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(HANSARD)

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FOURTH SESSION - FIRST MEETING

THURSDAY, 24 OCTOBER 2024



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Official Report of the Proceedings of Parliament

FOURTH SESSION - 31ST SITTING - 1ST MEETING

Thursday, 24 October 2024

Parliament met at 10.05 a.m. in Parliament House, Kampala.

PRAYERS

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

The House was called to order.

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable members, I welcome you to this morning sitting. Yesterday, we stood over two Bills: The National Tribunal Bill, 2024 - due to the absence of the Minister of Justice and Constitutional Affairs and the Attorney-General, and the National Coffee (Amendment) Bill, 2024 - ending debate. Today, we commence the sitting with the two Bills. Let us start with the National Tribunal Bill, 2024.

Honourable members, you will allow me to vary the Order Paper and accommodate the report from the Leader of the Opposition on Dei BioPharma Limited. Leader of the Opposition?

Hon. Ssekikubo?

10.08

MR THEODORE SSEKIKUBO (NRM, Lwemiyaga County, Ssembabule): Thank you, Madam Speaker.

THE SPEAKER: Meanwhile, welcome back.

MR SSEKIKUBO: Most obliged, Madam Speaker. I rise on a matter of great public importance. You know, we belong to the Commonwealth and are duly represented as part of the Commonwealth community. As you are aware, the Commonwealth Heads of Government Meeting (CHOGM) opened in Samoa on the Pacific Islands yesterday. As Uganda, we have been chairing it, and last season, we hosted it but apparently, no statement is being made about our participation as a country.

We read in the statements about you being stopped from attending the Commonwealth meetings but does that also stop the Parliament of Uganda from participating in the Commonwealth activities?

THE SPEAKER: Which meeting of the Commonwealth have I been stopped from attending? I am actually going to a Commonwealth meeting tonight. I am the Chairperson of the Commonwealth Speakers, and our next meeting will be in India. The one of Samoa is CHOGM and it is being attended by the Vice President of this country, representing the President. *(Applause)* The Speaker was not part of it because it is for presidents.

The Conference of Speakers and Presiding Officers of the Commonwealth (CSPOC) is for Speakers, which I am going to tomorrow. CHOGM is for Heads of State. Tomorrow, when you become President, that is the one you will be attending. For us small people we attend the other one. *(Laughter)*

MR SSEKIKUBO: If I was to inquire whether the delegation –

THE SPEAKER: There is a delegation there from the Executive. Actually, I need to add Hon. Ssekikubo to my delegation for CSPOC. For CHOGM, it is the President who will add you.

MR SSEKIKUBO: Madam Speaker, I have not been travelling, and I do not think I will be in a position to travel; I still have business here to do.

THE SPEAKER: Okay. Thank you.

MR SSEMUJJU: Madam Speaker, thank you very much. Regarding the same point that Hon. Ssekikubo made, we recently had the United Nations General Assembly, and the President was represented by the Vice President. We also had a meeting in China, and again, our President was represented. You have just said that even for CHOGM, he is being represented.

I did ask here, Madam Speaker - this Parliament may not have taken it seriously – the need to check on the health of our President because of his age. All these important meetings that he has been attending traditionally, he now cannot attend – (*Interjections*) - and you are saying “order” –

THE SPEAKER: Honourable members, that is the benefit of having a deputy. Why don't you complain when the Deputy Speaker is chairing here? You delegate. As far as I know, the President may even be healthier than some of us.

MR SSEMUJJU: Madam Speaker, I agree entirely, but when it becomes a tradition - for example, the Minister of Education and Sports never attends Parliament - I have every reason to keep asking. What is so special that the Minister of Education and Sports cannot attend? What has happened to the President who was representing Uganda to the UN General Assembly, to meetings of Heads of State in China, and now to CHOGM, that he cannot attend; that every meeting, he must be represented?

THE SPEAKER: We passed rules here that you can participate virtually, and I have always seen Hon. Kataaha online. Even now, she is online. When we have an issue on education, she will address us on education. For now, let us first listen to the Hon. Leader of the Opposition.

10.14

THE LEADER OF THE OPPOSITION (Mr Joel Ssenyonyi): Thank you, Madam Speaker. I am happy with your guidance that we are able to ask questions to honourable colleagues who are not in the House, especially ministers, because many times, we look for them – now that they can respond to us when they are online, we do take your good guidance; we shall keep shooting those questions and require that those ministers respond to our questions even when they are online. So, I want to thank you for that guidance, Madam Speaker.

We are going to act on it; you can be very sure because there are ministers we always look for, and we do not get them, and now that they are online, we shall find them online. This is the technology age - (*Interjections*) - some colleagues are saying even in their offices – this is Parliament; we require you here so that you account not just to us but to the people of Uganda. So, when we come to your offices – it is okay; a Member can pay a courtesy visit; I can go to *Ladit's* office, but when I have certain critical questions on behalf of the people of Uganda, *Ladit* should be here to account.

Madam Speaker, let me move away from that issue. Via rule 53 of our Rules of Procedure, I would like to present this quickly on an oversight visit that, together with some colleagues, we did pay to Dei BioPharma Limited in Matugga. And I would like to table a copy of this report.

Madam Speaker and colleagues, on the 17th of April 2024, the Minister of Finance, Planning and Economic Development laid before Parliament Supplementary Expenditure Schedule No. 2 for Financial Year 2023/24, amounting to Shs 1.1 billion. Of this amount, Shs 578.4 billion was allocated to Vote 167

that is, Science, Technology and Innovation, to support what was called Strategic Pharmaceutical Industrial Investment and particularly Dei Biopharma Limited.

In fulfilment of Sections 6A and E of the Administration of Parliament Amendment Act 2006, I led a delegation of some members of the shadow cabinet to visit Dei Biopharma Limited on Thursday, 19 September 2024, to establish value for the taxpayer's money invested in this company and assess the progress of operations of this company.

Dei Biopharma Limited, a drug and vaccine manufacturing plant, is located at Matugga in Wakiso District, and its director is a one Mr Matthias Magoola. This pharmaceutical company was launched on 6 July 2021, and it set out to produce all forms of essential medicine, including vaccines.

Mr Magoola came into prominence in March 2020 following his claims to have discovered a cure for COVID-19. He promised to produce medicine for COVID-19 but that never saw the light of day, Madam Speaker and Members.

To date, Dei BioPharma Limited has received a cumulative total amount of Shs 723.4 billion in funding from the Government. This financial support began with an initial allocation of Shs 70 billion, which was granted during the Financial Year 2023/2024. This was followed by an additional Shs 75 billion in December 2023, and finally, the most recent significant amount of Shs 578.4 billion that was provided through the supplementary schedule you have talked about.

The bailout money was intended for the Government to acquire equity and become a shareholder. However, the funding allocated to Dei BioPharma Limited became contentious during the Parliamentary discussions, with the minority report raising multiple concerns, which included:

1. Lack of evidence of a special board resolution granting the Government shares in this company.

2. There was no evaluation and valuation of this company by the Chief Government Valuer to ascertain the company's worthiness and viability.
3. There was no memorandum and articles of association to establish the actual owners of the company.
4. There was no disclosure of beneficial owners as a new requirement in the Company Act to curtail money laundering.
5. There was no memorandum of understanding or agreement spelling out key obligations. And these are questions we asked on that day in this House, Madam Speaker.

The Government promised that after the supplementary request was approved by Parliament, they would set out to do all that due diligence. This position was not tenable to a number of us in the House because we did not want to put the cart before the horse. We told the Government that providing money to a company whose worth is not ascertained is like shooting first and aiming later. Despite our concerns, the supplementary request was approved.

The delegation of legislators that I went with interacted with members of the board and management, who provided some insights into the company's initiatives and challenges. They offered perspectives on regulatory compliance and pharmaceutical practices, including research developments and production capabilities. The objectives of our oversight visit included:

1. Assessing the progress of setting up the plant and establishing whether there was value for taxpayers' money thus far.
2. To verify whether there was progress regarding Dei BioPharma Limited's pledge to manufacture vaccines and other essential medicines.
3. To ascertain the extent of the Government's shareholding in Dei BioPharma Limited.
4. To determine if a proper valuation was conducted and whether an agreement exists between the Government and Dei BioPharma Limited.

Our findings, Madam Speaker:

1. Management asserted that Dei Biopharma had been valued and that an agreement had been signed with the Government. However, they did not present any documentation to substantiate this assertion. The Government should avail to Parliament all documentation regarding the said agreement with Dei Biopharma and the valuation of the company, if at all these documents exist.
2. While it was noted that the infrastructure was in place at the time of the visit, Ugandans are interested in the promised production of essential medicines and vaccines. Dei BioPharma Limited management assured the delegation that medicine production would commence at the start of October 2024. We are now approaching the end of October. Can the Government provide an update on this matter?
3. Interestingly, when pressed for speedy delivery and production and subsequent accountability for Government funds, the proprietor expressed readiness to refund Shs 723.4 billion to the Government soon. Can the Government elucidate on this issue?

We have made three recommendations.

- (i) The Government should provide accountability for Shs 723.4 billion already spent on this project. We would like to see value for taxpayers' money.
- (ii) To promote transparency, the Government should be able to Table on the Floor of Parliament the agreement signed with Dei BioPharma Limited to ascertain the obligations of each party and the valuation report by the Chief Government Valuer. Let them be tabled here on the Floor so that we know.
- (iii) The Government should bring to Parliament a comprehensive policy on bailouts to guide future Government interventions in private enterprises. This

will help to determine objectively, which companies are deserving of bailouts and how struggling companies can be able to apply for bailouts. As it is today, it seems that only those who are connected to people in Government can access bailouts.

No wonder a number of them do not feel obliged or obligated to account for the funds that they receive.

In conclusion, Madam Speaker, the lack of transparency surrounding the agreement between the Government of Uganda and Dei BioPharma Limited raises considerable concerns about the accountability of both parties involved. We do not know why the Government is leaving a lot of room for suspicion. Keep us in the know. Table the agreements. Let us know what is happening.

Relatedly, it is prudent that before any financial commitment by the Government to a company, there must be due diligence done before, not after, extending funds. Let me repeat that, Madam Speaker. Before any financial commitment by the Government to a company, there must be due diligence done before, not after. When we are here debating this matter and saying where is the due diligence, the Government was telling us we are going to carry it out. So, why, then, do you want us to extend money when we have not done due diligence? Let us be better organised. Let us stop being shabby. The Government must prioritise accountability in all public expenditures, particularly in high-stakes commitments such as this one.

Finally, let me reiterate that establishing a comprehensive policy regarding company bailouts must be in place in order to avoid ambiguities in future dealings. Such a policy would provide clear guidelines and criteria for when and how public funds can be used to support private enterprises, ensuring that taxpayers' interests are safeguarded and that all actions taken are in the best interest of the public.

This approach would not only mitigate potential risks but also ensure that the Government is committed to transparency and fiscal responsibility. Madam Speaker and colleagues, I beg to submit. Thank you.

THE SPEAKER: Thank you very much, honourable Leader of the Opposition. I still say the Attorney-General, together with the Minister of Finance, Planning and Economic Development will give us a written response to LOP's findings.

MR SSEMUJJU: When we are passing the supplementary budget for Dei BioPharma Limited, the condition by Parliament - and the Government undertook - was that they will not release money until we have acquired shareholding in that company. Madam Speaker, I am reliably informed that as soon as we appropriated, the money went. Even as I speak now, we have not acquired the shareholding in that company.

Therefore, as they respond to the issues that the Leader of the Opposition has raised, can they also lay on the Table a share certificate stating when they acquired those shares, Madam Speaker?

THE SPEAKER: Yes, that should be included in the report. We are not going to discuss this report; we will discuss the two reports together when the other one comes. Next item?

BILLS
SECOND READING

THE NATIONAL TRIBUNAL BILL, 2024

THE SPEAKER: Honourable members, pursuant to rule 130 of the Rules of Procedure, I now invite the Minister of Justice and Constitutional Affairs to move a motion for the second reading of the Bill. Yesterday, this Bill was stood over because the minister was not in. Now that he is around, could you move the motion? (*Mr Nathan Twesigye rose*) Procedure?

MR NATHAN TWESIGYE: Thank you, Madam Speaker, for the opportunity. I would like to make an observation and then I raise my procedural issue.

We have handled Bills on rationalisation. When you look up the scientific meaning of rationalisation, we are talking about reorganisation, streamlining, and restructuring of an organisation or company. When you look at these three terms, rationalisation is a process. It is not a one-day thing or a full-stop thing.

This being a process, my concern is that as we talk about it, procedurally, we should have a time frame when the commencement of this process should start. When you look at what is happening now, since this process started, most of the employees of these organisations under rationalisation are in the dark about the future of what is likely to happen.

There are members of staff in these organisations who are on contract basis. Some of their contracts are ending; some of them still have running contracts. So, if we make a law and do not put a commencement date, then there will be a problem in this process.

Finally, Madam Speaker, when we pass resolutions here as Parliament, and there are some that backfire, it comes back to us. There was a recommendation here, which we passed, on science teachers about their enhancement. As I speak now - and I have information here - over 5,000 teachers have applied for early retirement. Instead of thinking about the arts teachers, the President, when he was attending the teachers' day, now gave a directive -

THE SPEAKER: So, why are you bringing in that?

MR NATHAN TWESIGYE: I am saying this, Madam Speaker, because we must be very cautious when we are making these laws. We should not rush to make a law without a commencement date. All these Bills; I do not know if it was deliberate or not -

THE SPEAKER: But the issue of the commencement date was handled yesterday.

MR NATHAN TWESIGYE: Madam Speaker, it should be clear on our side, as Parliament, that this process should commence after a specified period. Otherwise, if we leave it the way it is, we are going to have issues.

THE SPEAKER: Honourable members, we have the laws. We can have a clause on the commencement date, then we look at it clause by clause. Honourable Minister of Justice and Constitutional Affairs? - You people, do you want to continue?

DR BWANIKA: Madam Speaker, for the last three days, we have been enacting very important laws for the people of Uganda but I noticed the absence of the Attorney-General and the Deputy Attorney-General.

THE SPEAKER: Their boss is here, the Minister of Justice and Constitutional Affairs.

DR BWANIKA: He is the minister, but not the Attorney-General. The two are very different. How can we pass legislation without the input of the Attorney-General? The Deputy Attorney-General is not even here. Madam Speaker, are we proceeding well?

THE SPEAKER: Honourable minister for constitutional affairs? I have my shadow Attorney-General there, Hon. Katuntu, for Independents. *(Laughter)* You are answering where your team is. Let him first answer where his team is.

10.31

THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr Norbert Mao): Madam Speaker, we have got one Government and we also have skills. I wish to inform the House, as indeed the Government Chief Whip did, that the Attorney-General is in Washington D.C., for a meeting of the World Bank, which is very important for the development of this country.

We are in touch with him and should there be any need for any consultation, which requires him in his constitutional capacity, we can reach out. The Deputy Attorney-General is in The

Gambia, also to represent our country in a meeting. As we talk now, I am exercising the functions of the Office of the Attorney-General.

Madam Speaker, I am an Advocate of the Courts of Judicature, having been entered on the roll in 1994. *(Applause)*

THE SPEAKER: Thank you.

MR SSEKIKUBO: Madam Speaker, I may not re-join on the statement of the honourable Minister for Justice and Constitutional Affairs. I have my reservations because the other two are constitutional offices that demand the reconsideration of my senior's position in the profession in that regard.

Hon. Itungo raised a very important matter—and you have not guided on it—about the 5,000 teachers.

THE SPEAKER: I did.

MR SSEKIKUBO: No, about the 5000 teachers.

THE SPEAKER: No, it was smuggled in. I do not know about it. I have not heard about it. So, how do I answer what I do not know? Let the Minister of Education and Sports respond to that. Minister of Education and Sports, handle. I cannot answer what I do not know.

10.35

THE MINISTER OF STATE FOR EDUCATION AND SPORTS (SPORTS) (Mr Peter Ogwang): Madam Speaker, first of all, apologies for coming in late but I will be interested in this if you permit. I do not know which source Hon. Itungo is quoting that 5,000 teachers are planning to retire. Nonetheless, even then, some –

MR NATHAN TWESIGYE: Madam Speaker, with your permission, can I lay on the Table?

THE SPEAKER: What are you laying on the Table?

MR PETER OGWANG: Madam Speaker, I need to recollect very well on the rule, whether it permits us to lay a newspaper on the Table for the purpose of it being a record of any business of Parliament. I need the Government Chief Whip to first help me.

However, let us get to the facts -

THE SPEAKER: We are now on a fishing expedition.

MR PETER OGWANG: Friends, let us get the facts: First, retirement is any individual's need. Even today, if I were a public servant employed by the Government, I could choose to ask for an early retirement.

Number two *-(Interjections)-* Madam Speaker, can I be protected?

THE SPEAKER: Hon. Nakato -

MR PETER OGWANG: If anyone has asked for early retirement, I confirm this. We have quite a number of young people in this country who are qualified to teach. This is what I want to go on record about. Thank you.

THE SPEAKER: There is a procedural matter.

MS ABABIKU: Thank you, Madam Speaker, for the opportunity. Yesterday, you guided us well. When we had a response from the Minister of Education and Sports, you gave an opportunity to the Leader of the Opposition's team; the Shadow Minister, to prepare so that the Leader of the Opposition presents their position and we have a debate after hearing from that side.

Are we right to start debating this matter today when the Leader of the Opposition has not yet presented the report we resolved yesterday?

THE SPEAKER: The Leader of the Opposition, please, include what has been raised by Hon. Nathan in your report and present it together. Honourable minister, move a motion.

10.37

THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr Norbert Mao): Thank you, Madam Speaker. First, I wish to offer my apology for being absent yesterday. I was summoned -

THE SPEAKER: Hon. Okot-Ogong, there is one House here. *(Laughter)*

MR MAO: Madam Speaker, I was summoned to go for a hearing -

THE SPEAKER: Can you move a motion?

MR MAO: So, I beg that my apology be accepted.

THE SPEAKER: Your apology was already accepted.

MR MAO: Thank you, Madam Speaker. I beg to move that the Bill entitled, "The National Tribunal Bill, 2024" be read for the second time.

THE SPEAKER: Is the motion seconded? *(Members rose)* It is seconded by Hon. Ogwang, Hon. Gidudu, Hon. Musasizi, Lt Col (Rtd) Bright, the Chairperson, Committee on Legal and Parliamentary Affairs, the Prime Minister, the Government Chief Whip and the whole side.

The Minister of Local Government, Hon. Rusoke, the whole army, Hon. Mpindi, Hon. Okello, Hon. Koluo, Hon. Okot, Dr Atim Apea, Hon. Bishanga and Hon. Milton. Thank you. Would you love to speak to your motion?

MR MAO: Madam Speaker, when I joined the Government, I found the declared policy of rationalisation. I addressed my mind to its major objectives, and I formed the opinion that it will not displace the services that are intended to be performed for the citizens of Uganda.

So, because of that, the dissolution of these agencies has been called rationalisation with the intention of ensuring efficiency and saving money. *(Applause)*

Secondly, to achieve that, some laws have to be amended by repeal and, in some cases, by consolidation. It is not necessary for me to go into the details.

Suffice it to say that one of the key roles of the Government, apart from the other three, is ensuring the territorial integrity of the country, ensuring that citizens are safe, and enacting laws and regulations. Another key function is adjudicating disputes on what the laws actually mean.

For that reason, we have the courts of judicature, tribunals and quasi-judicial bodies. So, we bring this Bill so that when the citizens disagree with the State on what the law says, particularly on matters such as taxation, the pricing for services, for instance, electricity, there is a body that can speak unequivocally about what the law actually means.

As long as there is life on earth, there will always be disputes, and therefore, we need a body with qualified men and women to listen to the contending sides and determine what the law actually means. That is the reason for the National Tribunal Bill, 2024.

This National Tribunal Bill, 2024, according to the details will be able to settle all sorts of disputes and after engaging with the committee, we believe that the body will ensure harmony.

Lastly, the National Tribunal Bill, 2024 is dissolving the Tax Appeals Tribunal, which has been one of the bodies - as you know, when you go to the chapter on finance, the first sentence deals with taxes.

Sometimes, the State oversteps the boundaries of its powers, so, citizens must have a recourse where they can go and get justice. There will also be disputes relating to procurement. There are a lot of rivalries on whether the procurement processes are fair, and whether they adhere to the law. The National Tribunal Bill, 2024 will also be dealing with that.

We do not have any major rope-pulling with the committee. From my experience, this is

one of those Bills that is totally uncontroversial because the citizens will continue to be served and to get justice whenever they disagree with the State or any agency on what the law means.

Without wasting time, I am here today to work with the Parliament of Uganda based on a process of cross-pollination. This Bill - I can assure you that it has been pollinated by the representatives of the people who sit in this august House, and Ugandans will be happy that, now, they have one address, where to take their issues whenever they disagree with the State. I urge Members to support this Bill.

Thank you, Madam Speaker.

THE SPEAKER: Thank you. Honourable committee chairperson, you can now present your report. I am also informed that there is a minority report.

10.45

THE CHAIRPERSON, COMMITTEE ON LEGAL AND PARLIAMENTARY AFFAIRS (Mr Stephen Bakka): Thank you, Madam Speaker. I have laid on the Table a copy of the report, the minutes of the meetings that we had with the stakeholders, a copy of the minority report, and the stakeholder's memoranda that they presented to us.

Madam Speaker, this is a report of the sectoral Committee on Legal and Parliamentary Affairs on the National Tribunal Bill, 2024.

Madam Speaker, I will beg your indulgence; it is a bit lengthy but since there was no controversy, I will keep skipping some paragraphs. I am sure Members have read because it was uploaded on our platform, I think, two days ago.

On 24 September 2024, the National Tribunal Bill, 2024 was read for the first time and referred to the Committee on Legal and Parliamentary Affairs for scrutiny. In accordance with rule 129(2) of the Rules of Procedure of Parliament of Uganda, the committee has examined the Bill and hereby presents its report.

Overview of the National Tribunal Bill, 2024

The policy behind the Bill is to give effect to the policy of rationalisation of Government agencies and public expenditure, which was adopted by the Cabinet on 22 February 2021 and is contained in Cabinet Minute No. 43 (CT 2021).

The object of the National Tribunal Bill, 2024, is to establish the national tribunal and for related matters. The national tribunal is intended to replace and carry on the functions of the Tax Appeals Tribunal, established by the Tax Appeals Tribunal Act, Cap. 341, the Electricity Disputes Tribunal, established by the Electricity Act, Cap. 157, and all other tribunals established by law, as it has been provided under clauses 16 and 42 of the Bill.

The rationale for establishing a single tribunal to carry out the functions of all other tribunals in Uganda is to ensure the resolution of the disputes arising from the implementation of different Acts by a single tribunal in order to reduce the administrative costs incurred by the Government.

The Bill, therefore, proposes — the minister has discussed the proposals in the Bill; I will skip that and go to page 3, starting with paragraph 3.0, which is methodology.

Methodology

In the process of analysing the Bill, the committee met and held discussions with the following stakeholders:

- (i) The Ministry of Justice and Constitutional Affairs;
- (ii) Uganda Law Development Centre;
- (iii) The Tax Appeals Tribunal;
- (iv) The Electricity Disputes Tribunal.

The committee reviewed the following relevant documents:

- (i) The Constitution of the Republic of Uganda;

- (ii) The Tax Appeals Tribunal Act, Cap. 345;
- (iii) The Electricity Act, Cap. 157;
- (iv) Oxford Advanced Learners' Dictionary, Sixth Edition;
- (v) Court decisions;
- (vi) Administration of the Judiciary Act;
- (vii) Cabinet Minutes No.43 (CT 2021).

The next paragraph, 4.0, is about tribunals in Uganda and the input there, basically, is to define tribunals. What I can see there is in the second paragraph, on page 4, which says that, by their nature, tribunals are created by statute, exercise quasi-judicial functions and carry out their duties in accordance with the law under which they are established and the principles of national justice.

Usually, tribunals are set up to handle administrative issues that cannot be handled conveniently by the ordinary courts. Tribunals are usually set up to resolve disputes between public authorities and individuals that may arise in the course of implementation of policies or enforcement of laws.

Currently, there are a number of tribunals created, pursuant to provisions of the Constitution of the Republic of Uganda, 1995, and other tribunals created through other enactments of Parliament.

Here below, we bring for you the constitutional tribunals enacted by command of the Constitution, and the tribunals that have been enacted by Acts of Parliament. They are on pages 4 and 5.

Let us go to page 7 and see the general analysis, observation, findings and recommendations of the committee.

This part of the analysis examines the Bill and considers the provisions being amended, the proposed amendments made to the provision, the effect of the amendments, including the provisions' legality, effect and effectiveness in light of other provisions or any other law, existing public policy, if any, court decisions and the mischief it intends to cure.

The analysis is classified into thematic areas that the Bill proposes to amend, after which a recommendation is stated. The matters are divided into preliminary matters and substantive matters raised by stakeholders during their interaction with the committee.

Under preliminary matters raised by the stakeholders and members of the committee, there arose the issue of constitutionality of the Bill in light of Article 152.

I want to read this one, Madam Speaker, for the Members to understand because it is a matter of contention by the minority report.

During the consideration of the report, a number of preliminary matters were raised relating to the constitutionality of the Bill, public consultation, application of the Bill, and the policy considerations and other matters, which are highlighted below.

Constitutionality of the Bill in light of Article 152:

Stakeholders raised the preliminary matter relating to the constitutionality of the Bill in regard to the proposal to merge the Tax Appeals Tribunal with the Electricity Disputes Tribunal. The proponents of this objection argue that the proposal to merge the Tax Appeals Tribunal with any other tribunal, as proposed in the Bill, will infringe on Article 152 of the Constitution.

According to the proponents, Article 152(3) of the Constitution envisages an independent Tax Appeals Tribunal, whose only role is to settle tax disputes. They further argue that the Tax Appeals Tribunal cannot be merged with any other tribunal and should remain independent with a single mandate to settle tax disputes.

The committee has examined the assertions made by the stakeholders and members of the committee find no merit in them. In arriving at this finding, the committee examined Article 152 and found that the Bill, in its current form, does not infringe on any constitutional provisions, especially Article 152(3) of the Constitution, as alleged.

Article 152 is reproduced below.

“Article 152: Taxation

- (1) *No tax shall be imposed except under the effect of an Act of Parliament.*
- (2) *Where a law enacted under clause 1 of this Article confers powers on any person or authority to waive or vary a tax imposed by that law, that person or authority shall report to Parliament periodically on the exercise of those powers, as shall be determined by law.*
- (3) – now, in clause 3, which is the matter of contention – *“Parliament shall make laws to establish tax tribunals for the purposes of settling tax disputes.”*

The committee finds that Article 152(3) imposes an obligation on Parliament to establish tax tribunals for purposes of settling tax disputes. The provision requires the establishment of tax tribunals and the settlement of tax disputes by tribunals as so established.

This provision merely obligates Parliament to provide a mechanism for settling tax disputes. The mechanism must be a tribunal and not a court of judicature or any other forum. The provision does not require that the settlement of tax disputes must be done by a single tribunal, whose only function is to adjudicate on tax disputes, as alleged by the persons objecting to the Bill.

Indeed, clause 3 of Article 152 is crafted in the plural and envisages the appointment of more than one tribunal for settlement of tax disputes. The provision does not also require that the name of the tribunal envisaged in the provision be “Tax Appeals Tribunal”. The committee finds no cap on the jurisdiction that may be exercised by the tribunal created pursuant to Article 152(3) of the Constitution.

The tribunal envisaged under Article 152 can handle tax disputes and any other disputes that Parliament may confer on it. The argument proceeds, but that is the crux of it.

Recommendation

The committee recommends that the argument that the Bill infringes on Article 152(3) be rejected.

5.1.2. Policy considerations

The committee also received submissions from a number of stakeholders whose opinion was that the Bill is premised on a wrong policy since the Cabinet decision taken on 22 February, as contained in Cabinet Minute No.43, did not recommend the merger of the Tax Appeals Tribunal with the Electricity Disputes Tribunal as alleged in the memorandum of the Bill.

The proponents of this argument opine that the Bill is hinged on falsehood since the Cabinet has never recommended a merger of the Electricity Disputes Tribunal with the other tribunals in Uganda.

Our finding is that RAPEX is a Government policy as passed in the 2021 Cabinet minute extract which I have given you and therefore we find no merit in this argument.

The committee recommends that the assertion that the policy for Rationalisation of Government Agencies and Public Expenditure (RAPEX) does not extend to the Electricity Disputes Tribunal and should be rejected.

5.1.3 Consultations of affected Tribunals

Various stakeholders made the assertion that the Government did not consult them or that the consultations were insufficient, or that their views were not taken into consideration during the consultation process leading to the introduction of the Bill.

The committee was informed by the representatives of the Tax Abuse Tribunal and the members of the Electricity Disputes Tribunal that whereas they were consulted during the formulation of RAPEX policy, their views were not taken into account.

The committee was informed that the Tax Appeals Tribunal and the Electricity Disputes Tribunal both objected to the merger but these views were rejected by the Cabinet.

In responding to this matter, the committee is aware that Article 1 of the Constitution guarantees the sovereignty of the people of Uganda and that there is no legal requirement for public consultation during the conceptualisation of policy laws. It is merely good governance and good practice to consult the public.

All there is in the Constitution on public participation is in the national objectives and the directive principles of state policy, and the provision of the Constitution for a Bill to be sent to the committee for conducting a hearing.

In the absence of a law that lays down some structural modus operandi for public consultation and participation, the committee is aware and was informed that the Government consulted widely the affected agencies and some indeed submitted their views and responses to the proposals of the Bill.

The committee was informed that, indeed, the Tax Appeals Tribunal and the Electricity Disputes Tribunal's views were sought on the proposed merger through their line ministries and were informed that the decision to merge them had been made by the cabinet.

The committee is satisfied that there were sufficient consultations carried out by Government during the conceptualisation of the RAPEX policy.

5.1.4 Application of the Bill

Various stakeholders opined that the Bill should be rejected on grounds that its application is not clear and it infringes on various articles of the Constitution since it rationalises various tribunals established or envisaged in the Constitution.

The committee examined this assertion and finds that whereas the Bill does not clearly

stipulate the tribunals it seeks to rationalise, save for the Tax Appeals Tribunal and the Electricity Disputes Tribunal, this is not a ground for total refusal of the Bill in its entirety since the committees of Parliament are empowered under rule 129 to propose amendments as the committee deems necessary.

The explanatory memorandum states that the intention of the Bill is to merge the Tax Appeals and Electricity Disputes Tribunal into one tribunal called the National Tribunal which shall adjudicate all disputes subject to a tribunal.

However, clauses 43 and 44 of the Bill emphasise this intention by repealing the Tax Appeals Tribunal and dissolving the Electricity Disputes Tribunal as well.

As it may, clause 42 suggests that the Bill's intention goes beyond merging those two agencies. Clause 42 provides that where an Act provides for the establishment of a tribunal, the National Tribunal shall be taken to be the tribunal established by the Act.

Clause 42 has the effect of transferring the functions of all other tribunals envisaged or established under any law to the National Tribunal.

Similarly, clause 16 of the Bill can be interpreted as extending the jurisdiction of the Bill to tribunals that are established under any other Act of Parliament.

The committee has examined the Bill and other relevant laws applicable to the subject matter and is of the considered opinion that the confusion as to the application of the Bill and the proposed extension of the Bill to all other tribunals directly established or envisaged under other laws has constitutional and legal ramifications, which might affect the legality of the Bill if not amended.

The first challenge will be constitutional since clause 42 will have the effect of amending the Constitution to transfer the National Tribunal to the functions of all tribunals created and

envisaged under the Constitution. It should be noted that the Constitution directly creates or empowers the establishment of the following tribunals:

- a) Tribunal appointed by the President under Article 60 of the Constitution for the removal of a member of the Electoral Commission.
- b) Tribunal established by the Chief Justice under Article 64 of the Constitution to hear and determine a dispute between the Electoral Commission and any other person aggrieved by a decision of the Electoral Commission in respect of demarcation of constituencies.

Clause 42 appears to suggest that the above tribunals created or envisaged under the Constitution will be dissolved and their functions taken over by the National Tribunal. If this is the intention of clause 42, then clause 42 amends the Constitution indirectly, a matter that will open the Bill to a legal challenge for contravening Article 259 of the Constitution.

It is, therefore, the committee's considered opinion that unless clause 42 specifically exempts constitutional provisions from the application of the Bill, clause 42 is likely to be challenged for contravening all articles of the Constitution that directly create tribunals or provide for the appointment of a tribunal in specified circumstances.

And so, we propose that this Bill restricts itself to tribunals that are not envisaged under the Constitution as we have listed them –

- (a) The Tax Appeals Tribunal;
- (b) The Public Procurement and Disposal of Public Assets Appeals Tribunal established in section 108 of the Public Procurement and Disposal of Public Assets;
- (c) The Electricity Disputes Tribunal established by section 97 of the Electricity Act, CAP 157;
- (d) The Insurance Appeals Tribunal continued in existence under section 135 of the Insurance Act, Cap 191;

- (e) The Uganda Communications Tribunal established under section 61 of the Uganda Communications Act, Cap 103;
- (f) Retirement Benefits Appeals Tribunal established under section 83 of the Uganda Retirement Benefits Regulatory Authority, Cap 232;
- (g) The Capital Markets Tribunal established under Section 131 of the Capital Markets Authority Act, Cap 64;
- (h) The Seeds and Plants Tribunal established under Section 16 of the Seeds and Plants Act, Cap 41.

The committee recommends that the Bill should be amended to restrict the application of the Bill to tribunals created under Acts of Parliament other than the Constitution.

5.2 Substantive matters on the contents of the Bill - those were preliminary matters.

5.2.1 Merger of Tribunals

The intention of the Bill is two-fold. The first intention as communicated by the Memorandum and clause 43 and 44 is to merge the Tax Appeals Tribunal and the Electricity Disputes Tribunal into one national tribunal called the National Tribunal, which shall adjudicate all disputes subject to settlement by a tribunal.

The second intention is to abolish all the other tribunals in Uganda and transfer the functions that have hitherto been performed by all other tribunals to the National Tribunal.

This intention is communicated by clause 42 of the Bill, which is to the effect that where any Act provides for the establishment of the tribunal, the tribunal shall be taken to be the tribunal established by the Act. This in essence rationalises all other tribunals in Uganda.

I have already listed the tribunals that are going to be affected by the Bill.

5.2.1.9 Decision of the committee on the mergers

The committee received the views and opinions on the proposal to merge the tribunals. Those in support of the proposal aver that the merger will relieve the Government of financial drain in its resources and the burden of wasteful administration and expenditure, facilitate efficient and effective service delivery, and promote coordinated administrative arrangements, policies, and procedures.

Those who are opposed to the merger aver that Uganda's energy policy, which proposed the establishment of an electricity tribunal, supersedes the RAPEX policy and that the Electricity Disputes Tribunal is a key component of the electricity sector and deserves to be left as a stand alone.

Other issues raised include disruption in the performance of the tribunals' mandates, mismatch in the mandates of the different tribunals being merged, a limited number of members at the proposed national tribunal, and restrictive qualifications and experiential requirements for entities that are merging.

In light of the above, the committee recommends that the following tribunals be merged into the National Tribunal:

- a. The Tax Appeals Tribunal established under the Tax Appeals Tribunal Act;
- b. The Electricity Disputes Tribunal established by the Electricity Act;
- c. The Public Procurement and Disposal of Public Assets Tribunal established under the Public Procurement and Disposal of Public Assets Act;
- d. The Insurance Appeals Tribunal established under the Insurance Act;
- e. The Uganda Communications Tribunal established under the Uganda Communications Act;
- f. The Retirement Benefits Appeals Tribunal established under the Uganda Retirement Benefits Regulatory Authority Act;
- g. The Capital Markets Tribunal established under the Capital Markets Authority Act; and

h. The Seeds and Plants Tribunal established under the Seeds and Plants Act.

In addition to that, the appointment of members of the National Tribunal should take into account the need to have persons qualified in the subject matter of the tribunals so that the National Tribunal is constituted by persons who have knowledge in the broader subject matter of the National Tribunal.

The other issue is qualifications for appointment and duration of service. This is critical, I will read it because Members need to understand our proposals.

In clauses 5 and 6 of the Bill, the Bill prescribes the qualifications and terms of service of a member of the Tribunal. Clause 5 requires that a person may only be appointed as a member of the Tribunal if the person is of high moral character and proven integrity, and has not been convicted of any offence involving moral turpitude. The provision further requires that the member must possess qualifications in Taxation, Finance, Accounting or Law, or such other qualifications the minister may by statutory instrument prescribe.

Clause 6, on the other hand, provides that the chairperson and other members of the tribunal serve for three years and are eligible for reappointment.

The committee has examined the proposals contained in clauses 5 and 6, and it is of the considered opinion that some of the aspects contained in the provisions need to be rethought. For instance, the proposal to bar persons who have been convicted of any offence involving moral turpitude should be rethought since the offences falling under the category of “offence involving moral turpitude” are difficult to determine. Using the phrase “moral turpitude” will affect the effectiveness of the provision since such offences involving moral turpitude cannot easily be defined and determined.

We go on to say that it should be noted that whereas the phrase “moral turpitude” - our argument here honourable members, is that we

seek to remove the idea of excluding someone on the grounds of moral turpitude because their definitions have been problematic in the courts of law. Our recommendation is that “offences involving moral turpitude” in clause 5 should be deleted and in clause 6, the provisions should be amended to impose term limits.

On the issue of term limits, the proposal was that a member could be appointed for three years and then reappointed without putting term limits. We are proposing that members of the Board be appointed for only three years with a further one term only. Therefore, we are putting in a term limit.

Page 23 on appointment of the judge to the tribunal and effect on his or her tenure as a judge. Clause 3 of the Bill provides for the Chairperson of the National Tribunal and requires that he or she is appointed by the minister in consultation with the Chairperson of the Judicial Service Commission and the minister responsible for Public Service.

A person is not qualified to be appointed Chairperson of the National Tribunal unless he or she is qualified to be appointed a Judge of the High Court. This clause limits the appointment of the chairperson of the tribunal to either a person who qualifies for appointment as a Judge of the High Court or a sitting Judge of the High Court.

In a situation where a sitting judge is appointed, clause 7(2) of the Bill guides that the appointment of a judge as a chairperson shall not affect his or her tenure of office as a judge, or his or her rank, title, status, procedure, salary and allowances, or other rights or privileges, as the holder of the office of the judge of the courts of judicature and, for all purposes, his or her service as chairperson shall be taken to have been service as holder of the office of such a judge.

The committee has considered the proposal contained in clause 7(2), and it is of the considered opinion that this clause should be rethought in light of the limitations imposed on a judicial officer who serves

outside the Judiciary under Section 20 of the Administration of Judiciary Act, Cap. 4.

Section 20 of the Administration of the Judiciary Act requires that where a judicial officer is appointed to an institution outside the Judiciary, the judicial officer applies for leave of absence without pay from the Judiciary. The maximum period a judicial officer can serve outside the Judiciary is three years. This means that a judicial officer who is appointed to the tribunal must apply for leave from the Judiciary, and the emoluments of that judicial officer are suspended for the duration of his or her service outside the Judiciary.

Furthermore, Section 20 paragraph 6 requires that the period of service of the judicial officer outside the Judiciary is not counted as part of the judicial officer's service in the Judiciary and is discounted in computing retirement benefits.

Clause 7(2) of the Bill, therefore, contradicts Section 20(1)(a) and 6 of the Administration of the Judiciary Act insofar as –

- i. it maintains the salary, allowances, other rights or privileges as enjoyed by a holder of the office of the judge of the courts of judicature, yet these are affected by the provisions of Section 20(1)(a) of the Administration of the Judiciary Act;
- ii. it deems the service of the judicial officer outside the Judiciary to be service in the Judiciary, yet this is barred in Section 20(6) of the Administration of the Judiciary Act.

The committee is of the considered opinion that since there is a great deal of backlog in the courts of law, there is need to bar the appointment of serving judicial officers from the tribunal so that the normal operation of the courts is not affected by the appointment of serving judicial officers on the tribunal.

Recommendation

In light of the above, clause 7(2) should be deleted and instead, clause 3 be amended to bar serving judicial officers from being

appointed on the tribunal since it disrupts the administration of justice in the courts of law.

Transition to the National Tribunal

Clause 41 of the Bill provides for transitional matters and requires that the Bill applies to decisions made before the Bill is commenced. Whereas this provision is necessary since it will allow for the filing of the Tribunal for review of decisions that were made before the Tribunal came into force, it falls short of addressing the issue as to what happens to matters that were filed with the tribunals that are being dissolved for which the relevant tribunals have not rendered a decision.

The committee finds this to be a major stumbling block since at the moment most of the tribunals that the committee interacted with are grappling with a case backlog due to a delay in appointing members of the relevant tribunals as the case is with the Tax Appeals Tribunal or as well as lack of quorum in some other tribunals as the Electricity Disputes Tribunal, arising from expiration of contracts of the current members of the tribunal.

The committee was informed that currently 40 cases are filed with the Tax Appeals Tribunal every month, while the backlog stands at 600 cases yet to be determined. In the case of the Electricity Tribunal, the tribunal has a backlog of over 500 cases arising from non-renewal of contracts of the serving tribunal members, which expired in July. This state of affairs also pertains in other tribunals due to operational reasons.

In light of the above, the committee finds the proposal in clause 41 insufficient to deal with the backlog currently experienced before some tribunals and opines that there is a need for the tribunals being dissolved to be given adequate time to finalise all the matters before them for at least one year from the commencement of the National Tribunal so that the National Tribunal is not saddled by the case backlog experienced by the current tribunals. This is advisable for mainly two reasons and we gave the reasons.

Recommendation

In light of the above, the committee recommends that the Bill be amended to provide a transition for the matters currently pending before the dissolved tribunals. This would reduce the disruption in the delivery of justice that may be occasioned by the dissolution of the tribunals without adequate provision for transitional matters pending before the tribunals.

In conclusion, Madam Speaker, the committee recommends that the Bill be passed into law subject to the attached proposals. Thank you, and I beg to move.

THE SPEAKER: Thank you, Chairperson. I thought you had a minority report.

MR BAKA: I take the singular honour to invite my honourable colleague, a member of the committee Hon. Jonathan, to present the minority report.

11.16

MR JONATHAN ODUR (UPC, Erute County South, Lira): Thank you, Madam Speaker. I thank the chairperson of the committee for inviting me to present this report. This is a minority report in dissent of the majority report of the Committee on Legal and Parliamentary Affairs as provided for in Rule 205(1) of the Rules of Procedure of this Parliament.

The following are the points of dissent – *(Interruption)*

MR OGUZU: Madam Speaker, thank you. I am moving under Rule 204, (2), which says, “Members of the Committee making the report shall be collectively responsible for decisions contained in the report, and shall not debate”. I have seen the name of Hon. Jonathan on the main report. A few days ago, the Attorney-General guided that a signature of a person is also the name of the person. What that does is raise questions about the authenticity of the report of the majority.

How can you have one person sign two reports; the majority and minority report? Madam Speaker, under Rule 204(3), the rule mandates you to refer this matter to the clerk for investigation so that we establish the authenticity of the report that Hon. Baka has been presenting here then we will be able to discuss the issue further in the next sitting.

Madam Speaker, I invite you to exercise the powers conferred on you under that rule to resolve this matter in a structure as dictated in the rules.

THE SPEAKER: Hon. Odur, can you present your report?

MR ODUR: The first point of dissent under paragraph 2.1 is contravention of Article 152 of the Constitution of the Republic of Uganda.

MR OGUZU: I think I am raising an issue of law.

THE SPEAKER: Yes, I am saying present the report.

MR OGUZU: Is that an illegality or not?

THE SPEAKER: Let him present the report.

MR OGUZU: Give an idea of what to do, do the rules apply?

THE SPEAKER: Show me where Hon. Odur initialled on the list of the main report. It is talking about the initial.

MR ODUR: Can I make my case? Rule 204 talks about signing and initial-

THE SPEAKER: You read Rule 204(1)

MR OGUZU: Yes, that is where I am. It says, “A report of a committee shall be signed and initialled by at least one-third of all members of the committee and shall be laid on the Table”. I have seen the name-

THE SPEAKER: Is the initial there?

MR OGUZU: The initial is not there but the name, according to the Attorney-General, is a signature.

THE SPEAKER: What do our Rules of Procedure say? Initial-

MR OGUZU: It says “signing”, and the Attorney-General defined it as the name of the person.

THE SPEAKER: Signing and initials. Hon. Jonathan?

MR ODUR: Madam Speaker, as a reader, when reports are presented, I do not want to bring other matters. That is why I confined myself to the text. I confirm to you that I did not sign the main report; my signature is only on the minority report.

I want to persuade Hon. Lee that the Attorney-General is a lawyer like one of us. He can misguide the House as they have done before many times. *(Laughter)*

Contravention of Article 152 of the Constitution of the Republic of Uganda

The Constitution of the Republic of Uganda is the supreme law of Uganda and shall have binding force on all authorities, in our opinion, including Parliament and persons throughout Uganda. (See Article 2(1) of the Constitution.)

Article 2(2) of the Constitution states as follows; *“If any other law or any custom is inconsistent with any of the provisions of this Constitution, the Constitution shall prevail, and that other law or custom shall, to the extent of the inconsistency, be void.”*

Madam Speaker, Article 152 of the Constitution provides for taxation, and specifically under Article 152(3) states: *“Parliament shall make laws to establish tax tribunals for purposes of settling tax disputes.”* The emphasis underlined is ours.

It is important to note that this Article not only commands Parliament to establish Tax

Tribunals but also prescribes the nature of Tax disputes that can be lodged before the Tax Tribunal. The deliberate use of the word “Tax” before the “Tribunal” signifies the intention of the framers of the Constitution to baptise it as a “Tax tribunal.”

This Constitutional provision in Article 152(3) can be contrasted with Article 243(1) which establishes land tribunal and states as follows; *“Parliament shall by law provide for the establishment of the land tribunal.”* Our emphasis is that; the name “land tribunal” means you cannot call it by any name other than the land tribunal.

The use of plural rather than singular, in our opinion, was deliberate and purposeful to allow flexibility in allowing Parliament to create tax tribunals directly or through delegation to address broad geographical coverages, specific categories of taxes as well as appellant jurisdictions, if required.

For example, a tax tribunal on the subject matter of Rental Tax, Income Tax or Broad Customs or Domestic taxes. In geographical scope, the tribunals could be per Uganda Revenue Authority district offices, regions or even at border entries like Entebbe Airport, Malaba, Busia, Elegu, Mutukula etc.

This would allow the Government to expeditiously resolve tax disputes and free the resources involved to the benefit of both the state and taxpayers.

It is, therefore, critical to note that taxation is an important tool available to the Government to raise resources to deliver services to the taxpayers. The framers of the 1995 Constitution were alive to this fact, and in their wisdom, which we do not doubt at all, gave taxation an entire article of its own under 152 with the heading “Taxation.”

The majority report in paragraph 2 on page 9 states that Article 152 of the Constitution of the Republic of Uganda is in plural and envisages an appointment of more than one tribunal for settlement of a tax tribunal, and further finds, the tribunal is not a tax appeals tribunal.

The minority report respectfully disagrees with this position and finds that the use of the plural tribunals in Article 152(3) was used deliberately and purposefully to address the different types of taxes such as those mentioned.

It is, therefore, erroneous to imagine that a generalised tribunal such as the proposed, “National Tribunal” is the one envisaged in Article 152(3), whose sole purpose is to settle tax disputes.

The minority report draws the attention of the House to the following paragraphs on page 13 in the majority report.

Paragraph 3 states as follows - and I invite Members to follow - The majority report states:

“The committee has examined the Bill and other relevant laws applicable to the subject matter and it is of the considered opinion that the confusion, as to the application of the Bill, and the proposal to extend the Bill to all other tribunals directly or envisaged under the other laws has constitutional and legal ramifications, which might affect the legality of the Bill, if not amended”

This is an extract from the majority report. On paragraph 4 it goes ahead to say:

“The first challenge will be constitutional, since clause 42 will have the effect of amending the Constitution to transfer to the National Tribunal the functions of all the Tribunals created or envisaged in the Constitution.

It should be noted that the Constitution creates directly or indirectly powers the establishment of the following tribunals.”

These tribunals have been listed by the majority report so I will not go through them.

However, I invite Members to note that from (a) to (h), there is a direct mention of an article of the Constitution. This is the difference between the tribunals listed as constitutional and those listed by enactment.

The only reason the majority report lists those as constitutional tribunals is because the Constitution directly creates or empowers the establishment. The majority report correctly observes that the tribunals, including the Tax Appeals Tribunal, are created or empowered by the Constitution, and therefore, should be on the list of those protected by the Constitution.

In fact, apart from the Tax Appeals Tribunal, it can be clearly seen that those listed from “b” to “h” do not have any constitutional citation.

The majority report is further contradicted when it is listed on page 6, the tribunals created by other enactments, which in their opinion, are not protected by the Constitution, to even include:

- a) Land Tribunals; and
- b) The Tax Appeals Tribunal

The majority report, having made this observation, in an unprecedented turn, decided to shift the Land Tribunal as listed on page 6 and included it under item (h) on page 14 as a Tribunal protected by the Constitution, leaving the Tax Appeals Tribunal, which is a constitutional creature isolated on the list of tribunals created by Acts of Parliament.

Our finding

The minority report accordingly finds that the National Tribunal Bill, 2024 contravenes Article 152(3) of the Constitution and invites the House to reject this deliberate position of the majority on the same, which contravenes the Constitution.

The second point of dissent is on;

2.2 Certificate of Financial Implications

The minority report would like to draw the attention of the House to the Certificate of Financial Implications issued in respect to the Bill, to the extent that it only covered the proposed rationalisation of the Tax Appeals Tribunal and the Electricity Disputes Tribunal. Indeed, this intention is clearly stated in the

Certificate of Financial Implication dated 31 July 2024 and has been reproduced below:

Specific Objectives of those certificates

- (i) To enable the mainstreaming and rationalisation of the Tax Appeals Tribunal and the Electricity Dispute Tribunals and public expenditure, thereby inter alia relieving the Government of the financial drain on its resources and the burden of wasteful administration and expenditure.
- (ii) To facilitate efficient and effective service delivery by clearly delineating the mandates and functions of the Tax Appeals Tribunal and Electricity Disputes Tribunal, thereby avoiding the duplication of mandates and functions.
- (iii) To promote coordinated administrative arrangements, policies and procedures for efficient and successful management, financial accounting, and budgetary discipline of the Tax Appeals Tribunal and the Electricity Disputes Tribunal to enable Government to play its proper role more effectively and enforce accountability.
- (iv) To restructure and reorganise the Tax Appeals Tribunal and the Electricity Disputes Tribunal by eliminating bloated structures and functional ambiguities.

The main point we are making is that the certificate only talks about those two tribunals and not any other tribunal. When it comes to staff laid off and budgetary implications, between the two tribunals, 11 staff will be laid off. The cost of their terminal benefit as stated in the certificate is Shs 2.746 billion.

Expected savings and revenue to the Government

There will be envisaged savings to the Government of Shs 11.637 billion expected from the merger of the Tax Appeals Tribunal and the Electricity Disputes Tribunal into one national tribunal called the National Tribunal.

The savings arises from scaling down the merged structure of the Tax Appeals Tribunal and the Electricity Disputes Tribunal from 46 to 35 staff. I invite Members to follow because the rest of the tribunals allegedly brought here were never assessed in this certificate. What will happen to those staff and the terminal benefits?

A patient and critical analysis of the Certificate of Financial Implications issued by the Minister of Finance, Planning and Economic Development clearly shows for all intent and purposes that it was issued in respect of the National Tribunal Bill, 2024 to ration the Tax Appeals Tribunal and the Electricity Disputes Tribunal into a National Tribunal.

The Certificate of Financial Implications does not mention anywhere the five tribunals. That is: The Public Procurement and Disposal of Public Assets Authority (PPDA) Tribunal, the Insurance Tribunal, the Uganda Communications Commission Tribunal, the Retirement Benefits Appeals Tribunal, the Capital Markets Tribunal and the Seed and Plants Tribunal. All these were not mentioned and we find problems with the importation.

The minority report rejects the “legal engineering” of the majority report on the basis that rule 129(4) allows the committee to propose amendments as it determines necessary. The minority submits that such amendments are only allowed within the scope of the Bill and not matters extraneous that are plainly on the face of it controversial, and therefore, invite the House to reject the same and discard it very far away.

It is, therefore, inconceivable that the majority report, without any plausible justification, decided unilaterally, without due regard to the financial implications involved in rationalising the five tribunals, to recommend to the House the inclusion in the Bill in what appears to be an attempt at “legislative smuggling.”

Our finding

The minority report finds that the Certificate of Financial Implications issued for the National

Tribunal, 2024, was issued strictly in respect of the proposed rationalisation of the Tax Appeals Tribunal and the Electricity Disputes Tribunal.

2.3 Inadequate consultation with the key stakeholders

In the process of analysing the Bill, the committee held discussions with only four stakeholders that have been listed:

- (i) Ministry of Justice and Constitutional Affairs;
- (ii) Uganda Law Development Centre;
- (iii) The Tax Appeals Tribunal; and
- (iv) The Electricity Disputes Tribunal.

The following tribunals now subject of the Bill in the views expressed in the majority report are:

- a) The Public Procurement and Disposal of Public Assets (PPDA) Appeals Tribunal;
- b) The Insurance Appeals Tribunal;
- c) The Uganda Communications Commission (UCC) Tribunal;
- d) The Retirement Benefits Appeals Tribunal; and
- e) The Capital Markets Tribunal.

The minority observes that the committee did not interface directly or indirectly with the key stakeholders from those five tribunals, despite our considered request that they be invited.

On matters of taxation, the key stakeholder is the Uganda Revenue Authority and it was never invited because the committee was out of time. This reason is self-defeating since the committee was still well within the 45 days from the time (24th September 2024), the Bill was referred to us. In other words, we had two more weeks to reach 45 days to have consulted on the same.

The minority report emphatically rejects the position of the majority that the Cabinet already consulted stakeholders during the formulation of the RAPEX policy. Even if this narrative were to be accepted, it is imperative to point out that Parliament and Cabinet are two

separate and distinct Constitutional institutions with different mandates under Articles 79 and 111 respectively.

Parliament is reminded of the doctrine of separation of powers as well as the independence it enjoys in the exercise of its function. In fact, several court decisions have clearly stated that Parliament is obliged to consult widely in furtherance of Article 8(a). I refer you to the case of Male H. Mbirizi, K. Kiwanuka & others versus the Attorney-General Constitutional Appeal No. 2 of 2018.

Finding

The minority report finds that the committee did not carry out adequate consultation on the Bill and the key stakeholders proposed to be affected by the Bill were not granted the opportunity to be heard. Those are the other tribunals listed.

2.4 Transitional provisions

The majority report observes that clause 43 of the National Tribunal Bill, 2024 proposes to repeal the Tax Appeals Tribunal. This, in effect, terminates the legal life of the Tax Appeals Tribunal and consequently removes from office the members of the tribunal. The following provisions for removal of a member of a Tax Appeals Tribunal from office are stated in Section 9(3) of the Tax Appeals Tribunal Act:

“A member may be removed from office only for -

- (a) inability to perform the functions of his or her office, arising from infirmity of the body or mind;
- (b) misbehaviour or misconduct;
- (c) incompetence;
- (d) being an undischarged bankrupt.”

In section 9(4) of the TAT Act, “The minister shall remove a member of the tribunal if the question of his or her removal has been referred to the committee appointed under subsection (5) and the committee has recommended to the minister that the member ought to be removed

from office on grounds described in subsection (3).”

Finding

Madam Speaker, the minority report finds that the members of the tribunal cannot be removed simply as proposed in the Bill as proposed by the Government and it may expose the Government to litigation and financial loss_

THE SPEAKER: Can you continue?

MR ODUR: Madam Speaker, our general observation, which is the last before taking leave, the minority report notes that tribunals are specialised courts and are tailor-made for specific purposes such as removal from office of the following: The President, judges, commissioners - you can extend to others, which is constituted on a case-by-case basis. A tribunal constituted for the purpose of removing one judicial officer only functions for the purpose of removal of that judicial officer and cannot be extended to remove another person from office.

The second purpose of a tribunal is the settlement of disputes such as the tax tribunals for the purpose of taxation. Tribunals are meant to offer quick, informal and flexible mechanisms for resolving disputes and the memberships are carefully selected based on unique skills, experience and expertise.

In essence, tribunals are never generalised as there would not be any difference between the courts of law and the tribunal. A review of all the available literature in the entire world did not return any example of a country with a national tribunal which handles anything and everything.

Conclusion

For these clear reasons, Madam Speaker, the minority report recommends that Parliament should not proceed on the National Tribunal Bill until these findings are addressed. I would like to put on record, Madam Speaker, that this minority report has been duly signed

by three Members: I, Hon. Richard Lumu Kizito of Mityana South of the Democratic Party, and most of you know I am from the Uganda People’s Congress in the Opposition and thirdly, by Hon. Robert Ssekitooleko of Bamunanika, of the National Unity Platform.

The shadow Attorney-General, Hon. Niwagaba, highly associates but was not able to sign. The same with Hon. Asuman Basalirwa. In effect, JEEMA, NUP, DP, UPC, and NRM are part of this. I beg to submit, Madam Speaker.

THE SPEAKER: Thank you, Hon. Odur. Honourable members, when you look at the memorandum, you have two tribunals. You have the Electricity Disputes Tribunal and the Tax Appeals Tribunal. When you look at section 42, it is more of a supremacy clause. It brings in everything. So, I am not sure whether you still want to keep section 42 in this law and move away from your object. That is first.

Secondly, the aspect of consultation is also a matter that should be answered and then the other issue is the Certificate of Financial Implications. Yes –

MR BAKKA: Madam Speaker, let me try to answer a few issues before the minister comes in. The first one is on the issue of the tribunals as distinguished between constitutional tribunals and tribunals that are passed by Acts of Parliament. In our report – (*Interruption*)

THE SPEAKER: There is a procedural matter.

MR SSEMUJJU: Madam Speaker, I have been in this Parliament for a while. By the way, except for the last term, I have never seen a report on a Bill presented, and a minority report is presented, and the chairperson of the main report proceeds to debate the minority report –

THE SPEAKER: No, he is not debating. I have asked him for specifics. He is not debating.

MR SSEMUJJU: Madam Speaker, the reason I say this is strange is that traditionally, the Presiding Officer would invite the House to consider both, but the one of the majority

comes back to deal with the minority, yet both of them sat and wrote their reports.

Now, you will be inviting the minority to come and deal with what he is answering. That is why I said, Madam Speaker, that this procedure that we have taken is strange and I am calling you for your guidance.

THE SPEAKER: I am still asking: how did clause 42 get into the Bill yet the object had two - That is what I am asking. I want to know that. How was it smuggled in?

MR BAKKA: Madam Speaker, let me localise myself to that specific issue – how the Bill had clause 42. We read the Bill, internalised it, and it is true that, in the memorandum, the Bill talks about two entities. However, when you go into the Bill, clause 16 and clause 42 allude to the fact that all the other issues that will arise under other Acts of Parliament – where there is a matter that is referred to a tribunal – it will be this tribunal we are talking about. For that matter, we had to deal with the Bill as it was.

MR NIWAGABA: Thank you, Madam Speaker. When you look at clause 42 that makes reference to all tribunals established under the Acts of Parliament, some of those tribunals are actually from the Constitution and they were operationalised by Acts of Parliament. In effect, clause 42 intends to amend the Constitution by infection.

THE SPEAKER: Yes.

MR NIWAGABA: Even when you look at Article 152(3), the majority report notwithstanding, you are amending the Constitution by adding in what the Constitution does not provide. I believe, honourable committee chairperson, that you should have conceded.

THE SPEAKER: Actually, this is like an ad-hoc committee handling constitutional matters because when you look at Article 60(9) of the Constitution, it is talking about the Electoral Commission. So, this will also handle that. Do you get it? You look at clause 16. I am going to allow the debate but let us, first, finish this.

MR BAKKA: Madam Speaker, it is because of the challenge Hon. Niwagaba has alluded to, that in the wisdom of the committee, we decided to distinguish the tribunals, to exclude those that if we subjected them to this Act, would directly infringe on the Constitution.

I can give you the list. For example, if you go to the tribunal for the removal of a member of the Electoral Commission, under Article 60(9) of the Constitution, the tribunal is ad hoc and appointed by the President. So, it is out of our purview.

Then, there is a tribunal to hear and determine a dispute between the Electoral Commission and any person aggrieved by a decision of the Electoral Commission in respect of demarcation of constituencies.

THE SPEAKER: That is Article 64(2).

MR BAKKA: That tribunal is directly established by the Constitution, under Article 64(2). The tribunal is ad hoc and is appointed by the Chief Justice. That one is out of our purview. There is another tribunal to investigate and report to Parliament on the allegation in relation to the removal of the President – if you are impeaching the President.

THE SPEAKER: That is Article 107.

MR BAKKA: Article 107(4). The tribunal is directly established by the Constitution, under Article 107(4). It is ad hoc and appointed by the Chief Justice. That one is also out of our purview. There is a tribunal appointed for the removal of a judicial officer, under Article 144(3) and (4). That tribunal is directly established by the Constitution, is ad hoc and appointed by the President. That one is also out of our purview.

There is a tribunal for the removal of the Auditor-General, under Article 163(13). It is also directly established by the Constitution, it is ad hoc and appointed by the President. That one also is out.

There is a tribunal appointed for the Inspector-General –

THE SPEAKER: Honourable minister, what is hard with you bringing a law with only two: electricity and the tax tribunals? For the other ones, you can bring constitutional amendments.

MR BAKKA: There are two issues of contention here. The first one is that the minority report – (*Interjections*) - let me conclude.

MR NIWAGABA: Thank you, Madam Speaker. We had advised the Government that if it were to act smart, they could bring a constitutional amendment and delete all those tribunals established under the Constitution and then they come up with a National Tribunals Bill that would encompass all those, including the Tax and Appeals Tribunal. You would work smarter that way. (*Applause*)

THE SPEAKER: Honourable minister?

11.51

THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr Norbert Mao): Madam Speaker, Hon. Jonathan Odur, with characteristic ebullience, eloquence and grandiloquence, has bamboozled many Members of this House to run away from the fulcrum of the matter under discussion. The pivot of this matter is rationalisation.

Sometimes, Madam Speaker, hidden in a forest of words – and words that seduce – one can sway opinion, but in reality, there is always one or two fulcrums on which something turns, just like a door. It brings to my mind a famous case where a steamship company sued a railway company saying the railway company, by building a bridge across the river, was undermining business of the ships that moved up and down the river.

The lawyer that was acting for the steamship company came and with a lot of verbal artillery, addressed court for one hour. Then, the lawyer for the railroad company came and asked the judge to address his mind to only one issue: whether those who want to move up and down the river have more rights than those who want to move across the river. That was the only question. There was no need for a lot of words.

Now, let me state the fulcrum. Madam Speaker, Hon. Jonathan Odur has made it a – (*Interjections*)- the Leader of the Opposition should quote the rule under which he is moving the point of order because a point of order is about breach of the rules; it is not about your feelings. (*Interjections*) I will only yield the Floor when Madam Speaker tells me to.

MR SSENYONYI: Thank you, Madam Speaker. *Ladit*, kindly have a seat. Firstly, I salute *Ladit* Hon. Mao. He was at one time the Guild President of Makerere University and the flowery language he used then, he is using now.

However, the concerns - and that is where my point of order arises. We have raised two critical issues, which you have asked the honourable minister for Justice to address his mind to.

Number one, the fact that this amendment seeks to, by extension, amend the Constitution which is ultra vires - it has got no place in the law.

Number two, section 76 of the Public Finance Management Act elaborates very clearly what a Certificate of Financial Implications ought to be. I have a copy of the Certificate of Financial Implications and as our colleague has clearly stated, it talks about two tribunals.

In your case, you are seeking to deal with many tribunals. That means the Certificate of Financial Implications is defective. Madam Speaker, what you asked Hon. Mao to address us on are those two issues; the amendment of the Constitution by effect, by implication and the Certificate of Financial Implications.

Hon. Mao is taking us in circles. Is he in order to meander as opposed to addressing this House on the two matters of law and yet he is a lawyer?

THE SPEAKER: Honourable members, when you look at section 16 of the Bill: “A National Tribunal to review decisions. Any person who is aggrieved by any decision made under this Act, subject to review by the National

Tribunal, may apply to the National Tribunal for review of a decision, including a creation of the Constitution.” *(Laughter)*

Honourable minister, there is a drafting problem and we should have something drafted better and we will still accommodate you here.

MR MAO: I am a disciplined citizen of the Republic of Uganda. *(Laughter)* I am not immune to logic either. In particular, I am not immune to common sense. I have strong opinions about those who try to mislead others but because we have over 46 million Ugandans out there who are interested in having their disputes with the State adjudicated properly, we will pull back for now and come back better and stronger. *(Applause) (Laughter)* Let the Bill be stood over.

THE SPEAKER: Honourable minister, withdraw it formally.

MR MAO: Madam Speaker, I need some guidance from the chairperson because our intention was to have it stood over. I will oblige your guidance.

MR NIWAGABA: Madam Speaker, there is nothing like standing over a Bill in our rules.

MR BAKKA: Madam Speaker, the issues of controversy are very clear to us now. I beg that we stand over and not withdraw. *(Interjections)* We stand over the Bill and reconvene to discuss the controversies.

MR MAO: Madam Speaker, we thank the House –

THE SPEAKER: Honourable Leader of the Opposition, come back to your seat.

MR MAO: Madam Speaker, I thank the members of the committee for enriching a Government Bill. I also thank Members of the House, including the minority. The matters of contention are now clear to us. Since you have assured us of time in this House, I wish to move under rule 140 of the House rules to withdraw the Bill. *(Applause)*

THE SPEAKER: Thank you. I put the question that the National Tribunal Bill, 2024, be withdrawn under rule 140.

(Question put and agreed to.)

Bill withdrawn.

BILLS SECOND READING

THE NATIONAL COFFEE (AMENDMENT) BILL, 2024

THE SPEAKER: Honourable members, yesterday, the report was presented, the Bill on coffee is for debate and debate is now open. Yes, Hon. Onzima -

12.03

MR GODFREY ONZIMA (NRM, Aringa North County, Yumbe): Thank you, Madam Speaker. I would like to submit on the reports, which were laid yesterday concerning the Uganda Coffee Development Authority.

I tried to raise some issues by way of procedure yesterday but you guided that they can better be presented in the debate. I listened to the two reports, and I think what we are trying to do, as Parliament, is to ensure that we promote our coffee industry and whatever we should do should help us as a country.

When I listened to the two reports, they were elaborating on the achievements of the Uganda Coffee Development Authority: that when they were put in place, they were able to ensure issues of quality, certification and market. This was the narrative but the conclusions were that if these authorities are rationalised and merged with the major ministry, these achievements will be reversed. How they will be reversed was not explained.

I expected to hear that when these authorities are merged, these are the changes that are going to take place in terms of their structure, which changes will affect their performance. That was one.

If they are merged, what will be the issue related to the roles they have been performing and how will these roles be affected, thereby affecting the achievements? These arguments did not come out clearly. Instead, only the changes were narrated.

THE SPEAKER: Honourable minister, I hope you are taking note.

MR ONZIMA: When we are debating issues of rationalisation, Madam Speaker, we need to look at issues of the structures of these bodies before. When these bodies are merged, what are going to be the changes in these structures, in their responsibility and their roles? Will this affect the original activities which they are performing, therefore, informing the decision? But these ones I did not see.

When we look at rationalisation, my argument and thinking was that this was something to do with merging. I remember sometime back one of my economics teachers telling the class that when two bodies merge, there are always issues of enjoyment of economies of scale, efficiency, and also sharing of expertise and ideas. Therefore, my thinking was that when this merging takes place, it will promote and bring these benefits.

However, the presentations were saying, no, these activities and achievements they will bring will collapse. How they will collapse never came out clearly. That was my issue. Therefore, if the issues of these bodies are that they brought a lot of changes and good things, like others which were rationalised, then how will they fail to perform the same roles?

Were these roles only associated with the environments where they were operating before? Was it the name? Was it the title of these people? So for me, this did not come out clearly but if the same people who were performing the same roles are the same people who are coming to the ministry, playing those same roles in the ministries, and in charge of those ministries, how will this affect their performance? Madam Speaker, they are -

THE SPEAKER: Honourable members, let us debate the report. Hon. Patrick Oshabe, I will give you time to debate. He has questions he is asking. No, it is his right to ask questions. *(Mr Patrick Oshabe rose)*

MR NSAMBA: Madam Speaker, a point of order is provided for in our rules. A Member is -

MR ONZIMA: Madam Speaker, therefore, if you are transferring the same people playing the same roles, only that they are going to play the same roles under one roof of the ministry, I do not see how they will fail. I, therefore, support the rationalisation. Thank you.

THE SPEAKER: Thank you. Yes, Hon. Patrick?

12.08

MR PATRICK NSAMBA (NUP, Kassanda County North, Kassanda): Madam Speaker, I am at pains - I am a coffee farmer and I represent so many coffee farmers out there who are worried about what is going to become of the dissolution of an agency that regulates and promotes coffee in this country.

Our colleagues here are just thinking about merging. We are talking about livelihoods. We are talking about our lives. This is not just about merging one organisation and the other. We are saying this agency has the sole responsibility of regulating the coffee industry in this nation.

Coffee brings in the main foreign exchange. Many of our people depend on coffee. Now you are here saying we are not, we are just merging. The law is saying dissolution. The law you have provided for is saying you are going to dissolve Uganda Coffee Development Authority (UCDA). Do not take us for fools. Yes! You don't come here and - this is our life. *(Member timed out.)*

THE SPEAKER: Honourable members - Hon. Kabanda David?

12.10

MR DAVID KABANDA (NRM, Kasambya County, Mubende): Madam Speaker -

THE SPEAKER: Honourable members, just a minute. Even if you want to achieve something, you do not need to get noisy. This is a house of intellectuals where we are going to debate for the people out there and we must debate with sanity.

Honourable Members, I need you to listen. There is a clarification that I need to get. On the issue of dissolution, mainstreaming and merging, I would like to get a clarification from the Front Bench. Yes?

MR DAVID KABANDA: Madam Speaker, before the minister comes in, Hon. Nsamba is a member of the Budget Committee. He was a member of the Budget Committee.

MR NSAMBA: I am not a member of the Budget Committee.

THE SPEAKER: Stop shouting.

MR DAVID KABANDA: Hon. Nsamba should not mislead the country and this House that UCDA has the sole responsibility of promoting our coffee. When he was a member of the Budget Committee, he himself appropriated money for a private company - Shs 37 billion to go to that company to promote our coffee. Wasn't that a vote of no confidence in UCDA by you the Members of Parliament?

THE SPEAKER: Honourable members - Hon. Susan, Hon. Goretti, can you sit down? Okay. Hon. Christine -

MR NSAMBA: Madam Speaker, Hon. Kabanda -

THE SPEAKER: Honourable Members, in the public gallery, we have pupils and teachers from St Dennis Kigero Primary School, located in Busiro South, Wakiso. - When the Speaker is speaking, you keep quiet. Honourable minister, first sit down. I will need a clarification from the Chairperson of the Committee on Budget.

Honourable members, they are represented by Hon. Matovu Charles and Hon. Naluyima Ethel. You are most welcome. Honourable Chairperson - I am going to give you opportunity to speak. Can I hear from the Chairman of the Budget?

Honourable members, it is free sitting - you will not say, no. You did not carry that chair from your home.

12.14

MR PATRICK OPOLOT-ISIAGI (NRM, Kachumbala County, Bukedea): I thank you, Madam Speaker. I would like us to put records right as we debate. Hon. Kabanda alleges that the Budget Committee appropriated Shs 37 billion to a private company. We must make it clear that the Budget Committee does not appropriate money. The Parliament appropriates the monies. I therefore ask that, that statement of Hon. Kabanda be expunged from our records. I beg to move.

THE SPEAKER: But did the Parliament appropriate Shs 37 billion?

MR OPOLOT-ISIAGI: Yes, Parliament appropriated the money -

THE SPEAKER: Honourable members, listen!

MR OPOLOT-ISIAGI: Yes. Parliament appropriated money to a private company in order to promote coffee and honourable colleagues, we also need to take note that even UCDA was a Government baby. Moreover, it was in the interest of the Government to promote coffee development. Now the same Government has said they have another avenue to promote the same. I beg to move. (*Hon. Nsamba rose*)

MR NSAMBA: Madam Speaker, the money hon. Kabanda is talking about was given to Edwin Rwabwogo to go and establish a coffee factory.

THE SPEAKER: Honourable, let us respect our rules. You do not speak about people who are not in the House.

MR NSAMBA: Madam Speaker, I was part of the Budget Committee. That money was passed in the 3 per cent prior to parliamentary approval. It was not the Budget Committee. *(Interruption)*

THE SPEAKER: There is a procedural matter.

MR AKOL: Madam Speaker -

THE SPEAKER: Hon. Nyakato, why are you talking like that? Are we in a market?

MR AKOL: Madam Speaker, I come from northern Uganda. At a time when the President was addressing the country, he told the country that of the crops that contributed to the development of the country, number one is coffee. Moreover, I did not understand the importance. Recently, we have done our best to make sure that in our talk show and in our community mobilisation, we mobilise our people to plant coffee.

I must tell you, I am happy and excited when I see the pressure in the House when it comes to a situation that is touching coffee in the country. I have been interacting with many Members of Parliament who come from areas where coffee growing is and it looks like we are under pressure from the voters who are saying, protect areas where we are receiving our money and they think something is going wrong when coffee is touched.

Madam Speaker, something which is very important in this world is what we call change. In addition, when change is coming, people will always be threatened. They do not know exactly what will happen after the change; whether it is going to be positive or negative change. They will not understand it at all.

I know a situation where we were also informed, for us, we do not sit in the caucus. The same environment we are facing now is also what was going on in the caucus meetings. Therefore, that shows you something has not been done right.

If this is something that is bothering us, why don't we get a proper way to make sure people understand this situation well? That is why I like the question you asked. In addition, I wish we had given us time with soberness so that the minister could explain and we understand whether this Authority will be dissolved and if it is going to be dissolved, personally, I will not support it. Thank you very much.

THE SPEAKER: Thank you. Hon. Mapenduzi?

12.20

MR MARTIN OJARA (Independent, Bardege-Layibi Division, Gulu City): Thank you very much, Madam Speaker. I want to believe that when you decide to create an entity, you create it with specific targets and intentions and repeatedly, you have to review or assess whether that entity is performing to your expectation.

It is a fact that the Government created this entity. It is the responsibility of the Government to assess and determine whether the entity is performing to its expectations.

It is also the mandate of the same Government, after review, to determine whether there is need to create a new direction. I think the intention of the merger is probably to create a more effective strategy as far as the promotion of coffee is concerned.

Madam Speaker, as I conclude, the committee painted a beautiful picture yesterday as far as the work of the Uganda Coffee Development Authority is concerned. However, I want to say this: I think we should also recognise the fact that there are parts of the country that would have done much better in coffee if the authorities had paid attention. That is northern Uganda.

As we plan to rationalise, the Government needs to put a very particular interest in ensuring that the things that the Government did not do in promoting coffee development in northern Uganda are taken more seriously. I support that the merger goes on. Thank you.

MS ANIKU: Thank you, Madam Speaker. UCDA is there to promote and to oversee - *(Interruption)*

DR BWANIKA: Madam Speaker, the Members of Parliament are discussing a merger, this is not a merger. What hon. Mapenduzi is talking about is not what we are discussing. This is not a merger; let the minister explain so that people understand there is no merger here.

THE SPEAKER: You are the same people who do not want the minister to stand.

DR BWANIKA: But they are talking about a merger.

THE SPEAKER: Honourable Minister, just a minute. Honourable minister, I want you to tell us about the rationalisation, accreditation and capacity of the Ministry of Agriculture, Animal Industry and Fisheries, the dissolution, the merger and the mainstreaming. Are we abolishing, dissolving it or not?

12.22

THE MINISTER OF STATE FOR AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES (ANIMAL INDUSTRY) (Lt Col (Rtd) Bright Rwamirama): Thank you, Madam Speaker. I request that we listen to each other so that we take informed decisions. First of all, I would like to make an observation; that the committee ignored the submission of the Government, the intentions and the benefits of rationalisation and adopted the report of the dissenting views of the staff who are going to be rationalised.

Secondly, I would like to make a clarification that we do not intend to abolish the functions of UCDA. We are actually maintaining the functions of UCDA but in a streamlined manner in a department, like we have done for any other agency. *(Applause)* The Government also - their intentions -

THE SPEAKER: You made your submission, sit.

LT COL (RTD) RWAMIRAMA: This is the problem - We do not intend to lay off core subject matter specialists; those who are competent and are doing regulatory roles of UCDA, as mandated by the Government. We are only shedding off duplicated staff like procurement and taking off the Board. It is the view of the Government that this money should be saved and put into service delivery of the citizens.

Madam Speaker - *(Interjections)*

THE SPEAKER: Honourable members, let him first conclude.

LT COL (RTD) RWAMIRAMA: Members raised the issue of accreditation. The Government has designated authority to UCDA to represent us wherever they have been representing us. The same Government is going to designate the department to represent us. *(Applause)* We do not want to adulterate the functions of UCDA and the laws. The same department will implement these laws.

People who have fears that the absence of UCDA will undermine coffee production must be mindful of our history. When we had the coffee boom during Amin's time, UCDA was not there. *(Applause)* Let us listen -

THE SPEAKER: Members, let us listen.

LT COL (RTD) RWAMIRAMA: There are fears of Members about people who are going to lose jobs - *(Hon. Ndiwalana rose)*

THE SPEAKER: Hon. Ndiwalana, are you looking after cows by standing when somebody is speaking?

LT COL (RTD) RWAMIRAMA: No employee of UCDA, whose competence is required in regulation, is going to be laid off. The truth of the matter is that the agencies are associated with fat salaries - *(Interjections)* - Why don't you allow me to finish, Hon. Ssewungu? Let me conclude -

THE SPEAKER: Let him conclude and then you raise your issues.

LT COL (RTD) RWAMIRAMA: They are on contract and these contracts are not going to be terminated but when the contracts end, they will be subjected to the structure of Public Service of scientists, which was approved by this Parliament.

Therefore, UCDA is not accredited to any international organisation and anybody who wants it should come and meet that organisation.

You must also recall that when UCDA took a decision to withdraw from the International Coffee Organisation, without the consultation of the Government and Parliament, you were blaming them here. Therefore, the same Government is saying that they want to streamline the operations of the Government. *(Applause)* Like we have done with other regulatory bodies of the Government like DDA, UCDA will follow suit.

One minority report Member mentioned something and I am very surprised that you did not pick it. Internationally, if we are to trade, we have to make sure that our foodstuffs and whatever we do conform to national standards. The Government is in the process of creating a Food and Agriculture Authority – *(Interjections)* – First listen –

THE SPEAKER: Honourable members, respect what the minister is saying; listen to him.

LT COL (RTD) RWAMIRAMA: These products are currently being regulated by the National Drug Authority. The Government, in its wisdom, has realised that we have to separate this from medical inputs – *(Interjections)* – first listen. We want to operate –

THE SPEAKER: Honourable minister, hold on a minute. Honourable members, let us have the art of listening to each other; listen to the minister. If he is lying, take notes and say the minister lied on this and this and that will form your debate. Honourable minister?

LT COL (RTD) RWAMIRAMA: This body will take on the regulatory functions of all foodstuffs, including cocoa and tea. Those who are pushing for the authority, shall we have an authority for cassava, banana, beans, and maize? Madam Speaker, let us be sober – *(Members rose_)*

THE SPEAKER: Honourable members, take your seats.

LT COL (RTD) RWAMIRAMA: Yesterday, the Leader of the Opposition and the other Members - the transition of three years - because of the heat that has been associated with the UCDA rationalisation, the Government, in its wisdom, has given three years for a transition. *(Applause)* This will give time for people to understand that the same Government that has promoted coffee and created the Uganda Coffee Development Authority is the same Government that wants to empower farmers to earn more – *(Interjection)* - Yes.

Madam Speaker, somebody mentioned that when it is not broken, why do you fix it? Right now, we are looking at efficiency in our production services. When people are talking of energy saving equipment, when people are transforming automobiles into electricity, you cannot say I maintain a diesel engine because it is working. It is spending a lot of money. *(Applause)* This is the spirit of the Government.

Madam Speaker, the authorised agency –

THE SPEAKER: Can I have order?

LT COL (RTD) RWAMIRAMA: The authorised agency we are talking about now derives the same authority from the Government. I would like to say, Madam Speaker – *(Hon. Aisha Kabanda rose_)*

THE SPEAKER: *Hajjat*, I am going to give you chance to debate.

LT COL (RTD) RWAMIRAMA: Madam Speaker, the Ministry of Agriculture, Animal Industry and Fisheries is not in the Intensive Care Unit. If it was in the Intensive Care Unit,

it would not produce children. (*Hon. Asinansi Nyakato rose*)

THE SPEAKER: Hon. Asinansi, I will send you out.

LT COL (RTD) RWAMIRAMA: Madam Speaker, I request Members to understand the spirit of rationalisation. There is no contaminated agenda – (*Interjection*) - just listen. We have made a submission to this House and the spirit of the Government is to operate efficiently and deliver services to the best of its capacity. Thank you.

THE SPEAKER: Thank you. Hon. Joanne –

12.35

MS JOANNE ANIKU (NRM, Woman Representative, Madi-Okollo): Thank you, Madam Speaker. The role of UCDA is to promote and oversee coffee. For 30 years, UCDA has done this excellently, but in selected regions of this nation. (*Applause*)

The people in the northern part of Uganda, especially in West Nile, have just woken up to coffee when it was – (*Interjection*) - excuse me. Madam Speaker, can I have my privilege as a Member of Parliament?

THE SPEAKER: Honourable members -

MS ANIKU: Madam Speaker, through the Parish Development Model, the Government has outlined seven enterprises that are lucrative and coffee is at the top of those enterprises. However, for 30 years, what has UCDA done in West Nile and northern Uganda? That is one.

Two – (*Interjections*) - Madam Speaker, I beg for my privilege as a Member of Parliament to speak in this House.

THE SPEAKER: Honourable members, can you kindly keep quiet?

MS ANIKU: Madam Speaker, when the Ministry of Agriculture –

THE SPEAKER: Just a minute. Honourable members, I want you to listen. Can you listen? If you do not keep quiet, I will not give anybody a chance to speak.

Honourable members, I appreciate what you are going through. I know it is time for campaigns. I am going to get people who are clear headed. Dr Bayiga, *Hajjat* and Hon. Lubega –

12.38

DR MICHAEL LULUME BAYIGA (DP, Buikwe County South, Buikwe): Thank you, Madam Speaker –

THE SPEAKER: Can you people listen? Dr Bayigga –

DR BAYIGA: Madam Speaker, I am asking for attention. Let me speak.

THE SPEAKER: Doctor, speak.

DR BAYIGA: Under these circumstances, Madam Speaker, I beg your indulgence to take control of your House. (*Hon. Allan Ssewanyana rose*)

THE SPEAKER: Hon. Allan, why are you standing? [*Hon. Ssewanyana: “Madam Speaker, you said it is him with a clear head. Madam Speaker, we have clear heads as well.”*] Hon. Allan, I am sorry. (*Laughter*) Dr Bayigga –

DR BAYIGA: Thank you very much, Madam Speaker. Honourable members –

MR SSEWANYANA: Madam Speaker, I was telling you why I was standing up. I am very clear headed; I am not a mad person. So, to say that you are choosing only clear-headed –

THE SPEAKER: Dr Bayigga – Honourable members, listen to Dr Bayigga.

DR BAYIGA: Madam Speaker, thank you. I listened very attentively to Lt Col (Rtd) Bright Rwamirama and I felt he was misleading this House. The law is clear in black and white. It is seeking to dissolve UCDA. You may talk about

the functions being mainstreamed, but these functions are carried by UCDA.

UCDA is an accredited entity with 23 years of experience and gathered technical expertise. You have not guided this House that Uganda is going to lose that accreditation yet it takes a long time to get it. *(Applause)*

As the office bearer, you should have guided this House that once this accreditation is lost, it is going to take us a very long time and we shall lose the markets. *(Applause)* Once we lose the market, the livelihood of our people is going to be affected negatively. He is not telling us that and I can see –

THE SPEAKER: Honourable member, we are talking about accreditation. That should be answered, as well as the functional mainstreaming.

DR BAYIGA: Accreditation takes a long time and he knows it. It takes between five to 10 years. Once our competitors realise that we have abolished the agency that was taking over this role, they will rejoice because they will definitely take over the markets. How are you going to be happy when the rest of the people are crying?

I can see several Members of Parliament being organised to mob – *(Member timed out.)*

THE SPEAKER: Hon. Aisha and Hon. Lumu –

MS ANIKU: Madam Speaker, on my right of privilege -

12.43

MS AISHA KABANDA (NUP, Woman Representative, Butambala): Thank you, Madam Speaker - *(Interruption)*

MS ANIKU: Madam Speaker -

MS AISHA KABANDA: I am Aisha; it is not you.

MS ANIKU: On my right of privilege -

THE SPEAKER: Just a minute, Hon. Joanne.

MS AISHA KABANDA: Thank you, Madam Speaker. Before I get to the gist of my submission, allow me to respond to two issues. Number one, it is -

THE SPEAKER: Honourable members, listen to Hon. Aisha.

MS AISHA KABANDA: Thank you, Madam Speaker. It is not the fault of Uganda Coffee Development Authority (UCDA) that the northern region has not been majorly growing coffee.

You should know that it was the Government's programme to zone Uganda, allocating different products to different regions. The Government earmarked the northern region for cotton. Therefore, it was not UCDA and we must not blame it for that. *(Applause)*

Number two, I have heard people saying that the Government established UCDA and, therefore, it should have the privilege of taking UCDA. Let me mention this – *[Lt Col (Rtd) Rwamirama: "Clarification."]* Can you be patient? Could you have a pen and paper and write?

THE SPEAKER: Honourable minister, you will clarify later.

MS AISHA KABANDA: I want to, first, inform Hon. Bright Rwamirama that I was an NRM carder who explained these policies on the radio and, I therefore, know them very well. I was explaining what you did.

You designated products for particular regions. If the ministry had desired that UCDA was to extend coffee to that region, it should have done as such. It was the ministry that desired that the North should not grow coffee. At the time when you needed that coffee should go across, they started extending coffee all over. Having said that -

THE SPEAKER: Thank you.

MS AISHA KABANDA: No, Madam Speaker, I was interrupted. I was saying that it is not the privilege of the Executive to take away everything they established, as they desire. When you create entities, they are not yours; they are for the nationals.

If the people have said, yes, you created it and we want it, it is not upon you to take it the way you desire because we now want it.

Secondly, I ably listened to the chairperson of the committee yesterday, answering all the defects in the law. The defects were saying that some entities were wasteful, some were destroying harmony and that others were being duplicative.

Her answers were all negative. She was asked: is UCDA being duplicative? She said: "No." Is UCDA destroying the harmony? She said: "No." Is UCDA being wasteful? She said: "No." She credited UCDA for being very good.

That is when I wondered what happened to the able committee chairperson. I knew and forgave her. She feared the iron arm of the powers that are in this country and that we are here, as Parliament, to speak and conclude the way she desired.

She made the right submission but feared to make the right conclusion. The right conclusion is that UCDA must stay; it performed excellently, it is not wasteful and it is not duplicative. It must stay for the good of the people. I submit, Madam Speaker.

THE SPEAKER: Let us have Hon. Lumu and Hon. Medard.

12.47

MR RICHARD LUMU (DP, Mityana County South, Mityana): Thank you, Madam Speaker –

THE SPEAKER: I will only give Hon. Allan.

MR LUMU: Madam Speaker, I have clearly heard from the minister and I am surprised that he did not quote from the Bill that he is presenting to Parliament.

I will read clause 3 of the Bill:

“The purpose of the amendment of the National Coffee Act, 2021 is to -

(a) mainstream the functions of the Coffee Development Authority into the Ministry responsible for agriculture; and...”

What is interesting is in (b):

(b) “abolish the Coffee Development Authority and transfer the functions of the Coffee Development Authority to the Ministry responsible for agriculture.”

Madam Speaker, what is annoying is in clause 4.

*“4. Dissolution of Coffee Development Authority
On the commencement of this Act, the Coffee Development Authority established by Act 17 of 2021 shall be dissolved.”*

I wonder how the contracts that the minister has been talking about will be alive when UCDA is completely dissolved. I have a lot of respect for the minister. If UCDA does not exist then the contracts are, as well, dead.

I will briefly submit on the committee chairperson’s report. I looked at the demeanour of the chairperson of the committee yesterday –

THE SPEAKER: Discuss the report - *(Laughter)*

MR LUMU: Madam Speaker, what she submitted in the report only needed the conclusion and the Parliament would carry it the way it is. I suggest that the conclusion of the minority report should now be the conclusion of the majority and, then, we carry that one. *(Applause)*

Other than that, the chairperson of the committee stands with a bad record for having very good information and then pouring bad water on it. The resolutions they made in the committee and the conclusion are completely different.

The people I represent, in Mityana, are the best coffee growers in Mityana District. As I talk, they are sitting on the roads to see what this Parliament is going to resolve on UCDA.

I urge this House and pray that, at least, we consider UCDA to survive for the good and livelihood of the people of Uganda, including those who are growing coffee for the first time – like my colleague here has suggested; that people in the North have woken up to grow coffee.

If they have woken up, let us put more money in UCDA to go to the North and teach them the best practices of growing coffee and they get the money that they need. Thank you.

THE SPEAKER: Honourable members, in the public gallery this afternoon, we have pupils and teachers from Frana Kindergarten and Primary School which is located in Nansana Municipality, Wakiso District. They are represented by Hon. Hannington Wakayima Nsereko and Hon. Ethel Naluyima.

Also, in the public gallery this afternoon, we have students and teachers from Mbogo College School, located in Kawempe. They are represented by Hon. Muhammad Ssegirinya and Hon. Shamim.

Honourable members, let us have Hon. Medard?

12.52

MR MEDARD LUBEGA SSEGGONA (NUP, Busiro County East, Wakiso): Thank you, Madam Speaker, first, for encouraging Members to listen to each other.

Number one, there is something called “mischief”. I was an adult when we established these agencies and the reason given by the Government was that we were establishing strategic agencies to propel the development of this country.

After painfully listening to my brother, Hon. Rwamirama, who I will not refer to as “Bright” today - (*Laughter*) - I heard him saying that the mischief was about the fat salaries.

If it was about the fat salaries and humongous budgets then, before we rationalise UCDA and these agencies, we should start with those who created these humongous expenditures. Indeed, if we are to rationalise on a rational basis, we should start with the Ministry of Agriculture, Animal Industry and Fisheries. We gave them district farm institutes. Where are they? Where is the farm in Buikwe? We gave them extension farmers. Where are they? If we are to deal with redundant expenditure, we should - we gave them ranches. Where are they?

We should start with the rationalisation of this ministry itself and not entrust it with the functions of an entity that has been the brightest star in the country. (*Applause*)

Madam Speaker, we were informed by the majority report yesterday - and I want to thank my sister, the chairperson - that coffee has been accounting for 55 per cent of the agricultural exports. Why don't we want to spend on entities and areas which give us money?

The reason we maintain agencies like Uganda Revenue Authority (URA) and Uganda Investment Authority (UIA) is because they are strategic. Do you want to tell me that a blameless entity called UCDA, which has promoted coffee after the destruction and death of Coffee Marketing Board, should be sacrificed because some people are not doing their work?

Can we talk about expenditure in a Government or Parliament, for strategic reasons, that gives money to a private company and then we say we cannot give money to an agency?

We were informed yesterday that this Authority is going to be absorbed in the ministry. At what level? As a directorate? A department? As a unit? Since when? If we are to do this, why don't we get Authorities like Kampala Capital City Authority, Uganda Investment Authority, Uganda Revenue Authority and put them back to the mother ministries, because we want to rationalise?

Madam Speaker, there are people who are deeply concerned in this country. Why haven't

we consulted the coffee farmers, the cotton farmers and all the other core stakeholders?

I would like to conclude by saying that the destruction of a country begins with the destruction of ideology. If we have performing entities and we want to kill them, one will ask, what did Ugandans do to us to deserve the punishment of destroying the small veins that continue to feed them?

Maybe you could tell us how much UCDA is consuming from your treasury. We would mobilise cooperatives and coffee associations in this country to foot that bill since you do not want to finance them. I oppose the move to rationalise the coffee sector.

THE SPEAKER: Thank you. Hon. Flavia.

12.56

MS FLAVIA NABAGABE (NUP, Woman Representative, Kassanda): Thank you, Madam Speaker. I want to appreciate the chairperson's report because it had the actual points that we were looking for. It painted a very good picture and the reality of UCDA in this country and that is exactly what we needed except that she had a terrible ending.

There was an analogy that was made in this House of us "crying more than the bereaved." Then there was an analogy that was made of "stepmothers" caring more than the mothers.

THE SPEAKER: "Stepfathers."

MS NABAGABE: It was "stepmothers" but even "stepfathers", I think. Then there was another analogy that was used and I keep asking myself, if we are now using analogies then why are we sacrificing the "baby" to a "slaughterhouse of a mother? Why is the mother eating the baby?"

First of all, UCDA is doing very well. Now we want to send it to "a slaughterhouse of a mother who is going to end up engulfing it totally so that you have nothing."

Madam Speaker, there was an argument of inefficiency of the DDA and the Cotton Development Authority and that is why that they needed to be merged with MAAIF.

In this case, UCDA has shown all the right characters of efficiency but we are still clamping it down with the ones that we allotted as inefficient. Why are we still using the same argument? If UCDA is proceeding well, why do we need to rationalise it?

Secondly, Madam Speaker, MAAIF has been given so many agencies under its care. Already it is overburdened and has characteristics of inefficiency. Too many cooks spoil the broth. If we add on UCDA, which is already an expert and a standalone, working alone, then we are going to end up killing UCDA because all these people will create inefficiencies - *(Member timed out.)*

12.59

MR FRANK KABUYE (NUP, Kassanda County South, Kassanda): Thank you, Madam Speaker. When I heard the report of the chairperson of the committee, I was so impressed that at least we are receiving something that is addressing the concern and is speaking to our people.

When we are speaking about coffee, we are speaking of a product that has supported more than millions of families in our country and something that has contributed to the national treasury.

However, on reaching to the conclusion, I wondered if really, the chairperson was still independent and was addressing the concerns and the observations of the committee or they were working under the influence of an invisible hand.

Many people have come out to speak about coffee and we have a lot of pain, not that we do not want to see Government being responsible for the people but because we know the impact UCDA has made to the coffee industry in our country.

Right now, on-farm and off-farm, people feel it because it has helped them realise enough revenues and earn enough profits; we are seeing coffee development in our country taking the lead.

I, therefore, move to be part and associate myself with the minority report to see that this Parliament stands independent such that we do not bring in the resolutions of Cabinet because I have seen - (*Member timed out.*)

THE SPEAKER: Hon. Muwanga, Chairperson of Buganda Caucus and Chairperson of PAC (Central).

1.01

MR MUHAMMAD KIVUMBI MUWANGA (NUP, Butambala County, Butambala): Madam Speaker, I thank you for this opportunity. Let me start from the known *knowns*.

THE SPEAKER: Honourable members, I know all of you. I will pick you when I want you to speak and I have seen all of you standing up. You are all going to speak.

MR MUWANGA KIVUMBI: Madam Speaker, one known known is that the Ministry of -

THE SPEAKER: Honourable members, listen to Hon. Kivumbi.

MR MUWANGA KIVUMBI: The Ministry of Agriculture, Animal Industry and Fisheries, as of now, does not have the capability and capacity to take on the roles and functions of UCDA.

The second known *known* and that is factual, is that the Minister of Agriculture has just told you that they are in the process of setting up an omnibus Authority that will take up all these other crops. That is, tea and whatever - and that Authority is underway.

The other known fact is what all of us have said and let me urge Members here that an attempt to localise coffee will be a misnomer. Coffee,

right now, is a national product. It is grown across all regions of the country. Like bananas, at one time, Buganda was the biggest grower of bananas. Today, Buganda imports bananas from Western Uganda. Therefore, our bone of contention is that the minister has not answered the question. The best practice all over the world for special crops like coffee is that it is grown through agencies, as a vehicle. Ethiopia, Brazil, Vietnam and Kenya have it.

What we are doing today? Wise people in Ethiopia and Kenya tried to do it. Three years down the road - they had abandoned and they are going back. Let me go to the gist of the law. The law seeks to dissolve. The minister is putting up an argument for a transition of three years, contingent upon the Government attaining some other capacities.

Now, after killing the Uganda Coffee Development Authority (UCDA) today, when, three years down the road that capacity is found wanting, will you resurrect it? Having killed it? Therefore, let us think full square and know exactly - our position is very simple; that you do not need the three years.

The government can come here tomorrow, if the capacity to ensure quality and to market our coffee at a sustainable level is attained by the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF), can come with the law; there will be Parliament, we will pass it instantly.

Our question, honourable minister - the other day I put up a notion of legislating in anticipation. We are legislating that someday that ministry that has demonstrated incapacities - and I added a great care because I have just audited that ministry - it does not score any plus on any parameter. It is in minus; from rollover, tractors, acaricides - from everything. I want to put it to the minister - if the Ministry of Agriculture, Animal Industry and Fisheries is doing well, let him stand here and tell us one crop, which they have done so well to give us a basis of confidence that they are up to anything. They do not have it. They have killed tea, vanilla and all other things on their

watch - even fish, which is inherent in the lake, the Government had to institute the military to go in and intervene. This is an entity that is not ready today. Let us not create anxiety. Good business is about predictability and durability. Let us not slaughter an animal that is giving Uganda \$1.4 billion as of today. It is a goldmine for this country.

THE SPEAKER: Thank you. Yes. Hon. Namugga.

1.06

MS GORRETH NAMUGGA (NUP, Mawogola County South, Ssembabule): Thank you, Madam Speaker, for giving me the opportunity to speak after my chairperson. We are here because we love our country and this is what we call home, it is not about regions. I thank the House and encourage them to keep being objective when we are deliberating on some of these matters.

Hon. Bright Rwamirama, the Minister of Agriculture, Animal Industry and Fisheries as of now - I want this House, before you debate the coffee report - to interest yourself in the Auditor-General's report on Agriculture for the Financial Year 2022/2023. Good enough, I came with it - (*Interruptions*) - no, please, this is my time - we had a scenario where -

THE SPEAKER: Honourable members, I have said let us be calm.

MS NAMUGGA: Madam Speaker, I would expect my size-mate, Hon. Ogwang - (*Laughter*)- to respect a fellow Member because in any case, they will tell you to stand up.

THE SPEAKER: Honourable members, can I have order? Can I have order in the House? Hon. Namugga is right, that is her size mate. (*Laughter*)

MS NAMUGGA: Thank you, Madam Speaker, for protecting me and we must appreciate nature.

We are looking at two things, objectively. I am looking at the performance of an entity as of

now, that intends to take over responsibility over an Authority. All of you colleagues remember the issue of Foot and Mouth Disease. This is the same ministry that failed to manage that disaster when it happened. They were given money, but they failed to procure the vaccines and we had over one million doses of vaccines that expired within the stores.

Two, they bought goats - in the same report - you bought goats but all of them died. Yes - (*Member timed out.*)

THE SPEAKER: Hon. Evans Kanyike, Hon. Luttamaguzi and *mukatuliki*. Members, let us speak fast; many people want to speak.

1.10

MR RONALD EVANS KANYIKE (NUP, Bukoto County East, Masaka): Thank you, Madam Speaker. According to the three reports, which were read yesterday by the chairperson of the committee and the two minority reports, they stipulated very clearly that UCDA should not go to the Ministry of Agriculture, Animal Industry and Fisheries. I listened very clearly. I know Hon. Linda is my good friend. Let me hope that you were not intimidated because of the way you presented the report. It was a good report, but the way you concluded, it looked like -

THE SPEAKER: Make your submission.

MR KANYIKE: Madam Speaker, according to the reports, which were presented yesterday, it was clearly stipulated that UCDA should not go to the ministry.

THE SPEAKER: Thank you. Hon. Luttamaguzi?

1.11

MR SEMAKULA LUTTAMUGUZI (DP, Nakaseke South County, Nakaseke): Thank you, Madam Speaker. When you had just become the Speaker of this august House, you said to the public that this is "a people-centred Parliament" -

THE SPEAKER: Do not put me in your submission, go straight to the Coffee Bill.

MR LUTTAMAGUZI: Madam Speaker, being a coffee farmer, the people of Nakaseke that I represent in this august House are saying no to rationalisation. In history, we had a Coffee Marketing Board, and it went. We had the cooperatives, and they went. There is no way you can cut off the hand that feeds you, honourable ministers. The economy you are talking about today is boosted by UCDA. It is one of the sectors that boosts our economy. Unless there are pressures behind - I heard a report, which was read by the chairperson and it was very clear apart from the conclusion.

Therefore, being a Member of Parliament, a coffee farmer, and a defender of people down there in the villages of Nakaseke and across the country, including you, the Speaker, because in the beginning, you told us you are also a coffee farmer. We are saying no to rationalisation. Thank you.

1.13

MR JOSEPH SSEWUNGU (NUP, Kalungu West County, Kalungu): Thank you, Madam Speaker. One of the brightest people in the army during that time is Hon. Bright Rwamirama here. If you check the history, you will notice that when they captured Masaka, one of the resources they used to win the war was coffee. You took coffee by signatures made by Gen. Elly Tumwine – may his soul rest in peace - and Leyland vehicles. That was the Coffee Marketing Board. Later on, you killed the coffee after taking the Government.

People fought their battle using the Uganda Coffee Development Authority (UCDA) to come back. Bugolobi is nowhere. All the cooperatives are nowhere. People have started growing their coffee and UCDA has given them support - why do you fear people becoming rich? Why do you fear people having money?

Statistics in our constituencies show that because of coffee and UCDA giving them seedlings, people have got money. They are paying fees for their children. They are taking them to St Mary's College. They are even paying money in Government Universal Secondary Education schools where you are not giving enough funds.

But here you are trying to bring Pinetti by meandering back to the system. Hon. Bright Rwamirama, kindly go to Isingiro where you come from. You know the bananas being grown there. Were they there at that time? What have you done to the horticulture? President Obote left the Coffee Marketing Board, and Lint Marketing Board and Produce, for all other agro-products –

THE SPEAKER: There is a point of clarification.

MR DAVID KABANDA: Madam Speaker, I come from Kasambya and they grow coffee. I want to make some clarification. Hon. Ssewungu and all the other colleagues mentioned that UCDA gives coffee seedlings. UCDA has never given any coffee seedlings in my constituency. It is Operation Wealth Creation (OWC) that has been giving coffee seedlings in the constituencies – (*Interjections*) - not UCDA.

Secondly – (*Interjections*) - the information I want to give you –

THE SPEAKER: Yes, give the information.

MR DAVID KABANDA: Thank you, Madam Speaker. UCDA that these people are talking about has never even sent any staff to my constituency to know how many coffee farmers are there – (*Interjections*) - if your mother ministry says – (*Interjections*) - therefore, the information and the clarification I wanted to give him is that UCDA has never given any coffee seedlings to my people, not even to any person here. They can even confess. (*Interjections*)

MR SSEWUNGU: Hon. David Kabanda, you are lying. Madam Speaker, there are Members we sometimes give time to talk like Hon. Kabanda, but it is a waste of time. If you are a Member of Parliament and you are not aware of what UCDA has been doing –

THE SPEAKER: Tell us what you are saying.

MR SSEWUNGU: Madam Speaker, I have to clarify because he was giving me information.

THE SPEAKER: Continue.

MR SSEWUNGU: He needs more time to be educated about the constituency and UCDA. Anyhow, continue with your spirit as you take it yourself. The boomerang will be on you. UCDA has been giving us seedlings from Mr Ngabirano to the one who took over. They have been playing that role.

When you talk about Kasambya that does not have quality assurance, who are you representing in this House?

1.17

MR ALLAN MAYANJA (NUP, Nakaseke Central County, Nakaseke): Thank you, Madam Speaker, for the opportunity. I listened very well to the minister. He was suggesting a transition of three years. Hon. Dr Abed Bwanika came and gave in a transition of five years. They are not giving us justification. Some people are suggesting 10 and others 20 years –

THE SPEAKER: Honourable minister, this young man has a very bright future. The young boy - is asking you, what is the justification for the three years? No, the young Member of Parliament. He is very brilliant. That is a very good question. Honourable minister, you will come. Take note. He has a very pertinent question.

MR MAYANJA: Thank you, Madam Speaker. The minister is not giving us justification. Even Hon. Abed Bwanika failed to do so. Therefore, why are we legislating in anticipation? Why don't you wait until the three years elapse, or even 10 or five?

THE SPEAKER: Do you agree that we wait for the three years to elapse then we legislate?

MR MAYANJA: Madam Speaker, I am recommending it, finally. We are not allowed to legislate in anticipation. Therefore, I recommend we maintain the status quo and we do not rationalise UCDA. Thank you.

1.19

MR DERRICK NYEKO (NUP, Makindye Division East, Kampala City): Thank you, Madam Speaker. Honourable colleagues are here arguing that I am not a farmer but I have farmers and I am a businessman –

THE SPEAKER: Honourable members, Hon. Derrick's voters are farmers.

MR NYEKO: Thank you, Madam Speaker. They are into the business of coffee. They buy it and I want to talk as a businessman.

THE SPEAKER: They should even see your size. *(Laughter)*

MR NYEKO: Yes, they are into business and I want to address this from a business angle. Let us assume this is Government in business. We have been accredited to do business and given the license. Today, we are opting for something to clear an agency that has been accredited for five or 10 years without getting a license to operate. It is going to be a loss to the nation, and to the farmers and it is also going to put us in a situation –

THE SPEAKER: I want you to address the issue that Hon. Derrick is raising very clearly. What Hon. Derrick is raising is very pertinent to the issue of accreditation. We need that brought out very clearly. Continue.

MR NYEKO: Madam Speaker, I wish the minister could address that and assure us. I submit.

THE SPEAKER: Thank you. I told you Hon. Derrick was making a very good point.

1.21

MS BRENDA NABUKENYA (NUP, Woman Representative, Luwero): Thank you, Madam Speaker, for this opportunity. First of all, I want to respond to what the minister said that they have very many bodies doing the same work as the ministry. I come from a family that has been growing coffee for a long time, from my great-grandparents to my grandparents to my parents. I know when coffee is thriving; when the prices are low and when they are affected.

I will give you advice that in the 60s, our parents managed to go to good schools because coffee was thriving. In the 80s, it went down. People used to market coffee using cooperatives and when they were abolished, they failed. Coffee prices went low. It is only this time.

The coffee farmers usually sell coffee in tins and that tin now costs Shs 40,000. It has never happened before. It is because the Uganda Coffee Development Authority (UCDA) has been doing well; storing our coffee well, they look for markets and improve our -

THE SPEAKER: Hon. Eweru, your Bill is next. The minister is here.

MS NABUKENYA: Hon. Rwamirama, I would like to inform you that the decision to abolish UCDA is going to cost your government a lot. Our farmers are saying that regardless of the toughness of UCDA, they still want it to exist because they are seeing good results. Please do not trade this way. Otherwise, you are going to pay for this. As coffee farmers, we are saying we must – *(Member timed out.)*

1.21

MS FORTUNATE NANTONGO (DP, Woman Representative, Kyotera): Thank you, Madam Speaker. I appreciate the reports of both the majority in terms of the body, not the conclusion, and the minority report; the one given by our shadow minister.

Madam Speaker, the minister has indicated that the point of rationalisation was doing away with agencies that are milking our economy. We have clearly seen that UCDA, in the last financial year, brought an income of over Shs 82.25 billion, yet its budget was only Shs 44.76 billion. This indicates that with time, UCDA is going to become self-funding.

Our people are saying no to rationalising UCDA. If it is brought in good faith, why not wait for the three years to expire? You sort your issues in order, then come back to this House - those who will be here then will be able to pass this Bill.

Otherwise, I submit on behalf of the people of Kyotera; no, to rationalising UCDA under the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF).

1.25

MR ROBERT SSEKITOLEEKO (NUP, Bamunanika County, Luwero): Thank you, Madam Speaker. Coffee is an issue of life and death. In that, even a layman down there -

THE SPEAKER: After Hon. Robert, we go to Hon. Moses Kabuusu, Moses; you are being distracted, and then Hon. Juliet.

MR SSEKITOLEEKO: Thank you, Madam Speaker. Most of our Ugandan boys and girls are going abroad as slaves, but those who managed to stay here are doing well with coffee. That is agriculture. We used to study in Social Studies (SST) - the major economic activity in Uganda is farming and its main economic activity through the cash crop was coffee and cotton.

That is why we had the ginneries and coffee factories around. With this regime, we have nothing. Even the little that is struggling to survive, they are running for it. There is a term they use in Luganda that I will not use. This very term - someone will come and pick something that is on top, instead of supporting it to grow. In that respect, I challenge the Ministry for Agriculture that their research desk is so weak to the extent that they wish to sell the land for research centres.

The National Agricultural Research Organisation (NARO) is nowhere to be seen. The coffee wilt has been disorganising our farmers and you have never come to their rescue and you are coming for profits, which Ugandans have struggled to maintain and have. Shame – *(Member timed out.)*

1.28

MR MOSES KABUUSU (FDC, Kyamuswa County, Kalangala): Madam Speaker, I bring you greetings from -

THE SPEAKER: The islands

MR KABUUSU: Yes, Madam Speaker. In May 2023, President Museveni commissioned Shs 52 billion - Gen. Katumba, you remember in Kalangala - which was for oil palm growing. However, ever since then, the ministry for agriculture has never organised a single meeting with the farmers in Kyamuswa even with the Shs 52 billion.

The questions my coffee farmers in Kalangala have raised - even with the capacity and competence of the ministry for agriculture to handle coffee that was growing on its own - are many. My farmers suggested that I bring you their opinion that coffee should be left the way it has been managed.

THE SPEAKER: That you bring it to the House, not to me Anita Among.

MR KABUUSU: Yes. Madam Speaker. I am dressed humbly and when a Muganda dresses like this, it is not for war but to communicate; that let this matter be handled with the dignity it has had and not be vulgarised. Coffee should be left the way it has been. Farmers should benefit from it and it should not be killed like other institutions have been killed under the ministry.

1.29

MR GEOFFREY LUTAAYA (NUP, Kakuuto County, Kyotera): Thank you, Madam Speaker. I have heard from the minister, Hon. Bright Rwamirama. I am wondering, honourable minister, why do you people preach patriotism, yet you are not patriotic? You pretend that you are serving good food, yet you know very well that you have poison in that food.

You know the curse you are creating for your family. You know what coffee means to most of our families. Why are you serving one person instead of the whole country? You mean you do not know what you are doing? We know that you are serving poison pretending that you are giving us good food. *(Applause)*

I strongly deviate from what you are trying to bring to this House. I beg to submit.

1.30

MS JULIET KAKANDE (NUP, Woman Representative, Masaka City) Thank you, Madam Speaker, for the opportunity. I not only represent farmers, but I am also a serious coffee farmer. I listened to all the three reports. They collaborated when it came to the contributions of agencies.

Madam Speaker, this institution, Parliament, is very good at benchmarking. When you go for benchmarking, we do not only look for the strong areas but also areas of weaknesses.

The reports were clear that countries that are doing well as far as coffee is concerned do not do it through their respective ministries, but under agencies. The reports also showed that the countries that have decided to rationalise, end up backsliding. We should always learn from the mistakes of others - *(Member timed out.)*

1.31

MR PATRICK NSANJA (Independent, Ntenjeru County South, Kayunga): Thank you, Madam Speaker. Yesterday, when I was listening to the report -

THE SPEAKER: You will all speak. Do you mean Hon. Alan has not yet spoken? Hon. Fred then Hon. Alan.

MR NSANJA: When I was listening to the report of the committee being presented by the able chairperson, I looked at the observations and smiled. I knew that is the daughter of a historical to this country.

When it concluded, I got lost on whose daughter concluded. She made it very clear that the reason behind RAPEX was to eliminate those agencies, which were parasitising the Treasury of this country - *(Member timed out.)*

THE SPEAKER: Switch on the microphone.

MR NSANJA: She made it clear to this House that the Uganda Coffee Development Authority (UCDA) is not a parasite to this country and that is why I saluted her. *(Applause)*

Madam Speaker, we are talking about the livelihood of people. My grandmother is watching this debate. She tried the moringa brought by this ministry but it failed -

THE SPEAKER: You still have a grandmother?

MR NSANJA: Yes, she is there and watching. She tried moringa, caterpillars and aloe vera all under the watchful eye of the Ministry of Agriculture, Animal Industry and Fisheries, but they all failed. We say “No” to UCDA dissolution – you are not taking our coffee. Thank you very much.

THE SPEAKER: Hon. Allan, Hon. Isaiah, Hon. Kirabo, Hon. Miriam, “Maama Mbale” - I am coming down, what is the problem?

1.35

MR ALLAN SSEWANYANA (NUP, Makindye Division West, Kampala) Thank you, Madam Speaker, for giving me an opportunity. I am not speaking as a coffee farmer but as a consumer who represents coffee consumers of Makindye and Kampala at large and some other areas.

As a coffee consumer, I am worried about the quality of coffee, which will be supplied to us in the market because UCDA has been ensuring quality coffee in the market, both in Uganda and beyond.

If it is taken to the Ministry of Agriculture, Animal Industry and Fisheries, we are very worried as consumers that our very favoured coffee will not be favoured in the whole market because of the lackluster way of the agricultural ministry - the way they do things - not concentrating on the coffee bean quality.

That is why I do not support the rationalisation of the Uganda Coffee Development Authority. As consumers and businessmen, we are going to suffer with poor quality coffee being produced under the supervision of the agricultural ministry. I beg to move.

THE SPEAKER: Hon. Isaiah, Hon. Kirabo – Hon. Koluo you do not know about coffee -*(Laughter)*

1.35

MR ISAIHAH SSASAGA (FDC, Budadiri County East, Sironko): Thank you, Madam Speaker. I am a coffee farmer, chairperson of a primary society and a board member of the Bugisu Cooperative Union -

THE SPEAKER: I know what I am saying.

MR SSASAGA: Quite often, I have been coming to your office, Madam Speaker, getting permission –

THE SPEAKER: And bringing me coffee.

MR SASSAGA: Yes, to leave this Parliament and I represent the farmers of Bugisu in the international market. Two days ago, I came back from Tokyo.

However, when you go to the international market, it is not about the quantity of coffee you have, it is about the quality and the quality of coffee always has a regulator.

The quality of coffee starts from the nursery bed -*(Applause)*- where it is grown, raised, harvested, processed and exported. Now, there must be an authority for that matter, which must ensure the control and quality of the coffee as it starts from the nursery bed. If you go to the statistics of coffee export and the international market, Uganda is doing very well.

Initially, we used to have a few bags of coffee for export, but by God’s grace, coffee is all over the whole of Uganda. If you go to Eastern Uganda – they have planted massively and in the North, they have also started.

Uganda needs UCDA today more than ever before because we need that regulator to ensure quality supply of coffee –

THE SPEAKER: There is a point of information from another coffee grower.

MR HERBERT TAYEBWA: Thank you, for giving me way. I am a serious coffee farmer and I worked in the coffee sector for seven years.

The information I would like to give you about coffee is that it is a very delicate crop. Its regulation starts from planting materials up to the cup.

Now, I would like you to imagine what would motivate this coffee specialist who has much experience, earning Shs 12 million, agreeing to go for Shs 1 million or Shs 900,000 in the Government of Uganda and continue to earn that and does not compromise the quality of coffee.

Madam Speaker, I am not objecting or opposing the Government's policy of rationalisation, but what I would like to warn us about is that the Government should consider that the moment somebody is motivated to go for Shs 900,000 when he has been earning Shs 12 million as a senior officer, it will either lead to corruption or neglect of work.

Therefore, the ministry should know that we either maintain the salary structure of these people to maintain their expertise or we stand to lose the quality of coffee through negligence and corruption. Thank you.

THE SPEAKER: Thank you.

MRSASSAGA: Thank you for the information. Madam Speaker, as I conclude, from the areas or countries we have travelled to, you will always see an official from the export board of that country working hand-in-hand with the Minister of Agriculture, Animal Industry and Fisheries and an agency like UCDA.

If UCDA had some inadequacies or challenges, what would be better is to work on them. However, you will discover that most of them originate from limited Government funding because some of those exports do not go.

So, on behalf of the people of Budadiri County East, Sironko, and Bugisu as a region, I support the minority report. Thank you.

THE SPEAKER: Hon. Kirabo –

1.39

MS AGNES KIRABO (NRM, Youth Representative, Central): Thank you, Madam Speaker, for the opportunity to speak because the youth of Buganda, especially those of Luwero would feel cheated if you had not given me the opportunity.

UCDA should remain independent and not be rationalised because of the reasons stated yesterday by the chairperson in the report. We all know and notice that it contributes a lot - actually doubles the revenue it sends to the Consolidated Fund than the budget it is allocated of about Shs 42 billion.

The authority contributes about Shs 82 billion which doubles the budget allocated to it. There are also issues that affect farmers in UCDA. Let us try to work on those issues so that we sustain our farmers, most especially the youth who are employed by UCDA and make up about 12.5 million people.

Currently, a kilogramme of coffee is about Shs 13,000 because of the quality assurance UCDA has put in place for our people. Thank you.

THE SPEAKER: Hon. Miriam?

1.40

MS MIRIAM MUKHAYE (Independent, Woman Representative, Mbale): Thank you, Madam Speaker. I stand here to say that UCDA should remain and not be dissolved. I come from a region that grows coffee and I am a coffee farmer.

A total of 80 per cent of the people I represent grow coffee. UCDA has helped and given an enabling environment for the farmers in my district to grow coffee. They have trained them, helped them to know how to plant coffee better and also harvest it so that when their coffee is sent on the market, it is of good quality.

If UCDA is dissolved, we are going to reverse all those gains. I would like to state that I am siding with the Members of Parliament who are saying that UCDA should not be dissolved.

Honourable minister, as we are debating here, we are representing millions of Ugandans who survive on coffee. I grew up because of how coffee helped my parents to pay my school fees.

There are many children out there who are surviving because of coffee. The Uganda Coffee Development Authority should not be dissolved.

THE SPEAKER: Hon. Connie –

1.42

MS CONNIE GALIWANGO (Independent, Woman Representative, Mbale City): Thank you, Madam Speaker. I want to thank the committee chairperson for the report. The report clearly gave the role of the Uganda Coffee Development Coffee Authority (UCDA), among which was to make sure that market standards were fulfilled. It also said that it provides timely prices on a daily basis.

Madam Speaker, the committee chairperson also indicated that UCDA has no conflicting roles with the Ministry of Agriculture, Animal Industry and Fisheries). Now, if at all she gave all those good compliments to UCDA, then, why did the conclusion come the way it came?

Madam Speaker, in Bugisu, if you remove UCDA, it is like you are draining the blood of the Bagisu, because they depend on coffee. I rightly want to side with the minority report, which says that UCDA should remain because it has done a great thing and the livelihood of Ugandans, especially in Bugisu, depends on it. I thank you.

THE SPEAKER: Thank you.

1.44

MR PAUL NSUBUGA (NUP, Busiro County North, Wakiso): Thank you, Madam Speaker. I have followed the report, plus all its recommendations. However, because we work for people, yesterday I was in Busiro and we unanimously rejected the idea of Parliament granting the Government permission to rationalise or merge this agency.

They sent me to bring this message here, that the moment the agency is merged, that will be the end of our coffee. Since we work for the people, I do not agree with the idea of merging this agency; let us remain with our coffee. I beg to submit.

1.45

DR DAVID SSERUKENYA (NUP, Makindye-Ssabagabo Municipality, Wakiso): Thank you, Madam Speaker. When I became the Member of Parliament for Makindye-Ssabagabo, I started a policy of issuing a hook, not a fish. In return, I have seen the people in my constituency doing well, and even the line of people coming to my door asking for school fees has declined.

I am a medical person. You can only remove an organ from an individual who is in a vegetative state. It is a criminal case if you remove an organ from a person who is functional. It means that they brought up this idea in bad spirit. Why do you hate Ugandans?

THE SPEAKER: Hon. Joyce?

1.45

MS JOYCE BAGALA (NUP, Woman Representative, Mityana): Thank you, Madam Speaker. I heard the minister very well and he was talking about the Government wanting to rationalise because it loves the coffee farmers and wants to support them.

I want to tell the honourable minister that, at the time the Bill was returned to Parliament, as Members of Buganda Parliamentary Caucus, we took the responsibility of consulting people from different areas. We went to Butambala, we went to Mityana, we went to Luwero, we went to Buddu; we went to Buikwe and many other parts of the country.

The people that you are talking about, honourable minister – those coffee farmers that you are saying you want to help and support – are saying they do not want this rationalisation. Therefore, if you are doing it for Ugandans, Ugandans are saying, please, do not rationalise – *(Member timed out.)*

1.47

MR GEOFFREY KAYEMBA-SSOLO (NUP, Bukomansimbi County South, Bukomansimbi): Thank you, Madam Speaker, for giving me this opportunity. I come from Bukomansimbi, a place that leads in coffee farming, and I am a Muganda. Buganda has suffered a lot from poverty. That is why the Katikkiro echoed the Kabaka's voice –

THE SPEAKER: Do not tribalise our coffee.

MR KAYEMBA-SSOLO: I am not tribalising, but I come from Buganda and I am a Muganda. So, let me speak about reality. That is why the Katikkiro of Buganda echoed the Kabaka's voice, to grow more coffee through the *Mwanyi Terimba* initiative.

Madam Speaker, on behalf of the people that we represent, we say it is not only improper, but even a crime to rationalise the UCDA.

THE SPEAKER: Thank you. Let us have Hon. Christine and then Madam Teacher.

1.47

MS CHRISTINE KAAYA (NUP, Woman Representative, Kiboga): Madam Speaker, I thank you. Once again, I would like to put it right that when the minister tells us that removing accreditation from the UCDA is as simple as bringing another one, accreditation is not based on Ugandan standards. This accreditation is international and we cannot say we have control over the rationale or criteria for accreditation. Once it is international – we are already worried about the way we bargain here. Which other institutions can really play the role?

Madam Speaker, I would also like to draw your attention to the committee chairperson. Chairperson, of all the people that you consulted in your committee, what was the final decision? Did they tell you to rationalise or not? The committee was supposed to come up with a conclusion, summarising the submissions of all the people that were consulted. However, I am worried: the biggest percentage says “do not rationalise” and the committee conclusion

says “rationalise”!

Madam Speaker, killing somebody today and burying that person three years after, is the same thing; you would have already killed them. So, it is better not to kill now. Wait for three years to kill that person. This business of saying “let us kill it now, but bury it three years or five years later” is not good for us.

THE SPEAKER: Thank you.

MS KAAYA: Madam Speaker, I am finalising with this one. For those of you who are well aware of the enterprise value chains, not everybody performs all duties in the entire value chain. There are farmers, there are even drinkers – (*Member timed out.*)

THE SPEAKER: Madam Teacher?

1.49

MS BETTY NAMBOOZE (NUP, Mukono Municipality, Mukono): Madam Speaker, I wish to thank you. Thirty-two years ago, Her Excellency Specioza Kazibwe led this House, as the minister for agriculture, to come up with UCDA. On that day – I have been looking through the *Hansard*, Madam Speaker – Parliament unanimously agreed that, to allow coffee growing, marketing and value addition to thrive, there needed to be a stand-alone authority to handle this matter.

Thirty-two years later, Madam Speaker, UCDA has not let us down. The story has turned from bad - from the coffee wilt disease - to good, to better and to excellence, where we are now among the top 10 in the world, as Uganda.

Madam Speaker, today, if you were to move UCDA to the ministry, who of the two should learn from the other? After 32 years without you handling a business, and then all of a sudden you come back!

When you read through the proposal to abolish UCDA, you will find that the workers now are going to be spread in different ministries. That means that we are going to lose all this institutional memory. I do not know why a

parent – because even in the Act itself, the ministry is given a very big role. I do not know which parent would like her child to go back home after – *(Member timed out.)*

THE SPEAKER: Hon. Ethel, Hon. Mugabi, Hon. Nakimuli-

1.51

MS BETTY NALUYIMA (NUP, Woman Representative, Wakiso): Thank you, Madam Speaker. On behalf of the people of Wakiso and especially the people of Busiro North that are so much into coffee farming, I also stand to support the content of the majority report, less the conclusion and also the content of the minority report.

Not once, not twice, have we put it here - and it was very clear - that we are a people-centered Parliament. Let us listen to the voices of Ugandans. We are handling an agency that is taking care of 12.5 million people, unlike others, which could show a decrease in what they were producing.

This one is showing an increase right away from 2013 to 2024 where we are. It is promising. Why are we insisting that we should still take away the livelihoods of people? Also, the matter of public servants and staff is not resolved.

I am in the Committee on Public Service and Local Government which is handling this matter of rationalisation in general. The question is: “Do we want to send away all these Ugandans from their workplaces? Where are they going?” Particularly for coffee, they are Ugandans helping several others to have a livelihood. So, I request - *(Member timed out.)*

1.54

MS SUSAN MUGABI (NUP, Woman Representative, Buvuma): Thank you, Madam Speaker. Both reports clearly indicate how much revenue the entity has been generating for this country versus how much it has been given by the Government.

That clearly indicates that this entity can even meet its own expenditures, including giving

good salaries to its employees to motivate them. The minister told us that we should not get worried about dissolving the Uganda Coffee Development Authority (UCDA) because they are planning to work on the Food and Nutrition Authority.

Why do we work in anticipation? Why do we lose an entity that has over 23 years of experience, and which has regulated the quality of coffee of the - that has experts that have bargained for good prices on the international market? I do not accept the rationalisation of UCDA, because the Ministry of Agriculture Animal Industry and Fisheries failed to bring the fisheries and aquaculture regulations to this Parliament. Also, the affected persons - *(Member timed out.)*

THE SPEAKER: Honourable, when the microphone is off, it is off. The people of Buvuma have heard.

1.55

MR HILLARY KIYAGA (NUP, Mawokota County North, Mpigi): Thank you, Madam Speaker. With the unemployment challenges Uganda faces, the report clearly brought out that UCDA managed to employ 12.5 million people. Therefore, we cannot stand a chance of taking all these people back to nowhere when we rationalise UCDA.

Lastly, from the major report, we need to double the budget for UCDA. This is the opportunity we have for the good contributions it has done for - *(Member timed out.)*

1.56

MS HELEN NAKIMULI (NUP, Woman Representative, Kalangala): Thank you, Madam Speaker, for the opportunity. I must say that the people of Kalangala are proud that you have given me this opportunity. I also thank the Almighty God that -

THE SPEAKER: Honourable members, listen to Hon. Helen.

MS NAKIMULI: I also thank the Almighty God that I am walking again on my two feet. The sports fraternity - your star is back. For the

record, I want to inform this august House that the coffee in the 70s and 80s that used to come -

THE SPEAKER: Were you born?

MS NAKIMULI: At least my grandparents told me so. Yes, Madam Speaker, I was born in the 80s. And I also know exactly what I am talking about. The coffee that was coming from the Ssesse Islands – the coffee with an aroma that goes out of the country, comes from the Ssesse Islands.

THE SPEAKER: No, it comes from Bugisu.

MS NAKIMULI: No, Madam Speaker, I have researched and my grandparents told me it is from Ssesse Islands but it is unfortunate that the minister has left.

THE SPEAKER: The minister is around.

MS NAKIMULI: The justification that the minister gave, if he were to ask me out on a date, I would not go because the justification is really wanting.

THE SPEAKER: He is your grandfather. *(Laughter)*

MS NAKIMULI: Who cares? *(Laughter)* Madam Speaker, it is, it is wanting -

THE SPEAKER: Hon. Ogwang are you in the House - size mate -

MS NAKIMULI: That one is young. Madam Speaker, what I am driving to is that the justification he gave for rationalising UCDA is wanting. It would not make anybody believe in him.

THE SPEAKER: I am going to ask him to give us more justification.

MS NAKIMULI: Thank you, Madam Speaker.

THE SPEAKER: Before I give this side to debate - before I give you, “stepmothers” - I will give the minister first to give a proper justification - yes.

2.00

MR DENES SEKABIRA (NUP, Katikamu County North, Luwero): Thank you, Madam Speaker. From the reports, it is evident that UCDA was established in 1991 and it is 33 years old now. Since its establishment, coffee production has increased from 1.7 million to 6.17 million bags and that is very steady progress.

I have also learned from Hon. Okia that other parts of the country have also started growing coffee and that is steady progress. It will be fatal for us to rationalise an agency that is now spreading across the country. I think it is only in a bad spirit that the Government would want to absorb and swallow UCDA.

Lastly, yesterday when Hon. Kabanda was submitting here, he told us how the Ministry of Agriculture lost land to Gen. Kahinda Otafire. If they were serious enough, they should have been in a position to keep the property of the ministry. They may also easily fall asleep and we lose this agency UCDA, which has our memories.

THE SPEAKER: Yes, Hon. Christine, first give your neighbour a chance. Let Hon. Stephen speak.

2.02

MR STEPHEN SSERUBULA (NUP, Lugazi Municipality, Buikwe): Thank you, Madam Speaker. I come from a coffee-growing family. My Daddy was the Chairman of the East Mengo Growers Cooperative Union -

THE SPEAKER: That is why I gave you.

MR SSERUBULA: Yes, those organisations that made people rich. In our area - I have never read a Government document in which the Government said that it made errors in privatisation, which is the same as we have now. The Government testified that one of the mistakes it made was privatisation.

Madam Speaker, recently I received elders from my constituency, who said that there is a deliberate programme to make the central region very poor. We had the lake. The people

can no longer go to the lake because of the issues there. People in Mubende cannot go to the goldmines because of the rich people who own them. What we are remaining with is coffee, Madam Speaker. Therefore – *(Member timed out)*

THE SPEAKER: Hon. Christine, Hon. Ssimbwa, and Hon. Sebamala.

2.03

MS CHRISTINE NDIWALANA (NUP, Bukomansimbi North Country, Bukomansimbi): Thank you, Madam Speaker. Madam Speaker, I come from Bukomansimbi, which is the biggest coffee-growing district in Uganda. I am so happy that I can now submit.

Madam Speaker, in Bukomansimbi District, when a child begins to speak, they start with the major cash crop in Uganda. Everyone here knows that if it was not for coffee, we would not be here today -

THE SPEAKER: Who? Not to me.

MS NDIWALANA: Being that coffee is the major cash crop, I stand here to dissolve the perception - instead of dissolving the Uganda Coffee Development Authority (UDCA) – *(Text expunged.)*

THE SPEAKER: Hon. Christine, make your point.

MS NDIWALANA: For your information, Madam Speaker, the point I am trying to make –

THE SPEAKER: Hon. Christine, let me guide you. *(Text expunged)*

MS NDIWALANA: Madam Speaker, I apologise for that. There is an honourable member who was here –

THE SPEAKER: Expunge it. Withdraw the statement.

MS NDIWALANA: I withdraw from the majority, but there is an honourable member who came here and said –

THE SPEAKER: Withdraw it, and talk about why you do not want rationalisation.

MS NDIWALANA: Ok, let me withdraw it, but I know what they are going to say when it comes; I withdraw that.

Madam Speaker, the point I am trying to bring out is that we are not speaking about UCDA because of the voters, or the elections which are due. We are fighting – *(Member timed out.)*

THE SPEAKER: Hon. Ssimbwa.

2.06

MR FRED SSIMBWA (NUP, Nakifuma County, Mukono): Thank you, Madam Speaker. Yesterday, we were told by the chairperson of the committee that UCDA performs beyond the target. They have improved the quality and they have raised –

THE SPEAKER: Hon. Ssimbwa, just a minute. In the public gallery this afternoon, we have students and teachers from Goodmark Secondary School, located in Mukono District. They are represented by Hon. Abdallah Kiwanuka and Hon. Hanifa Nabukeera. Hon. Hanifa, they are there. Greet them.

2.07

MS HANIFA NABUKEERA (NUP, Woman Representative, Mukono): Thank you, Madam Speaker. The students of Mukono, you are very welcome to Parliament. This is the Parliament of Uganda. It makes laws that govern the country. You are welcome.

Madam Speaker, thank you for this time. I associate myself with the minority report and I also disagree with rationalisation.

THE SPEAKER: Thank you. Yes, Hon. Ssimbwa.

MR SSIMBWA: Thank you, Madam Speaker. I was saying that yesterday the honourable chairperson told us that the UCDA is performing beyond the target. They have improved quality and they have raised good revenue. Now, we ask, why should we rationalise UCDA before we think of other entities, which do not make

a profit like Uganda Revenue Authority (URA) and others? UCDA must stay and we think of URA and other entities.

THE SPEAKER: Hon. Sebamala, *mukatuliki*, and Hon. Kawalya.

2.09

MR RICHARD SEBAMALA (DP, Bukoto County Central, Masaka): Thank you, Madam Speaker.

Madam Speaker, I stand to tell my fellow Members that I am not only a coffee farmer, but also an exporter. I have been in this business for quite some time.

Coffee development has very many stages, from growing, that is seedlings, the type of soil, and transportation, and all those steps employ Ugandans, to export. The quality of coffee is what makes us stand out on the international market. It is what those people out there are looking for.

I want the minister - why I discern and do not want actually to talk about dissolving UCDA is one: I want him to tell us how far we are within all those steps of the coffee value chain. Where are you? What shows that you are doing something before you even dissolve UCDA so that we can say you will need three years to go ahead – *(Member timed out.)*

THE SPEAKER: Thank you. Hon. Katabaazi?

2.10

MR FRANCIS KATABAAZI (NUP, Kalungu East County, Kalungu): Thank you, Madam Speaker. I thank the chairperson of the committee for the wonderful report. I liked every bit of it because she brought it out that there was nothing repeated. The conclusion is where we deviated from each other.

My point here is that when you look at history - we had cash crops - coffee, cotton, tobacco and tea. All those cash crops were actually mapped out - cotton was for the northern, tobacco was for West Nile, and then tea, parts, and parts. There were organisations that ran all these.

There was a Lint Marketing Board for cotton. There was coffee - *(Member timed out.)*

THE SPEAKER: Yes, Hon. Kawalya?

2.11

MR ABUBAKER KAWALYA (NUP, Rubaga Division North, Kampala): Thank you, Madam Speaker. Allow me to add my voice to that of the pre-current speakers so that at least, I also want to appreciate the report, apart from the conclusion.

When we are speaking about coffee, we are speaking about the chief cash crop of this nation. It is the backbone of most of us here. We all know that most of our grandparents and our parents benefited from coffee. During those days, like in the 60s and 70s, the quality of our coffee was compromised. It was not until when UCDA was established that the quality of our coffee has improved. Therefore, as Ugandans, we all know what coffee has done to most of the Ugandans, especially the youth. We all know that most Ugandans are unemployed, and most of those who do not have jobs have resolved to go and start growing coffee.

What plans does the Government have? We all know the bureaucracy that is growing in most of the Government agencies, most especially the ministries. You are now saying that you want to merge or even dissolve or abolish. What plans do you have for the young generations? Thank you, Madam Speaker.

THE SPEAKER: Can we hear now from the Minister? - Before the Minister, the Leader of the Opposition had something to say.

2.13

THE LEADER OF THE OPPOSITION (Mr Joel Ssenyonyi): Thank you, Madam Speaker. I am glad that to a great extent, colleagues that come from the coffee growing areas have been able to voice out the concerns of the stakeholders.

Madam Speaker, we were here yesterday and the reports were tabled. I listened to the report of the Hon. Linda Auma, a very good

report, and she kept laying down the good about UCDA. She mentioned that UCDA is hitting its targets and that the coffee economy has grown over the years. The roles of UCDA and MAAIF are totally different and cannot be bundled together, and so on and so forth. I wondered what happened now with the conclusion because I thought after laying that stage, it would be clear that MAAIF should keep doing what it is doing, UCDA should be empowered to continue doing what it has been doing.

Madam Speaker, of course, like any other entity, UCDA has some imperfections, without a doubt. The challenges at the ministry are enormous. That was why as colleagues have been clearly airing it out, some of what the ministry is handling has seemed to be too much on its plate. And yet we are saying UCDA has been thriving. Why don't we empower it to thrive a lot more? Why don't we empower it to go to those areas, which have now begun growing coffee? - I listened to colleagues from West Nile and elsewhere, and they are saying we have also begun to grow coffee. UCDA had not reached there.

Madam Speaker, clearly, it is because the Government had decided to zone the country. These ones coffee, dairy, and that kind of thing, and we must be able to move away from that, yeah? If a crop can grow in a particular area, why not? Why not let it? So, can we empower UCDA to go to those other areas if it is showing that it can thrive in the areas where it is thriving now, why do you imagine it will have limitations when you empower it to go elsewhere?

Madam Speaker, the stakeholders of the coffee economy, including of course MPs from the coffee growing areas, have spoken on behalf of the 12.5 million people that are involved in the coffee economy. Can we listen to these stakeholders?

Yesterday, we did listen to colleagues who were making a case saying they are from the dairy areas, the cattle growing and cotton growing areas. They told us because we began

to defend them, and they said, "No, you people keep quiet. We are the ones who grow cotton. We are the ones who are producing milk. We understand our issues better and we want those entities to go back to the ministries." We actually gave up the fight. We said, "Now, how do you fight for someone who is saying, 'for us who want our entities to be rationalised?'" We let them be.

Madam Speaker, you are hearing the voices of people who represent stakeholders that grow coffee. We need to listen to them. I even think, personally, if need be, maybe some people who might say, "well, we are not too sure," you could grant them maybe two weeks or that kind of thing, to go and establish from their constituents, to be certain, because a number of us who are speaking, we have consulted the stakeholders that we represent. So, we are not just speaking our minds. We are speaking the minds of the stakeholders that we represent.

Madam Speaker, very critically, the mandate of the 11th Parliament ends in 2026. I wonder why then we would say let us give three years or even five years to bind the 12th Parliament?

Why do we want to bind the Parliament that will come after us? A number of us, I believe, will be back here but we shall be back in the 12th Parliament. This is the 11th Parliament. If Government is convinced that it requires three years or even five years to get the ministry set, to put in place all the infrastructure that is required, why do not wait for the three years to elapse? - Put your house in order, come to the 12th Parliament and make your case. We are now operating in anticipation to say well we hope in three years, we shall be ready. But you see, as some colleagues have mentioned rightly, to get the certification and all the infrastructure that is required in place, you need several years.

Government, let the three years, five years, or whatever time you require to get ready, to put your house in order. Come to the 12th Parliament and make your case. Do not task the 11th Parliament to bind the Parliament that will come after us. Thank you.

THE SPEAKER: Thank you. Honourable Minister. Yes?

2.19

MR THEODORE SSEKIKUBO (NRM, Lwemiyaga, Sembabule): Thank you, Madam Speaker, I have been in the House and I have noted and observed that you have given an opportunity to your left side to contribute to this very important national matter. And those of us on this side have been denied the opportunity to contribute to this very important matter.

THE SPEAKER: No, I am going to give you. I want a clarification from the minister first on what they have asked then I will come to this side.

MR SSEKIKUBO: Most obliged.

2.19

THE MINISTER FOR JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr Nobert Mao): Thank you, Madam Speaker. The intensity of this debate shows the seriousness of the subject. We are in a country, which is struggling for opportunity for people. Now, I have listened and I would like to make some comments.

First, the political economy of the so-called allocation of specialised crops in various parts of Uganda. It has a colonial history; first of all, the British told us a big lie that coffee does not grow in northern Uganda. Because they were white and better educated than us, we believed them. However, there is an old man called Wilson Lutara, another one called Peter Abby, and another one called Semei Nyanzi. They planted coffee in their compounds in defiance to challenge that lie. Why did the British do this? They subjected the people from the Upper Nile, which is northern Uganda, to the seasonal crops, which require a lot of hard labour. It is not as rewarding. You are tied down to only your garden; you cannot even operate a shop.

Unlike the people in the south, who had the perennial crops, like tea and coffee, while the coffee is making money for you, you are

able to do other things. The hidden purpose was to force the people of the North to enroll in the army and choose salaries over self-employment.

I thought I should share that aspect of the political economy. *(Applause)* So, I think it is inappropriate to say we are not to blame; that you never caught up with the coffee. It is important that we understand it as a matter of fact.

Secondly, and finally, there is a false dichotomy here. We are not choosing between the Ministry of Agriculture, Animal Industry and Fisheries and the UCDA. They are both part of Uganda. What we want to achieve is to share our real experiences *vis-à-vis* what the government policy is. When you are choosing between your experience and what you are being told, I am sure you choose your experience.

Madam Speaker, my wife is a coffee grower. The coffee is now flowering; she is even picking. I have not seen UCDA on the farm nor have I seen the Ministry of Agriculture, Animal Industry and Fisheries. That is my experience. Madam - *(Interjections)* - do not shout, improve your argument.

THE SPEAKER: Honourable members!

MR MAO: Members, we are here sharing experiences. Honourable members, UCDA has not helped us; the Ministry of Agriculture, Animal Industry and Fisheries has also not helped us - *(Interjections)* -

We are virtually on our own; so let us find a way together. Let us not start this false rope-pulling -

THE SPEAKER: Honourable Minister of Agriculture, Animal Industry and Fisheries?

MR MAO: In the next three years, UCDA will be parked at the agricultural ministry. It is a parking lot while we find a way to serve those of us who are on our own. Thank you, Madam Speaker.

THE SPEAKER: Honourable minister? Honourable members, kindly listen.

2.25

THE MINISTER OF STATE FOR AGRICULTURE, ANIMAL INDUSTRY, AND FISHERIES (ANIMAL INDUSTRY) (Lt Col (Rtd) Bright Rwamirama): Thank you, Madam Speaker. Honourable colleagues, I thank you for your contribution and for the clarification you sought. I would like to start with the justification for the transition -

THE SPEAKER: Honourable members, kindly listen to the minister; you wanted clarification.

LT COL (RTD) RWAMIRAMA: Once again, I thank the Members for their contributions and the clarification they sought because most of the arguments are not based on an informed decision of the intention of the Government.

First is the justification for a three-year transition. The Government is sensitive to the stakeholders. Since the stakeholders seem to have been misinformed by dissenting views, the Government decided to allow a three-year transition to make sure their concerns are plugged so that we move forward. The three years were arrived at from the interaction of the stakeholders with the head of state.

Madam Speaker, there are Members who are saying that UCDA is independent -

THE SPEAKER: Hon. Odur is seeking clarification.

MR ODUR: Thank you, Madam Speaker. I see we are moving slowly and we are going to get to a point where the House needs to understand the minister very well. He mentioned that there is an agreement or a meeting took place and three years is what the Government is willing to transition.

Before we even go to the three years, the minister must define so that we understand the ingredients of transition. What is it when you say transition? If that is clear to this House, it

may actually unlock the gridlock. What is it that entails in the package called transition of UCDA to the Ministry of Agriculture, Animal Industry and Fisheries? Speak about that so that we see all the elements. If that comes out clearly, it may help us to move because throwing the word “transition” may not help.

LT COL (RTD) RWAMIRAMA: We are changing the mode of operation. We are not changing the intentions and functions of regulation of the coffee sector. The three-year transition means that we are putting them in the structure of the ministry to make sure that we do not make any mistakes in the process of stabilising them in the new department -

MR ODUR: The reason I am asking is that when we go into the clause by clause, we need to define the word “transition”, in case we go there. If you cannot explain it here, it makes it difficult for us to think that we should even go there.

THE SPEAKER: We shall define it.

LT COL (RTD) RWAMIRAMA: Madam Speaker, this transition period will be supervised by the Ministry of Public Service – *(Interjection)* - Yes, because it is the mandated ministry. It is not true that UCDA is independent of the ministry. UCDA is semi-autonomous and whatever they have been doing, the policy guidance is from the Minister of Agriculture, Animal Industry and Fisheries.

There is no such thing as accreditation of UCDA. The membership of the countries for coffee is by country. Accreditation is for the laboratories. When we withdrew from the International Coffee Organisation (ICO), it meant that Uganda would not directly take coffee unless they went through another agency. This is a mischief that, you people, now supporting UCDA, had actually pointed out.

I think this question was from the Member of Parliament from Buvuma. I congratulate him for appreciating that palm oil has transformed the island. However, it has transformed that island with no palm oil authority.

Therefore, honourable colleagues, you raised issues; let me respond to them one by one. The coffee requires a regulator from the garden to the table. The regulating authority is derived from the law, and the Government intends to empower the new department with the same law and give them authority -

THE SPEAKER: When you were talking, the minister never put you on order. No, you first listen to the minister. Honourable minister, could the three years be the time that you want to get the quality control systems?

LT COL (RTD) RWAMIRAMA: Madam Speaker, as I mentioned earlier, we do not want to lay off workers who are doing the work. We are not going to abolish the functions of Uganda Coffee Development Authority. The functions of UCDA will be executed *-(Interruption)-* please – [*Hon. Asinansi: “Madam Speaker, clarification.”*]

THE SPEAKER: Hon. Asinansi, sit.

LT COL (RTD) RWAMIRAMA: Madam Speaker, the power to regulate will be to the department.

THE SPEAKER: Which coffee department in the UCDA?

LT COL (RTD) RWAMIRAMA: There will be a Department of Coffee Development in extension.

THE SPEAKER: Yes.

LT COL (RTD) RWAMIRAMA: Yes, it is a directorate. Madam Speaker, the approved structure is that there will be a commissioner for coffee development. This commissioner will have all his assistants and support staff to regulate the coffee industry.

Hon. Sebamala, requested me to show the House, how far we have gone with the regulation of the coffee industry in the value chain. Right now, we are using UCDA to do the job. From UCDA we are going to use the same department to do the job. Whatever they

have achieved, the law of agency is that the actions of the agent binds on the principle. To the supreme authority, lies the blame or credit for the results. The good results, therefore, are accredited to the ministry and the Government itself.

I would like to clarify that the colonial-zoning ended. Therefore, we are looking at soil suitability mapping, and we have recommended enterprise selection countrywide depending on suitability of the areas.

Lastly, Madam Speaker, it is good to walk the talk. If you are a nationalist and you allow the other authorities to be rationalised but you resist one *-(Interruption)*

MR KABERUKA: Thank you, for giving me way.

LT COL (RTD) RWAMIRAMA: Well, thank you.

MR KABERUKA: Madam Speaker, the procedures in this House which you are a custodian of -

THE SPEAKER: Hon. James, I have not allowed you to speak.

MR KABERUKA: Madam Speaker, you allowed me.

THE SPEAKER: No.

MR KABERUKA: You nodded.

MR SPEAKER: No, Hon. James. I know you are my friend but I did not allow you.

MR KABERUKA: Madam Speaker, how can a minister speak –

THE SPEAKER: Hon. James, I did not allow you to speak. You first listen. Honourable members, any other minister with a clarification? Okay. Hon. Goli on Export Promotion Board. Just a minute, Hon. Aisha. *Hajjat*, wait.

2.37

MR GOLI OGWAL (NRM, Dokolo North County, Dokolo): Thank you very much, Madam Speaker. When you are developing a product for export, there are critical things you look at; the supply and demand related issues. The supply related issues relate to how you can have quantity and quality in place. For Uganda's case, what was done was to have NARO to do the research. For quality and also for fighting diseases; coffee resilience. So, those become very key issues.

You find out that the NARO element of work was a little bit confused with what UCDA should do. The other issue which you need to look at is the demand side. How is the market related to the supply? What has happened is that UCDA correctly helped in the improvement of quality, so that the demand responds to it.

However, I would like to mention that the high price of coffee we are seeing is just like we saw in vanilla. Do you recall how vanilla did perform? It was very high because of the problems of supply in the market.

Currently, for coffee is because of the frost which happened in Brazil to enable the price go up. Not UCDA certainly.

Another issue I wanted to mention is about - I saw the very important issues which were brought. For instance, the issue of staff where we need to maintain them and three years was quoted.

I would like to mention that staff have three years' contract.

The other issue which was also mentioned is Ethiopia and Kenya. They had agencies. When they changed, they went back. Isn't it? They have gone back now. The three-year issue comes in which is in our law; transition. So, when you have *-(Interjection)-*

They did not do a transition to make corrections. Uganda is having and embedding a transition process to correct those possible wrongs. Also, the three years -

THE SPEAKER: Hon. Goli, can you explain a little bit about the transition in this circumstance?

MR OGWAL: My view is that in the transition - and this is what I wanted to mention. The most important thing in UCDA is regulation. So, if you are going to regulate and have that international acceptability, you need to prepare the laws which can make you enforce. You need to prepare the laboratory which can make you do the things which are required.

You need to allow for the staff we are complaining about.

Let the staff have their contracts for three years, so that the three years become a consistent position for transition. There are many other things which can be done during the transition, but it helps to bring that. Thank you. I would like to mention - *(Hon. Biraaro rose)*

THE SPEAKER: Thank you. He is giving you information.

MR BIRAARO: Thank you, Madam Speaker, for this opportunity. I would like to clarify on the transition, in the context of what we are doing and how it came about - very briefly.

I am a member of the Committee on Agriculture, Animal Industry and Fisheries. His Excellency the President asked to meet the committees on finance, agriculture and national economy. The position of the Government, as the minister said, was to rationalise UCDA instantly like it is with the others.

However, because of the advocacy and strong clarity that the President got from the committees' positions that the ministry for agriculture is not ready at all, we agreed to postpone *-(Applause)-* the rationalisation from this instant day, to give time to the ministry to prepare itself. That is the transition we are talking about.

That is why, now, the committee says -

MR GOLI: Let me give one comfort. Fish, in Uganda, was banned from being exported to the European Union. When it was banned, they created a department in the ministry for agriculture, which is doing very well and handling international issues to do with fish. It has happened.

THE SPEAKER: Hon. Chemaswet?

2.43

MR CHEMASWET KISOS (NRM, Soi County, Kween): Thank you, Madam Speaker, for giving me an opportunity. With your permission, please, give me an opportunity to use the microphone at the dispatch box because I have papers to lay.

THE SPEAKER: Okay. Let me first look at the papers.

MR KISOS: I will, first of all, speak to them, so that I lay them later on.

THE SPEAKER: Okay.

MR KISOS: Honourable members, on the side of NRM and the Opposition, we are all supporting the farmers. There is nobody who is against the coffee farmers; we are all supporting them.

Honourable members, the Government refinancing of enterprises within our economy has been so efficient that our locals have got money through refinancing. One part of refinancing, of course, is the PDM money, which comes from our own sources of revenue here in Uganda. In fact, there are many proxies around in the coffee sector, and they are the ones who are dealing with coffee, not our own Ugandans.

I was in a meeting in Nairobi some time back, where guys were discussing coffee and they took advantage of our weakness. This weakness was as a result of an error that was made in September 2023 by Uganda Coffee Development Authority.

By UCDA not accepting to sign an extension of the agreement of 2007 that would have been effective on 2 February 2022, it brought an error, whereby Uganda does not export directly to importing countries, especially in Europe. We have to pass through other countries, in order for our coffee to reach other countries.

Madam Speaker, allow me to lay a document titled, "Membership of International Coffee Organisation under the International Coffee Agreement (ICA), 2007, as at February 2022". In this document – (*Interjections*) – they are here – there are countries, which have withdrawn from ICA in 2007;

1. Guatemala
2. Paraguay
3. Turkey
4. Uganda
5. United States of America.

I beg to lay the document, Madam Speaker.

THE SPEAKER: I want to see the document first.

MR KISOS: Madam Speaker, I would like to lay on Table the decisions and resolutions adopted at the 133rd Session of the International Coffee Council.

THE SPEAKER: Honourable members, the minister can clarify on that, but to the best of my knowledge, it is true that we withdrew. That is a fact; everybody knows it. The minister can confirm. You continue.

MR KISOS: Madam Speaker, on the question of accreditation and standardisation, the International Organisation for Standardisation (ISO) is a Non-Governmental Organisation, which takes charge of standardisation and accreditation.

In the ISO Statute, article No. 4 provides for national committees which are supposed to be housed in the agencies that are responsible for accreditation and standardisation. For this case, Uganda has UNBS, which houses the national committee which is in charge of

standardisation and accreditation. *(Applause)*
We do not need to worry about this. The fact is that accreditation and standardisation will be handled by UNBS, as stated by the ISO. *(Applause)*

Madam Speaker, I beg friends and colleagues here that we are one. We are all crying for the farmers. The only thing that we need from the Government is refinancing and pumping money to the sector, the way the Government did to Operation Wealth Creation for it to get the money.

Otherwise, thank you very much, Madam Speaker.

THE SPEAKER: Hon. James Kaberuka?

2.49

MR JAMES KABERUKA (NRM, Kinkizi County West, Kanungu): Madam Speaker, thank you very much. First of all, Hon. Chemaswet should not misinform this House by relaying information, which is not credible. *(Text expunged.)*

Madam Speaker, I want to go to the point of the ministry –

THE SPEAKER: Order!

(Text expunged.)

THE SPEAKER: *(Members rose_)*- just a minute.

Honourable members, we have 220 Members seated physically in this House. I have not even told you the ones who are present virtually.

(Text expunged.)

THE SPEAKER: *(Members rose_)*- Honourable members, please, take your seats. We have been debating on this and I have allowed 74 Members to discuss. I put the question that the National Coffee (Amendment) Bill, 2024 be read the second time.

(Question put and agreed to.)

BILLS
COMMITTEE STAGE

THE NATIONAL COFFEE (AMENDMENT)
BILL, 2024

MR SSENYONYI: *(Member rose_)* Thank you, Madam Chairperson-

THE CHAIRPERSON: First make your members sit before you contribute. That is what the rules say.

MR SSENYONYI: Madam Chairperson, allow me- I can ask the colleagues to just be calm and listen as I draw your attention to Rule 101 of our Rules of Procedure which provides for the Speaker to carry out a division, under Rule 101(1)(b) where; *“The Speaker has announced the results of the voice voting, and immediately forty or more members stand in their places signifying their disapproval of the outcome of the vote.”*

Madam Chairperson, these are over 40 Members and they are standing in disapproval of the vote that you have announced. I would like to draw your attention to this, our rule, within our Rules of Procedure that we now conduct the voting in another way by roll call or division so that it is clear.

We believe that the “Nays” carried the day but you announced “Ayes” and that is why we have stood up so that it is clarified properly. So, that is what I am drawing your attention to.

THE CHAIRPERSON: I have not heard what you said because your team is making noise.

MR SSENYONYI: Colleagues, first keep quiet so that I read this again to the Chairperson. She says she did not pick it. Just keep quiet for a second.

Let me read this again. I am waiting for the minister who is distracting our Chairperson. Let me now read it so that it is very clear. I was quoting Rule 101 of our Rules of Procedure, where we are in disagreement with the vote announcement that the Speaker has made.

101(1)(b) “Where the Speaker has announced the results of the voice voting and immediately forty or more Members stand in their places signifying their disapproval of the outcome of the vote.”

Madam Chairperson, these Members are standing not because of indiscipline but in pursuit of our Rules of Procedure - (*Applause*)- and they are way more than 40. In standing, we are saying that let us carry out the vote in another way- (*Hon. Bakka rose*)

The Chairperson has not ruled. - Committee chairperson, just hold on; I am still engaging the Chairperson. As I was quoting this, ministers were distracting you. Now that I have your attention and no one is distracting, let me read this for the third time.

Madam Chairperson, if someone is contesting that these are not 40, I can read their names one by one and you will discover that we are more than 40 who are standing. Let me read the names of all the Members who are standing so that you are sure that we are more than 40 because we - (*Interjection*)

I am still engaging the Chairperson, committee chairperson. Calm down and let the Speaker first rule; you are not the Chairperson.

Madam Chairperson, I am still trying to get your attention on this matter- the Chairperson has said that I mention the names of the Members who are standing so that we are sure they are 40.

The chairperson of the Committee on Legal and Parliamentary Affairs, the Chairperson has issued a directive and it is what I am following. Please calm down.

Each of the Members is going to mention their name so that we confirm that we are more than 40.

As I have drawn it to the Chairperson’s attention and following the rules, the Chairperson would like to confirm that we are more than 40. So, with your indulgence, each of the Members

standing will mention their names so that we are sure they are more than 40.

1. Hon. Joel Ssenyonyi
2. Hon. Asinansi Nyakato -

THE CHAIRPERSON: Honourable members, the Clerk is going to count the people.

MR SSENYONYI: Madam Chairperson, I thought that for certainty-

THE CHAIRPERSON: I am going to count.

MR SSENYONYI: Madam Speaker, to make it easy.

THE CHAIRPERSON: Can I have the number counted? Honourable members, they are 53 Members. Okay, now you sit down. All the “Ayes” move this side and let us have the number - All the “Ayes” – Hon. Ssenyonyi, first wait.

The *ex-officio* Members, get aside because you do not vote. We do not want to count you. Just hold on. The counting is taking place. Hon. Helen Nakimuli, move to your side.

Honourable members, why don’t you sit down? We have ascertained the number. Why don’t you sit down? Honourable members, since we have everybody here, we are going to close the doors. You sit.

Hon. Asinansi, continue making noise –

Honourable members - Clerk, I am waiting. You will have them. You wait.

Honourable members, the ones who voted “Nay” will be on this side, those who voted “Aye” are on this side. Give me the numbers.

Honourable members, Rule 101; Division.

- (1) “A division may be ordered by the Speaker or Chairperson where –
 - (a) a technical failure, confusion or an error has occurred in the course of electronic voting and electronic

- voting cannot proceed; or
- (b) *The Speaker has announced the results of the voice voting, and immediately forty or more Members stand in their places signifying their disapproval of the outcome of the vote.*
- (2) *Where a division has been ordered, the lobbies shall be cleared for that purpose.*
- (3) *The Speaker or Chairperson shall direct the “Ayes” into the lobby on his or her right and the “Noes” into the lobby on his or her left and appoint two tellers for each lobby and one for those who abstain to count the votes.*
- (4) *The tellers shall take positions by the rear doors to the respective lobbies and Members shall enter the lobbies by the rear doors and shall leave through the fore doors back to the Chamber.*
- (5) *Members shall have their names recorded as they pass through the rear doors. Not “read” but recorded.*
- (6) *After the lapse of a reasonable period from his or her original decision, the Speaker shall direct that the rear doors giving access to the division lobbies from the Chamber be closed.*
- (7) *A Member is not obliged to vote, and a Member who does not wish to vote shall not enter a division lobby while a division is in progress.*
- (8) *A record shall be made of the names of Members who abstain.*
- (9) *When all Members wishing to vote have left the division lobbies, the tellers shall return to the Chamber and shall report the number of those who have voted in their respective lobbies, and those who have abstained, to the Speaker or the Chairperson, who shall then declare the results of the division.*
- (10) *The rear doors giving access to the lobbies from the Chamber shall then be unlocked.*
- (11) *In the case of confusion or error occurring in the course of a division concerning the numbers recorded which cannot otherwise be corrected, the Speaker or Chairperson shall direct the House to the Committee, as the case may*

- be, to proceed to another division.*
- (12) *For the purpose of this rule, unless the context otherwise requires “Fore doors” means the doors on the sides of the Chamber nearest to the Speaker, “Rear doors” means those doors on the sides of the Chamber furthest from the Speaker”.*

The “Ayes” go to the lobby on the right-hand side, outside –

(Voting continues_)

THE SPEAKER: Clerks, open the doors. Members, please come in. Honourable members, can I have everyone in? Honourable members, I welcome you back from the voting exercise under the division lobby. It must be noted that we had to take the vote in the division lobby, because there was a contest of the results of the voice vote, under Rule 101 of the Rules of Procedure. As the custodian of the rules, I listened to everybody.

Therefore, I urge Members to have faith in the capacity of the presiding officer. Other than being impartial, presiding officers always try their best to be fair.

I inform you that the voting record of today is going to be part of the official parliamentary record, and it should be uploaded into the Parliamentary Information System for future reference. If you want to know who voted, you should be able to find out.

We went to vote because we did not believe in the results. I, therefore, announce the results; the “Nays” were 77 - *(Applause)* – congratulations. The “Ayes” were 159. There were no abstainers. Therefore, the “Ayes” have it.

I adjourn the House *sine die*.

(The House rose at 4.19 p.m. and adjourned sine die.)