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**Wednesday, 13 September 2017**

*Parliament met at 2.06 p.m. in Parliament House, Kampala.*

PRAYERS

*(The Deputy Speaker, Mr Jacob Oulanyah, in the chair.)*

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE DEPUTY SPEAKER:** Honourable members, I welcome you to this sitting. You recall we made changes in our rules; the Prime Minister’s Question time is no longer on Wednesday, but on Thursdays at 4.00 p.m. So, today, we have a full day of deliberation. There is a lot on the Order Paper and so let us proceed. Thank you.

**MS NAMBOOZE**: Thank you, Mr Speaker. I rise on a matter of procedure. It shall be recalled that the Speaker guided this House that we shall not be discussing issues to do with the amendment of the Constitution until the Minister of Justice and Constitutional Affairs and Government in general tables a Bill. Be it as it may, yesterday our colleagues led by some of the Commissioners of this Parliament held a press conference in which they hinted about this matter.

Mr Speaker, this has caused a lot of excitement to the public and I am under strict instructions from my constituency and I do not know what to tell them - looking at the Order Paper and business to follow, I do not see anything related to the above.

Mr Speaker, would it not be procedurally right for you to guide and tell us exactly if there is a Bill in the offing in order for us to be able to communicate to our constituents so that they know the day, time and hour when that matter will be presented before Parliament such that they can give us their views. I am sure the public would like to come to this House on that day to witness as their MPs make deliberations on such an important matter.

Mr Speaker, we are not at peace. The public is up in arms against Parliament and we do not know what it means. I would further like to be guided if Parliament has lifted the ban it had put on us not to discuss this matter. Kindly guide me.

**THE DEPUTY SPEAKER:** Honourable members, my directive on this matter remains. This House can only handle matters that are before it and matters that are before Parliament are those that are brought to the Table of this House and those that are contained in the Order Paper.

Therefore, Parliament will not be responsible for discussion of things outside here. Should anything happen arising from those discussions, you have no recourse to Parliament because it is not any of those discussions that are sanctioned by Parliament. Our rules are very strict on issues of anticipation. There is no way we can sit here as a House and start anticipating that this is likely to come, therefore, we should start talking about it. The rules are clear and we cannot anticipate business as a Parliament.

Therefore, the Speaker has no knowledge about any Bill outside Bills that are already before the House. The President, in his State of the Nation Address outlined the legislative programme for this year. I do not even remember, in the list of the Bills that were cited, whether such a Bill was anticipated even by the President.

Therefore, I am not aware and so any discussion that is going on about something that is not before this House is misguided –(*Interjections*)– please this matter is finished. If you would like to start debating this same thing, which we have said we should not debate, it does not make sense.

2.14

**MR PAULSON LUTTAMAGUZI SEMAKULA (DP, Nakaseke County South, Nakaseke):** Thank you, Mr Speaker. I rise on a matter of national importance regarding the invasion of Crimean*-*Congo Haemorrhagicfeverin Nakaseke District.

Nakaseke District has been invaded by Crimean*-*Congo Haemorrhagicfever, a deadly disease which has claimed a number of lives in Nakaseke and the surrounding district of Kiboga.

According to the World Health Organisation guidelines, if an area is confirmed with such a fever attack, that area is automatically declared an epidemic zone. I have received reports that many people have been admitted in Nakaseke District main hospital and that the Government has established a secret isolation unit in Nakaseke Hospital. However, the same Government has adamantly refused to declare the disease as an epidemic and in such a case people have started developing a myth about the epidemic to the extent of attributing its spreading to the mosquito nets distributed by Government recently.

It is my humble prayer, Mr Speaker, that Government makes a directive intervention, through the Ministry of Health and other health agencies, to sensitise the public in Nakaseke about the epidemic so as to avoid its further spread. I thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Thank you, honourable member. There is an epidemic in Nakaseke. Government, do you have anything to say?

2.16

**THE GOVERNMENT CHIEF WHIP (Ms Ruth Nankabirwa)**: Mr Speaker, I have heard the honourable for Nakaseke calling on Government to come in and sensitise the masses about the epidemic and also the Ministry of Health to do the needful. I will ensure that the Ministry of Health immediately goes to the ground to sensitise people and tell them about what will be done.

**THE DEPUTY SPEAKER**: This matter did not happen yesterday; it has been on for a few days now - I am sure you could consult with the Minister of Health to get a proper response to the issue raised, because it has been on for some time to know what steps have been taken so that the House can know? This is a contagious disease that can easily spread.

2.16

**THE MINISTER OF STATE FOR LANDS, HOUSING AND URBAN DEVELOPMENT (HOUSING) (Dr Chris Baryomunsi):** Thank you very much, Mr Speaker. I think that this issue is very serious as raised by hon. Luttamaguzi. From his submission, the Ministry of Health is already on ground managing the haemorrhagic fever.

Probably just to supplement on what the Government Chief Whip has said, the Minister of Health should come and give us an update in Parliament with respect to the steps taken and also the assurance that the public will be mobilised in terms of sensitisation. Therefore, as Government, we undertake to inform the Minister of Health to come and give us an update of what is going on in Nakaseke.

**THE DEPUTY SPEAKER:** Good. Thank you.

**MR MUGUME:** Thank you, Mr Speaker. Hon. Nambooze raised a very important issue. Meetings are going on in the corridors of Parliament and press conferences are being held. I would like to request the Government Chief Whip, hon. Ruth Nankabirwa, to clarify because, Mr Speaker -

**THE DEPUTY SPEAKER:** Did you rise on a procedural point?

**MR MUGUME:** Yes, Mr Speaker. Since there are meetings going on, we would like the Government Chief Whip to clarify to us so that we can move together as Parliament. Therefore, is it procedurally right to continue conducting these meetings around Parliament when the Speaker is not aware of what is going on?

**THE DEPUTY SPEAKER:** I have already ruled on that. *(Laughter)*

MINISTERIAL STATEMENT ON THE STATUS OF THE SUGAR SECTOR IN UGANDA

2.19

**THE MINISTER OF STATE FOR TRADE (Mr Michael Werikhe):** Mr Speaker, I beg to present a ministerial statement on the status of the sugar sector in the country.

The sugar industry is one of the fastest growing industries in the economy of Uganda, contributing over Shs 290 billion in taxes annually and employing over 60,000 Ugandans. The industry produces over 100 megawatts of electricity from biogas on which over 40 megawatts are supplied to the national grid. Currently, there are 26 licensed sugar mills in the country. Although only 11 are in operation, the rest are at different stages of development *–(Interjections)*

Mr Speaker, this statement was uploaded on the -

**THE DEPUTY SPEAKER:** Proceed, honourable minister.

**MR WERIKHE:** There is a table, which shows the operational sugar mills and another showing mills licensed but not yet operational.

Sugar production trends in Uganda

Over the last 10 years, sugar production has been increasing by nearly 12 per cent annually, culminating into a record annual production of over 438,000 metric tons in 2014 and the sector is steadily improving its productivity. The production and consumption trends are shown in the tables in the report.

Sugar export

Sugar is one of our major exports in the East African Community region and Uganda is the only country that produces surplus sugar within the East African region. Sugar exports to the region, from 2014 to 2015, are also shown in Table 5.

Challenges affecting the sugar industry in Uganda

The sugar sector in the recent past faced some challenges that included:

1. Low cane and sugar productivity in cane fields caused by prolonged drought for a period stretching for over nine months in 2015 and part of this year;
2. Increased demand and scramble for sugarcane in the country leading to harvesting of immature sugarcane of as low as 10 to 12 months yet the recommended maturity age is 15 to 20 months. The sugar milled from a ton of immature sugarcane reduced by over 40 per cent;
3. Sugarcane poaching where out growers contracted by some millers sell to other millers who offer ready cash;
4. The high cost of finance to cane millers and out growers alike;
5. The lack of good cane varieties that give better yields especially for out growers; and
6. Rampant fires in the sugar estates.

Measures taken to address the above challenges

Mr Speaker, the measures to address the above challenges identified by the ministry include the following:

The sugar policy

In 2010, Cabinet approved the National Sugar Policy whose mission is to develop and sustain growth of the sugar industry through profitable trade within the domestic, regional and international markets; with the ultimate aim of creating wealth, employment and enhancing social-economic transformation. The policy provides guiding principles and it shall be effectively implemented through a new sugar law.

The Sugar Bill

The Sugar Bill, 2016 was approved by Cabinet in January 2016 under Cabinet Minute 004 (CT 2016) and was then gazetted and sent to Parliament.

The Sugar Bill was presented to Parliament for its first reading, in March 2017 and was subsequently referred to the Tourism, Trade and Industry sessional committee for consideration.

Many of the pertinent challenges in the sector shall be dealt with by the new sugar Act, for example:

1. Establishing the sugarcane pricing mechanism;
2. Establishing a regulatory body to take care of the sugar sector;
3. Working with NARO to establish a Sugar Research Centre that will constantly use new technologies to develop better cane varieties; and
4. Streamlining out growers schemes and regulating the harvesting of premature cane.

Monitoring

The ministry is committed to continuous monitoring of sugar supply stocks from millers, distributors and retailers to ensure that the retail price of sugar comes down. In this regard, a team of officers comprising of ministry officials and URA staff have been put in place for this purpose.

With this team in place to conduct constant on-spot field visits, millers have been directed to provide the ministry with monthly stock levels and any other relevant data to enable the ministry streamline the distribution of sugar through whole sale and retail registered agents.

At the same time, Uganda National Bureau of Standards has been directed by the ministry to increase market surveillance to control trade malpractices such as adulteration of sugar on the market, which has been noticed in some places recently.

Several administrative measures including revocation of trading licenses shall be applied by the ministry against the culprits.

The ministry will also continuously organise sugarcane out grower farmers into associations. Among others, the ministry will embark on the provision of training on continuous business development, land management and handling of fires that arise out of other activities, such as burning charcoal in places within the vicinity of sugarcane farms. The ministry has strategised to do this with other Government agencies like the Ministry of Agriculture, Animal Industry and Fisheries and the police force.

Current sugar price status

Government is concerned over the escalating prices of sugar nationally which hit Shs 8,500 in some parts of the country, early this year. In response, the ministry held meetings with millers and distributors and in the discussions, the following were the main causes identified:

1. Prolonged drought for a period stretching for over nine months;
2. Increasing regional demands caused by a deficit of over 300 metric tons in Kenya, and 40 metric tons in Rwanda;
3. In the months January to May 2017, while the price of sugar was $800 per ton in Uganda, it was at $ 1200 in Kenya. This situation enticed millers and traders to rush for the Kenyan market; and
4. Harvesting of immature sugarcane. This shall be mitigated by encouraging the millers to grow more sugarcane and embrace technology as they do this.

Measures considered contributing to the destabilisation of sugar prices:

1. Kenya and Rwanda have obtained permission from the East African Community to import 170,000 metric tons respectively, without paying applicable taxes within the East African Community;
2. The first consignment of 40,000 metric tons has arrived in Kenya and the remaining 60,000 metric tons is expected too. This will therefore, address the regional shortage and reduce the pressure on the regional demand for Uganda’s sugar.
3. Allowing millers in one zone to purchase sugarcane from other zones, which has surplus sugarcane in order to allow the operation of these mills at full capacity;
4. The ministry shall continuously monitor sugar supply stock from millers, distributors and retailers to establish whether sugar prices are stablising. This will also ensure that there is no hoarding of sugar; and
5. Government will regulate the export of sugar for the time being until the sugar price stablises. In the event that sugar prices remain high, importation of duty free sugar, like Kenya and Rwanda did, shall be considered.

Conclusion

Mr Speaker and honourable members, the ministry and the sugar millers considered all the above options but agreed that for the time being, the following be adopted:

1. The millers agreed to maintain normal production;
2. The millers pledged to give priority to the domestic market so that the consumers are assured of a stable sugar supply, through regulating sugar exports;
3. Millers were mandated to provide the ministry with monthly stock levels and streamline distribution of sugar to their registered agents. In addition the ministry will intensify monitoring of the sugar millers, whole sellers and retailers;
4. The ministry has continued monitoring sugar prices and our findings are that in super markets, sugar is currently selling at Shs 5,000 per kilo or even less;
5. The current production price is Shs 4,100, meaning there is a difference of about Shs 900. We definitely had to take care of other expenses, such as transport costs and the profit margin of the traders.

It is expected that if all the above mitigative measures are fully implemented, the price of sugar will continue to go down. In addition, in our liberalised economy, Government cannot fix prices. The ministry is committed to providing a conducive environment for investment in the sector and the above mitigation measures are aimed at stablising sugar prices in the country.

Mr Speaker, the price rise in Uganda has not affected sugar only but also other commodities like maize flour and beans, partly due to the prolonged drought that we experienced recently.

In the medium and long term as it has been emphatically expressed by his Excellency the President, the country must engage in education technologies if we are to maintain our agricultural production and maintain price stability of agricultural products.

Mr Speaker, I end by appealing to honourable members to expedite the handling of the sugar Bill so as to streamline the sector, as most of the solutions are contained therein. I beg to submit.

**THE DEPUTY SPEAKER:** Thank you. Honourable members, you recall that these matters were raised by a Member. We will treat it the same way – can I know the Member that raised this matter the last time? The reason I am saying so is because sometimes we end up discussing things twice. We have a sugar Bill in this House, which is going to replace the two Acts of Parliament that regulate the sugar sector, and that is the Sugar Act and the Sugar Control Act. The Bill that they are proposing surmounts to repealing the two laws and now bringing new regulations and management of the sector.

It is coming from a policy that has been studied and which has looked at the existing gaps in the current legislation; they want to deal with those gaps. That is the reason I am saying we need to know why this question was asked and we deal with it, instead of beginning to discuss the principles of the Bill that is still before a committee.

The policy will also be discussing what has been proposed in the motion for the second motion of the Bill will be discussing the principles in the sugar sector. That is the reason I am saying that we could save time by waiting for the Bill and then we discuss the general principles of the Bill, which relate to discussions on the sugar sector before we conclude. Otherwise for now, what is the specific issue that we need to address so that the debate is guided? The question was on the status of the sugar sector in Uganda.

3.26

**MR MOSES KASIBANTE (Independent, Rubaga Division North, Kampala):** Thank you, Mr Speaker. I would like to thank the minister for coming up with this statement. I am one of the people that provided information to the person who raised the issue – to the honourable member. The issue was about the escalating and fluctuating sugar prices. The prices then were not stable; they fluctuated and that is the reason the prices are lower today. It is because of fluctuation that is more vivid now. Sugar was selling at Shs 7,000 per kilogramme but it now sells at approximately Shs 4,000. It still remains the issue because the prices are still fluctuating. We would like the minister to tell us – I do not want to debate now but why should the prices fluctuate? That was the Member’s view; I have mine.

However, Mr Speaker, the minister has talked about challenges including drought, the harvest of immature sugarcane, and indeed up to now, some areas are still lamenting about drought. I am sure you listened very well to the statement; there was no solution to drought. You could even set prices where there was no sugar because of the drought that had happened.

Therefore, Mr Speaker, I insist that there is still something to debate and a lot for the minister to clarify on. Thank you, Mr Speaker.

**THE DEPUTY SPEAKER**: No, it does not just come from your insistence. It has to come from the facts that there is something to debate here outside the principles of what would require changing policies and new legislation to regulate the sector. You are going to have to convince me about that.

3.38

**MS BETTY NAMBOOZE (DP, Mukono Municipality, Mukono):** Thank you, Mr Speaker. It is now eight years since the policy on sugar was designed by Government. Our worry, as people who come from areas that grow sugar cane is about the implementation of that policy.

Mr Speaker, I have read the policy myself. In there, Government committed itself that in order to license a sugar industry company, that company must have at least 500 hectares of land where to grow the canes and that that company must be in a radius not less than 25 kilometres from an industry that existed before it.

However, eight years down the road, you realise that Government is still licensing sugar companies within the same radius –(*Interjections*)– yes, if you go to factories like Ndibulungi, Kenlon around Madhvani area, you will find that they are within that distance.

Mr Speaker, my concern is: why did Government come up with a policy, which it is not implementing? In the policy, it was agreed that farmers in any given area would be sensitised and regulations would be made, together with local governments, to make sure that cane growing only occupies 30 per cent of the land and the other is left to food growing - nobody is following up on that.

Lastly, the issue of using police to enforce contracts between out growers and companies - a contract is a contract. If an out grower entered into contract with say, Madhvani or Metha, why should police come to arrest that out grower as if that is a criminal offense?

If somebody has done something which is contrary to a contract, that becomes a civil matter. However, in our areas, Mr Speaker, the police are now hunting down our farmers to enforce contracts because these farmers are selling canes to other people whom they have never had a contract with and I think this is a civil matter.

Therefore, I also would like to know how police comes in to enforce contracts between companies and out growers. In addition, you are not regulating a cassava grower on where they should sell their cassava or the herdsman on where they should sell their milk but regulating cane growers on where they should sale their canes irrespective of the prices.

These are the clarifications I want the minister to give us information about. They are very urgent; our farmers are not happy especially with police enforcing contracts that should be civil matters. If these companies feel that the farmers are cheating them, they should take them to court. Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Honourable members, without attempting to stop Members from raising these concerns, the point made by hon. Nambooze could not have elaborated any better what I was saying.

The sugar policy was passed but Parliament is not aware of that sugar policy. The Cabinet has proposed that to implement that policy legislation is required. Therefore, they have put this policy into a legislative form and submitted it to this parliament and it has been with this Parliament since March.

Anyhow, all I am saying is that all those issues could be better debated if we had the report on the Bill. What has now been proposed to deal with the gaps that are being revealed by the two laws - the Sugar Act that relates to export of sugar and the Sugar Control Act itself - because there are gaps that are bringing those things that we are talking about?

Now, they are proposing a new legislation to implement that policy. Wouldn’t that debate be better resourced if the committee came back with that report and we deal with it? You see the police are getting involved because, there are gaps of implementation - how do you implement all these things? Probably, it is in the legislation that is being proposed.

Therefore, the minister can make responses to those specific issues but we are not going to debate this matter, honourable members. We have the motion on the second reading of the Bill on sugar coming. We will debate that. Where is the chairperson, committee on trade? Where are we on the Sugar Bill?

2.44

**MS BETTY ENGOLA (NRM, Woman Representative, Apac):** Thank you, Mr Speaker. The chairperson is out of the country but the committee has so far handled 80 per cent of the work.

We have been to various areas where sugar cane is grown; we are left with going to Kaliro, Ssezibwa and one other sugar factory. Mr Speaker, the committee is also waiting to go for benchmarking out of this country like in Swaziland or India for us to come with a comprehensive report.

Mr Speaker, please protect me; I am on the Floor

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

**MS ENGOLA**: Mr Speaker, we have met with several millers, out growers and district leadership team where sugar is grown. We are left with meeting officials from the Ministry of Agriculture, Animal Industry and Fisheries, Uganda National Bureau of Statistics and other agencies that are relevant to the sugar sector.

The committee has not completed its findings. When we are done - and I hope by October - we shall present our case as the committee to the Speaker. Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Honourable members, without putting the Member on the spot, the Bill was referred to the committee in March and this is September - I am not even aware whether you sought extension of the 45 days but what is important is, please Members of this committee, bring this Bill back to Parliament as fast as you can.

All these issues of going where to benchmark those can be done in the course of the debate but bring us back the Bill so we deal with it please *–(Laughter)*– because there is a huge gap and it is creating problems for people and the legislation has been in Parliament for more than six months. Please help us and bring this Bill back to Parliament and we deal with it.

However, honourable minister, there is a specific issue of policemen going to enforce contracts between parties without court orders.

**MR WERIKHE:** Mr Speaker, I am not aware of police enforcing the contracts but as you rightly observed or guided, I think if we actually handle the review of the Sugar Control Act and the new Bill that is before this august House, these gaps will be addressed *– (Interruption)*

**MR KASIBANTE:** Procedure, Mr Speaker.

**THE DEPUTY SPEAKER:** Can you let the honourable minister finish what he is saying, please?

**MR WERIKHE:** On the issue of the policy, there are guidelines in the policy. For example, hon. Nambooze was alluding to the issue of the 500 acres. Yes, every new member that has come up to be registered as a sugar producer has had to meet these conditions. These requirements are the most important factors that we use when registering investors.

On the issue of 25 kilometres as the radius, there has not been any new mill known to me or the ministry that has been registered since the policy came into place. There are those *– (Interjections) –* yes, I know you are referring to the Madhvani zone and Lugazi areas. Those are factories that happened to be there before. For example, Sezibwa was there before the policy came into place. So, Mr Speaker, there is no new investor that has been licensed to produce sugar since the policy came into being.

The regulations are enshrined in the policy that we would have local authorities work with the ministry and indeed those who are even producing sugar, to address some of the local concerns. However, again these are going to be addressed in the new proposed Bill. So, really everything revolves around us handling the Bill that is before the House.

**THE DEPUTY SPEKAER:** Honourable members, can I advise as follows - can you pick your copy of this Bill, study it thoroughly and consult? You see, we only seem to think about consultations when other laws are proposed. Why don’t we consult on the sugar Bill, which is affecting many communities? Consult and come back so that by the time the Bill comes for second reading, you are sufficiently resourced with information to debate thoroughly and change it completely if it requires changes so that when it is finally passed it is not just what has been proposed but has also been resourced by the actual people who are involved in the sector. That is my advice, instead of beginning to debate now when there is no matter to debate. Therefore, we will not handle this matter now but I urge the committee handling the Sugar Bill to bring back that Bill to Parliament and we take a decision on it. Thank you.

MINISTERIAL STATEMENT ON FLOODS, LANDSLIDES AND WINDSTORM DISASTERS IN THE COUNTRY

**THE DEPUTY SPEAKER:** Honourable minister, before you come; in the gallery this afternoon, we have students and teachers from Vanguard Primary School, Gulu District. They are represented by hon. Lyandro Komakech and hon. Betty Aol Ocan. Please, join me in welcoming them. You are very welcome. *(Applause)*

We also have students and teachers from Kigezi High School. They are represented by hon. Andrew Aja and hon. Catheline Ndamira. They are here to observe the proceedings. Please, join me in welcoming them. They have come from Kabale District. You are welcome. *(Applause)*

2.52

**THE MINISTER OF STATE FOR DISASTER PREPAREDNESS, RELIEF AND REFUGEES (RELIEF AND DISASTER PREPAREDNESS) (Mr Musa Ecweru):** Mr Speaker, I beg to present a statement on floods, landslides and hailstorms that are ravaging the country from the onset of rains this year.

Mr Speaker, the second season of rains, according to the Meteorological Centre, is going to be above normal in most parts of the country. Above normal means it borders around devastation; it will carry along the vegetation. It has caused destructive flooding in several low-lying parts of the country and landslides in the mountainous parts of the country. We have witnessed destructive winds and hailstorms that have ravaged plantations and crops across most parts of the country.

Mr Speaker, eight people are confirmed dead, 10 missing but feared dead in parts of the Elgon. Over 40,000 are already affected by the floods and landslides in Bududa, Sironko, Bulambuli, Bundibugyo, Rukungiri, Elegu in Amuru to mention but a few places.

It is important to note that much of Teso is also, given its topography, getting water-logged. Another 50,000 to 80,000 people will be affected by floods in Teso sub region in the next few days if the trend continues. This is, like I said, just coming from the extreme drought that devastated most parts of the county, including these areas that I am naming.

Mr Speaker, the 40,000 people are now in dire need of emergency support since the victims are exposed particularly to coldness - like I visited in parts of Mt Elgon and this, from experts, indicates that there are likely to be high risks of pneumonia-related challenges.

In Elegu town of Amuru District, one person was killed by the floods on 22 August 2017, which is fortunately now subsiding. On 24 August 2017, a seven-year-old girl called Mariam Idhungu was killed while a landslide destroyed the parents’ home in Harugale Sub County in Bundibugyo District.

Mr Speaker, the situation in the Mt. Elgon sub region is quite worrying. On Sunday, 27 August 2017, landslides occurred, destroying plantations and crops in the sub counties of Bulucheke and Bumayoka in Bududa District. Fortunately, there were no deaths and no injuries but 30 houses near the landslide site are at high risk. There is a widening crack that can be seen on the ground running across two sub counties in that district.

In Sironko District, nine people are missing and one body of Topista Wanyenze was recovered following a landslide on Monday 28 August 2017, which occurred in Masaba Sub County. The landslide went into a deep valley, which earth-moving equipment – the excavators that we have – found a lot of difficulty accessing.

In Kisoro, on Thursday 7 September 2017, floods killed one woman and two children and hundreds of hectares of gardens were also unfortunately washed away. The same happened in Rukungiri on Saturday, 9 September 2017 where floods destroyed plantations roads and a major bridge in that sub county, which I find difficulty pronouncing – it is called Nyarushanje Sub County in Rubabo County. One life was lost and unfortunately even the hospital was submerged.

Mr Speaker, I have been directed to report to that area on Saturday to join the teams that are already on the ground for us to package a response. Therefore, on Saturday, I will be joining other leaders from the region to see how we can package a response and prepare recovery for the victims.

Mr Speaker, the Office of the Prime Minister regrets the loss of lives and property due to landslides and flooding. Our hearts are with families of the victims and those nursing injuries.

Like I said, the flooding situation like the one we have witnessed in Elegu, Sironko and Bududa is also being witnessed in areas like Kisoro, Rukungiri, Bundibugyo, Ntoroko, Bulambuli, Butaleja, Namalu in Karamoja region and Teso region, which is witnessing a phenomena called water logging.

What have we done so far?

Mr Speaker, in the case of Elegu floods, the Government rapidly responded by dispatching inflatable boats, divers and relief food to the victims. I am happy that the situation is greatly improving now.

In the case of Sironko landslides, the Government rescue and emergency officers from the Uganda Police Force and the network in the Office of the Prime Minister worked with the Sironko community, in an effort to recover bodies from deep in the valley, where the huge mass mud and soil settled but without much success, regrettably. Two earth-moving equipment failed to remove the rock boulders. Equally, the people who tried to recover the bodies we found were exposed to very high risk since another landslide was likely to happen given the rains that continue to pound the place.

Mr Speaker, I was there to give support and supervision to my teams. I personally got stuck and I was soaked by the rains because we had to walk and sometimes run. However, I was told that my height was not good to climb the mountains because the mountains needed someone who could handle but I still had to do the job.

The Office of the Prime Minister delivered emergency relief to the victims in Sironko and Bududa. There is also an intervention that is going to Bulambuli and other districts in the due course.

Mr Speaker, Government’s immediate strategy, in addition to provision of emergency relief commodities to the affected and those at risk, is that in the next few months Government will resettle 6,650 people in the 2,868 acres that Government has procured in Bulambuli District.

These killer floods and landslides are not a new phenomenon in this country. You will recall on 1 March 2010, a landslide killed 150 people and displaced 5,000 in Bududa District. Cabinet then directed two solutions. One was the resettlement of survivors in part of the refuge settlement land in Kiryandongo and the long term solution for those at risk of future landslides, to be resettled in other areas.

I would like to report that the 5,000 survivors were transferred and resettled in Kiryandongo. The number of Bagisu from Bududa resettled in Kiryandongo however, has now increased to 10,300 people as many others voluntarily followed on their own and settled alongside those brought by the Government to Kiryandongo area. This is contrary to the report that most Bududa landslide survivors resettled in Kiryandongo have abandoned the place and gone back to their former homes in the risky steep slopes of Bududa. It is true that many of them have joined their families and as Government, we have no choice but see how to help them.

In 2011, a standing Cabinet subcommittee headed by Rt. Gen. Moses Ali was appointed by Cabinet to establish the population at high risk of landslides in Mountain Elgon, including Masaba land and the Sebei sub-region.

The committee together with technical officers, after three weeks of field work, established that close to 100,000 people, were at high risk of landslides and recommended for their relocation to safer places, that is giving Bugisu sub region priority .

A ten-year resettlement project for the 100,000 people (12,500 households) at risk of landslides was drawn and approved by Cabinet. It was entitled, “RESETTLEMENT OF LANDLESS PERSONS AND PERSONS AT RISK OF LANDSLIDES.” The project was supposed to be implemented in a phased manner, with an average of 10,000 people resettled each year.

Mr Speaker, the 12,500 households were each to be allocated 2.5 acres of land procured by Government annually. Government therefore, planned to purchase 3,125 acres of land each year, over a period of 10 years, totalling to 31,125 acres to complete the phased resettlement plan.

For each financial year, the Ministry of Finance, Planning and Economic Development was expected to allocate Shs 8 billion, to cover both land purchase and resettlement.

In 2014, the Ministry of Finance, Planning and Economic Development released the first batch of Shs 8 billion. Shortly after that, there was a massive famine again in Karamoja and Teso. As a result, the finance ministry authorised the Office of the Prime Minister to use the same funds for relief intervention as the ministry could not find funds to avert the famine situation that year.

For the financial 2015/2016, the Ministry of Finance, Planning and Economic Development released another Shs 8 billion, and the Office of the Prime Minister used it to procure 2,868 acres of land in Bulambuli District, which will take 950 households of people at risk. The Ministry of Finance, Planning and Economic Development in 2017, because of resource constraints, suspended the resettlement of landless persons and persons at risk of landslide project and the project came to a standstill.

By the time the project was suspended, only the following had been achieved: 2,868 acres of land had been purchased; a settlement plan drawn; 16 kilometres of access roads opened; 900 plots demarcated; and 1,619 beneficiary households registered in Bududa, Sironko and Bulambuli (401 households).

Mr Speaker, the matter of the suspension of the resettlement project was brought to the attention of His Excellency, the President while Members of Parliament from the Elgon region were meeting him in mid-August. He directed immediate reinstatement of the project. We have been informed that the Ministry of Finance, Planning and Economic Development is making arrangements for the release of funds. Once funds reach Office of the Prime Minister, the resettlement of activities, particularly those who have been documented and willing to relocate, will start with utmost urgency.

Mr Speaker, I would like to make an appeal to Members of Parliament, especially those from Mount Elgon region, Rwenzori and Sebei to join the Office of the Prime Minister in convincing our people who are still keeping in their homes within what we have described as, the very risky steep slopes, to accept to rellocate to homes of one’s relatives, friends, churches and mosques particularly now that the rains are pounding the country, for safety as we take care of them.

The Government will continue to monitor the situation while providing the displaced and the host communities with the emergency support commodities in their places of safety. We are told by the meteorologists that excessive rains are expected to subside but that is in about two months from now and if nothing is done and our communities continue to stay in these risky areas, this will be very dangerous.

The Office of the Prime Minister, as a way forward, has activated the regional disaster officers who are working with the Chief Administrative Officers of all our districts in the country to monitor, analyse and report to the centre all the emergencies as they happen for prompt actions by Government.

Mr Speaker and honourable members, I would like to insist and draw to your attention what appears to be obvious that climate change, as a reality, is with us and the destructive consequences call on all of us to rally our communities for what we called climate change adaptation. Working with the Minister of Water and Environment, my office will be informing this House on some of the adaptation measures by Government and what we can do together to mitigate these harsh consequences associated with climate change.

Again, Mr Speaker, before I do that, I would like to ask this House to persuade the Ministry of Finance, Planning and Economic Development to reinstate the Contingency Fund so that we can be able to address the unknown very timely. I beg to submit.

**THE DEPUTY SPEAKER:** Thank you very much, honourable minister. Honourable members, this is a statement made under rule 44 and attracts a debate of one hour. The debate will start now but let me first recognise the presence of the pupils and teachers of Kapleloko Primary School represented by hon. Sam Cheptoris and hon. Rukiya Chekamondo, Kapchorwa District. They are here to observe the proceedings. Please, join me in welcoming them. You are welcome. (*Applause*)

The debate starts now - can I see how many Members have risen because we have to accommodate this debate in one hour? Please, do not rise after if you have not risen now. Each Member will take three minutes as we manage the one hour. I will start from Bulambuli District.

3.10

**MS SARAH WEKOMBA (Independent, Woman Representative, Bulambuli):** Thank you, Mr Speaker. I would like to thank the minister for the statement presented. However, Bulambuli is 65 per cent mountainous and 35 per cent low land. As we speak, the landslides and floods are on. At the moment, the people in the mountains and flood areas are homeless. I call upon the minister to expedite the process he has put forward.

On 9th June this year, the Minister for Works and Transport commissioned road equipment comprising of dump trucks, wheel loaders and other equipment but up to now, we do not have them. I pray that you give us an excavator so that the rivers flooding all the time - for instance, Nabongo Parish and Bufumbula Village are surrounded by four rivers. Those are the areas most affected by the floods all the time.

Therefore, I call upon the minister to kindly send us the excavator. The excavator will still help us to get water for irrigation for the people experiencing drought as the climate change is real. Thank you, Mr Speaker.

3.12

**MR TERENCE ACHIA (NRM, Bokora County, Napak):** Thank you, Mr Speaker. I thank the minister for the report. As we look at the reality of floods in the country, there are some areas where floods occur nearly every year and the reports come to Parliament. I have only heard about Namalu area in Karamoja but there are also some other areas which have not appeared in that report. For instance, rivers converge along Lopei area causing a lot of flooding, which cuts off Lopei Bridge. Communication and movement between Moroto, Kotido, Moroto and Abim equally get cut off.

Therefore, my point of emphasis is: why would we continue all the time talking about things which we can prevent. What if the ministries concerned, for instance, the ministries of Water and Environment, Works and Transport, Disaster Preparedness and Refugees put their reports together and discussed them so that in the next year, it is addressed without it repeating itself. That is my point of concern, *bwana* minister. Please, do co-ordinate these. Thank you.

3.13

**MR GODFREY ONZIMA (NRM, Aringa County North, Yumbe):** Thank you, Mr Speaker. I would like to talk about the issue of climate change. Many times, we talk about climate change in the House but when we look at our actual actions on the ground, we seem not to be mitigating it but instead worsening. As I talk, I am aware that many national forests are supposed to be given out to some individuals yet we should be working hard to protect these forests.

I would like to report that some time back, National Forest Authority was chasing people out of these forests and one of them is in my area; Kei National Forest Reserve. However, as people were chased violently in an attempt to rescue the forest, some of them went to Sudan but up to this year, this forest had been occupied by people. They are full of cattle. Surprisingly, the forests where people were chased have been lined up to be given to individuals. The question is: who are these people?

While we talk about protection of our environment, we tamper with these forests and we are distorting the climate pattern. These are some of the effects we are feeling. In April, these forests were occupied and by July, adverts were put for people to apply. These forests are going to be allocated to these individuals but who are these people?

We will need a formal report on this matter. We cannot be talking one thing yet we do the other. These are the same people. So, if we are talking about protecting our forests for the sake of promoting climate change, let us do one thing. Why do we say one thing and act another way? These forests need to be protected jealously. Thank you.

3.16

**MR PATRICK OPOLOT (NRM, Kachumbala County, Bukedea):** Thank you. I also would like to thank the minister for the report given. However, honourable minister, I would like to disagree with the saying that Teso will get affected soon. I would like the minister to note that Bukedea District is part of Teso and it is badly affected. The sub-counties of Aligoi, Aminit, Mukongolo, Kamuturu and Malera are already badly affected by the floods and people are in dire need of support from your office. Houses have already fallen and people have nowhere to sleep.

There is serious need of support from your ministry to save lives in Bukedea District, which have been affected by the floods.

3.17

**MR GERSHOM SIZOMU (FDC, Bughonko County North, Mbale):** Thank you, Mr Speaker. I am the Shadow Minister for disaster preparedness. *(Laughter)* I visited the scene of disaster in Sironko and got concerned that very many people had been left in the path of danger. There were many people trying to excavate their loved ones using sticks and rudimentary tools while families, women and children were watching. In fact, the rocks were hanging above them. If I had executive powers at that time, I would have ordered the forceful evacuation of the people who were in the path of danger.

In fact, no sooner had I left than the rock that was hanging gave-way. It almost took the life of our honourable minister Goretti. There are people, as I speak now, whose houses are within the path of the land slides. Knowing that the rains are still going on, the best action by the ministry of disaster preparedness should be to evacuate those people as soon as possible. Take them to where they could be safe in churches, schools and feed them from there.

On my way out, I saw that Red Cross was bringing in items and taking items to the scene of danger. People were following and the scene of danger had become an attractive nuisance because people were going there to receive jerry cans and tents - at the scene which was already dangerous. Therefore, I would like to call upon my colleague, the minister, to consider the priority action during danger. The priority action should be to save lives of people who are still alive before we can think about evacuating the dead.

I know that we spend a lot of money hiring those excavators. I read that in Bududa alone, Shs 5 billion was being demanded for hiring excavators but that money could be used to resettle these people if - *(Member timed out.)*

3.20

**MR GODFREY WATENGA (Independent, Lutseshe County, Bududa):** Thank you, Mr Speaker. I am happy to some extent with the content in the minister’s statement. To some extent he has expressed more fears about our people and the future of the area, which is good.

However, I expected the minister - because he saw the cracks and how life is in Bududa more so in Lutseshe and I am happy you visited my people there - in his statement to say something about the timeframe for shifting our people from those dangerous areas. My people of Lutseshe are willing to shift even tomorrow. I am happy you also witnessed what was on ground - they are requesting this House and your ministry to find for them land and they begin life in that land as Government plans for their other requirements.

I heard you talk about the people who had been settled in Kiryandongo running back to Bududa. Those people are running back because of the hostile environment they are in. We are happy the Government helped us that time in 2010. We are happy and appreciated that you took our people. They were happy but at the end of the day, it was like picking fish from water and putting it on just ground with bare sunshine yet you claim to be helping such fish. Those people run back because of the poor environment they were in.

I visited the camp myself and it was so horrible that I cannot even narrate everything to this House but you have seen all this in the media. Therefore, honourable minister, I request your ministry to at least find somewhere to resettle these people as we plan for them. Thank you.

3.23

**MR SAM BITANGARO (NRM, Bufumbira County South, Kisoro):** Thank you, Mr Speaker. I join the previous honourable members in thanking the minister for bringing this statement. A few weeks ago, there were very many landslides in Kisoro and people died as a result.

I have heard you, honourable minister, outline at length, plans to resettle people in Bududa, Bulambuli and the east. I have not heard you talk or have plans specifically for the people of Kisoro whose property was washed away and those who lost life.

Secondly, roads were also washed away and it would not be enough for you to resettle people - *(Interjections)*– roads by floods and you know Kisoro is a tourist destination and as a result, there is no access to the tourist areas and the mountain gorillas.

I would request you to have a combined effort with the Ministry of Works and Transport and ensure that accessibility is replaced. I hope that we shall get a bench box. Thank you.

3.25

**MR TOM ALERO (NRM, West Moyo County, Moyo):** Thank you very much Mr Speaker and my dear colleagues. Honourable minister, you are aware of the floods that normally occur in Laropi and Dufule sub counties in Moyo District. As I talk now, even vehicles cannot pass. There is that area where normally water rages from the hilly areas of Metu Hills down the slopes towards Dufule and Laropi sub counties where houses are washed down, cattle are washed away, goats are driven towards River Nile and also lives are lost. As recent as a day before yesterday, a patient was being carried from Dufule sub-county to the Rito Hospital in Moyo and the vehicle stressed to manoeuvre its way to the hospital.

Therefore, the issue is very serious. We will really be very happy and grateful if you could come down on the ground or send somebody to come and assess the situation there. Otherwise, Dufule and Laropi sub counties are cut off from the rest of the district. Thank you very much.

3.26

**MS HELEN KAHUNDE (NRM, Woman Representative, Kiryandongo):** Thank you very much, Mr Speaker. I would like to thank the minister for his report. However, in his statement, the minister forgot to talk about lightning. These heavy rains do not only come with strong winds but also lightning. In my district, we have lost two people; a primary pupil and senior one student.

On several occasions, this House has recommended for installation of lightning arresters in different Government schools. However, to-date most of the rural schools do not have lightning arresters installed and yet, we are losing many people.

Some of the Bududa landslide victims who were resettled in my district in 2010 are okay but some others live in poor conditions. Government promised to build for 603 households because the official number of households who were resettled in Kiryandongo were 603. However, out of the 603 houses, Government has not even constructed half of the number. There are still about 270 including the houses constructed by NGOs.

Therefore, the minister should know that – that could be the reason there are rumours that some of the victims are going back; Government has not fulfilled its promise. Some of the victims still demand for their land titles and are very reluctant to come and stay on the land because they fear that anytime Government can easily grab the land from them.

As far as my constituency is concerned, during recess, we were also hit by strong winds and five schools were affected. Most of the rooftops of the classrooms were blown off and the disaster team in my district wrote to the Office of the Prime Minister but we have not got any response. We are, therefore, worried because the third school term is almost beginning and some of the –(*Member timed out.*)

3.26

**MS MBABAZI AKAMPURIRA (NRM, Woman Representative, Rubanda):** Thank you very much, Mr Speaker. My concern is about Rubanda District. I would also like to thank the minister for the report but the issues in Rubanda have not been considered and have not been clearly brought up. We have two primary schools, which have been damaged. In October 2017, pupils will be sitting for their Primary Leaving Examinations and UCE too.

I do not know your plans but according to the report, the rains will continue up to December. I wonder what will happen to our students; the roads have been closed, especially in the hard to reach areas. Some of the newly formed districts have no access roads because they were not given tractors to open the roads. We wonder what will happen to our children.

Recently, you provided us with seedlings which we delivered to our people but they were all washed away by the heavy rains. What will we do? You need to help us out. As you give us food to take to them to eat, we need mostly seedlings to take them so that they can continue with the farming. Thank you very much, Mr Speaker.

3.31

**MR MOSES ADOME (NRM, Jie County, Kotido):** Thank you very much, Mr Speaker. It is true we have issues of disaster everywhere. All parts of the country experience disaster. In Karamoja, the best thing a Karimojong can pray for is rain. Every time, people are in shrines and churches praying for rain. I too pray for rain even when at Parliament.

However, the rains which we pray for everyday become very dangerous and that is why you have heard from hon. Achia Terence telling the minister about one part of Karamoja that connects the northern and southern Karamoja. Dopeth is a very big river. It is a collection of very many other small rivers and it is the only one that connects northern Karamoja, that is, Abim, Kaabong and Kotido.

Imagine a scenario where a place like Kotido does not have a hospital and the nearest hospital is MatanyHospital in Napak District, which is 100 kms away in this situation where there is a barrier of a flooded river, which is very dangerous.

Recently, there wes a team from northern Karamoja that came to commemorate Karamoja cultural day; some people came on motorcycles and some motorcycles were swept away by the heavy floods. As of now, we are talking about food being destroyed by the rains, which we have been praying for.

If you are talking about schools, it is even worse on our side. I think that we need to be thinking about how to handle the challenge of climate change. For the case of Karamoja, people have started burning charcoal seriously and yet this has left a negative impact on our environment. The worst thing is – (*Member timed out.*)

3.34

**MS LUCY AKELLO (FDC, Woman Representative, Amuru):** I thank you very much, Mr Speaker, for giving me an opportunity.I would also like to thank the ministerfor the good report and quick response you made to our people of Elegu although there is still more need and you are aware.

I must say like you said in your conclusion that you will come back to the House and tell us some of the measures that we could use to mitigate these consequences. I would like to propose, like for the scenario of Elegu, it always happens. This is something that is known and it is because of the way the road was constructed; it is very high with no channels to allow water to freely flow. If there is flooding, definitely it will be harsh on people and as a result, I can attest that many bridges have given way.

For example, Okidi Bridge which was washed away on Onyam River and it connects the people of Pabo, Otong and Pawel and this means these people have been cut off. A Member talked about the destruction of schools; the roof of Tekebu Primary School in Keyo was blown off and to-date the district has failed to put it back.

My request is that as we plan for disaster preparedness, is there any way the different ministries could come together, especially in this time like Ministry of Education, Works and related ministries among others to help?.

We should not just look at the disaster component of it but we should look at other ministries coming in. Currently, our Olwal and Aswa bridges have been washed away; the road connecting to Amuru Town Council is very bad. This is where the Ministry of Transport and Works could come in to assist. The Ministry of Education and Sports could also come in to assist where the *–(Member timed out.)*

3.37

**MR HASSAN FUNGAROO (FDC, Obongi County, Moyo):** Thank you, Mr Speaker. I would like to draw the minister’s attention to the following: one, add the disaster that occurred in Obongi County to the list of the cases of disasters you have recorded here. It particularly affected the areas in Itulo Sub-county, Waka Parish and Legu Parish affecting citizens and refugees in the area.

Mr Speaker, hon. Musa Ecweru’s statement is predictable. Every time we have disasters, he comes here and talks about the food they have taken. It is as if he is a minister of food affairs. *(Laughter)* Your ministry is called the Ministry of Disaster Preparedness and Refugees but I looked through his statement and I did not see much of the component of preparedness. Should we amend the name of this ministry so that he can be a minister of food affairs and food distribution? We are not going to solve these problems by lamentation and food all the time?

I have spoken to him about Obongi County and I even went to the Prime Minister’s Office. I also went to the district level where we have the CAO who is the chairperson for the disaster preparedness committee and talked to him as well. Together with the United Nations High Commission for Refugees team (UNHCR), we diagnosed the problem of flooding in Obongi County.

River Kochi is blocked and I led a team of engineers from UNHCR as well as one of the districts to the problem area. The solution I prescribed there was shared with the Office of the Prime Minister. I suggested that we open the pathway for the water so that when the water flows all the way from Yumbe, Koboko and Congo, it flows to the river without getting out of its original channel. This has never been done.

To make things worse, I found people from the office of the RDC and other people who call themselves NRM demobilising the mobilisation we had put up. We wanted people to go there and dig with their hands to open the water channel. We also wanted the district engineering equipment to be taken there. We wanted UNHCR to give us the equipment to open the water channel and build the broken channels of the river. You cannot stop movement of water but you can only open the way.

Lastly, Mr Speaker, floods and landslides are predictable each time they strike. For the sake of my brothers from the east, even if they are taken to Kiryandongo, they will feel uncomfortable. If they are to live in that mountainous area, why don’t we think about levelling the mountains so that people can *- (Laughter)-* yes, it can be done. If the course of a river can be diverted, why don’t we think about reducing the height of the mountain?

**THE DEPUTY SPEAKER:** Honourable, could you be talking about levelling Mount Elgon?

**MR FUNGAROO:** Yes, Mr Speaker, there is nothing impossible on earth. If it means that we have to level the height –(*Interjections*) - we are talking about this serious thing *–(Interruption)*

**MR RWAMIRAMA:** Thank you, Mr Speaker. The clarification I am seeking from the Member is whether it is the agenda of FDC to level mountains. (*Laughter)*

**MR FUNGAROO:** Okay, thank you for this clarification. Mr Speaker, let Ugandans think. Do not go to school to read only. Learn how to reason. A mountain can be blasted and you level the height where people are supposed to stay. This is a practical example *–(Interruption)*

**MR BURUNDO:** Thank you very much, Mr Speaker. I am really perturbed by the honourable member trying to put across flattering statements when he is just joking on the Floor of Parliament while my people in Bulambuli, Bududa, Sironko and the Elgon sub region have died. As I speak now, tears are rolling. You are joking yet the things are very serious in my place.

Is it in order for the honourable member to joke around on issues of disaster while the people of Sironko have died and been buried? Currently, the people that have been buried have not been exhumed as you heard from the Minister of Disaster Preparedness, Relief and Refugees? Is it in order?

**THE DEPUTY SPEAKER:** Honourable members, I think we are going to have to organise a trip for Members of Parliament to visit the other parts of the country because the honourable Member for Obongi County comes from a place where what they call mountains are small hills.*(Laughter)* That is why he can even think of levelling Mountain Elgon.

**MR FUNGAROO:** As I conclude, Mr Speaker -

**THE DEPUTY SPEAKER:** No, your time is up.

3.43

**MS ROSEMARY NAUWAT (Independent, Woman Representative, Amudat):** Thank you, Mr Speaker. I would like to thank the minister for the statement. The minister has just told us that whereas other parts of the country are listed on the report, much of Teso is getting water logged. The water logging problem in Teso can be solved by irrigating Karamoja.

Much of the water from Karamoja flows to Teso and I think that is the cause of the waterlogging. Therefore, I call upon the Minister for Disaster Preparedness, Relief and Refugees to link up with the Minister of Water and Environment so that the issue of irrigation for Karamoja is handled expeditiously. In doing that, we shall solve two problems at ago; the problem of water logging in Teso and the food insecurity in Karamoja.

Mr Speaker, I would also like to thank Government for the efforts it is making for the people of Bududa, Sironko and Bulambuli. The report has informed us that 900 plots of land have been acquired and some good numbers of acres have been purchased. However, my question to the minister is whether he has secured or processed land titles for these people. Like we are reading from the media right now in the on-going land probe in the country, many people have lost land. The land grabbers have grabbed land even from very old people without sympathy. They should process the land titles so that when the people of Bududa, Sironko and Bulambuli get settled there, they are sure of the land. I thank you.

3.46

**MS NORAH BIGIRWA (NRM, Woman Representative, Buliisa):** Mr Speaker, I would like to appreciate the minister for the statement. However, I would also want to concur with the honourable colleague from Obongi County about the level of preparedness of Government and your ministry in addressing the continued occurrences of these calamities in this country.

As a ministry and as Government, are we going to continue seeing the loss of lives and property? Why can’t we come up with a lasting solution to address some of these issues? We have regions in this country that are prone to some of these natural calamities and both the Government and the ministry are aware. Can’t we come up with solutions to address these issues in this region? I am also sometimes perturbed by the level of response that the ministry has attached to some of these natural calamities. Last year, in Buliisa District, we had a disaster in Butyaba Sub-County. To-date, Nyamukuta Primary School has never been roofed by Government. We have had rainy seasons; it has been shinning and these young ones are studying under harsh conditions. The Minister of Disaster Preparedness, Relief and Refugees is there but there has not been any response from this ministry, despite all the reports that we have sent to the ministry. No response has been given to us.

I, therefore, request your ministry to make sure that we accord special treatment to all these areas that are hit by calamities instead of having preferential kind of treatment when it comes to calamities. I thank you, Mr Speaker.

3.48

**MR IBRAHIM ABIRIGA (NRM, Arua Municipality, Arua):** Thank you, Mr Speaker. I have only two issues to submit. We are talking at lengthy for no good reason. What we want is all in the statement that the minister has submitted. He needs support from us. Let us give him support and allocate him enough money because disaster is everywhere. However, if we give him “*kwara kwara”* money –

**THE DEPUTY SPEAKER:** Honourable member, what is “*Kwara Kwara*”?

**MR ABIRIGA:** It means giving the minister little money, which is not enough. (*Laughter)* The other thing is about the commissioners in disaster preparedness. There is one commissioner called Maripi; that man is dangerous. He should be transferred to another place. He should not be there because he is not helping –(*Interjections)* - clarification for what, Madam?

**THE DEPUTY SPEAKER**: Honourable members, we must desist from mentioning people who have no audience nor a right of response to what we say about them. We should respect the dignity of the people outside Parliament. If you talk about a Member of Parliament, the Member can rise and respond. However, if you talk about a person – an employee of public service who has no means of addressing Parliament, it will not be fair. We, therefore, need to desist from making mention of officers in Government who are not for examination before us. Let us respect that.

3.50

**MR ALEX BURUNDO (NRM, Bulambuli County, Bulambuli):** Thank you, Mr Speaker. The issue of floods and landslides is not news in this House. I would like to request the Minister of Disaster Preparedness that Government should clearly come out and pronounced itself on the issues concerning disaster in this country.

It is very unfortunate that every year, we come here and the minister makes very powerful statements and then, the following year, the minister comes again and makes another good statement but our people continue dying. The roads in Bulambuli as we talk now are just gardens. I am recommending and requesting that the Committee on Natural Resources should go and visit the concerned places of Bulambuli, Bududa, Bundibugyo – those mountainous areas and come out with recommendations, which should be discussed on the Floor of Parliament so that they are debated and we come up with answers. That is my first submission.

Secondly, we have really suffered at the hands of floods, especially in the Bugisu sub-region, the mountainous areas. I would suggest that – recently, they brought the graders and the road equipment. Such districts would be the first to get the equipment to help our people.

Finally, the areas, which have been flooded – we can be able to open up trenches through clear planning so that our people are helped. I heard from the minister saying that food was delivered to areas that were affected. I really wonder which areas they are because I come from Bulambuli. I was there just the other day and went to the district as well. There is nothing to the effect of food provision. I do not know whether it is in Sironko or Bududa but not in Bulambuli. *(Interruption*) I can now take information.

**MR GILBERT OLANYA**: Thank you, Mr Speaker. I would like to thank my colleague for giving way. It is true that the ministry is aware of the occurrences that take place almost every year. For instance, at Alerego border point, you are aware that every two years, we have flooding in that place. I do not know why up to now you are not devising a permanent solution. It is very simple to control that water. No effort is made to control the floods. When flood hits, you rush in with your reliefs.

Finally, for the food supply –

**THE DEPUTY SPEAKER:** You rose on information.

**MR OLANYA:** Yes. I would like to inform my colleague on the supply of food; the relief items. The food that you are taking to our people is too little. It is not enough for the community. Thank you, my brother.

**MR BURUNDO:** Thank you, honourable colleague. Finally, Mr Speaker, in 2014 and 2015, the Office of the Prime Minister bought land. I was the Chairperson LC 3 by then. I vividly witnessed this. I am wondering up to now, what could have happened with that land which the Prime Minister’s Office bought so that we save our people from the mountains. They need to come and join us in Bulambuli so we save life. Thank you, Mr Speaker.

3.54

**MS SUSAN AMERO (NRM, Woman Representative, Amuria):** Thank you, Mr Speaker. I would like to thank the minister for the report. However, it is bigger than the minister. As a committee, we put in money for disasters but the Minister of Finance, Planning and Economic Development in his wisdom, decided to cut this money. As we talk, we are all aware that disaster is with us now in Uganda. I would like to appreciate all the concerns of all the members. However, the Minister of Disaster Preparedness, Relief and Refugees - as it is operating right now in this first quarter was given only Shs 180 million. What can that money do in a country like Uganda?

I think what we should do as Members of Parliament is to make a resolution that the Ministry of Finance, Planning and Economic Development prioritises the re-imbursement of that money that was withdrawn from the ministry so that this money helps the ministry to handle disasters as it is supposed to. I do not know what the priorities of the Ministry of Finance, Planning and Economic Development are, however, one wonders how they can fail to prioritise to handle disasters in Uganda which is a common phenomenon now.

Mr Speaker, I would like to request that before we conclude this debate, this House should pronounce itself on the re-imbursement of that money that was withdrawn from the ministry, as it was recommended by the committee. I thank you.

**THE DEPUTY SPEAKER:** Thank you. This is how we are going to proceed as we draw to a close. I will have Kapchorwa and then Bwamba.

3.54

**MS RUKIYA CHEKAMONDO (NRM, Woman Representative, Kapchorwa):** Thank you, Mr Speaker. As I speak now, in the areas of Kapchorwa, especially on the cliffs around Tegeres Sub county, Chema and the entire belt, the area is going through disaster and the people are seriously affected.

There is one funny thing that I saw in the constituency; they are working on the road up to Dawutwe. They have worked on it from Soroti junction to Sironko very well. It is compacted down but immediately they reached Sironko, what they did was just scratching the road and then compressing it. Remember this is a terrain, which is very bad and with rocks being carried from the quarry.

I would request that the Committee on Physical Infrastructure goes and sees this road. Currently, the road to Bukwo is impassable - if you are going to Bukwo passing Kween, you must go through Kenya. The thing is serious and we are calling upon the ministry to take it up seriously because the area is already eroding, the roads are blocking; even the roads that are there are poorly made. Therefore, I do not know what is going to happen.

The other issue is the quarry area - people have cut the rock and as if they have reached the water table and the water is already gashing to cover up; this is a serious matter.

While we are taking of this, there is also the issue of food, which was affected by army worms. In Kapchorwa, it is still one season. Therefore, this time, this rain would be very good if people were given potato vines so that we have food security - but it is not there. Therefore, Mr Speaker, Kapchorwa and Sebei sub region are in a tricky situation that must be addressed.

Last time, when I was in Ministry of Finance, Planning and Economic Development it had prioritised work. They gave them money but they failed to use it. I think if that money is given to departments this time, I am hopeful that they will use the money. Therefore, if they prioritise it and put it to disaster preparedness, I think something good will come out of it. Thank you.

3.57

**MR RICHARD GAFABUSA (NRM, Bwamba County, Bundibugyo):** Thank you, Mr Speaker and honourable minister for the statement. I have three quick concerns; first, from the statement, I see that even when many areas are mentioned, places like Bundibugyo when it comes to what Government is planning to do both in the short and long term, I see most of the interventions running away from Bundibugyo and Rwenzori. For instance, the areas we are talking about have been experiencing floods; places like Humya in Bubukwanga experience floods every year for the last five years. There is no long-term solution Government is coming up with and we shall continue coming here every year talking about the same thing.

Secondly, is the timeliness of emergence response by the ministry and Government; since we started experiencing these problems, it is now coming to two weeks. I personally delivered the assessment report conducted by the district and Red Cross to the relevant ministries and departments and nothing has been done.

When we come here to present these issues, you just know they are emergencies. Houses are destroyed and people are sleeping in school classrooms displacing children and for two weeks, there is no response. No team from the ministry has come down at least to do another assessment to see what is actually required.

Mr Speaker, the third issue is about the casual nature of response, not only for the Ministry of Disaster Preparedness, Relief and Refugees but also other ministries. When the assessment was done, I personally delivered these reports to the Ministry of Local Government, Ministry of Works, Ministry of Water and Environment. When these disasters strike, they affect all aspects - schools are destroyed and sub county headquarters are blown off. The only road that connects Bundibugyo to the rest of the world, Bundibugyo-Fort portal road is at the verge of destruction because of the floods.

Humya Bridge that is about 6 kilometers to Bundibugyo town is being eaten up; by December, it will be impassable and that means Bundibugyo will be cut off from the rest of the world. This is the only road that connects us. Therefore, as we talk about Ministry of Disaster Preparedness, Relief and Refugees - (*Member timed out.*)

3.02

**MR ROLAND MUGUME (FDC, Rukungiri Municipality, Rukungiri):** Thank you, Mr Speaker. I would like to thank the minister for the statement. However, I would like to remind the minister that disasters such as floods and mudslides are bound to happen. Nonetheless, Government has resorted to emergency response as my colleagues said, instead of deliberate planning. The framers of the Constitution foresaw this and in Article 249, proposed the establishment of Disaster Preparedness and Management Commission. It is now 22 years but Government has failed to establish this commission.

With due respect, appointment of state minister may not perform as adequately as a commission would do. The budget we are talking about, the demands and the visits would be done by these commissioners, whom we do not have to date.

I want to correct the minister; from your report, you stated that no death occurred in Kisizi in Rukungiri. I would like to remind you that there are four children; three were still in the incubator and one was outside.

Mr Speaker, at the moment, there is a very big problem in Kisizi hospital. This hospital covers Kigezi, Ankole and some parts of Rwanda and Congo. In that region, we have two gynecologists and two physicians in that hospital and they serve the whole region. However, as I speak now all the equipment, the theatres and everything have been damaged. Right now, there is no blood, no oxygen concentrators and no electricity. Therefore, honourable minister, we request you for the immediate rescue of our people. Even the maternity ward was also destroyed by the floods. Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Honourable minister –(*Members rose\_)* Honourable members, please, let us conclude this.

**MR ECWERU:** Mr Speaker, I would like to thank colleagues for the concerns, guidance, words of advice and support that they have given to the office.

Let me start with what the Leader of Opposition has said. Yes, thank you for letting us correct this record. We had got information that the hospital was submerged but we had not got the correct statistics of the lives lost. I want to promise and assure you and this House that on Saturday when I come, I will be requesting my colleagues from the Ministry of Health to accompany me so that they can make pronouncements that are related to their sector. (*Applause)* I am going to do that immediately after this House.

The issue of timeliness has to do with a number of challenges. However, I am happy with the interventions that we proposed. Particularly, Mr Speaker, the indication –(*Members rose\_)* we wanted on *–*

**THE DEPUTY SPEAKER:** Honourable member, please, let the minister finish.

**MR ECWERU:** Particularly, the request by the ministry that the contingency fund be reinstated. In our strong opinion, if this contingency fund is reinstated, the response will improve because we will be able to respond as and when an emergency happens other than going through the process of supplementary budgets.

We have taken note of what happened in Kapchorwa. It is sad and I am happy the Minister of Works and Transport is here. Personally, I visited Bukwo recently. Madam minister, it is now not possible to access Bukwo and Kween from Uganda. You have to access it from Kenya. Therefore, there is need for us – even when we are waiting to make that road permanent – to fix the road.

The quantity of food, Mr Speaker, will continue to be small because it will always be something that is in our word “relief” just to cushion the victims of an emergency as we prepare for a lasting solution.

Concerning water logging in Teso, it is true that there is a discussion going on to attempt to arrest the torrential waters that flow from the mountain ranges of Karamoja and Mt. Elgon so that at least some water can be held within the Karamoja region for irrigation. It will not completely stop the water from reaching Teso but the amount that will come to Teso if we desilt the dams that are now silted will to a great extent cushion the flooding that is happening. We are discussing that with the different ministries and we are sure we will come back to this House *–(Interjections)-* (*Members rose\_)*

**THE DEPUTY SPEAKER:** Honourable minister, please, proceed. Honourable members, please, let me finish this matter and deal with your procedure.

**MR ECWERU:** I want to thank you, Mr Speaker, for your wise ruling particularly on levelling the mountain. I have never heard such a suggestion since I was born. I heard it today *– (Interruption)*

**MR FUNGAROO:** Mr Speaker, what I said here is done elsewhere. In China, 700 mountains were marked and started to be levelled in 2012 to solve the problems like ours here. Is the honourable minister in order to suggest that I am a joker here when I said a mountain can be levelled, especially where people are living? Those areas where people are living can have the mountain heights reduced to minimise the angle. Is he in order to talk as if there is no science in this House?

**THE DEPUTY SPEAKER:** What I heard the honourable minister saying was that he has not heard it in the whole of his life. He is just hearing it for the first time now. *(Laughter)*

**MR ECWERU:** Thank you very much, Mr Speaker. We have lost people and I want to insist – like many colleagues have – that we attach the seriousness this problem deserves. We are witnessing Hurricane Irma and Hurricane Harvey in the United States. That suggests that climate change has come to stay and the challenges of climate change are with us. Like I said, we will continue to work with the different ministries to make sure that we mitigate those disasters that we cannot avert and prepare communities to rise from the disasters that will continue to visit them.

Like all the other suggestions by colleagues, I have taken note and we will do whatever it takes to make sure that we cushion the people of Uganda from the challenges of these emergencies. I would like to thank you for the guidance, support and the suggestions that the honourable colleagues have been kind to give. Thank you very much. (*Mr Anywarach rose\_)*

**THE DEPUTY SPEAKER:** Can we listen to the Minster of Works and Transport and deal with those issues? Please, honourable Members. These matters are important.

4.13

**THE MINISTER OF WORKS AND TRANSPORT (Ms Ntege Azuba):** Thank you very much, Mr Speaker. I just want to supplement on the area of roads during this difficult time. Yes, there are very many areas and we have received reports and I have visited some. What we have done is to dispatch four teams to the four different regions of the country. Most of the regions are affected. We have four teams now as I talk who are assessing the damage that has been done.

Some roads have actually been cut off. There is a bridge which was washed 100 metres away from where it was and we have already put interventions. Therefore, we are trying to work and see that we do not disrupt the transport. I am in touch and we have already discussed with the Minister of Finance, Planning and Economic Development and we are together in this to get emergency funding to do the very critical areas especially where the roads have been cut off.

**THE DEPUTY SPEAKER:** Thank you.

**MR GILBERT OLANYA:** Thank you, honourable minister.

**THE DEPUTY SPEAKER:** Please, let us conclude this matter. Honourable members, can I take the procedural point on how we conclude these matters? Member for Padyere -

**MR ANYWARACH:** Thank you very much, Mr Speaker. My procedural point is:

1. Would it not be procedurally right for the honourable Minister in charge of Disaster Preparedness, Relief and Refugees to have started his statement with what is our disaster preparedness and response action plan?
2. Wouldn’t it be procedurally right for the honourable minister to categorise the level of our disaster in this country. Is it large-scale or is it small-scale?
3. Wouldn’t it be procedurally right for the honourable minister to tell us whether the action plans follow? This is because disaster must follow prediction, control and mitigation. *(Applause)*

Mr Speaker, I think this statement looks like he is joking. It is like a young man who told the boss you cut off this tree and the boss said, “you cut it”, yet the young man was enjoying his benefit by sweeping the leaves of the tree. I think the honourable minister is acting like if we did all these, then we will not have disasters in this country and he will be jobless.

That is hurting, Mr Speaker. In my constituency, equally, we had floods sweeping people dead and it is not here in this report. These are areas where floods have been recurrent right from the times of the colonialists. We want that action plan that defines the prediction, control and mitigation.

Finally, Mr Speaker, is it procedurally right for him to come and merely lament about the contingency fund provided for in the Constitution and the Public Finance Management Act – is it three per cent of the national budget that goes to that Contingency’s Fund? He should have told us how much of that money he has used in this project. He is telling us put this amount without figures of how much they spent and later, he tells us the release was not Shs 8 billion. The amount, which was released was used for buying land. Where did you get that money from? He should tell us. (*Interruption)*

**MR NAMBESHE:** Thank you, Mr Speaker. The procedural point I am raising concerns the Shs 24 billion, which was released annually in sums of Shs 8 billion, for three years and it gives a total of Shs 24 billion.

The way these funds were expended in the minister’s statement are not clear; the minister is very economical with the truth. As a matter of factor, the Inspectorate of Government (IGG) is conducting investigations for the misappropriation of these funds. These funds were meant for emergency relocation and eventual resettlement of the people living in the high risky hills. Instead, the minister in his statement is talking about the procurement of relief and non-relief food items; this is diversion. The IGG has actually instituted a probe into the misappropriation of the funds.

Further, the land that was purportedly to have been procured for the resettlement of the people from Bududa has many encumbrances including absentee landlords, who have petitioned the IGG - These people ran away from the Karimojong cattle rustlers. When they came back, the land had been grabbed, the title secured and eventually sold to Office of the Prime Minister.

Mr Speaker, the land we are talking about is submerged under water. It is a lake. I would like to seek the indulgence of the Speaker, to direct a verification team to go on ground, look at this land and see whether it is habitable. The woman Member of Parliament of Bulambuli alluded to it; she clearly said that while – *(Interruption)*

**THE DEPUTY SPEAKER:** What is the procedural matter?

**MR NAMBESHE:** The procedural matter I am raising is, much as I would want to have more money approved is it procedurally right that we proceed with this matter when investigations into it is not concluded? Wouldn’t we be adding insult on injury?

**THE DEPUTY SPEAKER:** We would.

**MR NAMBESHE:** The second issue -

**THE DEPUTY SPEAKER:** Pleaselet us hear from the Member from Mukono.

**MS NAMBOOZE:** Thank you, Mr Speaker. The procedural matter I want to raise concerns the accuracy of this report. There are small things, which point to big issues that might be hidden from us. I particularly refer to page 4, paragraph 1.19, which says that a committee was constituted and headed by Rt Gen. Moses Ali. In this paragraph, they are also saying that the committee together with the technical staff went for a three weeks field visit in this area and made recommendations, which we are discussing here.

We have been told that some of these roads are impassable. We all know the area we are talking about - Mbale. To assume that Gen. Moses Ali climbed mountains and stayed in the field for three weeks, when he cannot even stay around when the report is being presented to this House? I highly doubt the accuracy of this report. That is the procedural matter I am raising.

Is this report accurate enough to say that Gen. Moses Ali went and climbed the Mbale mountains and stayed there for three weeks and made the findings that we are discussing now? Are we procedurally moving well when some of this information might not be accurate?

**THE DEPUTY SPEAKER:** Honourable members, this country has helicopters. If you have helicopters, you do not have to climb mountains, you land on them.

Honourable members, for the last sittings we have had, Members have been raising issues of bridges that have collapsed, people being displaced by landslides and things like that. These have been raised regularly and most of the matters of urgent public importance that we have received relate to this. I think we should commend the minister for giving us a general over view of what is going on to make Members know.

Honourable members, can I request that we catalogue what we have and submit them to the Minister of Disaster Preparedness and Refugees and then we see if there can be a sufficient response on these issues because they are happening everywhere. Even where I come from, all these problems are there. We cannot exhaust numeration of what is happening in all our areas; it will take us weeks before we even finish them.

Honourable minister, thank you, for that statement. However, I will refer this matter substantially to a committee responsible for this sector, to do a more thorough review, such that we can have a more informed debate about what is going on in terms of the level of preparedness, level of responses and how much money have we put to cater for the problems. We need to have time to discuss them, so that it can inform us on the processes of dealing with the next budget that is going to come.

To my knowledge, a matter that should be probably investigated by our Committee on Finance, Planning and Economic Development is that the Contingency Fund has no funds; not even one shilling. That is a fact that should be verified and then, we can have debate about it. Honourable members, to start talking about a fund that has no funds might be dangerous because we could be assuming that there are funds in the Contingency Fund – the laws direct that there should be money there but practically, last year, it came to our attention that there was no money in this fund for reasons that the Minister of Finance, Planning and Economic Development will have time to explain. That is why sometimes we have these challenges.

Honourable members, let us pause this here. The committee responsible for this sector, please, pick it up and examine these issues critically, including the statement that has been made by the minister, and then we see if we can have a more resourced debate on this subject and deal with it.

Can we deal with the next item? Thank you. Before we do that, in the public gallery this afternoon, we have pupils and teachers of Namulanda Nursery and Primary School, represented by hon. Bagoole John and hon. Esther Mbayo, Luuka District. They have come to observe the proceedings. Please, join me in welcoming them. (*Applause*)

We also have pupils and teachers of Mubuga Child Development Centre Kisoro. They are represented by hon. Sam Bitangaro and hon. Rose Kabagyenyi. They are here to observe the proceedings. Please join me in welcoming them. (*Applause*)

In the gallery, we also have members of the public who are interested in item No. 4, which we are about to receive. In the gallery this afternoon, we also have petitioners from Naguru-Nakawa Tenants Association. They are represented by hon. Micheal Kabaziguruka and hon. Nabilah Sempala. They are here to listen to what we are going to discuss about this petition that is going to be presented now. Next item.

PRESENTATION OF THE PETITION BY THE NAGURU/NAKAWA TENANTS ASSOCIATION OVER THE DELAYED RE-DEVELOPMENT OF NAGURU/NAKAWA HOUSING ESTATE INTO A SATELLITE TOWN (NNST) IN COMPLIANCE WITH THE PUBLIC PRIVATE PARTNERSHIP (PPP) AGREEMENT BETWEEN THE GOVERNMENT OF UGANDA AND OPEC PRIME LTD.

4.26

**MR ROLAND MUGUME (FDC, Rukungiri Municipality, Rukungiri):** Mr Speaker, I rise under rule 29 of the Rules of Procedure of the Parliament of Uganda, to present a petition of the Naguru/Nakawa Tenants Association, over the delayed re-development of Naguru/Nakawa Housing Estate into a Satellite Town (NNST) in compliance with the Public Private Partnership (PPP) agreement between the Government of Uganda and OPEC Prime Ltd to the Parliament of Uganda.

The humble petitioners from the Naguru/Nakawa Tenants Association petition over the delayed redevelopment of Naguru-Nakawa Housing Estate into a satellite town in compliance with the Public Private Partnership agreement between the Government of Uganda and OPEC Prime Limited presented by me on behalf of hon. Kabaziguruka who is not feeling well at the moment. The petition shows and states that:

1. *Your humble petitioners are the registered tenants of the former Nakawa-Naguru Housing Estates;*

*2) The subject matter of this petition is a delayed redevelopment of Naguru-Nakawa land into a satellite town in accordance with the Public Private Partnership agreement between the Government of Uganda and OPEC Prime Limited here and after referred to as the contracting party;*

*3) Your petitioners aver that on the 15th day of October 2007, the Ministry of Local Government, on behalf of the Government of Uganda signed a Public Private Partnership agreement with OPEC Prime Property Limited where the Government provided land of the two housing estates to the contracting party to redevelop Naguru-Nakawa Housing Estate into a satellite town. A copy of the PPP agreement is attached to the petition and is marked as annexure A;*

*4) Your humble petitioners had, prior to the signing of the PPP agreement, signed a memorandum of understanding with the Government of Uganda where the redevelopment and resettlement programmes were acknowledged;*

*5) Among other deliverables, the contracting party undertook to construct 1,747 low-cost affordable housing dedicated units for resettling the registered tenants of Naguru-Nakawa Housing Estate 2006 in a timely manner and in any case not later than four years from the signature date;*

*6) Your humble petitioners are aggrieved by the delay in the execution of the agreement on the part of the contracting party, which has caused them distress as a result of failure to replace their homes, which were demolished to pave way for the project;*

*7) Wherefore, your humble petitioners pray that Parliament causes an inquiry into the non-performance of the contract that was signed between the Government of Uganda and OPEC Prime Limited;*

*Your petitioners as in duty bound will ever pray and hereto appended their signatures.*

I beg to lay on the Table the petition and all the attachments referred to therein. Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Thank you very much. Honourable members, this petition is referred to the appropriate committee for expeditious handling of those issues and report back so that we can have a discussion on the prayers they have made and also notify them on what decision Parliament came to. It is referred. Thank you.

MOTION FOR A RESOLUTION OF PARLIAMENT TO APPOINT AN AUDITOR TO AUDIT THE ACCOUNTS OF THE OFFICE OF THE AUDITOR-GENERAL

**THE DEPUTY SPEAKER:** Honourable members, this motion was presented. What was not done was the justification for it. However, let me take this opportunity to introduce counsels and legal officers from Ghana, Swaziland, Malawi, Kenya and Uganda currently undertaking training at the International Law Institute: Awo Amissah French from Ghana, Wendy Sthembiso and Dlamini Bheki-Nkosi from Swaziland, Siphiwe Phoya from Malawi, Leonard Koech and Irene Kabua from Kenya, Barbara Turyasingura, Carolyn Nibarungyi and Lillian Kiwanuka from Uganda and Ms Esther Akullu from International Law Institute. They are here to observe the proceedings. Please, join me in welcoming them. (*Applause*)

Honourable member, would you like to justify your motion?

4.32

**MS ROBINAH NABBANJA (NRM, Woman Representative, Kibaale):** Thank you very much, Mr Speaker. Honourable members can get this paper on their iPads. This is a paper on the provision of audit services for the audit of the Office of the Auditor-General.

Background

The Office of the Auditor-General is a public office established under Article 163 of the 1995 Constitution of the Republic of Uganda and mandated to audit public accounts of Uganda and carry out value for money audits on public funds and report to Parliament.

The Constitution provides, among others, that there shall be an Auditor-General who shall be appointed by the President with approval of Parliament and whose office shall be a public office.

It provides further that the salary and allowances payable to the Auditor-General shall be a charge on the Consolidated Fund and that the accounts of the Office of the Auditor-General shall be audited by an auditor appointed by Parliament.

The Constitutional provisions of the Office of the Auditor-General are amplified in the National Audit Act which came into effect in October 2008. The office has an accounting officer who is responsible for accountability of funds for the office. In accordance with Article 164 of the Constitution, an accounting officer for the Office of the Auditor-General is accountable to Parliament for the funds of this office. This is done through presentation of audited accounts.

The Parliamentary Commission, therefore, initiated a procurement process to engage an auditor to carry out the audit of the financial statements of the Office of the Auditor-General in accordance with section 36 of the National Audit Act, 2008 for a period of financial years 2005/2006 to 2016/2017.

A bidding note for the provision of audit services for the audit of the Office of the Auditor-General was run in the *New Vision* of March 27th 2017 and the *East African* of April 1st 2017, which attracted only three firms that submitted the bids. These include BDO East Africa, Kisaka and Company and Thomson and Company.

The low response was attributed to the requirement in the terms of reference that precluded firms from bidding that had undertaken any work with the Office of the Auditor-General in the last three years. The reason for this requirement was to preserve the principle of independence of the auditor to be appointed and to uphold the provisions of the code of ethics.

Addendum

Two addenda in relation to this procurement were issued and the bids submission deadline was subsequently extended to 31 May 2017.

Mr Speaker, two pre-bid meetings were held with potential bidders to clarify on all the matters to do with this audit exercise.

Evaluation of bids

Three meetings were held in relation to a technical evaluation of bids over a span of one month owing to the delayed responses from different authorities like PPDA and also the Office of Auditor-General.

These authorities were consulted on matters relating to this procurement before the technical evaluation was concluded and the report submitted to the contracts committee. On 7 August 2017, the contracts committee approved the technical evaluation report and the opening of technical financial bids for the following consultant firms:

1. BDO East Africa
2. Kisaka and Company
3. Thomson and Company.

A public opening of financial proposals was held at Parliament on 10 August 2017 at 3.00 p.m. in the presence of representatives of the bidding firms.

The financial bids of the above listed companies were, therefore, opened and their quotations are below:

1. BDO East Africa - Shs 2.9 billion
2. Kisaka and Company - Shs 965,673,000
3. Thomson and Company - Shs 1,381,400,000

The proposal with the lowest evaluated price was given a score of 30 and the other proposals were given financial scores that were inversely proportional to the lowest price proposal as indicated in the table below. You can go through the scores.

The committee noted that M/s Kisaka and Company had the highest total technical and financial score of 90.62 points.

In conclusion, arising from the evaluation process the committee concluded that the best evaluated proposal for the procurement of consultancy services for the provision of audit services for the audit of the Office of the Auditor-General is from M/s Kisaka and Company with a total evaluated price of Shs 965, 673,000.

Mr Speaker, I beg to move.

**THE DEPUTY SPEAKER:** Honourable members, that is the justification of the motion that we were not able to receive yesterday. Now the question that I now propose for your debate is, if any debate is preferred - Can I propose the question?

**MR OKOTH:** Thank you, Mr Speaker. The procedural guidance I would like to seek from you is that there is something called “sleeping” on one’s rights. We are also aware that the laws are not applied retrospectively.

The National Audit Act came into force in 2008 and the Parliamentary Commission has been sleeping all along. Now today, they have woken up and they are moving under the National Audit Act of 2008 to audit books of accounts of 2005/2006, 2006/2007 before the National Audit Act came into force.

I need guidance on this. Under what law are they going to audit the financial years of 2005/2006 and 2006/2007 yet they are moving under the Audit Act of 2008? And we know that the laws are not applied retrospectively.

That is the procedural issue and guidance I am seeking. Is the Parliamentary Commission proceeding correctly with regard to these financial years when they over slept on their own rights? Thank you.

**THE DEPUTY SPEAKER:** Honourable members, the authority to carry out audit on the Office of the Auditor-General, who is the auditor for all Government activities, is vested in the Constitution, which was enacted in 1995. Before that one was enacted, there was another one earlier enacted.

There has been no instance where there has been no Constitution in this country. There is no legal gap. Even when the National Audit Act was enacted, it repealed another law that had given the authority for the doing what the Parliamentary Commission is proposing to do. Therefore, please, we are proceeding perfectly well.

The reasons for the delay have also been explained. This appointment should have been earlier but there were challenges for this; so, it was not done. Responding to concerns of citizens and fairness and related things caused the stoppage of the earlier process of appointing an auditor to audit the accounts of the Office of the Auditor-General.

The opportunity that has come to us now is that we should appoint one to do exactly that. Can we do that? The processes have been outlined to you; do we need to debate this? Do we need to debate the appointment of an auditor for the Office of the Auditor-General? What is the nature of the debate?

Whether the auditor should be appointed; let us debate it. Let me propose the question then you can debate. Let me propose the question. Can I propose the question?

Honourable members, the question that I now propose for your debate is for the adoption of the motion for a resolution of Parliament to appoint an auditor to audit the accounts of the Office of the Auditor-General. That is the motion that I propose for your debate. Let us debate.

4.44

**MR PATRICK OPOLOT (NRM, Kachumbala County, Bukedea):** I thank you, Mr Speaker and the commissioner for moving and proposing the appointment of the auditor. I would only like to get satisfied on the quality of the auditor who is being proposed before our approval.

The mover of the proposal is not giving us the parameters on the arrival. She is not giving us the timing. For example, as far as independence is concerned, it is not a matter of calling it independent; give us the parameters. What is the yardstick? For example, when has this auditor ever audited firms under the Auditor-General? When was the last time they did it?

Furthermore, for a company to audit an organisation for a period of 12 years definitely impairs the independence of this auditor. It is not right to audit books of a given organisation for 12 years by one auditor. At most, the standard is about three to four years and the auditor should have changed.

Now, you are proposing to us to appoint one auditor to audit the books of accounts for 12 years. That is where I am in doubt.

The mover should also satisfy us on the timeliness; what is the reliability and the punctuality of this auditor in as far as handling that audit is concerned. That means she should be able to satisfy us on the resources available to this auditor; human resource and other resources.

Get into point to note that the Office of the Auditor-General is not only based in Kampala but scattered around the country and they have been doing work almost up to the sub county level.

You also need to satisfy us one of the requirements of appointing an auditor, moreover for Auditor-General’s office which is a supreme audit institution, there is what we call experience in audit of the same industry. Can you also satisfy us what experience does this audit firm have, what other big organisations of the same nature have they ever served as auditors and how satisfactorily did they conduct the audit? I thank you, Mr Speaker.

4.47

**MR CHARLES ILUKOR (NRM, Kumi County, Kumi):** Thank you very much, Mr Speaker. I would like to thank the mover of the motion, the honourable commissioner. Mr Speaker, office of the Auditor-General is our watchdog and surely this must be watched. However, the watchdog must be watched by audits.

In coming out with M/s Kisaka and Company**,** I would like to know whether the commission considered the following:

First, the Office of the Auditor-General of Uganda is a modern and sophisticated office by all standards, ranked among the top in AFROSAI-E. AFROSAI-E means African Organisation of Supreme Audit Institutions. The Office of the Auditor-General of Uganda is ranked top in AFROSAI-E meaning it is a little sophisticated and modern.

Secondly, as we talk, the Office of the Auditor–General has undertaken a lot of specialised training. As we speak now, this office is training participants who have come from all over the world on oil and gas and that is the level of sophistication that office has gone through.

Thirdly, this office employs the largest number of chartered accountants, highly paid and qualified; the office also uses sophisticated audit software; an accounting software. I, would therefore, like to know whether the commission took this into considerations and whether M/s Kisaka and Company and its attributes can match the sophistication of this office. Aware that such highly skilled and qualified people can look at the person coming to audit them and use their techniques, sophistication and training to dodge it.

Secondly, when I was browsing through the internet and looking at the audit firms of this country, I did not see M/s Kisaka among the top 20. Yet, this firm is coming to audit the supreme audit institution of Uganda ranked among the best, not only in Africa, but in the World.

The commission is, therefore, yet to convince me although they have their own attributes that M/s Kisaka can do a good job for the Parliament. Thank you very much.

4.51

**MR TERENCE ACHIA (NRM, Bokora County, Napak):** Thank you, Mr Speaker. I would like to say that it is imperative for us as Parliament to have an auditor that will audit the Auditor-General’s Office. It has been quite a delay as Parliament in knowing what is happening within the office of the Auditor-General and how they also use the public resources. I may not want to follow so much about that delay.

However, the fact is the Auditor-General’s office is required to submit financial statements to the auditor appointed by Parliament. Due to the lack of that auditor, nothing is happening. Therefore, it is important for us as Parliament to appoint this auditor as soon as we can.

I would also like to emphasis that in future, you do not really need to take long which brings the laxity which should never happen again. For these many years, many things have been happening which we do not know. We, therefore, need to handle it so that this does not repeat.

At the same time, I also wish to say to avoid laxity again or lack of follow up of public resources used and expenditure, in Article 18 of the Audit’s Act, it states that the Auditor-General may inquire, examine, investigate and report as he may consider the expenditure of public money disbursed as an advance or guarantee to private organisations.

I have been all along following this statement and in committees which do accounting. That facility disturbs me a little bit and that also tells us that it means we are not so much bothered about whether these accounts are audited or not.

One time, I asked the Auditor-General, that supposing he does not audit this because it is “ may” but not “ shall”; he said well that is what is happening, but of course for me, I also go like that.

Colleagues, about this issue, we need to do something about it, it must be imperative that there shall be auditor of this money for us to know how these resources have been used by these organisations. We should even study reports about these monies.

Finally, why it is important for the Auditor-General’s accounts to be known by us is that the Auditor-General office may also levy fees and this is what is in the audit tax to some organisations for instance international organisations, when it is auditing them. Therefore, how do we then know as Parliament whether this has been happening or not. This money should be taken to the consolidatedfund. Without a report being given to us as Parliament, we shall not be having any information about this.

We better engage the auditor as urgently as possible. Thank you.

4.55

**MR DAVID ABALA (NRM, Ngora County, Ngora)**: Thank you so much, Mr Speaker. I would like to thank the commission for having brought the motion. Mr Speaker, whether we are going to hide, shy away or fear, the fact is that the law empowers us to appoint the auditor.

I would at this time propose that we go ahead to approve that audit firm. This is because it is a local company, since we are emphasizing about what we call local content, if you want to build a capacity of Ugandan companies, then we must trust them.

However, if we are going to oppose what the commission is saying it is like a vote of no confidence to our commission. That is what I would like Members to know and I would like to read one verse from the Bible. When we were being sworn-in in Parliament here, we used the Bible, so I want to read one verse on the Floor of this House.

Romans 3:19 says; “Now we know that whatever the law says, it speaks to those who are under the law, so that every mouth may be closed and all the world may become accountable to God”. For us to know the truth, we must get the books of the Auditor-General to be audited. At the moment people are bickering. For our mouths to be closed according to the Bible, an audit firm has to be appointed.

I would propose, Mr Speaker, that this audit firm here should be approved by this Parliament. I thank you so much.

**THE DEPUTY SPEAKER**: Honourable members, all the time procedure; can we have a debate when we are debating please? We cannot debate by procedure.

4.57

**MR KENNETH LUBOGO (NRM, Bulamogi County, Kaliro):** Thank you very much, Mr Speaker. I would like to agree with the colleague that we have to appoint an auditor. That is a constitutional requirement but we also need to be convinced that we are actually appointing the right auditor for this job.

To start with, Mr Speaker, I am not convinced with the reasons given as to why we had to take 12 years without the Auditor-General being audited. Even if the Audit Act came into force in 2008, the Constitution was there. If anything, I believe the Audit Act was repealing another law so there is no reason why we should have taken 12 years without the Auditor-General being audited, and yet he is auditing others.

However, it falls to us as Parliament because the Constitution actually squarely puts it to us. I think we should not see this happen again.

That said, Mr Speaker, I would like to say that reports being audited cover 12 years. I would have loved to hear the presenter, Madam Commissioner, who moved a motion, tell us how long this audit is supposed to take place. They are auditing 12 years, are they going to take five years doing the audit?

At least tell us they quoted Shs 900 million and through with this this exercise maybe in one year or two years but I am not surprised that when you look at the technical competencies of these firms, there is one (BDO) which scored highest and it quoted the highest amount of money (Shs 2.9) against the Shs 900 million by Kisaka.

I feel that a serious audit firm going to audit a sophisticated agency like the Auditor-General would not have quoted Shs 900 million. At least I think it would not have quoted 900 million. No wonder the most technical and competent technical firm was quoting a higher amount of money.

You did not tell us about Kisaka’s profile but I would like to agree with hon. Abala that we really need to support our local firms, if they are competing with the other firms. We must deliberately support them but how competent is this firm? You did not tell us anything about their profile or how much it has done.

Finally, I would like to appreciate the commissioner who brought this because yesterday you had left us hanging without telling us how you even reached the decision of picking this firm. At least we know we are somewhere but the question of the competence of this firm still lingers around. Otherwise, we need to appoint an auditor. I thank you, Mr Speaker, for this opportunity.

5.07

**MR JONATHAN ODUR (UPC, Erute County South, Lira):** Thank you, Mr Speaker. Section 36 (2) of the National Audit Act that has been cited states, “After three months, the Auditor-General shall prepare a financial statement.” It would have been procedurally correct and we need to be sure that those financial statements exist. Therefore, the mover of the motion should have laid here 12 financial statements for those years and then we would be sure that we are appointing an auditor to audit what exists*. (Applause)*

However, without even laying them here, we might be paying somebody to audit when there are actually only three financial statements for the last three years. I support the principle that the Auditor-General’s office must be audited but we cannot just proceed blindly without you laying before us here those 12 financial statements that the audit will be based on. Thank you.

5.01

**MR GILBERT OLANYA (FDC, Kilak South County, Amuru):** Thank you, Mr Speaker. I would like to seek clarification from the mover of the motion whether it is possible for us to source for the audit firm outside Uganda. I have raised this because the office of the Auditor-General is the head of all the auditors within the country. My fear is when we are to appoint an auditor to audit the office of the Auditor-General, we may appoint a junior officer. Therefore, it is very hard-

**THE DEPUTY SPEAKER:** It is a firm.

**MR OLANYA:** Exactly. Therefore, Mr Speaker, it is very difficult to trust that they are going to work independently. Therefore, I would like to seek clarification if it is okay for us to source for a firm outside Uganda. Thank you*- (Interruption)*

**MR LUBOGO:** Thank you very much, colleague, for giving way. You have stated that the Auditor-General is the head of all audit firms in the country. Well, it is true that the Auditor-General is the chief auditor for all Government.

We have to know that the Auditor-General does not superintend over the other audit firms. The other ones are actually private practitioners so he does not have authority to oversee those other firms that do the auditing like PricewaterhouseCoopers. Therefore, there would not be a reason arising but the other ones are subject to the Auditor-General. Thank you.

**MR OLANYA:** Thank you my colleague but the problem I am driving at is that I am looking at the independence of this firm. There is a tendency in our country whereby you find one department is conniving with other departments so it is quite difficult to trust this firm from Uganda. That is why I was trying to seek the clarification if it is okay for Parliament to be given the authority to source for an audit firm from other countries. Thank you.

5.04

**MR DENIS OGUZU LEE (FDC, Maracha County, Maracha):** Thank you, Mr Speaker. Auditing is a highly specialised and skilled activity. I would have imagined that for us to be able to appoint a competent firm to audit the office of the Auditor-General, we should have got like two to three firms whose profiles we would look at and then we would make a decision.

Now here the commissioner has presented to us one option only. In my view, that is quite restraining and it does not give us room to be able to choose from the options. Therefore, I would like to implore Members to ask the Commission to give us at least two to three companies.

From her presentation, it was not clear what processes this particular firm has proposed which endeared them to the Commission. In the event that we do not have a lot of information about this firm, it would be very hard to proceed with the appointment now. Thank you.

5.05

**GEN. ELLY TUMWINE (UPDF Representative):** Thank you, Mr Speaker. I have been following the debate and I wanted to give information. When I was a Member of the Legal and Parliamentary Committee, this matter came up and I am glad the present chairperson has finally brought it up. It actually came with an allegation that these two highest accounting offices of the country, the office of the Auditor-General and Parliament, seem to be in collusion not to audit one another so we asked ourselves if this could be true.

We tried to investigate but we could not get to the actual substance of the allegation. However, we asked the commissioners that were there before how come that it has taken this long for Parliament not to appoint an auditor?

Three reasons were given: one of the commissioners told us that they have been trying to call bidders but they always bid above the available funds that the Commission can afford. It was not very convincing so we tried to push for the process to start. We pressured the previous Parliamentary Commission but they never brought us something until their term ended. I am glad it has been brought back and I would like to first disagree with people that believe in outsiders more than the Ugandans. *(Applause)* This shows we do not trust ourselves and that is a wrong beginning.

I would like to argue that in order for us to start on this exercise of auditing the Auditor-General, we trust our commission which has finally brought it. It is not the duty of this whole Parliament to do the selection, to go into the process. There is a commission which we, ourselves elected. We need to trust it to be able to synthesise and look for an auditor. We can then audit the auditor - because he is our employee if he does not perform, rather than start from the negatives; from suspicion and allegation as if he has already not performed.

I would rather go with somebody moving forward than the one who is trying to look for skeletons in the grave when he does not know where the man was buried. I would like to move that we support the commission. We receive whoever they have brought and observe carefully how he performs - that firm that they have appointed. However, there is a need to start by auditing the Auditor-General. This is because if the two top ones are not auditing one another, what will happen?

**THE DEPUTY SPEAKER:** Honourable members, can we draw this to a close and take a decision? This is what happened. I now have the difficulty of being Chairperson of the Parliamentary Commission and yet now I am presiding on the House – no, it is not conflict of interest really. It is something that is before the House, so I need to explain the processes that we went through in the Parliamentary Commission.

Like it was indicated earlier, this is the third time this process is being tried. The first one was what Gen. Tumwine alluded to; the bid went up to a certain amount of money. When it came to financing it, it was not possible to finance it. In fact Parliament was almost sued for breach of contract. The money was not available to do the audit.

The second one where there was Johnson and Johnson - what happened is that after Parliament awarded the contract to Johnson and Johnson, and they were commissioned to start the audit, the firm got itself dismantled- they split. There was only one entity that wanted to do it and throw away all the others then the others petitioned. The whole process again collapsed.

This process has started again. It has come this far. It is not like they went and said that come, we will take you. It is a bid that was put in the international newspapers – it was even put in the *East African*. This means that the bids were not just for Uganda, it was international bidding that was called for but only three firms responded. The reasons for this low response are stated. The low response was attributed to the requirements in terms of reference that precluded firms from bidding that had undertaken any work with the office of the Auditor-General in the last three years. If you have already been doing work, the Auditor-General has been contracting you to do work, then the Parliamentary Commission will say that you do not qualify if you did it in the last three years, to see that they also become independent in the process.

Those firms that have been doing business with the office of the Auditor-General should not be awarded this contract. They were precluded. The firms that came were three and the evaluation was done properly. The technical resolution to state the areas where these things would be done and the financial evaluation - the charts in the briefs that have been given to you and the scores are made. M/s Kisaka emerged as the winner on both the technical proposal and financial proposal; on the technical score and financial score. That is recorded in the report that you have been given.

This is the work of the Parliamentary Commission, your own commission. It is now asking you to conclude that process, which under the Constitution, Article 163(9), it is required to be done. That is why for me, I did not anticipate a debate. I would like to be very honest. I did not anticipate a debate because the Parliamentary Commission, your own commission, had gone through this process, and has come out with a proposal that now you approve under the Constitution. This is the reason why I was surprised when we started debating.

5.12

**MR CHARLES ILUKOR (NRM, Kumi County, Kumi):** Mr Speaker, I would like to hear from the committee and the House for some technical guidance. Like earlier on said by a colleague that professionally an auditor cannot be appointed for a period exceeding five years, I would have requested - maybe the commission considers appointing that auditor for some four year as they look for another –

**THE DEPUTY SPEAKER:** How much money are we talking about? That is also important. How much money do we give the auditor to run his operations in the budget? Somebody tell me. As Parliament, we know that it is may be –

**MR ILUKOR:** Mr Speaker, we give the Auditor-General about Shs 54 billion.

**THE DEPUTY SPEAKER:** Is that what is given to the office of the Auditor-General? That is it, Shs 54 billion to audit every year. That is the amount we are talking about. It is not like you are auditing the entire Government, that you require all these satellites and things like that to have all the technical - we are talking about Shs 54 billion, in one office. Let us trust the Parliamentary Commission and its processes also.

5.14

**MS BETTY NAMBOOZE (DP, Mukono Municipality, Mukono):** Mr Speaker, at times it confuses when they talk about Parliament. We look at Parliament, one, as all of us who are seated here. Two, we look at Parliament as doing administrative work. Before I joined Parliament, I would always look at Article 85 of the Constitution. I would read that Parliament will determine the emoluments and salaries of MPs. However, since I came here, we have never sat here as Parliament to determine our salaries. People outside there do not know that we don’t do it. They always say that when we sit here to determine our salaries, we all connive and keep quiet about it.

It is the same thing with this particular matter we are discussing right now. Yes, the law provides that Parliament shall appoint, but is it prudent or even have the capacity of sitting here the 448 members of Parliament and determine who should be the auditor? First of all, this is a requirement of the law. We trust our commission. If we do not trust them, we have a procedure of moving against them. I think the commissioner has just been kind to us to come and inform us. They have done the work that was left at the consultation with the technical staff, they have evaluated the company – I would suggest that we trust our commission. We give them a go ahead to appoint the auditor.

We however would like to throw a word of caution. What shall we do with so many years in the past? How will we be able to audit the last 13 years? Eventually when the report comes, how will we be able to access it? We do not want to audit the Auditor-General, and at the end of the day we discredit that institution. Once we do that, we shall have set our own house on fire. We depend on it to audit other institutions. It is one institution that assists to do our over-sight work.

I would, therefore, move that in view of what you have told us and putting into consideration what Members have deliberated upon, you put the question because this is more or less an obvious matter, Mr Speaker. That we allow our Commission, we trust them and we trust that they appointed the right people, we are so happy that this Shs 900 million is going to remain here in Uganda because we are looking for jobs for our people. We cannot advocate here that jobs be given to foreigners as if they were born in heaven. Even Ugandan can be trustworthy, Mr Speaker.

**THE DEPUTY SPEAKER:** Honourable members, can I put the question to this motion? I put the question that the motion for a resolution of Parliament to appoint an auditor, M/s Kisaka & Co to audit the accounts of the Office of the Auditor-General be adopted.

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** Honourable members, item 8 is a subject for discussion in the United Nation (UN) when it starts its debate after the 15th and our chairperson of this committee is travelling tomorrow for that meeting of the UN General Assembly. She will be part of the team that will escort the President and Ugandan team to have these matters.

This is one of the reports that are going to the UN. I would like to bring it forward so that we can at least finish it and allow the chairperson to be able to travel tomorrow to have this matter also discussed at the UN. If it is ok, with the Members I will move this forward and we deal with the other matters after this. Is that ok?

MOTION FOR ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HIV/AIDS AND OTHER RELATED MATTERS ON THE HIV/AIDS TRUST FUND REGULATIONS

**THE DEPUTY SPEAKER:** Please give a summary of the report.

5.20

**THE CHAIRPERSON, COMMITTEE ON HIV/AIDS AND OTHER RELATED MATTERS (Ms Judith Alyek):** Thank you, Mr Speaker. Before I move any further, I would like to lay at the Table the following minutes of the meetings conducted by the committee.

**THE DEPUTY SPEAKER:** Put all the minutes together. Let the records capture the minutes of the meetings of the committee.

**MS ALYEK:** Mr Speaker, this report has already been posted on Alfresco. It is the report of the Committee on HIV/AIDS and Other Related Matters.

**THE DEPUTY SPEAKER:** Did you say Facebook?

**MS ALYEK:** Alfresco

**THE DEPUTY SPEAKER:** Ok.

**MS ALYEK:** Mr Speaker, it is alfresco. This is a report of the Committee on HIV/AIDS and Other Related Matters on the HIV/AIDS Trust Fund Regulations. These regulations were laid before this House on the 10 the of May 2017 in accordance with section 28 clause (iii) of the HIV/AIDS Prevention and Contract Act, 2014 and referred to the committee for consideration and report back to this House.

The committee accordingly proceeded to scrutinise the regulations and held meetings with the honourable Minister of Health, Minister of Finance, Planning and Economic Development, Ugandan AIDS Commission, Uganda Revenue Authority, and Uganda Network of Aids Service Organizations.

The committee referred to relevant documents including the HIV/AIDS Prevention and Control Act, 2014 and the Public Finance Management Act, 2015.

Mr Speaker, let me give a small background to the trust fund. The HIV/AIDS Trust Fund is established under section 25 of the HIV/ AIDS Prevention and Control Act, 2014.

The object of the fund is to secure a predictable and sustainable means of procuring goods and services for HIV/AIDS counseling, testing and treatment. The establishment of the fund was premised on the understanding that:

1. The health system mechanism for establishing persons that require enrolments on antiretroviral therapy (ART) were available through the Ministry of Health structures.
2. The system of procurement and delivery of drugs exist through the National Medical Stores.
3. There was shortage of HIV/AIDS test kits and HIV drugs in the ART dispensing health facilities partly due to unreliable, unpredictable and inadequate funding thereby creating a need to establish a fund to ensure sustainable and predicted financial stream for the procurement of the required commodities for testing and treatment. The HIV commodities procured would be delivered through the existing delivery channels and mechanisms.

In addition to the above, it was envisaged that the Ministry of Health, had adequate mechanisms of ascertaining the requirement gap, which would be filled using the fund. Therefore, the procurement and distribution infrastructure and National Medical Stores would be used to procure and distribute the commodities to the respected health units in the country.

1. The fund would co-exist alongside the general HIV/AIDS response namely, prevention and care, social support and protection and system strengthening, which are taken care of through the mandate of the responsible institutions including Ministry of Health, Ministry for the Presidency and Uganda AIDS Commission.

Mr Speaker, let us look at where the sources of funds will come from. Section 27 of the HIV/AIDS Prevention Act, 2014, provides for the sources of funds to the fund namely - the fund here I am referring to is the AIDS Trust Fund:

1. Two per cent of the total tax revenue collected from levies on beers, spirits or waragi, soft drinks and bottled water.
2. Tax revenue from any other taxable item identified by the minister responsible for finance from time to time.
3. Grants money or assets donated to the fund by any foreign government, international agency, or other external body or persons corporate or non-corporate.
4. Money received by the fund by way of voluntary contribution.

Mr Speaker, let us look now at the provision in the regulations and committee observations.

**THE DEPUTY SPEAKER:** Honourable chair, I hope you are not going to read it word by word.

**MS ALYEK:** They are very few pages, Mr Speaker.

**THE DEPUTY SPEAKER:** No. I hope you are not going to read the text because we have the text. Please give us the summary of what the committee did.

**MS ALYEK:** Ok. I am now on the committee observations. Can I proceed?

**THE DEPUTY SPEAKER:** Please do not read the whole text, summarise.

**MS ALYEK:** Mr Speaker, I thought the observations here would now lead us to the recommendations.

**THE DEPUTY SPEAKER:** Are you capable of summarising what you discussed?

**MS ALYEK:** Yes. I can summarise. These are the observations that the committee came up with. The committee noted that a number of the regulations are structured as if the fund is meant to finance the entire HIV/AIDS response, which is not the case.

The regulations further provided for establishment of governance structures such as the board. When you look at the board of trustees proposed in this regulation, they are charged with the following activities that you are seeing here – I think the Members are already reading. I wish to comment on some of the above functions as follows.

When we talk about the board overseeing the management of the fund, what was envisaged in creating the fund was to have resources availed to bridge the gaps: to just buy ARVs and the test kits. The testing and treatment activities are already within the existing health structures. Therefore, we do not need the board.

When we talk about the approval of the annual work plans of the fund, we are now saying that the work plans are already approved in the Ministry of Health and forwarded to Parliament together with the budget proposals indicating the resources allocation and the actual requirements. Therefore, the resources should be used to bridge the gap only in the commodity requirements.

For other activities such as the establishment of a criterion for accessing the eligibility of beneficiaries and receiving financial support from the fund, Mr Speaker, let me explain. The health system mechanism to establish the primary beneficiaries to the AIDS Trust Fund and HIV/AIDS commodity requirements also already exist in the Ministry of Health. Under the test and treat policy that has already been adopted by Uganda, all persons tested positive are required to be enrolled on ART. Therefore, the 1.3 million people estimated to be living with HIV/AIDS in this country are eligible for this treatment and will be direct beneficiaries of the fund.

The approval of the application for financial support by the board will now not be relevant. The monitoring and evaluation of the beneficiaries in the utilisation of the funds will also not be relevant. The establishment of the procedures for application for this financial support from the fund will also not be relevant. Furthermore, the appointment of the fund manager by the board would also not be relevant.

Our observations further indicated that this House will have to appreciate that, more than before, we are at a critical point where we urgently require sustainable sources of funds for the procurement of HIV/AIDS commodities given the current HIV prevalence and the rollout of the test and treat that I had already talked about as well as the new resolve by H.E the President to end HIV/AIDS as a public health threat, under the presidential fast-track initiative for ending HIV/AIDS as a public health problem in Uganda by 2030.

We also looked at flattening in donor HIV/AIDS funding and a shift towards the general health systems strengthening as some donors no longer consider HIV/AIDS as a public health threat. Therefore, we need our domestic financing. We also looked at the resolve of the Government of Uganda to achieve the UNAIDS 90-90-90 target by 2020.

Accordingly, Mr Speaker, the recommendations by the committee are that we:

1. Delete regulation 10 providing for the establishment of the board and consequently regulations 11,12,13,14,15,17,18,19,20,25,26,28,29 and the schedule. Delete regulation 16 providing for the appointment of a fund manager and consequently regulation 23. Delete regulation 21 relating to the beneficiaries.
2. Amend regulation 7 by deleting 7(a) (i) and (ii) and (b) and (c). Amend regulation 8 for the administration of the fund to conform to the Public Finance and Management Act, 2015 that rests the responsibility of managing and accounting for public finance in the accounting officer. Amend regulation 9 to provide for withdrawals from the funds under the authorisation of the accounting officer. Amend regulation 22(1) to conform to the provisions of section 27(b) of the Act; namely quarterly remittances of the funds collected and remove the requirement for approval by the board and disbursing the funds to the beneficiaries in regulation 22(2). Also, amend regulation 27 by deleting 27(2),(3) and (8).
3. Have the account of the AIDS Trust Fund opened as a matter of urgency to facilitate the remittance of money to the same account.

In conclusion, Mr Speaker, the committee recommends to this House to approve the regulations subject to the proposed changes contained in this report. I beg to report and move that the report be adopted. I beg to move.

**THE DEPUTY SPEAKER:** Thank you very much. Honourable members, there is a technical issue here which I need to rectify so that we begin proceeding properly. The motion before us actually should not be a motion for the adoption of the report of the committee. It should be a motion for approval of the HIV/AIDS Trust Fund Regulations. I, accordingly, presented that because that is what was presented here under section 28(3) of the Act that we passed here in 2014.

That said; if the motion is for approval of the regulations as proposed, here are the rules of practice. Because Parliament has already enacted section 28(3) of the Act, Parliament cannot again go to enact another legislation because that authority has already been given to the ministry to exercise, except that it has to come back to Parliament for approval.

How does Parliament approve it? It either approves it as it is or rejects the whole thing. That is the procedure. We do not go to start examining the regulations clause by clause. If the regulation is satisfactory and the committee has recommended that this regulation is satisfactory and we should approve, we approve. If the committee has said the regulation has problems, the only recommendation – if they were properly guided – would have been to say: “Please, reject. Let them go and do a regulation that is satisfactory and conforms to what they needed to do, according to the authority of Parliament given to them under section 28(3) of the Act.” Are we together?

Our own committee has now said that this particular regulation cannot stand without amendment. Therefore, there is nothing to debate. Are we together? What the committee is saying is that this regulation needs to go back and be redone. In fact, if they had been properly guided, they would have recommended that they go and come back after removing all those things. However, now the Ministry of Health knows that those particular provisions should be removed from this regulation and those regulations needs to be brought back to Parliament in the form that is satisfactory to our committee and, therefore, Parliament. Are we together?

Therefore, I have only one motion. Of course, the report of the committee is part of the resource to help us decide on the regulations. The substantive motion before the House is for the approval of the regulations. On that, we are clear. Are we okay? We are clear that the substantive motion is for approval of the regulation based on the recommendation of the committee. So, we are not adopting the report of the committee. Just like in Bills, when you bring a Bill here for second reading, we do not vote on the report of the committee but vote on the motion of the Bill. We use the report of the committee to support your decision in determining the fate of the Bill. We are using the report that has been eloquently represented by the chairperson to determine the fate of these regulations. I think we are clear. The committee has said as it is, it cannot stand but has to go back.

I am going to put the question in the form it is presented and please, vote appropriately. The procedure in this Parliament is that we cannot proceed to amend the regulation. We can only send it back by not approving it. I will now put the question to the approval. Are we together?

Honourable members, the committee has said if these regulations as presented if not amended, they should not be adopted by Parliament. I have said Parliament cannot amend them because there is a recommendation from the committee and this would therefore mean, “Do not adopt these regulations.” Are we okay now? Dr Sam Lyomoki, Member of Parliament, representing Workers -

**DR LYOMOKI:** Thank you very much, Mr Speaker. Following your guidance, wouldn’t it be procedurally right to request the minister to withdraw and then come back later instead of throwing it out? Maybe the minister should withdraw those regulations, amend them and then come back.

**THE DEPUTY SPEAKER:** Is the minister ready to move for the withdrawal of this motion?

5.40

**THE MINISTER OF STATE FOR KAMPALA CAPITAL CITY AUTHORITY (MS BENNY NAMUGWANYA)** Mr Speaker, I am standing in for my colleague, hon. Opendi, who has been called to State House. You remember she was here.

Mr Speaker, we discussed this particular regulation widely. Our development partners were very uncomfortable seeing the funds go directly to the ministry. They were comfortable to have the board of trustees in place.

Therefore, I would like to appeal to the chairperson of the committee and Members to adopt the regulation as presented by the minister. You are aware that as a country, we have a problem at hand; the HIV scourge and with the current policy of test and treat, we cannot afford to wait. Therefore, I would like to appeal to Members to adopt the report so that we can move to save our people who are already traumatised with the scourge. I beg to submit.

**THE DEPUTY SPEAKER:** Thank you. Let us here from the chairperson because she might not have had this guidance. What would be the final implication if this regulation is not adopted? That is where we are heading now.

**MS ALYEK:** Thank you very much, Mr Speaker. The aim behind establishing the AIDS trust fund is for the procurement of HIV/AIDS commodities; the antiretroviral drugs (ARVs) and test kits. We took an example of Zimbabwe, where AIDS trust fund has a wider scope. It involves issues to do with orphans and vulnerable children, advocacy for HIV/AIDS, community sensitisation, and procurement of HIV/AIDS commodities among others. However, in Uganda, according to the HIV/AIDS Act 2014, section 28, gives us the mandate to establish the trust fund but we are limited. The committee also looked at the existing systems in the Ministry of Health. We have National Medical Stores that had been handling the procurement of HIV/AIDS commodities; the test kits and the ARVs and this has been the biggest gap in HIV/AIDS service delivery.

In addition to that, we are looking at the test and treat policy; meaning that each and every one who is going to test HIV positive must be enrolled on that. Therefore, this fund will go along that line. However, in the near future, if we wish to widen the scope of HIV/AIDS trust fund in Uganda, we should involve all those other strategies that I have talked about, and probably, that would require a board. We looked at the existing system and we already have a gap in the HIV/AIDS commodities only. That is what the HIV/AIDS Act, 2014 directs us to do. It only talks about HIV commodities and nothing else.

**THE DEPUTY SPEAKER:** In other words, the regulation as it is proposed exceeds what Parliament had recommended in the Act; it goes beyond the Act. It is seeking to legislate afresh against what Parliament has already passed. That is what the committee is saying not the Speaker. In the circumstances, I am left with one option to invite the minister to speak properly or I will put the question.

**MS NAMUGWANYA:** Mr Speaker, in the circumstances, I would like to move that the regulation be withdrawn, so that it can give the ministry time to harmonise the position with the committee. I beg to move.

**THE DEPUTY SPEAKER:** Honourable members, the minister has just sought the leave of the House to withdraw the regulation. Would you like to justify what you have said in the circumstances? I think that is a sufficient justification that in the circumstances because she is likely to lose it. The minister is saying, in the circumstances, would the House be pleased to grant her leave to withdraw the regulation and come back with all those recommendations plugged in, and then the House can adopt it at a later date?

**MS ALYEK:** Thank you, Mr Speaker. As I mentioned earlier, we had a series of meetings where we even invited these ministers –*(Interruption)*

**THE DEPUTY SPEAKER:** But now the House has spoken and they have heard. If it comes back in the same form, it will face the same fate. I think we are okay. Honourable members, I will now put the question to the withdrawal of these regulations. I put the question that leave be granted to the minister, to withdraw the report of the standing committee on HIV/AIDS and Other Related Matters on the HIV/AIDS Trust Fund Regulations. I put the question that leave be granted.

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** Honourable members, the regulation is accordingly withdrawn and referred to the ministry to harmonise its position, and bring back fresh regulations that conform to the law that we passed in 2014. Can we deal with the issue of – I do not know how long this motion is. Is the honourable member for Mbarara District there? Hon. Bigirwa, are you standing in for her?

She has not yet laid the report?She can lay the report. I thought she laid it when she was laying the minutes of the proceedings.

**MS ALYEK:** Thank you very much, Mr Speaker. I beg to lay this report on HIV/AIDS Trust Fund Regulations on the Table.

**THE DEPUTY SPEAKER:** Let the records capture that. Honourable members, that is the full text of the original report of the committee. We have had discussions about it and we have taken a decision on the way forward.

Can we deal with the - Is the chairperson of the Committee on Gender, Labour and Social Development handling the Nodding Syndrome here? We had this discussion and we are just adopting something and then we can come to your motion, hon. Bigirwa.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE ON GENDER, LABOUR AND SOCIAL DEVELOPMENT ON THE NODDING DISEASE

5.48

**MR ALEX NDEEZI (NRM, Persons with Disabilities, Central):** Mr Speaker, I need your guidance. You remember we presented our reports in quantified details, a debate took place but what remained is putting the question. I am wondering if Members cannot recall the clear points.

Otherwise, I think that I could present the five or six recommendations from the report and then you put the question. I seek your guidance, Mr Speaker.

**THE DEPUTY SPEAKER:** Honourable chairperson, when that debate ensued and we were about to conclude the matter, a need arose that the recommendations needed to be clarified. What was Parliament going to recommend on the basis of what the committee had reported? Therefore, we said you should extract the recommendations so that we can go through them and adopt the report with the recommendations as provided.

**MR NDEEZI:** Thank you for your guidance.

These are the recommendations, honourable members:

1. The Centre for Disease Control should carry out comprehensive research about Nodding Syndrome as soon as possible with such focus on the cause, management and treatment. The findings should be disseminated promptly to enlighten the communities.
2. There should be mass sensitisation about the disease in the community by the district officials and village health teams. This will reduce stigma and enable the affected families to manage the syndrome.
3. The government through the Ministry of Agriculture, Animal Industry and Fisheries should provide ox-ploughs and seeds to the families affected by the disease after thorough verification to help them cultivate land with ease so as to get time to look after the victims.
4. The Ministry of Health should declare the region an affected area and treat Nodding Syndrome as a special case. Victims should be given cards for accessing medical care.
5. The health centre II near Tumangu should be upgraded to health centre IV for referral purposes and adequately equipped and resourced to handle the disease burden in the community.
6. Kabamepazine, the drug used to treat this disease should be declared an essential drug and made available to all medical facilities in the region.
7. A police station should be set up at Tumangu so that the medical personnel at the health centre feel secure.
8. The government should take over operations and management of the rehabilitation centres for the victims of the Nodding Syndrome.
9. The government is urged to provide financial support to the two Nodding Disease centres in Kitgum and Pader districts with at least Shs 100 million for each centre every year.
10. The government, through the Ministry of Health, should construct a rehabilitation centre in Pader since it has the highest number of victims.

Mr Speaker, I beg to move that this House adopt these recommendations.

**THE DEPUTY SPEAKER:** Honourable members, this is the tail end of the recommendations that we needed to purify and take a vote on the motion. I now put the question to the motion that the report of the Committee on Gender, Labour and Social Development on Nodding Disease be adopted.

(*Question put and agreed to.)*

*Report adopted*

**THE DEPUTY SPEAKER:** Thank you.

MOTION SEEKING LEAVE OF PARLIAMENT TO INTRODUCE A PRIVATE MEMBER’S BILL ENTITLED THE SUCCESSION ACT (AMENDMENT) BILL, 2017

The member for Buliisa District is standing in for the honourable member for Mbarara District. Please, present the motion.

5.53

**MS NORAH BIGIRWA (NRM, Woman Representative, Buliisa):** Mr Speaker, I am here to move a motion seeking leave of Parliament to introduce a Private Member’s Bill and I do this under Rules 110 and 111 of the Rules of Procedure:

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

*AND WHEREAS Parliament enacted its Rules of Procedure, pursuant to Article 94, sub-sections (1) and (4) (b) of the Constitution and Rule 110 empowers a Member of Parliament to move a Private Member’s Bill;*

*AWARE THAT Rule 111 specifically stipulates that a Private Member’s Bill shall be introduced first by way of motion to which shall be attached the proposed draft of the Bill;*

*FURTHER AWARE that Article 21 of the Constitution provides that all persons are equal before and under the law and further, Article 26 provides that every person has a right to own property either individually or in association with others;*

*NOTING THAT Article 31 sub-section (2) enjoins Parliament to make appropriate laws for the protection of the rights of widows and widowers to inherit property of their deceased spouses and enjoy parental rights over the children and Article 247 further commands that Parliament establishes an efficient, fair and expeditious machinery for the administration and management of the estates of the deceased persons;*

*FURTHER NOTING that the existing laws on succession have a number of defects which have been pronounced upon by courts of law and that need reform to ensure that the estates of the deceased and interests of the beneficiaries are well protected;*

*CONCERNED THAT the current law on succession promotes discrimination against women in regard to inheritance of property, residential holding, preference in lineage and domicile upon marriage;*

*COGNIZANT THAT the proposed new law will promote the rights of women to ensure that the estates of the deceased and interests of the beneficiaries are equally protected;*

*NOW, THEREFORE, be it resolved that this House grants me leave to introduce a Private Member’s Bill for an Act entitled, ‘Succession (Amendment) Bill, 2017’ a draft of which is hereto attached and to order the publication of the same Bill in preparation for its first reading.”*

**THE DEPUTY SPEAKER:** Is the motion seconded? It is seconded by hon. Isaac Mulindwa, hon. Amoding and hon. Nambeshe. Would you like to speak to and justify your motion?

**MS BIRIGWA:** Mr Speaker, inheritance and succession in Uganda is governed by the Succession Act and Customary Laws which are inconsistent with the 1995 constitution. The Succession Act was enacted in 1906 to provide for matters of succession.

Considering the time that has passed since the law was enacted to date – Mr Speaker, the law does not reflect the social, political and economic changes that have since taken place. It is therefore imperative that the law be reformed to reflect the changes.

Within this dual system, widows and female children have nowhere to turn. Customary law grants no right to women to inherit property from their deceased husbands and fathers whatsoever.

Mr Speaker, now more than ever women and children must be able to vindicate their fundamental human rights to equally before the law, non-discrimination inheritance and property. Uganda is committed to upholding gender equality and non-discrimination. The 1995 Constitution of the Republic of Uganda provides that all persons are equal before and under the law and shall not be discriminated against on the grounds of gender and that women have the right for equal treatment with men.

In addition, as a state party without reservations to several international law treaties which call to gender equality and non-discrimination, Uganda as a country has affirmed to that commitment. Specifically, Uganda is a party to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in which states promise to adopt appropriate legislations and other measures prohibiting all discrimination against women, and to establish legal protection of the rights of women on all equal basis with men.

To reach these goals, the country must act to ensure women, men and children receive equal shares of inheritance from the estates of the deceased spouses and parents as required by the Constitution.

The indicators for need of reform of the succession law were first seen by a petition filed by Law and Advocacy for Women in Uganda v. Attorney-General of Uganda, constitutional petition No.13 of 05, 2007. The petitioner sought a declaration that section 2 (1) and (2) sections 23, 26, 27, 29, 43, 44 of the Succession Act are inconsistent with articles 20, 21, 24, 26, 31, 33 and 44 of the Constitution.

The Constitutional Court held that the disputed provisions were unconstitutional as they discriminated against women and they were declared null and void. This in effect created debate and uncertainty in institutions that deal with succession and administration.

This follows that there is need for Parliament to make provisions repealing and amending the different provisions that were affected by the Constitutional Court decisions cited above.

The Constitution states the right standards for matter of succession and inheritance in Uganda. It, among other things, guarantees non-discrimination and equality of all persons before the law, appropriate laws for the protection of the rights of widows and widowers to inherit properties of their deceased spouses and to enjoy parental rights over their children and affirmative action in favour of marginalised groups for the purpose of redressing imbalance against it.

This provision guarantees a standard against which the Succession Act chapter 162 which falls short of the score may be aligned. The Succession Act (Amendment) Bill will ensure equal inheritance rights for both boys and girls, surviving spouse inheriting a matrimonial home and other matrimonial property.

Protection of widows’ parental rights and entitlement; the law will certainly certify that customary land tenure does not deprive widows of their right to own and inherit property.

There have been unnecessary delays toward the process of amending the Succession Act. Work has been ongoing since 2000 to have this law tabled in Parliament by Government for amendment. Court pronounced itself on the provision of the law and this means that Parliament has to make a law following the judgement.

Whereas civil society organisations have done several advocacies on the Bill, the Government is still not ready with the Bill for tabling in Parliament. I also feel that the speed at which Government is moving is unacceptable.

It is against this background that I seek leave for Parliament to present a Private Member’s Bill entitled, “Succession Act (Amendment) Bill, 2017”.

I beg to lay a copy of the draft Bill on the Table. Thank you.

**THE DEPUTY SPEAKER:** Let the records capture a copy of the draft Bill.

Is the seconder of the motion prepared to speak on this, briefly? The mover has been quite comprehensive in her presentation.

6.02

#### MR ISAAC MULINDWA (NRM, Lugazi Municipality, Buikwe): Thank you Mr Speaker. I am seconding the motion with the following views: Mindful of articles 1, 2, 6 and 7 of the Universal Declaration of Human Rights which I read to you verbatim:

#### Article 1: All human beings are born free and equal in rights to every other human aspect. We have the ability to think and to tell right from wrong. We should treat each other fairly.

Article 2: You have all these human rights no matter what your race, skin colour, sex, language, religion, opinion, family background, social or economic status, birth or nationality.

Article 6: It is a right to recognition as a person before the law. We have a right to be accepted everywhere as persons because we belong to the human family.

Article 7: It is related to equality before the law. Is says; if your legal rights are violated, you have the right to fair and capable judges to uphold your rights.

This succession law we have, when you look at our cultures including my own, girls do not inherit their fathers’ property. I would like to remind you honourable colleagues, on this planet earth we live, there was once a time when the whole human beings were cleared. That is the time of Sodom and Gomorrah.

Earth remained with only two ladies and their father. It is these young ladies who decided to commit incest to ensure that our own human race comes back to life. *(Interjections)* Yeah. That is in Genesis 19. These young ladies –*(Interjections)* No, let me – at that time, during Lot’s time, they went ahead and decided that the human race should continue.

Therefore, we should not deny them the right to own property and to succeed, but they should be free and equal in every aspect with men. *(Interjections)* Do not look at the issue of incest at that time, I was only justifying the point that they went ahead to justify that the world will continue.

In conclusion, Mr Speaker, there are several cases in courts of law. For example, I would like to cite where a lawyer passed on recently and he left a young lady. The uncles of this lady denied her the right to inherit the property of her father because of culture.

I think that it is time now that as Parliament, we should come out clearly and give a right. Suppose any of us gives birth to only female children and you pass on. Shall that stop them from inheriting your property?

Based on this, Mr Speaker, I second the motion that it should be given leave and we proceed with it. Thank you so much.

**THE DEPUTY SPEAKER:** Thank you. Honourable members, the motion that I would like to propose for your debate is to grant hon. Rosette Kajungu leave to present a Private Member’s Bill entitled “The Succession Act (Amendment) Bill, 2017”. That is the motion that I propose for your debate.

I would also like to guide as follows: Article 94(4)(b) and(c) are fairly clear on this matter. The right of a private member to present a Private Member’s Bill is guaranteed in the Constitution under Article 94(4)(b). In Article 94(4)(c), the government is ordered to support and facilitate the private member in the process of preparing this Bill.

Rule 110 of our Rules of Procedures re-enacts this provision that I have just stated. Rule 111 also provides prescription for this Parliament to ventilate a particular motion if it is sustainable or will just be a waste of time or unnecessary thing; that is what this Parliament can look at and say no, so that we avoid a situation where, we are stampeded by things that may not make sense.

Therefore, the debate in essence would not be about the text of the Bill, but about the necessity of it –the gap in legislation that has forced the hand of a private member to be able to say that: “We need to cure this gap. I, therefore, propose that you allow me to help the country to cure this gap” The reasons are stated. And that is the debate.

6.11

**MS MONICAH AMODING (NRM, Woman Representative, Kumi):** Thank you, Mr Speaker, for that clear guidance on the matter before us. I rise to second the motion that the member be given leave to present to this House a Private Member’s Bill because Article 31 (2), of the Constitution provides that Parliament may make appropriate laws for the protection of the rights of widows and widowers to inherit property of their deceased spouses and also to enjoy parental rights over their children.

Thus said, Mr Speaker, Parliament is also empowered under the Constitution to make laws for the peace, order and the good management of our country. However, according to what the honourable member has presented, it looks as though as Parliament, we have abdicated this duty and this is so for 17 years, I believe because the processes for amendment, I think started in 2000. We are counting 17 years and no work has been done in terms of improving this particular legislation even when the need to amend this started in 2000 and there has been a lot of advocacy around this matter.

Mr Speaker, even if as Parliament we have not legislated and improved this legislation, courts of law have gone ahead to legislate on our behalf. As you know, Mr Speaker, the ruling of courts of law in essence acts as law in the absence of law because they are precedents of courts of record.

As Parliament, we are running late and behind even when we have the mandate to make law as a Parliament. Therefore, Mr Speaker, the lacuna that has been created has already been put before us by courts of law, in terms of issues of succession and inheritance. That lacuna has been clearly put out in the cases that hon. Kajungu read before the House. Of interest, is that the constitutional ruling, I think she has already noted that one about the matter that was before courts of law by Law Advocacy for Women in Uganda v. Attorney-General in 2005.

There was also an earlier case of the Administrator-General v. Charles Achire and another and that was in 1994. The latest was in 2007 and in those cases there has been proof that several sections of the Succession Act as it is have been rendered null and void. I think that the motion has already highlighted those provisions.

Therefore, I would like to second the motion on the basis that hon. Kajungu seeks to fill a lacuna in the Succession Act created by this Constitutional Court ruling. I would like to support hon. Kajungu so that, this lacuna is filled and we can also be able to bring the Act in conformity with the Constitutional requirements which the motion has guided the House.

Secondly, Mr Speaker, we need to reform the law about the issues of management of the estates of the deceased, minors and of course to ensure the interest of beneficiaries in these estates.

The beneficiaries, Mr Speaker, it is not just about only the women, but it is also about the widowers, the right to inherit, to bequeath. I can pass on today, and in my will say that my husband takes charge of my estates in my will. It is not only the way that we always think that it is women who will always take charge of the estates or children who are male. I think that the law has given us equitable protection for both girls and boys.

The proposal that the hon. Kajungu brings before the House is very good, it is an equitable provision and I would like to support this honourable member and request that this House permits the member to bring that amendment which personally, I cannot wait to see happening. Thank you, Mr Speaker.

6.16

**MS ROBINA RWAKOOJO (NRM, Gomba West County, Gomba):** Thank you, Mr Speaker. Hon. Amoding said a lot of the contents of the law and the case law also regarding succession. However, I would like to reiterate the contents of Article 31 of the Constitution and to say that it protects and guarantees the rights of widows and widowers.

From a practical point of view, I worked in the Office of the Administrator-General and the Succession Act helped in the distribution of the estates of a deceased person.

When court declared some sections of this law null and void, particularly section 27 on intestate distribution – that is the distribution when somebody dies without leaving a will. Many people fear making wills and others may make an invalid one in that they may not sign it. Therefore, this provision is specifically to help out in the lot distribution of the property of a deceased person.

When it was declared unconstitutional, then government was at a loss as to what to do for the several people who die intestate and come before that office for distribution of that property.

I am glad that this should come up as an amendment because many families, particularly women with their children, are going to be saved. We all know how people like taking advantage of things which they think are free. For example, when a brother passes on, the relatives just grab the property and the wife is left at a loss.

There is also a customary belief that girls and women should not inherit property. People are even so callous to say, “After all she is sick; she is about to die.” You would hear them saying that sort of thing. Therefore, I fully support this law to be brought as a Private Member’s Bill. This is because much as the Law Reform Commission did a lot of research, it has been dragging its feet.

I believe Government could probably come in later on to take on this Bill. However, it is very important for the children, the women of Uganda and the stability of our homes that we have this motion seconded and supported. So I would like to support the motion fully. Thank you.

6.19

**MS JULIET KYINYAMATAMA (NRM, Woman Representative, Rakai):** Thank you, Mr Speaker. I think this motion comes at the right time when Uganda needs such an amendment due to the situation on the ground.

Like hon. Rwakoojo has said, people are afraid of making wills, and yet accidents are common everywhere. Therefore, you find that there is a lot of conflict, most especially arising from land that is a major problem now whereby people are killing themselves over the property or the estates of the deceased. I think this is the appropriate time to move straight and we support this motion. I am looking forward to seeing that Bill and I strongly support it. Thank you.

6.20

**MR JONATHAN ODUR (UPC, Erute County South, Lira**): Thank you very much, Mr Speaker. I would also like to support that the member be granted leave because these are already constitutionally guaranteed. I would like to point out that the Constitution is very clear in Chapter 19, Article 274. It states that laws that existed before 1995 must be modified. Therefore, on that basis, I think there is a good justification to proceed with the Bill.

However, I also want to put it on record that it is not true that our customary laws are against inheritance. We have our grandmothers and mothers who have lived on after this, so it is not good to generalise the issue. Nevertheless, we see the gaps where courts have pronounced themselves in isolated incidences and this has to be addressed through the law.

It is also worth noting here that previously –

**THE DEPUTY SPEAKER:** Please proceed.

**MR JONATHAN ODUR:** Thank you for the protection, Mr Speaker. I just want to put it on record that as we proceed with the Bill later, let us carry out wide consultations amongst our communities and the people we represent. We need to ensure that the Bill is brought in good faith and is not going to be misunderstood, as previously pronounced by this House.

Lastly, the presiding officer has already guided this House. With the exception of the Private Member’s Bill targeting the amendment of the Constitution, the rest are open for support. On that basis, since this one is not targeting the Constitution, we should be able to support it because it was ruled by the chairperson. Thank you.

**THE DEPUTY SPEAKER:** No, but the chairperson did not say that. You do not put words in the chairperson’s mouth*. (Laughter)* I never said that. There is no provision that says that a private member cannot move a constitutional amendment. It is not there; so please do not put that to me.

**MR JONATHAN ODUR:** I can clarify. It is not you, the presiding officer of today. But in this House, that guidance was made by the chairperson and the ruling was made. I thought I should just clarify that. Thank you.

6.23

**MS BETTY AOL (FDC, Woman Representative, Gulu):** Thank you, Mr Speaker. I did not want to hear anybody opposing what we are discussing now because the practice on the ground is terribly bad for some sections of our people. It is not only in Acholi. One thing we must know is that even that Succession Act was enacted a long time ago so it is actually due for change.

When we look at customary practices, they are very unfair especially to women. We also have international laws and protocols and our good Constitution which supports all of us so why can we not support this? I support the idea that the Woman Member of Parliament from Mbarara is given leave to go and bring this to the House and we debate it again when she brings it back. Thank you, Mr speaker.

**THE DEPUTY SPEAKER:** Honourable members, does this require more extensive debate?

6.24

**MR GILBERT OLANYA (FDC, Kilak South County, Amuru):** Thank you, Mr Speaker. When my colleagues were presenting, I wanted to seek some clarification. In my opinion, when a deceased person left behind a will and we are coming out with a law, don’t you think we are going to contradict the will the deceased left in the law that we are coming up with here? The deceased’s interests may specify how the properties are supposed to be distributed but we are forcing him to follow our law. I can see some contradiction there, Mr Speaker.

Secondly, right now, I feel like we are very comfortable with the way we are moving. Each and every tribe has got a culture. We are following those cultures specifically and we are moving on perfectly. For example in the Acholi culture, when a father passes on, we know how to allocate properties to the children. We are aware that the girl-child born within the family will get married, get her own home and get settled there. Therefore, let us not restrict our people.

Mr Speaker, with the way we are proceeding –

**THE DEPUTY SPEAKER:** Honourable members, civility demands that we listen to those we disagree with. When we do that, it gives us the opportunity to respond. You do not stop them from speaking; you listen to them and then shoot down their arguments. But you cannot say “Order” or “Procedure” to stop them from speaking. Civility demands that you listen to them.

**MR OLANYA:** Thank you, Mr Speaker, for protection. The way we are, we are very comfortable. Culturally, we know how to allocate properties within our families. We, therefore, should not think of coming up with the law that will disorganise – *(Interruption)*

**MS KYINYAMATAMA:** Thank you, Mr Speaker. Is it in order for a member to say that Kyinyamatama and the people in Rakai are comfortable with what is prevailing? As for us, we are not comfortable. Is it in order to assume for the people in Rakai and other people in this House?

**THE DEPUTY SPEAKER:** You see, honourable member, instead of citing something universal, you are also resorting to Rakai. He has resorted to his own culture and you have also resorted to yours. *(Laughter)*

**MR OLANYA:** I would like to give one example for my colleague to try to understand.

**THE DEPUTY SPEAKER:** Honourable member, you might want this House in the future to assist you with something. Please try and read the mood of the House so that one day when you need them, they can come along with you.

**MR OLANYA:** I really feel that for the sake and betterment of this House, we may allow her to come up with the Bill but I think – *(Interruption)*

**MR ANYWARACH:** Mr Speaker, when we were debating the Marriage and Divorce Bill, a section of the population in this country, especially the Muslim Community, excused themselves from the law. Is it in order for hon. Olanya to mislead us using his culture instead of implying that as the Acholi people, they are not going to be part of this succession Bill which is coming. Is he in order?

**THE DEPUTY SPEAKER:** Honourable Olanya does not even represent the Acholi. How can I rule him out of order? The man is doing his stuff as a Member of Parliament. *(Laughter)* Please wind up.

**MR OLANYA:** I was saying that we may allow her to come up with her Private Member’s Bill. I really implore my fellow colleagues to consult very wisely. We need not to interfere with other cultures in this country. The law that can be enacted by Parliament must be a law that will bring unity, harmony – it should advocate for co-existence in all. Thank you.

**THE DEPUTY SPEAKER:** Honourable members, the only obstruction to the presentation of this Bill is if it violates provisions of the Constitution. I need the government side to speak on it.

6.30

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Thank you, Mr Speaker. I also rise to support the private member to come with this Bill. I think that it is an important Bill that can restore order in our society. You know that there were times when in villages and in our communities you would sit and agree with somebody without writing anywhere, but times have now changed. We need to prepare and be modern, slowly by slowly as we also balance the different cultures.

However, I think that the Bill’s intention is right and I would be waiting to give support to it. If the member is ready to work with Government, and Government takes over, that is fine with us. If the member wants to continue as a private member, we will give the necessary support to ensure that this law is brought to the House and be debated. Thank you.

**THE DEPUTY SPEAKER:** Honourable members, what the statement of the minister responsible for finance means is that if this House should run down on the private members, the rights to present this Private Member’s Bill, the certificate of the financial implication will not delay. *(Applause)* Clerk, when we are making this request, please attach the records of the House to this effect so that the minister is reminded. *(Laughter)*

Honourable members, can I put the question to this motion? I now put the question that the honourable member, the hon. Kajungu Rosette Mutambi, Member of Parliament for Mbarara District be granted leave to present the Private Member’s Bill entitled, “The Succession Act (Amendment) Bill, 2017.”

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** Thank you very much. The order is that the resources of this Parliament and Government should be availed to the honourable member to facilitate her to prepare the Bill for its publication and transmission to this House for handling.

Honourable members, we have done very well today. We have handled everything on the Order Paper. This should be the spirit. House adjourned to tomorrow, Thursday at 2.00 p.m.

*(The House rose at 6.33 p.m. and adjourned until Thursday, 14 September 2017 at 2.00 p.m.)*