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**Wednesday, 10 February 2021**

*Parliament met at 3.38 p.m. in Parliament House, Kampala*

PRAYERS

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

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE SPEAKER:** Honourable members, I welcome you to this afternoon’s sitting. I thank you for the work we did in the morning’s sitting.

I would like to amend the Order Paper by adding response to concerns raised during the construction of the Kagadi Piped Water System from the Ministry of Water and Environment, in response to hon. Eric Musana’s query.

Otherwise, we can start with item no. 3.

**MR NIWAGABA:** Thank you, Madam Speaker. Yesterday, you stayed a ruling on a matter raised by the Leader of the Opposition. You had promised that you would give a ruling in this sitting and I thought it would come in your communication.

**THE SPEAKER:** No. It will come when the matter is called.

**MR SEBAGGALA:** Thank you very much, Madam Speaker. I rise on the issue of kidnaps and abductions. People who are missing. Up to now, we are getting calls from various relatives that their sons, daughters and relatives have been picked and are missing.

Madam Speaker, you directed our committee to investigate human-related violence during the electoral process and even this kind of kidnaps. However, we have not yet started and we are yet to know when to begin with the investigations.

3.43

**MS JOVAH KAMATEEKA (NRM, Woman Representative, Mitooma):** Thank you, Madam Speaker. I rise on a matter of national importance. We are left with less than a month to the commemoration of the International Women’s Day.

We would like to request that the minister gives us guidance on the mode of celebrations so that we can advise our people, most especially as some of us prepare to hand over the portfolio. We need to know. Thank you.

**THE SPEAKER:** I do not see the Minister of Gender, Labour and Social Development here. However, I would like the Prime Minister to seriously take up that issue so that preparations are made early enough for the Members to be able to participate and inform their constituents.

MINISTERIAL STATEMENT ON THE CONTINUED PROHIBITION OF UGANDAN DAIRY PRODUCTS TO ACCESS THE KENYAN MARKETS

3.45

**THE MINISTER OF TRADE, INDUSTRY AND COOPERATIVES (Ms Amelia Kyambadde):** Madam Speaker, I rise to issue a rejoinder statement on the continued prohibition of Ugandan dairy products to access the Kenyan market.

We are all aware that there are existing frameworks for Uganda-Kenya trade and these have had an impact – positively – on our economies. For example, the total trade between Uganda and Kenya has increased from $666.3 million in 2005 to $1.3 billion in 2019, which is an increment of 99 per cent.

On the issue of denial of market access to Uganda’s dairy products, the matter of Kenya’s non-tariff barriers on Uganda’s dairy products was a subject of discussion at the inaugural session of the Uganda-Kenya Joint Ministerial Commission from 21 to 25 March 2019, which preceded a state visit by President Museveni to Kenya. The issue was effectively resolved.

However, in December 2019, the mid-term review of the Uganda-Kenya Joint Permanent Commission was held in Kampala and the Kenyan delegation undertook to do a verification of Uganda’s dairy sector, since they had raised concerns about a surge in milk imports from Uganda that was threatening their own dairy industry.

They had doubts that the milk was indeed produced from and by Uganda. They visited several dairy processing factories and firms and confirmed that the milk was produced from and by Uganda. Unfortunately, the Kenyan delegation declined to sign the joint report.

At the end of December 2019, Kenya started denying import permits to, specifically, Lato Milk and reportedly raided their distributor’s warehouses in Kenya. The reasons given were that the milk was counterfeit and substandard, yet, the product was being exported by Pearl Dairies Limited, the owners of the trademark and the product certified by UNBS.

Government of Uganda engaged the Government of Kenya on this matter, including summoning Kenya’s High Commissioner to Uganda and issuing a protest note to him on 15 January 2020. Unfortunately, we have never received any response to date. President Museveni also engaged President Uhuru in January 2020.

We have a meeting with the Minister of Trade, Industry and Cooperatives on 27 and 28 February 2021 in Nairobi, Kenya on the same issues regarding poultry products, sugar and dairy products. Madam Speaker, I intend to give you a report about this. I pray that I will be allowed to report to you the resolutions of that meeting. I beg to submit.

**THE SPEAKER:** Honourable members, the minister gave us that explanation sometime back. I am concerned about the inability to exercise the principle of reciprocity. I am surprised that Ugandan farmers continue to suffer, yet, the Government has no interest in reciprocating for what the Kenyans are doing. Who will support Ugandans if the Government cannot? They blocked our milk in Tanzania, our animals, yet we are open.

3.50

**MR FREDRICK ANGURA (NRM, Tororo South County, Tororo):** Thank you very much, Madam Speaker. Like you have rightly said, the minister has not been very fair to us.

We who come from the border often times are referred to as smugglers but that is not a good word to define what happens there. At the border, we facilitate trade and bridge the gap between demand and supply. When there is a challenge the other side, our people work very hard to facilitate, which at times is considered as a wrong phenomenon. This is why we need the governments to harmonise on this.

It is true that we are giving a lot. Even at my lowest level, as a Member of Parliament, whenever I get an opportunity to interact with colleagues across or when there is a major function where senior people from the Kenyan Government come, I have time and again made it very clear that there should be a good working relationship between the two governments. We are giving a lot to our neighbours but they are not reciprocating as the Speaker has said. Honourable minister, you need to fast-track this.

Madam Speaker, I would like to inform you that we have a very big problem with motorcycles, commonly known as *boda bodas*, that are ridden here by our people. In fact, in the whole of that region, *boda boda* cyclists come from Kenya but they ride them around our area, using Kenyan registration number plates. Uganda Revenue Authority (URA) has also started impounding the motorcycles. Many are now there.

The question we are asking is: what is happening? Could it be that some of these products are cheaper there, which is why they come here easily? There should be a harmonious understanding. If they are expensive here, our people can collect from there. However, if our products are cheaper here, let them be allowed to go to the Kenyan side.

Therefore, I would like to request the honourable minister that the issue of motorcyclists be included in your protocols that you are going to continue discussing and deliberating. Whereas they come from abroad, they are cheaper in Kenya and our people are losing money when URA impounds all those motorcycles.

Madam Speaker, it is true that as you disagree at senior level, our borderlines are busy. They are saying that these things do not go there but I would like to state that they are crossing to Kenya and they face a lot of challenges when they reach the other side. In fact, they are now smuggling them. The faster you manage this, the better for our community.

Our neighbours must understand that we are equal partners in trade protocols and so, they should be able to reciprocate. When we give, they should also give. We seem to be considered as the ones who are more interested in East Africa than the rest of the nations, which is not very good. Thank you, Madam Speaker.

3.53

**MR MICHAEL TIMUZIGU (NRM, Kajara County, Ntungamo):** Thank you, Madam Speaker. I take this opportunity to thank the minister for her response.

We need to recognise that Uganda was very keen about having the East African Community so that we can have harmony in trade, improve trade and the trade conditions. At the moment, if we cannot sell our milk in Kenya, that means we shall suffer economically and Kenya will benefit, yet, we are still trying to ensure that we maintain the East African Community for purposes of politics and economics.

I would like to propose that if we are to fight this problem to the end, we need to have a body dealing with standards, which work for East Africa. These people allege that our products are substandard but I do not believe it because the factories that are here are the same as the ones in Kenya. To my surprise, the packaging materials used by Lato Milk are imported from Kenya. I also understand that there are no additives in milk. You just have to get the best packaging material so that you protect the milk.

If they claim that our milk is substandard, that means that even our animals are substandard. I do not believe this. I do not expect Uganda to also have those non-tariff barriers so that we can retaliate. However, what we need to have is a standards body, which covers the entire East Africa so that nobody can come and claim that Ugandan products are substandard.

Madam Speaker, Ugandans need to register this dissatisfaction. We are not happy with what is happening in our neighbouring countries, Tanzania and Kenya, who are denying us market for labour and our products. Thank you.

5.56

**MR ROBERT KASULE (NRM, Nansana Municipality, Wakiso):** Thank you, Madam Speaker. The matter of trade is at the core of our existence. We are a landlocked country and certainly, we cannot exist without trading the excess that we produce in our factories. We have for long accepted every country to bring in their goods here, including Tanzania. There was a time when there was drought here and Tanzania exported many tonnes of beans. They were very happy that their excess beans were being imported by Uganda.

When we hear that Kenya is restricting our export of Lato milk - In fact, that is not the only thing they restrict. There is a lot more merchandise that is not allowed to enter Kenya. Maybe the prominent ones are chicken and milk but there are many other things that the Kenyans refuse from entering their country, yet, we are also suffocating at the Tanzanian border on the sugar export. I do not know much about Rwanda. However, that whole area is hurting and the people at the borders are also hurting. If people cannot move freely, then allow the goods and services to move freely.

Honourable minister, we hope that these meetings shall happen frequently, not once in six months. Every time we manufacture and do not export, those factories collapse because they are not selling, employees are laid off, the milk sellers are pouring the milk. We beg that those meetings take place urgently. If the physical meetings do not take place, they can meet on zoom meetings or use other means.

Otherwise, as the Chairperson of the Committee on Tourism, Trade and Industry - it will begin like that on a few commodities and transcend into other things like tourism.

During the COVID-19 period, the President explained to us why we allowed very many trailers to enter Uganda. That is when we all realised that around 500 trailers are allowed to come to Uganda on a daily basis. These do not bring stones but merchandise from Kenya.

We pray that our minister expedites these meetings or even calls for a meeting before those particular ones – so that we find solutions for our farmers and all other manufacturers.

Otherwise, there is no need of calling people for investment here when we are being stifled by these trade barriers, artificially created by the governments in the neighbouring countries. I thank you, Madam Speaker.

**THE SPEAKER:** Thank you. As I invite hon. Ssewungu to speak, I would just like to inform the Minister of Trade, Industry and Cooperatives that I had a meeting with the Lato milk proprietor. They told me that they were convinced to invest in Uganda because we told them that the East African market is available to them. On that basis, they came to invest here. It is a very serious issue.

3.59

**MR JOSEPH SSEWUNGU (DP, Kalungu County West, Kalungu):** Thank you, Madam Speaker. When you travel along Masaka Road, which brings most of the milk from Western Uganda – it is only milk vehicles that do not go through the axle points and are not stopped anywhere. They will arrest the vehicles with bananas and they spend a week there as they get rotten but milk has a direct access to whoever it is going to.

Whenever you discover a weakness from your business partner, your interest is to improve on what he is complaining about but if you do not correct that mistake, then, he will take that advantage to carry out whatever he wants.

Let me say this. Kenya was importing a lot of eggs from Uganda. A number of trailers took eggs from Uganda to Kenya but the Government still gave Kenya liberty to come to Uganda, study how our brands are mixed, which improves the quality of our eggs. Now, Ugandans stopped exporting eggs and Kenyans come to Uganda to buy the maize brand to feed their animals and we lose money. Some of these ministers know that.

Milk is not bought by the whole of Kenya, but there are areas where Uganda’s milk has a lot of market, basing on the capacity to purchase it and also the weakness of those areas that lack milk.

Honourable minister, I do not know whether you have the statistics but look at the companies that have been established in Uganda by Kenyans and how many Ugandans have established companies in Kenya. The number of Kenyans working here is bigger than the number of Ugandans working there. That is why you use products such as *Geisha* and *Delident* every day.

When you are tapping resources from a neighbouring country and selling your goods, your interest is to make your citizens sell as much as possible. This is done by reducing on the other side by coming to your side to make products from here, like the Speaker has said.

Madam Minister, I trust you but we are not dealing with numbers and percentages. We are dealing with solving the problems. Ugandans are forced to improve the quality of their products but whenever they do so, they lose market. That is what is happening to coffee. Coffee has improved in quality but the price is going low.

Regarding the milk industry, Western Uganda has taken all the milk production meant for Ugandans but they are failing to sell milk in Kenya because they are not clearing the mistakes they are making. An honourable member has just told me that if we can buy those plastic bags that package milk from Kenya, how do we fail to produce good milk, yet, we Ugandans take and enjoy it?

If you move around Kampala and take time to observe the billboards, you will notice that Kenyans are advertising schools; primary students who want to go to primary three and four. They are going to take these children because we are under lockdown. What is your interest in your country in relation to your citizens? People running schools have closed them and that is why you are not giving time.

I conclude by requesting Government – honourable ministers, give your Government time. Make research. Find out what is failing, other than coming here and telling us that you went for bilateral talks.

In Kenya, milk has good market. Uganda Breweries also has market there but how would you improve on solving the problems of Ugandans, other than those people coming here to sell their products at the cost of Ugandans that also have the same products? I rest my case, Madam Speaker.

4.03

**MR ASUMAN BASALIRWA (Jeema, Bugiri Municipality, Bugiri):** Thank you very much, Madam Speaker. The minister’s statement leaves the farmers in a very difficult situation. It seems that Government has done what it could do in the circumstances but it seems there is no light at the end of the tunnel.

If the minister is explaining that they reached an extent of summoning the High Commissioner and even with that action, there is nothing undertaken, I propose that Government should now begin considering invoking the provisions of the East African Community Treaty. They should have this as a dispute and let it be resolved under the treaty. Government should consider taking the Kenyan Government to court over this matter, because it seems all other diplomatic avenues have failed.

I foresee a situation where the minister will continue coming here and giving an explanation of how the delegation from Kenya is not signing a commitment and how the High Commissioners are being summoned, yet at the same time, there is no response.

I would like to urge Government to consider treating this as a dispute and invoke the provisions of the treaty to have the Kenyan Government sued, for purposes of ensuring that we protect our farmers.

4.05

**MR JOHN BAPTIST NAMBESHE (NRM, Manjiya County, Bududa):** Thank you, Madam Speaker. I am baffled by the minister’s statement especially when she says that a joint verification committee, between those representing Uganda and those representatives from Kenya was signed but the Kenyan representatives refused to sign.

Secondly, even when diplomatic channels were exhausted, they have refused to respond. In your statement, you cannot even give any reiterate measures. Are we not supposed to reiterate, as a member state of this entity called East Africa?

Indeed, if East Africa were a community whose rationale for integration was to allow free movement of goods, services, labour and capital, - it only works in one member state - it literally works in Uganda by the way. We talk of the protocols of the customs union and the common market but in these member states, it is not working.

We have now moved from the coalition of the willing and we have been isolated. The truth of the matter is that, honourable minister, you could fit yourself in the shoes of an investor, like the Rt Hon. Speaker observed. An investor who came to this East African region because they know that the East African Community has been an attractive foreign direct investment hub. The investors came expecting a single market but now, with all the produce and products, they cannot access even half of the expected market. Imagine what is happening in the investment profile that we have in the region or in Uganda in particular. Uganda has over 30 dairy companies including Pearl Dairy Limited whose products in Kenya have been obstructed. There is another company called Brookside Dairy Limited, which the Head of State of Kenya, H. E. Uhuru Kenyatta, has family interests in. Equally, in Uganda, the Head of State, H.E. Tibuhaburwa, is the biggest supplier of raw milk to Brookside and this milk from Uganda goes to Kenya on a daily basis *- (Interjections)* *-* from reliable sources.

Now, the one-million-dollar question is: Don’t you think the Kenyan experts who came to investigate Lato Milk could have been right to have suspected that maybe the powder is imported from Brazil and elsewhere and that is why they continue to block the milk from Pearl Dairy? *(Interjections)* I am seeking clarification. You will respond. You have to be patient. Could you, please, exercise some restraint as I submit on this?

Madam Speaker, the challenge we have is that the East African Community is a top-down entity, which is at the mercy and goodwill of the leaders. That is why you see in the minister’s statement, even when Kenya has been uncooperative, they cannot evoke the laws that we have in the East African Community but we have to be at the mercy of the heads of state to meet in order to resolve this impasse. Honestly speaking, do we have the entity called the East African Community in the true sense of integration? Thank you, Madam Speaker.

4.11

**MR GILBERT OLANYA (FDC, Kilak South County, Amuru):** Thank you, Madam Speaker. Allow me to congratulate you and the honourable members who succeeded in the last elections.

Following the minister’s statement, it looks like our ministry does not care much about what is going on. The statement is too polite and casual. If you look at it, the minister is saying that the meeting will be organised during the last week of February. She is not exact on which date the meeting will take place. Today, we are in the middle of the week. I think the ministry is not serious and does not care about what is going on. By now, you would have told Parliament that you shall have the meeting on such a date at such a venue and you are going to discuss a, b, c and d.

Ugandans are very liberal and sometimes, this is bad. Like hon. Ssewungu stated, currently, some Ugandans are abandoning our products in favour of products from other countries. For example, we have salt on the market but we do not use the salt produced in Uganda. We import salt from Kenya. Why do we always undermine our own products?

Madam Speaker, Uganda needs to be serious. When Kenya puts a ban on a particular product, we need to be bold. We should not be seen begging every time. We behave as though we were very vulnerable and begging other countries to give us favours. As a country, let us defend and support what is best for the betterment of the citizens. I thank you.

4.13

**MS CAROLINE KAMUSIIME (NRM, Woman Representative, Rukiga):** Thank you, Madam Speaker. I thank the minister for the statement.

They have been talking of eggs and other goods. However, I would like to inform the minister that we have another problem of not protecting our farmers as they sell their products. Rwahi as you go to Kabale is a place known for growing onions. However, if you go there right now, you will find lorries from Tanzania and yet, our people are failing to get market. We have talked about having meetings but the honourable minister should go back and see how we can protect our farmers. Thank you, Madam Speaker.

4.15

**MS STELLA KIIZA (Independent, Woman Representative, Kyegegwa):** Thank you, Madam Speaker. I thank the minister for the efforts to improve our milk market. I heard from her report that Kenya refused our milk because of poor quality. I would have expected her to have facts about our quality. I would have expected her to engage the organs that are responsible for proving to the world that our milk has this kind of standard and quality on the market.

We have UNBS, Export Promotion Board and National Chamber of Commerce that would have given you the support to prove to the Kenyans that it is not poor quality or indeed, it is poor quality so that we go back to the drawing board and improve it. If it is just a mere excuse, you should have facts to prove to them that this is not the reason they are refusing our milk.

This is technical in its own way and I think we should do that first. Let us engage UNBS and have both countries come and prove the quality of milk. If that is proved, we can go ahead and engage them to take our milk. If the milk is lacking in quality, you improve it and we move ahead.

Finally, we still have consumer protection as an issue. Right now, rice from Tanzania has flooded our market, whichhas made our rice farmers lose hope in engaging in rice farming. Tanzanian rice is very cheap and it has flooded the market. Our farmers from the east and the north are now crying. Thank you, Madam Speaker.

4.17

**MS JACQUILINE AMONGIN (NRM, Woman Representative, Ngora):** Thank you, Madam Speaker. I would like to first appreciate the statement from the Minister of Trade, Industry and Cooperatives.

I would also like to bring to the attention of the Minister of Trade, Industry and Cooperatives that whereas we are in the EAC arrangement, the community must be seen to benefit from the East African Community integration.

We agreed as the cooperating countries to have free movement of labour and trade. A ministry of trade in Uganda and the same in Tanzania or Rwanda or Burundi must be in constant collaboration to ensure that the interests of their people are at heart. In this particular case, the interests of Ugandans should come first.

It beats my understanding to see that we compromise all the time as Ugandans on behalf of the other cooperating states. At this point, we are talking about failing to cooperate. Other regional blocks at the World Trade Organisation are negotiating as blocks because they have solved the small things. The small things here should be addressed.

For us, as Teso, we take mangoes to Kenya but I have never seen a situation where Uganda is asking for our comparative advantage over the other member states. Our comparative advantage is in agriculture. How do we add value to the oranges transported from Teso to Kenya? How do we add value to the milk we take to Kenya - Because the market is there? Or the milk we take to Sudan.

I think the Ministry of Trade, Industry and Cooperatives should ensure that it helps its citizens who are already into these types of business to ensure that quality of these products is given priority for us to be able to compete at the regional level.

Otherwise, as a country, while being at the EAC, we stand to lose because while we have the numbers and we are consumers, the other people are making money.

To me, Ugandans would be of utmost interest to any sitting minister of trade in terms of promoting trade within the East African Community.

4.20

**MS AGNES AMEEDE (NRM, Woman Representative, Butebo):** Thank you, Madam Speaker. I thank the minister of trade for the statement. I stand here as the vice chairperson of the Committee on East African Affairs.

As a committee, we are familiar with these problems and we have tried as a committee. The diagnosis from our engagement with the technical staff and the Minister of East African Affairs is that this conversation is way beyond the ministers. If I can use an analogy of driving, we need gear one from the head of state to deal with these issues.

On the whole, I would seek your indulgence, Madam Speaker. I would like this House to condition Government to commit to reviewing the policy on liberalisation. In Uganda, it seems like liberalisation meant de-regularisation. We have all sorts of funny products flooding our markets, the supermarkets.

I can attest that, for example, before coming to Parliament, between 2009 and 2017, I was a regular visitor to Kenya, visiting places like Nairobi and Nakuru. I could hardly see any Ugandan products on the Kenyan shelves. That speaks loudly that there is unequal terms of trade. Therefore, can we have a better conversation on the policy of liberalisation? Thank you.

4.23

**MR SSENYONGA MUYANJA(NRM, Mukono County South, Mukono):** Thank you, Madam Speaker. I would like to thank the minister for the report. Much as a member from the Committee on East African Affairs is saying that it is beyond the ministers, there is a lot that must be done. There are a lot of imbalances. Many farmers in Uganda, mainly the ones growing tomatoes, have the highest market with higher prices from Kenya.

During this COVID-19 period, many tried to load vehicles from Uganda to go to Kenya but the way the traffic officers of Kenya are harassing Ugandan trucks is unbelievable. It is as if we are not in the East African Community. At the end of the day, the farmers agree with the buyers from Kenya to come with their own vehicles and they deduct the cost of transport from the total cost of tomatoes making them lose what they would have gained.

I think the Minister for East African Affairs and the entire team has a lot of work to do if we are really to enjoy the equality in the EAC.

It is not a matter of having the Committee on East African Affairs here, or having Members of Parliament from all the East African countries but indeed what is on ground. Is there fairness? Or they are just squeezing a few and we look like beggars. The minister should sit and come up with clear resolutions to help Ugandans and the entire country to benefit.

4.25

**THE MINISTER OF STATE FOR AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES (AGRICULTURE) (Mr Aggrey Bagiire):** Thank you, Madam Speaker. I stand here to correct the record. The Kenya Dairy Board has rated our milk as a product that is acceptable in their country.

The issue that is on ground is that the milk produced in Uganda is produced cheaply. The milk in Kenya is produced expensively. Therefore, the Kenyan Government is only protecting their farmers. It is not that our milk is substandard. This is the truth and it is on record. The Kenya Dairy Board, which is equivalent to the Dairy Development Authority of Uganda, has rated our milk highly. They are only protecting their farmers. This matter is before the EAC and it is a matter that the heads of state are handling. Thank you.

**THE SPEAKER:** So, who will protect the farmers of Uganda?

**MR SSEWUNGU:** Madam Speaker, we are enjoying a lot of drama from our ministers these days. Yesterday, we had the Minister of Lands, Housing and Urban Development clashing with a Commissioner. Now, we have hon. Amelia Kyambadde giving us a different report from that of hon. Bagiire, my friend.

A country cannot rate our milk to be good and then, they deny it access to the country. Kenya also has a free market economy *–(Interjections)* Yes, that is true. Do not think that the pieces of soap in Kenya are all one type, that it is only *Geisha*. People can go and buy whatever they prefer.

I am saying this to hon. Bagiire, if you say that they have accepted our products and they cannot refuse to buy them, then who is stopping the other? Who is telling the truth between the two ministers?

If the other dairy corporation has accepted our milk, then it should be exported there. Who will export goods at a loss? Who will export his goods, selling them at a loss? Whoever sells goods outside the country must make profits and the cost will always be high, depending on the money you spend on transportation, tax charges and others.

Hon. Bagiire, I have not understood what you have stated.

**THE SPEAKER:** Hon. Kyambadde, do you have closing remarks?

**MS KYAMBADDE:** Madam Speaker, I would like to thank the Members for their contributions. However, I would like to request hon. Nambeshe to substantiate his allegations that the President is the main supplier of milk to Brookside. I would pray that he substantiates that because he is insinuating that he is blocking others so that he can do that. I would like you to substantiate those allegations.

Hon. Olanya said that I did not mention the dates. I mentioned the dates as 26th to 27th February. The meeting will be in Nairobi and the issues we are going to talk about are non-tariff barriers in export of poultry products, sugar and dairy products to Kenya. I mentioned that in my statement.

Another issue I mentioned is that there were allegations that Lato had issues with its milk and a verification team comprising of KNBS and UNBS moved around together to verify whether Lato had any issues with quality. The fact is, other dairy products are allowed entry into Kenya and I can give you a list. Unfortunately, I have not come with it today but I can give you the list of the other companies that are enjoying that.

Another issue was on EAC. I will pray, Madam Speaker, that you allow the Minister of State for EAC Affairs to clarify on some of the issues under EAC, especially harassment of drivers, the East African Community protocol and other issues.

I rest my case, Madam Speaker. Thank you very much.

**THE SPEAKER:** It seems the Minister of State for Water and Environment had something to say.

**MR NAMBESHE:** Madam Speaker, she has requested me to substantiate the claims I made in my submission.

**THE SPEAKER:** Okay, quickly.

**MR NAMBESHE:** I would like to substantiate respectfully, honourable minister, though – *(Interruption)­* – Which evidence? Isn’t it common knowledge that the President of the Republic of Uganda is the biggest supplier of raw milk to Kenya through Brookside?

My take was about the selective treatment by Kenya regarding allowing other dairy companies in Uganda to supply, because they are over 30. I suppose you cannot dispute that. We have over 30 dairy companies in Uganda. They are all supplying to the Kenyan market, except Pearl Dairy, which produces Lato Milk.

The truth of the matter is that you do not need rocket science to know that the President of the Republic is also a dealer in milk. By the way, he is the largest supplier of raw milk to Kenya. I think I will come with statistics next time. He has been confessing to this. *(Interjections)* Your intimidating response to me cannot cajole me on this one. I still insist.

**THE SPEAKER:** Honourable members, I think we are interested in the full information. Hon. Nambeshe should arrange to table what he is saying here - the details of those exports. We are interested in them.

4.33

**THE MINISTER OF STATE FOR EAST AFRICAN COMMUNITY AFFAIRS (Mr Julius Maganda):** Thank you very much, Madam Speaker. I would like to thank my senior minister, the Minister of Trade, Industry and Cooperatives, for the response on the statement she has made concerning dairy exports to Kenya.

There has been a delay in our follow up on this particular issue. Madam Speaker, it was not an issue that could be handled by one country; it was on a bilateral level. As she has said, we seem to be concluding it between 25th and 27th of February. This is coming along with the summit of the heads of state, which is likely to take place around the same time.

This particular engagement is the last one we are going to have on issues concerning dairy export to Kenya. After that, we may now take some measures, if we fail to agree. We have also been guided by the Attorney-General, first of all, to report the matter to the East African Business Council as an area for arbitration. The next level will be the East African Court of Justice; that is if we fail to agree on how to proceed between 25 and 27 February. We shall still come back here and report on the outcome of the meeting, which is likely to take place around the same time.

On the standards, the East African Community operates under the East African Bureau of Standards. Uganda has not implemented some protocols but I am happy that the Ministry of Trade, Industry and Cooperatives already has a Bill on the Floor, which is supposed to put the Ugandan perspective into full operation, so that all the goods that we produce from Uganda across East Africa and even other nations will not be contested on value and quality.

This is one of the Bills that I believe should be fast tracked by Parliament so that all these other issues arising, with the claim of poor quality, will definitely be addressed. We shall now be full participants in the East African Bureau of Standards, where we are a member but we have one of the laws, which has not come into force. The law is already before Parliament to be later passed into an Act.

On the issue of restriction on certain commodities, I think the Minister of State for Agriculture, Animal Industry and Fisheries was clear. There is some bit of politics and Members, we need to agree on this. You may not want to hear what the ministers tell you but we also get challenges when we are engaging in these meetings. There are some bigger forces, which also work and try to create an environment that is hard for the bilateral agreements to take place.

The fact remains that the cost of production from and in Uganda is very cheap within the region. While we are trading with Kenya, especially on dairy, they do zero grazing. Over 90 per cent of their dairy is through zero grazing, which is very expensive. As Uganda, I could say that over 90 per cent of our dairy is through free range, which is very cheap. When we go into the market, on the aspect of competition, we throw out the Kenyans. Therefore, they are also trying to use some avenues to fail us in exporting milk to Kenya. This is the truth and we have to agree with it.

That is why we engaged them at bilateral level. We are not going to force but engage. The good thing is, we are also not only basing our effort on the market from Kenya. We have identified other markets outside Kenya. In fact, we are now exporting to America and other countries. We believe we should encourage our country, Uganda, to produce on a higher scale as we continue engaging within the region but also trying to identify other markets outside Uganda.

Regarding the allegation by hon. Nambeshe, it is false. I would like to say that our President is the biggest promoter on investment within Africa. He has attracted so many investors, he is a farmer and he is free to do business within Uganda. He does not deal in aspects of exporting dairy anywhere. The most important thing is to appreciate that he is a farmer and he encourages farming within the region and in Uganda.

He has been able to attract a Kenyan company into Uganda to buy our milk; that is one level that we should appreciate other than creating an allegation that he is directly a member or even a partner in that company.

At a certain time, probably I would have wished that hon. Nambeshe would have withdrawn this statement to allow the President to freely encourage investment within Uganda.

Concerning restriction on Ugandan trucks into Kenya or in the region, this is something new which is just coming on board. I will ask hon. Ssenyonga to clarify on it so that we take it up. There is a protocol and proper provisions on how our trucks enter into Kenya and how Kenya trucks enter into Uganda; the provisions on how we manage transit and even the charges per kilometres covered by a foreign truck within another country.

Therefore, aspects of where we create an environment of restriction should not emerge here as much as that truck has paid what we call the road users charges. This is a new phenomenon and I am getting it from this Floor and I will be able to engage with hon. Ssenyonga so that we get proper information to engage our counterparts the other side.

Finally, Madam Speaker, concerning the motorcycles as raised by hon. Angura, yes, I am aware that there have been a directive from Ministry of Finance, Planning and Economic Development to impound foreign number plates, vehicles or units which are driving using foreign number plates. That is not only on motorcycles but also on vehicles.

There are some of these vehicles which have exhausted their period on which they should use the number plates or even the period on which they have applied. However, the good news is that if somebody has bought a vehicle which possesses a foreign number, there is a procedure to follow - by going to Uganda Revenue Authority and they will advise you on how you can register that vehicle in Uganda here; even if it is a motorcycle. If it is a motorcycle that came from probably China, paid taxes in Kenya; we have protocols that guide on how to have this addressed by URA. We run under the common external tariff but also we have the common tariff that now harmonises on the way taxes are supposed to be treated within the region especially, if those goods have paid taxes within the region. They are now assumed to be goods originating from within East Africa. They do not pay taxes again. They may have a very small amount of money for maybe VAT or withholding tax that they pay and then the vehicle or motorcycle is registered.

This is something I believe that we are going to engage with the Ministry of Finance, Planning and Economic Development and we come back and have to explain it to the public so that they can know how these impounded motorcycles can be returned to the owners after a collection of a small charge. I thank you, very much.

4.42

**THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (ENVIRONMENT) (Ms Beatrice Anywar):** Thank you, Madam Speaker. Listening from the colleagues’ submissions, I would like to say that in 2019, a similar issue was raised in Parliament and there was an outcry where the products from our farmers like maize, simsim and the like had dropped prices.

It was raised in this House where buyers from our neighbouring countries especially Kenya travelled up into the villages to go and buy, for example, maize, cassava and simsim from the farmers gardens and they were the ones determining what price to give to our farmers.

By then, when it was raised, you allowed me to raise a motion so that this House can see how we can protect our farmers from manipulation; because if a foreigner is going with money up to the village, our farmers are not able to resist the price offered.

Since then, that motion has never taken off and new developments came in. My prayer is that probably you would redirect that motion and have it tabled here for the *Hansard* so that our farmers are protected. I beg to submit.

**THE SPEAKER:** Honourable members, if there is anyone interested in pushing that motion, I will give time on the Order Paper. Anyone who is willing to pick up from hon. Anywar?

4.44

**MR PAUL MWIRU (FDC, Jinja Municipality East, Jinja)**: Thank you So much, Madam speaker. I benefited from the submission of hon. Nambeshe and the minister. We all seem to be on the same page because I am happy that the President has got market for his products and, therefore, that is a very good thing.

What hon. Nambeshe is saying is that since he is the head of state and the President, he should be looking towards helping other farmers to get the market. I appreciate that our President is very industrious; one time he carried a bunch of matooke that he was going to look for market. He should exceed that; there should be a bigger body which should be looking at other players in the field. Therefore, the market is there. I thought that I should underscore that point so that it is understood.

However, we are not against the President selling the milk in Kenya. If he does, even the pressures on our national treasury will be reduced. I would like to underscore so that the minister does not take a defensive approach but we just have a discussion, so that as the President is going he thinks about other players in the field. I thank you.

4.45

**MR WILFRED NIWAGABA (Independent, Ndorwa County East, Kabale):** Thank you, Madam Speaker. The Minister of State for East African Community Affairs has concentrated on the market in Kenya. However, Ugandans especially us who come from the border with Rwanda have had no business with Rwanda for the last two to three years; no business, no movement of people, those who manage to cross to Rwanda are arrested and never seen again. What exactly are you doing as the ministry to resolve the issue between Uganda and Rwanda so that normal business commences?

If you have failed politically, have you thought ways of using the institutions of East African Community to resolve this matter? I thank you.

4.46

**MR MAURICE KIBALYA (NRM, Bugabula County South, Kamuli):** Thank you, Madam Speaker. Mine is a simple clarification I am seeking from the Minister of East African Community Affairs. Market is the deepest cancer that is killing the farmers and producers in Uganda. Now that we have the hope, as the minister has stated that there is a summit which is going to sit, I would like to find out from the minister whether the summit is only going to address milk producers or it is equally going to look at other areas, farmers and producers that are suffering.

Madam Speaker, we have the opportunity and chance that our President is the one that wishes to be the president of East Africa. Therefore, we need to see from the market that we need, whether when he becomes the President of East Africa, things will be better.

4.47

**MR JAMES KAKOOZA (Independent, Kabula County, Lyantonde):** Thank you, Madam Speaker. We request the Minister of Foreign Affairs, the minister in charge of trade and the council of ministers of finance to get interested in this matter.

In business, you must be shrewd to have an advantage. When you talk of dairy production and sat that we do it at a cheaper rate than Kenya, that could be our advantage. When we import goods and they pass through the port of Mombasa, we pay expensively. What is our weapon within the East African Common Market? We know that we are partner states and have made agreements to abide to that arrangement. However, why do we become vulnerable and not shrewd when the other people take advantage of us? We should be shrewd. Our negotiations should be done with an interest over the other.

Hon. Muyanja talked about the restriction of lorries. We agreed that any lorry that passes through partner states has to pay 1.5 per cent for infrastructure development. If I leave Kenya for Uganda, that percentage is paid but when I am importing goods, why do you restrict me by taking goods when I pay for them upfront?

I think the honourable ministers should get interested and become shrewd. The other countries beat us because they are shrewd and have an upper hand in negotiations. Our weapon is producing milk at a cheaper price and they have a port that can compensate them. If the dairy products are expensive, they should also take on investments where they can produce cheaply *–(Interruption)*

**MR AOGON:** Madam Speaker, I would like to thank my colleague, for giving way. I have seen trucks coming from Kenya to look for watermelon in Kumi, which is an advantage. However, look at a situation where somebody in the village has to look out for the market and nobody is coming to buy their watermelon. When somebody follows you with a truck up to your village, is it a disadvantage or an advantage? It is up to you to decide to either sell or not.

I think it helps to bring out the element of competition between buyers in Uganda and those coming from Kenya. That is the information I would like to offer you because sometimes it becomes an advantage. Thank you.

**MR JAMES KAKOOZA:** To conclude my point, Madam Speaker, I think we should not only look at one product. Look at the sugar situation and the way Kenya has been treating us. Today, for example, they say they will import 100 tonnes and tomorrow they say they are not taking it, yet we have a surplus and have invested a lot.

In the National Planning Authority and the National Development Plan III (NDP III), Government is investing in core projects like sugar factories where they bought shares because our target is the partner states. These are bilateral agreements we agreed upon. How come after investing a lot in those products, they turn around and say they are not taking them?

There is a bit of interest and shrewdness that we have to employ. As a country, we also have to take a position with partner states that benefits us rather than keeping quiet and treating the matter like a simple one. Government invests a lot of money in these core projects, to enable our economy grow but when it comes to the market, then we back down.

Ministers that sit on the EAC Council of Ministers of Finance and Trade, please, get interested and put your feet down. You need to say that this is a partner state which we want to benefit from. Thank you, Madam Speaker.

**THE SPEAKER:** Honourable members, we have been told that there will be a summit of the heads of state. We have also been told that the Council of Ministers will meet in bilateral meetings. However, I would like to encourage the people of Uganda to get involved through the EAC Treaty. It is possible for citizens to take a partner state to court.

I would like to read Article 30 of the EAC Treaty. It provides as follows: *“…any person who is resident in a Partner State may refer for determination by the Court, the legality of any Act, regulation, directive, decision or action of a Partner State or an institution of the Community on the grounds that such Acts, regulation, directive, decision or action is unlawful or is an infringement of the provisions of the Treaty.”*

Clearly, the non-tariff barriers imposed by the Government of Kenya are an infringement on the Treaty. Therefore, I would like to encourage the citizens to go beyond Government and go to the East African Court of Justice. Thank you.

MINISTERIAL STATEMENT ON IRREGULARITIES AND INCONSISTENCIES IN PAYMENT OF ALLOWANCES TO POLICE CONSTABLES WHO RENDERED SECURITY SERVICES DURING ELECTORAL EXERCISES IN THE VARIOUS PARTS OF THE COUNTRY

4.53

**THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS (Prof. Ephraim Kamuntu):** Madam Speaker, I am making this statement in response to the concerns raised on the Floor of this House on 2 February 2021 by hon. Michael Kamugisha Timuzigu over the alleged irregularities and inconsistencies in the payment of allowances to police constables who rendered security services during the electoral process.

I promised the House that I would consult and come back to report. I have consulted with the relevant bodies, including the Electoral Commission, and I now wish to respond as follows:

The Electoral Commission processed and released funds for activities of the general elections of 2021 to returning officers of each city and each district with instructions to pay temporary election officials after every round of elections - presidential and parliamentary, city and district, local government councils, municipalities, city division councils, and finally subcounties, town councils, municipal division council elections.

In preparation for the general elections, the Electoral Commission provided for recruitment and deployment of a police constable in charge of maintaining order at each polling station. They also provided another constable for enforcing standard operating procedures at each polling station. These are two categories.

The Electoral Commission provided for payment of Shs 40,000 per round of elections to each polling constable in charge of maintaining order. The Electoral Commission further provided for payment of Shs 30,000 only per round of elections to the polling constable in charge of enforcing standard operating procedures at every polling station. The standard operating procedures were put in place to prevent and combat the spread of COVID-19 during the conduction of elections.

The Electoral Commission released funds totalling to approximately Shs 8 billion towards payment of the above temporary election officials. Now, the disparity between the amounts payable to the polling constables of Shs 40,000 to the constable in charge of keeping order and Shs 30,000 to the constable in charge of standard operating procedures is because the constable for standard operating procedures was a new category introduced to the polling station structures.

The allowance rates for each constable were very clear and the difference could not constitute an irregularity as it has been alleged. Furthermore, there is no inconstancy in the amount being paid to the respective category of election officials as their rates wereclearly stated in their letters of appointment.

Madam Speaker, I wish to confirm to the House that the Electoral Commission released all the money required to pay all our temporary election officials. These include polling constables, who were appointed in writing and deployed to each polling station.

The Electoral Commission further issued a circular to all city and district returning officers, instructing them to ensure that all temporary election officials were paid as per the rates indicated in their respective letters of appointment and in accordance with the terms of employment.

This position was communicated to the general public and stakeholders in the electoral process through public announcements and press notices - I am sure some members in this House must have heard of this.

It is also true, Madam Speaker, that it has come to our notice that there were some delays in some parts of the country to make payments to police constable, especially those who were drawn from outposts.

Given the tight demands of the general elections schedule, the returning officers were not able to make the required arrangements to travel to these stations to pay these constables directly and promptly.

However, now that elections are concluded, the necessary arrangements will be made to pay every constable right from their posts.

The Electoral Commission has assured me, and I have no cause to doubt them, that they will settle the delayed payments within a period of 14 working days from today, 10 February 2021, and also handle any specific cases where there have been unnecessary delays to pay the appointed officers.

In conclusion, I would like to thank you, Madam Speaker and hon. Michael Timuzigu, Member of Parliament for Kajara – my neighbouring county – for raising these concerns and I hope this statement provides satisfactory response.

**THE SPEAKER:** Do you have any supplementary question, hon. Timuzigu?

5.01

**MR MICHAEL TIMUZIGU (NRM, Kajara County, Ntungamo):** Thank you, Madam Speaker. I take this opportunity to thank the minister for bringing this response. I am happy that the minister knows that there were inconsistencies and irregularities.

I would like to inform this House and the minister that it is not true that those police constables, who were supposed to maintain standard operating procedures, worked. They were demobilised and not paid. They only paid Shs 30,000 to those who were maintaining order at the polling stations in my district of Ntungamo.

Therefore, those people who maintained order are the ones who got Shs 30,000 twice for the election of local government chairperson and councilors and those for lower local councils. As for the presidential and Members of Parliament, they were not paid at all and only one person was paid. Therefore, it is not true that in Ntungamo, and maybe other districts, all police constables were paid *–(Interjections)-* I will give you, my sister.

Secondly, there was another problem of lack of appointment letters. Those people did not know how much they were working for and for how many months. When they were being paid in Ntungamo, they called me and I stood there. Instead of them being paid through their accounts, they were paid in cash. It should be noted that in the process, some police constables were fired. Therefore, we do not know where that money went because it was delivered by hand. If they had used their accounts, those people would access their money.

Madam Speaker, I request the minister to tell us why those people were paid in cash and not through their bank accounts.

Secondly, on the information that all police constables worked, the minister needs to go there and crosscheck, most especially in my district where I have evidence that only one police constable worked.

I pray that the minister also gives us information on how many months they were supposed to work, and put this information on radios stations so that these police constables know how much they were supposed to get from the leaders who paid them –

**THE SPEAKER:** Honourable member, the matter is getting broader. When you first came, you said people had not been paid and the minister has said that, in a fortnight, all those who had not been paid will be paid. You are now saying that you want to know for how many months they were going to be employed and who was going to issue the letters of appointment. That is not a supplementary, please.

**MR TIMUZIGU:** Madam Speaker, when I brought this matter, elections were still going on. When I reached there, more information came. When they saw me raising this issue, they brought the details. I seek your indulgence, Madam Speaker.

**THE SPEAKER:** Can you write a formal question with all those things that you want answered?

**MR TIMUZIGU:** Thank you.

**THE SPEAKER:** Let us go to the next item.

MINISTERIAL STATEMENT ON THE LEGALITY, STRUCTURE, COMPOSITION AND OPERATION OF THE MINERAL POLICE PROTECTION UNIT IN THE COUNTRY

**THE SPEAKER:** Minister of Internal Affairs? He is not here. Okay, can we invite the Minister of Water and Environment to respond to the issue of hon. Musana? Sorry, there was another statement. We had amended the Order Paper. Let us have that quick response from the Minister of Water and Environment and then the Minister of Gender, Labour and Social Development will come.

5.06

**THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (ENVIRONMENT) (Ms Beatrice Anywar):** Thank you, Madam Speaker, for giving me this opportunity to respond to a query, which was raised yesterday by a colleague. I found the issue pertinent and I worked around the clock. We are happy today to respond to this query, which was raised by hon. Eric Musana, Member of Parliament for Buyaga County East, yesterday.

I respond as follows:

The issue was about the stalled construction of Kagadi Town water system. Construction of Kagadi Water System Supply, which is funded by the African Development Bank, has never stalled, except that during the period of COVID-19, it had to slow down. It is unfortunate also to report that the contractors, M/s Samcrete Egypt Engineers and Contractors Limited are executing these construction works at a very slow pace.

Kagadi Water Supply System was designed to supply water to the town councils of Kagadi, Muhoro, Kyenzigye and Rutete Town Board. It was designed to serve a projected population of 150,000 people and currently, it has been extended to 130 villages.

The construction works were contracted out to M/s Samcrete Egypt Engineers and Contractors Ltd at a total cost of Shs 22.8 billion, including taxes. Construction works were to commence in November 2019. Unfortunately, the actual commencement was not realised until May 2020 because of issues related to mobilisation from Egypt.

The overall progress of the construction works to date stands at 89 per cent completion as detailed below:

Kagadi and Kyenzigye Town Councils

1. Reconstruction work of the three pump stations in the villages of Mambuku, Kyenjaju and Kijanjaizi have progressed to the stage of applying final finishes;
2. Construction of most of the water treatment unit at the water treatment plant in Kyenjaju has been completed except the area that is still under construction;
3. Installation of pipe fittings is also outstanding;
4. Construction of two reservoirs of the capacity of 600 cubit millimetres in Kagadi and 200 cubic millimetres in Nyamacumu Village is in the final stages;
5. Construction of 6.4 kilometres of transmission pipelines and 82 kilometres of distribution pipelines has been completed pending installation of fittings and construction of related chambers;
6. Construction of the water office and public toilet have been completed. The contractor has commenced on the preliminary testing of the infrastructure in Mambuku and Nyamacumu. Water has been pumped into that part of the water system awaiting testing.
7. The construction of the pump station at Rwiswiga has progressed to the stage of applying final finishing but the one at Kyerusa has remained inaccessible due to land issues.
8. Construction of a 300 cubic millimetre reservoir tank has been completed;
9. External works of painting and ground levelling and planting of grass are on-going;
10. Construction of three kilometres of transmission pipeline and 19.8km of distribution pipelines have been completed awaiting installation of fittings;
11. Construction of the water office and public toilet have also been completed.

Ruteete Town Board

* Construction of one pump station progressed to the stage of applying finishes on the pump house;
* Installation of electro mechanicals is outstanding;
* Construction of 100 cubic millimetre tank has been completed and site work of fencing and grassing are ongoing;
* Construction of two kilometres of transmission pipe and 4.3 kilometres of distribution pipe have been completed and await installation of fittings;
* Construction of one water office and one public toilet is already completed;
* The contractor has now embarked on connecting the households to the water supply system. A total of 1000 scattered consumer connections are to be implemented under this contract.

The works on Kagadi piped water system have not gone on without challenges. These are some of the challenges we encountered:

1. Slow performance of the contractor, M/s Samcrete Egypt Engineers and Contractors Ltd.

2. Lack of an official road along the pipe route to the reservoir site in Kagadi Town Council. Land owners are still refusing construction of the pipes through their land.

3. Land issues at Karusa Pump Station are taking long to be resolved because of ownership wrangles.

4. Damages to the already installed pipes by the ongoing road works.

With these, Madam Speaker, the work of the water works have been progressing. These are the few things that my colleague, who raised the issue as the area Member of Parliament, should note.

We shall have to combine efforts and resolve the outstanding issues so that the project is completed to 100 per cent. I beg to submit.

5.15

**MR ERIC MUSANA (NRM, Buyaga East County, Kagadi):** Thank you, Madam Speaker. I would like to thank the minister for giving some answers and appreciating that the project is moving at a slow pace. That was my core question.

Madam Speaker, my question was: Why are we moving very slowly yet the Government has injected over Shs 22.8 billion into this project? The project is behind schedule, for a year. The question is: Why is the Government very slow when it comes to rendering services to our people?

The minister has accepted that there are several challenges within the project. Therefore, I pray that the minister interests herself in coming to Kagadi so that she can understand what is on ground.

What are we looking at? The trenches that have been dug in those areas we are reading about in Kyenzige, Ruteete, Kagadi, Mambugu and other areas are not fully filled up, and people are now complaining. The pipes too are not filled up, so we now have those challenges.

The other issue is about land. The issue has been left to the local government, yet the local governments do not have money. Those several questions are still there. I only pray, Madam Speaker, that the honourable minister interests himself to go on ground and understand what is actually happening. I thank you.

**THE SPEAKER:** Thank you. Minister, please go and ensure that the service delivery is properly handled. Thank you. Let us have next item.

BILLS

COMMITTEE STAGE

THE NATIONAL SOCIAL SECURITY FUND (AMENDMENT) BILL, 2019

**THE SPEAKER:** I saw the minister. Can I see our chairperson? Yes, honourable minister?

5.18

**THE MINISTER OF STATE FOR GENDER, LABOUR AND SOCIAL DEVELOPMENT (LABOUR) (Mr Mwesigwa Rukutana):** Madam Speaker, we are ready to proceed but I do not see the chairperson or deputy chairperson.

**THE SPEAKER:** Is there a member of the committee in the House?

**MR KIBALYA:** Madam Speaker, the chairperson talked to me and said she had sent a request that since the chairperson and vice chairperson are both away, they request that the debate on that report be deferred to another day.

**THE SPEAKER:** That committee has got – It is not a report of the chairperson or vice chairperson; it is a report of the committee. Are there no members on that committee here? The lead committee is the Committee on Gender, Labour and Social Development.

Are they able to come tomorrow for those who are in touch with them? Where is hon. Ndeezi? Where is hon. Kunihira?

**MR RUKUTANA:** Madam Speaker, I really do not know the whereabouts of the chairperson or the deputy chairperson. As you remember, this Bill is for second reading. Almost all clauses were covered; we had remained with only two and as I said, we were prepared to proceed.

**THE SPEAKER:** I think the House is a bit handicapped. We shall reflect the matter on the Order Paper again tomorrow. If the chairperson and vice chairperson do not come, I will now look to the Committee on Finance, Planning and Economic Development and get hon. Musasizi to move the remaining clauses.

BILLS

 SECOND READING

THE CONSTITUTION (AMENDMENT) BILL, 2019

**THE SPEAKER:** Honourable members, before we go to the Bill, yesterday, a matter was raised by the Leader of the Opposition. This was after the chairperson of the Committee on Legal land Parliamentary Affairs had presented the report for second reading on the Constitution (Amendment) Bill, 2019.

The Leader of the Opposition, hon. Betty Aol, raised a procedural question as to whether the House can debate the Constitution (Amendment) Bill, 2019, given the reduced number of Members of Parliament, arising from my guidance of 8 April 2020 regarding the observance of the COVID-19 Standard Operating Procedures, that only a maximum of 100 Members of Parliament can be allowed to sit in the Parliament Chamber, at any one given time.

The issue for determination is whether the House can debate the Constitution (Amendment) Bill, 2019, in light of the reduced number of Members of Parliament who can sit in Parliament. Honourable members, the quorum of Parliament is prescribed in the Constitution of the Republic of Uganda, 1995 and the Rules of Procedure of Parliament.

On Bills amending the Constitution, Article 260 of the Constitution directs on quorum and requires that:

1. A Bill for an Act of Parliament to amend any provision of the Constitution, other than those referred to in Articles 260 and 261 of this Constitution, shall not be taken as passed, unless sittings are supported at the second and third readings by the votes of not less than two-thirds of all Members of Parliament.

Honourable members, my finding is that the question of quorum arises when a question has been put for the motion to be carried for the second and third reading of the Bill. It does not apply to the general debate on the Bill.

Therefore, as far as I am concerned, we can debate the Bill. It is only when we have to vote that we shall require the two- thirds quorum, so we can proceed. I also would like to say that because of the importance of this proposal, I will give as much time as possible to members to speak to the Bill and the report.

Thank you. That is my ruling.

Members, you heard the minister moved the second reading. You heard the report.

**MR SSEWUNGU:** As you have addressed yourself to the Constitution, some of us are not members of the committee. These days, our iPads do not receive reports. We do not have copies and our debate will be very difficult.

I do not know whether you will provide for us some hard copies as you have always done. Debating without copies is very difficult for some of us who are not members of the committee.

Since you have opened up the debate for enough time for every member, we have to look at different articles that have been talked about, so that we give an informed position that will determine the voting process, and also to reach a rightful decision.

I do not know how you are going to help us, Madam Speaker.

**THE SPEAKER:** What has happened to your iPad?

**MR SSEWUNGU:** They do not receive – Mine is not functioning. I do not know whether other members’ IPads work. We do not have anything these days. We had kept quiet because of closure of the internet. We said our Parliament is also a victim of the same, but we do not have anything. Sometimes, we do not get the Order Paper. I do not know how you are going to help us, so that we get at least hard copies for this particular one.

**THE SPEAKER:** I thought the internet is back, isn’t it? By the way, where is the Minister of ICT and National Guidance? I have never seen them since we resumed the House.

**MR SSEWUNGU:** The minister has allowed only internet minus Facebook. They are also giving it in staggering form; that is how they are opening social media and others. However, when we talk about our iPads, they cannot. Even if you go to VPN – as some institutions and ministers have done – still, it does not work.

So, we should get hard copies tomorrow; then you open the debate for us to deliberate, Madam Speaker.

**MS AMONGIN:** Thank you, Madam Speaker. Mine is a procedural matter. We are aware that what we are meant to discuss is a Bill and it is a constitutional amendment, which is very imperative to all of us and to the interest of all of us here and the country.

You are aware that we have just come back from electioneering and most people are not privy to this document. And also, we have been in an internet lockdown. In any case, some people were using VPN and obviously, if we were to take people to cells – like the Minister of ICT had indicated that if you are using VPN - then all of you were potential prisoners.

All of us, including those seated here would go in, meaning that apparently, the only format where we used to get the communication would be through our iPads yet this Bill is of interest to all of us.

I would like to raise a procedural matter through you, Madam Speaker. Wouldn’t it be very right for us to stay this debate? Let members be privy to what is in this report and then we open the debate to the House, so that we can effectively debate on this Bill, because it is in regard to the constitutional amendment.

**THE SPEAKER:** Honourable members, I think that it is important for members to get properly informed. However, I have also been told that some iPads are working. In case there are some members who have challenges with their iPads -with their iPads, please take them to the ICT department to assist you, then we shall arrange for a debate when we are certain that Members have been able to access the documents. Therefore, we defer the debate to Tuesday next week.

**MR KIBALYA:** Madam Speaker, is it possible to use this chance, given the challenges we are facing since social media was switched off, for the Minister of ICT to come and tell the public when he is intending to reopen? Otherwise, it is until further notice or the next elections in 2026 when we shall have it.

**MR SSEWUNGU:** Madam Speaker, I do not know what method you are going to use but you have all the powers. Most of these Members were in the village asking for votes, crying to come back here and now the chairs are empty. Some of them are along the road and we are handling crucial issues and you are paying us, by the way. We are getting all the emoluments and everything.

I do not know what method you are going to use to make these Members know that they are supposed to be here; whether they made it or not, they have to conclude their term. They are there, they were fighting, stoning each other *–(Interjection)* Yes, we have to be serious, honourable members; these Members who do not want to attend Parliament while it is in session are not fair *–(Interruption)*

**MS AMONGIN:** Madam Speaker, of course, I respect hon. Ssewungu. However, I do not think it is right for him to insinuate that Members who did not make it to this House are crying in the streets. It is very unparliamentary because those who stood for elections went with confidence and we know that in any election, there is a winner and loser.

As far as I am concerned, I know that Members of this House are full Members until May. Therefore, while the statement that you made is right, is honourable Ssewungu in order to insinuate that the honourable members who did not make it to the next House, that is, the Eleventh Parliament, are busy crying in the streets when I am one of those Members and I am ably here in this House?

Are you in order to insinuate this, not knowing that the former losers can be future winners? Are you in order, hon. Ssewungu?

**THE SPEAKER:** Honourable members, he is out of order because in this House, I can see Members who did not make it but do diligently attend to their duties. However, I would like to remind you, honourable members, that the Tenth Parliament expires in May 2021. Therefore, you are required to be here to do the work.

**MR SSEWUNGU:** Madam Speaker, let me correct the record. That is not what I said -

**THE SPEAKER:** I have ruled on that already.

**MR SSEWUNGU:** Yes but she has accused me. I did not say that some people are crying. I said that there are some Members, both those who made it and never made, that should be here but you find some Members on the streets and not attending Parliament.

**THE SPEAKER:** I have already ruled that all Members of the Tenth Parliament must return to work.

BILLS

SECOND READING

THE ACCREDITATION FOR CONFORMITY ASSESSMENT BILL, 2018

**THE SPEAKER:** Honourable members, yesterday, the motion for second reading was done, the report was presented and now it is for debate.

5.31

**MR ROBERT KASULE (NRM, Nansana Municipality, Wakiso):** Madam Chairperson, I just wanted to say that this Bill is very technical. Maybe we could be allowed to go to the committee stage and we process the Bill as we understand it. The debate is very technical and will be better suited when we look at the clauses and we see how to manage it.

**THE SPEAKER:** Yes, but I cannot just go to that. I must ask the Members whether they have comments on the Bill. Does anyone have comments on the Bill? Are there Members with comments on the Bill?

Honourable members, in the absence of those who are willing to contribute, I put the question that the Accreditation for conformity Assessment Bill 2018 be read for the second time.

*(Question put and agreed to.)*

BILLS

COMMITTEE STAGE

THE ACCREDITATION FOR CONFORMITY BILL, 2018

Clause 1

**MR KASULE:** Madam Chairperson, the committee proposes to amend the title but that will come later.

**THE CHAIRPERSON:** The title is the last. Clause 1 is about the purpose of the Act. If there are no changes, I put the question that clause 1 do stand part of the Bill?

*(Question put and agreed to.)*

*Clause 1, agreed to.*

*Clause 3, agreed to.*

Clause 4

**MR KASULE:** Madam Chairperson, the committee proposes to amend clause 4 - those are the functions of the Uganda National Accreditation Services.

The proposal is to amend clause 4 as follows:

1. In sub-clause (1) (a) by inserting immediately after subparagraph (vii) the following:

“(vii) environmental health bodies;

(viii) seed testing bodies;

(ix) management system certification bodies; and

(x) personnel certification bodies.”

2. In sub-paragraph (vi), delete the word “medical”.

3. Amend by substituting for paragraph (b) the following: “to accredit conformity assessment bodies and persons.”

4. Amend by adding the following paragraphs immediately after paragraph (a) to provide as follows –

“(b) to promote accreditation in Uganda;

(c) to assess conformity assessment bodies for competence and compliance with the provision of this Act;

(d) to compel an accredited body or person to take appropriate action related to their conformity assessments;

(e) to establish and maintain a register for all accredited bodies and persons;

(f) to design and issue accreditation certificates to accredited bodies and persons; and

(g) to act as a national arbitrator in case of contradicting results.

Justification

To widen the scope of the functions offered by the service in order to empower it to manage the sector efficiently and effectively.

**THE CHAIRPERSON:** Honourable chairperson, I would like to know, when you remove the word “medical” do we leave the laboratories? If you remove the word “medical” does the word “laboratories” remain there? This is because it was “medical laboratories.”

**MR KASULE:** It remains as “laboratories” because we do not segregate between medical and other laboratories that do other tests.

**THE CHAIRPERSON:** In paragraph (a) you are proposing to add “Promote arbitration and access conformity....” Are they substituting what is here or you are adding other things?

**MR KASULE:** Pardon, Madam Chairperson.

**THE CHAIRPERSON:** Clause 4 which is certification reads as follows:

“Adding the following paragraphs immediately after paragraph (a) to provide as follows: b, c, d, e, f and g.” How do they relate to the b, c, d, e, f, g that are here?

**MR KASULE:** The ones that are there are in addition to the ones we are creating. I think it is a matter of rearranging them, but we are just adding functions to it.

**THE CHAIRPERSON:** I think instead of you numbering them, you should say, “we introduce the following functions” and then the legal officer will complete the numbering, because they are similar.

Let us say you are introducing the following, and then the Clerk will sequentially include them among the functions and they will be numbered, but not through your submission.

**MR KASULE:** Madam Chairperson, I agree with you. The renumbering is erroneous but the functions have been added.

**THE CHAIRPERSON:** Okay. Honourable members, I put the question that clause 4 be amended as proposed.

*(Question put and agreed to.)*

*Clause 4, as amended, agreed to.*

Clause 5

**MR KASULE:** The board of Uganda National Accreditation Service in Clause 5 is amended by:

1. inserting a new paragraph immediately after paragraph (c) to provide for the “permanent secretary of the Ministry of Works and Transport”.
2. In paragraph (f) by adding the word “organisations” immediately after “consumer.”
3. In paragraph (g) by deleting the repeated words “Uganda National Accreditation” and substituting them with the words “have no right to vote” and the words “to be an ex-officio member.”

We are removing the words “have no right to vote” and replacing them with the words “be an ex-officio member.” The words “no right to vote” is inappropriate, so the committee thought it has to be “be an ex-officio member.”

Justification

1. It is important that the Ministry of Works and Transport is represented on the board due to the big number of construction equipment that has to be accredited.
2. Providing for a representative of consumers is ambiguous. However, adding the word “organisations” provides “clarity” because we do not just want a consumer but we want people from the consumer organisations.
3. Then, it is not the practise in Uganda for Cabinet to approve members of a board.

**THE CHAIRPERSON:** Honourable chairperson, under paragraph (g), you know “ex-officio” means that you are there by virtue of your office; so if you remove the “shall have no right to vote”, it means that person will actually vote.

**MR KASULE:** When you put “ex-officio member”, doesn’t this suffice that somebody is –

**THE CHAIRPERSON:** It means you are there by virtue of office. That is why the word “officio” is there; that you are there because of your office.

**MR KASULE:** I think we can leave it. We can stay the statement in the Bill which says, “The Executive Director of the Uganda National Accreditation System has no right to vote…” I think the MD is the one they are saying should be neutral.

**THE CHAIRPERSON:** Okay, so does that mean that we leave that one as it is but we approve the one of the “organisations” and the “permanent secretary”?

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

**MR NANDALA-MAFABI:** Madam Chairperson, I think we recently agreed that we do not need to establish more bodies; and this, of course, is another body. It looks like we are even burdening it with a number of board members.

I do not know where we dropped the idea of going ahead to establish new authorities; this time, they have changed the name from an authority to a system. This system under clause 3 is a body corporate that will have a seal, which will have movable assets. They have just changed the name from an authority to just a system.

Madam Chairperson, given that, I would like to raise two issues here before I can make the other case:

Have we, as Government, removed the directive we had made that we do not want to create more authorities? Have they now removed the ban? Have they now said that we should go ahead? Why is this one more important? Before I can comment on the board, I would like the minister to help me on that.

Madam Chairperson, if they say it is there, then, board members are supposed to be paid; whether he is a PS or something else, he is supposed to be paid sitting allowance. If you make this too big, again the costs will go high.

Paragraph (g) says “no vote”, but again clause 3 says “the executive director shall be the secretary to the board”. Secretaries to the boards are never voters. This one will contradict with that one that says that the “board members will be appointed by the minister”.

A board member appointed by the board and has no voting right – there is a conflict here that I do not understand.

I request the minister and the chairperson of the committee to assist me on those three issues. If we are going to have an executive director, who is going to be a board member with no voting right - the only issue is that he has no voting right but he will be paid sitting allowance as a board member. The only issue is that he cannot vote.

Secondly, you are saying he should be a board secretary. If he is a board secretary, why again do you make him be a board member without a voting right?

**MR NANDALA-MAFABI:** Mr Chairperson, let me help you. A board sectary is not a board member. Therefore, maybe you appoint him under the law and say that the Executive Director shall be the secretary to the Board. However, if he is the board secretary, his job is to write minutes. So, you cannot again say that the executive director of the system shall have no right to vote.

In short, it says that the board shall consist of the following members, and that goes from (a) to (g). That means, if you put him or her here, he or she is a board member. However, in (3), if you say that he shall be the board secretary, then these would be two conflicting things.

**MR KASULE:** Hon. Nandala-Mafabi, therefore (g) shall be deleted and then it remains as, “The Executive Director shall be the secretary to the Board.”

**MR NANDALA-MAFAFI:** Before we delete, I would like the minister to help us so that we can move on together. When did they remove the ban? Is this a cost and if it is a cost, why should we have a big number of board members?

**MS KYAMBADDE:** Madam Speaker, the importance of this system was to benefit the country and our economy but also be cost effective as far as management of business is concerned. Therefore, Government, through Cabinet, waived this and allowed the system to have a board to be able to implement its role.

**MR NANDALA-MAFABI:** Madam Minister, we are not talking about the board now. Let us start with the system. They said that we are not going to create more boards and authorities. Now, you have changed from board and authority and you are calling it a system. This is no different from an authority or a board.

The reason why they put a ban is because we were creating many authorities and boards, yet there are departments and institutions, which can handle. Now, why this system? Tell us and then we can deal with the board.

**MS KYAMBADDE:** Thank you. First, there are no other systems that can handle accreditation. We have been importing accreditation services from Kenya and South Africa and it has been very expensive. It has cost us. That is why some of our products have issues in these countries because our standards are not accredited.

Therefore, this system is important for us. It is the one, which is supposed to accredit UNBS because it cannot accredit itself. We have to get that service from another country and we have been getting this service from South Africa and Kenya.

**THE CHAIRPERSON**: Can I also draw Members’ attention to the memorandum of the Bill, which indicates the purpose of this Bill. There is no legislation on accreditation in Uganda.

**MS OGWAL**: I would like to seek clarification from the minister. You are trying to give us the justification, which is already in the Bill. I think you need to help us with the name you will give to this system. Are you actually trying to persuade us that you have now lifted the ban because we were not very comfortable with creation of too many commissions, directorates, etc? You can make it a department.

I also wanted to give information to hon. Nandala-Mafabi. When you call the chief executive officer an executive director, it means he or she is already a director on that board. Therefore, to say a director should be a non-voting director creates some problems in corporate governance. Thank you.

**THE CHAIRPERSON:** Honourable members, I believe the chairperson has proposed that an amendment be effected to delete (2)(g) and leave (3), which would cure the issue raised by hon. Ogwal.

**MR KASULE:** Madam Chairperson, just to explain, we have sister organisations in other countries. That is why the committee suggested that we call it a service because it is a service of many laboratories and calibrations. Therefore, it is not to hoodwink Parliament not to call it an authority.

If you can look at the list, which is provided on the abbreviations, on page 2, we have the South African National Accreditation Service, the South African Development Community Accreditation Services, and in Kenya we have Kenya Accreditation Service and others like Turkey call it a service. Therefore, this shall culminate into a regional body at the East African level, which shall be the East African Accreditation Board, which shall govern all our accreditation services in this region. Eventually, we shall report to the African Accreditation Cooperation. Therefore, it is a bottom-up organisation.

Therefore, this is a sister organisation to all those other sister organisations and they have been using the word “service” in their organisations. We need to be consistent with those international organisations.

**MR NANDALA-MAFABI:** Mr Chairperson, what you are trying to talk about are co-operations where you can be a member or not. These are forums like the International Accreditation Forum where you can be a member or not.

Now, if you look at the functions you are putting across, for example a calibration body - A man has a shop at home and is weighing his goods and then UNBS comes and takes the weighing scale to calibrate it. The organisation doing it is UNBS –*(Interruption)*

**MR KASULE:** May I also give you information? The Uganda National Bureau of Standards shall be under this body. The body we are creating is a regulator because we have many accreditation bodies in Uganda. We have UNBS, National Government Laboratories, NARO which is an accreditation body in agriculture. Therefore, this shall be the regulator of all those bodies.

We are getting problems with Kenya on milk because they have an organisation in Kenya, which does that certification. Once you are exporting, you do not need to test again because that body in Kenya has already verified using their sister organisation in Uganda.

Therefore, we need this body and the word they have been using to match other organisations is the word “service”. It has nothing to do with camouflaging not to be called an authority.

**MS AMEEDE:** Thank you, Madam Speaker. I would like the chairperson to clarify. Whether it is a service or an authority, it will not hang up there. It has to be backed by a structure of personnel and functions.

Aware that Government may be trying to restructure and merge some of these authorities and aware that this body is going to be wider and broader than the National Bureau of Standards, and also touching on other sectors, wouldn’t it be proper for the minister to do more consultations before we commit to any form of structure?

Would it be like, in the merger, NBS can be downgraded to a directorate and then this service becomes an authority? Thank you.

**THE CHAIRPERSON:** Honourable members, we shall not legislate in anticipation. There is no proposal for a merger here. When it comes we shall deal with it.

I put the question that sub clause (2) be amended by adding the word “organisations” under (f), and by deleting (g). I put the question that sub clause (2) be amended as proposed.

*(Question put and agreed to.)*

**MR NANDALA-MAFABI:** Please help me understand what we have amended, Madam Chair.

**THE CHAIRPERSON:** We have added “organisations” to the word “consumer". And we have deleted (g).

I put the question that Clause 5 as amended do stand part of the Bill.

*(Question put and agreed to.)*

*Clause 5, as amended, agreed to.*

**MR NANDALA-MAFABI:** Look at sub clause (6). It is saying that a minister shall appoint one of the members of the board to be a chairperson and not the executive director. That is okay but I would like to make an amendment here, to specify who appoints the executive director. We are mentioning the executive director but who will appoint him?

Madam Chair, this Bill is very technical as the chair said. It will need us to understand, otherwise we could make a Bill which will make some institutions irrelevant. We have to be careful.

**MR KASULE:** Madam Chair, we had said in 4 that the members of the board shall be appointed by the minister in consultation with the Public Service Commission and with the approval of Cabinet.

**MR NADALA-MAFABI:** Chair, we have deleted (g). He is no longer a board member. He is just executive director and shall be the secretary to the board. Who will appoint him or her?

**THE CHAIRPERSON:** Hon. Nandala, if you want to help the House, make a proposal. Who do you want to appoint this executive director?

**MR NANDALA-MAFABI:** That is the point I am getting to, Madam Chair. Under Clause 14 where the executive director falls – I want us to understand the sub clause we are passing – “that the executive director shall be appointed by the minister on the recommendation of the board and in consultation with Public Service Commission”.

Now, a few minutes back, we said the minister should be responsible for appointing the board. In short, again, the minister who is appointing the board is the one responsible for the appointment of the executive director. We would like to move an amendment on that, that the executive director shall be appointed by the board.

**MR KASULE:** Hon. Nandala, let us go up to Clause 14 then we shall make an amendment for who appoints the executive director. Here we have said that the members of the board shall be appointed by the minister. When we get to the executive director, we shall find out who appoints him.

**MR NANDALA-MAFABI:** Chairman of the committee, I would like to ask one last question. Are these people going to certify even farmers? For example, right now, they are saying, “organic farmers”. Is this body the one responsible for certification of organic farmers?

**THE CHAIRPERSON:** Is that part of the proposals?

**MR KASULE:** They certify the bodies that are responsible. For example, if NARO is the one responsible for organic farming, then this body only certifies NARO to do that function. And also certifies UNBS.

People have been complaining that sometimes UNBS does not clear their things or collaborate properly. Or when they export goods, they are tested in Kenya again by the other bodies.

Therefore, we are saying that this body is a quality control function. That is why it is hovering over these other certifying bodies.

Clause 6

**MR KASULE:** Madam Chair, we proposed that Clause 6 is amended in paragraph (e) by substituting for the figure (6) the figure (5) and adding (d) after (c).

**THE CHAIRPERSON:** What will it read like finally?

**MR KASULE:** Disqualification from appointment to board; “a person shall not be appointed to the board who has been convicted.”

**THE CHAIRPERSON:** What should the one you are amending say?

**MR KASULE:** Clause 6 is amended in paragraph (e) which “is a public officer except those stated…”. The numbering is the one which was wrong. Instead of (6) to say (5) and adding (d) after (c).

**THE CHAIRPERSON:** You are substituting the number “5” for “6” and adding a “d”

**MR KASULE:** Yes.

**THE CHAIRPERSON:** Honourable members, I put the question that Clause 6 be amended as proposed.

*(Question put and agreed to.)*

*Clause 6, as amended, agreed to.*

Clause 7

**MR KASULE:** It is on remuneration of members of the board. Oh, that is Clause 9, sorry.

**MR NANDALA-MAFABI:** If you read (1), it says, “A member of the board shall hold office for three years and is eligible for reappointment for one further term.

If the PS of ministry of trade, is still the one who is there, he will remain. You cannot tell him to go. The only person who will change there is a representative. I, therefore, wanted to move an amendment for exception of office holders, unless they are representatives. The justification is that if somebody is a Permanent Secretary of the Ministry of Trade, Industry and Cooperatives, they are there by virtue of their office for three years. If after three years he or she is still a PS of the trade ministry, they will remain. The only person who can change is maybe a staff who has been representing the permanent secretary.

So, if you leave it like this, if the PS is the one, it does not cure that situation. It will mean that at the time, the PS must leave, yet this law cannot make the PS leave. That is why I am moving that we make that amendment. I do not know if you are getting me, Madam Chairperson.

**THE CHAIRPERSON:** You know, with the promise that we would remove oral amendments, I cannot see what you are proposing. I do not know whether the minister has seen it; I do not know whether the chairperson has seen it.

**MR KASULE:** I think the chairperson shall not be among the public servants.

**THE CHAIRPERSON:** What hon. Nandala is saying is that this provision may not apply to a PS because if the PS is there for ten years, you cannot stop him at six years. That is what he is saying. Is that what you are saying?

**MR NANDALA-MAFABI:** That is right, Madam Chairperson. That is why we are putting the exception. I wanted to say, “except for those who are the office holders”. Just something simple.

**MR KASULE:** That is agreeable.

**THE CHAIRPERSON:** I think we can say, “…except those appointed under (2) (a), (b), (c) and (d).” I think it would be better that way because (d) is the PS for the Ministry of Works and Transport. Isn’t it?

**MR NANDALA-MAFABI:** Madam Chairperson, when you look at it, you realise it talks about the permanent secretary responsible for the trade ministry or his or her representative and they can change the representative by themselves. I think you are right, Madam Chairperson. Let us say, “except those appointed under (a), (b), (c).”

**THE CHAIRPERSON:** It is (a), (b), (c) and (d). What is (d) for?

**MR NANDALA-MAFABI:** You have brought in the Ministry of Works and Transport.

**THE CHAIRPERSON:** So, it is (a), (b), (c) and (d). Not so?

**MR KASULE:** Yes.

**THE CHAIRPERSON:** Okay. Let us include that provision. I put the question that clause 7 be amended as proposed.

*(Question put and agreed to.)*

*Clause 7, as amended, agreed to.*

*Clause 8, agreed to.*

Clause 9

**MR KASULE:** Clause 9 is about remuneration of board members. Clause 9 is amended by substituting the existing clause with the following: “A member of the Board shall be paid such allowances as the minister shall determine.”

Originally, it said, *“The members of the Board shall be paid allowances as the Board may, with the approval of Cabinet, determine.”* In this amendment, we are removing that and saying, “A member of the Board shall be paid such allowances as the minister shall determine.” I think that is the practice.

**MR NANDALA-MAFABI:** Madam Chairperson, you have said these board members shall be appointed in consultation with public service. The minister cannot do it arbitrarily. Otherwise, the minister can even say, “Go and get Shs 50 million.”

It should read, “The Board shall be paid an allowance that shall be determined by the minister in consultation with Public Service and Cabinet.” Cabinet is also important in this. If you do not allow that, a minister can put their son there and overpay them.

**MR KASULE:** That is okay. Madam Chairperson, we are agreeable.

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

*(Question put and agreed to.)*

*Clause 9, as amended, agreed to.*

Clause 10

**MR KASULE:** Clause 10, Madam Chairperson, is about the functions of the board. We propose that clause 10 is amended in (2)(e) by substituting the comma appearing before the word “discipline” with the word “and” and adding the words, “of the staff of the service.”

The justification is: for clarity and grammatical correction.

**MR NANDALA-MAFABI:** Madam Chairperson, I have no problem with that but I want to ask the chairperson -

**THE CHAIRPERSON:** I am lost. Can you read it, together with the amendment? Read the full sentence, as amended.

**MR KASULE:** In (2)(c) –

**THE CHAIRPERSON:** I thought you said (2)(e).

**MR KASULE:** No, I think it is (c). These eyes are having problems; it is (c) and it is about the operations and activities of the national accreditation service –

**THE CHAIRPERSON:** It says, “review and approve business and operating plans, budgets… -

**MR KASULE:** No, it is (2)(e).

**THE CHAIRPERSON:** Okay, you read the sentence together with your amendment. That is what I want to hear.

**MR KASULE:** Okay. It would read, “establish and approve rules and procedures for the appointment, promotion, termination and discipline of the staff of the service.” That is how it is supposed to read.

**MR NANDALA-MAFABI:** This is good, Madam Chairperson. However, chairman of the committee, what do you want to cure? In my thinking, establishing and putting rules and procedures for appointment, promotion, termination and discipline is basically about dealing with staff.

**MR KASULE:** Yes.

**MR NANDALA-MAFABI:** So, why are you including the word “staff”?

**MR KASULE:** If there is no harm, then we can leave it as it is and only remove the words, “of the staff of the service” because we are dealing with staff.

**THE CHAIRPERSON:** What harm will it cause?

**MR NANDALA-MAFABI:** Madam Chairperson, you are aware this system is going to supervise the bodies it is going to accredit. So, if you say they are going to discipline staff here, they will not be able to discipline the other bodies. That is why if you include the staff here, you are limiting it. I think that is the argument. Let us leave it as it is. This discipline is even applicable to other organisations.

However, my problem, Madam Chairperson and chairperson of the committee, is that (1) (a) says, *“utilisation of public funds under this Act.”* We have laws that govern public funds, so why should they have another separate law to utilise public funds?

**THE CHAIRPERSON:** Hon. Nandala-Mafabi, do you want them not to even oversee the use of public funds?

**MR NANDALA-MAFABI:** No, Madam Chairperson; they should.

**MR KASULE:** It is cautionary.

**THE CHAIRPERSON:** That is what the law is saying.

**MR NANDALA-MAFABI:** They are talking about “utilisation of public funds under this Act.” In short, they are saying they will use this Act in the utilisation of public funds, instead of using the Public Finance Management Act. If you use this law as it is here, it will mean that for them, this is their law; you cannot apply another law to them.

**THE CHAIRPERSON:** No, they are saying that they are going to be responsible for ensuring efficiency, effectiveness, transparency and propriety in the utilisation of funds.

**MR NANDALA-MAFABI:** Madam Chairperson, if that is the case –

**THE CHAIRPERSON:** There are funds going to come under this Act.

**MR NANDALA-MAFABI:** Madam Chairperson, then it should stop at “utilisation of public funds”. It should not say, “under this Act.” So, we leave “utilisation of public funds” and we remove the phrase, “under this Act.” We should delete “the utilisation of public funds” and remove “under this Act”.

**THE CHAIRPERSON**: Can we look at the issue of funding? What does it say?

**MR KASULE**: Under financial provisions – funds and sources of revenue of the Uganda National Accreditation System – the funds and sources of revenue of Uganda National Accreditation System shall consist of – and there is lot of money that is supposed to come into this one.

There is money appropriated by Parliament, grants from regional organisations, revenue earned from activities – because it shall be doing work at a fee – fees charged, civil fines and penalties as well as any other funds received by Uganda National Accreditation Service.

**MR NANDALA-MAFABI:** Are you seeing it? All these funds must be under Public Finance Management Act (PFMA).

**MR KASULE:** Maybe at the end we shall put a reference to the (PFMA).

**MR NANDALA-MAFABI:** That is why we are now saying - if you agree with me, Madam Chairperson and chairman of the committee – that utilisation of public funds is a given. Let us just delete the words “under this Act”.

**MR KASULE:** It is agreeable, Madam Chairperson.

**MR AOGON:** I do not think there is damage created if we decide to mention both: this Act and the Public Finance Management Act. If we have both, it means that we are being comprehensive enough; whichever source of fund, we are catering for it. It is better for us to create a provision that takes both into account so that we can be specific and not just leave it like that.

**MR NANDALA-MAFABI:** Hon. Silas, If you say “under this Act”, it means they can collect money and say we are using this Act to use it. Are you getting that?

Now, under the Public Finance Management Act, all the monies of all public bodies are appropriated by Parliament. Whether you collect it for use at source, Parliament must authorise the usage at source *–(Interjection)-* Exactly. That is why we are saying that – and I agree with the chairman – we delete this because, for the money which will be collected, they will use this Act. Now, when it is application and utilisation, they will use the Public Finance Management Act.

Therefore, what we are saying is that if we delete “under this Act”, then we shall put it that they should follow the Public Finance Management Act.

**THE CHAIRPERSON:** Are there no circumstances under which funds will be used under this Act?

**MR NANDALA-MAFABI:** Pardon.

**THE CHAIRPERSON:** Are there no circumstances under which funds will be used under this Act?

**MR NANDALA-MAFABI:** Madam Chairperson, the moment we have agreed, now, for example, on the remuneration of the staff, you have approved how it is. However, the Public Finance Management Act regulates how money is utilised. As much as you have collected, appropriation of all money under an organisation, which is a public enterprise, is done by Public Finance Management Act.

However, if you say “under this Act”, it means there are resources which will not be applied by appropriation; they can do it. That is why we are saying they are going to utilise public funds – that is a given – but how they have got it is through the Public Finance Management Act.

Their sources have been read by the chairman. However, if you put it here, they can say that we used this money using this Act and for this one, we used the Public Finance Management Act.

**MR KASULE:** Madam Chairperson, we have agreed to remove “under this Act” and proceed. We shall go to clause 15.

**THE CHAIRPERSON:** No, we cannot just jump to clause 15. Please.

**MR KASULE:** Madam Chairperson, what I would like to say is that clause 18 talks about funds and sources of revenue. I am saying that at the end of it, we shall cross-reference the Public Finance Management Act.

**THE CHAIRPERSON:** We shall not deal with that now. Let us deal with clause 10.

**MR KASULE:** Okay. We are saying we have dropped the words in (a) – the utilisation of funds. We are saying: “The board shall be responsible for ensuring efficiency, effectiveness, transparency and propriety in the utilisation of funds.”

**THE CHAIRPERSON:** Okay. Let us delete “under this Act”. We have also deleted the proposed change. Therefore, I put the question that clause 10 be amended as proposed?

*(Question put and agreed to.)*

*Clause 10, as amended, agreed to.*

*Clause 11, agreed to.*

*Clause 12, agreed to.*

*Clause 13, agreed to.*

Clause 14

**MR KASULE:** Madam Chairperson, clause 14 is amended by substituting the existing with the following: “The board shall appoint the executive director on terms and conditions specified in the instruments of appointment.

Justification is that it is the practice in Uganda for heads of institutions to be appointed by the board of the institution and not the minister and Public Service.

**MR NANDALA-MAFABI:** Madam Chairperson, these boards fall under a ministry and the supervisor of the boards is the minister. Therefore, the executive director has to be answerable to the minister.

Therefore, the line that “the executive director shall be appointed by the minister on recommendation of the board, in consultation with Public Service Commission” is good. This is because even these board members are being appointed by the minister, in consultation with Public Service. This one can stay.

The only issue which I wanted to put across, Mr Chairman of the committee, is that if you are talking about the executive director, will this executive director never fall sick or go on leave? We are having problems with boards where there are no deputies – you can see somebody always bringing tension in an organisation.

**MR KASULE:** Hon. Mafabi, are you suggesting that we put a deputy?

**MR NANDALA-MAFABI:** We should put a deputy who should report to the executive director. If you allow him not to report there, we will also have a crisis like we had in NSSF. Therefore, we should create that, “There will be a deputy executive director also appointed in the same manner as the executive director but reporting to the executive director”. This will cure the problem when the executive director is not available.

**THE CHAIRPERSON:** Who is playing the radio in the Chamber?

**MR KASULE:** Hon. Mafabi is suggesting, through the Chairperson, that we stay what is in the Bill but add the position of deputy executive director, appointed by *–(Interruption)*

**MR NANDALA-MAFABI:** Appointed in the same manner as the executive director *–(Interruption)*

**MR KASULE:** We put a rider, “…but reporting to the executive director”.

**MR NANDALA-MAFABI:** That will stop the fight –*(Interjection)-* No, you say “he has been appointed in the same manner but reports to the executive director” and he is just his deputy.

**MR AOGON:** Madam Chairperson, it is very proper to make a clear and distinct difference. The prescription of the duties has to be clear. We have seen issues in Rural Electrification Agency (REA), here and there, and people are fighting each other. What do we do? I think it is very clear. If we are taking that line, then we must be able to draw a clear distinction between the duties carried out by the Executive Director and those for the Deputy Executive Director. It has to be very clear. Thank you.

**THE CHAIRPERSON:** Can we have some proposals? How do you state it? You have made proposals but you are not stating how it will appear. Can we give you time to structure it?

Okay, let us stand over clause 14. Hon. Nandala-Mafabi, hon. Aogon and the chairperson, structure the proposal for the deputy.

**MR KASULE:** That will be on the deputy and how he is appointed.

**THE CHAIRPERSON:** Yes. Let us go to clause 15.

Clause 15

**THE CHAIRPERSON:** I put the question that clause 15 do stand part of the Bill.

*(Question put and agreed to.)*

*Clause 15, agreed to.*

*Clause 16, agreed to.*

*Clause 17, agreed to.*

*Clause 18, agreed to.*

Clause 19

**MR NANDALA-MAFABI:** Madam Chairperson, where did the chairman propose that we put the Public Finance Management Act? Under what clause is it?

**MR KASULE:** It is under clause 18. I think you propose because we do not have an amendment on clause 18. Clause 18 is on funds and sources of revenue. We mentioned money appropriated by Parliament, grants, revenue under paragraph (c), fees charged under (d), and under (e), any other funds received by the Uganda National Accreditation System in the performance of its functions under this Act. Is that where you want to put it? Do you want to put it under (e) and instead say, “…performance of its functions according to the Public Finance Management Act”?

**THE CHAIRPERSON:** Can’t you put it under clause 19?

**MR NANDALA-MAFABI:** The Chairperson of the House has helped us. We can make that 19 (a) and then we can bring it in under (b).

**MR KASULE:** Clause 19 is about the duty to operate on sound financial principles. Is that where you want to put it?

**MR NANDALA-MAFABI:** Yes, it can be there. Do you have an amendment there from the committee?

**MR KASULE:** No. On clause 19, we do not have any amendment.

**MR NANDALA-MAFABI:** Madam Chairperson, the amendment we want to move here is to re-number clause 19. The current clause 19 becomes clause 19 (1) and then we insert subclause (2) to read as follows: “In the performance of its functions under this Act, the system shall follow the Public Finance Management Act.” Chairperson, of the committee, what name did we give it; is it a system, service?

**MR KASULE:** I think we should leave it as it is. However, when we finally change the name of the Bill, it shall change to “service.” At the moment, we should read it as “system.”

**MR NANDALA-MAFABI:** Madam Chairperson, my proposal is this: “In performance of its functions under this Act, they system shall follow the Public Finance Management Act.”

**THE CHAIRPERSON:** I think that you should leave out the word “in performance” since you have already said it in (1). You should just say, “The Uganda National Accreditation System shall comply with the Public Finance Management Act”.

**MR NANDALA-MAFABI:** That is okay, Madam Chairperson. “They shall comply with the Public Finance Management Act.”

**MR KASULE:** Agreeable.

**THE CHAIRPERSON:** It should read, “The Uganda National Accreditation System shall comply with the Public Finance Management Act.”

Okay, honourable members, I put the question that clause 19 be amended as proposed.

*(Question put and agreed to.)*

*Clause 19, as amended, agreed to.*

*Clause 20, agreed to.*

*Clause 21, agreed to.*

*Clause 22, agreed to.*

*Clause 23, agreed to.*

*Clause 24, agreed to.*

*Clause 25, agreed to.*

Clause 26

**MR KASULE:** Clause 26 is about application for accreditation.

We propose that clause 26 is amended as follows:

1. In sub-clause (1), insert immediately after the word, “person” the words, “or conformity assessment body”. So, we add the words “or conformity assessment body” such that it reads, “…person or conformity assessment body”.

2. Substitute sub-clause (4) with the following: “The Service shall notify the applicant who satisfies the requirements of this section within fourteen days after making the decision and issue the applicant with a certificate of accreditation.”

3. In sub-clause (7), insert the phrase “give written reasons for the refusal to the applicant”, and the phrase “notify the applicant within fourteen days and give written reasons for the refusal.”

4. Insert immediately after sub-clause (7) the following: “For avoidance of doubt, the process of accreditation from submission of an application to communication of the decision by the Service shall not exceed four months.”

The justification is to provide timelines within which the accreditation process shall be completed, in order to avoid unwarranted delays.

Madam Chairperson, they gave us the timelines according to when they go to South Africa - the time they take for a process to be completed. I think usually when you take your products to be certified, it takes some time, so we have formed timelines of not exceeding four months.

**THE CHAIRPERSON:** What about the local products in South Africa? Do they also take four months or is it us from outside that need four months?

**MR KASULE:** We can reduce it to two months, according to how you -

**MR AOGON:** Madam Chairperson, benchmarking is good but we also have to assert ourselves as Ugandans. Let us determine what is good for us. Therefore, I would suggest that we take two months. I feel that is ideal. Sixty days is good enough.

**MR KASULE:** We are agreeable.

**THE CHAIRPERSON:** The honourable minister has no objection. Honourable members, the four months are reduced to two months.

**MR KASULE:** Yes.

**MR NANDALA-MAFABI:** The problem with two months, supposing it is a February, which has 28 days? Madam Chairperson, we usually count in days - 60 days.

**THE CHAIRPERSON:** Okay, honourable members, I put the question that clause 26 be amended variously as proposed.

*(Question put and agreed to.)*

*Clause 26, as amended agreed to.*

Clause 27

**MR KASULE:** Renewal of accreditation; clause 27 is amended by inserting immediately after the word, “person” and the words, “or conformity assessment body” I think we have already changed this one, so we can leave it.

**MR NANDALA-MAFABI:** Madam Chairperson, my problem is on renewal of accreditation. There should also be a procedure. Supposing you have performed badly and they want to reject you, is your renewal automatic? The way you are saying, it looks as if renewal is automatic. There must be a mechanism.

In (2)(b), in the event the minister is supposed to reject, he should do it within a short time and reasons given. So, maybe we give it 30 days, “in case of rejection, the minister within 30 days, should reject and notify the applicant with reasons as to why there is rejection”. In the current state, it means when you do the application, it is a must that the minister shall renew.

**MR KASULE:** Hon. Nandala, can’t we wait and go to revocation?

**THE CHAIRPERSON:** I think let us look at clause 29 - We can create something under 29.

**MR NANDALA-MAFABI:** Madam Chairperson, revocation is when you are in the middle, then, I can say, I am revoking it. However, here it is when it has ended then we deal with your bad manners. That means, at that time, there must also be a mechanism. Clause 29, means when in the middle. What if you have been performing badly and we say let it expire, after that, we shall not renew it, and give reasons why.

**THE CHAIRPERSON:** Can’t we use 29(i)(b)? The accredited person has contravened the provision of this Act or any other written law, can’t we use this one to deny the renewal?

**MR NANDALA-MAFABI:** Madam Chairperson, maybe we shall change 29 to revocation or renewal.

**THE CHAIRPERSON:** I think let us do that. Honourable members, I put the question that clause 27 do stand part of the Bill.

*(Question put and agreed to.)*

Clause 28

**MR NANDALA-MAFABI:** On Clause 28, they are saying, “may establish” I think this must be mandatory. If you say, “may” one man can sit there and say I never saw it necessary, but I have evaluated now you do not qualify. So I am saying, “shall” establish appropriate technical committees.

**MR KASULE**: Madam Chairperson, we have an amendment. Clause 28, powers to establish technical committees. We are saying Clause 28 is amended by substituting the existing with the following:

(1) The Service may establish technical committees to evaluate applicationsfor grant, renewal, extension, suspension or withdrawal of accreditation.

(2) A technical committee shall consist of not more than three members, who shall be specialists in the field to be accredited.

(3) The appointment of members of a technical committee shall be in the manner prescribed by regulations made by the minister.

(4) The conduct of the business of a technical committee shall be as provided for in Schedule 3 to this Act."

The justification is to clearly provide for the procedure of how to appoint and conduct business of the technical committees.

**MR NANDALA-MAFABI**: Madam Chairperson, again the Chairperson is using “may” then eventually applies “shall”. That is where I get a problem.

Secondly, technical committees are technical. Supposing these three members are in agriculture and this is now an engineering matter. If you say the three technical people who are there permanently, you will have a problem.

I would like to interest the Chairperson of the committee and the minister that this technical committee must be mandatory so we use the word, “shall”.

In addition, it shall be chaired by one board member, who has been appointed.

Thirdly, the members of the technical committee shall be appointed on basis of competence and on issue that arises. This is so because if it is an engineering case, you appoint an engineer, if it is agriculture, you get an agriculturist, and if it is trade, you get trade experts. Failure to do that, you will have a problem where an engineer is determining trade which he does not know.

Of course, I agree with the number, it should not be more than three members and the minister and regulation would determine the payment of their sitting allowance. I would like to put that in perspective then we can frame according to that if it is agreeable to the Chairperson.

**MR AOGAN:** I was actually about to invite the chair to give us the wisdom of using the word “may”.

Secondly, hon. Nandala, when we choose to use the word “shall” it becomes a must for us to spend. Now where you have a permanent committee, even when they do not have any work to do and yet it must be there, it means you must be ready to pay.

Now, may I first understand from the Chairperson why you chose to use the word “may” and not “shall”? There could be some wisdom behind.

**MR KASULE:** I think the word “may” is normally used. When you say “shall” for example, the service shall establish, it is as if we have no other alternatives, yet there are many things. We may not need to create a subcommittee - For example, do you need a subcommittee on renewal for something that has already been done? In addition, you know it is at a cost to the customer. So I think the word “May” in the normal business is sufficient. In addition, I do not think it removes any powers from the board in their day-to-day work.

**THE CHAIRPERSON:** Suppose we decide to work without committees, is that okay, really? Honourable minister, I do not know why you wanted to use the word “may” in this. It gives an option not to put any committee.

**MS KYAMBADDE:** Madam Chairperson, it is not compulsory that you should have a committee. The operation of this Act is guided by international standards, for example, International Organization for Standardisation (ISO), International Electro-technical Commission (IEC), therefore, the standard provides for establishment of requirements of technical committees.

**THE CHAIRPERSON:** But if it is a standard, why do you want to say we may or we may not establish?

**MS KYAMBADDE:** We can change to “shall.”

**MR NANDALA-MAFABI:** Madam Chairperson, I also would like to ask the minister, if you don’t mind. It looks like you want to have only one committee, but such organisations may have- maybe we should also give them powers to have committees because nowadays, business is done in committees. If you say that only the technical committee is the one prescribed in the law, that means they will never establish another committee. May be, it should have been, “powers to establish committees such as a technical committee and other committees” then we can prescribe for the technical committee.

**MS KYAMBADDE:** It is normally a specialised committee for that specific accredited body. If it is ICT, it is a technical committee in that area. That is why it is referred to as a “technical committee”.

**THE CHAIRPERSON:** Honourable members, there is that proposal - the word has now been changed to “shall”. There are also proposals made by the committee chair. I put the question that clause 28 be amended as proposed.

*(Question put and agreed to.)*

*Clause 28, as amended, agreed to.*

Clause 29

**MR KASULE:** I think there is a consequential amendment; we shall not amend. We had said that clause 29 be amended by inserting immediately after the word “person” the words “or conformity assessment body”. We had already changed it, so it is a consequential amendment.

**MR NANDALA-MAFABI:** What we had said is that we change the headnote to read, “Revocation or renewal of accreditation”. The justification is that it should cater for cases of renewal. How do you refuse to renew? If the chair agrees with that –

**MR KASULE:** That is okay because when you go for renewal, it is to renew your mandate and you must go through the process as you did before. If you do not go through, they should give a reason. That is inclusive in the revocation.

**MR NANDALA-MAFABI:** You should specify the time.

**MS KYAMBADDE:** Madam Chair, the days are there.

**THE CHAIRPERSON:** Where are they?

**MS KYAMBADDE:** In Clause 29(2). It says, *“Before revoking accreditation, the Uganda National Accreditation System shall give the accredited person notice in writing of the intention to revoke the accreditation and require the accredited person to show cause, within thirty days, as to why the accreditation should not be revoked.”*

**MR NANDALA-MAFABI:** That is very good. We have dealt with revocation but we have not dealt with renewal.

**THE CHAIRPERSON:** I think we should have a provision to the effect that where renewal has been denied, the subject should be informed within 30 days or something like that.

**MR NANDALA-MAFABI:** Exactly. That would be moving together with clause 27. Where do we put it?

**THE CHAIRPERSON:** Let it come as 29(3). We shall amend the headnote to read “Renewal and Revocation of Accreditation”

**MR NANDALA-MAFABI:** So, we say, “In case renewal is not granted by the System –”

**MR KASULE:** Hon. Nandala, you have to start with the technical committee. “The Uganda National Accreditation System may establish an appropriate technical committee to evaluate the application of a renewal.”

**THE CHAIRPERSON:** Are you taking us back to clause 28?

**MR KASULE:** If you have not worked it out under clause 27, then we - because clause 27 says, *“An accredited person may apply for renewal of the accreditation in such a manner and form as may be prescribed by the minister by regulations.”*

We anticipated that the minister would go ahead to create regulations for renewal. So, if you want to insist and put it here, then you have to give powers to either the technical committee or the minister for that renewal. We cannot just put a duration without prescribing the process.

**MR NANDALA-MAFABI:** We are saying in 29 (1) that the Uganda National Accreditation may revoke or not renew the accreditation of an accredited person under this Act, and then it goes ahead and gives the background to this. Sub-clause (2) talks about before revoking and now we are saying (3) should also be before renewal.

**THE CHAIRPERSON:** “Where the Uganda National Accreditation System has declined to renew accreditation, the applicant will be informed within 30 days.” Something like that. So, insert (3) there.

**MR NANDALA-MAFABI:** Yes. “Where the Uganda National Accreditation System has declined to renew accreditation, the affected person shall be informed within 30 days, with reasons as to why…”

**MS KYAMBADDE:** Madam Chair, we beg to stand over this and redraft it appropriately. We thank the honourable for the idea. We would like to factor it in but in a more organised manner.

**THE CHAIRPERSON:** Let us stand over it.

Clause 30

**MR KASULE:** Clause 30 is about an accredited person to comply with the requirements of the accreditation. We propose that clause 30 is amended as follows – these are consequential amendments. We can pass it. We changed this before, in other clauses. We added the word “person” and the words, “or conformity assessment body”.

**THE CHAIRPERSON:** You should have said, “wherever it occurs”, so that we know that wherever the word “person” appears, we need to add.

**MR KASULE:** I agree, Madam Chairperson.

**MR NANDALA-MAFABI:** Madam Chair, “accredited person” means even a body. Why did you change?

**THE CHAIRPERSON:** They added, “accredited person or conformity assessment body”. There was the person and the body. That is what he added.

**MR KASULE:** The technical people advised us that when we insist on a person and yet there are institutions like NARO that come and they want something to be certified, it is a body that wants, not an individual.

**MR NANDALA-MAFABI:** No, no. Madam Chairperson –

**MR KASULE:** They advise that wherever it appears in the definitions, we add the word “or conformity assessment body”.

**MR NANDALA-MAFABI:** A company is taken as a person. Madam Chairperson, a company is a person; a body is a person.

**MR KASULE:** Madam Chairperson, we already passed that clause earlier, so now, it is consequential. Wherever it happens; wherever it is, we have agreed to put the words “or conformity assessment body”.

**THE CHAIRPERSON:** So, henceforth, where the word “person” occurs, we add “or conformity assessment body”.

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

**THE CHAIRPERSON:** That will simplify our lives.

**MR AOGON:** It is very clear that a person can be a company as well; very clear. However, if there is no damage created, we can accommodate the wishes of the chairperson. The word “person” can be used to even mean an entity.

**THE CHAIRPERSON:** Where are we now?

**MR KASULE:** Clause 30 can be passed as is in the Bill.

**MR AOGON:** Therefore, I would propose, Madam Chairperson, that we maintain what the chairperson has proposed here, where we have the word “person”, we also add the other one of “or conformity assessment body” because I feel it does no harm.

**MR KASULE:** I am enjoying the services of Counsel Silas. *(Laughter)* You are very competent; the two of you are very competent. Hon. Nandala-Mafabi, you are very competent and so is hon. Cecilia Ogwal.

**THE CHAIRPERSON:** Honourable members, with regard to clause 30, 31 and 32, the drafts people will complete the amendment, so that “or conformity assessment body”, which has already been adopted, will apply wherever there is “person”.

I put the question that clause -

**MR NANDALA-MAFABI:** Madam Chairperson, you see, we have been complaining here that people do not look at us in good light when we leave Uganda and go to Kenya or elsewhere.

If you look at this one, I am sure this one is making a leeway for foreigners to come and take over everything. Just look at it. It says, “A person resident in Uganda seeking accreditation by a foreign accredited body shall, before making an application, comply…” No; I think I have misread it; the one making to a foreign body.

Why shouldn’t we make it simpler for our people to be accredited, honourable minister? Look at this; “A person resident in Uganda” and a resident in Uganda means somebody who has stayed for more than 183 days in a year, he becomes a resident.

What will happen here is that I will come from Kenya, stay here for 183 days, comply and use Uganda as a basis to apply to another place. Why don’t we leave it to our locals? We should not allow foreigners to come and use us to get accreditation, at the expense of Ugandans.

Madam Chairperson, I wanted to make a proposal here that application by persons – if you say “resident”, you are creating a chance for foreigners to come and reside here for 183 days and becomes residents and then they will use that to apply.

My proposal here is that we should make it “applications by Ugandans to foreign accredited bodies”. Let us remove “resident”, so that we support our locals to be the ones to apply.

**THE CHAIRPERSON:** Honourable members, first, I want to put the question to clause 30. Honourable members, I put the question that clause 30 do stand part of the Bill.

*(Question put and agreed to.)*

*Clause 30, agreed to.*

Clause 31

**MR KASULE:** Madam Chairperson, Clause 31 is restrictive. “A person resident in Uganda, seeking accreditation by a foreign accreditation body, shall, before making such an application, comply with the requirements specified in regulations made by the minister in respect of application for accreditation of persons resident in Uganda by foreign accreditation bodies”.

We are protecting our bodies here, such that when you have products and you want accreditation; before you go to South Africa, please comply with the regulations made by the minister. Before you go to Turkey or Kenya, to safeguard the dollars that you would have spent in South Africa and not looking at our certification bodies. I think that is being protective.

**MR NANDALA-MAFABI:** I think I agree with you there, but if you read it. It says “a person resident in Uganda”. The moment you talk about a resident, I may come here and become a resident –I may be from Sudan – and use the minister because I have the money and capacity, get the certification and be at an advantage over a Ugandan.

My argument is that it should not be “a person resident in Uganda”; it should be “a citizen”. That is what I am saying.

**MS KYAMBADDE:** Madam Chairperson, I just wanted to clarify that a person can apply to foreign accreditation serviced, only if the national accreditation service does not have the scope of the application. It might be a nascent industry in the country, so if it does not have the scope, then you can apply to a foreign body.

However, we could change the nomenclature, as hon. Nandala has suggested.

**MR AOGON:** Madam Chairperson, it is good to talk about protection of the *wanainchi* or citizens. However, every other time, we are running up and down looking for investors. Just one clause alone can bar the investors and we shall be in quagmire. That will be a problem.

So, I would think that people compete. Simply being accredited is not a bad thing. Why don’t we let it stay the way it has been proposed, so that we cater for everybody? After all, I know the fear.

When we talk about a resident person, we are talking of somebody who has stayed for at least 183 days. However, there are people who are also resident but have been there for ten years plus.

I would think that let us accept and take the position of the chairperson, so that we try to bring everybody on board, for now. Thank you.

**THE CHAIRPERSON:** Honourable members, I think we are now going round in circles and we are in danger of making this legislation. I think this is an appropriate time to stop and study further the impact of clause 31 and the others, so that we do not make discriminatory law for this country.

Minister, please move the House to resume.

MOTION FOR THE HOUSE TO RESUME

7.04

**THE MINISTER OF TRADE, INDUSTRY AND COOPERATIVES (Ms Amelia Kyambadde):** Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

**THE CHAIRPERSON:** Honourable members, the question is that the House do resume and the Committee of the whole House do report thereto.

*(Question put and agreed to.)*

*(The House resumed and the Speaker presiding\_)*

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

7.05

**THE MINISTER OF TRADE, INDUSTRY AND COOPERATIVES (Ms Amelia Kyambadde):** Madam Chairperson, I beg to move that the Committee of the whole House has considered the Bill entitled, “The Accreditation for Conformity Assessment Bill, 2019” and stood over clauses 2, 14 and 29 and amended clauses 4, 5, 6, 7, 9, 10, 19, 26, 28, 30, 31 and 32. I beg to move.

**THE SPEAKER:** Honourable minister, we stopped at clause 30. It is clause 31 where we had arguments and we stopped.

**MS KYAMBADDE:** We stopped at clause 30; I beg your pardon.

MOTION FOR ADOPTION OF THE REPORT

7.06

**THE MINISTER OF TRADE, INDUSTRY AND COOPERATIVES (Ms Amelia Kyambadde):** Madam Chairperson, I beg to move that the report from the Committee of the whole House be adopted.

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

*(Question put and agreed to.)*

*(Report adopted.)*

**THE SPEAKER:** Honourable members, we shall resume the second reading of that Bill with the committee stage tomorrow. House is adjourned to 2.00 p.m. tomorrow. Thank you very much.

*(The House rose at 7.07 p.m. and adjourned until Thursday, 11 February, 2021 at 2.00 p.m.*)