

PARLIAMENT OF UGANDA

**Wednesday, 5 May 2021**

*Parliament met at 10.53 a.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 have one issue of communication; just to say that today and onwards, we shall have very few contributions, taking into account the time we have.

So, if we have only five contributions on a matter, please do not complain. It is because we are running out of time. Let us go to item 3.

MINISTERIAL STATEMENT ON THE LAYING OF THE HOST GOVERNMENT AGREEMENT, TARIFF AND TRANSPORTATION AGREEMENT AND THE SHAREHOLDERS AGREEMENT FOR THE EAST AFRICAN CRUDE OIL PIPELINE

10.55

**THE MINISTER OF ENERGY AND MINERAL DEVELOPMENT (Ms Mary Goretti Kitutu):** Madam Speaker, the purpose of this statement is to-

1. present the key terms agreed in the agreements for the East African Crude Oil Pipeline (EACOP);
2. lay three agreements before the House namely, the Host Government Agreement, the Tariff and Transportation Agreement, and Shareholders Agreement for the EACOP.

Madam Speaker, you will recall that I presented a statement to the House on 14 April 2021, on the key agreements that were signed on 11 April 2021 at a ceremony that was graced by the two heads of state: His Excellency, President Yoweri Kaguta Museveni and Her Excellency, Samia Suluhu Hassan, the President of the United Republic of Tanzania.

In the statement, I detailed the significance of the agreements in unlocking the award for engineering, procurement and construction contracts for the project, which present significant opportunities for Ugandans and Ugandan companies to provide goods and services for the construction of the EACOP.

The agreements signed are aimed at facilitating the development of the East African Crude Oil Pipeline. It is estimated that about $15 billion will be invested in the sector within four years. This investment is expected to have significant direct, indirect and induced benefits on all sectors of the economy.

In February 2014, Government and the international oil companies entered into a memorandum of understanding, regarding the commercialisation of the discovered oil and gas resources. The commercialisation options agreed in the said MOU, included export of crude oil and refining.

Madam Speaker, you will recall that in 2017, the Republic of Uganda and the United Republic of Tanzania entered into an inter-governmental agreement to facilitate the development of the EACOP project.

This was subsequently followed by the negotiation of the host government agreements for the EACOP between the oil companies and the governments of Uganda and Tanzania in February 2018.

As mentioned earlier, the negotiation of the Uganda Host Government Agreement was concluded on 8 September 2020 and subsequently initialed by Government and Total East Africa Midstream B.V. on behalf of the project developers.

The Host Government Agreement was finally signed on 11 April 2021, following harmonisation with the Government of Tanzania on some fiscal terms.

One of the key issues agreed with the project developers in the Host Government Agreement is the need for the state to ensure that there is an enabling legislation, to facilitate the implementation of the EACOP project in Uganda.

This will be achieved by making amendments to some existing laws, as well as adding to the existing legislation, to ensure the creation of a legal framework that will foster an environment for the lawful implementation of the EACOP project.

The understanding to put in place the enabling legislation for the project was made by Uganda and Tanzania in the inter-governmental agreement and reaffirmed in the Host Government Agreements for the two states.

The drafting process of the Bill has been concluded and it will soon be considered by Cabinet and consequently tabled for debate in this House.

I wish to recognise the different ministries, departments and agencies that supported my ministry during the negotiations of the project agreements, namely:

1. Ministry of Justice and Constitutional Affairs;
2. Ministry of Finance, Planning and Economic Development;
3. Ministry of Internal Affairs;
4. Ministry of Foreign Affairs;
5. Ministry of Lands, Housing and Urban Development;
6. Bank of Uganda;
7. Petroleum Authority of Uganda;
8. National Environment Management Authority;
9. Insurance Regulatory Authority;
10. Uganda Revenue Authority and;
11. Uganda National Oil Company.

Key terms in the agreements

The Host Government Agreement

The purpose of this agreement is to provide a legal framework and contractual obligations between Uganda as the host country and EACOP company as the project company.

The key aspects covered in the agreement include, but are not limited to:

1. Commitment of each party to ensure the implementation of the project within the agreed timelines.
2. The tariff for the crude oil transported through the pipeline of $12.77 per barrel, to be paid by the shippers. (Those are the owners of the crude oil and this includes Uganda.)
3. Protection of investments, including provisions concerning expropriation and nationalisation.
4. Granting of land rights and necessary consents, permits and authorisations.
5. Freedom of transit and free movement of project personnel and goods associated with project activities.
6. Government's role in providing for the safety and security of the project.
7. Third party access to the pipeline.
8. National content to ensure employment of Ugandans and supply of goods and services by Ugandans.
9. Applicable Environmental, Health and Safety (EHS) standards, and
10. Co-operation to ensure facilitation of financing of the project.

I wish to lay on the Table, before the House, a copy of the Host Government Agreement for the EACOP project. I beg to lay.

The second agreement is the Tariff and Transportation Agreement (TTA).

The EACOP company and the owners of the crude oil shippers, including the Uganda National Oil Company, which is a nominee of the Government of Uganda, entered into a Tariff and Transportation Agreement.

The TTA defines the framework under which oil will be transported including the rights and responsibilities of the shippers and the transporter, who is the EACOP company.

The key aspects covered by this agreement include but are not limited to:

1. Responsibility for facilities details the obligations of the transporter to construct, install, test, commission and operate the EACOP system and also the obligations of the crude oil owners to ensure construction and operation of upstream facilities.
2. Tariff payment details the obligation by the crude oil owners  to pay the agreed tariff and also the mechanism for invoicing and payment.
3. Crude oil measurements, tests and analysis.
4. Delivery and offtake rights and obligations.
5. Quality and off specification crude oil: specifies the specifications expected at the entry of the pipeline and how to treat off-spec crude oil.
6. Sanctions: stipulates treatment of parties or any party that faces international sanctions that could hinder the operations of the project; and
7. Compensation for crude oil lost during transportation. It was agreed that in the event of loss of crude oil in the EACOP system beyond the allowable system operational losses, the transporter, EACOP company, shall compensate the Government of Uganda.

I wish to lay on Table a copy of the Tariff and Transportation Agreement for the EACOP project. I beg to lay.

The Shareholders Agreement (SHA)

This agreement was signed between the EACOP company and the shareholders who are:

1. The National Pipeline Company Uganda Limited (wholly owned subsidiary of UNOC). So, this is our company within the UNOC.
2. Tanzania Petroleum Development Corporation (TPDC).
3. Total Holdings International B.V (Total Shareholder), and
4. China National Offshore Oil Company Shareholder (CNOOC).

The Shareholders Agreement describes how the EACOP company shall be operated and defines shareholders' rights and obligations. The Shareholders Agreement covers aspects such as the mechanisms for approval and settlement of the historical costs, transfer to EACOP company of activities arising out of the historical activities, conditions for the Shareholders Agreement completion, governance structure, board matters, senior management and other staff, budgeting, financing arrangements, equity contribution mechanism, events of default and remedies, governing law and dispute resolution, among others.

Rt. Hon Speaker, I wish to inform you that this particular agreement was initialled by the CNOOC Shareholder. Their signature awaits their internal approval process even though in principle they are agreeable to the agreement. CNOOC will also determine their shareholding entity as part of their internal approval process.

The shareholding is as follows:

1. Uganda National Oil Company (Government of Uganda Shareholder) is 15 per cent.
2. Tanzania Petroleum Development Corporation (TPDC) is either equal to or less than 15 per cent.
3. CNOOC Shareholder is eight percent.
4. Total East Africa Midstream B.V is 62 per cent.

I wish to inform you that Government of Tanzania represented by TPDC has a right to reduce its 15 per cent shareholding downwards to a minimum of five per cent within 30 days after signature date of the Shareholders Agreement. If TPDC elects such reduction, then –

1. CNOOC will have the first right to take up any percentage so released; and
2. thereafter, Total will take up any remaining percentage such that the overall shareholding totals to 100 per cent.

The Shareholders Agreement provides for the terms and conditions under which the shareholders will invest in the EACOP company including, but not limited to, the following:

1. The manner in which the equity contributions will be made by the shareholders to ensure successful completion of construction of the EACOP system.
2. The level of participation of each shareholder with UNOC taking a 15 per cent stake through its wholly owned subsidiary, the National Pipeline Company Uganda Limited.
3. A mechanism through which the project development costs (historical costs) borne by the shareholders prior to the incorporation of the EACOP company shall be reimbursed to such shareholders by the company.
4. How the EACOP project will be financed. The agreed projection is a 60 to 40 debt to equity ratio. EACOP company has kicked off the process of sourcing for project financing. It is important to note that prior to draw down on any project financing, the shareholders will be investing the equity proportional to their respective shareholding.
5. A mechanism through which shares may be transferred amongst shareholders and from shareholders to third parties.
6. The governance mechanism for management of the EACOP company's affairs including board and shareholder decisions.
7. Composition, appointment, and removal of the board of directors and senior management of the project company, and
8. Tax treatment of payments due to shareholders from the project company.

I wish to lay on Table a copy of the Shareholders Agreement for the EACOP project. I beg to lay.

As I conclude, Madam Speaker, let me take this opportunity to thank you. I wish to thank the Parliament of Uganda for the support it has extended to my ministry over time that has enabled us to achieve our mandate in all the sub-sectors. My ministry is committed to advance the petroleum sub-sector and we count on your support as we deliver our mandate.

Finally, I would like to inform this august House that the Host Government Agreement (HGA), the Tariff and Transportation Agreement (TTA) and the Shareholders Agreement (SHA) are commercial agreements that have confidentiality clauses to which the Government is bound.

I would, therefore, wish to request you to ensure that Parliament handles these agreements in a manner that preserves their confidentiality so that Government does not breach its obligations under the agreements. I thank you for this opportunity. I beg to move.

**THE SPEAKER:** Thank you, honourable minister, for the update. Maybe I could ask you to lay the agreements on Table. I think this update was for information. Let us use two minutes each to comment.

11.11

**MR MICHAEL TIMUZIGU (NRM, Kajara County, Ntungamo):** Thank you, Madam Speaker. I take this opportunity to thank the minister for presenting a quick report concerning the agreements which all Ugandans would want to have knowledge about.

As a representative of Ugandans from Kajara County, Ntungamo, my biggest concern is about how prepared we are to share with other partners the resources which are going to be invested in the process of building the pipeline.

As we have realised, this pipeline is going to benefit Uganda, Tanzania and the companies, which are going to partner with us in exploration of oil.

However, we have discovered that whatever we are going to get, it is important to get employment; supply of services and goods to the people who are going to be building the company. This is because the engineers and companies, which are going to build the pipeline are not Ugandan.

I would like to know from the minister how prepared we are as Uganda. Fortunately, the Prime Minister is here so we can get better information. How prepared are we as Uganda to benefit as suppliers of goods and services? We know that Kenya is far ahead of us as far as employability is concerned. Research was carried out and it was discovered that Uganda is almost the least employable country as far as labour is concerned.

Secondly, we know that the technology in Kenya is far ahead of ours. How are we preparing our business people to make sure that they benefit from this project, which is going to give us money before we even start exporting oil? Thank you.

11.14

**MR GEOFFREY MACHO (NRM, Busia Municipality, Busia):** Madam Speaker, I would like to thank the minister for her presentation although she has loaded almost all the agreements within a few minutes but we have nothing to do because time is not friendly to us.

These are very important agreements. I would like to thank my party, the National Resistance Movement (NRM), that we are in the history of Uganda for having started and discovered oil. Now, we are going to harvest money for the economic development that we believe will transform our country.

Oil is always called “black gold” but wherever it is, there is either too much peace or no peace. Honourable minister, you have a big role to play because you are in a ministry that Uganda is looking at; the ministry that will make Uganda move into a super income country.

My contribution to these agreements is that first of all, it is a host agreement between Uganda and her people. I need clarification because we have seen many civil society organisations raising complaints that people have not been given their land rights, and rights to participate in areas where the oil pipelines are going to pass.

Therefore, I would like to know from the Government how people who are still in those places and have refused to be evicted will be handled peacefully without abusing their rights.

At the same time, I have not heard anything concerning corporate social responsibility and realities where this oil comes from. Although it is national wealth, I believe those people have nature benefit as people who live in an area where oil was discovered.

In addition, although the minister said there is a confidential clause that we should protect, I believe the issue of national content in areas of provision of raw materials and employment has not been featured clearly in the agreements to the benefit of our people. When it does not come out clearly, we shall end up having Chinese welders. I was with a friend yesterday who told me that as soon as you enter Speke Resort Munyonyo, you will see an Indian working as a watchman because the laws are not so clear.

As I wind up, regarding tariff and transport, I need the minister to give clarity concerning the area of Buy Uganda Build Uganda (BUBU). We are having challenges even now whereby Ugandan transporters are not allowed to take their vehicles to Kenya, but Kenyan heavy vehicles can come to Uganda and carry goods from any part of the country and take to their country.

This is going to be permanent income that I believe should feature openly. The Uganda National Oil Company (UNOC) should put this as a priority that our people are trained to be drivers and companies should be arranged, and tendered out to make sure that they also participate in the delivery of goods within our country.

The Uganda National Oil Company has shares of 15 per cent. I see that these are very few. Much as we are using Tanzanian soil to build our pipeline, the Tanzanian Petroleum Development Corporation (TPDC) cannot have the same shares with us. This oil belongs to us. I believe the negotiators did not negotiate very well.

Although Total and CNOOC are financing it, why do we give Total 52 per cent? I believe that is a very big percentage. This is an agreement, which is not going to last five years. It is permanent. Sometimes, there are challenges in evaluation. Therefore, I believe something should be done in the area of percentage of the oil so that Uganda also gets a big stake.

Lastly, right now we are having a problem with Uganda Aviation Authority. The Bombardier planes that we brought and praised are grounded at Entebbe because there is a problem of management and governance. We need to know whether UNOC will be managed well and who these people are. In fact, Parliament should have a very big stake in the selection of these people –*(Interruption)*

**MR SSEWUNGU:** Thank you, Madam Speaker. The information I would like to give the honourable member is that yesterday in the lead news, the Minister of State for Transport, Hon. Kabatsi wrote to the Executive Director of the national carrier - you call them Bombardiers - and the Executive Director has refused to respond to the minister –*(Interjection)*– the board chairman. This means that the board chairman is above the minister. That is the scenario taking place in the new national carrier.

**MR MACHO:** Wonderful information. Many times, this money for projects is borrowed –*(Member timed out.)–* Just a minute, Madam Speaker.

**THE SPEAKER:** Please conclude.

**MR MACHO:** Thank you, Madam Speaker. When management of this project is not okay, there is no value for money and Ugandans keep paying loans that have not benefitted us.  Ms Wapakhabulo, who was in charge of the Uganda National Oil Company, resigned prematurely when we had just discovered this oil. This means that even before the project sets off, there is a serious management problem. This should come out openly so that we know that this project is in good hands and is being supervised by people so that there will be value for money.

Lastly, although the Chinese company is helping us to get money, it has too many rights. You cannot say that when Total and other companies forfeit their shares, the Chinese company will be given priority. We are mortgaging Uganda to China. My submission is, when that company forfeits, the shares should come back to Uganda National Oil Company so that our shares can increase. Thank you.

11. 22

**MR MICHEAL MAWANDA (Independent, Igara County East, Bushenyi):** Thank you, Madam Speaker. I would like to thank the minister for the statement. However, at an appropriate time, I would like to request that the minister comes back with detailed information on the following and we are given time to discuss this area.

Madam Speaker, oil is a finite resource. If we do not handle it properly, we might end up losing as a country. The areas I would like the minister to come back to us so that we can have time to discuss are:

1. Readiness of Uganda to benefit from this finite resource.
2. Skilling of Ugandans. It is a specialised sector and it needs specialized labour. To what extent has Uganda prepared its citizens to be able to benefit from this?
3. She talked about harmonisation of the laws. It is a long process but how ready are they and how far have they gone in preparing the laws that will prepare Ugandans to benefit from this resource.
4. The local content; have we ring-fenced some of the jobs, activities to be specifically done by Ugandans? When you open up, these people have brought their own money; they will say, “As long as we have brought our own money, we shall not be given conditions of how our money will be spent”.

Madam Speaker, if you can allow the ministry to come back to us so that Parliament is given enough time so that we can in detail discuss these issues. Thank you very much.

**THE SPEAKER:** Okay, honourable members, as we indicated, this is just really for information. I think the bigger debate will come when we deal with the legislation.

**MR JONATHAN ODUR:** Thank you, Madam Speaker. I am rising on a point of procedure. I have heard carefully the minister suggesting that there are some confidential clauses in this agreement and to me it appears as if it means that even Parliament will have to proceed on this matter cautiously.

Madam Speaker, we have had so many bad agreements negotiated by this country and in the end, the blame comes back to Parliament. Recently we had one of Umeme; wouldn’t it be procedurally right that in your wisdom, you appoint a very special committee to look at the issues that members have raised so that in case there is something missing, we can raise it early enough rather than wait later when things have gone bad and then we are blamed? That is the point of procedure I wanted to raise so that we deal with the issues at the beginning.

**THE SPEAKER:** Okay, honourable members, in the past we have had occasion to deal with this issue and I believe there are some position we had taken but I cannot remember them off hand. I will come back and make a ruling on this issue of how to access. Honourable minister, do you have any response as we close?

**MS KITUTU:** Madam Speaker, I will begin with the last one. These confidentiality clauses are not new. When the production sharing agreements were signed they were also laid in Parliament in the same procedure so these processes are already known- it is not really new to us.

Now I must also thank the colleagues who have raised these issues. Yes, it is good to raise and get to know because this is a very important project to us as Ugandans and everybody is expectant to benefit. That is why local content in these agreements has been emphasized and for employment, we have ring- fenced 57 per cent of the jobs for Ugandans.

Therefore, skilling programmes have been going on. We have a dedicated institution at Kigumba for people who can be trained. For welders, we shall need 5,000 welders and I am told as we speak, we have around 2,500 already trained.

Now this nature of industry also needs many electrical engineers and I think last time when you saw me launching a training for electrical engineers, I appealed because we do not have enough so we need more people to come. The Ministry of Education in seven institutions *–(Interruption)*

**MR MACHO**: Madam Speaker, I am happy this morning, the minister is giving me information that we have 2,500 Ugandans who are training as welders in Kigumba. It makes me ask for clarification.  I thought that the oil belongs to all Ugandan and in terms of skilling people who are going to work in this industry it should be done like how we do the national budget so that Uganda is balanced at same time.

I need clarification from the minister on the method they used to select the students who are at Kigumba, training, skilling. There is a rumour in the corridor that these children were picked from one part of the country and they are your children so that other parts of Uganda - how many are from Karamoja or Busia who are in Kigumba?

**THE SPEAKER:** Honourable members, you know we have a lot of work today, please.

**MR SSEWUNGU:** Madam Speaker, the clarification I would like to seek from the minister is; you said you would not fund Total, a company from France. Several leading banks in France that I will not mention have said they will not fund this company in execution of this project or the construction of the pipeline from Uganda to Tanzania. Now, are you concerned or not? If the company is going to do this project but it is not going to be funded from where it comes from, including banks from South Africa, are you concerned that you have to take a keen interest before you sign an agreement?

**MR ONGIERTHO:** Thank you, Madam Speaker. I would like to inform members that Pakwach District being part of the Albertine Region, at least we have students from our place who were given some special consideration and they are undergoing this training.

The only problem is that some of them have been calling us particularly the ones who are in the industrial area belonging to the Chinese. They were calling because they were complaining that the number of months they had been given for the training was reduced.

Secondly, they are supposed to be taken for some internship but that opportunity for internship was as if being taken away. That is the complaint they were making and that is the bit I would like the minister to clarify.

However, in terms of the selections, I can say as part of the Albertine Region, I am proud that at least some students come from there.

**MS KITUTU:** Thank you, Madam Speaker. The last colleague, who has just raised that issue; I will follow it up with the Petroleum Authority of Uganda. It is good you have given us that information because in the agreements, these companies are supposed to skill Ugandans; that is part of what we agreed on as regards that area of oil and gas.

A total of 57 per cent of the jobs have been ring-fenced for Ugandans and we have a national database. For one to work there, they should be certified, and that is what we are doing; to make sure Ugandans have this certification.

As we speak, the Ministry of Education and Sport is carrying out a lot of training to prepare the youth to benefit from this training. I am not aware of a segregated way of selecting people to go for this training but I will be able to find out, honourable colleague.

Otherwise, we have tried to sensitise Ugandans. For the Ugandan companies, 27 per cent of the jobs have been ring-fenced for Ugandans, and registration is on-going at the Petroleum Authority of Uganda. I appeal to colleagues join us in sensitising our people to see that they benefit in this. We are also putting in place what we call the Local Content Fund to benefit the Ugandan companies. Like you know, they may be disadvantaged to compete with the multinationals.

The issue on peace – another area that has been raised is land compensation. I have received this complaint and yesterday, I had a meeting with Total; they have assured me the compensations are going on. With compensations, we follow the Government valuer’s report but if there are any disputes, we normally also consult further with the right offices.

Otherwise, this is going on and communities are being sensitised before they are compensated and after – and I have been reliably informed - the land they have been compensated will become public land. So, it has to go to the Uganda Land Commission because it will now be Government land.

You talked about social responsibility to the people, where this oil is. I think if you go to the Albertine Graben now, you will agree with me that they now have more roads than any other part of the country. Through your support, as Parliament, a total of US$ 700 million was injected in the roads in this area.

In addition, there is a new airport, which has cost us US$ 900 million. These are already benefits, which these people are getting; more will be given.

There was a question on the tariff and transportation agreement. He talked about local transporters. This agreement touches crude oil going through the pipeline; it is not crude oil going through trucks. The agreement is such that crude oil will leave Hoima until it reaches Tanga in Tanzania.

Secondly, I also wish to inform Parliament that while this particular pipeline will move crude oil to Tanga, we shall also be importing gas from Tanzania to support us in the iron smelting sector in the Kigezi area. Therefore, we are all going to benefit from this pipeline.

There was a concern that the 15 per cent for UNOC is very low. Madam Speaker, it depends on the resource envelope which we have. Even the 15 per cent, I am struggling to get it. Otherwise, if we had more money; the more shares you have, the more profits you get.

There was a concern on Uganda National Oil Company managing this business and you are citing companies like Uganda Airlines. Madam Speaker, the Board of the Uganda National Oil Company is appointed by His Excellency with approval of this Parliament. Therefore, you participated in the creation of this board, and the members who went through your vetting process are the people to oversee this company.

However, what you have also raised is something very important; the issue of governance. I have been in some of the presentations, where people are recommending that we go for e-governance to let most of these things done online or you have e-systems. This will really eliminate most of this graft and the corrupt mentalities.

A member raised an issue of the resignation of Madam Wapakhabulo*.* I do not think I have the right shoes to answer that. However, I am told she resigned on her own. If you have other information, maybe, you can confine in me but I am not aware of any other.

As we speak, we have another young lady, Proscovia Nabbanja, who took up the management of that institution and I think she is doing well.

Some honourable colleague requested for a discussion; I highly appreciate that. Madam Speaker, as Parliament, we need a debate here such that members understand these issues very well because they are the representatives of our people and their eyes should be on the ground to ensure Ugandans benefit.

I support this and we have all this information and we could also look for more. There is a lot of business, which will be there, right from the logistic industry. We are supposed to have 100 greenhouses throughout the year. We need all of us to be on our toes to ensure we supply. If we do not supply, then they will say, “Okay, you do not have, let us go to Egypt and get this.”

I totally agree that we take on this so that we can prepare our people to harvest this money so it remains in Uganda. Otherwise, I have been on the neck of Total to see that Ugandans are given priority for contracts. I beg to submit.

**THE SPEAKER:** Thank you very much. Let us go item 3(ii)

STATEMENT BY MINISTER ON THE STATUS OF PROPERTY BELONGING TO THE LATE FORMER PRESIDENT OF THE REPUBLIC OF UGANDA, H.E FIELD MARSHAL IDI AMIN DADA, AT PLOT 10, PRINCE CHARLES’ DRIVE KOLOLO AND BUILDINGS IN KAWEMPE

**THE SPEAKER:** TheMinister of Lands, Housing and Urban Development is absent. Go to item 4.

MOTION FOR A RESOLUTION OF PARLIAMENT TO WITHDRAW THE PROPOSAL TO BORROW UP TO UA 89.5 MILLION (EURO 107.4 MILLION) FROM THE AFRICAN DEVELOPMENT FUND, EURO 193.72 MILLION FROM THE AFRICAN DEVELOPMENT BANK

11.40

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, on the 21 April 2021, we laid on the Floor a request of Government to borrow from the foreign institutions that I will mention, which was sent to the committee. During its being considered, in that period, the bank came to us and said they can give us more money in a concessional window than a non-concessional window. Therefore, the committee said we should come back and lay the new terms to this House. That is the background to this.

It will work on items 4 and 5 after we have withdrawn, we lay but the committee is in its advanced stages of finishing their work.

Therefore, I want to move a motion of a resolution of Parliament to withdraw the proposal to borrow up to £107.4 million, from the African Development Bank and £193.72 million, from the African Development Bank and £25.98 million from the Corporate International Fund of Spain for the refurbishment of the Kampala-Malaba Meter Gauge Railway Project.

I also move a motion of resolution of Parliament to borrow up to £216.7 million, from the African Development Fund, £84.4 million, from the African Development Bank and £25.984 million, from the Corporate International Fund of Spain for the refurbishment of the Kampala-Malaba Meter Gauge Railway. It is a replacement of the new terms.

**THE SPEAKER:** Honourable members, is the motion for withdrawal supported? Yes, it is supported. Okay, justify.

**MR JONATHAN ODUR:** Thank you, very much. The point of procedure I am raising is that the Minister of State for Finance, in charge of Planning, has planned his motion very ugly; in a way that he is asking us to process two different motions, under one item. He is asking for a motion for withdrawal that he has not clearly provided to us. At the same time, he also asked for a motion for a resolution to borrow. Wouldn’t it be proper that this minister is asked to go back and separate the two motions clearly and come back to this House so that once we are handling these items, we know what we are dealing with. I beg that you guide on this.

**THE SPEAKER:** Honourable members, if you look at the Order Paper, the motion for withdrawal is item No.4 and the other one is item No.5. So, they are two. That is why I asked him to justify the proposal for withdrawal. Let us start with item No.4.

Please do not interfere with the motion. Allow the minister to move the motion first then you can speak to it. Hon. Odur, where is your iPad?

**MR BAHATI:** Madam Speaker, on Wednesday, 21 April 2021, I tabled a motion on the Floor of Parliament for the resolution of Parliament to authorise the Government to borrow up to £107.4 million, from the African Development Fund, £193.72 million, from the African Development Fund and £25.984 million from the Corporate International Fund of Spain of the refurbishment of the Kampala-Malaba Meter Gauge Railway Project. The loan was accordingly referred to the committee on National Economy for consideration.

Subsequently, the African Development Bank has come back to us and informed us referring to the earlier request that more concessional resources had been made available amounting to £216.7 million, for the refurbishment of Kampala-Malaba Meter Gauge railway project, opposed to the earlier £107.4 million. Implying that less will be borrowed from the non-concessional loan window of the African Development Bank, thus seizing the ADB window allocation of £193.72 million, to £84.481 million.

I note that the changes in the loan amounts and terms require the formal withdrawal of the loan request from Parliament and submission of a new loan request to Parliament under Rule 61(1) of the parliamentary Rules of Procedure with leave of the House or committee to withdraw a motion, before the question is put on the motion.

Madam Speaker, as I said, I am withdrawing this but formally laying the new terms so that the Committee on National Economy can conclude this request by the Government.

**THE SPEAKER:** Honourable members, I put the question that the question be put -

11.47

**MR GEOFFREY MACHO (NRM, Busia Municipality, Busia):** Thank you, Madam Speaker. I want to thank the minister for what he is doing because according to the chairperson of the committee, he said that they are moving from better to the best loan. However, I have some questions before a question is put.

Whereas, other countries are moving toward standard gauge railway, we are refabricating the stone-age railway system. So, what is wrong with Uganda? Who has cursed us? Honourable minister, when are you bringing back this loan?

**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 the loan be withdrawn as requested.

*(Question put and agreed to.)*

*Loan request withdrawn*

LAYING OF PAPERS

I: REQUEST TO BORROW UP TO UA179.56 MILLION FROM THEAFRICAN DEVELOPMENT FUND

11.49

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING)(Mr David Bahati):** Madam Speaker, I now move to lay on the Table the request of the Government to borrow up to AU179.56 million which is equivalent to £216.7 million from the African Development Bank for consideration of this House.

**THE SPEAKER:** Honourable members, you have been informed that the subject matter is the same; the other loan has been withdrawn. The minister is now laying this one to go to the committee to complete their work. So, it is sent to the committee on National Economy for completion.

II: PROPOSAL TO HEDGE £100 MILLION FROM STANBIC BANK LIMITED LOAN PROCURED TO FINANCE THE BUDGET DEFICIT FOR FINANCIAL 2019/2020

11.51

**MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, I beg to lay on the Table request by the Government to the proposal to hedge £100 million, from Stanbic Bank Limited, loan procured to finance the budget deficit for financial year 2019/2020.

**THE SPEAKER:** Honourable minister, I informed the Government that we are in the closing stages of the 10th Parliament. You are either taking us for granted and over stretching the capacity of this House to process this in a very short time. Why don’t you table this in the 11th Parliament?

**MR BAHATI:** Madam Speaker, if you guide so, we shall table it but we are only considering those requests that are already in the committee.

**THE SPEAKER:** Is this hedging also in the committee?

**MR BAHATI:** It is not in the committee.

**THE SPEAKER:** No. Honourable minister, you are not being fair to Parliament. I propose that this be laid on the Table in the next Parliament.

**MR BAHATI:** Okay. We withdraw the request and we shall lay it on the Table in the 11th Parliament.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE ON RULES PRIVILEGES AND DISCIPLINE ON THE PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE OF PARLIAMENT

11.53

**THE CHAIRPERSON, COMMITTEE ON RULES, PRIVILEGES AND DISCIPLINE (Mr Kenneth Ongalo-Obote):** Madam Speaker, yesterday, we stopped at proposed amendment to Rule 28; statement of business by Leader of Government Business.

Re-number the current rule, as 1 and insert a new sub-rule (2), as follows:

“(2) The Speaker shall cause the statement to be reflected on the Order Paper of the last sitting of the House of the week.”

Justification

 To ensure that the Leader of Government complies with this rule.

**THE SPEAKER:** Honourable members, you have heard the proposal. I put the question that the rule be amended, as proposed.

*(Question put and agreed to.)*

*Rule 28, as amended, agreed to.*

Rule 33

**MR ONGALO-OBOTE:** Rule 33; laying of reports of parliamentary delegations abroad.

Sub-rule (2)

Insert the words “lessons learnt” between the words “key” and “recommendations”, appearing in line 4.

Justification

To improve the reports of parliamentary delegations abroad; by highlighting key lessons learnt, during international engagements.

**THE SPEAKER:** Honourable members, you have heard the proposal. I put the question that Rule 33 be amended, as proposed.

*(Question put and agreed to.)*

*Rule 33, as amended, agreed to.*

Rule 41

**MR ONGALO-OBOTE:** Rule 41; Prime Minister’s Time

Insert new sub-rules, immediately after sub-rule (2) as follows:

* 1. Questions to the Prime Minister shall be made in writing and submitted to the Clerk.
	2. The Clerk shall enter all the questions in the Prime Minister’s Questions records book; and select 15 questions by raffle, which shall be forwarded to the Prime Minister.
	3. The Prime Minister shall provide written responses, copied to the relevant members, and respond to these questions during the Prime Minister’s Question Time.
	4. The Clerk shall publish a list of all questions and the responses made every month.

Justification

In developed legislatures, questions to the Prime Minister are sent in advance. This helps to ensure that the Prime Minister prepares a proficient response.

**THE SPEAKER:** Honourable members, you have heard the proposal. Yes, Hon. Macho? Does the Prime Minister want to say something?

11.56

**THE FIRST DEPUTY PRIME MINISTER AND DEPUTY LEADER OF GOVERNMENT BUSINESS (Gen. (Rtd) Moses Ali):** Madam Speaker, this is a good proposal. But in addition, I wish to propose that the Prime Minister’s Question Time, under Rule 41(1), be amended and brought forward to 2.15 p.m.

For clarity, it should be scheduled as item no. 4, after the statement of business for tabling, which is by the Leader of Government Business.

Justification

The Prime Minister and Leader of Government Business and other businesses from MDAs, should be given priority on the Order Paper, so as to handle parliamentary matters early, and also be able to attend to other urgent Government matters.

I hereby propose.

**THE SPEAKER:** Honourable members, I do not recall this. What was the rationale for the 4.00 p.m.? Can you find out? Yes, Hon. Macho?

**MR MACHO:** Madam Speaker – Sorry, let me use the Busia way. *(Laughter)*

**THE SPEAKER:** Where are our stewards? You should not take off your mask.

**MR MACHO:** Madam Speaker, when a new one is put, I feel very free to talk, with your permission. *(Laughter)*

Madam Speaker, I would like to thank the chairperson for his submission. In his amendment, he suggests that during Question Time of the Leader of Government Business, a question should be written.

I believe that the Prime Minister or Prime Ministers in Commonwealth countries, and Uganda in particular, have clerks behind them wherever they go, apart from places of convenience.

I, therefore, still want to submit that although writing of a question should be adopted, an oral question should still be asked as it gives awareness to the country that at such a time, a question was asked. And this implores the Prime Minister to provide an answer, because it was a public question.

Sometimes, answers for written questions come late. And I think that, that is the reason why in the chairman’s submission, he said that the Prime Minister can submit the answer after a month. These are 30 days. How about if the case is a disaster or calamity?

Therefore, as I submit, I also call upon my colleagues to support me. The written submission is fine, but let us include oral submissions, so that the Prime Minister’s clerks can write down these questions and the whole country and the people who are concerned about the question, know that at such a time, their issue was asked.

This puts governments - majorly in Commonwealth countries because of the British system, they love doing things slowly – to respond quickly to the calamity or need of that time.

Thank you, Madam Speaker.

**MR JONATHAN ODUR:** Thank you, Madam Speaker. I am not comfortable with subjecting the questions to raffles because in effect, it means that a member’s question can stay for the entire five years, without being answered.

The moment you subject a member’s question to raffles, it is a matter of good luck and bad luck. You never know when your question will come. So, rather than suggest the procedure for raffles, we can suggest – if the chairman allows – either on first come, first served basis or, if there are two questions and a member had asked it in the previous session, then the newest question should be allowed. Otherwise, it is going to be very difficult.

Secondly, these questions must be answered within a reasonable timeframe. I agree with Hon. Macho that one month is too long. If the Prime Minister was answering these on-spot questions within five minutes in this House, why don’t we give a shorter period of say; one week, so that we can have these answers? Thank you, Madam Speaker.

**MR SSEWUNGU:** Madam Speaker, the problem with the current rule has not been on Parliament, but it has been on the Prime Minister. He is aware that he must be here to answer oral questions either on Wednesday or Thursday. He has three deputies, but he has never delegated any of them to respond.

Once we write these questions, still we will go for questions for oral answers and yet we have them in our rules. If subject the Prime Minister to written questions, it is going to be very expensive first of all.

Secondly, if he has failed to respond to oral questions very well, how will he respond to written questions when every member is going to write?

I pray we put a better amendment so that even the Deputy Prime Minister can respond. However, where the Prime Minister fails to respond to a question, he can give us another day. That is what we used to have in the Ninth Parliament. The Prime Minister would come in, we give oral questions and then he would say, “I cannot answer this question, but I will give an answer next week”.

These questions cannot last for a month. That is going to take too long. These are spontaneous questions that need immediate answers to the public so that the country moves on.

If you, however, write them - The Prime Minister last came here when we were talking about security and curfew. He has not appeared at all since then. Gen. Moses Ali is insulating his absence that is having a lot of business. That is not true. The Prime Minister has to be here because he is the Leader of Government Business.

The Deputy Prime Minister can as well answer those questions. Even if the Deputy Prime Minister is around, he cannot be given permission to answer those questions as if they are meant for only the Prime Minister and yet they sit in the same office. Thank you.

**MS ANYAKUN:** Thank you, Madam Speaker. I thank the chairperson for this amendment. For sure, this House has been having challenges with the question time for the Prime Minister. It is because when you ask the Prime Minister on the Floor, he will just give you a very light response. Most of the time, members do not get satisfied with the responses.

For the times we have been asking questions, it is very difficult – There should be a way that when you ask the question, the Prime Minister also gives you a timeframe there and then when something is going to be responded to so that you are able to follow it up or else when he comes back, he should be able to tell us what he has done in that regard.

Sometimes, I do not see the meaning of the question time because people do not get satisfied of all the responses to their questions. Thank you.

**MS ZAITUN DRIWARU:** Thank you, Madam Speaker. I agree with the chairperson on the issue of writing down the questions for the Prime Minister. In most cases, in this Parliament, members have asked questions – Even I, for one, asked questions several times, but the answer that I was given was not so satisfactory to satisfy my people down there.

For that purpose, I say that it is good to write down questions for the Prime Minister to analyse and internalise them so that he brings in this House a very satisfactory answer. I only disagree with the proposal on the timing that the Prime Minister can come back and answer the questions within one month. I think some of the questions need immediate responses.

For that matter, I would say, if the questions are written down for the Prime Minister to internalise and analyse, he can come after and give the answers directly to members as the Clerk publishes the questions. I beg to submit.

**THE SPEAKER:** Honourable members, I want to encourage you to support the chairperson. When I sit here, sometimes, I tell myself, “This question, the Prime Minister has dodged to answer” or “This one, he has sidestepped”. I would feel that the members have asked the questions, but there is no answer to them.

I think let us try to put them in writing and see how it goes. I think it is better that way so that he prepares himself.

**MR EMMANUEL ONGIERTHO:** Thank you for this opportunity. You had somehow read my mind. I have ever asked the Prime Minister questions, but like you said, I get totally dissatisfied and I keep quiet.

For me, it would be good if I had written the questions and given the Prime Minister time to think about the questions, and where possible, he could also find out – Because there are certain questions that we ask here that he needs to find out from the other ministers and whatever so that he responds better. I agree to that.

Also, I think there should be room for a situation where something has come up and somebody needs to ask questions. I suggest that in that situation, this person can come to you, Madam Speaker, and let you know that “I have this question. I have not written it but I think I need to ask it now”. That should also be allowed where possible.

For other emergencies, I think we also have an opportunity for matters of national importance. So, we can present the emergency in that way other waiting for the question time of the Prime Minister. Thank you.

**MS FRANCA AKELLO:** Thank you, Madam Speaker. Like my other colleagues, Hon. Jonathan Odur and Hon. Macho, who contributed earlier expressed concern, – Of course, you have already made a wise guidance on this matter.

The experience, like you have stated, is challenging on both sides. On the other side of giving on spot questions and receiving an immediate response, we have experienced half-baked – for lack of better words,  - responses in that, for instance, if the Prime Minister is asked, “Are you aware about this problem in a certain constituency?” the Prime Minister gets up to say, “I am not aware” and That is the response. That becomes a big challenge. A question like that necessitates a comprehensive response, which should be written.

On the other hand, when some of us were trying to get to the Prime Minister written questions through questions for oral answers as provided for in the current Rules of Procedure, some of us have had challenges.

I think in this case, since we are going to take your guidance, the Office of the Clerk has to help the members to process these questions such that they reach the Prime Minister in time for him to equally present the responses on the Floor in time. It is because several times, a number of members have written questions for oral answers, but you do not see the responses at all. They would not even appear on the Order Paper. In most cases, it is very frustrating. That could be the reason why most members are raising concerns. Thank you.

**Mr Richard oseku:** Thank you, Madam Speaker. I would like to agree with the chairperson and your guidance that we should have these questions written because it is going to help in terms of referring to what was asked and the response that is given.

Also, the history and practice of this - I would like to say that those who are seeking to ask this question are put on a list prior to that and sent to the Speaker, then they can ask the questions. In that way, members do not waste time to ask questions then they are put to a raffle.

Those seeking to ask a question should notify the Speaker and they can be listed to ask according to those who will have been scheduled. Otherwise, to say that they write before asking and then questions are subjected to a raffle; it will be a waste of time. We would agree on a particular number of questions and members who want to ask can go to seek permission from the Speaker or Clerk. That would be convenient for us. Thank you.

**The Speaker:** Honourable members, what we have to settle in the issue of the raffle is time. I would like to draw your attention to Rule 41(3), which provides that, *“In the absence of the Prime Minister, a minister may make a statement or answer questions put to him or her.”*

I think that we have not exercised the opportunity to ask the Deputy Prime Minister; but there is the rule. We now need to activate it.

**MS SARAH OPENDI:** Thank you, Madam Speaker. Nobody can have answers to everything. Of course, I have heard members say that some of the answers given during the Prime Minister’s Question Time have been unsatisfactory.

I would like to propose that in order to improve on this - of course, I entirely agree with what the chairperson is proposing that members write. However, members also want to be heard raising these issues on the Floor. Therefore, they could write the questions.

We can agree to an advance written question to the Prime Minister and it could be in a week’s time. For example, if we are going to have Prime Minister’s Question Time next Thursday, by this Thursday, the questions should have been written and sent to the Clerk’s office and she compiles them. The list will then be with the Speaker and the members raise the questions on the Floor but the Prime Minister will have been notified and will have got the answers.

However, leaving it within a month, it might take forever. I would like us to improve on that and say, “In a week’s time, the Prime Minister should come and respond.” –*(Interruption.)*

**Mr macho:** Madam Speaker, I earn my living by talking for my people. I came back this term because I talked for my people. Whereas I do respect your guidance, I believe that talking here is very important. Prime Ministers in commonwealth countries and Uganda in particular, hear when we have talked. If I wrote that Busia Market was closed, right now the maize would be rotting in the stores –

**The Speaker:** Honourable members, we are not substituting your speaking with writing. We are saying that we can inform the Prime Minister in advance so that he comes with an answer; but not to say, “I’m aware” and he sits down. You will ask, but we want him to give you a better answer. No one is taking away your right to speak.

**Mr macho:** Thank you for your guidance, Madam Speaker.

**The Speaker:** Do not worry about that. The word, “Parliament” in Frenchs means “to speak” so it is about speaking.

**Ms opendi:** Madam Speaker, my proposal is that let us go by writing, but be specific that in a week’s time, members should send in their questions before Thursday, for the following week. Thank you.

**Mr makmot:** Madam Speaker, the information I would like to give is that when the committee was canvassing this issue, we were alive to the concern of the members about, sometimes, the quality of the answer especially when the question is spontaneous and the Prime Minister is not prepared.

Members thought that in practice, like we have seen it in other cases when the President is answering questions, it is unrealistic to expect the Prime Minister to have all the answers of the different sectors every now and then, especially on current issues.

Our suggestion is that one of the ways to address that concern and answer this question meaningfully, when the Prime Minister’s Question Time is coming, the different line ministers should be available. Where the question is something that maybe has not come to the attention of the Prime Minister, he should be able to direct the specific minister, whether of health or education, to come in and help.

You also talked about that provision where the minister steps in on behalf of the Prime Minister. We think that there are also deputy prime ministers who have not been utilised. There are provisions for ministers to answer a question. There are separate days for that. However, a situation where the Prime Minister has to come, if he is not available himself the deputy should be delegated so that the ministers are left for the other provision, which is for them.

The other issue that members have raised is the question of time. I know the proposal by the Prime Minister has been that it should be 2.15. In the rule, we are talking of 4.00 p.m. To be prepared in that situation is to leave the issue of time to the Speaker. There should be some discretion. If you say 4.00 p.m. and it reaches when we are somehow in the middle of another debate, what happens?

At the end of the day, maybe they should be available at 2.00 p.m. and when you think it deems fit on that day, you can bring it up whether at 3.00 p.m. or 2.00 p.m. You will know the priority at the end of the day.

This is information I wanted to give. Thank you.

**The Speaker:** Honourable members, I also think that we should not insist on time. Let us say, we give the Prime Minister priority on that day. The time will be done by the Speaker.

Honourable chairperson, can we deal with the raffle and time for answering?

**Mr ongalo-obote:** Madam Speaker, all the 15 questions, which are submitted to the Prime Minister are for the next Prime Minister’s time. Therefore, he has a week. If he decides that the question should be given to him on Monday morning so that he consults with Cabinet, we will agree that on such and such a day, the Prime Minister must receive all those questions. However, they are for Thursday of every week.

The proposed amendment IV is that at the end of a month, the Clerk will publish a list of all the questions that were asked and answered for our records, as members. We are not saying that these questions will be answered at the end of the month. We are saying for the month of April, questions that were answered in the four Thursdays of April will then be published so that members have those records.

We are also not saying that on Prime Minister’s Question Time, members would just walk in and the Prime Minister - If the member’s question is to be answered, you may be given time to read out the question so that it is as if you have asked the question again and then the Prime Minister responds.

We are only cognizant of the fact that one, our system of Government is presidential. There are certain questions that the Prime Minister can only answer after consulting with the Executive. If we insist that the Prime Minister should answer them there and then, we are going to be getting the kind of half-baked answers that we are complaining about.

I think what we need are comprehensive answers that are satisfactory to the problems that we are raising to the Prime Minister.

We also understand the issue of the raffle. I think, as hon. Sarah Opendi suggested, we could have these questions submitted to the Clerk on a first come, first served basis. The Clerk could also combine questions that are on the same matter. The Clerk could say, Hon. Macho and Hon. Odur asked questions relating to this policy issue, they are combined as one question and answered by the Prime Minister. That would really solve it. If we said, questions have to be submitted to the Clerk by the end of Monday afternoon then the Clerk goes through the questions and the first 15 and others, which relate to the first 15 are combined and sent to the Prime Minister. I think that would be okay.

**MR JAMES KAKOOZA:** Thank you, Madam Chair. I think the framers of these rules wanted, as you highlighted - The Prime Minister is the Leader of Government Business. He deals with policy matters and Government performance, as highlighted in 41(2)(b). The question they did put to the Prime Minister relating to matters of Government policy or general performance of the Government and Government agencies -

Where Members of Parliament feel that a certain sector is not doing well, I think in the rules we have where members write oral questions to the sector ministries. Why do you want questions that need immediate answers about policy and performance of Government to take long?

The Prime Minister is a human being; he cannot know everything. For example, if a member from Kabula asks what has happened in Kasagama, he might not answer quickly. The member could write to the sector minister. When you put everything - Rule 41(1) is intended to give a general picture of Government and policy.

When you put the Prime Minister to task to explain each and everything, it will be a problem even in terms of costs because the *Hansard* is there. Why do you say that each month the Clerk should publish? The *Hansard* is there; when you need anything, you go and pick it. I think we can leave that rule as it is. For anybody who has an immediate question, an answer should be given either by policy or by the Leader of Government Business.

**MR MAKMOT:** Madam Chair, the addition information I wanted to give is that many times where there are matters of urgent and national importance, you have allowed members to raise them. Therefore, if the matter is very important and urgent, you can raise it as a matter of urgent national importance. However, there are questions that need consultation and details. When you lump all of them and you do not give time, we are simply wasting time.

**THE SPEAKER:** Honourable members, this question time is intended to solicit an answer which you can even take back and go and call a rally in Karuma and say, “You people, I asked the Prime Minister to answer this question and this is what he said.” You need good answers not just saying, “I do not know” or “I am aware” and then he sits down.

**MR ONGALO-OBOTE:** Madam Speaker, the problem that my brother Hon. Kakooza is not seeing is that merely having rule 41 is not the problem we have here. We are looking at this rule now because as it is, it has not worked to the satisfaction and quality that members expect from the Prime Minister and that is simply what we are trying to cure; these rules are not cast in stone. Where they do not work, we make them work.

**MR JAMES KAKOOZA:** If you have a rule where every Thursday we write and the questions are submitted to the Clerk, who then sends them to the sector ministries then this rule becomes very redundant –

**THE SPEAKER:** No, honourable members, let us separate Prime Minister’s Question Time from the other question time.

**MR JAMES KAKOOZA:** Madam Chair, I would think we are not curing anything in rule 41. We should leave it as it is so that when the Prime Minister comes and he has a general policy that they have discussed in Cabinet and the public must know - By the way, the Prime Minister of Government is broadcast live. Whatever he answers is a Government decision. If it is a policy, it is known and if it is anything coming from Cabinet, he knows it.

Therefore, when you conscript that I should write when I need an immediate answer on a policy, which has passed, and I wait for a week and yet a member wants to know the performance of the policy we passed, I do not think it makes any sense. I would rather emphasise that the Prime Minister must come and we ask questions on general policies of Government and how they work. If it is an oral question, we forward it to the sector ministry to answer quickly by that time-

**THE SPEAKER:** You know, honourable members, when members stand up to ask spontaneous questions, you do not know whether they are going to ask about policy, their water or a road. They just get up and ask. So please, let us ensure that the members and the citizens get better answers. If it does not work, we can change. I put the question that a new rule be inserted.

*(Question put and agreed to.)*

**THE SPEAKER:** There was a deletion to sub-rule (3) -

**MR ONGALO-OBOTE**: Honourable members, we also move to delete sub-rule (3) of rule 41.

The justification is that only the Prime Minister should take questions at this time. The procedure for other ministers to answers questions in the House is provided for under rule 42.

**THE SPEAKER:** Wouldn’t you want, instead of a “minister”, to put a “Deputy Prime Minister”? After all we have been saying that when the Prime Minister is not there, he can delegate. Why don’t we now substitute “Prime Minister” here with “Deputy Prime Minister” instead of just removing it?

**MR ONGALO-OBOTE:** I concede, Madam Chair. That makes more sense. We could therefore substitute in sub-rule (3) to read, “In the absence of the Prime Minister, the Deputy Prime Minister may make a statement.” We delete “a minister” and insert “a Deputy Prime Minister” in sub rule (3) of rule 41. I beg to submit.

**THE SPEAKER:** Honourable members, I put the question that the rule be further amended as proposed.

*(Question put and agreed to.)*

**MR ONGALO-OBOTE:** Rule 42: Ministers to attend the House to answer questions.

Substitute for rule 42, rule 44 and thereafter – Honourable members, rule 42 to 50 are not substantive amendments as such, but they are realignments of the rules to make them flow in a chronological way. If you look at the proposed amendments from rule 42 to rule 50, you realise that we are just moving some earlier and some forward.

They are not changing anything but they are putting these rules in order so that the member using the rules finds it easy to locate that rule following from the previous rule. That is why the language sounds a bit confusing.Substitute for rule 42, rule 44 and thereafter, move rule 42 to rule 50 with modifications. Therefore, the new rule 42 now would read as follows:

“42. Questions to ministers

(1) Questions may be asked of ministers relating to public affairs with which they are officially connected, proceedings pending in Parliament or any matter of administration for which the ministers are responsible.

(2) Questions relating to matters, which are under the control of a statutory body must be restricted to those matters for which a minister is made responsible by law or which affect the general policy of that statutory body.”

Justification

To ensure better chronology of the rules relating to questions, since the categorisation of respondents of questions precedes the schedule or rota of questions. This will ease any reference to rules relating to questions.

**THE SPEAKER:** Honourable members, I put the question that rule 42 be amended as proposed.

*(Question put and agreed to.)*

*Rule 42, as amended, agreed to.*

**MR ONGALO-OBOTE:** Rule 43: Rota of questions

Substitute for rule 43, the following –

“43. Questions to chairpersons and the commission

(1) Questions may be asked of committee chairpersons relating to a Bill, motion or other public matters connected with the business of the House for which the committee is responsible.

(2) Questions may be asked of the commission relating to the administration of Parliament or other commission matters.”

Justification

Rule 43 has been replaced with rule 45 and rule 43 inserted immediately after rule 50 for a better chronological flow.

**THE SPEAKER:** Honourable members, I put the question that rule 43 be amended as proposed.

*(Question put and agreed to.)*

*Rule 43, as amended, agreed to.*

**MR ONGALO-OBOTE:** Rule 44: Subject matter of questions. Substitute for rule 44, rule 48. Rule 44 now reads as follows:

“44. Conditions for admissibility of questions

(1) Questions must comply with the following conditions:

(a) A question shall not include the names of persons or statements of fact unless they are necessary to make the question intelligible; and in the case of statements of fact, can be authenticated by the member concerned; or contain charges which the member asking the question is not prepared to substantiate.

(b) A question shall not contain any arguments, expression of opinion or inferences, imputations, epithets or controversial, ironical or offensive expressions or hypothetical cases.

(c) A question shall not be asked which raises an issue already decided, or which has been answered substantially, during the current session.

(d) A question shall not be asked regarding proceedings in a committee which have not been tabled before the House by a report from the committee.

(e) A question shall not solicit the expression of an opinion or the solution of an abstract legal case or a hypothetical proposition.

(f) A question shall not be asked as to the character or conduct of any person except in his or her official capacity.

(g) A question shall not refer to more than one subject and shall not be of excessive length.

(h) A question shall not be asked the answer to which is readily available in official publications.

(i) A question shall not be asked on the character or conduct of persons whose conduct may only be challenged on a substantive motion.

(j) A question shall not be drafted as to be likely to prejudice a case under trial.

(2) A supplementary question shall be subject to the same rules of order as an original question.”

Justification

Chronologically, conditions for admissibility of questions follow after the subject matter of questions.

**THE SPEAKER:** Honourable members, I put the question that rule 44 be amended as proposed.

*(Question put and agreed to.)*

*Rule 44, as amended, agreed to.*

**MR ONGALO-OBOTE:** Rule 45: Questions to chairpersons and the commission

Substitute for rule 45, the following:

“45 Questions for oral answer

(1) Notice of a question for oral answer shall be given by delivery of the written question marked with ‘oral reply’ to the Clerk at least three days (exclusive of any Saturday and Sunday or public holidays) before the day on which the sitting commences, at which the member proposes to ask the question.

(2) The Clerk shall ensure that the notice delivered to him or her under sub rule (1) is communicated to the person required to answer it, as soon as is practicable from the date of delivery and the person asking the question shall be informed of the communication.

(3) The response by a minister to a question asked of him or her, shall be sent to the Clerk within five working days and the Clerk shall distribute the response to the members within five days.

(4) A minister shall not take more than two weeks to respond to a question from a member.

(5) Answers to questions not marked ‘for oral reply’ shall be communicated in writing to members and shall be printed in the Official Report.

(6) There shall be a question record book to be kept by the Clerk, which shall be open for inspection by members and in which shall be recorded –

(a) all questions submitted by the members;

(b) names of members asking the question;

(c) date of receipt of the question;

(d) date of dispatch of the question to the person required to answer;

(e) date of answer in the House”.

Justification

To make the procedure for questions for oral answer clearer.

**THE SPEAKER:** Honourable members, I put the question that rule 45 be amended as proposed.

*(Question put and agreed to.)*

*Rule 45, as amended, agreed to.*

**MR ONGALO-OBOTE:** Rule 46: Notice of urgent questions

Substitute for rule 46, the following:

“46 Order of oral questions to be determined by lot

(1) The order, in which questions for oral answer shall be placed on the list of questions, shall be determined by lot under the direction of the Speaker.

(2) Not more than three questions for oral answer shall be asked by a member at any one sitting.

(3) The answer for any question remaining on the Order Paper after the time allocated for questions has passed shall be printed in the Official Report.”

Justification

Rule 46 has been replaced with rule 47 to ensure better chronological flow.

**THE SPEAKER:** Honourable members, I put the question that rule 46 be amended as proposed.

*(Question put and agreed to.)*

*Rule 46, as amended, agreed to.*

**MR ONGALO-OBOTE:** Rule 47: Order of oral questions to be determined by lot

Substitute rule 47 with the following:

“47 Manner of asking and answering questions

* 1. During question time, the Speaker shall call successively each member in whose names a question stands on the Order Paper.
	2. The member called upon shall rise and read out the number assigned to the question against his or her name on the Order Paper.
	3. In the absence of the member asking the question, any member authorised by the member may, with the Speaker’s prior permission, read the number of the question on behalf of the absent member.
	4. The answer to any question shall be printed and a copy of it supplied to the member asking it not less than 15 minutes before the time fixed for the sitting at which the question is to be answered, and the answer shall be read by the member to whom the question is addressed or by the member acting for the member to whom the question is addressed.
	5. The reply to a question shall be limited to three minutes. However, if the Speaker considers that the matter is of sufficient importance, up to an additional two minutes may be added to this time.
	6. Without prejudice to the right to answer a question, no member shall address the House upon any question nor in asking the question, shall any argument or opinion be offered.
	7. When any question has been asked and answered, no debate on it shall be permitted.”

Justification

Rule 47 has been replaced with rule 49 to achieve a better chronological flow.

**THE SPEAKER:** Honourable members, I put the question that -

**MS FRANCA AKELLO:** Thank you, Madam Speaker. Supplying the member a reply 15 minutes before presentation of the question may not be enough time. I request that the chairperson accepts that this is adjusted to at least four hours before the sitting or one day before that question is responded to. This will help the member to get ample time to look through it and maybe raise subsidiary questions accordingly after having looked at it. Otherwise, when you supply within 15 minutes, it may not be enough time. Thank you, Madam Speaker.

**MR ONGALO-OBOTE:** Madam Speaker, the proposal the member is raising would mean substantially amending rule 49 because we have simply brought rule 49 as it is now in our Rules of Procedure.

It has been brought back to 47 but in the current rule 49, which deals with manner of asking and answering questions, rule 49(4) has the 15 minutes. This amendment is not a new proposal by the committee but if you wish to amend rule 49 as it stands now, I have no problem with that.

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

*(Question put and agreed to.)*

*Rule 47, as amended, agreed to.*

Rule 48

**MR ONGALO-OBOTE:** Conditions for admissibility of questions

Here we propose to substitute rule 48 with the following:

“Rule 48 Supplementary questions

1. As soon as a question is answered in the House, any member starting with the member who asked the question may, without notice, ask a supplementary question for the further elucidation of any matter or fact regarding the answer, which has been given.
2. Supplementary questions shall arise directly from the answer to the original question, and shall not be used to introduce matters not included in the original answer to the question.
3. The reply to each supplementary question shall, except with the permission of the Speaker, be limited to two minutes.”

Justification

Having carried rule 48 to rule 44, rule 48 has been replaced with rule 50 for better chronological flow.

**THE SPEAKER:** Honourable members, I put the question that rule 48 be amended as proposed.

*(Question put and agreed to.)*

*Rule 48, as amended, agreed to.*

Rule 49

**MR ONGALO-OBOTE:** Manner of asking and answering questions. In this we propose to substitute rule 49 with the following:

“Notice of urgent questions

1. A question shall not be asked without notice unless it is of an urgent nature relating either to a matter of public importance or the arrangement of business.
2. Questions without notice shall only be asked with the prior leave of the Speaker.
3. The Speaker shall determine the admissibility of a question in accordance with rule 44.
4. Where the Speaker is of the opinion that any question, which a member has sought leave to ask without notice infringes on any of the conditions set out in this rule, the Speaker may direct that it be printed or asked with such alterations as he or she shall direct or that it be returned to as he or she shall direct.
5. Where the Speaker has refused to admit any question under this rule, the member bringing the question is entitled to appeal in writing to the Business Committee for a decision.”

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

*(Question out and agreed to.)*

*Rule, as amended, agreed to.*

Rule 50

**MR ONGALO-OBOTE:** We propose to substitute supplementary questions in this.

Substitute for rule 50 the following”

“Rule 50 Ministers to attend the House to answer questions

1. A minister shall attend sittings of the House to answer questions asked of him or her.
2. Question time to ministers shall ordinarily not exceed two hours except that the Speaker may, in exceptional cases, exercise his or her discretion and permit questions after the expiry of two hours.
3. The questions shall be asked on Wednesdays and Thursdays of the week of the sitting of Parliament, and
4. It shall be disorderly conduct of a member to fail to ask or for a minister to fail to answer a question listed on the Order Paper without the leave of the Speaker.”

Justification

Having carried rule 50 to rule 48, rule 50 has been replaced with selected provisions of rule 42(1-4).

**THE SPEAKER**: Honourable members, I put the question that rule 50 be amended as proposed.

*(Question put and agreed to.)*

*Rule 50, as amended, agreed to.*

**THE SPEAKER:** There is a new rule, honourable chairman.

**MR ONGALO-OBOTE:** Insert a new rule, immediately after rule 50, to read as follows:

“Rota of questions

The time available for answering questions shall be allotted on different days in rotation relating to such ministry or ministries as the Speaker may determine and each such day, only questions relating to the ministry or ministries for which time has been allotted on that day shall be placed on the list of questions for oral answer.”

Justification

To cater for the current rule 43 that has been replaced by rule 45 as a result of the reorganisation of part 1(x) of the rules.

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

*(Question put and agreed to.)*

*New rule, agreed to.*

Rule 51

**MR ONGALO-OBOTE:** Rule 51 Statement by ministers.

1. Sub-rule (1)

Delete the words “on the sequence of business prescribed by rule 25” appearing in lines two and three.

The justification is for clarity.

1. New sub-rule

Insert a new sub-rule, immediately after sub-rule (3), as follows:

“A statement by a minister shall be in written form.”

The justification is to make it mandatory for ministerial statements to be in written form, for ease of reference.

**THE SPEAKER:** Members, I put the question that rule 51 be amended, as proposed.

*(Question put and agreed to.)*

*Clause 51, as amended, agreed to.*

Rule 120

**MR ONGALO-OBOTE:** Rule 120 Private Members’ Bills

Under sub-rule (3), substitute for the words “Department of Legislative and Legal Services”, the words “Clerk to Parliament.”

The justification is for consistency with sub-rule (4), since all departments work on behalf of the Clerk to Parliament.

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

*(Question put and agreed to.)*

*Rule 120, as amended, agreed to.*

Rule 142

**MR ONGALO-OBOTE:** Rule 142 Bills returned by President

1. Subrule (1)

Substitute for subrule (1) the following:

“Where a Bill passed by the House is returned to the House by the President with a request that the House reconsiders the Bill or a particular provision of it or any such amendments, as recommended in his or her request, the Speaker shall read the request of the President or, if the House is not in session, direct that the message be published in the *Gazette”*.

1. Sub-rule (2)

Substitute for sub-rule (2) the following:

“(2) The Speaker shall refer the Bill to the relevant committee, which shall consider the recommendations of the President and report to the House within two weeks.”

1. Sub-rule (3)

Substitute for sub-rule (3) the following:

“The minister, in the case of a Government Bill or a member, in case of a private member’s Bill, shall move a motion for reconsideration of the Bill by the House.”

1. New sub-rule

Insert a new sub-rule, immediately after sub-rule (4), as follows:

“Where the motion for reconsideration is not carried, the request by the President shall be taken to have been considered and rejected, and the Bill, as originally passed by the House, shall be presented to the President for assent.”

1. Subrule (6)

Substitute for sub-rule (6) the following:

“When all the amendments have been disposed of, the minister, in case of a Government Bill or a member, in case of a private member’s Bill, may move that the Bill be passed again or passed as amended, as the case may be.”

1. Sub-rule (7)

Substitute for sub-rule (7), the following:

“(7) Where the Bill is passed it shall be presented to the President, indicating whether it was passed, with or without amendment.”

1. Sub-rule (8)

Substitute for sub-rule (8), the following:

“(8) The Clerk shall certify on a Bill to be presented to the President under sub-rules (4) and (11), the following:

‘This Bill, which was passed by the House and returned by Your Excellency the President for reconsideration, has been considered and passed again, with or without amendment, by the House on this” given day of this year, dated in the year of our Lord that applies.

The justification is to ease the process of reconsideration of returned Bills, by removing the requirement for tabling of the returned Bill by the minister, before its referral to a committee.

Besides, when the Bill is returned, it is within the hands of Parliament.

**THE SPEAKER:** Honourable chairperson, I do not have a problem with the rest of the provisions. However, I want the rationale for sending the President’s letter to the *Gazette*. Why should it go to the *Gazette* and not to maybe the *New Vision* or the members’ iPads? Tell me the rationale.

**MR JAMES KAKOOZA:** Thank you, Madam Speaker. Honourable chairperson, I have no problem, except with the two weeks.

A directive of a President can say, “Go and consult”. When you have the committees in the field and give them only two weeks, I find that those days are not enough. It depends on the decision. Why don’t you leave it open? In the rules, it says that any Bill, which is returned does not go beyond a certain period. Why restrict it to two weeks. That is where I have a problem.

A committee might be in the field and the directive might say that, “Consult the stakeholders”. You have to arrange for them to come to the committee and give their input. So, I have a problem with those two weeks. Thank you.

**MR ONGALO-OBOTE:** Madam Speaker, what the committee had done with rule 144, was to simply break it down, for purposes of clarity. Secondly, it was to eliminate the requirement that the returned Bill be laid on the Table by the minister, before it is sent to a relevant committee.

However, rule 42, as it stands now, was not amended in any substantive form, as can be seen by the fact that rule 142(1) currently requires that the message be published in the *Gazette*. Rule 142(2) – Hon. Kakooza – as it stands now, states: “*The Bill, as passed by the House and returned by the President for reconsideration, shall be laid on the Table by any minister, in case of a public Bill or in any case by a member within two weeks of its return*.”

This is what the current rule states. I just want us to be sure that if we want to amend that now, we can do that. However, this is already captured as is, in our rules. What we were only trying to do was to eliminate the requirement that it should be tabled by a minister and also to rearrange the rule for clarity.

**THE SPEAKER:** Honourable members, I put the question that rule 142 be amended, as proposed.

*(Question put and agreed to.)*

*Rule 142, as amended, agreed to.*

Rule 143

**MR ONGALO-OBOTE:** Rule 143 Submission of Budget Framework Paper and proposed annual budget

Sub-rule (1)

Substitute for sub-rule (1), the following:

“(1) The President shall, not later than the 31st day of December in each financial year, cause to be prepared and laid before Parliament, a Budget Framework Paper of the following financial year.”

The justification is for clarity and to synchronise sub-rule (1) with Section 9 (5) of the Public Finance Management Act, 2015. The Budget Framework Paper is laid by 31st of December of the financial year preceding the financial year to which it relates.

**THE SPEAKER:** Honourable members, I put the question that rule 143 be amended, as proposed.

*(Question put and agreed to.)*

*Rule 143, as amended, agreed to.*

Rule 145

**MR ONGALO-OBOTE:** Policy Statements

Sub-rule (2)

Insert a new paragraph immediately after paragraph (k) to read as follows:

“l. List of requests for access to information made by the public during the previous year, indicating whether or not access was granted and reasons for denial, in respect of Section 43 of the Access to Information Act.”

Justification

To conform to Section 43 of the Access to Information Act.

**THE SPEAKER:** Honourable members, I put the question that Rule 145 be amended as proposed.

*(Question put and agreed to.)*

*Rule 145, as amended, agreed to.*

Rule 148

**MR ONGALO-OBOTE:** Consideration of the Reports on Policy Statements and the Proposed Annual Budget

Sub-rule (1)

Substitute for Rule 137, appearing in the second line with     Rule 147.

Justification

It is for accurate cross-referencing. This is really just a correction because it was an error. It should read Rule 147 and not Rule 137. If you look at the current rules, and you cross-reference as the Rules of Procedure says, you will go to a rule that has no bearing to what it is referring to. So, we were only making a correction, so that you are referred to the correct rule.

**THE SPEAKER:** Honourable members, I put the question that Rule 148 be amended as proposed.

*(Question put and agreed to.)*

*Rule 148, as amended, agreed to.*

New Rule

**MR ONGALO-OBOTE:** Insert a new rule immediately after Rule 151 as follows:

“Consideration of supplementary estimates

1. The Minister of Finance, Planning and Economic Development shall, in accordance to Article 156(2) of the Constitution and Section 2(5) of the Public Finance Management Act, present before Parliament supplementary estimates on behalf of the President.
2. The supplementary estimates presented in sub-rule (1) shall clearly spell out the sources of funding for the supplementary expenditure request for each vote.
3. The Speaker shall commit the proposed supplementary estimates to the Committee on Budget and to each sectoral committee the part of the supplementary that falls within the jurisdiction of the respective sectoral committees.
4. The sectoral committees shall report back to the Committee on Budget within 14 days.
5. The Committee on Budget shall then present the report on the supplementary budget request to the House.”

Justification

To make it mandatory to disclose the sources of funding for the supplementary estimates. In the event that the source of funding is external financing, for instance, the House shall proceed to consider the loan request prior to supplying the supplementary budget request.

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

*(Question put and agreed to.)*

New Rule

**MR ONGALO-OBOTE:** Insert a new rule immediately after Rule 152 as follows:

“Consideration of loans and guarantees

1. The Minister of Finance, Planning and Economic Development shall, in accordance to Article 159 of the Constitution and Sections 36 and 39 of the Public Finance Management Act, present to Parliament the proposed loan guarantee request for approval.
2. The Speaker shall commit the proposed loan or guarantee request to the Committee on National Economy and to the relevant sectoral committee, to which the subject matter of the request falls.
3. The sectoral committee shall report to the Committee on National Economy within 14 days.
4. The Committee on National Economy shall then present the report on the loan or guarantee request to the House.
5. With exception of loans raised through issuance of securities, any loan request submitted before Parliament for approval, shall be accompanied by the following documents:
	1. Draft financing agreement;
	2. List of financing options considered when identifying the creditor;
	3. Loan disbursement and repayment schedule; and
	4. A letter from the National Planning Authority clearing the project or expenditure.
6. Where a loan is raised through issuance of securities, the documents under sub-section (3) (b) to (d) shall apply.
7. Where a loan is a project specific loan, the following documents shall, in addition to the documents required under sub-section (3), accompany the loan request:
	1. Socio-economic assessment impact report;
	2. Performance reports for all the projects being implemented by the sector;
	3. Evidence of consistence with NDP and sector strategy;
	4. Evidence of availability of counterpart funds in the budget;
	5. Project appraisal documents;
	6. Procurement plan;
	7. Project implementation plan;
	8. Project management structure;
	9. Resettlement action plan where applicable;
	10. Environmental Impact Assessment report, where applicable; and
	11. Any other necessary documents.”

Justification

1. To clearly provide that loans for domestic borrowing do not need to submit to terms and conditions as per Section 36(5) of the Public Finance Management Act, with regard to terms and conditions of loans being laid before Parliament.
2. To ensure options and disbursement schedule for domestic borrowing is provided, and only terms excluded.
3. To ensure that any project meets these requirements.

**THE SPEAKER:** Honourable members, I put the question that a new rule be introduced as proposed –

**MR KASULE:** Thank you, Madam Chairperson. I was just wondering at what stage the environmental impact assessment is done. Is it at the inception of a project? Otherwise, if the environment impact assessment comes much later, it might either delay the project or delay the passing of the loan. I do not think they take a short time do such work.

For it to be among the things that are required in Parliament, I think it will be a hard thing to do. Maybe the chairperson should tell us the profile.

**MS SYDA BBUMBA:** Thank you, Madam Speaker. The documents which are covered under the new rule are more or less the guidelines which the Committee on National Economy has already adopted for scrutinising loans. Except there is one document; this is on performance on past loans. Whenever we are scrutinising loans, we look at the performance of past loans. We do not want to build up a stock of non-performing loans.

We look at the performance of past loans. We do not want to build up a stock of non-performing loans. This stock is usually at a cost because commitment fee has got to be paid.

Therefore, I would like to include, among the documents, a report of the performance of past loans in the sector, Madam Speaker.

**The Speaker:** Honourable members, I support the chairperson of the Committee on National Economy. In the last several weeks, we have had to demand that from the ministries.

**Mr ongalo-obote:** Madam Speaker, that would be taken care of under “K”, for “any other necessary documents.” However, for purposes of clarity, I would propose that we now have “K”, for “Performance of past loans” and “L” would be “any other necessary documents.”

On these requirements, Hon. Sebunya was asking whether requiring that a loan proposal meets them would not delay a loan. We have had cases of loans that the Government gets and it begins paying interest on them yet, the work for which the loan was got has not even begun and cannot begin because they have not done all these in advance of getting the loan. By doing it this way, we shall be preventing unnecessary payment of interest on loans that we get before we have carried out all these assessments*.*

**Mr makmot:** Madam Speaker, the information that I want to give to the chairperson relates to the concern of my honourable colleague with respect to performance. If you look at the new rule, subrule 7(b), I think it is on page 16 of 31: “The document that should accompany the loan request under (b) is performance report for all the projects being implemented by the sector.” Therefore, I do not know whether that concern is not already captured under that provision. Thank you.

**The Speaker:** Honourable members, suppose you are in the Ministry of Water and Environment, they bring projects under water and others under environment and meteorology; is that what you are suggesting?

**Ms bbumba:** Madam Speaker, my concern is on performance of loans. What that covers is general performance of the projects regardless of whether they are loan funded or not.

**The Speaker:** Honourable members, it has been the concern of this House that we have been borrowing money and many times we do not get information about performance of loans in that sector. This is important for accountability.

Honourable members, with the adjustments, I put the question that the new rule be introduced.

*(Question put and agreed to.)*

Rule 154

**Mr ongalo-obote:** Rule 154: Standing Committees and Sectoral Committees

The subrules under Rule 154 should be renumbered chronologically to correct the numbering error.

For subrule (1), substitute the word “two’ with the word “one”.

Justification

1. To cater for the ramifications of the increasing number of Members of Parliament such as space constraints. With the expected 547 members, belonging to one committee will have each committee with about 19 members, which is a manageable size for efficiency and effectiveness.
2. Conflicting schedule of sectoral and standing committees leave members with divided attention.

**Mr oseku:** Thank you, Madam Speaker. In order for Parliament to be abreast with business of Government, it is better that members remain belonging to both committees so that they have the experience and exposure and can be able to relate business from sessional and standing committees.

Secondly, it is for the good of the institution but this can be improved. It is about how members commit themselves to conduct business of the House.

Therefore, I thought that we should provide within the rules that we expand time for sitting and there is strict adherence to attendance to committee business. Thank you.

**Mr keefa kiwanuka:** Thank you, Madam Speaker. I have objections to what the committee is recommending. I think they are recommending that we reduce the number of people participating in a committee –

**The Speaker:** They want every member to have one committee.

**Mr keefa:** The principle is that we shall have 19 members on each committee, based on what they have in their report. Anyway, that is not the main issue I would like to talk about.

First of all, the fear I would like to allay is that the next Parliament is expected to have 529 members. We are assuming that out of that, about 80 will go to the frontbench as ministers. Right now, they are 81, which leaves us with 449 members.

If you divide the 449 by the 13 standing committees that we have at the moment, you will have a number of 34 for each committee. At the moment, each committee allows 35 members but sometimes for some committees, it is difficult raising the required quorum.

If you get to the sectoral committees, which are 16 at the moment, if you divide 449 members by 16 committees, you have a number of 28. At the moment the number of members allowed is 30. Therefore, the fears are unfounded.

The other issue is that the two categories of committees - standing and sectoral committees - somehow have a fairly different mandate. You find that the colleagues on the Committee on Rules, Privileges and Discipline; those on Appointments Committee and those on the Committee on Equal Opportunities will be denied the opportunity of participating in the activities that we on the sectoral committees are participating in right now. For instance, they will miss issues to do with the budget and oversight responsibility.

The other fear is that there is a clash when, for instance, standing committees and sectoral committees are sitting. Sometimes we find that members do not attend simply because they are doing other things, not because they are in the other committee. In some cases, we even struggle to get numbers.

Therefore, in my view, the system is working very well. The principle of ensuring that members participate in as many committees as they can, the spirit is already there because members are already encouraged to participate in other committees even where they are not members.

Therefore, I do not see the need of amending this for a member to attend just one committee, which would mean that if you divide the number of members, it would mean that each committee has 19 members. I appeal to the chair to withdraw this.

**MS SYDA BBUMBA:** Thank you, Madam Speaker. On the proposal for a member to belong to either a standing committee or sessional committee, I strongly oppose it. Reason, it does not give sufficient opportunity for the members to participate. Since the coming Parliament is going to be large, some members may not be able to get opportunities as frequently as they wish to speak in plenary. The committee gives them opportunity to put their ideas.

Secondly, the standing committees require diverse knowledge. Therefore, without members participating in sessional committees, they will not be able to acquire that diverse knowledge which they bring on table in the standing committees.

Therefore, I propose that we maintain the status quo. What is important is scheduling and time management of the meetings. We can have these as we have been having them as long as members are committed to arrive on time and to stay and contribute.

**MR ROBERT KASULE:** Madam Speaker, I think what is keeping us back in Africa is not accepting our mistakes or inefficacies. There is no way somebody can effectively be on two committees. Apart from the one committee of appointment which does not sit so regularly, it is very hard to commit on two committees and it has a financial implication. For 530 people to be moving from one committee to the other and all the attendant expenses that are required - I would propose that being impartial, be on one committee.

Committees are revolved every one year, even for sessional and accountability committees, they revolve every after two and half years. If you want to acquire experience, please at the end of the two and half years, go to another committee or you can reduce it to one year or any other schedules that can be drawn.

Therefore, I would argue that if somebody wants to learn, especially for a new Member of Parliament, to be able to learn how things work, get committed to one year in a committee, learn the processes, oversight and thereafter, then you can shift to another one. Otherwise, it will give you many challenges with big numbers and with people taking excuses that they are on the other committee and not on the other committee. For the Speaker and the Clerk to know who attends and who does not attend, it is very clear, somebody must be on one committee.

**MS JOVAH KAMATEEKA:** Thank you, Madam Speaker. Hon. Kasule is entitled to his opinion but some of us have effectively participated on both committees and these committees offer different experiences. The sessional committees require technical knowledge, experience and so if you have the technical knowledge you are able to participate, if you do not have, you are able to pick that experience. It is not purely for members to learn but to participate.

Secondly, that people do not turn up for these meetings is a matter of choice. Look at the Parliament right now, the seats are empty- if members wanted to attend, they would come and attend.

The commission can maybe look at the scheduling of these meetings and ensure that as a far as possible, the timing does not coincide. However, largely, if members have the commitment to attend, they will be able to attend.

Secondly, it is very important that the members belong to both sessional and standing committees because of the different experiences and expertise that they offer.

I beg to differ from the submission of the committee and to propose that we remain with the status quo as other members have suggested. I beg to submit.

**MS HELLEN ASAMO:** Thank you, Madam Speaker. I am wondering what the committee is trying to cure. These committees are very distinct. You release that standing committees handle issues of accountability reports and then present back to Parliament, and then help other committees to understand what is happening in the institutions in terms of reporting.

The other committees which are sessional deal with specific ministries. It is good for a member to belong to two. I do not support the idea of belonging to one committee. At the end of the day, it has a lot of challenges. I am currently a chairperson of a committee, I have 35 members, but at no point have I received attendance of 35 members.

I would think that we are not curing anything. I would only beg that we have an harmonized position where the committee- sometimes our reports feed into the sectoral committees that we can be able to argue.

Madam Speaker, I do not support anything that the committee is bringing about being on one committee. In Parliament, we need to learn both. Maybe, I would have talked of harmonization of the committees. One committee goes for two and half the other goes for one year; maybe we put it at equal level- two and a half, so that we do not have one chairperson who is going for a long time and the other does a short time. The experience we have seen is that when the sectoral committees are ending the year, the chairpersons are begging the whips to extend them because this one is still around, they might think I have not done well politically. Maybe we look at the timing so that the two and half is balanced. Thank you, Madam Speaker.

**MR KIBALYA:** Thank you, Madam Speaker. We thank the committee for the report. One time, we engaged the committee - in whose interest was that clause brought in the report and under which spirit? At times we want to do these things in the interest of this country and not for selfish interests.

Madam Speaker, I request you to have a small discussion with the Chairperson and the Members in your office; they will tell you the person who smuggled in that clause. I believe somebody with a different line of argument smuggled in that clause - that person has been in this Parliament for 25 years or 30 but she never proposed that clause. She was even in leadership but there was no proposal in that line. However, after knowing that other people were there and others are going, then that was brought in and it was in that spirit. Otherwise, it was not in good interest and spirit.

Madam Speaker, a Member of Parliament is required – and it is better and it only makes sense and value to belong to two committees. These committees are different; one is an accountability committee, which is a Standing Committee and the other is a Sessional Committee. They handle different things; leave alone the experience but what we do. It is not a matter of belonging to a committee but what value do you add to the committee? Everybody has a different area that he or she can add value to these committees, and you subsequently add value to this country.

Therefore, we cannot say that the number is big. Madam Speaker, the number is not big. To begin with, we have people who are going to be ministers. These ministers will be there and even when they are invited to come and present in their own committees, they do not come to present.

We have about 80 people who will be ministers. Out of the 527 members of Parliament, we shall remain with about 400 members of Parliament. These ones can be divided into the two committees, if we have to change – I submitted my proposal to the Clerk and the chairperson received a copy. If worse comes to worst, we would rather amend and say, - first, there is a rule we have in our Rules of Procedure, where we have a maximum of 35. For the interest of catering for everybody, we would amend that rule and increase the maximum to 40 or 45; after all, in some committees where we even have a maximum or a minimum, they do not attend.

Secondly, Madam Speaker, in my proposal, we even requested the committee to look at some of these areas. We have the Committee on Physical Infrastructure. It is a committee that handles three ministries. It handles transport and communication, it handles lands - which is full of scandals everywhere and I think that is why it has scandals because it requires a committed committee to oversee those who are grabbing land - and it handles urban planning.

We could equally divide that and have one committee for transport and communication and another committee for the other side. Hon. Okupa, I know you will say something on the issue of COSASE.

Madam Speaker, COSASE is supposed to oversee 21 agencies but in the five years, you will get the report and I think it has only seen two or three agencies. That is where we see inefficiency *– (Interruption)*

**MR OKUPA:** COSASE oversees 73 institutions, not 21.

**MR KIBALYA:** Thank you for that information. Madam Speaker, how can a committee oversee 73 institutions? There is no way we shall have efficiency in that. Possibly, we could divide COSASE and get two or three committees and we can have 20 or more agencies to be overseen. However, in five years, you get a report and they have only audited three out of 73 institutions.

Lastly, there is the Committee on Local Government, which looks at districts, subcounties, cities, town councils and municipalities. Now, these cities that require concentration, you find that local government is not clearly overseeing them and making good rules in areas that are –

Madam Speaker, I would like to request Members that it is better and it only adds value; to this country, to the members of Parliament, to this Parliament and everybody when Members belong to two different committees.

We request either the Office of the Speaker or the Clerk, to strengthen some of these rules such that attendance should be paramount or some people must observe the issue of attending committee sessions. I thank you, Madam Speaker.

**THE SPEAKER:** I think the majority do not agree with the proposal.

**MR JAMES KAKOOZA:** I want to supplement what my brother said. Some of us have been here longer - for 20 years - but the experience we gained in two committees is quite great. Our work is scrutinised and each and every document comes from the Executive but you find that the moment they bring documents to a Committee on Finance, Planning and Economic Development, like tax measures, these technocrats will tell you that we are going to generate revenue of such a mount. However, when they come to the Committee on Budget, they tell a different thing.

When you belong to two committees, the advantage is the variety of knowledge and exposure that you get. You can forward the information you get from another committee to another committee and it helps the committee to understand.

Three, I do not see any harm because any member can attend so long as you are there in the House. To belong to one committee, you are restricting that person that whoever has an interest in a matter of finance, you cannot go to Budget because we belong to different professions. How do you prevent an accountant from going to COSASE because he belongs to the Committee on Finance, Planning and Economic Development and yet he wants to use his expertise in auditing in COSASE to help a committee?

So why should you limit them? The profession and skills you have in those committees – it is better for any Member of Parliament to belong to two committees because you go to different sectors and we come from different professions but add value there. As Bert Warrant said, variety is beauty. You have a choice to go there.

**THE SPEAKER:** Honourable members, I think we are really spending a lot of time on the same issue.

**MR ONGALO-OBOTE:** Madam Speaker, I request that for the sake of time, these are our rules and they are primarily, first, for convenience. I have listened to Members and I am certain now that even if this proposal is passed, it would not sit well with Members. Therefore, with your permission, I will withdraw this proposal.

**THE SPEAKER:** Hon. Ssewungu, the matter has been withdrawn. Maybe what I can say, honourable chairperson, concerning the output of the committees is that there is an area, and I do not know whether you have addressed it, on agency reports. We still do not do well on annual reports.

**MR ONGALO-OBOTE**: Madam Speaker, as a consequence of the withdrawal of the proposed amendment to rule 154, the proposed amendment to rule 155 fails. This would have only stood if we had amended rule 154. So, I request that we delete that now.

**THE SPEAKER:** We leave the original rule 155 and we do not interfere with it.

**MR ONGALO-OBOTE:** Yes, we leave the original rule 155.

**THE SPEAKER:** Honourable members, there is no amendment on rule 155.

**MR ONGALO-OBOTE:** New rule

Insert a new rule immediately after rule 159 as follows –*(Interruption)*

**MR OKUPA:** Madam Speaker, I have an amendment on rule 155 that I had proposed and given to the Clerk but we had also appeared in the committee. I do not know whether this would be the right time before we go to rule 159, with your permission.

**THE SPEAKER:** You had an amendment?

**MR OKUPA:** Yes.

**THE SPEAKER:** Okay, you can speak to it.

**MR OKUPA:** Thank you, Chairperson. Madam Speaker, I am moving a proposal for an amendment on rule 155. I propose that we amend rule 155:

1. In paragraph 1 of the sub-rule (i) by deleting the words “and state enterprises” so that the paragraph reads, “The committee of COSASE or the Public Accounts that covers commissions, statutory authorities and state enterprises now just reads, “commissions and statutory authorities.”

2. Inserting a new paragraph immediately after paragraph one in sub-rule (1) to read, “Public Accounts Committee, State Enterprises…” or any other name that the Members may fit because like in the Parliament of Kenya, it is called the Investment Committee.

3. Insert a new paragraph immediately after paragraph (j) to read, “Public Accounts Committee, Local Urban Authorities” to cover the municipalities, cities and town councils.

**MS KAMATEEKA**: Madam Speaker, the Member seems to be introducing a new committee into the rules. The procedure required that these proposals be written out and given to the Clerk and it would have given us an opportunity to study them.

Now, for us to want to introduce new committees and especially when we are considering the expenditure -the proposal of the committee earlier was that Members belong to one committee because they wanted to cut on expenditure, among other proposals.

I rose on a point of procedure; I am seeking your guidance as to whether the Member is right in introducing new committees at this time because he did not follow that procedure and they needed to be thoroughly studied.

I beg to submit.

**THE SPEAKER:** Honourable members, we had earlier said that Members who had amendments should present them early enough. What I do not know is whether they were presented to the committee and whether the committee had time to discuss them.

Honourable chairperson, did you receive these proposals and what was your position?

**MR ONGALO-OBOTE:** Madam Speaker, while the committee was in the retreat at which we worked on this report, this proposal was first mooted by the honourable member and it is mentioned that the committee studied that report and the overwhelming opinion of the committee was that committees are not adequately utilising rule 199 of our Rules of Procedure, which empower committees to create sub committees in case they have a lot of work to handle.

So, the committee had considered this proposal but Members were concerned that before we create more committees, have we really exhausted the powers granted to committees under rule 199 to create sub committees from within committees so as to speed up their work? That was the major argument that led to this proposal not to be adopted by the committee.

**MR OKUPA:** Madam Speaker, I wish hon. Kamateeka had waited and listened to me. When you gave a directive after the report was presented here, you asked Members to make proposals and submit them to the Clerk. I duly did and they were uploaded. I know the problem with my honourable colleague is that she does not pay attention to what is uploaded; that is why she possibly missed to see it.

It is true we did appear before the committee and it is not the first time; two-and-half years ago, we did again propose this to the committee and the committee then asked us to give them time. They said, “We cannot take it now; let us study it.” This time I thought that after two-and-half years, they had studied it but it is not a do or die for me; I can make a case and Members can reject or adopt it.

I have no direct benefit to it. If Members feel that they cannot - but at least give me the chance to present the case and if there is merit in it, take it; if it is not there, leave it.

There is a background to this; last financial year, the Auditor-General audited 9,228 entities but the accountability committees did not even handle 1,000 of them.

Let us look at the Local Government Accounts Committee; it covers 145 districts, 10 cities, 31 municipal councils, 3,580 town councils, 2,184 sub counties, 20 divisions. Then there are secondary schools. How can a committee be able to cover this, even dividing this committee into two may not solve the problem but will go a long way in trying to reduce the –

Look at the commissions; we have 23 authorities, the commissions are 14 and the enterprises are 36. This gives 73 committees.

We have 16 sessional committees of Parliament and 13 standing committees. Can we have them at par; 16 sessional committees and 16 standing committees, if we get ahead to divide this. If we look at the Committee on Public Accounts (Central Government), it covers 39 missions, embassies and high commissions and 64 entities; that gives you a total of 113. How can that committee be able?

Having served in the Committee of COSASE, when we handled the case of Bank of Uganda, how many months did we take? When we handled Uganda Revenue Authority -

This morning we were looking at the issue of lands; the Uganda Land Commission, for the last five years, has had qualified accounts and it has never been looked at. No wonder there are problems in the Uganda Land Commission. The Auditor-General arrests issues because there is too much work. They have handled the issue of the custodian board, how long has it taken? Very long.

So, this is the background from which I said, let us reduce on the backlog. If every year the Auditor-General is auditing over 9000 entities and Parliament only produces less than 1,000 of those, by the time we get to handle those, even the accounting officers that were handling these entities would have left or died. So, we would be wasting time. If members buy that idea, I can proceed, if they don’t, I withdraw.

**DR KEEFA KIWANUKA:** Madam Speaker,hon. Okupa has a persuasive point but it seems he submitted his proposal a bit late when the committee was already in the retreat. It sounds to me that this is a matter where probably the committee needs to get submissions from other Members. I do not think *- (Interruption)*

**MR OKUPA:** Doctor, I think you did not listen to me; I have just told the House that two-and-half years ago, I did make a case to the committee.

**DR KEEFA KIWANUKA:** Okay, probably we have moved on and you were talking earlier about the growing number of Members but I think that is something that again needs resubmission to the Committee on Rules, Privileges and Discipline. But I do not see it possible that a decision can just instantly be made at this stage when the people who considered it are saying that it was not feasible.

Thank you very much, Madam Speaker.

**THE SPEAKER:** Honourable members, I have been talking about our failure to handle the annual reports of the agencies. I think we may need to review the number and structure of the committees as a whole.

So, if you don’t mind, can we take this together and look at the other areas, which are also deficient and handle it at once? We agree, in principle, that we may need to readjust, even the number of committees then look at it and state which ones go where. There are areas I have been talking about, which are not satisfactory.

**MR ROBERT KASULE:** Madam Speaker, we can agree that you need a substantial surgery because you have already admitted that there are inefficiencies. However, the office you are dealing with is the Office of the Auditor-General; it is one office.

I sit on the Committee of Commissions, Statutory Authorities and State Enterprises. Every time we sit in a meeting, you get two to three officers sitting with you. The more committees you split, it means the Auditor-General must have maybe 30 members of his staff attached to Parliament.

Madam Speaker, this is work already done; it has been chewed by the Auditor-General. It is the method of work of these accountability committees that delays them. This is work that is 90 per cent done.

Most of the Members have been found culpable. What we have to agree on is to bring those issues to the Floor of Parliament so that they are debated and done away with. How can a committee, out of 9,000, only debate 20 in a whole year? However, creating many committees without changing the method of work, Madam Speaker, you will be doing nothing.

Otherwise, I agree with you. You need a lot of time – not now – to interrogate this matter of numbers and committees and not within these two hours that we have.

Thank you, Madam Speaker.

**MR MWIRU:** Thank you very much, Madam Speaker. The information I want to pass to my honourable colleague and the House is that actually, when you read the Constitution, you realise we are supposed to dispose of and deal with these reports within a period of six months from the day the report is submitted to Parliament.

What we are saying is that we want to create efficiency by increasing the number of people who deal with these reports, notwithstanding the other limitations on the staff of Parliament.

You realise that a committee of Parliament has one clerk, who sits in every meeting with Members but must write draft reports. By the nature of our rules, Members do not generate draft reports for the committee. So, the information I want to give my colleague is that what you are talking about is healthy and improves the efficiency of Parliament. Do not look at it from another perspective. Just like my friend who said that we do not have a lot of time - Members have not submitted on this Floor. That is why you are here. I thank you.

**MR IBRAHIM KASOZI:** Thank you, Madam Speaker. I want to speak, based on the experience I have had for the last two-and-half years, when I was a member of the Committee on Public Accounts (Local Government) and COSASE.

Madam Speaker, even if you asked the committees to sit both during day and night or from month to month, they cannot finish those reports. They cannot audit those reports, day by day and finish them. If we want effective service, as members of Parliament, we need to divide those committees so that Members can have time to scrutinise those reports. Otherwise, with the way it stands, you cannot finish them.

Secondly, I do not know how we can also formulate the way to choose the chairpersons of those accountability committees. The issue of credibility also matters a lot. If we have – I do not know what we can do to have credible leaders to head those committees. We should create a situation, where a person who has been appointed to head or be a vice chairperson of such a committee goes through a certain process so that Members feel that that person is capable of representing the image of Parliament outside there.

Therefore, I support hon. Elijah Okupa’s proposal that we should split those two committees. Yes, my party can choose me but Parliament should put a mechanism of vetting I, the person the party has chosen, on whether I have credible credentials to represent the image of this Parliament. Otherwise, if we do not do that, accountability committees will become a business for those chairpersons. I thank you, Madam Speaker.

**MR SSEWUNGU:** Thank you, Madam Speaker. I am lucky that have been around for the last 10 years. I have never been a chairperson but member of a committee. While I strongly support hon. Elijah Okupa’s suggestion, it still goes back to the next Business Committee to carry out an evaluation on performance.

I have been attending PAC throughout and I do not miss its meetings as well as those for the Committee on Education and Sports. What I can say is that business in the accountability committees is sometimes not completed; you cannot finish it yet facts must still remain.

While here, we might not attack our bosses but you see a lazy someone appointed chairperson of an accountability committee. Then you see them there - Members are willing work but you find this chairperson ever absent, well-knowing that there is work overload.

In the Business Committee, you used to call us, Madam Speaker. I remember you used to call the Whips and meet and evaluate how we move and assess ourselves. We would then sit and evaluate the performance and weaknesses.

For example, there are committees we have that are not working. I am a Whip; I have been the DP Whip and I am still serving because I have never been given a letter to leave that office –*(Laughter)–* but you can tell a Member, “I am sending you to the Government Assurances committee” and he replies, “I will not go to that committee” yet there is work in that committee. He says, “The committee is not sitting.” We have the Equal Opportunities committee, which is chaired by the Opposition but with no sittings.

Madam Speaker, I agree with what hon. Okupa and you have said. Let us save this one but the Business Committee should start immediately by looking at the committees and the caliber of chairpersons. Good enough, we know the rules on appointing chairpersons.

You will see how the National Unity Platform is going to select its committee chairpersons and that is what hon. Kasozi was raising. He was open. Yes, you might have chosen these leaders but who is going to sieve and evaluate them? You have given us this person to chair this committee but will they manage it?

Those are the questions that remain and it is for both sides: the NRM side and the Opposition. The problem is the same. Somebody is appointed chairperson of a committee but they don’t appear yet they know that when they aren’t there, the committee cannot move, yet Members might be present and with a lot of work.

I pray, Madam Speaker, that we do as you have said. Hon. Okupa brought this proposal two years ago but nothing happened. The moment we come back, the Business Committee should sit to look at the performance of these committees.

You will find other committees ahead of others but then, you will determine the creation. We cannot do it in front of the House here because how shall we move anyway? That is how we have been creating these committees. That is how we brought the Committee on Human Rights on board.

You tell them that the Committee on Human Rights is an accountability committee but Government says it is not. People were beaten and it is the police and Government beating civilians. Who will account for that? They just say that it is supposed to be Government? Those are the questions we must ask ourselves. It is not about gaining from the Opposition and the NRM side but building Uganda and running the country for accountability purposes.

I want to correct hon. Kasule Ssebunya. The Auditor-General cannot fail to submit reports because he is an officer of Parliament. That is what the Constitution says.

The Auditor-General cannot fail to produce people here, moreover, he is a staff of Parliament. This is what the Constitution and the Rules of Procedure of Parliament say. They will come and we work. As long as we sit - my prayers are for you, Madam Speaker, to sit there again so that you head the Committee on Business. I am not shy about saying that. You have a lot of experience.

Also, we should look at our staff. These are our friends. We should recruit more. We cannot tell lies here that we have not had problems with some staff. We can harmonise and improve so that work moves smoothly. Thank you.

**MS SARAH OPENDI:** Thank you, Madam Speaker. I want to call upon colleagues to look at these things objectively. Sometimes we try to look at certain issues with party lenses.

One of the core functions of Parliament is oversight. The Committee on Public Accounts - if we are really committed to fighting corruption in this country, we would do a great deal to help the Executive to deal with some of these challenges that we may not see as policy makers.

We are all aware that we have created more town councils and subcounties in this country. We have created cities and more districts. It could have been easier then, because the districts were fewer. Just look at a situation, where you have the Committee on Public Accounts dealing with all these audit reports coming from the Auditor-General. The Auditor-General has also increased its staff. I worked with the Inspectorate of the Government; they also restructured and they have specific directorates created to deal with projects.

I, therefore, want to request that this matter should not be dropped. Maybe we should save and study it more. Otherwise, it is important that we create - for committees to be effective, we have to really divide. You cannot have one committee dealing with all these audit reports and then you expect to do justice to them. It is frustrating.

I have had an interface with the Auditor-General’s staff. Most of them are frustrated that their reports are not being – they take it that we are not doing our work. They have done their work but we are not doing ours.

In order for us to do our work, I want to support the proposal that we have to split the Committee on Public Accounts but based on some handling - could be projects and others could be investments. This is something that we have to critically look at and support so that we make these committees effective.

We have even increased the number of Members of Parliament. Why do we want to have redundant Members of Parliament? One of the reasons they are not attending these committee meetings is because they are many. They know that, for example, hon. Ssewungu is there to cover them and handle the issues; that is why they are not there. When you reduce the number of Members in the committees and task them with work, I believe we shall get even better performance from them.

It is also frustrating, as a minister, to come before a committee and there are just two Members of Parliament out of 30 members of the committee. It is really terrible. Are we here just to become Members of Parliament to earn a salary and not do our work? This is an area that has to be looked at in the 11th Parliament. Thank you.

**THE SPEAKER:** Honourable members, I want to assure you that no one is going to drop this idea. I have already informed you on two areas; for instance, we have not had time to handle the IGG reports. We have not even had time to handle annual reports of Government agencies. That is why I am saying that we need to pick up this idea, look at those others, which are not working well and make some changes.

2.04

**THE DEPUTY ATTORNEY-GENERAL (Mr Jackson Kafuuzi):** Madam Speaker, your last statement has forced me to amend what I intended to say*. (Laughter)*

Be that as it may, I wish to respond to hon. Kasozi’s proposal of us scrutinising Members who are chosen to lead committees for integrity purposes. There is a reason accountability committees are given to the Opposition. There is a reason these positions are allowed to use their own internal mechanisms to arrive at a person who will lead such a particular committee.

If you open it up for Parliament to start vetting proposed Members of accountability committees, then the Government in power will be opposed to those that you will have proposed, especially if they are considered to be thorough and they are going to scrutinise Government work. In essence, accountability and oversight will lose its meaning. I am in the Government and I work well, if I know that we are accountable to whatever we are doing and there is oversight over it.

Therefore, my proposal is, we let the Opposition parties or otherwise, use their own internal mechanisms to arrive at a committee chairperson and let that chairperson do his or her work. If the party is not satisfied with the performance of that person, they can withdraw him or her. I beg to submit.

**MR OKUPA:** Thank you, Mr Attorney-General. Madam Speaker, I would like to give some information.

In the Sixth, Seventh and Eighth Parliaments, Members would be asked to indicate which committee they would wanted to belong to. Then, in the plenary, the Speaker would read the names and then ask the Members of each committee to go, meet and elect the chairperson and the vice chairperson of their committee.

Since members of the committees know the experiences and capabilities of those who have expressed interest, they would then elect their Chairperson. If a Member fails to perform his committee roles for whatever reason, members of the committee would even vote him or her out. In this Parliament, I think it is only the Committee on Physical Infrastructure, where I belong, that succeeded to kick out the chairperson of the committee.

The way we do things now; we are now leaving parties – You saw what my party did to us in COSASE. If you do not agree with the party president or the Secretary-General of the party, they will just throw you out and bring – the same applies to the side of the Government. You saw how hon. Egunyu and hon. Galiwango were removed.

I think Parliament should be independent because Members come from different political parties. Why would you discriminate? Let members of that committee sit and elect their leaders. We may have to look at amending the rules so that we are able to move. Otherwise, these are members of the different parties. Why would you discriminate against them? Thank you.

**MS KISEMBO:** Thank you, Madam Speaker, for the opportunity. I stand to support the proposal to split some of these accountability committees. For the last four-and-half years, I have been on the Committee on Public Accounts (Local Government); the workload is just too much, which makes the committee inefficient.

We are handling 136 districts, over 1,000 sub-counties, over 1,000 secondary schools and very many town councils that I do not even know the number. I have been an active Member. We have been working up to 11.00 p.m. trying to make sure we are efficient and able to produce a report here. The work is, however, too much. If we want these committees to be effective, we have to split them.

I propose that maybe for the Committee on Public Accounts (Local Government), we look at the district local government. For the lower local governments, we can put them under a different committee. Otherwise, it is impossible to complete the work that is before one committee. Thank you.

**THE SPEAKER:** Honourable members, I think the case for making changes has been made. We just need to sit down and streamline where each report goes. For instance, we can have different places where the reports go; the town council reports, the IGG’s reports and the annual reports for agencies.

**MR OKUPA:** Madam Speaker, I had made a case study on all those proposals. If I had been given chance, I would have done that but I leave it to the House. Thank you.

**MS HELLEN ASAMO:** Thank you, Madam Speaker. Whereas I agree with what hon. Okupa has said about splitting, I do not want to think that we should put it right now in the rules. I agree with hon. Ssewungu that we go and dissect it and see.

It is not only about dividing the committees. There are issues of leadership and how we work. Some of us come to the committee leadership and you do not know what you are supposed to do. Somebody starts auditing afresh. If somebody has given you a report, instead of looking at the entity that the report has come from, you also want to begin the same work. You see this from the questions we ask people. Some of these people wonder what is wrong with us.

I think we should take these ideas of hon. Okupa to a workshop and discuss them. This will enable us to see what the workload of all these committees is. Those ideas may not be the only ones; the sessional committees are big. It is then that we can dissect the whole thing. It should be food for thought for the next planning. After all, these same rules will be adopted by the next Parliament. We can then come up and say, “Now we need so many committees and this is how we are going to work.”

Even a chairperson or deputy, sometimes is a problem. A chairperson thinks that when I get into a committee, I have to fly and reach everywhere, which might not be the issue. Therefore, to me, it is a big problem; it is not only about dividing the committees. Thank you.

2.11

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, any effort that will improve the efficiency of the performance of Parliament should be supported. One of the areas we have seen is the operations of committees both at leadership level and the structure, given the sectors that we have. Now, under the National Development Plan, we are even moving towards the programme-based approach.

Therefore, there is need for us to review the whole structure; not only accountability committees but also the sessional committees. If you look at a committee like the Committee on Natural Resources and that of Physical Infrastructure, they are so huge.

I would say that hon. Elijah’s proposal is good; but it requires a study, so that when we take a decision, we do so, not only for accountability committees but also for sessional committees, with a view to improving the efficiency of the work of Parliament.

I would like to make a comment on what hon. Elijah Okupa said about leadership *vis-à-vis* the role of the party. When we went for a referendum in 2005 to ask the people of Uganda which route we should take, they decided that we should go multi-party. A party must have a role in the operations of these committees because we are implementing the manifesto of the party.

If there are some things that we do not agree to within the party, we can then handle them at the party level. However, the party should have a role in the leadership of these committees because it is important that we continue linking up with the party, after all, that is what it means to be in multi-party politics. You cannot have two ways. We are either multi-party or not.

In 2005, the people of Uganda said, “Let us operate under a multi-party system of governance” and multi-party politics means exactly that. Therefore, I think that parties should continue to have a say in who leads a committee. Like you have said –*(Interruption)*

**MR SSEWUNGU:** Thank you, for giving way, hon. Minister. We are not against what you are saying but we are looking at credibility. This Parliament sieves ministers appointed by the President but still, it was a minister who went out and solicited money from Serena. Another one was removed because she had taken the Uganda Broadcasting Corporation’s masts. It was discussed in the caucus, so you know it.

What we are saying is, even if Uganda is practicing politics of multi-party dispensation, as you select those people to chair the committees, credibility must be put into consideration. This is giving problems to the Business Committee, to which I am a member.

Do not consider paying back favours; that you are appointing a person because he or she did this and that. All those people appointed in office must be informed that credibility is key. Otherwise, you are giving us your *taka taka* to cause problems in the House - because they have favours from side A and B.

**MR BAHATI:** Thank you for the information. If there is anything to correct, it can be done within the party –*(Interruption.)*

**MR OKUPA:** I will give you information. In Zambia, which you know has been under multi-party system for a very long time; it is the Clerk to Parliament who constitutes committees. The committees then sit and elect the chairpersons. In Tanzania, it is the Speaker of Parliament.

Therefore, do not hide under multi-party dispensation. Go to Ghana and see what happens.

**MR BAHATI:** Also, you go to the United Kingdom (UK) or America. There are other examples to look at; so, do not only look at those. Therefore, hon. Okupa’s proposal is good but I pray that we study it so that we look at the composition of committees in totality and not only accountability committees.

**THE SPEAKER:** Honourable members, we have had a long debate on this issue. It is clear that there are areas which need to be reformed. The Clerk is directed to conduct an urgent study about the structure, composition and functions of the committees. In June 2021, bring a report for discussion so that the Business Committee can take a decision on the proposals.

**MR OKUPA:** Thank you, Madam Speaker.

**THE SPEAKER:** Did we finish with the new rule?

**MR ONGALO-OBOTE:** New rule. Insert a new rule immediately after rule 159 as follows:

“Numerical composition of Committees

A committee shall not proceed with the transaction of any business if it is either undersubscribed or oversubscribed.

Justification

To mitigate the challenge of oversubscription and under subscription of committee membership.

**THE SPEAKER:** For instance, we have committees like the Committee on East African Affairs, which has never reached 20 members but they have been transacting business. Should we say that we put a break on it?

**MR AOGON:** Madam Speaker, I believe the chairperson and the committee thought about those issues and believed that the best way to treat it is by putting it in the rules.

When you talk about “under subscription” and you find that all Members are already allocated to committees, are you going to drag Members from other committees to balance this, which is undersubscribed? Or, will you go back and get more people from constituencies to come and fill up the committee, which is undersubscribed? I think it cannot work. I my opinion, we can continue handling these things the same way we have been handling these things.

**MR KIBALYA:** Madam Speaker, the issue of under subscribing or over subscribing will continue to exist as long as the parties have powers over these committees. For instance when we had just come, the committees were a bit balanced. However, when parties begun identifying who is to be rewarded and who is good or bad, they begun taking some this side and others the other side, by force, because we applied for different committees but we were taken to different committees.

Madam Speaker, I was removed from the committee that I was on, after *tojikwatako* and taken to the Committee on East African Affairs - you gave an example, I think we were 13 Members. Now from there, they said that that punishment was not enough; they took me to Government Assurances. From the time we came, you will even ask the chairperson of the Committee on Government Assurances - you will even wonder what we do there. I think we are 16 or 17 but there are committees that have 38 Members. I do not know the number for the Committee on National Economy.

Therefore, as long as parties have powers over who to take where - tomorrow, the good cadre will go to the Whip and say, I do not want that committee and the Whip will take him elsewhere. Hon. Bahati is looking at me because I know he is the next Whip but we shall share when he is the Whip *–(Laughter)–* but this what happens.

Therefore, on the issue of under subscribing and over subscribing; let parties continue with the business as you align some of these committees but business should continue whether we are nine members. We shall transact business because are doing it in the interest of this country.

**THE SPEAKER:** Are you still pursuing the amendment?

**MR ONGALO-OBOTE:** I would like to make two clarifications. One is that the reason for this proposed amendment was really the desire by the committee to force the hands of the whips to ensure that committees are constituted as early as possible. We have had instances where Members are still being designated even six months after the original constitution of committees.

There are committees, which are oversubscribed and the chairpersons of those committees ended up having problems especially when it comes to certain issues pertaining to work that the committee may do. Therefore, the chairperson *–(Interruption)*

**MR OKUPA**: Maybe if that was the reason for addressing it. Again, pick lessons from the Seventh Parliament. What the Clerk would do - we never had that issue; it was on first come, first serve basis. They would put the papers for each committee so that you go and sign. If the papers reach 20 signatures, it is removed so you do not have anything but yourself to blame. That is how they tried at that time to make sure that the numbers are balanced.

However, for this one where you are going to apply, you do not know who is applying for what or how many have applied. That now is where the issue of hon. Kibalya comes in. The Whip will look at Kibalya and say, “Should he be in this committee? No, he should be thrown away.” That way, we would try to mitigate that but not through the amendment you are proposing. If that can be done or even put a paper there on first come, first sign basis. When they are 15, you take the paper away so that when you come, they say, this committee is full; look for another one.

**MR ONGALO-OBOTE:** I definitely support the suggestion by hon. Elijah Okupa as a possible solution to this dilemma because in truth, it leads to my second clarification, which goes to hon. Aogon. I think he should be aware of rule 83 of our Rules of Procedure and avoid imputing improper motives or lack of prior thought by the chairperson, when he thinks about these rules.

We do think about them and just because they don’t happen to agree with your perception, it does not mean the chairperson just dreams and puts something in there. Otherwise, I would not have any problems withdrawing this proposal.

**THE SPEAKER:** Okay, thank you very much. Let us go to rule 171.

Rule 171

**MR ONGALO-OBOTE:** Composition and Functions of the Committee on ublic Accounts (Central Government)

(a) Sub-rule (5)

Substitute for sub-rule (5), the following;

(5) In scrutinising the report of the Auditor-General the Committee shall satisfy itself that;

(a) The moneys appropriated by Parliament and disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged.

(b) The expenditure conforms to the authority which governs it.

(c) Every re-appropriation has been made in accordance with the provisions made in this behalf under rule framed by a competent authority; and

(d) The intended value of the expended monies was attained."

The justification is to define the breadth of consideration of the reports of the Auditor-General.

(b) Sub-rule (6)

Substitute for sub-rule 6 the following;

(6) The Chairperson of the committee shall table the report of the committee before the House for purposes of debate within six months of the referral of the report of the Auditor-General to the committee.

The justification is for conformity to Article 163(5) of the Constitution.

**THE SPEAKER**: Honourable members, I put the question that rule 171 be amended as proposed.

*(Question put and agreed to.)*

*Rule 171, as amended, agreed to.*

**THE SPEAKER:** Rule 175

**MR ONGALO-OBOTE:** Rule 175: Functions of the Committee on National Economy

Sub-rule (2)(b)

Substitute for paragraph (b) with the following;

(b) Examine the terms and conditions of the loan.

The justification is for compliance with Article 159(3)(a) of the Constitution.

**THE SPEAKER**: Honourable members, I put the question that rule 175 be amended as proposed.

*(Question put and agreed to.)*

*Rule 175, as amended, agreed to.*

**THE SPEAKER:** Rule 176

**MR ONGALO-OBOTE:** Rule 176: Functions of the Government Assurance and Implementation Committee

Sub-rule (6)

Substitute for “policy statements and budget estimates” the words, “Budget Framework paper”

The justification is to strategically position the consideration of pending assurances at the time the proposed sector allocations are being made during the consideration of the Budget Framework Paper. By the time of consideration of the Ministerial Policy Statements, it is rather late to engender pending assurances as the allocations had already been passed at the Budget Framework Paper stage.

**THE SPEAKER:** Honourable members, I put the question that rule 176 be amended as proposed.

*(Question put and agreed to.)*

*Rule 176, as amended, agreed to.*

**THE SPEAKER:** Rule 178

**MR ONGALO-OBOTE**: Rule 178: Functions of the Committee on Public Accounts Commissions, Statutory Authorities and State Enterprises

1. Sub-rule (1)(a) Delete the words, “and in the context of their autonomy and efficiency, ascertain whether their operations are being managed in accordance with the required competence and where applicable, in accordance with sound business principles and prudent commercial policies” appearing immediately after the word “Enterprises” appearing in line three.

The justification is for clarity.

(b) Sub-rule (1) delete paragraphs (b), (c) and (d).

Justification

This mandate is for the relevant sectoral committees

(c) Sub-rule (4)

Delete the repeated words “consider and examine” appearing in the second line.

(d) Sub-rule (5)

Substitute for sub-rule (5), the following –

“(5) The chairperson of the committee shall table the report of the committee before the House for purposes of debate, within six months of the referral of the report of the Auditor-General to the committee.”

The justification is for conformity to Article 163(5) of the Constitution.

Sub-rule (6)

Delete sub-rule (6)

Justification

To cure a repetition of sub-rule (5)

**THE SPEAKER:** Honourable members, I put the question rule 178 be amended as proposed.

*(Question put and agreed to.)*

*Rule 178, as amended, agreed to.*

**MR ONGALO-OBOTE:** Rule 179: Functions of the Committee on Public Accounts (Local Government)

Substitute for sub-rule (6), the following –

“(6) The chairperson of the committee shall table the report of the committee before the House for purposes of debate, within six months of the referral of the report of the Auditor-General to the committee.”

The justification is for conformity to Article 163(5) of the Constitution.

**THE SPEAKER:** Honourable members, I put the question that rule 179 be amended as proposed.

*(Question put and agreed to.)*

*Rule 179, as amended, agreed to.*

**MR ONGALO-OBOTE:** Rule 181: Functions of the Committee on Human Immunity Deficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS)

1. Under the headnote, substitute for the words, “immunity deficiency”, the phrase “immuno-deficiency”.

The justification is to correct the phraseology of “immuno-deficiency”.

(b) Sub-rule 1(a)

Insert the words, “and the ministry responsible for health” immediately after the word “commission” appearing in line four.

The justification is to include the Ministry of Health as the responsibility centre, for public healthcare services delivery.

**THE SPEAKER:** Honourable members, I put the question that rule 181 be amended as proposed.

*(Question put and agreed to.)*

*Rule 181, as amended, agreed to.*

**MR ONGALO-OBOTE:** Rule 182: Functions of the Committee on Human Rights

Sub-rule (1)(e)

Substitute for the words, “this Act” appearing in line three of paragraph (e), the words, “these rules”.

The justification is to correct the reference.

**THE SPEAKER:** Honourable members, I put the question that rule 182 be amended as proposed.

*(Question put and agreed to.)*

*Rule 182, as amended, agreed to.*

**MR ONGALO-OBOTE:** Rule 183: Sectoral committees

Sub-rule (2)

Substitute for the word “subjects” appearing in line two of sub-rule (2), the word “sectors”.

The justification is to clearly specify the entities over which oversight is exercised.

**THE SPEAKER:** Honourable members, I put the question that rule 183 be amended as proposed.

*(Question put and agreed to.)*

*Rule 183, as amended, agreed to.*

**MR ONGALO-OBOTE:** Rule 185: Functions of sectoral committees

1. Paragraph (b)

Delete the word “those” appearing in line three of paragraph (b).

1. Paragraph (c)

Substitute for paragraph (c), the following –

“(c) To examine Bills referred to the Sectoral Committee by the House”

The justification is for clarity and to avoid restrictiveness of the provision, given that sectoral committees examine all Bills, including Bills brought by Government and Members.

(c) Paragraph (d)

Delete the word “critically” appearing in line one of paragraph (d).

The justification is that the word “critically” is implied in the word “examine” and in committee processes.

1. Paragraph (e)

Substitute for the words “ministries and departments”, the words “ministries, departments and agencies”.

1. Paragraph (f)

Substitute for the word “ensure”, the word with “monitor”.

Justification

“Monitor” is more appropriate compared to “ensure” because ensuring has the element of making certain, which committees may not be able to do.

**THE SPEAKER:** Honourable members, I put the question that rule 185 be amended as proposed.

*(Question put and agreed to.)*

*Rule 185, as amended, agreed to.*

**MR ONGALO-OBOTE:** Rule 186 and 187: Select committees

Merge rules 186 and 187 as follows –

“Rule 186: Select committees

(1) The House may, at any time upon a motion moved after notice given, appoint a select committee to investigate a particular matter.

(2) A select committee shall comprise at least five members who shall be designated by party whips on the basis of proportional party representation in the House taking into consideration interests of the Independent members in the House.

(3) The Speaker shall, in consultation with the Government Chief Whip and the Chief Opposition Whip appoints members and the chairperson of the select committee.

(4) Three members shall form a quorum if the committee consists of five members and if the committee consists of more than five members, the quorum shall be one third of all the members.

(5) Where for any reason a Member of a select committee is unable to act, another Member may be appointed in his or her place taking into consideration party proportionality in the House.

The justification is for better coherence.

**THE SPEAKER:** Honourable members, I put the question that rules 186 and 187 be merged as proposed.

*(Question put and agreed to.)*

**MR ONGALO-OBOTE:** New rule

Insert a new rule immediately after rule 192

“Re-designation of chairpersons

A chairperson or deputy chairperson of a committee may be re-designated at any time of their tenure by the relevant whip with the approval of the House.”

The justification is to provide for re-designation as distinct from removal and which can happen any time during the tenure of the chairperson or deputy chairperson.

**THE SPEAKER:** Honourable members, I put the question that new rule be inserted as proposed.

*(Question put and agreed to.)*

**MR ONGALO-OBOTE:** Rules 195 and 196 *– (Interruption)*

**MR KEEFA KIWANUKA:** Madam Speaker, I beg your indulgence to move an amendment to delete 194 and the justification for that is that all staff of -

**THE SPEAKER:** Did you present this to the committee? Did they examine your proposal to delete that rule?

**MR KEEFA KIWANUKA:** I am not sure whether they received it. But I put it in the post.

**MS KAMATEEKA:** Madam Speaker, I rise in support of the honourable to move this amendment to delete 194 because it is a minor – it is not to go against your rules because we know that this amendment should be circulated but sometimes, inspiration comes in the spur of the moment and it is very important.

This rule 194 is redundant and I am here to support the Member so that you allow him to move his motion to delete without usurping his powers.

**THE SPEAKER:** Honourable members, I know he has had a brain wave but many Members also have brain waves and we cannot entertain everybody. Why don’t we leave it and look at it later?

**MR SSEWUNGU:** The rule they are talking about is not redundant at all;

*“Rule 194: Clerk to the committee*

*The Clerk shall be the Clerk to every committee and may delegate his or her duties to a Deputy Clerk or any Clerk Assistant.”*

Whenever you have a clerk assistant in the committee, there is the presence of the Clerk. That is why in the committee we say, we are working on behalf of the Speaker of Parliament; she delegated me to this committee and not my party and when I am there, I am doing work on behalf of the Speaker of Parliament.

Any clerk of your committee is the Clerk to Parliament; that is why when you want to travel to Kalungu to visit schools, you have to go to the Clerk to Parliament, through the committee Clerk. Delegated authority it is not redundant at all.

**MS KAMATEEKA:** That is why it is redundant because all the staff of Parliament do their work on behalf of the Clerk to Parliament; so, it is not necessary to outline it in this rule.

**MR SSEWUNGU:** Madam Speaker, the Honourable Member is making a mistake.

**THE SPEAKER:** What is the mischief that is intended to be cured?

**MR SSEWUNGU:** There is nothing; otherwise I would not be making a cross every day when going to church, well knowing that I am a catholic; and that is why this rule is very key here because any mistake made by a clerk in the committee still goes to the Clerk to Parliament, under delegated authority. There is no mischief.

**THE SPEAKER:** In any event it was not submitted; therefore, the committee did not have a look at it. Let us proceed to 195.

**MR DAVID ABALA:** Madam Speaker, in a church, not everybody can preach. Parliament has built the capacity of the Clerks Department and the job is being done very well and when I hear that we should delete this rule, it is like saying a Member of Parliament or a police officer should be a Clerk.

Can we ever sit in a meeting without a Clerk? No; that is very bad. I would implore my colleague to rest and let this rule remain the way it is because it is the best way. The head cannot do the job of the leg; the hand cannot do the job of the stomach. I suggest that my colleague there relaxes and the rule remains.

**MS KAMATEEKA:** I concede.

**THE SPEAKER:** Thank you. Rules 195 and 196.

**MR ONGALO-OBOTE:** Rules 195 and 196 should be merged under the headnote;

“Instructions to committees.

1. Subject to any instruction by the House, the deliberations of every committee shall be confined to the matter referred to it by the House and in case of a committee on a Bill to the Bill committed to it and any relevant amendments.
2. Subject to sub-rule 4, instruction to a committee may empower a committee to consider matters not otherwise referred to it.
3. No instruction shall be given to a committee to do what it is already empowered to do or to deal with a question beyond the scope of a Bill or a matter referred to it.
4. An instruction to a committee extending or restricting the order of reference maybe moved in the House after notice on any day prior to the report of the committee.”

The justification is for better certainty.

**MR AOGON:** I would like to believe the proposal is well intentioned but I would love the chairman to make me understand it well because for instance, you have given work to an ad hoc committee and you have terms of reference.

The topic is so enticing that the public gets concerned and wants to participate. From nowhere, a team has come before you but the rules are so strict and yet you know that as Parliament - sometimes even without going to the detail of attending to somebody’s business, at least do something as Parliament to appease those people, however shallow the work may be.

I do not know what the chairman and the committee might say about this. So, if we are going to be so strict -

**THE SPEAKER:** Which area is causing you discomfort?

**MR AOGON:** Understanding the terms of reference; if you are going to be given instructions, you do not act strictly. You must not act outside that and yet, usually when you give instructions, there are matters incidental. So, I am trying to be a little cautious. I hope I have understood it; I need some guidance.

**THE SPEAKER:** Honourable members, when the Speaker gives instructions, there is always that line, “any matters incidental thereto.” It is always included in the instructions.

I put the question that rules 195 and 196 be amended as proposed.

*(Question put and agreed to.)*

*Rules 195 and 196, as amended, agreed to.*

**MR ONGALO-OBOTE:** Rule 200, meetings of committees, sub-rule 2 delete the words, “in consultation with the Speaker.”

Justification

The harmonious relationship between the chairperson and the deputy is an administrative matter and should not involve the Speaker.

**THE SPEAKER:** Honourable members, I put the question that rule 200 be amended as proposed.

*(Question put and agreed to.)*

*Rule 200, as amended, agreed to.*

Rule 205

**MR ONGALO-OBOTE**: Special powers of committees

Substitute for paragraph (e) the following; “Order for the arrest and confinement of a culprit or witness for purposes of investigation by a competent authority or (f) Cite any person for contempt of Parliament.

The justification is for clarity on the arresting powers of the committee.

**THE SPEAKER:** Honourable members, the question is that rule 205 be amended as proposed.

*(Question put and agreed to.)*

*Rule 205, as amended, agreed to.*

Rule 209

**MR ONGALO-OBOTE:** Rule 209: Examination on oath or affirmation. Insert a new sub-rule immediately after sub-rule (2) as follows:

1. The oath or affirmation under this rule is prescribed under Appendix H to this rule.

 “(2) The oath or affirmation under this rule is prescribed under Appendix H to these rules.”

The justification is for ease of reference.

**THE SPEAKER:** Honourable members, I put the question that rule 209 be amended as proposed.

*(Question put and agreed to.)*

*Rule 209, as amended, agreed to.*

Rule 211

**MR ONGALO:** Rule 211: Issue and service of summons

Sub-rule (1)

Substitute for the words, "Chairperson of the Committee”, the words, “Clerk to Parliament, under the direction of the Speaker”.

The justification is to conform to section 9(1) of the Parliament (Powers and Privileges) Act, Cap. 258, which requires summons to be signed by the Clerk, under the direction of the Speaker.

**THE SPEAKER:** Honourable members, the question is that rule 211 be amended as proposed.

*(Question put and agreed to.)*

*Rule 211, as amended, agreed to.*

Rule 212

**MR ONGALO:** Rule 212: Withdrawal of documents before Committees

* 1. New sub-rule

Insert a new sub-rule, immediately before sub-rule (1), as follows:

“The clerk to the committee shall receive all documents on behalf of the Committee.”

* 1. Sub-rule (2)

Substitute for sub-rule (2), the following:

“(2) A document received under sub-rule (1) shall only be withdrawn or amended with the knowledge and approval of the Committee.”

The justification is to centralise receipt of documents and ease document tracing.

**THE SPEAKER:** Members, I put the question that rule 212 be amended as proposed.

*(Question put and agreed to.)*

*Rule 212, as amended, agreed to.*

Rule 217

**MR ONGALO:** Rule 217: Action-Taken reports

Delete the words “or committee”, appearing in line four.

The justification is that the recommendations of the committee ultimately have to be approved by the House, for them to comprise the resolutions of the House, for whose implementation status the Action-Taken report exists.

**THE SPEAKER:** Honourable members, the question is that rule 217 be amended as proposed.

*(Question put and agreed to.)*

*Rule 217, as amended, agreed to.*

Rule 218

**MR ONGALO:** Rule 218: Consideration of the Treasury Memoranda

Substitute for the word “submit”, appearing in the second line with the word “refer”.

The justification is for clarity.

**THE SPEAKER:** Honourable members, I put the question that rule 218 be amended, as proposed.

*(Question put and agreed to.)*

*Rule 218, as amended, agreed to.*

Rule 219

**MR ONGALO:** Rule 219: Reconsidering a decision of the House

Substitute for sub-rule (2), the following:

“(2) Notwithstanding sub-rule (1), the House may reconsider its decision, upon a substantive motion, for the reconsideration, moved unclear notice of not less than fourteen days.”

The justification is to provide for the procedure of amending a parliamentary resolution.

**THE SPEAKER:** Honourable members, I put the question that rule 219 be amended as proposed.

*(Question put and agreed to.)*

*Rule 219, as amended, agreed to.*

Rule 224

**MR ONGALO:** Rule 224: Records

Sub-rule (1)

Substitute for the word “things”, the word “business”.

The justification is for grammatical appropriateness.

**THE SPEAKER:** Honourable members, I put the question that rule 224 be amended, as proposed.

*(Question put and agreed to.)*

*Rule 224, as amended, agreed to.*

Rule 231

**MR ONGALO:** Rule 231: Business of committee not to lapse on prorogation of the House

Sub-rule (2)

Substitute for the word “dissolution” appearing in the second line, the word “prorogation”.

The justification is to limit it to prorogation, since rule 232 effectively caters for dissolution.

**THE SPEAKER:** I put the question that rule 231 be amended as proposed.

*(Question put and agreed to.)*

*Rule 231, as amended, agreed to.*

Appendix B

**MR ONGALO-OBOTE:** Appendix B: Rules of Procedure for the election of Members of the East African Legislative Assembly

Rule 6: Signatures supporting nominations

Sub-rule (1)

Substitute for “twenty”, the word “five”.

The justification is to open up the political space and encourage as many candidates as possible. In the last elections, there were 52 candidates and the number is bound to increase.

**THE SPEAKER:** It is about the numbers supporting the nominations. Is that okay?

Honourable members, I put the question that Appendix B be amended as proposed.

*(Question put and agreed to.)*

*Appendix B, as amended, agreed to.*

**THE SPEAKER:** There is a new sub-rule.

New sub-rule

**MR ONGALO-OBOTE:** New sub-rule

New sub-rule

Insert new sub-rules, immediately after sub-rule (3) as follows:

“(4) Where a Member nominates more than nine candidates, the Member shall be cited for contempt of Parliament, in accordance with Rule 221 and referred to the Committee on Rules, Privileges and Discipline.” *(Laughter)*

(e) The 10th candidate and subsequent candidates, nominated by the Members, shall be granted three working days to find an alternative member to nominate them.

The justification is to avoid multiple signatures and provide sanctions to Members who breach the provision. Candidates who are affected by the actions of a Member, who nominates more than nine Members, should be given the opportunity to rectify the problem.

**THE SPEAKER:** Members, I put the question that –

**MR AOGON:** Madam Speaker, out of curiosity, I would have loved to hear whether this has happened before –*(Interjection)*- Yes, from the chairperson. Out of curiosity, I am very interested to know whether this kind of thing has happened before, where a Member has gone ahead to nominate nine candidates.

**MR ONGALO-OBOTE:** Madam Speaker, hon. Silas Aogon was here in March 2017, when we were holding elections for EALA. So many candidates almost got disqualified because there were signatures of people who had already nominated nine and again nominated a 10th and 11th candidate. So –*(Interjection)* - What we are trying to cure is real; it is not imaginary. It has happened, not once but several times.

**MR AOGON:** Madam Speaker, I do not know whether it is now not necessary – as you were saying – for nine members. You need to be also be very clear with the minimum or is it the same thing? I am confused.

**THE SPEAKER:** Honourable members, there are nine delegates. They are not more than that; each country has nine.

**MR AOGON:** Okay; but if the House is proper with taking it lightly, I think we take it the way the chairperson has brought it.

**THE SPEAKER:** You know, you can get excited and say, “I support everybody” and then you sign. *(Laughter)*

**MR AOGON:** Madam Speaker, if I am supporting my nine candidates, what is wrong with it? Constitutionally, I have a right to support nine.

**THE SPEAKER:** If you support the nine candidates, do not support the 10th and the 11th. That is what the chairperson is saying.

**MR AOGON:** I hope so.

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

*(Question put and agreed to.)*

*New rule, agreed to.*

New Sub-rule

**MR ONGALO-OBOTE:** New sub-rule

Insert a new sub-rule immediately after sub-rule (3) as to read follows:

“4. Where a Member nominates more than nine candidates –

**THE SPEAKER:** I think there is a new rule on nomination fees.

**MR ONGALO-OBOTE:** We propose to insert a new rule, immediately after Rule 6, to read as follows:

“Payment of nomination fee –

A candidate is required to pay a nomination fee of Shs 3 million.”

The justification is to equate it to the Parliamentary election requirements.

**MS NAMUYANGU:** Madam Speaker, first of all, I want to know which institution will take this money.

Secondly, I do not think it is fair to say we are equating it to the Parliamentary election guidelines because we have just passed a provision to reduce the number of people nominating because we want to widen the scope or encourage many players. So, when we put that figure, it will look like we are now deleting what we have already passed because this is going to limit so many people from participating. I do not support the idea of paying –

**THE SPEAKER:** By the way, have the EALA candidates been paying the nomination fees? I do not remember. Is this new?

**MS SANTA ALUM:** Thank you, Madam Speaker. I stand to support this proposal. Everywhere in this country, if one is contesting, they must pay. The candidates for EALA have not been paying.

We have opened it up so that many Members can contest but I propose that instead of only Shs 3 million, the nomination fee should be Shs 5 million. The reason is that when you look at our electoral processes, the LC3 candidates pay Shs 200,000. When you go higher as a candidate, you pay even a higher amount. I want to believe that the EALA Parliament is above this national Parliament and so, instead of them paying Shs 3 million like us, they should pay Shs 5 million. Thank you.

**THE SPEAKER:** Honourable members, I have been told that in the past, there has been no nomination fee. You know I was defeated on the issue of this Shs 3 million. I thought it was high but I was defeated in this House. So, I accepted it but I –*(Laughter)*

**MS OPENDI:** Thank you, Madam Speaker. I do not know if Parliament collects non-tax revenue. I just want to get clarification on that.

Secondly, if members of Parliament can pay nomination fees, if even at the local government level people are paying nomination fees, then I do not see any harm in charging a nomination fee to be paid by these delegates who are going to represent the country. They are even higher than us and earn more money.

So, to me, they cannot be equated to members of Parliament. They should pay a higher nomination fee. I can go with the proposal of Shs 5 million. We only need to be clear on one thing: does Parliament collect non-tax revenue? Thank you.

**MR MAKMOT:** Madam Speaker, the information I want to give is that this was a matter that became almost controversial; it attracted a spirited debate. The view that carried the day was that at the end of the day, Parliament is conducting this business. In the last election, there were so many Members who came in.

This is a poor country where we are borrowing money; we are looking for money from different sources. We are increasing taxes to raise revenue. So, while there is need to open the doors, there is also need to cover some of these costs.

Actually, the view of the committee was that this nomination fee should be paid to the Consolidated Fund because the money that we use here at Parliament to conduct this election comes from there. That is the information I wanted to give. Thank you.

**MR ABALA:** Madam Speaker, I know we may be interested in charging a fee on everything to get money. The problem now is the legality. Do we have a law to mandate us to ask EALA candidates to pay this fee? Remember, we have the Parliamentary Elections Act. Do we have an Act that involves the election of the representatives to EALA? Does it talk about that money? If it does not, under what law are we starting to charge a fee now? Unless you amend the Act, that becomes a very big problem.

I propose – I know we want the money; money can be there. I know that even the candidates from LC1 up to the President pay. I would like to be helped to understand whether the law that is being used for electing them really gives leeway to them to pay nomination fees. If not, I propose that we drop it as early as now.

**MR MAKMOT:** Article 50 of the East African Treaty mandates the national parliaments to make laws related to the election of the Members. Thank you.

**THE SPEAKER:** Do you want to support the national treasury through this nomination fee?

**MR MAKMOT:** Yes, Madam Speaker.

**MR ATIKU:** First of all, I support the proposal. I think it is one of the unique things that have been missing in the election of our representatives to the East African Legislative Assembly. The proposal will harmonise - so, once we pass it here, it will bring the EALA delegates at par with the electoral processes in this country.

Somebody raised the question of the law and where this money will go. I think any money that goes to the Consolidated Fund comes back to support the economy or the national budget. Therefore, there is no problem with Parliament helping Government to collect this money and the money is applied in our Budget Framework to support service delivery.

This new proposal will also help us to know the kind of leaders aspiring to represent us in the regional assembly. In the last elections, we saw so many people coming here; some of whom had never had experience of legislation or participated in any debate but wanted to go to the East African Legislative Assembly.

Let us know the commitment of the individuals who are picking nomination forms by showing their financial commitment in supporting the treasury. I thank you.

**THE SPEAKER:** Honourable members, can I know how the money will move from here to the Consolidated Fund? Is it going to the EC? How does it move there?

**MR AOGON:** Madam Speaker, my worry is, whereas we talk about the money that is paid by those candidates who are intending to contest for the Member of Parliament seat that is under our Act, I wonder under which Act this money will directly be appearing. Are we going to use rules to prescribe monies being paid by candidates?

I would like to try and speak like a learned friend. For the East African Legislative Assembly (EALA) elections, we have a charter. There is not a direct Act for us. I need to be educated about it. How then do we use rules to prescribe a fee for people to pay? If you pay, who uses the money? How does it leave this place and go to the Consolidated Fund?

It may be a good idea but for another day. In my opinion, it would be good for us to stay this matter and have a better understanding of it. Otherwise, we can even have legal challenges. Somebody can go to court and we get stuck. Thank you.

**The Speaker:** Does the chairperson have feedback on the rationale or modalities?

**Mr ongalo-obote:** Madam Speaker, first of all, I would be very shocked if the Government took itself to court for collecting taxes. It does not sound plausible at all.

Secondly, just like parliamentary candidates are assessed by the Electoral Commission and we pay this money on a given account in the bank, the same can apply to Members of EALA. The Electoral Commission is funded by this Parliament to hold elections. Why do they charge Shs 3 million to members wishing to contest all the way to subcounty councillors? In this case, that money would be paid through a system of assessment, that is, pay to the bank on a specific account.

As my vice chairperson has pointed out, this Article 50 of the East African (EA) Treaty allows Parliament to do this. We are not doing it illegally. It allows us to prescribe rules for the elections of members of EALA. Therefore, if we do not want to do it, we can just say, we do not want to but we should not say that we are not going to do because we do not have the capacity or empowerment to do so. Yes, we do – *(Interruption)*

**Mr makmot:** Madam Speaker, our assumption was that, just like other payments that have been made, you would go - and I know there is a process where the member would produce a receipt after an assessment with Uganda Revenue Authority (URA) is done with the specific amount that you need to pay; if our rules say that.

In addition, Article 50 of the Treaty empowers Parliament to make its own rules with respect to election of members of the East African Legislative Assembly.

With respect to funds under Article 153, it states, *“The Consolidated Fund, which shall be paid or revenues or monies raised or received for the purpose of or on behalf of or in trust of the Government and Parliament being another branch of Government*…” I do not know whether this is not covered. Thank you.

**The Speaker:** Honourable members, the money would be collected by URA and transferred to the Consolidated Fund; so, it can be done.

**Dr chris baryomunsi:** Thank you, Madam Speaker. I find no problem with the aspirants for EALA paying a nomination fee, like all the other elected candidates do. Like you have properly guided, the Clerk to Parliament can issue guidelines on how this payment can be done by providing details of bank accounts. By the time the candidate comes for nomination, they come with a receipt that they have paid. I think that can be done.

As to whether we need an additional law for this or not, I do not think we do because already, section 50 of the treaty empowers Parliament to elect members of EALA. The Rules of Procedure of Parliament have the same force of law like an Act of Parliament. Therefore, I think it is correct that we use a provision in our rules and it will carry the same force. Therefore, we do not need to enact a different law to provide for this.

I would go with the committee’s recommendation of Shs 3 million. Let us not prohibit members of the public from contesting for these positions. Thank you.

**Mr aogon:** I am not trying to run away from what the minister has proposed but my issue is that when we proposed the Shs 3 million that parliamentarians here paid or are supposed to pay, it was not put in the rules. It was in a different law.

How different is this from what we are supposed to be doing? We did not prescribe our figure in the rules. Shall we be proceeding well if we decide to do it the way we are trying to?

**The Speaker:** This is an Act of Parliament.

**Mr aogon:** Madam Speaker, I do agree. I wonder why they did not put the other figure of ours in the rules.

**The Speaker:** Honourable members, I put the question that a new rule be introduced as proposed.

*(Question put and agreed to.)*

**The Speaker:** We shall leave the mechanics to the Clerk to handle.

**Mr ongalo-obote:** Rule 7: Withdrawal or Death of a Candidate

(a) Sub-rule (4) Substitute for sub-rule (4), the following:

“(4) Where a nominee withdraws or dies before the election, the Speaker shall inform the House and the Clerk shall reopen nominations to enable a new candidate to be nominated.”

(b) New sub-rule. Insert a new sub-rule immediately after sub-rule (4) as follows:

“The fresh nomination shall only be open to a person belonging to a political party, gender, shades of opinion or other interest groups in which the deceased nominee belonged.”

**The Speaker:** Honourable members, I put the question that rule 7 be amended as proposed.

*(Question put and agreed to.)*

*Rule 7, as amended, agreed to.*

**The Speaker:** I also put the question that a new sub-rule be introduced after Rule 7.

*(Question put and agreed to.)*

**Mr ongalo-obote:** Rule 10: Verification of nominees

Insert a new sub-rule immediately after sub-rule (2) to read as follows:

“The Chairperson of the verification committee or any other authorised member of the verification committee shall submit the names of the successfully nominated candidates to the Clerk to Parliament.”

**The Speaker:** Honourable members, I put the question that Rule 10 be amended as proposed.

*(Question put and agreed to.)*

*Rule 10, as amended, agreed to.*

**MR ONGALO-OBOTE:** Election of Members of the Assembly

Substitute the head note of rule 13 with “The Speaker to ensure compliance with Article 50 (1) of the EAC Treaty”.

**THE SPEAKER:** Honourable members, I put the question that rule 13 be amended as proposed.

*(Question put and agreed to.)*

*Rule 13, as amended, agreed to.*

Rule 14

**MR ONGALO-OBOTE:** Rule 14: Declaration of elected Members

Substitute for sub-rule (1), the following-

(1) The Speaker shall announce to the House the results of the election conducted under Rule 12 of the Rules of Procedure in accordance with Article 50 of the EAC Treaty.

Justification

For proper cross-referencing and ensure compliance with Article 50 of the EAC Treaty at the end.

**THE SPEAKER:** Honourable members, I put the question that rule 14 be amended as proposed.

*(Question put and agreed to.)*

*Rule 14, as amended, agreed to.*

**THE SPEAKER:** Appendix G

**MR ONGALO-OBOTE:** Appendix G. Madam Speaker, I do not know whether it will really be necessary to read the entire appendix as it is reprinted here because I could actually summarise and capture the amendment which is proposed here without necessarily reading the whole of it.

**THE SPEAKER:** Just read the amendments; tell us what you are amending.

**MR ONGALO-OBOTE:** Rules of Electronic Coverage of Parliamentary Proceedings

1. Objective

The Clerk shall seek to give a full, balanced, fair and accurate account of Proceedings of the House with the aim of informing viewers about the work of the House

2. Dignity of the House

In covering the proceedings of the House, the Clerk shall have regard to the dignity of the House and its functions as a Legislature rather than a place of entertainment.

3. Restricting filming of certain parts of the Chamber

(1) The press and public galleries, the officials and the area behind the Speaker’s Chair, not being directly related to proceedings, shall not be shown, other than unavoidably, as part of the wide-ang1e or other authorised shots of the Chamber.

2) Great care shall be exercised in showing the Speaker. Shots designed to show the Speaker receiving advice from a Clerk at the Table shall not be used. Officers of the House and Chamber attendants attending in the Chamber should not normally be shown, other than unavoidably, as part of the wide angle or other authorised shots of the Chamber.

(3) During divisions, a wide-angle shot of the Chamber may be used. In addition, the following events relating to divisions may be shown using the standard format, that is to say, secondment of a motion by a Member(s), the putting of the question, the announcement of the names of the tellers, any points of order which may arise, together with any response by the Chair, and the announcement by the tellers and the Chair of the voting figures.

(4) In no circumstances should close up shots of Members’ or officers’ papers be taken.

4. Style and Presentation

(1) The standard format for depicting the Member who has the Floor shall be a head and shoulders shot, not a close-up.

(2) The camera shall normally remain on the Member speaking until he or she has finished.

(3) Wide-angle shots of the Chamber may be used from time to time, such as when the gallery camera focuses on a Member who has just been called, moving a motion or at times when no single Member has the Floor, and to establish the geography of the House for the benefit of viewers, or to establish Members wishing to contribute to a debate.

(a) As a matter of general practice, the gallery camera shall focus on a Member whenever he or she rises and this principle should be applied all the more strictly during incidents of disorder.

(5) Occasional cut-away shots to illustrate individual reactions shall be allowed, but only to show a Member who has been referred to by the Member speaking.

(6) Medium-angle shots, including over-the-shoulder shots, are permissible where the gallery camera shows both the Member who has the Floor and another Member intervening or seeking to do so.

(7) Occasional group shots mid-way between the standard head and shoulders shot at the wide-angle shot shall be permitted and such shots may be used either for the purposes of showing the reaction of a group of Members, or in order to establish the geography of a particular part of the Chamber.

5. Special Camera Techniques

(1) In no circumstances are split- screen shots to be used.

(2) Panning shots along the benches shall not normally be used.

(3) Occasional zoom shots are permitted.

6. Disorder in the Galleries

(1) Neither interruptions from, nor demonstrations in the galleries are “proceedings” and as such, they shall, in no circumstances, be televised.

(2) If an incident of the sort described in subparagraph (1) occurs in such a way as to interfere with an otherwise permissible shot, the gallery camera shall show a wide-angle shot of the Chamber, which does not show the offending incident, or focus on the Speaker.

7. Disorder on the Floor of the House

(1) Televising may continue during incidents of grave disorder or unparliamentarily behaviour for as long as the sitting continues, but subject to the following guidelines;

(a) On occasions of grave disorder, the gallery camera shall normally locus on the Speaker for as long as proceedings continue or until order has been restored;

(b) In case of unparliamentarily behaviour, the gallery camera shall normally focus on the Speaker and shall certainly do so if he or she rises, but occasional wide-angle shots of the Chamber are acceptable.

(2) For purposes of paragraph (1)-

(a) “Grave disorder” means incidents of individual but more likely collective misconduct of serious disruptive nature as to place in jeopardy the continuation of the sitting;

(b) “Unparliamentarily behaviour” means any conduct which amounts to defiance of the Chair, but which falls short of grave disorder.

8. The use of Signals by Broadcasters

(1) Extracts of parliamentary proceedings may be used for information, education and news purposes.

(2) No extracts of Parliamentary Proceedings may be used in any light entertainment programme or in a programme of political satire.

**THE SPEAKER:** Honourable members, you have heard the proposals. I put the question that Appendix G be amended as proposed.

*(Question put and agreed to.)*

*Appendix G, as amended, agreed to.*

**THE SPEAKER:** New Appendix

**MR ONGLAO-OBOTE:** Insert a new appendix immediately after Appendix G to prescribe the oath and affirmation.

Appendix H

Oath and Affirmation

Part A – Oath

The oath of affirmation would go as follows:

I, ....... ......, do solemnly swear that the evidence I shall give touching the matter before the Parliamentary Committee on … shall be the truth, the whole truth and nothing but the truth.

So help me God.

Witness Signature...................

Sworn before……….

For: Clerk to Parliament

So help me God - a witness signature, sworn before and for the Clerk to Parliament, dated on this 5th day of March, 2021.

**THE SPEAKER:** Chairperson, I do not know whether you do not need to add Allah because you might have Muslims taking the oath. I do not know whether you may not want to put “So help me God/Allah.” I do not know whether the Muslims mind.

**MR ONGALO-OBOTE:** Madam Speaker, with your permission and permission of the House, I will do so.

**THE SPEAKER:** Honourable members, Appendix (h) has two parts; there is part (a) for the oath, which has been presented. Can you present part (b) as well?

**MR ONGALO-OBOTE:** Part (b) – Affirmation

I, the Member taking the oath, do solemnly affirm that the evidence I shall give touching the matter before the parliamentary committee or rules, shall be the truth, the whole truth and nothing but the truth.

Witness, signature sworn before for the Clerk to Parliament, dated this 5th day of April, 2021.

**THE SPEAKER:** The affirmation does not refer to God or Allah? The one affirming does not refer to God or Allah? I just do not want to discriminate against anybody.

**MR ONGALO-OBOTE:** Madam Speaker, I am sorry there was a page missing from my copy of the proposed amendments. However, in the second oath, it ends with “so help me Allah.” Witness signature, sworn before for Clerk to Parliament and dated on that specific date.

**THE SPEAKER:** Okay, honourable members, I put the question that Appendix (h) be amended as proposed.

*(Question put and agreed to.)*

**THE SPEAKER:** We had some matters we had stood over; I do not know whether we can take them and then take a small break.

**MR ONGALO-OBOTE:** Madam Speaker, we stood over rule 3(4), which reads as follows –

Substitute for sub-rule 4 the following new sub-rules.

(4) Where a Member has not taken oath prior to the first sitting of Parliament; the Member shall take the oath administered by the Clerk before the House.

(5) Notwithstanding sub-rule 4, a Member may take oath in any other manner as may be determined by the Speaker, where:

(a) Parliament is on recess, or

(b) The Member is unable to take oath within the precincts of Parliament due to the circumstances beyond the control of the Member.

**THE SPEAKER:** I think we had passed that one and stood over 5.

**MR ONGALO-OBOTE:** Sub-rule 5: Election of Speaker

 (a) Sub-rule 2

Substitute for sub-rule (2) the following –

A person is not qualified to be elected Speaker if he or she:

1. Is a Vice-President, Prime Minister or a minister, or
2. Campaigns or causes campaigns for his or her election, save for the procedure provided for under sub-rule 8.

Justification

To disallow campaigns for the Office of the Speaker since this is an honourable office of service.

(b) Sub-rule 7

Substitute for presiding officer the words “person presiding”.

Justification

To ensure consistent usage of the phrase person presiding as defined under rule 5(16) and as used in sub-rules 12, 13(b),(c),(f) and (g)

1. New sub-rule

Insert a new sub-rule immediately after sub-rule 16 as follows –

The Oath of Speaker or Deputy Speaker shall be administered by the President or a person authorised by the President.

Justification

To conform to section 2 of the Oath Act Cap. 19.

**MR EDWARD OTTO:** Chairperson, I am sorry to take you back in respect to the affirmation and the oath. Normally, an oath is given – and in the part where you say “so help me God”, if somebody wants to say Allah in an oath, you say it there.

However, the purpose of an affirmation and in this case, we actually put Allah but affirmation is normally for – especially in those countries, where they are nonbelievers and they do not believe in Allah or God. That is where affirmation comes in.

I think there is a bit of a technical problem here. Under that oath, you could actually give the person the option of saying so help me God. We also think that depending on whether you are a Christian – even Allah is God in English. I think affirmation is for where conscious – somebody has a problem with - there are people who are nonbelievers and I have double checked that and I think we probably, need to correct that.

Chair, in law if you even look at it, it says affirmation is solemn declaration allowed to those who consciously object to taking an oath. Affirmation has exactly the same legal effect as an oath but it is usually taken to avoid religious implication of an oath. It is thus legally binding but not considered religious oath. I think this is the practice normally in court.

I would think that under the oath, when you have said all those words, and when it comes to the part where you are saying, so help me God, if you want to say, so help me Allah, that provision for Allah should be provided there for the Muslims. However, for the affirmation, it should just be for people who are nonbelievers. It is not very common here but that is really – even when you look at it, that is what it is intended. Thank you.

**THE SPEAKER:** That is what I had asked before that after you say, “So help me God”, where are the Muslims? Therefore, let us have so help me God/Allah. Okay, let the Clerk make that correction.

**MR ABALA:** Madam Speaker, I agree with the Vice Chairperson. When talking about affirmation, you do not believe in the existence of God or Allah; you only believe that you are the only one. That is why in our rules, we should be very clear by saying that if somebody is affirming, specifically, there is nothing like saying, “So help me God.”

**THE SPEAKER:** What we have said is that let us put Allah near God and leave the affirmation alone, we have already taken that decision.

**MR ABALA:** No problem.

**THE SPEAKER:** Are you still on the same subject?

**MS KAMATEEKA:** Madam Speaker, I heard the argument by the Canadian on affirmation. The Republic of Uganda whose guiding principle is For God and My Country; are we going to provide for people who do not believe in God? If they are there, they have no business in becoming leaders in this nation.

Let them go and do something else rather than come and be leaders because we are a people who believe in God, so we should not provide for affirmation in this rule.

**THE SPEAKER:** Honourable Members, Uganda is a secular state; we do not have a state religion so far. They are free to believe the way they want; so, let us not curtail them.

I think we have finished with God and Allah under the oath. Then for the affirmation, we leave them on their own; that, we have agreed. Now let us concentrate on rule 5.

**MR AOGON:** Madam Speaker, at the time you had given me the Floor, the issue was about campaigns or no campaigns and that was what I wanted to speak to. My concern is whether it is possible for us to qualify what amounts to campaigning because I want to believe there is a hash penalty should this rule pass -

**THE SPEAKER:** Before you go far, the committee was supposed to come with a new proposal; that is why we adjourned. Did the committee come up with the proposal?

**MR ONGALO-OBOTE**: Madam Speaker, the offending proposal was (b) of sub-rule 5, which simply states, “…campaigns or causes campaigns for his or her election, save for the procedure provided for under sub-rule 8.”

The proposal that the committee came up with is:

(b) publicly campaigns or causes campaigns for his or her election in a manner which is in breach of rule 8(4) of the Rules of Procedure of Parliament, save for the procedure provided for under sub-rule 8.” So, by so doing, we would do this under rule 8(4).

By proposing that amendment, we would be subjecting campaigns or members who campaign for candidates under rule 8(4) Appendix F of our Rules of Procedure.

**MR AOGON:** I am happy that the chairperson and team went into that detail but my concern is, where we have decided to prohibit, I feel we should also be able to institute penalties because I do not think it goes just in vain.

It would be proper, in my opinion, that this House knows the stipulated penalties. For instance, you are disqualified permanently from participating in the race; what are the proposed penalties now that we are prohibiting? Maybe it would help us more. I beg to know.

**MR ABALA:** Madam Speaker, I thank you. The election of the Speaker - these are politicians who came here through the campaign process and now we are saying they should not campaign. That is a bit challenging to me. That is why I had an opinion that maybe for us to put a serious statement there, like my brother, hon. Silas Aogon said, there must be penalties. Who will enforce them?

When you look at the different camps looking for votes, my opinion is that let us only put the minimum standards - not to specifically say that thou shall not. That will bring in a big problem during the campaign process. Thank you.

**MR MWIRU:** Thank you, Madam Speaker. I have been grappling with how there can be no campaigns for an elective office but as I come to terms with what we are dealing with, we need to come up with a code of conduct of the participants in the race of the Speaker.

What are the limitations to maintain the decorum of the office? I want to invite the House that maybe we go to the code of conduct of the campaign other than taking that direction.

Assuming I have just come from Jinja, I am not known and I must participate in the race of the Speakership and I am not supposed to campaign -I see those limitations and in my view, what we can limit is that even when I am coming from Jinja, I must conduct myself as someone who is seeking office of the Speakership in terms of decorum. I beg to submit.

**MR MAKMOT:** In coming with that proposal that my chairman stated, we realised that the code of conduct under Appendix F, is very elaborative.

When you talk about public trust, “…a member shall, at all times conduct themselves in a manner which will maintain and strengthen the public trust and confidence in the integrity of Parliament, and never undertake any action which may bring the House or its members generally into disrepute.”

Corruption is provided for; the acceptance of a Member of a bribe or to influence his conduct as a Member, including any fee compensation, reward. I can go through all the codes of conduct under Appendix F and it is very elaborate, the challenges we have had are of two fold; this applies generally and we were talking of a specific recommendation.

Now that we have the Alitwala Kadaga Institute, this business of inducting Members and getting them to know the rules just like we have done for the exiting members of Parliament needs to be an on-going business so that Members are informed right from the beginning and continuously.

It is not even the rules but even the issues we are dealing with right now; our biggest problems is that Members like to whine sometimes but they are not bold enough to come and raise a matter here, so that it is referred to the committee by the order of the House, as the rule provides.

Otherwise, the rules are there but because the committee only conducts business by order of the House, we end up – in most cases – not having this matter referred to us because the issue should be referred by Members.

This is another area that we need to deal with. Otherwise, if you look at Appendix F - I will not go into all the details – most of these concerns can be addressed. In respect to what penalty or punishment, it is just the way we have been dealing with other disciplinary matters. The committee, in its discretion - looking at the magnitude of the problem - can actually come up with recommendations and even the rule under Appendix F allows.

Where the rule does not provide, the practice in other Commonwealth jurisdictions can be applied and the Speaker can also guide in that respect. So, I think it is just taking that bold step to make sure that we set an example and get these Members to respect our rules. Thank you.

**THE SPEAKER:** You are part of the committee. Are you now abandoning your proposal? Tell us how to move; either we leave the old one and say, “You must abide by the Code of Conduct” or something.

If you also argue, we do not know whether to stay with you or go somewhere else.

**MR MAKMOT:** Madam Speaker, our position - with respect to this matter - is that instead of coming with another proposal, our proposal is that we subject it to rule 84 and Appendix F. Let us leave it like that, instead of trying to -

**THE SPEAKER:** Can you state your proposal, so that we hear? *[Member rose\_]* No, you have just arrived, please. *(Laughter)*

**MR ONGALO:** Madam Speaker, what the committee would now propose and what is causing this problem is that all of this is still under sub-rule (2). So, if we could leave sub-rule (2) as it was before, which is, “(2) *A person is not qualified to be elected as Speaker, if he or she is a Vice President, Prime Minister or a Minister*.”

We will then insert a new sub-rule, which would say,

(3) A person who publicly campaigns or causes campaigns for his or her agent, in a manner which is in breach of rule 84 of the Rules of Procedure of Parliament, shall be subject to the Code of Conduct of members of Parliament.”

That can be redrafted to capture that separately from using “prohibition”, as applicable. What we are doing now is subjecting the Member to our Code of Conduct, as it is in the current rules of Procedure. So, sub-rule (2) of rule 5 remains as it was before.

This is a new sub-rule, which applies to the manner in which the Members conduct their campaigns as sub-rule (3) of rule 5.

**THE SPEAKER:** Honourable members, let us move. I think you have made progress. The word “prohibition” has been moved.

I put the question that –

**MR AOGON:** I know Members are rushing but they do not know what they are going for. You can hurry but do it for a bit. *(Laughter)*

Madam Speaker, first of all, people have what they call “freedom of speech”, constitutionally. There is also freedom of expression –*(Interjection)*– Yes; we are talking of the Code of Conduct.

So, I am only trying to share and see whether it is impossible to have the Committee on Rules, Privileges and Discipline have a say in this thing so that somebody is subjected to some sort of hearing, before a decision is taken.

In my opinion, it is very difficult to judge the good from the bad. Imagine you have gone very far and you see that people are almost electing you, but then you are struck down by just a simple thing. How would you feel?

I want us to give due attention to this particular provision. Thank you.

**MR ONGALO-OBOTE:** Madam Speaker, I think the fear that hon. Aogon is expressing is what we have just enumerated. We have left rule 5(2), as it was before and we have now put this provision pertaining to conduct as a new sub-rule (3) as a standalone.

Therefore, it no longer contains the disqualification part; that is for sub-rule (2). This is now sub-rule (3). I think that is it.

**THE SPEAKER:** Honourable members, I put the question that rule 5 be amended, as proposed.

*(Question put and agreed to.)*

*Rule 5, as amended, agreed to.*

**THE SPEAKER:** There was another new rule.

New rule

**MR ONGALO:** Resignation of Speaker or Deputy Speaker

Insert a new rule, immediately after rule 7 as follows:

Resignation of Speaker or Deputy Speaker

1. A Speaker or Deputy Speaker, who intends to resign from his or her office, shall submit a letter of resignation, addressed to the Clerk to Parliament.
2. Upon receipt of a letter of resignation, the Clerk to Parliament shall, without delay:
3. In the case of resignation by the Speaker, inform the Deputy Speaker or
4. In the case of resignation by the Deputy Speaker, inform the Speaker.
5. The Speaker or Deputy Speaker, as the case may be, shall notify the House of their resignation within seven days.
6. In accordance with rules 5(3) and 6(4), the business of the next sitting of Parliament, after the resignation of the Speaker or Deputy Speaker, shall be the election of the Speaker or Deputy Speaker, as the case may be.

The justification is to provide for the procedure of resignation of a Speaker and Deputy Speaker, which the rules are silent about. The rules only provide for the impeachment of the Speaker or the Deputy Speaker, under Rule 107.

**MR PAUL MWIRU:** Madam Speaker, I rise to object to that provision on resignation. My memory is fresh. When we had a good Speaker here in the names of the Rt Hon. James Wapakhabulo, there must have been a lot of undercurrents. I saw a Speaker resigning and taking up the position of a minister. Of course, in terms of hierarchy, a minister is far below the Speaker, with the nature of politics we do in Africa.

Madam Speaker, this one takes me to a schedule where we were proposing that we change the procedure where the Speaker takes oath before the Chief Justice, and then we go to the President, as it is in the Schedule.

If you look at other jurisdictions like Kenya, whenever the President would appoint judges through the Judicial Service Commission – the Judges tended to think that they were serving under the favour of the President. It took Kenya to do an amendment to strike out the involvement of the President, so that there is independence.

I want to object to that proposal that actually, we leave it the way it is. Article 86 of our Constitution gives the jurisdiction to a High Court to determine whether there is a vacancy of the Speaker. However, this business of resignation –

A matter can appear here and then there is too much pressure. The next thing we shall hear is that the Rt Hon. Speaker, Rebecca Alitwala Kadaga, has tendered in her resignation, not under your will but rather, the circumstances which exist. I beg to submit.

**MR ABALA:** Madam Speaker, I think we are thinking alike –*(Laughter)*– My thoughts are exactly what you are saying. I only want to say that when you talk about someone who wishes to resign, seven days are too many.

Assuming you were the Speaker at that time, it would be very dangerous. The damage that would happen within the seven days would be enormous. Let me go back and say, the position that my brother here has raised – which I was thinking about in the same manner – in fact knocks that one down. I implore you that this one is the best because it is within the law.

The other one, in my opinion, is going to cause a lot of problems as far as work is concerned.

**THE SPEAKER:** I wish you could give proposals instead of debating. What are your concrete proposals?

**MR AOGON:** Madam Speaker, that is great guidance. My proposal is that for whoever to resign, they should write their resignation to the Clerk to Parliament. I do not know whether I got the chairperson of the committee properly.

I am wondering how a Speaker can write a resignation letter to the Deputy Speaker - if I got the submission well. I think we need to check what the Constitution says. I want to believe that this is already in the Constitution.

If the Constitution provides that the Speaker will write to the Clerk, then I think that is okay. We would take it the way it has come.

I am comfortable with the seven days because at least somebody needs to give the House time to prepare for the gap. So, I think those seven days mean something. It is proper that we maintain the seven days in my opinion.

**MR MWIRU:** My proposal, Madam Speaker, is that we drop the amendment. There is no mischief which we are intending to address. In my stay in Parliament, I have not seen a Speaker or Deputy who has wanted to resign, and he does not know where to take the letter or what to do to effect that resignation. To me, that amendment smacks of a move at one point to force a Speaker to resign. I beg to submit.

**THE SPEAKER:** Hon. Kamateeka, aren’t you are a member of the committee?

**MS KAMATEEKA:** I am not a member of the committee. It has not happened that a Speaker or Deputy Speaker resigned but it may happen. We make these rules in anticipation of situations though I know we do not make laws in anticipation.

I am wondering; we have three Arms of Government. Much as they are independent, they work together. We know that the party in power will have proposed the position of Speaker although we have a right to choose. That working relationship – So, if one is a Speaker, and he or she has to resign, is it not proper that the Head of State should be notified for order in governance?

I would like to propose that the Speaker may write his or her resignation to the Clerk and copy it to the Deputy Speaker and the Head of State. I beg to submit.

**MR ONGALO-OBOTE:** Honourable members, let me try to clarify something. All that the committee was doing by introducing this rule was simply to align our Rules of Procedure to the other existing laws. This provision that we now want to make part of our rules is contained in Article 82(7)(c) of our Constitution.

So, whether we do not put it in the rules or we put it, it is there. If we are, for some reasons, just uncomfortable with it, we can leave it completely. We cannot make any amendment to it beyond what we have here because the Constitution says, “if he or she resigns his or her office in writing signed by him or her addressed to the Clerk to Parliament…” We have captured that one here.

All we are trying to do is to align our Rules of Procedure to the Constitution. It is not as if we are introducing something because we anticipate something. This is like rule 107, which provides for impeachment of the Speaker. In this rule, we provide for resignation. Impeachment has all those provisions of the seven days; everything as it is put here.

So, if Members are uncomfortable with this provision in the rules, I suggest that we either take it as it is or drop it. I cannot suggest any amendment beyond what we have here because it would be unconstitutional.

**THE SPEAKER:** Honourable members, I think it is better if we leave it because it is there in the Constitution. I think let us not complicate our lives by going into gerrymandering.

**MR ONGALO-OBOTE:** Madam Speaker, I concede.

**THE SPEAKER:** Honourable members, I think we have now completed consideration of the Rules of Procedure. I want to thank you very much for your participation –

**MS KAMATEEKA:** Madam Speaker, I have a slight amendment to Rule 2, which is on the definitions. This is on the word, “Clerk”. I suggest that we substitute for the definition of the word, “Clerk” the following; “the Clerk means the Clerk to Parliament”.

The justification is for consistency with Section 1 of the Parliament’s Powers and Privileges Act.

**THE SPEAKER:** Where is that?

**MS KAMATEEKA:** The word, “clerk” means “the Clerk to Parliament” on page 178, Rule 2 on interpretation.

**THE SPEAKER:** Is that part of what was brought to the committee? Honourable members, we have completed consideration of the Rules of Procedure. I want to thank you. Of course, we have taken a decision on the issue of review of the composition, structure and functions of the committees. I think, for now, we have done that.

I thank you for the work done this morning and this afternoon. I would like to suspend the House for an hour so that we can catch up with a number of reports.

Before we leave, I wanted to announce sad news from hon. Mawanda. He has lost his father, Lay Canon Daniel K. Maranga. He has just died and hon. Mawanda has not yet got the date for the burial. He wanted us to know that he is bereaved.

So, I invite honourable members to stand up for one minute of silence in his honour.

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

**THE SPEAKER:** Honourable members, House is suspended to 5.00 p.m.

*(The House was suspended at 4.05 p.m.)*

*(On resumption at 5.22 p.m. \_)*

MOTION FOR ADOPTION OF THE REPORT OF THE SUB-COMMITTEE OF THE COMMITTEE ON STATUTORY AUTHORITIES AND STATE ENTERPRISES ON THE INVESTIGATION INTO THE OPERATIONS OF THE DEPARTED ASIANS PROPERTY (CUSTODIAN BOARD)

**The Speaker:** Honourable members, as we receive that report, I would like to alert you in advance that I may have to intrude on your time next week. We had expected the Budget Committee to have completed their work today but it has not been possible. Therefore, we will not be able to end work on Friday. We may have to work on Monday, Tuesday and probably Thursday.

I am just alerting you that we are getting closer to the end but while working. Thank you.

5.23

**The Chairperson, Sub-Committee of the Committee on Statutory Authorities and State Enterprises (Mr Ibrahim Kasozi):** Thank you, Madam Speaker. On behalf of the committee, I am pleased to present to Parliament the Report of the Committee on Statutory Authorities and State Enterprises on the investigations into the operations of the Departed Asians Property Custodian Board.

I would like to thank members of the committee for their commitment during the investigations. The investigations took longer than expected because of challenges beyond the committee’s own making.

I would like to extend special thanks to you, Madam Speaker, for constantly guiding the committee throughout the entire process.

The report of the committee is very comprehensive and bulky. Time may not allow me to present it in its entirety. I, therefore, beg that you allow me present its summary to allow Members be informed by the contents of the comprehensive report.

I, therefore, beg to lay on the Table, the comprehensive report of the Sub-committee of the Committee on Statutory Authorities and State Enterprises on the investigations into the operations of the Departed Asians Property Custodian Board. The same has been uploaded on the Parliament intranet for Members to read and follow the presentation. I beg to lay.

I also beg to lay a compendium of minutes of deliberations of the committee during the investigations.

Allow me to skip the preliminaries and just give a brief background of these investigations.

On 04 August 1972, the President of the Republic of Uganda then, His Excellency, Idi Amin Dada, ordered the expulsion of about 60,000 Asians domiciled in Uganda. Most of them were engaged in businesses that formed the backbone of Uganda’s economy at the time. The expulsion was premised on disloyalty from the minority Asians to Amin’s Government, lack of integration of Ugandan Africans in business, and commercial malpractices.

Subsequently, the Government of Uganda, through the enactment of the Assets of Departed Asians Act, Cap. 83 put in place a mechanism of managing the expropriated properties.

The Asians were given an ultimatum of 90 days to leave the country. There was undoubtedly a lot of fear and uncertainty, which created a lot of Asian disquiet among those expe11ed about returning to Uganda.

According to the National Resistance Council (NRC) Select Committee report on the custodian Board affairs, between 7,00O to 10,000 properties were abandoned by the expelled Asians.

The Parliament of Uganda enacted the Expropriated Properties Act, (EPA) Cap 87 of the Laws of Uganda to provide for the transfer of the properties and businesses acquired or otherwise expropriated during the military regime to the Ministry of Finance, to provide for the return to former owners or disposal of the property by the Government and to provide for other matters connected therewith or incidental thereto.

The DAPCB, a Government agency under the Ministry of Finance, Planning and Economic Development (MoFPED), therefore, has since its inception, been managing the properties of the departed Asians.

In August 2016, the Auditor-General conducted a special audit report on the operations of DAPCB for the period 01 February 2011 to 31 March 2016.

The committees of PAC-COSASE constituted a subcommittee to consider the two special audit reports and investigate the operations and management of properties of DAPCB under the following terms of reference:

1. To investigate the allegations that some properties of the Asians expelled by H.E. President Idi Amin regime were repossessed yet the owners had been compensated fully by the Government of Uganda;
2. To establish the total amount of proceeds from the sale or rent of the properties;
3. To establish the number of court cases with the Board, how long they have been in courts of law and ascertain those concluded and in whose favour;
4. To establish any possible fraudulent activities committed during the repossession of the properties;
5. To investigate any other matters incidental to the administration of the DAPCB; and,
6. To propose measures to safeguard the assets against any fraudulent disposal.

The committee held meetings with invited stakeholders, reviewed documents and carried out a fact-finding mission to selected districts and travelled to Canada and the United Kingdom to interface with some of the surviving departed Asians and Administrators of those who are deceased.

The challenges faced while executing its duties

In the execution of its mandate, the committee faced some technical and logistical challenges. These included:

1. Disruption of the committee’s progress by individuals through forum shopping. The committee received various petitions from aggrieved parties. However, many of these petitioners were either in court or the cases had been concluded and judgements passed. As such, the committee could neither deliberate on matters in court nor even hear the potential witnesses as this was *subjudice.*
2. The complexity of investigating the alleged fraud. Fraud being such a discrete vice and further noting that one of the terms of reference of the committee was to establish any possible fraudulent activities committed during the repossession of the properties; and considering that the alleged fraudulent repossessions are said to have been facilitated by different public office holders, inevitably, there arose the need for sophisticated criminal investigative capabilities.

The committee relied on other relevant specialised institutions for information. Subsequently, the timeframe for the completion of the assignment was prolonged;

1. Frustration by the Attorney-General. Despite the latitude extended to the Attorney-General by the committee, he never availed the required documentation to aid the work of the committee, despite undertaking to do so on his singular appearance. An example is his failure or refusal to render his opinion on several legal issues agreed upon with the committee.

Madam Speaker, if you can allow me to expound a bit on this. When the Attorney-General appeared before the committee, he requested the committee to form a committee between the Parliament, the Custodian Board, and his legal team. We went to Serena–Kigo for six days and came up with opinions, which we agreed upon with his team, that we thought he would append to as opinions and officially hand them over to us but up to date, he refused to assign those legal opinions.

iv) The threat posed by the COVID-19 pandemic. The committee's progress was slowed down by the COVID-19 pandemic, which prevented physical meetings, especially since some witnesses were shut out of the country, due to the lockdown of international airports. This notwithstanding, some witnesses submitted written memoranda to aid the committee in its investigation.

v) The complexity of the investigation necessitated the Committee to traverse the entire country since the expropriated properties of the formerly expelled Asians were scattered all over the country.

vi) The committee was stifled by the fact that there was no comprehensive inventory of all expropriated properties of the board as revealed in the Auditor-General’s special audit reports.

vii) Defiant witnesses such as Mohammed Alibhai, who deliberately refused to appear before the committee, having been issued invitations to come and explain their possession of the expropriated properties. In this regard, we would like to inform the House that accessing the witnesses especially in Toronto and Vancouver, Canada was frustrated by this gentleman. These include blackmail and bad press, wherein the Members were portrayed as thieves and property snatchers in the local and international press orchestrated by Mohammed Alibhai. Mohammed Alibhai is a beneficiary of 1,200 properties. Refer to Appendix 2 of the comprehensive report. Alibhai, in a questionable manner, continuously fought the committee. Honourable members, the comprehensive report has an extract of such emails.

The committee observes that such conduct constitutes contempt of Parliament under the Rules of Procedure. We invite this honourable House to cite the said Mohammed Alibhai for contempt of Parliament.

viii) There were also attempts to use the judicial system to muzzle the committee and prevent it from conducting the inquiry. This was through Miscellaneous Causes No. 70, 777 and 119 of 2020: Mohammed Alibhai, Minex Karia and Pradip Karia vs. Attorney-General, filed in the High Court of Uganda. However, these matters were dismissed on 7 October 2020, in favour of the committee to continue with the inquiry.

Constitutional Petition No. 22 of 2019, Mohammed Alibhai and Others v. Attorney General, which is still pending and has never taken off before the Constitutional Court of Uganda.

Findings, observations and recommendations

Term of Reference (TOR) (i): To investigate the allegations that some properties of the Indians expelled by H.E, President Idi Amin's regime were repossessed, yet the owners had been compensated fully by the Government of Uganda.

The committee established that on 21 July 1977, talks between the Ugandan Government and the United Nations High Commission for Refugees (UNHCR) were held at State House, Entebbe to discuss compensation for assets left by the departed Asians of un-determined nationality in Uganda after their expulsion in 1972.

It was agreed, among others, that:

a) Land was generally not compensable under Ugandan law based on the fact that all land was for Uganda and Ugandans and so, there would be no need to compensate no Ugandans for land owned by Ugandans, as guided by H.E. Idi Amin Dada, the then President of the Republic of Uganda.

b) Buildings over 10 years were regarded as having been amortized and only those of five years or less were to be valued and compensated at the 1972 market value. This was justified by S. Kituuka, the then Acting Ag. Chief Government Valuer and Chairman of the Board of Valuers, as he then was.

In his brief to security dated 16 September 1975, that rents in the country was very high and if one had constructed a building and let it to the public, he or she would have been able to recover the money expended on the building after 10years.

In light of the above, the committee established that part of the compensation to the departed Asians had been paid by the Government in 1976, with a cheque of Shs 13.4 million, to the Indian Government, being compensation to the Indian citizens for their assets left in Uganda.

Through the United Nations High Commission for Refugees, the Government of Uganda signed an agreement to pay a total sum of Shs 40.4 million, as compensation to persons of undetermined nationality for assets left in Uganda. The money was to be paid in 21 instalments for 10 years, from 1977 to 1987. The committee observed that after payment of only three instalments, the Government was overthrown.

Madam Speaker, we retrieved this information from the Bank of Uganda, relating to the payments made through the United Nations High Commission for Refugees listed in Tables 1, 2, and 3 of the report.

During the investigations, the committee noted that some formerly compensated properties for Government had ended up in the hands of unscrupulous individuals who had later transferred the same to bonafide purchasers, for value without notice.

The committee is of the considered opinion that after compensation, there would be no legal claim on any property by a former owner who had been compensated. A formerly compensated owner who wished to repossess the property from the Government could only do so, by first refunding the Government the full value of compensation before applying for repossession.

The Custodian Board Divestiture Committee’s handover report dated 20 January 2006 further revealed that compensations were still ongoing, as the Government had not fixed a deadline for receiving compensation applications as of 31 December 2005. A total of 119 former Asian owners had been compensated to the tune of Shs 1.765 billion

Observations

1. Section 3 of the Assets of Departed Asians Act (ADAA) and section 2 of the Expropriated Properties Act (EPA) vested all the properties of the Departed Asians in the Government under the management of the DAPCA and the minister responsible for finance.
2. Section 12 of the EPA provides for the Government to pay compensation to any former owner, not being a citizen of Uganda, whose property or business is affected by section 9.
3. Having compensated some departed Asians for their properties, such properties ceased to be properties of the Asian owners within the meaning of the Act and became properties of the Government of Uganda.
4. The said properties compensated for by the Government of Uganda were not subject to the EPA and where a certificate of repossession was issued to a departed Asian who was compensated, the issuance was done in error as fortified by the Attorney-General of Uganda, hon. Bert Katureebe’s legal opinion dated 9 June 1997; refer to Appendix 4 of the comprehensive report.

The committee recommends on TOR 1 –

1. That all Ugandans of Asian or Indian descent for whom compensation was passed to the Indian Government or United Nations have no further claim in Uganda.
2. The Indians who claim that they did not get paid by their Government when in fact, they were listed for payment, should be advised to contact their Government.

3. Persons found to have fraudulently reclaimed properties for which they had already been compensated should not only lose the property but also be prosecuted for misrepresentation, obtaining property by false pretense and fraudulent acquisition of property, which belongs to the Government of Uganda.

4. The DAPCB should initiate processes for cancellation of repossession certificates acquired and any substitute titles issued contrary to the opinion of the then Attorney-General, Bart Katurebe, in his letter dated 9 June 1997.

5. Any officer who was involved in the issuance of a repossession certificate in respect of the compensated property should be prosecuted for abuse of office.

Madam Speaker, Term of Reference No.2 was to establish the total amount of proceeds from the sale or rent of the properties.

The committee noted that the major source of revenue for the DAPCB was from the sale, renting out and disposal of the expropriated properties. The Committee on Divestiture, established, under Regulation 6 of the Expropriated Properties (Repossession and Disposal) (No.1) Regulations - and is charged among others, under Regulation 8, to recommend to the minister how to deal with any property or business affected by the Expropriated Property Act.

Further still, the expropriated properties that former owners did not repossess were supposed to be sold through competitive bidding under Section 11(1)(b) of the Expropriated Properties Act (Repossession and Disposal) Regulations, 1983.

It is important to note that all transactions and dealings in relation to expropriated properties prior to the coming into force of the Expropriated Properties Act (EPA) were nullified under Section(2)(a) of the EPA, and hence, they reverted to the Government of Uganda.

Madam Speaker, in an effort to windup the DAPCB by 31 December 2006, the Committee on Divestiture, in its handover report to the Minister of State for Finance, Planning and Economic Development, revealed that a total of 1,524 properties had been sold and fully paid for as at 31 December 2005, realising a total of Shs 15.378 billion in proceeds from the sales. These were cumulative proceeds from sales since 1993, when the Committee on Divestiture commenced the exercise of repossession and sale of expropriated properties.

The board stated that monies collected from sales, would be utilised for compensation claims and the daily operations of the board. However, there was no proper accountability on file provided for these funds over the years.

After the suspension of the DAPCB in 1996, in a meeting of the Board held on 29 July 1997 under the Chairmanship of the late hon. Mayanja Nkangi, a task force to take over the management of the board’s activities under the stewardship of an Undersecretary/Accounting officer under the MoFPED, was put in place. The board was operating three accounts by that time:

(i) the collection account No. 0140001126901, Stanbic Bank IPS branch; for proceeds from the sale of properties.

(ii) Operational Account No. 01400026902, Stanbic Bank, IPS branch; funds for operations would be transferred from the collection account to this account.

(iii) They also operated a Special Divesture Revolving Fund Account No. 0012420181 in Bank of Uganda, on which funds from the collection account were deposited for compensating former Asian owners, whose properties had been sold by the Government.

(iv) They also operated a fixed deposit account No. 117001 1223 with the International Credit Bank (ICB); DPAC fixed Shs 800,000,000, at 14.5 per cent per annum.

The Government of Uganda operated account No. 80206105 in Barclays Bank - Isle of Man in UK, through which the expelled elderly Asians were compensated. It had a running balance of US$ 696, l07.70, an equivalent of Shs 1.009 billion at the time. To date, this amount remains untraceable.

Madam Speaker, following the International Credit Bank’s closure, the money fixed was transferred by the Bank of Uganda to the consolidated account of the MoFPED. A letter dated 29th May, 2006 of Ref: DG.21.1 (refer to Appendix 5), on the comprehensive report revealed that Bank of Uganda was in the process of making an interim distribution of the liquidation process to the creditors of ICB and DAPCB, was among the account holders that would eventually be paid.

Furthermore, in an internal memo dated 30 June 2010, the Under Secretary/Accounting Officer informed the minister that the collection and operational accounts of the board in Stanbic Bank were closed at the beginning of 2008, by the Accountant-General as per the Public Finance and Accountability Act, and balance was transferred to Bank of Uganda.

The memo further revealed that the board failed to collect rent from Government institutions since 1973 up to the end of 2000, to the tune of Shs 2.284 billion. Refer to Table 4 on the comprehensive report to see those institutions, which did not pay.

Committee observations

Madam Speaker, it is noteworthy that to date, there is no recognisable property register in place. Further, the intricate nature of the task force operations made it extremely difficult for the committee to ascertain the total number of proceeds from the sale of properties to date.

The lack of proper books of accounts as revealed by the two special audit reports on the operations of DAPCB by the Auditor-General and lack of appropriate handover of office from the previous executive secretaries, only exacerbated the problem.

Due to the above intricacies ascertaining the total proceeds from the rental collections, sale and disposal of expropriated properties was an uphill task. This was aggravated by the continuous allegations of fraud and the numerous court cases against the board. The committee noted that in its earlier report on defunct banks, it had recommended that the winding up processes of all defunct banks to be completed in a period not exceeding one year. However, to date, this process seems not to have been realised and as a consequence, Shs 800 million cannot be accounted for by DAPCB.

Madam Speaker, the committee, having observed all that, have these recommendations:

1. Efforts to windup the board as indicated by the minister be expedited and a comprehensive asset register of all properties across the country be compiled so as to reliably ascertain all expropriated properties and the proceeds accrued from sale and disposal, thus far.

2. After the adoption of this report, the board, through the minister, submits to Parliament within six months a comprehensive asset register of all expropriated properties, and a report on proceeds realised from all properties dealt with by the minister in accordance with the law.

3. Bank of Uganda should hasten the winding up of the defunct banks, among which ICB belongs, as earlier recommended in the COSASE report on defunct banks. This will allow for payment of all its creditors, who include Government.

4. All board officials involved in the mismanagement of the board’s funds be investigated and if found liable, be personally prosecuted in accordance with the law.

Terms of reference No. (iii) was to establish the number of court cases with the board, how long they have been in the courts of law and ascertain those concluded and in whose favour.

The committee was presented with a list of 124 court cases filed by and against the board. (Refer to Appendix 6 in the comprehensive report.)

It established that a total of 99 cases were still pending in court and out of these, three were reported to be at mediation stage between the parties.

The stage at which the balance of 96 cases were, were unknown to the board at the time of the interface. Further to note is that 10 cases had been concluded in favour and 14 cases against the Departed Asians Property Custodian Board (DAPCB) respectively.

To-date, the committee has not received any latest updates on the court cases.

The committee noted that lack of appreciation of a law in relation to the expropriated properties by the technical staff of the board has led to numerous suits which have attracted legal liability and as a result, occasioned loss of funds.

In most cases the board has lost cases in courts of law for trying to investigate matters already concluded by the executive action of the minister, where he has in most cases issued the certificates of repossession.

The Supreme Court Civil Appeal No.14 of 2002 section 15 of the Expropriated Properties Act (EPA) provides that any person aggrieved by any decision made by the minister under this Act may within 30 dates from the date of communication of the decision to him or her appeal to the High Court against the decision.

This section of the Act has been interpreted by the Supreme Court in Civil Appeal No.14 of 2002 between Mohan Musisi Kiwanuka & Asha Chandi.

The board has, in most cases, acted against of the above legal position, which has exposed Government to legal liability and loss of several court cases. It is important to emphasise that having issued the said certificate of repossession, the Minister - and as a consequence (DAPCB) is *functus officio*, according to the Act.

It is important at this point to note that most persons who have been under attack by the DAPCB were appointed agents of the owners of repossessed properties under the claim that the real owners did not return to Uganda as required by law.

This has led to litigation, which in most cases the board has lost. One such example is in Attorney-General v. Mehta & Sons Ltd, Miscellaneous Cause No. 10 of 2010.

Therefore, it is clearly evident that the law of Uganda, as it stands now, permits appointment of agents to manage repossessed property.

It is perfectly legal, as long as a certificate of repossession has been issued by the Minister of Finance as required under the EPA; then the DAPCB or Government, for that matter, has lost the right to deal with that property, unless the process is impeached successfully in the High Court as provided for under section 15 of the Expropriated Properties Act.

Observations

1. The board continues to issue temporary allocations in respect to repossessed properties, which is blatantly illegal but also explains the continued litigation against the board.
2. Failure by DPAC to defend cases in courts of law has caused losses on a lot of cases and as a consequence, funds in costs and damages. Most cases have been in court for two years without any defence being filed by DPAC.
3. The involvement of the Attorney-General comes very late when the damage is already done and legal liability has accrued.
4. The minister’s failure to issue purchase certificates to persons who purchased and paid for the properties, for example Plot 19 Main Street, Jinja also attracts litigations.

The custodian board, in its defence, reported that it has received little assistance from the Attorney-General’s chambers in terms of defending cases against it.

1. In response, the Attorney-General, in his singular appearance before the committee, opined that his chambers are under-staffed and fully stretched.
2. The committee recommends on that term of reference that all investigations into expropriated properties should only be done with the involvement of the office of the Attorney-General.
3. The Attorney-General should immediately designate officers to work with the board in pursuit of the proprietary interest of the board.
4. In light of the assertion by the Attorney-General to the effect that his office is understaffed, the board should retain a minimum of two private law firms to ensure that all the work of the board is in full compliance with the law and that all suits against it are dealt with in a manner that promotes justice and financial prudence.
5. The technical staff of the board should, at all times, act within the limits of the law.
6. The technical staff of the board found to have perpetuated circumstances that result in loss as a result of court action should be held liable.
7. All persons who have fully paid for properties of the board through the recognised legal channels should be immediately issued with the respective certificates of purchase.
8. All remaining properties in the custody of the board should be immediately disposed of to ensure a smooth closure of the expropriation chapter in the country.

Term of reference No. (IV) was to establish any possible fraudulent activities committed during the repossession of the properties.

The committee is cognisant of the fact that the Ministry of Finance, Planning and Economic Development, through the issuance of the Expropriated Properties’ (Repossession and Disposal) (No.1) Regulations, put in place mechanisms necessary to process all repossession claims.

(Members can refer to the main report for these criteria.)

The criteria has further been espoused under the following sections in the EPA; section 4, 8, 6(1), 3(2), 9(4), 3(2), 3(2)

Allow me to point out that section 3(2) of the Expropriated Properties’ Act is to the effect that nothing in this Act shall be construed as empowering the minister to transfer the property or business to a former owner, unless the minister is satisfied that the former owner shall physically retire to Uganda to repossess and effectively manage the business.

Therefore, the command of section II of the EPA; physical return to Uganda was a condition precedented to completion of the repossession process.

Where the authorisation is issued and the former owner fails to physically return to Uganda, then the repossession of the property cannot be said to be complete.

This is in tandem with the legal opinion of the Solicitor-General vide a letter dated 25 October 2004. (Refer to Appendix 9 on the comprehensive report.)

That notwithstanding, an application for repossession can be initiated by an agent with powers of attorney, where the donor fails to physically return to Uganda and reside to manage the property within 120 days, such repossession is contrary to section 3(2) and 9(4) of the Expropriated Properties Act (EPA).

As such, the minister can issue an order that the property is either retained by Government or dealt with in accordance with the regulation.

Madam Speaker, in the High Court of Uganda in Attorney-General v. Mehta and Sons, Miscellaneous Cause No.10 of 2010, has also interpreted the requirement to return within 120 days in respect to companies and held that;

"Stemming from the above provisions, it appears to be a mandatory requirement that in the case of a registered company, one of the directors or shareholders must physically return and reside in Uganda and manage the suit property within 120 days of the repossession date.

Failure, the minister may be moved to make an order for the property belonging to such a company to be retained by Government, sold or disposed of in any manner other manner, deemed fit by the Minister. The committee concurs with this guidance. At this point, it is imperative to inform the House that most fraud, in relation to expropriated properties, was propagated through powers of attorney.

In this regard, individuals, most notably Mohammed Alibhai, went to countries like Canada, obtained generic powers of attorney, processed repossessions, fraudulently obtained the certificates of repossession from the Board and went on to manage or even own the properties in issue, to the detriment of the real owners.

While some of the owners could not physically return to complete the repossession process, others were scared away by these individuals.

Madam Speaker, in an effort to ascertain whether some of the expelled Asians returned within 120 days, as required by law, the Chairman Divestiture Committee or DAPCB sought the intervention of the Ministry of Internal Affairs, requesting for travel details between 1985 to 31 December 2019, of some persons of Indian origin expelled in 1972.

In a letter of Ref. ADM/85/2O7/01, dated 19 February 2021, the Permanent Secretary, Ministry of Internal Affairs revealed that after a search on the electronic system, there was no travel record of the listed expelled Indians. Refer to Appendix 10 of the comprehensive report.

Madam Speaker, the committee further established that fraud was orchestrated under the following circumstances:

1. Letters of repossession being used to transfer title by the former owners, in light of Section 9 of the Expropriated Properties Act (EPA).

The allegation under this particular head was that most properties were obtained by letter, rather than the certificate of repossession, as provided for under the Expropriated Properties Act.

The committee noted that some ministers were issuing letters to applicants for repossession, as opposed to certificates, as envisaged by the law. The committee also noted that some persons were obtaining transfers of ownership of these properties in the Ministry of Lands, Housing and Urban Development on the strength of such letters, which is not backed by any law.

Indeed, the committee found that a number of agents, who repossessed on behalf of their principals, transferred these properties without a required registrable instrument, which, by law, is the certificate of repossession that confers powers to transfer to former owners.

This loophole was taken advantage of by some masquerades and opportunists who, having unscrupulously acquired letters of repossession as agents of the former owners, could not legitimately compel the original owners to physically come and pick repossession certificates, as required by Section 9 of the Expropriated Properties Act.

It was further revealed that on failure to acquire the repossession certificates to transfer ownership legitimately, the fraudsters processed special certificates of title used to alter the register and consequently, transfer titles based on a forgery.

A good number of such properties owned by trustees and Indian Community Associations were unscrupulously repossessed. DAPCB ought to have not issued repossession letters/certificates to the trustees, without resolutions of the former owners’ trustees or authority. Refer to Table 5 of the report for those properties, which were repossessed in such a manner.

The committee noted that although the letters of repossession are not provided for in law, they grant the holder an equitable right or interest, which can only be graduated to becoming legal by obtaining the certificate of repossession, envisaged by the Expropriated Properties Act, and by all intents and purposes, is the registrable instrument for purposes of proprietorship.

The committee was fortified in reaching this conclusion by the decision of the Court of Appeal in Jaffer Brothers Ltd v. Mohammed Bagalaliwo and two others, Civil Appeal No. 2 of 2007, where the import of a repossession letter was discussed.

It was held that although it is not provided for under the Act, its content does not comply with the intent and purpose of the Act, which was to return properties of former owners, taken over by the military regime.

It is noteworthy that all parties, whether agents or principles that repossessed, on behalf of the trustees, ought to have provided authority to do so to the DAPCB. The board, while interfacing with the committee, revealed that there was no trace of such records in their archives.

On this understanding, the board, through the Minister of Finance, gazetted some of the properties for management, sale and disposal on numerous occasions, under the following statutory instruments:

1. The Expropriated (Management) (No. 1) SI. 87-1, and (No. 2) SI 87-2 order;
2. The Expropriated Properties (Management and Disposal) Order SI 87-3;

iii. The Expropriated Properties (Sale and Disposal) (Replacement) Order SI 87-4;

iv. The Expropriated Properties (Repossession and Disposal) (No. 1) Regulations SI 87-8 to (No. 2) Regulations SI 87-9

The requirement to physically return to Uganda, under section 9 of the EPA, was mandatory. However, the committee noted that some properties were repossessed and certificates handed over to persons who never returned to Uganda, contrary to the mandatory provision of the law.

An example is the properties repossessed by Mr Balbinder Singh, who repossessed properties belonging to M/S Sikh Saw Mills. This fact is clearly corroborated by a finding and letter dated 11 September 2013, wherein the then Acting Commissioner for Immigration clearly informed the committee that the persons never returned to Uganda, as required by law. You can refer to Appendix 10.

Madam Speaker, the committee, having observed the above, went ahead to recommend the following on that term of reference:

1. All repossessions, whose former owners did not physically return to manage the properties, as required by law, should be cancelled or revoked for being null and void.
2. The minister should invoke his or her powers, under Section 9(1) of the EPA, to make an order to either retain such properties as Government or the same be disposed of in a manner prescribed by Regulation 11 of the Expropriated Properties (Repossession and Disposal) Regulation, SI 6/ 83.
3. All transfers of ownership that were done, on the basis of letters of repossession, be revoked and the same be regularised by acquisition of the registrable instruments being repossession certificates.
4. Where a repossession certificate was acquired fraudulently, the perpetrators should be prosecuted for misrepresentation and fraudulent acquisition of property and subsequently, the repossession certificate be cancelled and the property revert to Government.

Properties whose repossession certificates were withdrawn by the Minister of Finance in the Uganda Gazette of 8 November 1991

Madam Speaker, there are some properties which were withdrawn by the minister and were gazetted on 8 November 1991. The committee established that the minister exercised his powers under section 9(1) of EPA and withdrew certificates on several properties and went ahead to gazette them in the Uganda Gazette of 8 November 1991.

Such withdrawal can be authorised by the Minister, where a former owner does not return within 120 days, in breach of Section 3(2) of the EPA, whereupon the minister can withdraw a certificate of repossession without recourse to Court under Section 9(4) of the EPA.

Thus, the withdrawal of certificates of repossession by the minister, under the above provision, vested such properties in the Custodian Board to either be retained or be sold or disposed of, in a manner stipulated under the regulations made under the Act.

Any holders of such withdrawn certificates are holding such certificates irregularly; as such, properties remain under the management of the Custodian Board and are available for the minister to deal with as per Section 9 of the EPA.

The committee further noted that any person aggrieved by the minister's decision to withdraw such certificates of repossession had a remedy to challenge the withdrawal of the certificate of repossession under Section 15 of EPA. Refer to Table 6 of the report for properties whose certificates got withdrawn.

The committee established that some of these properties had mysteriously landed in the hands of private individuals yet the Minister of Finance, Planning and Economic Development has not dealt with them under the law. There was no substantial evidence or documentation from some of the affected parties indicating the board's role or minister's role in dealing with the properties.

The committee could not also establish any legal authority from the former owners to repossess from the Minister of Finance, Planning and Economic Development or the board. Any claim of authorised repossession by former owners ought to have been evidenced by the certificate of repossession issued by the minister.

Further still, any form of transfer from former owners could only have been aided by the registration of the certificate of repossession on the title as an instrument conferring ownership back to the former owner prior to the transfer to alleged bona fide purchaser.

The committee, therefore, observed that there could not have been bona fide purchasers in respect to these properties as publication of the withdrawal of certificates of repossession in the Uganda Gazette of 8 November 1991 constituted a notice to the whole world in line with Sections 16 and 17 of the Interpretation Act.

This is especially so because in Halling Manzoor versus Singh Baram, Civil Appeal No. 9 of 2001, Court held that-

*"…no expropriated property can be validly sold by the former owner before repossession … a dealing of whatever kind in such a property is a nullity. The sale can only occur after repossession and with the consent of the minister. The subsequent transactions and transfers after the withdrawal of the certificate of title by the minister are null and void ab initio.”*

Madam Speaker, I would like to draw the attention of Members to Plot 1 Parliamentary Avenue, being among the properties which were withdrawn by the minister. This property is such that falls in the same category but I am aware that the Parliamentary Commission has been renting this building for office space for both Members and staff and yet from the committee’s investigation, this building ought to belong to Government. Government is losing a lot of money through unscrupulous ways such as this.

Another example is Plot 3, Portal Avenue where Custodian Board sits. All the documents in Custodian Board indicate that the property belongs to the Government. We asked the Minister of Finance, Planning and Economic Development why they keep on paying while knowing that property belongs to them. They did not have an answer for the committee.

After such observations, the committee recommends that:

1. All such properties whose certificates of repossession were recalled by the minister be immediately recovered and brought back to the Government of Uganda.
2. All certificates of title issued on such properties should be immediately cancelled and the register of titles be corrected to reflect the ownership prior to the purported repossessions.
3. All parties claiming to be bona fide purchasers for value without notice in respect to properties whose certificates were withdrawn should seek compensation from the persons that sold the properties to them as the sellers or vendors of such properties did not have good title to pass on.
4. The subsequent transactions and transfers after the withdrawal of the certificate of title by the minister are null and void ab initio.
5. DAPCB should, upon adoption of this report, institute the processes to recover these properties from the current illegal holders.
6. All properties whose repossession were recalled by the minister and gazetted and are currently being rented by Government itself, including but not limited to Plot 1 Parliamentary Avenue among others, should be allocated to Government agencies.
7. The Minister of Finance, Planning and Economic Development should, within three months after adoption of this report, report to Parliament on the recovery processes.

The committee would like to inform the House that from its investigation, it was able to ascertain a total of 38 repossession certificates that had been issued by the Minister of Finance, Planning and Economic Development as required by law but were not picked by the former owners in favour of whom the same had been issued.

This means that the applicants never met the statutory requirement of returning to the country to manage such properties in the mandatory 120 days. This, therefore, implies that such properties are still under full management of the board as the former owners did not complete the process of repossession in view of failure to pick the certificates.

Therefore, any other claims on the same properties are null and void *ab initio* and if any, must be subjected to investigation and the perpetrators should not only lose the property but also be prosecuted for misrepresentation, obtaining property by false pretence and fraudulent acquisition of property.

It should be noted that it is such certificates that unscrupulous individuals illegally acquire with the help of technical officers in the DAPCB and the Ministry of Lands, Housing and Urban Development. To avoid such vices, the same should be cancelled by the minister under the authority granted by Section 9 (4) of the Expropriated Properties Act. Refer to Table 7 of the report.

Connivance by private individuals with some officials in the DAPCB and the Ministry of Lands, Housing and Urban Development to alter the contents of the registers

The committee observes that the fraudsters could not have successfully acquired the expropriated properties without the systematic help and professional hand of the officials of Government in the Ministry of Lands, Housing and Urban Development and perhaps DAPCB. A classic example includes the fraud that was committed on the Temangalo Tea Estate and the Namwambula Estate.

The committee has comprehensively enumerated how the fraud in both cases was orchestrated. Therefore, allow me to go straight to the recommendations that the committee has proposed in both cases. When you read the comprehensive report, you will see how the fraud was perpetrated in those two scenarios we have mentioned.

Recommendations on Temangalo Land Fraud

1. Noting that this matter has, over the years, been raising a lot of anxiety among workers with the fear of losing their money, and further aware that the Government of Uganda has a Constitutional obligation to ensure that the property comprised in LRV 6 Folio 7 is handed over to its legitimate owners being M/s Temangalo Tea Estates to enjoy a quiet possession of the same, the National Social Security Fund should negotiate with the legitimate owners of the same within 45 days for a mutual settlement and a progress report brought to the House within the stated time.
2. The questionable transactions in the Temangalo land perpetrated by A.K Mawanda, Amos Nzeyi and officials in the Ministry of Lands, Housing and Urban Development involved in the fraud should be investigated and if found liable, be prosecuted for perpetrating and committing fraud.
3. NSSF should proceed against Amos Nzeyi for loss and damage through any means provided for by law, for having sold to them land on the basis of falsified documents aided by some unscrupulous officials in the Ministry of Lands, Housing and Urban Development. When you read the report, you will see how he did that forgery.

Madam Speaker, on Namwambula Estate, the committee recommends that the Government should deal with the rightful owner and nullify any transaction with Mulowoza and Brothers Limited. Further, all monies transferred to Mulowoza and Brothers Limited should be recovered.

In our interface, we found out that the Shs 13 billion was extended to Mulowoza and company, who did not have the right title to pass on.

2. Mulowoza and Brothers Limited should be investigated for perpetuating fraud and iliega1ly dealing in a property she was well aware she did not have legitimate ownership.

3. Sarah Kulata Basangwa, the Acting Commissioner Land Registration (as she then was) should be investigated for connivance to commit fraud, causing financial loss and abuse of office. (Refer to her letter dated 21 February 2008 (Appendix 11 of the comprehensive report.) There is property, which was redeemed by the Government of Uganda from financial institutions.

The committee established that there are properties that were redeemed by the Government of Uganda from financial institutions where they had been mortgaged but had mysteriously ended up in the hands of private individuals without the Hon. Minister of Finance ever dealing in them as required under the Expropriated Properties Act.

The committee notes that Section 15(1) of the Assets of the Departed Asians Act makes it mandatory for any Bank or credit institution in Uganda, for which a Departed Asian held an account, to declare the existence of the account to the Board.

While Section 15(3) deems all the accounts held by the Bank or credit institutions for a departed Asian to be credit held on behalf of the Board by the financial institution with effect from 09 August 1972.

The committee, therefore, holds the view that an account under section 15 of the Act is both a liability and credit account. Therefore, where properties were mortgaged by departed Asians and held by financial institutions, section 15 placed a statutory obligation on the banks to disclose these accounts to the DAPCB.

With respect to redeemed properties, the committee observes that:

1) The DAPCB has the original certificates of title and mortgage releases of some properties but is not in physical possession yet the Minister of Finance has never dealt with them. They have the certificates of repossession but the properties are being managed by different individuals.

2) Some unscrupulous individuals acquired special certificates of title and proceeded to acquire certificates of repossession on the basis of false documentation uttered.

3) The former owners ought to have re-reimbursed to Government the monies that were used to pay off the loan obligations and mortgages before initiating the repossession process. This was not done. *(*Refer to tables 8 and 9 on the comprehensive report for the redeemed properties.)

After such observations, the committee recommends that:

1. All redeemed properties in respect of which special certificates of title were issued and yet the original certificates of title are in the custody of the board, should be cancelled and the perpetrators be prosecuted.

2. Bank of Uganda must proceed on all the commercial banks compelling them to declare to the DAPCB and the Ministry of Finance all properties of the departed Asians that were mortgaged as required by Section 15 of the Assets of the Departed Asians Act.

Double or Multiple Allocations

The committee observed that to date, DAPCB continues to allocate same properties to different individuals as revealed by the Auditor General’s special audits. The double or multiple allocations of properties to more than one individual has created unnecessary controversies regarding individual rights of tenants.

During the committee’s field visits, it came to its knowledge that the controversy surrounding ownership and multiple allocation of properties belonging to DAPCB has been a recipe of violence, alleged forceful evictions and destruction of property of Ugandan citizens.

This was also highlighted in the report of the National Resistance Council Select Committee, wherein it was observed that a number of properties appeared to have been repossessed under dubious circumstances and on the basis of doubtful credentials.

In all selected districts, there were some properties that had temporary allocations to sittings tenants by DAPCB yet repossession by either letter or certificate of repossession had been effected. By issuing these two documents to effect repossession, DAPCB ceded its rights over the management of the relevant properties.

Worse still, it was discovered that staff of the custodian board were perpetrating the confusion with double allocation while also using the properties for individual rents. The staff of the board were cited in intimidation rings while also siding with fraudsters to deprive the would-be legal tenants of those properties.

While in Canada, some departed Asians presented to the committee all the prerequisites for their claims on properties that they reported to have fully repossessed and subsequently taken management of. To the committee’s surprise, the board continues to issue letters of allocation on the same properties. *(Refer to the Canada report attached to the comprehensive report.)*

In light of the above, the committee recommends that:

1. Any allocation of property that was lawfully repossessed should be revoked.

2. Where double allocations exist, the latter should be revoked because where two equities are equal, the first in time prevails.

3. Any DAPCB official found culpable for perpetrating double allocations or allocating repossessed properties should be prosecuted.

On Term of Reference No.5, the committee was to investigate any other matters incidental to the administration of the DAPCB.

1. The Organisation and management of the operations of the custodian Board.

The committee noted that the operations and decisions of the board have quite often been dominated by the minister’s opinions and undue influence, which often times leads to non-adherence to existing laws, poor scrutiny of documents by the divestiture committee and inconsistent decisions. This has been evidenced by the number of court cases against the Board.

The governance of the Custodian Board has, from the time of its inception, been questionable. Over the years, the board has been housed under the ministry responsible for finance, which has not done a good job in putting in place structures or checks and balances for the effective running of the Custodian Board as envisaged in the law.

It is absurd that such an entity does not even have a single vehicle they can use for transportation to monitor all the properties, which are scattered all over the country. Moreover, they keep selling the property.

An interface with the current Board revealed that meetings of the board were scarce and more often than not, minutes were unavailable. The perennial absence of board members during meetings was a clear indicator of lack of commitment to the operations of the board.

The lack of regular meetings and poor commitment has been a bedrock of some of the poor decisions since it has not provided room for the review of minutes and decisions of the Board. This conduct runs contrary to the requirements of section 5(1) of the Assets of the Departed Asians Custodian Board, which requires the board to sit at least once a month. This has facilitated dubious transactions, fraud and loss of government properties and revenue. This is a manifestation of incompetence on the part of the board.

The committee noted that the creation of a task force to perform the roles of the board was illegal for the last 10 years. The task force that was put in place was a creation that was not supported by any law and yet it transacted business as the board. When you scrutinize all the documents, you will find that most of the anomalies stemmed from that 10 year period when the task force was handling the issue.

Further still, the appointment of the Executive Secretaries of the Board in the recent past cannot go unnoticed. In a meeting with the board, the committee was informed by the Minister of Finance, Planning and Economic Development that the current Executive Secretary was head-hunted and presented to the board for subsequent approval and appointment.

The committee discovered that the previous office holder, Bernard Shaw Tumwesigire, was relieved of his duties under questionable circumstances and there was no handover to the current Executive Secretary. It was, therefore, not surprising that at the time the committee interfaced with the board, the previous Executive Secretary was still in possession of the official stamp, a tool necessary for authenticating custodian board documents. It took the intervention of the Parliamentary

Police to recover the stamp from Mr Tumwesigire.

He testified that he received a communication about his termination from the minister while on official duty in Soroti and his efforts to handover office smoothly were not entertained as he was unceremoniously locked out of office up to date. He resolved to hold onto the official stamp given the circumstances. The board was left with no option but to cause for the issuance of a new stamp to transact and authenticate its documents.

The above revelation only points to how far the political undue influence has affected the board's capacity to function properly. This notwithstanding, Mr Tumwesigire still maintains financial claims against the board, which have been outstanding for a long time and have not been accorded due attention by the relevant authorities. This should be resolved once and for all.

While in the field, the committee noted a huge outcry from the Custodian Board tenants, blaming the Board for inconsistencies in its dealings. Many of them, bearing in mind that they are sitting tenants, are occupying dilapidated structures. For so long, tenants have wanted to do major repairs and works to renovate the structures they currently occupy but only on condition that they have full ownership and quiet possession.

A number of tenants are willing to purchase the properties they occupy but have indicated that their efforts have not been helped by the DAPCB. The Custodian Board has more or less frustrated them in their attempts to purchase the properties.

In the same vein, the dilapidated structures have negatively affected the cities and towns where they are located as the relevant cities and districts are not gaining any revenue from them yet they continue to affect the beautification of the cities and districts all over the country.

With regard to repossession, a number of stakeholders have been grossly affected by the negligence on the part of DAPCB. The committee was, on numerous occasions, informed by the Board that there were fraudulent acts on the part of repossessors. According to the Board, a number of them did not physically return to Uganda during or after repossession as required by law hence Government had no choice but to retain the property.

Further that the repossessor ought to have redeemed the property first, where there were encumbrances, for a valid repossession certificate to be issued. Therefore, where a certificate of repossession was issued in these circumstances, it was construed that the repossession process was riddled with fraud.

However, it is important to note that the Board did not make mention of the fact that its own Divestiture Committee, which ought to have carried out due diligence and audit repossession applications and other processes before any action was taken by the Minister, did or did not assess all these facts.

This would ordinarily mean that before the issuance of a certificate of repossession, the Board must have been fully conversant with all these facts. It was therefore, disturbing that DAPCB would turn around to question actions leading to issuance of repossession certificates.

It was also discovered that even in instances where repossession certificates were issued by the Minister, the Board continues to illegally temporarily allocate the properties. As a result, a number of affected parties (*bonafide* purchasers for value without notice), who bought from repossessors with repossession certificates, have and continue to sue Government in courts of law.

In relation to this particular term of reference, the committee recommends as follows:

The matters of repossessed properties that have been allocated by the Board be administratively be resolved with affected parties or *bonafide* purchasers.

That the Minister of Finance presents a Bill for Parliament to amend the EPA to revise the composition of the Board as the current board Members are so pre-occupied with the main Ministries that they superintend over.

That DAPCB should immediately dispose of all properties in the Cities and towns around the country.

The role of the district land boards

The committee interfaced with the district land boards and revealed that a number of properties belonging to the Custodian Board had been illegally dealt with and transacted over by the district land boards without consent or knowledge of the Board.

The district land boards informed the committee that they were not in possession of the inventory of all properties owned by the Custodian Board in their respective districts. The committee was able to ascertain the involvement of the district land boards on some of the properties of the Custodian Board.

Honorable members, if you refer to Appendix 13, you will find that if you go to Masaka, almost half of Masaka town is property of Government. In Jinja, almost 80 per cent, Mbale and if you come to Kampala, almost 70 per cent of the properties are still under the Custodian Board but the district land board dealt with them.

The board indicated that given the creation of new districts, a number of properties that previously belonged to one district consequently fell under jurisdictions of another and were working with the Ministry of Lands, Housing and Urban Planning to create a comprehensive inventory of properties per district.

Be that as it may, it is inexcusable that the district land boards can deal with a title of a clear expropriated property without consulting or doing due diligence with the Custodian Board. The district land boards, which are always facilitated with the services of lawyers, could not satisfactorily convince the committee that they allocated the properties in issue under

the guise of expired leases yet the operation of leases had been frozen by the Expropriated Properties Act.

In letters to the Permanent Secretary of the Ministry of Lands, Housing and Urban Development, dated 12 September 2007 and 4 March 2009 of Ref: EC/20/2002/129, the Secretary to Treasury warned against continued registration of instruments and effecting transfers of expropriated properties without clearance from the Ministry of finance.

He noted that the practice was contrary to the EPA. He then requested the Permanent Secretary of the Ministry of Lands to take action and also issue a warning circular to all stakeholders to follow the law and seek clearance from the Custodian Board management before dealing in those properties but they never heeded to that. (Refer to Appendix 14)

The committee observes that the Constitution of the Republic of Uganda, under Article 241(1), stipulates the functions of the district land board to include the allocation of land in districts, which is not owned by any person or authority, facilitate the registration and transfer of interests in land; and to deal with all other matters connected with land in the district in accordance with laws made by Parliament.

Section 59(1)(a) of the Land Act augments this function by mandating district land boards to hold and allocate land in districts, which is not owned by any person or authority. By the provisions of Section 59 (1) (a), any transactions of land that contravene section 59(1)(a) of the Land Act are void.

Section 3 of the Assets of the Departed Asians Act vested al1 assets of the departed Asians in the DAPCB. Therefore, the district land board had no authority to deal with such property prior to the minister exercising his statutory authority under the EPA. These properties were vested in the Government by law and fell under the management of the board after Asians left Uganda in 1972.

4. Section 6(1) of the Assets of Departed Asians Act empowers the board to take over the management all assets transferred to it by virtue of section 13 of the Assets of Departed Asians Decree, 1973 to discharge all the liabilities transferred to it by this Act and in relation to any assets, collect all debts or other monies due to the departed Asians and se11 or otherwise, deal with such assets in the same way as the departed Asian may do.

Clearly, the district land boards have no role to play in relation to expropriated properties unless, and until they have been dealt with by the Ministry of Finance, Planning and Economic Development through either repossession or disposal.

Further, section 2(1)(a) of the EPA, stipulates that all property vested in the Government and transferred to DAPCB under the assets of Departed Asians Act shall, from the commencement of the Act, remain vested in the Government and be managed by the ministry responsible for finance. The district land boards could only derive authority to deal in expropriated properties, where they were so permitted by the minister responsible for Finance, Planning and Economic Development by statutory order in compliance with section 2(3) of the Expropriated Properties Act, which was not the case in the properties in issue.

7. Section 2(a) of the EPA provides that until such a time as the minister has exercised his or her powers, the Departed Asians Property Custodian Board shall continue to manage such properties.

8. Therefore, where the minister did not deal with any of the properties in any of the ways stipulated in section 6 of the Assets of the Departed Asians Act, all transactions by the district land boards in respect to such properties, are null and void.

The committee established that several properties of the custodian board were actually transferred on the basis of letters and instruments of repossession and not repossession of certificates or purchase as stipulated in regulation 10(3) of the Expropriated Properties (Repossession and Disposal) (No.1) Regulations, SI No. 87-8 of the Expropriated Properties Act.

Suffice it to say *“Where the minister has been satisfied with the merits of an application for repossession, he or she shall under his or her hand issue to the applicant a certificate in the form set out in the Second Schedule to these regulations*”

Madam Speaker, it is the committee’s opinion that a letter of repossession could not tantamount to a certificate of repossession, the effect of which can cause transfer of the title. The committee rather construed it as a means to formalise the repossession process whose end result should be acquisition of a certificate of repossession issued by the Minister of Finance, Planning and Economic Development. This is premised on the sections 5, 6 and 7 of the Expropriated Properties Act.

However, the committee took cognisant of Her Lordship Justice Eva Luswata’s observation in Attorney-General Vs Mitha & Sons Ltd, Misc. Cause No. 10 of 2010, wherein she stated thus

“… repossession letters continue to exist and do not have any lesser force in law.

The Court of Appeal in Jaffer Brothers Ltd V Mohammed Bagalaliwo and two others, Civil Appeal No. 2 of 2007, had the opportunity to discuss the import of a repossession letter. It was held that the content of the repossession letter does comply with the intent and purpose of the Act, which was to return properties of former owners taken over by the Military regime. I would, therefore, be correct to hold that repossession letters have the same force as repossession certificates.``

In consideration of the above submission, the committee is alive to the fact that –

1. The current possessors of all properties in this category acquired them from the district land boards at a consideration on the basis of which certificates of titles conferring ownership were awarded.

2. While interfacing with the committee, all district land boards that dealt with expropriated properties conceded that it was illegal as they lacked the requisite legal authority to do so.

3. By virtue of the Supreme Court Judgement in Mabale Growers Tea Factory Ltd Vs Nooroli Mohamed, Civil Appeal No.2 of 2015, applications for compensations to date are still valid and therefore, it would be incumbent on the DAPCB to have a resource from which to facilitate the compensations.

4. DAPCB has an obligation to former owners who would wish to be compensated or repossess their properties that may fall in this category.

When the districts have dealt in those properties, and the money which accrued from those properties, goes to the districts. However, the law still has a space for those owners to come and reclaim the compensation. The question is: where will the Government get the money to compensate the former owners?

Recommendations

1. The committee recommends that all titles issued by district land boards without authority in respect of expropriated properties should be cancelled for being void *ab initio*.
2. Government should re-capitalise the Departed Asians Special Fund from which money for compensations to former owners will be paid.
3. Moving forward, any Government official involved in dealing with these properties without the express instructions from the Minister responsible for Finance, Planning and Economic Development and the Board should be personally held liable and prosecuted.
4. The DAPCB should furnish all district land boards with an inventory or list of all properties vested in the DAPCB that exist in respective districts.

Properties of the custodian board under districts jurisdictions

Madam Speaker, several properties of the board are situated in the towns of most districts. However, as earlier pointed out, expropriated properties existing in these towns or cities are old and dilapidated because the current occupants being tenants of the Board, as one of the terms of their tenancy are not permitted to renovate or develop any such properties. A case in point is Jinja, where a very dilapidated and ugly structure is directly opposite the City Hall gate, forming a very unpleasant sight for anybody to appreciate the beautification of Jinja.

Cognisant of the new developments that the Government has undertaken to elevate a number of districts to city status, there is dire need to expeditiously dispose of the unclaimed properties to allow development and construction of upscale infrastructure befitting of the current development status of the various cities and towns all over that country.

With that observation, the committee recommends that:

1. The board should in a period not exceeding six months from the date of adoption of this report, value and dispose of all expropriated properties that Government does not intend to use.
2. Sitting tenants should be given first priority to purchase the properties subject of the disposal. In this case, the option to purchase should be accepted within not more than a month from the time of offer whereupon payment terms may be agreed.

General Notice No. 88 of 1993, issued by the late J.S. Mayanja Nkangi, the former Minister of Finance, Planning and Economic Development in light of the repossessions that were processed beyond 30th October 1993

Section 4 of EPA sets a timeline of 90 days, from the commencement of Act within which the former owners of the expropriated properties would apply for repossession of the said property. In this regard, the late hon. J. S. Mayanja Nkanji issued a gazette notice to the effect that the period for repossessions had lapsed within the elapse of the 90 days, stipulated in section 4 of the EPA.

However, the Supreme Court in Mabale Growers Tea Factory Ltd. Vs Noorali Mohamed, Civil Appeal No. 2 of 2015, the decision of the Supreme Court in effect vacated the provision of section 4 of the Expropriated Properties’ Act.

That notwithstanding, the committee lacks the requisite authority to sit in appeal on the matter already decided upon by the Supreme Court of the land.

Therefore, in light of the above judgment of the Supreme Court, the repossessions subsequent to the General Notice No.88 of 1993 are permissible and not affected by the General Notice.

The salient issues

The National Resistance Council Select Committee report highlighted the management and governance deficiencies pertaining the operations of the Departed Asians Property Custodian Board, with regard to supervision and the role of the Minister.

The committee noted that the nonexistence of proper checks and balances in the custodian board, has encouraged undue influence asserted by political players as currently evidenced in the operations of the Board.

During interactions with the management and board, the committee noted a lack of cohesion and transparency in the way some affairs were conducted. At most times, it was noted that the Divestiture Committee sought to usurp the authority of the Executive Secretary. Most of the litigation, which has resulted in financial loss or liability, has arisen due to conflicting views that are separately communicated by the conflicting management power centres.

The board also urgently needs to have an independent legal counsel to give legal guidance and advice in real time on the legal implications of the board's decisions as regards to repossession, allocation and disposal of properties.

This is recommended due to the fact that there is a conflict as the Attorney-General executes the statutory roles of a board, and constitutional duty as a principal legal advisor.

Even then, by his own testimony he admits to not having enough attorneys to handle both the advisory and litigation needs of the Departed Asians Property Custodian Board.

With view of the above the committee recommends that;

1. The Expropriated Properties Act be amended to reflect the current legal position and precedents that have been made by courts of law.
2. The minister should properly exercises his statutory responsibility to supervise, direct and guide the operations of the board, and furnishes quarterly reports to Parliament until such a time as the DAPCB is finally wound up.
3. The DAPCB should engage at least two law firms to not only handle the litigation and advisory needs of the board, but also act as a liaison between the board and the Attorney-General's chambers

Term of Reference No. 6 was to propose measures to safeguard the assets against any fraudulent disposal.

The management of custodian board properties continues to generate revenue due to the fact that most buildings and properties have sitting tenants.

However, in the absence of a proper record of the inventory/asset register, register of tenants and books of accounts, the hemorrhage of Government resources is bound to continue, considering that in the opinion of the committee, the custodian board has been turned into an apparatus being used for illicit transactions on the properties of the departed Asians.

The Committee observed that the records and archives unit of the Board, under the charge of Ms Julu Apio (Member of the Divestiture Committee) was marred by disappearance of files, disappearance of repossession certifications and falsification of records. An example of falsification of records is Plot 1, Martin Road, where the board sold the property to Brig. Wasswa Balikalege.

Another agreement was made for the same property with the family of late Lt. Col. Drago Moses Nyanzi, using the same payment receipt paid by Brig. Wasswa Balikalege.

The committee recommends that;

1. The custodian board fast-track the sale of these properties giving priority to sitting tenants so as to enhance growth and development in the various towns and cities.
2. All management officials cited in illicit transactions that have resulted in litigation should be investigated, prosecuted and be relieved of their membership on the committee.

In conclusion, therefore, the committee set out to investigate the operations of the DAPCB in light of the findings in the Auditor-General's special audits. The committee believes it has done so.

This report is based on our analysis of the law, set precedents and prevailing circumstances. It was to establish whether the activities of the board were being run in a manner that is prudent and in compliance with the legal obligations under the various laws on the subject.

Nonetheless, the investigation has revealed the massive deliberate errors committed by imposters and fraudsters, with the aid of office bearers in the Departed Asians Property Custodian Board, resulting in a mess and confusion that has manifested in its operations to date.

Therefore, the committee strongly calls upon Parliament to ensure that the Executive commits to a deliberate effort to clean up the Board, dispose all remaining properties and see to a sanitised winding up of the board, to ensure that this ugly chapter in our country's history is finally put to bed.

A thorough audit of the running court cases should be conducted to ensure a smooth close of the same, prior to winding up to avoid loss of prime properties and revenue that could substantially contribute to the national resource basket and eventually the development of the country.

I beg to report. (*Applause)*

**THE SPEAKER:** Thank you very much, honourable Chairperson of the subcommittee of our Committee on Public Accounts Commissions Statutory Authorities and State Enterprises, and all the Members for the hard work.

This is the first time that the report of the Auditor-General, in relation to the Departed Asians Property Custodian Board is being discussed. Thank you so much. Let us have hon. Waluswaka. Attorney-General, do you want to come in first? Okay.

6.58

**THE DEPUTY ATTORNEY-GENERAL (Mr Jackson Kafuuzi):** Thank you, Madam Speaker. I wish to thank the Chairperson of the subcommittee, hon. Ibrahim Kasozi, for a comprehensive report. A lot of issues have been brought to the forefront.

Among others, the report indicates that our office was not forthcoming. I would like to request that as we debate this report, the Office of the Attorney-General be allowed to give a comprehensive response including some of the issues that have been raised in that report.

I have, as an individual, sat in that committee twice and a number of the issues that he has raised are quite familiar. I would want to be given time. I could constitute a team of lawyers in the ministry to look at the report and respond.

Procedurally speaking, I am not stopping Parliament from debating. I am not going contrary to the recommendations of the report but for purposes of clarity, I seek that our ministry be allowed to have a say in this. Thank you.

**THE SPEAKER:** I will make a ruling on that. Hon. Waluswaka, three minutes.

7.00

**MR JAMES WALUSWAKA (NRM, Bunyole County West, Butaleja):** Madam Speaker, it is unfortunate that the Prime Minister has gone.

**THE SPEAKER:** He has gone to break his fast.

**MR WALUSWAKA:** I wanted to mention some of these things when he is here. The Attorney-General says he needs time but this document was uploaded some time back. So, Attorney-General, you had this document.

However, because you are a good cadre, I implore Members that since he has requested for time, tomorrow is not far such that we pin them tomorrow when they have read it.

Honourable Minister of Finance, most of these things are pointing to your ministry. Madam Speaker, I have very many issues which I want to raise when the Prime Minister is here. Now that he is not here, I request that when he comes back, I will raise them or wait for tomorrow because this report is very critical. There are salient issues.

Otherwise, I want to commend the committee. The report at least has some work; it is very good. Thank you.

**THE SPEAKER:** Honourable members, the *Hansard* will be there and we also expect that at some stage, the Government will come with the Treasury Memorandum, responding to the recommendations and reporting on action taken.

**MR WALUSWAKA:** With your guidance, can I now proceed?

**THE SPEAKER:** Speak your issues.

**MR WALUSWAKA:** Madam Speaker, first of all, the committee said that the then Government was overthrown and it is one of the challenges. I request my fellow countrymen to never - at any one time - overthrow any Government. *(Laughter)*

Do not overthrow Governments. As the NRM, we are still in power and very soon, we are going to be sworn in. So, nobody should think of overthrowing us.

Madam Speaker, all the people who were paid should not claim ownership again because if you were paid, why –*(Interruption)*

**MS OGWAL:** Madam Speaker, I am amazed that the Member holding the Floor is issuing a warning that nobody should ever overthrow the Government in power. He goes on to say, “NRM is in power and is about to be sworn in”. He forgot to complete the statement by saying, “NRM came to power by overthrowing another Government.”

Is he, therefore, in order –*(Laughter)* - when he is very much aware that the NRM came to power by overthrowing another Government? Is he in order?

**THE SPEAKER:** Honourable members, please focus on the report of the committee. They have done a very good job. Do not bring extraneous matters. Address what they have said. *(Applause)*

**MR WALUSWAKA:** Thank you, Madam Speaker. The issue of overthrowing was in the report; that is why I brought it up.

Nevertheless, some people – the owners of these properties – were paid but the report says that they are coming to claim again. Why? Attorney-General, you are here. Your office was contacted several times by the committee but you failed to accord it time.

Now that your people have these documents – because they were laid on our iPads some time back – read through and give it time. Some of these things are legal.

Madam Speaker, in the report, they talked of an individual who is in Canada who fraudulently acquired or got papers. We can use our international relations to get that person and pin him. Otherwise, you cannot say you are in Canada. If we knew, we would not even buy the Uganda Airline planes. We would have said, “First bring that individual before we pay for the planes”. Now that he is there, we can use our international relations.

The committee is recommending that some of these houses around the cities and towns should be boarded off. I would like to say that we should not board them off because right now, Government can board them off, sell the land and later we rent it. We should stop boarding off Government structures. Government is still growing; with time, we shall use them.

For example, honourable Minister of Finance, you boarded off a property on Plot 1 from an individual but you continue renting, including where the board stays. Please, let us have some shame in our dealings.

On the issue of the Executive Secretary, Bernard Shaw Tumwesigire, since the Minister of Finance is here, if he was sacked because of his incompetence and maybe he was a mafia, then why do you pay him? If he was sacked out of funny issues or somebody never wanted him, then he should be paid.

Finally, Madam Speaker, it is bad and this thing will lead to people’s death. How do you sell a plot to a Colonel and that very plot to a Brigadier? If both of them go there with their guns, you will see fire. To me, this was not okay. Honourable members and the House, I request that we approve and okay the report of the committee. Thank you. For God and my country.

7.07

**MR THEODORE SSEKIKUBO (NRM, Lwemiyaga County, Ssembabule):** Thank you, Madam Speaker. I thank the committee for a job well done.

As a preamble, I hope that as we debate this report, the Attorney-General shall be accorded an opportunity, for purposes of enriching and deepening the question of the Departed Asians Property Custodian Board and the repossession process.

We hope they will come out clearly. If they had vested interests, we need them to be known. If they ever participated in the same, I hope this will not inhibit them from being objective when it comes to matters of public importance.

Madam Speaker, there are mistakes along the way, in the process of, first of all, expropriation and repossession. In the end, we are seeing district land boards getting involved in matters that are way outside their mandate.

However, there are specific issues that we must address as a country. There were properties that were irregularly repossessed by fraud. Honourable members, this is a bleeding matter. This is an injustice to Ugandans.

Unfortunately, the people who ought to save this country connive to run it down. How can the Departed Asians Property Custodian Board fail to know that its premises on Plot 3, Portal Avenue, were not a repossessed property? They themselves are reported in the committee, for renting this very property that belongs to Government. How can we sit here and pay out rent for Plot No.1 Parliamentary Avenue? Parliament is in the middle of the city; and we are being conned. How about other properties like Plot 9 Dewinton Road? How about properties like Kamu Kamu Plaza and many others even along Parliamentary Avenue?

So, my proposal and recommendation is that we should move very fast as a country to take over these properties, without any delay. Those crooks should be prosecuted. Those who are involved in the inside dealing; right from the board and even the ministry - fingers are being pointed at the Ministry of Lands, Housing and Urban Development, the Ministry of Finance, Planning and Economic Development, DAPCB itself and the Attorney-General’s Chamber.

Madam Speaker, this has been a conspiracy and syndicate. Ugandans were the end losers in this. I am surprised that when this topic, which is so sensitive is being debated, Members are busy with other things. The first thing to do is to liberate these properties of Ugandans.

The fraud has been going on – even the financial institutions; banks are accepting letters of repossession and yet it should be certificates of repossession and they have mortgages on these properties.

The law is very clear on the procedure one uses to repossess a property. Once a letter is issued, the directors of companies are given 120 days of their physical presence in the country. They have never come back here. I do not know where hon. Kasozi lost the point but when he was still investigating in the committee, we could see someone with over 68 certificates of title, all in possession of one person. I have not heard him mentioning this in the report. That point was traversed during the committee’s interrogation of this question.

If a single person possesses a third of Kampala, then we are virtual tenants. Ugandans are tenants on their own property. It is somebody else who is taking advantage of this.

I know hon. Okupa is listening closely to this development because he is a strong advocate of Ugandans repossessing what is rightfully theirs. I hope he will not interrupt hon. Abala as he listens in.

These are matters that we need to resolve tonight. We demand that we repossess our properties. I recommend that we go for the billions that we have been paying out and get it back. We demand that these properties of Ugandans - I think hon. Kasozi came across that record. Some of these properties were paid off by the former President, Idi Amin. Most of these properties were paid off.

However, through the unscrupulous cartel, a group of people who are out to rob Ugandans somehow found their way back into those hands from where they were compensated. The due process of repossession never took place. What they have are letters. The owners did not come back here. Even where they attempted to come back, they were threatened and chased off. This group of people have continued reaping off over these properties.

This is a matter of national liberation. This is a matter that touches all of us and it is not only in Kampala, but it is even in your areas where you come from; Jinja, Mbale, Masaka, Mbarara, Soroti and others. These are properties that could be ably handled and managed properly.

That is why I stand by the committee’s recommendation that henceforth, Government moves to have these properties revert to Uganda, and the culprits be prosecuted. Action should be taken against those fraudulent persons. They are not hard to find. We will come to the Ministry of Finance, Planning and Economic Development and knock on your door and get your signatures. We shall come to the Attorney-General’s Chamber. We shall go to the Ministry of Lands, Housing and Urban Development. We shall get to know who defrauded Ugandans. Enough is enough.

Lastly, the Departed Asians Properties Custodian Board has outlived its usefulness. It has outlived the law that put it in place. A synchronised winding up of this board should be undertaken. Those properties that are in our hands should be put – I will take the information.

**THE SPEAKER:** Please conclude, hon. Ssekikubo.

**MR NANDALA-MAFABI:** Thank you, hon. Ssekikubo. Madam Speaker, in 2003, Parliament recommended the disbandment of the Departed Asians Properties Custodian Board. Madam Speaker, you were around then. We do not know why it continues to stay.

The Ministry of Finance, Planning and Economic Development was directed - we said, “We shall not even give you money to run.” If they have been operating, then they have been continuing illegally. That is the information I wanted to give you.

**THE SPEAKER:** Hon. Ssekikubo, please close.

**MR SSEKIKUBO:** Finally, Madam Speaker, we can go through the letters of repossession and look at the relevant law. we can also look at the 08 November 1991 Gazette by Government, and even the appendix to this report in Table No.7. We can look at all those properties; we can list them down so that the process of recovery commences.

Enough is enough; they have taken advantage of this country. It is high time we closed that dark chapter. Those who are culpable should be brought to book. Ugandans should take possession of those properties through Government. The perpetrators can be dealt with in accordance with the law.

I thank you. I beg to support the committee.

**THE SPEAKER:** Thank you.

7.18

**MR MICHAEL TIMUZIGU (NRM, Kajara County, Ntungamo):** Thank you, Madam Speaker. I thank the committee for bringing this report. To so many people, it is disappointing but the well-known Ugandan culture is that what is happening in the DAPCB is happening elsewhere. Before I go farther, we need to fight so hard, as Parliament, to change the situation in Uganda because so many people are losing hope. When they lose hope, it means the entire country is bound to lose whatever has remained.

The report, of course, is telling us about recovering all the money from those people who misused it. Indeed, we are supposed to do it. We are, however, faced with a challenge where Uganda has not recovered money from those people who have been stealing.

In this case, when someone tells you that he does not have the inventory of property – these properties are houses and not forks or spoons to think they are too small. Houses are big. When someone says, “I do not know the number of houses I am looking after”, it means that person is a *real* thief.

Those people did interviews, they passed and everyone believed that they were going to do a good job. If they come out and tell you that they do not know what they are looking after, that means those people are even preparing to steal what is remaining.

Therefore, I support the committee’s recommendation that these people bring back all the money that they stole. They should also pay the inventory. If they tell us that they do not know what they are looking after, that means that they have lost their senses because we know that they went to school and are supposed to know what they are doing.

Lastly, as we take loans, everyone is concerned. We are getting loans from other countries while Ugandans are stealing the little money we have, which we are supposed to protect. The Government will come out to compensate the owners of the property yet here in Parliament, we are taking loans each and every day and these people are stealing the little money we have here. We have to wake up as Parliament and put pressure on the Executive to make sure we start *– (Member timed out.)*

**The Speaker:** Please conclude.

**Mr timuzigu:** Starting with this because this shows that there are people stealing and the impunity they are enjoying is expected to be enjoyed today and tomorrow. Thank you.

7.21

**Mr eric musana (NRM, Buyaga East County, Kagadi):** Thank you, Madam Speaker. I also would like to extend sincere thanks to the chairperson of the committee and Members, for this wonderful report. I think it gives us hope that something is being investigated and facts are being brought on board.

I have a serious concern and I strongly support the committee recommendations, specifically where they noted that all those implicated should be investigated further and prosecuted. If found culpable, they should answer.

The Government of Uganda has serious issues but we fault on taking action. How I wish Government gladly received this particular report and implemented these recommendations. It will be very bad if Government does not respect them.

There are three areas, which I have seen. First is illegal transfer of land, whereby land is transferred from an individual to another, from a Government name to another person and it is fraudulently done.

Secondly, we are looking at land transactions being done while favouring certain groups of people. This is in connection with land compensation. I would like to believe that this is a format where there is connivance with those in power. They have been trusted to manage Government resources but they turn around to be the ones to benefit from these resources.

We would like the report to also look at how we can bring this and give it a timeline. We would not want to stop here. It is our wish that we gave a timeline for implementation of these recommendations. Even – *(Member timed out.)*

7.24

**Mr david abala (NRM, Ngora County, Ngora):** Madam Speaker, I would like to thank the committee for the job well done. The report is clear and they have identified the gaps. If we are to do a SWOT Analysis of this report, it shows exactly how Uganda is.

I would like to say, from the beginning, that if you looked at many Government agencies in Uganda now - if I am not mistaken, very many of them are renting. However, these are properties that belong to Government. We are not talking about small things but immovable property; land and houses. It is something, which everybody sees and something that we should be able to know.

Given the fact of mismanagement of these properties, this is a properly planned mismanagement of the departed Asians property. Everybody knew, this is how we are going to get what we want. Can you imagine that documents disappeared! How? Even titles disappear and there are illegal transfers. People do things as if they do not know why they do whatever they do. In Uganda, people talk about being Christians but when you look at this, I do not know whether heaven will be there for such people.

Secondly, the biggest problem is that the Departed Asians Custodian Board had been recommended for closure so many years ago. Unfortunately, no decision was taken. By the mere fact that no decision was taken, that is why we have these problems continuing up to now.

I agree with the recommendations the committee has put forward that we must get all these properties and have them sold. The more they are on the other side, the more problems they create – *(Member timed out.)* – Madam Speaker, allow me a minute.

You can imagine a situation where people connived. The insiders; executive secretaries getting involved in some of these things is very funny. They did whatever they did. What is funny is a situation where somebody goes away with a stamp; no handover, no report or inventory. How do you manage an institution in that format? That is where the problem is.

I agree with the recommendations here that some people must be brought to book. They should be arrested. In fact, we are even late. The arrests should be immediate. Thank you.

7.28

**Mr Edward OTTO (Independent, Agago County, Agago):** Madam Speaker, allow me to add my voice to those thanking the committee for this very insightful report. It is a great ground breaking one that I think could bring major reform that could help us handle the resources that are involved therein.

I share the sentiments of many of the Members. I think there is a problem obviously, as captured by the auditor’s report and even the committee.

I have seen a number of recommendations and some steps that have been taken. I know that the Attorney-General’s Chamber has requested for time to look through and give advice on this matter. However, I think in order to deal with this thing - it is annoying but I think there is also a danger in being engaged with emotion on this matter because while we want to - especially on the aspect of fraud, there is a lot of fraud as shown in this report.

However, at the end of the day, we have heard the Supreme Court pronouncement on this matter in a number of cases that have been captured here. More importantly, as lawyers, I know a cardinal principle of law that says talks of a bona fide purchaser without notice. If such is established, I think it might be difficult for us to go against that cardinal principle that in such a case, you would actually use other remedies; for example, prosecution, among other things.

Therefore, these are issues that I think we need to look at because I see a recommendation to that effect. Otherwise, I also think this needs a multipronged approach.

At the core of most of these transactions, you find lawyers are involved at the end of the day. Therefore, maybe it is also time to talk to the Uganda Law Society and have rules in the Rules of Procedure. Professional ethics are a responsibility with respect to this matter.

And also at the time of registration, there is a lot of due diligence that is not being made. If all that was done, I think we could have captured many of these problems.

I think it is an abuse of trust and bringing many costs - very many victims are going to be involved in this matter and at the end of the day, I think we need to be equitable and target the real culprits and bring them to book.

We also need the other parties that are involved in this to also, through other means - Madam Speaker, for example, I am always forced to say this that under the Rule of Practice; in Canada, I used to practice real estate; a lawyer would lose his license very easily. There are so many stringent requirements that are put in place to help a lawyer check fraud. I think there is a gap and laxity in this area and we need to try all the means and close all these loopholes. Otherwise, it is very frustrating and a waste of resources. Thank you.

7.32

**MR NATHAN NANDALA-MAFABI (FDC, Budadiri County West, Sironko):** Thank you, Madam Speaker. I am happy that hon. Bright Rwamirama, my chairperson of the Finance Committee in 2003, is here. He knows what I am going to talk about. Under article 164 (2), any person holding a political or public office who directs or concurs in the use of public funds, contrary to existing instructions, shall be accountable for any loss arising from the use and shall be required to make good the loss even if he or she has ceased to hold that office.

I am raising all this because we must look for many people who have left office. It is a serious matter; maybe I would like to make one correction; the chairman of the committee - in 1997, there was no Stanbic at Metropole, it was Uganda Commercial Bank.

Madam Speaker, I would like to thank my colleague, who said land is not like spoons that you can put in the pocket. There must always be an inventory.

Thirdly, I want to state that every institution - and this one being under the Ministry of Finance - must have accounts. Therefore, if it had accounts, there must be a balance sheet, which was existent every year. Therefore, all assets of the Custodian Board are known - no one should lie that they are not known. It is very simple, we know what happened.

Madam Speaker, in 2003 in the Committee of Finance, we were presented with a document from Bank of Uganda clearly stating those who had been compensated. I hope that document was given to the committee. What happened is that those who had not been compensated were supposed to pick their money from United Nations. Therefore, it means that anybody who comes here to claim does not come to claim a property but cash because everybody was properly paid.

Madam Speaker, don’t look at that money at that time as little; it was a lot of money. In fact, the value of land in Uganda went up during CHOGM when people stole money and they could not hide it; that is when the prices went up. Otherwise, land was very cheap. I think the appetite to steal public money started around that time.

Madam Speaker, there are four things I want to raise here – 1,000 titles; how can a whole person come and transfer 1,000 titles and you do not raise a question? That is a racket. The people who were involved should go to the firing squad because we would want to assume that they were British and went; there were those who were in America, Canada and UK, how did he collect these 1,000 Powers of Attorney?

Secondly, if you want to understand that they were collecting rent and sold; they said we got money to compensate - to compensate who? If you are coming for your property, do we again compensate you? This is again a criminal issue. Whom did they compensate?

Thirdly, they talk of temporary allocation; how do you give a temporal allocation? For what? We must understand who was issuing these temporary allocations and how do you get just a letter to go and sell property? Instead of getting a certificate of repossession, I think the Attorney-General’s Chamber should maybe be banned because these could be the ones who got involved; so, that is why they want time to go and discuss.

Fourthly, there is an issue where you talk about the Minister of Finance; that he removed a person and brought another person. That means - I wish Hon. Kasaija was here, if he is not here, tomorrow we must send the police to bring him. Why did he remove the first one? Why did he bring the second one? What was his interest?

My mother just showed me something - 1997, Madam Speaker, we need to put this in context - *(Interruption)*

**MS OGWAL:** Madam Speaker, I thought I was just adding to his point because at this moment I am standing in for the Leader of the Opposition. However, since he wants the information, I was telling him, as a chartered accountant, that for anybody to know that it was just not normal thievery but robbery, is because on record from 1997 to 2008, there were no board meetings at all. So, during these 10 years, what happened to the properties and how do you legalise any transaction that took place?

I, therefore, think it is of interest to Parliament to find out the transactions that took place from 1997 to 2008 because there was no body to take minutes and to legalise any action that took place during that period. That is the information.

**MR NANDALA-MAFABI:** Therefore, Madam Speaker, you can see what my mother has brought. If there is no board, then who was the board? If there were no minutes, how did you sell? How did you allocate? In addition, the name is called Departed Asian Property Custodian Board; that means there must be aboard.

Madam Speaker, from this, they are hiding information. That is why they could not close this Custodian Board in 2003. That is why they do not want to declare the assets for us to know yet these are very easy to know; it is not something we can hide. In every town, Indians’ properties are known and this can be done. Just make an announcement and information about the Indians’ properties will come about.

Madam Speaker, I would like to conclude that if a man came and took over 1,000 titles without action, that means theft.

Another one comes and picks money today and tomorrow, and we keep quiet. Madam Speaker, we should direct that they close the Custodian Board tonight and we get these people in the morning, and take them to Luzira Prison even without going through court. These are real criminals taking public property, knowing that nobody will raise a finger. This Parliament must take a serious decision. I agree there is theft all over but we must start with these huge elephants that cannot hide, and deal with the matter once and forever. I thank you, Madam Speaker.

7.41

**MR JAMES KAKOOZA (Independent, Kabula County, Lyantonde):** Thank you, Madam Speaker. Mine is to ask the Government - because Government has not taken interest in all the advice we have been giving them and that is why we are in trouble.

What hon. Nandala-Mafabi said – I was a member of the Committee on Finance, Planning and Economic Development. During our work, we found out that all these problems, which are happening in the Departed Asians Property Custodian Board, Government must have an asset register. When did these people leave? What certificates have they issued? All these will enable Government to account for how much they are left with, including those who are coming to claim their properties now.

When you read page 10 of the report - how can somebody come and claim for 1,200 properties? If we had an asset register, it could have been easy and simple to tell this guy that this wasn’t their property.

Minister of Finance, please when Parliament advises - although our resolutions are advisory, we are doing it in good faith to help Government. Can you imagine in 2003, when we told you that this Departed Asian Properties Custodian Board had issues but Government refused.

Today, I see the legal opinion of the current Attorney-General. There was a case of Mohamed Musisi Kiwanuka under Asha Chand where Mulega ruled that the Custodian Board had authority to cancel out certificates but what is happening now? They are still -

Mr William Byaruhanga has written depending on that ruling and it is here. That means when we sit here and advise Government in good faith, they think that we have a hidden agenda yet we want to help the systems to work better.

In this report, maybe, I stand to be corrected – but we need to make a way forward that when we wind up now, we shall help these guys and the assets they know, they will run away with them and so, we cannot do it quickly. If they decide to close the Departed Asians Properties Custodian Board, these people will run away*.*

That will force Government to put up an asset register, as advised by the Auditor-General. From there, we shall know who took what? It will even help us to establish which certificates are already given by the Minister of Finance, Planning and Economic Development and those which are not given in the proper procedure based on the law. I think this can be the way forward. Thank you, Madam Speaker.

7.44

**MR SILAS AOGON (Independent, Kumi Municipality, Kumi):** Madam Speaker, allow me first, to thank the committee for their effort. From the time the chairperson began reading the report up to its end, I do not know what time it really took; it was such a huge report, which depicts the amount of effort they put in to put up this report. Therefore, I would like to applaud the committee for the work done.

Madam speaker, lamenting and reading the book of lamentation all the time, will just finish us. This House holds a lot of power. We can pass up ourselves but nothing will happen because the people eating the money are now used to the noise from Parliament.

To them, it is like being vaccinated with AstraZeneca against COVID-19. They are now used to it and have become immune. In my opinion, let us examine within our toolbox, what we are left with that we can utilise to bring people to order.

The Committee on Appointments sits in Parliament. Some of the people who are going to be appointed might be appearing in this report and tomorrow, they will come here carrying appointment letters for the committee to approve.

Madam Speaker, I know you for being a real Speaker and I would love to call upon you to stand for this House. Let us put our foot down and show people the power that Parliament has. Otherwise, we shall never progress.

I, therefore, want to propose that let this list be extracted so that we keep on waiting even when we sit on the Appointments Committee - we just have that list with us. Should we find that your name was mentioned in the report, sorry for you; you know that you have failed automatically before even we tell you that you have failed.

Appropriation is before this House. Everybody runs here when they want money. The Ministry of Finance, Planning and Economic Development is the one which is supposed to be executing most of the recommendations from this House but they have decided to ignore the House. Why don’t we use the powers that are left with us? Amongst the most powerful tools in our toolbox - why don’t we exercise our powers instead of us lamenting like a widow who has lost a husband and crying about who is going to pay fees for the children.

Madam Speaker, I know if we wanted to act, we could. Otherwise, if we want to join them, then we shall ignore the action. We are going to have the budget here, I think even tomorrow. We should not approve the budget of the Ministry of Finance, Planning and Economic Development until they commit to us on the action they are going to take about this. Otherwise, we will have failed.

On the issue of special titles, the moment you see somebody holding a special land title, start doubting straight away. Those special titles are for abuse. I think the CID should be getting down to the ground to get all those people holding special titles. If I am not mistaken, majority of them are wrongdoers.

The inventory of the properties can be found in the audited accounts. We would love to ask; is it true that from all those years up to now, the Auditor-General has not been auditing these entities?

I would think that most of the details are there. When they are submitting accounts for audit, they are supposed to, as a requirement, attach the inventory of assets and properties. Madam Speaker, let us dig down and look for this information. I thank you.

However, I want to emphasise on the power of appointment. Even when the President has appointed someone, if he or she is deciding to say “no”, the gate is closed for him or her. In fact, people who have eaten money are always the ones who have more appetite for money. Madam Speaker, you need to help us. Thank you.

7.50

**MR STEPHEN MUKITALE (Independent, Buliisa County, Buliisa):** I would like to thank the Speaker, the committee chairperson and colleagues. I wish the committee report was a Hollywood film or some Nigerian movie yet it is happening in Uganda, where a few days ago, we have been struggling with tax bills and borrowing.

If we do not have truth reconciliation immediately, I want to warn those who have robbed this country that these *bazukkulu* may have another mini revolution to claim what was theirs.

We are just looking at the custodian board; look at what was for parastatals. Where is it? I come from a place, where the Government put all ranches; go see who owns them today. Do you think that in this era of information, the grandchildren are not seeing what you are doing?

The truth and reconciliation, as one way of national dialogue, is long overdue. If we do not do it - I do not see how we expect public trust, with this kind of occurrence. We have CID, IGG and Nakalema’s committee but I have not heard them reigning in on any of these suspects. Where do they go? Why not in this very glaring area, where you could even - We are also of short memory.

President Amin was trying to answer an inequality problem in the country by giving the economy to citizens. I do not know if we have forgotten that. The looters actually do not know that we are back to square one. The citizens do not own the economy. The few who have it - the gap between the rich is huge. So, there is already another reason for somebody like Amin to come and say, “We need to have a revolution.”

Also remember, the Uganda People’s Congress Government started this return to rebuild the image we had lost. Otherwise, we had lost. Are we building the image? I think this is a zero-sum game. The army calls it mark time. We are not moving forward; we are just there. I do not want to call it a quagmire.

As I conclude, I would like to plead that serious action is taken to correct whatever went wrong. This is clearly collusion and a racket. I do not even want to over stretch the Attorney-General’s Chamber. If you tell him that in most cases I have not been represented - This is collusion and these are people who are well placed, sharing properties.

 Those who missed Government properties like Uganda Commercial Bank get from the Custodian Board. Those who missed on the Custodian Board are about to degazette some town forests like in Fort Portal and get plots. It seems to be a looting going around. I plead that we look at only genuine Ugandans who returned back, as it was provided for.

I will give a personal experience. My father was approached in 1972 to take some properties in Jinja, Kampala and Masindi but because he was a Christian, he got very scared. We were approached as a family, in the late 1990s again, to go for those properties because we were very close - I do not have to mention the names here. I even know the properties in Jinja, Kamwokya and Masindi but people have taken them in a very funny way. Some of these people did not come back to us because we told them you have to first return back to Uganda so that you can get that certificate.

Madam Speaker, people have dealt in it and these properties have changed names just like that. This impunity must be stopped, if we are going to build confidence in the grandchildren to avoid a revolution; I can see it looming. Thank you.

7.55

**MR ELIJAH OKUPA (FDC, Kasila County, Serere):** Thank you, Madam Speaker. Let me start my contribution with the Attorney-General. Why would the Attorney-General decide to elude the committee? When I talk about the Attorney-General, I do not mean my brother here. You have just joined that place. I do not want you to get swallowed into the mess that has bogged the Departed Asians Property Custodian Board. I think they are part and parcel of this problem.

The Minister of Finance, Planning and Economic Development has been appointing the board for 10 years. So, what were you doing, if you were not party to it?

The Under-Secretary in the Ministry of Finance Planning and Economic Development, when was asked to bring the inventory, said there was no inventory. In fact, they had sent someone to burn it; thanks to that Ugandan who decided not to burn it but smuggled it to the committee. That is how the committee was able to get part of the inventory.

Why would the Under-Secretary do that? He is still in the office but no action has been taken. Hon. Bahati you are here and you are a Christian. You always organise for us the prayer breakfast but how can you superintend such a situation? Your ministry has been named here. I think this is the time we send a message to the President that he should save us from reappointing these people.

Madam Speaker, if we see these people come back to the Appointments Committee, we should rise up and say, “No”. We are not going to wait for the Treasury Memorandum. There are issues that Parliament can act on and I think we should send a message to the appointing authority. Should we dare see the names of these people who have been named in this confusion, we are not going to allow them; we shall protest.

We have people like Engineer Waluswaka. Allow them to try their luck. Maybe we can get better things. Why not? The person for “national dialogue” is here. We can give them chance and see how they will perform. *(Laughter)* Otherwise, we are recycling the same people and problems.

Madam Speaker, having been in these accountability committees - this is why I had proposed that we divide some of these committees such that we get these reports frequently. You can imagine this is the first time COSASE is looking at the Departed Asians Property Custodian Board. If we had time, we would have been able to rescue some of the things early.

I was surprised when I saw Members trying to oppose, as if it was a personal thing to hon. Okupa. “No”. Madam Speaker, we have seen these things. We need to know how we are going to solve this matter.

The Attorney-General should not just be saying that let us go and look at the report and give the answers. First of all, tell us why you did not appear before the committee. You appeared the first day and disappeared, saying you are going to come back but you never appeared. Are you part of it? They must be part of it. They went on his case.

Madam Speaker, for some of us, Parliament will not end. This issue has come at this time, when we are winding up the 10th Parliament. The 11th Parliament must pick up from where we shall end today and follow up this matter seriously, if we are to save this country.

There are some Government officials who allocated these properties to themselves and they were awarded. They paid part of the money. Up to today, they have not finished paying. They have not completed the payment, yet they got these properties at very low prices. They have already occupied them.

I think this is the time – Hon. Mukitale has talked about another revolution. I think we need a Magufuli in this country to sort things out. We need another revolution. For those people who came up with the previous revolution - I think that one is gone; they are tired. We need another revolution to sort these issues out. Thank you.

**THE SPEAKER:** Honourable members, I put the question that the question be put.

*(Question put and agreed to.)*

**THE SPEAKER:** I put the question that this House do adopt the report of the Sub-committee on the Departed Asians Property Custodian Board.

*(Question put and agreed to.)*

*Report, adopted.*

**THE SPEAKER:** Honourable members, it is exceedingly sad that this Parliament made resolutions so many years ago on these issues. However, because the Government does not think we are important in governance, they ignore.

How can a Government body not have board meetings for 10 years, and nobody is checking on that? When I listened to the report, I could see a train which was going with no destination, simply going but no destination. It is exceedingly sad.

These are public resources entrusted to the Government. If the Government cannot take care of them on our behalf, where will the people of Uganda go? Let me invite the chairperson to thank the Members. *– (Ms Ogwal rose\_) -* But we have already adopted the report.

8.02

**MS CECILIA OGWAL (FDC, Woman Representative, Dokolo):** Madam Speaker, you had forgotten the contribution of the Leader of the Opposition. *(Laughter)*

Madam Speaker, I think we need to applaud the committee for doing a very good diagnosis of what has taken place in the Departed Asians Properties Custodian Board. I think that what we need to do is to come up with a cure and prevention; a two-pronged approach to this matter.

Secondly, I would like to request whether it will be possible for us to take a look at the report of the judicial Commission of Inquiry into Land disputes, which was led by Justice Catherine Bamugemereire. It would be good for us to look at both - this one and the one of the Commission of Inquiry into land disputes.

Above all, Madam Speaker, I hope that the day after tomorrow, this House will receive the Budget for the next financial year. You will find a huge figure on rental expenses and yet you are being told that some of the properties we are renting actually belong to us.

I think it is important that you have this information so that when discussing that issue, you know how we are going to cut the cost, in order to meet some of the urgent needs in the country.

Madam Speaker, finally, we have requested the Government over and over again to give us an inventory of all the assets of the Government across the country. Are they pieces of land? Are they buildings, where are they and in which district? We need to have an inventory.

During Idi Amin’s time - although the Government was overthrown, - our register would be there to give us an account of whatever properties we have. So, Madam Speaker, I would like to say that it is a good report but we have to make sure that we put in place a preventive mechanism.

Regarding this idea of having technocrats who sometimes behave like Board members, it is difficult to discipline them. This is because they are policy formulators and at the same time, they become the implementers. So, we need to look around the issue of corporate governance, even when we are dealing with the management of Government properties. Thank you, Madam Speaker.

8.04

**MR IBRAHIM KASOZI (FDC, Makindye Division East, Kampala):** Thank you, Madam Speaker. Firstly, I would like to thank you, Madam Speaker and honourable members, for giving me an opportunity to be among those who have added a brick to our country.

I have listened to Members; they have talked a lot. When we were doing this report, there was a lot we never included. This was due to the fact that if we were to go into all the nitty-gritties, you would find that all the sectors - all the three arms of Government are involved in this.

You find a minister taking 600 acres of land and was supposed to pay only Shs 3.5 million. He only paid Shs 350,000 and evicts more than 4,000 people. Go to Bujenje and you will get the facts.

You find many people - even in the Judiciary. You find that some people, before becoming what they are today, are involved in this. This is a big thing; it is not like the way you see it. If you delve deeper into it, you will find that all the three arms of Government are involved. That is why it is difficult to detect and sort this out. I do not know if the 11th Parliament can take it from here. If they look at those minutes, they will know the nitty-gritties of those who are involved.

That is why you will find that police have written a lot of reports to different people but they were not acted upon. They are there; the facts are there. The reports are there and the ministers have them.

With that, I pray that the Government takes this seriously, so that it can help the country. We say we are borrowing money and one person is taking $2.5 million every quarter of the year for the properties, which were paid. I think that we should take it seriously and see how we can harmonise this, for the good of our country.

I thank you very much, honourable Members. Madam Speaker, thank you so much for giving me this opportunity. *(Applause)*

**THE SPEAKER:** Thank you very much, honourable Members, the Clerk and your team, for a long sitting. House adjourned to tomorrow at 10 o’clock.

*(The House rose at 8.07 p.m. and adjourned until Thursday, 6 May 2021 at 10.00 a.m.)*