

**PARLIAMENT OF UGANDA**

**Thursday, 10 March 2022**

*Parliament met at 2.09 p.m. in Parliament House, Kampala.*

PRAYERS

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

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE DEPUTY SPEAKER:** Honourable members, I wish to welcome all of you to today’s sitting. As I guided in the sitting of 1 March 2022, today, the House is scheduled to receive the ministerial policy statements for Financial Year 2022/2023. That is pursuant to Section 13 of the Public Finance Management Act, 2015. I urge the Frontbench – I know they are coming – to make sure that we have all these presented.

In accordance with rule 147 of the Rules of Procedure, I also urge the Leader of the Opposition in Parliament to ensure that the Shadow Cabinet expedites the tabling of the alternative policy statements by 29 March 2022.

Honourable members, the efficiency and effectiveness of the budget consideration is hinged on the timelines. If we do not respect the timelines – remember most of these dates are constitutional.

Let me also remind the Minister of Finance, Planning and Economic Development to table the budget estimates by the 1st of April, as per the Public Finance Management Act, so that we have enough time to consider the budget and we do not start rushing at the last minute.

I would also like to remind the House that, tomorrow, we have a special sitting that will start at 10.00 a.m. on the issues of the Parish Development Model. We will be sitting in the Conference Hall so that we raise all issues that we feel should be considered in the Parish Development Model – for us to be included. I would like to thank you very much.

We have a little congested Order Paper and, so, we will not be spending a lot of time on most of these items.

In the public gallery this afternoon, we have a delegation of students majoring in International Relations and Diplomatic Studies from Cavendish University, Kampala. You are most welcome. *(Applause)* They are represented by Hon. Derrick Nyeko and Hon. Shamim Malende. They have come to witness the proceedings of this House.

2.14

**MR PAULSON LUTTAMAGUZI (DP, Nakaseke South County, Nakaseke):** Thank you, Madam Speaker. You are one of the advocates for the rights of the poor, given the statements you always make. Majority of us represent the common man, especially those of us who come from the rural areas. Wherever we go, people are worried about the ever increasing prices of essential commodities.

Currently, in my constituency in Nakaseke, a bar of soap costs Shs 11,000. There is no Government official –

**THE DEPUTY SPEAKER:** Honourable member, is that coming out of my communication or you are raising a matter of national importance?

**MR LUTTAMAGUZI:** Madam Speaker, it is a procedural matter.

**THE DEPUTY SPEAKER:** A procedural matter on what? Just say you want to raise the matter.

**MR LUTTAMAGUZI:** Yes, Madam Speaker. *(Laughter)* Thank you, Madam Speaker. We are concerned, as a country. Even goods manufactured within Uganda are very expensive. There are no Government statements. There are also no Government officials who have come out to explain to the public. So, the burden still lies on us, the representatives of the people. People are asking: “Where are we going? What are the causes of these rising prices?”

Madam Speaker, I think we need a statement today from the concerned authorities. Thank you.

**THE DEPUTY SPEAKER:** Hon. Mbwatekamwa, isn’t that the same issue you wanted to raise?

2.16

**MR GAFFA MBWATEKAMWA (NRM, Igara County West, Bushenyi):** Thank you very much, Madam Speaker, for giving me space. Before I can proceed, yesterday I had my evidence to lay on the Table and I was advised by the Sergeant-at-Arms that they were going to keep my exhibits. However, it is as if the exhibits have disappeared. *(Laughter)*

Therefore, Madam Speaker, before I proceed, I seek your indulgence that, as I am speaking, can I have my evidence? This is because I need to table it and Ugandans need to see what is happening. I thank you, Madam Speaker.

It is very unfortunate that one of the things that took my President to the bush in the 1980s is that almost all prices of essential commodities had skyrocketed, and he cited the high prices to justify his going to the bush.

However, as we talk now, it is very unfortunate that our people can hardly afford essential goods. A bar of blue soap, in my constituency, is at Shs 8,000. The white one is at Shs 12,000. Even to acquire only one bar of the blue one so that I could bring it here, I had to move from my constituency to Ishaka. We need to show these ministers these things because some of them do not even know what we mean when we talk about soap.

We have been telling people to observe the COVID-19 SOPs but how are they going to observe the SOPs when they can hardly afford soap? Even salt is an essential commodity but a small sachet is now at Shs 2,000. It requires someone from my constituency to go and dig for three days so that he can afford to buy a bar of soap. That is how the situation is.

Madam Speaker, for the case of sugar – maybe we can leave that for another class of people - *(Interruption)*

**MS KABASHARIRA:** Thank you very much, Hon. Mbwatekamwa Lukamba for giving me way. *(Laughter)* Madam Speaker, the information I would like to give is that someone, whose name I do not want to mention, because she is a big person here, said that she was told that if she wanted to do any good business, she had better come to Uganda and that in Uganda, one can just escalate the prices and people will quarrel a bit, Members of Parliament will talk about it a bit and eventually keep quiet. However, that if you do it in Kenya or Tanzania - those were her words - they would come and burn either the petrol stations or even burn the whole place.

So, generally, the prices are high; fuel prices cannot be managed but we are continuing. We are being unfair to the *wanainchi* that we represent. I beg to submit, Madam Speaker.

**THE DEPUTY SPEAKER:** There is a procedural matter. Hon. Naome, that was very good information but we are not telling our people to go and burn anything and we are not telling them to do what the Kenyans do.

**MS KABASHARIRA:** I was just giving information on what someone told me, just for Members to know but not to tell Ugandans to go and burn petrol stations.

**MS OPENDI:** Thank you, Madam Speaker. I appreciate the point that has been raised by hon. Luttamaguzi and of course, reinforced by Hon. Mbwatekamwa. However, recall that I raised an issue last week as part of the reasons we have an increase in the price of soap and cooking oil. The manufacturers are attributing this partly to the import duty. In addition, after Hon. Nsereko had raised this issue too, you directed the minister to come and make a statement.

Therefore, Madam Speaker, is it procedurally right for us to raise the same issue and continue discussing it before the minister brings a statement to the House to tell us what Government is intending to do to reduce these prices? Are we proceeding well?

**THE DEPUTY SPEAKER:**  We are proceeding very well because you did not have evidence; at least, Hon. Mbwatekamwa has evidence. Can you put your prayers forward?

**MR MBWATEKAMWA:** Madam Speaker, before I bring my prayers, not only essential goods but also prices of agricultural inputs like fertilisers have increased. We have been buying a bag of fertilisers at Shs 130,000 but right now, it is Shs 220,000. We say we are promoting agriculture and even going to discuss the Parish Development Model but how are we going to move?

This is my humble prayer *–(Interruption)*

**MR MACHO:** Thank you my honourable colleague, Hon. Mbwatekamwa. Madam Speaker, the matter on the Floor of Parliament is burning in the pockets of every citizen in the country and it is worse for the citizens at the border.

In Busia, Hon. Mbwatekamwa said a bar of blue soap, which the ministers have never seen, is at Shs 10,000 but in Busia, it is at Shs 15,000 because of the border. Because of the weakness of our shilling *vis-a-vis* the Kenyan shilling, almost everything has doubled in prices.

When our citizens go to the shops to buy, the language of the businessmen is one: the war in Russia. That is why Madam Speaker, I request Uganda's Minister of Foreign Affairs to come before this House and tell us the position of Uganda on the war between Ukraine and Russia. I know this will help to solve some of these problems. Thank you, Madam Speaker.

**THE DEPUTY SPEAKER:** Incidentally, even before the Russia and Ukraine war started, prices were already high. Yes, procedural matter -

**MR OSHABE:** Thank you very much, Madam Speaker. I understand that tomorrow, you have allowed a debate on the Parish Development Model and the intention of the Government is to improve incomes of the people. How I wish that tomorrow we begin with a debate where a minister comes and gives us what the Government is doing about this, and what the cause of the problem is. Ugandans will feel very happy that while prices are skyrocketing, on every item by the way, the Parliament of Uganda is doing or speaking something about it.

I request that if not today, tomorrow, we should have a good debate about this. Otherwise, it might be meaningless for us to discuss the Parish Development Model tomorrow when there is a bigger problem of skyrocketing prices in the country. Thank you very much, Madam Speaker.

**THE DEPUTY SPEAKER:** Hon. Patrick Oshabe, I appreciate and I really feel for all the Ugandans because of the high prices for essential commodities. What we need to do is to give the ministries - it is a multi-sectoral approach - give the Government an opportunity to come and make a presentation on Tuesday. Let us give them time to prepare on the actions that are being taken, not just lamentations.

**MR KIMOSHO:** Thank you, Madam Speaker. The issues we are raising and the issues that we raised yesterday – yesterday, you told us that you had been informed that the ministers were in a special sitting of Cabinet.

We are continuing to raise issues when these ministers are absent. We have 82 ministers and these are very critical issues. In the House, we have three now *– (Interjection) -* where is the fourth? *(Laughter)*

**THE DEPUTY SPEAKER:** Order, honourable members.

**MR KIMOSHO:** Madam Speaker, there is no excuse even for these ministers to come late because most of them have lead cars. They push all of us off the road and so, they can arrive as early as possible.

Are we proceeding right by continuing addressing these issues, when we have almost 100 ministers who do not attend Parliament? Thank you.

**THE DEPUTY SPEAKER:** Just some correction, we have 83 not 100 ministers. The Government Chief Whip is supposed to whip.

2.28

**THE GOVERNMENT CHIEF WHIP** **(Mr Thomas Tayebwa):** Thank you, Madam Speaker. The issues being raised by colleagues are issues, which Government has already discussed.

During last Monday’s Cabinet meeting, the R thon. Prime Minister was assigned to hold a meeting with the manufacturers - and that meeting is going to take place tomorrow - to look into the hike in the prices of essential commodities and others. As you have guided, on Tuesday, we will come here with a comprehensive statement on the same. Otherwise, we take concern and know that, indeed, the prices have gone up everywhere. We will bring a comprehensive response on the matter.

**THE DEPUTY SPEAKER:** I thought there was something that Hon. Dan Atwijukirehad asked.

**MR THOMAS TAYEBWA:** Madam Speaker, this issue has been going on over time. Today, I have few ministers on my list, who are supposed to attend because I am given an opportunity to nominate people to attend the session. Today, I have few ministers and I have focused on the Order Paper, which has the names of the ministers. Indeed, there should not be any excuse for anyone to come late. I am going to ensure that we take it up further because as Government side, I really do not enjoy coming here every day to justify why ministers are not here.

Therefore, on Monday in Cabinet, I am going to take it up on a very serious note and I will ensure that the President addresses this matter.

**MR MAGOLO:** Thank you very much, Madam Speaker. The issue of skyrocketing prices has been raised since last week and the days passed. We acknowledge, like you have put it in your own words, Madam Speaker, that it is an inter-ministerial issue; it cuts across ministries. Therefore, it cannot be responded to by one minister.

Would it be procedurally right that a timeline is given so that when we keep sitting we know that at least, on this day, we are coming here, and we will get responses for these issues? I want to still affirm that many times, I feel like running away from my constituency because they always storm me saying, “You must give us answers”. Right now, I cannot go to Mbale. They assured me that one of these days they will stop you, Madam Speaker, when you are going to Bukedea, because they know that you have the answer.

However, we say, “We can still deliver this information”. It would be procedurally right that we find a date. Thank you very much, Madam Speaker.

**THE DEPUTY SPEAKER:** Hon. John Magolo, it’s unfortunate that when I mentioned a Tuesday, maybe you were thinking about something in Mbale. I have asked the ministers to come and give a statement to this country on the high prices of essential commodities that is affecting the common people down at the grassroots. Government, on Tuesday, we need a comprehensive statement and action.

**MR MBWATEKAMWA:** Madam Speaker -

**THE DEPUTY SPEAKER:** I thought we are finished on your -

**MR MBWATEKAMWA:** No,I have aprayer as I am winding up. I was giving the House my prayers. Madam Speaker, realising even the intensity of the problem because of scarcity, that is why even the Department of Sergeant-at-Arms and Police, have even gone away with exhibits. My prayer is that -

**THE DEPUTY SPEAKER:** Hon. Mbwatekamwa, you cannot start accusing my staff. Okay, apologise on microphone.

**MR MBWATEKAMWA:** Apologies; but the exhibit is there. *(Laughter)* MadamSpeaker, my prayer is that Government should think about maybe suspending some of the taxes on fuel. Right now, if a litre is at Shs 5,000 and prices have skyrocketed, now we are anticipating that because of the war between Russia and Ukraine, fuel prices will go higher. If the prices go for as much as Shs 10,000, what will happen to this country? My prayer is that Government should think about suspending taxes on fuel.

Lastly, the Ministry of Trade, Industry and Cooperatives together with the Ministry of Agriculture, Animal Industry and Fisheries and Ministry of Foreign Affairs, as you said, should come here and explain comprehensively. We are tired and Ugandans are tired. Thank you very much; notwithstanding the disappearance of my exhibits.

**THE DEPUTY SPEAKER:** Honourable members, we are looking at people who have matters of national importance.

2.34

**MS LILLIAN ABER (NRM, Woman Representative, Kitgum):** Thank you very much, Madam Speaker. When we are looking at issues affecting the communities, especially the rise in commodity prices, we must address our minds to the fact that the effects of COVID-19 have had a lot of impact in the communities.

We are looking for a diagnosis of the challenges of the problems causing all these increment in prices -

**THE DEPUTY SPEAKER:** Hon. Aber, you are debating on the issue of rising prices, reserve that debate for Tuesday. I thought you had a matter of national importance.

2.35

**MR JAMES OLOBO (NRM, Kioga North County, Amolatar):** MadamSpeaker, I rise on the matter of national importance. It is now coming to one month the cattle traders cannot cross on a ferry from Nakasongola to Amolatar. We have cattle traders who come from Kampala here, they go on the other side of Amolatar and Kaberamaido and buy cows from there and bring them to Kampala.

We also have cattle traders from Amolatar, Kaberamaido and Dokolo, who come to Nakasongola to buy cows and take to the other side. However, it is one month, the RDCs and DPCs are saying they have instructions not to take the cows using a ferry. We know the President wrote about the “*Balaalo*” but these are not the “*Balaalo*”; these are cattle traders and it is affecting us. People have to take their children to school but the children are at home because there are no people to buy their cows. The price has gone down because the cattle traders who come from Kampala cannot go there; the distance from this side through Lira is very far. Similarly, passing through Mbale is also very far, yet we have only 180 kilometres from Amolatar to Kampala -*(Interruption)*

**THE DEPUTY SPEAKER:** When you start allowing people to give you information on a matter of national importance, then I should have the next person. If you cannot give us your prayers -

**MR OLOBO:** Madam Speaker, I am seeing the Minister for Presidency here, where RDCs fall and I do not see the Minister of Internal Affairs here. My prayer is that allow the traders to use the ferry. Now Government is spending fuel on the ferry and the ferry is just moving empty. How will that help us? I thank you.

**THE DEPUTY SPEAKER:** Government?

2.38

**THE GOVERNMENT CHIEF WHIP (Mr Thomas Tayebwa):** Madam Speaker, I have interacted with many colleagues who have faced challenges on that matter. In fact, the issue came from this Floor on *Balaalo* and what they were doing in northern Uganda, and Government took action.

Now, the cows are crossing but you need two requirements: One, a letter of no objection from where you are getting them. Number two, a clearance from the commissioner of animals and that clearance is sent in by the RDC and the authorities in the district to know who you are. Otherwise, the same people will come back here and complain that indeed, people are just bringing cows and taking over land without any control.

So, honourable, these measures put in place by Government have to be followed so that we can control the flow of those animals, which you complained about. Otherwise, all people who have those two documents are crossing with their animals. I thank you.

**THE DEPUTY SPEAKER:** Hon. Tayebwa, over the weekend, Hon. James Mamawi called me. His cows were arrested in Amuru, yet, he had all the documents - he sent me copies of the documents. We tried to help Hon. Mamawi. We need to tell our people not to be too rigid. The cows stayed in a truck for four days. I talked to the DPC who told me he was going to release them and he did not.

We need to be fair to our people. Once they have the documents – these people are trying to earn a living. *(Applause)* They are not stealing because they bought cows from the market.

**MR TAYEBWA:** Thank you. Hon. Mamawi contacted me. When he contacted me, I also contacted the Minister of Internal Affairs. The Minister of Internal Affairs said that Hon. Mamawi did not have the documents – especially the letter. If I can read a message from Hon. Mamawi to me, it says: *“Firstly, the letter of no objection is the one I sent last,”* – he has that one. *“Secondly, no letter from the Commissioner; the DVO Serere is processing.”* He had submitted the documents to the Commissioner for processing. So, he did not have the letter, Madam Speaker. I wanted to go on record on that. The moment you have the two documents, you are okay.

2.41

**MR DAN KIMOSHO (NRM, Kazo County, Kazo):** Thank you, Madam Speaker. I appreciate the information given by the Government Chief Whip. However, when we are setting some of these standards, we need to be mindful of the people we are dealing with. You are telling a trader to get a letter from the Commissioner who sits in Entebbe. It may take a Member of Parliament even three days to get a Commissioner. And here you are requiring a trader –*(Interjections)*

**THE DEPUTY SPEAKER:** Hon. Kimosho is still on the Floor -

**MR KIMOSHO:** Thank you for your guidance and protection. Let the minister concerned give us clear guidelines and show us who is responsible and these people should be accessible to the traders. Thank you very much.

**MR EKANYA:** Madam Speaker, my clarification is very simple. I am seeking clarification from the Government Chief Whip. Is that DPC aware that the Speaker of Parliament is third in command in this country? If the Speaker of Parliament - representing us and third in command - calls you and you still say, “No,” do we have authority? I am seeking clarification from you as the Government Chief Whip. What action have you taken against that DPC? *(Applause)*

We cannot be sitting here and the Speaker of Parliament who speaks on our behalf - moreover third in command - calls a DPC and no action is taken. Can you clarify and inform the country what action you have taken against the DPC?

**THE DEPUTY SPEAKER:** Can we hear from the Government Chief Whip? Honourable members, whatever I was doing was for the good of my Member. I made a call for the good of a Member, just like I would do it for any of you. Most of you have called me when there is an issue and I take it up. Hon. Ekanya is asking what you have done.

**MR TAYEBWA:** Thank you, Madam Speaker. Number one, I thank you, Madam Speaker, for always attending to concerns of Members. That must be applauded. Number two, the same Hon. James Mamawi also called me. The Minister of Internal Affairs was at a function of passing out prisons officers. I sent him a message. He took the courtesy to call Hon. James Mamawi.

Now, what was said to the Speaker is that the documents were available. You cannot engage the Speaker to help you break law when you do not have required documents. The Speaker is the custodian of the law. *(Interjections)* Yes, if you mislead the Speaker that you have documents when you do not have them – colleagues, if you do not have documents –*(Interruptions)*

**THE DEPUTY SPEAKER:** Hon. Macho, I know you are good at cross-border trade. *(Laughter)*

**MR TAYEBWA:** Honourable Colleagues, I request, when we are calling our Speaker for help, please, let us give her correct information. Do not mislead our Speaker.

**THE DEPUTY SPEAKER:** Honourable members, we have got the issue. Government, please, take up the issue. I am happy. I saw the Attorney-General coming. Attorney-General, you are welcome. We have an issue here that I would like your office to make a follow-up on. It is on the declaration that the President made on the *Balaalo* taking cows to the north.

If I went to the north and bought my cows, can’t I take then to another area as long as I have documents? We need to have that resolved so that we allow people do trade. You will all come if you are on the list of people to speak.

2.45

**MR BARNABAS TINKASIIMIRE (NRM, Buyaga County West, Kagadi):** Thank you, Madam Speaker. I rise on a matter of national importance. Last week on 2 March 2022, in Muhooro Subcounty, Kabuga Parish, there was a heavy downpour that had a lot of wind and hailstorm that destroyed a lot of property and crops of my people. It destroyed 37 houses, three churches, blew off a primary school and destroyed 47 acres of bananas, 19 acres of cassava, three acres of vanilla and five acres of cocoa. A number of goats and hens were killed too. A number of people were also injured.

We have not received any relief where these people urgently need the help of Government. I raise this matter, Madam Speaker, with your indulgence, to ask the Office of the Prime Minister to deliver some relief food to these people. 47 acres of bananas getting destroyed – that is what we depend on to eat - and 19 acres of cassava destroyed – that is our source of food.

The Ministry for Disaster Preparedness normally gives out iron sheets. We could work with the local community if they gave us iron sheets to replace those ones, which have been destroyed and blown off by the heavy downpour. Madam Speaker, I thank you for the time.

**THE DEPUTY SPEAKER:** Thank you. As Government comes in, Attorney-General, I want to refer you to Article 249 of the Constitution. We promised this House that we would have a disaster preparedness and management committee that would be looking at these issues as they come in but to date, I am not sure if we have had one. You may need to let us know if we have the commission in place.

2.47

**THE GOVERNMENT CHIEF WHIP (Mr Thomas Tayebwa):** Thank you, Madam Speaker. Hon. Tinkasiimire, we extend our sympathies to the people who were affected by the disaster. I am going to link up with Hon. Tinkasiimire immediately after here, so that I get to know the procedure he followed and I commit to raise this to the Office of the Prime Minister to ensure that we help the affected people.

On the issue of the commission, the President directed us on the same but it came with a rider that we need to develop Standard Operating Procedures (SOPs) for disaster management across the country. As I speak now, the consultant has already presented a draft report to the Office of the Prime Minister. We shall be expediting the process to ensure that we come up with standard operating procedures.

We are looking forward to having some rescue mechanisms at a certain region or subregion. For example, in an area like Bududa, which is disaster-prone, we will have excavators, trucks and stores ready to help people immediately, not just waiting for everything to come from Kampala. We shall be bringing this at the right time. Thank you.

**THE DEPUTY SPEAKER:** Members, in the strangers’ gallery this afternoon, we have councillors from Agago District who include: Mr Richard Stanley Odongo, Mr Thomas Akaka Ojok, Ms Margaret Anying, and Mr Bosco Okidi. You are all welcome. (*Applause*) They are represented by Hon. Akello Beatrice Akori, Woman MP, Hon. Okot Amos and Hon. Lagen David. Thank you very much for bringing our people to witness the proceedings.

2.50

**MS AGNES TAAKA (NRM, Woman Representative, Bugiri):** Thank you, Madam Speaker. I rise on a matter of national importance with regard to the visitation of children at school. I have been approached by a number of parents - the economy has been opened and normal activities are going on.

There are children in day schools, who go back home every day and some schools have both day and boarding sections. These children are found in dance halls, markets, churches; they are everywhere. Madam Speaker, the ministry has continued to guide that there should be no visitations at schools yet the responsibility to groom these children does not only lie with the teachers, but the parents. I, therefore, request that the COVID-19 taskforce reconsiders this matter and allows parents to visit children in schools in order to give them back up in their performance at school. Thank you.

2.51

**THE MINISTER OF HEALTH (Dr Ruth Aceng):** Madam Speaker, allow me to thank the honourable member for her question. First of all, I would like to appreciate the fact that we have managed to keep children in school since January amidst very difficult circumstances. I also want to appreciate the fact that right now, our positivity rate is at 0.4 per cent –*(Applause)*- which is also a positive situation.

However, there is a lot of flu in schools right now and many Members may be aware. We are taking samples from schools to be 100 per cent sure before we make a decision. We have sampled many schools and in one or two schools, we got COVID-19, but for the rest, it is the flu. Before we present a report to the Minister of Education and Sports and say it is safe - I would like to assure the honourable member that the decision was taken in the best interest of the students; we must keep the schools safe. Thank you.

**THE DEPUTY SPEAKER:** Thank you very much. We need the safety of our children.

**MR NSAMBA:** Madam Speaker, this is a very critical matter. While the minister is explaining that, as a policy, the same children interact with day scholars on a daily basis. They also interact with teachers who are not even housed at schools.

When we say that those in boarding schools have to wait - then it is very unfair because what is going on in these very schools is far different. It is not helping at all. These very students are interacting with everyone everywhere. Thank you.

**MR SILWANY:** Madam Speaker, the clarification I would like to seek on the matter that has been raised by Hon. Taaka is: the minister is talking about keeping our children safe at school; however, as you may notice, all boarding schools have teachers, support staff that cook food for the children and compound workers who commute from different places to these schools every day.

What is the logic of saying that these students should not mix yet this mixing is already taking place? Wouldn’t it be right that since we opened up and the interactions are already going on, we allow parents to go to the schools to provide career guidance and support to their children, as we follow the SOPs?

**MR MACHO:** Thank you, Madam Speaker. I would like to seek clarification from the Minister of Health of the Republic of Uganda. One time, we asked to have a COVID-19 resettlement plan for Uganda so that we, leaders, can go and tell our people how issues are moving concerning COVID-19.

Madam Speaker, since that time, we have never seen the report. I, therefore, seek further clarification with regard to why Ugandans will keep spending Shs 1,000 every day to buy a mask to protect themselves against COVID-19?

As I speak, the Government of Kenya, which is our neighbour, gave their people a clear roadmap. Kenyan leaders went and told their people how they should move and how things are moving. Otherwise, Shs 1,000 to buy a mask every day is the cost of a plate of food in Uganda now.

**MR JOHN OKOT:** Thank you, Madam Speaker. I want to seek clarification from the minister on two grounds. One, she mentioned that there is an outbreak of flu in the country. I agree with her because when you move, there are very many people who are suffering from flu and cough. However, as a ministry, have you taken time to investigate that flu since it has taken us such a long time? Could it be another outbreak?

Finally, Madam Speaker, it is true we are doing it for the betterment of our children but as we talk now, there are a lot of activities taking place, especially at secondary school level. There is a Coca-Cola football tournament going on, which is not restricted within a school. It goes outside the school to the extent that even parents and the community around come and interact with the students who are going for the tournament.

**THE DEPUTY SPEAKER:** Minister, can you respond? –[Member: “He has given me way for information.”]- He is not the one in charge of the House. Let us move. *(Applause)* Honourable minister, can you respond to what has been raised?

**DR ACENG:** Thank you very much, Madam Speaker. I hear the Members and I know the feelings of the parents. When we called out for vaccination, the teachers responded –*(Interruption)*

**MR SSEGGONA:** Madam Speaker, hon. Ruth Aceng Ochero is the minister responsible for health. I do not know about parents but she is the person we have entrusted with our health. Members have been using that microphone before her. She cannot live by example. There is a sanitiser just next to her. *(Laughter)* Is she in order, therefore, to preach water and drink wine?

**THE DEPUTY SPEAKER:** Incidentally, I expected that from you. You have always reminded the minister that she has to sanitise. Minister, he likes you. He wants you alive. He loves you. *(Laughter)*

**DR ACENG:** Thank you very much and I must thank my brother for reminding me to keep alive. I was saying the teachers responded. To-date, over 85 per cent of the teachers and the non-teaching staff in schools are vaccinated and the majority have boosted because they had a vaccine mandate. That is why it is extremely important to ensure that we should get to the bottom of this issue before opening up the schools.

I clearly indicated that samples are being taken from multiple schools and I already said we have good news and some news, which is not so good. I request Members to be just a little patient. Within one week, when we have analysed the data, we shall inform the Ministry of Education and Sports. I thank you.

**THE DEPUTY SPEAKER:** Thank you.

3.03

**MR BOSCO OKIROR (NRM, Usuk County, Katakwi):** Thank you, Madam Speaker. I rise on a matter of national importance, specifically concerning the issue of security in the districts of Katakwi, Kapelebyong and the neighbouring districts in Karamoja.

Madam Speaker, I had a security meeting on Monday in Usuk County. The feedback from our population is very appalling. People are living in fear. The issue of cattle rustling is leaving most of our people homeless. We currently have more than 10 people who have lost their lives from the counties of Usuk, Ngariam and Toroma. These people were killed using rudimentary means, by bows and arrows.

When the Karimojong come to steal these cows, they do not spare life. The number of cows that have been taken from these people is more than 200. Madam Speaker –*(Interjections)*- Let me give way for  information. *(Interruption)*

**MS ATUTO:** Thank you, hon. Okiror, for giving way. Madam Speaker, the information I am raising concerns the declining security in Kapelebyong District. Kapelebyong is one of the districts affected by the Karimojong cattle rustling and killing.

As you may be aware –

**THE DEPUTY SPEAKER:** Members, I want us to restrain from saying “from the Karimojong” because we have not confirmed that they are Karimojong. Let us say “from cattle rustlers”. We are going to start having tribal fights in this House.

**MS ATUTO:** Thank you, Madam Speaker. It has been a while – since last year – when we have been in that scenario, whereby Kapelebyong has been experiencing a lot of rustling. Many people have been killed. For the past five months, five people have been killed in Kapelebyong District. The other day, 43 cows were stolen in a place called Alalar in Okungur Subcounty.

Yesterday alone, four more animals were stolen in a place called Odukul in Kapelebyong Subcounty. This has been ongoing. As you are aware, we have limited Anti-Stock Theft Unit (ASTU) and the UPDF personnel in the area. It is our humble request that the Government intervenes. As for us, as the leaders, we have tried what we can do in order to restore peace. Thank you.

**MR OKIROR:** Madam Speaker, thank you for your guidance. The cattle rustlers, in particular, have given us sleepless nights. As I stand on the Floor, the residents of most of the villages are moving inwards with their animals for fear of loss of life. Government has undertaken to give protection to life and property. There is one cardinal duty that, as citizens of this country, we are called upon to do: foster national unity and live in harmony with others.

However, how can we live in harmony, as the people at the borderline, when the following morning, you wake up and hear that somebody has been killed? The responsibility to provide security is the responsibility of Government. This is the voice of the people. The people are saying that Government should give them permission to get guns to protect themselves, which is a very disturbing matter.

Madam Speaker, I wish to make a prayer –

**THE DEPUTY SPEAKER:** Honourable member, I hope that is not coming from you.

**MR OKIROR:** No, I am giving you the views of the people, from the meeting I had on Monday. They are withdrawn and they feel they are not being provided appropriate security.

**THE DEPUTY SPEAKER:** Honourable Minister of Internal Affairs, you will have to respond to that.

**MR OKIROR:** I have a prayer request here.

**THE DEPUTY SPEAKER:** Yes, what are your prayers?

**MR OKIROR:** My humble prayers are:

1. Government makes a commitment to this august House that with immediate effect, there is going to be deployment along the borders between Teso and Karamoja and all those neighbouring districts, so that the people can be protected because they do not have guns to fight back.
2. The division headquarters in Moroto and the brigade is in Karamoja but we request that the Teso subregion be given one brigade headquarter so that there is quick response. When you go to the army detach, you find only three soldiers and so, the response is not quick. Most of the animals taken are never returned.
3. The division commander – and I want to be clear on this – Afande Balikuddembe, has become complacent in his duties. When I made the first phone call to him on Monday, he told me that he was looking at the matter from the political angle. How could he say that when people are running away from their homes? Therefore, I would like to request the UPDF and the line ministry to look into this matter because these views are with the people. They do not trust the army. Thank you.

**THE DEPUTY SPEAKER:** Honourable members, do not talk about Teso and Karamoja only because this matter affects Acholi, Lango, Sebei, Bugisu and all those border areas. Do not be mean by just talking about Teso alone.

**MR AOGON:** Madam Speaker, this is an opportunity for us to air what we feel Government should – in our rules, usually when one Member is on the Floor, the others sit down.

Madam Speaker, my prayer is that Government considers compensating the lives that have been lost. I say so because just two days back, a body was brought to Kumi. The way this young man had been killed by the rustlers, people could not even get close to the body. We need compensation, not only for lives but also for the animals lost. On a daily basis we are losing lives. Who is keeping the list of the animals and lives being lost? When are you compensating them? How much are you compensating per person lost?

Madam Speaker, this is a hot one but I know you will support me. In your constituency, these things have happened there too. They killed people in your constituency. People are not telling you the truth. Things are not good there and so, we need something to be done. You need to direct the ministry to get money and compensate for people’s lives and it should be with immediate effect because the situation is not okay. Thank you.

**MR ESENU:** Thank you, Madam Speaker. I would like to first of all confirm all that has been said by my colleagues. My additional prayer is that let there be sufficient and adequate deployment of soldiers in these areas, including the opening of security roads on the border lines between Teso and Karamoja.

Madam Speaker, these people have become so brazen that in Kapelebyong they start raiding cows as early as 5.30 p.m. when it is still daylight. The few UPDF soldiers deployed there are scared of coming out at night to apprehend the criminals who have even reached a level of collecting –

**THE DEPUTY SPEAKER:** Is that a prayer?

**MR ESENU:** Yes, it is the basis of the prayer because this is a contextual issue. At night nowadays, they have even began forcing people to cook food for them, if they have no cows. The UPDF have only three detaches in the entire district of Kapelebyong.

Madam Speaker, we need soldiers deployed at all points through which the Karimojong come and go out and even be given perimeter roads to help them monitor to secure the area. Thank you.

**THE DEPUTY SPEAKER:** Minister, can you tell us what you are doing. This issue came up last week.

3.13

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi):** Madam Speaker, I can imagine your agitation and you are right to be agitated. This matter has been in this House for a couple of weeks. I remember by last count, Madam Speaker, you instructed the Ministry of Internal Affairs to work out a plan within three months to decisively deal with this problem.

We have not been sitting on our laurels. We have been working at it. Unfortunately, the problem persists and I empathise with the leaders here; people are killed, not just within Karamoja, but also within the neighbourhood of Bugisu, Teso, Sebei and now Kapelebyong, Lango and Acholi.

It is about more booths on the ground and how they are placed in efficient numbers. It is about intelligence, roads, water and other things cross-cutting. However, I pray that you give us more time to develop a plan. Some of this will translate into financial requirements and we see how to move.

We have also had meetings with the Vice-President. I pray that we develop a plan and present it to the House. Thank you.

**MR NAMBESHE:** Thank you very much, Madam Speaker. Similar to the skyrocketing prices of essential commodities, this matter of insecurity caused by the cattle rustlers is urgent. These are actually matters of urgent public importance.

Madam Speaker, we cannot, therefore, accord them the casual response that I am keenly observing from the Frontbench. Even if some of these matters are inter-ministerial in nature, as earlier alluded to, our laws that govern this House, the Rules of Procedure and even so to speak, the appointing authority has provided for a Leader of Government Business, who is always conspicuously absent, even now.

The Leader of Government Business is as such a *Kyabazinga*; to translate it –*(Interjections)-* I am required by the rules if I have used an unknown term to translate it. He is the head honcho of the business, including urgent matters like this. That is instantly *–(Interruption)*

**MR BASALIRWA:** Is my boss, the Opposition Chief Whip, in order to try and equate our revered *Kyabazinga* to the Leader of Government Business who really is very small compared to our *Kyabazinga*?

**THE DEPUTY SPEAKER:** Honourable minister, this is a very serious matter. People have lost their lives, property and cattle. Day in day out people are dying. We need an immediate solution to this.

I am also aware that the Vice-President has called for a meeting in Moroto for people from all the affected areas. Please endeavour to attend that meeting and see how we can get a local solution in that area.

**MR NANDALA-MAFABI:** Thank you, Madam Speaker. I am rising on a procedural issue to make sure that the record of Parliament is right. There has been an order by one of my colleagues, to our Opposition Chief Whip, for equating the *Kyabazinga* to the Office of the Leader of Government Business.

Madam Speaker, before I say the procedural issue, the Leader of Government Business is one of the Deputy Prime Ministers and a Deputy Prime Minister is effectively the Prime Minister-

**THE DEPUTY SPEAKER:** Actually, the Leader of Government Business is number nine in this country.

**MR NANDALA-MAFABI:** Yes. An ambassador, I do not know, has no number. Sometime back, the *Kyabazinga* of Busoga was appointed an ambassador. *(Laughter)*

**THE DEPUTY SPEAKER:** Hon. Nandala -Members, let us not discuss the issues of kingdoms here. I know how it affects Members.

3.20

**MR HERBERT** **TAYEBWA (NRM, Kashongi County, Kiruhura):** Thank you, Madam Speaker.  I have a number of students for my constituency who studied from Mubende National Teachers’ College for the years between 2016 and 2018, 2017 and 2019, 2018 and 2020.

These students have never graduated, never got their academic transcripts or any document from the school. They have tried to complain but they are told that the examining body, which is Kyambogo University, has refused to release their results and academic transcripts and their diplomas certificates because Mubende National Teachers’ College owes Kyambogo University money and therefore, they cannot release them before the the college has paid.

Madam Speaker, these students are suffering. For all those years, they cannot get teaching jobs because they do not have any documents and they cannot go for further education.

My request is that the Government should come in and resolve the issues between Mubende National Teachers’ College and Kyambogo University but let not the students suffer the way they are suffering. I thank you.

**THE DEPUTY SPEAKER:** Did you confirm that the students themselves paid the money?

**MR HERBERT** **TAYEBWA:** Madam Speaker, I have confirmed that they paid the money. I even have a video of an interview from CBS and the Vice-Chancellor of Kyambogo actually claiming that they have 400 -

**THE DEPUTY SPEAKER:** The Committee on Education should follow up on that and report back.  Hon. Judith, please, just sit. It is the same, you will take the report to the Committee on Education.

3.22

**THE GOVERNMENT CHIEF WHIP (Mr Thomas Tayebwa):** Madam Speaker, it is true Mubende National Teachers’ College owes Kyambogo University Shs 400 million and this has hampered the process of transcripts. However, today, I raised that issue with the Minister of Education and they are taking it up. The issue is going to be resolved because we cannot allow students to continue suffering.  Thank you, Madam Speaker. I am going to ensure that it is resolved as soon as possible.

**THE DEPUTY SPEAKER:** Committee on Education, I want you to make a follow up on that issue. We need it put to rest, not only Mubende, but also other institutions of learning. Members who have other matters of national importance will raise them tomorrow. Next item.

LAYING OF PAPERS

3.23

**THE GOVERNMENT CHIEF WHIP (Mr Thomas Tayebwa):** Madam Speaker, the Minister of Local Government has formally informed your office and requested that he presents all documents tomorrow. I need your guidance on that. He told me that you had granted his request - those are the ones for the Parish Development Model.

3.24

**THE LEADER OF THE OPPOSITION (Mr Mathias Mpuuga):** Madam Speaker, I failed to understand the language in which my brother was speaking. I actually do not think he said anything. You see, the Order Paper is a tool for our operations here. In addition, many issues wish to be on the Order Paper. We are trying to believe that the Government congests it to deter other people from having business on the Order Paper.

It is not the first or the second time. The Government Chief Whip needs to really assure this House that they take the Order Paper seriously.

For us to come here and say - we knew that there would be sitting tomorrow; why did you allow that to be on the Order Paper?  This was to block business that should have been on the Order Paper. Madam Speaker, this is very unfair and it should be the last time. Otherwise, we shall block business of the Government if they are going to operate like that. Please, free the Order Paper for other business and stop wasting our time.

Secondly, the Prime Minister, with due respect, should be in Parliament. The way the Chief Whip comes here every day to explain and defend - you cannot run the Government like a WhatsAppgroup. Please, you wake up every day to do the Government business. Do you have a planning function at the Executive level? Do you plan? The Prime Minister is never here. Can we be assured that the Prime Minister is still in office so that we can plan better?

The Prime Minister is a no show and yet, matters are referred to the Prime Minister. We understand the Government operates variously. The Minister of Local Government is missing; you have one or two ministers of state. Do we still have a Prime Minister?

**THE DEPUTY SPEAKER:** Of course, I would not have the locus to respond to that because I do not belong to the Executive. I am in this House; I belong to Parliament. Maybe we could find out from – but it is not anything to be responded to.

Hon. Tayebwa, one, we must tell you that we are very grateful that you are in the House all the time. You are doing your work. However, we also do not want people to overload you. You see how you are growing grey hair. *(Laughter)*

I got communication from the Minister of Local Government and he said he had put some documents in our pigeonholes. He would present the balance of the documents on the Floor tomorrow. He also apologised for not delivering all the documents today.

LAYING OF PAPERS

MINISTERIAL POLICY STATEMENTS AND BUDGET ESTIMATES FOR FINANCIAL YEAR 2022/2023

**THE DEPUTY SPEAKER:** Honourable members, we expect ministerial statements from all the ministries. Please can you lay them on Table.

3.28

**THE MINISTER OF HEALTH (Dr Jane Aceng)**: Madam Speaker, I beg to lay the ministerial policy statement of the Health Thematic area of the Human Capital Development Programme for the Financial Year 2022/2023, for your consideration. *(Applause)*

**THE DEPUTY SPEAKER:** Thank you, honourable minister. The policy statement stands referred to the sectoral Committee on Health.

3.29

**THE GOVERNMENT CHIEF WHIP (Mr Thomas Tayebwa):** Madam Speaker, I beg to lay a policy statement for the Ministry of Public Service, Vote 005 for the Financial Year 2022/2023.

**THE DEPUTY SPEAKER:** Thank you. That policy statement stands referred to the Committee on Public Service and Local Government. I am still waiting for the ministerial statements.

**MR THOMAS TAYEBWA:** Madam Speaker, we seriously take the deadline you gave us of today. However, most of them are still under print. We request that you allow us to lay on Tuesday, the rest of the statements. We shall ensure that we meet the statutory deadline of 15th of March and ensure that every ministry has laid.

However, we request for your indulgence, Madam Speaker. I thank you.

3.30

**Mr Solomon Silwany (NRM, Bukooli County Central, Bugiri):** Madam Speaker, I beg to lay the ministerial policy statement for Vote 104 of the Parliamentary Commission for your consideration. *(Applause)*

**THE DEPUTY SPEAKER:** Thank you, Commissioner. The ministerial statement stands referred to the Committee on Legal and Parliamentary Affairs. Government Chief Whip, if Parliament can lay what about you people? Ministry of Finance, Planning and Economic Development, you are very good; you are very efficient ministry. Yes.

3.31

**THE MINISTER OF STATE FOR ENERGY AND MINERAL DEVELOPMENT (MINERALS) (Mr Peter Lokeris):** Madam Speaker, I beg to lay the ministerial policy statement for the Ministry of Energy and Mineral Development.*(Laughter)*

**THE DEPUTY SPEAKER:** Thank you. Honourable members, the statement stands referred to the Committee on Natural Resources – Procedure? Let us get procedure from the Leader of the Opposition and then you come next.

**MR MPUUGA:** Thank you, Madam Speaker. I want to assure my brother, the Government Chief Whip, that I am not coming for you this time. I have two humble procedural matters:

One, is to remind the House that one of the key deliverables over the last financial year is an outcome of late submission of these ministerial policy statements; they were cut and paste documents. So, the sectoral committees be aware and prepare for cut and paste to do gatekeeping.

Two, Madam Speaker, there is a change in Government budgeting, like we said here from output-based to programme-based. I heard the Minister of Health clearly informing the House that her settlement is part of the human resource programme area.

Are we going to be in position to sustainably align the sectoral committees the way they are, without being alive to the changing programming nature and budget nature of Government? I get this feeling that along the way, Parliament is going to fail to do its gatekeeping by failing to align these statements to the budgeting framework. The paradigm shift probably should have eroded an awakening of Parliament to change - not necessarily the nomenclature but the way we structure the committees.

I am thinking aloud, Madam Speaker, whether we are going to sustain this old arrangement by Parliament or the Committee on Rules, Privileges and Discipline needs to work immediately and allow Parliament to realign and probably, this should be the last financial year, to appear as though there is lack of synchronisation between what Government is doing and what Parliament is doing.

**THE DEPUTY SPEAKER:** Government, why I asked you to present these documents today, is to avoid what the Leader of the Opposition in saying; the cut and paste kind of thing and then rushing to do the work at the last minute. Our deadline is Tuesday. In the circumstance that something happens between now and Tuesday, what will happen? It is a statutory deadline.

We really need to work; not in a rush and not working because we must meet a deadline today. Let us do things in a systematic way. Yes, Government - committees and programme-based budgeting.

3.36

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr Amos Lugoloobi):** Madam Speaker, thank you very much. I want to thank the Leader of the Opposition for raising this matter.

While presenting the BFP, I made a passionate appeal to the House to actually try to align with the new system; the Programme-Based Budgeting System, where we have got 18 programmes and we strongly felt that in this alignment arrangement, Parliament would create 18 committees that match the programmes that we have. Because within a programme, we have various sectors, which are contributing to various objectives within that programme. And we have to look at a programme holistically by way of what each sector appearing in that programme is contributing.

Therefore, it makes a lot of sense to have a committee based on that particular programme because they will holistically look at all the sectors contributing to that programme - as to whether they deliver the objectives as outlined in those various programmes. So, it is in sync with our thinking and we strongly recommend once again, that it is the way that we should go.

**THE DEPUTY SPEAKER:** I think the Committee on Rules, Privileges and Discipline should guide us on this matter and give us a response in two weeks’ time, so that as we go for budgeting, we are aware of what we are doing.

**MR OSHABE:** Thank you, Madam Speaker. The minister has requested Parliament to restructure its committees and I think he is right because that is a better way to move under the new programme-based approach.

I would like to know whether the Government is doing the same to have only 18 ministers because every programme should have a minister. If we moved that way, the ministers would remain 18 and the committees of Parliament would remain 18. Although you refused to answer my point of clarification, could you, rightly, answer whether the Government is also moving in the same direction?  Thank you.

**THE DEPUTY SPEAKER:** You can actually ask that question to the Leader of Government Business when she is in the House. The minister is simply appointed; he does not know. Keep that question for the Leader of Government Business. Hon. Nandala-Mafabi, we are going to the next item.

MOTION FOR ADOPTION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE – COMMISSIONS, STATUTORY AUTHORITIES AND STATE ENTERPRISES (PAC-COSASE) ON THE OPERATIONS OF THE UGANDA CIVIL AVIATION AUTHORITY

**THE DEPUTY SPEAKER:** Honourable members, yesterday, the report was presented by Hon. Ssenyonyi and we deferred debate and adoption to today. Debate is now open. We shall use 30 minutes. I hope you looked at the report and you still have it. If you do not have the report and nothing to add, let us adopt it.

3.40

**MR EMMANUEL ONGIERTHO (FDC, Jonam County, Pakwach):** Madam Speaker, I thank you for this opportunity. I also want to thank the committee for the report they presented.

As a country, we have taken the saying that a beggar has no choice. Madam Speaker, not so long ago, there was what people termed as rumours that Entebbe Airport had become a property of the Chinese. From this report, you can see why. If the agreement for the loan somehow put Uganda in the hands of the Chinese, then it is right that the airport belongs to the Chinese.

Number two, there are entities in this country that are supposed to protect the interest of the Government and Ugandans. I am looking at the Attorney-General's and Solicitor-General’s office. Again, from the report and if I connect this to the report of the Committee on Tourism, Trade and Industry, you see that there are entities, which actually betray the Government and Uganda because the level at which they look at things and defend the country is wanting. Such offices need to be reprimanded and the officers involved should take personal responsibility.

Lastly, I see that there are individuals in this country that have very little shame and they can do anything. Sometimes, we wonder whether they have gone to school or not, because of the way they deal with issues. People who are named in these reports should be dealt with individually. Thank you.

**THE DEPUTY SPEAKER:** Thank you.

3.43

**MS AGNES TAAKA (NRM, Woman Representative, Bugiri):** Thank you, Madam Speaker. I wish to thank the committee for the work done on the report. There is an issue in the report about entities, which do not pay rent and I got very concerned. I always look at several things that belong to the Government. One time, Entebbe street lights were switched off because Government owed money to UMEME.

Madam Speaker, we need to review the way business is run in Government. We have hospitals that do not have water and power because they do not pay bills. I looked at that report critically and I wondered. Entebbe Airport requires security but for the police to be at Entebbe Airport, they should pay rent. There is something we need to correct here.

If these are Government entities and whatever belongs to the Government, can we correct something in the way we run our business so that we do not have unaccounted for money, which we cannot understand and explain. Police are supposed to pay rent and even immigration is supposed to make some payments. This is entangling institutions. Let us have a plan that “such and such services are needed at the airport and their premises are these” so that we streamline the way Government business is run.

**THE DEPUTY SPEAKER:** Members, one thing we must know is that in every ministry, we appropriate funds. The question would be: why wouldn't you pay the utilities as much as it is a Government entity? The different entities should be able to assess them differently. You should not just consume utilities for free because you are working for the Government, moreover, we appropriate money for you.

3.46

**MR SIRAJI EZAMA (NRM, Aringa County, Yumbe):** Thank you, Madam Speaker. I thank the committee for the comprehensive report. I am very glad that they were able to reach Arua Airport. Madam Speaker, there has been a narrative over time and this has always appeared on the NRM Manifesto that Arua Airport is supposed to be elevated to an international airport. To-date, nothing has been done there. I would like to know from the minister why the airport has not been worked upon. Is it because money has not been allocated for it? Or is it something that has always been said in order to get votes from West Nile?

Madam Speaker, that airport serves as a route to Sudan, South Sudan and Democratic Republic of Congo. Up to now, nothing has been done there. What is happening? I want to know from the minister whether it is money problem and if so, why has money not been allocated for that airport? The complaint has been that for the expansion of the airport, the landlords there have not given land. If it is within the powers of Government to acquire land in order to expand the airport, why has it not been done? I beg to submit.

**THE DEPUTY SPEAKER:** Thank you.

3.48

**MR PETER OKOT (DP, Tochi County, Omoro):** Thank you, Madam Speaker. Picking from what you have just mentioned, money is appropriated to the different entities for rent. Now that we are moving into ministerial policy statements, our sectoral committees should scrutinise the policy statements because they will bring out what was appropriated and how it was used.

We need to see if the monies, which were appropriated for paying rent, went for rent or they were diverted to do other things. I thank the committee for bringing out all these.

I know that Uganda is a God-fearing country. The committee unearthed a lot of rot in the operations of Uganda Civil Aviation Authority. I am wondering what Holy Spirit came unto the committee, which made them come out with the recommendation they made. Probably, it is because this is the first report by COSASE in this Parliament, but the level of mismanagement, to me, is too grave to earn the sympathy.

The recommendation, which is only calling for an apology for mistakes which are very grave, to me, was very lenient. I may equate it to what they are now promoting in court: plea bargain. This is like these managers, who have mismanaged this project, entered into a plea bargain with the committee.

3.51

**MS JOANNE OKIA (NRM, Woman Representative, Madi-Okollo)**: Thank you, Madam Speaker. I would like to thank the committee for the report. I address myself to the issue of Arua Airdrome. I thank the committee for having visited Arua Airport. We also thank the Government because it is a new facility. In the past, we were squeezed in some old building, but Government has made an effort and provided a new facility.

Having said that, Arua Airport is the busiest regional airport in Uganda and I have noticed that with the COVID-19 pandemic, most of the baggage is checked manually and this poses a health and security threat because you cannot adequately check that baggage.

I saw an X-ray baggage machine on the side and I do not know if that machine is working or it is waiting for the upgrade into an airport. I think it would be necessary for the X-ray machine to be put to service so that we do not only save our security personnel from COVID-19 infection, but also to adequately deal with the security issue.

I would like to thank the committee and join them in saying that Arua Airport should be elevated to the status of an international airport. Thank you.

3.52

**MS DORCAS ACEN (NRM, Woman Representative, Alebtong):** Thank you, Madam Speaker. I commend the committee for this very elaborate report. I am picking on key areas and one of them is due diligence. I think we miss it a lot, especially at the point where the committee highlighted that the memorandum of understanding was signed before a feasibility study report. If we look at that, we get to understand that a lot of mess is bound to happen *-(Inaudible)*

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

**MS DORCAS ACEN:** When you look at the report critically, due diligence is skipped and I think it is skipped intentionally. I do not think that for a long-term project of this nature, we can afford to skip the process of due diligence because that is when we get it wrong from the onset.

Most of these recommendations, plus even more, should be taken seriously and implemented to the dot. I also re-echo that for parts of the country like northern Uganda – where I come from – as well as eastern and Karamoja, our people are moving along way across the country to access Entebbe International Airport.

I, therefore, join to support the recommendation of the committee to elevate Arua Airdrome to an international airport. Thank you.

3.54

**MR WILSON KAJWENGYE (NRM, Nyabushozi County, Kiruhura)**: Thank you, Madam Speaker. The committee deserves applause. I rise to comment on the unpaid remittances to the NSSF *vis-à-vis* the recommendation they came up with.

If a committee of Parliament is doing its work to report back to Parliament and they find something that contravenes the law enacted by the same Parliament, what do they recommend?

The recommendation, in my view, runs contrary to the NSSF Act. The NSSF Act reads that “for failure to remit deducted money, one would be liable to heavy fines upon clearance of arrears”. The prescription is a penalty of 10 per cent per month of the amount in default, plus outstanding interest.

The committee did not come out clearly on that. So, in my view – and for other committees that will make such findings – if a finding runs contrary to an Act of Parliament, a recommendation should not circumvent an Act. Thank you.

**MR NDYOMUGYENYI:** Thank you, Madam Speaker. Considering the situation in which UCAA was operating - I am a member of the committee but I am allowed to give information -

**THE DEPUTY SPEAKER:** Hon. Roland, a member of the committee does not debate, as per our rules.

3.57

**MR MILTON MUWUMA (NRM, Kigulu County South, Iganga):** Madam Speaker, allow me thank the committee for the good report that has helped some of us have answers to our voters. Often times, we have been told: “You people mortgaged our airport.” I think this report has brought out facts on what happened. We are able to explain where problems emanated from.

Madam Speaker, there is a concern - in one of the recommendations made - somewhere, they are saying the minister should apologise to the House and to the country. Whereas I would somewhat agree but two things: when we are processing loan requests, there are stages we normally follow, including going through this House.

There is a Committee on National Economy, according to the Rules of Procedure of Parliament, which always peruses, discusses and comes out with recommendations to this House. What happened? Where did we go wrong? Couldn't we raise a red flag then to get rid of this problem that is costing us a lot? We need also to evaluate ourselves.

What was the role of a Cabinet because before any loan request is brought to Parliament, Cabinet pronounces itself? Where did they go wrong? Why weren't they able to also find out these anomalies?

Madam Speaker –*(Interruption)*

**MR NANDALA-MAFABI:** Thank you, Madam Speaker. Thank you, hon. Milton Muwuma. On page 12 of our report, in no.2, it says, “The committee observed that Parliament, at the time of the loan approval, recommended…” That means Parliament approved the loan. The moment Parliament approves the loan, there is no way you can castigate the minister of finance because he will be implementing what you approved.

**MR MUWUMA:** Thank you, my senior, for that observation. Honourable members, I think we need to revisit this recommendation because in one way or the other, we had a role to play, as far as this loan request was concerned. I wanted to just make that contribution, Madam Speaker. Thank you very much.

**MR SSEGGONA:** Madam Speaker, point of procedure. On that, we have got to be very careful, first, to avoid self-incrimination. Parliament, the world over, does not discuss details of projects before approving the loan. Secondly, Parliament, the world over, does not draft agreements; that is an Executive function.

Thirdly, Parliament does not conduct feasibility studies and Parliament, finally, does not do due diligence. Those are Executive functions that we delegate to the technical part of the Executive. *(Applause)* Somebody has got to read the entire paragraph, as pointed out or referred to by the hon. Nandala, if you want to find out and to exonerate Parliament.

The functions must be separated and kept within the four corners of our Constitution. Otherwise, we will move haphazardly. The procedural issue, however, is whether it is procedurally right to live that on the *Hansard*, where we self-incriminate.

**THE DEPUTY SPEAKER:** Honourable chairperson, can you first give us a justification as to why you think it is right for the Minister to come and apologise and not incriminate Parliament, which approved the loan?

4.01

**THE CHAIRPERSON, COMMITTEE ON PUBLIC ACCOUNTS (COMMISSIONS, STATUTORY AUTHORITY AND STATE ENTERPRISES) (Mr Joel Ssenyonyi):** Thank you, Madam Speaker. As –

**THE DEPUTY SPEAKER:** I want to get an answer for the procedural matter; I want him to explain.

**MR SSENYONYI:** Madam Speaker, as Hon. Sseggona has clearly stated, when the Executive comes to Parliament and requests for a loan approval, Parliament gives an approval and that is what happens but then, the details or the mechanics of everything have got to be worked out by the Executive - with specificity, the minister, in this case.

So, what happened is that the Minister of Finance went ahead and, on behalf of the country, signed a loan agreement with China’s EXIM Bank. As I stated yesterday - with your permission - I will just highlight this very briefly - the unfavourable clauses of the Entebbe International Airport Financing Agreement.

In 2014, Government of Uganda entered into a contract with China's EXIM Bank for the expansion of the Entebbe International Airport, which had the following unfavourable clauses;

1. A requirement for an escrow account, where all revenues of UCAA were to be deposited and Beijing had to approve all expenditure of UCAA. We are talking about a sovereign State, Madam Speaker but now that this entity has got its revenues, it cannot expend any of that money, until it gets an approval. That is problem number one;
2. Problem two, Madam Speaker, is about the budget; that UCAA’s budget has to first be approved by Beijing. That is another problem for a sovereign State to have that in the agreement;
3. Problem three is the imposition of Chinese legal jurisdiction on the loan recovery mechanisms and arbitration to the extent that in case there is an issue between Uganda and EXIM Bank, we go for arbitration in China. And that once arbitration fails, we go to court. Again where? In China. Now, that strips Uganda of all manners of immunity. So, for the Minister to sign such an agreement and bind the country, is what we are saying is problematic; and
4. In the same agreement, was the waiver of international immunity for Uganda. The minister appeared before the committee – I mean the Minister of Finance, hon. Matia Kasaija, who signed this contract and acknowledged, before the committee, that these terms are problematic, are undesirable and not good for the country. In fact, one of the excuses he gave was raised by one of the honourable colleagues that “you see, when you are poor, your bargaining power is limited” and that that is why, he said, he signed this contract.

Because he also acknowledged that this loan agreement was problematic, the minister told us that there have been efforts to try to renegotiate this loan agreement. Teams have been sent to China to try and renegotiate but China refused to renegotiate. They said, “We already put pen to paper. You either leave it or you terminate the contract”, but Madam Speaker, terminating the contract would be extremely expensive on the taxpayer because there will be sanctions and penalties to be paid and so, the current contract continues as is. So, the minister himself admitted that this was very problematic.

We had a debate, Madam Speaker - as I wrap up - within the committee –

**THE DEPUTY SPEAKER:** Can we first hear from Government and then, Hon. Nathan Nandala-Mafabi, you will come in.

 **MR THOMAS TAYEBWA:** Thank you, Madam Speaker. I am glad my colleague, hon. Joel Ssenyonyi, is referring to some of the clauses in the agreement. I have the report of the Committee on National Economy, dated July 2015. The chairperson was hon. Xavier Kyooma Akampurira and it was signed by very many Members, including some who are in this House.

In their report, on page 7, they state conditions. One of the conditions, for which the minister is being accused, is stated in the report and it was approved by Parliament. It says:

1. The repayment reserve account and the sales account shall be opened and maintained with the Escrow account bank and be subject to the Escrow arrangement, under the Escrow account agreement. Parliament approved this.
2. There shall be an own lending agreement to be signed by the Government of Uganda and UCAA in the form and substance acceptable to China EXIM Bank. Parliament approved it – *(Interjection)* - no, I am reading a report of Parliament and I am laying it here. *(Interjections)* Please, just wait a bit. I gave you your time; allow me to show you. *(Interjections)* Yes, this is your own data. *(Hon. Oshabe rose\_)*

**THE DEPUTY SPEAKER:** Hon. Patrick Oshabe, I know you as a good listener. Why don’t you first listen?

**MR THOMAS TAYEBWA:** Madam Speaker, this report, which was adopted by the House in 2015, also - I heard the committee saying the procurement laws were flouted but on page 11, there is a recommendation on the contractor, okay and proven performance/capability of the contractor. The committee was able to ascertain the technical capabilities of the procured contractor for this project, when it visited some of the construction projects that were or are being undertaken by the contractor in China and Ethiopia and inserted that CCCC Limited has competence to implement and deliver. Parliament approved it. What you are trying to do is to indict yourself as Parliament. You approved all this. You cannot go back and turn around and accuse people who implemented what you approved. That is very simple.

4.08

**MR SILAS AOGON (Independent, Kumi Municipality, Kumi):** Madam Speaker, I am so happy that this debate comes at a time when we have Members that were there before and they understood the whole process. I am also happy that Hon. Tayebwa has managed to get out that piece of document so that we have some reference.

This House needs to be aware that Parliament approves loans, and not agreements. The big thing we have here is on the issue of agreements – [Hon. Nandala-Mafabi: “Order”] - my colleague who is saying “order”, an order that he does not understand here - should we be told that it is the duty of the Executive -

**THE DEPUTY SPEAKER:** There is a point of order. By the way, Hon. Aogon, he understands. You do not have to say that he does not understand.

**MR NANDALA-MAFABI:** Madam Speaker, I am very unhappy with the colleague, whom I thought knew the law very well. Before I raise the point of order to him and his charge sheet, let me refer you to the Constitution of Uganda under Article 159. We shall start with Article 159(2), (3), (6) and then I leave the rest for you.

Article 159 is on power of Government to borrow or lend. I want all committees to read this very well.

*“(2) Government shall not borrow, guarantee, or raise a loan on behalf of itself or any other public institution, authority or person except as authorised by or under an Act of Parliament.*

*(3) An Act of Parliament made under clause (2) of this article shall provide –*

*(a) that the terms and conditions of the loan shall be laid before Parliament and shall not come into operation unless they have been approved by a resolution of Parliament.”*

That is the law and that is the Constitution, sir.

*“(6) An agreement entered into under clause (5) of this article shall be laid before Parliament and shall not come into operation unless it has been approved by Parliament by resolution.”*

Madam Speaker, what he is raising is that all agreements and terms are laid here. They are taken to our Committee on National Economy; they are brought here and approved. If we approve them wrongly, we approve.

Therefore, is my colleague, Hon. Silas, who is my *“Amuran”* in order to say that agreements are never brought in the House, and yet the Constitution says so?

**THE DEPUTY SPEAKER:** Honourable members, I thought I had to rule on the point of order. The Constitution is very clear on the powers of Government to borrow or lend. It states, as it has been read, that Government shall not borrow, guarantee or raise a loan on behalf of itself or any other public institution without the authority of Parliament.

Hon. Silas, the agreements are approved by Parliament.

**MR AOGON:** Madam Speaker, I do acknowledge the presence of my in-law here, Hon. Nandala-Mafabi. Thank you for the counsel but that is just a part of the world thinking.

I know one thing. Yes, The Constitution demands that Parliament does allow for Government to borrow, but I can tell you in the process, Government has a duty to do the due diligence, which this House does not have.

The decorum of this House demands that when a Member is on the Floor, the rest listen. Contain the pain and wait for your moment *–(Interruption)*

**MR IDDI ISABIRYE:** Thank you, Madam Speaker. With due respect, as we debate, we must be mindful of the powers of this House. We have our Rules of Procedure that govern and conduct our debate here. Even when we have challenges like those we have right now, we do not need to put aside our Rules of Procedure.

Rule 178(2)(b) of our Rules of Procedure talks about the functions of the Committee on National Economy; one of the functions is, “*to examine the terms and conditions of a loan”*.

Therefore, Madam Speaker, if the committee, after scrutinising the terms and conditions of a loan request, presents the report on the Floor of Parliament and Parliament approves the loan, we cannot deny that Parliament has no duty to scrutinise the loan. Is it in order for my honourable colleague to assert that Parliament does not have powers and the capacity to scrutinise the loan request? Is he in order?

**THE DEPUTY SPEAKER:** Did you say we do not have capacity?

**MR AOGON:** Madam Speaker, you are actually right. I did say so. I did not say we do not have capacity, but I said there is a procedure -

**THE DEPUTY SPEAKER:** Rule 178 talks about the functions of the Committee on National Economy. One of them is to examine the feasibility of a loan that is being given out. In the process of doing the feasibility and scrutiny, you do the due diligence; whether it is a feasible project or not. If it is not a feasible project, it is the committee that reports back to the House and says, “This is not feasible enough.” Then the loan can be rejected.

**MR AOGON:** Much obliged, Madam Speaker. What I was trying to bring into question is this; Government usually asks the Office of the Attorney-General and Solicitor-General to look through agreements. I am trying to point out the mess that we have somewhere. How come such an agreement can go through and even come to the level of Parliament, yet the Office of the Attorney-General and the Office of the Solicitor-General could raise a red flag on this? This is my concern. This is how the people who we want to hold culpable are going to escape.

Madam Speaker, we need to open up the whole thing and check who the responsible people were then because they are the ones who guided the whole process. They misled everybody. They must be caught red-handed and they must be dealt with.

**THE DEPUTY SPEAKER:** Members, I am happy you are getting all these loopholes. What I expect of you, honourable members, is to say, “Let us ask for a value-for-money audit for this institution.” We have seen a problem; now what is the way forward? I have seen you lamenting - okay, there is another lamentation from Hon. Nsamba.

**MR NSAMBA OSHABE:** Madam Speaker, I am lucky I was here in 2019 when all these happened. For somebody to bring up just a small part of what happened and read it here is really unfair.

Madam Speaker, you were in this Parliament –*(Interruption)*

**THE DEPUTY SPEAKER:** Just a minute.

**MR THOMAS TAYEBWA:** Madam Speaker, is it in order for a Member who knows that this loan was passed in 2015 to come on the Floor of Parliament and lie that it was passed in 2019? Is it in order? This loan was passed in 2015; you were still in Kassanda and not yet a Member. Is it in order?

**THE DEPUTY SPEAKER:** Honourable members, there is passing and disbursement; those are two different things. *(Interjections)* now you are talking to people who know it; you are not talking to historians. There is an approval of the House and then disbursement. The House approved it in 2015; when was it disbursed? In 2019?

**MR OSHABE:** Madam Speaker, Hon. Tayebwa is being unfair to this House and to this country. Matters of this loan came to the House in the period I am stating.

**THE DEPUTY SPEAKER:** Which period are you stating?

**MR OSHABE:** Madam Speaker, where I was going before Hon. Tayebwa interrupted me; everyone in this House knows you do not have technical capacity or even a budget to go to, say, Beijing and evaluate all these details, and that is a fact.

We always depend on the goodwill of Government. When Government comes to us in this House, they present the goodwill and we trust them. Since Government has technical capacity and the money to go and do due diligence and all this, we always depend on the goodwill of the ministers.

The ministers come here, they report to the committees -

**THE DEPUTY SPEAKER:** Honourable member, let us debate with calmness. I do not know why you are raising your tempers on this issue. The House that gave out the money is the same House looking at a way forward. I do not expect such from you, hon. Patrick. Debate with calmness; when you are calm, your point will be received. You do not need to blame anybody else. Get legal advice from the Attorney-General and then, you will debate from there.

4.21

**THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka):** Thank you, Madam Speaker. The point of information I want to raise is that we are in this together; Parliament, the Executive *–(Interjection) -* yes. Because the Constitution has laid out roles that each one of us is to play and we are complementary. It is not correct to say that this House does not have capacity. This House has capacity and law creates its capacity. *(Applause)*

When this loan was being discussed and disbursed, Parliament went to Ethiopia for due diligence; it is on record. Therefore, is it in order for a Member to stand here and tell the whole nation that we, Members of Parliament, do not have the capacity to look at loans?

**THE DEPUTY SPEAKER:** Honourable members, one thing I need to let you know, in the then committee report, the Committee on National Economy went for benchmarking and to carry out due diligence in China and Ethiopia. Here is the report that was presented to the House and based on this report, that is how the loan was approved.

4.22

**MR NATHAN NANDALA-MAFABI (FDC, Budadiri County West, Sironko):** Madam Speaker, I want to again help Parliament, using the Constitution. Article 90: Committees of Parliament. Clause 3 says,

“*In exercise of their functions under this article, committees of Parliament -*

1. *May call any minister or any person holding public office and private individuals to submit memoranda or appear before them to give evidence;*
2. *May co-opt any Member of Parliament or employ qualified persons to assist them in the discharge of their functions*.“

This is the Constitution.

Therefore, you cannot come here and say we do not have capacity. First of all, we have capacity to call a minister, you have the powers of the High Court - that is (c). And you can even get an expert to help you; one of our main experts that we have is the Auditor-General, who has the capacity to do value-for-money audit and any other audit you want. And he is an officer of Parliament.

Madam Speaker, why we are raising all this *–(Interjection)*– okay, my brother, give it to me but as long as you know that you are informing a man who is already informed. *(Laughter)*

**MR RWAKAJARA:** Thank you, Madam Speaker. And thank you, Hon. Nandala. I know you are very informed. However, I have been a Commissioner of Parliament for five years. I want to assure this Parliament that we have enough technical team that can give us the information we want and technical advice that we want. We have been appropriating funds for verifying any information we want in and out of this country. Thank you very much.

**THE DEPUTY SPEAKER:** By the way, just to add on what Hon. Rwakajara is saying; we have a very good technical team. The Leader of the Opposition will bear me witness; he has somebody called Kyaligonza - he is part of the very good technical team that do good work for us. One thing that is clear is that Parliament has full capacity.

**MR NANDALA-MAFABI:** Madam Speaker, in that regard - by the way, we even have a good Budget Office here. One of the things we should be really concentrating on - I have heard Silas raising an issue that, “Were you a member of a committee?” No, I was not a member of a committee. However, I was a Member of Parliament, then. I want to tell you that what Parliament has passed, whether you are present or absent, it binds you. I do not want us to change things for the sake of changing. You are leaving this report; we should deal with the report in the right way, but not trying to look for faults.

There is no way you would ask the Minister of Finance here to come to apologise when you are the ones who approved the terms, the agreement - I do not know why Hon. Kasaija also comes panicking; he would have said, “You approved the loan.” That is one.

Madam Speaker, I have here a letter of offer and I want to read it to the House. It is in Mandarin but it was following our letter and this is a letter of offer*- (Interjections) -* yes, I am a Chinese and I can read Chinese – by the way, I know many languages, if you are not aware. I will lay it here on the Table.

Madam Speaker, I want to state that on 8 October 2014, we wrote to the Chinese regarding the design, building, upgrade and expansion of the Entebbe International Airport Project – Phase 1.

It is not talking about Arua. So, when we are discussing, we are talking about Entebbe Airport - if those people went to Arua, they went for a visit.

That was our request and this is what they replied: On 10 September 2014, the Chinese replied. The title is China Communication Construction Company Limited (CCCC) and it reads: “Bill of upgrading and expansion of the Entebbe International Airport Project Phase one”. I want to summarise. It talks about US$ 200 million.

They go ahead to write: “We have examined the conditions of the contract and the employer’s requirements and hereby offer to design, contract, complete and remedy defects thereunder, in conformity with the conditions of the contract for the accepted contract amount of US$ 200 million”. I would like to request the Government Chief Whip to tell me the date of the report.

**MR THOMAS TAYEBWA:** Hon. Nandala-Mafabi, it is 15th July.

**MR NANDALA-MAFABI:** Which year?

**MR THOMAS TAYEBWA:** 2015.

**MR NANDALA-MAFABI:** This is 2014 and this letter even has a stamp of Parliament; which means that we received it. These are the summary of the things captured:

One, general items US$9.3 million, new cargo centre complex US$42.6 million, new passenger terminal complex US$62.56 million, strengthening of the runway 17/35 associated tax ways US$19.7 million, strengthening and expansion of apron 1 US$ 26.1 million, rehabilitation apron 2 US$5.6 million, strengthening of apron 4 US$7.6 million, strengthening of runaway 2012/30 and its associated tax ways US$12.4 million, design and expansion US$13 million.

Madam Speaker, these were part of the agreement procedures *– (Interjections)-* I am not a Chinese; I am a Ugandan.

**MR MPUUGA:** Madam Speaker, I thank you for your kind indulgence. I have been patiently listening to the debate and I wonder what mischief is being cured by the nature of debate on the Floor.

First of all, a discussion about capacity; there is a difference between having capacity and being incapacitated. Capacity is legal while being incapacitated is technical. There is a reason why all of us cannot call ourselves the Attorney-General and all of us cannot say “We are Ministers of Finance, Planning and Economic Development” and the Attorney-General says “we are in this together. I cannot sign on your behalf”.

Madam Speaker, this is a report of Parliament and there is nowhere it is written that the recommendations here are conclusive. In fact, this House is clothed with legal capacity to say, “We are lifting the recommendations. The minister has no political responsibility in this but the House of Parliament is guilty”. It is within the realm of this House to do so.

Wouldn’t it be procedurally right that this debate is guided to deal with the recommendations to avoid veering into the kind of debate that makes Members of Parliament look like hired guns on the Floor of Parliament, and lose track of guiding an entity which our own committee of Parliament has reported?

Of course, I am not oblivious of the collective as Government because we are part of it. However, the particular work of a committee of Parliament is distinct from a delegated role of the Cabinet. I am concerned about where we are going and probably, we might fail to process this report. I am actually thinking that the report is not conclusive, which is why we are debating it. Madam Speaker, can we get into having this report aligned, to give this House the kind of direction that will compel the Executive to act on the gaps being raised in the report?

**THE DEPUTY SPEAKER:** Honourable members, I raised this issue but immediately everybody got up. I said let us look at a way forward, do a value-for-money audit, apportion blame and determine who did not do what, when and where?

Much as Parliament does the approval - what happens after the approval? Who did not do what? Did PPDA do its work? Did the minister do his work and all the rest? This is why I told Members that we should look at a way forward. This is the first report from COSASE and it is not exhaustive, as I said yesterday.

I said the scope of the report was wanting. This is because the committee covered one area. We are going to ask the Auditor-General to do a full audit of UCAA and then the committee will have to look at that report. When you start exchanging among yourselves, it is not going to help us. Of course, I also want to say nobody is hired. All of you have your tempers but keep your tempers until you leave the House. The truth is, we need a full audit on UCAA. The report is basically based on what Hon. Silwany raised, and we will need a value-for-money audit as another recommendation to be included in this report. Yes, Hon. Kwizera?

**MR EDDIE KWIZERA:** Thank you, Madam Speaker. Before I comment on the report, I would like to comment on what you have guided that they could have a value-for-money audit. My experience is that value-for-money audits are on completed projects and in this case, the Auditor-General has not yet given an opinion on this project.

If the Auditor-General has not given an opinion on this project because the project is not yet completed, then conducting a value-for-money audit might be a very big challenge.

**THE DEPUTY SPEAKER:** There is already an opinion on this project.

**MR EDDIE KWIZERA:** The value-for-money audit -

**THE DEPUTY SPEAKER:** I am saying there is an opinion from the Auditor-General but we need a current report.

**MR NANDALA-MAFABI**: Thank you very much, Madam Speaker. I want to help my brother, Hon. Kwizera. On every job done, there is a certificate of completion, which he is talking about. However, when you do work, which is certified, you get a certificate.

You have heard the project started in 2019 - We can call it an interim certificate but there will be a final certificate. What the Speaker and Parliament were looking at is that if you are going to conduct a value-for-money audit now - which will be an engineering audit by the way and they will do what they have done so far; look at how much it has been and take corrective action. If you wait for completion, where variances might be too big, you will have a problem to deal with.

I would like to also ask colleagues to read the National Audit Act very well, especially sections 13, 21 and 24. They are very important. One of the requirements is to audit money, human resources as well as the performance of the organisation by auditing the chief executive officer, among others. In this report, we have not seen the audit on the chief executive officer. Otherwise, the chief executive officer was the project manager of this project.

I would like to make a proposal that we ask the Auditor-General to carry out a value-for-money audit and then give the report to our committee to examine it further. *(Interruption)*

**MR AOGON:** Madam Speaker, the information I want to give to Hon. Nandala-Mafabi is this. Much as we are talking about value-for-money audit, the problem that we are grappling with is about the nature of the agreement. How is it going to be sorted out? That is the issue. Thank you.

**MR NANDALA-MAFABI:** Madam Speaker, he is raising –

**THE DEPUTY SPEAKER:** I thought Hon. Kwizera was on the Floor.

**MR KWIZERA:** Madam Speaker, thank you very much. The committee says the minister should apologise. When you are giving the Treasury Memorandum, I do not know how they would quantify the apology.

Another issue is that when they do not disclose the financial loss as a result of the leave that was paid for, you cannot know where to put how much was lost. The Government policy is that when you take one year without taking your leave, you do not sell the leave. That is unheard of. However, we should know how much was lost by UCAA as a result of paying off those who were supposed to have gone on leave.

Another issue is about sovereignty, which Members of Parliament have been talking about. There is passing of the loan and there is signing of the contract. All contracts are supposed to be signed or approved by the Attorney-General, under Article 119. Parliament can do its work but the Attorney-General has to issue a certificate that we have complied with the state objectives.

So, ceding part of our sovereignty because of the loan should be condemned. We should not have Chinese laws applying here because we want a loan. In this report, did they see the certificate from the Attorney-General?

On the issue of NSSF, who caused the loss and how much was the loss? This is because these workers should have paid to NSSF and there is a penalty. So, who is going to suffer the penalty? Is it the CAA or it is the employees who will lose the money?

Finally, there is the issue of unpaid rent arrears. There can be an arrangement because this is Government to Government. If the arrears are verified, they can be deducted at source from those individual entities, as long as the arrears are verified and the Auditor-General has confirmed them. Thank you.

**THE DEPUTY SPEAKER:** Thank you. Members, what we should be looking at is if there is any recommendation that you want to vary from the report and then, we adopt the report with the modifications. One thing you need to know is that this report was not out of audit findings but out of a question that was asked in the House. So, even when it is not exhaustive – that is why we are saying we will send the auditors to go and do a full audit of UCAA.

4.40

**MR AMOS OKOT (NRM, Agago North County, Agago):** Thank you very much, Madam Speaker, for allowing me to contribute to this debate. I want to thank the committee for the good work that they have done. I agree with you by saying that this report should be referred so that we comply with the law so that anybody who has been doing things which are not right, should be responsible for it.

The point I want to talk about is about the roles and responsibilities. All of us borrow money for our individual matters. We go and get loans. However, at the same time, we have been entrusted to manage this country. We have different roles as Parliament and the Executive.

My heart bleeds. I was in the Ninth Parliament. That loan was approved in  2015 and when I see that period of time – with the timetable of our country regarding elections – 2015 was the period when most Members of Parliament were in their constituencies participating in primary elections. Many things normally occur either when Parliament has just started or when Parliament is going for elections. That is when many people who are not very honest with their work come out with loans, contracts and whatever and they lump it on Parliament. Then, Parliament – because of the pressure of elections – does not do due diligence. In the end, the whole repercussions fall on our young ones – the offspring that are coming. This is something that I need to say on this Floor of Parliament. It is very bad.

There is a local artist in our area who sang *–(Interjections)-* Madam Speaker, am I protected from the Leader of Opposition? I am speaking to the Leader of Opposition and I want him to hear this. I am saying there is a local artist who sang a song. In it, he said: “Are you going to leave a will or you are going to leave a bill?” He was trying to say that when you have responsibilities, will you leave behind a debt for people to carry on or you are going to leave a good example for other people to follow?

The trail of all activities that take place – and when you look at the debt, which this country is carrying, and the role that we are supposed to play as Parliament, which is a constitutional right for us – we need to stand up so that we do not just agree with every loan that comes. This is because in the end, we are not going to be in this House after some time. Other persons are going to follow. Who is going to pay all these?

This calls for us to take our responsibility. We should not allow anything to come and just bog down Parliament. For example – now if I am to say – all the accounting committees are not doing their work because of the budget cuts. We cannot move out. We cannot have time to do anything. The reason is that there is no money. What is Parliament supposed to do?

Madam Speaker, as I wind up, let me say one thing here. They have pointed out very clearly the issue of the appointment of the Director General, Mr Fred Bamwesigye. They said the age of the Director General should be between 35 and 55 years. However, his age is in question –*(Member timed out.)*

4.44

**MR ENOS ASIIMWE (NRM, Kabula County, Lyantonde):** Thank you, Madam Speaker. Before I make my recommendations, I want to, first, thank the honourable members, mostly from the Government side, who accepted responsibility that they facilitated civil aviation in taking this loan. Specifically, I think hon. Nandala-Mafabi must have been part of the team that facilitated that.

In the same spirit –*(Interruption)*

**MR NANDALA-MAFABI:** Thank you, Madam Speaker. I last worked for Government –

**THE DEPUTY SPEAKER:** I thought hon. Asiimwe was appreciating you.

**MR NANDALA-MAFABI:** Madam Speaker, he is saying that I facilitated Government.

**MR ENOSI ASIIMWE**: I said you facilitated the process of securing this loan.

**THE DEPUTY SPEAKER:** As a Member of Parliament - yes.

**MR ENOSI ASIIMWE:** Yes, I wanted to thank them for being good leaders and taking responsibility. In the same manner, I would like to ask the team that has been leading the Committee on Public Accounts to also take responsibility and accept that when Government did its part of facilitating the loans and allowing the construction to take place, they should have taken their time in the last five years and got to know what was going on with this contract –*(Interruption)*

**MS BETTY NAMBOOZE:** Madam Speaker, I thank you for allowing me the opportunity. There was a time when the other side of the House was very full and, in your wisdom, on that date and time, you allowed free sitting in this House. However, when you read the provisions of rule 9, you will notice that sitting arrangement in the House is not supposed to be as someone wishes.

Since I sit this side, I see the seats almost empty; have some people to cross the Floor so that we can officially welcome them to this side? Or do some people fear to be identified with the NRM side and so they have to come here to squeeze us? How do people watching us on television take this to be?

I am asking this because according to rule 9, there are some people who are supposed to sit on your right and others on your left, especially for days like today when the House is fairly attended. And because of COVID-19, we fear a lot when these people come and sit at places indicated, “Do not sit here.”

Are we procedurally moving on well to continue allowing people who have refused to come out openly to declare that they have crossed from NRM to the Opposition, to come and burden the Opposition side and risk our lives?

**THE DEPUTY SPEAKER:** Honourable members, I get surprised when we are in a very deep debate on very important issues, then somebody just rises up to talk about matters of sitting. *(Applause)* I am the Speaker of the House and I decide who sits where any time. Can we bring amendments and adopt the report?

**MR ENOS ASIIMWE:** Thank you, Madam Speaker. If the Public Accounts Committee could accept the responsibility then the problem should be on how we do our oversight roles.

This whole report is dealing with a post-mortem and it is not the first report neither is it going to be the last, if we do not make corrections. So, either you put up an ad hoc committee to analyse how we conduct our oversight roles, mostly in these sectors. Otherwise, in dealing with post-mortem we do not get answers. If there was mismanagement of this particular contract at the civil aviation, it was already done.

My request is that let us strengthen the committees’ oversight roles. There could be laws giving us powers but how do we perform our roles. How can somebody tell me that on a contract that started in 2015, we are only making observations that it is not doing well after five years down the road yet as a committee, they have been monitoring that sector?

Two, if we always have auditor’s reports coming in every year and those reports are submitted specifically to the Public Accounts Committee, how can they convince us that in the last five years they have not been able to pick the performance of this contract, and that they only picked it after six years?

Therefore, let the committee sit and find where we are going wrong, as Parliament and we correct that. Thank you.

**THE DEPUTY SPEAKER:** Honourable members, the accountability committees, including COSASE, are supposed to do oversight in these entities and they work basing on reports from the Auditor-General. And of course when you read those reports, you will realise that most of them are post-mortem.

However, I must thank the committee because they made us know some of the things that are happening before we receive the Auditor-General’s report; they have done a good job.

My only problem is that when you are in such a sensitive committee, you do to interact with witnesses or start going on television to talk about this and that, no! When you are in an accountability committee, you need to protect classified information. You need to work confidentially or else you will lose out; let us make the amendments.

**MR NANDALA-MAFABI**: Madam Speaker, as you have said, the media recommendations were far better than the recommendations in the report. We should adopt -

**THE DEPUTY SPEAKER:** I have not said that the media recommendations were far much better; I said let us avoid media.

**MR NANDALA-MAFABI:** Thank you, so much. First of all, one of the recommendations I would like to move is that Parliament should desist from approving loans in a hurry because one of the causes -

**THE DEPUTY SPEAKER:** Order on what Hon. Gorreti? I am not giving you the microphone.

**MR NANDALA-MAFABI:** Thank you, Madam Speaker, for you wise ruling. The recommendation I would like to move is that Parliament should desist from approving loans in a hurry.

**THE DEPUTY SPEAKER:** That is a very good recommendation. Let us add that approval of loans in a hurry without analysis is not a good thing.

**MR NANDALA-MAFABI:** Thank you, Madam Speaker. In this report, we are bringing Arua on board but we are looking at $200 million. My other recommendation, which I ask Parliament to approve, is that a detailed analysis should be done as per the scope of work and the approved terms for the $200 million.

The justification for this is that, for example, there was a design cost of $13 million. How was that arrived at? Who did the design? If you recall, Seyani Brothers failed in the procurement yet they are the ones doing the contract.

The recommendation here is that the people who awarded Seyani Brothers the contract be held liable because Seyani Brothers lost in the bid process. How did they get to do the contract?

**THE DEPUTY SPEAKER:** What is your recommendation on Seyani Brothers?

**MR NANDALA-MAFABI:** The one who gave them the contract should be held responsible because they never qualified though they got the contract.

**THE DEPUTY SPEAKER:** Anyway, all the people who did not do their work responsibly at procurement, implementation, and the whole process, should be held liable.

**MR NANDALA-MAFABI:** My brother who is raising that should look at Article 164 of our constitution, which deals with accountability and it says ”*Any person holding a political or public office who directs or concurs in the use of public funds contrary to the existing instructions shall be accountable for any loss arising from that use and shall be required to make good the loss even if he or she has ceased to hold that office.*” Even if you are dead, you are supposed to make it good. So, that is what I wanted to make clear on the amendment.

**THE DEPUTY SPEAKER:** Any other amendment?

**MR NANDALA-MAFABI:** Madam Speaker, the final recommendation that the internal Auditor-General, not the Auditor-General - the internal Auditor-General and the –

**THE DEPUTY SPEAKER:** Internal auditor?

**MR NANDALA-MAFABI:** Internal Auditor-General –

**THE DEPUTY SPEAKER:** He is not the internal Auditor-General; he is the internal auditor.

**MR NANDALA-MAFABI:** Madam Speaker, I want to correct that; the person concerned is the Internal Auditor-General.

**THE DEPUTY SPEAKER:** Okay.

**MR NANDALA-MAFABI:** Am I right, hon. Odur? Thank you. *(Laughter)* The internal Auditor-General should provide the quarterly reports, which were on this contract because they are entitled to make quarterly reports. Finally, the PPDA – that is the authority - should also provide this quarterly report on the audit of this $200 million.

**THE DEPUTY SPEAKER:** First of all, we needed to find out from the chairperson; did you interview the PPDA among the team that you interviewed? Did you? Any other recommendation? Hon. Lumu?

4.58

**MR RICHARD LUMU (DP, Mityana County South, Mityana):** Thank you very much, Madam Speaker. At the beginning, you clearly said that we need a forensic audit. Now –

**THE DEPUTY SPEAKER:** I did not say forensic; I said value-for-money audit. Those are two different audits.

**MR LUMU:** Okay, value audit for that word you have used.

**THE DEPUTY SPEAKER:** That one.

**MR LUMU:** That one. *(Laughter)* Madam Speaker, if that is done, then, a report will be made. If a report is made, all these recommendations, which are made here – I am very sure - will be made in the report. When they are made in the report, then, a committee will look at that report, come to Parliament, make a report and then, we discuss that report, which will be done by that committee.

Right now, Madam Speaker, we are actually doing the work, which - I think - would be done by the auditors, whom we expected to do the work.

**THE DEPUTY SPEAKER:** You see, once a report comes to the House, you just do not put it aside because there is a recommendation that another body should do an audit. Now, after approving this report, we will expect a Treasury Memorandum on the actions taken.

There are a number of recommendations that the committee has made; those must be fulfilled. What the Auditor-General will do, during the value-for-money audit, will be to know how much money has been spent, *vis-a-vis* the percentage of completion. That is what will be done. So, the recommendations are equally okay and then, we will get a Treasury Memorandum from Government, after six months. It also helps us to avoid the postmortem kind of response - because what Auditor-General does is a postmortem, but now, we are on hands-on. Yes, hon. Oguzu Lee?

5.01

**MR DENIS OGUZU (FDC, Maracha County, Maracha):** Thank you, Madam Speaker. I think, right from when this loan was contracted, there was a problem. My recommendation would be that we streamline how we originate Government programmes and mobilise the resources.

Uganda Government wrote to the Chinese asking them to design and finance. I would imagine that was done using the PPP law but if you go into the details, a lot of things have not been followed. So, whoever is going to be involved in contracting loans in this country must do thorough work. Many have accused Parliament of being a rubber stamp and a clearing house. I think today, it has been laid bare.

I sit on the Committee on National Economy. If you see how we do things there, I think soon, we are going to get into a similar situation. My recommendation is whoever is involved in originating loans must do thorough work. Thank you.

5.02

**MR HASSAN KIRUMIRA (NUP, Katikamu County South, Luwero):** Thank you, Madam Speaker. These loans are obtained to help in the economic growth of the country but it is also a liability for the country.

Now, my recommendation is that much as we are interested in the growth of the country, through external borrowing, we should keep an eye on the payment plan of these loans. Madam Speaker, my recommendation, therefore, is for any loan requests, we should have a payment plan to avoid the country being trapped up in a state of indebtedness. Thank you, Madam Speaker.

**THE DEPUTY SPEAKER:** I am not sure whether any loan can be approved without a payment plan. There is always a payment plan in place before any approval and in case of any default, then, will you now say; “where is the money that was supposed to pay this?” I am only taking two more recommendations.

5.04

**MR BOSCO OKIROR (NRM, Usuk County, Katakwi):** Thank you, Madam Speaker. My concern is in respect of – there is a recommendation which was raised by my senior colleague with regard to the fact that Parliament should do it slowly or something like that. My understanding is that that will be ambiguous.

Loss has got to have an element of certainty. So, if we say Parliament should be slow, should not rush; I think the regard should be to the fact that if the due process has been followed, it can even be done in one day. It can be done in two days but for us to put a recommendation and say, “You should go slow..”, it is an item, which really is very ambiguous. Thank you.

**MR NANDALA-MAFABI:** Madam Speaker, I want to give my colleague information. Madam Speaker -

**THE DEPUTY SPEAKER:** You know, the aspect of slowness is in terms of doing due diligence, doing a feasibility study, analysing how feasible the loans are, not just – that is what I think I understood.

**MR NANDALA-MAFABI:** Madam Speaker, further information to my colleague. What happens is if you have the information? You should analyse it very well. What happens in Parliament here – where is hon. Bahati; is he around? He is fond of coming at around 6.30 to present loan requests, when Members are tired. *(Interjections)* No, they have not gone. They are tired and in five minutes, the loan request is next?

Now, a loan request binds the people of Uganda. I think it should not come at the last minute. It should be the first item on the Order Paper and they lay down the terms and conditions and the agreements very clearly and we discuss where it binds a taxpayer. That is all.

**THE DEPUTY SPEAKER:** Anyway, the word maybe should be “thorough scrutiny of the loans”, not slow.

5.06

**MR RONALD BALIMWEZO (NUP, Nakawa Division East, Nakawa):** Thank you, Madam Speaker. To avoid post mortem responses, I think Parliament should do its oversight role, basing on interim certificates and quarterly reports because there is already a recommendation that there should be quarterly reports produced by –

**THE DEPUTY SPEAKER:** Are you saying Parliament or the internal audit?

**MR BALIMWEZO:** Quarterly reports from those institutions.

**THE DEPUTY SPEAKER:** The accountability committee looks at an audit report. Look at the functions of COSASE and PAC to guide on which reports are looked at.

**MR BALIMWEZO:** Secondly, Madam Speaker, when I was studying construction law, we were told that there are very pertinent steps that one takes before signing a contract. One of the steps is to critically look at the contacts and then you look at your obligations. Afterwards, you look at the cost and finally get advice from your lawyers. In this case, I think the lawyer is the Attorney-General. Before the minister makes a decision, I think he should have gotten advice from the Attorney-General.

On this note, I would like to know what the opinion of the Attorney-General was when the minister was making a blunder that has been criminalised. Thank you.

5.09

**MS SHAMIM MALENDE (NUP, Woman Representative, Kampala):** Thank you, Madam Speaker. I stand to thank the committee, headed by Hon. Joel Ssenyonyi, for the report that has been presented to this Parliament. I agree with the report on the observation that the project was marred with illegalities and there were several violations of the law.

As the Shadow Minister of Justice and Constitutional Affairs, I recommend that at least can we agree that the state enterprises and agencies must learn to respect the law. For example, why would ISO, ESO, and Uganda Police occupy premises and then refuse to pay rent or even sign the tenancy agreements? No one is above the law. I implore this Parliament to prevail on the state agencies to respect the law.

The final issue is on the non-implementation of some works due to land which is located near the runways because it is owned by private individuals and they have never been compensated.

Madam Speaker, I have information and I have received clients in my office who occupy part of that land near the airport and they are being evicted without being first compensated by Government. I also pray that those in charge look into the matter so that we can have justice served. I beg to submit.

5.13

**THE ATTORNEY-GENERAL (Mr Kiryowa Kiwanuka):** Thank you, Madam Speaker. I agree with the Shadow Minister of Justice that no one is above the law. I think the Speaker already spoke to that issue; money is already appropriated here for those purposes. If it is not used for that purpose, I think the committee should check and see why that is not done.

I thank the committee for the work they have done and I have closely listened to the recommendations. I just want to assure the House here, as Attorney-General, we have not been and are not in breach of this contract. The first payment is not yet due; I want us to have that very clear.

Secondly, when we are dealing with terms of contract, we should not ever think about terms of contract for purpose of breaching. We do contracts for purposes of meeting our obligations and not defaulting. The Government of Uganda has no intention whatsoever to default on the terms of this contract and the airport is at no risk.

Lastly, in respect to the land on the runaway, honourable minister, shadow government, if clients have come to you to deal with this land for compensation, they should meet me in court. As far as we are concerned, we have evaluated that matter and we believe that Government has a very good case to defend this land. Government has been at that airport for very many years and we cannot and shall not entertain these claims that keep coming every 30 or 40 years to claim that they have land at the runway. We have never seen them there. Therefore, your clients should meet us in court and we will deal with it. Thank you. *(Laughter)*

**THE DEPUTY SPEAKER:** Thank you very much, Hon. Attorney-General. I thank the committee on COSASE. As much as we have some gaps, I believe it will be better. It is the first report and you have done a good job. I thank you very much. You have opened our eyes on what is happening at UCAA and I am going to order the Auditor-General to do a comprehensive audit on UCAA - a value-for-money audit for the new expansion but a normal audit for the whole UCAA.

We are going to adopt the report with the amendments and the recommendations that have been made.

I put the question that the report of the Public Accounts Committee on Commissions, Statutory Authorities and State Enterprises on the operation of the Uganda Civil Aviation Authority be adopted with amendment of recommendations.

*(Question put and agreed to.)*

*Report adopted.*

**THE DEPUTY SPEAKER:** Congratulations. *(Applause)*

Honourable members, allow me to vary the Order Paper and allow Hon. Katuntu to present his report.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE ON RULES, PRIVILEGES AND DISCIPLINE ON THE INQUIRY INTO ALLEGATIONS OF MISCONDUCT AND MISBEHAVIOUR MADE AGAINST HON. FRANCIS ZAAKE, MEMBER OF PARLIAMENT, MITYANA MUNICIPALITY AND PARLIAMENTARY COMMISSIONER

**THE DEPUTY SPEAKER:** Honourable members, as you recall, a complaint was raised by Hon. Ojara Mapenduzi regarding the conduct of one of our Commissioners, Hon. Zaake, on the social media posts; that according to Hon. Mapenduzi undermined the integrity and decorum of this House.

Aware that the Rules of Procedure established the Committee on Rules, Privileges and Discipline and gave it its mandate under rule 175 to deal with matters of discipline of Members I, therefore, referred this matter to be investigated by the committee and report back to this House. I have been informed that the committee has concluded its assignment and the report is ready with us. It is uploaded on the iPads. This report did the investigation on behalf of this House, not on behalf of a person. It is a committee of the House; so can I have the chairperson? On the same, I have received a notification that there is also a minority report, which will also be presented.

5.16

**THE CHAIRPERSON, COMMITTEE ON RULES, PRIVILEGES AND DISCIPLINE (Mr Abdu Katuntu):** Madam Speaker, I have a problem speaking with this mask on. Now that Hon. Aceng is here, she can advise whether if I sanitise the microphone, I can go ahead and remove it so that I am more audible.

This is the report of the Standing Committee on Rules, Privileges and Discipline on the inquiry into allegations of misconduct and misbehavior made against Hon. Francis Zaake, MP Mityana Municipality and a Parliamentary Commissioner. The report has two views: the majority and minority report. Nonetheless, the rules provide that that is one report. Both the report and the minutes of the committee will be laid on the Table.

**THE DEPUTY SPEAKER:** Please, lay them.

**MR KATUNTU:** They are duly signed by the minimum number of the required Members.

**THE DEPUTY SPEAKER:** Thank you.

**MR KATUNTU:** I will present the report of the majority and thereafter, I will ask my colleague Hon. Aisha Kabanda to present the minority report.

On 15 February 2022, during a sitting of Parliament, Hon. Martin Ojara Mapenduzi, MP Bardege-Layibi Division, Gulu City, rose on a point of privilege, making reference to rule 59(1)(b) and (m) of the Rules of Procedure of Parliament, regarding an allegation of misconduct and misbehavior against hon. Francis Zaake, MP Mityana Municipality and a Parliamentary Commissioner.

Hon. Mapenduzi quoted a post from social media in which Hon. Zaake allegedly disparaged the person of the Rt Hon. Deputy Speaker of Parliament and allegedly denigrated the integrity of the Office of the Speaker and the Parliament of the Republic of Uganda. It is attached to this report as appendix one and two.

Hon. Mapenduzi stated and I quote: *“’Madam Speaker, thank you for giving me the opportunity to raise this matter of national importance. I rise up under rule 59(1)(b) and (m) of the Rules of Procedure of the Parliament of Uganda on a point of privilege, which is of utmost importance and urgency to this honourable House.*

*Last week, the nation woke up to a rant by a Member of this House, who is a Commissioner of Parliament, Hon. Zaake Francis, through his known social media handle, where he insulted the integrity of this House and above all, the integrity of the Office of the Speaker.*

*He wrote and I want to quote. This is exactly how he put it: ‘The fact that my body has severely encountered torture from security operatives, it is on record of court that, indeed, I was tortured. To my consternation, the Deputy Speaker of Parliament, while presiding over a session of Parliament controverted the finding of High Court in Suit No. 85 of 2020 that I was tortured by sarcastically stating but with the utmost level of recklessness that though tortured, I won a medal in East African Parliamentary Games.’* *He continued, ‘The utter bunkum emanating from her dishonest lips was only intended to mock and break me down, this is idiocy. Parliament deserves better, how a person of her calibre lacks intelligent prowess to appreciate that healing is a natural phenomenon. The loose cannon in her could not contemplate the duty that her office owes Members and the country at large, disturbingly she ejaculated while presiding over a session to condone torture. How hypocritical, shame upon you!’ This is exactly the statement he authored on his social media handle.*

*Madam Speaker, in compliance with this, based on the requirement of this House, I beg to lay on the Table a print out of what the honourable member wrote.*

*Madam Speaker, all of us may have our own emotions and issues to deal with but there are avenues in our Rules of Procedure, through which anything done by the presiding officer in the House can be challenged. The Member never exercised any of the remedies provided for in the rules but chose to go to social media.*

*The conduct of the Member not only denigrated the integrity of Parliament in the eyes of the citizens of Uganda, but was also a breach of rules 84 and 85 and paragraph five of the Code of Conduct of Members of Parliament embedded in Appendix F of the Rules of Procedure of Parliament.*

*In my view, Madam Speaker, this amounted to gross misconduct and misbehavior on the part of the honourable member for which I intend to move a motion, under Section 5 of the Administration of Parliament Act, for his removal from the office of Commissioner of Parliament.*

*I will also be moving to this House, at an appropriate time, under Rule 16, to suspend rules 56 and 110 of the Rules of Procedure. Thank you very much, Madam Speaker.”*

Madam Speaker, all of us may have our own emotions and issues to deal with. However, there are avenues in our Rules of Procedure through which anything done by a presiding officer in the House can be challenged. The Member never exercised any of the remedies provided for in the rules but chose to go to the social media. The conduct of the Member, not only denigrated the integrity of Parliament in the eyes of the citizens of Uganda, but was also a breach of rules 84 and 85, and paragraph five of the Code of Conduct of Members of Parliament, embedded in Appendix F of the Rules of Procedure of Parliament.

The following Members spoke with respect to the matter.

1. Mr Jonathan Ebwalu - MP Soroti West Division.
2. Mr  Geoffrey Macho - MP Busia Municipality
3. Ms Mary Annet Nakato - Woman Representative, Buyende.
4. Ms Agnes Atim - Woman Representative, Amolatar.
5. Ms Esther Afoyochan - Woman Representative, Zombo and Parliamentary Commissioner.

The presiding officer, the Rt Hon. Deputy Speaker while stating that other processes may go on, referred the matter to the Committee on Rules, Privilege and Discipline under rule 175 of the Rules of Procedure, stating that the Constitution dictates a fair hearing for every citizen before a decision is taken. The committee was directed to report to the House within two weeks.

Mandate of the Committee on Rules, Privileges and Discipline

The Constitution of the Republic of Uganda empowers Parliament to make its own Rules of Procedure to regulate its procedure. Under Article 94(1), the Constitution provides *thus: “Subject to the provisions of this Constitution, Parliament may make rules to regulate its own procedure, including the procedure of its committees.”*

Further, Article 90(2) provides: *“Parliament shall, by its Rules of Procedure, prescribe the powers, composition and functions of its committees.”*

In the exercise of the stated constitutional mandate, Parliament made the Rules of Procedure providing for among others the Committee on Rules, Privileges and Discipline. Under rule 175, the functions of the committee are as follows: *“(1)The Committee on Rules, Privileges and Discipline shall, by order of the House –*

1. *inquire into any complaint of contempt of Parliament or breach of privilege or any matter of privilege which may be referred to it and recommend to the House such action as the committee may consider appropriate;*
2. *consider any matter of discipline referred to it by the Speaker or the House including attendance of Members at sittings of committees, and to report its findings to the House;*

1. *review these rules from time to time and to make such recommendations to the House for amendment as the Committee considers necessary for the satisfactory functioning and efficient transaction of the business of the House and its committees;*
2. *examine and advise the House on amendments proposed to these rules, by Members or other committees of the House; and*
3. *carry out such other functions as are conferred by these rules or assigned by the House.*

*(2) The findings and recommendations of the Committee on Rules, Privileges and Discipline shall be presented, debated and approved by the House.*

*(3) Without prejudice to subrule (2), where an affected party agrees to the findings and recommendations referred to in that rule, there shall be no debate save approval of the report by the House.*

*(4) Once the House has pronounced itself on any matter presented under this rule, the decision of the House shall be binding on all the parties.”*

Madam Speaker, these were the issues for determination

Upon due consideration of the matter to it, the committee found the following to be the pertinent points of reference to guide the inquiry:

1. Whether the impugned social media statements were made by Hon. Francis Zaake.
2. Whether there is any breach of the Rules of Procedure of Parliament, including breach of privilege or a matter of discipline.
3. What are the observations and recommendations on the issue?

Methodology

The committee, being conscious of its powers under the Constitution and the Rules of Procedure of Parliament and its quasi-judicial nature, employed the following methods of work: i) Public hearings;

ii) Review of documents and written submissions;

iii) Review of social media content; and

iv) Review of applicable laws and other literature.

From the onset, the committee, aware of its quasi-judicial role, resolved that any member of the committee who could have publicly expressed his/her views on the matter, would have to excuse himself/herself from participating in the proceedings of the committee.

The committee further resolved that:

1. Hon. Zaake has a right to be represented by counsel.
2. He was at liberty to attend any committee meeting that would be held for purposes of examining witnesses and that he would, if he so wished, be given an opportunity to cross-examine the witnesses.
3. Hon. Zaake had a right to access all the evidence that was adduced to the committee by any witnesses.
4. Hon. Zaake would be informed of the list of witnesses that would appear before the committee.

Pursuant to the above, the committee wrote to Hon. Zaake vide letter dated 21 February 2022, informing him of: the allegations, his rights, and the committee’s schedule (Appendix iv).

Public hearings

The committee carried out public hearings and heard from the following:

1. Hon. Martin Ojara Mapenduzi (Member of Parliament, Bardege-Layibi Division, Gulu City);
2. Hon. Jonathan Ebwalu (MP Soroti West Division);
3. Hon. Geoffrey Macho (MP, Busia Municipality);
4. Hon. Mary Nakato (Woman representative, Buyende);
5. Hon. Francis Zaake (MP, Mityana Municipality/Parliamentary Commissioner);
6. Mr Abudu-Sallam Waiswa (Head, Legal Services, Uganda Communications Commission);
7. Mr Michael Bamwesigye (Head, Information, Technology & Security of Uganda Communication Commission); and
8. Mr Solomon Wilson Kirunda, Ag. Director, Department of Litigation and Compliance, who represented the Clerk to Parliament.

Review of documents and written submissions

Madam Speaker, the committee reviewed the following:

1. A copy of the social media post allegedly made by Hon. Francis Zaake, presented by Hon. Mapenduzi on 15 February 2022. It is attached in (Appendix ii) and his further written submissions dated 3 March 2022 presenting more copies of social media content (Appendix v).
2. The *Hansards* of 8 and 15 February 2022 (Appendices vi and i).
3. Submissions written and presented by Hon. Zaake dated 28 February 2022 (Appendix vii).
4. Hon. Zaake’s written submission delivered to the committee on 1 March 2022, jointly drawn and filed by M/s Kiiza & Mugisha Advocates and M/s Pace Advocates (Appendix viii).
5. The written submission dated 25 February 2022 and presented by officials from the Uganda Communications Commission (UCC) on the 3 March 2022; and
6. A copy of the complaint of the Division Commander of the Parliamentary Police Division, dated 10 February 2022 to the Inspector General of Police (Appendix x).

Review of the social media content

The committee reviewed the content from the social media accounts (Facebook and Twitter) on which it was alleged that the impugned content had been posted and whose ownership was attributed to Hon. Francis Zaake.

Review of applicable laws and other literature

The committee considered the provisions of the Constitution of the Republic of Uganda applicable to the matter; the Rules of Procedure of Parliament; decided cases, particularly from Parliaments and courts of the Commonwealth countries; treaties and papers on parliamentary procedures and practices.

Objections raised by Hon. Francis Zaake

Madam Speaker, when Hon. Zaake appeared before the committee on 28 February 2022, he challenged the jurisdiction and independence of the committee. This was made orally and in his written submission:

1. He argued that the committee had no jurisdiction to entertain the matter since the impugned statements were made outside the precincts of Parliament.
2. He further argued that the committee was biased, partial and lacked independence since the matter in question was referred to it by the Rt Hon. Deputy Speaker and there was no way the committee would decide against her.

The committee considered the objections and in a ruling delivered by the chairperson on 2 March 2022, found no merit in any of the raised preliminary objections (Appendix xi):

1. Lack of jurisdiction

In the ruling, it was noted that on 28 February 2022, Hon. Zaake appeared before the committee and objected to its jurisdiction to handle the matter. Hon. Zaake presented a written statement on 1 March 2022, in which he further challenged the jurisdiction of the committee.

The committee considered Article 94 of the Constitution, which empowers Parliament to make rules to regulate its procedure and that of its committees. The committee notes that Article 90 of the Constitution provides as follows:

*“Article 90. Committees of Parliament*

*(1) Parliament shall appoint committees necessary for the efficient discharge of its functions.*

*(2) Parliament shall, by its rules of procedure, prescribe the powers, composition and functions of its committees.*

*(3) In the exercise of their functions under this article, committees of Parliament –*

*(a) may call any Minister or any person holding public office and private individuals to submit memoranda or appear before them to give evidence;*

*(b) may co-opt any member of Parliament or employ qualified persons to assist them in the discharge of their functions; (c) shall have the powers of the High Court for –*

*(i) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;*

*(ii) compelling the production of documents; and*

1. *issuing a commission or request to examine witnesses abroad.”*

The committee also considered Rule 175 of the Rules of Procedure on the mandate of the Committee on Rules, Privileges and Discipline and the Code of Conduct (Appendix F) of the Rules of Procedure and found that it had jurisdiction to entertain the matter.

The committee had opportunity to examine the above provisions of the law, the Constitution and the Rules of Procedure. It also considered the objections raised by the hon. Zaake. The committee considered Article 94, cited by hon. Zaake, which reads: *"Subject to the provisions of this Constitution, Parliament may make rules to regulate its own procedure including the procedure of its committees."*

In interpreting Article 94, regard must be heard to other provisions of the Constitution. Article 90(2) provides thus: “*Parliament shall, by its rules of procedure, prescribe the powers, composition and functions of its committees.”*

Pursuant to the above constitutional mandate, Parliament made its Rules of Procedure vide Statutory Instrument 30 of 2021. These are the rules that regulate the conduct of business in Parliament as well as the code of conduct and discipline of Members of Parliament.

The committee noted that hon. Zaake and his legal team did not address their minds to Article 90(2), which provides for powers of the committee and Rule 175 of the Rules of Procedure, from which this Committee derives its jurisdiction, to demonstrate that the complaint before the committee fells outside the scope of complaints that should be adjudicated on by the committee.

Parliament, in accordance with Rules 156 and 158(1b) appointed the Committee on Rules, Privileges and Discipline, providing it with the following functions:

Rule 175 provides: “*(1) The Committee on Rules, Privileges and Discipline shall, by order of the House –*

*(a) inquire into any complaint of contempt of Parliament or breach of privilege or any matter of privilege which may be referred to it and to recommend to the House such action as the committee may consider appropriate;*

*(b) consider any matter of discipline referred to it by the Speaker or the House including attendance of Members at sittings of committees, and to report its findings to the House."*

Given the above provisions, the committee was satisfied that it had jurisdiction to entertain the matter and therefore proceeded to consider the complaint, which was referred to it.

The committee decided that it would proceed to dispose of the matter before it, despite the absence of Hon. Zaake who had clearly chosen to snub the committee's proceedings.

The committee took cognizance of the principle that all that is required of a *quasi-judicial* body is to accord a party a reasonable opportunity of being heard and where an individual fails or refuses to appear before it, it cannot be stated that he or she was denied a right to be heard.

Once the opportunity is given, the party who is given such opportunity is at liberty to utilise it or not, and if not utilised, then the only point on which the party not utilising the opportunity can be heard, is why such a party did not utilise it.

In the instant case, the committee, through several invitations, gave Hon. Zaake a reasonable opportunity to be heard. It is not up to the committee to inquire into reasons why Hon. Zaake opted to snub its proceedings.

Partiality and lack of independence

The Hon. Zaake complained of bias, partiality and lack of independence by the committee. His contention was that the supreme law demands that only impartial tribunals dispense judicial or *quasi-judicial* functions. He stated that people who appear before the committee are entitled to the reality and the climate of independence and impartiality guaranteed by Articles 28(1), 42, and 44(c) of the Constitution of the Republic of Uganda.

He further contended that with the Deputy Speaker, Rt Hon. Anita Among, was personally and individually interested and concerned in this matter as she confessed before referring the matter to the committee and nothing short of a miracle would see the committee make recommendations adverse to those of the Deputy Speaker.

He alluded to Article 28 and 42 of the Constitution on the right to a fair hearing and a right to just and fair treatment in administrative decisions.

The committee was alive to these constitutional provisions and the essence of a right to a fair hearing. The committee is also alive to the fact that the Rt Hon. Deputy Speaker is not a sitting member of this committee. The committee was properly constituted and none of the members was pointed out as being biased or likely to be biased. Indeed, no application has been made for any member of the committee to excuse themselves from the proceedings on account of any alleged bias. The objection relating to bias must be made against a sitting member of the tribunal and should not be premised on extraneous factors.

In the committee's considered view, a distinction must be drawn between mere fear by a party of the likely decision of a tribunal and bias attributed to the tribunal. The committee has had the opportunity to consider the principles on bias enunciated in cases, especially in the *Obiga Mario Kania v. Electoral Commission (Appeal No. 4/2011)* where it was held that to determine bias, there must appear to be real likelihood of bias. Surmise or conjecture is not enough.

The reasons advanced by Hon. Zaake, in the committee's view, amount to conjecture or surmise. They are not sufficient to render the committee biased. That could possibly be the very reason no application was made for any of the committee members to excuse themselves.

The committee gave Hon. Zaake all the opportunity to present his case, in accordance with the well-known principles of natural justice and fair hearing. He was allowed to appear with a counsel and indeed, he appeared with two lawyers from two law firms. He was informed of his right to cross examine any witness and attend all committee meetings. All evidence before the committee was provided to him. He sought adjournment on two occasions, which were granted. And instead of appearing on the second occasion, he decided to keep away. Even then, every evidence that came before the committee, after he failed to attend, was forwarded to him.

On the day to which the meeting was adjourned, after waiting for one hour, the committee, on its own motion contacted the lawyers of the Hon. Zaake who had written to the committee the previous day. The lawyers informed the committee that their instructions had been withdrawn that morning.

The committee went further to make a telephone call to Hon. Zaake, which was not answered. The committee further followed it up with a WhatsApp message, audio recording of the proceedings of the committee were forwarded to Hon. Zaake on the 22 February, 2022.

On the 4th March, further evidence of the social media publication as presented to the committee by Hon. Mapenduzi on the 3rd were forwarded to Hon. Zaake together with audio recordings of the committee proceedings of the 3 and 4 March, 2022.

The committee, in its view did what any reasonable tribunal acting judiciously would have done. It is, therefore, surprising that Hon. Zaake would imagine that the committee was acting with biasness and partiality.

Whereas Hon. Zaake stated that the Deputy Speaker was the complainant in this case, the record before the committee shows that the complainant was Hon. Martin Ojara Mapenduzi and it is the compliant, which the committee processed.

Findings and analysis

Summary of evidence:

The committee considered all the testimonies from the witnesses that appeared before it and the documents presented below is a summary of the evidence:

Submission by Hon. Mapenduzi and other MPs who appeared before the committee. Hon. Mapenduzi and other members’ complaint was that Hon. Zaake’s alleged misconduct and misbehaviour brought the institution of Parliament of Uganda into disrepute as well as that of the Office of the Speaker and Deputy Speaker.

It was stated: “By posting disparaging statements on social media, Hon. Zaake breached his privilege and depicted misconduct and general misbehaviour.”

Hon. Mapenduzi stated that he believed Hon. Zaake failed to follow the established procedures under the Rules of Procedure of Parliament, to challenge any statement made on the Floor of the House and instead decided to use the social media platform to make the following statement:

*“The fact that my body has severely encountered torture from security operatives it is on record that indeed I was tortured. To my consternation, the Deputy Speaker of Parliament while presiding over a session of Parliament controverted the findings of the High Court in a civil suit No.85 of 2020 that I was tortured by sarcastically stating, but with the utmost level of recklessness, that though tortured, I won a medal in the East African Parliamentary Games. The utter bunkum emanating from her dishonest lips was only intended to mock and break me down; this is idiocy, Parliament deserves better.*

*How a person of her calibre lacks intelligent prowess to appreciate that healing is a natural phenomenon. The loose canon in her could not contemplate the duty that her office owes members and the country at large. Disturbingly, she”* – that word *–(Interjections)-* *“while presiding over a session to condemn torture; how hypocritical and shame upon you.”*

Hon. Mapenduzi averred that this statement contravenes the Rules of Procedure and other Members of Parliament who appeared before the committee supported this view.

Submission of the Uganda Communications Commission:

The evidence from UCC was technical; it provided insights into the social media handles.

Uganda Communications Commission sought to verify and confirm the use of ownership and authenticity of Twitter and Facebook accounts that were attributed to Hon. Francis Zaake, the content of which was the subject of the investigation by the committee. The accounts in question were at <https://www.facebook.com/HonZaakeFrancisButebi> and <https://twitter.com/ZaakeFrancis>. The evidence provided by UCC was as follows *-(Interruption)*

**MR ENOSI ASIIMWE:** Thank you, Madam Speaker. Thank you for the report. But in consideration of the fact that we have had this report, most of us have read through and the words that were used were so ugly, I request through you, Madam Speaker, that he jumps to the conclusion, recommendations and then we move forward -

**THE DEPUTY SPEAKER:** Honourable members, you do not have to shout. I know the words that are in the document are ugly; you would not want your children to hear them, go ahead.

**MR KATUNTU:** Thank you. The evidence provided by Uganda Communications Commission was:

1. Facebook and Twitter are over-the-top application provided by technology firms based in the United States.
2. Whereas Twitter and Facebook do obtain similar identification information about their account holders at the point of account opening, the commission does not have direct access to their registers of such information. Due to the differences in jurisdiction, a court order is required to be presented to Twitter or Facebook to provide this information.
3. Whereas the commission has acquired different technical capabilities to facilitate the implementation of its regulatory mandate under section 5(1) and 45 of the Uganda Communications Commissions Act, 2013, the respective system to facilitate such assessment independently is currently undergoing technical upgrades and therefore not available.
4. The technical limitations notwithstanding, the commission had, through the use of open-source techniques, obtained the following information:

(i) Facebook page: <https://www.facebook.com/HonZaakeFrancisButebi> exists on Facebook and is associated with the e-mail address zaakefrancis12@gmail.com.

(ii) The said Facebook account <https://www.facebook.com/HonZaakeFrancisButebi> is officially verified by Facebook and is reported to have been opened using Government issued documents. The commission, therefore, deduced that before Facebook verified the account, the user must have submitted an official document describing him as such.

(iii) No information had been obtained about the Twitter account <https://twitter.com/ZaakeFrancis>. Uganda Communications Commission averred that the impugned post had been deleted and no longer available on the account.

(iv) Uganda Communications Commission could conduct further investigations in respect to the matter if Parliament furnished it with the devices, which had been used to post the impugned post. That communication is attached to the report and laid on the Table.

The committee was further informed by officials from UCC that it is possible to trace any post that was deleted from Twitter or Facebook if the device used to post as stated in (iv) above is provided.

During the hearing, the UCC officials read out the personal information provided in the Twitter handle <https://twitter.com/ZaakeFrancis> and they bore the following particulars:

1. Zaake Francis
2. @ZaakeFrancis
3. Commissioner of 11th @Parliament\_UG;
4. Director @zaakefoundation
5. Secretary for Youth @NUP\_UG
6. MP, Mityana Municipality
7. (Location): Mityana, Uganda parliament.go.ug
8. (Date of Birth): Born 12 January 1991
9. Joined December 2017.

There were several posts on the Twitter account that were read before the committee and actually, it showed that the account is active and is in the names of Zaake Francis, a Member of Parliament and Commissioner of Parliament of Uganda.

The latest posts were about the submissions presented by Hon. Zaake in the committee. We have attached them as appendix IX to the report.

Consideration of other issues raised by Hon. Francis Zaake

It was Hon. Zaake’s submission that his security detail, to which he was entitled as a Commissioner of Parliament, was unceremoniously withdrawn without any explanation. According to him, he was already being punished before being heard. The committee invited an explanation from the Clerk to Parliament on the allegation of the withdrawn security detail of Hon. Zaake. The letter, inviting the Clerk to Parliament, is attached as appendices XV and XVI.

The committee received evidence that matters regarding security in Parliament are handled by Uganda Police and the police officer assigned to guard Hon. Zaake, Police Constable 40863 Sam Ewasu, was withdrawn by the Inspector General of Police, following alleged misconduct by the said officer. This is in a letter (appendix XVII).

Further, the testimony from the Office of the Clerk to Parliament revealed that a personal bodyguard was not one of the stipulated benefits of a Parliamentary Commissioner. The Parliamentary Commission provides a Backbench Commissioner with the following:

1. A fully furnished office;
2. One station wagon vehicle;
3. Fuel per month, deposited on a fuel card;
4. A driver identified and recommended by the Commissioner. The driver must have obtained a Uganda Certificate of Education qualification and would be tested by the Ministry of Works and Transport;
5. A political assistant recommended by the Commissioner. He or she must be a university graduate;
6. Monthly honorarium;
7. Two domestic servants. *(Applause)*

Honourable members, that ends there; there is no further.

A bodyguard could only be allocated by the Inspector General of Police, upon a threat being detected or an application being made by any citizen of Uganda. By decision of the Parliamentary Commission on 27 October 2021, security was posted at the residences of the Parliamentary Commissioners. *(Interruption)*

**THE DEPUTY SPEAKER:** There is a procedural matter.

**MR PAUL NSUBUGA:** Thank you, Madam Speaker. I rise on a procedural matter, under Rule 9 of the Rules of Procedure.

**THE DEPUTY SPEAKER:** Under what rule?

**MR PAUL NSUBUGA:** Underrule 9 of the Rules of Procedure. Madam Speaker, I am not comfortable with the way Eng. Hon. Magogo is seated. There is someone who is standing next to him. You have a right to allocate each and every Member a seat. Let that honourable member come this side.

Eng. Magogo is a very big person in this nation. *(Laughter)*  He is the FUFA President. Let him come and sit this side. There is that person who is seated next to him. He is just standing. Seats are this side; let him come and sit. He is my FUFA boss.

**THE DEPUTY SPEAKER:** Hon. Nsubuga, if you have nothing to say when there is a very serious issue, keep quiet. *(Applause)* Yes, there is a procedure from Hon. Cecilia Ogwal.

**MS OGWAL:** Thank you, Madam Speaker. I consider Hon. Katuntu’s report very important to us - all the Members of this House - because some Members are affected directly and indirectly. I am, therefore, imploring you, Madam Speaker, considering the importance and gravity of the subject we are handling now, that the chairperson who is presenting the report be given a chance to read with minimum interruption. *(Applause)*

I am just imploring you; this is a matter that concerns discipline. It is a matter that concerns all of us and it is difficult for him to summarise because in the process of summarising, what he considers important maybe very important to other Members.

So, I think it is important that he should be allowed to quickly read, so that we can proceed faster. I thank you, Madam Speaker. *(Applause)*

**THE DEPUTY SPEAKER:** Honourable members, let us have minimum interruptions. Order. Members, let us listen to the report.

**MR KATUNTU:** Thank you, Madam Speaker. A bodyguard could only be allocated by the Inspector General of Police, upon a threat being detected or an application being made by any citizen of Uganda. By the decision of the Parliamentary Commission on 27 October 2021, security was posted at the residences of the Parliamentary Commissioners and they remain under the command of the Inspector General of Police and not Parliament.

Evidence was adduced, showing that it was the Division Police Commander of the Parliamentary Police Division who lodged a complaint against Hon. Zaake’s bodyguard who had, according to the complaint, exhibited “bad manners” and was not cooperative in surrendering his firearm for safe custody at the armoury, when entering the precincts of Parliament.

Consideration of the evidence and issues for determination

Whether the impugned social media statements were made by Hon. Zaake

According to the complaint before the committee, the impugned statements were made on social media accounts owned by and attributed to Hon. Zaake. Hon. Mapenduzi stated that he took screenshots of the statements and presented them before Parliament. The same were presented before the committee; UCC brought evidence to show that the Facebook account on which the statement was also posted belonged to Hon. Zaake.

Uganda Communications Commission officials also read several posts on the twitter account which is attributed to Hon. Zaake. Some of the posts clearly showed an active account with even the latest proceedings of the committee including photographs being posted.

The committee observes that Hon. Zaake did not bring any evidence to deny the ownership of the accounts, nor did he make clear attempts to deny the impugned posts. Hon. Zaake did not at any time deny ever making the statements attributed to him. He did not deny that it was a statement posted on his social media accounts and by himself.

In his written submission, filed before the committee by his legal counsel, Hon. Zaake's contention was not that he had not made the statements nor caused them to be published on his social media accounts. His contention was that the statements were made outside proceedings of Parliament and outside the precincts of Parliament, which denied the committee the jurisdiction to inquire into them.

The committee, however, found that the impugned posts were deleted and were no longer on the account. Hon. Zaake only stated *"...Mr Chairperson, some social media comments allegedly responding to the Speaker's insensitive joke have been attributed to me in recent days, although without any technical proof that I made them. It is on account of that alleged but unproven social media response that the same Deputy Speaker who made fun of my pain and humiliation referred me to this committee for trial.”*

The committee considered both social media platforms, Twitter and Facebook, because Hon. Mapenduzi, while complaining in the House, referred to Hon. Zaake’s known social media handle. Whereas the term ”handle“ refers to Twitter, the document Hon. Mapenduzi laid on the Table was actually a Facebook post, as confirmed by UCC.

The committee is cognisant of the general rule in proceedings of this nature that the burden of proof lies on the party who asserts the affirmative of the issues or questions in dispute. When that party adduces evidence sufficient to raise a presumption that what he asserts is true, he is said to shift the burden of proof: that is, his allegation is presumed to be true, unless the person complained about contests and adduces evidence to rebut the presumption.

Based on this principle, once Hon. Mapenduzi adduced evidence against Hon. Zaake, it was expected that if Hon. Zaake wished to contest the allegations of Hon. Mapenduzi, he would have unequivocally denied the allegations and adduced evidence to controvert the evidence adduced in support of the complaint.

It should be noted that Hon. Zaake requested for the evidence that had been adduced by Hon. Mapenduzi. The committee provided this evidence to him. However, when he appeared, he raised objections as to jurisdiction and submitted that he was before the committee, not to defend himself, but out of courtesy and because of the respect he had for his colleagues and the institution.

For purposes of the record, Hon. Zaake went through a chronology of what he said were torture episodes. He expressed bitterness about the remarks Rt Hon. Deputy Speaker made during the plenary sitting on 8 February 2022. He concluded submission to us thus: *“If you were me, you would understand how hard it is for me not to think that she should be the one appearing before this committee, but not me. Nevertheless, I forgive her. I forgive her not just for making fun of my plight, but also for the mob justice she is about to preside over against me”.*

The committee observes that the following is the uncontroverted evidence:

1. The Twitter handle <https://twitter.com/ZaakeFrancis> bears the following particulars:
2. Zaake Francis
3. @ZaakeFrancis
4. Commissioner of 11th Parliament\_UG
5. Director @zaakefoundation
6. Secretary for Youth @NUP\_UG
7. MP, Mityana Municipality,
8. (Location): Mityana, Uganda parliament.go.ug
9. (Date of Birth): Born 12 January 1991
10. Joined December 2017.
11. The particulars of Hon. Francis Zaake as provided to the Parliament of Uganda and contained in his personal file opened on 8 May 2016, include the following:
12. Name: Francis Zaake
13. Date of Birth: 12 January 1991
14. Email address:
15. Personal contact: zaakefrancis@gmail.com.
16. Next-of-kin – 1st Person:ssembuusiemmy@gmail.com
17. Next-of-kin – 2nd Person: zaakefrancisl2@gmail.com

The above particulars bear the details of Hon. Francis Zaake. Without unequivocal denial by Hon. Zaake, the committee finds that the said Twitter handle belongs to Hon. Zaake.

1. The Facebook printout laid on the Table before Parliament and provided to the committee is from the Facebook account <https://www.facebook.com/HonZaakeFrancisButebi>. The email address used to open up the account is zaakefrancisl2@gmail.com . This is the same account found in Hon. Zaake's personal file as held by the Parliamentary Commission.
2. The said Facebook account contained a post with similar content as the one on Twitter. It must have been a snapshot.

The committee holds the view that the same Facebook account belongs to Hon. Francis Zaake. The impugned social media content must have been posted by Hon. Zaake and/or somebody associated with him, managing his said social media accounts.

Whether there is any breach of the Rules of Procedure of Parliament including any breach of privilege or matter of discipline

The committee sought to determine whether the statements made by Hon. Zaake constituted a breach of the rules, breach of privilege, and/or a matter of discipline. It was stated in evidence by Hon. Mapenduzi that Hon. Zaake was in breach of rule 84 of the Rules of Procedure of Parliament.

rule 84 of the Rules of Procedure providesthus: *“It is out of order to use offensive, abusive, insulting, blasphemous or unbecoming words or to impute improper motives to a Member or to make personal allusions.”*

I would like to emphasise that the rules start with the words “It is out of order” and I have underlined it as you can see.

Hon. Mapenduzi further stated that Hon. Zaake was in breach of Rule 85 of the Rules of Procedure of Parliament, together with Appendix F of the Code of Conduct for Members of Parliament.

Rule 85 provides for general behaviour that;

“*The behaviour of a Member shall be guided by the Code of Conduct of Members prescribed in Appendix F*.”

The committee notes that Paragraph 1 of the Code of Conduct for Members of Parliament (Appendix F) provides for the purpose of the code as follows:

“1. *Purpose of the code*

*The purpose of the code is to assist Members in the discharge of their obligations to the House, their constituents and the public at large*.”

Paragraph 2 of the Code of Conduct places a public duty on Members to act on all occasions in accordance with the public trust placed in them.

 “2. *Public Duty*

1. *By virtue of The Oath of Allegiance taken by all Members, Members have a duty to be faithful and bear true allegiance to the Republic of Uganda and to preserve, protect and defend the Constitution and to uphold the law and act on all occasions in accordance with the public trust placed in them*.
2. *Members have a general duty to act in the interests of   the nation as a whole; and special duty to their constituents.”*

Paragraph 5 on public trust states:

*“5. Public Trust*

*Members shall at all times conduct themselves in a manner which will maintain and strengthen the public’s trust and confidence in the integrity of Parliament and never undertake any action which may bring the House or its Members generally, into disrepute*.”  -  The emphasis on “at all times” is by the committee.

The above paragraph is very clear on the fact that the duty to act in a manner which will maintain and strengthen the public’s trust and confidence in the integrity of Parliament is borne by the Members of Parliament at all times, not only when they are within the precincts of Parliament. This fact was brought to the attention of Hon. Zaake’s lawyers, but they did not offer any contradictory finding on this duty.

According to the Cambridge Dictionary, “integrity” is the quality of being honest and having strong moral principles that you refuse to change. It relates to: honesty, uprightness, probity, rectitude, honour, honourableness, upstanding, good character, principle(s), ethics, morals, righteousness, morality, nobility, high-mindedness, right-mindedness, noble-mindedness, virtue, decency, fairness, scrupulousness, sincerity, truthfulness, trustworthiness.

“Integrity” means the state of being whole and undivided. This relates to unity, unification, wholeness, coherence, cohesion, undividedness, togetherness, solidarity and coalition.

The word has further been used to refer to someone’s high standards of doing their job and that person’s determination not to lower those standards.

Integrity is one of the attributes of a good leader. It is a concept of consistency of actions, values, methods, measures, principles, expectations and outcomes.

It connotes a deep commitment to do the right thing for the right reason, regardless of the circumstances – “regardless of the circumstances” is the committee’s emphasis. (See: Leadership and Integrity, Michael Ray Hopkin).

The committee reviewed the Rules of Procedure referred to by Hon. Mapenduzi *vis-à-vis* the facts.

It observes that whereas Hon. Mapenduzi referred to rule 84, it is not applicable in the circumstances. This rule is only applicable when the House is sitting. In the present circumstances, the statements made on social media were outside of debate.

Honourable colleagues, if you look at that particular rule, it starts with “it is out of order” meaning it can only be on the Floor of the House.

However, the committee observes that rule 85 and the attendant Appendix F, particularly Paragraph 5, is applicable and, indeed, indicts Hon. Zaake’s conduct.

The Parliament of Uganda derives its privilege powers from Article 97 of the Constitution, which provides that:

*“97. Parliamentary immunities and privileges.*

*(1) The Speaker, the Deputy Speaker, Members of Parliament and any other person participating or assisting in or acting in connection with or reporting the proceedings of Parliament or any of its committees shall be entitled to such immunities and privileges as Parliament shall by law prescribe.*”

The statement posted by Hon. Zaake – I do not have to repeat it. I have cited it three times. If you can see from the monitor – the words from the monitor is what I think are relevant:

1. Bunkum: means insincere, foolish talk or nonsense.
2. *Dishonesty*: means lack of fairness, Honesty, or integrity; fraud,
3. deceitfulness shown in someone’s character or behaviour,
4. Untrustworthy.
5. *Idiocy*: impenetrable stupidity; intelligence far below average; mental retardation; intellectual disability; extremely foolish behaviour.
6. *Loose cannon*: an unpredictable or dangerously uncontrolled person who is liable to cause unintentional damage.
7. *Ejaculate*: (Verb):
8. (Of a man or male animal) eject semen from the body at the moment of sexual climax.
9. (Of a man or male animal), to produce a sudden flow of semen from - can I leave it at that, Madam Speaker?
10. (Dated): Say something quickly and suddenly.

Why we tried to define these words is that if you are to replace them with the definition that is how the impugned post would read and that is what it would mean.

The committee observes that the above words as used in the Tweet do bring the House and the Office of the Speaker into disrepute. They denigrate public trust and confidence in the integrity of honourable members and of the House. The law demands of Members of Parliament to, at all times, behave in an honourable manner.

Members of Parliament took oath to uphold all the laws without fear or favour. By making the impugned statement, Hon. Francis Zaake’s conduct did manifest one who was in breach of public trust. He did not protect the integrity of Parliament. Instead the conduct brought the entire Parliament and its leadership into dispute. The statement, no doubt, undermined the dignity and integrity of the Office of the Speaker, the Presiding Officer and Parliament. It lowered the esteem of the institution of Parliament in the eyes of the citizens who ought to look up to their leaders.

The Constitutional Court of Uganda has had occasion to pronounce itself on the expected conduct of Members of Parliament in *Severino Twinobusingye v. Attorney-General,* Constitutional Petition No. 47 of 2011. On pages 24-25, it stated: *“We hasten to observe in this regard, that although Members of Parliament are independent and have the freedom to say anything on the Floor of the House, they are however, obliged to exercise and enjoy their powers and privileges with restraint and decorum and in a manner that gives honour and admiration, not only to the institution of Parliament, but also to those who, inter-alia, elected them, those who listen, to and those who watch them debating in the Public Gallery and on television, and read about them in the print media. As the national legislature, Parliament is the fountain of constitutionalism and therefore, the honourable Members of Parliament are enjoined by virtue of their office to observe and adhere to the basic tenets of the Constitution in their deliberations and actions.*

*The Speaker, as the head of the House, has a big role to play in guiding Members of parliament not to use unparliamentary and reckless language that may infringe on other people’s rights, which are entrenched in the Constitution, by calling them to order. Parliament should avoid acts, which are akin to mob justice because such acts undermine the respect and integrity of the national Parliament. It is not in keeping with the basic tenets of the Constitution, for example, when an honourable Member of Parliament advocates for executing people without trial, like Idi Amin did to so many Ugandans and this Member is not called to order, but is just cheered on by the rest of the House.”*

Madam Speaker, even though the events that led to the above observation were in the House, what is clear is that Members of Parliament are held at a high standard even when not in the House.

In the words of the Learned Justices of the Constitutional Court, Members of Parliament are *“obliged to exercise and enjoy their powers and privileges with restraint and decorum and in a manner that gives honour and admiration not only to the Institution of Parliament, but also to those who, inter-alia elected them, those who listen to and watch them debating in the Public Gallery and on television, and read about them in the print media.”*

Following evaluation of the submissions and evidence, the committee observes that Hon. Zaake did not take steps, as provided in the Rules of Procedure, to challenge the words of the Presiding Officer, which allegedly led him to post the impugned social media posts. This is clearly so upon examining statements made to the committee. In his own words, he was shocked and deeply hurt by the remarks made by the Rt Hon. Deputy Speaker.

The rules provide clear avenues for challenging a ruling, comment, or statement of a Presiding Officer or any other Member in the House.

Hon. Zaake should have taken advantage of Rules 55 and 72(2) to address his displeasure. Rule 55 provides as follows:

*“55. Personal explanations*

*(1) A Member may explain a matter of personal nature but no controversial matter may be brought in the explanation or may debate arise upon it.*

*(2) Unless the situation warrants and has to, otherwise, any personal explanation under this rule shall be submitted to the Speaker in writing by 11:00 a.m. on the day on which it is to be made.”*

Rule 72(2) provides:

*“The conduct of the Speaker, Members, the Chief Justice and Judges of the Courts of Judicature shall not be raised, except upon a substantive motion, and in any amendment, question to a Member or remarks in a debate on a motion dealing with any other subject, any reference to the conduct of the persons mentioned above is out of order.”*

Hon. Zaake, therefore, could have raised a substantive motion to question the conduct or remarks made by the Rt Hon. Deputy Speaker. It is therefore, the committee’s view that the conduct of Hon. Francis Zaake was not proper and amounted to misbehaviour and misconduct of a Member of Parliament.

On the allegations of breach of privilege, the committee finds no merit in this complaint. There is no privilege provided for under the law, which Hon. Zaake breached. It is the committee’s considered view that this House finds Hon. Zaake innocent of this complaint.

Conclusion and recommendations

The committee having found that:

1. Hon. Zaake made the impugned comments/statements on his social media accounts of Facebook and Twitter;

2. The statements brought Parliament into disrepute;

3. Hon. Zaake was in breach of the rule on public trust and confidence found in paragraph 5 of Appendix F of the Code of Conduct of Members of Parliament and;

4. Hon. Zaake failed to use the avenues provided for in the Rules of Procedure to challenge matters that arose during the sitting of the House.

The committee is of the view that the above is tantamount to indiscipline on the part of Hon. Francis Zaake.

In light of the above, the committee therefore recommends:

1. That Hon. Francis Zaake apologises to this House;
2. That the Parliamentary Commission should take steps to address Hon. Zaake's concern about his personal security.
3. Before we take leave of this matter, the committee reminds all honourable Members of Parliament that they owe the institution of Parliament and the general public a duty to maintain public trust and confidence in the integrity of Parliament. Honourable members should be well versed with the Code of Conduct as provided for in our Rules of Procedure in Appendix F.
4. The committee appeals to honourable members to act with restraint and decorum both within and outside the precincts of Parliament. Each Member of Parliament bears a duty to give Honour and respect to the institution of Parliament

Madam Speaker, I beg to move.

**THE DEPUTY SPEAKER:** Thank you, Chair, for the report.

**MR KATUNTU:** Madam Speaker, as the rules provide, the committee has one report but it has this majority view and also the minority view. I would like to call upon one of my members, Hon. Aisha Kabanda, to present the other part of our report - of the minority. Thank you.

6.37

**MS AISHA KABANDA (NUP, Woman Representative, Butambala):** Madam Speaker, I am using glasses and the condensation that comes on my glasses prohibits my reading. I beg that I remove my mask.

Friends, I must say that today I was greatly impressed by the turn up of the Front Bench. The Honourable ministers are present in big numbers. Congratulations.

**THE DEPUTY SPEAKER:** Hon. Kabanda, you are looking at the areas of dissent. Can you make a summary of them since we have heard the majority report?

**MS KABANDA:** Thank you, Madam Speaker. I may not have a right to make a summary of it because this is not the report of a single person; I cannot, therefore, summarise it. I beg that you allow me present it the way it is. It is not a big report. It is only 10 pages unlike the other one that was 30 pages. Thank you.

I move under Rule 205 of the Rules of Procedure of Parliament.

Introduction

On 15 February 2022, during plenary, Hon. Ojara Mapenduzi rose on a matter of national importance under rule 59(1)(b) and (m) of the Rules of Procedure of the Parliament of Uganda alleging that Hon. Zaake Francis, Commissioner of Parliament –*(Interruptions)*

**THE DEPUTY SPEAKER:** Let us not interrupt the Member. *(Interjections)*

**MS KABANDA:** Alleging that Hon. Zaake Francis, Commissioner of Parliament, had, through a post on a social media platform, insulted the integrity of this House and the office of the Deputy Speaker.

Hon. Ojara Mapenduzi tabled before the plenary a document which contained the impugned post and quoted some parts of the post verbatim. Hon. Mapenduzi submitted that the conduct of the Member not only denigrated the integrity of Parliament in the eyes of the citizens of Uganda, but was also a breach of rules 84 and 85 and paragraph 5 of the Code of Conduct of Members of Parliament as embedded in Appendix F of the Rules of Procedure of Parliament.

To him, this amounted to gross misconduct and misbehaviour on the part of the honourable member for which he intended to move a motion, under Section 5 of the Administration of Parliament Act. In her ruling that day, the Speaker referred the matter to the Committee on Rules, Privileges and Discipline under Rule 175 of Rules of Procedure.

Pursuant to Rule 205 of the Rules of Procedure of the Parliament of Uganda, we hereby present a dissenting opinion from the opinion of the majority of the committee.

2.0 Area of dissent

We dissent with the majority of the committee on the following:

1. Jurisdiction of the Committee on Rules, Privileges and Discipline over this matter.
2. Standard of proof.
3. Authenticity and ownership of the impugned account.
4. Impartiality of the committee.
5. Methodology.
6. Admissibility of social media evidence.

Dissenting observations

1. Jurisdiction of the Committee on Rules, Privileges and Discipline over this matter. On 2 March 2022, the Honourable Chair made a ruling that this committee has jurisdiction to investigate the matter. With utmost respect, we disagree. Article 94(1) of the Constitution limited the rules of Parliament to only regulating its own procedure, including the procedure of its committees.

We are not blind to the provisions of paragraph 5 of the Code of Conduct for Members of Parliament under Appendix F to the Rules which imposes a duty on Members of Parliament to conduct themselves in a manner which will maintain and strengthen the public trust and confidence in the integrity of Parliament. However, this alone cannot be stretched to apply to Members' conduct on social media platforms including Facebook or Twitter.

Social media platforms are avenues for free thinking and speech. They provide room for socio-psycho healing. For example, Facebook asks; "What’s on your mind?" This, therefore, means that the person is meant to write what is on their mind. The regulations therefore that govern Parliament and the precincts of Parliament cannot be extended to such platforms.

The term “precincts” or the “House of Parliament” is defined under rule 2 to mean the Chamber, the lobbies, the galleries and grounds of Parliament building and such other places as the Speaker may, from time to time, specify. Social media platforms are not categorised as such. Also, jurisdiction is a creature of law. It cannot be inferred where it has not been expressly granted by law.

Further, in our view, Article 90(1) and (2) of the Constitution only empower Parliament to appoint committees necessary for the efficient discharge of its functions but not to render Article 94(1) of the Constitution redundant.

The enduring import of Article 94(1) is that the Rules of Procedure are meant to be applied as far as parliamentary procedure is concerned.

Impartiality of the committee

The committee’s decision to be blind about the censure move that was repetitively mentioned by Hon. Zaake and his lawyers as reason for the committee’s partiality compromises our findings.

We infer that even when the matter of censure of Hon. Zaake was not the matter before the committee, it was important that the Members pronounced themselves about signing of the purported censure motion.

Suppose it is true as claimed by Hon. Zaake that the members of the committee had signed for him to be censured, it would mean that indeed, Hon. Zaake was investigated by people that were already biased about him.

Authenticity and ownership of the impugned account.

In Hon. Zaake’s submission, he categorically disowned the posting on social media in statement as below;

*“I consider the allegations against me to be malicious, unfounded and in bad faith. Some social media comments allegedly responding to the Speaker’s insensitive joke have been attributed to me in recent days, although without any technical proof that I made them.*

*“It is on account of that alleged and unproven social media response that the same Deputy Speaker, who made fun of my pain and humiliation, referred me to this committee for trial.”*

By the aforementioned quotation, Hon. Zaake disowns the posting and it was upon the complainant to adduce further evidence to prove that it was Hon. Zaake that authored the tweet. It was also incumbent upon the committee to investigate the matter conclusively, which the committee did not do.

It has not been established that Hon. Zaake Francis is the holder of the Facebook account where the alleged offensive material was posted.

In the case of Fred Muwema v. Facebook Island Limited of 2016 No.4637P, court held that the details collected by Facebook relating to the identity and location of a person operating a given Facebook account could only be secured from Facebook; to prove the residence of the device used in making an alleged offensive posting and the identity of the person doing so when legally sought.

Further, this position was clearly explained by the Uganda Communications Commission in a letter dated 25 February 2022.

No such order was obtained and no evidence was obtained from Facebook to prove the identity of the account holder. The complainant only laid on Table a photo of what he termed as Facebook under the title, “MP Zaake Francis Butebi”.

In other words, we do not have sufficient evidence to prove that the post was on a Facebook account belonging to Hon. Francis Zaake.

Additionally, Uganda Communications Commission (UCC) provided as proof email address Zaakefrancis12@gmail.com that was used to open the Facebook account on which the alleged posting was made.

In the process of further investigation, the committee called for Hon. Zaake’s personal data file at Parliament where it was found that the email address zaakefrancis12@gmail.com belonged to a next of kin of Hon. Zaake. This makes us wonder whether Members would be responsible for actions of their next of kin.

Also, as proof of authenticity of the tweet, the Uganda Communications Commission attributed the Facebook post of Hon. Zaake by the blue tick.

We note that of recent they have been fake social media posting of highly placed persons including one that announced the purported death of the Speaker of Parliament and one that announced the resignation of a highly placed army officer. All these postings bore a blue tick but were found to be fabricated.

We, therefore, hold the opinion that the appearance of a blue tick alone is not sufficient to prove authenticity of a circulating social media print or screenshot because it could also be photoshopped.

In the submission of the Uganda Communications Commission, they conceded to not having capacity to make an independent investigation; as seen in paragraph (5) of their written submission. I quote;

*“Whereas the Commission has acquired different technical capabilities to facilitate the implementation of its regulatory mandate under section 5(i) and 45 of the Uganda Communications Commission Act, 2013*, *the respective system to facilitate such assessment independently is currently undergoing technical update and therefore, not available.”*

Section 5 of the Uganda Communications Commission Act states thus: *“(j) Functions of the Commission:*

*1. To receive, investigate and arbitrate complaints relating to communication services and take necessary actions.”*

*45. “Investigation of complaints:*

*The Commission may investigate any matter within its functions under this Act which relates to;*

*(a) Communication services or apparatus provided or supplied in Uganda.*

*(b) Any representation made to the Commission by or on behalf of a person the commission considers to have interest in the matter which is in the subject of the representation.”*

Our opinion is that the Uganda Communications Commission could not in any way help the committee in reaching any meaningful findings; since they too judged themselves as not being in position to help.

Additionally, throughout the investigations, it was not shown how Hon. Mapenduzi obtained the impugned post and whether it was handled in such a way that does not compromise the integrity of its content as provided under section 8(iv), (v), and (vi) of the Electronic Transactions Act.

For clarity, section 8 provides as follows;

*(iv) When assessing the evidential weight of data message or an electronic record, the court shall have regard to;*

1. *The reliability of the manner in which the data message was generated, stored or communicated,*
2. *The reliability of the manner in which the authenticity of the data message was maintained.*
3. *The manner in which the originator of the data message or electronic record was identified.*
4. *Any relevant factor.”*

*(v) The authenticity of the electronic record system in which the electronic record is recorded or stored, shall, in the absence of evidence to the contrary be presumed where;*

*(a) there is evidence that supports a finding that at all material times, the computer system or other similar device was operating properly or if it was not the fact of it not operating properly did not affect the integrity of the electronic record and there are no other reasonable grounds to doubt the integrity of the electronic record and there are no other reasonable grounds to doubt the integrity of the electronic records system;*

*(b) It is established that the electronic record was recorded or stored by a party to the proceedings who is adverse in interest to the party seeking to introduce it; or*

*(c) It is established that the electronic record was recorded or stored in the usual and ordinary course of business by a person who is not a party to the proceedings and who did not record or store it under the control of the party seeking to introduce the record.*

*6. For the purposes of determining whether an electronic record is admissible under this section, evidence may be presented, in respect of set standards, procedure, usage or practice on how electronic records are to be recorded or stored, with regard to the type of business or endeavours that used, recorded or stored the electronic record and the nature and purpose of the electronic record.”*

The honourable member was duty-bound to show how he extracted the information from either Facebook or Twitter, the device or gadget he used to do the work and how he kept that information from the day he obtained it, until he laid it before Parliament. No wonder, Hon. Mapenduzi was actually confused on whether the information was on Twitter or Facebook.

Whereas on the *Hansard* of Parliament, he talked of Twitter, he actually laid on the Table postings that were later identified by UCC as being Facebook posts. *(Applause)*

4. Hon. Mapenduzi’s submission on possible avenues Hon. Zaake would have utilised to address his concern with the Presiding Officer.

Hon. Mapenduzi asserts that even if Hon. Zaake had been aggrieved, there are clearly provided avenues, through which he would have presented his grievance. Looking at the would-be available options, in this case, they seem not to work.

Rule 55 and Rule 72(2) of the Rules of Procedure provide the following: Rule 55 states thus: “*Personal explanations.* *A Member may explain a matter of personal nature but no controversial matter may be brought in the explanation nor may debate arise upon it*.”

Rule 72 states: *“Contents of a speech. (2)The conduct of the Speaker, Members, the Chief Justice and Judges of the Courts of Judicature shall not be raised, except upon a substantive motion and, in any amendment, question to a Member or remarks in a debate on a motion dealing with any other subject, any reference to the conduct of persons mentioned is out of order.”*

Rule 55 provides for personal explanation and we strongly believe that after the Deputy Speaker’s comments, there was no matter for Hon. Zaake to explain himself about. In any case, it would have been the Deputy Speaker to explain herself about the statement she made. *(Applause)*

Rule 72(2) calls for a motion in the House. It should be recalled that at the time the statement was made, Hon. Zaake was officially out of Parliament, on the directive of the Leader of the Opposition and with full knowledge of the Speaker. There was no way Hon. Zaake would have been on the Floor of Parliament to present his motion. Besides, as the Deputy Speaker indicated in the *Hansard* –

“***THE DEPUTY SPEAKER****: … The Rt Hon. Speaker, Jacob Oulanyah, as you are aware and I have communicated, is indisposed and cannot be here to preside over the House. I should have stepped aside for him to preside over this matter that concerns me.”*

We join Hon. Zaake in wondering whether the Speaker was meant to be a judge in her own case, if Hon. Zaake had chosen to follow Rule 72(2). *(Applause)*

5. Whether the complaint was brought in bad faith

It is our considered opinion that the conduct of Hon. Mapenduzi of initiating the process for removal of Hon. Zaake as a Commissioner of Parliament, as captured in the *Hansard* of 15 February 2022, was aforethought decision and in bad faith, as reflected in his submission below: “*In my view, Madam Speaker, this amounted to gross misconduct and misbehaviour on the part of the honourable member for which I intend to move a motion, under Section 5 of the Administration of Parliament Act, for his removal from the office of Commissioner of Parliament.”*

It is on record that on 22 February 2022, Hon. Mapenduzi, who is the complainant in this matter, appeared before the committee to lead evidence in support of his complaint for disciplinary action to be taken against Hon. Zaake. Immediately thereafter, a notice of motion to remove Hon. Zaake Francis was published on the notice board, clearly showing that regardless of the findings of this committee, Hon. Mapenduzi was determined to penalise Hon. Zaake Francis at all cost. This probably explains Hon. Zaake’s fears, as indicated in his statement, that the proceedings were not intended to establish the truth but to pave the way for his removal as Commissioner.

Hon. Zaake’s fears were also reflected in the *Hansard*, where the Presiding Officer sounded like she was mobilising her “family members” in her support. *“****THE DEPUTY SPEAKER****: … I will, therefore, as we continue with the other processes - and I am saying as we continue with the other processes because I also belong to a family - guide the complainant that this matter is going to be referred to the Committee on Rules, Privileges and Discipline under Rule 175 of Rules of Procedure.*

*The Committee on Rules, Privileges and Discipline must report to this House within two weeks. We want this report tabled in the House within two weeks because we want action. The Government Chief Whip can whip us because I am also under him. Thank you very much for your concern.”*

In our opinion, “family” referred to the ruling party, whereas ordinarily, the Rt Hon. Speaker of Parliament is supposed to be neutral. *(Applause)*

6. Whether the impugned tweet put Parliament into disrepute

Hon. Mapenduzi asserts that the words on Twitter put Parliament into disrepute. We disagree with Hon. Mapenduzi for if he had ignored the social media posting, the alleged insult would have been limited to a very small cross section of the population and would have ceased fast. However, we strongly believe that Parliament’s allocation of a lot of time to a matter that the public sees as trivial, amidst serious challenges of escalating prices of essential commodities –*(Applause)*- and gross human rights abuses, has put Parliament into disrepute.

Methodology

A matter of the impending censure was brought to the attention of the committee severally and that some members had actually signed the censure motion. We are of the opinion that the chairman would have put a question to the members to come clean on the matter, which was not done even after a procedural point was raised on the matter, but the chairman overruled it.

Secondly, Hon. Zaake mentioned withdrawal of his security officer as an indication of prejudgment. A letter was presented by the representative of the Clerk to Parliament indicating that the security officer had been withdrawn for indiscipline.

However, there was no proof that this matter was ever brought to the attention of Hon. Zaake, who is alleged to have asked for the said security officer. The letter was instead copied to the Clerk to Parliament, who said in his submission that his office did not have anything to do with the deployment of the said police officer and did not know much about him. We are strongly opined that the said letter from the Police Commander of Parliament needed further investigation because there was a likelihood that it had been fabricated to just cover up arbitrary withdrawal of the security officer from the Commissioner of Parliament.

Burden of proof

The burden of proof of liability for any misconduct on the part of Hon. Zaake lay with the complainant (Hon. Mapenduzi), as provided under Section l0 of the Evidence Act. In this regard, no credible evidence was produced whatsoever to prove that the impugned information was posted and, if so, by who. We disagree that the burden of proof shifted when the allegation was brought by Hon. Mapenduzi.

Under Section l0l of the Evidence Act, Hon. Mapenduzi bore the burden to prove his allegation, even if Hon. Zaake contested the jurisdiction of the committee. Besides, in a letter dated 28 February 2022, Hon. Zaake contested the social media posts attributed to him. In that regard, it was not proper to attribute the statements and their implications to Hon. Francis Zaake without evidence that he made those posts on social media.

Conclusion

1. The complainant failed to prove that the social media posts were actually made by Hon. Zaake. Failure to investigate the matter, however, notwithstanding, we condemn the use of strong language in any form of communication.
2. The Uganda Communications Commission lacked capacity and competence to investigate social media complaints.
3. Hon. Mapenduzi lodged the complaint in bad faith.
4. Not enough effort was made to ensure impartiality of the committee.
5. Whereas Parliament is mandated to make laws that govern Parliament, the Rules of Procedure are specific to regulating proceedings before Parliament and its committees. The quasi-judicial mandate of this committee does not extend to conduct and affairs of Members outside Parliament. Assuming such mandate would be assuming the role of the Judiciary.

Recommendations

1. We recommend reconciliation between the parties involved in the matter for smooth running of Parliament and avoidance of unnecessary tension. *(Applause)*
2. We recommend that Parliament amends the law to provide for a panel of presiding officers in situations where both Speaker and Deputy Speaker could be either indisposed or conflicted.
3. We recommend that Parliament rejects the main report.

I beg to submit. *(Applause)*

**THE DEPUTY SPEAKER:** Thank you for the report.

7.09

**MR ROLAND NDYOMUGYENYI (Independent, Rukiga County, Rukiga):** Thank you, Madam Speaker. As Parliament, I think we have a duty to be truthful. Most of you have social media handles; you have Facebook accounts and you are always looking for followers on social media. Those people following you, of course, know that those are your accounts. Sometimes when you are looking for those followers, you know that later those same followers will make statements, comments or can take screenshots and review what you post. That is the whole purpose of social media; to give information about you to the population.

I would like to propose an amendment to the majority report because it is a fact that has been researched by the committee that Hon. Zaake’s conduct brings this Parliament into disrepute and it is contempt of Parliament, under Rule 224 of the Rules of Procedure.

Therefore, this misconduct, as per Section 5 of the Administration of Parliament Act, Cap.257 and Rule 110 of the Rules of Procedure *–(Interjection)-* we should find Hon. Zaake unfit to hold the position of Commissioner of Parliament. *(Applause)* For us to bring back the dignity –*(Interjection)-* and sanctity of Parliament, he should be relieved of that duty of holding that position –*(Interjection) -* so that in future, any Member of Parliament, who wants to behave like he did, will know that there will be consequences.

Madam Speaker, I am saying this in good faith because Parliament is not something we are going to joke about all the time *(Interjection)-* bringing disrepute to this House. We need to dignify this House. *(Applause)*

We cannot continue behaving as if we are living on an island. We are living in the world where people are seeing us and where people know what we are doing. Therefore, I submit that we make an amendment to the recommendations to cater for what I have submitted.

**THE DEPUTY SPEAKER**: *(Members rose\_)* Members - Hon. Nsamba – we are debating a very serious issue that touches on a person; you have a wife, a daughter. If you are going to treat people like that, have you ever seen your mother ejaculating?

Honourable members, let us respect each other and have a debate. Is the amendment seconded?

**HON.MEMBERS:** Yes!

**THE DEPUTY SPEAKER**: Okay, the amendment has been seconded. Honourable members, we have two reports - the majority and minority reports. I am going to allow only a minimum debate. There is a procedural matter from the LOP.

**MR MPUUGA**: Thank you, Madam Speaker. There are moments that define persons and institutions, and for the 11th Parliament, this is the day God has made.

The emotive nature of the issue before this House can be understood by everyone. When matters are emotive, the very reason reflection on approach is very important.

We are privileged to be leaders who can determine matters before us even when they concern us. That privilege must be handled with a lot of reflection and imagination.

Madam Speaker, all of us do not have to debate this matter. We can understand the attached and attendant emotions.

The beauty about what we are doing here and the beauty about the chairperson of the committee is that he is my senior at law and he understands what we are doing here and its implications.

The Member who moved an amendment suddenly on another day, I would have advised him that amending a document or a report of the committee whose form is properly housed and how it is processed, is not the way to go.

Madam Speaker, I would like to invite this House to strictly look at what this report is saying.

And going forward, we are unlucky the person concerned, Hon. Zaake, is not in the House. I would like to advise, Madam Speaker - because we are going to be here for five years together barring any calamity. So, we need to understand how we are going to handle these matters of disagreements when they arise, including matters over which we are held with high moral expectation and they arise day and night.

Madam Speaker, wouldn’t it be proper if we specifically processed the recommendations of the committee to determine their efficacy because the amendment the honourable member is bringing to the report is a new arena and it has its own ramifications.

Why I am a bit cagey is I do not want on another day, this House to be adjudged as having been blind to our own procedures. We can handle this, Madam Speaker. It is not far from us. We can deal with this matter.

The committee has given us a roadmap. Is it possible for us to pursue the roadmap of the committee, which has done a very good job and see whether that can lead us to – *(Interruption)*

**THE DEPUTY SPEAKER:** He wants clarification; just give him a clarification.

**MR MUGOLE:** Thank you, Madam Speaker and Leader of the Opposition. I just want some clarity in regard to - because the mover of the motion was on the majority report. However, from the way you are speaking, are you for the majority or the minority report? That is the clarification I wanted to find out.

**MR TUMWEBAZE:** Rt Hon. Speaker, I have been in this House for some time. The question of respect for one another is paramount. I will seek clarification from the Leader of the Opposition.

I remember when I was first appointed Minister for the Presidency; my mother, Mama Cecilia was always harsh on me. So, one time I said, “Mama, why are you very harsh on me?” She said, “I want you to learn and be a serious person.” Her harshness was in love. Of course, she would rebuke me strongly, but she never insulted or demeaned me. *(Applause)*

One day, I was in trouble with the Parliament. What was that trouble? It was not personal trouble; it was a trouble out of the work I was doing.

Cabinet had made a decision that we should cut off sim cards of unregistered phones. Parliament had a contrary view representing the people *- (Interjection) -* no, I am coming, honourable colleagues. I addressed the press conference and maintained the Cabinet position but it angered Parliament. I was seen to be against the people. I made a statement that said that the decision of Parliament was advisory - that angered Parliament. I was put on order. I was sent to the disciplinary committee.

Hon. Mwijukye called me out for contempt of Parliament. I humbly, with maximum humility - I had not insulted anybody - I was doing my work perhaps with different levels of sensitivity and I apologised.

The clarification I am seeking from you, Hon. Mathias, finally, as really people who have been here for some time, have you advised our colleague, an active younger legislator, without going through the ping-pong of the technicalities of our rules, that what he did was wrong?  He should come with humility and apologise both to the House and to the Speaker? *(Applause)*

It has nothing to do with the parties; if he did that, wouldn't we be speaking a different tone?

Honestly, I am not here to fight an individual. I admire the energy of Hon. Zaake but are you not concerned that the Member -? That is my clarification.

**MR MPUUGA:** Thank you, Hon. Frank Tumwebaze. I actually want to encourage you to keep away from trouble because the next trouble you will go into is about “narrow land”. So do not get into trouble.

Madam Speaker, the honourable member did ask me as to whether *–* [HON. THOMAS TAYEBWA: “Point of order.”]Madam *S*peaker, can I invite Hon. Medard Lubega Sseggona to give you your peace and we process this?

**THE DEPUTY SPEAKER:** Maybe the only painkiller I have is Hon. Medard Lubega Sseggona because he is very sober.

**MR MPUUGA:** Let me conclude this, Madam Speaker. I do acknowledge and for the last 11 years I have been here, we have handled very dicey matters and I have never insulted anybody here, yet we deal with very difficult situations here.

Madam Speaker, the reason I was insisting on allowing ourselves to process this without any extra emotions to the report of the committee - you see, the Member was asking whether I am for the majority or minority report; that does not arise in my procedural submission, because I am trying to ensure that Parliament really moves properly to process a matter before a competent committee of Parliament –*(Interruption)*

**MR MUWANGA KIVUMBI:** Madam Speaker, I rise on a point of information. I want to draw the attention of this House to Rule 90 of our Rules of Procedure. I come from an area where we slaughter animals; in Butambala we are good at doing that. We do it the right way and we are sensitive to each life.

I would like to draw the attention of this Parliament, especially to my honourable colleague, to Rule 90. We elected to move to the Committee on Rules, Privileges and Discipline and it provides a highway, and we chose to move on that highway. It would be inconsistent of Parliament now, to choose another way.

I will read Rule 90 verbatim as information. This is what it says: *“Defamatory statements to be investigated by the Committee on Rules, Privileges and Discipline.*

1. *Whenever in the opinion of the Speaker or a person presiding in a committee, a statement made by a member in prima facie defamatory of any person, the person presiding shall refer the matter for inquiry to the Committee on Rules, Privileges and Discipline, which shall report its findings to the House not later than 21 days after the matter is referred to it.”*
2. *“Where the committee reports to the House that a statement made by the Member is defamatory as the majority rule if you wanted to amend states - the Member who made the statement shall within seven days after the report, render an apology, which the committee has recommended at the bar of the House, the terms of which shall be approved by Parliament and communicated to the person who was defamed.”*

**THE DEPUTY SPEAKER:** There is a procedural matter.

**MR MUWANGA KIVUMBI:** Madam Speaker, I am on procedural matter.

**THE DEPUTY SPEAKER:** Okay, information.

**MS ABER:** Madam Speaker, this country adopted the policy of multiparty politics. The same country adopted the policy to bring women emancipation. The women emancipation that this country adopted was not for humiliation. *(Applause)* I sit here as a woman and feel very bothered.

If all these obscene words and uncouth statements are still going to be debated in this House – Madam Speaker, this House represents the entire country and we expect to exhibit the right characteristics of legislators.

It will be very unfair if we are here ubiquitous discussing clear issues, where they are insults - naming of organs using obscene words - and we are still here discussing and debating! I therefore, call upon this House that we suspend the debate; the issues are clear on paper and we move a motion to take further action. I thank you, Madam Speaker.

**THE DEPUTY SPEAKER:** Members, is moving a motion seconded? Yes, Hon. Sarah?

7.31

**MS SARAH OPENDI (NRM, Woman Representative, Tororo):** Thank you, Madam Speaker. I request Members for just a minute. Please let us be calm -

**THE DEPUTY SPEAKER:** Honourable Leader of the Opposition, just a minute.

**MS OPENDI:** Madam Speaker, I do appreciate the reports; both the majority and minority. However, there is one issue that was reported that I find not conclusive. Hon. Zaake is reported to have kept away from the committee because he indicated that his fate seemed to have been decided -

**THE DEPUTY SPEAKER:** Hon. Opendi, there was a motion on the Floor.

**MS OPENDI**: No, Madam Speaker, I am reporting what was from the committee. Members, allow me to make my point. If that cannot be listened to, it is important that a matter is - the point I want to make and find out from the Leader of the Opposition - Hon. Zaake is a commissioner from your side. When his security was withdrawn, did he report to you and did you write formally to the DPC?

Madam Speaker, as a woman and on behalf of the women of this country, we are all here because of a woman. Let us ensure that our children respect their mothers. What we are talking about today is abuse. Let me end here, since Members do not seem interested in listening.

**THE DEPUTY SPEAKER:** There was a motion by Hon. Alex.

Honourable members, as I said, we have two reports. If you are getting up, it is to debate on the report. But I am allowing minimum debate.

7.35

**MR ALEX RUHUNDA (NRM, Fort Portal Central Division, Fort Portal City):** Thank you, Madam Speaker. Our rules provide for a number of procedures which we can adopt in case of controversy and high heated engagements of this nature. I think what we need as Parliament is to find a solution that must maintain the decorum of this august House.

That is why some of us are never involved in these emotions. We reason; we think for our country and we want our country to have a peaceful direction. For that matter, I move a motion under Rule 110(5);

*“A motion for the resolution under this rule shall be placed on the Order Paper 14 days from the date on which notice to remove the Commissioner shall have been communicated to the Clerk.”*

I beg to move. And for that matter –

**THE DEPUTY SPEAKER:** Honourable member,I will not take that motion before we adopt the report. Can we first have the report adopted?

**MR RUHUNDA:** Much obliged.

**THE DEPUTY SPEAKER:** Then you will come back with your motion.

7.37

**MR DAN KIMOSHO (NRM, Kazo County, Kazo):** Thank you, Madam Speaker. I want to request that as we adopt the majority report, we adopt it with the amendments of relinquishing the commissioner because he is unfit for that office. *(Applause)*

7.38

**MS JESCA ABABIKU (NRM, Woman Representative, Adjumani):** Thank you, Madam Speaker. I support the motion moved by my colleague, that we adopt the majority report with the amendment to relinquish the Member from the position of being a commissioner. Why? A commissioner is a representation of the Members of Parliament that is responsible for the management of our affairs, not without consideration of discipline. Therefore, you cannot be a leader representing us when you are undisciplined.

Secondly, the issues in this report have got multiple reflections of indiscipline perspective. Not only defamation, but also insulting people, using obscene words, as if we are not leaders. This type of behaviour cannot be accepted for a leader below a Member of Parliament.

When you attack one of us, you will have attacked the entire institution. It is not only an embarrassment for the institution, but it is one for the whole country. This country is represented fully by Parliament and therefore we must respect the institution. A Member who is representing us in the commission cannot take our entrustment for granted. I, therefore, support the motion. Yes, I will take the information.

**THE DEPUTY SPEAKER:** I thought you were seconding the motion. Honourable members, I am putting a question that we adopt the majority report with –

7.40

**MR NATHAN NANDALA-MAFABI (FDC, Budadiri County West, Sironko):** Thank you, Madam Speaker. Sometimes in such circumstances – maybe – don’t worry – the Leader of the Opposition is my boss – and I know what happens when you are faced with such a scenario.

When we are in such a scenario, we get so many problems. There is heat up and down, and for me, I commend Hon. Frank Tumwebaze; what he raised was a very good point. I thank Hon. Tumwebaze for what he did. None of us is a saint. All of us have committed – we have sinned against God and that is why we go to church every Sunday and to the Mosques every Friday. That is why we always ask for forgiveness.

For me, I am speaking to all of you and asking that we examine ourselves. We are not saying that the person did the right thing. And we are not saying that he did not do the right thing. What we are saying as Parliament – as the committee has processed the report and has come up and said that let our colleague come to this House and apologise. *(Interjections)* Please listen. An apology means a lot.

**THE DEPUTY SPEAKER:** Honourable members, order. Hon. Nandala, we have gotten your point. I am going to put a question on the minority report. I am putting a question on the minority report.

I now put the question that the minority report on the inquiry on allegation of misconduct and misbehaviour brought against Hon. Francis Zaake of Mityana Municipality and Parliamentary Commissioner be adopted by this House.

*(Question put and negatived.)*

7.43

**MS BETTY AOL (FDC, Woman Representative, Gulu City):** Thank you, Madam Speaker. Even in the Bible, it is said that one who has not sinned should pick the first stone. *(Interjections)* In the interest of peace, we should take the first recommendation of the minority report. Otherwise, we have bigger problems than this, which we have been able to handle.

In the interest of peace and unity, let us adopt the report and work on reconciliation. I am a mother and I know how much we are abused. All these men are our children -

**THE DEPUTY SPEAKER:** Honourable members, I am still on the Floor. I put the question that the majority report of the Committee on Rules, Privileges and Discipline on the inquiry into allegations of misconduct and misbehaviour made against Hon. Francis Zaake, MP Mityana Municipality and Parliamentary Commissioner be adopted with amendments from Hon. Roland Ndyomugyenyi.

*(Question put and agreed to.)*

*Report adopted.*

7.46

**MR ALEX RUHUNDA (NRM, Fort Portal Central Division, Fort Portal City)**: Madam Speaker, Rule 16 of the Rules of Procedure is on suspension of rules. Rule 16(1) states that “*A Member may, with the consent of the Speaker, move that a rule be suspended in its application to a particular motion before the House and if the motion is carried, the rule in question shall be suspended.*”I now move to suspend Rules 24, 110(5) and (6), 111(2) and 175(2) for the purpose of allowing us to process the recommendations of the report as amended. I beg to move.

**THE DEPUTY SPEAKER**: Honourable members, the Member is asking to suspend the rules. I put the question to that suspension.

*(Question put and agreed to.)*

7.48

**THE LEADER OF THE OPPOSITION (Mr Mathias Mpuuga)**: Madam Speaker, as a leader of the minority, I would like to be on record today to state that the House is being led into an illegality. If Members want to help the course of the House, they should address themselves to what we are supposed to do in this House.

The honourable member from Fort Portal City probably does not understand or needs to be helped with how rules work. I want to be on record that the matter he is moving is outside the realm of the rules. Probably, he has another copy of the rules and so I want to be addressed to them. Otherwise, what he is moving and the amendment talked about in the motion does not bring us to that. I would like to be on record so that the Presiding Officer is helped because it is our duty to work properly in the circumstances.

**THE DEPUTY SPEAKER:** Thank you, the Leader of the Opposition.  Can we get advice from the Attorney-General? *(Applause)*

7.49

**THE ATTORNEY-GENERAL (Mr Kiwanuka Kiryowa):** Thank you, Madam Speaker. I have listened closely to the application that was made by the honourable member on the Floor to suspend rules. I did not hear rules 5, 6, 11, 12, 13, 16 and 98. There is no illegality; all the other rules may be suspended, if this House so wishes. *(Applause)*

**MR OGUZU:** Madam Speaker, the motion which has just been adopted was moved and in my absolute view, it did not comply with Rule 59 of our Rules of Procedure. The rule requires that if a Member is going to move a motion to amend a matter which is before this House for consideration, they must move under rule 59 and that must be permitted by the Speaker; however, we have not seen a Member move in accordance with that rule.

Rule 61 also provides that in the event the person does not want to move under rule 59, they must write to the Speaker under rule 61. Then, the Speaker will allow the motion to be amended but right now, we have not seen all that happen. So, I would like to -

**THE DEPUTY SPEAKER**: Can we find out if there is a letter which was written to the Clerk?

**MR OGUZU:** Can the Member adduce evidence that he wrote a letter. This is not for Hon. Mapenduzi; it is the Member who moved to amend the motion.

**MR MAPENDUZI:** Madam Speaker, I rise on a procedural matter. You are aware that on 15 February 2022, I raised a matter of national importance. You then referred the matter to the Committee on Rules, Privileges and Discipline. Today, the committee presented its report with recommendations which Parliament has adopted.

You are also aware, Madam Speaker, that on 23 February 2022,  I gave notice of motion in line with Rules 56 and 110, for a resolution of Parliament to remove Hon. Zaake Francis, from the office of the Commissioner of Parliament.

Now that Parliament has adopted the report of the committee and based on the requirements of the Rules of Procedure, which I mentioned, wouldn’t it be procedurally right, Madam Speaker, that you use your prerogative to allow me proceed with the motion since I have met the required duration –*(Applause)*- as required by the Rules of Procedure? Thank you very much.

**MR OGUZU:** Madam Speaker, earlier on, I moved that -

**THE DEPUTY SPEAKER:** Hon. Mapenduzi, proceed.

**MR OGUZU:** The motion for removing Hon. Zaake was not moved in accordance with Rule 61. Ideally, the mover should have written to you, then, you would allow.

**MR MAPENDUZI:** Madam Speaker, before I proceed with my motion, allow me lay on Table –

**MR OGUZU:** These are the things which bring disrepute to this House – *(Interjections)* - Why don’t we listen to one another?

**MR THOMAS TAYEBWA:** Madam Speaker, the Member is insisting and I think we need to go clear on the record. What the honourable colleague moved was amendment of the resolution in the report. The rule you are referring to is amendment to a motion. A Member never moved, in any way, to amend any motion. So, the Rule 61 you are referring to, is for amendment of motions. It cannot apply to what we are doing here. This was a report, not a motion. I beg to submit, Madam Speaker. *(Applause)*

**THE DEPUTY SPEAKER:** Yes. Actually, this is a report. Hon. Mapenduzi, can you move faster? *(Laughter)*

**MR MAPENDUZI:** Thank you. *(Applause)* Madam Speaker, as I mentioned before, before I move this motion, allow me lay on Table a copy of the notice of the motion for a resolution of Parliament to remove Hon. Francis Zaake from office of Commissioner of Parliament.

I gave notice to the Clerk to Parliament, as required by the Rules of Procedure, on 23 February 2022.

Madam Speaker, in line with that, allow me also lay on Table a copy of attachments to show proof that my motion was fully supported by the required signatories, as stipulated by the Rules of Procedure.

Madam Speaker, this motion is moved under Section 5 of the Administration of Parliament Act and rules 56 and 59(1)(m) of the Rules of Procedure of the Parliament of Uganda. The motion is for a resolution of Parliament to remove Hon. Francis Zaake from the Office of Commissioner of Parliament.

“*Whereas Hon. Francis Zaake Butebi was on Tuesday, 13July 2021 elected to the office of Parliamentary Commissioner by this House, in compliance with the provisions of Section 2 of the Administration of Parliament Act, Cap 257 of the laws of Uganda;*

*AWARE that the Parliamentary Commission, under the chairpersonship of the Rt Hon. Speaker of Parliament, is charged with the functions, under Section 6 of the Administration of Parliament Act, to ensure the efficient functioning of Parliament;*

*FURTHER AWARE that under Rule 85 of the Rules of Procedure of Parliament, the behaviour of Members of Parliament is guided by a code of conduct prescribed in Appendix F of the Rules of Procedure of the Parliament of Uganda;*

*AND FURTHER AWARE that paragraph 5 of Appendix F obligates Members of Parliament to, at all times, conduct themselves in a manner which will maintain and strengthen the public’s trust and confidence in the integrity of Parliament and never undertake any action which may bring the House or its Members generally into disrepute;*

*NOTING that under Rule 87(2) of the Rules of Procedure, the decision of the Speaker on any point shall not be appealed to and shall not be reviewed by the House, except on a substantive motion made after notice;*

*ALARMED that Hon. Francis Zaake, without exercising the avenues afforded to Members in the Rules of Procedure, took to social media to abuse and insult the Rt Hon. Deputy Speaker of the Parliament of Uganda;*

*AND FURTHER ALARMED that the conduct of Hon. Francis Zaake not only denigrated the office of the Speaker, but also demeans the integrity of Parliament among the citizens and that it represents an international community* – *(Member rose\_)*

**THE DEPUTY SPEAKER:** Let him finish his motion.

*“GRAVELY CONCERNED that the continued occupation by Hon. Zaake of the office of Parliamentary Commissioner in the Parliamentary Commission, which is the governing board of Parliament, will portray negatively on the calibre of Members of Parliament;*

*NOW, THEREFORE, be it resolved that the Parliament of the Republic of Uganda, being dissatisfied with the breach of the mentioned Rules of Procedure and flagrant conduct by the said Hon. Francis Zaake, immediately removes him from the office of Commissioner of Parliament, under Section 5 of the Administration of Parliament Act, for misbehaviour and misconduct and willful violation of the Rules of Procedure*.”

I beg to move. *(Applause)*

**THE DEPUTY SPEAKER:** Thank you. Is the motion seconded? *(Members rose\_)* It is seconded by Hon. Macho, Hon. Ebwalu, Hon. Aogon, Hon. Anifa, Hon. Government Chief Whip, Hon. UWOPA, Hon. Wilson, Hon. Iddi – it is supported by the whole House. Yes, Hon. Macho?

8.01

**MR GEOFFREY MACHO (Independent, Busia Municipality, Busia):** Madam Speaker, Parliament is the highest temple of legislation in our country. I have stood to second the motion moved by Hon. Mapenduzi, recommending the removal of Hon. Francis Zaake as a Commissioner of this Parliament, basing on a very good report written by the Committee on Rules, Privileges and Discipline with very good and underlined recommendations, which has made me discover today that a leader must have integrity, decorum and walk the talk.

Madam Speaker, I see this as going to bring sanity among the honourable members in this country and majorly the honourable leaders in the leadership of Parliament. Since the introduction of the multiparty dispensation, this is the first historical step we are taking to remove a commissioner, not because of his political affiliation, but because of character.

Madam Speaker, too much freedom given by the NRM regime has turned out to be an abuse to some people. We request the NRM, as a government, that the freedom you have given some of us in this country must be controlled.

At the same time, Madam Speaker, we leaders and the people who vote us must know how the leaders they are voting were brought up. Words of a leader show where the leader comes from and how the leader was brought up.

The noble cause we are carrying out today of removing Hon. Zaake is creating a new chapter in NUP and opening up vacancies for other potential disciplined people like Hon. Nsibambi, Hon. Joel Ssenyonyi, Hon. Shamim Malende and many others.

Therefore, Honourable colleagues, I kindly request you to support this motion so we can bring sanity among the Parliamentary Commissioners.

Madam speaker, I highly second that Hon. Zaake becomes a backbench Member like some of us so that we can move the voice of the people in this august House. Thank you, Madam Speaker.

8.04

**THE LEADER OF THE OPPOSITION (Mr Mathias Mpuuga):** Madam Speaker, with all due respect to the mover of the motion, it is very important - and I would like to insist - that for instance, if Hon. Zaake has been found guilty of a moral offence, he should face justice. Nobody can apologise for that.

However, if you want to cure immorality, you do it morally. I would like to be on record that the signatures laid by Hon. Mapenduzi are fraudulently before this House. I want it to be on record *– (Interjections) –* No, it is not that people did not sign but I want it to be on record. My record is subject to dispute. I am alive to how signatures are collected over such a matter. The record was never at the Sergeant-at-Arms’ table. They were never there.

I thought as this record is properly captured, Members do what they want to do with their hearts at ease. It is very critical that the records are properly captured.

As a leader, I have a duty to my Member who is under inquest and impeachment. That duty cannot be abdicated. That is a personal duty as the leader of a team and I thought I should be on record.

Every Member has a right to give their views, including moving motions - for me, it is very okay. Madam Speaker, with due respect, you see, the numbers required to remove the Member from the position of Commissioner are quite big. I can see the House congested, even against health standards and the Minister of Health is here quiet.

I would like to propose that we cede ground to create space for other Members to enter so that this job is finished without causing undue trouble of a health nature. I do request that I take leave and create more space because there are Members outside who want to participate.

**THE DEPUTY SPEAKER:** Honourable member, before you seek leave to go out, I want it to be on record that these signatures were collected by the Sergeant-at-Arms of Parliament and the Clerk to Parliament.

Two, I also want you to know that on 8 April 2020, as part of the measures to combat COVID-19, we passed a resolution in this House - there was a decision that we took in this House saying the sitting should be of 100 Members. Therefore, if we have an excess, the law says 50 per cent should vote for a Member. We made a ruling in this very House that we should always have only 100 sitting Members because of COVID-19.

We really appreciate your guidance, but a Member also has a right to move for or against a motion. Members have a right to choose a leader whom they want. If they get the vote, it is well and good.

For that motion that has been moved by Hon. Mapenduzi, we will apply rule 98(b) of our Rules of Procedure. We are now going to put rule 98(b) and -

**MR MPUUGA:** Just to put the record straight, Madam Speaker, the record is my personal opinion and it is not meant to impeach the ruling of the Speaker. I do that cognisant of the space at my disposal to express that opinion. I hold, in utmost respect, the views of Members desiring to move any motion on the Floor. I cannot impeach that right. However, I thought I should be on record such that the future *Hansard* readers could establish where we stood in these times, in terms of guiding the House.

8.10

**MR JOHN BAPTIST NAMBESHE (NUP, Manjiya County, Bududa)**: The 100 members that you are actually referring to was on express understanding that even those that are out there would be engaging virtually. However, in this case -

**THE DEPUTY SPEAKER:** Do you mean the express understanding has stopped? It still exists.

**MR THOMAS TAYEBWA:** I am usually uncomfortable discussing something, which is already decided on. This is a matter, which has already been suspended. It is already 8.00 p.m. Kindly call us and we move.

**THE DEPUTY SPEAKER:** Honourable members, it is free sitting. Clerk, can we start on the voting?

*(Whereupon Members of the Opposition exited the Chamber.)*

8.11

**MR JONATHAN EBWALU (Independent, Soroti West Division, Soroti):** Madam Speaker, I rise here to second the motion. If you read the Book of Romans, Chapter 13, you realise that it is reads:

*“Everyone must submit himself to the governing authority; for there is no authority, except that which is ordained by God.”*

The authorities that exist have been established by God. Therefore, those who oppose authority shall face judgement. This should be a deterrent measure to people who think they can use this Parliament to abuse the privileges in this Parliament; that must stop.

My job here, as a Member of Parliament - I do not come from any political party; I am independent. Therefore, I stand here to defend the integrity of Parliament. I so move. Thank you

8.13

**MR SILAS AOGON (Independent, Kumi Municipality, Kumi):** Madam Speaker, first I want to applaud the chairperson of the Committee on Rules and Privileges together with the members.

Indeed, the committee was busy because its report was very long. In addition, you took a long time to read it because it was exhaustive.

Madam Speaker, I am happy for one thing. As Parliament, we are not doing what is happening between a certain state and another somewhere outside Uganda right now. At least, we are being civil by following Rules of Procedure of this House.

I am happy that we are alive to the requirements of rule 16 of our Rules of Procedure on suspension of rules 110, 111(5) and now you execute the demands of rule 98(b) - I think that is where we are now alive.

Madam Speaker, what pains me is for somebody who sits with us, to decide to go beyond the boundaries and say things that the chairperson of the committee finds hard to repeat on these microphones; it will take me ages to forget what we have heard.

The most important thing for us as a House is to do our best to deter Members from doing the same thing. I want to note this; it is not the first time Hon. Zaake has done this.

I therefore want to support the motion by Hon. Mapenduzi that we go ahead and do the voting under rule 98(b) I beg to move.

8.15

**MR ANTHONY ESENU (NRM, Kapelebyong County, Kapelebyong):** Madam Speaker, based on rule 59(c) which reads, *“Motion for adjournment of a debate,”* I want to move that we close this debate and we move forward to the voting process. Thank you.

**THE DEPUTY SPEAKER**: Is the motion seconded? Members, we are going to be given ballot papers. They call a name, you pick a ballot paper. The motion which is there is whether we should remove Hon. Zaake; you either tick “Aye” or “Nay”. “Aye” means that we remove the Member while “Nay”, we retain the Member.

**MR SILWANY:** Madam Speaker, the clarification I am seeking from you is that instead of using “aye” Members would be comfortable with “aye” and “nay” since it means the same thing. I seek your indulgence on that change between “yes” and “no”.

**THE DEPUTY SPEAKER:** Members the “aye” is a.y.e. and “nay” is n.a.y. Can we start the process, Clerk?  Honourable Members, can we have nonvoters (ex-officio Members) out?

**MS ABER:** Madam Speaker, I would request that they put the two words very clearly up on the screen for clarity to the Members. Thank you.

**THE DEPUTY SPEAKER:** Okay

**MS OPENDI:** Thank you, Madam Speaker. Honourable members, the Clerk has a list of over 500 Members. Now that the nonvoters have gone out – the ex-officio Members, can the ballot paper be given to each one of us and so that we write at once and put there? Otherwise, if they call names, we shall spend more time here.

**MR TAYEBWA:** Madam Speaker, Let us be cautious -

**THE DEPUTY SPEAKER:** Honourable member, we have agreed to work on this; let the names be read.

**MR TAYEBWA**: And Members must understand that a clear voters’ register is available and we tick on whoever votes. Otherwise, someone will say even nonvoters voted on my behalf. The good thing Hon. Sarah Opendi has withdrawn that.

Therefore, colleagues, I hope we are saying “Aye” on the ballot. We have “Nay” and “Aye” so we are saying “Aye” on the ballot.

8.21

*(Voting by secret ballot ensued.)*

**THE DEPUTY SPEAKER:** Members, keep quiet so that other Members can hear their names.

8.22

**MR RICHARD GAFABUSA (NRM, Bwamba County, Bundibugyo):** Madam Speaker, what is being displayed on the monitor – I want to correct the spelling of “aye” and “nay”. The correct spelling is a.y.e. for “aye” and for “nay” is n.a.y. not n.o.e.s. because people will do different things.

*(Voting by secret ballot continued\_)*

**MR NANDALA-MAFABI:** Madam Speaker, under our rules, it is a secret ballot. However, we can see cameras are there and that has stopped being a secret ballot.

**THE DEPUTY SPEAKER:** Where?

**MR NANDALA-MAFABI:** Madam Speaker, is this really a secret ballot under our rules or *– (Interjection)* - Then vote openly and we avoid that

*Voting by secret ballot (cont’d)*

**THE DEPUTY SPEAKER:** Please bring the ballot papers here and we count the votes.

*(Vote counting ensues)*

**THE DEPUTY SPEAKER:** Clerk, can you give us the results?

Vote results

In favour - 155

Against – 04

Abstention - 00

Invalid votes - 02

**THE DEPUTY SPEAKER:** Honourable members, those in favour of the motion moved by hon. Mapenduzi, having obtained the required 50+1 – which is 155 votes – the motion has hereby carried the day.

Hon. Zaake, ceases to be a member of the Parliamentary Commission. *(Applause)*

He is required to come and make an apology in this House in one week. *(Applause)*

We are now asking the Opposition to give us another name of the Commissioner.

Honourable members, thank you for staying up this late. I adjourn the House to tomorrow at 10.00 a.m. to discuss the Parish Development Model. Thank you.

*(The House rose at 9.22 p.m. and adjourned until Friday, 11 March 2022 at 10.00 a.m.)*