**Tuesday, 18 November 2014**

*Parliament met at 2.15 pm 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. The Order Paper is long - two bills and three reports. Let us start with the business. Thank you.

2.17

**MR EDDIE KWIZERA (NRM, Bufumbira County East, Kisoro):** Mr Speaker and honourable members, I stand to raise an issue of national importance concerning our wildlife. Our wildlife is in danger and this danger is coming from the people who are supposed to actually guard it.

Recently, we have lost a number of elephants and those involved in the trade of ivory have a connection with the management of Uganda Wildlife Authority. At an appropriate time, we will be moving a motion, but now I would ask the Government to interdict the Chief Executive Officer of the Uganda Wildlife Authority such that we can have a fair investigation, which the President has requested for or has directed. I thank you, Mr Speaker.

**MR MAJEGERE:** Thank you, Mr Speaker. I think there is a very big problem with the Uganda Wildlife Authority. If we do not check it very quickly –

In Mayuge, we have issues of crocodile attacks. In a space of 10 years, crocodile attacks have taken 40 lives. I have been informing the Uganda Wildlife Authority and they have been using some delaying tactics such as, “Please, go to the local councils” or “Go and compile a list”. When you compile, they say, “No, now we need authority from the LC III”. When you compile that, they say, “Now we need from the LC V”.

It becomes a very serious issue because it implies that Government is not responding; there is no gesture that shows that Government cares about those people who have died. So, I talked to the Executive Director of Uganda Wildlife Authority and he has been using all those delaying tactics.

Now, he has written to me saying that since Uganda Wildlife Authority has just come into existence, there is no way they can extend financial support to those families. I am wondering, if Uganda Wildlife Authority is running away from its responsibility, who else will be able to assist those families? So you realise that there is a big problem. If the minister is coming up to explain, in addition to the elephants' issue I want her to explain the Mayuge crocodile attacks.

**MS ANNE AURU:** Mr Speaker, I would like to give further information on the negligence of Uganda Wildlife Authority.

The members of the council of Dufile Sub County, which is in my district, were here in this Parliament. They even brought a petition to the minister about the destruction caused by elephants in Dufile Sub County. However, up to today, no action has been taken. Now the people have resolved that any time they are also going to kill the elephants.

So, I would like to inform Parliament and the minister that at any time, he should expect dead elephants in Moyo District. Thank you

**THE DEPUTY SPEAKER:** Honourable members, you are Members of Parliament, you should talk to the people so that even if the grievances are very high, nobody should takes the risk of taking the law in their own hands because the law will turn against them, even if they have been victimised. So, you need to advise your people not to take the law in their hands.

**MS JOVAH KAMATEEKA:** Thank you, Mr Speaker. I would like to inform the House that also the people of Mitooma, Rubirizi and the people surrounding Queen Elizabeth National Park and Maramagambo Forest did bring their petition to the minister.

They were promised that something was going to be done about the animals that eat their crops and about the families that have lost loved ones because of these wild animals. What I want to bring out here is that this is an issue that affects all the communities that neighbour the park, so something should really be done to save our people. Thank you.

**THE DEPUTY SPEAKER:** Honourable members, there are two issues being raised now: one is the direct issue that has been made by the Member of Bufumbira about the Executive Director of Uganda Wildlife Authority, and then there are these general issues that relate to the management of wildlife in this country and how it affects people.

Honourable minister, those are the two issues that you need to sort out. The Member has also intimated that he will be moving a motion; I do not know what the subject of the motion will be but I am sure that will be taken care of.

**MR KATOOTO:** Thank you, Mr Speaker. Most Members of Parliament who represent people near game parks, including me, have always lamented here and told people about our problems. The minister has been invited several times to our place but she has never bothered to come.

We have talked about this in Parliament before; so, is it procedurally right to continue talking about this every now and then when actually people are dying? People are even saying that animals are more important than them. Is it procedurally right to continue being ignored by the minister?

**THE DEPUTY SPEAKER:** No, I think it is important for us to continue raising this issue so that it can be addressed. If we do not raise it, it will not be addressed.

2.25

**THE MINISTER OF STATE FOR TOURISM AND WILDLIFE (Ms Agnes Akiror):** Thank you, Mr Speaker. Our ministry wrote to the Minister of Internal Affairs requesting them to institute an urgent investigation team. So, I want to reassure members that we are all equally very concerned about what happened and at an appropriate time, we shall come up with a detailed response to them.

**MR TAYEBWA:** Thank you, Mr Speaker. This is not something for which you should actually expect a report now. This is because I was in Moyo and Adjumani about three weeks ago and the same complaint was raised by the chairman LC V, that elephants from South Sudan came and attacked their district.

It is just very simple; when I was a district speaker of the greater Bushenyi, we made a simple resolution to make sure that Uganda Wildlife Authority put up a trench such that those animals cannot cross. Now when you come up and say -

**THE DEPUTY SPEAKER:** Please, state your point of order

**MR TAYEBWA**: Yes, I am coming to the point of order. So, when the minister comes up here and says, “We are going to inform the minister”; is she in order to come up and just postpone instead of telling us the concrete action they have taken, which is a simple one? Something that has taken years, it is a concern of our people, is she in order really to just postpone such an important issue, instead of telling us the resolution that has been taken by the Government?

**THE DEPUTY SPEAKER:** The honourable minister was dealing with the first part of the question, which is related to the issues of elephants and ivory, but I think she was going to deal with the second bit.

**MR KWIZERA:** The minister has said that they have written to the Ministry of Internal Affairs to investigate. It is common knowledge that the people they going to investigate will still be in their offices and yet they are the ones committing those crimes. So, have you written to them?

You are abdicating your duty because the people who hold trust for wildlife are the members of the board appointed by the minister. Why can’t you ask the board to interdict the Chief Executive Officer, who is involved, and then give way for a fair and impartial investigation? That is what we are talking about. If you say you have written to the Minister of Internal Affairs, then what are they going to investigate?

**MS AKIROR:** Thank you, Mr Speaker. I was still talking about this issue of ivory, which is an issue of national concern. The issue of the elephant is a big challenge and we are doing our best, but animals have a very long memory and those are routes they use; so when you dig trenches, the next day they push soil in them.

We are trying to work with communities and in some places we have tried to involve them in pepper farming and bee keeping, so as to deter the animals. We are trying to ensure that our citizens live in harmony with these animals. On the issue of *(Interruption)*

**MS FRANCA AKELLO:** Thank you, Mr Speaker. Madam Minister, I remember a few weeks before we closed last Session I also brought in a complaint about elephants disturbing my people of Lapono, Adilang, Omiya Pachwa and Paimol sub-counties. You promised that something would be done.

I expect the response you are going to make now to include a holistic approach to the problem that elephants are bringing to people. It is not only the communities that are bordering parks that are speaking out now. Can there be a statement made before this House on how you are going to holistically approach this matter?

In my District, we have four sub-counties that do not cultivate any more. The moment they cultivate, the elephants eat their crops, especially millet, maize and sim sim. So the communities that border these national parks are in trouble and every year, they are suffering with famine.

I understand, according to what you said the other time, there is no policy of compensation. Now people keep on cultivating and lose their harvests; before they harvest, they lose their crops in the gardens and there is no compensation policy. It is really unfortunate. We want a holistic approach to solving this problem. Thank you.

**MR SSEGGONA:** Thank you, Mr Speaker. I was part of the team that travelled to Northern Uganda and specifically to Moyo and Adjumani. We met the district council and they told us, among other things, how these elephants destroy their crops. I remember a councillor from Arinyapi Sub County called Sabuni informed us how destructive they are. They can eat your crops, get satisfied and move on, and when they find any greener plant and suspect it to be more delicious, they vomit what they ate first and go for the next loot. (*Laughter)*

The point of clarification I seek, and it is not a laughing matter because I saw Ugandans really suffering, and these are Ugandans who have no alternative. Now, you are talking about the stretches that these animals continue using because of their strong memory; is it the animals that gazette their routes or it is Government that gazettes their routes? If it Government that gazettes that this is a game reserve or national park, then the same Government has the obligation to enforce its standards?

We asked specifically whether this area is a gazetted preserve for the animals and no single Government official in that meeting was able to answer me. So it could be that a hundred years ago they used to pass in this area and because of their strong memory, they still want to use the same area. Does Government follow the animals’ routes while gazetting, that because the animals gazetted the area a hundred years ago, they will continue allowing them to use it, to the detriment and chagrin of the people of Uganda?

Finally, the last point of clarification from the ministry is: Is it so expensive or have you never thought about fencing off an area for the animals and then leaving the locals to go on with their cultivation? You are talking about pepper growing in Uganda; I have never known of any food crop called pepper, whether green or red. How are people going to survive on selling pepper? Also, you were not concrete enough to tell us what exactly you did; did you provide people with technical assistance, the seed, and so on? Kindly clarify.

**MS OKIROR:** Thank you, Mr Speaker, and I thank the honourable members. You will appreciate that as much as we want to fence off all the parks, we are financially constrained. We cannot come here and tell you that we shall fence off the parks tomorrow. That is why we try to share revenues with the communities bordering the park and also we try to involve them in income-generating activities like bee keeping which also deters these animals.

Some of these elephants cross from Sudan, so you cannot gazette them from their country of origin. However, when they come, we try to get them to the park and confine them in the park. We really regret the loss of crops to our farmers, but we are trying to do our best.

On the issue of crocodiles, we have arrested a number of them –*(Laughter)-* and we have tried to sensitise communities. You know, we translocate problem animals, but we discourage the communities from putting them out of action. We have given communities hotlines so that they can get to our staff in UWA, so that immediately they see a crocodile they call and then we cage, confine, and then translocate the crocodile –

**THE DEPUTY SPEAKER:** Honourable minister, for purposes of the *Hansard*, you said that you are arresting these crocodiles –*(Laughter)-* would you like to make the *Hansard* clearer?

**MS AKIROR:** Thank you, Mr Speaker. Actually, we cage and translocate them so that we ensure that the community being affected is safe. In very rare instances, we have had to put some of them out of action when they are permanently very problematic. Otherwise, we identify with all those in Mayuge who have lost their beloved ones.

There is an honourable colleague who said, we need to find time and visit his constituency; we shall definitely do that. Hon. Akello Franca, I think we shall find time and come with a very comprehensive report of what we have done and what we hope to do in three weeks’ time.

**MR SSEGGONA:** Mr Speaker, I patiently listened in to my sister, and of course with sympathy, especially when she talked of lack of finances to settle. In this Parliament, we are serious people; when someone says, “I hope we shall find time to bring a statement” on such an important matter to this country, instead of committing herself and giving a timeframe

**THE DEPUTY SPEAKER:** She said three weeks.

**MR SSEGGONA:** Yes, but the element of hope means that she is not herself sure whether she will do it. Is she therefore in order?

**THE DEPUTY SPEAKER:** I was going to enforce the commitment she has just made for three weeks.

**MR KIWALABYE:** Thank you, Mr Speaker. It seems the minister is trying to under-look the problem of the people of Mayuge.

I informed you that over 40 people have lost their lives and I want to believe that *- (Interruption) -* over 40, and they have a list; not lives of crops or animals but lives of human beings. I want to believe that where there is lack of a technical solution, there can be a legal solution, and where there is lack of a legal solution then there is a political solution.

I even talked to the executive director of Uganda Wildlife Authority and told him that it is a matter of Government getting something small – not really compensation - as a gesture to show that our Government cares. They could give something like condolences to these families because they have lost their loved ones. So, that is a commitment I want from the minister when she comes with her statement, for the people of Mayuge. I thank you.

**THE DEPUTY SPEAKER:** Honourable members, do I get the feeling from the House that the Uganda Wildlife Authority, which is statutorily given the authority to look after these animals, and these animals stray into people’s crops and destroy them, the people whose crops are destroyed do not have any recourse in law? Is that what you are suggesting?

**MR WAIRA:** Mr Speaker, I have been interacting with these people over the crocodile issue and they say they do not have any legal framework for them to compensate these families. They say that once a family has lost their loved one, that is it. For them, they look at caging those crocodiles and not compensating the families.

**THE DEPUTY SPEAKER:** Honourable minister, the specific issue that was initially raised was this issue of the ivory and the status of the Executive Director of Uganda Wildlife Authority. That was the issue.

On the second aspect of the discussion that we are now taking, you said that you are coming with a comprehensive statement in three weeks. It will take care of all the concerns of the Members whose communities are affected by wildlife, whether crocodiles, elephants, whatever kind of animal that is straying and causing harm to people. You said that you are going to come back with a statement in three weeks’ time and the House will be expecting a statement on all these issues in three weeks, be it from Agago, Lyantonde wherever - all parts of the country. That is settled.

On the issue of the Executive Director of Uganda Wildlife Authority raised by the member, he says he intends to bring a motion. Can you help us with this issue and we move forward?

**MS AKIROR:** Mr Speaker, on the issue of the executive director, we have a meeting and I think by next week we shall communicate to the House what was done. At this time it will be premature for me to comment on that.

**THE DEPUTY SPEAKER:** Can we say Tuesday afternoon?

**MS AKIROR:** Most obliged.

**THE DEPUTY SPEAKER:** We expect a statement from the minister on this specific issue on Tuesday afternoon.

2.42

**MS GRACE NAMARA (Independent, Woman Representative, Lyantonde):** Thank you very much, Mr Speaker. I arise on an issue of national importance.

The students of Kasambya Secondary School as we talk now are doing their exams; unfortunately, these students are doing exams under trees and we all know it is a rainy season. This issue is very crucial and I thought I should bring it to the Floor of Parliament because these students are really suffering.

To give a background of that school, four classrooms were built under Ministry of Education, a project funded under World Bank. The project was abandoned and Shs 77 million was returned to the Ministry of Education. So as we talk now, the buildings are actually coming down because of heavy rains.

What is important is that the students are really suffering at this secondary school. When it rains, they have to postpone their exams until the next day. I therefore want to urge the Minister of Education to do all that they can and come to the rescue of this school. The number of students is really very big compared to the classrooms available. Come next term, the school might not operate because of shortage of classrooms. I therefore want to request the Minister of Education to really complete the structures. I thank you.

**THE DEPUTY SPEAKER:** Honourable minister, there is the issue of four classroom blocks, which were built up to roofing level. Money meant for finishing them was returned to the Ministry of Education and those buildings have not been completed, and children are sitting exams under trees.

2.44

**THE MINISTER FOR WORKS AND TRANSPORT** (**Mr Abraham Byandala):** Thank you very much, Mr Speaker, and I thank the honourable member for bringing this issue to the attention of the House. The Government is aware of this and we are doing everything possible to ensure that the situation becomes better.

Mr Speaker, on the question of the unfinished classroom blocks, this is an issue where we are cautioning our technical people for not utilising funds appropriated by this Parliament, which are returned by law as you know. However, Government is determined to complete those classrooms that we have started.

**MR SSEGGONA:** Mr Speaker, I think this House is honestly being taken for granted. When the President appoints ministers, we approve them and he designates them as he wishes. I know for a fact that the hon. Byandala is not the Minister for Education and I do not know whether that assignment was communicated to your office. By the minister standing here, I do not know whether he is acting Prime Minister as somebody is echoing.

With great humility to my brother, he is saying that Government is aware of this problem and that they are taking steps, but he is not telling Parliament which steps he is talking about. Are we proceeding well? The money was returned as he said; are they returning the money to Kasambya? What exactly are they doing?

By failing to disclose to us first the capacity in which he speaks and secondly, the steps the Government is undertaking, is he procedurally correct?

**THE DEPUTY SPEAKER:** On the first issue, he is a minister of Government. I have not been able to receive any brief but he stood to respond to those issues, so ordinarily it would be a response from the Government.

However, the issue remains unanswered; please, can somebody deal with this issue comprehensively? Money was returned four years ago, the buildings are incomplete, what steps are being taken to complete these buildings?

2.47

**THE MINISTER OF STATE FOR EDUCATION AND SPORTS (PRIMARY EDUCATION) (Mr Kamanda Bataringaya):** Thank you, Mr Speaker. On the issue of Kasambya Primary School, which my colleague has raised, saying that the structures are not completed and pupils have been able to sit for exams *– (Interjection)* – Is it a secondary school? *–(Interjections)–* Okay; the information I was given by my colleague was about a primary school but this one happens to be a secondary school.

**MS GRACE NAMARA:** I would like to give information to my colleague. This is a secondary school called Kasambya Secondary School. The contract was terminated in 2011. Since then, Government has not responded. Really, you know this was a central government project where local government has no authority; they are just spectators and they cannot do anything. So since then, what have you been doing as Government?

**MS KABAKUMBA:** Thank you very much, Mr Speaker. The situation in Kasambya Secondary School is also the same situation in Bwijanga Secondary School. There was a project by the World Bank and they had a funny contractor whose contract they terminated before they could appoint another contractor and money was returned as required.

I was in the Ministry of Education and the minister said that all this money was under World Bank and World Bank demanded that the money should be returned. To my understanding, this was a loan; are we going to continue paying as Uganda for this money that was returned?

I was told that Government asked the Ministry of Education to budget for this lab, which is not complete. The Ministry of Education says that they do not have enough money to take over all these projects, which amount to US$ 2 million. So, when the minister says that he is aware and they are doing something, that problem is actually accumulating. That is the information I wanted to give to the minister.

**MR KAMANDA:** Thank you very much for giving that information, and I would like to thank hon. Namara for raising that issue.

These are schools which were under the World Bank programme called Adaptable Programme Lending (APL). We have about 800 secondary schools which were being constructed or renovated under this programme. We have so far completed 600.

Some were caught up in this mess because procurement was school based. The money was sent to schools and there were committees for contracts and procurement and they would procure the contractor. These schools are the ones that did not do very well in procuring contractors; they procured some contractors who were not capable *–(Interruption)*

**DR LULUME BAYIGGA:** Rt Hon. Speaker, I thank the minister for giving way. Whereas structurally, the schools had procurement committees, the contractors came from above, at least in my constituency. They were forced onto the schools and they simply had to adopt them. Parliament should interest itself in this because the minister may not be aware that the schools contract committees did not procure these contractors at all.

**MS ANN MARIA NANKABIRWA:** Thank you. I want to inform you that in Kyankwanzi District, we had the same scenario in a school called Lubiri Primary School. It is not complete up to this day. What happened?

We are still wondering where the Ministry of Education got the procedure to bypass the districts. The Ministry of Education designed a system where they were sending the money directly to school accounts but supervision was supposed to be done by the district engineer. A district has got a mandate under decentralisation as a local government to monitor and supervise projects under its jurisdiction. By designing the project like the ministry did, it caused the inefficiencies that we are trying to point out.

The district contracts committee had no capacity; the district was at crossroads about how to monitor a project which is being awarded from the Ministry of Education. At most times the district was always requested to explain where there was shoddy work, yet the supervision was being done directly by the Ministry of Education. We are wondering why you bypassed local governments yet they have streamlined systems.

**THE DEPUTY SPEAKER:** Honourable members, this is not going to help us conclude this matter. Hon. Minister, you are hearing from the members whose areas are affected by this particular project and the way it ended and some schools have been affected. From the discussions you have heard, there are issues. Would you like to come back with a statement on this issue or should we refer this to our committee?

**MR KAMANDA:** Thank you very much, Rt Hon. Speaker, for your guidance. We shall come with the information in respect to those schools which were not completed.

However, hon. Anna Maria Nankabirwa is referring to a school - We have different programmes; the World Bank project agreement stipulated that procurement was going to be on school basis. Whereas *-(Interjection)*

**MR SSEGGONA:** Mr Speaker, in my understanding, very humble as it may be, you assisted the minister. I was just about to ask him to produce and lay on the Table those procurement procedures and processes they went through. Now the Speaker advises you and asked you a very specific question. Would it not be procedurally correct that you concede, agree to bring a comprehensive statement well researched, other than seeing our Cabinet exchange verbal artillery in front of us.

Is it not procedurally correct, Mr Speaker, that the minister adheres to your advice, which comes as a directive by the way, and produces a comprehensive document or statement for us to debate or take the second option you asked him of referring the matter to a committee? It is as simple as that.

**MR BATARINGAYA**: Mr Speaker and colleagues, we shall come as directed by the Speaker *-(Interjection)-* You can give us two weeks.

**THE DEPUTY SPEAKER:** Can you come back on Thursday next week?

**MR BATARINGAYA:** Okay, we shall be ready with the information.

**THE DEPUTY SPEAKER:** On Thursday next week, we expect a statement on this World Bank project on schools and some of the schools whose buildings have not been completed and all the issues about the contract. You need to come and brief the House on all those things so that we can debate this matter fully.

**MR NANDALA-MAFABI:** Thank you very much, Mr Speaker, for this opportunity. I recall one time you directed the Minister of Foreign Affairs to bring a report about the missions and you had given him two weeks then and he asked for one month; now it has become six months.

The reason I bring this up is because they know that Members of Parliament tend to forget and by Thursday we may have forgotten. What sanctions can we impose on this Minister of Education if he fails to bring the report on Thursday; what shall we do with him?

**THE DEPUTY SPEAKER:** The Clerk is directed to extract the directive and communicate directly to the Minister that a statement is expected on this matter on the date agreed - Thursday next week. Please, do that.

2.59

**MR WILLIAM KWEMARA (NRM, Kyaka County, Kyegegwa):** Thank you, Mr Speaker. I equally rise on a matter of national importance.

Last weekend, I was in Fort Portal following up a patient who has congestive heart failure in Fort Portal Referral Hospital. The scenario I found there was quite appalling. This referral hospital has got 18 doctors, 12 of whom are on internship. These interns have been on strike for the last one or one and a half weeks simply because they have not been paid from the month of August. I tried to reach the hospital administrator in vain. I tried my colleague, hon. Alex Ruhunda, I could not get him on phone and it took me about six hours to get a doctor to the ward.

When I went to the ward, it was so pathetic, to the extent that for the six hours I was there, three patients passed on. One passed on at 3 O’clock and the body was not even removed from the main male ward up to 10.00 p.m. at night. Before I could leave at 10 O’clock, two other people had passed on.

Just imagine, if the interns were on strike in Fort Portal Referral Hospital and that could happen in the main male ward, what happened in the children’s ward, the women’s ward and in the maternity ward? I look at it as an act of gross negligence on the part of Government for having failed to pay these interns, knowing that they are the ones who are supporting these hospitals in terms of manpower - they constitute 60 per cent of the manpower of Fort Portal Referral Hospital.

I have just been told by my colleague, hon. Alex Ruhunda, that the problem has been handled. However, even if it is handled now, it was too late because we already lost lives. Can we get an explanation from the Minister of Health and the Minister of Finance as to why these interns were not paid in time and as to why that act of negligence caused so many losses of life?

**THE DEPUTY SPEAKER:** Can we have response from Government on this?

3.02

**THE MINISTER OF WORKS AND TRANSPORT (Mr Abraham Byandala):** Mr Speaker and dear colleagues, what happened in Fort Portal Referral Hospital is regrettable. It is good you have heard that Government has already rectified many of the things we were supposed to do. I promise in two weeks we shall bring a comprehensive report so that Members are fully informed of what happened and what we have done. I thank you.

**THE DEPUTY SPEAKER:** Clerk, please extract that minute and notify the Minister of Health that we expect a statement on this issue in two weeks.

**MR BIGIRWA:** Thank you very much, Mr Speaker. If you asked many of the colleagues seated here, including myself from Hoima District, about the status of referral hospitals almost all over the country, you will find it necessary that in addition to what the honourable colleague has raised, similar statements are going to be required.

I wanted to reach your office - unfortunately, I came in late - to raise the same issue of national importance regarding Hoima Referral Hospital. We have quite similar challenges and issues. Wouldn’t it therefore be procedurally right for the honourable minister, now that he is committing himself to come and report on the issues of Fort Portal Referral Hospital, to instead make a comprehensive statement relating to the status of all other referral hospitals in Hoima, Arua and so on? This is because they are all in the same situation.

**THE DEPUTY SPEAKER:** Honourable minister, will you still be able to do it in two weeks?

**MR BYANDALA:** Mr Speaker, as I said, in two weeks I will bring a report on Fort Portal Referral Hospital and all the other referral hospitals in Uganda.

**THE DEPUTY SPEAKER:** In two weeks we expect a statement.

3.04

|  |
| --- |
|  |

**MR ANTHONY OKELLO (NRM, Kioga County, Amolatar):** Thank you, Mr Speaker, for the opportunity to submit on a matter of national importance.

For over two years now, a strange water weed has been dispersed into Lake Kyoga and it has exceeded and extended its range and invaded new areas that were previously free of it. The strange water weed has infested so many areas and has reached alarming levels as I speak, forming a very dense canopy on the surface of the lake. There are no control measures so far, in spite of the fact that this is not the first time that Government is being put on notice in as far as this menace is concerned.

The excessive growth of this plant is now causing detrimental effects to the water body and to the inhabitants of the water, to the extent that it interferes with a balanced fish population; it has led to fish deaths because of the removal of oxygen from the water. It also prohibits recreational activities such as fishing, boating and swimming. In the end, it produces water that is ideal for mosquito breeding and some plants give off a bad odour.

The people of Kioga and I, and the communities surrounding Lake Kyoga, would appreciate if Government could undertake steps to control the spread of this strange water weed in Lake Kyoga, which is commonly referred to as Nankabirwa. This is due to the work that the Minister of State for Fisheries has done in the fishing subsector. She should give regular updates on this subject matter.

3.09

**THE MINISTER OF STATE FOR FISHERIES (Ms Ruth Nankabirwa):** Thank you very much, Mr Speaker, and I want to thank hon. Anthony Okello for raising this important concern.

Technical people were sent to the ground after my visit to Lake Kyoga. They collected samples and they were brought to the lab. They are doing a scientific study on how the weed behaves and where it is coming from. After that, the technical people will devise means of curbing the weed.

However, it is true the weed is there, but that the technical people are doing their work. I will inform you when investigations are done on a way forward. This will be done together with the ministry in charge of environment.

LAYING OF PAPERS

3.09

**MS ROSE AKOL (NRM, Woman Representative, Bukedea):** Thank you, Rt Hon. Speaker. I beg to lay on the Table the financial statements for the year ended 30 June 2012 together with the report and opinion by the Auditor-General for the following ministries, departments and organisations:

i) Uganda Seeds Company Ltd;

ii) Lake Victoria Environmental Management Project II;

iii) Uganda Embassy Rome;

iv) Uganda Embassy, London;

v) Uganda Consulate, Guangzhou;

vi) Uganda Embassy, Kinshasa;

vii) Amber House Ltd;

viii) Mbarara Regional Referral Hospital;

ix) Peace Building through Justice;

x) Power Sector Development Operation Project;

xi) Ministry of Energy and Mineral Development, the Energy Fund;

xii) Uganda Embassy, Cairo;

xiii) Uganda Embassy, Copenhagen;

xiv) The European Investment Bank/Republic of Uganda Apex Private Enterprise Loan Scheme;

xv) Uganda Health Systems Strengthening Project (UHSSP), IDA credit No.4742-UG;

xvi) The Avian and Human Influenza Preparedness and Response Project;

xvii) East African Public Health Laboratory Networking Project, IDA credit agreement No. 4733-UG;

xviii) Ministry of Public Service;

xix) Nyabyeya Forestry College;

xx) Nile Hotel International Ltd;

xxi) Peace Recovery and Development Plan for the years 2009/10 and 2011/12;

xxii) Soroti Regional Referral Hospital;

xxiii) Arua Referral Hospital;

xxiv) Programme Management Support (PMS) under the Joint Water and Sanitation Sector Programme Support;

xxv) Nakivubo War Memorial Stadium Trust;

xxvi) Makerere University - Strengthening Agricultural and Rural Innovation Systems in Eastern, Central and Southern Africa: a regional PHD programme;

xxvii) Ministry of Energy and Mineral Development - Strengthening the Management of Oil and Gas Sector in Uganda Programme (SMOGP);

xxviii) Energy for Rural Transformation Project II - Rural Electrification Agency, IDA credit No. 4554-UG and GEF Trust Fund Grant Agreement No. TF 094484;

xxix) Butabika Mental Referral Hospital;

xxx) The Microfinance Support Centre Limited and Rural Income and Employment Enhancement Project;

xxxi) Rural Transformation Project, NORAD II;

xxxii) SIDA Support to Competitiveness Investment Climate Strategy Project;

xxxiii) Mbale Local Enterprise Development Project;

xxxiv) Moroto Regional Referral Hospital;

xxxv) Kabale Regional Referral Hospital;

xxxvi) Mulago Hospital;

xxxvii) The Local Government Management and Service Delivery (LGMSD) Programme;

xxxviii) Ministry of Internal Affairs;

I beg to lay, Mr Speaker. Thank you.

**THE DEPUTY SPEAKER:** Let the records capture all those reports and opinion of the Auditor-General in respect of those sectors. They stand referred to the appropriate accountability committees. The Clerk is instructed to forward them to the respective committees of Commissions, Statutory Authorities and State Enterprises, Public Accounts, and any other accountability committee that is for the sector. Thank You.

BILLS

COMMITTEE STAGE

THE NARCOTIC DRUGS AND PSYCHOTROPIC

SUBSTANCES (CONTROL) BILL, 2007

Clause 1

**THE DEPUTY CHAIRPERSON:** I put the question that clause 1 stand part of the Bill.

*(Question put and agreed to.)*

*Clause 1, agreed to.*

Clause 2

**MR SSEGGONA:** Thank you, Chairperson. I first want to make a personal disclosure. I represent a constituency, a large part of which produces but does not consume, as hon. Rukutana wants to put it, something called khat.

A couple of minutes ago, I persuaded my colleague, the Minister of State for Internal Affairs, the sponsor of the Bill, to dialogue with me. Whereas in principle I will substantively support the Bill and the report, I sort dialogue to postpone the debate on clause 2, clause 4 and clause 93 as well as the second schedule to give us an opportunity to persuade Government.

This is not to say that they abandon the provisions of this Bill, but a substantial number of Ugandans produce this crop and earn a living *-(Interjection) -* I would beg, Mr Chairperson, that my colleagues lend me their ears. The intention is that, we have started a campaign in these areas for coffee production as an alternative. What we are looking at now is to suspend the enforcement of the ban of this particular crop for a given period as coffee grows. We are looking at the net effect. For the record, none of us consumes this crop - *(Interruption)*

**MS KWAGALA:** Thank you, Mr Chairman. Last week, we discussed in detail and debated the merits and demerits of the motion on this Bill. All Members who were here participated; in fact, some spoke more than three times and supported that motion, which was adopted and that is why we are at committee stage.

Would it be procedurally correct for an honourable member to debate in anticipation because people are going to grow coffee? Does he mean that in the meantime we wait and leave these other drugs? Is it procedurally right, Mr Chairman? Thank you.

**MR RUHINDI:** Mr Chairman, I appreciate when a colleague makes a substantive request of this nature. However, one would want to know the import of his request. He says his constituents produce but do not consume; I would be interested to know why they do not consume and which market they produce for.

**THE DEPUTY CHAIRPERSON:** Honourable members, a procedural point has been raised by the Member for Iganga District. What I wanted to do is to confirm from the minister if this is true, because if it is true that they have had this discussion, then we would need to know whether it is true or not.

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr James Baba):** Mr Chairman and honourable members, it is true; while I was seated here in the House, hon. Sseggona wrote a note requesting to consult me over this issue.

Actually, I want to apologise to the House. When this Bill was read for the second time, I was upcountry on a scheduled activity and I was not able to make it here. They contacted me to rush back here to come and defend this Bill, and have it passed the way the committee has recommended. So, despite the request I got from hon. Sseggona and hon. Muwanga Kivumbi, I said I do not have instructions to do otherwise.

Secondly, I also told them that, as sponsors of this Bill, our view is that we know khat growing is very lucrative, but the House should also know the damaging effect it has to society. So, our view is that although the law will be passed and implemented immediately, our approach, maybe with the Police, would be to first go and sensitise the people and give them time to move away. That is what we plan to do. However, my instruction is that this law has to be passed. Thank you.

**THE DEPUTY CHAIRPERSON:** So, there is no agreed position on deferment of those. However, on the basic technical ground, we will be deferring clause 2 because of its interpretation, as we might have other issues to define later. So, we shall deal with the interpretation clause later. Procedurally, that will be in order.

Clause 3

**MS NAMUGWANYA:** Mr Chairperson, we propose to amend clause 3(2)(a) by deleting the words, “A Ugandan ship or Ugandan aircraft” and inserting just after the word, “board” on line one, the phrase “a Ugandan ship, aircraft or conveyance”. So, the amended clause would read, “Inside or outside Uganda, on board a Ugandan ship, aircraft or conveyance”.

The justification is: to include any other form of conveyance other than a ship or aircraft as long as it is a Ugandan conveyance.

Mr Chairman, we propose to amend clause 3(2)(b)(iii) by redrafting it to read as follows: “any other person relating to the supply or possible supply by that person of any narcotic drug or psychotropic substances to Uganda”.

The justification is that there is need to qualify the geographical boundaries of application of this law instead of leaving its jurisdiction too wide as if giving this Act extraterritorial jurisdiction.

**THE DEPUTY CHAIRPERSON:** Honourable members, the amendments of the committee are clear. I put the question to those amendments.

*(Question put and agreed to.)*

*Clause 3, as amended, agreed to.*

Clause 4

**MS NAMUGWANYA:** We propose to amend clause 4(2)(a) by substituting the word “two” on line 4 with the word “ten”, and the word “ten” on line 5 with the phrase, “twenty-five”.

We propose that clause 4(2)(b) be amended by substituting the word “three” in line 5 with the word “five” and the word “five” in line 6 with the word “fifteen”.

The justification is: to provide for more deterrent penalties, thus making the offence more risky to any intending offenders.

We also propose to add a new sub-clause (4) to read as follows:

“Any person who has in his or her possession a parcel, package, container or any other thing containing an illicit narcotic drug or psychotropic substance, handles the parcel, package, container or other thing, except where the person does so in the course of his or her official duties, commits an offence and is liable on conviction to a fine not less than twenty-four currency points but not exceeding one hundred and twenty currency points or imprisonment not less than one year but not exceeding five years, or to both such fine and imprisonment”.

The justification is: to cater for clause 6(2). Subsequently, 6(2) is deleted from where it is.

**THE DEPUTY CHAIRPERSON:** Honourable members, that is the proposed amendment by the committee. I put the question to the amendment.

(*Question put and agreed to.)*

*Clause 4, as amended, agreed to.*

Clause 5

**MS NAMUGWANYA:** Mr Chairman, clause 5 - penalty for trafficking in narcotic drugs and psychotropic substances. We propose an amendment in the opening part of the section by deleting the phrase, “Represented or held out by him or her to be a narcotic drug or psychotropic substance” appearing on line 2 and redrafting it to read as follows:

“Any person who traffics in a narcotic drug or psychotropic substance commits an offence and is liable-”. We are leaving the rest as it is. Justification: to render the offence a strict liability or fine for traffickers.

**THE DEPUTY CHAIRPERSON:** Is that clear, honourable members? I put the question to that amendment.

*(Question put and agreed to.)*

**MS NAMUGWANYA:** Mr Chairperson, I still wanted to add an amendment to delete paragraph (b).

**THE DEPUTY CHAIRPERSON:** It is okay *- (Laughter)* - What have we handled? We have handled a particular amendment.

**MS NAMUGWANYA:** We have handled an amendment to clause 5 –

**THE DEPUTY CHAIRPERSON:** We have adopted that amendment; if there is another amendment, proceed.

**MS NAMUGWANYA:** Mr Chairperson, we propose to delete paragraph (b). The justification is that it is catered for by other laws on false pretences.

**THE DEPUTY CHAIRPERSON**: The amendment is to delete what appears in paragraph (b) of clause 5. I put the question to the deletion.

*(Question put and agreed to.)*

*Clause 5, as amended, agreed to.*

**THE DEPUTY CHAIRPERESON:** Honourable members, I cannot hear you participating in this. *(Laughter)*  I need to hear you.

Clause 6

**MS NAMUGWANYA:** Mr Chairperson, we propose to delete clause 6(1)(b) and renumber the remaining paragraph accordingly.

The justification is that there is no such known house, room or place that court may take judicial notice of as being one resorted to normally for purposes of smoking, inhaling, sniffing or chewing of narcotic drugs.

We also propose to amend the current clause 6(1)(d) by inserting the word “Illicit”between “for” and “use” on line one, and deleting the phrase “for smoking” appearing at the end of paragraph (d). The justification is: to cater for only illicit narcotic drugs and psychotropic substances, and for clarity.

We would also like to introduce a new paragraph (d) to criminalise acts of recruiting other persons as consumers of narcotic drugs as follows:

“(d) Recruits or promotes the use of smoking, inhaling, sniffing or in any other manner promotes the use of opium, cannabis, khat, heroin, cocaine or any other narcotic drug or psychotropic substance.”

The justification is: to penalise persons who promote or engage in recruiting other person into the use of illicit narcotic drugs or psychotropic substances.

**THE DEPUTY CHAIRPERSON:** Honourable members, we have heard those series of amendments. I put the question to the amendments –

**MR SSEGGONA:** Mr Chairperson, first of all I think I could have been misunderstood. I did not say in any fashion that we have agreed to remove this thing called khat for now. I only said my colleague and I had agreed in principle that we can talk. If that spirit can be pursued, I would suggest for now in this particular clause that we leave out khat from the list. I know at the end of the day, we shall agree. It is about agreement.

What the minister said he wants to do is what I proposed, although in a different language. Mine was to say that if we are going to suspend the enforcement - you have agreed to suspend enforcement - then we would give the minister the power to amend the schedule. So since they are going to suspend the enforcement, we can as well leave it out. When the minister finds out that it is time to enforce its operation, then he amends the schedule and includes khat as a banned substance.

It is equally inconceivable that the minister can tell you, pass this law but we have agreed we shall not implement it until such a point *–(Interjections)-* I thought the decorum of this House is that we listen and react. Mr Chairman, the minister said on the Floor and in a meeting he had with me outside, that they have agreed that the approach is going to be, “we do not enforce immediately; we shall suspend enforcement until we have done the sensitisation.”

I said, that will even be illegal because you have an Act of Parliament, you have passed it but you are saying, “Administratively, we shall not enforce it”. So, instead of doing that, there is a way of doing it legally and that is, you leave it out of the schedule. At an appropriate time, when you are ready to enforce it, you amend the schedule. We are together in this and I am raising this in good faith. There is nothing that can empower Government not to enforce a law that Parliament has passed. I plead with you, my brothers and sisters.

**THE DEUTY CHAIRPERSON:** Honourable members, we have passed a commencement day – “The Act shall come into force on a date that the minister by statuary instrument appoints”. So, it will not come into force immediately; he will have to wait for the statutory instrument to commence it. So, by passing it, gazetting it and assenting to it, it does not become operationally law until it is commenced by the minister by statutory instrument.

If you want to condition that commencement that you need to be part of, that is another matter; but as it is now, legally if this law is passed, it is not yet law until that instrument is issued by the minister *– (Interjections)-* Yes it is true; we need to see a commencement date.

**MR MUWANGA KIVUMBI:** Mr Chairman, I was privy to the discussions we had with the minister. He has told us that as a ministry, they have agreed that even when what you are saying happens, they will not go full force to implement the banning of khat *–(Interjections)-* You have not been there, so you better listen.

Even when what you are saying happens, and it can happen any time, they will not go out of their way to implement the issue concerning khat. They will take time to sensitise and do the needful. Much as other provisions of the law on drugs are so urgent and necessary and should have been implemented yesterday, for the one on khat, they will go slowly.

That is their view. We had suggested that we stand over those other provisions so that he harmonises his position and we agree on how to make a law that will work. I thank you.

**MR BABA:** Mr Chairman, my initial statement was that my instructions were to come here and defend this Bill on the basis of the report of the committee. However, being the person that I am, I explained to them our understanding of how we propose to go on with this. It is up to this House now to decide on how we move, but my instruction was to go ahead with this Bill and defend it to the hilt. I was called from the village to come and do exactly this; so, that is my position.

**MR SSEGGONA:** Mr Chairman, that is what he told us and I thank him for who he is. We are only making these suggestions.

The background to all those drugs is different and their dangers are also different. It is against that background that some of them are not even produced in Uganda. For those ones that are not produced here and have no value to us, and are more dangerous than others, we are ready to go even on day one.

However, there are those ones where the minister took into account the circumstancesof Ugandans and said that they could delay implementation and we have government programmes that provide for alternative cash crops. So, we were suggesting that for those specific ones, even if the minister wants to sign the commencement instrument immediately upon gazetting, he would be ready. For those were he has said that he can close his eyes and delay implementation, let us get them out for now. The minister can sign a commencement instrument immediately for the rest, and when the Government is ready and has done the preparatory groundwork, the minister just issues a statutory instrument, because you are not going to implement the law in segments.

**MS ABABIKU:** Thank you, Mr Chairman. I seek your indulgence for guidance on this matter. We debated this issue exhaustively and when we said *miraa* is to be part of this Bill, we comprehensively understood the merits and the demerits.

We looked at the side of the consumers and when we started this debate, it was mentioned that those who are producing are clearly not the consumers; so who suffers most? Mr Chair, we came to a conclusion based on the adverse effect caused by *miraa.*

At this stage where we are, which one takes precedence - is it this House or the debate between the honourable minister and our colleagues? I need that procedural guidance on whether we should listen to this debate between the minister and our colleagues *– (Interjection)-* the growers, let me say, when the majority of the members in this House want to proceed based on what is there. Thank you

**MR SSEGGONA:** Mr Chairman, my understanding is that as a member of this House, I have the liberty to debate and even to relay the information from the meeting between me and the minister. That would not qualify me to be a grower of *miraa.*  By the honourable member – by the way, I have had great respect for the lady - referring to me as a grower of *miraa,* is she in order? *(Laughter)* If it comes to attacking, we all know how to attack, but is she in order, really? I feel insulted.

**THE DEPUTY CHAIRPERSON:** Honourable Member for Adjumani, a reference to any member of this House as a grower is an offensive reference. Please, when you are making your submission, do not listen to suggestions from other members because it can cause you problems. Please, withdraw those remarks.

**MS ABABIKU:** Thank you, Mr Chairperson. I meant the person who talked on behalf of the growers. I know that my colleague is an honourable member of this House therefore I meant the growers but not him. Thank you.

**MR MUWANGA KIVUMBI:** Is the honourable member in order to bias this House and to defy the Chair, who instructed her to withdraw? She is making further references to other members as growers; is she in order?

**THE DEPUTY CHAIRPERSON:** Honourable member, there is no grower who has spoken in this House and who is sitting in this House, much as they have representatives in the House. *(Applause)* Please, withdraw.

**MS ABABIKU:** Most obliged. Thank you, Mr Chairperson.

**THE DEPUTY CHAIRPERSON:** Honourable members, let us have some order. I need to give this guidance. The issue is, is it tenable at this stage to raise any matter about a debate that had been concluded at the Bill’s second reading?

At second reading, you dealt with what we call the principles of the Bill; you did not do away with the details of what we are now discussing. At this stage, we are now discussing the actual provisions of the Bill; so if there is a particular matter that remains outstanding from any Member, this would be the proper time to raise it and it is dealt with. So, we are still proceeding correctly.

Now, the Member has proposed that khat be deleted from this particular provision. That is what he has proposed, and he has made a submission to it. He also had some consultation with the Minister about that, and he has outlined the justification. That is the issue that is before the House now. So we are proceeding correctly and we need to get to the conclusion.

**DR LULUME BAYIGGA:** Mr Chairman, you guided this House very well on how the law can be implemented, and that is in line with what the Minister said. Actually, even after enacting it as a law, the implementation can take courses, such as sensitisation; that is implementing the law. You may sensitise people to prepare them for the law *–(Interjections)-* this is my- I beg to be protected -

**THE DEPUTY CHAIRPERSON:** Proceed

**DR LULUME BAYIGGA:** The chairman will give you some time to speak. What I think is that this Bill has been on for some time, and of course, Members who are affected, who represent areas where *mairungi* is being produced, should have reoriented their farmers quite early. I also represent such an area and I am very glad to report that I am willing to proceed this way and sensitise the population as the law is going to be implemented; what is wrong with that?

We have been looking at the dangers of this substance that has been used, creating this harmful effect to the population; we cannot delay. Thank you very much.

**MR ALEPER:** Thank you, Mr Chairman. I was tempted to, and I am still tempted, to believe in and support the position of my brother, hon. Sseggona. I am also happy to appreciate the position that you have given, Mr Chairman. You have guided very well that at this particular moment, we are still on the right course.

Mr Chairman, when we bandwagon items under the law, sometimes we need to be careful, because we have made a number of laws which are difficult to enforce. Here, hon. Sseggona has suggested that first of all, we delete khat from the list of what are referred to as dangerous drugs, and I appreciate his position, but I would like to seek for clarification.

I am in an awkward position. The Minister testified clearly that he had a discussion with hon. Sseggona, whether in the corridors of Parliament or somewhere else, but there was a discussion. Now, the Minister appreciates that discussion, but he also tells us that this particular provision will not be enforced - that is why I am actually in that awkward position - until such a time when we have created awareness and sensitised the public.

I fail to understand the position of the Minister now, that he was only told to go and defend the position of the committee. That means in his mind, he does not hold the position that he was told to go and defend. He was only instructed to go and defend it to its conclusion.

The Minister is also now caught up in two scenarios; one the one hand he is positive about the position of hon. Sseggona, which I also support, but at the same time, he is also caught up by the fact that he was just asked to come and defend. So, where are we?

Mr Chairman, you have guided very well that we are still on the right track, even in seeking to isolate items that we think are not appropriate now, given the circumstances of this drug. I would therefore support the position of hon. Sseggona that we delete khatuntil such a time when we think that it is very practical to discuss and bring elements out that are not the same compared to opium and other drugs. I thank you, Mr Chairman.

**MS SENINDE:** Thank you very much, Mr Chairman. I do appreciate the concern of the minster and if I got him right, it is like he agrees with the concern of my colleague and brother, hon. Sseggona. However, he has not made it categorically clear to us, and that is why I am seeking clarification.

He said that we shall not implement this now and he is now confusing me. If he says that we shall implement it at some time, isn’t this the right time? If we can put a provision in this Bill to provide for that time, for that specific drug we are talking about, khat.I want the minister to help us.

**DR LYOMOKI:** Thank you very much, Mr Chairman. I had not intended to raise some issues on this. However, you have already ruled on the issues that my colleagues are raising. The law in the commencement clause provides for a statutory instrument on when it will start, and this is when the Members would tell the Minister to wait. I think we are really wasting time for nothing.

Legally speaking, we pass the law here and then the administrative issues, as the honourable colleagues are saying, will come when that time comes for commencement. Everyone listening now is actually being taken for granted. You are only talking about the commencement date, not saying that something should be deleted. If you are talking about deletion, then move a motion and we debate on whether we want this to be removed or not and we shall handle that. But if you are talking about the commencement date, then the ruling of the Chair was right. Therefore, we should not waste time on this.

**THE DEPUTY CHAIRPERSON:** Honourable members, I wish the Attorney-General was here; there are about three ways of commencing a law. There is that law that commences on publication; there is that law that commences by instrument, like it has been suggested for this one; and then there are commencements of laws that are specific, for example different parts of the law can come into effect at different times.

That is why I was suggesting, at the risk of even trying to contribute now, that can’t this be handled at commencement level. So, you specifically request either that commencement should come back to this House or different parts of the law should be commenced at different times with due consultation. All those practices are there.

So, can we handle it at commencement instead of extracting operational provisions of the law, throwing them away when they are supposed to be there and we have no other opportunity of amending the law to bring them in? We can delay them deliberately at commencement.

**MR SSEGGONA:** Mr Chairman, I want to thank you for that guidance. That would actually be the correct position if in clause 2 we said that we specifically made provision for the minister to sign different instruments. However, what we have just passed is actually that the minister shall sign an instrument for the commencement of the entire law.

Mr Chairman, since the minister or Government is ready to delay implementation, then where is the urgency that my colleagues are talking about? The minister said that we shall go through these stages then there will be no urgency. However, I want to pick from where you guided us, maybe unless we are going to go back *–(Interruption)*

**MR JAMES BABA:** Let me clarify; you are misleading the House, honourable. You wanted to consult me on this issue of khat and I told you my instruction is that we have this Bill passed including the issue of khat. I then explained to you my understanding of how we propose to go and implement it, taking view of the fact that there are many parts of this country growing this dangerous material - (*Interjection*) - Yes, it is very dangerous to one’s health. It has caused rape, domestic violence, etc. It is very dangerous.

Since my understanding has been misconstrued, however, I have withdrawn that position; I will follow my instructions to the letter to have this Bill passed. Thank you.

**MR SSEMPIJJA:** Thank you very much, Mr Chairman. I just want to ask for clarification from the honourable minister because this miraa or khat, which the honourable member is talking about, is not known to many in this country as a drug, even regionally. In this region, some countries eat it as a vegetable.

I would like to seek clarification; does the honourable minister depend on scientific research, or is it that these people just appear bad before his face when they are chewing it or is it because they chew it in really funny places? I want to support hon. Sseggona that we leave it out for the time being.

**MR JAMES BABA:** Mr Chairman, khat has been described by WHO as a narcotic drug. Our own National Drug Authority has classified it as a narcotic drug. It contains these substances, cathinone and cathine, which have these psychotropic substances causing people to go crazy. So, we cannot say this not dangerous.

**MR SSEWUNGU:** Mr Chairman, it is becoming very difficult now because the minister is enforcing something that needs better clarification and understanding.

In this region, Buganda, there are a number of types of grass eaten by people namely, *omulondo, omujjajja* and there is also a certain type of grass which is put in coffee; among those, we also have this one known as khat *-(Interruption)-* I rose on a point of order. Is the honourable minister in order to continue enforcing this without giving the authority to the National Drug Authority to prove to this House what he is saying?

**THE DEPUTY CHAIRPERSON:** Honourable members, by the time these laws are proposed, these policies are exhaustively discussed and research is conducted before they are drafted into law of this nature. So, please, let us avoid going into those areas which are not helpful to the cause of the debate.

**MR SEMUJJU NGANDA:** Thank you very much, Mr Chairman. We debated this matter during the second reading of the Bill. There was a very aggressive debate for and against inclusion or removal of miraa from the list in the schedule and in the appropriate provisions. Those who were supporting it seem to have lost at that stage.

Hon. Sseggona now, as you guided appropriately, has moved that we again, during this stage, remove it from the relevant provision. Many of our colleagues are now taking us back to the debate that we finished, including asking whether there is scientific research. The committee quoted several authorities including professors from Makerere. Those of us who sympathise with those who are growing it had our own views and we seem to have lost.

Mr Chairman, wouldn’t it now be procedurally right for us to pronounce ourselves on the proposal by hon. Sseggona on whether it should be removed or it should be left in the relevant provisions and maybe come to the schedule, other than going back to the debate we had here for almost a whole day, with various colleagues making their input on the same matter? Even those who spoke at that time now have actually started it again.

**THE DEPUTY CHAIRPERSON:** Honourable members, I advised that the proper way of handling this thing is to handle it at the commencement level. You can put all kinds of conditions as you want on the commencement, but you cannot begin editing the provisions of the law as it is when it is encompassing all the things that they want to deal with.

You can delay the processes by segmenting the commencement. That is what I advised and that advice should be taken in earnest such that it can guide the process. Otherwise, we are going to be delayed here on something that is fairly clear and we end up not progressing. So, since we are still at committee stage, somebody should be working on this commencement issue, to see how these matters can be captured, so that when we come back to it, it can be handled.

**MR SSEGGONA:** Thank you, Mr Chairman, for your guidance. I want to thank my colleagues for the spirited support and even those who disagreed with me. I concede and I will take it up appropriately.

**THE DEPUTY CHAIRPERSON:** Thank you. Had we adopted the amendment from the committee and taken a vote on it? I now put the question to the amendment proposed by the committee.

 *(Question put and agreed to.)*

*Clause 6, as amended, agreed to.*

*Clause 7, agreed to.*

*Clause 8, agreed to.*

Clause 9

**MS NAMUGWANYA:** Mr Chairperson, we propose to amend clause 9 by inserting the phrases, “or an owner or caretaker of an animal” and “veterinary surgeon treating his or her animal”. So, the redrafted provision read as follows:

“Any person who, in the course of treatment for a physical, dental or mental disorder, or an owner or caretaker of an animal who is supplied with a narcotic drug or psychotropic substance, or with a prescription for a narcotic drug or psychotropic substance, by a medical practitioner or dentist treating him or her; or veterinary surgeon treating his or her animal, who without disclosing that fact, receives an additional narcotic drug or psychotropic substance, or a prescription for a narcotic drug or psychotropic substance, from another medical practitioner, dentist or veterinary surgeon, commits an offence and is liable on conviction, to a fine of not less than forty-eight currency points but not exceeding one hundred and twenty currency points in addition to imprisonment not less than two years but not exceeding five years.” The justification is: to penalise all persons including owners or caretakers of animals, who receive additional narcotic drugs, psychotropic substances or prescriptions without disclosure.

**THE DEPUTY CHAIRPERSON:** Honourable members, that is a redraft. It looks long but they are only taking out two words actually, but they have read the whole redrafted text. I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 9, as amended, agreed to.*

*Clause 10, agreed to.*

Clause 11

**MS NAMUGWANYA:** We propose to amend clause 11(2)(b) by increasing the prison sentence from two to five years and deleting the sentence, “but not exceeding five years”. This implies a corresponding revision of the number of currency points from “not exceeding two hundred and fifty currency points” to “not less than one hundred and twenty currency points”. The amended clause will thus read: “An owner…commits an offence and on conviction is liable to a fine not less than one hundred and twenty currency points…or imprisonment not less than five years or to both such fine and imprisonment; and in the case of a second or subsequent offence, to imprisonment for life.” The justification is: to align the prison term with the currency points.

**THE DEPUTY CHAIRPERSON:** Honourable members, that is the amendment proposed. I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 11, as amended, agreed to.*

Clause 12

**MS NAMUGWANYA:** Mr Chairman, we propose to amend clause 12(2) by deleting the phrase, “or any other person authorised by the Inspector General of Police for purposes of this section.” Justification: to restrict the exercise of the power of entry into land to only police officers.

We also propose to amend clause 12(3) by deleting the phrase, “or a person authorised under this section.” The justification is: to restrict the exercise of the power of entry into land to only police officers.

**THE DEPUTY CHAIRPERSON:** That is the amendment from the committee. I put the question to the amendment.

*(Question put and agreed to.)*

*Clause 12, as amended, agreed to.*

*Clause 13, agreed to.*

Clause 14

**MS NAMUGWANYA:** Amend clause 14 by adding a new sub clause (d) to read, “determine which line of drugs can be supplied and prescribed for medical, dental and veterinary purposes and prescriptions.” The justification is: to align this clause with section 13 of the National Drug Policy and Authority Act, 1993, which clearly spells out the National Drug Authority’s power to regulate narcotics for medical, dental or veterinary purposes as well as prescriptions.

**THE DEPUTY CHAIRPERSON:** Is that clear, Members? I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 14, as amended, agreed to.*

*Clause 15, agreed to.*

*Clause 16, agreed to.*

*Clause 17, agreed to.*

Clause 18

**MS NAMUGWANYA:** Mr Chairman, we propose to amend clause 18(1) by inserting the words, “or any other person authorised by the Inspector General of Police” immediately after “officer”. The amended clause will therefore read as follows: “A police officer or any other person authorised by the Inspector General of Police…” The justification is: to align it with the amended clause 12.

**THE DEPUTY CHAIRPERSON:** I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 18, as amended, agreed to.*

Clause 19

**MS NAMUGWANYA:** We propose to amend clause 19(b) by substituting the word “addict” on line one with the word “trafficker” so that the amended sub clause reads thus: “gives custody to a drug trafficker or any other person who is charged with an offence under this Act; or”. The justification is: for the protection of addicts as they require more of support.

Amend clause 19(c) by inserting the word, “abets” just after the word “aids” on line one. The justification is: to criminalise the act of abetting the contravention of an offence by police officers.

Substitute the phrase “a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both” with the phrase “life imprisonment”. The justification is: to make the penalty for the officers prohibitive, as committing these offences would be gross abuse of trust on the part of the police officer.

**MR JAMES BABA:** Mr Chairperson, I request that this provision remains as it is so that the officer committing this can get a fine as well as imprisonment but not putting him there for life. I beg to move.

**THE DEPUTY CHAIRPERSON:** What is your reason for that?

**MR JAMES BABA:** My reason for that is so that it is consistent with all the other provisions of those who commit these offences, which is throughout the Bill.

**THE DEPUTY CHAIRPERSON:** Honourable members, that is the position. The committee has proposed an amendment and the minister objects to that amendment. So, I will put the question to the amendment proposed by the committee.

**MR SSEGGONA:** Mr Chairperson, the minister is objecting to the report of the committee and his reason for that is that he wants it to be consistent with the other provisions. Is it not procedurally correct if he points out those provisions for us who are legislating so that we know those he wants us to harmonise with?

**MR JAMES BABA:** Mr Chairman, the penalty for vexatious entry under clause 18 is a fine as well as imprisonment. There is also clause 15 at the end: *“…commits an offence and on conviction is liable to a fine not less than forty eight currency points but not exceeding one hundred and twenty currency points or imprisonment not less than two years…”* So, there is some consistency, but the proposal from the committee is to subject this fellow to life imprisonment.

That is a police officer, and that is the proposal from the committee. The committee is recommending that a police officer who commits those offences under clause 19 will not suffer a fine or imprisonment for some period but he goes there for life - (*Interjection*) – Yes, I think so too; it is too severe.

**MR SSEGGONA:** Mr Chairperson, I do not know whether the minister has addressed his mind to the fact that we are talking about subsequent offences. That is subsequent offending. Secondly, we are talking about a law enforcement officer of Government.

**MS NAMUGWANYA:** Thank you very much, Mr Chairperson. We recommended this because the other penalties the honourable minister is referring to are for an ordinary man but this is a police officer who is charged with a duty and he or she is dealing in drug trafficking.

Any kind of drug business is a very profitable venture and given the fact that the people who will be dealing in this will be having a lot of money, there are high chances that they can corrupt the entrusted police officers. So, we think that giving a very prohibitive penalty may deter them from betraying the trust government and the public put in them.

**MR SSEGGONA:** Mr Chairperson, we are dealing with a person who handles a gun.

**MS NAMUGWANYA**: Honourable colleague, thank you very much for the information but it was not very clear. Mr Chairman, that is why we prescribe life imprisonment *– (Interruption)*

**MR SSEGGONA:** I meant, with your permission, that we are dealing with a person consuming the drug and also handling a dangerous weapon called a gun. This is justification to make the penalty more stringent.

**MS NAMUGWANYA:** Thank you very much, honourable colleague. I have understood it very well. So, it is double jeopardy if we do not really deter the police officers from getting engaged in this kind of big business by aiding, abetting and all other kinds of things they can do in the business.

**DR LULUME:** Mr Chairperson, I am persuaded by the chairperson of the committee. I beg my brother, the minister, to concede. Thank you very much.

**MS SENINDE:** Thank you very much, Mr Chairperson. I would like to strongly support the committee and I would like to add my voice to what Dr Lulume has said, that the minister should concede. These are police officers -

**MR BABA:** I concede, Mr Chairperson.

**THE DEPUTY CHAIRPERSON:** Honourable members, there being no objection to the proposed amendments by the committee except for –

**MR KABAJO:** Mr Chairperson, I think the minister was too quick to concede because *- (Interjections)-* Mr Chairperson, maybe you could advise; if the minister has conceded, does it mean that we cannot say anything more about the issue?

**THE DEPUTY CHAIRPERSON:** It is the minister’s Bill; he has agreed to it.

**MR KABAJO:** This is really severe - sentencing somebody to life imprisonment! I think you could -

**THE DEPUTY CHAIRPERSON:** Only if that person commits that offence.

**MR KABAJO:** What I propose, Mr Chairperson, is that maybe life imprisonment could be the maximum -

**THE DEPUTY CHAIRPERSON:** Honourable members, I put the question to the amendments proposed by the committee.

*(Question put and agreed to.)*

*Clause 19, as amended, agreed to.*

Clause 20

**MS MAMUGWANYA:** Mr Chairman, we propose to amend the headnote by incorporating the words, “psychotropic substances”; it will thus read: “Forfeiture of narcotic drugs and psychotropic substances.” The justification is: to take care of persons found in possession of psychotropic substances and to reflect the content of the preceding sub clauses by catering for both narcotic drugs and psychotropic substances.

**THE DEPUTY CHAIRPERSON:** Honourable members, there is an amendment proposed on the headnote of clause 20, which is clear. I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 20, as amended, agreed to.*

*Clause 21, agreed to.*

Clause 22

**MS NAMUGWANYA:** Mr Chairman, the interpretation clause should be shifted to the main interpretation clause of the Bill. This is to enhance coherence.

**THE DEPUTY CHAIRPERSON:** Honourable members, that is the amendment proposed by the committee in clause 22, which is clear. I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 22, as amended, agreed to.*

Clause 23

**Ms NAMUGWAYA:** In clause 23(1), the committee proposes that the word “believe” in the first line should be substituted with “suspect” and subsequently the word “believed” in the last sentence should be replaced with “suspected”. The amended clause will now read, “…reasonable ground to suspect that…of the property of the person who is suspected to have committed the offence.”

The justification is: the word “believe” may change the intention or meaning of the clause. If left with its current phraseology, the clause will mislead people into thinking there is a presumption of guilt.

We propose that clause 23(4) be amended by adding a new sub clause (c) onto (a) and (b) to include a situation where no appeal has been preferred; it will to read, “where no appeal has been determined and no appeal is preferred.” The justification is that the subsection appears to omit cases where no appeal has been preferred. It is imperative that it is rephrased to add cases where no appeal has been preferred at all.

**THE DEPUTY CHAIRPERSON:** Honourable members and honourable minister, between “suspect” and “believe”, which is the legal phraseology always? “Has reasonable ground to believe” - that is normal drafting language. “Reasonable ground to suspect” would be a new situation. The language of the law is like that.

**MS NAMUGWANYA:** Mr Chairperson, I concede.

**THE DEPUTY CHAIRPERSON:** Let us now deal with the other amendment. “Reasonable ground to believe” has been left as it is; let us now deal with the amendment in clause 23(4), where no appeal has been determined and no appeal is preferred. That is what is proposed by the committee as an amendment to clause 23(4), by adding a new sub clause (c).

**MR SSEGGONA:** Mr Chairman,I would like to seek clarification from both the minister and chairperson on what exactly they want in this clause. Where no appeal has been preferred is fundamentally and radically different from where no appeal has been determined. Now, the determination would seem as if even a person already convicted would remain with the semblance, if it exists, of innocence until the preferred appeal has been determined.

What exactly do they want? Is it where the appeal has not been determined but has been lodged or where the appeal has not been preferred? I seek their clarification.

**THE DEPUTY CHAIRPERSON:** It is not in alternative, hon. Sseggona.

**MR SSEGGGONA:** No, you see it cannot be in the alternative; it can be either. However, we want to know, first of all, why they even want to subject this to determination of preference of appeal.

**THE DEPUTY CHAIRPERSON:** Or would it have been the other way round?

**MS NAMUGWANYA:** Mr Chairperson, we wanted both circumstances to be addressed - where no appeal has been determined and where no appeal is preferred. According to the original draft, the determination was left out; it was just aboutthe appeal not preferred. So, we wanted both to be considered in here. I do not know whether I am clear *– (Interjection)-* I am not communicating?

Honourable colleagues, let me refer you to clause 23(4), if you will allow me to: *“In this section, ‘final decision’ in respect of a complaint or information, means-*

*(a)**where there is an appeal from a decision of a court, the decision on that appeal; or*

*(b) where there is more than one appeal from the decision of the court, the decision made on the last appeal.”*

We were guided by our legal officer that in legal terms, determination of an appeal is different from preference of an appeal and if we leave the Bill as it is, then we shall be taking the determination of an appeal and leaving out the preference. We thought both would be catered for in here. That was the intention.

**MR SSEGGONA:** My understanding, Mr Chairperson, is that where there is an appeal, then the determination would mean judgment. You could, in drafting, refer to determination of an appeal, if any, and then you would close it at that.

The only confusion that is created as she was reading is that you are talking about different appeals. An appeal is a creature of statute;how many rights of appeal does that statute or the Bill create? That would remove the confusion. It can only stem from the Bill itself. I do not know whether this time you have understood my point *–(Interjection)–* Not very clearly.

Mr Chairperson, what I mean is, this Bill creates a right of appeal and it is one appeal. If it talks about one appeal, you cannot talk about different appeals, and that is where there could be confusion because it has created the right of appeal to this or that court. So, you could say, “where the appeal, if any, has been determined” and you forget about preference. The moment you leave it at the level of preference of an appeal, then someone will lodge an appeal and leave it out there hanging, and therefore, up to that point, until the appeal is resolved, nothing will take place.

**THE DEPUTY CHAIRPERSON:** I think what they want to deal with is a situation - They are defining “final decision” and they are saying that “final decision” would also meanwhere no appeal has been preferred on a decision; that is where the combination of the two creates confusion. If they only want to deal with a situation where nobody has appealed, that would be a final decision; then why mix it up with where no appeal has been determined when the determination of appeal is dealt with in (b). So, the situation that you want to take care of is where nobody has appealed; that would be considered a final decision. Isn’t that correct?

**MR SSIMBWA:** Thank you, Mr Chairperson. What the committee is proposing is confusing; it will even confuse those who will implement the law. What the committee wanted to cure, as you said, is a situation where there is no appeal. So, I believe that we need to improve the proposal which they have given in their report and we only create for a situation where no appeal has been made.

**MR SSEGGONA:** Mr Chairperson and colleagues, I think the way forward would be to leave it to final decision. You go back to the definition section, define final decision and judgment of court and then you cater for the appeal process where the appeal has been defined. We leave this one up to final decision and then define “final decision” in the interpretation section.

**THE DEPUTY CHAIRPERSON:** We might as well do it here because when we go back there, it will be double work.

**MR SSIMBWA:** Mr Chairperson, I believe that we need to do it here. What the framers of the Bill wanted was to define “final decision” in relation to this particular section, so that wherever “final decision” is found, this definition cannot apply. When you read the Bill, “final decision” is interpreted just according to this particular section. Therefore, I propose that we define and interpret it here other than taking it back to the interpretation section.

**THE DEPUTY CHAIRPERSON:** In other words, the phrase “final decision” is not a phrase of general application to the entire law, but is only in relation to application for restraint order under clause 23.

**MR SSEGGONA:** In that case, Mr Chairperson, I suggest that we give the definition another sub clause – “final decision” for purposes of this shall mean a, b, c, d. When you conglomerate them, then they will create that confusion. You can define in the same section by giving it a subsection.

**THE DEPUTY CHAIRPERSON:** Yes, that is what it is; in sub clause (4) it says, *“In this section, ‘final decision’ in respect of a complaint or information, means…”* and then it comes to this –*(Power Interruption)*

**MR JAMES BABA:** Mr Chairperson and honourable members, in this final decision in respect of a complaint, we have the situation where there is an appeal, then where there is more than one appeal, and then the decision is made on the last appeal *- (Interruption) –* Mr Chairperson, let me go for “where no appeal is preferred” and then we leave out the rest. That is my proposal now. So, where there is an appeal, where there is more than one appeal and the decision is taken on the last appeal, and then where no appeal is preferred. I beg to move.

**THE DEPUTY CHAIRPERSON:** Ok, honourable members, I think that is clear. So, the new proposed sub clause (4)(c) would relate only to where no appeal is preferred so that the whole system is comprehensive. I put the question to that amendment - *(Power interruption) -* Can the Sergeant-at-Arms confirm whether we are being recorded now, so that we can proceed. We have got the clearance that we can proceed now. Honourable minister, can you restate what you sated earlier, for the record.

**MR JAMES BABA:** Mr Chairman, I wasproposing that the last part of the committee’s proposal on clause 23(4)(b) reads, “where no appeal is preferred” and we delete the rest. I think in that way, it will cater for the different categories for final decision.

**THE DEPUTY CHAIRPERSON:** Okay, that is the amendment which is proposed. I put the question to that amendment.

(*Question put and agreed to.)*

*Clause 23, as amended, agreed to.*

*Clause 24, agreed to.*

*Clause 25, agreed to.*

*Clause 26, agreed to.*

Clause 27

**MS NAMUGWANYA:** Clause 27(2)(b), restraint order – The committee proposes the deletion of “any current deposit or other account” in the fourth line and replace it with “any account”, since this amendment will cover any sum of money held in any bank no matter the categorisation of the account. The justification is: given the plethora of types of bank accounts, it is restrictive to attempt to list some types of bank accounts and exclude others.

**THE DEPUTY CHAIRPERSON:** Where is the amendment supposed to go?

**MS NAMUGWANYA:** Clause27(2)(b).

**THE DEPUTY CHAIRPERSON:** Honourable members, that is the amendment proposed. Is it clear? I put the question to the amendment.

*(Question put and agreed to.)*

*Clause 27, as amended, agreed to.*

*Clause 28, agreed to.*

Clause 29

**THE DEPUTY CHAIRPERSON:** I think that amendment in the report is supposed to come in clause 31 and not 29. Honourable members, I put the question that clause 29 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 29, agreed to.*

*Clause 30, agreed to.*

Clause 31

**MS NAMUGWANYA:** Mr Chairman, the committee proposes that clause 31 should be amended by adding the phrase “or at least one hundred and twenty currency points or both” to the end of the sentence. The amended clause would read, “Any person on whom a restraint order is served commits an offence and on conviction is liable to imprisonment for not less than five years or at least one hundred and twenty currency points or both.” The justification is: to bolster the punishment for offences in respect of restraint order by adding an option of a fine.

**THE DEPUTY CHAIRPERSON:** No, what you have read does not take care of - Are you now deleting? You are saying you are only adding both but what you have read does not constitute the full text of the amendment of the clause as it should be now. What the *Hansard* people are going to do is to extract what you have just read and that is what will constitute their text, but you have omitted part of the Bill where you have put dots.

**MS NAMUGWANYA:** Mr Chairperson, what we are adding is both.

**THE DEPUTY CHAIRPERSON:** So if you choose to reread the whole text, then you will have to reread the whole text plus the amendment. What you have read finally does not include, for example, *“…and who, while the order is in force, contravenes the restraint order…”* You have jumped to “…commits an offence”. You have omitted that and the *Hansard* people will not be able to get it.

**MS NAMUGWANYA:** Mr Chairperson, the amendment we are making here is giving an alternative to imprisonment and then considering both imprisonment and the alternative of a fine of currency points.

**MR JAMES BABA:** The new amendment would now read as follows: “Any person on whom a restraint order is served and who, while the order is in force, contravenes the restraint order, commits an offence and on conviction is liable to imprisonment for not less than five years or at least one hundred and twenty currency points or both.”

**THE DEPUTY CHAIRPERSON:** Okay, that is clear, but I do not know why the “at least” is there.

**MS NAMUGWANYA:** Mr Chairperson, what he has read is what we meant, but “at least” is misplaced here because the number of years of imprisonment always has an equivalent in currency points. So “at least” is redundant and I request that we leave it out.

**THE DEPUTY CHAIRPERSON:** So, it should read, “Any person on whom a restraint order is served and who, while the order is in force, contravenes the restraint order, commits an offence and on conviction is liable to imprisonment for not less than five years or one hundred and twenty currency points or both.” That is the amendment. I put the question to that amendment -

**MR OBOTH:** Thank you, Mr Chairperson. Would that mean the same? I would understand that the five years is the maximum. Would the “at least” maybe be establishing the minimum? Now, when you say “on conviction is liable to imprisonment for not less than five years or at least one hundred and twenty currency points” without “at least” - We could maybe replace it with “minimum”, if we intend to have one hundred and twenty currency points as either maximum or minimum.

Now, it would be difficult for the judicial officers. When they find you, they are going to convict you and they can either convict you to serve five years, because it is not less than five years, or they can convict you to pay one hundred and twenty currency points or both. However, I thought the spirit of this legislation is usually to make a minimum or a maximum.

**THE DEPUTY CHAIRPERSON:** So, why don’t you say, “…or not less than one hundred and twenty currency points or both”?

**MR OBOTH:** Mr Chairman, I oblige; that could be more instructive to -

**THE DEPUTY CHAIRPERSON:** Absolutely. Would that be appropriate, honourable members? The final text would be, “Any person on whom a restraint order is served, and who, while the order is in force, contravenes the restraint order, commits an offence and on conviction is liable to imprisonment for not less than five years or not less than one hundred and twenty currency points or both.” Is that okay? I now put the question to that amendment.

*(Question put and agreed to.)*

*Clause 31, as amended, agreed to.*

Clause 32

**MS NAMUGWANYA:** The committee proposes that clause 32 be amended by adding (1)(c) to 27 so that it reads, “Where the court directs the official receiver under section 27 (1)(c) to have the custody…” The justification is: to enhance specificity in reference to a previous clause or section.

**THE DEPUTY CHAIRPERSON:** What is the meaning of the dots; does that mean some things have been left out? In your amendment on page 21, “…to have custody…” and there are several dots. Is that a full stop?

If you remove the full stop on (b) then it means it is continuing to (c), and then that full stop should come after the custody. To leave those several dots - So, that sentence is complete in other words.

**MS NAMUGWANYA:** Mr Chairperson, I request that we proceed as we reconcile -

**THE DEPUTY CHAIRPERSON:** No, there is nothing to reconcile here. Is this the entire sentence you want to put here?

**MS NAMUGWANYA:** The sentence is incomplete.

**THE DEPUTY CHAIRPERRSON:** You see, the sentence is running from (1); so now there is (1)(a), (1)(b), (1)(c). So (1)(c) has to have a full stop at the end, which full stop was already at (b) but you are extending the full stop from (b) to (c).

So, “Where the court directs the official receiver under section 27 to have the custody and control of any property specified in the restraint order, the court may…” Actually, those words that you have there are the opening paragraph of 32(1); so, I do not know where the (c) is.

**MS NAMUGWANYA**: Mr Chairperson, this is misplaced. I concede and we withdraw the amendment.

**THE DEPUTY CHAIRPERSON**: Honourable members, when you look at what is supposed to be an amendment, it is just a restatement of the opening paragraph of 32(1); so, there is no amendment.

**MS NAMUGWANYA:** I concede that there is no amendment. This was misplaced.

**THE DEPUTY CHAIRPERSON:** So, I put the question that clause 32 stand part of the Bill.

*(Question put and agreed to.)*

*Clause 32, agreed to.*

*Clause 33, agreed to.*

Clause 34

**MS NAMUGWANYA:** Mr Chairman, we propose to amend clause 34 by adding the words, “restraint order” between the words, “application” and “until”. The justification is: to create an opportunity for an interim order.

**THE DEPUTY CHAIRPERSON:** Honourable members, that is clear. I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 34, as amended, agreed to.*

Clause 35

**MS NAMUGWANYA:** We propose to substitute the word, “sixty” on line 4 with the word, “ninety”. The justification is: to increase the period within which an administrator of the deceased’s estate may apply to court, considering the time taken to obtain letters of administration.

**THE DEPUTY CHAIRPERSON**: That is clear. I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 35, as amended, agreed to.*

*Clause 36, agreed to.*

Clause 37

**MS NAMUGWANYA:** We propose to amend clause 37(1) by deleting the phrase, “on the date of the commission of that offence” appearing in line 2. We propose to redraft the provision to read as follows: “Subject to this part, where any person commits a specified offence, all the proceeds derived by him or her from the proceeds of the trafficking in drugs and psychotropic substances, shall on the date of the conviction for the offence be forfeited to the State.”

The justification is: to make the sentence as prohibitive as possible while securing the right to property acquired before the commission of the offence.

**THE DEPUTY CHAIRPERSON:** Honourable members, are you clear on 37(1)?

**MR OBOTH:** Mr Chairperson, I am finding it difficult to appreciate the inclusion by the deletion of “on the date of the commission of that offence” appearing on line 2 and as it is. Looking at our investigative arm of government, the Police and our court system, my fear is about the kind of sieve that we shall have in our court system, to sieve out the proceeds derived from the trafficking and the earlier ones which were clean or not from the trafficking.

Are we not attempting to make implementing this provision even harder when we say we are sieving out which property was acquired from the trafficking? I do not think - maybe I am speculating - that we have the capacity to sieve out. What do we want to cure? If the punishment is to be prohibitive, can’t we find any other way to make it more prohibitive? Do we have the mandate to sieve through? This is where I would want to invite the honourable chairperson to help me understand how possible it might be.

We might go into other litigation. You might say you want to confiscate this and the person goes and invokes Article 26 of the Constitution - the right to property - and then you go to the nitty-gritty of proving when, how that person acquired that and then it will just delay justice. Whereas I know just delayed is justice denied but also justice hurried is buried. Can’t we *– (Mr Sseggona rose\_)-* Mr Chairman, my learned colleague wants to inform me and I am yielding.

**MR SSEGGONA:** I want to thank my colleague for giving way. Mr Chairperson, in addition, normally when people are drafting charge sheets, they say, “You, so and so, between such and such a period”, and of course such drafting is vague.

Now, the questions that somebody will have to grapple with are: one, when is an offence committed, so much so that you determine that the cut-off date is this? Two, the property in issue that you acquired as a result of this particular commission of offence is this, and therefore, that is what the state is forfeiting. Three, as we speak, some of these substances are being produced lawfully because there is no law stopping me as of now.

My colleague has just reminded us of the provisions of Article 26 of the Constitution. Even by passing a law that stops me or that makes the possession of my property illegal, there are legal issues. One, I would implore my colleagues to withdraw this forfeiture. You can forfeit the substance because the substance is illegal and the parameters of its illegality are defined, but with property acquired using proceeds, I think we may be treading very dangerously.

**MR OBOTH:** Thank you for the useful information. Mr Chairman, as I conclude, I was wondering whether the date of commission of the offence would not draw back to having – “…shall on the date of the conviction for the offence be forfeited to the State”.

Madam Chairperson of the committee and author of the report, help me understand what you are trying to do, without having a retrospective effect in the legislation, whereby somebody says, “I got this one 20 years ago” and there is proof; the land title is there and there is property and probably he got it from trafficking, but because we now have a law which regulates that, - you know he is a dealer – he can prove that he got these 20 years ago before the legislation, and now the law is saying, “from trafficking”. I just want to understand, Mr Chairperson.

**THE DEPUTY CHAIRPERSON:** Honourable members, I think the committee is trying to do one thing - to take away that fear of the ambiguity in what is there, because they say that any property will be taken. That is why they are bringing in the issue of proceeds from the trade as of that date when the offence is committed. That is why the issue of proceeds is coming up.

This person may have been growing this thing or dealing in this thing but has acquired property by other means; how do you distinguish the two? That is the problem that was in one, but which now the proposal from the committee tries to cure. However, by taking away the date of commission of the offence, it runs into another problem. So, if that could be cured, I think we should make progress.

**MS IBI:** Thank you very much, Mr Chairman. I am of the view that even corruption in this country is still escalating because of the laxity with which we hold State affairs. This year, the papers rang bells in our ears over 100 Ugandans who were being hanged in China. This honourable House, honestly, is this not big enough for us to worry, compared to forfeiting property that some of these barons are acquiring from these ills?

Honestly speaking, if it was hanging, I would protest, but if it is taking property and we own it and pay up what we have lost, what is wrong with that? I would request that possibly, there be a guard to protect which property will be known that was acquired using this ill-gotten wealth.

I want this House to benefit from some little information I have about homosexuality. I was so interested in this case; the minister here is aware. Every live transaction posted to the West attracted between Shs 400 to Shs 600 million. If you got that money 10 times in a year, how many streets would you own in Kampala? Tell me, is that not worrying enough?

I personally visited Malaysia on the issue of women who are trafficking our innocent girls, in the name of taking them for jobs. Every night these girls are subjected to US$ 100. Ugandan girls, by then, we were verbally told, were 600 in number. Isn’t this worrying enough?

We visited the cells where this woman was being kept and she arrogantly refused to see us. Out of that U$ 100 per night, multiplied by 600 girls every night, how many houses are those? It is not only at night; there are some transactions that the men give to the women at day time anyway. So, what more do we really want?

I feel that unless we tighten - China is complaining that even if they release these people back to Uganda, our laws are so passive, so tomorrow they will go back. Being Christians or Moslems who love this country, honestly speaking, grabbing these properties and reverting them to the state is not asking for too much. We should bite and not pretend.

Honourable colleagues, I feel the chairperson should not be - I only feel we should put a guard either in the regulations or wherever, to guard the property we are talking about. But as long as it is the property of the ill-gotten wealth, we would scare off even these barons at the airport, who are allowing the leakage of these drugs. Mr Chairperson, I rest my case with that. Thank you very much.

**THE DEPUTY CHAIRPERSON:** Honourable members, I think it is clear; subject to this part, where any person commits a specified offence, all the property owned by him or her on the date of the commission of that offence or acquired by him or her after the date shall be forfeited to the state. It does not make a distinction; that is where the problem is.

Now, you may own other properties – you could be a lawyer or somebody else who owns property - but now they are saying that all property that you own by the date of that commission will be forfeited to the state. That is where the problem is. That is why the committee is making a proposal on the proceeds of the crime. However, by doing that they have made another omission by taking away the date of commission of the offence. I propose that we reconcile the two and then come with a position which would move us forward.

**MR SSASAGA:** Thank you, Mr Chairperson. I remember we had a similar clause in the Anti-Money Laundering Bill. The spirit of that clause was that once somebody has become a victim of money laundering, by conviction, then the person had the burden of proof to show how he acquired those properties. Where he could really prove that the properties he had acquired were not from the proceeds of money laundering, that was another issue and that could be fine. However, where he failed to prove the source of those properties, then it was deemed that those properties were acquired through money laundering and definitely, such properties could be forfeited.

I believe that the spirit of this law could be the same like the Anti-Money Laundering law that we passed.

**THE DEPUTY CHAIRPERSON:** The drafting has an issue.

**MR SSIMBWA:** Thank you, Mr Chairperson. We are looking at a very important issue and the way we pass this particular clause will even affect the clause in the coming Anti-Corruption (Amendment) Bill.

Mr Chairperson, I want to inform my colleagues that one of the challenges that these countries that are implementing this particular provision to do with forfeiture are facing now is to determine what the proceeds of crime are. It is very difficult for judicial officers and prosecutors to relate the proceeds of crime to the property that is supposed to be confiscated.

I propose that instead of talking about the proceeds of crime, we talk about the property acquired after the time of commissioning of the crime. This is because it becomes very difficult to differentiate between which money was used to acquire a property and money earned through crime.

In this case, we are talking about drugs. How do you relate the money that came out of drugs to certain property? It has become a very big problem in many countries and many countries are reverting to what was proposed by the minister. So, I propose that instead of leaving it wide, we only target property that is acquired after the commissioning of a crime so that it becomes very simple for the state to get that property.

**MR OBOTH:** Hon. Ssimbwa is saying after the commission of the crime; would you explain “after the commission of the crime”? You see, I commit a crime today - God forbid - and I get convicted for the crime, but in your proposal you are saying they should look at what I do tomorrow and make me forfeit the properties and the proceeds from that. Is that what you intend?

Honestly speaking, we have the Minister of Ethics and Integrity even in the House; laws alone without the change of attitude of our people and their need for greed and whatever - If the ethics minister stops to preach, we shall make laws - If you put in the law that the burden of proof is on your side, people will make this money while covering their back. People can make anything, including degree transcripts, from wherever and also receipts and what have you. So we need something more than just laws.

For now, however, we are pre-occupied by the legislative work. So what do you want us to do if after the commission of the crime, you take away my property? If you committed the crime yesterday, what you do next day should be part of the –*(Interruption)*

**MR SSIMBWA:** Mr Chairperson, this is a process. What we are talking about in this clause is related to other clauses. First, there is the restraint order - that is a process – and then it comes to prosecution. We are saying if court is satisfied that Ssimbwa committed this offence, let us assume last year in December, and the conviction is given this year in November, the forfeiture goes back to property that you acquired after December when you committed that crime. That is the information I want to give.

**MR REMIGIO ACHIA:** Thank you, Mr Chairperson. I think the stance of this clauseis for us to have the lawandpower to confiscate the proceeds of crime**.** What we need to deal with now is that process of identifying what the proceeds of crime are. This should be a matter for court through evidence and other things like investigations to determine that.

What we should put in the law is that, any proceeds of crime - of course given that we do not legislate retrospectively once this Bill comes into force - committed with respect to this law, should be confiscated. I think that is what we need to do here.

What property are you going to acquire after being arrested for allegedly having committed a crime? What property will acquire in that process? That is why I agree with hon. Oboth. What are you talking about, hon. Ssimbwa? Any proceeds; it does not matter where you started, so long as the law was in existence stipulating that it is illegal, any proceeds must be confiscated. I think that is what we need to deal with.

From the time of operationalization, the law will differentiate and from the evidence in court, court will determine how long you have been doing it, what your networks are and so on. That will be part of the evidence used to convict you.

However, there is another problem to this - the issue of seizure of the evidence and other relevant information. I think hon. Oboth asked what capacity we have. I would not worry about that as we are developing capacity. We should make it illegal for anybody to profit from this. Any proceeds of this kind of offences should be forfeited.

**MR BIRAARO:** Thank you, Mr Chairperson. I think the way this thing is drafted implies that it will be a process and there will be a struggle between two parties; there is the State that will be prosecuting the suspect and the suspect who will be defending himself.

In that struggle, someone will actually try very hard to defend himself and even defend the timeframe during which he acquired whatever is being targeted. So, I think there will be a process for him to prove that these proceeds derived from trafficking drugs or psychotropic substances do not fall in that period. The State or the prosecution will also struggle to prove - I hear lawyers talking about strict proof - that what you are targeting is there and is right.

So I think if we maintain this as it is, it is appropriate enough to fight the crime. Remember, there must also be margins of error, plus or minus. We shall capture less or capture more, he will lose less or he will lose more. So I think the way it is constructed is appropriate for me.

**MR SSEGGONA:** Mr Chairman and colleagues, we have all agreed in principle on what we want. From the justification, what we want is to deter. It could also be a source of income for Government. When you forfeit somebody’s property, do you destroy it? You will not destroy money.

The fundamental points are two: One, to me the word “proceeds” alone is enough because when you talk about property, you are just getting entangled into other areas you may not even sustain. Somebody may be dealing in these drugs but he is also doing other lawful business, and the purpose of criminal law is to penalise for crime. In that pursuit, you are going to penalise for crime as well as for business lawfully done, by talking about property acquired and your litmus test is a cut-off date.

Two, I am aware of statutory exceptions to the general rule of evidence that he who alleges proves, and we can make that exception. However, do not forget that in a criminal prosecution of this nature, the presumption of innocence, as enshrined in the Constitution, with respect to each and every particular ingredient and element you are presenting in court, lies with the State -

**THE DEPUTY CHAIRPERSON:** Unless it is the strict liability one.

**MR SSEGGONA:** I agree. Now, there is strict liability element in the commission of the offence; there is no strict liability element in acquisition of property because I have property acquired lawfully. To that extent, it is the duty of the prosecution to prove. It is not to prove that I acquired this property after committing this offence; it can only prove that I acquired this property feloniously and it is only for property feloniously obtained that you can talk of recovering or forfeiting proceeds. If I am correct on that principle alone, then we would be better off taking the word “proceeds”. With respect to the investigating machinery and how effective it is, it is our duty to build capacity to prove that this is property feloniously obtained.

Finally, criminal law is personal. There is property we acquire with our spouses doing lawful business. I may buy this land using money feloniously obtained and my wife and other associates contribute money to put up a building. Now, how are you going to separate these two? *(Interruption)*

**MR BAGOOLE:** Thank you very much, Chairperson. The clarification I am seeking from hon. Sseggona is: when dealing with or handling issues of corruption in this country, many times the officers of Government are asked to disclose their property. I think the intention is to show that your income should be sufficient for you to have accumulated such property. Many times you are asked how you accumulated the wealth.

I am wondering whether we cannot borrow such a way of handling it such that we put it here, so that a person can be required to prove how he acquired the property that he obtained before committing that crime. Thank you.

**THE DEPUTY CHAIRPERSON:** Honourable members, I think we are at a stage where we should be making specific improvements on the two drafts that we have. We have what is in the Bill, we have what the committee has proposed, and I guided at the beginning about how we can harmonise.

I was hoping that somebody was now working on transplanting issues of dates to improve on what the committee did. I have been waiting for this draft to come up and I am not seeing it. So, can somebody help us with that, because we are just debating again? *(Mr Ssebagala rose\_)* On what point do you rise, Member for Kawempe? Has the honourable Member for Busiro finished?

**MR SSEBAGALA:** Mr Chairman, we must look at the mischief that we want to cure. I believe that this is a deterrent. The moment you risk taking part in trade of this nature, you even lose what you acquired legally so that you do not risk engaging in it.

I will give an example. If you are caught rigging votes in a particular parish, the court will not say that other parishes were safe; they will say they have nullified your election. So if you want a deterrent law to ensure that the moment you risk and go into that venture, definitely you are going to risk the property you have acquired legally.

**MR SSEGGONA:** For clarification to my colleague, first, the law requires leaders to declare their property. We have not made any provision, since we started requiring Ugandans to disclose, where they acquired their property. I think we are also being too lazy as a government to assume that it will be the other people to tell us.

We have made a specific legislation and if the machinery is working properly, it is just enough to say, “proceeds”. Once we prove that these are proceeds of crime, we do not need to prove more. First of all, if you are going to rely on me to tell you this is how I acquired the property, I will definitely give a story. But when I give a story, you must also discharge your burden by giving a story that this is a property I acquired one, from the date of the commission of the offence, and two, that it was related to the offence. In other words, you must do a correlation between the offence and the property you are forfeiting – *(Interruption)*

**MR SSASAGA:** Thank you, Mr Chairman, and I thank my colleague. The information I want to give will enrich what you were about to conclude. We have got instances where some people have been innocently victimised; for example, at the airport or wherever where drugs can be inserted in somebody’s travel bag. Innocently, you may not know about it and it is assumed that you knew all about and consented to it. So if we are to go by his submission, that all the property that somebody could have acquired in his lifetime is taken away simply because of that conviction, then it becomes a little bit wrong and it infringes on people’s rights.

I would therefor concur with the issue of proceeds, because in this case, somebody has to prove or the State has to prove that these were really the proceeds, which were acquired out of that illegal business. Thank you.

**MR SSEGGONA:** I want to thank my colleague for the information. Mr Chairperson, if only we improved the proposal by the committee, we would get some headway, and I propose that we do so: “Subject to this part, where any person commits a specified offence, all the proceeds derived by him or her from the trafficking in drugs and psychotropic substances shall, on the date of conviction, be forfeited to the State” and we leave it at. One, we shall avoid the word “property” and we also avoid the date and we concentrate on proceeds.

My question will still come up, and we may still have to legislate further: what does the State do with this property. Right now, when you recover *–(Interjection)-* Oh, I am reminded that there is a provision for that. So, my suggestion is as I have proposed.

**THE DEPUTY CHAIRPERSON:** Is that acceptable?

**MR KABAJO:** MrChairperson, from his redrafting, I do seem to see any difference with what is proposed here in the report. However, an alternative, to make it easy to administer justice, could be to say that the State takes 10 times the value of the amount of drugs or psychotropic substances that the person is found with - a specific value. If you are found with drugs worth US$ 1 million, in addition to whatever other sentence, maybe imprisonment, you would also pay US$ 10 million to the State. That could make it easy, without having to go into proceeds and all that business. However, of course I also­ admit-

**THE DEPUTY CHAIRPERSON:** Honourable member, that one has passed. This is in relation to clause 37, forfeiture of property.

**MR KABAJO:** That is what I am also looking at. I am just giving an alternative. If it is difficult to determine what the proceeds from the crime that a person has committed are, why not make it easy? This is because in many cases when a person is caught with a prohibited drug and other substances, the value of those drugs is known or at least a market value can be attached to them.

So my proposal is that if we foresee that it will be difficult for the State to investigate whether the property that somebody has is from crime, then at the time of conviction, we could just take the value of the substances the person was caught with and maybe multiple that value. We can then say, this is the fine that this person will pay in addition to imprisonment.

**MR BABA:** Mr Chairperson, hon. Sseggona tried to make some amendments by leaving out the issue of proceeds, which is the very means by which property is acquired. So, in just leaving it at trafficking in drugs and psychotropic substances, where does the money come in?

In the original Bill, they were targeting all properties, which would be forfeited to the State once one is caught. However, in the amendment of the committee, they are now saying that at the time of the commission and from the proceeds following conviction.

I think what the committee has proposed should be okay because this does not target all the properties that this person has acquired but the ones acquired during the commission of the offence. Following conviction, then these proceeds will be forfeited to the State. This is what this paragraph is saying, and I would like to implore Members to accept the proposal from the committee, which I would like to accept. Thank you.

**MR SSEGGONA:** Mr Chairperson, that is what I did, except that I removed the repetition in this and said we deal with the word - and the word is clear - all proceeds. I clarified by saying we are talking about proceeds of crime.

I proposed that we take the view that, “Subject to this part, where any person commits a specified offence, all the proceeds derived by him or her from the trafficking in drugs and psychotropic substances, shall, on the date of conviction, be forfeited to the State.” Here they said, “conviction of the offence”. Those are the improvements I made. I beg to move.

**MR OBOTH:** Mr Chairperson, I tend to agree with hon. Sseggona for the first time in many years, because that appears to cure the need for the date of the commission. The proceeds are clearly from trafficking and you do not need to repeat the phrase, “from the proceeds of the trafficking” if the offence is trafficking.

Honourable Minister of Internal Affairs, I think this is clear. He means well, for the first time, and I think we can maintain that. That is a lighter one and I do not mean to hurt hon. Sseggona. I think his proposal would help us move forward. If we deleted the words, “from the proceeds”, we could move on. We would not even need the date of commission of the offence. I think I would be more comfortable with it.

Mr Chairperson, this is coming out from possible defenders of drug trafficking. We are giving the practical aspect of this that could be in court. That is why it is taking long.

**THE DEPUTY CHAIRPERSON:** Honourable members, I think the final text, which has been read, is: “Subject to this part, where any person commits a specified offence, all the proceeds derived by him or her from the trafficking in drugs and psychotropic substances shall, on the date of conviction, be forfeited to the State.” That is the final text. Is that ok?

**MR SSIMBWA:** Mr Chairperson, I would like to seek clarification from you. How do we determine these proceeds? What the original Bill wanted to cure is that the proceeds are forfeited and in form of property owned by the person convicted. Now we are leaving it open to say, proceeds.

Ssimbwa is convicted maybe because of his involvement in trafficking drugs worth Shs 3 billion; how do you recover the proceeds and what are these proceeds? I want to borrow a leaf from the law of Singapore on drug trafficking. They do not stop at talking about the proceeds, they go ahead and even indicate what these proceeds are. It then becomes easier for the implementers of the law to run to the property. If we leave it the way it is, we are now going to have another process of Government going to court to attach property to get the proceeds that were acquired as a result of the commission of the offence.

I believe the intention was that we have a clear path so that where conviction is made -

**THE DEPUTY CHAIRPERSON:** Would you like to propose?

**MR SSIMBWA:** Yes, I want to propose that the proceeds of what hon. Sseggona is talking about be in form of property. We should not remove the word “property” from the provision because that is where Government will go directly, without going to court. So I request hon. Sseggona to rephrase the provision and include the word “property”.

**MR SSEGGONA:** Mr Chairperson, I refuse to rephrase.

**MS NAMUGWANYA:** Mr Chairperson, when you look at the provision in the original Bill, the drafters wanted all the property an individual owned to be forfeited the moment you are convicted of such an offence. As a committee, we thought it would be unfair to take away all the property and we talked of proceeds.

However when you rethink that position, you will find that there is something to do with a specified offence. When somebody commits that offence, which we call a specified offence, for example, that person may be caught red handed with a narcotic drug and automatically that drug is confiscated and destroyed. That means there will be no proceeds from that narcotic drug. So it makes the whole situation quite complicated.

**MS SENINDE:** Thank you very much. Mr Chairperson, I would like to seek clarification. We know very well that things have changed. We can give an example where people have managed to get money through corruption and they have actually put the property in the names of their children and other family members. At the end of the day, he may not have any property in his own name.

My concern is, how are we going to cure the problem if we take the position of the committee and what my brother, hon. Sseggona, has suggested? I do appreciate the concern but again, in my opinion, I believe we should retain the previous proposal in the Bill, because how are we going to cure the problem? How are going to know that he got this from the proceeds?

We will not be able to solve the problem. If we have to solve the problem, we know very well that we are fighting a big problem so we must make sure that even our law is strong enough to fight it. Therefore, I would like to request this august House, humbly, to retain the position that was in the original Bill and not the amendment by the committee.

**MR SSEGGONA:** Mr Chairperson, let me ask my colleagues; if I commit an offence in Uganda today, do I still have rights under the Constitution? If the answer is in the affirmative, one of those rights is to own property lawfully even when I have committed an offence. Now, the moment you move into property lawfully obtained, I can tell you there will be a constitutional challenge against the provision itself and the act of forfeiture and you will lose the battle.

I would implore my colleagues that in pursuit of that big animal she has talked about, and I do not know how many kilos it weighs, let us not make a mistake. Let us restrict ourselves to something done in connection with the offence. Do not go for property lawfully obtained.

Regarding how we are going to prove that these are proceeds, why are you making the law? It is because you are sure that you can sustain a conviction. In drafting and proving a charge sheet, you must be able to tell court that this is exactly what the man did; he acquired this amount of money and you can trace it from the accounts. I beg to submit.

**MAJ. GEN. OTAFIIRE:** Mr Chairperson, hon. Sseggona has a brilliant argument but the problem is, how are you going to prove that this property was acquired as a result of drug trafficking? Property acquired as a result of drug trafficking means that it is a commission that was never detected. If it was never detected, how are going to tie these two? If I trafficked drugs and I was never caught and I got money, that money can no longer be traced to drug trafficking.

Secondly, the proceeds you are talking about cannot arise because whenever drugs are confiscated, they are destroyed; so there are no proceeds. Now, if you say he has made a sale, the drugs will be found with the buyer and not the trafficker because by the time you recover these drugs, they have already changed hands. So, how are going to try to track this criminal to the property that was acquired as a result of crime?

**MR SSEGGONA:** My brother seeks clarification from me and I have two answers.

The first answer is, go back and read the Bill and the report. Secondly, in law, there is no presumption of illegality; allproperty is presumed to be acquired lawfully. Now, the issue is proving illegality. It is not true that the trafficker will not be found with evidence and that the evidence can only be in the hands of the buyer. We just read the definition of trafficking. You can be caught with the drugs, but that is one segment. The second segment is the money you used.

The charge sheet will spell out the date when you committed the offence. There will a process of interrogation - what other businesses do you do? If you say you own a charcoal business, they will ask, where is it? Are you licensed? How much do you earn? Those are processes of investigation. When you go for property, those are turbulentwaters**.**

**THE DEPUTY CHAIRPERSON:** Honourable members, I think we need to make progress on this. Can we make progress on this now?

**MS IBI EKWAU:** Mr Chairperson, I am of the view that if it has turned out to be too contentious-Definitely, we are for a good law and we are not going to back off. I pray that since the office of the legal attorney is here, he comes with a good modified amendment tomorrow and we will begin with that and proceed, so that we make progress on other issues that are not very contentious, but the veto stands.

**THE DEPUTY CHAIRPERSON:** Honourable members, we had kind of resolved this issue and I do not think it is necessary to stand over it. Proceeds of crime are proceeds of crime; if it is proceeds of crime, the investigation will reveal that these are proceeds of crime. If the investigation cannot reveal, then you cannot prove it. So, if you cannot prove it, you cannot confiscate it.

Fromwhat you are proposing in the Bill, from what the charge sheet will be drafted against an accused person, there should be evidence enough to prove that this person committed this and as a result of that commission, money was obtained and that money was used to acquire other things, which are traceable by the investigation. It is that simple. If it cannot be, then it cannot be. Isn’t that clear enough, honourable members?

Hon. Ssimbwa, proceeds include property because you can use proceeds to acquire property. So proceeds are wider than property.

**MR SSIMBWA:** Mr Chairperson, can I propose that this particular subsection reads as follows: “Subject to this part, where any person commits a specified offence, that person shall forfeit any property or interest therein, including income accruing from such property or interest held by that person at the time of committing the crime, being property or interest disproportionate to his known source of income.”

**THE DEPUTY CHAIRPERSON:** Honourable members, we have a draft that has been proposed. The draft by the honourable Member for Makindye Division East actually throws a spanner in the works. If I am to guide, I think we should take a decision on the final draft that has been improved from the position of the committee and we go with that. So, can we take a vote on the amendment proposed by the committee and improved by the Member for Busiro County East? Can I put a question to that amendment?

*(Question put and agreed to.)*

*Clause 37, as amended, agreed to.*

*Clause 38, agreed to.*

*Clause 39, agreed to.*

*Clause 40, agreed to.*

*Clause 41, agreed to.*

*Clause 42, agreed to.*

*Clause 43, agreed to.*

Clause 44

**MS NAMUGWANYA:** Mr Chairman, we propose to delete the word “be” between the words, “not” and “less” in line two, and to delete the phrase, “or both” at the end of the provision. The justification is: to ensure clarity.

**THE DEPUTY CHAIRPERSON:** Honourable members, that is clear. I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 44, as amended, agreed to.*

Clause 45

**MS NAMUGWANYA:** The committee proposes to amend clause 45(1) by substituting the phrase, “the person whose conviction is set aside may apply to court’ in line two, with the phrase, “the court shall order”. The justification is: to secure the right of the person, whose conviction was set aside, to his or her property.

**THE DEPUTY CHAIRPERSON:** Is that clear? In other words, if you have been acquitted, the proposal in the Bill is saying that the person whose conviction is set aside may apply to court for restoration of property. I thought the acquittal is automatic? How was it in the Bill? I thought that would be a consequential order by court. Why would you have to make a separate application?

**MR SSEGGONA:** Mr Chairperson, one of the biggest issues in practice is enforcing what would appear as civil remedies in a criminal process. One, there are no procedures defined. Two, at whose cost is this man making an application to court to have his property restored?

In my view, this proposal is redundant because the appellant court, in discharging or setting aside a lower court’s order, would make those consequential orders. When you get into that, you will have to go and define the procedure for making the application. You will have to even make provision for the fees because somebody is filing an application in court.

**THE DEPUTY CHAIRPERSON:** No, why it is coming up in the amendment is because it is in the Bill.

**MR SSEGGONA:** Yes, that is why we are saying we delete that proposition in the Bill and it will be consequentially deleted in the report.

**THE DEPUTY CHAIRPERSON:** The committee is proposing that the court shall order -

**MR MUWANGA KIVUMBI:** Mr Chairperson, I have been quiet because I am a member of this committee, but I would like to support the proposal of the committee. The proposal in the Bill was that the person whose conviction is set aside may appeal to court.

We thought that if I have won a case, why do I have to go through another process of application? That is why we said, “the court shall order”. This is to replace this process of appeal for somebody who has been declared innocent and wants his property back. One cannot go through another process of appeal. The moment a case is won, court should order that property is returned. Thank you.

**THE DEPUTY CHAIRPERSON:** Yes, I think it is correct. So, the court shall order for restoration of the forfeited property. I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 45, as amended, agreed to.*

*Clause 46, agreed to.*

Clause 47

**MS NAMUGWANYA:** The committee proposes that clause 47(1)(a) should be amended by substituting “handling” with “handing”. It will therefore read, “Recovering the handing over…” and the rest remains as it is. The justification is: to ensure clarity and grammatical correctness.

**THE DEPUTY CHAIRPERSON:** I put the question to that amendment.

*(Question put and agreed to.)*

**MS NAMUGWANYA:** Mr Chairperson, when the lights were on and off, I missed an amendment on clause 10. So I request that before you adjourn, we reconsider clause 10.

**THE DEPUTY CHAIRPERSON:** No, we will not be able to finish this Bill today; so we will be coming back to Committee Stage anyway. So when we are at Committee Stage, we can still review those ones. I am not about to adjourn, honourable members. I put the question on clause 47 as amended.

*(Question put and agreed to)*

*Clause 47, as amended, agreed to.*

*Clause 48, agreed to.*

Clause 49

**MRS NAMUGWANYA:** The committee proposes that clause 49(1)(b) should be amended by deleting “for the purpose of avoiding prosecution for a specified offence”. Subsequently, the amended clause will read as follows: “converts or transfers any property which in whole or in part directly or indirectly represents his or her proceeds of drug trafficking or removes the property from Uganda, commits an offence.”

The justification is: to render such an act a crime whether or not it is intended to avoid prosecution for a specified offence. In short, the requirement of providing intention to avoid prosecution as it is currently in the Bill is too narrow.

We propose to amend clause 49(2)(b) by deleting “for the purpose of assisting that other person to avoid prosecution for a specified offence or the making or enforcement of a restraint order”. The amended clause will therefore read thus: “converts or transfers that property or removes it from Uganda, commits an offence”.

Clause 49(3) makes it an offence for one who knowingly, or with reasonable suspicion, buys any property for no or inadequate consideration. The use of the phrase, “any person who acquires property for no consideration or inadequate consideration” defeats the essence of the Bill.

The committee proposes that property derived from narcotic drugs proceeds should be an offence no matter how much money is paid. The amended clause should therefore read thus: “Any person who, knowing or who has reasonable ground to suspect that any property, in whole or in part directly or indirectly represents another person’s proceeds of drug trafficking, acquires that property, commits an offence.”

Clause 49(5) should be deleted. The justification is: to forestall abuse of 49(3). Clause 49(6) should also be deleted to forestall the abuse of 49(3).

**MR SSEGGONA:**  Mr Chairperson, for coherence again, remove the word “suspected” or “suspects” and use the word “believes” – “reasonable grounds to believe”.

The second is that whereas I am not opposed to it in principle, this person who transfers commits an offence, but since we have already created an offence for trafficking and etcetera, the transfer can only constitute an offence if we impute the *mens rea.*In other words, the transfer, in a strict liability form, should not create another offence but a person who transfers with the intention of defeating should be caught in the act.

I am bringing this out because already, it is an offence to engage in this kind of business. So the transferring must be or can only create an offence if it is done with the intention of defeating the law. I do not know whether my distinction is clear. *(Mr Oboth rose\_)* - He volunteers to give me information.

**MR OBOTH:** Thank you for giving way, hon. Sseggona. Mr Chairperson, I think the committee was bringing it out well; when you add another aspect of intention, you will make it very difficult - the presumption of this transfer or conversion. We know he has the intention already of defeating the purpose. So I think the creation of that offence- Hon. Sseggona, since I agreed with you on the other one, I am imploring you that we agree with the committee on this one without having to impute intention.

You know how difficult it is to try to try to establish an intention of a drug trafficker. The purpose of this law, from what I am seeing, is that whenever you are transferring, there is an intention that is already embedded in you. Do you not think this is sufficient enough to cover all your fears and mine? This is the clarification I wanted to seek from you.

My only other aspect, if you could continue giving me the opportunity, is creating liability for a third party who is purchasing or acquiring this property. That is where I thought- You know, from the law school where we were, you would raise that aspect also so that we agree with the committee and move on - creating liability for a third party probably without notice. Here, either you are getting it at no consideration or inadequate; you are bringing a subjective test into this legislation - what is inadequate and so on. I have sought clarification in many ways.

**MR SSEGGONA:** I thank my brother and I am happy to clarify. On the last one, I agree to the extent of- You may not even be in a position to determine what is adequate or inadequate because this is not something, which is freely available on the market. How are you going to know?

As to the liability onto a third party, I think they have presented it well because they are saying, “who knows or who has reasonable grounds to believe that this was felonious.”

Now on the other statement, toallaythe fears of my colleagues, the person is already a trafficker; so there is already that offence, which is a bigger offence of trafficking. Do not create problems for the enforcement agencies. If I cannot get you on the trafficking and I want to get you on the transferring, then the transferring itself- I mean, you are making a repetition because the moment you prove that I was transferring with the intention of avoiding prosecution, then you have already proved I am a trafficker. That is the principal offence we are creating – trafficking; this one is ancillary.

What is your interest in this transferring? It is because you want to get those that are running away from prosecution. Now, in ordinary interpretation of criminal laws, you are not going to charge somebody with the two offences where there is a bigger one. So it is better to restrict yourself to the trafficking but when it comes to the transferring, impute the *mens rea* because there is no strict liability offence. You must prove your case; you the prosecutor.

**THE DEPUTY CHAIRPERSON:** Suppose you cannot prove that he is a trafficker?

**MR SSEGGONA:** Then what are you proving?

**THE DEPUTY CHAIRPERSON:** Then you are proving that the transfer was intended to-

**MR SSEGGONA:** Precisely, that is why I am saying you must prove that it was intended, because the moment you prove knowledge - The moment somebody acquires this property and he has it and he has that intention, then he is a trafficker**.** You go back to the definition.

**MR SSIMBWA:** Mr Chairperson, my understanding of the provision is that at this time, the law is not particularly targeting the trafficker. We are looking at individuals, either relatives or accomplices who go ahead to transfer and deal with property that is suspected to be proceeds of crime and two, might be under a restraint order. So we are dealing with another person, not the trafficker himself.

That is why I do not believe that we should relate the trafficker to the person under this provision. That is my understanding of this provision. I believe it is important that we create an offence for these people who knowingly or have believed that this property they are dealing in is suspected to be proceeds of crime.

**MR SSEGGONA:** Mr Chairperson, he has made my case better. If you are dealing with a person who is not principally the trafficker but he is just transferring this property, this is the very reason you must establish the intention because this person is not the principal trafficker. He is only transferring; that is going by his argument. For that particular person, you need to prove his intention and that is the only way you can bring him in the criminal bracket.

**MR SSIMBWA:** Mr Chairman, we have already provided under the restraint order that all dealings in property are void; so even this person transferring is transferring something, which is void. So I believe that the provisions, as provided for by the committee, cater for-

What the committee wants to cure is this: we do not want relatives of Ssimbwa, who, knowing that Ssimbwa is in prison or somewhere, go ahead and transfer or deal with property and at the end of the day, we have no property to confiscate. That is why it becomes a crime for this person. This is to deter them from dealing with this property.

**MR SSEGGONA:** Mr Chairman, I agree with him that the whole transaction is void. Void does not create an offence. You got me with this, the transaction is void. The right of the State is to confiscate the property. For you to charge me with that offence, you must prove the *mens rea* and that is the point I am emphasising.

This is a process; someone commits an offence by trafficking and then there are the proceeds. For me to be accused of an offence of transferring them - I am talking about a third party, not the principal offender - I must be knowing, and that is the *mens rea*.

It is not a question of someone saying, “Can you take this money for me to my daughter in Nairobi?” If you get me with that money in the process of taking it to Nairobi, I have no reason to suspect that hon. Ssimbwa obtained the money feloniously. You cannot charge me with any offence except if you prove that I knew the source of his money.

**MR SSIMBWA:** Hon. Sseggona is a learned fellow, but there are offences where somebody is got with stolen property; you do not just take away the property and leave the person free because he was not involved in stealing property and had no intention of holding property that is stolen.

In this case, the law is creating an offence to deal with such a person who is dealing in property. To me, this provision is very important. We have seen cases of Kazinda where relatives transfer the property and because of the third party interest, Government finds it a problem to recover this property. So, Mr Chairman, I support the provision of the committee.

**MR SSEGGONA:** I very strongly disagree with him on the very last point alone. There are those offences in various laws where you are found with stolen property. If he had taken time to read them, he would find that knowledge is an essential ingredient in all those offences.

**THE DEPUTY CHAIRPERSON:** So, can we process this and come to this particular one, which is-

**MS NAMUGWANYA:** Mr Chairman, I just want to give this information to hon. Sseggona and it is from the original draft of the Bill. The subheading for this particular clause is, “Concealing or transferring proceeds of drug trafficking”. I think the issue of *mens rea* is already catered for when we include that concealing element. If you are transferring this with an intention of concealing, the fact that these are proceeds of drug trafficking then the *mens rea* is already catered for.

**MR SSEGGONA:** What I am saying is that you are creating an offence in this particular subsection. I agree with you that if someone is concealing, knowledge is already catered for. However, if you are talking about specifically transferring, and that is where I laid my emphasis, again I must have knowledge that what I am transferring is aiding or abetting a crime.

**THE DEPUTY CHAIRPERSON:** Which particular one are we talking about?

**MR SSEGGONA:** She read out many but I pointed out-

**THE DEPUTY CHAIRPERSON:** That is why we need to point it out.

**MR SSEGGONA:** For the rest, I agree that the *mens rea* is catered for. Where it is not catered for is where we must provide for it.

**THE DEPUTY CHAIRPERSON:** So, where is this particular one? Is it on the transfer? Clause 49 (2) (b) is what they are proposing to amend.

**MR SSEGGONA:** Yes, and they are proposing to state, “converts or transfers that property or removes it from Uganda, commits an offence”. Now, that one is missing the *mens rea*. If I am transferring this property knowingly, I commit an offence.

**MR SSIMBWA:** Sub clause (2)(b) originates from (2), and (2) answers your concern because it is talking about the knowledge.

**THE DEPUTY CHAIRPERSON:** “Any person who, knowing or who has reasonable grounds…” Okay; so I put the question to the amendments proposed by the committee.

**MR SSEGGONA:** I concede.

**THE DEPUTY CHAIRPERSON:** Honourable members, I put the question to the amendment proposed by the committee.

*(Question put and agreed to.)*

*Clause 49, as amended, agreed to.*

Clause 50

**MS NAMUGWANYA:** The committee recommends that the clause be amended by redrafting the headnote and creating three sub clauses. The proposed redrafting of the headnote is, “Prohibition of holding of property acquired in contravention of this Act”. The justification is that it is for clarity purposes.

Clause 50 provides that no person shall hold any illegally acquired property either by himself or through any other person on his behalf. However, no sanction is provided for the violation of this provision. The committee proposes an additional sub clause (2) to this effect: “(2) (1) A person shall not by himself or herself or through any other person on his or her behalf hold any property acquired in contravention of this Act.

(2) Where a person holds any illegally acquired property in contravention of sub clause (1), such property shall be forfeited to the State.”

**THE DEPUTY CHAIRPERSON:** Is that okay?

**MR OBOTH:** Mr Chairperson, I agree with the first proposal. As for the redrafting, consistency here is required, especially when she was proposing that the word, “illegally” be left out. Why don’t we maintain this even in (2) – “Where a person holds any acquired property in contravention of sub clause…” and we leave out the word “illegally”?

If you say, “contravention of this Act”, that is already an illegality and we had done very well in the earlier one. Do you understand the point I am trying to make? Can we delete the word “illegally” and still retain the same meaning? “Where a person holds any acquired property in contravention of sub clause…” Contravention in its own meaning is an illegal act.

**THE DEPUTY CHAIRPERSON:** He is proposing to delete the word “illegally”.

**MS NAMUGWANYA:** Mr Chairman, I concede to that.

**THE DEPUTY CHAIRPERSON:** I think that is okay.

**MR SSEGGONA:** It does not change the meaning. Actually, Mr Chairman, it is not all property illegally held that is catered for in this. We are specifically talking about “illegally” in the context of this law we are passing. That is why I agree with hon. Oboth.

Secondly, this particular sub clause caters for two persons; there is a person who holds this property, having participated in the illegal acquisition and there is also another person who holds this property, on behalf of another who acquired it illegally. That is my understanding. That being the case, for the second person I have talked about who is holding on behalf of another person, the element of *mens rea*; knowledge comes back.

For the principal offender, the presumption is that he committed the offence. For this second person we are talking about, who is holding on behalf, you would still require him to know or have reason to know that the property was obtained or that the holding is in contravention.

**THE DEPUTY CHAIRPERSON:** Propose.

**MR SSEGGONA:** I propose thus: “A person shall not by himself or herself or through any other person on his or her behalf, hold any property knowing the same to be acquired in contravention of this Act”. The only change is adding “knowing” or possibly we can say, “having reason to know or believe that the same is acquired in contravention”.

**MR SSIMBWA:** Mr Chairman, can I get clarification from hon. Sseggona whether that proposal will not cover the principal offender?

**MR SSEGGONA:** Ido not think it will cover him because one of the elements you will prove against him is that he is the principal offender. He engaged in the act and for that reason, knowledge is presumed. I do not know whether I have clarified enough.

**THE DEPUTY CHAIRPERSON:** But then how do you make the distinction in (2)?

**MR SSEGGONA:** Sub clause(2), “Where a person holds any property acquired in contravention of sub clause (1), such property shall be forfeited to the State.” That one is general to both of them. Even when you do not know, once you are holding property which was feloniously obtained, then forfeiture will go ahead.

I am only concerned with the criminal element where knowledge is an essential element because recovery is more or less a civil process. They can take it, after all it is not yours; you are holding it on behalf of someone.

**THE DEPUTY CHAIRPERSON:** So are you suggesting that your redrafting takes care of both situations - the principal offender and the -

**MR SSEGGONA:** Yes. Essentially, mine is handling (1) but takes care of (2) because in (2), you are not proving more about the commission of the offence. Sub clause (1) is about the offence. Sub clause (2) is dealing with the remedies available to the State, that we are just recovering it from you. Whether you knew or not, we just tell you that this one was obtained feloniously, so the remedy is consequential.

**THE DEPUTY CHAIRPERSON:** So, what is the proposal?

**MR SSEGGONA:** On (2), I have none; on (1), as I proposed.

**THE DEPUTY CHAIRPERSON:** So, your proposal was on (1)?

**MR SSEGGONA:** Yes, Mr Chairman, because (2) is okay.

**MR SSIMBWA**: Mr Chairman, when you look at the clause, even where we talk of creating an offence contravening this Act, it does not provide for another offence. The offence is, you have contravened the Act and the property is going to be forfeited to the State. I do not see any problem if we leave it the way it is because by adding that word, “knowing” now, it might have an implication on sub-clause (2).

I believe that since we are not creating a direct offence under this clause, the drafting can be as it is. The only remedy we are looking for is forfeiting property to the State.

**MR SSEGGONA:** Then why are you making the prohibition? In (1) you are making a prohibition and it would be idle. If we were to take that, we would delete (1) and remain with (2) because if all you are targeting is forfeiture -

**MR OBOTH:** Hon. Sseggona, thank you for giving way. If you are requiring knowledge in (1) and in (2) you are comfortable without knowledge, I am not very comfortable that you want to leave knowledge in (2). I thought the intention here is to make a law that is wide and that can be applied and empower the State to be able to cover a little more than we are trying to restrict to knowledge.

My view was that the committee’s proposal on (1) was okay – “…any property acquired in contravention of this Act”. It gives the mandate to the State to prove that what you acquired or what you are holding was acquired or is acquired in contravention of this law we are making. Two, it provides a remedy to the State as to what to do with the property in question.

I think that was okay, except I wanted in (2) to remove the word “illegally acquired”. You are saying, “Where a person holds any illegally acquired property in contravention of sub-clause (1), such property shall be forfeited to the State”. Where you are already holding property in contravention of sub-clause (1), it is already illegal. That was the submission I had made earlier and you agreed. So you are estopped from going backwards.

**THE DEPUTY CHAIRPERSON:** Honourable member, I think hon. Sseggona is bringing an aspect, which is not in this particular - This person is not holding on his own, by his own right; he is holding on behalf of the principal offender and he or she knows it. He or she is not holding it in his or her own right but is holding it on behalf of the principal offender.

So it is not like this person has a right or a claim of right on this property but they are just holding it on behalf of the principal offender. This is what is in this particular clause.

**MR SSEGGONA:** I will concede.

**MR MUWANGA KIVUMBI:** I think we also have a small problem with this. You know you are holding the property of somebody who is an offender under the provision, but all that we will do is forfeit the property, because that is what they have created as a penalty. Shall we let the person who held onto this property knowing it was wrong go scot-free? All that you do is to forfeit the property and it is taken by the State but you are not penalised for that action at all.

**THE DEPUTY CHAIRPERSON:** I think there are other provisions that dealt with that earlier.

**MR MUWANGA KIVUMBI:** I know all the provisions there and that is why I am talking about this one. I am a member of the committee and we have not created an offence-

**THE DEPUTY CHAIRPERSON:** Yes, but this particular one is on forfeiture of this property which is illegally acquired and somebody is holding it on your behalf. They just take the property and that is what this particular provision is saying. Unless you want to create another jail sentence or fine sentence under this for the person holding, which would now be an omnibus in relation to this particular clause; it would exceed the provision.

**MR SSIMBWA:** Mr Chairperson, practically Ssimbwa may be a drug trafficker who acquired a vehicle and hon. Kivumbi is holding it on behalf of Ssimbwa. When it is determined that it is a vehicle that was acquired through drug trafficking, even if it is in the hands of hon. Kivumbi, it will be removed because you do not have any case-

**THE DEPUTY CHAIRPERSON:** I think we have agreed. He does not even have to know. It just has to be proved that it is your property; that is all. He does not have to know that you acquired it in a criminal manner. All that has to be proved is that you own his property. That the property is not yours but you are holding it for somebody else, so knowledge of anything is not important. The only knowledge you have to have is that it is not yours but it is for somebody else. Is that clear? So, can we put the question to this?

**MS KAMATEEKA:** Mr Chairperson, I want to propose a neater way of putting sub clause (2): “Where a person holds any such property, the property shall be forfeited to the State.” This is because this property relates to sub clause (1).

**THE DEPUTY CHAIRPERSON:** I think the way it is now is more succinct as it does not leave any room for manoeuvre. What you are proposing can be interpreted for other purposes. Can we take a decision on this, honourable members? I put to the question to the amendment.

*(Question put and agreed to.)*

*Clause 50, as amended, agreed to.*

*Clause 51, agreed to.*

Clause 52

**THE DEPUTY CHAIRPERSON:** Honourable members, I think this is a convenient part to stop. We have finished this Part IV; can we stop here at clause 51 and then start the new part tomorrow? Thank you.

MOTION FOR THE HOUSE TO RESUME

6.38

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr James Baba):** Mr Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

**THE DEPUTY CHAIRPERSON**: Honourable members, the motion is for resumption of the House to enable the Committee of the whole House to report. I put the question to the motion.

*(Question put and agreed to.)*

*(The House resumed, the Deputy Speaker presiding.)*

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

6.39

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr James Baba):** Mr Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled “the Narcotic Drugs and Psychotropic Substances Control Bill, 2007” and passed clauses 1, 3 to 51 with amendments and stood over clause 2. I beg to report.

MOTION FOR ADOPTION OF THE REPORT FROM

THE COMMITTEE OF THE WHOLE HOUSE

6.41

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr James Baba):** Mr Speaker, I beg to move that the report from the Committee of the whole House be adopted.

**THE DEPUTY SPEAKER:** Honourable members, the motion is for the adoption of the report of the Committee of the whole House. I put the question to the motion.

*(Question put and agreed to.)*

*Report adopted.*

**THE DEPUTY SPEAKER:** Thank you very much, honourable members. We have exceeded the time we had agreed to proceed with this. I see the Member for Serere rising.

6.42

**MS ALICE ALASO (FDC, Woman Representative, Serere):** Thank you very much, Mr Speaker. I do not intend to drag this House behind, but I came in at around 3.00 p.m. and I have been sitting as I always do up to closure of business, and I am wondering how else my presence will be recorded in this House. So, I have deliberately decided to say something so that the *Hansard* knows I am here, because the attendance books are not there. I fear for this House that one of these days we will all come and sign and then go away.

Mr Speaker, you would rather let us come a little late if we have a genuine reason and then sign, sit here and transact business. Suppose I did not catch your eye, I would be absent, but there are people who signed and they are not here anymore.

**THE DEPUTY SPEAKER:** Honourable members, I am not sure that I know what - What has happened to the attendance book?

**MS FLORENCE EKWAU:** Mr Speaker, on that fateful day last week, I think it was either Tuesday or Wednesday, I personally came late as well as some of our colleagues here - I think it was about 3.40 p.m. – and the books had already been withdrawn.

We sat that day almost up to 8.00p.m. when hon. Cecilia Ogwal requested for an explanation and we elaborately discussed this issue. The Speaker, in her wisdom, said that it is a measure to curb down on the un-seriousness and lack of attendance by Members. So, we were promised that this week the parties involved would have come back to report to us and then we chart the way forward.

Mr Speaker, as we talk now, it is very unfortunate, unbecoming, painful and improper for someone who has come here at 3.00 p.m. to find the books taken because the Speaker said that after the commencement of the House, an hour is given after which the books will be withdrawn. You come here most times promptly at 2.00 p.m., so we assume by 3.00 p.m. the books will have been withdrawn. Then Members walk in here at a minute passed 3.00 p.m. and sit with you here at times up to 9.00 p.m., during which time your presence here will be irrelevant.

So, Rt Hon. Speaker, it is a very big issue. Much as we want attendance in the House, we also want the process to be fair to those who diligently sit in this House up to the end at the expense of those who come, sign the books, give the numbers and walk away. We want the people who sit in this House up to the end to be guarded. You can see from the Front Bench; they signed and went. So, how do you preserve our interests? How do you protect us? How do we reach a good end? I thank you.

**THE DEPUTY SPEAKER:** Honourable members, I received a brief from the Clerk to Parliament before I came to the House and this was not among the matters that were brought to my attention. I am, therefore, hearing it for the first time and since it is my senior colleague who had handled it here, I need recourse from her to see how we can move forward with this matter. Thank you. House is adjourned to tomorrow 2 O’clock.

*(The House rose at 6.46 p.m. and adjourned until Wednesday, 19 November 2014 at 2.00 p.m.)*