



PARLIAMENT OF UGANDA

PARLIAMENTARY DEBATES

(HANSARD)

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THIRD SESSION - FIRST MEETING

THURSDAY, 20 JULY 2023



IN THE PARLIAMENT OF UGANDA

Official Report of the Proceedings of Parliament

THIRD SESSION - 15TH SITTING - FIRST MEETING

Thursday, 20 July 2023

Parliament met at 1.59 p.m. in Parliament House, Kampala.

PRAYERS

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

The House was called to order.

ADMINISTRATION OF OATHS

(The oath was administered to Ms Eunice Apio Otuko.)

THE SPEAKER: Honourable members, I want to welcome Dr Eunice Apio to Parliament of Uganda, and sincerely congratulate you on behalf of the 11th Parliament. Welcome to the 11th Parliament.

The Parliament that you are joining is people-centered, united in serving the needs of the people and of course, the aspirations of the common Ugandan. I urge you to abide by the Constitution that you have sworn to pay allegiance to.

On a special note, I want to congratulate the President of Uganda People's Congress (UPC), Hon. Akena, and the UPC party at large. *(Applause)*

Hon. Apio, I am going to give you a copy of the Constitution of the Republic of Uganda, 1995. This Constitution will help you in what you have sworn to pay allegiance to, and in doing

your day-to-day work in the Parliament of Uganda. Further, let me hand you a copy of the Rules of Procedure of Parliament of Uganda. It is the rules that you will use in doing your work on a day-to-day basis.

In Parliament, this side is for the Opposition, and the right-hand side is for the Government – although we still work as a coalition. You can choose where to sit. *(Laughter)* For now, we have free sitting, but your president will guide you. You can actually sit near the Prime Minister. *(Laughter)*

Hon. Eunice, you have to sign - the arrangement of the House is pursuant to Rule 9 of the Rules of Procedure. Please have a seat.

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable members, I welcome you to this afternoon sitting. As the Financial Year 2023/2024 gains traction, and as the Minister of Finance, Planning and Economic Development disburses the approved budgets to the various expenditure centres, I have noted, and I have gotten reports about the unspent money from different districts and other Votes, which has been returned to the Consolidated Fund. And so, we may need to have a reconciliation on that money, which has been returned.

The failure by some entities to effectively utilise their budgets is an indication of the planning function at various levels that affects our national development aspirations. If you

have budgeted for Shs 1 billion and you have not been able to consume and use all the money and you are returning it, then you are affecting the planning process. So, you must always budget for what you know you are going to consume.

That still comes back to us in Parliament; we should not disburse money towards the end of the financial year because such money cannot be consumed. Whereas our role, as Members of Parliament, is to do appropriation of the budget, we also owe this country the need to ensure that people in this country are represented well. The approved budgets help in reducing poverty and working for the living conditions of our people. Let us not just approve budgets; let us make sure we follow the use of this approved money.

I, therefore, call upon the leaders and technocrats to ensure the efficient, effective and economic utilisation of the approved funds is done.

Honourable members, considering that we are in the fourth year of implementation of the National Development Plan III, it is imperative that resource utilisation matches the national development aspirations. That is why I am emphasising that utilisation of the money and the projects should be completed. I ask Members not to sleep on their jobs. Make a follow-up with your constituencies, districts, and most of the MDAs to ensure there is effective use of this money.

Once more, I welcome Hon. Apio Eunice to the Parliament of Uganda; this is your Parliament. It is a people-centred Parliament. While in the House, we do not work as political parties. We work as Members of Parliament for the people of Uganda. We will not say, "Eunice of UPC." We will say, "Eunice, the Ugandan Member of Parliament." So, we look forward to working with you. This House is very friendly and united with loving Members of Parliament, who are very hard-working. I pray that you serve the people of Oyam the way they expect you to do. Thank you.

Honourable members, I want us to agree on one thing: those who have matters of national importance will raise them during the Prime Minister's Time so that the Prime Minister is able to answer everything. We have a very important message from the Attorney-General; so, I do not think we should waste a lot of time.

2.15

MR FREDERICK ANGURA (NRM, Tororo South County, Tororo): Thank you, Madam Speaker. I just want to –

THE SPEAKER: Honourable members, I want to give an instruction that before we get the report from the Committee on Physical Infrastructure on the guidelines for the use of Shs 1 billion, which has been sent to districts and is being misunderstood, that money should not be used. Committee chairperson, we need those guidelines here on Tuesday because this House must approve them.

MR ANGURA: Thank you, Madam Speaker. This is a reaction to your communication. You have rightly said that as we come to the close of the financial year, many MDAs, ministries, departments and agencies have returned the money to the Consolidated Fund. It is common practice for us on the accountability side - we refer to it as "sweeping" because the system automatically switches off. Therefore, most of these funds are not absorbed.

Madam Speaker, you have raised a pertinent issue, which we have kept inquiring into, and maybe we shall now get further guidance on how to proceed with it. When this money comes back – remember, we do appropriation and even pass the budget before we know how much is going to come back. We assume that the collections that are going to be mobilised, whether locally or from development partners, will service the budget that we approve, but these funds now come back.

We need to come up with a very good strategy on to how we shall be utilising those funds. Despite the call that we have been receiving that those funds are absorbed into the budget, some of them go back as supplementary budgets. We need to understand that much better.

There is also a very serious issue that is causing this sweeping back of funds; the late release and capacity building. Many times, we are told that the system, towards the end of appropriation, is so slow. They try to login - I do not know what system that login is - and it ends up switching off without the money being absorbed.

We are also literally made to understand that it is intentional; that the money is going to be taken back. You fail the entities from absorbing by making it difficult for the system to be accessed.

So, I think this observation is good and we need to take this up very seriously to support our entities, MDAs and ministries and agencies to absorb this money. And so, we need to come up with a strong position; that money that is not spent on activities that were planned and budgeted for must go back into the first supplementary schedule in order to complete those programmes and activities. Thank you very much.

2.18

MR SOLOMON SILWANY (NRM, Bukooli County Central, Bugiri): Thank you, Madam Speaker. Three or four months ago, we made a resolution here on certain accounting officers who did not perform. I remember there were accounting officers - if I recall very well - from the areas of Makindye and Mityana. We made a resolution and Government promised this House that they were going to act on those accounting officers.

However, to date, these same accounting officers have been recycled and they are still in office. This is why we are getting this challenge -

THE SPEAKER: Get us the list of the names that were recommended by this House and we see whether they are still in the office.

MR SILWANY: Much obliged, Madam Speaker.

THE SPEAKER: To the best of my knowledge, they laid a list of accounting officers on the

Floor and those who were stopped from being accounting officers. So, bring the list.

MR SILWANY: Much obliged, Madam Speaker.

2.20

MR BOSCO OKIROR (NRM, Usuk County, Katakwi): Thank you, Madam Speaker, for your communication and I rise in reaction to the same. This is in respect to the funds that are swept back. It is very painful to find monies for a project, which has reached the level of roofing, for example, but because of that time lapse, the money is sent back to the Consolidated Fund.

Madam Speaker, for us to realise development and progress in this country, it is very important that we put our foot down as a Parliament. The funds, which have been swept back should immediately be re-voted so that they are able to complete the respective projects. But, it appeals much also to the legislation.

Now, there are funds, for example, from the World Development Bank, which are given to the country to implement some activities yet they are part of the funds, which are also swept back. So, we should be able to have -

THE SPEAKER: Honourable members, I am happy the Prime Minister is concerned about the swept money. Now, that money, from an accounting view, I want to ask the Committee on Finance to do this House a favour and look at that account statement on 30th June; how much money was there?

I also want a statement on the last day, 31st. I am speaking as an accountant now. I want us to reconcile that account. Let us have the statement before the sweeping, and then the statement after the sweeping, and then a reconciliation on the sweeping.

If what was swept back is Shs 5 billion, Shs 1 billion came from Bukedea, the other one came from this and this - I am giving the Committee on Finance one week to do that. Where you need consultancy services, I am available.

Honourable members, this is a serious matter. When doing appropriation, you say that the source of funding is going to be ABCD. I have never seen the balance carried forward from the last financial year. Yes, professor.

2.22

PROF. ELIJAH MUSHEMEZA (Independent, Sheema County South, Sheema): Madam Speaker, I want to further propose that apart from doing the reconciliation, if we could also establish why the money was returned, it would help us to understand whether it was the mistakes of the institutions or it was deliberate.

THE SPEAKER: Honourable members, listen what the Professor is saying.

PROF. MUSHEMEZA: What I am saying is that let us also go further and establish - if for example, money was returned from Bukedea, why was it returned? Was it due to the weakness of the local government or was it a deliberate effort from the centre not to release money on time?

THE SPEAKER: Honourable members, we have sectoral committees that are responsible for that. Two, PAC-Central will also do that work. Yes, Chairman PAC.

2.24

MR ASUMAN BASALIRWA (JEEMA, Bugiri Municipality, Bugiri): Thank you, Madam Speaker. There are basically three things we should be considering as far this matter is concerned.

Number one, the Minister for Finance should be able to come and explain why releases are made very late. You recall towards the end of last financial year - six days to the end of the financial year, the minister was here boasting how they had released the money. Six days to the end of the financial year!

And then, the Professor is talking about reasons; the reasons are known. Monies are released late yet they are supposed to do procurement and recruitment, and these are processes. So, ordinarily, money has to be swept back. So, the

Finance Ministry should explain why releases are made late.

Madam Speaker, in accountability committees, the questions being asked here have been asked. In fact, there are entities that receive more than what was budgeted for. An entity budgeted, let us say, for Shs 15 billion, Shs 15 billion is actually warranted, but they end up receiving Shs 17 billion. So, how does this come about? These are questions that I am sure the Committee on Finance, should be able to understand.

However, as a way of addressing this matter, now that the learned Attorney-General is here, senior counsel Kiryowa Kiwanuka, we should seriously consider looking into reforming the Public Finance Management Act because if it is a conditioned precedent to return, and that is what the law says - sometimes these entities' hands are tied. So that is the matter - maybe perhaps the Finance Committee should also consider.

THE SPEAKER: And maybe when you return, that should be the first call - when the money has been returned, when the first quarter starts, that money should be taken back.

MR BASALIRWA: Those are legislative issues that we can discuss.

THE SPEAKER: Honourable members, I wish you could understand why I have asked for that simple audit; I wish you could understand. You do not even need to debate it; just wait for the results. Do not even dilute what I have asked for because few of you know figures. *(Laughter)* You all have your specialty, but I know why I am asking.

Honourable members, in the public gallery this afternoon, we have teachers and students of Nama Umea Primary School, Mukono, represented by none other than the Hon. Nabukera Hanifa, Hon. Kayondo, Hon. Kiwanuka. Please stand up students. We love you. I know you are watching and hearing. Thank you for bringing our MPs.

Honourable members, again in the public gallery this afternoon, we have a mighty delegation from Oyam. Hon. Ebil, you are most welcome. These people are represented by none other than the Hon. Santa Alum and Hon. Apio. They are here to witness their Member of Parliament being sworn in. You are most welcome to Parliament of Uganda. Thank you. Join me in welcoming them.

Honourable members, the Prime Minister wants to give a statement on the returned monies.

2.28

THE PRIME MINISTER AND LEADER OF GOVERNMENT BUSINESS (Ms Robinah Nabbanja): Thank you, Madam Speaker and colleagues. The Cabinet is already aware of all this. We had a meeting chaired by the President himself and he directed that the monies that were swept back to the Consolidated Fund should be returned in the first quarter of the financial year, and the decision has already been taken.

So, Madam Speaker, in addition to what they are going to do, I thought you needed to know this. Thank you so much.

THE SPEAKER: Honourable members, you have heard, but my investigation still stands. I want my investigation done because I want a reconciliation on that account done.

2.29

MR MAURICE KIBALYA (NRM, Bugabula County South, Kamuli): Thank you, Madam Speaker. I appreciate the statement from the Rt Hon. Prime Minister. However, the release for the first quarter has been sent. I need to know from the Prime Minister whether as per the instruction from the President to have that money sent because it has not been sent.

THE SPEAKER: Hon. Okot and then Professor.

2.30

MR AMOS OKOT (NRM, Agago North County, Agago): Thank you, Madam Speaker. All the activities that we have budgeted for

come after planning. In this situation, where the Prime Minister is saying that there is already a directive that all those monies that have been swept back in the first quarter are supposed to be remitted back to whatever entities that the money is coming from; can she clarify if those activities were not budgeted for? How will it now fit?

We have already seen how the system switches off and sometimes, if they have already budgeted for those activities, we appropriate the money from here again. How will it now match? I think the directive that you gave can still stand so that we can know exactly where that money has been kept. Besides, during the time of the Budget Act, some of those monies would be committed; they would always retain it and not sweep it until when we amended the Budget Act and brought the Finance Act to replace –

THE SPEAKER: At the time when you are passing the Appropriation Bill, that money is not part of the appropriation. Yes, give Professor of Accounts.

MR AMOS OKOT: That is the point I was trying to make. Thank you.

THE SPEAKER: Let me hear from Professor.

2.32

MR XAVIER KYOOMA (NRM, Ibanda County North, Ibanda): Thank you, Madam Speaker. First of all, I thank you for directing so.

One, we normally pass the budget around May because my Chairperson Hon. Mpaka, said that the minister should explain. But even when the Minister of Finance, Planning and Economic Development explains, you know that Uganda Revenue Authority (URA) collects money until the end of June, they will tell you that the money goes to the Consolidated Fund, which is true. Definitely, they have to release the funds, but it is late for these funds to be absorbed.

Two, because we pass the budget in May, the funds which are swept back, are not appropriated. However, honourable colleagues

from the Committee on Public Accounts, when these funds go back to the Consolidated Fund, they are the first source for spending plus the funds collected by URA. It is irregular because these funds are spent when they are not appropriated.

Madam Speaker, I am very sure of why you are saying so; what we normally look at as balances - the money is very little compared to what is swept back. I would like to cite an example of Financial Year 2021/2022. The funds swept back for the Ministry of Local Government is Shs 26 billion and what was spent was Shs 29 billion from the initial approved budget. So, if you consider other ministries, that would imply trillions of funds.

I support the Speaker and she has directed very well. I will give you the information because I think it will include reviewing the law so that these funds are appropriated again. Now, there is a single treasury account, which spoils everything because an entity which has had funds swept back cannot have those funds given to it at the beginning of another financial year until invoices are raised and these invoices must be raised according to the appropriated funds. That is the weakness, which I believe the committee will look into.

THE SPEAKER: The invoices are raised according to the appropriated funds and these funds were not appropriated for.

Honourable members, the invoices are raised as per the appropriated funds and these returned swept funds are not appropriated for. We are talking about reconciliation; how much came from where and if we are using it fast, how much are we using and how much have we received from the swept funds?

Honourable members, let us not talk about that item anymore. Let us have a reconciliation and that reconciliation will help this House. I have given it to finance. Let us have the last financial year. I want only one financial year and I have discussed this with the Attorney-General and we agreed on it. We must move together and transparency is very important. Next item. Yes, Hon. Opiyo?

MR OPIO: Thank you, Madam Speaker. The procedural issue is on the Shs 1 billion that you have asked the committee to come up with the guidelines. However, we also have the Uganda Road Fund releases for this quarter and the information that we have is that only 10 per cent of the funds have been released, as opposed to the 25 per cent –

THE SPEAKER: Doctor, we discussed that issue and it was referred to the committee.

MR OPIO: Madam Speaker, what I was talking about is the Uganda Road Fund not the Shs 1 billion.

THE SPEAKER: Government Chief Whip, didn't I refer it to the committee? Inform your Members.

2.37

THE GOVERNMENT CHIEF WHIP (Mr Hamson Obua): Madam Speaker, I have nothing useful to add; you played your part. Thank you. *(Laughter)*

THE SPEAKER: Thank you very much.

2.37

MR MARTIN MUZAALE (NRM, Buzaaya County, Kamuli): Thank you, Madam Speaker. I rise on the issue of redeemed energy and the Prime Minister –

THE SPEAKER: No, the Prime Minister is going to handle that during Prime Minister's Time.

MR MUZAALE: Thank you, Madam Speaker.

THE SPEAKER: Next item. Hon. Ojara, come back. Professor, I told you to mark all the chairpersons; and they must be in the House on a daily basis. Are you taking note? Next item.

STATEMENT BY MINISTER ON THE STATUS OF LOCAL COUNCILS I AND II

THE SPEAKER: Honourable members, this issue was being discussed and we gave the minister time to come and present today, on the

Local Councils I and II, which expired on 10 July 2023. Honourable members have raised this issue severally and pursuant to Rule 52 of the Rules of Procedure, the Attorney-General is going to present his statement. Attorney-General?

2.38

THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka): Thank you very much, Madam Speaker. I have been requested by this august House to make a statement in relation to the status of Local Council I and II administrative units.

As this House was informed by the Minister of Local Government, the term of the Local Councils I and II expired on 10 July 2023. As you will all appreciate, this is a serious matter that goes to the very foundation of our governance, which mandates that all power belongs to the people and the people will express their will and consent to be governed through regular, free and fair elections.

THE SPEAKER: Is the statement uploaded?

MR KIRYOWA KIWANUKA: Yes.

THE SPEAKER: Okay, it is uploaded.

MR KIRYOWA KIWANUKA: A careful reading of the Constitution –

THE SPEAKER: There is a procedural matter. Why don't you leave him to finish reading?

MR OSHABE: Madam Speaker, yesterday, you instructed the Minister of Justice and Constitutional Affairs to come in and he came. We are listening to a matter that is very paramount in the justice ministry sector and he is not here -

THE SPEAKER: Honourable members, I have a schedule of who attends and when. Even yesterday, the minister said that in their ministry, they have a schedule for attendance. Yesterday was for the minister, today is for Hon. Kiryowa and Tuesday will be for Hon. Kafuuzi. So, I am allowing him to do it and he

is representing the ministry.

MR KIRYOWA KIWANUKA: Thank you, Madam Speaker, for your wise guidance. Indeed, a careful read of the Constitution indicates that the framers of the Constitution were careful to ensure that there should never exist a vacuum that takes away the power of the people, as above mentioned.

Madam Speaker, I am here to assure you that the Government of Uganda is fully seized with this matter and we are going to come to the House next week with a concrete way forward and for the support, to ensure *-(Interjections)-* Madam Speaker -

THE SPEAKER: Honourable members, your reaction is premature. Why don't you wait for him to finish and then you debate the document? *(Mr Basalirwa rose_)* You are now debating in anticipation. First, sit.

Can we have the statement concluded?

MR KIRYOWA KIWANUKA: Thank you, Madam Speaker. Allow us to come to the House next week to seek your support to ensure that the representation of our people is sustained, in accordance with the dictates of the Constitution and the law.

I, therefore, request you to give us time to conclude the internal consultations to obtain the necessary approval of Cabinet, as provided for under the Local Governments Act, to enable us to prepare a way forward to present to this House.

THE SPEAKER: Let him finish. There is only one paragraph remaining.

MR KIRYOWA KIWANUKA: Madam Speaker, the Government would like to assure the public that the apparent void created by the absence of the administrative units is being handled.

As we pursue and await the necessary Cabinet and parliamentary approval, we advise that the immediate recently elected leadership of the

administrative units should continue rendering the necessary services to the people of Uganda in observance of the spirit and principle of the Constitution, that there should never be a vacuum in leadership.

Madam Speaker, the Government is proceeding with –(Interjections)

THE SPEAKER: Allow him to finish.

MR KIRYOWA KIWANUKA: Madam Speaker -

THE SPEAKER: Honourable members, order!

MR KIRYOWA KIWANUKA: Madam Speaker, the Government is preparing the necessary documentation for amendment of the law in accordance with Section 175 of the Local Governments Act. I beg to submit.

THE SPEAKER: Thank you very much.

MR SSEKIKUBO: Thank you. Madam Speaker, I am at a loss. The learned Attorney-General gave an opening statement: how power belongs to the people, which people must decide how and when they should be governed. He enumerated Article 1 of the Constitution and said that is the way people are governed.

However, at the same time and in the same breath and point, he went on to say that he is aware that the term lapsed on the 10th of July and, now, they are going to sit, as Cabinet, to come up with a way forward – and amend and present a workable arrangement to this House.

Madam Speaker, what happens between the 10th and when the Cabinet shall sit down?

Two, you all saw on Television that the LC1 chairpersons were returning the stamps, meaning that their term had expired. So, what has happened since then and now?

Being the Attorney-General, he knows that courts are moving on. People need LC1 letters to stand surety for suspects in the courts of law.

He knows that people are transacting every day, requiring the stamps of the chairpersons of villages to endorse those transactions. He knows that the biggest section of our people and the governance structures are right from the villages, which total more than 70,000.

So, Madam Speaker, is the learned Attorney-General in order to come and take matters of democracy and governance of this country in such -

THE SPEAKER: Honourable members, one thing we need to clear out is: since the Attorney-General says there is no vacuum, is there legitimacy of the decisions that are being taken by the LCs I now? Honourable Attorney-General, I want that cleared first. Since you are saying there is no vacuum, is there legitimacy, from a legal perspective – not political?

MR KIRYOWA KIWANUKA: Madam Speaker, the advice I render is legal advice. If anyone doubts it, they need to go and challenge it in court –(Interjection)- No, what I am saying is that the advice I am rendering is to cover the void –(Interruption)

MR SSEKIKUBO: Madam Speaker, it is unheard of -

THE SPEAKER: Honourable members, let us have respect for each other. You are in this House to respond to what is raised. Do not tell us to go to court. You know you are one of my favourite ministers, but for you to tell us to go to court –

MR KIRYOWA: My sincere apologies, Madam Speaker. I withdraw that statement.

2.48

MR DAN ATWIJUKIRE (NRM, Kazo County, Kazo): Thank you, Madam Speaker. My issue is with the Attorney-General. Of course, he says the advice he gives is legal. However, I would like him to guide this House because the first and most cardinal role of Parliament is to uphold the Constitution. So, for us to sit when there is a violation, I do not think it is right.

I would like the Attorney-General to guide us on the provisions because even when he guides legally, he should refer us to the provisions of the law against which he leans to tell us to wait or even give mandate to the existing structures to continue operating. So, I would like him to help us understand where he bases the argument and what guides his wisdom to that effect, Madam Speaker.

THE SPEAKER: Thank you. Would you like to respond to whatever he has raised? Let him respond; maybe it will help.

MR KIRYOWA KIWANUKA: Madam Speaker, my advice is based on Section 45 of the Local Governments Act, which provides for administrative units - *(Interruption)*

MR BASALIRWA: Madam Speaker –

THE SPEAKER: You are raising a point of order, but he has not finished citing the law. We need to know the law so that you check whether it is right or not. Hon. Kiryowa, cite the law.

MR KIRYOWA KIWANUKA: Madam Speaker, I am relying on Section 45 of the Local Governments Act, which provides for administrative units, councils and committees at village level.

I am relying on Section 175 of the Local Governments Act, which provides for the schedules that are set out in the Act and the Third Schedule, Regulation 11, which empowers the Minister of Local Government to extend a term of office of local governments, even the *–(Interjections)–* Yes.

THE SPEAKER: Honourable members, Section 45 is administrative units, councils and committees.

“1. There shall be administrative units, based on:

- a) *In rural areas -*
 - i) *The county;*
 - ii) *The parish; and*
 - iii) *The village.*

b) *In urban areas –*

- i) *The parish or ward;*
- ii) *The town board; and*
- iii) *The village.”*

2. There shall be a council at each level of the administrative units.”

That is Section 45. And then - did you say Section 175? Section 175 is on regulation and amendment of schedules.

Section 175:

1. *“The minister may, by statutory instrument, make regulations for better carrying into effect the provisions of this Act;*
2. *The minister may, by statutory instrument, and with the approval of the Cabinet, amend, replace, alter or revoke any of the schedules provided under this Act, and the Minister shall not have power to delegate this function.*
3. *The minister shall, as soon as is practicable, alter the publication of the statutory instrument under this section. The instrument will be laid before Parliament and Parliament may amend or revoke the statutory instrument. If no amendment, the revocation is effective within two weeks. It is being laid before Parliament and it shall be deemed to have been approved.”*

What is the relationship between this and the elections? I am simply asking the relationship between section 175 and the election of LCs? Now, we are talking about an extension, there must be a statutory instrument and if there is a statutory instrument -

Attorney-General, do you have the statutory instrument? If you have it or if you are going to make it, tell us.

MR KIRYOWA KIWANUKA: Madam Speaker, in my statement, I did state that you allow me time to have the approval. Like you

have read, Madam Speaker, the instrument that is required to be done is supposed to be approved by Cabinet and after approval, it must come to Parliament for approval – *(Interruption)*

MR DAVID KABANDA: Thank you very much, Madam Speaker. I am seeking clarification from the Attorney-General. He clearly stated and understands that the term of office expired. I would like to seek clarification from the Government and the Attorney-General.

According to him, what happens between now and next week when the Government – are these committees illegal or legal, according to him?

Secondly, according to Hon. Ssekikubo, there are some chairpersons who have already returned the stamps. There are those who have not and agreements are being made in the villages. If anyone goes to court and challenges these agreements, what happens then? Can the Attorney-General advise our people on how to operate in their villages, in the absence of these committees – *(Interruption)*

DR BWANIKA: Thank you, Madam Speaker. I would like further clarification from the Attorney-General. Article 181 (4) of the Constitution of the Republic of Uganda states, “All local government councils shall be elected every five years”, not “may”.

The provision in Schedule III - which you are quoting - for extending their term is only when there is war or in case of a state of emergency. Is the Government planning to declare a state of emergency? *(Laughter)*

Secondly –

THE SPEAKER: Honourable members, we are not in a state of emergency. *(Laughter)* We are not even about to declare it. The issue of local governments is very simple. How many villages do we have in Uganda?

MR KIRYOWA KIWANUKA: Madam Speaker, there are about 71,000 villages. However, just to clarify on something that

Hon. Abed Bwanika asked; LC1s and LC2s are not local governments; they are administrative units.

You may want to refer to Article 176 of the Constitution, which says that they are part of the local government system, but are not local governments – *(Interjection)*– Yes. Let me read it for you.

Subject to Article 178 (1): “The system of local government in Uganda shall be based on the district as a unit under which there shall be such lower local governments and administrative units as Parliament may prescribe.”

Article 207 of the Constitution tells you what a local government is and it includes only a sub county, district and parish councils. So, it is not a local government. *(Applause)* The amendment being brought is only to deal with administrative units, not local governments. *(Applause)*

THE SPEAKER: Honourable Attorney-General, whether it is administrative units or something else, are we supposed to have elections for it?

MR KIRYOWA KIWANUKA: Yes, Madam Speaker. The one for local governments is set out as –

THE SPEAKER: They are administrative units.

MR KIRYOWA KIWANUKA: Yes, the local government is set out in Article 181(5) of the Constitution while the one for administrative units is set out in Section 170 of the Local Governments Act. So, we can deal with it under that amendment. So, we are not touching the Constitution.

THE SPEAKER: Let me hear from the shadow Attorney-General.

3.00

MR WILFRED NIWAGABA (Independent, Ndoorwa County East, Kabale): Thank you, Madam Speaker. I have a lot of respect for my senior since he occupies that position. With all due respect, I am at a loss on the

kind of interpretation he has ascribed to today, especially when he says there is no vacuum. Although it is true local councils I and II are merely administrative units, they also have quasi-judicial functions. Part of the quasi-judicial functions are clearly situated in the Local Council Courts Act, 2006.

The expiry of the term of those administrative units implies that the quasi-judicial functions of those units cannot be dispensed when their term has expired. There is no way you can apply to extend an already expired term. Even if you were to extend an expired term, that kind of extension cannot apply to the Act we passed in respect of the Local Council Courts Act.

Therefore, unless they want to completely remove the quasi-judicial functions from these administrative units and say, “we are going to extend in respect to only functions of administrative units excluding the quasi-judicial functions”, then, we do not even need those units to be there. Otherwise, one of the cardinal roles is actually the quasi-judicial function. We either have the elections for LCs I and II or agree that we have run broke as a country and we can no longer manage - bring a constitutional amendment and we remove them all together.

Otherwise, to say that everything is normal because they can extend the term, in my view, is disrespectful. Therefore, I move a motion that the statement by the Attorney-General be rejected and expunged from the record.

THE SPEAKER: Move a motion to do what?

MS MALENDE: Thank you, honourable member, for giving way *-(Interjections)-* he gave way for a point of information.

MR NIWAGABA: The motion I have moved is without notice, that the statement by the Attorney-General be rejected by this House and be expunged from the record.

THE SPEAKER: Honourable members, expunging the statement is not going to solve the problem. What is going to solve the

problem is for us to discuss how to have these members elected. That is what we need. We cannot expunge that statement. The good thing is that the Attorney-General accepted that there is a vacuum.

3.03

THE LEADER OF THE OPPOSITION (Mr Mathias Mpuuga): Much obliged, Madam Speaker. The learned Attorney-General knows that I hold him in very high regard, being my senior at the bar and in all respects. Two things have happened today, Madam Speaker. One is that we have had a Member of Parliament sworn in as a matter of law and the Constitution.

If there were powers anywhere that anybody could instruct someone to fill the vacuum, we would have had an MP for Oyam in the interim, as the Government prepares for elections. However, since the law cannot be vacated, we had to have an election in that constituency.

I know it is summer in Uganda, and the Government could be on holiday, that is why the learned Attorney-General –

THE SPEAKER: Did you say we are on holiday? Leader of the Opposition, as we speak, the elephant in the room is how to regularise the tenure of the expired LCs I and II. Whether people are on holiday or not, the issue is regularisation.

MR MPUUGA: Thank you, Madam Speaker. This is why the Prime Minister is paying attention, having referred to summer holidays.

We heard from the learned Attorney-General that he was aware these councils expired on the 10th. He also quoted a law, which he is going to use to come next week, to try and regularise and a response to the crisis; meaning that clearly, there is no preparedness.

For the whole of last week and this week, we have been demanding clarity on the situation. The learned Attorney-General claims he was close with the law to vacate the crisis, but he never came to the House to say so. He is now bidding for time.

Madam Speaker, our mandate as Members of Parliament is non-delegable. We cannot delegate this mandate, as custodians of the Constitution. There is no doubt we have listened to the learned Attorney-General; he has not spoken anything new as far as the law that sets into motion the existence of these councils is concerned. The fact that they made mention of the fact that we can go to court spoke volumes about –

THE SPEAKER: He withdrew.

MR MPUUGA: Of course, he withdrew, but the intent and spirit remained, meaning that -

THE SPEAKER: No, he withdrew.

MR MPUUGA: I concur. However, meaning that the lack of legal and political will still exists in Government. I want to invite the House on both sides of the aisle – *(Interruption)*

THE SPEAKER: There is a point of order.

MS NABANJJA: Madam Speaker, the LC system was brought into this country by the NRM Government. *(Interjections)* I want the Member to be attentive so that I can speak my mind.

The LC system was brought into this country by the NRM Government. That means we are the brain workers of the LC system. Is he in order, to insinuate that this Government does not have the will to cause elections of LCs, yet we have the majority in this country? *(Laughter)*

THE SPEAKER: Honourable members, can I have your attention? Who has said Nabbanja? She is the Prime Minister. She is “Rt Hon. Nabbanja” not Nabbanja. Leader of the Opposition, would you like to conclude?

MR MPUUGA: Yes, because I was interrupted. I want to agree with the Rt Hon. Prime Minister. We congratulate the NRM for bringing LCs on a truck, which has caught fire.

The invitation for me to this House, on both sides of the aisle, is to see our duty as Parliament and not be taken for granted. Initially, we were being informed that there was no money and a huge bill of Shs 56 billion was being flashed around with no premise at all.

Secondly, we were told that they were in existence legally. We asked for the law; the statutes were opened, but there was nothing to show it. You can confirm from the learned Attorney-General that he was trying to hazard some quotation of the law, but we know the law a little bit.

Madam Speaker, I want to invite the House to reject that statement. If the Government is not ready - Members of Parliament come from constituencies that are seated on hot plates; there is chaos in the communities –

THE SPEAKER: There is a procedural matter, but before that, I would like to refer the Attorney-General to Article 111(2) of the Constitution of the Republic of Uganda. It states:

“The function of the Cabinet shall be to determine, formulate and implement the policy of the Government and to perform such other functions as may be conferred by this Constitution or any other law.”

Would you mind giving this House maybe the timelines – the road map on this matter; tangible timelines?

MR KIRYOWA KIWANUKA: Madam Speaker, the proposal will be before Cabinet. It is going to be on the agenda on Monday and the Minister of Local Government will be appearing in the House on Tuesday with the proposed amendment to resolve this impasse.

THE SPEAKER: Do we agree legally that there is a problem?

MR KIRYOWA KIWANUKA: Madam Speaker, there is a challenge, which this law will address.

THE SPEAKER: What is the law going to address?

MR KIRYOWA KIWANUKA: It is going to address it all the way from the 10th. This is why we are saying they should be allowed to continue providing these services because the proposal we are bringing is to address it from the 10th –(Interjections)

THE SPEAKER: Honourable members, let us allow the Government – this is a very serious matter. All of you have LCs I and II. This is a matter that must be corrected. Therefore, I want to advise the Government to go back, consult and advise the country on this matter because it is a very serious one.

Honourable members, I am not going to continue with something that is an illegality. We are going to wait for a report from the Government. The Government must advise this country on the way forward – I am still speaking. If you are going to continue with points of procedure – we need a position from Government, but not to continue speculating. What will you tell your LCs if you went to the village tomorrow?

Honourable members, as we wait for the position of the Government, this House is adjourned *sine die* to wait for the statement.

(The House rose at 3.15 p.m. and adjourned sine die.)

