragraphs (a) and(c), the words “port of engagement.”

(b) By deleting paragraph (b).

Justification

1. For clarity.
2. Paragraph (b) is not applicable to a distressed member of the crew.

**The Chairperson:** Honourable members, first I put the question that the headnote be amended as proposed.

*(Question put and agreed to.)*

*Headnote, as amended, agreed to.*

**The Chairperson:** I then put the question that clause 85 be amended as proposed.

*(Question put and agreed to.)*

*Clause 85, as amended, agreed to.*

*Clause 86, agreed to.*

*Clause 87, agreed to.*

*Clause 88, agreed to.*

Clause 89

**MR KAFEERO:** In clause 89(1), insert the words "qualified and" immediately before the word "competent".

The justification is to ensure that the vessels are manned by skilled persons.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 89 be amended as proposed.

*(Question put and agreed to.)*

*Clause 89, as amended, agreed to.*

Clause 90

**MR KAFEERO:** Under clause 90(2), substitute the “twenty four currency points and one year imprisonment” with “two hundred currency points and five years’ imprisonment” respectively.

The justification is to increase the penalty to make it commensurate with the offence.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 90 be amended as proposed.

*(Question put and agreed to.)*

*Clause 90, as amended, agreed to.*

Clause 91

**MR KAFEERO:** In clause 91(1), substitute for subclause (1), the following:

"(l) The minister may appoint an ad hoc assessment and verification panel.”

The justification is to ensure that the assessment and verification panel is appointed to handle a particular assignment for a specified period of time.

We propose to insert a new sub-clause

Insert a new sub-clause immediately after sub-clause (1) as follows:

"(2) The assessment and verification panel shall consist of five persons with at least five years' experience and knowledge in management of vessel engine room, navigation or maritime administration."

The justification is to ensure clarity by providing for the composition and qualifications of members on the assessment and verification panel.

Under clause 91(2)(a), we prefer to delete paragraph (a).

The justification is that a certificate for manning is only issued to a vessel and not persons.

**MR SENYONGA:** Madam Chairperson, I would like to challenge the chairperson and the committee. When you talk of a panel of five members, you should know that we do not have many experts in this country. That is going to create more confusion and cause a delay. Why not a panel of three members at least?

**MS BBUMBA:** Madam Chairperson, my concern is on the qualifications. I do not know whether we have many institutions in this country where we can grow that kind of experience. If we insist on five years’ experience, we might not get it among Ugandans because we have not had organised maritime.

I request that, instead of five years, we reduce it to experience to about three years. Otherwise, we are going to end up with people coming from the neighbouring countries and taking up that position. I thank you.

**THE CHAIRPERSON:** Honourable chairperson, do you have an idea of where we can get those experts?

**MR KAFEERO:** Madam Chairperson, on the issue of the five members, I can concede to three, which is okay. However, on the issue of qualifications – these are very technical issues. We cannot just allow everybody to handle them. We need people with experience and that expertise that it requires to sort out such matters.

Now that we have reduced it to three members, maybe the minister can tell us where we are going to get the three experts, Madam Chairperson.

**THE CHAIRPERSON:** Honourable members, unless you are going to borrow from Tanzania, I do not know whether we really have experts in Uganda. The minister can probably tell us more.

**MS KABATSI:** Madam Chairperson, we intend to borrow from Tanzania and other countries that have experts until we have trained ours but we cannot risk having unqualified people. That is the problem we face. We are going to start training; we are opening up at Namasagali and Entebbe. Nonetheless, before we get those qualified people, we might have to borrow from outside.

**MR SENYONGA:** Madam Chairperson, even if we are going to borrow that expertise from the neighbouring countries, at least, two years are enough to train them. Two-year training is almost a diploma. When you go to countries like Sweden, where they have very many of those, they are mainly in a diploma course of two years. Why don’t we say that we train our people for a period of two years instead of borrowing and demanding for an experience of five years? Even after training for two years, we shall subject that person for another three years ahead before we trust our own. I support that we train them for a two-year period. I thank you.

**MR KAFEERO:** Madam Chairperson, in light of what the honourable minister has just said, I would like to agree but also find a middle ground with the proposal made by hon. Muyanja so that we make it three years, since we can at least have a middle ground. Instead of borrowing for very long from Tanzania, we shall have trained our own. We shall go for the three years’ experience and knowledge in management of vessels.

**THE CHAIRPERSON:** Thank you very much. Honourable members, I put the question that the proposal be further amended as proposed –

Now that I see the Minister of Finance here – where is he? Oh, he has gone. It is very important that the Maritime University at Busitema and Namasagali starts as quickly as possible. Otherwise, we shall continue borrowing for the next 10 years.

**THE CHAIRPERSON:** I put the question that clause 91 as amended do stand part of the Bill.

*(Question put and agreed to.)*

*Clause 91, as amended, agreed to.*

**THE CHAIRPERSON:** Honourable members, before we go to clause 92, I would like you to join me in welcoming a delegation from the Kenya National Assembly from the Department of Sergeant-at-Arms and Security:

1. Mr Naman Agengo
2. Ms Felister Masita
3. Charity Ngugi- not the other presidential Charity;
4. Gideon L. Etelej
5. Rueben Atingla
6. Chrispinus Ouma
7. Dancan Robert
8. Abdullah Abdi Biriye
9. Benson Muthuri
10. Robinson Mutai

Honourable members, we want to welcome them. They are here on a benchmarking visit to the Parliament of Uganda. *(Applause)* Let us go to clause 92.

Clause 92

**MR KAFEERO:** In clause 92, we propose to insert a new sub-clause immediately after sub-clause (1) as follows:

“The minister shall not designate a company under subsection (1) unless the services of a company are acquired in accordance with the Public Procurement and Disposal Assets Act, 2003.”

Justification

To ensure compliance with the applicable procurement laws when sourcing a company or companies to provide survey and inspection services.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 92 be amended as proposed.

*(Question put and agreed to.)*

*Clause 92, as amended, agreed to.*

Clause 93

**MR KAFEERO:** For clause 93(2) we insert new paragraphs immediately after paragraph (b) as follows:

“(i) The construction, arrangement and fittings of the hull and machinery;

(ii) The qualification and number of persons working on a vessel as required under this Act.”

Justification

To broaden the scope of areas of survey and inspection to ensure safety of vessels.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 93 be amended as proposed.

*(Question put and agreed to.)*

*Clause 93, as amended, agreed to.*

Clause 94

**MR KAFEERO:** Clause 94(1)(c) Substitute for the words “occasion arises”, the words “may be deemed necessary”. The Justification is for clarity.

**THE CHAIRPERSON**: Honourable members, I put the question that clause 94 be amended as proposed.

*(Question put and agreed to.)*

*Clause 94, as amended, agreed to.*

Clause 95

**MR KAFEERO:** Clause 95, move sub-clauses (6), (7) and (8) immediately after sub-clause (l). The justification is for proper chronological flow.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 95 be amended as proposed.

*(Question put and agreed to.)*

*Clause 95, as amended, agreed to.*

Clause 96

**MR KAFEERO:** The committee proposes to delete the entire clause. It is a duplication of clause 93.

**THE CHAIRPERSON**: Honourable members, I put the question that clause 96 be deleted.

*(Question put and agreed to.)*

*Clause 96 deleted.*

*Clause 97, agreed to.*

*Clause 98, agreed to.*

Clause 99

**MR KAFEERO:** Headnote:

Delete the word “manager” and wherever it appears under clause 99 and in other parts of the Bill.

Justification

The word “manager” is redundant since a manager would be working on a vessel as an agent of the owner of a vessel and is already catered for in the definition of “owner”.

Clause 99(3)

Delete sub-clause (3)

Justification

The mandate to issue certificate of seaworthiness lies with the Maritime Administration and is already provided for under clause 93(3).

**THE CHAIRPERSON:** Honourable members, I put the question that clause 99 be amended as proposed.

*(Question put and agreed to.)*

*Clause 99, as amended, agreed to.*

*Clause 100, agreed to.*

*Clause 101, agreed to.*

Clause 102

**MR KAFEERO:** Amend clause 102 by:

(a) Deleting the words “owner or” appearing in line one; and

(b) Inserting the word “calibrated” immediately before the word “compass”

Justification

1. An owner of a vessel is not involved in the navigation of a vessel and therefore the provision would not be applicable to him or her.
2. Calibration ensures reliability of the compass instrument, which enhances safety.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 102 be amended as proposed.

*(Question put and agreed to.)*

*Clause 102, as amended, agreed to.*

Clause 103

**MR KAFEERO:** Delete the words “owner or” appearing in line one and wherever they appear under clause 103.

Justification

This is a consequential amendment.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 103 be amended as proposed.

*(Question put and agreed to.)*

*Clause 103, as amended, agreed to.*

Clause 104

**MR KAFEERO:** Substitute for the words “station on shore” appearing in line four, the words “search and rescue centres”.

Justification is to ensure clarity and specificity.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 104 be amended as proposed.

*(Question put and agreed to.)*

*Clause 104, as amended, agreed to.*

*Clause 105, agreed to.*

Clause 106

**MR KAFEERO:** Clause 106(4) insert the words “load line” immediately before the word “certificate” wherever it appears under sub-clause (4). Justification is for clarity.

**THE CHAIRPERSON**: Honourable members, I put the question that clause 106 be amended as proposed.

*(Question put and agreed to.)*

*Clause 106, as amended, agreed to.*

*Clause 107, agreed to.*

Clause 108

**MR KAFEERO:** Madam Chairperson, clause 108(1) and (2), we substitute for the word “minister” appearing in the first line of sub-clause (1) and second line of sub-clause (2) the words “Maritime Administration.”

The justification; given that it is the maritime that issues a load line certificate, it is only prudent to give it a mandate to cancel the certificate.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 108 –

**MS OPENDI:** Thank you, Madam Chairperson. I just need clarity because I heard the chair saying that wherever the word “owner” appears, there would be consequential amendments. When you look at clause 108(2), it says, “Where the load line certificate is suspended or cancelled, the minister may require the owner or master of the vehicle...” Are we saying that we are going to remove the word “owner” from all these other sub-sections, based on what the chair is saying?

I think that we may miss out or lose out on the point because these vessels have owners. If you say as a consequential amendment, wherever the word “owner” appears, it should be removed then are we not going to lose the point here?

**THE CHAIRPERSON:** Honourable Chair, what is your rationale?

**MR KAFEERO:** Thank you, Madam Chairperson. Deletion of the word “owner” and where they appear was only in reference to clause 103. Madam Chairperson, if you read clause 103, it says, “navigation and other lights and sound signals”. That is where we said, we delete the word “owner” but it was in respect to clause 103. In other clauses, we are not supposed to delete.

**THE CHAIRPERSON:** Thank you. Clause 103 was about navigation and that the owner may not be the navigator. I put the question that clause 108 be amended as proposed.

*(Question put and agreed to.)*

*Clause 108, as amended, agreed to.*

Clause 109

**THE CHAIRPERSON:** I think there is a new clause; I do not know where it is falling.

**MR KAFEERO:** Madam Chairperson, the new clause will go immediately after clause 109.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 109 do stand part of the Bill.

*(Question put and agreed to.)*

New clause

**MR KAFEERO:** Madam Chairperson, we insert a new clause immediately after clause 109 as follows:

“Appeal against suspension or revocation of load line certificate. An owner or master of a vessel who is aggrieved by the decision of the Maritime Administration to suspend or cancel the load line certificate may appeal to the minister.”

The justification is to provide for an appeal mechanism against the decision of the Maritime administration.

**THE CHAIRPERSON:** Honourable members, I put the question that a new clause be introduced as proposed.

*(Question put and agreed to.)*

*Clause 110, agreed to.*

*Clause 111, agreed to.*

*Clause 112, agreed to.*

*Clause 113, agreed to.*

*Clause 114, agreed to.*

*Clause 115, agreed to.*

*Clause 116, agreed to.*

*Clause 117, agreed to.*

*Clause 118, agreed to.*

*Clause 119, agreed to.*

Clause 120

**MR KAFEERO:** Madam Chairperson, in clause 120(l), substitute for sub-clause (l), the following:

“(1) Where a surveyor believes that a vessel is unfit to sail, the surveyor shall submit a written report on the findings of the inspection to the minister with a recommendation to detain the vessel.”

The justification is, the mandate to detain vessels for un-seaworthiness should lie within the minister.

In clause 120(2), we propose to delete the whole sub-clause.

The justification is, following the amendment made to sub-clause (1), the provision becomes redundant.

We propose to insert a new sub-clause immediately after sub-clause (3) as follows:

“The owner or master of a vessel who is aggrieved by the decision of the minister, under this section, may appeal to the High Court.”

The justification is to provide for an appeal mechanism against the decision of the minister.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 120 be amended as proposed.

*(Question put and agreed to.)*

*Clause 120, as amended, agreed to.*

Clause 121

**MR KAFEERO:** Madam Chairperson, the committee proposes to delete clause 121. Following the amendment made to clause 120, it is irrational for the minister to become a complainant and at the sometime a judge in the same matter.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 121 be deleted.

*(Question put and agreed to.)*

*Clause 121 deleted.*

**MR KAFEERO:** Madam Chairperson, before we proceed to clause 122, the committee proposes to substitute for the title of part XI the following –

“Part XI declaration and management of inland ports”.

The justification is to broaden part XI to provide for management and administration of inland ports owned by Government and private owners.

Also, Madam Chairperson - Maybe, I will bring that as we go to clause 122 or can I bring it now?

**THE CHAIRPERSON:** Are the inland ports under clause 122?

**MR KAFEERO:** Yes, Madam Chairperson.

**THE CHAIRPERSON:** Do you want to change the head note?

**MR KAFEERO:** We want to change the head note but we also want to introduce the port administrator.

**THE CHAIRPERSON:** Okay, speak to all of them first.

**MR KAFEERO:** Can we proceed?

**THE CHAIRPERSON:** Yes.

**MR KAFEERO:** Okay. Madam Chairperson, we intend to introduce new clauses. Insert new clauses immediately after –

**THE CHAIRPERSON:** Is this separate from clause 122?

**MR KAFEERO:** Yes, after clause 122.

**THE CHAIRPERSON:** Okay, let us take a vote on the other one. Honourable members, I put the question that the head note in part XI be amended as proposed.

*(Question put and agreed to.)*

**MR KAFEERO:** Madam Chairperson, maybe we could pass 122 first because we are not amending it.

**THE CHAIRPERSON:** Is the Port Administrator a separate provision?

**MR KAFEERO:** Yes.

**THE CHAIRPERSON:** That would be clause 123?

**MR KAFEERO:** Yes, if we re-number it becomes clause 123 but we first deal with clause 122, inland ports.

**THE CHAIRPERSON:** I think we have taken a vote on the inland port.

**MR AOGON:** The chairman said that we are trying to broaden clause 122 to include everything and what we will now do is a breakdown but still, under 122. We may not need to introduce 123, in my opinion.

**MR KAFEERO:** Madam Chairperson, the first thing we dealt with was the headnote. Part XI was just “inland ports”, before we proposed an amendment, which has been passed to change it to “declaration and management of inland ports.”

Now there is clause 122, which is under the same headnote, which is inland ports, and we are not amending that one.

**THE CHAIRPERSON:** So, you are introducing a new clause.

**MR KAFEERO:** We are introducing a new clause immediately after clause 122.

Clause 122

**THE CHAIRPERSON:** I put the question that clause 122 do stand as part of the Bill.

*(Question put and agreed to.)*

*Clause 122, agreed to.*

**MR KAFEERO:** Insert new clauses immediately after clause 122 as follows;

“Port Administrator

1. A minister may engage a person to be a Port Administrator for inland ports owned by Government.
2. Every private port licenced under this Act shall have a Port Administrator.
3. The Port Administrator shall be responsible for managing and maintaining efficient operations of inland ports.
4. The Port Administrator shall maintain a booking office and ticketing office for passengers and cargo within the inland port.

Private ports

1. A person may operate a private port in accordance with this Act.
2. A person who wishes to operate a private port shall apply to the maritime administration for a licence.
3. The maritime administration shall, before issuing a licence under this section, take into consideration the following:

(a) Port infrastructure standards

(b) Safety and security of the port

(c) Available offshore space

(d) Safe and clear approach for a vessel to dock

(e) Availability of appropriate quay,

(f) Environmental compliance,

(g) Any other requirements as the minister may by regulation prescribe.

1. The maritime administration shall, where it is satisfied that all the requirements under subsection III are compiled with and upon payment of a prescribed licence fee, grant the license to the applicant.
2. Where the maritime administration refuses to grant the license, it shall, within fourteen working days, provide a written explanation to the applicant giving reasons for the refusal.
3. An applicant who is aggrieved by the refusal of the maritime administration to grant a licence may, within fourteen working days from the date of receipt of a written explanation under subsection 5, appeal to the minister.
4. An applicant who is dissatisfied with the decision of the minister may appeal to the court.

Duration of a licence

A licence to operate a private port shall be valid for a period of one year from the date of issue.

Renewal of a licence

1. A person may apply to the maritime administration for renewal of a license to operate a private port.
2. An application for renewal of a licence to operate a private port shall be made in accordance with the regulations made under this Act.”

The justification is to make provision for an administration of inland port and to provide for the private ports and licencing.

**THE CHAIRPERSON:** Under sub-clause (7) you have not specified the court, you say, “…an applicant who is dissatisfied with the decision of the minister may appeal to court” but I do not know whether to the magistrates’ court or the High Court. You need to specify the court.

**MR KAFEERO:** Most obliged, we can say “to the High Court.”

**MR AOGON:** My fear is that the High Court may be far away from our people and I thought for purposes of quick justice and fairness, let it be the magistrate’s court because it is closer to the people. In a situation where we want money quickly, the economy should run.

**MR KAFEERO:** Madam Chairperson, the port administrator is answerable to the minister and the decisions by a minister are appealed against in the High Court. Taking it to a lower court, in my opinion, would not be reasonable but I do to know the opinion of the House.

**THE CHAIRPERSON:** What does the minister say? Which is the appropriate court?

**MS KABATSI:** The appropriate court is the High Court.

**MR SSEWUNGU:** I do not think it is a matter of appealing to the High Court; it depends on the substance of the matter and the value of the issue you are handling because this involves money. It is a port and definitely, there must be arbitration first, come what may, but you cannot go to the High Court first. It depends on the value of the business this person has; that is when you can go to the High Court.

**THE CHAIRPERSON:** This is an appeal against the refusal to grant a licence. I think let us leave it at the High Court.

**MR SSEWUNGU:** Still, refusing to grant a licence - how much will be the licence as you start because if I am buying a licence at Shs 100,000, can I appeal that in the High Court? Definitely that is not right - let me work as the Attorney-General for time being since he is not around.

**THE CHAIRPERSON:** We shall assign you that work later. For now, honourable members, I put the question that the new clauses be introduced as proposed.

*(Question put and agreed to.)*

**MR AOGON:** Initially, Madam Chairperson, I thought that the issue of setting conditions should have been left to the minister and we use the regulations. However, now that we have decided to plant them here, I want to find out from the chairperson whether it is not necessary for us to insert it as one of the conditions, for us to check the track record of the person who is applying for the licence.

One is the issue of security. You know, criminals these days take advantage of situations. Somebody comes to open up a business with other intentions. So, before somebody gets a licence, maybe their security record needs to be checked.

Secondly, I do not know whether I will be demanding too much for one to always have a tax identification number. You cannot just open a business like that and we do not know what you are going to do, in terms of contributing to our Consolidated Fund.

Look at the tax records; have you been paying tax in the last five years? If you are a defaulter, why should we give you a licence, now that you have decided to put conditions on this law?

**MR SSEWUNGU:** Under Uganda’s system, we get tax identification numbers but there is no system in place that allows a child who turns 18 and/or is in senior five, to get a tax identification number. By the way, this is done in Kenya for every citizen.

Madam Chairperson, some people who are applying for registration are just beginning business. How can you ask them to produce a tax identification number? It will be very difficult.

Secondly, the track record of somebody for criminality may be good. However, the first thing you will be for one to know that they are citizens of Uganda. I may have a criminal offence but when the matter has not yet been decided. So, will I be stopped? No.

**THE CHAIRPERSON:** Honourable members, the proposal is interesting but I think the mover should have gone to test it in the committee, to see whether those conditions fit in with the issues of inland water transport. So, we cannot include new conditions here –no, we cannot include new conditions. I think we had taken a vote.

**MR KAFEERO:** Yes, we had.

**THE CHAIRPERSON:** Okay, let us go to clause 123.

Clause 123

**MR KAFEERO:** On clause 123, Madam Chairperson, the committee proposes to delete paragraph (b).

The justification is that it is redundant, since the provision applies to all vessels.

**THE CHAIRPERSON:** Members, I put the question that clause 123 be amended, as proposed.

*(Question put and agreed to.)*

*Clause 123, as amended, agreed to.*

Clause 124

**MR KAFEERO:** In clause 124, we propose to delete the words, “of the port authority” appearing immediately after the words, “authorised employee” and wherever they appear in the Bill.

The justification is that they are redundant, given that the phrase “authorised employee” has been defined to mean an employee of the port administrator.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 124 be amended, as proposed.

*(Question put and agreed to.)*

*Clause 124, as amended, agreed to.*

Clause 125

**MR KAFEERO:** Madam Speaker, we substitute clause 125 with the following:

“(1) There shall be levied upon every vessel entering an inland port, other than a vessel belonging to Government, such port rates and charges, as may be prescribed by the minister by regulation; and (2) The Port Administrator shall maintain and make available, for public inspection, a list of rates and charges applicable to a port.”

Madam Chairperson, this is for clarity and to ensure that the port rates and charges are determined by the minister, through a statutory instrument, to ensure transparency and to facilitate the efficient management of ports.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 125 be as amended, as proposed.

*(Question put and agreed to.)*

*Clause 125, as amended, agreed to.*

Clause 126

**MR KAFEERO:** Madam Chairperson, we propose to substitute clause 126 with the following:

“1. Where any port charges are owing in respect of any vessel, the authorised employee may arrest the vessel, until the amount of the port charges owed are paid.

2. Where the owner or master of the vessel fails to pay the port charges within seven days from the date of arrest of the vessel, the owner or master of the vessel shall provide to the authorised employee collateral of financial value, not less than the port charges owed.

1. Upon receipt of the collateral in subsection (2), the authorised employee shall release the vessel to the owner or master of the vessel.
2. Where, after 30 days of presentation of collateral under subsection (2) the port charges remain unpaid, the authorised employee may sell the collateral and recover the port charges from the proceeds of the sale.

5. Where, after recovering the port charges, under sub-section (4), remains a balance from the proceeds of the sale, the authorised employee shall deliver the balance to the owner or master of the vessel.”

Madam Chairperson, this is to ensure minimum disruption of business operations of the vessel.

**THE CHAIRPERSON:** Yes, hon. Aogon?

**MR AOGON:** Madam Chairperson, I find it a little crazy for us to run quickly to sell somebody’s vessel because they have failed to pay up a figure that we do not even know here; it could be a mere Shs 500,000.

In my opinion, 30 days is such a small time for you to take a decision to sell a vessel. A vessel is a big investment. Once somebody has taken a month – like we have done in other laws – we compound the interest. Should it take one year, that is when we can now take a decision to sell.

I do not think there is anybody who has a sane brain who can decide to leave their vessel there for a full year unattended, after giving all those monies. I know there is the issue of collateral but as long as the money is being compounded, when it hits 12 months, we can now go for the sale. I think that will work out very well. Otherwise, we shall be disorganising the economy, in my opinion.

**THE CHAIRPERSON:** Honourable members, when you read the proposal under (3), you will realise that it says thus, *“Where the Bills remain unpaid and the vessel owner presents a collateral, the port authority will allow the ship to go and they hold on to the collateral.”* So, it is after 30 days that the ship has gone; the collateral is here that they are proposing to sell – the collateral, not the ship.

**MR AOGON:** I have understood you, Madam Chairperson. However, my issue is they will release the vessel but the moment it gets to 30 days – yes, the collateral will be with the administrator but the moment it hits 30 days, Government will recall that vessel and if one has not yet paid - unless I did not get the chairperson properly but I think that is what he means. So, I am not comfortable with the 30 days.

At first, we were talking of seven days. If one fails within seven days, what you do is to provide collateral. After the seven days - if you have not paid up within 30 days, the vessel is confiscated and sold. I think that will be very unfair. We need some fairness.

**MR KAFEERO:** Madam Chairperson, we had a big task before agreeing on this position. First of all, we thought we would confiscate the vessel permanently but these ports have very small space for docking. If you hold a vessel, which is quite big, for a whole year, that port will be paralysed for that year. There will be no business because you have not paid. Your vessel will be occupying space for docking.

That is why we ended up with the issue of collateral. We give you seven days; if you cannot raise the money within the seven days, please, create space for other vessels to dock by giving us some security to show that you are taking your vessel but you will be able to pay.

Also, waiting for very long for somebody to pay very little money is also not acceptable. In 37 days – after first giving you seven days and 30 days when we receive your collateral – you should be doing something to clear the Bill. Otherwise, people will take forever to clear these charges.

**THE CHAIRPERSON:** Honourable Members, I put the question that clause 126 be amended as proposed.

*(Question put and agreed to.)*

*Clause 126, as amended, agreed to.*

*Clause 127, agreed to.*

*Clause 128, agreed to.*

*Clause 129, agreed to.*

*Clause 130, agreed to.*

*Clause 131, agreed to.*

*Clause 132, agreed to.*

*Clause 133, agreed to.*

*Clause 134, agreed to.*

Clause 135

**MR KAFEERO:** In clause 135, we propose to substitute for sub-clause (1) the following –

“(1) Where the receiver of a wreck reasonably believes that the wreck-

(a) is in the possession of a person who is not its owner; or,

(b) is concealed by any person, the receiver may apply to a court for a search warrant to recover the wreck.”

The justification is for clarity.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 135 be amended as proposed.

*(Question put and agreed to.)*

*Clause 135, as amended, agreed to.*

*Clause 136, agreed to.*

*Clause 137, agreed to.*

*Clause 138, agreed to.*

*Clause 139, agreed to.*

*Clause 140, agreed to.*

*Clause 141, agreed to.*

*Clause 142, agreed to.*

*Clause 143, agreed to.*

*Clause 144, agreed to.*

*Clause 145, agreed to.*

*Clause 146, agreed to.*

*Clause 147, agreed to.*

*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

**MR KAFEERO:** In clause 154, we propose to insert a new sub-clause immediately after sub-clause (4) as follows-

“(5) The minister shall, within one month of receiving the report under subsection (3) or (4), publish or cause the publication of the report in a newspaper of wide circulation.”

Justification

This is to ensure that the findings of the investigations on the marine casualty are availed to the public.

**THE CHAIRPERSON:** Honourable member, I put the question that clause 154 be amended as proposed.

*(Question put and agreed to.)*

*Clause 154, as amended, agreed to.*

*Clause 155, agreed to.*

*Clause 156, agreed to.*

Clause 157

**MR KAFEERO:** We propose to substitute for the words, “eight currency points” and “four months” the words, “200 currency points” and “five years” respectively”.

The justification is to increase the penalty to make it commensurate to the offences.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 157 be amended as proposed.

*(Question put and agreed to.)*

*Clause 158, agreed to.*

*Clause 159, agreed to.*

*Clause 160, agreed to.*

*Schedule 1, agreed to.*

*Schedule 2, agreed to.*

Clause 5

**MR KAFEERO:** Madam Chairperson, before I even begin on the amendments in the report, there is one which I do not want to forget. Under the definition of “small vessel” on Page 14 of the Bill, “small vessel” means a vessel less than 25 gross tons and more than three metres in length. We propose to insert the word “not” immediately before the word “more” appearing in line two.

The justification is for clarity. This is because a small vessel is not more than three metres. In the Bill, they say “more than three metres”. If we insert the word “not”, it will be “not more than three metres.”

**THE CHAIRPERSON:** Honourable members, I put the question –

**MR KAFEERO:** Can I first read all of them?

**THE CHAIRPERSON:** It is okay. We have noted.

**MR KAFEERO:** “Certificate of competence”

Insert the words, “or a certificate or a competent authority of a foreign state” immediately after the words, “Maritime Administration.”

The justification is to cater for situations, where a certificate of competence possessed by a member of the crew is issued by a competent authority responsible for Maritime Administration of another State.

“Under currency point”

We substitute for the words, “the schedule” the words, “Schedule 1.”

The justification is to correct the cross referencing.

“Distressed member of the crew”

We substitute for the definition of “distressed member of the crew”, the following:

“Distressed member of the crew” means a member of the crew or an apprentice found in distress by reason of having been shipwrecked, discharged or left at the port or place other than the port of engagement."

The justification is to clarify an issue that the reference is made to a port of engagement, which is applicable to a member of a crew instead of reference to a home, which applies to vessels.

“Member of the crew”

Substitute for the definition of “member of the crew”, the following: “Member of the crew” means a person employed in any capacity on board the vessel.”

The justification is for clarity.

“Port Authority”

We substitute for the definition of “port authority” the following:

“Port Administrator” means a person responsible for managing and maintaining a port.”

The justification is that it is a consequential amendment arising from the substitution of “port authority” with “Port Administrator” under Part XI of the Bill.

“Rating”

We propose to delete the definition of “rating.”

The justification is that following the proposal to amend the definition of “member of the crew” by deleting the word “rating”, and the deletion of paragraph (a) of clause 91(2), the word becomes redundant.

We insert the following new definitions in their respective alphabetical order:

“Life Saving appliances”, includes lifeboats, lifebuoys, life jackets, life-rafts used to protect human life at sea.

“Logbook", includes an official logbook, deck logbook or engine room logbook.

“Maritime”, means the transportation of goods and passengers on waterways.

“Mate”, means a person second in command to a person in charge of a vessel.

“Official logbook”, means the logbook required to be kept under section 71.

“Port of engagement”, means a port at which a member of the crew is employed by an owner or master of a vessel to work on board the vessel. “Private port”, means an inland port owned and operated by a private person.

“Seafarer”, means a person who fulfils the conditions to be employed or engaged in any capacity on board a vessel.

The justification is for clarity.

I beg to move.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 5(b), be amended, as proposed.

*(Question put and agreed to.)*

*Clause 5, as amended, agreed to.*

*The title, agreed to.*

MOTION FOR THE HOUSE TO RESUME

3.16

**THE MINISTER OF STATE FOR WORKS AND TRANSPORT (TRANSPORT) (Ms Joy Kabatsi):** Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

**THE CHAIRPERSON:** Honourable members, I 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 Speaker presiding\_)*

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

3.17

**THE MINISTER OF STATE FOR WORKS AND TRANSPORT (TRANSPORT) (Ms Joy Kabatsi):** Madam Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, “The Inland Water Transport Bill, 2020” and passed it with several amendments.

MOTION FOR ADOPTION OF THE REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

3.18

**THE MINISTER OF STATE FOR WORKS AND TRANSPORT (TRANSPORT) (Ms Joy Kabatsi):** Madam Speaker, I beg to move that the report from the Committee of the whole House be adopted.

**THE SPEAKER:** Honourable members, I put the question that the report of the Committee of the whole House be adopted.

*(Question put and agreed to.)*

*Report adopted.*

BILLS

THIRD READING

THE INLAND WATER TRANSPORT BILL, 2020

3.18

**THE MINISTER OF STATE FOR WORKS AND TRANSPORT (TRANSPORT) (Ms Joy Kabatsi):** Madam Speaker, I beg to move that the Bill entitled, “The Inland Water Transport Bill, 2020” be read for the third time and do pass.

**THE SPEAKER:** Honourable members, I put the question that the “The Inland Water Transport Bill, 2020” be read for the third time and do pass.

*(Question put and agreed to.)*

A BILL FOR AN ACT ENTITLED, “THE INLAND WATER TRANSPORT BILL, 2021”

**THE SPEAKER:** Title settled and Bill passes. *(Applause)*

3.20

**MR ROBERT KAFEERO (NRM, Nakifuma County, Mukono):** Madam Speaker, during my stay at Parliament in the last 10 years, specifically the last three years when I became the Chairperson of the Committee on Physical Infrastructure, I have processed over six plus Bills with the committee.

While as the Chairperson on the committee, we processed the Civil Aviation Authority (Amendment) Bill, 2017; the Physical Planning (Amendment) Bill, 2018; the Roads Bill, 2018; the Traffic and Road Safety (Amendment) Bill, 2019; the Landlord and Tenants Bill, 2018 and now, we have processed the Inland and Water Transport Bill, 2020.

The reason I said ‘six plus one’ is because I also processed, by then, the Bio Technology and Bio Safety Bill, which later on turned into the Genetic Engineering Regulatory Bill, when I was still chairing the Committee on Science and Technology.

Madam Speaker, I have made an indelible contribution to my motherland, my country Uganda. I, therefore, would like to thank the members of my committee. You have been a wonderful team.

I would also like to salute all my honourable colleagues, Members of the 10th Parliament. It was very nice working with you but most importantly, I would like to salute you, my Rt Hon. Speaker. *(Applause)* You have been a wonderful leader. I have learnt a lot from you and I will continue using that experience to serve my country.

How I wish the 11th Parliament would give you the mandate to steer this House once again. Madam Speaker, I will not be part of the 11th Parliament but God willing, I will be back. I beg to submit.

**THE SPEAKER:** Thank you very much. Does the Minister of Works wish to say something?

3.22

**THE MINISTER OF STATE FOR WORKS AND TRANSPORT (TRANSPORT) (Ms Joy Kabatsi):** Madam Speaker, I would like to thank the whole House but specifically the committee. I have never seen such a tough committee.

I would like to thank you, Madam Speaker, for giving us a chance to go on retreat because if we had not got that week, we would not have managed to look at this Bill.

Thank you, Madam Speaker, for giving us a chance to pass this very important Bill. An estimated 5,000 people die on our waters. We are hoping with this Bill and regulation that will follow it will be able to prevent unnecessary deaths on the waters.

We have about nine centres of rescue. We run nine boats, with one which is fully equipped with medical equipment. These centres are everywhere on the waters; on Lake Albert, Lake Kyoga and all the waters in Uganda.

We also have a call centre where they will be able to call immediately there is a problem. With these rescue boats, we will be able to run and save our people.

I thank you very much, Madam Speaker, for pushing and finally allowing this Bill to be passed. I thank the House and the Committee on Physical Infrastructure.

**THE SPEAKER:** Thank you very much, honourable minister and the chairperson for this great work. The area of inland water transport has, for a long time, been more or less forgotten. So, it is very energising that this law has now come. It is always painful to hear about boats capsizing and other things happening on the water. Let us work together to support the people of Uganda.

Honourable members, I will suspend the House for about an hour so that we can come back and complete other business. The House is suspended until 4.30 p.m.

Thank you very much, honourable Members. Despite the rain and the cold, you are all here.

*(The House was suspended at 3.25 p.m. until 4.30 p.m.)*

*(On resumption at 4.35 p.m., the Speaker presiding.)*

MOTION FOR A RESOLUTION OF PARLIAMENT TO AUTHORISE GOVERNMENT TO BORROW UP TO USD 166 MILLION AND EURO 200 MILLION FROM THE AFRICAN EXPORT IMPORT BANK (AFREXIM); AND EURO 200 MILLION FROM TRADE AND DEVELOPMENT BANK, TO FINANCE THE BUDGET FOR THE FY 2020/21

**THE SPEAKER:** Where is the Minister of Finance? *(Interjection)* He is on the way; okay.

**MR MUYANJA SSENYONGA:** Madam Speaker, the procedural matter I am raising concerns a supplementary budget that we passed to work on Kampala roads. Is it not procedurally right - since we are waiting for the Minister of Finance - to let us know whether that money was sent?

Since it rained today, the whole of Kampala is impassable. We do not want to put the blame on Kampala City Council Authority (KCCA) when we are not very sure whether they received the money. We passed here a supplementary budget to support KCCA roads. As we speak, the traffic jam is terrible and roads are flooded everywhere and I thought the Minister of Finance could be in position to let us know. Thank you.

**THE SPEAKER:** I think the minister has heard. The Members are asking what happened to the loan we passed for KCCA infrastructure development. Now that the roads have flooded, they want to know what is happening. I do not know whether you are ready or you will give us an answer.

4.40

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, I need to crosscheck whether the disbursements are going on and then inform the House in a few minutes from now.

**THE SPEAKER:** Okay, let us go to item 4.

MOTION FOR A RESOLUTION OF PARLIAMENT TO AUTHORISE GOVERNMENT TO BORROW UP TO US$166 MILLION AND € 200 MILLION FROM THE AFRICAN EXPORT IMPORT BANK (AFREXIM); AND EURO 200 MILLION FROM TRADE AND DEVELOPMENT BANK, TO FINANCE THE BUDGET FOR THE FY 2020/21

4.41

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, I beg to move a motion for a resolution of Parliament to authorise Government to borrow up to $166 million and €200 million from the African Export Import Bank (AFREXIM); and €200 million from the Trade and Development Bank, to finance the Budget for the Financial Year 2020/2021.

**THE SPEAKER:** Is the motion seconded? It is seconded, please justify.

**MR BAHATI:** Madam Speaker, after the approval of the Budget for this Financial Year 2020/2021, we started the implementation. During the implementation, we have faced the COVID-19 challenge, which brought in a slowdown in the business community and that necessitated us to beef up the resources because we are anticipating a shortfall of revenue to a tune of Shs 3 trillion out of the estimates that Parliament approved.

In order to bridge that gap, we have to go and borrow so that we support the current budget. This is also coupled with other requirements; one, to finance COVID-19 operations, secondly to finance some of the pressures that came from other sectors.

Therefore, Madam Speaker, because of shortage in revenue and because of the need to fund COVID-19 operations, we have had to go and seek for support of this facility to make sure that we finalise the funding for this Budget. That is the major reason we are here, Madam Speaker.

**THE SPEAKER:** Thank you. I believe our committee has had time to study the proposal. Can we have the report?

4.43

**MR LAWRENCE BATEGEKA (NRM, Hoima Municipality, Hoima):** Madam Speaker, I am here to present a report of the Committee on National Economy on the Government’s proposal to borrow up to $166 million and €200 million from the African Export Import Bank (AFREXIM); and €200 million from the Trade and Development Bank, to finance the Budget for the Financial Year 2020/2021.

Before presenting the report, allow me to lay the following documents on Table, that the committee considered in the process of assessing this loan request;

The report of the Committee on National Economy on the proposal by Government to borrow up to $166 million and Euro 200 million from the African Export Import Bank (AFREXIM); and €200 million from the Trade and Development Bank, to finance the Budget for the Financial Year 2020/2021;

The minutes to the meeting held to consider the proposal by Government to borrow up to US$ 166 million and Euro 200 million from the African Export Import Bank (AFREXIM); and €200 million from Trade and Development Bank, to finance the budget for the Financial Year 2020/2021;

A brief on budget performance and quarter four, expenditure for Financial Year 2020/2021: A letter of His Excellency the President, to the Minister of Finance, Planning and Economic Development on the fiscal management and additional financing for Financial Year 2020/2021 budget;

Term sheet summarising the indicative principle terms and the conditions of the €200 million syndicated to run the facility. A letter from AFREXIM to the Minister of Finance, Planning and Economic Development on the procurement of the legal counsel on the proposed $ 166 million and €200 million to finance the Government of Uganda development and infrastructure budget for Financial Year 2020/2021; the letter is dated 12 April 2021;

The indicative term sheet AFREXIM and Ministry of Finance, Planning and Economic Development for the proposal structuring and arranging of a due trash, due currency and long-term finance for up to $166 million and €200 million dated 17 February 2021;

Request for a proposal for the restructuring and arranging of dual tranche dual currency, long-term finance up to US$ 166 million and €200 million dated 17 November 2020.

They include:

1. Contract agreement between the Ministry of Works and Transport and M/S Morgan Enterprises Limited for the procurement of low-cost ceiling of selected district roads Lot 3;
2. Contract agreement between the Ministry of Works and Transport and M/S Rune Engineering Company Limited for low-cost ceiling of selected district Lot 5;
3. Letter from the Ministry of Works and Transport to the Ministry of Finance, Planning and Economic Development on the cash flow projections for non-wage recurrent and domestic development expenditures in the fourth quarter;
4. The Rural Electrification Agency implementation agreement in relation to the disbursement of connection subsidy under the Electricity Connections Policy;
5. Approved development budget for Financial Year 2020/2021;
6. UNRA outstanding interim payment certificates and invoices under the development budget as at 31 March 2021;
7. Interim payment certificates in respect of loan 4 works;
8. Interim payment certificates in respect of implementation of rural electrification schemes in eastern and north western Uganda;
9. Completion payment certificates for low-cost ceiling of selected district roads lot 12;
10. Completion certificates for low-cost ceiling of selected district roads;
11. Payment certificates for package 1, interim payment certificate for engineering works, medium voltage and network for Mubende-Mityana-Kabarole and Kyegegwa districts;
12. Interim payment certificates in respect of cross border project works;
13. Ministry of Works and Environment and National Water and Sewerage Corporation interim payment certificates and invoices.

I beg to lay, Madam Speaker.

Madam Speaker, the Committee on National Economy considered the request by Government to borrow up to $166 million and €200 Million from the AFREXIM Bank; and €200 Million from the Trade and Development Bank to finance the budget for the Financial Year 2020/2021, in accordance with Rule 175(2)(b) of the Rules of Procedure of the Parliament of Uganda.

The request was presented to the House by the honourable Minister of Finance, Planning and Economic Development on 11February 2021, and accordingly referred to the Committee on National Economy. In consideration, the committee considered and scrutinised the request and now reports.

Methodology

The committee held meetings with;

1. The Minister of Finance, Planning and Economic Development; and
2. The Bank of Uganda and reviewed several documents which I have already read out and outlined.

By way of background, the approved budget for the Financial Year 2020/2021 amounted to US$ 45,491.7 billion. This included budget support loans amounting to US$ 2,773.1 billion and the loan being requested is part of this budget loan, which the House approved.

By the end of the first half for Financial Year 2020/2021, domestic revenue had performed at 50.4 per cent of the approved budget and the deficit financing for Financial Year 2020/2021 is estimated at Shs 16,176 billion.

Madam Speaker, the objective of borrowing of $650 million (equivalent to Shs 2,405 billion) is to partly to finance the proposed budget support amount of Shs 2,773.1 billion in the approved Financial Year 2020/2021 budget. A total of $650 million is comprised of the $166 loan from AFREXIM, $244 million from AFREXIM and $242 from the Trade and Development Bank. In Euros, it is 200 million from AFREXIM and $200 million from the Trade and Development Bank. The 166 million was already in United States dollars. Therefore, the €400 added to the $166 million gives us the US$650 million.

Madam Speaker, the Minister of Finance, Planning and Economic Development has proposed borrowing of the $650 million from African Export and Import Bank and the Trade and Development Bank. The AFREXIM Bank financing is expected to amount to $408 million, which will be provided into tranches. In addition, the Trade Development Bank is expected to provide US$ 242 million toward the total financing request.

This will leave out a balance of Shs 368.1 billion as loans for supporting the Budget. The US$ 342 million request was also made before Parliament recently. Having outlined the nature of the loan, allow me to comment on a few things before I go to the committee observations and recommendations.

Loan terms and conditions

They are three loans: the AFREXIM Financing Tranche 1 amounting to US$ 200 million. The maturity period is 10 years, the grace period is three years, the repayment period is seven years. Tranche 2, again from AFREXIM Bank is US$ 166 million and the maturity period is 10 years, the grace period is three years and the repayment period is seven years.

The third one is from the Trade Development Bank. The loan amount is €200 million, the maturity period is seven years, the grace period two years and the repayment period is five years. The rest you can read from the uploaded report.

The above two creditors - AFREXIM Bank and the Trade Development Bank - provide the best terms compared to the other six creditors who expressed interest. They have a lower interest rate, longer grace period and maturity period compared to the rest, in Annex 1 attached.

Otherwise, the loans have the following other conditions:

1. Approval by Parliament, legal opinion of the Attorney-General on the loan documentation and submission to the lenders of the list of the projects to be funded from the loans.

Implementation

Once approved, the loan will be disbursed to the Consolidated Fund. The Ministry of Finance, Planning and Economic Development will be responsible for ensuring that funds are properly utilised to finance the Financial Year 2020/2021 Budget as approved by Parliament.

It is to settle certificates, which are attached to the report. Once approved, the money will be spent immediately.

Budget implications

When approved, this borrowing shall form part of the Government proposed resource envelope for Financial Year 2020/21. The disbursement of these loans will enable budget support loans to perform within the earlier programmed approved level and consequently, financing the expenditures for Financial Year 2020/2021.

Specifically, the honourable minister indicates that these funds will be used to finance part of the budget for Financial Year 2020/2021 as well as clearing outstanding infrastructure certificates; among others, to avoid accumulation of arrears during the financial year.

We can read about the loan and current debt situation on debt sustainability. The committee finds that basically, the debt situation of the country is still sustainable or manageable. It was in today’s *Daily Monitor* quoting the International Monetary Fund.

Observations and recommendations

The committee noted that borrowing will provide budget support to be used partially to cater for the unreleased Government of Uganda development budget, to continue with the Government’s investment programmes for Financial Year 2020/2021.

A number of projects implemented under the Government of Uganda development component do not have feasibility studies that indicate the economic rate of return from these investments. However, the Public Debt Management Framework, 2018 necessitates, among others, that issuance of highly non-concessional and commercial borrowing such as Eurobond will only be to finance projects that not only provide high economic return than the interest on the credit but also enable Government of Uganda to generate sufficient fiscal return from the project being financed and should start generating revenue for Government within a period of not more than five years to meet the cost of the loan and foreign currency to service the debt.

The committee recommends that in future, Government should limit highly non-consensual loans and commercial borrowing should be restricted to financing specific projects whose economic returns can be measured and budget support borrowing be limited to concessional or non-concessional borrowing with a grant element of 25 per cent.

Sound fiscal management to ensure fiscal sustainability

The committee observed that Uganda’s public debt position is sustainable in the medium and long term. Despite the increase in sovereign debt, it is still sustainable although vulnerabilities exist.

Standardised stress tests find Uganda’s debt to be vulnerable to a depreciation of the shilling, which could have implications for the country’s ability to meet its debt service obligations.

Debt service is affected by the slow growth of exports. The stagnation in the growth of exports has posed a huge challenge for external debt sustainability.

In addition, the committee observed that a number of projects funded through borrowing are executed with lags in the project implementation schedules. The lags are attributed to a number of reasons not limited to absence of counterpart funding and inadequate project preparation before implementation.

The committee, therefore, recommends that Uganda Revenue Authority, together with the Ministry of Finance, Planning and Economic Development should explore new ways of enhancing domestic revenue collections in addition to implementing the domestic revenue mobilisation strategy so as to slow down the growth in debt arising from the need to borrow for budget support.

Government should strengthen public investment management to bring the fixed fiscal deficit and public debt to a downward trajectory once the crisis abates and also revert to plans of strengthening the budgetary process.

Government should opt for sustainable options for increasing foreign inflows through aggressive export promotion and import substitution strategies as well as provide a conducive environment for foreign direct investment in the country.

Expenditure contracts in foreign currency

The committee observed that the national Budget is approved in Uganda shillings, yet some spending agencies contract services in foreign currency, exposing them to exchange rate risk.

The committee recommends that Government should contract service providers in the currency approved in the National Budget, irrespective of the level of imports that will be undertaken, to help against exchange rate risks.

Engagement of creditors on loan terms

The committee observed that although the available terms of the AFREXIM and the Trade Development Bank were better than those for the other six creditors who expressed interest, Government and the Ministry of Finance, Planning and Economic Development should consider renegotiating for better terms, if possible.

For example, under-pricing, the reference rate for the Euro denominated loans is the Euribor and that for the US dollar loans is the Libor, which in the draft agreements have a provision that states that if the rate (Euribor/Libor) is negative, it shall be deemed to be zero per cent.

This implies that the savings that would have accrued to Government from the reduced interest rate, due to a negative reference rate, will be foregone, as the rate is considered to be zero per cent.

The committee, therefore, recommends that Government, through the Ministry of Finance, Planning and Economic Development negotiates with the creditors to allow for the reference rates to freely fluctuate as market forces determine, to enable Government to benefit from the lower interest payments, whenever the rates are negative.

Madam Speaker, in conclusion, subject to the recommendations herein, the committee recommends approval of the proposal by Government to borrow up to $166 million and €200 million from the African Export Import Bank (AFREXIM) and €200 million from the Trade and Development Bank, to finance the budget deficit for the Financial Year 2020/2021. Thank you, Madam Speaker.

**THE SPEAKER:** Thank you very much, honourable chairperson and members of the Committee on National Economy for your hard work and supporting Parliament.

Honourable members, the report has been signed by the necessary minimum number of members. Do we have any comments?

5.07

**MR SILAS AOGON (Independent, Kumi Municipality, Kumi):** Thank you, Madam Speaker. I believe the committee spent a lot of energy on preparing this report. Therefore, I salute the committee and the chairperson. I know the chairperson for being highly knowledgeable on matters of the economy and I believe he will not let us down.

However, I do not know when our Committee on National Economy has ever come to give a report and we say that we have rejected its request for a loan. It will be a big thing for this House if it ever happened. I do not know whoever bewitched us. *(Laughter)*

Madam Speaker, if we were borrowing money that will help us to resuscitate the economy - for instance, the businesses that have failed to take off after the lockdown because of the Coronavirus pandemic - I would be happy. There seems to be no direct linkage between the money borrowed and productivity. To make it worse, it is like in this Parliament, whenever it rains in the afternoon, there has to be a loan brought here –*(Laughter)*– and it is passed. However much we talk sense, it never becomes sense and loans simply pass here and go. I do not know what to do.

Madam Speaker, I stand here to record my voice, so that it is known in history that I objected to this.

One time, these executors – I do not know how they call these people who run for people’s properties because of loans - the court bailiffs – from multinationals might come and even sell this Parliament building because of loans.

Madam Speaker, I am scared; I do not know what we are going to do. First of all, the Committee on National Economy, in my opinion, should be working on identifying wasteful expenditure so that we support this country to recover. However, the committee has instead accepted to move with whoever comes with a request for a loan. What do we do? Where do we go?

Our minority voices are now so minority. We speak for the sake of speaking so that people can know that at least there was a voice. However much and however loud we try to speak, there seems to be a wider and big deaf ear to our calls. We are so discouraged.

If we were talking about value addition, this would be a good thing. Kenya rejects our maize because of so-called aflatoxins. You are not talking about helping the farmers to add value so that we can market their produce. However, we are bringing a loan, which is covering a broader blanket. I do not know what we are going to do, Madam Speaker.

How I wish we all moved in one spirit and understand where we are going to. Even at this time when we have hit the bar, you are still saying that our debt levels are sustainable. The committee also accepts to toe that line, instead of speaking the truth, when we are just near Sunday. Sunday was just yesterday. Oh my God!

Madam Speaker, it is so disturbing. I do not know what we can do but it is high time we pushed this issue of loans. This is the time for us to say, “No, let us first wait. Let us prepare our house. Let us audit the loans that we have picked. What have the loans done? Can we measure the output, outcome and impact, before we rush to get more loans?”

We hardly take two days here without passing a new loan. Is it a norm? Is it a culture? Is it a blessing or somebody bewitched the whole Parliament? I do not know.

Madam Speaker, we have a problem. When you probably add your voice to ours, there will be some reasoning together. Otherwise, we are nearly defeated. I say that because you watch this afternoon; this loan is going to be passed. I have spoken but I know they are going to pass it - I am predicting. I think it is the Holy Spirit telling me they are going to also pass this one.

Therefore, Madam Speaker, my issue was to record my voice here. The *Hansard* should catch it clearly. I do not support this loan. It should be stopped with immediate effect and then we go back and rethink what we should do as a House.

I did not want to take information because I am already well informed on this matter. These laws have disturbed us; we never sleep –

**THE SPEAKER:** No. Take information please.

**MR AOGON:** Madam Speaker, our –

**THE SPEAKER:** No, please take information. He is from the committee. He maybe has information.

**MR AOGON:** Madam Speaker, our rules allow a Member to either take or reject information. I reject the information. *(Laughter)*

**THE SPEAKER:** Now –*(Dr Bategeka rose)*- You will, maybe, respond after the debate.

5.13

**MR PATRICK NSAMBA (NRM, Kassanda County North, Kassanda):** Thank you, Madam Speaker, for the opportunity to comment about this loan. Firstly, I think our Committee on National Economy needs to be visited by the Auditor-General –*(Laughter)*– because they have chosen to be garbage in, garbage out. They are like a hole. Every time anything comes, it must pass through – *(Interruption)*

**MS BBUMBA:** Madam Speaker, under Article 159(2) of the Constitution, the Committee on National Economy has been delegated powers by this House to scrutinise loans before Government goes to borrow.

When you refer these loan requests to the committee, we do not just sit down and write reports. We put in a lot of energy; we do a lot of research; we do field visits and we interview people.

Is hon. Patrick Nsamba, my son, in order to say that Government brings in garbage and we produce garbage? Is he in order to despise our effort?

**THE SPEAKER:** Honourable members, before the 1995 Constitution, there was no requirement to come to Parliament. Government was working on loans by themselves. The 1995 Constitution, however, requires the loans to be got with the approval of this House. So, the committee is working on behalf of the House under the Constitution.

So, I think you are out of order to say the Government brings garbage and the committee takes out garbage. Please withdraw that statement.

**MR PATRICK NSAMBA:** Most obliged, Madam Speaker. I withdraw that statement. However, what I meant is that this was a year to test the committee. During the COVID-19 pandemic, the budget we passed had so many budget lines that we expected to have been suppressed.

The budget lines for travel abroad across all ministries must have been suppressed. We expected workshops and other related conferences to have been probably suppressed, too. We expected travel inland and so many other budget lines to have been suppressed.

We are left with just a month to the end of the 2020/2021 Financial Year. However, with just a month to the end of the financial year, here we are – we have just passed the national budget, where we indicated that we are going to finance the budget. After passing the budget for the new financial year, we are here borrowing for the year we are closing. Whatever we are borrowing for, I expected this committee to come up and say, “You came here for $650 billion but because the financial year is remaining with one month, please kindly borrow less because the financial year is ending.”

This puts us in a situation like whatever amount that is available for borrowing is what we are supposed to borrow. This very committee has indicated, on page 12, that over the past one year, our borrowing has increased by 35 per cent yet they are here –*(Interruption)*

**MR AOGON:** Madam Speaker, the information I want to give my colleague is that recently, the Minister of Finance, Planning and Economic Development was quoted to have said that they are trying to connect talks with our lenders internationally so that we restructure our debt. If there was no problem, why are we rushing to restructure the debt?

**MR PATRICK NSAMBA:** Madam Speaker, I thank the Member for the information he has provided.

If the committee is able to give us information that over the last one year, our appetite for loan or public debt has increased by 35 per cent, then it is high time we thought about what we are borrowing and the reason for which we are borrowing. They should have come up with different recommendations, having provided us with such good information on Page 12, but they instead said, “Please borrow”.

We are crying for this country because this committee has a habit of saying our public debt to GDP ratio is 49.9 per cent every time they come here. Even recently when we were passing the other loan for the Ministry of Water and Environment, they quoted 49.9 per cent as our public debt to GDP ratio.

We are going to take on this debt yet we expected this committee to have aided the minister to say, “Given that you had the opportunity to suppress some of the items on the budget and we are concluding the financial year, let us borrow less.” Shs 2.4 trillion to be borrowed at such a time when a new financial year is about to start, and when the same minister, on day one of the new financial year on 01 July is going to come here and say, “I want to borrow for budget support.” We – *(Interruption)*

**MR BAHATI:** Thank you, my colleague, for yielding the Floor so that I can give this information. As the chairperson said, this particular budget support loan was passed by this House in May last year. You gave us permission when you said, “We are giving you this budget of Shs 45 trillion. Go out and collect Shs 21 trillion and get the balance from loans.” We have been mobilising these resources. In the middle of the year, when COVID-19 came in, we sat down ; you recall you said we should sit down and restructure the budget. Indeed, we did that and we saved Shs 900 billion.

So, the money that we are borrowing today is part of the money that you approved when you said, “Go ahead and mobilise these resources to implement the budget.” At this time, we have been implementing the budget. Some contracts - if you look at the schedule of the chairperson, she has given you what this money is actually going to pay directly because we started working on the basis that Parliament gave us permission to borrow money to implement the budget. So, this is part of the budget support we are talking about.

**MR PATRICK NSAMBA:** Thank you, honourable minister, for the information. I want to remind you that recently, you explained to the House about the low loan absorption in many of these agencies. When we are now left with just a month to end the financial year, are you sure the loan will be absorbed?

I thought you were standing up here to say, “We will be able to use this money effectively and we will be able to absorb it”. However, whenever you increase your appetite at the end of the financial year, we tend to think you are preparing this money for people to use. Thank you.

5.24

**Mr Michael timuzigu (NRM, Kajara County, Ntungamo):** Thank you, Madam Speaker. Indeed, allow me to call upon the House to contend that Government business is like any other. When you over borrow, you suffer from financial distress. Sometimes, we do not agree, as a country, that we are suffering from financial distress.

It is very important, as leaders, to tell our people that the money we have is not enough and even show it as we spend such that they do not look at us as people who are taking a lot and leaving them with very little. In this case, as Parliament, we have to stand and save the nation as far as finances are concerned.

The Minister of Finance, Planning and Economic Development and the chairperson are telling us the truth; that there are arrears they have to pay. It is true that projects are going on but Parliament knows that given the situation we are running into, the country will soon be in very many financial difficulties.

When Government comes in asking for money to pay the people who worked last year or two years ago and have not been paid and we know that there are some projects which have stalled, it would look as if we were mean by not giving them the money.

Secondly, will that money be paid to the people who have been working on those projects? We shall give them chance to borrow but next year, you will find that the same people who were supposed to have been paid have not been paid. That is what is happening in this country.

That is why we say that when the money goes out, we do not know whose hands it falls in. Where does the money go? When we say we are not giving them a chance to borrow, they say Parliament is sabotaging Government business but we are not.

Honourable minister, you have to represent us very well in the Cabinet. We actually have a number of ministers here. We understand that you have constituencies and you represent people. In future, we shall have a lot of problems yet you were there representing us in Cabinet. You bring requests for loans, we just accept and our people are going to suffer.

We are not supporting this loan because it is very dangerous. Even at the end of the financial year, when we know that we are not likely to absorb –*(Member timed out.)*

**THE SPEAKER:** Conclude.

**Mr timuzigu:** Lastly, the districts are struggling. For example, in my district, Ntungamo, there is money for roads but we do not have enough graders. Our district is big. We now borrow from the Uganda National Roads Authority (UNRA) – I am trying to look for a way to borrow from there on behalf of my district such that we can absorb the money.

We have no time. Where are they going to get the time to absorb this money? Thank you.

5.28

**Mr Johnson MUYANJA SSENYONGA (NRM, Mukono County South, Mukono):** Thank you, Madam Speaker. I appreciate the work of the Committee on National Economy.

If many of my colleagues had an opportunity to watch NBS Television on Saturday as they tried to analyse the performance of the Tenth Parliament, much of the blame was that we have passed many loans that are going to put this country in trouble. This is not a loan that is going to support the budget for the Financial Year 2021/2022 but it is claiming to clear domestic arrears.

I was here last week when I demanded that the Budget Committee gives us a full picture of what the domestic arrears are. If we pass money in blanket form for domestic arrears, they may say that the local suppliers are included when they are not. They may say so and so is to be paid when there is not such a company *–(Interruption.)*

**Mr Patrick nsamba:** Thank you, Madam Speaker. Hon. Ssenyonga, the information I would like to give you is that the domestic arrears were ably provided for in the budget we passed. The minister has not indicated anywhere that this money will go for it – unless you have other information relating to whether it is going to be used for that. They are talking about other key things. Even if they were there, we can still wait and cater for them in the next financial year.

**Mr MUYANJA ssenyonga:** Thank you, hon. Nsamba. That is what I was driving at. One of the people who called in the programme on the television asked, “Are these honourable members considerate? Do they feel for Ugandans?”

We carry the whole blame. As we speak today, according to the Order Paper, we have almost four loans to pass before closing. We are not objecting to loans but that is why in the earlier days, we requested the Ministry of Finance, Planning and Economic Development to come up with all loans we have got since our term started.

I was on this Floor when I talked about the loan for Mityana-Busega Road up to Mpigi. We obtained that loan in 2017 when I was still a member of the Committee on National Economy. However, since then, there has been no progress.

Those of you who normally use the Masaka Road see nothing. There is no development but the loan is generating interest. Can the minister request all ministries for the performance of all loans and we look at it so that as we conclude our term, we can defend ourselves? Now, we cannot because we do not know what is happening yet we cannot be here and reject the loan because we will look as if we are against the Government.

Our intention is to make sure that we safeguard this country. As my friend said earlier, we got COVID-19 in March 2020. From then, a lot of savings must have been made in different ministries and departments. This reminds me of a day when we were in Entebbe meeting His Excellency the President and he told us that all those mushrooming buildings in Kampala are Government stolen money. There is lack of seriousness to trace all the money. What happens to the savings from all the ministries since COVID-19 started?

We had passed a very good budget with the same billions. Now we are coming up to say that we need more support. We still demand that all the loans be brought up and we look at their performance. Otherwise, we are going to carry the blame –*(Interruption)*

**MR BAHATI:** Thank you very much, honourable. We present here loans and grants reports every quarter to this House and it shows how much we have borrowed, the performance and the absorption capacity of every loan.

On Friday, we presented here a statement on the status of our indebtedness. This particular loan is to finance the budget, which we approved ourselves; it is to finance the money that you gave us authority to go and borrow and finance this budget. However, due to our law - in Kenya, Parliament gives a ceiling to the Executive to go and borrow Shs 6 trillion. However, the source and the projects they finance are determined by the Executive.

Due to the law here, every shilling you borrow, even when Parliament has said that you should go and borrow Shs 2.2 trillion to finance the budget, you must come back to the House and report.

It appears like we are coming very many times but we have to come because we are accountable to Parliament. Madam Speaker, this is part of the money to finance the remaining quarter that we have. All activities of the quarter depend on this money because you gave us permission to borrow Shs 2.2 trillion, at the beginning of the financial year.

**MR MUYANJA SSENYONGA:** Madam Speaker, I would like to thank the minister for the information. I agree with him because I am always here. You presented our indebtedness level and not the performance of the loans. The two are different.

We are demanding that all loans be brought to Parliament so that we can look at where the problem is. Why is there low absorption? When you tell us about our level of indebtedness, we can agree - honourable minister, we want to know why a particular loan is not - look at the loan for Nakaseke. I do not even know the performance of the Nakaseke loan, the performance of the Busega loan and the one for Northern Uganda. I think Members should know how these loans perform so that when supporting you, we have a clear picture of these loans. I thank you, Madam Speaker.

5.37

**THE DEPUTY ATTORNEY-GENERAL (Mr Jackson Kafuuzi):** Thank you very much, Madam Speaker. I listened carefully, when the chairperson of the committee was reading. One of the purposes of this loan is to work on the roads from Mityana, Mubende and Kyegegwa. It is a fact that the road is completely damaged. A journey that used to take *–(Interjection)*

**THE SPEAKER:** Honourable member, why don’t you allow colleagues to speak? Allow him to speak and then you will have your turn.

**MR KAFUUZI:** A journey that used to take two hours from Kampala to Kyegegwa now takes us four hours yet this road is exactly 185 kilometres.

I have spoken to the Minister of Works and Transport. He says they have signed a contract with a company called Energo to work on that road. Right now, the company is setting up headquarters in a place called Kiganda. I believe one of the reasons we required this loan is to finance that project. I stand here to support that loan because we need that road worked upon.

**MR PATRICK NSAMBA:** Madam Speaker, the Attorney-General is speaking from a different report. I wish he could read the report we are discussing.

On Page 13, the purpose for borrowing this loan is stated and the Mityana Road he is talking about is not stated here. Even the Kyegegwa Road is not stated here.

The clarification I am seeking from the Attorney-General is which report he is reading. Is it the report they have presented here or it is something else?

Lastly, Madam Speaker, I am from Mityana and that is the road I use. I would like him to clarify whether that road is going to be worked on now or at the end of the financial year.

**MR AOGON:** Madam Speaker, the learned Attorney-General is my very good friend and I am at pain to seek clarification from him. Can the Attorney-General tell us whether it is now a new norm and way of work for the Government to sign a contract with a company, before sourcing for a loan or getting money for paying that contractor? Is that the new way of work? Please confirm.

**MR KAFUUZI:** Madam Speaker, when I started talking, I said I listened carefully and heard what the chairperson of the committee presented. Among others, he talked of a road - the Mityana-Mubende-Kyegegwa-Fort Portal. The chairperson of the committee is here. I seek that you allow him to clarify. If I am wrong, I will withdraw it. I am sure it is already on record from the chairperson of the committee.

**MR BATEGEKA:** Madam Speaker, the report I presented has annexes one and two. I think some of these questions remain valid but some of them have been answered in the report.

Basically, the money being borrowed is going to the Uganda National Roads Authority (UNRA). There are many projects being undertaken by the Ministry of Water of Environment and the Ministry of Works and Transport. I can just sample a few and read them so that colleagues get a feel of what this loan is going to finance.

I will just read a few from UNRA. We have the Kyenjojo-Fort Portal Road, the Masaka-Bukakata Road, the Masindi-Biso-Kabale-Kizirafumbi Road, the Kapchorwa-Swam Road. The list is long but I will read just a few. All these are certificates.

Remember, as I explained at the beginning, about Shs 2 billion was allocated in the approved budget of 2020/2021, and Government was to look for sources of funding. Government found AFREXIM Bank, Trade and Development Bank and World Bank – is it World Bank? If I am mistaken, then I am sorry.

The point I am making is that this House already approved the request by Government to go and borrow money to the tune of Shs 2773.1 billion and these works started. Now they have been issued with certificates of completion of works in the Ministry of Works and Transport and Ministry of Water and Environment. There are annexes attached - for those who want to look at the details - which show the roads and companies to be paid. These works have been executed during this financial year. Thank you, Madam Speaker.

**THE SPEAKER:** Honourable members, there is a long list of annexures showing the certificates issued - Ministry of Water and Environment, Ministry of Works and Transport, Uganda National Roads Authority, some bridges. The information is here in Annex 2; it is a very long list of annexures.

5.45

**THE LEADER OF THE OPPOSITION (Ms Betty Aol):** Thank you, Madam Speaker. I would also like to thank the minister and the committee for the work done. However, much as it is necessary to borrow to top up our own resources, - that is the external funding - must we go for non-concessional loans? If we go for non-concessional loans for the roads, are we not going to overwhelm the country with these loans? You are borrowing for roads, yet roads cannot give returns quickly in five years. Are there some conditions that stopped Uganda from sourcing concessional loans?

There are very many banks looking around for Members of Parliament to lend them money and one must try and see which one has a low interest rate. This loan has high interest. We appreciate that it is necessary that we have external borrowing to top up our own funding, but must it be non-concessional? Explain to us. Have we already overwhelmed all the other banks that they cannot allow us to go and borrow concessional loans to top up our own funding? We need this clarification.

I would think that we should go for non-concessional loans for activities of small-scale industries and things that would generate income very quickly, so that we pay off fast, because the interest is always high. Thank you.

**THE SPEAKER:** Honourable members, I put the question that the question be put.

*(Question put and agreed to.)*

**THE SPEAKER:** I now put the question that this House do approve the request for Government to borrow the sum as stated.

*(Question put and agreed to.)*

MOTION FOR A RESOLUTION OF PARLIAMENT TO AUTHORISE GOVERNMENT TO BORROW UP TO SPECIAL DRAWING RIGHTS (SDR) 9.2 MILLION (EQUIVALENT TO USD 12.5 MILLION) FROM THE INTERNATIONAL DEVELOPMENT ASSOCIATION (IDA) OF THE WORLD BANK GROUP TO FINANCE THE UGANDA COVID-19 RESPONSE AND EMERGENCY PREPAREDNESS PROJECT (UCREPP); AND ADDITIONAL FINANCING OF UP TO SDR 10.7 MILLION (EQUIVALENT TO USD 15.0 MILLION) FOR UGANDA REPRODUCTIVE, MATERNAL AND CHILD HEALTH SERVICES IMPROVEMENT PROJECT (URMCHIP) FROM THE INTERNATIONAL DEVELOPMENT ASSOCIATION OF THE WORLD BANK GROUP

5.49

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, I beg to move a motion for a resolution of Parliament to authorise Government to borrow up to SDR 9.2 million ($12.5 million) from the International Development Association of the World Bank Group to finance the Uganda COVID-19 Response and Emergency Preparedness Project (UCREPP) and additional financing of up to SDR 10.7 million ($15 million) to finance Uganda Reproductive, Maternal and Child Health Services Improvement Project (URMCHIP) from the International Development Association of the World Bank Group.

I beg to move, Madam Speaker.

**THE SPEAKER:** Is it seconded?

*(Motion seconded)*

**THE SPEAKER:** It is seconded. Justify.

**MR BAHATI:** Madam Speaker, the loan has two components. The first is to finance our COVID response under the Ministry of Health, to finance all the requirements needed for our COVID response. It is not as much as one would have loved because we have to continue sourcing funds as and when we confirm from the lenders, and this was a particular window under the World Bank. The second component is the additional funding for a project that has been ongoing regarding maternal and child health under the Ministry of Health, to support all our efforts towards fighting maternal and infant mortality in the country.

We think that these resources are needed to help us consolidate our efforts in the health sector so that we can face the current COVID pandemic and also continue on the other hand to fund maternal and child health. I beg to move.

**THE SPEAKER:** Members, I believe the committee has had time to study this proposal. Can we receive the report?

5.52

**THE CHAIRPERSON, COMMITTEE ON NATIONAL ECONOMY (Ms Syda Bbumba):** Thank you, Madam Speaker. I would like to thank you for this opportunity and I would like to request my colleagues to support what I am going to present. Before I proceed with the presentation, I would like to recognise the efforts my colleagues put in as we analysed this request.

I would like to lay on the Table the following documents:

1. The report of the committee on the proposal by Government to borrow the said amount.
2. Minutes of the meetings we held.
3. Brief to Parliament on the proposal.
4. A letter from the Ministry of Finance, Planning and Economic Development to the Deputy Head of Public Service and Deputy Secretary to Cabinet on the financial clearance of the proposed borrowing by Government.
5. A letter from His Excellency the President approving the loan.

Madam Speaker, there are other documents which include the following:

1. The financing agreement between the Republic of Uganda and the IDA.
2. The pandemic emergency financing facility grant agreement between Government and IDA of the World Bank.
3. The project appraisal document on the proposal of the IDA to finance the project.
4. Memorandum of understanding between the Ministry of Health and Ministry of Defence and Veteran Affairs.
5. A document on the COVID-19 budget and accountability status by the Ministry of Health.
6. The expenditure report on the COVID-19 Response and Emergency Preparedness Project.
7. The status report for delivery of community masks to districts in Uganda.
8. The status report on the masks.
9. The distribution list of ambulances.
10. Summary of COVID-19 procurements of protective gears.
11. List of donated items.
12. Development support that has been delivered.

We also have documents on Uganda Reproductive and Maternal Child Health Services Improvement, and these include the following:

1. The financing agreement between Government and the World Bank.
2. The minutes of the meetings.
3. The contingency emergency response component.
4. A summary of Ebola implementation.
5. A schedule of handover of the sites of maternity units to be constructed under the Uganda Reproductive and Maternal Child Health Services Improvement Project.

Madam Speaker, I will lay these on the Table.

Introduction

The Committee on National Economy considered the proposal by Government to borrow from the IDA – this is a highly concessional window of the World Bank Group –

1. Special drawing rights 9.2 million, which is equivalent to US$ 12.5 million, to finance the Uganda COVID-19 Response and Emergency Preparedness Project; and
2. Additional financing of special drawing rights 10.7, million equivalent to US$ 15 million, for Uganda Reproductive Maternal and Child Health Services Improvement Project.

The proposal was presented to this House and it was referred to the Committee on National Economy on the 18 March 2021 under rule 175(2)(b).

The methodology is standard. We looked at a number of documents some of which I have laid on the Table. We had field visits. We visited the Entebbe Isolation Facility, which is under construction and Mulago Isolation Facility, which is in its final stages of construction.

We are all familiar with the genesis of COVID-19 and I do not have to labour on that. We are all familiar with the effects of the pandemic on global trade.

The outbreak of COVID-19 prompted governments in Sub-Saharan Africa to put in place their own containment measures, which we are all familiar with. The COVID-19 pandemic and related response measures resulted into a significant public health and economic impact that caused disruptions in essential health services. All that the country had gained in the past decades stood to be lost if timely and necessary actions were not taken by Government.

The Uganda Reproductive Maternal and Child Health Improvement Project is an ongoing project, which was initially expected to end by end of June this year. However, due to the restructuring of the project to address COVID-19 response measures, the contingent emergency response component was added to the project, which allows funds to be redirected from other parts of the World Bank financed projects to cover emergency responses. Part of the money for maternal health was diverted to cover the emergency responses under COVID-19.

Project Linkage to the Country’s Strategy

The projects are well anchored on the NDP III. The Uganda COVID-19 Response and Emergency Preparedness Project is consistent with the development agenda at the national and sectoral level. The project is aligned with various planning frameworks, namely:

1. The Sustainable Development Goals (SDG) 2030 Framework
2. The Second National Health Policy
3. The Health Sector Development Plan
4. The National Action Plan for Health Security.

Madam Speaker, the performance of past loans in the health sector is given under table 1. Healthcare systems are explicitly increasing their capacity of beds, supplies and trained workers. Efforts are being undertaken to alleviate shortages of the much needed medical supplies in the health sector.

The health sector in Uganda, upon registering its first case of COVID-19 in March 2020, significantly required more funding to address the pandemic. The Ministry of Health COVID-19 prepared response budget for the period of March 2020 to September 2020 is given under table 2. Table 3 shows the funding to the health sector up to March this year.

During the current financial year and the previous financial year 2019/2020, Parliament authorised supplementary expenditure to address the emergency measures regarding the pandemic. Ministry of Health received Shs 337.73 billion from Government while several development partners provided on-budget support under various projects of Shs 401.9 billion during the same period. These are clearly indicated under table 3.

The ministry also received cash donations worth Shs 2.465 trillion and US$ 100,000, which has been earmarked for purchase of motor vehicles for districts as directed by the President. The ministry also received donations from corporate and private individuals comprising of medical items and non-medical items. The accountability of these has been provided in the documents, which have been presented.

In addition, during the current year, Ministry of Health received a grant of US$ 2.7 million for Uganda COVID-19 Response and Emergency Preparedness Project.

All these funds were received and spent by March this year. The details of these are provided under Annex II. I invite colleagues to look at Annex II.

Despite the above interventions, more needs to be done to strengthen emergency preparedness for the country in response to COVID-19, and especially in view of the new strains coming up, so that we are not caught unaware.

Madam Speaker, table 4 and annex 1 show the utilisation of Government of Uganda funding for the COVID-19 response in financial year 2019/2020 and financial year 2020/2021.

Table 5 shows the health infrastructure interventions which have been made. They are detailed; I will invite colleagues to look at them.

The Uganda Reproductive, Maternal and Child Health Services Improvement Project is an ongoing project which was initially supposed to close by end of June this year. However, this has been revised to 31 December 2022.

The original project had four components, namely –

(i) Results-based financing for primary healthcare services.

(ii) Strengthen health systems to deliver reproductive, maternal, new-born, child and adolescent services.

(iii) Strengthen capacity to scale up delivery of births and death registration services.

(iv) To enhance institutional capacity to manage project supported activities.

Due to restructuring of the project to address the emergency crisis of COVID-19, the contingent emergency response component was added to the project. Consequently, adjustments were made. The details are provided in Annex 2 and 3 and in table No.6.

There are details provided in table No.7.

Project beneficiaries

These are country-wide projects. They are not restricted to one part of the country.

Components of the Projects

Uganda COVID-19 Response and Emergency Preparedness Project has the following components, which are broken down under table 8 in detail:

1. Case detection, confirmation, contact tracing, recording and reporting;
2. Strengthening case management and psychosocial support; and
3. Implementation management and monitoring and evaluation.

All those are indicated under table No.8.

The Uganda Reproductive, Maternal and Child Health Services Improvement Project (URMCHIP) will support the implementation of activities outlined under table No.8.

Cost and Financing Arrangements of the Projects

Details under the COVID-19 Response and Emergency Preparedness Project are covered under table No.9.

The Uganda Reproductive, Maternal and Child Health Services Improvement Project is covered under table No.10.

The economic and financial returns and budgetary implications are detailed under table No.11. The loans which we are requesting for approval of Parliament are highly concessional; they are from the World Bank’s IDA window, which is the most concessional of all borrowing.

The loan conditions: A legal opinion is required from the Ministry of Justice and Internal Affairs, which is specific to the loans which we are requesting for.

A memorandum of understanding has to be entered into between the Ministry of Health and the Ministry of Defence and Veteran Affairs to facilitate cooperation by the military with the recipients through Ministry of Health with respect to the beneficiary military hospitals.

I have already talked about the financing conditionalities; these are highly concessional loans. On budgetary implications, these loans are already covered under the current level of 49.9 per cent.

Notwithstanding the negative effects the COVID-19 pandemic could have on Uganda’s economy, a very modest cost benefit analysis shows that the project will be a good investment. It is assumed that the project will reduce the number of infections by 20 per cent and that it will reduce the number of deaths by 20 per cent. It is therefore a good investment due to those savings.

I think the economic benefits of the Uganda Reproductive, Maternal and Child Health Services Improvement Project are also the same – saving mothers from maternal death and saving new-borns. They have got a high cost saving.

I have already alluded to the loans and current debt situation. These are already within the current level of 49.9 per cent of public debt to GDP. According to the experts, although we are at that level, the debt is still sustainable.

On compliance with parliamentary approval guidelines, they got a score of 84 per cent.

Observations and Recommendations

The first observation is on the procurement of essential medical consumables. The committee noted that the key fiduciary risk facing these projects is failed procurements due to lack of sufficient global supply. As we know, India, where we are expecting to get our vaccines, has got a terrible shortage and this could apply to other parts of the world.

This is associated with increased risk of cost overruns. Given the emergency situation, there is also a risk related to adequate equipment identification and confirmation of quality and quantity.

The committee, therefore, recommends that Government leverages its collaboration with development partners in the health sector to facilitate the Ministry of Health to access available COVID-19 essential medical consumables and equipment supplies at competitive prices.

We further recommend that the Ministry of Health ensures that the risks associated with confirming equipment quality and quantity are managed by maintaining due diligence on implementation and procurements.

The second observation is on the quality of completed structures. The committee noted that this project seeks to enhance the functionality of isolation and/or intensive care health facilities of targeted hospitals by improving health infrastructure to the required basic minimum standards for delivery of quality healthcare services.

The committee therefore recommends that Ministry of Health strengthens technical supervision of construction works that will be undertaken under UCREPP, to ensure that good quality of work is achieved to avoid cases of delayed completion of works, payments for unexecuted works, and paying for works that do not conform to the expected quality specifications.

The third observation is on fulfilment of loan conditions. The committee noted that Government has been slow in fulfilling loan effective conditions upon signing of loan agreements. The committee recommends that Government ensures the speedy fulfilment of effective conditions of the financing agreements for these loans in order for the committed funds to be released by the IDA of the World Bank Group on time, to guarantee the timely implementation of these projects and minimise on the commitment fees.

The fourth recommendation is dependence of the health sector on external funding. The committee noted that the health sector budget was heavily dependent on external financing, especially the development budget category with 86 per cent of the total development budget funded from external sources.

The committee recommends that Government follows up on its promise to prioritise the health sector, starting with the current year, with more investment in health sector infrastructure development, to avoid last-minute panic where external resources may not be forthcoming.

The fifth one is health sector institutional capacity for implementation and sustainability. The committee noted the severity and unpredictability of the COVID-19 global pandemic, which poses potential high risk to Uganda both in terms of its ability to respond swiftly to a rapid rise in the number of reported cases as well as to sustain other critical health services.

The committee therefore recommends that Government fast tracks the planned measures to recruit a surge workforce to support the national response to COVID-19. This effort will be complimented by the UCREPP through intensive capacity building for clinicians, laboratory and surveillance staff.

We, therefore, call upon the Minister of Health to resolve the rumour we have heard that the nurses were going on strike, so that the programme does not get disrupted.

Madam Speaker, the other concern was on social risks of the COVID-19 pandemic. The committee noted that as the number of cases increase, there are potential social risks from panic and lack of adequate and appropriate information about the pandemic to manage the anxieties. The committee recommends that Government intensifies efforts of mitigating these risks.

On accountability of the COVID-19 budget, there is public outcry about the accountability of the monies and items which were contributed by the public. The committee recommends that the public should be made aware of the utilisation of the received COVID-19 donations by the various COVID-19 taskforces, indicating the utilisation of both cash and kind donations, so as to build public trust and to ensure that their money was properly used.

In addition, the office of the Auditor-General should carry out an audit on the COVID-19 budget to obtain reasonable assurance on the accountability and value-for-money aspects of the COVID-19 budget.

Madam Speaker, by way of conclusion, the proposed projects are in line with the National Development Plan III. In addition, the projects are consistent with the Medium-Term Debt Strategy that prioritises external borrowing on concessional terms.

There is need for the Ministry of Health to ensure timely implementation of projects, given the fact that three of the five projects in the health sector have extensions due to closure dates having not been met.

Therefore, subject to the recommendations herein, the committee recommends approval of the proposal by Government to borrow from the International Development Association of the World Bank Group up to SDR 9.2 million dollars, equivalent to US$ 12.5 million to finance the Uganda COVID-19 Response and Emergency Preparedness Project (UCREPP) and additional financing of SDR 10.7 million, equivalent to US$ 15 million, for Uganda Reproductive Maternal and Child Health Services Improvement Project.

Madam Speaker, I beg to report. Thank you.

**THE SPEAKER:** Thank you very much, honourable Chairperson of the Committee on National Economy, together with your members, for your elaborate report. Members? Hon. Akurut, three minutes. Honourable –*(Mr Aogon rose)*– You are really nomadic. In the morning, you were here. Now, you are there. *(Laughter)*

6.20

**MS VIOLET AKURUT (NRM, Woman Representative, Katakwi):** Thank you, Madam Speaker. I would like to thank the Chairperson of the Committee on National Economy, together with your members, for this report.

I support this loan request, especially since we are talking about child and maternal mortality, which we know is still high in our country. I think the numbers are still high; we are talking of way over 300 children dying out of 1,000 live births. To me, that is still high. We know that most of it is caused by malaria –*(Interruption)*

**DR MORIKU:** Madam Speaker, for purposes of the record, I just want to inform my colleague that the mortality rate of 300 she is talking about is not child mortality but maternal mortality, which is 336 per 100,000 live births. However, for children under five years, the death rate we have – as per the 2016 Uganda Demographic Health Survey – is 43 per 1,000 live births. Thank you.

**MS AKURUT:** Thank you, honourable minister, for giving the information. However, we are still talking about a high mortality rate in Uganda. To me, having 336 deaths out of 100,000 is high.

I was talking about the cause of this mostly being malaria. We have had forced abortions because of malaria. We had a situation where they were talking of 16 mothers dying every day while giving birth and part of it is still attributed to malaria. For us to lose mothers and children - I think as a nation, we need to plan better.

Madam Speaker, there are countries which have succeeded in getting rid of malaria through indoor residual spraying. I do not know why it is business as usual in Uganda. Are we promoting these pharmaceutical companies that are supplying us with malaria drugs? Why wouldn’t we invest or get a loan to completely kick malaria out of Uganda, so that year in, year out we do not borrow money to address child mortality and maternal health? Honestly, I think if we did that as a country, we would be helping our own people; otherwise, this year we have borrowed for the same and next year, we shall do the same.

Like I have said before, I really support this loan request because our children and mothers are dying. We want to see if we can really be able to rescue them. However, for me, the long-lasting solution would be for us to address the contributing factors to this high death rate of our people or issues of child and maternal mortality rates in the country.

On the issue of borrowing for COVID-19 response, the other time when we passed the budget here, we cited an issue of a limited budget especially for contingency. I remember the case that was given was that in this financial year that we are concluding, we only had Shs 60 billion out of the Shs 227 billion that was required for the contingency fund. I remember, we gave an example that as a country, we were not prepared for the COVID-19 pandemic challenge but we faced it. I really think it is high time we continued planning for our own people.

Honestly, if we are borrowing this money to address the challenges brought by COVID-19, I call upon the people who implement the COVID-19 programmes to be accountable to our people. We always approve these loans, but accountability for them becomes a big challenge. I think there was a big saga one time in the Office of the Prime Minister. We would not want to borrow money for contingency and emergencies and then at the end of the day, it is misappropriated.

I stand to declare that I have agreed that we borrow this money for both the COVID-19 response and child mortality. I beg to submit. Thank you.

6.26

**MR GEOFREY MACHO (NRM, Busia Municipality, Busia):** Madam Speaker, I thank Government and the minister because loans that concern the health of our mothers and children are very important to this country. Good enough, Minister Joyce Moriku has never brought here things that are scandalous like other ministers have.

However, this loan request raises many questions. We have approved loan requests here many times, but we have not seen the value of many of these loans. That is why, as I stand to support this loan request, I take note of the recommendation of the committee where they observed that we have public outcry concerning the money and other items that were donated to the Government during the COVID-19 pandemic.

On the Floor of this Parliament, I have asked the Prime Minister of the Republic of Uganda to come out and openly give a statement on accountability for items that were donated by people and other governments to our Government, but they have not given us any submission on this matter. I am shocked that the chairperson of the committee said today that she has a report on the accountability. Why are they bringing this report when the Tenth Parliament is closing?

Madam Speaker, I therefore recommend - Good enough, you will be the Speaker of the Eleventh Parliament; we are going to give you our votes for that position. We need a fresh audit of the COVID-19 donations and money.

The vehicles, for example, which were donated to Busia and other districts came without cards. A card is the vehicle. How do you donate vehicles to the districts and not give them the cards? That means the vehicles that were given to the districts do not belong to them. They were taken to the districts, but the cards are owned by some people in the Ministry of Health - Madam Joyce and also the people who were on the Committee on COVID-19 at the national level. I was also forced to take back Shs 20 million. We need accountability on how that money was spent.

We also need social accountability. In Busia, we had a market called Sofia, which was occupied by almost 5,000 traders and about 3,000 traders were women who are supporting the NRM regime. This market was closed abruptly to put up a laboratory to test people who were coming into Uganda for COVID-19. An agreement was signed, a title was given to the Ministry of Health, but up to now everything is quiet.

Madam Speaker, I need the Minister of Health to tell the people of Busia why Sofia Market was closed. It has now turned into a den of thieves. Why did you take our title? What plan do you have for that land? You were supposed to begin the construction of the laboratory last year by October. I want to promise on this Floor that if nothing is done there come August, I will lead my people to that place and we begin operating that market afresh. We shall not punish people under the cover of COVID-19.

At the same time, I support this loan request because we need to be prepared after seeing what is happening in India. We really need to be prepared with enough beds, medical supplies and human resource in all our health centres.

Madam Minister of Health, come out and give a statement on the cause of the strike by the nurses. Why is Government silent? Why is it when we need something from people, we are not silent but when they are demanding from us, we are silent. It is embarrassing. Why do you allow the nurses to strike in the same week that the President is swearing in?

If we have ministers who are in the system and they support the Opposition, they should let us know. I know soon, we will have a reshuffle of the Cabinet and we shall get good people from amongst the Members of Parliament who went through to put them in the Cabinet *– (Interruption)*

**MR JOHNSON MUYANJA:** Thank you, my brother, for giving way. The information I want to give my brother, so that he does not waste a lot of energy, is that I know the Government had a meeting today with those nurses and they have agreed on the package for lunch. So, that one is resolved as of today.

Our humble request is that they continue – they do not have to wait for a strike. However, the nurses are now back to duty.

**MR MACHO:** *Asante.* My colleague is saying that Government has given a statement but at the same time, you are encouraging nurses to continue with the strike so that Government can speak more through action.

The European Union has come out with COVID-19 travel certificates. Our people who are traveling to Kenya are being disturbed because our COVID-19 vaccine certificates cannot be differentiated from the ones made on Nasser Road. Does Uganda have a plan to produce uniform COVID-19 travel certificates with those in our region or the Sub-Saharan region? When you compare our certificates with the ones of Rwanda, Kenya and Tanzania, you would think ours are exercise books which we picked from a shop and wrote in. Let us do things officially before we get this money. The fact is that we need accountability to stop the public outcry about the items we donated in regard to COVID-19.

Lastly, we need a statement from Government concerning Sofia Market. I have pledged - good enough when we pledge in Busia, it becomes a reality – that come August, if there is nothing done, I am going to lead my people in restoring the market in that place where it was. I rest my case.

6.33

**mr Patrick NSAMBA (NRM, Kassanda County North, Kassanda):** Madam Speaker, I stand to say “no” to this loan. These are my reasons:

We have provided money in the national budget for COVID-19 tests to do case management. Recently, we passed a supplementary budget of Shs 50 billion to support the ministry in doing case management for COVID-19.

I would be happy if the minister came and probably tried to convince us that the money is going to promote testing for the rest of the country. Tests are not done centrally but they continue to do them here at the centre.

Madam Speaker, remember that recently, we passed a supplementary budget to buy ambulances for the districts. One of the critical maternal health requirements is a good district referral system or health centre IV referral system. The Members here asked the ministry to kindly go and purchase ambulances. The minister cannot come to tell you that they purchased them. That is not important to them but getting money for consumptive purposes is.

Let the minister come and convince this House that they bought the ambulances or that they are going to buy them. If we want to support women in rural areas or maternal health, we should stop approving such kinds of loans, which are majorly focusing on consumption. They want to register birth certificates or do simple things yet at Kassanda Health Centre IV if today somebody needs a referral to Mityana, there is no ambulance. The minister would be here asking us to borrow money to buy ambulances so that they can support the women.

There is quite a lot of infrastructure that is required at health centres IV that can support the women and maternal health. Kassanda Health Centre IV has only one doctor stationed there. I would be happy if the minister came here to support maternal health by recruiting more midwives and doctors to attend to these women in rural areas. That would make me happier, than coming here to ask for more money for COVID-19 tests and case management yet there is no scientific proof that COVID-19 - maybe the minister can inform this House - increased maternal mortality in the country.

We want to support maternal health. However, we should support the right cause but not every cause that they wrap up under maternal health. Thank you.

**The Speaker:** Maybe when the minister comes to respond, I would like to also get clarification on the issue of marine ambulances. This is because one of the conditions we put last time when we were approving the money was that we should procure ambulances for the mainland and also for the islands. I had been invited on 8 April to commission the water ambulances but suddenly, I was told that they were not ready. Since then, there is silence. I do not know whether they are actually there or not. I hope you can respond when you answer.

6.39

**Mr silas aogon (Independent, Kumi Municipality, Kumi):** Thank you, Madam Speaker. I would like to thank my colleague, hon. Nsamba, and the ministers who are here. The honourable Dr Chris Baryomunsi is very quiet this afternoon. I do not know why he is quiet yet we are talking about very important loans. Anyway, you will speak - he has a lot to say.

I am concerned; this loan is good but I want to bring to your attention some matters. We are getting a loan under the pretext that we are going to use it for maternal mortality issues. I have kept on talking about Kumi Health Centre IV, which has a theatre in terms of walls, windows and the roof constructed but without equipment. It has not been operational for the last 10 years but we have the so-called Government. That drives me to think about one thing - where is the equality and equity in terms of the criteria used to determine the beneficiaries of these loans?

Madam Speaker, I think you need to institute a select committee to study the supplementary budgets for the last five years and we see who took what. It seems some people are relegated to paying for loans whereas others are just consuming them; I feel disturbed.

When you peruse the budget – I am trying to read through the one, which was brought the other day - you will see that in some areas, where there is a commissioner in a certain village, the budget follows the commissioner; where there is a permanent secretary in that village, there is a budget for the road; where there is a chairperson for something, you find something for the chairperson. Is that the way we are going to work?

Madam Speaker, I would request that you institute a select committee to look into issues of equality, equity and balance. Why is it that some people get attended to – You find a facility getting Shs 2.5 billion but Kumi Municipality suffers with a health centre IV that does not have a theatre. I do not think that even with this loan, you are going to attend to my matters. You are relegating us to being onlookers and I do not know what we are going to do. We are very disturbed but God is about to listen to our tears.

I, therefore, reject this loan request. Even God in heaven knows the reason I am not happy. I do not support it. I know, of course, they will pass it this evening. Madam Speaker, I request that you put the question because I know that they will pass it but I will not benefit in terms of having Kumi Health Centre IV supported. Just put the question. *(Laughter)*

6.42

**Mr Johnson ssenyonga (NRM, Mukono County South, Mukono):** Thank you, Madam Speaker. You talked about our water ambulances. Earlier on, I contacted the minister to find out about the ambulances because when we passed those funds, it was not a loan but a supplementary. We were told that the money was collected or donated during the COVID-19 response. Therefore, I thought the ambulances would have been here already.

Madam Speaker, from this Parliament, over 370 Members are not coming back. So, we are in a situation where you labour but you cannot enjoy the sweat of your deliberations here because of unnecessary delays. Can the minister tell us when we are going to get our ambulances which we budgeted for here?

Secondly, I know we got some CT scan machines but those are not enough. You promoted many health centres III to health centres IV. When you go to the islands – I do not know whether the health minister has ever visited Koome Health Centre IV. Those are some of the isolated areas which should benefit from this because people do not use protective measures there – condoms or pills. Therefore, at every stage, we are getting many pregnant women and delivery becomes a problem.

Honourable minister, when we get such a loan, you should be mindful of such hard-to-reach areas so that our people benefit. Otherwise, I support the loan request but let me hope the concerns have been noted. I thank you.

6.45

**MS JOVAH KAMATEEKA (NRM, Woman Representative, Mitooma):** Thank you, Madam Speaker. The honourable member said, “This one cannot fail to support issues of women.” Yes, I have to support*.*

I would like to thank the chairperson for the report. Anything to do with women or reduction of maternal and child mortality is music to our ears. We have supported very many loan requests here but this one, for the fact that it aims at improving the health conditions of women and reducing the rate of our women dying in child labour, is very important.

A lot goes into these high rates of mother and child mortality. We need to go out and sensitise our women. Before you get pregnant, what must you take into consideration? Do not just get pregnant. We need to generally sensitise our masses, both men and women, to plan for these pregnancies because they sometimes fail to meet these conditions. They go into hospital and they are asked for a few items and they cannot bring them. We need to sensitise our people to have planned pregnancies that they can adequately look after.

There are very many women that have died because they were asked for a bribe. They are asked for Shs 50,000; yes, they should have the Shs 50,000 but why are they asked for this money? We have seen very many cases of women who are sent away from hospitals and they die on the way or in the compound of the hospital. They are not attended to because they are not able to raise a bribe.

There is also the issue of the necessary supplies. We used to give the mama kits but they are no longer available and women are sent away for failure to provide gloves and a polythene sheet. I think we need to be more serious in looking at the condition of our hospitals.

A colleague has mentioned the condition of health centres III and IV and the fact that there are no CT scanners. If a woman has the slightest complication, they lose their lives because the doctor would not have been able to ascertain what the problem was.

There is also the issue of nurses. When we mobilised for a pay raise for doctors, we clearly pointed out that the doctors do not work alone. By the time a patient goes to see the doctor, they would have already met the nurse who would have already received them and cooled their mood by listening to their medical records. The nurse does so much work. A lot of times, these doctors are at their private practice as the nurses take care of these patients.

We were promised that the nurses would receive their raise commensurate to the work they do and the one they had given the doctors. It cannot be the same but the nurses were supposed to be considered. They stay on their feet from morning to evening for more than 12 hours.

Madam Speaker, we need to consider this. If we had considered them, we would not be here, where they have to lay down their tools. I do support the loan request but we also need to look at the very many conditions that give rise to these high rates of child and maternal mortality. Thank you.

6.50

**THE MINISTER OF STATE FOR LANDS, HOUSING AND URBAN DEVELOPMENT (HOUSING) (Dr Chris Baryomunsi):** Thank you very much, Madam Speaker. I thank the committee for the report.

This loan request is about two areas: the COVID-19 response and emergency preparedness as well as maternal and child health services. I think it would be a disservice to the people of Uganda if this Parliament said “no” to this kind of loan, which is going to finance very critical areas of our population.

The questions being raised by the honourable members on accountability are legitimate and genuine. Through the various ministries and departments, the Government should definitely account for these resources, like the COVID-19 resources. The Government must account for them.

That said, the answer is not to stop this loan. The answer is for our committees to, first of all, do their work because each sector in Government is supervised by a committee of Parliament. The committees should also do their work to ensure that the money we pass does the right thing and reports come here. The Government is prepared to account for every coin that is appropriated and passed by this Parliament.

There is need for us to put money in the fight against COVID-19. It may appear deceptive when we see figures of COVID-19 infections coming down but all of us know that the terrain is changing. There are new variants and the virus is undergoing mutation. You have seen many countries suffering from new waves and we must definitely remain prepared and alert to see that we do not see the situation worsening in Uganda. Therefore, it will be unfair for any Member to say that we should not support a COVID-19 response. We may get into a worse situation than what we have.

There is the issue of maternal health. This Parliament, under your leadership, Madam Speaker, has been very consistent in supporting the cause of maternal and child health. It is not true that the Government and health officials do not know what to do to bring down maternal mortality and maternal morbidity. The evidence we have on table indicates that maternal mortality, for instance, has been declining over time.

I can say about 40 years ago, our maternal mortality ratio was around 700 deaths per 100,000 live births; that is how we measure it. Overtime, it declined from 700 to 506 to 505 to 435. It then rose a bit to 438 because there was a change in methodology of calculating it. Now, we estimate it at 336. So, from 700 to 336 is phenomenal. It is still very high, but it has been declining. Therefore, we need to put in more resources to bring maternal mortality lower. Even other areas like infant mortality and under-five mortality have significantly dropped because of the interventions, which have been supported by the Government and this Parliament.

I, therefore, want to urge the honourable members that we should support this loan request because it addresses critical areas, which affect our population. The COVID-19 pandemic, maternal and child health are very dear to our people; therefore, Parliament should appear sensitive to the concerns of the population.

However, we should continue to ask the right questions to the Government and all those who should account. Whatever money we pass should be accounted for and translated into improvement of the quality of life of Ugandans.

I support the loan and I want to urge the honourable members to support this loan request because it is one of the most interesting and useful requests that we can pass to support our Ugandans, especially women and children. Thank you, Madam Speaker.

6.55

**MR ROBERT KASULE (NRM, Nansana Municipality, Wakiso)**: Thank you, Madam Speaker. I support the loan request because first, we have constrained domestic revenue. As much as we would have wanted to borrow less, we are in a catch-22 situation.

The only caution I would like to give to the Ministry of Health is that COVID-19 is going to be perennial. Every year, people shall come here to borrow money for COVID-19. Coronavirus is not going away very soon. When people are told to be vaccinated, some give all sorts of reasons about evidence of clots and whatever, yet no one who was vaccinated in Parliament has died so far.

I would advise the Ministry of Health to have a compendium of loans that we are going to get as far as health is concerned. Even next year, if the World Bank lends you money to solve problems of COVID-19, that should tell you the projection - where we are going. Therefore, as a sector, you should have your own way of monitoring these loans as they come and accounting for the first monies that have been used. It would be detrimental for us to read headlines about money lost that was meant for COVID-19, yet we are borrowing for COVID-19. Therefore, it is high time you have a grip on what is happening.

Lastly, Madam Speaker, we should be spending less time on these loan requests. This is because as we pass budgets, we have a big portion already aligned for loans or for other sources of money. Among these, I believe, is money that is going to be used in the next financial year’s budget, which has already been passed. Therefore, we should empower the system or the Executive. When we say 40 per cent is going to be money sourced from outside, this is the money we are talking about.

Secondly, ministers should also come here and give their side of the story. We are procuring loans for their sectors - I am happy the Minister of Health is here but some sectors do not even appear here. The chairpersons of committees struggle alone to convince Parliament, yet the sector that consumes the funds does not care. (*Interruption*)

**MR MACHO**: Madam Speaker, I would like to thank the Chairperson of the Committee on Trade, Industry and Cooperatives because he is a wise man.

I would like to inform the august House that many times, important loan requests like this are passed without the sector senior ministers present, so they end up not being implemented very well. In fact, such a loan request should have been submitted on the Floor of Parliament in the presence of the chairperson of the COVID-19 taskforce. We have three prime ministers who are in charge of that, but none is here.

Honourable minister, since we are supporting the loan request, I have a request for Busia as a border. Trailer drivers take five to ten days waiting for COVID-19 results to come from Kampala. Therefore, in this COVID-19 emergency response fund, I request that you buy a COVID-19 testing machine - I do not know its name because I am not a medic; I am an educationist. Kindly, buy the testing machine for the Busia border - the quicker the testing, the more money Uganda gets – other than spending money every day bringing samples to Entebbe or Kampala. This loan would help a lot if you bought that machine and put it at the border. Thank you.

**MR KASULE**: Madam Speaker, I have already got my first dose of the COVID-19 vaccine. However, when I was attending a certain function, they asked me, “where is your test result?” Imagine I have already been vaccinated but I am being asked to bring the results for a COVID-19 test.

I do not know at what stage those who are vaccinated shall not be required to take fresh tests whenever attending big functions or even Parliament. I need the minister to tell us, if we took our second vaccination, shall we be required to have tests or move with our cards?

I also support him and think that the cards should be authenticated. I went flying with this card everywhere, but people were saying this is not anything to share. Thank you, Madam Speaker. We should encourage our people to go for vaccination.

7.01

**THE LEADER OF THE OPPOSITION (Ms Betty Aol):** Thank you, Madam Speaker. One thing I must say about the infant and maternal mortality rate is that it is still high. We have a women’s hospital near Mulago in Kampala, which is clean and has many facilities, but the issue is accessibility for the women. Can women access this facility very easily? We want effectiveness.

While we are happy that more facilities and services are coming to our people, we should look at effectiveness. We should not just concentrate here in the centre. People are dying out there left and right; women are not able to get the necessary maternal health services.

Whether I say that I support the loan request or not, I know that it is going to be passed. However, as we pass it, we should put all our efforts into the utilisation. When we talk about the COVID-19 pandemic, we are not sure when it will get out of our way. Therefore, we cannot close our eyes, but we must consider the entire country and not just a small portion of it.

We should not only talk about the VIPs; we need to cater more for our ordinary persons, because they are the people who pay more tax and their population is very high. They must, therefore, be protected. This is my concern when we talk about COVID-19.

If you go to the northern part of Uganda, and Gulu in particular – sometimes, we just focus on the regional referral hospitals, where there are even no facilities. At times, I want to shed tears when I go to the regional referral hospitals. If you go to St Mary’s Hospital Lacor, it is much better. You would think that Lacor is a *– (Member timed out.)*

**THE SPEAKER:** Please conclude.

**MS BETTY AOL:** We need to make our regional referral hospitals and health centres IV better, so that we serve our people better. We will be very proud and not to always focus on Members of Parliament to give money to people. Even for x-ray services, it is the Members of Parliament that give money.

I do not know where we are going, yet we are securing loans day after day. Therefore, these loans must serve our people. Minister of Health, we need you to put your feet on the ground better to serve the people of Uganda, especially women and children. We do not want them to die when this death can be preventable. I thank you.

7.05

**THE MINISTER OF STATE FOR HEATH (PRIMARY HEALTHCARE) (Dr Joyce Moriku):** Thank you very much, Madam Speaker. I would like to thank colleagues for their contribution and especially for the support you have given for this loan.

Before responding to the issues presented before me, Madam Speaker, allow me to bring good news to this Floor concerning the nurses and midwives strike. This afternoon, at 3.30 p.m., I was at the Uganda Media Centre, together with the leadership of the union and the chairperson of the Nation Organisation of Trade Unions (NOTU) with all the nurses’ leadership. We called off the strike. This is the good news I have brought on this Floor.

This followed a series of meetings between the Prime Minister, the Minister of Finance, Planning and Economic Development, the Minister of Health and the Minister of Public Service. For the beginning, Government has committed Shs 44.9 billion for the nurses from this financial year and the nurses have agreed to that. This is going to come from the current budget that we have approved. The nurses are going to get Shs 10,000 per day for the 22 days. This is going to really improve on their welfare. They, too, have accepted and the strike has been called off. That is the good news.

Madam Speaker, responding to the issues that have been raised by colleagues as far as this loan is concerned, I would like to begin by thanking the Leader of the Opposition and Members of Parliament for providing for CT scanners for all the regional referral hospitals under your able leadership. That is a big boost for our regional hospitals. I would like to thank the chairperson of the Budget Committee and Members of Parliament for providing for CT scanners for all the regional referral hospitals using our own money.

A number of issues need to be clarified, which I need to bring forward. One, concerning the Busia land, that land was a donation from the district authority, so that we are able to construct staff houses at the border entry point. Indeed, discussions are still ongoing and I believe that land will be put to proper use.

On the issue of ambulances, it is true my ministry bought 33 ambulances from the money that was appropriated on this Floor. These are ambulances which have basic life support. We bought two type C ambulances which have got Intensive Care Units (ICUs), and three water ambulances which, Madam Speaker, ably launched. We are grateful for that support. One ambulance will be put on Lake Kyoga and two will go on Lake Victoria. We expect 11 more water ambulances to be bought under the GAVI fund. The distribution list has been provided by the chairperson.

Concerning the issue of medicines for the islands, it is true there are challenges, but –

**THE SPEAKER:** Members, why don’t you allow the minister to answer first? You will ask her later. Allow her to finish first.

**DR MORIKU:** Medicines and supplies for the islands are under National Medical Stores. However, given the challenges on the islands, I will take that up, Madam Speaker, as you have rightly observed. We will try to see how best we can improve on the supply to the islands.

There was an issue that was raised about Kassanda Health Centre IV, that there are no doctors. In the budget that we approve on this Floor, there is provision for two doctors for health centres IV and the district health service is supposed to recruit these doctors. Given the challenge here, we will probably take this up with the district health service on why they have not recruited the doctors yet there is a provision for two doctors per health centre IV.

There was an issue concerning donations that we received during the COVID-19 pandemic. Indeed, it is true we received cash donations. These donations have been budgeted for purchasing double cabin pick-ups for the districts. Part of the money is to be used to construct blood banks - one in Soroti and one in Arua. Also, part of the money is to be used for construction at the border port point entry. These funds are still to be approved on this Floor, because all public money needs to be accounted for and has to be appropriated in Parliament.

There was an issue about Kumi Health Centre IV. I was informed that the equipment for Kumi Health Centre IV will be provided in October this year under the URMCHIP project.

Madam Speaker, on the issue of testing at Busia and other border points, it is true we started with the Uganda Virus Research Institute, Entebbe but overtime, we accredited and validated quite a number of testing facilities. Right now, we are rolling out rapid antigen testing, which does not need samples to be taken up to Kampala. You can just do it within that specific point. Once this becomes available for the entire country, we should be able to implement it even right there at Busia.

We will indeed need to look at the issue of vaccination certificates. What has been given is for emergency. Certainly, the certificate needs the shield; eventually, that will be looked at critically.

I think those are most of the issues that have been raised. We are not concentrating at the centre; our interventions cut across the country.

As I conclude, I want to thank your leadership, Madam Speaker, that saw us approve the maternal, new-born, child and adolescent loan. The money has been used to upgrade health centres II to III so that we have comprehensive maternal care at health centres III. The loan funds have also helped to equip most of our facilities - most of the improvements that we see including results-based financing and many other health related activities at the health centres III. So, I am very appreciative.

Lastly, I have taken note of all the recommendations from colleagues, especially about the public outcry on accountability, sensitivity on unrealistic accountability. We also have the technical people behind there and I am happy they are listening to this outcry, which is very sensitive. I pledge that we will follow that up and account for all public funds in order to continue to deliver services effectively. Thank you.

**MR PATRICK NSAMBA:** Thank you, Madam Speaker. When we passed the money for the ambulances, we passed Shs 34 billion. She has just indicated to us that they bought 33 ambulances. I want clarification whether you rated every ambulance at Shs 1 billion, because out of Shs 34 billion you were able to buy only 33 of them. Thank you.

**MR JOHNSON SSENYONGA**: Thank you, Madam Speaker. The minister talked about buying pickup vehicles; why pickups? Even in the past, women and many people who got accidents were put on pickup cars which we condemned here. Just buying a very good ambulance from Dubai and bringing it here, including taxes, costs only Shs 80 million. Why do you go for pickup cars very expensively – moreover “hard body”?

Our humble request is that you stick to our suggestion that we deal with other types of vehicles, not pickups. After all, even when the staff from any health centre are moving, other cars can take over six of them seated comfortably but pickup cars are used just to carry charcoal; they are misused.

**MR AOGON:** Thank you, Madam Speaker. The issue of money for COVID-19 - No wonder, Government drags it feet in utilising the loans that we approve here. How on earth can you take one full year to take a decision on utilisation of money given to you as cash! It was not a loan that we are processing from China but money given by donors here. How can you take a full year? From 2020, we are currently in May 2021 and you are yet to decide on how to spend the money and when to spend it. Now we are getting to hear it is for blood and something; what is the problem?

I do not know whether our Government has a list of all the health centres III and II - those that are still in the bush not developed and not completed. What are the criteria that you used? In my constituency, I have nearly three which are incomplete but you said that you have upgraded them. Who are these people who are benefiting when others are not? I feel like crying.

**DR MORIKU:** Thank you, Madam Speaker. On upgrading health centres II to health centres III indeed, the loan that has been approved under your leadership cannot upgrade all of them at once. We are doing it in a phased manner.

Most importantly, however, it is the district leadership to identify which health centre needs to be upgraded, depending on the need on the ground; it might be the terrain within the region, population and many other factors. The ministry does not identify specific health centres but the districts in their district councils pass a resolution and pass that on to the ministry. That is what has been happening.

We are, however, very optimistic that we shall upgrade all the health centres once resources are available. So far, we have done well and we hope to do more as we go ahead.

Concerning the pickups, when COVID-19 started, His Excellency the President made a call to the public to make donations and he was very specific in his call. He called for donation of funds which will be used to purchase pickups. At that time, there was need for a lot of pickups because we needed to do surveillance, case detection, follow-up and many other interventions related to COVID-19.

Under normal circumstances, everybody would wish to buy an ambulance because that is more related to the patient comfort. However, given the dynamics of COVID-19 and what it involves - not only health but other interventions - the President made a specific call; the funds are to be used to purchase double cabin pickups.

Madam Speaker, you made a recommendation in this House for the ministry to buy ambulances. The minister wrote to you. The people who donated that money are aware that their money was going to buy double cabin pickups for the districts. We are requesting that let it be according to their wish and the call at that time. Thank you.

I am told that each marine ambulance was bought at Shs 450 million while the road ambulances, which are 35, cost Shs 270 million each. We have purchased three marine ambulances and 35 other ambulances; 32 are type B, which have just basic life support facilities, while the two type C have got ICUs. Those 33 and the 2 make 35 ambulances. That is the information I have. However, the ministry is ready and willing to provide more detailed information to this House as and when they request for it.

Finally, given the second wave of COVID-19, which is threatening lives in many countries like India and others, I thank this august House for supporting this loan request and I pledge our preparedness. Given the fact that some of this money is going to set up our infrastructure at ICU level, we pledge once again to get prepared, so that we are able to look after our people well. Thank you.

**THE SPEAKER:** Thank you very much, honourable minister. My final word is to do with the Parish Development Model. I am really happy that Government has agreed to look at the parish as the best service delivery point and it brings me to the point of the health centres II. There are many subcounties that do not have health centres II and people are very far from the health centres III. I want you to review that situation and take services to the people at the health centres II, which you have decided to scrap on your own. Thank you.

Honourable members, I put the question that the question be put.

*(Question put and agreed to.)*

**THE SPEAKER:** I now put the question that this House do approve the proposal by Government to borrow SDR 9.2 million for the COVID-19 Response and Emergency Preparedness Project and SDR 10.7 million for the Uganda Reproductive, Maternal and Health Services Improvement Project from the IDA of the World Bank.

*(Question put and agreed to.)*

**THE SPEAKER:** Honourable members, I crave your indulgence to just listen to one small report from the Attorney-General. There is something we asked him to respond to, which will take probably take two minutes, on the leadership of the statutory bodies.

RESPONSE BY THE ATTORNEY-GENERAL TO A QUESTION RAISED BY HON. ABDULATIF SEBAGGALA ON THE VARIOUS GOVERNMENT ENTITIES THAT ARE CURRENTLY OPERATING WITHOUT SUBSTANTIVE HEADS, TO THE DETRIMENT OF THEIR EFFICIENCY AND EFFECTIVENESS, CITING THE UGANDA HUMAN RIGHTS COMMISSION, THE INSPECTORATE OF GOVERNMENT AND THE EQUAL OPPORTUNITIES COMMISSION

7.24

**THE DEPUTY ATTORNEY-GENERAL (Mr Jackson Kafuuzi):** Thank you very much, Madam Speaker. This statement is made in response to a question raised by hon. Abdulatif Sebaggala on Government entities that are currently operating without substantive heads, to the detriment of their efficiency and effectiveness.

Uganda Human Rights Commission

The Uganda Human Rights Commission is established under Article 51 of the Constitution. The Commission is appointed by the President with the approval of Parliament. The Uganda Human Rights Commission is composed of a chairperson and not less than three other persons appointed by the President on the approval of Parliament.

Madam Speaker, the position of the Chairperson of the Uganda Human Rights Commission fell vacant in November 2019 following the untimely death of hon. Medi Kaggwa. Additionally, two positions of commissioners fell vacant following the resignation of one member in 2016 to join Parliament and the expiry of the term of another in 2018. The tenure of the chairperson and commissioners is six years and they are eligible for reappointment.

On the 5th day of June 2020 and subsequently on the 7th day of December 2020, the honourable Minister of Justice and Constitutional Affairs wrote to His Excellency the President recommending the appointment of the chairperson and two members of the Uganda Human Rights Commission. We await the appointment of the chairperson and the two members of the Uganda Human Rights Commission by the President.

The Equal Opportunities Commission

Madam Speaker, Article 32 of the Constitution provides for affirmative action –

**THE SPEAKER:** That one has been handled. The Equal Opportunities Commission has been handled. Go to the Inspector General of Government (IGG).

**MR KAFUUZI:** Madam Speaker, my response was in respect of the two.

**THE SPEAKER:** Not the Inspector General of Government’s office?

**MR KAFUUZI:** No.I beg to submit. Thank you.

**THE SPEAKER:** Okay. Attorney-General, I think you may have to amend your statement because another of the commissioners actually resigned to join the incoming Parliament. There is another commissioner who has joined Parliament. So, there are more vacancies now.

**MR KAFUUZI:** That is very true. Apparently, Commissioner Rusoke contested for Member of Parliament and went through successfully. So, there is a third vacancy, which I believe we require to bring to the attention of the President.

**THE SPEAKER:** I was hoping that you are going to tell us that you have put energy in the issue – since June 2020. You know, we are coming to another year.

7.27

**MR SILAS AOGON (Independent, Kumi Municipality, Kumi):** Madam Speaker, I think I am happy. Hon. Sebaggala is not here but I know that he would have straight away asked a supplementary question.

My issue is that Government is taking long to act. I am aware that even in the Judiciary, there is a gap. I think you have not captured it because you are responding to the one that they asked. We need to quickly act, so that we really give service to our people. I do not know why we take so long. I think the President is not notified about these vacancies in time. I do not think he can take so long to do work when it is placed before him.

When are we going to do this? We needed a comprehensive analysis to find out which commission is not fully constituted, which one has a gap and probably do a single submission, so that the President acts. This should have been done before swearing in; otherwise, how do we now start?

**THE SPEAKER:** Attorney-General, the Inspectorate of Government is now almost incapacitated. There is one inspector – just one inspector.

7.29

**MS CECILIA OGWAL (FDC, Woman Representative, Dokolo):** Thank you, Madam Speaker. When we talk about these Government agencies, I think it is also important that Parliament interests itself in their regional composition.

I am aware that the Judicial Service Commission should also be looked at because the composition is such that there are some regions that are not represented there. Now, if any appointment is to be done through the Commission, some regions may think they are being side-lined because the membership is not fairly constituted.

Madam Speaker, I think it is important that Parliament also interests itself in the way these commissions are composed, so that we are sure that all the regions are taken care of. Of course, it cannot be all the tribes, but all the regions must be fairly accommodated in those agencies - of course, based on qualifications. Thank you.

**MR KAFUUZI:** Madam Speaker, I must admit that this statement was written some months ago because the question has been on the Order Paper for some time. However, we have since updated the President and brought the fact of Rusoke’s absence from the Commission to his attention.

*Mego Ladit* Mama Cecilia has talked about the IGG and the Judiciary. The President is aware of the IGG. For the Judiciary, we are currently conducting interviews, but we conduct interviews for the positions that have been declared vacant.

Remember, we passed a resolution as Parliament as to how many judges we need to appoint yearly. We had been constrained by finances. I remember clearly around 2017, we passed a law on creating new magisterial areas. About 50 other magistrate courts are supposed to be opened, meaning that we are supposed to have 50 other vacancies, but we are currently advertising for five, which were declared. The Court of Appeal declared two vacancies and the High Court declared four vacancies. It is because we are constrained by the resource envelope.

We have been assured that following the passing of the Administration of Judiciary Act, much more money will be coming into the sector and we shall be able to advertise and have more positions filled in order to deal with the backlog. Because the backlog is affecting the economy, we need more judicial officers. I beg to submit.

**THE SPEAKER:** Thank you, Attorney-General. Honourable members, I thank you for the work done today. House is adjourned to tomorrow at 10 o’clock.

*(The House rose at 7.32 p.m. and adjourned until Tuesday, 11 May 2021 at 10.00 a.m.)*