



PARLIAMENT OF UGANDA

# PARLIAMENTARY DEBATES

(HANSARD)

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OFFICIAL REPORT

SECOND SESSION - THIRD MEETING

TUESDAY, 23 MAY 2023





IN THE PARLIAMENT OF UGANDA

Official Report of the Proceedings of Parliament

SECOND SESSION - 40TH SITTING - THIRD MEETING

Tuesday, 23 May 2023

*Parliament met at 10.06 a.m. in Parliament House, Kampala.*

PRAYERS

*(The Deputy Speaker, Mr Thomas Tayebwa, in the Chair.)*

The House was called to order.

COMMUNICATION FROM THE CHAIR

**THE DEPUTY SPEAKER:** Honourable colleagues, I welcome you. It is the month of Mental Health Awareness and Hon. Macho has done for us a great job. Hon. Macho has been checked and found mentally fit - *(Laughter)* - which is why we allowed him to organise this. I will give him one minute to update the House on that.

Honourable colleagues, I have received reports from my interactions with our counsellors here and I think when we return from recess, we should have a minute to discuss issues to do with mental health. This will help to avert situations that could be ugly and it is very critical.

The media is awash with stories of universities teaching what is being termed as “expired courses” and there is a very big scare. I have received many messages from student leaders in the country, parents, and some of you, honourable colleagues, on the issue. I have taken time off to consult a few stakeholders

from the National Council for Higher Education (NCHE), the Ministry of Education and Sports and universities. That issue needs to be given serious attention; it is not something that everyone should contribute on. Rather, we need to understand the real picture of what is happening.

It is therefore very critical for the Minister of Education and Sports to make a statement tomorrow on this issue and update the country about the situation. Otherwise, the information I received is that the original statement on the expiry of the courses is fake and this was from a critical stakeholder.

We need clear information on this Floor of Parliament. Government should tell us the steps being taken to address the situation and we need to reassure Ugandans that those courses are good. If they are not then what is Government doing about it? How do we make a declaration, as a country, that our courses have expired? It is really scary and, therefore, it needs to be handled seriously.

Honourable members, I would like to congratulate you upon passing of the National Budget. You showed a great level of concentration. We tried our level best to balance the Budget here and there. There might be some issues - I see the public discussing some issues and we are following their discourse. We will follow up what comes out of that. Otherwise, it is a learning curve; we are learning many things from this.

Honourable colleagues, in the VIP gallery this afternoon, we have a delegation from the county assembly of - Did I say “afternoon”? Colleagues, I am used to the afternoon sitting. I think I should go for a mental health check-up. *(Laughter)*

Honourable colleagues, we are going to have morning sessions because I will send you on recess on Thursday. There is business we must complete and it must form part of the State-of-the-Nation Address and part of our performance target for this financial year. We would like to clear most of the business, especially the Bills and motions that Members brought. We have to finish the business for this session and so, from 10.00 a.m. to 7.00 p.m., we shall be handling business and I will be here.

This morning, we have a delegation from the County Assembly of Bungoma, Kenya on a benchmarking visit to the Parliament of Uganda.

The delegation comprises:

1. Hon. Emmanuel Situma - Speaker of the Assembly;
2. Hon. Joseph Juma- Leader of the Majority;
3. Hon. Ali Machani Mutoka - Leader of the Minority;
4. Mr Simon Walukana- Principal Finance Officer;
5. Mr Abraham Wekesa- Principal Human Resource Officer;
6. Mr Robert Mumbwani- Sergeant-at-Arms.

They have come to observe the proceedings of this House. Please, join me in welcoming them. *(Applause)* As said earlier, I am going to allow Hon. Macho one minute to say something on mental health because we are in the Mental Health Awareness month. Please, allow me to give an opportunity to Hon. Macho. Thereafter, I will have a few matters of national importance; I will take only five. I have seen they have written nine here but I will take only five. The rest will be for tomorrow. Hon. Macho?

10.13

**MR GEOFFREY MACHO (Independent, Busia Municipality, Busia):** Mr Speaker, I would like to thank you from the bottom of my heart for the support you have given to the mental health fraternity in this country. We are in the Mental Health Awareness month. I would like to also appreciate the Rt Hon. Anita Among who officially launched the mental health camp yesterday, which is taking place at the Parliamentary Gardens. I call upon colleagues to make use of it because we have 90 partners in the mental health fraternity. We have counsellors and educators; I believe this is a great opportunity.

I have seen a lot of people being helped to the extent that a driver who wanted to commit suicide with his boss, who is one of our MPs, was counselled and he came to order. Mr Speaker, you said you are going to give us time, but I would like to say that we have a lot of needs. There are legal gaps in mental health that we need to address as soon as possible, including the treatment of people with mental illness and establishment of mental illness clinics in all referral hospitals.

Mr Speaker, I would like to thank Dr Hafsa and Dr Kenneth. However, I call upon our leaders, particularly the Minister of Health, to upgrade the mental health unit into a full department because as a result of COVID-19, most of our people have been affected.

Yesterday, in all our deliberations, our people requested that the law on the Narcotic Drugs and Psychotropic Substances (Control) Act, which was reversed by the Constitutional Court, be reinstated by Parliament as soon as possible to save our young people in this country.

With those few remarks, I would like to thank you for the support you have given to mental health. Today, I am proud that the Mulembe where our grandfathers came from in Bungoma - This is a true demonstration of the integration of the East African Community and as an *Azimio la Umoja*, I am very happy. Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Thank you, Hon. Macho. Do we have any reaction to my communication before I call for matters of national importance?

10.16

**MR JOSEPH SSEWUNGU (NUP, Kalungu West County, Kalungu):** Mr Speaker, I would like to thank you for your communication. On the issue of the expired courses, with your indulgence, I pray that the Committee on Education and Sports gets more time to look into this. They have invited teachers for training in the new curriculum. However, some of the teachers were denied entrance to some of the schools such as St Henry's College, Kitovu where the training was supposed to take place. This means that even the new curriculum for secondary schools is not going to perform well.

Mr Speaker, in the 10<sup>th</sup> Parliament, we rejected that new curriculum for secondary schools but later on, it was changed after convincing the Minister of Education and Sports. Therefore, the Committee on Education and Sports needs to look at this matter very seriously.

The minister will come here tomorrow – he has been on radio speaking a lot of falsehoods. He is not aware of what is happening; therefore, the committee has to carry out deeper investigations regarding these expired courses.

Lastly, Mr Speaker, you have talked about the Budget. I pray that the Parliamentary Commission pays keen attention to the committees of Parliament. Stories are running in the media that members of the Committee on Budget have feasted – free sharing regarding the interests of their constituencies.

I am a member of the Committee on Education and Sports and I have been on this committee for over two terms. I fight for Kalungu but my attention goes to Karamoja and those island areas that we promised to give boarding schools. How do we have members of the Committee on Budget, starting with the chairman, giving themselves roads, hospitals - That is what – *(Member timed out.)*

Mr Speaker, as I conclude, this was the same story when Mr -

**THE DEPUTY SPEAKER:** Now you have hijacked the microphone.

**MR SSEWUNGU:** Mr Speaker, kindly – *(Laughter)*

**THE DEPUTY SPEAKER:** Honourable colleagues, there is one thing that I would like you to know; I would like us to have discipline. Once your time is over, do not switch the microphone on and continue. Seek for more time. If I have it, I will give it to you. If I do not have it, I will give other Members the chance. Conclude, Hon. Ssewungu.

**MR SSEWUNGU:** Thank you, Mr Speaker. When you put us on these committees, our role is to cater for everybody. However, this is what was happening with Hon. Lugoloobi when he was the Chairperson of the Budget Committee. Go and look at Kayunga Hospital; it is well built. However, when you go to Kambuga and Gombe, they are not catered for. What is the Committee on Budget doing? Are the members feasting by themselves? Winning an election is not only about getting projects from the Government –

**THE DEPUTY SPEAKER:** Thank you.

**MR SSEWUNGU:** This business of committees, such as the one on Budget, taking – *(Member timed out.)*

**THE DEPUTY SPEAKER:** Thank you. Honourable colleagues, you debated the Budget report and all these details were there. Please, I do not want – Listen, I do not want us to open issues of the Budget, which you concluded here. You had the chance to raise these issues. However, we are going to take note of these issues and follow up.

Honourable colleagues, let us stop raising issues concerning the national council because as I have said, a statement is coming. Therefore, let us not submit in anticipation. Let the statement first come and then I will give you time to discuss it.

Hon. Angura – Oh, if it is on the National Council for Higher Education, let us leave it. Hon. Mawanda?

10.19

**MR MICHAEL MAWANDA (NRM, Igara County East, Bushenyi):** Thank you, Mr Speaker. As the minister comes tomorrow, I wish he could also clarify on the fate of the vocational courses they introduced in lower secondary schools where students were supposed to sit for the exams as per the new curriculum. This is because after registering the students, they halted the programme. What is the fate of the Senior Three students who were supposed to sit for vocational exams? Is the Government going to give two sets of exams next year? Thank you.

**THE DEPUTY SPEAKER:** Honourable colleagues, there is a request I would like to make to you. When Members are submitting, do not come to talk to me here because I have to listen to the Member speaking. *(Applause)* Sometimes when you are talking to me here – and Hon. Katabaazi has done it for the first time and he had a serious issue – I cannot share my attention; I cannot listen to two people at once.

Please, avoid coming to the Speaker here; you can send a chit. I need to get the attention of the Member holding the Floor. *(Applause)* Let us have it as a practice.

Hon. Aisha, is that a reaction to my communication?

10.21

**MS AISHA KABANDA (NUP, Woman Representative, Butambala):** Thank you, Mr Speaker. Last year, I brought a motion here to do with mental health. I pleaded with the Government to mainstream mental health in all Government programmes but this has not been done. We have had many killings; security personnel killing their colleagues or seniors just because they are mentally sick.

Mr Speaker, I lost my personal assistant in January due to mental health. She was abused

by her husband several times. When I checked her diary, I realised that she kept on writing insults levied against her by her husband that she was very fat.

There is a lot of mental illness affecting our children in schools as well as in the security services and among the health workers. We need to mainstream mental health so that each Government department provides for the mentally ill and attends to them. Otherwise, we shall all fall victim to mental health. It is my humble prayer that the minister picks this up. Thank you.

**THE DEPUTY SPEAKER:** Thank you. Hon. Nakato, is that a reaction to my communication?

10.23

**MS MARY NAKATO (Independent, Woman Representative, Buyende):** Mr Speaker, I would like to state that much as we are talking about the National Council for Higher Education, some of us are parents of students at Makerere University. Last month, there was a rumour that they were disqualifying Veterinary Medicine from Makerere University.

I have a daughter who is a second-year student. When the Makerere team came here to meet with the education committee, I do not know exactly what they ended up doing because the girls are still in the university and others are being requested to leave.

Mr Speaker, I beg to know the fate of these students. Why does the university wait for us to educate our children up to second or third year and then they call off the course?

**THE DEPUTY SPEAKER:** Hon. Nakato, in Parliament we do not discuss rumours. So please - You are the one who said it was a rumour. You see, your own statements make things difficult for me. When you say “rumour”, how I do – Please, do not access the microphone.

Honourable colleagues, when you have a matter, go and research about it to get clear information and then come and raise it as a

matter of national importance. That will be more helpful. Otherwise, I am sure they have taken note.

Hon. Basalirwa, is that a reaction to my communication?

**MR BASALIRWA:** Thank you, Mr Speaker. You have guided that a statement from the Ministry of Education and Sports is coming. I would like to request that the ministry should, in conjunction with the Attorney-General, come and address that issue. I say so, Mr Speaker, because you and I have been members of Makerere University Council. The Universities and Other Tertiary Institutions Act came into place in 2001 and we were students then. The issue of accreditation of courses and the effect of studying a course which has not been accredited is a legal issue that has been spoken about in the courts of law.

I would like to request that the Attorney-General equally takes interest in that matter so that as they come here, we have a comprehensive report in that direction. I thank you.

**THE DEPUTY SPEAKER:** Thank you. That is good guidance to the minister. Procedure, Hon. Moses Okot?

**MR MOSES OKOT:** Thank you, Mr Speaker. I wonder whether we are proceeding well. I have had the opportunity to peruse through the order of business and also hear from the Speaker.

For close to two weeks now, the northern part of Uganda and the nation at large are worried as to whether security in this country is under control. I am perturbed to see us deal with auxiliary matters when issues of national security, at the time when nobody is safe - Members of Parliament are being threatened of daylight shooting and this does not take the order of the day.

Are we proceeding well to discuss auxiliary matters yet there are matters that must take precedence? I think we are not right, Mr Speaker.

**THE DEPUTY SPEAKER:** Thank you, honourable member, for raising that concern. You rose up under a point of procedure which is provided for under Rule 78(4) of the Rules of Procedure of Parliament.

First, a point of procedure has to do with the conduct of a Member holding the Floor. Secondly, when you stand up, you are supposed to first state the rule under which you rise. Thirdly, if you have any issue that you feel is very important, you can raise it as a matter of national importance and you have not done so.

Fourthly, we are talking about issues of students' degrees being considered expired and you call it "an auxiliary issue." We do not know whether the degree you used to come here is even valid - the one you got recently.

Honourable colleagues, when we are submitting on the Floor, let us be humble. Honourable member, if you had come to my office and told me you had a matter of national importance to do with insecurity in Northern Uganda, I would have given you space; I can guarantee you that.

**MR MOSES OKOT:** Most obliged.

**THE DEPUTY SPEAKER:** Next time, just use that channel and I will allow you to submit.

**MR MOSES OKOT:** Mr Speaker, may I atone?

**THE DEPUTY SPEAKER:** Honourable member, we have a known procedure of raising matters of national importance. Members come to the Speaker, we look at it and decide whether the issue qualifies under national importance or a question to the minister or Prime Minister, depending on the matter. Do not mind, honourable colleague; take it easy.

10.29

**THE CHIEF OPPOSITION WHIP (Mr John Baptist Nambeshe):** Thank you, Mr Speaker. As Members and educationists weigh in on expired university degrees, it is a huge embarrassment to Uganda that foreign

universities are rejecting Ugandan degrees. Much as a colleague, Hon. Basalirwa, would require the Attorney-General to come here, there is no need. The culprits are known.

The truth of the matter is that the statutory regulator of this sector is the National Council for Higher Education, but it has been sleeping on the job. Their oversight role requires that they know those courses that are not duly required or accredited for teaching. Even the university management systems have failed. Therefore, these two are the culprits - much as we still require a statement to be brought to this House.

**THE DEPUTY SPEAKER:** Honourable member, you are making my work difficult because you are speaking in anticipation. There is a statement coming to the House from which you can judge whether they are culprits or not. However, when we judge before they even bring a statement then we have not given them a chance to be heard.

I say that we hold our guns until tomorrow when the statement comes. However, we are concerned and I share your concerns too.

10.30

**MR IBRAHIM SSEMUJJU (FDC, Kira Municipality, Wakiso):** Thank you, Mr Speaker. We have every reason to believe that a statement will be brought to the House. By way of reacting, I am pleading with you that this time you order the substantive Minister of Education and Sports to be the one to speak to Parliament.

Hon. John C. Musingo is a very obedient person but he cannot be the one to bring statements all the time, especially on very serious matters. If the President surrendered his dear wife to serve the nation, let him find it in his heart to allow her, at least once, to come and tell us - because I want to ask serious questions.

The National Council for Higher Education is being accused of sleeping on the job. What about the minister herself? She will need to answer these questions because we are in a

crisis. I also have a degree but I do not know whether I still have it or not. *(Laughter)*

Therefore, can we ask the minister herself or her husband to allow her to come here and attend to this very serious matter, Mr Speaker?

**THE DEPUTY SPEAKER:** Hon. Ssemujju, even if the minister was ready to come, she is already threatened by *-(Laughter)-* If I were her, I would be scared by the reaction of Hon. Ssemujju and find a way of not even coming here.

Anyway, let us wait for the statement. We shall see who will bring it as long as it is from the ministry. Honourable colleagues, I want to conclude on this; I want us to go to matters of national importance. Let me pick just two Members.

10.33

**DR ABED BWANIKA (NUP, Kimaanya-Kabonera Division, Masaka City):** Thank you, Mr Speaker. I request that when the Minister of Education and Sports is coming with a statement, it should include the veterinary doctors at the college.

The Uganda Veterinary Board wrote a letter that they are no longer going to register veterinary doctors qualifying from Makerere University. This has affected service delivery and those who are qualifying.

The statement should include the veterinary doctors that are not being registered because of issues of training at Makerere University. I want to believe that, that is what the Hon. Nakato wanted to allude to. Thank you.

**THE DEPUTY SPEAKER:** Government, ensure that, that component is also captured in the statement.

10.34

**MR PAULAKAMBA (NRM, Busiki County, Namutumba):** Thank you, Mr Speaker. My issue of concern regards those courses that were administered. For instance, there is the Bachelor of Arts in International Business that



did not exist in the structure of Public Service. Ugandans spent a lot of money to educate their children in that course but their children have never had the opportunity of getting a job because Public Service does not recognise such a course. How do we help Ugandans holding such papers that are not recognised?

My prayer is that you also direct the Ministry of Public Service to come up with a statement on how such Ugandans will be accommodated. Thank you.

**THE DEPUTY SPEAKER:** Honourable colleagues, let us wait for the statement. These are issues which the Committee on Education and Sports can look into. The Ministry of Public Service does not accredit any courses in the country; they do not have any power to deal with that. Maybe you can say they do not consider those courses in the structure of the human resource requirements of the country. However, the private sector may need them.

Let us just wait. On this issue of courses, we shall ensure that the Committee on Education and Sports follows it up the way Hon. Ssewungu guided earlier on. Once the statement is issued, we will go into it deeply. If you remember very well, the National Council of Higher Education also have their own challenges; handling 4,500 courses in the country and you have only five staff under quality assurance to study the entire curriculum.

However, let us look into it deeply and see what is hampering service delivery as far as this sector is concerned. Matters of national importance - Hon. Sarah Opendi and Hon. Katabaazi.

10.36

**MS SARAH OPENDI (NRM, Woman Representative, Tororo):** Thank you, Mr Speaker. Last Thursday, I received a letter on my official parliamentary email from the Association of Tired Officers in Uniform, Uganda and it was a notice of engagement. They gave notice to me about the formation of this association as a result of the Parliament of Uganda's failure to recognise their service by

improving their working environment, welfare and increase in their pay. The association is composed of army officers, police officers, health officers and teachers. They gave me notice of a price tag of Shs 10 million to pay within seven days. It is now five days and I am left with two days from the date of this notice. Thereafter, they will determine how to handle issues the way they were trained. They stated that they know how to pull the trigger and the right medication.

Mr Speaker, this letter has a telephone number and an email address and I beg to lay it on the Table for record purposes. I know there are some honourable colleagues; Hon. Lucy Akello, Hon. –

**THE DEPUTY SPEAKER:** Hon. Opendi, you need not ask for permission to get more time.

**MS OPENDI:** Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Please, conclude.

**MS OPENDI:** Thank you, Mr Speaker. On Sunday, I received more messages from somebody known as Congo Bajjo threatening my life. The messages stated that I am the next target, I should not take their statement lightly and that my family will appreciate them after.

Yesterday, I reported this to Police. However, in the night, I received other messages reading, "Sarah, Sarah, Sarah, you do not know me but it is not necessary for you to know me. Stay warned; you are the next target. Please, stand warned and watch your movements. You will thank me later." (*Laughter*)

Mr Speaker, the telephone number where these messages are coming from is 075 – [*Mr Kiryowa Kiwanuka: "Leave it."*] - The Attorney- General has guided that I leave out the telephone number.

However, I want to tell the people who are warning or want to kill Members of Parliament that I am not regular and I want to assure that person that death is for everybody in

this country. Killing me will not solve your problems; you too will die. Hon. Sarah Opendi cannot increase your salary as an individual. Every Ugandan is struggling in their way and even Members of Parliament are struggling to deal with issues in their constituencies.

While I take care of my life, my appeal to those out there who think that by killing Hon. Sarah Opendi they will kill my voice is that there will be other Hon. Sarah Opendis who will be able to speak tomorrow.

Mr Speaker, I do not know the motive. I call upon the Ministers of Security and Internal Affairs to look into these matters because they are not simple matters and we might take them lightly. It might not be Hon. Sarah Opendi but somebody else might be killed from this House because they know I am not regular.

It is my appeal that this matter is given the attention that it deserves and the culprits are brought to book because the phone numbers are known; both in the letter and the messages that are on my phone. Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Thank you, Hon. Opendi, for raising this issue. I have received the same issues from honourable colleagues. However, the way they have been handling the one of Hon. Opendi is beyond - and it has been forwarded to the National Council of Higher Education for ongoing investigation. Also, there are some people who are in the sports federation who are threatening some of our Members to go slow on their investigation. I do not know whether they are aware that oversight is part of what we do because the money they are using has been appropriated by the same Members of Parliament. Therefore, if Members of Parliament cannot see what you are using that money for, then it is very dangerous.

Honourable minister, we were told that all numbers that were not registered were cut off meaning if Hon. Opendi has shared the number with you, you will know the person. However, this shows that telephone numbers which are not registered are still being allowed to operate in Uganda. They are people who are cheating - I have very many cases in office where people

have been extorting money from the populace in order for them to meet me.

There were jobs advertised by Public Service - I got cases and handed them over to the Criminal Investigations Department because people collected money using my name. For example, bring Shs 1 million for the Deputy Speaker and he will get you this job. People are stupid enough to believe that Hon. Thomas Tayebwa needs Shs 1 million to get for each one of them jobs and people pay. Minister of Security, we have many of these cases.

10.44

**THE MINISTER, OFFICE OF THE PRESIDENT (SECURITY) (Maj. Gen. (Rtd) Jim Muhwezi):** Thank you, Mr Speaker. The Government is aware of some of these developments. I thank Hon. Sarah Opendi, she shared with me the messages she received from that criminal and the investigative organs of the Government are already in full swing. We would like to assure Hon. Opendi, the House and the country that the situation is under control. We will leave no stone unturned in order to get those culprits. Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Honourable colleagues, for anyone who has threats of this nature, let us work it out maybe with the Office of the Sergeant-at-Arms where you can report so that it can be relayed or you can be linked appropriately. Otherwise, you might look for the minister and not get him or her right away.

We also have Parliament's Criminal Investigation Department (CID). - Honourable colleagues, information is given to a Member on the Floor and if there is no Member on the Floor, you cannot give information. Anyone who has complaints of that nature should report to the Sergeant-at-Arms that will work with the CID so that they can increase security and have the matter handled.

10.46

**MR FRANCIS KATABAAZI (NUP, Kalungu East County, Kalungu):** Thank you, Mr Speaker. On 12 May, Katonga Bridge was wiped away from the Kampala-Masaka

Highway on one side and Kabulasoke to Villa Maria on the other. Currently, Kalungu District is completely cut off from Uganda. I have to drive 220 kilometres to Lukaya instead of 110 kilometres. Many people have suffered because this is the highway that connects to -

**THE DEPUTY SPEAKER:** Your prayers, honourable member?

**MR KATABAAZI:** I am happy the Minister of Works and Transport is here because he was directed to give a statement on the steps taken to arrest the situation and address the alternative route, which they have – *(Mr Ssewungu rose)*

**THE DEPUTY SPEAKER:** Hon. Ssewungu, the practice is that on matters of national importance, we do not take information and you know it.

**MR KATABAAZI:** Let me finish this submission. At the moment, the alternative route is also being –

**THE DEPUTY SPEAKER:** Honourable minister, can you update us on the road? That is Hon. Katabaazi's major issue.

**MR KATABAAZI:** That is one of my prayers. The second prayer is for the Ministry of Water and Environment or a committee of Parliament to investigate -

**THE DEPUTY SPEAKER:** Honourable minister, I think they are also doing the investigation. They cannot have such a disaster and not investigate the cause. You will seek clarification from the minister when he is on the Floor.

10.48

**THE MINISTER OF WORKS AND TRANSPORT (Gen. Katumba Wamala):** Thank you, Mr Speaker. Yes, the issue of Katonga is a concern because this is our main trunk road; it manages not only internal trade, but also external trade.

We have already put a contractor on site; China Communications Construction

Company (CCCC). The contractor who did the Nambigirwa Bridge on the expressway is the same contractor who has done the Paraa Bridge connecting Masindi to Nwoya. It is also the same contractor who has done Lugogo Bridge in Luwero. We are sure of his capacity and competence and we have instructed him to do this in three phases namely: phase one will create an avenue to enable small vehicles, boda bodas and pedestrians to move. That is his first priority. As he does that, he will also create a bypass. We will also undertake a full redesigning of the bridge so that we have a more resilient bridge for that position. That is for the main road.

For the Kabulasoke-Kalungu part, we have another contractor; a local one. Of course, he is still challenged with the volume of water in that section because Kyoga overflowed and as a result, Katonga was affected. The contractor is assessing how much can be started and done but please, appreciate that this is not a culvert crossing; it is a bridge.

On Matete-Ssembabule road, there is contractor on that section – *(Interruption)*

**MR SSEWUNGU:** Thank you, Mr Speaker. I would like to thank the minister for his good response. However, the clarification I seek is that yesterday, I spoke to the Chairperson of the Committee on Physical Infrastructure, Hon. Karubanga and the Executive Director of Uganda National Roads Authority (UNRA), Madam Kagina.

Mr Speaker, the matter we need to address urgently is to work on Kabulasoke Bridge, Katonga so that people start accessing Kalungu as a short cut. Otherwise, people are spending a lot of money moving via Ssembabule.

When I talked to the Executive Director of UNRA and the engineers, they assured us that they can provide a brief remedy on Katonga Bridge.

Honourable minister, since you said you are using a local contractor, the clarification I seek is, can the Committee on Physical Infrastructure

carry out an on-spot assessment of what we are talking about so that people are relieved from spending a lot of money? Otherwise, they are moving up to 200 kilometers, yet this journey is only 45 kilometres to Masaka.

Mr Speaker, whether you like it or not, from Lwera on Masaka Road, the breakages will still take place. The main interest should be on the road from Kabulasoke to Masaka, which is the shortest route.

**THE DEPUTY SPEAKER:** Honourable minister, how many days will you take to conclude? I read in the papers that in five days, we shall be able to cross. We would like to get that clarification because I plan to go home over the weekend. Will I be able to cross?

**GEN. KATUMBA WAMALA:** Mr Speaker, I totally appreciate the challenges faced by the people plying that route. However, I would like to seek your indulgence that we do not just rush to put these structures back. Tomorrow, if we have a big accident, it will be another problem. For example, there is no way we are going to wash away the water. Until the volume of the water subsides, we may not be able to do much. That is why we are taking caution. We are doing a study to see how much we can do in the circumstances. It is a natural calamity; it is not a wish.

In terms of trying to alleviate the transport challenges, we have provided an alternative route for people travelling from Masaka to Bukakata Road, which costs just Shs 5,000 and it is 30 kilometres. You can also board a ferry that brings you to Nakiwogo at Shs 15,000, especially for the children who are going back to school this weekend. We are putting that provision to enable children from Masaka and beyond and from Kampala heading to that direction to use that as an alternative route.

**THE DEPUTY SPEAKER:** Honourable colleagues, this matter is closed. Hon. Charles Mutoni - I am seeing Charles Mutoni on the screen but it is Matovu. I actually wanted to know who this Charles Mutoni is that I have

never seen in the House. *(Laughter)* Hon. Charles Matovu?

10.54

**MR CHARLES MATOVU (NUP, Busiro County South, Wakiso):** Thank you, Mr Speaker. I rise on a matter of urgent public importance. On 20 May at 2.00 a.m., in Kajjansi Town Council, Busiro South County, Wakiso District, Kajjansi Market caught fire and the entire market structure was destroyed together with the stock, stores and all the merchandise.

Most of the victims or vendors in this market are single mothers whose entire livelihood depends on this market. Mr Speaker, the surviving sacks of sweet potatoes, bananas and several hens were stolen in the process of putting out the fires.

Mr Speaker, I visited them on Sunday and I was traumatised. As I was there, one of the members collapsed and died. My prayer is that the Government urgently restores this market with resilient infrastructure that has piped water, sprinklers, fire extinguishers and probably a fire surveillance system.

Secondly, Mr Speaker, I request that the - *(Member timed out.)*

**THE DEPUTY SPEAKER:** Conclude, honourable member.

**MR MATOVU:** Thank you, Mr Speaker. I request that the Prime Minister visits these people, probably tomorrow. In the meantime, the school term is due and most of these parents will not be able to take their children back to school. Therefore, I pray that the Prime Minister finds means to support these parents for the remaining two terms at least. I also pray that through their association, the Prime Minister finds means to recapitalise them by giving them some start-up capital. Thank you.

**THE DEPUTY SPEAKER:** Rt Hon. Prime Minister?

10.57

**THE THIRD DEPUTY PRIME MINISTER AND MINISTER WITHOUT PORTFOLIO (Ms Rukia Nakadama):** Mr Speaker, we take the concern of our people and we are sorry that this happened.

Mr Speaker, we are aware that, that area is going to be worked on during the upcoming Non-Aligned Movement (NAM) and the G77 summits in Uganda and there is another area where we want to relocate those people until we finish these meetings. Thank you.

**THE DEPUTY SPEAKER:** Rt Hon. Prime Minister, can you hold a meeting with the affected Members of Parliament this afternoon? - Please, that is enough. Clarification is for a Member on the Floor. There is no one on the Floor, honourable member so, there is no one to clarify for you.

Rt Hon. Prime Minister, meet the honourable colleagues so that you can work out a method. They even want you to visit.

**MS NAKADAMA:** Mr Speaker, I will visit the place tomorrow morning. Thank you.

**THE DEPUTY SPEAKER:** That is very good, Rt Hon. Prime Minister. Thank you. Hon. Max Ochai?

10.59

**MR MAXIMUS OCHAI (NRM, West Budama County North, Tororo):** Thank you, Mr Speaker, for this opportunity. I rise under Rule 54 (1) of the Rules of Procedure on a matter of urgent public importance concerning the delayed upgrade of the strategic economic road -

**THE DEPUTY SPEAKER:** Can you allow me to pick Hon. Fred Opolot as we wait for the Minister of Works and Transport to come back? Okay? Hon. Fred Opolot?

10.59

**MR FRED OPOLOT (NRM, Pingire County, Serere):** Thank you, Mr Speaker, for giving me this opportunity. I rise on a matter

of urgent national importance concerning the heavy rainstorms that destroyed property and affected the lives of many people in Serere District.

Mr Speaker, the heavy storms destroyed critical national infrastructure, lives and businesses in the whole of Serere District. These unfortunate occurrences have affected the socio-economic wellbeing of many people.

On 17 April 2023, winds blew off the roof of a three-classroom block in Aarapoo Primary School in Labor Sub-county. It also damaged the head teacher's office thus destroying stationery, equipment and a food bank contributed by parents under the school's feeding policy.

Mr Speaker, more schools in two constituencies in Serere have suffered the same fate. For example, Otirono Primary School in Kasilo County lost the roof of its four-classroom block while Kateta Model Primary School and Jelet Primary School in Serere District also lost four-classroom blocks.

This damage, Mr Speaker, has affected 1,485 pupils in the whole of Serere District. In addition, the storm compromised the walls of these structures and may require -

**THE DEPUTY SPEAKER:** Your prayers, honourable member?

**MR FRED OPOLOT:** It is my prayer, therefore, that the Ministry of Education and Sports and the Office of the Prime Minister attend to this issue as soon as possible before students return from their holidays. Thank you.

**THE DEPUTY SPEAKER:** Thank you. Rt Hon. Prime Minister?

11.02

**THE THIRD DEPUTY PRIME MINISTER AND MINISTER WITHOUT PORTFOLIO (Ms Rukia Nakadama):** Mr Speaker, we shall get a letter from the district concerning the same and handle it with the honourable Member of Parliament. We shall handle it after getting that

letter because sometimes, we get information here, but when we seek information from the district, we find out that it is not as it has been stated on the Floor.

Therefore, I request that we get information from the district and then we will sit with the Member of Parliament and see how to conclude on that. Thank you.

**THE DEPUTY SPEAKER:** Thank you. Honourable colleagues, as you all know, the procedure is very clear: the District Disaster Management Committee should visit the ground, make an assessment and submit a report to the Office of the Prime Minister. It is always good for us, as MPs, that when we come on the Floor, we carry a copy of that letter. It makes it very easy. Hon. Opolot, has the Chief Administrative Officer (CAO) submitted the letter?

**MR FRED OPOLOT:** Absolutely. I have been interacting with the CAO and the submission has been made. In fact, that was done about three weeks ago. The only worry is that students are starting school soon. Thank you.

**THE DEPUTY SPEAKER:** Please, Rt Hon. Prime Minister, handle that issue. Hon. Muhammad Ssegirinya, is that your maiden speech? *(Laughter)*

11.03

**MR MUHAMMAD SSEGIRINYA (NUP, Kawempe Division North, Kampala):** Thank you, Mr Speaker, for giving me this opportunity to say something since I was released from detention incommunicado.

Mr Speaker, I am raising a matter of national importance concerning the rampant abductions of National Unity Platform (NUP) supporters in my area. Three days ago, four members of NUP were arrested and taken to an unknown destination. My prayer to the Minister of Security is to know whether it is a crime to be a NUP member.

Secondly, are we experiencing a reign of terror in our country? Thank you, Mr Speaker. *(Applause)*

**THE DEPUTY SPEAKER:** That is Hon. Ssegirinya's maiden speech. However, Hon. Ssegirinya, it becomes much easier when you say "so and so" has been abducted. When you say "supporters", the minister does not know where to begin from. Can we get the names of the people?

**MR SSEGIRINYA:** Thank you, Mr Speaker. One is called Umar Magala, a NUP coordinator in Kawempe North. There is also Shakira Nambozo and many others, Mr Speaker. *(Applause)*

**THE DEPUTY SPEAKER:** Honourable Minister of Internal Affairs?

11.05

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi):** Mr Speaker, I am glad Hon. Ssegirinya said that they have been arrested. This means that with further and better particulars, we may be able to trace them and then, give him an answer. Thank you.

**THE DEPUTY SPEAKER:** Hon. Ssegirinya, link up with the minister and give him more details so that these issues are followed up. Hon. Maximus Ochai, you are the last one on matters of national importance.

11.05

**MR MAXIMUS OCHAI (NRM, West Budama County North, Tororo):** Thank, Mr Speaker. I rise on a matter of urgent public importance under Rule 54 of the Rules of Procedure that pertains to the delayed upgrade of the strategic economic road running from Tororo via Nagongera to Busolwe measuring 44 kilometres.

This road was programmed by Uganda National Roads Authority for a study to be undertaken in-house this financial year. Accordingly, the Ministry of Finance, Planning and Economic Development duly released the money. Many people, including myself, are aware that a study of this nature takes at least six months. We are hardly two months to the end of the financial year and the people of Tororo are worried as

to whether they are going to be taken for a ride again, this time round.

My prayers, therefore, are that:

1. The Minister of Works and Transport updates this House and indeed the people of Tororo on the status of this in-house feasibility study to upgrade this road;
2. You kindly ask the Minister of Works and Transport to ensure that the money released to UNRA is duly applied for the purpose for which it was meant for the credibility of our budget. Thank you.

**THE DEPUTY SPEAKER:** Thank you. Honourable minister?

11.07

**THE MINISTER OF WORKS AND TRANSPORT (Gen. Katumba Wamala):**

Mr Speaker, I will come back with an update on the matter as I am not aware of it. It is not on my fingertips, but I will come back and update the House.

**THE DEPUTY SPEAKER:** What is very critical is ensuring that work is done. This is not an issue for which you need to come back on the Floor. You can liaise with the Member on the issue and then update me.

**GEN. KATUMBA:** Thank you for the guidance, Mr Speaker.

**THE DEPUTY SPEAKER:** Hon. Ssemujju, do you have a procedural matter?

**MR SSEMUJJU:** Mr Speaker, a while ago, you asked the Minister of Internal Affairs to respond to a matter and I saw that Gen. David Muhoozi was approved by this Parliament as a minister of state. The procedural issue I am raising is whether you, Mr Speaker and the leadership of Parliament, have, without our knowledge, exempted some ministers from coming to Parliament.

Gen. Katumba Wamala is a General; he comes here. The Attorney-General and others come

here. Gen. Otafiire who became a minister when I was in secondary school –(Laughter)– and I think he is now tired, does not come here.

Therefore, the procedural issue I am raising, Sir, is whether you have made exemptions for some ministers to appear in Parliament and they can keep sending others. Gen. David Muhoozi was the Chief of Defence Forces while Gen. Otafiire was his junior. How can a junior begin sending a senior to Parliament? (Laughter)

**THE DEPUTY SPEAKER:** Thank you. Honourable colleagues, I want to clarify that we have not exempted anyone from coming to Parliament; I want to put that on record. Rule 114 of the Rules of Procedure is very clear on attendance and it puts the duty on the Prime Minister, who is the Leader of Government Business. The duty is on you, as per the rules, to ensure that ministers attend plenary. There are some ministers who do not attend sittings and it is not only senior ministers; there are also some junior ministers who do not come here.

11.09

**THE THIRD DEPUTY PRIME MINISTER AND MINISTER WITHOUT PORTFOLIO (Ms Rukia Nakadama):**

Mr Speaker, I will ensure that all ministers attend Parliament. However, whenever you see that a minister is not here, he is not in his home sleeping but he is on official duty. That is why we have state ministers as well as ministers of Cabinet. Nonetheless, I will ensure that all the ministers attend plenary.

**MS ACOM:** Thank you, Mr Speaker. On 3 May, the Rt Hon. Speaker directed that the Minister for the Presidency brings a statement and reports on the behaviour of RDCs and RCCs in this country. That statement was supposed to be brought here on 17 May, which was last Wednesday.

Given that Soroti is at it again and the RCC, together with notable men, are organising a second Women's Day celebration, are we proceeding well if the matters raised in this august House are not followed up and

concluded at the right time? I beg to submit. Thank you. *(Applause)*

**THE DEPUTY SPEAKER:** Honourable member, we are proceeding well because what you have raised is not a matter of procedure as per Rule 78 of the Rules of Procedure. It does not qualify as such.

When you are interrupting debate - If I can go back, I have always emphasised this. Rule 78(4) reads:

*“Where a Member interrupts debate on a point of procedure, the Member shall state the rule of procedure he or she deems to have been breached by the Member holding the Floor or the procedural matter he or she wishes to be ruled upon, before subjecting the Member to the Speaker’s ruling.”*

These are your rules. Hon. Ssemujju was holding the Floor at that time. Honourable member, you can always use a point of privilege; it is safer. However, that is a very critical matter; I remember I was the one who started handling it. I am going to crosscheck with the Clerk as to whether the minister has submitted the statement to the Clerk. *(Applause)*

Once I find it is already submitted, I will ensure we give it space before the end of this week. If I find that the minister has not yet submitted it, I will require him to submit the statement, as per the ruling of the House.

#### BILLS FIRST READING

#### THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES CONTROL BILL, 2023

11.13

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi):** Mr Speaker, I beg to move that the Bill entitled, “The Narcotic Drugs and Psychotropic Substances Control Bill, No. 14 of 2023” be read for the first time. The Certificate of Financial Implication is available and accompanies the Bill. I beg to lay.

**THE DEPUTY SPEAKER:** Thank you. The Bill is accompanied by a Certificate of Financial Implications, as required by rule 118 of the Rules of Procedure. It stands referred to the Committee on Defence and Internal Affairs as per rule 129 of our Rules of Procedure.

#### MOTION SEEKING LEAVE OF THE HOUSE TO INTRODUCE A PRIVATE MEMBER’S BILL ENTITLED, “THE LAW REVISION (MISCELLANEOUS AMENDMENTS) BILL”

11.14

**MR ASUMAN BASALIRWA (JEEMA, Bugiri Municipality, Bugiri):** Thank you, Mr Speaker. I beg to move that this House be pleased to grant me leave to introduce a Private Member’s Bill entitled, “The Law Revision (Miscellaneous Amendments) Bill.” I move under rules 56, 121 and 122 of the Rules of Procedure of Parliament.

**THE DEPUTY SPEAKER:** Is the motion seconded? *(Members rose)* It is seconded by Hon. Hanifa, Hon. Okot, Hon. Allan Mayanja, Hon. Nambeshe, Hon. Jonathan Ebwalu, Hon. Isaac - all of you want to support it - Majority of the Members. Honourable member, can you speak to your motion?

**MR BASALIRWA:** Thank you very much, Mr Speaker. The motion reads:

*“WHEREAS Article 79 of the Constitution of the Republic of Uganda empowers Parliament to make laws on any matter for peace, order, development and good governance;*

*AND WHEREAS Article 94(4)(b) of the Constitution and rules 121 and 122 of the Rules of Procedure permit a Member of Parliament to move a Private Member’s Bill;*

*AND AWARE that Article 2 of the Constitution of the Republic of Uganda declares the Constitution the supreme law of Uganda and requires that any other law or any custom which is inconsistent with any of the provisions of the Constitution is void to the extent of its inconsistency;*



*FURTHER AWARE that the promulgation of the Constitution of the Republic of Uganda introduced, in Uganda's jurisprudence, constitutional standards against which laws, customs, traditions or anything done pursuant to an enactment, customs or traditions is examined in determining whether the enactment, customs or any action infringes upon an individual or group's constitutionally protected rights;*

*NOTING THAT the Constitutional Court and the Supreme Court has in various decisions examined the provisions of the Public Order Management Act, 2013 the Police Act, the Penal Code Act and declared them unconstitutional for infringing constitutional standards and constitutionally protected rights and freedoms;*

*RECOGNISING THAT in order to give effect to the decisions of the Constitutional Court and the Supreme Court, this Parliament enacted the Law Revision (Miscellaneous Amendments) Bill, 2022, wherein several amendments were made to the Public Order Management Act, 2013 the Police Act and other enactments;*

*CONCERNED THAT owing to the limited scope of the Law Revision (Miscellaneous Amendments) Bill, 2022, certain amendments that were necessary to give effect to the decisions of the Constitutional Court and the Supreme Court could not be made to the Public Order Management Act, the Police Act, the Penal Code Act and other pieces of legislation;*

*COGNISANT THAT in order to give legislative effect to the decisions of the Constitutional Court and Supreme court, there is need to amend the aforementioned laws to remove provisions that infringe or adversely affect the realisation of constitutional standards and constitutionally protected rights and freedoms;*

*NOW THEREFORE be it resolved that Parliament grants me leave to introduce a Private Member's Bill entitled, "The Law Reform (Miscellaneous Amendments) Bill", a draft of which is attached hereto and submitted on the Floor."*

Mr Speaker, I beg to move.

**THE DEPUTY SPEAKER:** Thank you. Honourable colleagues, before we go any further on this, Hon. Basalirwa is saying the Private Member's Bill, which we had allowed him to move last time, could not sufficiently address all these issues and therefore, we need another Bill in regard to this matter. Before I go any further, I want the Attorney-General to guide on the same.

11.18

**THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka):** Thank you very much, Mr Speaker. I object to this Bill being presented for two reasons. First, the Law Revision Act is a statutory mandate of the Attorney-General under a law set up by this Parliament and as such, the Law Revision Act cannot be brought by a private member. However, if Hon. Basalirwa feels that there is a particular piece of legislation, which needs to be amended, the amendment needs to be brought particularly to that law. For example, he has cited the Penal Code Act, the Public Order Management Act and the Police Act. Necessary amendments should be brought directly under those Acts. Section 2 of the Law Revision and Law Reform Act is the mandate of the Attorney-General and that is my advice.

Secondly, the Law Revision (Amendment) Act is still in process under the provisions of the Constitution; it has not been completed. How is Hon. Asuman Basalirwa confident that if Parliament left out anything, the President will not raise it?

I beg that we complete the process of the Law Reform (Amendment) Bill and if you feel that there is anything that has been left out, the specific amendments to the different laws could be brought. I beg to submit.

**THE DEPUTY SPEAKER:** Attorney-General, the dilemma is in Article 94 of the Constitution, which allows private Members to bring Private Member's Bills and it does not limit them apart from those provided for under Article 93, which has a charge on the Consolidated Fund or those with a financial implication.

My fear is, when the House says that this is the preserve of the Attorney-General and the private Member cannot bring this - Let me first allow the two brains.

**MR BASALIRWA:** Mr Speaker, with due respect, the learned Attorney-General is misleading on this issue. The Bill I am talking about is not the Law Revision Act; I am very cognisant of your role and mandate under the Law Revision Act and I am talking about law reform. The two, with due respect, are completely different. I wish the Attorney-General concentrates on the motion as it would help and guide.

Secondly, we were here on the Floor and I am the one who moved the Private Member's Bill on the Law Revision Act. On their request, they took it over and we met you in the committee and they adopted about 90 per cent of what I had proposed and I conceded.

Unfortunately, there are aspects, which I agreed to, which could not go into the Law Revision Act. We were here and I put him to task and said, "For those aspects that were consequential to what we had amended in the Law Revision Act, I will bring them in the law reform and he conceded." (*Applause*)

Mr Speaker, the Attorney-General should not be allowed to abrogate and reprobate at the same time; he knows it is unacceptable in law. Therefore, I request that what we are talking about is actually consequential amendments arising out of the Law Revision Bill, which we passed. The two are completely different and I am talking about the law reform, which is consequential.

For example, we amended the Penal Code Act in the Law Revision Act on publication of false news. Under that, if you are charged with an offense and convicted, you are supposed to have your gadgets confiscated and that is what the Penal Code Act says. However, that could not be included in the Law Revision Act because it is specific. I am bringing it here because it is a consequential matter.

I do not know whether the Attorney-General just wants to take pride in objecting. Otherwise, this matter is brought in good faith, it has no impact on the Consolidated Fund and it is actually intended to help you to ensure that we standardise and regularise the law.

**THE DEPUTY SPEAKER:** Hon. Basalirwa, if I understood the Attorney-General very well, he said the process of the Law Revision Act is still ongoing because it is not yet assented to. He said the President might return it and say include A, B, C and D. Therefore, his argument is that we should wait and once it is assented to, we can go to the law reform because you will now have a clear law that is already assented to. What is your comment on that?

**MR BASALIRWA:** Incidentally, what the President will be assenting to cannot be covered under the Law Revision Act, even if he is to bring it back -

**THE DEPUTY SPEAKER:** No, but you are saying they are consequential amendments.

**MR BASALIRWA:** Mr Speaker, the law that allows the Law Revision Act is very specific. Even if the President was to bring it back, we cannot engage in the law reform when we are discussing the Law Revision Act. That is the fundamental difference that I want us to focus on.

We have had that debate here and in fact when we were discussing the Law Revision Act, I tried severally to bring these amendments in that Bill, but the Attorney-General said, the Law Revision Act is limited. He was here on the Floor. That is why I said, "okay, I will concede at this point, but at an appropriate time, I will bring a Bill on law reform" - and this is something we agreed on here.

**THE DEPUTY SPEAKER:** Attorney-General?

11.18

**THE ATTORNEY-GENERAL (Mr Kiwanuka Kiryowa):** Thank you, Mr Speaker. Hon. Basalirwa should get me clearly. I have no

problem with him bringing a private Member's Bill under Article 79 to amend anything as long as it does not contradict Article 93. However, the question I am discussing is the "how"?

The law reform you are talking about is provided for under the Law Reform (Miscellaneous Provisions) Act. Section 10 provides that "*The commission shall study and keep under constant review the Acts and other laws comprising the laws of Uganda with a view to making recommendations for their systematic improvement...*" Even that function of law revision has been given to the Uganda Law Reform Commission by this Parliament.

Mr Speaker, the rationale of this is that when we stand here and try to amend several laws omnibus, that is, revision or reform. Hon. Basalirwa should be at liberty to bring the amendment he wishes to bring to the Police Act, the Public Order Management Act and the Penal Code Act singularly so Parliament can address its mind to that particular provision he is looking to address.

Mr Speaker, as you correctly pointed out, as he submits, it would be consequential to the completion of a process. This process is not complete. Why do not we allow it to be completed and do it in an orderly manner?

I can only advise that the omnibus amendment of laws using the provisions of law reform or law revision is not available to a private Member. I beg to submit.

**THE DEPUTY SPEAKER:** That is a matter, the committee handling the Bill, would handle if the House allowed. However, the most important aspect I have picked, Hon. Basalirwa, is that you have said most of these are consequential amendments. Now, is it consequential to the work we have done here, which is not yet complete? Hon. Basalirwa, do you think we would lose much if we waited for a month? Once the Bill is assented to-

**MR BASALIRWA:** Mr Speaker, again with due respect, we should never allow the

Attorney-General to come on the Floor and make conflicting statements. It is going to be very dangerous for this House; the Attorney-General makes statement A, then after one month, he comes and makes statement B; that should never be allowed. He is the Attorney-General, and he is on record - we can extract that information from the *Hansard*.

Mr Speaker, to me, that is a very serious issue. The issues he is raising are what I raised earlier and he shot them down. He said, "That is outside the purview of law revision". He has his own record - I actually did give notice at that time.

Mr Speaker, the Presiding Officer, unfortunately, did not allow me to have him commit. Otherwise, I wanted him to commit on the Floor because I know he changes sometimes.

We are talking about matters of law and the Supreme Court decisions. Even the conclusion of that process will not cure what I am talking about. Even in that same Bill, he talked about expired and redundant laws. I did raise the issue of Nakivubo and there is even a separate law we created for it; the National Sports Act, but he was reluctant to comment on it, yet I brought it here.

This motion is holistic and cosmopolitan. I beg, Mr Speaker that you permit us to go and tussle it out in the committee with him, the way we usually do.

**THE DEPUTY SPEAKER:** Honourable colleagues, it is the House to permit this - usually, it is to grant leave. The rest can come later. So we should not waste much time on this.

I now put the question that the motion seeking leave of the House to introduce a Private Member's Bill, entitled "The Law Reform (Miscellaneous Amendments) Bill" be approved.

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** Congratulations, Hon. Basalirwa. Go and start work on your Bill; work with the Attorney-General. Honourable colleagues, lawyers usually agree. There is always a meeting point and they respect each other so much. So, work together.

Hon. Basalirwa, when you are working on the final Bill, take a little time; as you wait for the certificate, also wait for the assent of the Bill to ensure that issues of consequential amendments do not come in here and time is on your side. Thank you. Next item.

Honourable colleagues, I had seconders but usually on matters of granting leave - as long as clarification has been sought, we do not take a lot of time to vote. Next item. We have already voted on the matter.

MOTION SEEKING LEAVE OF THE HOUSE TO INTRODUCE A PRIVATE MEMBER'S BILL ENTITLED "THE SEXUAL OFFENCES BILL"

**THE DEPUTY SPEAKER:** Hon. Anna Adeke?

11.31

**MS ANNA ADEKE (FDC, Woman Representative, Soroti City):** Thank you, Mr Speaker. If it may please you, I beg to move that this august House does grant me leave to introduce a Private Member's Bill entitled "The Sexual Offences Bill" moved under Rules 56, 121 and 122 of the Rules of Procedure. I beg to move.

**THE DEPUTY SPEAKER:** Is the motion seconded? It is seconded by Hon. Sarah Opendi, Hon. Najjuma, Hon. Amos Okot, Dr Ruyonga, Hon. Nalule, Hon. Flavia, Hon. Kaaya, Hon. Frank, Hon. Begumisa, Hon. Naluyima, Hon. Rwemulikya, Hon. Atukwasa, and workers' representative.

**MR ADEKE:** Thank you, Mr Speaker. The motion reads:

*"WHEREAS Article 79 of the Constitution of the Republic of Uganda empowers Parliament*

*to make laws on any matter for the peace, order, development and good governance of Uganda;*

*AND WHEREAS Article 94(4)(b) of the Constitution and Rules 120 and 121 of the Rules of Procedure permit a private Member to move a Private Member's Bill;*

*AWARE THAT the sexual offences in Uganda are mainly prescribed under the Penal Code Act, Cap. 120 and various other legislations such as the Prevention of Trafficking in Persons Act, 2009, the Domestic Violence Act, 2010 and the Children's Act Cap. 59;*

*NOTING THAT whereas Uganda has enacted various laws to curb sexual offences and sexual violence against women and children, incidents of sexual violence are increasing as was revealed by-*

- 0. the 2016 Uganda Demographic and Health Survey wherein 22 per cent of women aged between 15 to 49 in the country reported having experienced some form of sexual violence, and that annually 13 per cent of women, aged 15 to 49 report experiencing sexual violence and-*

**THE DEPUTY SPEAKER:** Honourable colleagues, can we have order? Let us have only one meeting. You can go and share in the corridors.

**MS ADEKE:** "Noting that the 2021 Uganda Police Annual Report which indicated that a total of 16,373 sex-related crimes were reported, representing about 8.2 per cent of the total crimes reported in the country, signifying an increase of about 1.4 per cent from the previous year.

*CONCERNED THAT due to the passage of time, some aspects of the Penal Code Act and various other legislation relating to sexual offences have become outdated, especially in light of advances in technological, emerging international best practices and the evolving current trends in sexual offences, resulting in the non-prosecution of sexual vices that are prevalent today, such as child grooming;*

*FURTHER CONCERNED THAT due to the scattered nature of sexual offences in different pieces of legislation, the public and the law enforcement agencies are denied a single piece of legislation on sexual offences to guide the effective prevention, protection and prosecution of these offences;*

*CONVINCED that to ensure effective prevention, protection of victims and prosecution of sexual offences and drawing from experiences of a number of Commonwealth countries such as India, United Kingdom, Kenya and recently Rwanda, which have all consolidated sexual offences into a single legislation, there is need to consolidate all sex offences in Uganda into a single piece of legislation and to further review and update the sexual offences contained in the Penal Code Act and other laws in order to remedy the new forms of sexual violence and exploitation, which are prevalent today;*

*RECALLING THAT this Bill is a resubmission of the Sexual Offences Bill, 2019, which was read for the first time on 2 November 2019 and referred to the Committee on Legal and Parliamentary Affairs for scrutiny, but lapsed with a dissolution of the 10<sup>th</sup> Parliament in accordance with Rule 235(1) of the Rules of Procedure, hence necessitating this motion;*

*NOW, THEREFORE, be it resolved that Parliament does grant me leave to introduce a Private Member's Bill entitled "The Sexual Offences Bill" a draft of which is attached hereto and that Parliament does order the publication of the Bill in preparation for its first reading."*

I beg to move. *(Applause)*

**THE DEPUTY SPEAKER:** Thank you. Attorney-General, do you want to say anything on this?

11.36

**THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka):** Mr Speaker, I have no comment on this Bill. I have not read it. There is no legal issue for me to raise at this point.

**THE DEPUTY SPEAKER:** Thank you. Honourable colleagues, in the interest of time, I now put the question that the motion seeking leave of the House to introduce a Private Member's Bill entitled, "The Sexual Offences Bill" be approved.

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** Congratulations, Hon. Adeke. Honourable colleagues, sometimes, I want us to use our time to add value. When I see that in a debate I am only going to increase the number of people speaking without changing much, I put the question. However, when I know that there is controversy somewhere, then, you can debate. Next item.

## BILLS SECOND READING

### THE PUBLIC SERVICE PENSION FUND BILL, 2023

**THE DEPUTY SPEAKER:** Honourable colleagues, I have read the report of the committee. I read it last night and went through it, again, in the morning – on this item and I would like to guide as follows:

I have noted that the proposed amendments to the Public Service Pension Fund Bill, 2023 that is before us for second reading are numerous and substantially change the content and subject matter of the Bill, thereby changing the Bill that was published and introduced by Government for first reading.

I have got in touch with the Ministry of Public Service - I could not get the ministers, but I managed to get in touch with the Permanent Secretary who told me that they agree with most of the changes proposed by the committee. This means the committee did a very tremendous job.

I have also discovered that over 60 per cent of the clauses in the Bill have been amended. What this means is that the Bill we gazetted and put out to the public – to consult on – is

different from the one we would be processing here. As you all know, in the legislative process, we do make laws that fit in society, but not for society to fit in the laws. That is why it is very important to do consultations on a Bill.

I have studied various precedents, including the *Hansard* of 19 February 2019, where the Presiding Officer then - the Rt Hon. Jacob Oulanyah - guided on the magnitude of proposals for amendments to a Bill.

In reference to “The Sexual Offences Bill, 2019”, which had been substantially amended, the Rt Hon. Jacob Oulanyah guided as follows:

*“Any amendments to this magnitude would require the minister to withdraw the Bill and incorporate the proposals in the Bill and reintroduce it for first reading.”*

In view of the fact that there are numerous proposed amendments to the Public Service Pension Fund Bill, 2023, I guide that, if the minister agrees with the majority of these amendments, then, the minister should move under rule 140 of the Rules of Procedure of Parliament to withdraw the Bill, incorporate the proposed amendments and have the Bill reintroduced for first reading.

The Attorney-General can act on behalf of the minister on such a matter – if he agrees with us – so that they withdraw this Bill, go and incorporate the proposed changes, gazette it, bring it for first reading and reintroduce it to the public for consultations. I have read it and noted that there are very critical amendments made in regard to this Bill.

11.40

**THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka):** Thank you, Mr Speaker. We actually had an opportunity to have a conversation about this Bill with the state minister. The proposed amendments had some heavy changes in the financial implications of this Bill. We did agree that it is important that the Executive go back to scrutinise this Bill. However, the committee has done a good job, I must say. It has pointed out a number of areas.

Therefore, I beg that the House does allow that “The Public Service Pension Fund Bill, 2022” be withdrawn, pursuant to rule 140 of the Rules of Procedure of Parliament and will be reintroduced for first reading by the Executive after further scrutiny. I beg to submit.

**THE DEPUTY SPEAKER:** Procedure?

**MR NAMBESHE:** Mr Speaker, much as I am in agreement with your observation and eventual ruling, this same report is accompanied by a minority report, pursuant to Rule 205 of the Rules of Procedure of Parliament.

Mr Speaker, if you were to give the movers of the minority report an opportunity to submit – particularly pertaining to the contributory pension scheme – it is in compliance with your observations. The House, therefore, would adopt the minority report rather than withdrawing the report – *(Interjections)* – whose opinion was in tandem with your observations.

**THE DEPUTY SPEAKER:** The Chief Opposition Whip, we are not withdrawing the report, but the Bill. The minority report and the majority report are one.

Therefore, once we allow the minister, they will go back and incorporate both issues in the minority report and those in the majority report and we, again, subject them to the public. The biggest legislators are members of the public because we take their views and incorporate them into the clauses.

11.43

**MS SARAH OPENDI (NRM, Woman Representative, Tororo):** Thank you, Mr Speaker. This is a very important Bill. Repeatedly, Members come to the Floor to raise issues of pensioners not being paid. That is why the contributory pension scheme would be a move in the right direction.

We processed this way back, in 2015, when I was still in Cabinet. I think they even gazetted it much earlier before it was even brought here.

We agree that, the minister comes with a motion to withdraw the Bill, but there must be a timeline within which they should return it. Otherwise, they might take another five years to return with this Bill.

Therefore, I propose that once the minister comes, he should even be given a timeline.

**THE DEPUTY SPEAKER:** The Attorney-General is doing it on behalf of the minister. So, he can tell us the timeline.

**MS OPENDI:** Mr Speaker, that is what I wanted to state: there must be a timeline given to the Executive to reintroduce this Bill. I propose three months.

**THE DEPUTY SPEAKER:** That is a long time because the principles are already approved. Attorney-General?

**MR KIRYOWA KIWANUKA:** Mr Speaker, what we are going to be dealing with also involves some changes in the principles. For example, what he was raising on the contributory scheme was not in the principles. If the minister feels it is a good idea to address that, then it will require us to amend the principles.

This is a Government Bill and Government is interested in it. Like you rightly pointed out, this is not a Bill we can make a mistake on. We must be absolutely clear; both on its financial implication and its social implication.

Mr Speaker, we pray that you allow us to withdraw this Bill and allow the Executive to work on this Bill and return it. Much of the work has been done, but I would not want to commit the public service now on how long it will take them to bring it back. We undertake to do it expeditiously and have this matter dealt with at the earliest. I beg to submit.

**THE DEPUTY SPEAKER:** Thank you. Honourable colleagues, I now put the question that leave be granted to the minister to withdraw the Public Service Pensions Fund Bill, 2022.

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** Honourable minister, please go and work on the Bill expeditiously. On our side, as Presiding Officers, we shall give it utmost attention once you bring it. Committee chairperson and Members of the Committee on Public Service and Local Government, thank you for the good job. *(Applause)* I request those who have not yet read the report to do so in detail. Shadow minister, thank you for the good job. *(Applause)*

Honourable colleagues, I would like to amend the Order Paper to allow one item, which has been pending overtime because Members have been asking a lot for it. The report is ready so we need to sort out this matter in order for business to go on, as far as Government is concerned. It is Parliament, which had raised those issues on the report of the Joint Committees on Defence and Internal Affairs and Physical Infrastructure on investigations on the implementation of the Intelligent Transport Monitoring System by M/S Joint Stock Company Global Security.

Clerk, you can call that item and we handle that matter urgently.

JOINT COMMITTEE REPORT;  
THE COMMITTEE ON DEFENCE  
AND INTERNAL AFFAIRS  
AND THE COMMITTEE ON  
PHYSICAL INFRASTRUCTURE  
ON INVESTIGATIONS ON THE  
IMPLEMENTATION OF THE  
INTELLIGENT TRANSPORT  
MONITORING SYSTEM BY M/S JOINT  
STOCK COMPANY GLOBAL SECURITY

**THE DEPUTY SPEAKER:** Committee chairperson, mainly focus on the observations and use 20 minutes.

11.48

**THE DEPUTY CHAIRPERSON, COMMITTEE ON PHYSICAL INFRASTRUCTURE (Mr Robert Kasolo):** Thank you, Mr Speaker. I beg to lay the minutes of the meetings and the original report of the committees.

I beg to present a report of the joint committee of the Committees on Defence and Internal Affairs and Physical Infrastructure on investigations on the implementation of Intelligence Transport Monitoring Systems by M/s Joint Stock Company Global Security.

As you guided, Mr Speaker, I will go straight to observations but it is important to give the background to this.

Following the gruesome killings committed by criminals around the country moving in unidentified vehicles and motorcycles, in 2018, His Excellency, the President of the Republic of Uganda, addressed Parliament and presented 10 measures that Government was going to undertake to fight the escalating crime, among which, including smart number plates and smart tracking systems for motor vehicles and motorcycles countrywide.

He requested Parliament's support in this endeavour. Subsequently, Government of Uganda identified the Intelligence Transport Multi System Project (ITMS) to develop the implementation of a smart tracking system in Uganda that would improve crime management, security, traffic management and revenue collection.

The ITMS is an intelligent safe city system based on software that stores information about motor vehicles and owners, analyses traffic flow through special equipment and checks vehicle legitimacy.

The project's overall goal is to improve security and reduce crime committed against innocent Ugandans by criminals who have made it a habit of shooting people and getting away mainly on motorcycles.

Subsequently, the Government of Uganda, represented by the Minister of Security and the Ministry of Works and Transport entered into an agreement with a Russian company, M/S Joint Stock Company Global Security on 23 July 2021, to set up an integral transporting system. The presidency is coordinating the project, specifically under the docket for

security, working together with relevant security agencies and the office commenced preparatory arrangements to implement the directives above.

#### Terms of Reference

The committee considered the petition under the following Terms of Reference;

1. To establish whether implementing the ITMS Project protects and preserves people's right to privacy.
2. To establish whether value for money would be achieved during the implementation of the ITMS Project.
3. To establish whether a demonstration of the effectiveness of the project by installing ITMS on Government vehicles, motorcycles and passenger service vehicles including taxis before rollout was done.
4. To establish whether Government would meet all the costs required for installing the ITMS in all vehicles.
5. To carry out an exhaustive investigation into the existence and operations of M/S Joint Stock Company Global Security.
6. Any other incidental matter.

#### Methodology

We interacted with a number of agencies, security, the mover of the motion and whoever - you can go through it -

**THE DEPUTY SPEAKER:** Honourable, your five minutes are gone and you have not yet read your observations.

**MR KASOLO:** Let us go to page 7, which has the observations.

Term of Reference 1: To establish whether implementing the ITMS project protects and preserves people's right to privacy



The committee found out that privacy is a fundamental human right enshrined in numerous international human rights instruments and the Constitution of Uganda. It is central to protecting human dignity and forms the basis of any democratic society.

The committee understands that the petitioner's concerns were premised on the fact that a foreign firm will manage the Intelligent Transport Monitoring System (ITMS) architecture and, by extension the data collected. Because the system is inherently vulnerable to state surveillance due to the State's deployment of increasingly sophisticated and coercive means to prevent crime, the likelihood of subjecting citizens to surveillance disruption is imminent.

Whereas the petitioner's concern reflected the fear that installing the monitoring and tracking system would result in the intrusion into people's rights to privacy, the committee found that the ITMS contract is well clothed within the Law.

Article 27(2) of the Constitution of the Republic of Uganda provides thus: "No person shall be subjected to interference with the privacy of that person's home, correspondence, communication or other property."

However, the right provided for in Article 72(2) of the Constitution is subject to general limitations provided for in Article 43 of the Constitution. Article 43 of the Constitution provides thus:

- "1. In the enjoyment of the rights and freedoms prescribed in this chapter, no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest.*
2. *Public interests under this Article shall not permit –*
- (a) *Political persecution;*
- (b) *Detention without trial;*
- (c) *Any limitation of the enjoyment of the*

*rights and freedoms prescribed by this chapter beyond what is acceptable and demonstrably justifiable in a free and democratic society or what is provided in this Constitution."*

Courts in Uganda have defined what amounts to public interest: The case of *Aboneka Michael and Centre for Constitutional Governance v. Attorney-General Miscellaneous Cause, No. 367 of 2018*, described public interest as "something in which the public as a whole has a stake". It further appreciated the definition of public interest in the case of *R v. Bedfordshire 24L.J.G.B 84* as "It does not mean that which is interesting as gratifying curiosity or love of information or amusement, but that in which a class of the community have a pecuniary interest or some interests by which their rights or liabilities are affected."

Further, the Supreme Court in the case of *Amoti Godfrey Nyakana v. Attorney-General and others Constitutional Appeal No. 5 of 2011*, the court held that while our Constitution permits limitation on the enjoyment of the rights granted under it, those limitations are only permissible to prevent the prejudicing of the rights of others and to protect public interests, which is justifiable in a free and democratic society or as provided for by the same Constitution.

#### Observations

The committee observes that;

- a) The right to privacy is among the rights under which the State can interfere, as Article 43 of the Constitution provides such a right is not absolute, and the State is clothed with powers to interfere where necessary for the public interest within what is acceptable and demonstrably justifiable. The gruesome killings by hit-and-run gun-wielding motorcyclists recorded in Uganda pause a great danger to public security if undeterred.
- b) The Data Protection and Privacy Act, 2019 under Section 7(2)(b) (ii) and (iii)

allows the state to collect personal data for national security and prevention, detection and investigation of an offence or breach of the law to interfere with your privacy. Section 20 of the same Act, obliges the data collector (ITMS) to ensure the integrity of personal data in their possession by adopting appropriate and reasonable measures to prevent the loss or unlawful/unauthorised access to data collected by the system.

- c) Article 7.1 of the ITMS agreement provides that the parties shall ensure that personal data is collected, processed and stored in accordance with the Data Protection and Privacy Act, 2019. No party shall use any personal data collected, processed or stored for purposes other than for the objective of this agreement. Therefore, the ITMS is mindful of the data protection and privacy laws of the country.

#### Recommendations

The committee, therefore, recommends that;

- a) The Government should take the initiative to sensitise citizens about their right to privacy.
- b) The Government should sensitise the public on the benefits of ITMS system in crime management.

Terms of reference 2; to establish whether value for money will be achieved during the implementation of the ITMS project. The committee is mindful that in the Constitution of the Republic of Uganda under Article 163(3) (b) and section 21, the Auditor-General is mandated to carry out value-for-money audits regarding any project involving public funds.

The committee established that the total investment of the ITMS project would be amounting to \$257,033,822.93 and the investor would entirely bear the cost. However, the committee observes that the investor intends to recover this cost through fines and fees provided in the financial model.

It is noteworthy that for such projects to be undertaken by Government, comprehensive due diligence on the contractor should be conducted to critically review and evaluate their capacity to minimise significant losses after the contract has been closed.

The Minister of Security informed the committee that the project management team undertook due diligence on the company and that the team gave assurance of value for money in its due diligence report. However, the committee finds it prudent that for Parliament to pronounce itself on the matter, the committee should be allowed an opportunity to benchmark on some of the projects already implemented by M/S JSC Global Security to assess its capacity to deliver on the contract and for the Government to ensure value for money.

#### Recommendations

The committee recommends that;

- i. During the implementation of the ITMS Project, the Auditor-General regularly conducts value for money audit on the project to establish whether the total project costs reported are;
  - Reflective of the actual cost for the project;
  - Prudently incurred following the project implementation design, and
  - Reflective of value for money.
- ii. Upon adopting this report, the committee be allowed an opportunity to undertake a benchmark or due diligence on the already implemented projects by the M/S JSC Global Security to assess its capacity to deliver on the contract for the Government to ensure value for money.

The financial model for the intelligent transport monitoring system. The committee established that the agreement on the Intelligent Transport Monitoring System.

The committee established that the agreement on the ITMS between the Government of Uganda and Join Stock Company Global

Security, under Article 4, set out the conditions precedent to the agreement's effectiveness, among which was the Financial Model for the ITMS project.

The committee's scrutiny of the financial model revealed the following:

- The cost structure of the investment. I think we can go through on our own -

**THE DEPUTY SPEAKER:** Now you are doing well, honourable member. You do not need to read the whole text. The Clerk will capture the whole report on the *Hansard*.

**MR KASOLO:** The recommendations: The committee, therefore, recommends that all fines collected under the agreement form part of the Consolidated Fund and be appropriated by Parliament as required by law.

There is one about tax incentives, but I will not read it. I will go to its recommendation.

The committee recommends that the Minister of Finance, Planning and Economic Development should not issue a tax incentive of more than four years to the contractor whose payback period is 10 years. The tax incentive should tie within the first four years of the investment, after which the statutory taxes should apply. That is to do with the financial model.

8.3 Terms of Reference No.3: To establish whether a demonstration of the effectiveness of the project by installing the ITMS on Government vehicles, motorcycles and passenger service vehicles, including taxis before roll out was done.

The committee found that the PMT visited the Ministry of Works and Transport/UNRA regional stations and police command centres from February 2<sup>nd</sup>-8<sup>th</sup> 2022, to establish space requirements. The team adopted a general report during the meeting on 18 February 2022. The Minister of Security informed the committee that the contractor had piloted the installation of the trackers in different vehicles. This exercise began on 2 February 2022, and installed the trackers as follows:

- Eight cars (privately owned vehicles).
- Four buses, plying each region.
- Three taxis (Minibuses) and;
- Five motorcycles (*Boda-bodas*).

Additionally – this one, I will not read, but the other one was very important.

**THE DEPUTY SPEAKER:** Observations.

**MR KASOLO:** The committee observed that:

- The system will be implemented in phases starting with the capital city and rolled out across the country over a three-year period. This covers 238 boundaries and over 83 major road intersections. The new registration plates will start with replacement of Government plates plus first-time registration;
- The service provider, in conjunction with Government of Uganda, will operate the system over a 10-year period, which upon expiry, the project will be handed over to the Government at no additional cost;
- Piloting the ITMS will build confidence in the project by demonstrating how it will create a centralised transport monitoring system for all motor vehicles and motorcycles in Uganda. Based on the tracking device installed on all motor vehicles and motorcycles synchronised with digital number plates enhanced with security features as suitable mechanisms, identifying criminal elements in public will be simplified;
- By the time of drafting this report, the committee had not received a report on the pilot study from the ministry.

**Recommendations**

The committee, therefore, recommends that the Ministry of Works and Transport and the Ministry of Security implements the ITMS project based on the findings and recommendations of the pilot study report.

8.4: Terms of Reference No.4: To establish whether Government would meet all costs required for installing the ITMS on all vehicles.

Let me go to the observations as guided by Rt Hon. Speaker.

The committee observes that:

- i. Re-registering motor vehicles and motorcycles with new number plates and trackers is intended to facilitate synchronising the owner's details with the new system. This will impose a considerable cost on already registered owners of vehicles and motorcycles, given the inherent cost of acquiring a new number plate and trackers. However, the committee notes that it is standard practice to incur a fee while replacing or renewing a document required by law such as passports and driving permits upon loss or expiry. Therefore, the requirement to pay for the new digital registration plates would not be a new phenomenon. However, the committee deems it-

**THE DEPUTY SPEAKER:** Switch on the microphone, Chairperson.

**MR KASOLO:** However, the committee deems it prudent to harmonise the fees for On-board Device (OD) to replace older number plates with the Traffic and Road Safety Act and the regulations thereunder.

- ii. Foreign vehicles in transit and those temporarily in Uganda, are not provided for in the model.

Recommendations:

The committee, therefore, recommends that:

- (i) For purposes of enhancing security and surveillance, the proposed fee to be charged for first-time registration and new digital plate are sufficient to recover the cost of investment and therefore, should be approved;

- (ii) The fee for the On-board Device for the already registered vehicles and motorcycles should be harmonised with the Traffic and Road Safety Act and regulations thereunder;

- (iii) The model should be reviewed to include vehicles in transit and those temporarily in Uganda.

- (iv) I think the proposed fines, Mr Speaker, are very important that-

Table 3: Proposed fines in the ITMS Project Financial Model:

The fines:

1. Speed violation - Shs 250,000;
2. Stop line or markings - Shs 70,000;
3. Turn not under the sign - Shs 70,000;
4. Red light - Shs 130,000'

Observations

The committee observes that the Traffic and Road Safety Act, 1998 under;

- Section 119 creates an offence of careless or inconsiderate motor vehicle use;
- Section 108(7) defines reckless driving as disregarding of the rules of the road or driving without proper caution. It includes driving over the prescribed speed limit, failing to use signals, disobeying traffic signs and signals and drafting into another lane;
- Section 165 provides for offences that can be punishable without prosecution by paying a fixed penalty to discharge any liability arising from written notice issued by a police officer to an offender. Such offences are prescribed as minor offences and;
- Under section 165(13), the minister may make a regulation to provide for minor offences which will attract a fixed penalty not exceeding 100 currency points.

## Recommendations

The committee recommends that the fines proposed in the financial model be harmonised with provisions of the Traffic and Road Safety (Express Penalty Scheme for Road Safety Offenders) Regulation, 2004.

Regarding insurance fees – Members can go through that.

8.5 Terms of Reference No. 5: To carry out an exhaustive investigation into the existence and operations of M/S Joint Stock Company Global Security

Mr Speaker, Members can go through that as well. Let me go to the observations.

The committee observed that Virtus Global Security Company Limited is registered in Uganda, with M/S Joint Stock Company Global Security being the majority shareholder as a subsidiary company that can legally act on behalf of M/S Joint Stock Company Global Security.

On whether M/S Joint Stock Company Global Security is undergoing bankruptcy procedures – Members can read through that, Mr Speaker. We were supposed to find out whether the company was going through bankruptcy.

It is alleged that on 17 September 2020, the Moscow Arbitration Court received an application from Rus-Prom-Technology on the recognition as insolvent (bankrupt) of Joint Stock Company Global Security with the following claims:

- (a) Stock-Trading LLC sued M/S JSC Global Security for a debt of 1.2 million Roubles, which is about \$16,260;
- (b) Tuesday GS sro Slovak Republic sued M/S JSC Global Security for a debt of 6.1 million Roubles, which is about \$82,655. These were allegations against JSC Global Security.

## Observations:

The committee is convinced that there are no pending bankruptcy petitions against M/S Joint Stock Company Global Security Company to hinder it from contracting with the Government of Uganda.

8.6 Any matter incidental thereto

Under this, the committee observed that;

- (i) There were no solicitation documents since the Government used unsolicited proposals, as provided for under Section 34 of the Public-Private Partnerships Act.
- (ii) Having ascertained the restrictive security nature of the transaction of the ITMS, the ministry ought to have first developed the solicitation documents, clearly spelling out what they wanted. The contractor would then develop interest, if any, in taking up the project with clear expectations.
- (ii) Contracting an unsolicited service provider for the ITMS project limits the Government to develop the feasibility study and procurement documentation. Subsequently, competition for the tender during procurement, ranging from directly negotiating the contract to organising competitive tenders with no explicit advantage for the unsolicited service provider, is eliminated. In this case, M/S JSC Global Security was single-solicited.

## Recommendation:

The committee, therefore, recommends that the Government contracts service providers in accordance with the law.

## Conclusion:

Implementing the Intelligent Transport Monitoring System –

**THE DEPUTY SPEAKER:** Honourable member, you have another recommendation. You see, recommendations must be read. *(Laughter)*

**MR ROBERT KASOLO:** Okay. There is another observation and recommendation. *(Laughter)*

The committee observes that without assurance of network signal coverage, relying on a third party to the contract to provide an essential service is likely to expose the data collected to security risk and jeopardise the project's success.

Recommendation:

The committee, therefore, recommends that UTL expedites the upgrading of its network coverage through the country concurrently with the project rollout phases.

In conclusion, Mr Speaker, implementing the Intelligent Transport Monitoring System aims to enhance crime management through detecting, identifying and recognising all vehicles and motor vehicles operating in the country, among other benefits.

It is an intelligent safe city system based on software, which stores information about vehicles and owners, analyses traffic flow through special equipment, checks vehicles' legitimacy and more.

Based on our analysis, the system will significantly improve the vehicle database, streamline the transport sector, enhance the CCTV system and improve road safety and security in the country.

The committee posits that the agreement and financial model have gaps identified and need to be dealt with urgently, considering that the project is being implemented. Therefore, the committee calls upon Parliament to compel the Government to review the agreement and financial model, in light of the recommendations contained in the report.

I beg to report. *(Applause)*

**THE DEPUTY SPEAKER:** Thank you, honourable chairman. Do you have anything else to say?

**MR ROBERT KASOLO:** I am done.

**THE DEPUTY SPEAKER:** Okay. I understand there is a minority report. The notice was given and received on 12 May 2023.

**MR ROBERT KASOLO:** Mr Speaker, I am a senior legislator. I can assure you that I have not seen the minority report. If they have a minority report, they should have followed the procedure and uploaded it.

**THE DEPUTY SPEAKER:** Thank you. Honourable colleagues, this was a joint committee. When the Chief Opposition Whip told me there was a minority report, I insisted on notice because it is very important, as per Rule 205 of the Rules of Procedure.

I have confirmed with the co-chairperson – the Chairperson, Committee on Defence and Internal Affairs – that a notice was sent and she received it. I have shown her a copy and she has acknowledged that she received it. *(Applause)* So, it is not your problem, honourable chairperson. It is because it was jointly managed.

With that, I will allow the minority report to be presented now, while it is being uploaded. This is a matter which was not on the Order Paper. So, I cannot accuse them of not uploading it in time. *(Applause)*

Interestingly, the copy of the minority report I have is not signed by Hon. Roland Ndyomugenyi. That is the copy I have received from the Leader of the Opposition. *(Laughter)* However, he signed the notice. So, if there is a different copy – because as a Member - listen, honourable colleagues: you cannot present what you have not signed. Can I have Hon. Balimwezo or Hon. Katabaazi? If the one being uploaded is signed by Hon. Roland that is okay. Hon. Roland, please present and let us take 10 minutes, debate and sort the matter.

12.24

**MR ROLAND NDYOMUGYENYI (Independent, Rukiga County, Rukiga):** Thank you, Mr Speaker -

**THE DEPUTY SPEAKER:** I will need a copy of the one you have officially signed. Let me be flexible because I amended the Order Paper and allowed this. *(Applause)*

**MR NDOMUGYENYI:** Mr Speaker, I would like to present the minority report in accordance with rule 205 of the Rules of Procedure on the Intelligent Transport Monitoring System (ITMS). This report which is being uploaded has been signed by nine members. The main report suggests certain recommendations which the minority report differs from.

The first issue of dissent is the failure to conduct due diligence on the company. The minority report thinks that due diligence was not done properly on this company in accordance with Section 26(2)(c) of the Public Private Partnership Act, 2015. Therefore, we could not reach a conclusion as a committee that this company had the financial and technical capacity to carry out this assignment.

The feasibility study on the ITMS Project was also not properly done and as such, there was no clear-cut idea on whether the project is likely to be successful before allocating the budget and manpower.

There was another issue on the data management in accordance with Section 10 of the Data Protection and Privacy Act, 2019 which reads: *“A data collector, data processor or data controller shall not collect, hold or process personal data in a manner which infringes on the privacy of the data subject.”* We think that tracking people in that way might infringe on their privacy. *(Applause)*

On these issues, the recommendation is that the agreement be stayed and analysed further before the implementation can be done -

**THE DEPUTY SPEAKER:** I am reading your report and you said, “We recommend that the agreement be terminated”, which is different.

**MR NDOMUGYENYI:** I think the report I am reading -

**THE DEPUTY SPEAKER:** Please, Government - anyway, conclude.

**MR NDOMUGYENYI:** There was another issue on the financial model. The committee observes that a lot of revenue is going to be generated. The total revenue going to be generated, according to the model, is US \$996 million for the ten years. Out of this, US \$510 million is supposed to be got from fines while US \$486 million is supposed to be got from services like number plates and other services that the system will offer.

We observed that out of US \$486 million, the Government is not going to share any money from this revenue stream. The model recommends that the Government shares only 20 per cent of the US \$510 million. The committee believes the Government shares all the revenue but also recommends that the 20 per cent that is allocated to the Government of Uganda is very low and so, it should be increased accordingly.

We also observed that this US \$510 million from fines is overzealous. Fines alone are expected to fetch US \$510 million, which is a bit overzealous and may not be achieved. When you look at the current infrastructure in Uganda, most of the roads are not marked; most of them do not even have the junction cameras which will be used to collect this revenue.

We believe the infrastructure should first be developed so that those markings, where those fines are supposed to be charged, can be clearly demarcated for the Government and contractors to achieve more than what they want to achieve.

The model proposes a speed violation fine of Shs 250,000, Shs 70,000 for stop lines/markings, Shs 70,000 for a turn not under the sign and Shs 130,000 on red lights. We observed that these are not in line with the Traffic and Road Safety Act of 1998 and therefore there is a need for harmonisation of these fines with existing laws.

We recommend that since this proposed financial model conflicts with the provisions of the Traffic and Road Safety Act, 1998, the harmonisation should be done before the implementation so that we are in harmony with the existing laws.

There is an issue of increasing insurance fees as a source of revenue. Increasing insurance fees will fetch US \$143 million. Our observation is that according to Section 3 of the Motor Vehicle Insurance (Third Party Risks) Act, 1989, insurance fees do not go to the contractor; they are supposed to go to the insurer. Therefore, saying you are going to increase the insurance fees by US \$6 so that you earn money from it might be counterproductive. This is because an insurer has a contract insured and so saying that we want to increase the insurance fees to generate US \$143 million is farfetched.

There is revenue projected derived from driving licenses at the time of renewal and this is expected to fetch US \$23 million. We are wondering why a person who is going to renew the license should be charged more money because nothing will have changed from the license that someone holds. Therefore, we recommend that this source of funding should be removed from the model because it is not sustainable and it is unnecessary.

As I said earlier, the revenue-sharing agreement of 80 per cent for the contractor and 20 per cent for the Government is a bit low on the side of the Government. As a committee, we recommend that we increase the percentage but also include \$486,017,392.21 which is going to be generated from the services and the Government should also get a share of it. Otherwise, we would be giving out a lot of money to the contractor.

When we looked at the projected expenses for the ITMs, there were some items which we found too expensive. For example, the initial expenditure is expected to be \$257 million and they are saying within five years, this capital expenditure will increase from \$257 million to \$540 million.

As a committee, we are of the view that this is too much in terms of capital expenditure after five years. If the initial expenditure can be incurred at \$257 million then \$540 million is too high, and therefore, does not bring out the actual internal rate of return and the payback period of the project.

Mr Speaker, we recommend that we do further scrutiny of the financial model to ensure that there is value for money. In addition, the said \$540 million that the financial model talks about was not broken down during the committee meeting. So, we do not know what it entails; they just said capital expenditure after five years.

We will also have an issue on fees to be charged on the trackers and number plates. The fees proposed are \$150 plus \$42 for existing number plates, which totals \$192. However, we were later informed that the \$150 had been dropped and would stay at \$42.

Our issue is the payment of onboard set of \$200 which is going to be charged on the new motor vehicles coming into the country.

In addition, it is observed that the battery which is being used on the tracker, will expire after three years and when it expires, automatically the motor vehicle owners will have to buy new ones.

So, this will be an additional cost to the taxpayers and therefore, we believe that although \$200 as per the expiration they gave us is not overcharging considering that there will be an OD, we think that the expiry of the battery will lead to incurring more charges by the motor vehicle owners.

Another issue is the collection of fees that are against the existing laws. For example, we already have the Uganda Road Fund Act, 2008 where the collection of these fines was embedded and therefore, creating another channel that collects this money where there is an existing law that is supposed to help us to collect this money, would be like duplication and also infringement on the already existing law.



Mr Speaker, there is an issue on the procurement of the company whereby, we thought that it should have gone through a competitive process whereas not. Therefore, the committee recommends proper due diligence be undertaken and the detailed value-for-money audit be done before the implementation of the project.

The issue of people's rights to privacy as enshrined in Article 27(2) of the Constitution of the Republic of Uganda, needs to be taken into consideration when we are handling this implementation. The committee recommends that cost-benefit analysis be conducted and the effect of infringing on people's rights to privacy is analysed because we think that the right to people's privacy is much higher than the benefit we might accrue from the implementation of this system.

In conclusion, we have identified some weaknesses in implementing this project. There is the issue of proper due diligence to be done; no proper consultations were done with all the stakeholders and the entire process of procurement and signing the agreement with a company, which we think has some issues. Unless we do proper due diligence, the implementation of these items should be delayed and the due diligence be done so that we are sure of the kind of company we are dealing with. Thank you very much. I beg to submit, Mr Speaker.

**THE DEPUTY SPEAKER:** Thank you, honourable colleague. Honourable colleagues in the Public Gallery this afternoon, we have Mr Robson Magoma, Local Leader from Kasese District Local Government. He is represented by Hon. Sowedi Kitanywa and Hon. Florence Kabughho. He is here to observe proceedings of this House. Please, join me in welcoming him. *(Applause)* Thank you.

Also, in the VIP gallery this afternoon, we have Hon. Lyandro Komakech, former Member of Parliament, representing Gulu Municipality. He is accompanied by his master's students; he went to the academic field now from Makerere University Department of Political Science.

They include:

1. Mr Michael Taremwa
2. Mr Pius Muhoozi, and
3. Mr Vivian Karibwende.

Please, join me in welcoming them. *(Applause)*  
Thank you.

Thank you, Hon. Roland. I think it was very important for us to allow both sides to be – but for the record to be corrected, the minority report was signed by eight Members and not nine. The reason is that Hon. Nathan Banyima signed both the majority and the minority reports and it is not allowed. *(Laughter)*

The rules are clear and it is not allowed. Under Rule 204(7) of the Rules of Procedure, you cannot withdraw a signature once you append it, and the majority report came first before the minority; therefore, his signature is with the majority report. I have checked both signatures and I am observant on such matters.

Honourable colleagues, I will first allow the Government side to make a response on these matters and then I will go to Hon. Sarah Opendi who brought the matter and then I open up to the rest. Government?

12.42

**THE MINISTER, OFFICE OF THE PRESIDENT (SECURITY) (Maj. Gen. (Rtd) Jim Muhwezi):** Thank you very much, Mr Speaker. I would like to thank the Members of the two committees; the Committee on Defence and Internal Affairs and the Committee on Physical Infrastructure, for a job well done. *(Applause)*

As you may know, when the mover of the motion, Hon. Sarah Opendi, raised this matter some time back, we have had protracted discussions all this time and we have answered most of the questions, even those raised by the minority report.

In fact, I was taken by surprise because we had interacted exhaustively and I was confident that there was no minority report.

However, the main purpose of this project was security because the President guided that we should deal with this matter after criminality had taken place, mainly using getaway transport almost in all cases.

The President suggested we use what is called “artificial intelligence.” This is how this company came about, reported to the Government that they have this capability. A team was sent to Moscow to do due diligence, which they did. We discussed with this committee exhaustively and we made a report. I am glad most of the issues raised by the minority report were actually presented here by the majority report.

As I said, this discussion has been going on for a long time. Meanwhile, the project is going on in Uganda. The committee is aware we cannot sit back. We have responsibility for security. If the committee has not completed, we cannot compromise security. It is going on.

Mr Speaker, we welcome all the issues raised by our colleagues including the minority report. We shall continue to interact and take into consideration those matters, which are useful and complete this project but guarantee the people security.

Regarding the money collected –(Interjection)

**THE DEPUTY SPEAKER:** Point of order.

**MS NABAGABE:** Thank you, Mr Speaker. The minister has just informed this House that this project, which we intend to debate is already ongoing. He has not told us where and how many districts they are implementing it in. We do not know the how or where. He has not answered any of those questions.

My question is: Is it in order for the minister to continue throwing light and give the House this information when he has already disputed the mandate of the House to decide on this issue? Why are we going into debate? What is the use of these two reports that have just been presented to us?

**THE DEPUTY SPEAKER:** Honourable colleagues, let us listen. The moment you are calm you will address very many issues. I will refer to the motion: The motion Hon. Sarah Opendi raised was that we should examine with the aim of addressing public concerns. Her motion was that there were public concerns that should be addressed, which we have done. It is unfortunate, we have taken this long because this was raised in November 2021. We are nearly coming to two years and yet, we have not decided moreover, we signed a contract with someone. We are going to have a few challenges here and there.

Honourable colleagues, whatever the minister says here is his view. We shall put the question whether you agree with that view or not. I have seen situations where people have brought views but in the end, it is we who make the resolution in line with the motion and recommendations therein. If you do not agree with the minister’s view, let it convince you to vote against. If you agree, it should convince you to vote for.

Honourable minister, salient issues have been raised here; so both Hon. Nalule and Gen. Muhwezi are in order. Procedure?

**MR OLANYA:** Thank you, Mr Speaker. The minister stated that the project is ongoing. That means the agreement between M/S Joint Company and the Government is already done. It means the Government is moving ahead with the implementation.

Now that we are in the august House – both committees completed their report and it has been presented before Parliament. Are we proceeding well when the Government has now taken steps yet Parliament is just debating its opinion? I am seeing some confusion in this very important report.

**THE DEPUTY SPEAKER:** Honourable members, there is no confusion. Clerk, if you have a copy of the motion, please, display it. Otherwise, the committee was processing a motion.

First, honourable colleagues, I have told you that the problem with motions of “urging” – When you urge me, you leave it to me; I can listen or not.

Secondly, among the prayers, there was no prayer for halting whatever was going on. However, prayer No.2 of Hon. Sarah was to start with the Government vehicles – to pilot so that we see from them.

Therefore, we are proceeding well. These are limitations of the motion. You cannot go outside the prayers. You are just urging – Let him finish and I open debate for Members.

**MAJ GEN. (RTD) MUHWEZI:** Thank you very much, Mr Speaker, for the wise ruling. Indeed, the Government examined with the committee all this time since 2021. As the report says, we are going to start with the Government vehicles, as the mover requested; so we have obliged. This is why, I think, as we continue, we should consider the matters raised by the minority report in the interest of the security of our country, collection of revenue and protection of people’s vehicles, which will never be stolen again.

The investor is putting 100 per cent money. In case he fails, he is the loser 100 per cent. I think the project will go very well. I submit.

**THE DEPUTY SPEAKER:** Hon. Minister, thank you. Let us hear from the mover of the motion, Hon. Sarah Opendi.

12.53

**MS SARAH OPENDI (NRM, Woman Representative, Tororo):** Thank you, Mr Speaker. It is quite unfortunate that it has taken us over one year and six months to process this motion. At the time I brought this motion, the Government had not yet implemented or even commenced a pilot of this project. That being the case, my motion could have halted the project until we had examined the entire process.

Mr Speaker, I appreciate the movers of both the minority and majority reports that

have been presented. Both of them raise fundamental issues which need to be taken into consideration.

First and foremost, the majority report speaks about a comprehensive due diligence that was done. This due diligence report has not been presented. As the mover of the motion, I even requested to look at the agreement but everything was kept secret.

This also explains why the report – I even requested for a copy of the majority report. I briefly attended one meeting – for the others, I was never invited, yet the rules say that whenever the committee is sitting to discuss these reports, the mover of the motion must be informed for them to either be present or represented. So, the issue of the due diligence is unresolved.

If we are talking about value for money, we need to know where this company has ever implemented this kind of project. (*Applause*) It is not just about the existence of the company; where has it ever implemented this project? Uganda should not be a trial ground for companies to come and do their projects and at the end of the day, after wasting time and resources, these projects collapse. (*Applause*)

Look at the cameras which were installed on our roads. (*Applause*) How effective are these cameras? Even if it is a security matter, you can still do direct procurement, but solicit for bids from competent companies and then choose one where you are completely convinced that they have a track record of implementing that kind of project.

So, that issue remains outstanding and I am glad that the committee indicated that the due diligence needs to be undertaken by this Parliament.

Secondly, in my motion, I indicated that if the Government is to go ahead with this project – the crimes committed in this country are majorly by people riding on *boda boda*. Therefore, why don’t we install this in public service vehicles, Government vehicles and *boda bodas* for now

and once we have seen how effective it is, we can roll it out?

Additionally, I indicated that the agreement was kept a secret. I wish I could have looked at it to appreciate what is in there. However, the committee does state that the Government needs to review – I do not know what, exactly – some of the conditions in that agreement.

Mr Speaker, on the issue of the costs, we must be proud of our country; we must be proud of our currency. Why do you bring a report here talking about dollars as if we do not have a currency? When I am paying for my vehicle number plate, I pay in shillings. So, why do you come here to bring us costs in dollars?

Mr Speaker, we need to be proud of our currency and whenever we are speaking on this Floor, we must speak in our currency. When you go to a hotel in Kenya, they will tell you the cost of the room in Kenyan Shillings. However, here, it is a shame that you go to a hotel, even in Fort Portal, and they tell you the cost in dollars. I think that is something –(Interjection)- I am a public servant and move to do oversight. When we are doing oversight, we sleep in hotels.

Mr Speaker, I do appreciate the security concerns that the minister is talking about. However, while we do appreciate the security concerns, crime cannot only be committed using these vehicles. We just lost a minister who was at his home. There is a lot that needs to be done regarding security. People are now shooting themselves with guns – police personnel shooting one another. We have seen these.

While we are saying the costs are going to be incurred by the company, at the end of the day, this will be different. Therefore, while I appreciate that this is the way to go – to track vehicles – I am not quite convinced about the capacity of this specific company. I request that the minister lays here the due diligence report so that we can look at it before this House pronounces itself. (Applause)

We should also know who did the due diligence. (Applause) We have seen the Government being duped with fake due diligence reports before.

Mr Speaker, my concern of public service vehicles, Government vehicles and bodabodas should be the way to go.

In the report, they note the new vehicles that are coming in. Are all these vehicles, which are coming in, Government vehicles? Are all these passenger service vehicles? No. They are vehicles that are being brought in by Ugandans who are importing these cars. So, it is not true that this system is only being put in Government vehicles as of now.

I call upon the minister – first of all, land has not yet been provided. These people are supposed to put up, I think, a centre where this whole system will be. This implies that what is ongoing is more of a pilot project. Therefore, let us move with the due diligence, first, before we can approve this project.

**THE DEPUTY SPEAKER:** Thank you. Members of the two committees, do not stand up. You are not allowed to debate, as per the rules. Honourable minister, you will come in at the end.

I raised that because the chairperson of the Committee on Physical Infrastructure is standing up. Let us hear from Hon. Nsereko and then Hon. Kimosho.

1.02

**MR MUHAMMAD NSEREKO (Independent, Kampala Central Division, Kampala):** Thank you, Mr Speaker, for this opportunity. I have been privileged to listen to both reports and I thank the members of the committees for the compilation and job well done.

The questions that we have to pose, as this august House, are very simple. Do we need the Intelligence Transport Monitoring System in this country? Okay, the House unanimously

says “Yes.” *(Interjections)* I will pose the questions and then, we resolve as to whether this country needs –

**THE DEPUTY SPEAKER:** Honourable colleagues, Hon. Nsereko does not have power to pose questions for voting in the House. However, for purposes of you processing in your mind, he can. So, Hon. Nsereko do not give answers because -

**MR NSEREKO:** Mr Speaker, I have not moved a motion that a question be put. I do not know where my colleagues are deriving the point that I am asking them a question in order to put a vote. It is a reality –*(Interjection)*– it is lunchtime.

Therefore, the issues to be resolved are as to whether this country needs the Intelligent Transport Monitoring System; in my opinion, it is desirable. The Intelligence Transport Monitoring System, as a system used in artificial intelligence, shall help reduce the following:

1. The cost of tracking and surveillance with the view to deterring crime; and
2. Also help in the criminal justice system in order to shorten the process in which to process those that have committed crimes and arraign them before justice –*(Member timed out.)*

**THE DEPUTY SPEAKER:** Hon. Nsereko, we do not have much time today; so please conclude. Honourable colleagues, I want to do the debate this way; I will pick nine Members from the Government side and I am going by your numerical strengths; four Members from the Independents and five Members from the Opposition.

**MR NSEREKO:** Mr Speaker, I request for just three minutes to -

**THE DEPUTY SPEAKER:** Honourable member, speak; you are wasting time.

**MR NSEREKO:** Mr Speaker, on the issue that has been raised by colleagues - I will address three things in technology:

- (i) Data management and processing;
- (ii) Possibility for cyber breaches and how recovery can be done; and
- (iii) The cost.

In processing data, we should look at the points that will be picked upon:

- (i) Whether we, in Parliament, have the powers to do procurement. The reference will be done to the report that was presented before the National Identification and Registration Authority.
- (ii) Whether it should be Parliament to decide who is given these services to procure and provide; and
- (iii) Whether we can provide our input.

If we talk of data management and processing, the questions that the public will raise vis-à-vis privacy; who will manage my data? Who will process my data? Who will benefit from my data? If I would like to retrieve my data in case of private investigators, where do I go to retrieve the data of the movements of my vehicle or possibilities of surveillance by non-state actors, like Hon. Opendi has been talking about? Who will I go to? Will I go to the Ministry of Security? Where will I apply in order to access the data, if I am under an imminent threat?

Cyber breaches; where is this data stored? Are we so secure by this agreement that our data is being stored by people that are credible and that there will be no cyber breach by non-state actors or criminals that will take advantage and carry out surveillance against us –? *(Member timed out.)*

1.07

**MR DAN KIMOSHO (NRM, Kazo County, Kazo):** Thank you, Mr Speaker. I do not think anyone would object to the issue of the Intelligence Transport Monitoring System; I would personally support it.

While I thank the committees for the work done, I thought they were going to answer in a simple way the explicit questions to convince, but also comfort this House and Ugandans regarding the credibility of the project. If there was an allegation of bankruptcy, how do you comfort this Parliament that such a thing is not there? You cannot just say, "It is not there" and think we can take you by your word. I think the committee did not satisfy us with evidence that the company is safe.

Secondly, there is the issue of continuous repatriation of Ugandan money. At the end of the day, while we are talking about funding by this person or the company, the money will be collected from Ugandans and taken back. *(Applause)* We are talking about a bad economy whereby the streets are flooded by IT experts. This committee should have found out for us what is so peculiar about these security features which we cannot invest in so that we do it as a country with our children trained to do this. *(Applause)* What is so Russian about this that we need them and we cannot do it as Ugandans? I thought the committee would bring out those issues.

Finally – *(Member timed out.)*

**THE DEPUTY SPEAKER:** Conclude, honourable member.

**MR KIMOSHO:** Thank you. Finally, on the issue of investment, we need to do a thorough study; investment with a view of recovery. This is going to be borne by a boda boda rider. How do we assess the cost that they are going to pay vis-à-vis what this investor is going to recoup? Who did this quantification to arrive at the investment, later on for us as Parliament to trust that the amount mentioned in the investment is the actual amount that we should let Ugandans pay at the end of the day at the recovery point? Thank you, Mr Speaker. *(Applause)*

1.10

**MR ISAAC OTIMGIW (NRM, Padyere County, Nebbi):** Thank you, Mr Speaker. I will start by thanking the Minister of Works and Transport for the good work he is doing

in the efficiency he has installed in the driving system. That is why I think that if he has chosen this Russian company to work on these number plates, I fully trust that he will do a good job in that.

Secondly, the vehicle automatic number plate will help us identify vehicles which are not insured or which are committing crimes. At the moment, we have some problems, where most of these vehicles end up crossing traffic lights and running through red lights, for example - and you do not even know who owns these vehicles.

That is why I do not agree with the committee's recommendation that we should only charge Shs 250,000 for people who run through red lights. That is a very little amount because if somebody crosses a traffic light, then he is endangering every motorist who is there – *(Interjection)* - Yes, I am a driver. I do not drive yours. That is what I am saying. We should actually increase the amount.

Some of these fines should include what we term as "point deduction on the driving licence." It should also have recommendations to the court. If we are only implementing on-spot fines, without point deductions, some people are rich enough to pay those fines. I think the committee should find a way of agreeing to that aspect.

Another issue I wanted to talk about is that we should not fear that people are going to be tracked for criminality or other issues. People can still use other vehicles - if you fear that you are going to be tracked. If you are not a criminal, why do you fear to be tracked? We have no problem with this issue. We should go ahead and support the committee. Our country is under threat; people are using boda bodas to kill us. So, we need to start tracking these people and know who the owners of these motorcycles are. Thank you.

1.12

**MR WILSON KAJWENGYE (NRM, Nyabushozi County, Kiruhura):** Thank you. Mr Speaker, I have listened to the joint report

of the two committees and I had listened to the mover of the motion. I entirely agree that the concerns that had previously been put across, namely;

The right to privacy, which is very important. However, as you enjoy the right to privacy, you must also enjoy the right to life. You can enjoy your right to privacy, only if you are alive. So, any person who takes the life of a Ugandan has also denied him the right to privacy. We must prioritise and deny criminals or criminal-minded personalities to take our lives. Therefore, the Intelligent Transport Monitoring System is a welcome idea and I support it. *(Applause)*

Secondly, I have listened to both reports. Mr Speaker, this country has developed some considerable capacity in the Information Technology (IT) revolution. We therefore, should not deny our young IT experts in all ministries, including the Ministry of Works and Transport. We must allow them to also own part of that project. We should not give all of it to foreign expatriates and deny the opportunity to our own young people that we have developed. Universities are churning out IT experts; they must be included in this project. I beg to submit, Mr Speaker. *(Applause)*

1.14

**MS JESCA ABABIKU (NRM, Woman Representative, Adjumani):** Thank you, Mr Speaker, for the opportunity. I appreciate both reports.

We needed this system yesterday. The citizens are crying; many people have lost their lives, no single report has been produced on many of these deaths. For example, our own Hon. Abiriga died and we never got a report. One of the issues raised as a justification for not having these reports is because we do not have these tracking systems. Can we stand together and support this system for the future?

Therefore, I support that we have this system.

**THE DEPUTY SPEAKER:** Thank you.

**MS ABABIKU:** Secondly, I request the Government to take the issues raised by both reports positively so that we manage them. The oversight of this project must be enhanced and increased to ensure that this country gets what it deserves.

Thirdly, I am concerned about the increase of costs incurred in getting services. Mr Speaker, taxpayers are overburdened. Vehicles and motorcycles are going to take people to work and we are talking about putting another cost –*(Member timed out.)*

**THE DEPUTY SPEAKER:** Thank you. Honourable colleagues, I see a lot of fear among you. I will call some of you for a cup of coffee on how to live a public life. Some of us no longer have a private life. I have a friend and whenever he meets me, he says, “Rt Hon. Tayebwa, the Government knows what you are doing because you are surrounded all the time,” and we have learnt how to survive.

I know there is big fear on that private aspect but all of you are potential presidents and ministers, where the Government will be knowing what you are doing all the time.

Hon. Santa Alum and then Hon. Akol. Honourable colleagues, I am picking nine Members from the Government side, five Members from the Opposition and four Independent Members. I am basing on numerical strength.

1.17

**MS SANTA ALUM (UPC, Woman Representative, Oyam):** Thank you, Mr Speaker. As a country, we are in a very tricky time; a time where people are just being killed like animals.

I got disturbed when I read this report. First of all, the committee is saying, on TOR No.2, where they are talking about value for money; they are saying that upon adopting the report, the committee should be allowed an opportunity to undertake benchmarking or due diligence. This means that the committee itself is not sure whether, as a Parliament, we

must adopt this report, yet we are talking about security, the lives of people and people being killed left, right and centre.

However, when I read the report, it talks more about revenue generation. Are we sure we are after revenue?

Secondly, allow me to also mention what the minister said that due diligence was done yet the committee is saying that they need to go and do due diligence.

Mr Speaker, I am afraid about the issue of technology because already, we have cameras and we are seeing an increasing number of people being murdered. The President came to Parliament and told us that if we install cameras, this would be history. But what are we seeing: increase in the number of people being murdered and threatened. So, how sure are we, in this era of information technology, that this will not be tampered with? I wanted that to come from the minister –(Member timed out.)

**THE DEPUTY SPEAKER:** Thank you. Hon. Akol?

1.19

**MR ANTHONY AKOL (FDC, Kilak North County, Amuru):** Mr Speaker, I thank you for this opportunity. Allow me to also thank the committees for the good work done.

The issue at hand - there is nobody who is going to be against a system that would help Ugandans to live a secured life but the problem in the country is the fear; every time President Museveni has directed something to be done, there are people who are doing things behind others. At the end of the day, there are no clear guidelines or procedures on how implementation should be done. That is where the problem is.

The question comes in: If you are sourcing people who have the skill to do the work for you, do you wait for them to come to you and say, "I can do this work." This is where the problem is. It is happening not only in this

system; even when there is a pipeline, which is supposed to be done somewhere, those who have the knowledge go behind our backs and get the land. At the end of the day, they are the ones who are bringing in all these issues. But what is the consequence?

The consequence will be in what Ugandans will suffer. In terms of whether the company does not have the competence, then the implementation of all the good ideas you have, will not take place, and that is where the problem is. Honourable members are questioning and saying, "We need evidence that these people have done some good work somewhere else" and that creates confidence in Ugandans that what they were implementing will help us.

Secondly, people are asking, how secure am I when I am travelling from here to Kilak North, that somebody is not releasing information where Hon. Akol is or where Hon. Amos is –? (Member timed out.)

**THE DEPUTY SPEAKER:** Thank you. Honourable member, you have hijacked the microphone.

**MR AKOL:** Instead of this system becoming a security to our country, it will be a threat to Ugandans. That is the point. Thank you very much. (Laughter)

**THE DEPUTY SPEAKER:** Thank you. From Independents, I will pick Hon. Kabashira and Hon. Amero.

1.21

**MS NAOME KABASHARIRA (Independent, Rushenyi County, Ntungamo):** Thank you very much, Mr Speaker. I would also like to thank the committee members for the two reports.

Mine is just simple: I am asking a question - you mean in these countries that are advanced in technology, we could only identify this company, which was heavily indebted and has some dirty history, then we try to clean it from here? Can't we look for another one with a good record?



We really want this Intelligent Transport Monitoring System because of what has been going on. At the same time, we also want to protect our small economy which is squeezed, not bringing us these people whom we are not sure of. The committee could not even do due diligence. Much as you have given us a report, it seems you have not gone ahead to find out. You simply relied on what, maybe, the Cabinet brought.

I think we have been tested and duped many times. This time, let us get a better company, which does not have a bad record. Bankrupt for all this? You said they cleared themselves; how sure is that?

Mr Speaker, I seek clarification on that. I am not –(*Member timed out.*)

1.23

**MS SUSAN AMERO (Independent, Woman Representative, Amuria):** Thank you, Mr Speaker. I thank the committee members, especially those who have presented the minority report for the concerns raised.

The biggest challenge we have in this country is that we have good plans that have never materialised. We were duped in this House with many companies that are doing good jobs and have something to show. However, our Government could afford to go for a briefcase company. One of them is the Standard Gauge Railway project.

We left CCCC and went for China Harbour Engineering Corporation (CHEC). Today, we are going for this company. I do not know whether we do due diligence after it has started working or we normally do it before we put in effort and resources. We are putting our people at risk.

You have said we have due diligence; can we just have the report here so that we look at it? How can the committee go ahead to make a report on this without carrying out due diligence on what they have done? Even due diligence on the Standard Gauge Railway project we are talking about was done in the office of some

people in the Ministry of Works and Transport. (*Interjection*) I will take your information.

**MS NAJJUMA:** Thank you, Mr Speaker. The information I would like to give the House is that in the 10<sup>th</sup> Parliament, a team led by Hon. Ruhunda went to China to benchmark with a company called Société Générale de Surveillance (SGS). When they reached China, the company had nothing on the ground. Members who were in the 10<sup>th</sup> Parliament remember what happened to that trade committee.

Mr Speaker, benchmarking is very crucial. I am very worried about this company because it happened in the 10<sup>th</sup> Parliament when Members went to China to do benchmarking on the Standard Gauge Railway and found the company was non-existent. Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Thank you. Hon. Amero, conclude.

**MS AMERO:** Mr Speaker, sometimes, we have good plans but they never come to light simply because we want kickbacks. I do not know why someone accepts a company that is bankrupt. Is Uganda becoming a training ground? Is Uganda going to be a place where everybody can come and dump? We have been here with Pinetti. Today, it is another company, which is bankrupt and they are forcing it on us. How much are we going to continue losing? We are bleeding. (*Applause*)

1.27

**MS AISHA KABANDA (NUP, Woman Representative, Butambala):** Thank you, Mr Speaker. Very quickly, let me inform colleagues that this country did some marking on guns. I do not know whether they also call it “DNA” where the Government would be able to track every gun by the bullet it discharges.

I want to regret that despite the marking of guns, we have not been able to trace the guns that have killed very many Ugandans, yet Government registered them and was able to put a mark on each gun that would release a bullet.

Secondly, we are not only worried about security being tracked. No. What the Government has not done - and the committee was not able to satisfy us about - is to put security guards from being misused within the system. The system could be misused. We have seen many people tracking our bank accounts for funny reasons. So, having a surveillance system is okay, but its abuse is a very big issue.

Mr Speaker, what has been the result of the cameras we put in place? We have sniffer dogs in communities and many of the regional police stations. Have they helped any Ugandan? What is regrettable that I should inform this House - *(Interjection)*- Honourable member, I will give you a chance. Just a minute.

The minister and the committee have informed us that we are not appropriating money to help this committee. However, in the budget we passed recently, we appropriated Shs 86 billion to house this security system. So, it is a big lie to say we are not going to spend money on it.

Another important issue we should know is that this measure is deterrent - *(Member timed out.)* I beg for a minute to conclude, Mr Speaker.

**THE DEPUTY SPEAKER:** When requesting for an extra time, do not switch on the microphone.

**MS AISHA KABANDA:** I apologise. Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** I have not allowed you. *(Laughter)* Conclude, honourable member.

**MS AISHA KABANDA:** Thank you, Mr Speaker. Honourable colleagues, this is a deterrent measure; it means we want people to stop. When they stop, where are they going to get the money to use? If you peg money on the fines that they are going to collect, once people behave and stop, where will you collect money from? *(Applause)*

Also, remember, we said all money collected in road fees should be used by the Uganda

Road Fund. We are here saying again that part of it should go to this. Are we now changing the decisions we made earlier?

1.29

**MR ALLAN MAYANJA (NUP, Nakaseke Central County, Nakaseke):** Thank you very much, Mr Speaker, for the opportunity. When the minister was on the Floor, he said they sent a team to Moscow to do due diligence. I would like to request him to clarify which team was sent - be specific which team was sent, if it is not a committee. Otherwise, the committee is saying after making its recommendations in this report, it should go for benchmarking; meaning the committee is contradicting itself. It has recommended that the M/S Joint Stock Company is fine, yet in its Term of Reference No.2, it claims that the committee should be given a chance to go for benchmarking.

Lastly -

**THE DEPUTY SPEAKER:** Hon. Mayanja, without interrupting, I would like to make this very clear and I want it to go on the record of Parliament. Parliament will and should never stop a Government programme because of benchmarking. *(Applause)* That is interfering with procurement processes and we do not have that power.

Benchmarking is paid for by Parliament; so you do not need to ask anyone. Committees, please avoid benchmarking on Government projects; ours is oversight. When benchmarking is needed, reach out to the leadership of Parliament so we finance it because we have found out that when the Government finances you, you do a report. It is said, "He who pays the piper calls the tune". So, if you go to people and say you want to benchmark, you are begging. Please, I want that to go on record.

**MR ALLAN MAYANJA:** Mr Speaker, the last issue is about the surveillance cameras which were installed on all roads after the 2017 and 2018 killings of civilians in Nansana and Entebbe. Parliament appropriated Shs 376 billion and these cameras were bought but we have never received any successful story.

People are still –(*Interjections*)- Yes, you have never reported here. We have never got a report on the killings; people are still being killed.

Recently, Mr Isma Ibrahim Lubega Tusbira was killed. Did we get a report? Thank you.

1.32

**MR MOSES OKOT (FDC, Kioga County, Amolatar):** Thank you very much, Mr Speaker –

**THE DEPUTY SPEAKER:** I have picked FDC Members. Honourable colleagues, I follow – please!

**MR MOSES OKOT:** May I be heard in silence –

**THE DEPUTY SPEAKER:** The “Shadow Deputy Speaker” needs to be heard in silence. (*Laughter*)

**MR MOSES OKOT:** Mr Speaker, I would like to thank you for giving me the opportunity to give a landmark submission that will, probably, go on record to have guided this debate.

I would like to thank the chairpersons of the two committees. I have a cordial relationship with them. I agree with them on the substance of this report. However, I would like to go to the areas of my disagreement with them.

The principle of corporate governance requires you to do the opening of the veil -

**THE DEPUTY SPEAKER:** Hon. Okot, are you a member of the committee? Oh! Please. (*Laughter*) I will pick DP because we had not picked the DP Whip.

1.34

**MR GEOFFREY OKELLO (DP, Nwoya East County, Nwoya):** Thank you, Mr Speaker. In 1934, a non-religious prophet called George Orwell wrote a book called *Nineteen Eighty-Four*. In the book, he prophesied that by 1984, governments would be in control of space and there would be cameras everywhere. So, it is not a problem for the Government to equip our

cars with whatever they want. However, these are the issues.

First of all, the ministers should know that Ugandans are the ones who are going to pay for the project 100 per cent, not the Russians. The project is going to draw close to \$1 billion from our economy in the next 10 years and take it into other people’s economy.

Secondly, when we have whistleblowers, we should respect and investigate what they say. In this case, we got a whistleblower about bankruptcy.

Mr Speaker, this issue is happening at a time when we are suffering with Umeme. For 20 years, we have been suffering because of the bad decision that we made.

Lastly, when anything touches Uganda Road Fund, it scares me. (*Applause*) This project is going to withdraw money that should go to the Road Fund over which we are all crying in this House and over which Ugandans are suffering.

I implore – (*Member timed out.*)

**THE DEPUTY SPEAKER:** Thank you. Hon. Linos? No, I said Hon. Linos, not Olanya. (*Laughter*) However, I have a procedural matter.

**MR OGUZU:** Thank you, Mr Speaker, for the opportunity. I have listened to the two reports. In the minority report, it has been clearly observed that the laws of this country have been violated in relation to the implementation of this project. One of the violated provisions is Section 33 of the Public Private Partnership Act, 2015. Section 22 of the same Act is the other provision that has been violated.

Mr Speaker, rule 85 – Appendix F – enjoins us to public duty and to always protect the public interest. Now that it has been established beyond reasonable doubt that the laws of this country have been violated in implementing this project, wouldn’t it be procedurally right that the Attorney-General guides this House on whether such a project can move on? Thank you.

**THE DEPUTY SPEAKER:** Thank you. Honourable member, these are the observations and recommendations of the committee, not the House. The House has not yet adopted this report. So, at this stage, we cannot attribute it to the House. The House can accept or reject whatever the committee has observed. However, to give you comfort, there is a response from the Government and the Attorney-General is among the officials who are going to respond. I just want us to pick the views and your concern can be picked as one of the most critical items before we put a question on the matter.

**MR OGUZU:** Another observation is that the committee is recommending that the Ministry of Works and Transport waives taxes on this company for not more than four years, yet -

**DEPUTY SPEAKER:** Under what rule is this submission being made?

**MR OGUZU:** It is still the same procedural -

**THE DEPUTY SPEAKER:** No, you had already finished, Hon. Oguzu. Hon. Linos? Attorney-General, please, take note of the issue of the law in the report.

1.39

**MR LINOS NGOMPEK (NRM, Kibanda North County, Kiryandongo):** Thank you, Mr Speaker. I would like to commend the majority report for the details they have given to us. However, I have a few questions. They stated that we shall pay for these number plates and after five years, when the tracker expires, we shall pay another \$42. Why can't we make it a one-off payment such that in case we pay – like we do for number plates – we do not subject Ugandans to another form of payment?

Secondly, we have always had companies coming from abroad and getting business but at the end of the day they repatriate the profits they have made in this country. When their licences expire or contracts end, they move away scot-free without even investing anything. For example, we had a company that was processing driving permits, but when their

contracts came to an end, they did not build even a kitchen for the Government. Instead, they were occupying Government premises.

Finally, monitoring and tracking individuals is not a crime because the Government needs to watch over its citizens. If, for example, I have many girlfriends or wives, I know the Government will not monitor me because that will not be an issue. However, if you are involved in subversive activities, the Government will pick interest in you. The Government does not monitor someone whom they are not interested in. If you are interested in -

**THE DEPUTY SPEAKER:** Thank you. Hon. Angura?

1.41

**MR FREDRICK ANGURA (NRM, Tororo South County, Tororo):** Thank you, Mr Speaker. I would also like to thank the two committees and movers of the minority report. All we need here is confidence in what Government intends to do. I call upon the minister that let us see how to enhance confidence in our people that we are not going to interfere and create doubt in their minds.

We move out of the country many times. As we move, for whatever assignments we go for, I know we also benchmark on the best practices out there.

The introduction of this system will be creating a one-stop centre to help the Government to solve many things as far as infrastructure is concerned. It will even reduce security costs because we will be able to use the number plates to know which cars are breaking traffic rules and which cars are involved in subversive activities.

We also need to take advantage of these new systems to generate revenue. When you become careless on the road, countries out there are collecting revenue from careless road users; that is a plus for the Government in terms of widening the revenue base.

Therefore, we need to support Government's position on this. I request the honourable minister that what has been raised by the minority report are equally important issues; handle and attend to them on a case-by-case basis so that they are able to enhance and live comfortably –(*Member timed out.*)

**THE DEPUTY SPEAKER:** Thank you. Hon. Oseku, are you a member of the committee? They are not members of the committee. Hon. Angura is also not a member of the committee.

1.43

**MR RICHARD OSEKU (NRM, Kibale County, Pallisa):** Thank you, Mr Speaker. My emphasis is that as far as the progress and development in the country is concerned, security is number one; that one is indisputable. (*Applause*)

Secondly, I would like to emphasise that whereas we talk about murders here in the cities and the towns, out in the countryside, the use of transport to commit crimes is very high. On the theft of motorcycles, livestock, right from Karamoja through the eastern areas, people are crying every day. Therefore, there is a need to have this system in place.

Otherwise, even implementing the Parish Development Model that we are talking about is going to be a total failure, if we are not going to curb the rate at which crimes are committed using the transport systems. Even cows are stolen; the boda boda cyclists will carry a heifer. They will put them in a small car - this is what is happening. You will get it from the reports outside there and that is a fact. So, indeed, the first principle is we need to curb this crime being committed using the transport system.

Thirdly, the issue of modality problems has been discussed here. The majority report, including the minority report, has clearly highlighted some of them. So, for me, this House is in tandem with this programme. Therefore, what we need is harmonisation.

Honourable minister, I am sure you are taking notes. What has been pointed out here are things that need to improve the system. In my view, this is a very lengthy debate –(*Member timed out.*)

1.45

**MS MARGARET RWEBYAMBU (NRM, Woman Representative, Mbarara):** Thank you, Mr Speaker. I join my colleagues and thank you for your contribution to see how best we really need the security within our country. My interest here is what the law says about the vehicles in transit. We have many relatives and friends in neighbouring countries; we have seen vehicles here with South Sudanese, South African, Kenyan and Rwandan number plates visiting relatives and friends and diplomats that have these vehicles here.

Therefore, if we put security into the vehicles with Ugandan number plates that are owned by Ugandans, how are we catering for the visiting vehicles? We all know that vehicles come here and even secure certificates to be here; they acquire carnet certificates to be here for more than 10 months, pay US \$25 per month and we get revenue from them. How does the law cater for the visiting vehicles and vehicles in transit? I beg to submit. Thank you.

1.47

**MR TOM AZA (NRM, West Moyo County, Moyo):** Thank you, Mr Speaker, for giving me the opportunity. Tracking and surveillance is very necessary and important for the following reasons: First of all, recently, the ambulance belonging to Moyo General Hospital was at the border trying to smuggle cigarettes from South Sudan into Uganda.

Secondly - the committee is already of course investigating this - the ambulance that belongs to Arua Regional Referral Hospital was also found in the DR Congo. If there was a surveillance system or the tracking system, it would have been very easy for us to get the ambulance from the DR Congo.

Thirdly, security tracking and surveillance for smuggling arms and ammunition is very

rampant, especially around the border with South Sudan and the Democratic Republic of Congo. That is not good for our security system. I highly support networking a surveillance system and we should go ahead with awarding that contract. Thank you very much.

1.48

**MS RITA ATUKWASA (Independent, Woman Representative, Mbarara City):** Thank you, Mr Speaker. I support the implementation of this project, precisely because the digital revolution is unstoppable. It did not just start today, but that is where we are heading. My concern points to the security agencies. I am proud of the UPDF because they usually constitute the best of the intelligent Ugandans that serve in that sector.

However, as we move towards this digital revolution and we have struggled to manufacture drugs, what is the Government planning? What are the security agencies planning to make sure that we move forward with sustainability? We have offered all our data; we have offered for them to come and do this project here. Wouldn't it be right for them to partner with universities?

Earlier on, a colleague submitted about these students on the streets, whose capacity is being built in this sector of digital enhancement. How are we going to utilise them? Can't we do it now so that we do not wait for tomorrow? This is going to be another form of threat that we live every day; you see how people are being shot at every day.

Lastly, the issue on the costs should not be underrated. Every city council imposes taxes on boda boda cyclists, more specifically. I would like to request the Member who submitted that we pay a lump - this amount should be broken down into smaller amounts as much as possible. Otherwise, we are reversing the gains that the Government has been able to achieve where you find boda bodas are owned by other people. Therefore, we should be very mindful that this cost is broken down. I do submit.

1.50

**THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka):** Thank you, Mr Speaker. First of all, I would like to thank the committee, both for the majority report and the minority report, which I have read and have listened to attentively.

I would like to first of all assure the House that this contract was reviewed and approved by the Attorney-General's Chambers and it is done in accordance with the laws of Uganda.

I know, in the process of this review, due diligence was carried out. The question that Parliament may interest itself with at any time is whether it was adequate, but I know for a fact that it was indeed carried out.

The Executive is convinced about this project and I am happy to hear that many Members in this House are convinced about the project too. However, the Members have raised a number of issues, which, in my view, are for issues to - *(Interruption)*

**THE DEPUTY SPEAKER:** Can I allow a procedural matter?

**MS CECILIA OGWAL:** Mr Speaker, I have listened to the Attorney-General. I think the House should take his statement seriously. He is saying that the agreement has been entered into and no legal problem has been encountered. However, this report, which we have been reading, clearly states that Section 26(2)(c) of the Public Private Partnership Act, 2015 has been abused.

Therefore, I wonder whether this is a Public Private Partnership arrangement. If it is, let us agree that this particular section of the law has been abused.

You cannot blatantly say that there is no law, which has been abused in this section. This is our own report and you are actually accusing us when you say that there is no law. We know there are problems; just tell us where they are and we find a cure.

This is our own report, we have accepted it but this particular Act – and they have quoted for you the section - has been flouted.

**THE DEPUTY SPEAKER:** Attorney-General?

**MR KIRYOWA KIWANUKA:** Thank you very much, Hon. Ogwal. I think that was a minority report, which I do not agree with. This was a classified single source procurement.

Mr Speaker, Members have raised a number of issues, which relate to data management and concerns have been noted on how access to their information will be handled. *(Interjections)*

**THE DEPUTY SPEAKER:** Honourable colleagues, I will not extend the debate via points of procedure. My programme had been two; so let us remain focused.

**MR KIRYOWA KIWANUKA:** Honourable colleagues, as the Executive, we can assure you that we will do our best to ensure that this is done in accordance with the Access to Information Act as has been laid out in this Parliament.

However, the risks are existent and that is why we make laws. If anyone breaches them, we shall deal with that person in accordance with the laws.

Mr Speaker, this is not – *(Mr Nambeshe rose)* - I thought it was clarification. I am still happy -

**MR NAMBESHE:** Thank you, Mr Speaker. Apart from the lack of due diligence report, which you claim is there – I am wondering whether it was conducted at all and the Members who accessed Moscow have bullet or missile proofs given that the war in Russia is at its highest.

The clarification I am seeking is about the lack of the feasibility study as provided for in Section 22 of the Public Private Partnership Act. Doesn't that also render this agreement null and void?

**THE DEPUTY SPEAKER:** Thank you.

**MR KIRYOWA KIWANUKA:** Mr Speaker, I wish to state, without fear of contradiction, that the contract that was entered into by the Government of Uganda complied with the laws of Uganda –

**THE DEPUTY SPEAKER:** Attorney-General, you have said that you have the due diligence report but you did it under classified; we have a procedure for handling classified documents. After here, we are going to communicate with you so that you can share with us that report as per our guidelines of handling such documents. We shall ensure that the mover also looks at it. Thank you.

**MR KIRYOWA KIWANUKA:** Most obliged, Mr Speaker. I need to give some information here: The land has been provided and secured on this. The other issues on retrieval of data, we will address them in accordance with the law.

Hon. Atwijukire has raised concerns about repatriation of funds and we have taken note of it. The benefit of the system has been noted but we just need to make it better and work together; both the Executive and Parliament, to print out wherever there may be gaps so that we fill them. We are not – *[Mr Sekabira: "Order."]*

**THE DEPUTY SPEAKER:** There is a point of order from Hon. Sekabira.

**MR SEKABIRA:** Thank you, Mr Speaker. Article 27 of the Constitution provides for the right to privacy. Is the Attorney-General in order to push for a project that does not pass the test of repugnancy? Thank you very much.

**THE DEPUTY SPEAKER:** Honourable member, that is subjective. He says it passes; you say it does not. It depends. There are very many remedies on how you can handle such issues. So, I cannot rule out someone because of his opinion. This is a place of opinions. Hon. Niwagaba, did you have an issue?

**MR NIWAGABA:** Two questions for clarification from the Attorney-General. First, in implementation of this particular agreement, I foresee a number of charges to be levied, which may invite you to bring Bills to amend some of the laws, particularly the Traffic and Road Safety Act.

Secondly, there are issues of privacy. It may invite you to bring a law to amend the Data Protection Act. So, when can we expect the Government to bring those laws before you implement because you cannot implement this particular agreement in the vacuum?

**MR KIRYOWA KIWANUKA:** Thank you, Shadow Attorney-General. The issues on the Traffic and Road Safety Act were brought in this cycle and were addressed by Parliament.

On the issue of the Data Protection Act, we do not intend to make any amendments at this time. We have looked at the law and the project, and we do not see any breach of the Data Protection Act. However, if the need arises during the implementation, we shall definitely come to Parliament but we do not anticipate that.

Mr Speaker, there is no tax waiver that has been given by the minister. The issue of tax waiver is a preserve of Parliament. If that is to happen, it has to come here through the Ministry of Finance, Planning and Economic Development for Parliament to pronounce itself on that.

The bankruptcy issue that was raised was checked and we are sure there is no pending bankruptcy against this entity. We request Members to support this project. Wherever we have issues and gaps, those areas can be raised. I do not know how we will do this but I will adopt both reports together with their good recommendations and make this project better. Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Thank you. Honourable colleagues, this is an issue, which we cannot say is conclusive. We still have our own committees and we are still empowered under the law to do oversight role and monitor

under sectoral committees. So, no one will say, "Look, this is done and Parliament's role has been taken away."

I have read both reports. Attorney-General, that is a very honest admission, which I rarely hear. Both the majority and minority reports have addressed critical issues. It is a middle ground for both reports to be adopted so that they can both be acted upon. What you need is acting on these reports.

Honourable colleagues, I will put the question on each report. If you allow, both of them will be adopted. I put the question that the minority report of the joint Committee on Defence and Internal Affairs and Committee on Physical Infrastructure on investigations in the implementation of the Intelligent Transport Monitoring System by M/S Joint Stock Company Global Security be adopted.

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** I put the question that the majority report of the joint committee of the Committee on Defence and Internal Affairs and the Committee on Physical Infrastructure on investigations on the Implementation of the Intelligence Transport Monitoring System by M/S Joint Stock Company Global Security be adopted.

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** Honourable members, the House is suspended for 30 minutes.

*(The House was suspended at 2.03 p.m.)*

*(On resumption at 2.54 p.m., the Deputy Speaker presiding\_)*

**THE DEPUTY SPEAKER:** Thank you. Honourable colleagues, welcome back from the short break. Let us have order in the House.

Honourable colleagues, we had many Bills to handle today but we shall not be able to do so because I received communication from the



Chairperson of the Committee on Gender, Labour and Social Development and she requested that we handle their Bill tomorrow. As I guided earlier on, the minister has withdrawn the one for pension.

I want us to use today to handle at least one Bill. These Bills are very critical, especially since we are going into recess; they need to be part of the State-of-the Nation Address. So, I will ensure that we handle and finish the Competition Bill. It is a very critical Bill.

This means that I have to alter the Order Paper to accommodate the Bill and two very short items from the Government. One is a loan and the other is a short statement from the Minister of Information, Communications Technology and National Guidance who would like to guide the nation. I will start with laying of papers.

#### LAYING OF PAPERS

PROPOSAL TO UTILISE PART OF UGANDA'S IMF SPECIAL DRAWING RIGHTS QUOTA ALLOCATION EQUIVALENT TO \$250 MILLION, BORROW UP TO SPECIAL DRAWING RIGHTS (SDR) 90 MILLION (APPROXIMATELY \$125 MILLION) FROM THE INTERNATIONAL MONETARY FUND AND BORROW UP TO 500 MILLION EUROS FROM AMAROG CAPITAL LIMITED, SOVEREIGN INFRASTRUCTURE GROUP AND OTHER FINANCIAL INSTITUTIONS TO FINANCE THE GOVERNMENT OF UGANDA BUDGET FOR FINANCIAL YEAR 2022/2023

2.57

#### **THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (GENERAL DUTIES)**

**(Mr Henry Musasizi):** Mr Speaker, I beg to lay on the Table the proposal to utilise part of Uganda's IMF Special Drawing Rights quota allocation equivalent to \$250 million, borrow up to Special Drawing Rights 90 million (approximately \$125 million) from the International Monetary Fund (IMF) and borrow

up to 500 million Euros from Amarog Capital Limited, Sovereign Infrastructure Group and other financial institutions to finance the Government of Uganda budget for Financial Year 2022/2023.

**THE DEPUTY SPEAKER:** Thank you. The loan proposal stands referred to the Committee on National Economy for consideration and report back to the House.

Honourable colleagues, this is a proposal to finance the budget for the financial year that is ending, including some components of the supplementary. This is money, which we already appropriated. What is critical is to mainly look at the terms. Otherwise, during the processing of the Budget – on the sources of financing – we had a component for borrowing and these are some of the loans. Please, Hon. Oguzu Lee, the Speaker is speaking.

Committee on National Economy and the sectoral committee for finance, I am giving you tomorrow to - You see, honourable colleagues, we are going into recess on Thursday. It does not help for you to entertain a loan here, come back in June with one week remaining and approve the loan and deny yourself services. I want us to live in the real world. I am giving you tomorrow. Please, study the loan and mainly look at the terms of borrowing and report back on Thursday. Thank you. Next item.

**MR OGUZU:** Mr Speaker, I sit on the Committee on National Economy. I am aware that committee is processing a loan and we are supposed to report on it tomorrow. Now, if you rule that this committee must process this loan tomorrow and report on Thursday, I am very worried that the committee may not be able to achieve that target.

Also, the clarification I would like the minister to make is that we approved a ceiling for borrowing. The minister needs to come out clearly on whether we have not exceeded that ceiling.

**THE DEPUTY SPEAKER:** Those are issues, which the committee should look at -

**MR OGUZU:** It would seem to me -

**THE DEPUTY SPEAKER:** Please, honourable colleague. Let the committee go and look at the loan and say we have exceeded our limit for borrowing or not. This is what you are supposed to do. Timeline? I am in charge of the Order Paper. I have not given the Committee on National Economy space tomorrow so, they are not reporting anything here tomorrow. If you have finished your work, bring it to me and I will decide when to put it on the Order Paper. There is no need to panic.

By the way, if you do not, there is also the option of waiving the rules and we handle it directly here. However, I want the Committee on National Economy to do the work and I am sure - I was in that committee and we have ever done it. Thank you. Next item.

#### MINISTERIAL STATEMENT

##### STATEMENT ON CLARIFICATION ON MATTERS IN THE MEDIA

3.01

**THE MINISTER OF INFORMATION, COMMUNICATIONS TECHNOLOGY AND NATIONAL GUIDANCE (Dr Chris Baryomunsi):** Thank you, Mr Speaker. I am making a brief statement in accordance with Rule 52 of the Rules of Procedure. I thank you for according me this opportunity to clarify some information which has been circulating in the media regarding some items on the budget of State House.

I would like to clarify the distortions and also make the record of the House very clear that State House is a full Government entity (a Vote) with a structure fully approved by the Ministry of Public Service. It has a workforce, which is composed of both support staff and regular officers at various levels. The staff provide the necessary logistical and technical support for the efficient and effective operations of the Presidency. An impression has been created that whatever we appropriate is for the person of the President and his or her immediate family -

**THE DEPUTY SPEAKER:** Procedure?

**MR SSEMUJJU:** Mr Speaker, this procedural issue is on two rules. The first is rule 52, which the minister has cited. That rule sets conditions for such a statement to be brought. Rule 222 forbids the re-opening or reconsideration of a matter that has been handled by Parliament. That re-opening, if it must take place, must be on a substantial motion moved with a notice given of not less than 14 days.

That is the only way you can come to ask Parliament to reconsider a matter because we dealt with the Budget here and finished it. There were ministers for finance and everything here. This matter can only be re-opened under rule 222 on a substantive motion with notice of not less than 14 days.

The procedural issue I am raising is whether this Minister of Information, Communications Technology and National Guidance now seeking to misguide Parliament should abuse rule 222 and rule 52 because State House wants to deny parts of what we passed here in the Budget.

**THE DEPUTY SPEAKER:** Thank you. Honourable colleague, the minister approached me and that was the first question I asked him; would you want the House to reconsider a decision it made? He said, "No."

I read through the statement and the statement the minister is presenting is not in any way opening or re-opening debate or seeking a reconsideration of the resolution of the House. However, as the Minister of Information, Communications Technology and National Guidance, he felt he needed to inform the nation because very many questions are being asked out there. This is a very good platform for him to use to inform the nation. The minister has the permission of the Speaker. *(Laughter)* Honourable minister?

**DR BARYOMUNSI:** Thank you, Mr Speaker. If the honourable member had cared to listen, I never made reference to the Budget debate. I said, "matters circulating in the media"

and I am moving this to clarify and set the record straight. I am not asking Parliament to reconsider matters, which were considered by the House because I am a senior legislator; I know the rules.

**THE SPEAKER:** But honourable, I have ruled. Now you are making your own ruling.

**DR BARYOMUNSI:** Mr Speaker, reading from where I had stopped, the staff of State House provide the necessary logistical and technical support for efficient and effective operations of the Presidency. State House, in turn, provides the necessary facilitation for the staff to carry out their responsibilities effectively. This is the mandate which informs the budgetary allocations across the various items.

For instance, to explain what has been in the media as to whether the President, in State House, consumes Shs 500 million, we want to clarify that the expenditure on this electricity consumption is addressed to Entebbe State House, Nakasero State Lodge, the Vice-President's residence and 23 upcountry state lodges distributed in the various parts of the country including Jinja, Mbale, Soroti, Bardege in Gulu, Arua, Masindi, Luwero, Kyankwanzi, Mubende, Fort Portal, Kisozi, Masaka, Bushenyi, Mbarara, Kabale, Kisoro, Kapchorwa, Ngoma, Kawumu, Mayuge, and Buvuma and five administrative office blocks that support State House and many other forms of infrastructure.

In the media, there has also been a discussion as to whether the President spends Shs 350 million per year to buy clothing. Our President is one of the smartest presidents according to us who see him regularly. I just want to clarify that the item that appears under the State House Budget on beddings, clothing and footwear is meant to cover the protective gear for support staff, beddings for the state lodges, which I have read, the curtains, the various linens for furniture and State House functions as well as uniforms for staff as need arises. The categories of staff include drivers, housekeepers, caterers, kitchen staff, cleaners and the regular office staff.

The State House also supports skilling programmes where you have seen young people who are skilled in various vocational skills and it usually provides uniforms. Therefore, this is to dispel the misinformation that the budget caters for clothing the President. Rather, it facilitates all these functions that I have explained.

I could go on and on but that is the point I wanted to make, Mr Speaker. I hope this information clarifies the issues to do with budgeting for State House and states proper the record on the *Hansard* of this House.

I want to appeal to all of us that we should always desist from raising sensational and unsubstantiated information, which misleads the public. I beg to move, Mr Speaker, and I thank you. *(Mr Ssemujju rose)*

**THE SPEAKER:** Thank you. Please, honourable, take your seat. The minister is no longer on the Floor. He concluded his submission.

Honourable colleagues, in the Public Gallery this afternoon we have a delegation of staff from the National Assembly of Kenya. They include:

1. Mr Noah-Arap Too - Principal Clerk Assistant;
2. Ms Perpetual Muiga - First Clerk Assistant;
3. Ms Miriam Modo - First Clerk Assistant;
4. Ms Hellen Lokwang - First Clerk Assistant;
5. Mr Hassan Gele - First Clerk Assistant;
6. Mr James Machage - Fiscal Analyst;
7. Ms Shirley Isusta - Hansard Reporter; and
8. Mr Salem Lorot - Legal Counsel.

They have come to observe proceedings of this House. Please, join me in welcoming them. *(Applause)* Thank you.

**MR SSEMUJJU:** Mr Speaker - and I was deliberate - the minister said he was moving under Rule 52 of the Rules of Procedure. Rule 52 sets three conditions: first, that this statement must be written, circulated and debated. The reason I am raising that is because pages 34-

35 of this book are now being contradicted by this Minister of Information, Communications Technology and National Guidance. In fact, he should be immediately sacked because you cannot be an information minister and you are contradicting information provided by your own Government.

The procedural issue I am raising is whether this matter must not be debated under rule 52. We can help the public to understand that the information that was brought in this Parliament was actually supplied by the Minister of Finance, Planning and Economic Development.

The law on Presidential Emoluments and Benefits Act does not provide for State House drivers. It provides State House two drivers for the President. So, if he chooses to sleep there with his *shamba* boys and drivers, he is also in breach of that law because the law says, "Provide the President with the State House."

The procedural issue I am raising is whether this matter should not attract a debate under rule 52 so that we can tell this information minister that his statement is in breach or the President that he is attempting to defend is in breach of the law on Presidential Emoluments and Benefits Act.

**THE DEPUTY SPEAKER:** Thank you. I was waiting for you to finish before your hand breaks because that book is too heavy. *(Laughter)* I could see the pain, but I saw the urge of how you wanted to speak.

Honourable, if I open up the debate, I would now be going to rule 222 because rule 52 (2) says, "may." As a Presiding Officer, I weigh the situation. Since it was a matter of clarification and he is not seeking reconsideration of the resolution of the House, his statement will be accommodated. Under rule 52, he is allowed to make a statement as a minister.

There are some Members who feel that they have been misinformed and there are others who feel that they have been informed. Choose

the category you want to belong to. I will leave that to you, honourable colleagues. I will not enter your heads to choose which side you want. Next item.

## BILLS SECOND READING

### THE COMPETITION BILL, 2022

**THE DEPUTY SPEAKER:** I have requested the Attorney-General, the Minister of Trade, Industry and Cooperatives, chairperson of the committee and the shadow Attorney-General to first consult. Let them conclude with the consultations. For now, let us go to the report on the National Legal Aid Bill. It is a short one. Is the chairperson of the committee around? Let us handle the National Legal Aid Bill as they conclude with the consultations.

## BILLS SECOND READING

### THE NATIONAL LEGAL AID BILL, 2022

**THE DEPUTY SPEAKER:** Mover of the National Legal Aid Bill -

3.17

**MR SILAS AOGON (Independent, Kumi Municipality, Kumi):** Thank you very much, Mr Speaker - *[Mr Ssemujju: "Order."]*

**THE DEPUTY SPEAKER:** There is a point of order.

**MR SSEMUJJU:** Mr Speaker, in the morning you chased away Members who crowd your chair because they take away your attention from matters going on in Parliament. Are Hon. Bahati and Hon. Mpaka in order to breach the order that was issued by the Speaker in the morning never to crowd his Chair? Are they in order? *(Laughter)*

**THE DEPUTY SPEAKER:** Thank you for protecting me, Hon. Ssemujju. *(Laughter)* I wish all of you protected me this way because, then I would do my business very well.

**MR AOGON:** Thank you very much, Mr Speaker. In accordance with Rule 130 of the Rules of Procedure of Parliament, I beg to move that the Bill entitled, “The National Legal Aid Bill, 2022” be read for the second time.

**THE DEPUTY SPEAKER:** Is the motion seconded? (*Members rose*) It is seconded by the majority of the House. Hon. Aogon, would you like to speak to your motion? This should be very brief.

**MR AOGON:** Very brief, indeed. The National Legal Aid Bill, 2022 was read for the first time on 28 September 2022. Pursuant to Rule 129(1) of the Rules of Procedure of Parliament of Uganda, the Bill was referred to the sectoral Committee on Legal and Parliamentary Affairs for scrutiny -

**THE DEPUTY SPEAKER:** I gave an assignment to the shadow Attorney-General so, I am getting a report.

**MR AOGON:** Alright, Mr Speaker. Being a very critical Bill, I felt I should be protected because I need your attention, sir.

The object of the Bill is to regulate the provision of legal aid services by legal aid service providers in Uganda to make provision for the grant of legal aid – [*Mr Oguzu: “Procedure.”*]

**THE DEPUTY SPEAKER:** Point of procedure?

**MR OGUZU:** Mr Speaker, the honourable colleague on the Floor referred us to rule 130. When you explore that rule further, sub-rule (5) says:

*“Subject to these rules, the second reading of a Bill shall not be taken earlier than 14 days after the publication of the Bill in the Gazette, unless this sub-rule is formally suspended for that purpose.”*

Can the proponent of the second reading certify to this House that a publication of this Bill was done in the media such that we may proceed within the rules? Thank you.

**MR AOGON:** Mr Speaker, that is the reason the National Gazette is made public; all those people who have interest in getting to know what is happening in the House, in terms of legislation, go to that publication. I plead that my honourable colleague does that immediately so that he is able -

**THE DEPUTY SPEAKER:** No, what he is asking from you is to confirm to him.

**MR AOGON:** Yes, the Bill is fully gazetted and it is officially known. You can also confirm with the Office of the Clerk, which is on the first floor. Everything is in order. (*Laughter*)

**THE DEPUTY SPEAKER:** Thank you. Go on. Honourable member, the committee cannot go beyond this stage. The Clerk did the job; we helped the Member.

**MR AOGON:** Mr Speaker, the object of the Bill is to:

1. Regulate the provision of legal aid services by legal aid service providers in Uganda;
2. To make provision for the grant of legal aid services to indigent, marginalised and vulnerable persons;
3. To make provision for eligibility for the grant of legal aid;
4. To make provision for termination of legal aid;
5. To make provision for the payment of court fees, costs and damages by an aided person;
6. To create a legal aid funding account;
7. To recognise legal aid service providers’ schemes existing in Uganda;
8. To continue in existence Justice Centres Uganda; and
9. To amend the Poor Person’s Defence Act.

The sectoral Committee on Legal and Parliamentary Affairs has concluded consultations and scrutiny on the Bill and is ready to report on the same.

Mr Speaker, before I take leave of the microphone, allow me to say one thing. This is a pro-poor Bill; it is for the poor persons.

In your constituencies, you have many people who are seeking legal support but cannot afford it. I know of many people who have been chased away from their land. They come to Members of Parliament to help them with some money so that they pay their lawyers.

I am saying, as your Member here, that let us help the poor people and the Bill is here. Most times, we support Bills which are pro-rich. When they say the non-aligned movement, we give money, but when it comes to legal aid, they say, "Wait." The time has come. Mr Speaker, I beg to report. *(Applause)*

**THE DEPUTY SPEAKER:** Thank you. Committee Chairperson?

3.21

**THE DEPUTY CHAIRPERSON, COMMITTEE ON LEGAL AND PARLIAMEN- TARY AFFAIRS (Mr Yusuf Mutembuli):**

Mr Speaker, in accordance with rule 31, I beg to lay both the report and minutes. As rightly pointed out by the mover of this Bill, on 28 September 2022, the Bill was referred to our committee pursuant to rule 129(1). Pursuant to rule 129(2), the committee examined the Bill and hereby reports.

Mr Speaker, the object of the Bill has been rightly brought out by the mover and I will not go into the background, in the interest of time. Honourable colleagues, we can read it. I would like to emphasise that we have legal aid services in the country and these are regulated by the Law Council, as empowered under the Advocates Act through accreditation of legal aid service providers.

We also have legal aid under Article 28(3) and non-state actors, including NGOs, community-based organisations, professional bodies like Uganda Law Society and other associations, and academic institutions that operate legal aid schemes in this country.

We also have persons who are indigent and whose means to pay for legal services have been examined through the means test. Most of our legal aid services are not provided by

Government apart from those under Article 28(3).

Methodology

In harmonising this Bill, the committee interacted and received memoranda from the Attorney-General and Hon. Silas Aogon, the mover of the Bill.

Findings and Recommendations of the committee

The committee notes that one of the objectives of the Bill is to provide credible, accessible, affordable, sustainable and accountable legal aid services to the indigent, marginalised or vulnerable persons in Uganda. In order to achieve this, the Bill:

- a. Expands the definition of legal aid services to include: legal advice, legal representation, legal education, creating awareness through provision of legal information and law-related education, recommending law reform and undertaking advocates work on behalf of the community and assisting in resolving disputes by alternative dispute resolution, drafting relevant documents and effecting service incidental to any legal proceedings and reaching or giving effect to any out-of-court settlement;
- b. Expands the eligibility criteria to include two new evaluation criteria in addition to the already existing criteria of indigence. The current is on indigence, but as a result of this Bill, the scope has been expanded to include vulnerable and marginalised persons;
- c. Create synergies between the different models through which legal aid services are provided by transforming a Government project; Justice Centre Uganda into a permanent institution and continuing its existence and recognising the work done by legal aid service providers, Law Development Centre, legal aid clinics as well as paralegals and community-based

volunteers essential in the provision of legal aid services.

In order to finance the above new matters, the expanded scope of persons eligible to legal aid and increase in services obtained in legal aid, including the financing of the existing models for delivering legal aid services in Uganda, the Bill creates a legal aid funding account into which funds to support the provision of legal aid services are to be deposited and utilised by legal aid service providers. These include Justice Centre Uganda, Law Development Centre and other legal aid service providers which will access funding to support the provision of legal aid services.

This account is to be managed by the Law Council and the source of funds for the legal aid funding account will heavily rely on donations, gifts, endowments from private sources rather than Government. These include the following sources – and this is where our major concern is – Grants, gifts, loans or other endowments and donations deposited into the accounts from any source within and outside Uganda;

- a) Money received by the account by way of voluntary contribution;
- b) Income derived from operations of the account or other accruing to the account;
- c) Fines and penalties recovered for breach of the provision of this Act;
- d) Costs awarded to a legal aid service provider in a matter, which was funded from the funds contained in this account;
- e) Fees and charges paid by legal aid service providers to the law council and other services provided by the law council;
- f) Money appropriated by Parliament for purposes of legal aid.

The committee examined the funding proposals in the Bill and found that due to the increased scope of legal aid services and eligible persons, the funding proposals in the

Bill are not sustainable since they will heavily rely on the goodwill of donors with little or no Government involvement in funding legal aid services.

The committee takes cognisance of the funding needed to roll out legal aid services across the entire country. In light of the continuation of justice centres and expansion of eligible persons, the committee finds that the estimated cost of Shs 47,621,000,000 per year cannot be funded through the funding proposals contained in the Bill.

The funding proposal in clause 25(g) is unconstitutional as it infringes on the provision of Article 93 of the Constitution of Uganda. In addition, the committee is also aware of a study conducted by the Legal Aid Service Providers Network (LASPNET). In its report of February 2016, it estimated the administrative costs required to finance the provision of legal aid services in Uganda to be Shs 20 billion-plus in the first year of operation. The committee finds that this sum cannot be collected through the funding provisions in the Bill. This creates doubt as to whether the legal aid system proposed in the Bill is sustainable since the funding required to make it operate cannot be guaranteed by either donor, as proposed in the Bill, or the Government in the short term.

#### Lack of National legal institution

Apart from the unsustainable funding required in the Bill, the committee is also concerned that the Bill does not create a legal aid institution, which shall operate a national aid service through which legal aid services shall be provided to Ugandans. The committee notes that the creation of a national legal aid institution is an international best practice that has been adopted in all countries where legal aid services are institutionalised.

Honourable colleagues, we benchmarked and found that in Kenya, there are legal aid services and these are provided by a Government body called National Legal Aid Service. In South Africa, it is provided by a body called Legal Aid South Africa, in Sierra Leone, it is called

the Sierra Leone Legal Aid Board and in United Kingdom, it is provided by the Legal Aid Agency under the Ministry of Justice of the United Kingdom.

The lack of legal aid services institutions is a major drawback for the Bill since, in its current form, the Bill does not guarantee the sustainable provision of legal aid services since there is no Government commitment in the form of finances or the creation of Government-backed legal aid institutions.

Members, this is very important if we are to have a legal aid service that is operational. We need this institution but the Bill, in this current form, does not do that.

Without clear Constitutional arrangements, the provision of legal aid services will remain entirely in the hands of the private sector through legal aid service providers, a framework which is unsustainable since by their nature, these service providers are normally Non-Governmental Organisations and cannot be directed legally to provide legal aid services on behalf of the Government neither can they substitute or replace Government commitment towards the people of Uganda.

#### Lack of Government obligations in the Bill

The committee found that the Bill does not impose accountable and achievable obligations on the Government due to limitations imposed on the private Member's Bill under Article 93 of the Constitution.

The committee finds that Article 93 of the Constitution bars Parliament from proceeding on a Bill not introduced by the Government if the Bill imposes a charge on the Consolidated Fund. This provision bars the private Member from introducing provisions such as the introduction of an institution through which legal aid shall be provided since the proposal will impose a charge on the Consolidated Fund thereby infringing Article 93.

The committee is aware that the effect of the above limitation has had constitutional

interpretation in the case *Male H. Mbirizi Kiwanuka and Uganda Law Society v. the Attorney-General, Constitutional Appeal No.2 of 2019*. That Supreme Court, in the decision of Justice Arach Amoko Lillian, Eldad Mwangusya, Jotham Tumwesigye and the former Chief Justice, Bart Katureebe, ruled to the effect that any Bill, including an amendment to a Bill that is proposed, must be examined as to whether it complies with the requirements of the Constitution.

If the provisions proposed in the amendment contain or make provision for a charge on the Consolidated Fund, other than by reduction, then it is barred by Article 93 of the Constitution and Parliament must not proceed with it. If Parliament proceeds with it and passes it, it would be passing a nullity. Parliament might as well reject it right at the beginning.

The above court decisions do not only bar a Private Member from proposing matters in a Bill that infringe Article 93 but also bar Parliament, including its committees, from amending a Private Member's Bill to introduce matters, which make provision for items that are prohibited under Article 93.

This means that Parliament cannot amend the National Legal Aid Bill in order to make provision for matters that would make the Bill sustainable, including providing for the Government's financial commitment towards legal aid services as well as providing an institutional framework for the same.

The committee is therefore concerned that the lack of clear, predictable and sustainable funding mechanisms in the Bill and the lack of a Government-led institutional framework for delivery of legal aid services in Uganda coupled with the colossal sums required to institutionalise legal aid services in Uganda in order to guarantee credible, accessible, affordable, sustainable and accountable legal aid services to indigent, marginalised and vulnerable persons in Uganda makes the Bill impractical, unless the Government takes over the Bill with a view of guaranteeing the funding requirements that are needed to fully



operationalise the Bill as well as establishing a credible legal aid scheme led by a recognised and accountable legal aid institution that is under the full control and direction of the Government.

#### Recommendations

The committee recommends that in light of the limitations imposed on the Private Member's Bill under Article 93 of the Constitution of the Republic of Uganda, 1995:

- a) The Legal Aid Bill, 2022 is not read for the second time.
- b) The Government undertakes to introduce in Parliament, within a period of one year from the date of this resolution, a Bill that guarantees a sustainable, accessible, affordable, credible and accountable legal aid system in Uganda.
- c) The Government undertakes to report to Parliament every three months to update the House on the progress of the formulation of the National Legal Aid Policy and Bill.

Mr Speaker, I pray that the report be adopted in accordance with Rule 204(8) of the Rules of Procedure. I beg to report.

**THE DEPUTY SPEAKER:** Thank you, honourable chairperson. I will give a chance to the sponsor of the Bill to respond.

3.36

**MR SILAS AOGON (Independent, Kumi Municipality, Kumi):** Thank you, Mr Speaker. Our vision, as Parliament, is to be a transformed, independent and people-centred Parliament. This particular Bill is a people-centred Bill and, therefore, it is for the people. As a Private Member, I stand here today having supported many movers of Private Member's Bills to go through with their Bills, including the recently passed one, which we did within the shortest time possible.

Mr Speaker, if at all there is a Bill that needs urgent attention, it is this one. *(Applause)* First, I would like to thank the committee. I appreciate their effort but also the burden before them. I was in this House when we had many challenges, for instance, during the passing of the age limit Bill. People had to choose between conviction and convenience. Which one do you choose today? You did your part, but I know the burden before you; I know what you went through.

Mr Speaker, I would ask the question: from September when this Bill was read for the first time, why did it take all these months for the committee to come back to this House? It shows you that there was a burden that the committee had to deal with. We even thank them that they were able to bring the report here. *(Applause)*

Mr Speaker, let me go to what I have put down so that I am tracked properly.

**THE DEPUTY SPEAKER:** Do you mean you have not been speaking? *(Laughter)*

**MR AOGON:** This was just elementary. Mr Speaker, in response to the committee's report -

**THE DEPUTY SPEAKER:** Procedure from Hon. Nambooze?

**MS BETTY NAMBOOZE:** Thank you, Mr Speaker. I am one of the persons who have ever tried to bring a Private Member's Bill in this House and I know how difficult it can become if you do not go through some channels. I heard my colleague thanking the committee for at least being able to bring a report that rejected his Bill. He was saying that for doing only that, the committee members were very brave because they were working under very difficult conditions.

Wouldn't it be procedurally right, Mr Speaker, for my honourable colleague to clearly come out and inform this House, to the best of his knowledge, about the difficulties, pressures and challenges the committee faced that made our wonderful legal committee hide behind

technicalities to reject a people-centred Bill as proposed by my honourable colleague?

**THE DEPUTY SPEAKER:** Thank you. Order?

**MS BETTY NAMBOOZE:** Order against who?

**MR NIWAGABA:** Order against you, the one holding the Floor. (*Laughter*) Mr Speaker, the committee's report, in rejecting the Bill, relied on only one Article of the Constitution; Article 93. As Members of Parliament, we are bound – we swear to defend and uphold the Constitution. Therefore, is Hon. Nambooze in order to impute that members of the committee acted unconstitutionally?

**THE DEPUTY SPEAKER:** Thank you. Honourable colleagues, the whole country is watching the statements you make here. I think it would be very wrong for you to start doubting each other. What is very important is that the committee, in handling the report and making the recommendations, advanced the reasons. What I expect from the mover of the Bill is a rebuttal so that the final decision is made by the House. The House can say we continue with the Bill or not.

However, there is a statement which Hon. Nambooze made; that she has ever tried bringing a Private Member's Bill and she knows what she went through and all that. Please, Private Member's Bills are provided for under rule 121 of the Rules of Procedure. In fact, we have got several complaints here on the Floor from the Government side saying, "You are taking over our role of introducing Bills." We have allowed Private Member's Bills here, honourable colleagues.

Therefore, I do not want anyone to impute that you need to lobby or talk to so and so to bring a Private Member's Bill. I have just received a request from Hon. Omara here; he brought to me a letter that he wants to bring a Bill and he wanted my clearance. I told him: "No, you do not need it because it is not a requirement under Rule 121 of the Rules of Procedure. Go

prepare and then come and we give you space on the Order Paper. The MPs will either accept or reject your request."

Therefore, let us not impute any ill motive on any Member here. Moreover, no final decision has been made. It is until the House decides and we are all bound by its decision. By the way, this brings me to an issue which I wanted to raise with LoP. I can also raise it here but we will discuss it.

Honourable LoP, I saw some of your Members holding a press conference that they disagree with the tax after a resolution had been made by this House. I was going to say, "Can we pick out the *Hansard* and look for their submissions?" Were all of them here when we were discussing? Some were not here because I checked the record. After failing to be here, you go and hold a press conference outside.

When this House makes a decision, you are bound by it. You can say, "Personally, I don't agree with the decision of the colleagues. I have given my view but it has not been bought." However, you cannot go to hold a press conference outside, especially on the tax Bills; it is not right. Whatever you disagree with, present it here and we debate it. Therefore, let us not impute ill motive on each other.

Hon. Silas, respond to the reasons given for rejecting your Bill.

**MR AOGON:** Thank you, Mr Speaker, for always being a very just and fair statesman. I want to start from where Hon. Niwagaba ended. He said this Bill flouts Article 93 of the Constitution. I would love to inform this House that this Bill officially received a Certificate of Financial Implications. This is not a Bill where we waited to count 60 days after which we said, "Let us bring it." I am happy the brother who is bringing this matter up is a learned person and he knows it.

While applying for the certificate for this Bill, it is the Clerk who did so not me. At the time of gazetting, it was done by Parliament. Therefore, it is officially recognised. I want

to believe that officers of Government in the Ministry of Finance, Planning and Economic Development but also in Parliament here, know the distinction between what offends and what does not offend Article 93 of the Constitution.

Secondly, I was accorded technical support by this Parliament. Much as I am a professional accountant, I am able to read. I was able to read and I received support. I can also write and I wrote. Now, I am reading what I wrote. *(Laughter)*

The committee found, as a matter of fact, that the Bill I introduced did not impose a charge on the Consolidated Fund. This means that the Bill did not infringe on Article 93 of the Constitution.

On the issue of sustainability of legal aid, as observed by the committee, I note that the committee was concerned that the funding requirements in their Bill will be met through donations, a matter the committee finds unsustainable.

If we look through the various Acts of Parliament that we have processed here - I want to refer you to the Uganda Communications Commission Act - it is by standard that we have a provision that allows for donations. Even our Budget, which Parliament always approves has the component of donations. I speak as a very clear-headed accountant who knows what he is talking about. You cannot close that window. Even at home, we ask for donations from neighbours. You might have everything but you lack a needle and ask for a donation.

I have reviewed the concerns of the committee, especially reliance on donor funding for legal aid. I am of the view that donations, as a source of income, have been recognised in Uganda and are provided for in the various laws for funding of Government agencies and operations. This is true in various laws, including the UCC Act, the Wildlife Act of 2019, the Public Finance Management Act, 2015 - you can check, for those of you who have it - the Electoral Commission Act and various Acts, which all

make provision of funding of the operation - *(Interjections)* - Let me take information.

**MS CECILIA OGWAL:** Thank you for giving way. I would like to inform you that even the Budget that we debate and pass has to be backed up by loans. We always insist that the Minister of Finance, Planning and Economic Development comes here and gives us details of how the Budget will be funded. A loan means that we are actually digging deeper into the taxpayer's pocket in order to fund the Budget.

Therefore, this issue of financial implication and so on should not bar Parliament from going ahead to make a law that benefits the people who have sent us here. *(Applause)* We should not make it a limitation because we know that even the Government cannot move forward without borrowing.

In this case, once we have got the clearance and know that we have willing donors, why can't we go ahead instead of blocking us? Mr Speaker, this is good information. We must know how we are going to circumvent this kind of deliberate limitation imposed on Parliament by the Executive. This is an abuse of our power and we are not going to surrender.

By the way, it is both sides. Do not think it is only this side that is going to be affected; the people who sent you here are looking at you. Their land is being grabbed and they cannot find lawyers to defend them; you know it. *(Applause)*

I just want to give you information that let nobody say that there is a financial implication. I have looked at your argument and Article 93 and you have not breached the spirit of this Constitution. *(Applause)*

**MR AOGON:** Thank you. Mr Speaker, that is the icing on the cake that I was waiting for from a senior legislator like Hon. Cecilia - *(Interjections)* - there is more information.

**THE DEPUTY SPEAKER:** And we shall conclude.

**MR OGUZU:** Thank you, honourable colleague. The information I want to give you is that much as Article 93 bars introduction of such Bills by a Private Member, we are supposed to read the Constitution in whole and not to pick pieces.

Article 94 provides for Rules of Procedure, which Parliament is supposed to institute. Rule 118, it talks about the Certificate of Financial Implications. Rule 118 (4) states:

*“Notwithstanding subrules (1), (2) and (3), a Certificate of Financial Implication shall be deemed to have been issued after sixty days from the date of request for the certificate.”*

What that means is that even though it was not issued to you, Government – *(Interjections)* - yes, if it is issued, why do we have misinformation? It means the committee is misinforming us. *(Interruption)*

**MS OPENDI:** Thank you for giving way. This Bill was championed by the members of the Uganda Women’s Parliamentary Association in the 10<sup>th</sup> Parliament. Majority of the people affected, those that fail to get legal services, are women and other poor people of this country. *(Applause)*

We have a number of lawyers that are providing free legal services to some women. I even had a woman who came to me. She had nothing, having been sent away by her husband. Fortunately, one of the lawyers that I approached provided free services and this woman won the case in the courts of law. *(Applause)*

This Bill went through the entire process with a Certificate of Financial Implications issued. The Committee on Legal and Parliamentary Affairs went through the process and brought a report. The Bill is ready for second reading together with the committee report.

How could all the legal brains in this committee not identify the issue until they were approached later and then they started seeing the light and changed their report? This brings a question in my mind. *(Applause)*

**THE DEPUTY SPEAKER:** Honourable member, was the report changed?

**MS OPENDI:** Mr Speaker, the Bill was ready for the second reading together with the committee report, which was supposed to be presented to the House. When the Attorney-General came, the Speaker then advised them to go and reconcile because the Attorney-General indicated that there were serious financial implications that this Bill was going to have.

Looking at this report, we can process this Bill and deal with that particular provision that creates a huge charge on the Government. While it is best practice to have national legal aid institutions, we may still not have this institution but task the various legal firms to provide some legal services and that does not have a charge on the Consolidated Fund.

Whereas it is best practice in other countries that have been mentioned like Kenya, South Africa and UK, we can have our own legal aid services provided without having that institution that is being talked about.

Considering that the Government, through the Justice Centre Uganda, is providing free legal aid services to the *wanainchi*, my view is that we support and move to Bills second reading and deal with those particular clauses that have a charge on the Consolidated Fund. *(Applause)*

The information I am giving is that – *(Laughter)*

**THE DEPUTY SPEAKER:** You went beyond giving information to giving a conclusion. Honourable member, conclude.

**MS OPENDI:** The information I am giving is that there may be charge but we do not need to take this position of having a legal aid institution. Let us proceed with the Bill. Thank you.

**THE DEPUTY SPEAKER:** Your time is up, Hon. Aogon. Please, conclude.

**MR AOGON:** I apologise to my honourable colleague. Time is up but I would have loved to give you a chance to give information.

Mr Speaker, I want to confirm and put it on record that we got a Certificate of Financial Implications which did not talk about any charge on the Consolidated Fund. Nobody should misguide this House; this Bill is very clear.

Concerning the issue of an institution for provision of legal aid, under the Advocacy Act, Uganda Law Council is mandated to handle matters of legal aid. So, there should be no worry about institutional arrangements. I am fully aware, I have reasoned well, I have researched well, I have read and confirmed that it is true and there is no problem.

**THE DEPUTY SPEAKER:** Thank you. Hon. Aogon even knows the Office of the Clerk where he can – Hon. Nsereko had a procedural matter.

**MR NSEREKO:** Thank you, Mr Speaker. The rule of moving a Private Member's Bill is very clear. If I heard properly, the committee's reason for refusal was based on a technical view that the Bill would have consequences that are far-reaching financially.

Issuance of the Certificate of Financial Implication means the Ministry of Finance, Planning and Economic Development, through its technical people, studied, reasoned, processed and sanctioned after having read and analysed the effects of this Bill and satisfied itself. Even if there were implications, they were not far-reaching to destroy or distort the national budget projections of the country. In any case, they would be for the betterment of the nation.

The question we should be asking ourselves is whether the Bill met the test of the law and the answer is very clear; indeed, it passed the test of the requirements for a Private Member's Bill. Therefore, I propose that we proceed to Bills second reading, assess it and we harmonise where we do not feel comfortable for the benefit of our people. Thank you.

**THE DEPUTY SPEAKER:** Honourable colleagues, we have a report, which says the Bill should not be processed for second reading. You are aware of the second reading where we consider clause by clause. If you decided otherwise, we could send it back to the committee so that it can go and prepare very well. I want to get clarification from the committee chairperson. We can do that but it is not smart. What are you hurrying for? Let us work smartly.

Honourable colleagues, if the Government gave a Certificate of Financial Implications, did the mover go and include other clauses after a Certificate of Financial Implications had been issued? This would mislead the Minister of Finance, Planning and Economic Development.

If you remember very well, we had it here on the Administration of Parliament (Amendment) Act, 2021 where we passed a Bill then at the Committee Stage, we added an item that had a financial implication and the President returned it. Therefore, I need assurance on that.

First, we shall have to look at the original Bill presented on the Floor versus the Bill that was gazetted after getting a Certificate of Financial Implications.

Secondly, I want us to be honest; we cannot indict our Members that way; to say at the committee stage that your honourable colleagues have rejected your work. That is a bad record and it has never happened here. Now, I am talking as an honourable colleague. *(Applause)* There are records that can tarnish your image and it will forever affect you. This is a legislator who has done very good work here. If you have problems with some clauses, why not remove them?

I was reading through the report on page 6(vii) where Hon. Aogon included, "... money appropriated by Parliament for purposes of legal aid..." If it is money appropriated by Parliament, this is money from the Consolidated Fund so, you can remove such a provision.

When I read through the Bill, I was looking at a Member trying to put together a structure of managing legal aid in the country. When you focus on the structure of managing legal aid services in the country, for example, someone might disguise themselves under legal aid and start financing terrorism. He or she may give money to terrorists and say, "No, these people are prisoners so, they are also entitled to money". I am really concerned; you could have been a little bit lenient with the honourable Member and engage him more.

Let me say what surprised me; the report was ready and the honourable Member did not have the report. Yesterday, after I had read the report, I called the honourable member and said, "Honourable, I have read the committee report. As you have not yet called me? This report looks a bit different." The Member said, "I have not received the report." I asked, is this fair to the Member? I had to send it to him on WhatsApp so he is able to prepare. Otherwise, a Member can be ambushed on the Floor and it does not look good.

Honourable colleagues, I like transparency; I would like us to do things in a more transparent manner and support each other.

**MR MUTEMBULE:** Mr Speaker, if there is one person who needs legal aid in this country, it is me. This is because I have represented not less than 100 vulnerable persons in this country. If you want the record, go to the Uganda Law Society, and see. I was even given an award - and - if you want, you can come to my office.

Honourable colleagues, we are talking about sustainability. We are saying the Government must have the responsibility to ensure that people are rendered free legal services. That to us is very key.

What we are saying is that we do not need a law that is not sustainable. This is why we are proposing that the Government owns legal aid so people are given money for free legal services. Otherwise, if we are going to rely on donations - what if tomorrow the donors refuse, then, what happens to the law?

On the issue of the integrity of the committee –

**THE DEPUTY SPEAKER:** Procedure?

**MR OGUZU:** Mr Speaker, I listened keenly to your statement and that of Hon. Sarah Opendi. It has emerged that there is a complaint regarding the authenticity of the report that was presented here-

**THE DEPUTY SPEAKER:** Not from my statement. *(Laughter)*

**MR OGUZU:** Under rule 204, when such complaints emerge, Mr Speaker, you are supposed to refer the matter to the Clerk to investigate and report.

Now that this report was presented here - I crosschecked and found that it was produced in May, yet, the committee was ready for second reading at that time. That clearly says something about the report.

Therefore, I pray that you apply this rule and subject this report to investigation so that we explore the intention of trying to kill legal services for the most vulnerable people in this country. Thank you.

**THE DEPUTY SPEAKER:** Honourable colleague, that rule applies when members of the committee dispute or question a report. As of now, no member of the committee has complained about the report.

The issue Hon. Sarah Opendi raised was that the Presiding Officer then guided the committee and the Attorney-General to reconcile the report. Reconciling can result in updating the report or changing positions. Otherwise, you cannot be sent to go and reconcile and come back the way you went. So, the authenticity of the report is very clear but the issue is: Chairperson of the committee -

Honourable colleagues, when we start dropping Bills based on our judgment that the funding is not sustainable - I can tell you those are grey areas that we will kill our legislative work. If there is a clause you are uncomfortable with,

the committee recommends that we drop it so we move.

**MR MUTEMBULE:** Much obliged, Mr Speaker. Maybe for information purposes, Members have asked: why is it dated 15<sup>th</sup> May? As you have rightly guided, it was referred back to the committee for reconsideration and that is what we did. This is a reconsidered report.

There are things at times we do not want to bring to the attention of this Parliament. You posed a very serious question, Mr Speaker, concerning the Bill that was referred to the Ministry of Finance, Planning and Economic Development for the certificate. I did not want this to be on record but now that someone is imputing bad faith on the part of the committee, let me bring it out.

In the first place, my colleague, Hon. Silas, brought a Bill that did not have clause 25(g) and it was on that basis- (*Mr Akol rose*)

**THE DEPUTY SPEAKER:** No. First, listen, Hon. Akol.

**MR MUTEMBULE:** At first, that is what he brought. If you look at the record, it is the one that was considered during the first reading. When it was brought to the attention of the committee, we established that what was laid on the Table was different from what he relied on. The first that was laid on the Table did not have clause 25(g), and the certificate was issued on the basis of the first Bill.

When they introduced the second one – (*Interjections*)– honourable colleagues, I thought you wanted facts and information-

**MR AMOS OKOT:** Thank you, Mr Speaker. We are all aware of the process of introducing a Bill in this House; it involves referring a Bill to the committee and then the committee reports back to the House; the House considers it and then the same Bill is taken to the President for assent.

In a situation where there is an issue which is not clear and not understandable, the President can reject it and return it to the House. Therefore,

the chairperson of the committee and the honourable member are trying to say that a new clause was introduced, and that could be a ground for him to recommend that this Bill has been rejected. Mr Speaker, we know when a Bill is sent to the President and it impeaches on certain grounds, the President can refuse to assent to the Bill and return it to the House for reconsideration. Is he in order?

**THE DEPUTY SPEAKER:** Hon. Okot, I have given you an example of a Bill that has a Certificate of Financial Implications; after getting a Certificate of Financial Implications, I do not know whether it was a Member or at Committee Stage, they introduced a clause in this Parliament a few months ago, which increased our pension. It meant that we misled the people at the finance ministry to give us a certificate because the Bill we took to them did not have that clause. The moment it got the clause, then we lost out.

It does not look good for us to do work here well knowing that there is a mistake and send it to the President who will reject it and return it to us. We do not look good. What happened to that Bill which the President returned? We dropped that clause. This is what I was asking the chairperson of the committee. If this clause was a problem, the committee would have dropped it at the committee stage. Do not drop the whole Bill but drop the clause. Then, when you talk about sustainability or financing, that is debatable.

4.12

**THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka):** Thank you, Mr Speaker. It is unfortunate that we are where we are on this Bill. When it first came up as you stated, I did raise to the Presiding Officer at the time, that the Bill that is being discussed is not a Bill in our position. That is how it went back to the committee because we had a totally different Bill and we do not have any issues with it.

Mr Speaker, I have read the committee report - and we may not quite like the outcome, but the question we should ask ourselves is whether it is a legal outcome. The provision of the Constitution says Parliament shall not,

unless the Bill or motion is introduced on behalf of the Government, proceed upon a Bill – “proceed”. That is it. You do not change or remove anything; you do not proceed.

At that point, the Member – and we had a very protracted discussions over this matter. Even the proposal of withdrawal of the Bill – without the offending paragraphs that he has introduced – was discussed between the committee, ourselves and the Private Member.

Mr Speaker, I think the question we need to address is whether the Bill, as it is now, has a charge on the Consolidated Fund. If clause 25(g) does have a charge on the Consolidated Fund, then, the Constitution demands that we stop proceeding on that Bill and the Private Member may choose to bring it back.

However, Mr Speaker, there are other issues the committee has raised, which are fundamental. We have discussed them extensively and shared all the reports that we have in our possession. Legal aid is not a bad thing – and I want to be on record on that. The issue that we have, Mr Speaker, is that legal aid is an expensive function. As Government, we need to be clear as to how we shall sustain that. That is why the reports we shared with the committee have been done by Government. The Government has done studies on legal aid and how to implement it. Even the first writing of the Bill was done.

So, Mr Speaker, the Government is not opposed to legal aid. As you said, the Government is actually – in the limited resources available – providing legal aid.

If you remove the participation of the Government in this Bill, the question is: will we actually have a Bill? Will we have given the people that which they need? Will we have provided the service? Those are the questions we have been pondering over.

Many of the sources of funding in here are private. The question that I will always ask myself is: can the Government legislate on how I can voluntarily use my money? Can

Parliament legislate and say that if you want to do legal aid, you will put it in this fund and then the law council, which is a Government entity, will run that fund?

We all know what happens with donor funding. When donors give money, they want to do it directly. So, all these things need to be ventilated.

Mr Speaker, I beg and implore my friend, Hon. Silas, that let us sit down and work through this legal aid together – properly - and bring a Bill that is sustainable. I beg to submit.

**THE DEPUTY SPEAKER:** Thank you. What was so positive yesterday when I talked to Hon. Silas was that he was proud of the Attorney-General. He said he has had interactions with you and you had given him support.

I do not think the major aim of Hon. Silas is for him to sponsor the law, but for the law to be in place – and a strong law. Maybe, it would have been better for you to pledge to Hon. Silas here, that you can work with him and take over the Bill and it is handled expeditiously.

Then, it would be up to him to work with you – if that can help – to provide for financing for the implementation of the Bill and we produce a Bill - before we go on motions and procedures, honourable colleagues, just allow a minute for the mover.

However, the record I did not want is for a committee to reject a Member’s Bill. It will never go off him. It will be the first one in the record of Parliament. We usually deny leave but the moment we allow leave, a Member’s Bill is processed.

**MR AOGON:** Thank you, Mr Speaker. I made no mistake in giving you my vote as the Deputy Speaker.

**THE DEPUTY SPEAKER:** Did you vote for me? *(Laughter)*

**MR AOGON:** Yes. I also want to put it clearly on record that the committee only expressed



their opinion – and they rightfully did so because they are entitled to it. They did their work and I appreciate the effort.

I also appreciate the Attorney-General's Chambers because I have been there, battling. I also appreciate Hon. Lyandro Komakech who should be seated somewhere up there. He is the one who first brought up this Bill in 2010. This is one of the Bills that were thrown out because of -

**THE DEPUTY SPEAKER:** In 2010, Hon. Komakech was not in Parliament. He was in the 10<sup>th</sup> Parliament.

**MR AOGON:** Yes, in the 10<sup>th</sup> Parliament. Thank you for the correction, Mr Speaker.

Mr Speaker, I want this House to believe me. I am saved in the real sense of the word and when I tell you something, I tell you the truth. Ignore whatever you have heard from the Attorney-General, most especially when it comes to the issue of the certificate of financial implications.

I got it from the grapevine that if the Attorney-General's office was able to tear off that certificate of financial implications, they would have done it. They were not happy about what happened. I am told they even harassed the people of the Ministry of Finance, Planning and Economic Development – why did you issue that certificate?

However, I would like to inform this House that the late Rt Hon. Jacob L'Okori Oulanyah – may his soul rest in peace – had a lot of interest in this Bill. Being the Chairperson of the Greater North Parliamentary Forum – one time we had a discussion and he was saying: "Do your best to make sure this Bill is concluded because it is for the people."

I am trying my best to keep his legacy. Even where he is in Heaven, he is seeing and he is happy. So, he will be unhappy with whoever will try to oppose this Bill. *(Laughter)* That is the truth.

Mr Speaker, let nobody talk about Article 93. I have read the Constitution repeatedly and

I have read that particular provision several times. I understand what it talks about. If you are referring to clause 25 (g), it talks about Justice Centres Uganda. Justice Centres Uganda has been in operation through a statutory instrument issued by the minister. Therefore, it is not something new.

You only affect Article 93 if you introduce a new subject in the Article. Here, Justice Centres Uganda already receives money from the Government. Nobody should deceive you that clause 25 (g) was introduced. I do not apply for the certificate and I do not gazette. It is the Government that gazettes. Thank you.

**THE DEPUTY SPEAKER:** Motion, Hon. Cecilia Ogwal?

4.21

**MS CECILIA OGWAL (FDC, Woman Representative, Dokolo):** Mr Speaker, I have heard the mover of the motion make a very passionate presentation on this matter. I have also heard from the chairperson of the committee as well as the Attorney-General.

Mr Speaker, under rule 59, I wish to move a motion that the House allows a motion without notice – based on the fact that the Speaker has already guided on the matter – that the matter be taken back to the committee for reconsideration and we pray that it be done within one month. I beg to move.

**THE DEPUTY SPEAKER:** Is the motion seconded? *(Members rose.)* It is seconded by Hon. Remigio Achia, Hon. Florence Akiiki, Hon. Nyakikongoro, Hon. Fred Opolot, Hon. Angura, Hon. Katabaazi, Hon. Nambooze, Hon. Cecilia Ogwal and Hon. Nambeshe.

Honourable colleagues, this is something for which I do not call upon a Member to speak to the motion. So, I now put the question that the National Legal Aid Bill, 2022 be referred back to the Committee on Legal and Parliamentary Affairs for reconsideration and report back within one month.

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** Thank you, honourable chairperson. (*Applause*) Go back and look at the clauses, which you feel offend the Constitution. Attorney-General, where you can provide support, please do. Let us support the Member and we conclude this Bill. Thank you.

MOTION FOR ADOPTION OF THE  
REPORT OF THE COMMITTEE ON  
PRESIDENTIAL AFFAIRS ON THE  
MOTION FOR A RESOLUTION OF  
PARLIAMENT TO INQUIRE INTO THE  
ALLEGED MISMANAGEMENT OF  
RELIEF ITEMS UNDER THE OFFICE  
OF THE PRIME MINISTER MEANT  
FOR THE PEOPLE OF THE KARAMOJA  
SUBREGION

**THE DEPUTY SPEAKER:** Thank you. Hon. Ababiku? As the committee chairperson comes, in the public gallery this afternoon, we have members of St Gyavira Choir from St Joseph Catholic Parish Ndeeba, headed by the Head of Laity, Mr Julius Kayiira and the Parish Priest, Rev Fr Simon Peters Ssekyanzi. They will be animating Mass at the Catholic Chaplaincy during the Patron saint day, St Thomas Moore, on 22 June 2023. They have come to observe the proceedings of this House. Please, join me in welcoming them. (*Applause*)

Committee chairperson, please present the report. I want us to sort this matter out today.

4.24

**THE CHAIRPERSON, COMMITTEE ON PRESIDENTIAL AFFAIRS (Ms Jesca Ababiku):** Thank you, Mr Speaker, for the time given to me to present our report. Based on your guidance in relation to time constraints, I inform the House that we have already uploaded our report and we are going to skip some of the pages, especially the introduction. Members can read the background.

Let us go to our findings, which begin on page 10.

Terms of reference 1: To inquire into the alleged mismanagement of the supplementary budget

of Shs 39.94 billion released to the Ministry of Karamoja Affairs towards supporting the disarmament programme in the Karamoja Subregion

We have provided a table that shows a breakdown of how the Shs 39,940,000,000 was spread out. It covers the iron sheets, goats and peace-building initiatives. Our findings are on page 11.

The committee established that the variations between the planned and actual outstanding - both in quantity and funds, is largely attributed to the change of specifications of iron sheets from plain to pre-painted, customised and the decision to include improved female breeds (Galla white).

The Office of the Prime Minister had planned to procure 220,000 iron sheets at a unit cost of Shs 40,000. The change in specifications resulted in the procurement of 95,044 pre-painted customised iron sheets at a unit cost of Shs 76,137 thereby translating into an increase of Shs 36,137 per iron sheet, hence, the variation in quantity planned and the actual amount spent.

The Office of the Prime Minister spent Shs 1,815,003,066, more than they had planned on the iron sheets. The Office of the Prime Minister had also planned to procure 75,000 local female goats and 5,000 improved bucks to benefit 5,000 reformed warriors (the *karachunas*). However, a change of decision to include 5,000 improved female breeds largely accounts for the variation between the planned and actual number of goats and amounts spent.

The committee established that the Office of the Prime Minister's actual performance included the procurement of 23,000 improved female goats, significantly deviating from the planned 5,000 improved goats. The committee further established that the Office of the Prime Minister procured 6,000 improved bucks, of which 4000 were Boer bucks and 2,000 Galla goats, against the planned 5,000 improved bucks.

It is the committee's finding that the Office of the Prime Minister had planned to purchase 80,000 goats at Shs 25 billion. The committee established that the Office of the Prime Minister purchased 73,900 goats at Shs 26.9 billion. This resulted in an expenditure of Shs 0.233 billion in excess of what was planned. The Office of the Prime Minister thus spent Shs 0.233 billion above the planned amount.

The committee further established that the Office of the Prime Minister planned to spend Shs 5.1 billion on peace building initiatives. However, the actual expenditure amounted to Shs 6.186 billion, resulting in spending Shs 1.86 billion more.

#### Observations of the Committee

It is the observation of the committee that the inclusion of the female Galla goats, which had not been earlier planned, constrained the budget of the Community Empowerment Programme. The committee, however, noted that the inclusion of the female Galla goats was also an intervention geared towards improving the welfare and livelihood of the reformed warriors and the budget outturn was within the limits of the approved supplementary budget.

Further, the committee noted that the inclusion of the female Galla goats, an increase in the number of beneficiaries from the planned 5,000 to 7,155 beneficiaries, led to more constraints on the planned budget and depicts poor planning by the Office of the Prime Minister.

The committee established that Shs 39.94 billion supplementary budget was also released and the expenditure outturn provided to the committee is Shs 39.94 billion. Therefore, all funds have been released and fully utilised. Despite this, there are some targeted beneficiaries who partially benefitted or did not benefit from the intervention.

The committee observed that the variance of Shs 0.495 billion out of Shs 39.94 billion is not accounted for. The committee established that the Office of the Prime Minister planned to procure 5,000 Galla goats in the Financial Year

2022/2023 and the same plan is maintained in the Financial Year 2023/2024. This is envisaged to go a long way in ensuring that those who partially benefitted or did not benefit will be provided for.

#### Recommendations

1. The Office of the Prime Minister should comprehensively plan and adhere to planned activities.
2. The Office of the Auditor-General undertakes a comprehensive audit on the funds spent under the Community Empowerment Programme.

#### Selection of beneficiaries of iron sheets and goats:

The committee established that there were criteria covering the selection of beneficiaries for both goats and iron sheets by OPM.

The lists of beneficiaries were generated by respective district local governments and forwarded to OPM for consideration. The district local governments were directed to identify 15 *karachunas* and seven vulnerable persons in each parish to benefit from the goats and iron sheets respectively. Accordingly, a total of 7,155 beneficiaries of goats and 3,339 beneficiaries of iron sheets were identified. The details are attached in Annexure 6.

Accordingly, each beneficiary identified and verified under the various categories of beneficiaries was to receive 16 goats and 26 iron sheets for the seven per parish.

The committee observes that the new figure of 7,155 for beneficiaries of goats is different from the 5,000 initially budgeted for by OPM before the issuance of the distribution guidelines. The details are in Annexure 7.

The committee further established that each administrative officer was to constitute the district verification committee, honourable Members can read the details about that.

The committee further established that the different stakeholders, the Members of Parliament, the district chairpersons and mayors from the Karamoja Subregion, were instructed by the Accounting Officer, OPM and the Minister of Karamoja Affairs to submit individual beneficiary lists towards the planned 3,339 beneficiaries for iron sheets, thereby resulting into parallel lists across the districts. These details are attached as Annexure 9.

The committee established that although the UPDF commanders were part of the district verification committees, their involvement in the selection and verification of the beneficiaries was minimal because of poor coordination between the offices of the UPDF commanders and the district local governments. For example, in Kaabong and Kotido, the respective brigade commanders informed the committee that they were not aware of their membership and roles in the verification committees.

#### Observations:

The committee, therefore, observes that the correct list of reformed warriors should have originated from the UPDF commanders under the Third Division Command, who were taking the lead in the disarmament process in the region. The reformed warriors were registered and issued cards for ease of identification where need be. Therefore, the same registers should have been used by the district verification committees rather than generating new lists.

The committee further observed that although the number of beneficiaries required by OPM to be registered as beneficiaries of goats was equal across the parishes in the subregion; some districts have more reformed warriors than others.

The committee further observes that if OPM had limited the implementation of this project to 5,000 targeted reformed warriors, much of the mess in relation to the generation of the different lists by different stakeholders would have been avoided.

#### Recommendations:

1. The OPM should set clear and consistent guidelines and mandates while engaging with different stakeholders to ensure harmony in the implementation of its planned activities.
2. Hon. Dr Mary Kitutu, the Minister for Karamoja Affairs be held accountable for issuing varying guidelines on the selection of beneficiaries.
3. The existing lists of beneficiaries submitted to the OPM based on the conflicting guidelines should be discarded.
4. New lists of beneficiaries be generated with strict adherence to the definition of a reformed warrior, with the help of the Uganda People's Defence Forces taking the lead.
5. The OPM should immediately dispatch and distribute all the iron sheets procured under the Community Empowerment Programme to the intended beneficiaries using the correct lists.

#### Procurement and distribution of iron sheets:

Mr Speaker, we have provided details on how much was spent at the time of procurement and what was supplied by the suppliers. It is on this page. Allow me to go to the release and distribution of 10,000 iron sheets.

The committee established that His Excellency the President launched the Community Empowerment Programme in Karamoja on 12 June 2023. The launch involved the distribution of iron sheets and goats to beneficiaries. To facilitate the launch, a total of 10,000 pre-painted iron sheets were requisitioned by Mr Joshua Abaho, Personal Assistant to the Minister for Karamoja Affairs to be released from the OPM store on behalf of the honourable minister.

The Under Secretary authorised the release of the items in the same memo and the details are

provided for Annexure 12.

The committee was informed by Mr Abaho that the vehicle could only carry a maximum of 1,000 iron sheets and as such, only 1,000 iron sheets were taken to Moroto for the launch. The committee was informed that out of the 1,000 iron sheets only 650 were used and the balance of 350 were kept in the Moroto store and to-date, they are still in Moroto store.

The committee had earlier been informed that the 10,000 iron sheets requisitioned for the launch of the Community Empowerment Programme were not procured from the supplementary budget. Rather they were picked from the ones provided for under the routine budget for Karamoja.

The committee, however, established that the 10,000 iron sheets were actually from the supplementary budget and not the routine budget as alleged.

The committee received documentation from the Assistant Inventory Management Officer, OPM, indicating that the Head of Stores was acting on the instruction of the honourable minister and that was how the 9,000 iron sheets were released. On page 18, it shows how the 9,000 iron sheets were given out or donated. Mr Speaker, unless you guide otherwise - Members can - Should I read the names? *[Members: "Yes."]*

Rt Hon. Anita Among -

**THE DEPUTY SPEAKER:** Honourable, I would like to make a correction in the report, where you said the launch was on 12 June 2023, it was on 12 June 2022. Clerk, ensure that that is corrected.

You can just read the names and the iron sheets because the other details are very many. The report is very big.

**MS ABABIKU:** Thank you, Mr Speaker, for the guidance. A total of 500 iron sheets were given to the Rt Hon. Speaker, Anita Among; 500 iron sheets were given to Her Excellency

Maj. (Rtd) Jessica Alupo; 3,000 iron sheets were taken by the honourable minister, Mary Kitutu and she took them twice; Hon. Rose Akello was given 500 iron sheets; Rt Hon. Prime Minister, Robinah Nabbanja -

**THE DEPUTY SPEAKER:** Honourable colleague, this is a report. We cannot clarify on anything; we shall do it in the debate. Now, she is just reading the report verbatim. Honourable colleagues, the report is yours. So, at this stage, she cannot do much. Honourable Chairperson?

**MS ABABIKU:** Thank you very much, Mr Speaker.

1. 200 were given to the Rt Hon. Prime Minister, Hon. Robina Nabbanja;
  2. 300 were given to Minister Matia Kasaija;
  3. 2,000 were given to Hon. Agnes Nandutu, the State Minister for Karamoja Affairs;
  4. 300 were given to Hon. Judith Nalule Nabakooba;
  5. 200 were given to Hon. Henry Musasizi;
  6. 200 were given to Hon. Agnes Kirabo;
  7. 300 were given to Hon. Jennifer Kacha Namuyangu;
  8. 300 were given to Hon. Esther Davinia Anyakun;
  9. 250 were given to Mr Joshua Abaho;
  10. 150 were given to church priests, St Peter's Church of Uganda; and
  11. 300 were given to Hon. Amos Lugoloobi.
- This totals to 9,000 iron sheets.

The committee observed that this was a premeditated plan hatched to divert the iron sheets meant for the reformed warriors. This is because the justification given for taking only 1,000 out of 10,000 iron sheets for the launch for reasons that the vehicle had low capacity is not justifiable. At the time of the requisition, the honourable minister and the PA were aware of the different capacities of the vehicles available for transportation under the OPM.

If the honourable minister and Mr Abaho made a mistake, the balance of 9,000 iron sheets which were left in the stores should have been kept for the intended beneficiaries and not donated to the recipients who were not

reformed warriors. The 1,000 iron sheets taken to the launch were partially distributed and up to now, the balance of 350 are still in the store at Moroto.

Release and distribution of 12,200 iron sheets from the supplementary budget:

The committee established that the Minister for Karamoja Affairs, Hon. Dr Mary Gorreti Kitutu directed for the release of 12,200 pieces of iron sheets from the stores for community mobilisation, and for peace-building missions in the subregion via an internal memo. The details are attached as Annex 14. Accordingly, this was cleared.

The committee further established that following a security alert about the sale of OPM branded iron sheets in Namisindwa, Mr Godfrey Sseremba, the Accounting Officer, immediately halted the subsequent distribution of iron sheets on 8 February 2023. However, by that time, a total of 5,500 Iron sheets out of the 12,200 had already been distributed, leaving a balance of 6,700 in the OPM stores at Namanve.

Mr Speaker, on page 21, this is how the 5,500 iron sheets were distributed:

1. 200 were given to the Minister of State for Education, Dr Joyce Moriku;
2. 500 to Rt Hon. Rebecca Kadaga Alitwala;
3. 300 to Hon. Marksons Jacob Oboth;
4. 300 to Rt Hon. Rukia Nakadama Isanga;
5. 300 to Hon. Matia Kasaija;
6. 3,000 were taken by Dr Mary Kitutu Gorreti;
7. 300 to Hon. Denis Hamson Obua;
8. 300 were given to Hon. Amos Lugoloobi; and
9. 300 were given to Hon. Fred Kyakulaga Bwino.

Mode of authorisation for the release of iron sheets – let Members read the details on that.

The committee established that the allocation of iron sheets to the persons named above was done through phone calls. Some recipients

informed the committee that Mr Joshua Abaho, who is the PA to the Minister for Karamoja Affairs made phone calls to different recipients; their personal assistants informing them that the Minister for Karamoja Affairs had iron sheets for them at the OPM stores at Namanve. Mr Abaho further ordered the storekeepers to release the iron sheets.

Regarding the method of contacting the recipients through phone calls, Mr Abaho informed the committee that he was purely working on the instructions of Hon. Dr Mary Gorreti Kitutu and not on his own accord and that he had brought the issue to the attention of the Permanent Secretary. Mr Speaker, we were not able to meet the Permanent Secretary because he was indisposed. May his soul rest in peace.

#### Committee Observations

The committee observes that the use of phone calls to contact recipients and also instruct the staff of the OPM to issue iron sheets from the store depicted a lack of adherence to the established formal procedures and inventory management in the running of the OPM store.

The committee observes that the distribution of 14,500 iron sheets to persons other than the reformed warriors was a total diversion from the intention of the Community Empowerment Programme.

#### Recommendations

There accounting officer OPM cautions the staff at the OPM stores for the issuance of iron sheets from the stores based on phone calls other than following the laid down procedures and policies.

Donations of iron sheets under the Ministry for Karamoja Affairs: The committee established that there is no budgetary provision for donations under the Ministry for Karamoja Affairs. The committee, therefore, observes that the use of unconventional channels and means to obtain items from the Government stores outside the well-laid-out procedures offends

the established practices that are anchored on the principles of accountability and value for money.

It is, therefore, the committee's considered opinion that the arbitrary issuance of orders by the Minister for Karamoja Affairs, through her juniors and technical staff to effect the release and distribution of iron sheets from the OPM stores amounted to abuse of office.

#### Requisition for relief support to OPM

Mr Speaker, on page 24, we have provided details on the recipients who made requests for iron sheets. Members can read that.

**THE DEPUTY SPEAKER:** You can read that quickly.

**MS ABABIKU:** Okay.

#### Requisition for iron sheets by recipients:

1. Rt Hon. Rukia Nakadama Isanga made a requisition on 25 October 2022 to Dr Mary Gorreti Kitutu for relief items;
2. Hon. Fred Kyakulaga Bwino, on 26 October 2022, made a request to the PA of the Minister for Karamoja Affairs;
3. Hon. Dr Joyce Moriku, on 20 January 2023 made a request to the Rt Hon. Prime Minister, Hon. Nabbanja;
4. On 10<sup>th</sup> September, Minister Rose Lilly Akello made a request to Hon. Dr Mary Kitutu.
5. On 12 April 2022, Hon. Jenipher Kacha made a request to the state minister for relief, disaster preparedness and refugees affairs and to the Minister of State for Northern Uganda on 11 October 2022.
6. On 5 September 2019, Hon. Marksons Jacob Oboth made a request to the State Minister for Northern Uganda.

7. On 27 January 2022, Hon. Agnes Kirabo made a request to the Rt Hon. Prime Minister.

8. On 7 and 28 March 2022, Hon. Judith Nabakooba made a request to the Minister for Relief, Disaster Preparedness and Refugees for relief items.

#### Process of handling requests for relief items in OPM

The committee further established that the different affirmative action departments do not have a unified set-out process on requesting for relief items and, therefore, the process varies from one department to the other.

The committee, therefore, observes that the policies and procedures for the management of relief items are known.

Furthermore, the committee discovered that OPM did not formally respond to all the requests made, with the exception of that of Hon. Jacob Marksons Oboth's.

#### Recommendations:

1. OPM should streamline the process of requests for interventions made to its office.
2. OPM should ensure that timely responses/feedbacks are given on requests made to the office.

Committee's findings on the donations and receipt of iron sheets by officials under the ministry

Hon. Dr Mary Gorette Kitutu:

The committee established that Hon. Dr Mary Gorette Kitutu is the main contributor in the mismanagement of the iron sheets through diversion and donation to the recipients in the following ways:

1. She issued donations to the recipients despite lack of budgetary provision for

- donations under the Ministry for Karamoja Affairs;
2. She requested for the release of 10,000 iron sheets meant for the launch of the Community Empowerment Programme in Karamoja. However, only 1,000 iron sheets were used for the launch, leaving a balance of 9,000, thereby raising questions on the intent for the requisition of more and using less;
  3. Directed the distribution of the 9,000 iron sheets to non-targeted beneficiaries outside the Karamoja Subregion;
  4. Requisitioned for 12,200 iron sheets for the community mobilisation meant for Karamoja Subregion, but instead generated a parallel list of recipients knowing very well the said beneficiaries were outside the target group;
  5. Issued conflicting guidelines to stakeholders to generate lists of beneficiaries from the subregion, contrary to maintaining the role of the established district verification committees and, in person, she invited some recipients to pick donations of iron sheets through direct phone calls and through her personal assistant.

It should be noted that on 28 February 2023, in a meeting with the committee, the minister conceded to the mismanagement of the iron sheets. Subsequently, on 3 March 2023, she tendered a written apology to the committee, the President and the entire country. The details are in Annex 21.

The committee observes that Hon. Mary Goretti Kitutu significantly contributed to the mismanagement of the iron sheets meant for the Community Empowerment Programme. Her conduct depicted the character of a person who is not fit for the whole task.

The committee observed that in as much as Hon. Dr Kitutu attributed her mismanagement of iron sheets to lack of guidance from the technical team, it is evident that the guidelines

regarding the distribution of the iron sheets were clear and communicated by her to the leaders of the intended beneficiaries in Karamoja. As such, the committee disagreed with the position of the honourable minister that she lacked guidance.

Submission by individual beneficiaries:

Let us go to page 28. The committee observes that the actions of Hon. Dr Mary Goretti Kitutu, the minister for Karamoja affairs, contravened the Constitution in the following ways;

- (i) Article 115 of the Constitution, which requires a minister, before assuming the duties of office, to subscribe to the Oath of Allegiance and Oath of Minister specified in the Fourth Schedule to the Constitution. The oaths require ministers to bear allegiance to the country and uphold and defend the Constitution as well as give advice to the President for the good management of the country.
- (ii) Article 117 of the Constitution, which provides that the ministers shall individually be accountable to the President for the administration of their ministries.

The minister breached the Constitution because the doctrine of ministerial responsibility is a constitutional principle, part of the system of checks and balances for democracies. Individual ministerial responsibility comprises two elements; each minister is responsible to Parliament for the conduct of his or her department.

The committee further established that the minister breached the following laws;

- (i) Section 15(1)(a) of the Leadership Code Act, 2002, which prohibits a leader or a public officer from using their official position to obtain any property, including land, buildings and business interests, for himself or herself, or his or her spouse, child, relation, friend or agent. The store's



vouchers indicate that the minister picked 6,000 iron sheets for herself – that is where we are implicating her.

- (ii) Section 2(c) of the Anti-Corruption Act, 2009, which provides that a person commits the offence of corruption where a public official diverts, for purposes unrelated to those for which they were intended – to us, by picking the 6,000 for herself, instead of giving it to the intended beneficiaries, that provision was breached.
- (iii) Section 2(f) of the Anti-Corruption Act, 2009, which provides that the fraudulent acquisition, use or concealment of property derived from any of the acts referred to in this section also amounts to corruption.
- (iv) Section 2(h) of the Anti-Corruption Act, 2009, which provides that any act or omission in the discharge of his or her duties by a public official for the purpose of illicitly obtaining benefits for himself or herself.
- (v) Section 11 of the Anti-Corruption Act, which provides for abuse of office - we had explained it earlier in detail.

Mr Speaker, Members can read the case law.

Recommendations:

The committee recommends that the Director of Public Prosecutions prosecutes the Minister for Karamoja affairs, Hon. Dr Mary Goretti Kitutu, for the following offences;

- a. Corruption, contrary to section 2(c), (f) and (h) of the Anti-Corruption Act, 2009.
- b. Abuse of office, contrary to Section 11 of the Anti-Corruption Act, 2009, and
- c. General prohibited conduct, contrary to Section 15(1) (a) of the Leadership Code Act, 2002.

Hon. Agnes Nandutu, the Minister of State for Karamoja Affairs

The committee observes the actions of Hon. Agnes Nandutu as pre-meditated for personal gain, which amounts to abuse of office. Being a substantive Minister of State for Karamoja, Hon. Nandutu Agnes was expected to be privy to the internal workings, programmes and activities in the region.

The committee interprets the diversion of the iron sheets meant for Karamoja by the state minister as a departure from the principles of stewardship, faithfulness, selflessness, honesty and the oath of allegiance, taken by Hon. Nandutu Agnes.

Recommendations:

The Director of Public Prosecution prosecutes the Minister of State for Karamoja Affairs for the following offenses;

- (a) Corruption contrary to Section 2(c), (f) and (h) of the Anti-Corruption Act, 2009.
- (b) Abuse of Office contrary to Section 11 of the Anti-Corruption Act, 2009
- (c) General prohibited contact contrary to Section 15(1)(a) of the Leadership Code Act, 2002.

The Rt Hon. Prime Minister Robinah Nabbanja

Members can read the information she availed and we recorded in our report -

**THE DEPUTY SPEAKER:** Committee chairperson, there is some critical information; for example, the balance of iron sheets in stores as per the Prime Minister in that table. Most of the issues were general.

**MS ABABIKU:** Okay. Thank you Mr Speaker. The Rt Hon. Prime Minister gave us detailed information on the number of iron sheets procured and the ones which were in the store. This table also provides information for other affirmative action programmes. Members, you can see what is there.

By the time Rt Hon. Prime Minister presented to the Committee, she gave us information the balance of iron sheets in the stores was at 81,554. The Rt Hon. Prime Minister informed the committee that the delays in the distribution of iron sheets was brought about by petitions from the various district local governments contesting the inclusion of lists from Members of Parliament. She indicated that so far, only three districts of Nakapiripirit, Karenga and Moroto had partially received iron sheets. The details are there.

She further stated that she had been informed that Karenga District received 1,500 iron sheets. The Rt Hon. Prime Minister informed the committee that contrary to the information that was circulating in the media, she did not receive iron sheets meant for Karamoja Subregion, but instead received from the regular budget for donations, and subsequently, donated to different parts of the country.

She further indicated that the decision to divert and reallocate the iron sheets requisition for delivery to Karamoja Subregion was taken solely by the Minister of Karamoja Affairs and not the Office of the Prime Minister.

She informed the committee that it was unfair for the public to expect her to police the ministers under her docket, but expect minimum supervision given their mandate and competence. The diversion of iron sheets was not discussed in top management meetings with her ministers. She further indicated that she gets briefs during Cabinet meetings or during inquiries by the investigating agencies. The Prime Minister further informed the committee that she briefed the President on this matter.

The Rt Hon. Prime Minister informed the committee that she set out to improve the management of stores and many internal issues as soon as she assumed office, including the introduction of the labelling, branding and specific wording for the items under the Office of the Prime Minister.

The Prime Minister further proposed that the diverted iron sheets be replaced in the

following ways:

- (i) Iron sheets that were taken by leaders and have not been used be returned to the Office of the Prime Minister.
- (ii) The iron sheets taken and used by leaders belonging to other affirmative action regions, whose accountability has been filed and can be verified, be replaced by transferring an equal number of those from the affirmative ministries they belong to. She cited an example of replacing the diverted iron sheets for Karamoja Subregion with the ones belonging to Northern Uganda affairs and other affirmative action programmes accordingly.
- (iii) Investigations be expedited to bring out the truth and hold accountable those who misused the iron sheets.

Observations:

The committee observes that under Article 108A (2)(a) of the Constitution, the Prime Minister is the Leader of Government Business in Parliament and is responsible for the coordination and implementation of Government policies across ministries, departments and other public institutions.

The committee observes that the Rt Hon. Prime Minister had taken prior steps to ensure that control and stopgap measures, such as branding of items distributed by the Office of the Prime Minister, and providing oversight to the Ministry of Karamoja Affairs through various engagements, meetings, specifically on the Community Empowerment Programme were held.

When the Rt Hon. Prime Minister was informed about the diversion, she halted further issuance of the iron sheets.

However, the committee observes that the Prime Minister did not effectively conduct adequate coordination and monitoring which affected the Community Empowerment Programme in the following ways:

1. She failed to ensure adherence to policies and guidelines in a timely manner, which delayed the prompt implementation of the programme, yet it was an emergency intervention. For example, petitions on the conflicting lists remain unresolved to-date.
2. She did not prioritise the receipt of regular briefs and updates from the Ministry for Karamoja Affairs on the implementation of the Community Empowerment Programme, which led to undetected mismanagement of the programme by the Minister of Karamoja Affairs until a whistle-blower reported the matter to security.
3. She did not ensure that the iron sheets for the programme were stored in Moroto, as agreed upon by the stakeholders at the time of consultations.

The committee disagrees with the Prime Minister's proposal that the iron sheets taken and used by leaders belonging to other affirmative action regions, whose accountability has been filed and can be verified, be replaced by transferring an equal number of those from the affirmative ministries they belong to.

The committee does not encourage these actions and instead holds each recipient personally accountable to make good the loss. *(Applause)*

#### Recommendations:

While the committee commends the Rt Hon. Prime Minister for the actions taken, she should be held accountable for the inadequate coordination and monitoring in some of the areas highlighted under the Community Empowerment Programme.

The Prime Minister as a recipient of the iron sheets

The committee established that 200 iron sheets received by the Prime Minister were meant for the Community Empowerment Programme under the supplementary budget.

#### Recommendations:

The Prime Minister makes good the loss of the 200 iron sheets donated to her by the Minister of Karamoja Affairs procured under the supplementary budget.

Mr Joshua Abaho, Senior Assistant Secretary and Personal Assistant to the Minister of Karamoja Affairs

The committee observes that the actions taken by Mr Abaho to allocate himself 250 iron sheets belonging to the people Karamoja Affairs was an abuse of office.

We recommend the following:

1.1 The Director of Public Prosecution should prosecute Mr Abaho for the following offences;

- (a) Corruption contrary to Section 2(c)(f) and (h) of the Anti-Corruption Act, 2009;
- (b) Abuse of Office contrary to Section 11 of the Anti-Corruption Act, 2009; and
- (c) General prohibited conduct contrary to Section 15(1)(a) of the Leadership Code Act, 2002.

Hon. Amos Lugoolobi, the Minister of State for Finance, Planning and Economic Development (Planning).

Mr Speaker, Hon. Lugoolobi received 700 iron sheets and on page 39, that was how he distributed the 700 iron sheets.

#### Committee observations

The committee observes that although Hon. Lugoolobi claims to have requested for relief support from OPM for people affected by disasters in his constituency, he did not submit a copy of the letter as evidence.

The committee further observes that it was wrong for the honourable minister to use public property for personal benefit.

## Recommendations

The Director of Public Prosecutions prosecutes Hon. Amos Lugoobi for the offences of loss of public property contrary to Section 10)(3) of the Anti-Corruption Act, 2009.

Recipients of iron sheets who made requests to the Ministry for Karamoja Affairs  
We established that Hon. Fred Bwino requested the honourable Minister for Karamoja Affairs, to support his constituency.

## Committee Observations

The committee observes that Hon. Bwino directly approached Hon. Kitutu, the Minister for Karamoja Affairs, who asked him to put the request into writing. The committee established that the 300 iron sheets received by the honourable minister were meant for the people of Karamoja.

Rt Hon. Rukia Nakadama, the Third Deputy Prime Minister, received 300 iron sheets. The details are in this table.

## Committee Observations

The committee observes that the Rt Hon. Nakadama was wrong to address her request to Hon. Dr Kitutu, the Minister for Karamoja Affairs because the relevant ministry handling disasters is the Office of the Prime Minister (Relief, Disaster Preparedness and Refugees) managing disaster affairs.

The committee established that the 300 iron sheets received by Rt Hon. Nakadama were meant for the Community Empowerment Programme under the supplementary budget.

Hon. Rose-Lilly Akello, Minister of State for Ethics and Integrity, received 800 iron sheets and we have a table showing how she distributed them.

The committee established that the 800 iron sheets received by the honourable member were meant for the people of Karamoja affairs and it

was appropriated through the supplementary budget.

The committee further established that whereas there were claims that Hon. Rose-Lily Akello received additional 5,000 iron sheets for Karenga District and delivered them to CAO, the committee verified and established that they were not dispatched as confirmed from the stores.

Dr Joyce Moriku, the Minister of State for Education and Sports (Primary Education):  
We established that the 200 iron sheets she got were meant for the people of Karamoja, especially the *Karachunas*.

Hon. Jenipher Namuyangu, we established that the 300 iron sheets she received, were meant for the *Karachunas* in Karamoja Subregion.

Hon. Jacob Oboth, we established that the 300 iron sheets he received were meant for the people of Karamoja Subregion, especially the *Karachunas*.

Hon. Agnes Kirabo, we established that the 200 iron sheets she received were meant for the *Karachunas* in Karamoja Subregion.

Hon. Judith Nabakooba received 300 iron sheets. We established that the iron sheets were meant for the *Karachunas* in Karamoja Subregion.

Recipients who did not make any request for iron sheets include;

1. Her Excellency, Maj (Rtd) Jessica Alupo; she did not make any request but the committee established that she got 500 iron sheets which were meant for the *Karachunas*.
2. Rt Hon. Anita Annet Among; she did not make any request but we established that the 500 iron sheets she received were meant for the *Karachunas* in Karamoja Subregion.

3. Rt Hon. Rebecca Kadaga Alitwala received 500 iron sheets and we confirmed that they were meant for the *Karachunas* in Karamoja Subregion.
4. Hon. Hamson Obua received 300 iron sheets. We confirmed that the 300 iron sheets were meant for the *Karachunas* in Karamoja Subregion.
5. Hon. Matia Kasaija received 600 iron sheets and we confirmed that they were meant for the *Karachunas*.
6. Hon. Esther Anyakun received 5,000 iron sheets. The committee further observes that Hon. Anyakun presented evidence of the distribution of 5,000 iron sheets. Mr Speaker, allow me to read this because she was the only person who got 5,000 iron sheets in the subregion and the first claim was that -

**THE DEPUTY SPEAKER:** Just read.

**MS ABABIKU:** The committee further observes that Hon. Anyakun presented evidence of distribution of the 5,000 iron sheets given to her by the Ministry for Karamoja Affairs, which were channelled through Chief Administrative Officer of Nakapiripirit -

**THE DEPUTY SPEAKER:** Can I have order in the House?

**MS ABABIKU:** The committee discovered that the 5,000 iron sheets were part of the supplementary budget but these were distributed according to Hon. Anyakun's list and not according to the list generated by the district verification committee.

The committee established that the information provided by Hon. Anyakun was not true because the district chairperson together with the Chief Administrative Officer disassociated themselves from the claims made by Hon. Anyakun that the 5,000 iron sheets were officially received by the Chief Administrative Officer on behalf of the district and that they were the ones originally planned for in the supplementary budget.

We have the details of this disassociation in Annexure 28 and "29". The committee further established that the Chief Administrative Officer, Nakapiripirit, acknowledged receipt of the 5,000 iron sheets in a letter dated 22 February 2023 to the accounting officer.

The committee later discovered through the Chief Administrative Officer's letter and his interface with the district leadership that the Chief Administrative Officer did not receive the iron sheets at the district. But they were stored at Namalu Prison Stores and later distributed by the personal assistant of Hon. Anyakun.

Furthermore, the Chief Administrative Officer said that he was only requested to account for the iron sheets by Hon. Anyakun and this is when he wrote the letter indicating accountability for the same. The details of this are in Annexure 30.

The committee established that the 5,000 iron sheets received by Hon. Anyakun were meant for the Community Empowerment Programme under the supplementary budget and as such, the intended beneficiaries who are the reformed warriors should not be disadvantaged as a result of her actions.

Hon. Henry Musasizi, the Minister of State for Finance, Planning and Economic Development (General Duties), received 200 iron sheets and we established that they were meant for the people in Karamoja Subregion, specifically the *Karachunas*.

The committee observed that the following recipients who made requests to the Ministry for Karamoja Affairs, who made requests to OPM and other affirmative action departments, who did not make any request for iron sheets should have done due diligence to ascertain the origin of the iron sheets before accepting them.

Accordingly, the recipients of the iron sheets ought to have known the Ministry for Karamoja Affairs covers the Karamoja Subregion alone and not the entire country and as such, should not have received the iron sheets from the Minister for Karamoja Affairs.

The committee further observed that the above mentioned recipients should not have considered a call for iron sheets from the Ministry for Karamoja Affairs as a response to their requests made to other offices in the Office of the Prime Minister.

#### Recommendations

1. The committee recommends that OPM should develop and strengthen policies for the implementation of affirmative action programmes to strictly ring-fence respective affirmative action resources for the intended beneficiaries.
2. The committee recommends that the following recipients make good the loss of the iron sheets received and diverted from the intended beneficiaries under the supplementary budget meant for the people of Karamoja under the Community Empowerment Programme and should apologise to the people of Karamoja Subregion and this nation at large on the Floor of Parliament. These are:
  - (i) H.E. Maj. (Rtd) Alupo Jessica Rose Epel;
  - (ii) Rt Hon. Among Anita Annet;
  - (iii) Hon. Akello Rose Lily;
  - (iv) Hon. Kasaija Matia;
  - (v) Hon. Nabakooba Judith Nalule;
  - (vi) Hon. Musasizi Henry Ariganyira;
  - (vii) Hon. Kirabo Agnes;
  - (viii) Hon. Namuyangu Kacha Jenipher;
  - (ix) Hon. Anyakun Esther Davinia;
  - (x) Hon. Dr Moriku Joyce Kaducu;
  - (xi) Rt Hon. Kadaga Rebecca Alitwala;
  - (xii) Hon. Oboth Marksons Jacob;
  - (xiii) Rt Hon. Nakadama Rukia Isanga;
  - (xiv) Hon. Obua Denis Hamson;
  - (xv) Hon. Kyakulaga Fred Bwino.

Mr Speaker, allow me state this: though the recipients submitted accountabilities, we did not verify them because they did not attach detailed documentations in order for the committee to believe their accountabilities. So, we did not exonerate any person in relation to the accountabilities. More so, the target for the supplementary budget was clear. Therefore, we did not exonerate any person based on that.

Distribution of iron sheets to district local governments

Mr Speaker, I highlighted that earlier. One thousand iron sheets were taken; 650 were used and 350 remained in the stores at Moroto.

Office of the Prime Minister's stores

The committee was informed by officials from OPM that there was only one store for OPM in Namanve. However, when the committee visited the site, it discovered that there was another store being rented by OPM in Namanve. The details of that is in Annex 31.

The committee undertook an on-spot assessment at the OPM stores at Namanve. It is the committee's finding that some of the iron sheets procured for Karamoja Subregion were stored in the same place together with those of relief, disaster preparedness and management and other affirmative action departments.

The committee established that all the iron sheets procured for the OPM under the affirmative action departments bore the same brand as "*For OPM. Not for sale.*"

The committee further observed that the store keepers are able to identify iron sheets meant for the different affirmative action departments because they are labelled on the sides. The stores have one ledger book, however, there is no distinction in the issuance of iron sheets for the different affirmative action departments.

The committee further observed that the stores records for iron sheets were different from the numbers submitted by the Prime Minister.

We have a table showing the current status of iron sheets in OPM stores. Members, you can see what is for Karamoja.

The committee established that the number of iron sheets recorded as received at OPM stores from February to August 2022 for the Ministry of Karamoja Affairs is 105,658, of which, 95,044 (pre-painted) was under the

supplementary budget, and 10,614 (plain) was under the regular budget. A total of 10,614 iron sheets were also still in the stores at the time of the visit by the committee.

However, the committee established that out of the 95,044 iron sheets under the supplementary budget, 20,500 were issued as follows – the one I had elaborated earlier – the first 10,000, plus the ones for Hon. Anyakun makes it 20,500. Actually, that is the number of iron sheets missing from the provisions of the supplementary budget.

The details of the suppliers of the iron sheets are here. Members can read.

Given this background, the balance in store under the supplementary budget should be 74,544 iron sheets against the 71,144 that the store claimed was the balance under the supplementary budget. The committee observes that this finding leaves a difference of 3,400 iron sheets which are unaccounted for.

The committee thus found out that the 10,000 iron sheets which were used for the launch, which OPM claimed were not part of the supplementary budget, were in fact part of the supplementary budget. This is because the 10,614 iron sheets from the regular budget were plain and not distributed up to the time we visited the stores.

The committee established that there were variances in the number of iron sheets reported by the various stakeholders as per the records provided. A total of 95,044 pieces of iron sheets were procured against the agreed 100,000 iron sheets.

Mr Speaker, we have a table that shows the balance of the iron sheets.

It was further established that Karamoja Subregion has a total of 534 gazetted parishes but only 477 were considered to benefit from the iron sheets, leaving out 57 parishes.

The committee received complaints from the leaders and community members of the 57

excluded parishes on the need to consider them because they are either directly or indirectly affected. The justifications for excluding the 57 parishes from the Community Empowerment Programme were not provided.

The committee established that the balance of iron sheets in the OPM stores varies from the information provided earlier by the Prime Minister as illustrated in Table 13. The targeted number of 95,044 pieces of iron sheets surpassed the 86,814 that should have sufficiently covered the 3,339 beneficiaries following the selection of seven people per parish from 477 parishes, implying that either more people would have benefited from the distribution or the beneficiaries would have received more than 26 pieces of iron sheets each.

The committee established that the price of iron sheets was based on the quotations from the two pre-qualified suppliers, as per the specifications of OPM, following technical specifications. The committee observes that the price of Shs 76,137 per pre-painted and branded iron sheet seems to be on a higher side.

#### Recommendations

1. OPM should streamline, strengthen and enforce guidelines aimed at providing controls and set up digital inventory management systems at its stores.
2. In the short-run, the OPM stores at Namanve should operate a regionalised ledger system to avoid a mix-up of records on the affirmative action departments.
3. Mr Abdullah Awuye, the Chief Administrative Officer, Nakapiripirit District, should be held accountable for his role in the diversion and distribution of the 5,000 iron sheets in Nakapiripirit, contrary to the supplementary budget guidelines.
4. OPM should exercise budgetary discipline over the affirmative action programmes to ensure that programmes benefit the intended regions.

5. OPM should label or tag all items according to the respective affirmative action programme names to avert diversion.
6. An audit be carried out on the pricing of the iron sheets procured by the Office of the Prime Minister.
2. OPM separates the storage of food and non-food items for safe storage.
3. OPM should immediately plan to decentralise storage of items meant for each affirmative action department.

#### General observations for the store

The committee observed that the capacity of the OPM store at Namanve is constrained due to inadequate space. Both food and non-food items procured by and donated to OPM for distribution are stored together in a congested manner, and with no compartments.

The committee was concerned about the security of the OPM store, which is loosely guarded. The perimeter wall at the facility is partially constructed and with no gate, which renders it insecure. Furthermore, the committee established that the land on which the OPM store sits is four acres, but underdeveloped. At the time of our visit, its compound was waterlogged and bushy.

The committee established that delayed dispatch of items from the OPM stores to the respective regions for distribution usually affects timely implementation of affirmative action programmes. For example, the iron sheets for Karamoja Affairs, procured in February 2022, were still in the stores at the time of the visit by the committee.

The committee established that OPM has a running tenancy agreement – Members can read that part.

Mr Speaker, the committee observed that the state of the rented structure was not befitting of its use. It was dilapidated, dusty with a sinking floor and the relief items were being eaten by rodents.

#### Recommendations

1. The OPM should fully develop the four-acre land at its store.

4. OPM should reserve the stores at Namanve as central storage for the relief items under the Department of Disaster Preparedness and Management.

#### General observations on iron sheets

The committee observes that individuals often make requests to affirmative action departments outside their regions. As such, this deprives intended beneficiaries from those specific regions of the support meant for them.

The committee further observes that the receipt and use of iron sheets in places within or outside Karamoja and for purposes not in tandem with the original objective of empowering the reformed warriors, through provision of shelter, is unacceptable.

#### Procurement process and distribution of goats

##### Goats supplied under the Community Empowerment Programme

The committee was informed that in the procurement of goats, OPM followed the Public Procurement and Disposal of Public Assets guidelines. Accordingly, OPM sought guidance from the Nabuin Zonal Agricultural Research Institute. We have those details attached in Annex 32.

##### Bidding process

Mr Speaker, most of these were extracts from the PPDA Act. Members can read that part.

##### Specifications of the contract

The committee established that the suppliers were responsible for the holding grounds, keeping the goats at the holding grounds for 14 days before handing them over to the



districts, ensuring that the animals were free from diseases at the time of supply, adaptable to the environment and provide transport and security for the animals before handing them over to the districts, among others.

The price range for goats procured

Mr Speaker, we have provided a table, but allow me to lay on Table the detailed information about the pricing of all the goats purchased. Members can read that.

A total of 75,000 female goats and 5,000 male goats were to be acquired as per the plan, with a total price of Shs 25,680,000,000, although Shs 26,093,620,401 was spent to procure 73,900 goats.

The committee observed that the pricing of the goats, for both the local and the imported ones, were fair, based on the prevailing market price, including some of the imported goats from Kenya, especially the Galla type. The details are in Annex 34.

Distribution of the goats

Mr Speaker, we have a table showing how the goats were distributed per district. The committee was concerned about the above varying numbers. We got information from the OPM and the districts. When we went to the field, we also obtained a different set of information.

The committee was concerned about the varying numbers of goats delivered. However, it was also informed that other unexpected purchases were done at lower prices by the suppliers, especially for replacement of the rejected and dead goats at as low as Shs 50,000 to 90,000.

In Nakapiripirit, it was reported that an extra 250 East African female goats were delivered and distributed. The committee was informed by the leadership of Karamoja that 70 per cent of the expected goats were delivered to the subregion.

However, the committee established that out of the total number of expected goats, only 73,965 were supplied, representing 65 per cent. Therefore, 35 percent of the expected supply has not been delivered. Some beneficiaries received only 16 goats and some have not received any at all.

The committee was informed by the OPM that the money meant for this procurement was completely utilised. The committee attributes the distortions in the number of goats supplied to the inconsistencies at the time of delivery of the goats and replacement because there were no recordings about the replacements in most districts.

Therefore, the committee has recognised the 65 per cent delivery, although there was a high death rate. This is close to the 70 per cent stated by the local leaders of the Karamoja Subregion, when they appeared before the committee.

They also raised concern on the balance of the 30 per cent undelivered, which actually, to the committee, is 35 per cent. The leaders were explicit that the balance will be delivered but at an appropriate time, when the security and famine situation significantly improve.

Recommendations

- (i) The Office of the Prime Minister and the district local governments should improve the records management system for its programmes with immediate effect.
- (ii) Government should provide the necessary support to ensure that the remaining 35 per cent of goats to be given to the intended beneficiaries under the Community Empowerment Programme are given at an appropriate time.

Holding grounds

The committee established that the suppliers of goats were expected to make provisions for holding grounds in every district of supply to keep the goats for a period of 14 days before handing them over. However, most districts

reported non-adherence to this requirement by the suppliers, as most of them resorted to makeshift grounds or military barracks to hold animals for some days, with the exception of Kotido and Amudat.

Accordingly, some suppliers distributed directly to beneficiaries without holding them. For instance, Catalyst Investment Limited supplied goats to Abim District on 17 June 2022, as per the goods received note, and the beneficiary consent forms also indicate that the beneficiaries received the goats on that very day. This did not conform to the required 14 days in the holding grounds.

The committee further established that some district veterinary officers assessed, verified and vaccinated the goats from the holding grounds of districts of origin. This includes the district veterinary officers of Abim, Napak, Moroto and Karenga, and yet this was to be done in each of the receiving districts at the respective holding grounds.

The committee also established that some of the holding grounds did not have the capacity to hold a large number of animals. Holding of goats originating from different places in one holding ground by some districts in the region potentially facilitated the high spread of disease amongst the supplied goats; for example, in Amudat, the district veterinary officer indicated that he was overwhelmed with the 1,250 goats in one holding ground.

#### Committee observations

The committee observed that there were no detailed specifications for holding grounds in the contract, and as such, the suppliers and the districts allowed the goats to be kept in makeshift holding grounds incapable of sustaining the high number of goats due to lack of water and pasture required for 14 days.

The committee further observed that with the exception of Kotido, all districts in the subregion do not have established animal holding grounds, and yet they are under the animal corridor region.

The committee also observed that the entire planning process did not provide for comprehensive due diligence on the safe delivery and distribution of the goats, which is why the safe holding of the goats was so problematic. It was due to this poor preparation that many animals got infected as a result of the mix-up of the goats from the different parts of the country and Kenya at the delivery and receiving points.

#### Recommendations

1. Comprehensive feasibility studies and clear specifications of the contract requirements for the implementation of the targeted Government projects be conducted before the commencement of projects.
2. The Ministry of Agriculture, Animal Industry and Fisheries should construct standard animal holding grounds with the required infrastructure such as water, feeding grounds and dips per district in the Karamoja Subregion.

#### Widespread death of goats

The committee was informed by some beneficiaries during the visit to the subregion that there were widespread deaths of goats under the Community Empowerment Programme, owing to sickness, tiredness and failure to adapt to the environment. For instance, in Abim District, the LC III chairperson of Abim Town Council stated that out of the 494 Boer goats received, 455 representing 92 per cent of the goats died. In Abim Subcounty, the chairperson LC III said that out of the 450 goats, 278 died representing 62 per cent.

The committee was further informed by the District Veterinary Officer of Nabilatuk that as of December 2022, out of the 4,000 East African female goats received, 2,076 died representing 52 per cent.

The committee also interviewed people in Nabilatuk Town Council through random sampling from the beneficiaries who interfaced with the committee and established that 72

per cent of the goats delivered had died. The details are provided in Annexure 35.

The committee was also informed by the Deputy RDC of Napak, Mr Fardosa Ahmed, that 583 goats died between November and December 2022. However, the district veterinary officer informed the committee that Napak received more Galla goats, which are performing well in the subregion, as compared to the East African goats.

#### Observations

The committee observed that some goats were sold and eaten by some beneficiaries, as well as raided by rustlers. The leaders from the subregion attributed this to the famine and insecurity situation. It was hard to establish the exact number of goats in this category.

The committee established that though the project was highly welcomed by the beneficiaries, the low capacity to provide the necessary care for the goats exposed them to high levels of infections, leading to more deaths. The beneficiaries were concerned about the drugs which they could not purchase because of the high level of poverty in the area coupled with the famine situation in the subregion.

The committee further established that the political heads of the ministry, namely Hon. Dr Mary Goretti Kitutu and Hon. Nandutu Agnes did not monitor and supervise programme implementation to prevent and control the high death rate of the goats. The committee could not find any trace of oversight for this programme, apart from the initial sensitisation conducted by the political heads.

The committee observed that the beneficiaries were not well prepared before receiving the goats. The beneficiaries did not receive training on herd health management practices given the change of environment.

The committee observed that the terms of reference technical specifications as per the contract on supply and delivery of goats

particularly stated that the desirable attributes of the East African goats included local adaptability to the subregion and resistance to diseases or should have been bred in the subregions surrounding Karamoja.

However, some suppliers did not adhere to the terms of the contract, specifically the critical attributes of procuring goats from the surrounding subregions to Karamoja, especially from Teso, Sebei, Acholi, Lango and Bugisu Subregions. For example, Kagumaho Bukanga Highlands Limited, Luck and Lark Company Limited, among others procured from Western Uganda.

#### Recommendations

1. The ministers for Karamoja Affairs; Dr Mary Kitutu and Hon. Agnes Nandutu be held accountable for the failure in providing political leadership and oversight over this programme;
2. The Government should always ensure adequate preparation of the beneficiaries, improve the security and famine situation in Karamoja Subregion before delivering the 35 per cent of the goats for the purpose of averting the re-occurrence of sale or loss of the goats;
3. The following officers from;
  - a. Abim District; (i) Mr Charles Omugetum, the Principal Assistant Secretary; (ii) Mr Oscar Burton Okengo, the District Veterinary Officer; (iii) Ms Janet Akello, OPM mobiliser;
  - b. In Karenga District; (i) Acting District Veterinary Officer; (ii) CAO, Karenga District -  
be held liable for neglect of duty as provided for under Section 114 of the Penal Code Act Cap. 120 by failing to enforce adherence to the expected veterinary practices of verifying, vaccinating and holding goats for 14 days before distribution –

**THE DEPUTY SPEAKER:** Honourable member, I can see you still have 30 pages; you were moving quickly but now, you went back word-for-word. No, most of them are annexures. Just summarise within 15 minutes because Members need to debate.

**MS ABABIKU:** Alright. On issues of the death of the animals, I am not going into it.

#### Committee observations

The committee observed that the issuance of cash to the beneficiaries instead of goats was a total breach of the contract.

#### Recommendation

The committee therefore, recommends that;

1. Government halts any future contractual engagement with Luck and Lark Limited until case file No. Ref. 04/22 is disposed of;
2. OPM terminates the framework contract for the supply and delivery of goats with the following suppliers of goats in Abim District for failure to adhere to the contractual terms on vaccination;
  - (i) Kagumaho Enterprises Co. Limited;
  - (ii) Green Village project;
  - (iii) Catalyst Investments Limited;
  - (iv) Armor Investments Limited; and
  - (v) CH Group companies.

The following contract managers; (i) Mr Abaho; (ii) Mr Peter Amodoi; (iii) Mr Samuel Ofungi; (iv) Mr Tony Emmy Ameny be held liable for negligence of duty.

#### Implementation of the Peace Building Initiative

Mr Speaker, on page 77, the budget is provided for; it was Shs 5.1 billion. We received accountability of this money and on page 78 that was the accountability provided for.

#### Recommendation

The committee recommends that a comprehensive audit be carried out by the Auditor-General on the amount of the funds spent on the Peace Building Initiative. We want to say on record, although the mover of the motion talked about the Shs 800 million, the money spent was Shs 5.1 billion not Shs 800 million.

Term of Reference No.2 to inquire into the utilisation of Shs 135.2 billion from the Contingency Fund meant for relief food for Karamoja Subregion

Mr Speaker, we have a table on page 80 showing how the money was planned for. On page 81, we were informed that Shs 40 billion was released and the first table shows how Shs 20 billion was used. On the Shs 20 billion, we were informed that food was procured and was meant to be distributed not only in Karamoja Subregion but other parts of the country.

Status of food distribution in the districts of Karamoja Subregion – the table is on page 82 and it was in Nakapiripirit District where the Chief Administrative Officer did not give us information on how much food was sent. On page 83, we have lists of subcounties which did not receive food at all.

The committee also established that 53 bags of maize flour were stolen. Honourable Members can read the details with the case number.

#### Committee observations

The committee observes that whereas the food security assessment – Members can read this.

#### Recommendations

1. The committee recommends that Government should urgently intervene and provide relief food to Karamoja to avert the looming famine;
2. The Ministry of Finance, Planning and Economic Development should release approved funds in time;

3. The committee recommends that a comprehensive audit be carried out by the Auditor-General on the utilisation of Shs 20 billion which was in the first release;
4. Government should in the short-term provide agricultural inputs as we are in the rainy season to support the people in Karamoja Subregion.

Mr Speaker, out of Shs 135.2 billion, only Shs 40 billion was released.

Terms of Reference No.3 to inquire into the mismanagement of food stored at Namalu Prison Farm for the Karamoja Feed Karamoja Project.

Honourable members can read that.

We can go to our findings and observations.

The committee noted that funds for this project were not released for the Financial Year 2019/2020 and Financial Year 2021/2022 by OPM. So, no food production was done by Namalu Prison Farm.

The committee established that in the Financial Year 2018/2019, 3,310 bags were harvested and handed over to OPM. Of these, 500 bags were released to UPDF for the disarmament exercise following instructions in a letter from OPM. The details are in Annexure 41.

The committee further established that the maize was harvested in October 2021 due to the delayed shelling because the harvest of 2019 was still in the stores and the post-harvest loss was at 43 per cent.

Uganda Prisons Service informed the committee of the challenges and Members can read them. But we would like to state that the food collected by UPDF was not for UPDF but for the inmates.

#### Committee observation

The committee observed that whereas food was produced by Namalu Prisons Farm as

required and handed over to OPM, OPM has continuously delayed picking the food, which affects store operations and quality of food distributed. Furthermore, OPM collected food from Namalu and distributed it to people/organisations that were not the intended recipients, hence leaving children in schools without food.

The committee is, therefore, in agreement with the mover of the motion that OPM veered from the original purpose of the Karamoja Feed Karamoja Project.

The committee further observed that whereas the Minister for Karamoja Affairs indicated that the COVID-19 lockdown led to closure of schools as a justification for the non-distribution of the food, the committee observed that the actions of the OPM were at the time when the subregion was battling with acute famine and in dire need of food. The storage of food in Namalu Prisons store for over 16 months, even when the schools were open and at the time of acute famine in the region, was uncalled for.

The committee recommends that:

1. The programme, "Karamoja feed Karamoja," be limited to the intended purpose of feeding school children within the subregion.
2. The Minister of Karamoja Affairs be held accountable for holding the maize in stores for over a year at a time when children were in school and there was famine in the subregion.

#### Conclusion

The committee established that the Community Empowerment Programme was mismanaged. The mismanagement of the programme under the supplementary budget and poor implementation of other programmes discussed was a total sabotage to Government intervention to the most vulnerable subregion. The programme had very good objectives of improving the general security situation and the livelihood of the people in Karamoja

Subregion, which should have been embraced and supported by all stakeholders. Unfortunately, this was not the case for those who mismanaged it.

Action should be taken against those who mismanaged the programme and more deliberate, strategic and consistent interventions be provided to the subregion in areas of general security and livelihoods. I beg to submit. *(Applause)*

Mr Speaker, I beg to lay a copy of the report on the Table. These are our minutes; I beg to lay on the Table.

**THE DEPUTY SPEAKER:** Thank you, chairperson of the committee and members for a job well done because the report was wide. Honourable colleagues, you know how we proceed on these matters. Usually, we start with the mover of the motion before anyone else but I want to guide as follows: The components to do with iron sheets are sub judice. If you can remember, when we started this investigation, we did not have sub judice but along the way, the Government took it up.

Rule 73 of the Rules of Procedure of Parliament states:

*“(1) subject to subrule (5) of this rule, a Member shall not refer to any particular matter, which is sub judice.*

*(2) A matter shall be considered sub judice if it refers to active criminal or civil proceedings in the opinion of the Speaker, the discussion of such a matter is likely to prejudice its fair determination.*

*(3)(a) Criminal proceeding shall be deemed to be active when a charge has been made or summons to appear has been issued by court.”*

*“(5) The Speaker shall make a ruling as to whether a matter is sub judice or not before debate or investigations can continue.”*

We started the process well, but along the way, the court and the Government took up the matter. We could receive the report here because the rules talk of debate and adoption of the report so that it can be used by any other Government agency. Before adopting, it cannot be used. It cannot help the DPP, CIID and the Prime Minister to address some of administrative concerns.

Some of the issues here have nothing to do with the criminal nature of things. For example, storing things on floors that are smelly. When you mix iron sheets with food, rodents eat it yet you are going to be distributing to our people and it is bad.

Honourable colleagues, I want to repeat that I am going to open a debate but do not raise any matter to do with the component of iron sheets. If you raise it, I will stop you. Procedure from Hon. Nambooze.

**MS BETTY NAMBOOZE:** Thank you, Mr Speaker. I see the dilemma we are in and so I seek your guidance. I wonder where we are going to draw the line between what is *sub judice* and not *sub judice*.

Mr Speaker, you have advised us to adopt the report which may be used by any other organ of the Government. The question I would like to ask is: How are we going to adopt a report we have not debated? In my opinion, the very act of adopting the report is *sub judice* since it has resolutions affecting the matter before court substantially.

I am at pain to the fact that Parliament, as an arm of Government has every other day respected court and court has declared matters before us *sub judice*.

Mr Speaker, at what point will the Judiciary respect Parliament?

This matter came up, Parliament took it up, but all of a sudden, the Executive got up and issued directives. Now, we have finally found ourselves with something before us when at

the same time, the Government is in court. So, at what time does the Executive respect Parliament to say, “This matter is before Parliament; let us wait for it to dispose of the matter before we take it on?”

At this moment in time, I find myself at pains that I am being advised to adopt a report I am not going to fully discuss.

Mr Speaker, I seek your guidance.

**THE DEPUTY SPEAKER:** Hon. Nambooze, do not develop pain because I know you have enough pain; you have not been well. Do not add more pain. These are public issues; they should not stress you.

Honourable colleagues, that is how our laws are. The ministers on whom we carry out oversight and recommend whatever we do, are appointed. They report to the head of the Executive who is the President. There is no way, at any time, Parliament can say, “Mr President, do not take any action or steps towards supervising the people you appoint.” This is because we do not appoint these people. In fact, we came in as a result of the outcry by an honourable colleague trying to address issues of the constituents.

Now, what is very critical for the Member – and I have had a long discussion with Hon. Remigio Achia – is that what the people of Karamoja needed was to see action being taken on these issues. However, in the report, there are issues beyond what the Government has addressed.

There is, for example, the issue of goats. You might find that the issue of goats – from the report I read – might be worse than the one of the iron sheets. The issue of iron sheets, because some big people are involved – you know, when a dog bites a man, it does not make news, but when a man bites a dog, it becomes the leading news. I remember the only man who did it and made very serious news was Hon. Acon. He bit a dog and came and said it on the Floor here. *(Laughter)*

So, because of the nature of the people involved, the iron sheets saga became very big. However, when you dig into the one of the goats, according to this report, it is worse. If you supply goats and 92 per cent of them die – who was responsible? If there was supposed to be a holding ground so that you first vaccinate and verify to make sure that the goats you are releasing to the public are well treated and are going to fit in the local conditions and you just go and distribute – If you were given a tender to supply goats, but you got a list of beneficiaries and distributed money instead of the goats – there is a supplier who distributed money instead of the goats. So, you can see that the one of goats is even worse.

Honourable colleagues, I think we can have a balancing act. Attorney-General, did you want to guide on this?

6.13

**THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka):** Thank you, Mr Speaker. I think you have put the point across as clearly as possible. Actually, I am in the same space as Hon. Nambooze on where and how to draw the line.

Mr Speaker, under rule 73(5), it is your decision on what is sub judice and to what extent. Therefore, you can guide the debate to ensure that it does not extend past the remit of what is sub judice.

Obviously, Mr Speaker, like you said, these are the workings of Government. The Executive, Parliament and Judiciary are in this transaction together. The actions of the Executive are checked by Parliament and Parliament is checked by the Judiciary and that is how it works.

I think the Executive also took action with a view to resolving a problem. However, like you have said, there may be other issues of administrative nature, which I trust you can guide and say that on that matter, you are extending past the remit of sub judice – *(A Member rose)*

**THE DEPUTY SPEAKER:** No, I called the Attorney-General. Let him first finish. Please, I am the one who called the Attorney-General. He did not stand up on his own volition.

**MR KIRYOWA KIWANUKA:** Mr Speaker, I think it is your use of rule 73(5) which will determine how we continue with this debate. I beg to submit.

**THE DEPUTY SPEAKER:** Honourable members, Hon. Nambooze's point is very valid. The practice here has always been that when we face a matter of this nature, after presenting a report, we do not adopt it until that matter has been concluded in court – because it also becomes difficult to adopt the sub judice matter.

We want to see whether we can adopt parts of the report, save parts of the report – the one on goats, which are not part of litigation – or we defer debate on the whole report. Let us have Hon. Cecilia Ogwal and then Hon. Oguzu Lee.

Honourable colleagues, we have to be cautious on this. It is not about what you feel, but what the law says. I want us to remain within the limits of the law.

Hon. Cecilia Ogwal?

**MS CECILIA OGWAL:** Mr Speaker, I rise under Rule 114 of the Rules of Procedure, which requires that ministers attend Parliamentary sittings. We have talked about this before and today we are dealing with a subject which the whole country is interested in.

What I am seeing is that on the other side – the Front Bench; the people affected – there are only one or two people. The rest of the people, who are our colleagues who should have been here to listen to the report first hand, are not here.

Mr Speaker, decisions were taken earlier that when we are discussing certain things that affect this country, ministers must be there to help us in the implementation.

We are now discussing matters that affect our own colleagues and some of them are in very high positions. Maybe their being here could have helped in guiding us on how to deal with the matter.

My own opinion – I have not yet started my legal class – would be not to offend the law and, probably, to listen to the Attorney-General, who is here today in person.

What do we do? Will whatever statement we make here have some legal implication? I think we need to be guided appropriately. This is a very emotional matter; the country is waiting and people are actually watching our lips – “Now that the report has been read, what are they going to say?” We are all potential “eaters” of the Karamojong iron sheets. They are saying “Ogwal may be innocent because she was not given.”

Therefore, Mr Speaker, we need to be guided by the Attorney-General. I will plead with the House that whatever the Attorney-General says – although in most cases we disagree with him, we should agree with the guidance of the Attorney-General so that we are guarded as far as the law is concerned.

Mr Speaker, I am seeking guidance on this matter.

**THE DEPUTY SPEAKER:** Thank you. Honourable colleagues, under rule 73(5), it is the Speaker to determine whether the matter is sub judice or not. I have determined that it is sub judice due to the parameters provided for under rule 73, which I have read for you. I do not just use my discretion; I must also follow the rules. Rule 73(3) states:

*“In determining whether a criminal or civil matter or civil proceeding is active, the following shall apply –*

*(a) criminal proceedings shall be deemed to be active when a charge has been made or summons to appear has been issued by court.”*

Our colleagues have been charged; they are out on bail. So, it is outright. Honourable members,



before the motion, it would be good that I pick two or three colleagues.

I had allowed Hon. Oguzu Lee and, then, the Attorney-general will give the final guidance – oh, I will allow the mover of the motion – no it is not a debate; we are not debating. We are only discussing how to proceed.

6.20

**MR DENIS OGUZU (FDC, Maracha County, Maracha):** Mr Speaker, we have listened to the report and the matters raised in the report really border on the conduct of Members of Parliament as envisaged in Appendix F of the Rules of Procedure. To mention a few, they border on integrity, accountability and honesty of some individuals who are Members of this House.

I am also aware, under rule 55, that these Members can make a statement before we either condemn or make a judgment against them. For us to be fair – The procedural matter I am raising is whether you could exercise your powers to ask anybody who has been mentioned in these matters to come under Rule 54 or 55 of the Rules of Procedure and to give us an explanation on their roles. This is in order for you to conclusively determine if the matter endangers the ongoing court case.

We are also aware that some of the people mentioned in the report are not necessarily summoned or have an active court case. So, based on that, you could then be able to make a ruling. This is just a request; so that we are fair to those we intend to discuss.

If that is not possible, I move under Rule 59 of the Rules of Procedure – a motion without notice – that you defer this matter until we are clear on how to proceed. We may be able to get time that way.

**THE DEPUTY SPEAKER:** Thank you. Honourable member, we are clear on how to proceed; may be, it is not clear for you. First of all, I have ruled that it is sub judice. If anyone doubts my ruling, you can challenge it. The

late Rt Hon. Oulanyah used to say, “And you know the repercussions.”

Secondly, concerning your proposal under rule 55; it is voluntary and a matter must not be controversial, but this is a controversial matter. You cannot call Members to make personal explanations on controversial matters. The rules do not allow us to do that. However, these same Members appeared before the committee for the sake of a fair hearing and their submissions are captured.

Honourable colleagues, let me first allow Hon. Remigio Achia who is the mover of the motion to submit.

6.23

**MR REMIGIO ACHIA (NRM, Pian County, Nabilatuk):** Mr Speaker, first of all, I would like to thank all Ugandans for being disgusted and annoyed with these people who did a bad thing in the Office of the Prime Minister.

**THE DEPUTY SPEAKER:** Hon. Achia, do not debate.

**MR ACHIA:** I just want to make a statement, Mr Speaker –

**THE DEPUTY SPEAKER:** You are bordering on to sub judice matters – *(Laughter)*

**MR ACHIA:** Okay. Mr Speaker, I thought you have guided us very well; that we could leave aside the matters to do with iron sheets. The report is much bigger, if we even just looked at one thing; the question of food from Namalu Prison Farm. How in God’s name can someone go and pick 1,000 bags of iron sheets – Iron maize – *(Laughter)*

Mr Speaker, do you see how difficult it is not to mention iron sheets? How can someone take 1,000 bags of maize-?

**THE DEPUTY SPEAKER:** Honourable member, do you see how difficult it is going to be to debate, if we now have iron maize? *(Laughter)*

**MR ACHIA:** Mr Speaker, maybe, as a petitioner, we could spare ourselves the issue of that one that you have said is sub judice. Let us focus on the question of the management and the delivery of goats. I have an example; my neighbour was given these goats and they started dying, when they reach about four – he said that the problem was probably in the teeth; he went and brushed the tongue. In the process, the goat bit the boy's finger which has refused to cure – *(Laughter)* The boy is called Joseph Namerikol. The goats were terribly sick and some people did not even eat them when they died, despite the famine and problems there.

Mr Speaker, it is a sad story for our country –

**THE DEPUTY SPEAKER:** But honourable member, where we have reached, we have gone into a debate. I have gotten your opinion on the matter. Let me consult other colleagues and then I will give a final ruling.

**MR ACHIA:** In my opinion, let us debate the rest of the report. I do not know how I can accommodate my sister, Hon. Nambooze, because we have to adopt the whole report.

6.26

**MR RONALD AFIDRA (NRM, Lower Madi County, Madi-Okollo):** Thank you, Mr Speaker. For your guidance, using Rule 73 of the Rules of Procedure in its totality, I am of the opinion that the fact that we allowed part of the first section of the report in regard to the iron sheets to be laid and read by the committee chairperson, knowing very well that it is a matter in court, Parliament might be in contempt of court.

The entire report is under one – it is not in part or in parcels. We have different terms of reference merged into a whole entire report. In the event that Parliament is allowed to discuss the other parts in bits, I wonder what report would be used by any other institutions, in case there are issues that we referred to the Inspectorate of Government to further investigate.

My submission is that, Mr Speaker, with your wise ruling, again, we need to defer the entire report provided that the court can proceed well.

Secondly, in the event the courts in this country delay to dispose of issues, we can again tell them to separate these reports.

**THE DEPUTY SPEAKER:** Thank you. I want Attorney-General to again –

6.29

**THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka):** Mr Speaker, the separation or the drawing of the lines in this matter – I have listened to the report carefully and I am familiar with the facts of this matter; I am familiar with the law. It will be very difficult, in my humble view – and I am not making a ruling on your behalf – like Hon. Nambooze said – to discuss any part of this matter, which relates to the Office of the Prime Minister and the matter of Karamoja without offending the rule of sub judice.

Mr Speaker, I propose, if you accept, that the debate on this report be deferred until the matters in court have been completed.

**THE DEPUTY SPEAKER:** Thank you. Honourable colleagues, we have established that this matter is sub judice. The committee has also done their work but we are clearly being limited by the law. Since I have ruled that the matter is sub judice and cannot be debated, the whole report is deferred. The House is adjourned to tomorrow at 10.00 a.m.

*(The House rose at 6.30 p.m. and adjourned until Wednesday, 24 May 2023 at 10.00 a.m.)*