**Thursday, 5 May 2011**

*Parliament met at 2.41 p.m. in Parliament House, Kampala.*

PRAYERS

*(The Speaker, Mr Edward Ssekandi, in the Chair.)*

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE SPEAKER:** Hon. Members, I welcome you. This morning a young girl walked into my Office and brought me this letter, which I think she wanted me to read to you. The address is Makerere University and the date is today, 5th May. The subject is: *“Request for tuition fees”,* I think from honourable members of Parliament.

“*I am Nalinya Rita, a second year student of Makerere University -* a registration and a student number are also given - *I have a debt with the University of Shs 1,621,000. This money accumulated to this amount from the second semester of the first year and the first semester of my second year.*

*My father was only able to pay for my first semester of first year; the little money which I was able to pay to the university. This semester, I just solicited it from friends and relatives until they have now given up with me.*

*Now, I request the hon. Speaker of Parliament to request the hon. Members of Parliament to solicit for me so that I am able to do the university examinations which are coming on 9 May 2011.*

*I would be glad if my request is put under your positive consideration.*

*Looking forward for your positive intervention.*

*Nalinya.”*

This letter is addressed to you; it only passed through me. She has a debt of Shs 1,621,000. [MR REAGAN OKUMU: “Which constituency, Mr Speaker?”] She is not from my constituency otherwise I would be able to handle that. *(Laughter)*

2.46

**THE OPPOSITION CHIEF WHIP (Mr Kassiano Wadri):** Mr Speaker, this student is not the only one who suffers. As you look at our colleagues, hon. Members of Parliament, we continue to receive similar requests on a day-to-day basis. She is actually very lucky that at least she was able to pick the courage and walk to your chambers and address her plight to you personally. There are many Ugandans and students out there who have failed, after repeatedly applying for dead years, to go back to complete their education in the universities because of the escalating school fees requirements and charges.

This request has not come as a surprise. A few weeks back, the media was awash with the intended increase of university tuition from Shs 3.0 million, which many have failed to pay, to Shs 6.0 million. Therefore, this is an indicator that actually the situation out there is bad. We would, therefore, like to call upon the Executive of this Government to consider positively acting on some of these issues as they arise.

We are also aware that there are a number of parallel scholarship schemes in this country. The days when I was a student, we knew that in order for you to earn any scholarship, you had to go through the Ministry of Education but today we are also made to understand that there are scholarships in State House. I do not know whether such kinds of requests also reach the gates of State House where these schemes operate. I do not know whether we can rationalise the operations and issuance of these scholarships so that we know the exact agency or ministry responsible for scholarships in this country, so that such needy students can be assisted as and when it is possible.

Otherwise, as I said earlier on, this is just an indicator that the situation out there is bad. *Embeera* *mbi* *nnyo* *nnyo -*(*Laughter*)- things are bad! That is just to emphasise what I said in English, that the situation out there is bad. Life outside there is bad even in our schools. Today you even saw in the newspaper a man undressing himself in Buyende. A man undressed because there were no medical services -(*Interruption*)

**MR NANDALA-MAFABI:** Thank you very much, Mr Speaker. I want to thank my Leader of the Opposition for giving way. If paying school fees in the university started during the professor’s times, many of these on the front bench, I am sure, would not be doctors, engineers or professors. They would have been thieves or they would have been killed by now, and at that time the income of the country was too low.

It is not good for us to subject the new generation to paying. This thing is a serious matter. Our economic growth has increased from negatives to now, 10 percent; that means the income has gone up. If the income has gone up, why doesn’t Government take up the responsibility of educating all children in the university?

You remember all of us went to school when the budget was small and we were paid for. I bet, and God is hearing, if there was payment of school fees at the university, many of these people would be either dead now because of being in villages and have nothing or they would be drinking alcohol and they would be finished. So, this is a big issue. I can assure you that one has come but there are many others. The moment we pronounce ourselves on that, we are going to be bombarded with these types of letters. So, we must get a solution today.

**MR WADRI:** Thank you very much, Mr Speaker. I wish to thank hon. Nandala-Mafabi for that information. I would not like to take a lot of time emphasising this issue which is so obvious to all of us. I want to reiterate that let us rationalise the operations of scholarships in this country.

Two, you are the head of this institution; the poor girl did not come to you, and more so in your chambers, for nothing. She is now looking to you as a parent. I am afraid my proposal is going to open a Pandora’s Box in the sense that since this humble request of Shs 1.6 million has been made to you, in your official capacity, we request you –

**THE SPEAKER:** No, for your information, the letter is addressed to Members of Parliament and not to me. That is why I read it to you. It is through me as the Speaker to read to you; it is your letter.

**MR WADRI:** Yes, the letter is sent to us and it was served to you because you are the head of this institution. You can see how your Members are. You know, they all look to you as a father. So for this particular case, we request your good offices to liaise with Makerere University and clear that.

Having said that, I am afraid it might now mean that more requests of a similar nature may come in. Thank you, Mr Speaker.

2.52

**THE PRIME MINISTER AND LEADER OF GOVERNMENT BUSINESS (Prof. Apolo Nsibambi):** Rt Hon. Speaker of Parliament, every Friday I get requests of that nature, including requests for jobs. That is why Government is going to address all those issues assiduously.

Hon. Nandala’s proposal needs to be studied carefully because we have a number of priorities –*(Interruption)*

**MR OKELLO-OKELLO:** I thank the Prime Minister for giving way. Mr Speaker, this matter was discussed in this House two weeks ago when the Minister of Education made a statement here. However, what we keep on hearing is that, “The Government is going to do this or the Government is going to do that”. What has the Government done? All the time, the Government is going to do something; if Government had already done something, this matter would not have come here now. My view is that, in spite of the situation the girl is in, reject this letter because if we set a precedent –

**THE SPEAKER:** Why don’t you allow the Prime Minister to say what he wants to say?

**MR OKELLO-OKELLO:** I oblige.

**PROF. NSIBAMBI:** Mr Speaker, first of all, Government has introduced a scheme where people will borrow money –*(Interjections)–* yes, we are going to operationalise it. Let me also point out that we cannot reject this proposal. I have discussed it with my neighbour over there, hon. Janet Museveni, and we have agreed that we shall take charge of it.

**THE SPEAKER**: Thank you very much. I think the request has been taken care of and the debate ends there. We thank the First Lady for that positive response.

PERSONAL STATEMENT

2.55

**MS BETRICE ANYWAR (FDC, Woman Representative, Kitgum):** Thank you, Mr Speaker, for giving me this opportunity to read this statement on behalf of the Women of Courage of Uganda 2011, who were recently given an award by the American Embassy.

On 7 April 2011, I was among the eight Ugandan women who were recognized as women of courage in various fields namely; media, health, peace and security, human rights/social justice, education, economic empowerment and environment. They were awarded by the USA Mission in conjunction with the Isis-WICCE. This has made us, women of Uganda and the country at large, proud! These ladies are heroines in their localities.

As Parliament, we cannot turn a blind eye to the achievements of these ladies. As the women of Uganda, these women are a source of inspiration and a light for women empowerment. In Acholi, there is a saying: “*Gwok ma dako bene mako lee*”, literary meaning that even female dogs can catch an animal while hunting. On behalf of my colleagues, the awardees, I would like to present the names of the Women of Courage 2011 and what they have achieved in society to the Parliament of Uganda so that it can pronounce itself on this.

In the field of media - I would like to say that the Women of Courage whose names I am going to read below are in the stranger’s gallery.

**THE SPEAKER**: You just read them.

**MS ANYWAR:** Mr Speaker, in media, we have Madam Betty Tibaleka. She has brought social justice to the media and consistently given the vulnerable groups a space to share their experiences through a TV programme, “*The Untold Story*.”

Madam Tibaleka’s experience shaped her journey. A 29-year old who lost a husband to HIV/AIDS and spent almost a decade in fear that she too was living with the virus, Tibaleka rose up and found out her status which turned out negative. She picked herself up and moved to give a voice to many people living with HIV/AIDS and those affected by it.

Over the years, “*The Untold Story”* has expanded to bring issues of social justice. Madam Tibaleka has visited prisons and given a human face to those who are locked up and usually looked at differently by communities. She has also brought out women to fully discuss issues of domestic violence that have plagued the country. She has also contributed a lot to sex education especially for the girl-child.

In the field of Health, Madam Jessica Onyango Were was recognized. She is a mother, mentor at Buyinja Health Centre IV in Namayingo District. Were, who is positively living with HIV/AIDS, pays special attention to mothers with HIV, and counsels them on how to live positively and also on treatment adherence. She has provided information to women about caring for children with HIV/AIDS through PMTC in various villages and helped women and orphans access justice. She has worked a lot on cases of land rights and violence against women. She leads a group of 16 women in eight sub-counties to support families affected by HIV to access justice.

Through maternal health services outreach, Were has managed to get mothers to deliver from hospitals in rural areas where most times mothers would rather deliver at home. Were has also extended her support to couples encouraging them to get tested and treated.

In the field of peace and security, we have Lydia Kantono. She is an assistant superintendent of police. She is a young determined officer who has served on the Professional Standards Unit (PSU) within the Police Force. As one of the first women in this department, Kantono enforced a standard of discipline, especially for corrupt officers. Kantono has also helped women in the force fight sexual harassment by their male counterparts. Women constitute less than 15 per cent of the Police Force and Kantono has done a lot to ensure their rights are protected. Kantono is currently at the Anti-Terrorism Department of the Police and has participated in many operations to deter terror threats.

In the area of human rights and social justice, Prudence Komujinya *–(Interjections)-* Komujinya

**THE SPEAKER:** Komujinya, yes.

**MS ANYWAR:** Mr Speaker, you know that right from the North, it is not very easy to get these names right.

Komujinya’s story is just an incredible one. As a graduate of Makerere University, Komujinya was enthusiastic to put her degree in education to good use -

**THE SPEAKER:** I think what you can do is to say “Komu” and stop there. *(Laughter)*

**MS ANYWAR:** Obliged, Mr Speaker. She had just spent a few months at Muntuyera High School *–*

**THE SPEAKER:** There, you can stop on Muntu because Muntu is Muntuyera. *(Laughter)*

**MS ANYWAR:** Muntuyera High School in Ntungamo District when she was attacked with acid that left her with extensive facial disfigurement. She spent months at Mulago Hospital undergoing a lot of surgeries to save her life. Having lived in Mulago among other acid survivors who received limited care from their families and the hospital, Komu chose to use her experience to help others.

Many survivors struggled with medical bills, welfare and were denied justice. This impunity and general attitude towards women survivors of acid attacks moved Komu to start documenting cases and following up with prosecution to ensure perpetrators were brought to book. With the support of her doctor, Komu and others set up the Acid Survivors Foundation, Uganda. This foundation has done a tremendous job in campaigning for proper medical attention for acid survivors, following up cases in courts and providing for the welfare of a group of people that is often ostracised.

In the area of education, Beatrice Ayuru Byaruhanga headed back to her home in Lira after getting a degree in education from Makerere University. Ayuru went back and started growing cassava. Unlike many graduates who are job seekers, Ayuru wanted to be a job creator and her dream was to own a school. She did farming on a piece of land her father had given her against the clan which insisted that a girl-child cannot own land. The money from the sale of cassava was invested in a few projects but Ayuru realised if she was to run a school, she would have to first practice what she studied.

She taught at Comboni Secondary School where she was not on the payroll for two years. During these years, Ayuru sold cassava and tea to students early in the morning before she went to class. Later, her arrears were paid and she used them to make bricks to put up the first block of Lira Integrated Nursery and Primary School. The school opened in 2000. Ayuru, known as *mama* at the school, expanded it to a secondary school and later this year, a university will start operating.

Ayuru has provided education to children in the war-affected region and also provided a role model for girl-child education. She opens her home to provide shelter to girls whose families are forcing them into early marriages. She waives school fees for many children from poor families. Her school has 1,500 students. The school is funded partly by aquaculture and agricultural projects. She and her husband, George Byaruhanga, have six children.

In the area of economic empowerment, we have Elizabeth Muhabwe Nkongi. Nkongi worked at Radio Uganda until 1999. She joined Radio West before moving on to do private consultancy work. While at Radio Uganda, she helped women who were in lower positions start a few income-generating activities. Nkongi has helped women start small roadside stalls selling merchandise to sustain their families. Nkongi has also used her personal bank loans to extend support to less educated women who cannot access credit facilities.

In the area of the environment *–*

**THE SPEAKER:** Can I request hon. Alaso to read that part of the statement. (*Laughter*)

3.11

**MS ALICE ALASO (FDC, Woman Representative, Soroti):** Mr Speaker, I am honoured to present this part of the statement on environment.

The Woman Member of Parliament for Kitgum District who sits on the Parliamentary Committee for Natural Resources and HIV/AIDS, the hon. Beatrice Anywar Atim, who also came to be known as *Mama Mabira*, was honoured because of her work in the Save Mabira Campaign, which stopped the Executive from giving away part of Mabira Natural Forest to an investor to plant sugarcane.

Hon. Anywar led a group of Ugandans from all walks of life in early 2007 to stage a protest against the government and was later imprisoned on charges of terrorism and unlawful assembly. (*Laughter*) The process was one of the few that had united Ugandans in the last 20 years to object a Government sale of a natural resource.

On behalf of the above-mentioned awardees, on whose part now I am reading this, I would like to thank the Government of the United States of America, through its embassy in Kampala, and Isis-WICCE for this historical gesture to the women of Uganda. The women have pledged to go a long way to work harder for a better society and these awards will act as a motivation to many women out there to continue doing noble acts in society. The women would like to see these efforts of Ugandan women documented and a book written for future reference.

Mr Speaker, I would like to request the hon. Members of the House to applaud these women of Uganda by recognising their efforts. (*Applause*) We would like to show to you the awards that were presented to hon. Beatrice Atim Anywar as a woman of courage on the environment.

The first one was presented by the Rotaract Club of the Rotary District 9200. The Rotaract Club of Kampala Central, 2007 Vocational Award, hon. Anywar Atim, O.B 2007 - Mr Speaker, this is the award. (*Applause*) Should I lay it on the Table? (*Laughter*) I am advised that it is not laid on the Table; I just show it to Members, otherwise the House will keep it for its record.

The award we have been talking about is the one of the Ugandan Woman of Courage 2011 and it is says, *“Ugandan Woman of Courage 2011 hon. Beatrice Atim Anywar, Environment/Climate Change awarded by the US Ambassador to Uganda, Jerry P. Lanier, on April 7th 2011.”* There are emblems of Isis-WICCE, the United States of America Mission to Uganda and FIDA International. Mr Speaker, this is the award.

**THE SPEAKER**: Thank you very much. In the first place, I want to thank you, hon. Alaso, for accepting the assignment I have given you, which you have done extremely well. It was not an ambush but I realised that hon. Anywar would find a problem reading things about praising herself. People have to be modest and you have saved the situation.

I congratulate you, hon. Anywar, for accepting your statement to be read by another person when you are present. I also want to congratulate your colleagues - apparently, I see only two. Can you please stand up for recognition? (*Applause*) Congratulations! Thank you very much.

**MS ALASO:** Mr Speaker, I thought it would be proper to let us know who they are by mentioning their names quickly.

**MS ANYWAR:** Mr Speaker, in the gallery we have Madam Elizabeth Nkongi. (*Applause*) She won the award for economic empowerment. I could not get all the details because we were eight of us and we met for the first time.

I am happy that my colleagues have been able to make it. Some are from Jinja. The *Afande*, the police lady, whom I would really salute for being exemplary, was not able to make it but at the previous appointment I had with you, Mr Speaker, they were all here and they could not come more often. I am very grateful and honourable colleagues, for this opportunity and God should reward you.

**THE SPEAKER:** Congratulations once again!

3.19

**THE PRIME MINISTER AND LEADER OF GOVERNMENT BUSINESS (Prof. Apolo Nsibambi):** Mr Speaker, I wish also to congratulate these people on -(*Interjections*)- ok, these ladies. (*Laughter*) Ladies are people. I would like to congratulate them on their great achievement, especially the young ladies. May the Almighty irrigate you with mercy! (*Laughter*)

**THE SPEAKER:** OK.

3.20

**MRS MARY OKURUT (NRM, Woman Representative, Bushenyi):** Thank you, Mr Speaker. I want to thank hon. Anywar for this statement and in particular I want to thank the American Embassy and Isis-WICCE, whom I used to work very closely with, for having recognised these women.

We know that there are so many other women out there who really warrant these awards but they are not known. I am requesting the American Embassy and Isis-WICCE and every other person that when such awards are going to take place, they broaden the scope. This is because there are women out there who do not even know a word of English but who are women of courage. There are women out there who day in day out, year in year out make a very big difference.

However, this is the beginning and it is a motivation; it motivates other women when others are recognised. Therefore, I would like to move a motion that we formally recognise these women so that the others can be encouraged. We want to put it in the records of Parliament that we recognise them as well so that we can encourage other women out there to move and be recognised. Thank you.

3.21

**MR REAGAN OKUMU (FDC, Aswa County, Gulu):** Mr Speaker, I also want to applaud the ladies who have been recognised. I only wish that ladies like hon. Nankabirwa, who was the first woman Minister of Defence, would have also been part of these courageous women. To be a minister of defence is not a simple thing. I hope next time they will widen the net and filter in as many people as possible. I also thought that great writers like hon. Karoro Okurut – I used to follow her writing in the newspapers a lot – should have also been caught in the net to encourage more of our women to write.

Mine is an appeal, especially to the Leader of Government Business. Hon. Anywar read all the names and emphasised the police officer that was among the group. This is a sign of her reconciliation with the Police and appreciation of the contribution of women in the Police. Can the Leader of Government Business together with the Attorney-General withdraw any possible charges that are against hon. Anywar as a good gesture coming out of this great recognition that she has been given? Thank you.

3.24

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (MICRO-FINANCE) (Ms Ruth Nankabirwa):** Thank you, Mr Speaker. I want to join colleagues who have congratulated these women who were recognised. I worked with Isis-WICCE for eight years when I was Minister of State for Defence. Through the American Embassy, I received an award in 2003 as “Woman of the Year” by the American Biographical Institute. Yes, it gives courage to women – young and old – who are out there toiling and working for the good of their nation.

On Page 2 of this statement, it gives me courage to recognise a lady, Lydia Kantono, who is an Assistant Superintendent of Police in the Uganda Police Force. What is special is that I wish to remind people that the Uganda Police Force is a professional force; it recognises women and we have many of them. During Women’s Day, we see them – those of us who go to celebrate Women’s Day – on parade. That is a gesture that encourages young girls to join the Police and UPDF, and in the end you are tapping the rest of the women in the country. I congratulate my colleague, fellow women who have been recognised and those who are yet to be recognised. Thank you.

3.26

**THE MINISTER OF STATE FOR EDUCATION AND SPORTS (HIGHER EDUCATION) (Mr Mwesigwa Rukutana):** Thank you, Mr Speaker. I want to thank hon. Anywar for identifying these women who have made good contribution towards social economic development in our country. However, I have some difficulty on two matters: these are only seven women yet there are very many others out there who have done tremendous work towards society but have not been recognised. If we pass a resolution recognising these very few women, what feelers shall we be sending? Won’t it be looked at as a slap on the face of those women who have done quite a lot? There is hon. Janet Kataaha Museveni and Betty Bigombe, for example, who have done tremendous work. The list is endless.

The other thing is that the subscriber of the motion listing herself as a person to be honoured; in all earnest if she had looked for somebody else –

**THE SPEAKER:** Hon. Members, there is no motion; it was a statement which was supposed to have been given two weeks ago. You remember we received the news about her recognition when she was here and I announced it here and she went to receive the award. So, this was just a statement to narrate what happened; she was not moving a motion to be recognised.

**MR RUKUTANA:** But, Mr Speaker, from the statement hon. Karoro was moving a motion -

**THE SPEAKER:** That one is different.

**MR RUKUTANA:** My view is that much as I thank hon. Anywar and applaud these ladies, there are very many other ladies - besides there are even men of courage who should also be recognised. *(Laughter)*

**THE SPEAKER:** I think we should conclude this. The statement was just to give us an account of what happened.

3.29

**MS ALICE ALASO (FDC, Woman Representative, Soroti):** Thank you, Mr Speaker. I would like to join the House in congratulating the Women of Courage this year, 2011. I would like to invite the House to reflect on the areas where these awards have been given: the media, health, environment, education, economic empowerment, peace and security, and human rights. My own reflection is that these are areas that make a real difference in the lives of the many disadvantaged women in our communities.

Our social structure is such that many of our women grow up through a system that does not empower. For you to find a woman who is committed to making a difference in the lives of many – like these women of today – is a great thing. I would like to invite us as Parliament and as a nation to commit ourselves to the empowerment of the woman at the grassroots level.

**MR ODONGA OTTO:** I rise to give information in support of your suggestion that women should be empowered in this country. Related to that, I would really support the views of hon. Rukutana that men of courage should also be recognised. We all know the courage hon. Rukutana has and the role he has been playing to emancipate women in this country at a personal level. (*Laughter*) That is the little information I wanted give.

**MS ALASO:** Mr Speaker, I want to thank my colleague for that information and I think in gender analysis you look for who is disadvantaged for you to develop affirmative measures. I think that the affirmative measures in this award are well intended initially for the women who are the disadvantaged in our community. I am hoping that maybe someday somebody will realise that hon. Rukutana needs an affirmative measure and we will do the necessary intervention. (*Laughter*)

Finally, it is important that we put our resources as a country to empowering the women of our communities. However, I also want to put it on record, on behalf of hon. Beatrice Anywar, that the terrorism charges which had been preferred against them - hon. Beatrice Anywar and hon. Hussein Kyanjo - were dismissed by court. Court did not find any basis for which these charges had been brought against these honourable people. I think that is why this award is well deserved for hon. Beatrice Anywar and for the rest of the Women of Courage. I thank you.

**MR AMURIAT**: Thank you very much, Mr Speaker. There is a motion on the Floor moved by my friend hon –

**THE SPEAKER**: Unfortunately, when the motion was moved nobody stood up to second it. He stood? You did not say anything. You should have said, “I support the motion.” Okay, so can I put the question? I put the question to the motion moved by hon. Karoro Okurut that we formally recognise the mentioned women.

*(Question put and agreed to.)*

*(Motion adopted.)*

MOTION FOR A RESOLUTION ARISING FROM THE MINISTERIAL STATEMENT MADE BY THE MINISTER OF INTERNAL AFFAIRS

**MR WADRI:** Mr Speaker, yesterday we received and exhaustively debated a ministerial statement from the Minister for Internal Affairs. In the course of this debate, there were factual errors which have gone into our official record, the *Hansard*, and these records will remain there for history and for posterity to judge us if we do not correct them. It is in that light, without prejudice to the motion that is going to be brought by hon. David Bahati, that I beg your indulgence to correct the record.

On page 6 of the statement, and later emphasised by the honourable Member of Parliament for Ruhaama, hon. Janet Museveni Kataaha –(*Mr Tumwebaze rose\_*)- I am on procedure. Get the rules well.

**THE SPEAKER:** Why don’t you allow him to say what he wants to say and we see whether it is a point of procedure? Let us proceed and then we shall guide you. The question of debating does not arise. Are you debating?

**MR WADRI:** No, Mr Speaker. Without prejudice to the motion that hon. David Bahati tabled yesterday, which was deferred for further input today, I would like to request this august House, through you, to have footage, where the person who came with the hammer hit the vehicle repeatedly and the hammer landed in Dr Besigye’s car, played so that we know the facts. This was run on WBS yesterday and I believe if you had an opportunity, you watched it.

It is on record and it is stated that Dr Kiiza Besigye had the hammer in his car. We are saying, no, the hammer was brought in by a hooded man who used it to hit the windscreen of the vehicle and the hammer landed in the car and it is at that point that Dr Besigye got it. I beg your indulgence, Mr Speaker.

**THE SPEAKER:** I am not allowing any further debate. If you have to show it, we shall only look at it but there should not be any debate because we closed this debate. If it is just to show us, it is ok but the question of debate ended yesterday and we currently have a motion. Honourable members, you heard the remarks made by hon. Wadri that he wants to show you something; what is your view?

3.39

**THE MINISTER, OFFICE OF THE PRESIDENT, IN CHARGE OF SECURITY (Mr Amama Mbabazi):** Thank you, Mr Speaker. Yesterday the debate ended with a presentation of video clips or footage to present whatever point we had in the debate. Each side presented what they thought was the most relevant to the points and arguments that they had to present here. On the side of Government, the Minister of Internal Affairs presented footage of 12 minutes. As I said in my presentation yesterday, that whole standoff lasted six hours. Actually, we have footage of six hours long.

If each time something comes up we have to come and bring a counter to this or bring this part, where shall we end? So, since we had finished the debate yesterday and we had already started debating the motion, my proposal to my colleagues is that there is absolutely no reason why they should not show anything that they have in their possession. I think we should go on with the debate of the motion. If –(*Interjection*)- I am not intimidating anybody. My view is that really that debate is over. We should continue and finish the motion and then if anyone wants to raise something new, please do, so that we prepare for it and we also come with our clips. We shall also come with many clips to fit whatever gaps there may be.

**MR OKELLO-OKELLO:** Mr Speaker, we have made corrections very many times in this House including to our motions. Are we saying that from today onwards if a mistake is made, there will be no correction? Mr Speaker, you have ruled that we see the correction and you are in charge of the House, I do not see how a Member can come and overrule your position. I thank you.

**THE SPEAKER:** Any further comment on this?

3.42

**DR SAM LYOMOKI (NRM, Workers’ Representative):** Thank you, Mr Speaker. Yesterday we observed the clips and concluded the debate. It becomes un-procedural, since we adjourned yesterday so as to come and continue debating the motion, to go backwards. Some colleagues suggest that they want to show us a clip. It will mean that each side will come up with new clips. We even do not know where that clip has come from. Yesterday they showed us the whole thing and so for them to wake up now and say that they have another one to correct what they gave yesterday is un-procedural. This House should not be taken for granted. We have listened to each other and so we should move on. We should not be taken for granted so that anybody will come up with anything and stampede us to look at it. I think that this is not right, Mr Speaker.

3.43

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (MICRO-FINANCE) (Ms Ruth Nankabirwa):** Mr Speaker, yesterday before we started, the Minister of Internal Affairs was supposed to show us his footage. However, I remember very well that before he proceeded, the Leader of the Opposition stood up and requested that they be allowed to also show their footage that they had prepared in anticipation that the Government side had manipulated its footage. What will stop me from thinking that what they want to show us in two minutes has not been doctored? *(Laughter)* I will then also request that I am given an opportunity to show.

You are all aware that we are time-barred and that we have urgent *-(Interjections)-* I am talking as acting Government Chief Whip and Minister of Information. I was given this assignment by the Rt hon. Prime Minister. So principally, colleagues, you know that what you are asking for will be taking us back, considering that you know how we proceed.

By the time the Speaker adjourned there was a motion on the Floor, which was supposed to be amended. We sat this morning with people from both the Government and the Opposition side, agreed on the amendments and prepared ourselves to dispose of the motion. Going back to the footage means that we are going back to the statement of the minister because the footage was part of the minister’s statement. So, I beg that we proceed with the motion and this does not stop anybody in the future from bringing whatever they want to bring. I thank you.

3.46

**MR HUSSEIN KYANJO (JEEMA, Makindye Division West, Kampala):** Thank you very much, Mr Speaker. This is honestly an appeal. This is Parliament and when we come here, we sometimes come here to earn marks and scores but other times we come here to find solutions. We need to learn to accept from each other, in times like these, simple requests. If we played the caption, I am sure that we would have already done the deal.

Mr Speaker, I would like to most honestly request you; you have the duty to guide this House and to rule and so within your own wisdom, I would beg that you rule on this issue and we abide by that ruling.

**THE SPEAKER:** Well, the point which they are raising is that we currently have a motion; should we look at this after the motion? Let us first dispose of the motion and then you display later. I am not gagging anything; what I am talking about is the timing. Should it come after the motion has been dispose of?

**MR WADRI:** Speaker, the pending motion is a result of our debate of the ministerial statement. I made my appeal very clear that I am not here in any way to prejudice the motion which is at hand. We are not here to open up debate on the minister’s statement. I am here to request that the records of Parliament in the *Hansard* be put straight so that we know that tomorrow when we are not there and people come to read the *Hansard*, they are able to get the correct information.

Even in courts of law, when new evidence arises it is admissible. So really, this is what we are asking for. I am happy the Minister for Security says he has six-hour footage; if he brings it at an appropriate time, what he is talking about will probably be shown. I thank you for your indulgence, Mr Speaker. It will take us only two minutes.

**MR RUKUTANA:** Mr Speaker, I have a procedural problem. Yesterday when the footage from the minister was shown, the Opposition came up with its own footage and a statement was made. In that statement, I remember vividly that it was stated that there was a hooded man who came with a hammer. Even photographs depicting a hooded man with a hammer were brought and every one of us saw them. My procedural question is: of what value addition is the footage? We have already been told that there was that man and we have already seen the photographs plus the footage from the Opposition and the minister, now of what value addition will it be?

**MR WADRI:** Mr Speaker, I would like to thank the minister for giving way and receiving this information. You see, it is on record that hon. Bright Rwamirama, the Minister of State for Agriculture, said that he doubted the pictures in *The* *Monitor* and went further to say that *The* *Monitor* deserves to be investigated about the photographs. It is on record. However, it is only through this footage that we shall be able to settle all these misgivings. That is the information I wanted to give you.

**MR AMAMA MBABAZI:** Mr Speaker, the simple point that one was making was not to say that what you are going to bring is a concoction; it may very well be but we are not making that point. You know that Mr Osama Bin Laden was killed and newspapers, including ours, produced what they purported to be the picture of Osama Bin Laden with a bullet through the eye, but President Obama has said they have not and they will not produce any picture of Osama. That picture you saw in the papers here is a concoction through the computer. If we seriously wanted to look at the full footage, we have it and we can get time after this motion and view the full six hours from Kasangati up to the time when Dr Besigye was arrested.

3.53

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr Matia Kasaijja):** Mr Speaker, I thought yesterday we ended on a happy note. We said that we should look for the way forward now, and we concurred. If we continue showing videos here, is that a way forward or not? I thought that we should spend our time productively by debating the motion so that we can forge ahead for the good of our country.

3.53

**MR CHARLES ANGIRO (Independent, Erute County North, Lira):** Thank you very much, Mr Speaker. This is a very simple issue because procedurally, even the copy of the footage on both sides should have been laid on the Table here for our record. After presenting, we would get the opportunity for it to be laid on the Table.

**THE SPEAKER:** You are saying that they are not part of the record?

**MR ANGIRO:** Yes; I do not see why the Government side is fearing -

**THE SPEAKER:** We can come tomorrow at 10.00 a.m. and view these videos so that the right picture comes out.

**MR ANGIRO:** It is only two minutes; it will not take long.

3.55

**MR REAGAN OKUMU (FDC, Aswa County, Gulu):** Mr Speaker, I have listened; procedural points were raised, statements were made about this, but I just want to say that we should not engage in technicalities as if we are in a court of law.

Secondly, we are still on the same subject, the same matter; we have not left the issue, so if something comes up when we are still debating the same issue, what is the problem there? If somebody is just asking for two minutes to show the video, will that cost us a lot? The Chair has the right to determine if it is getting out of the two minutes and then he stops us. I do not see any problem as to why a point of procedure should be raised. It is still the same issue being debated; it is not something from outside that is being smuggled in now.

I think the hon. Minister of Internal Affairs raised a very important issue here on the way forward. Everybody wants a way forward, but the way forward should allow other people to make a statement that they never made yesterday. This is the only way that the two sides can bridge the differences and then we move forward. I beg that the other side understands this. We are still on the same issue and two minutes will not bring heaven down.

5.57

**THE MINISTER FOR WORKS AND TRANSPORT (Mr John Nasasira):** I really need your guidance on this matter. I think it is not a question of whether it is two minutes or not; it is a question of how far we had gone. We had the debate and people came with their films and requested for the films to be viewed during the debate. The debate went on well and we finished.

When we finished, we were actually about to pronounce ourselves on the motion that was moved by hon. Bahati and seconded by a number of people. However, I am sure that we all remember very well that because of the time, you advised that the movers of the motion and those who had amendments go and look at this motion this morning, harmonise the amendments and come with a well written out motion. I understand that has taken place and we have the copy of this motion here. My understanding therefore is that straightaway we would now move to conclude that motion. If it happens that in the process of debating this motion there is somebody who wanted to ask for more films, that is when the relevance to show or not to show would come in.

My understanding is that we had reached that stage, and I remember the nice conclusion of the Opposition Chief Whip; he said, “Mr Speaker, you can see the tempers are low. The other day we were almost punching each other but now we have talked in friendly way and we are moving forward.” I thought that now we would come to this motion, look at the harmonised position on the motion and finalise it.

3.59

**MR THEODORE SSEKIKUBO (NRM, Lwemiyaga County, Sembabule):** Thank you very much, Mr Speaker. Since Tuesday, we have been having this debate and this time I had not been fortunate to catch your eye in the initial stages of the debate. However, having come this way, I had useful information to give to my side and also to the Opposition side.

Now that that is over, I would propose to honourable members that what was happening really makes even the strong to reflect, and I would imagine that it is not really proper to light up the embers of the bad feelings that had developed once again. I think that viewing the recording is not bad because this Parliament is at liberty to receive every kind of information. What I would say, in this particular question, is that you have made your point, dear colleagues on the other side. Ugandans have made a point and you have seen it all. This side may be putting on a brave face but we saw exactly what happened, we know what happened. Do not go ahead to evoke fresh wounds. If it is your wish, let us move together as Ugandans because it not only you who are hurt but all of us as Ugandans. Our dignity was hurt *–(Interruption)*

**MR NANDALA-MAFABI:** I thank you, Mr Speaker. I want to thank my colleague, hon. Theodore Ssekikubo, for accepting clarification.

In South Africa, when they wanted to heal wounds, they put up what we call the Truth and Reconciliation Commission and everybody came and poured out their hearts and people reconciled. I can assure you that we are trying to reach that reconciliation point and that is why you see a point has been raised in form of a motion.

Now there are issues that arose, and one of them says that Dr Kiiza Besigye had a hammer, and it is on our record. Even the First Lady said he had a hammer and even spoke of how the hammer came in. That is the point when we asked the Minister of Internal Affairs whether the man with the hood was an army man. He had initially accepted but in the end, he denied.

Now here we are; we want to confirm - maybe this was a thief from Wandegeya who had come to break the window - we want to reconcile. I can assure you that we have come with a positive attitude to reconcile today and move forward and we shall move on that point after seeing that.

**THE SPEAKER:** Why don’t we get copies of the minister’s video which we had here, we have yours and we give them to the *Hansard* to look at? The problem is to correct the *Hansard* then why don’t the two sides surrender their clips? If you are not answering that one, then let me listen to him and then I will listen to you.

**MR KASAIJA:** With due respect to my colleague, hon. Nathan Nandala-Mafabi –*(Mr Ssekikubo rose\_)*

**THE SPEAKER:** I thought you had finished. Hadn’t you finished? Wait for him to finish and then you come in.

**MR KASAIJA:** No, I thought I would give him some –

**THE SPEAKER:** No honourable, you will come in after he has finished. You should realise that we are taking a lot of time; the entire day yesterday was spent on this issue and now even today!

**MR SSEKIKUBO:** Mr Speaker, hon. Matia Kasaijja will maybe come in to clarify –I had an opportunity to watch him while he was on *WBS TV* and he admitted to all these issues; he saw them and he took them in good faith.

So, dear colleagues, you are seeing us saying “No” to the viewing of the tape – it is not because we are suppressing the facts. We are saying yes, we have conceded that things did not go wellbut can we proceed as a country. There is nothing new we are going to say or put forward. We have said that we concede.

**THE SPEAKER:** I had said the minister was coming in. He was coming and I stopped him.

**MR KASAIJA:** With due respect to my brother, hon. Nathan Nandala-Mafabi, yesterday he said something and he has repeated it today. I want the record of this Parliament to be put right. I never conceded that the hooded man was part and parcel of my police officers. What I conceded to was the picture of Arinaitwe. I never conceded to the man with the hood. First of all, you saw the footage yesterday and we have no record of him and we do not know him in the Police. I thought I would give this information and set the record correct.

4.06

**THE PRIME MINISTER AND LEADER OF GOVERNMET BUSINESS (Prof. Apolo Nsibambi):** Mr Speaker, we have been reflecting on this matter and we are on the brink of reaching consensus but it is eluding us. Under the circumstances, I would like to recommend that we come back tomorrow *– ngoja kidogo* - and view the entire footage from Kasangati until Dr Besigye was arrested; it is the only way and then we shall conclude this matter. I suggest we follow that method.

**THE SPEAKER:** I had actually given an opportunity to hon. Katuntu but he did not stand up. I will give you time. When the question came, you were seated and so I had to give them the opportunity.

4.08

**MRS MARY OKURUT (NRM, Woman Representative, Bushenyi):** I thank you, Mr Speaker. I only want to make a very passionate appeal. The English man says, “Murder will out”. If somebody kills you and conceals it, over a pot of *ajono* he will tell somebody, “If you disturb me, I will kill you like I killed the other person”, and so murder gets out.

The truth has come out *–(Interjections)–* wait! Yesterday, we watched the two footages and now our honourable colleagues are saying that we should watch other footage. When they say that, it is acceptable but it means that the minister will have to show the other footage and it is not a question of one or two minutes. As I conclude, I think we should have the motion. I thank you very much.

4.10

**MS CHRISTINE BAKO (FDC, Woman Representative, Arua):** I thank you, Mr Speaker. What is affecting this country will affect us for generations if we do not put our hearts to it.

I have been reading a book by James Bruce entitled, “*Everything comes to pass except the past”*. In there, there are classifications of how countries that have gone through violent conflict as a result of extreme horizontal and vertical inequalities have reconciled. Here we are trying to conceal the truth. Anyone who monitored these events on television would first and foremost be saddened by the footage that was brought in here by my good friend, hon. Kasaijja. At my age, I did not expect to be here to discuss this at a time when 32 years ago we saw what was called a dictatorship but today we are seeing nothing but denials. How did we degenerate into this?

The message and the language that politicians are using as far as these events are concerned is very unfortunate. It takes an honourable minister of government to say, “Our country can do nothing; this is a lassie faire economy”. It takes another to say, “You see, Besigye simply bit his finger”. It takes another minister to say -(*Interruption*)

**MR SEBUNYA:** Mr Speaker, is it procedurally right for the honourable member to continue debating? I thought you had ruled that there was no debate. We do not want to be stabbed in the back. Is it procedurally right?

**THE SPEAKER:** She has not finished.

**MS BAKO:** Mr Speaker, we must face the challenges head on. I am just imploring Government: look at your ministers responding to issues; look at the arrogance that they are displaying; look at the Hummer class versus the jigger class, and we say this country is moving in the right direction! Look at this peasant who is unable to afford medication. Look at this man who has stripped naked to protest the absence of gloves in a government facility. Look at denials of footage shown here. That only amounts to nothing else but denial of facts.

We have stratified this country; we have the Hummer class and then we have the jigger class-

**THE SPEAKER:** Hon. Member, let us be fair to each other. The first footage was by the Minister of Internal Affairs and he ended it and *-*

4.14

**THE OPPOSITION CHIEF WHIP (Mr Kassiano Wadri):** Mr Speaker, I have the privilege of at least understanding Luganda because I worked here. Having looked at the suggestion which was made by the learned professor, we have reached a slight compromise - I can only say slight because I do not know what the rest of you will say.

We have reached a compromise that if we cannot have the two minutes of the footage that we wanted to show, we now accept that tomorrow, let Government come with the six-hour footage and we will also come with ours. It is only at that point after we have seen all this footage that we will continue with this motion. For the time being, we cannot entertain this motion. We will not entertain this motion until we have seen the entire footage where all those facts are corrected. I thank you.

**THE SPEAKER:** Okay, I think let us respect the agreement by the two sides. We do not proceed with the motion; we proceed with another item on the agenda.

In the distinguished strangers’ gallery we have our colleague who was here, Matia Baguma Isoke. (*Applause*) We also have, in the gallery, students of YMCA College of Business Studies, Jinja. You are welcome to your Parliament! (*Applause*)

BILLS

SECOND READING

THE PUBLIC PROCUREMENT AND DISPOSAL OF ASSETS (AMENDMENT) BILL, 2010

4.17

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (INVESTMENT) (Mr Aston Kajara):** Mr Speaker, I beg to move that the Bill entitled -

**THE SPEAKER:** Hon. Members, I appeal to you to be patriotic by staying and transacting Parliament business.

**MR KAJARA:** Mr Speaker, I beg to move that the Bill entitled “The Public Procurement and Disposal of Public Assets (Amendment) Bill, 2010” be read the second time. I beg to move.

**THE SPEAKER:** It is seconded.

**MR KAJARA:** Mr Speaker, the current Act that has been regulating public procurement and disposal of public assets was enacted sometime in 2003. From that time, issues have arisen, circumstances have changed and thus Government wishes to make proposals for improving procurement efficiency, first of all, by enforcing procurement planning by accreditation of alternative systems.

Secondly, this Bill is seeking to provide for proposals for improving the efficiency of the PPDA Authority by re-focusing its functions, redefining its powers, reconstituting the PPDA board and enabling delegation of functions and powers of the PPDA board.

The amendment Bill also has proposals for improving transparency and accountability thus enabling independence of functions and powers of parties involved in procurement by facilitating audit trails through maintaining procurement records, and also establishing a disposal committee which will handle disposal issues.

The Bill also is meant to promote local and small enterprises’ participation in the procurement process by making provision for preferential schemes and also enabling provisions for reservation schemes under the procurement laws.

The Bill also seeks to improve public confidence in public procurement by establishing an independent complaints review mechanism outlawing contracts with members of procuring and disposal entities, clarifying grounds for suspension of providers, and making offences and penalties where they were none.

There are other provisions in this Bill which will seek to refine the methods of procurement and disposal and also provide for financial affairs of the PPDA such as compliance with the Public Finance Act and other laws.

The expected improvement by this Bill is that there will be increased absorption and commitment of funds through procurement planning and therefore enhancing the level of delivery of services to the country.

Once this Bill is passed, it will have the effect of accrediting alternative procedures of procurement for specialized procuring and disposing entities, which will ensure efficient handling of such procurement. We also expect that there will be a reduction in the procurement lead times through regulation of the evaluation process and complaints mechanisms, which has been a big problem occasioning delays in the procurement process.

We also expect that transparency and accountability through the streamlining of the functions of the accounting officers and contracts committee will be achieved. We shall also promote local and small enterprises through preference and reservation system schemes.

The Bill will also strengthen administrative review processes through the PPDA Tribunal, to guarantee confidence to the public, user departments and service providers in the procurement process. There will be increased information flow between the accounting officers and the political leaders – there were many complaints received from either side. This Bill seeks to provide information which will help to avoid confusion.

This Bill will have a multi-disciplinary board representing key stakeholders in the procurement, departing from the present composition of the present board. I beg to move.

4.24

**THE CHAIRMAN, COMMITTEE ON FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (Mr Frank Tumwebaze):** Mr Speaker, I have the pleasure to present the report of the Committee of Finance on the Bill which was read for the first time on 16 August 2010 and referred to the Committee of Finance, Planning and Economic Development for scrutiny.

The committee has, in accordance with Rule 116 of the Rules of Procedure of Parliament, scrutinized the Bill and now presents its findings to the House.

Methodology

The committee considered submissions from -

a) The Minister of Finance;

b) The Public Procurement and Disposal of Public Assets Authority –

**THE SPEAKER:** You can leave those out; those are routine. You go to the substance of the report. You can deal with the observations and then the recommendations.

**MR TUMWEBAZE:** The committee made the following observations – I am on page 6 of the report:

Procurement of Land

The Bill seeks to broaden the definition of “supplies” to include land*.* The committee welcomes this inclusion and observes that this covers the loophole in the Act which has sometimes led to loss of public funds because of that ambiguity in interpretation.

Disposal of Land

The proposed definition of the words “public asset” for purposes of disposal, seeks to exclude land held by the Uganda Land Commission. The committee notes that all public land in Uganda should be disposed of in a manner that is transparent. The committee thus proposes an amendment to clause 2 of the Bill, deleting the expression that seeks to exclude land held by Uganda Land Commission from the application of the Act.

The Composition of the Board

The Bill seeks to reconstitute the PPDA board by introducing members from the private sector. The committee notes that the proposed organisation does not include any procurement professional in Uganda and proposed to amend clause 8 to include a procurements specialist on the board.

Secondly, the committee learnt that the institution of procurement professionals in Uganda is not a legally recognized board. The committee urges Government to hasten the process of recognizing the institute as a professional body in Uganda.

The committee further proposes an amendment to schedule 1(a) to delete nominations to the board from Uganda Manufacturers’ Association and the Uganda Chamber of Commerce and replace the two organizations with the Private Sector Foundation of Uganda where both organizations have membership.

Procurement by the Authority

Clause 13 provides for a procurement agent, appointed by the Secretary to the Treasury, to carry out procurement and disposal activities for the authority. The committee notes that there is no need to give the Secretary to the Treasury individual specific powers separate from the board and not delegated by the board. The authority should handle its own procurement and showcase best practice in procurement for the industry it regulates to benchmark.

Duties of an Accounting Officer

Clause 14 makes accounting officers liable for signing contracts, where the contract price exceeds the market price. While the committee appreciates the spirit behind the provision, it observes that there is a policy gap as regards price determination in Uganda, which renders the provision unrealistic.

The committee proposes to amend the provision to expand the mandate of the authority to create a common user items price list to guide the accounting officer in absence of a body which sets prices, and also enable the accounting officer to negotiate with the best evaluated bidder who may be above the established price.

Public-Private Partnerships

The committee observes that although the Bill attempts to provide for public-private partnerships, the provisions are inadequate. The committee was informed that there is a draft Bill on the public private partnerships in the offing and urges Government to hasten the Bill. I beg to report, Mr Speaker.

**THE SPEAKER:** Thank you, chairman and members of the committee, for the report. Hon. Members, the debate is open.

4.29

**MR ERIAS LUKWAGO (DP, Kampala Division Central, Kampala):** Thank you, Mr Speaker. Allow me to register my appreciation to the minister for having brought this Bill. In my view, streamlining the provisions of this Bill has been long overdue.

One thing I should say before I come to the specifics of this Bill is that corruption in this country is a concern for everybody; not only for the leaders and the public, but also for the international community. It is through the processes of procurement that we register the most serious cases of corruption. It is a complex situation where people cut deals; different key players try to circumvent the provisions of the law and fleece us of our resources. So, we need to tighten the grip on the processes of procurement by enhancing the sanctions provided for under the law.

Having said that, I am not satisfied with certain aspects of this Bill: one, in Article 80 of the parent Act, which was enacted way back in 2004, if you looked at page 33 of the Bill, that is clause 29, it is just repealing the words “or disposal” appearing in each of these sections in the original Bill.

We needed to revisit the entire provision, particularly Article 8 on the modes of procurement. I am even suggesting a radical proposal. “The mode of procurement by way of private treaty should be prohibited.” Private treaty or negotiations should be prohibited –(*Interjections*)- yes, for us to have value-for-money and probity. We must have transparent mechanisms of procurement and not private treaty and those behind the scenes negotiations which are not even properly regulated. I have even looked at the regulations for local governments which were made in 2006; they do not address this problem. They just go to the Executive Director of the PPDA then the Executive Director okays private treaties and then you go back to square one. Again, the mischief we wanted to address is not curbed. So, private treaty as a mode of procurement is still a very big problem. We need to revisit it as we amend this law so that we have these transparent mechanisms.

What is so difficult in advertising all the contracts? What is so difficult in calling the public to submit their bids? There are other modes which are provided for and are not so transparent. I suggest that we revisit that again. Thank you.

**MR NANDALA-MAFABI:** Thank you very much, Mr Speaker. I want to thank the Lord Mayor for giving way -*(Interjections)-* yes, he is. He is going to swear in for sure. In government, we have a government valuer. The information I want to give my MP and Lord Mayor is that the government valuer would go and value something, for example, a car at Shs 50,000. There will be a private treaty of selling it at either Shs 55,000 or Shs 60,000; yet if we sold that same car as scrap, it could even fetch more money. The issues of the private treaty and of direct negotiations are very dangerous in procurement and disposal of assets. I want to thank the Lord Mayor for bringing it up that we should tighten the law and make sure each and everything should be done in a transparent manner by advertising and maybe limiting the number of days.

**MR LUKWAGO:** Thank you, hon. Nandala-Mafabi. As I wind up, I implore honourable members that if we are to fight corruption in this country, we must revisit this particular mode of procurement and disposal of assets.

Finally, I thank the committee for the observation they made about the proposal in this Bill to exclude land held by the Uganda Land Commission from the definition of assets, which are subject to this law. It would be very dangerous if we passed the provision that disposal of land should not be subject to the processes provided for in the PPDA Act. Even as we talk right now, we have had problems with properties being disposed of. As we are investigating most of the transactions executed by district land boards, Uganda Land Commission particularly district land boards - because I am a member of the Local Government Public Accounts Committee - we have got problems. They have been giving out leases on public land through direct negotiations.

Leases are given out on public land which is vested in district land boards and they circumvent provisions of the PPDA Act. When we would ask them, they would say, “No, leases are different transactions and they are not subject to the procurement and disposal of public assets as provided for under the law”. We should make it clearer in the definition that leasehold should also be subject to the processes as provided for here so that most of these disposal units do not just go into negotiations with particular individuals.

We have just passed the Kampala Capital City Authority Act. We are trying to implement it now and again it creates a new phenomenon of a body which is charged with giving out contracts, the Kampala Capital City Contracts Committee. It is not clear whether properties held by the Kampala Capital City Authority are supposed to be disposed of by the Kampala Capital City Authority Contracts Committee, particularly the leaseholds which are subject of this law. We also need to refine provisions of the law in that particular regard. Otherwise, I thank the minister and the committee for the proposals suggested.

Also, we need to strengthen the authority. I have a problem with my friend Edgar Agaba. Yes -

**THE SPEAKER:** Hon. Lukwago, you are talking about land and land committees; have you addressed yourself to chapter 15 about land and environment in the Constitution? What would happen, for instance, if they say land under customary tenure may be converted to freehold land ownership by registration? How would this one be followed in the procurement when one wants to convert? You look at chapter 15 and look at land in Uganda. Study this one and see how you should apply the procurement if somebody has customary land and wants to convert it.

**MR OKELLO-OKELLO:** Thank you, Mr Speaker. If you want to convert your customary land into freehold, there is no procurement. You are simply changing the tenure and there is no land in any district vested in the district land board. If you go through that Act, you will not find the word “vest”. They can only give away land that is not being claimed by anybody. That is orally. If you want to convert, that is conversion and there is no procurement. Thank you.

**MR KATUNTU:** Thank you very much, Mr Speaker. This is a wider subject and hon. Okello-Okello raised a point which has disturbed me. Maybe he can assist us. Is there any land in this country which is not owned by anybody or authority?

**MR OKELLO-OKELLO:** Mr Speaker, it is stated very clearly in the Land Act that they can only allocate land if they can find land that is not being claimed by anybody - “… if they can find.” But you see, land can be owned by the community or the clan and so in practice, there is no land that a district land board can allocate to anybody.

**MR NANDALA-MAFABI:** Mr Speaker, thank you very much. I have a problem. In Kampala, there is some land which they say is under the authority of Kampala District Land Board and there is that one which is under Uganda Land Commission. I will give you a clear example. In 1997, there was land which I bought in Kyambogo Link. Now the lease expired and I went to the Kampala District Land Board. They wrote to me that they had extended the lease. Somebody went through the Uganda Land Commission and they gave him also. When I came up they said, “You have no land,” and yet the first authority that gave the initial lease was Kampala District Land Board. So we have a big problem.

**THE SPEAKER:** Well, most of the land in Kampala is vested in the District Land Board. The Uganda Land Commission has very little land and the land which it has is the one on which the government has an interest like the Parliamentary Building and the office blocks. Otherwise, any other land other than that one is vested in the District Land Board and not the Land Commission. Any land, for instance, which was originally vested in the urban authority, is in the hands of the District Land Board.

**MR NANDALA-MAFABI:** So, Mr Speaker, since you have brought it up, maybe as a lawyer we might have to approach you to assist on this matter.

**THE SPEAKER:** You see, under Article 239 of the Constitution, the function of Uganda Land Commission, *“The Uganda Land Commission shall hold and manage any land in Uganda vested in or acquired by the Government of Uganda in accordance…”* So, the land commission only holds land in which the government has an interest like this parliamentary building and other ministry headquarters. But for other empty land, the controlling authority is the District Land Board.

**MR LUKWAGO:** Thank you, Mr Speaker. I was expressing this problem we are facing as a country particularly in the management of the assets in Kampala and it is a very big problem. We now have the District Land Board and Kampala is no longer a district. The District Land Board of Kampala is there and the Constitution vests land which is not owned by anybody or any authority, under Article 241, in the district land boards. There is no provision in the Constitution which vests land in an urban authority like Kampala. [THE SPEAKER: “No.”] It is not there. And the district land board is not a procurement and disposing entity -

**THE SPEAKER:** But the Kampala City Council can acquire a title in its own right by applying to the District Land Board. The mistake that is being made is for the districts to consider the district land boards as if they are departments of those districts or of the city council to think that the District Land Board in Kampala is a department under the city council. This is not correct.

**MR LUKWAGO:** But, Mr Speaker, I am saying the situation is becoming more complex with the coming into force of the new Act which in essence makes Kampala a capital city and an entity in its own right and not part of the local government system. It is no longer a district. So, under what law would Kampala District Land Board exist?

It is not a disposal and procurement entity and it cannot exist under this law we have and now it owns land as an entity by virtue of the provisions of Article 241 and yet Kampala is no longer a district. Yet we are having this law which talks of a procurement and disposing entity. We have under our law, the Kampala Capital City Authority and the Kampala Capital City Contracts Committee which cannot own land and which cannot even dispose of land because under Article 241, the authority to give out land is vested in the district land board -

**THE SPEAKER:** The Contract Committee of the Capital Authority has nothing to do with matters of land.

4.48

**MR ABDU KATUNTU (FDC, Bugweri County, Iganga):** Thank you very much, Mr Speaker -

**THE SPEAKER:** Although, you see - sorry let me finish. Although in its constituting that land, the district council or the city council plays a part, once that is done, the powers are vested in the district land board. And you should not be directing the district land board to give this and the other - you have no power. But we are diverting because the subject is the procurement law. Sorry.

**MR KATUNTU:** Mr Speaker -(*Interjections*)- no, I am making my own substantive contribution to the report. I would like to thank the committee for this report.

First and foremost, I would like to thank the PPDA board and the staff for the tremendous work they have done over the years. For those of us who have followed them quite closely, I think they have done a commendable job to try and professionalise procurement in this country. The work by Mr Kahoza - I do not know whether that is the name - is quite commendable.

Having said that, one of the big challenges in procurement is at local governments; when you look at what goes on in the districts and urban authorities, really there is a big problem. And I would like to appeal to the PPDA to take serious and keen interest in this. Most of the corruption in local governments takes place during the procurement process. And when you visit all these local governments, an opportunity I have had during my work as the Local Governments Accounts Committee Chairperson, and my committee, most of the queries raised by the Auditor-General relate to procurement.

Sometimes attention is in Kampala where the big names are and so on but there is a lot of money and a lot of wastage of resources at the local government level and indeed once you have got those problems then it affects service delivery at sub-county or district level and even at urban authorities’ level. It is really a very serious matter and the board should take very keen interest in what goes on in local governments. We seem to be diverting because actually land is the biggest asset to either be procured or to be disposed of.

The biggest welcome in this has been the re-definition of supplies to include land because it was limited. I remember when we had the Temangalo debate, the same issue arose – whether this land was supposed to be procured in accordance with the PPDA or not and some people wished to escape responsibility by arguing quite vehemently that land is not part and parcel of supplies as envisaged by the PPDA. Obviously, I think it was an omission. What the amendment seeks to do now is to make it clear that actually land is part of the supplies under the PPDA.

There is, however, some confusion and we need to be assisted but unfortunately, the Attorney-General is not here. We all know that there has been a problem at the Uganda Land Commission when it has been either disposing of land or even acquiring it. But the function of the ULC is to manage, dispose of or even acquire land. It is not like a one-off occasion. I am yet to have clarity of whether we have to include it here or alternatively, we include it in the Act that sets up the ULC. If it is brought here, it is like a function of PPDA. I think we need to think deeply about this provision otherwise we could run into some legal problem and maybe even have the hands of the ULC constrained in their constitutional duty which is entrusted to them under the Act. I do not know whether the Speaker has thought about it but if he has not, then the Leader of Government Business will ask the Attorney-General to come and clarify on this issue.

We have another problem which I really need to be convinced about – change of composition of the board. What was the problem that necessitated this? When I look at the report, it does not justify the composition of this board. So maybe the chairperson of the committee or the minister will have to clarify that to me. Otherwise I support the Bill and thank the committee for its report.

4.55

**MR DAVID BAHATI (NRM, Ndorwa County West, Kabale):** Thank you, Mr Speaker. I want to make some general observations on the report and proposed amendments. Hopefully, I will be able to make substantial contribution during the debate on the Bill itself. I was reading a research paper and found out that almost 70 percent of corruption committed in this country is through procurement. Procurement is such an important process that we need to pay attention to.

One of the leaders in Africa, *Mzee* Nyerere, said that “When the rest of the world is walking, Africa should be running.” To me, this process of procurement has been making Africans walk instead of run because of two points:

The first one is that an average procurement period in this country takes more than five months - sometimes even much more in the case of works. That means that you can even make a budget today but it will never be implemented because of the procurement period. One of the reasons we have that lengthy procurement period is because the process of advertisement has been given a time limit but the process of evaluating and making sure that these bids are put on the notice board to show that somebody has successfully competed and is the best bidder, is not limited. So I do not know whether the chairperson of the committee has considered this; we will be seeing through as we debate the Bill. But this is the most important thing that we need to consider in this Bill; we must fix a time limit on how long an evaluation of a particular procurement should take so that we are sure that even when we make the budget this money is going to be utilised.

**MR KATUNTU:** I thank my colleague for yielding the Floor. Mr Speaker, the issue is not even about time but the whole laborious process. For example, even a goat that should ordinarily be on the market for 60 days, by the time you go through adverts and so on, it comes to Shs 140,000. Eventually because of that – both the time and the other process – a product that is being disposed of has become very expensive, sometimes more than the market price.

**MR BAHATI:** Thank you, hon. Katuntu, for the information and I agree with you. The other important point is the issue of the bid security. The current regulations we have in procurement provide for cash bid security. You cannot be allowed to give insurance bid security, which means if you want, for example, to bid for a procurement of Shs 1 billion, you need to have roughly Shs 10 million to put down as cash. If you are going to apply for six jobs, you need Shs 60 million. Imagine a local company committing over Shs 100 million in bid security to a process that has no time limit. So you find that you are working to invest in a procurement process. I think if we are going to improve on the procurement process, we need to have amendments that will create integrity and transparency in the procurement process and also be flexible to cater for emergency procurements need to be made.

Lastly, there is a point somewhere in the Act which talks about the correction of errors; the contract committees are allowed to correct errors and this has become a centre of corruption. You allow people to bid and thereafter, you have the latitude to call the bidders and correct errors. There should be a way we look at this clause about correcting errors and we make sure that it is well fixed so that we allow the process of procurement to have integrity.

I thank the committee chairperson and I support the report. I will make more contributions when we reach specific sections but I want to say that if we are to improve on this process, we must reduce on the period, correct the errors well and look at the way we help our local investors by allowing insurance bids rather than cash bids. I thank you.

5.02

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr Ephraim Kamuntu):** Mr Speaker, I thank you very much indeed for this opportunity and I thank you personally for your depth of knowledge on matters of procurement and lands; you can guide the House quite ably on this matter.

This Bill, the Public Procurement and Disposal of Public Assets, is one of the most important Bills we are going to pass as a Parliament and the reasoning is, virtually all the taxes that government collects from the public and citizenry is used in procurement. Can you imagine, even this microphone I am speaking on is procured. And similarly –(*Interjections*)- yes, this table is procured. Mr Speaker, even your own wig is procured. (*Laughter*) This is just to show the importance of the Bill that regulates procurement because virtually all the taxes collected are used in procurement.

Therefore, a law regulating how this procurement is done and planned; and how it is accounted for is very important and I am very pleased with the committee for identifying the loopholes that have bogged down the government.

The loopholes are many. The first one is that previously there was no private sector representation on the board and yet when you think about it, the moment government makes private sector an engine of growth, it is only logical that the private sector representation on the board should be recognised.

Furthermore, they have already mentioned it; if it is a worry to this House about the source of corruption, procurement is one of the sources of corruption. I would therefore invite Members of the House today that when it comes to examining clause by clause and bringing amendments, do so keenly so that if there is any loophole remaining in the procurement, it is addressed on the Floor of this House.

Two more comments that I want to make on this: we talk about transparency, accountability, value for money and all these start with procurement. I just want to mention to this House that the Ministry of Finance has now made it a condition that before money is disbursed to any department of Government it must have a plan already formulated on procurement. Why? Because procurement has sometimes been used as an excuse for delayed execution of Government programmes. People create emergencies so as to circumvent all these regulations. Therefore, we should take time to look at this procurement and its amendments clause by clause and be satisfied that what we have done is going to indeed remedy the mistakes that we have had in the past.

I really commend the board, which has just retired, chaired by James Kahoza - Kahoza is a very well known Ugandan - for being straightforward and I am pleased, hon. Katuntu would recognise him. We have replaced him with another equally eminent person, Mr Kabanda. He has a very outstanding reputation. So, the will to do good is there and it is simply for us to give them the machinery in law to execute their work. Thank you very much. (*Applause*)

5.06

**MR TERENCE ACHIA (NRM, Bokora County, Moroto):** I do thank the committee for the good report. As for the object of the Bill, which ensures efficiency, transparency and accountability, I would wish to add that the committee should have improved more on the transparency aspect because many of the problems coming up on corruption, as my colleague has mentioned, do come out because of poor procurement methods or bad procurement processes.

In the Bill, they say to ensure transparency and accountability is by streamlining the functions of the accounting officers and contract committees and by making the accounting officers personally liable for their actions in the procurement process. I would suggest that that alone is not adequate to bring out the transparency element. Transparency should be brought up well in that some other person or authority should be able to get into the process of this procurement from the very start, and that is the beneficiary, especially the last beneficiary of this activity which is being procured. I recommend that the beneficiary should be well informed consistently about what is being procured because lack of information on the part of the beneficiary about the procurement brings in the problem of corruption.

In many of the cases, which we found out in the past, this was the major problem - lack of transparency, which brings about theft or fraud. I recommend that the beneficiary should be well informed consistently from the very start of the process of procurement to the end. Thank you.

5.08

**MRS MARGARET BABA DIRI (NRM, Woman Representative, Koboko):** Thank you, Mr Speaker, for giving me this opportunity. I would like thank the chairperson for bringing this report on PPDA.

The PPDA and particularly in the area of procurement has been a nuisance and as mentioned by one of the Members, an excuse. You will find that a project which is supposed to be transacted within three years takes five years, and they say it’s because they are still procuring. I have been wondering when they will bring this PPDA to Parliament so that we shorten this process and work goes on. It has been a nuisance. The process takes too long. The issue of time limit must be emphasised; when the bids are advertised; when you are supposed to start work and so on. So that is very important.

Secondly, who takes it? It is always the lowest bidder. But at times the lowest bidder bids low because he wants the business. And when it comes to actual performance, they do shoddy work because they want to keep part of the money for themselves; that is how they do business. So, if we can put a range between which we can accept a bidder, it would be better rather than going with the lowest bidder because it is cheap, and then in the end no good work is done.

Thirdly is the issue of appeals. When two to three bidders bid and the best takes it, the one who completely fails will continue to appeal again and again to delay the process well knowing that he is not able. So, in a situation where you know such a bidder cannot perform, why allow him to appeal. And if he does appeal, let it be to one person. But at times they go to the IGG and another time to the Constitutional Court. There are so many places you go to and in the process, we delay. Let us make these corrections so that work is done quickly and with quality. Thank you.

5.12

**THE MINISTER OF STATE FOR WORKS AND TRANSPORT (WORKS) (Mr John Byabagambi):** Thank you, Mr Speaker. The committee has done thorough work; they have done a lot of consultations and when you read through their document, it is pregnant with points. This law is a very important one and if properly used, can drive the country forward but if it is not used properly, it can hinder development.

I happen to be the Minister of State for Works where there is a lot of procurement especially in civil works which has specialised procurement. Procurement takes a lot of time and I can tell you that we go through about 18 stages. And at every stage, the people handling it are their own bosses. They can either kill the procurement completely or make it. Therefore, when the committee - I especially heard hon. Bahati talking about a timeframe and I was so glad about it. I don’t know whether it could be included in either the law or the regulations. But I would like it to be on record that timeframes should be introduced in the procurement process.

I am going to give one example which took place in Kampala City Council. They procured and awarded but remained with signing a contract and that is when one of the officers decided to lock up the bids in his briefcase and went abroad with them at a time when the rains were setting in. He spent one month outside the country. We looked for the sanctions to put on that person within the law but failed to get any.

If there was a timeframe for signing within a specified period, let us say, two weeks, then his deputy or any other person like the accounting officer could have signed and we would have saved a lot of money. We lost a lot of money at the hands of only one person. Therefore, I don’t know whether we are going to put this in the law or the regulations, but I am happy that the committee has recommended that the regulations should be brought back to this Parliament so that we can make our input and we see how to control these people.

Another example is whereby the officials in a certain office can decide to hide documents until the contractor comes to give it “legs” in order to start moving. If a contractor does not come, that document will remain there - and you know they have very good excuses when they are explaining to us, politicians: “Sir, you know the contracts committee found that there was no comma here and a full stop and it became vague and so we referred it back to the evaluation committee,” without knowing that the prices are changing every other day. A road which was supposed to cost Shs 30 billion ends up being done at Shs 60 billion. We must be responsible and know that when you start the procurement process, it must be quickened so that the money is absorbed very fast. I, therefore, want that one to be included in the law and if not in the regulations.

Another thing is administrative reviews. Procurements have been bogged down by administrative reviews. This is also brought about by competition within the private sector. If Byabagambi wins a contract and maybe has bad blood with hon. Lukwago, what Lukwago does is to walk to the PPDA and he just puts in an administrative review. [MR LUKWAGO: “Don’t talk about walking; say, ‘driving.’”] You can drive or whatever; you can even fly using a chopper. But there is only Shs 1 million and to some of these businessmen, the contractors, Shs 1 million is pocket change, which he is ready to lose.

The case in point is where we had procurement on Jinja-Mukono Road and we have up to now not started work on that road and yet we started the procurement process two years ago. The best evaluated company was there and was awarded the contract, but one of the bidders decided to put there an administrative review - and you know they are highly connected even to the officials - that moment they put in an administrative review, the officials started their delaying tactics of even disposing of that administrative review. It took us more than six months to get an answer from PPDA and when it came, another contractor put in an administrative review. So, we had to start all over again. It was supposed to have cost us Shs 15 billion but it will now cost us more than 50 billion. These administrative reviews whereby anybody can go and put it because the fee is small needs to be changed so that we put a prohibitive fee which mediocre companies should be sure of winning before they go ahead to put administrative reviews.

**MR NANDALA-MAFABI:** Thank you very much, Mr Speaker. I would like to thank Mr Byabagambi for giving way. The clarification I am seeking is just simple: we know that you in the Ministry of Works have works which need a long period of procurement before you contract. I am very sure that this is 2011 and you very well know the roads that you are going to work on in 2012, 2013 and 2015, if you have good planning, why don’t you start the process early so that you can avoid this process of delays? If the contract is for 2012, it should start now unless you have poor planning methods.

**MR BYABAGAMBI:** Mr Speaker, I am happy that he is supporting me because the process started on time and we concluded the procurement on time but somebody came in with their administrative reviews, which have cost us a lot. And even when we procure early, we can’t award until we are sure of having the money. But as for procurement, we start early.

I was saying that we need to have a prohibitive fee so that if a contractor tries to carry out an administrative review, they should be having all the facts on their hands that, “I was really cheated in such and such an area” and if they lose, the Government should confiscate the money that they paid. But if they win, the Government can pay back their money. That should be the principle. I would like it to be on record that when the regulations come here, it will be included.

Mr Speaker, on bid securities, a bid security means that I have an interest in that job. They pay a certain percentage in order to lock out the mediocre because if you don’t put any fee, then anybody will come in to bid even when they have no intention of doing the work. But these bid securities are not very fatal and I think the committee should relax a little bit so that we can use insurance bonds on bid securities. But on performance bonds and advance guarantees, we must be careful on these because somebody can get our advance put it in his briefcase and disappear or he can be given the job and he does not perform. It has really helped us because some companies have had their performance bonds cashed.

I have a problem with the Uganda Land Commission (ULC); the land under ULC being part of supply - I am not against the principle but my worry is one; it is going to be a procurement entity but also it is supposed to acquire land for the Government. I am looking at this land of absent landlords which they are acquiring and giving to squatters. How will it be handled? Will it also be advertised in the newspapers that anybody who has land and it can be given to squatters should put in their bids? I have that problem and I need to be guided on it. I think ULC is supposed to dispose of and acquire land for the government. Maybe you can strike a balance there but otherwise I have seen land being taken away in this city under unclear circumstances. The land would fetch more money than what we normally get out.

I also thank the committee on preference schemes. It is a good job done. I thank you for looking at labour and value addition because most of these factories that you see in Uganda import raw materials. When they import them, they have got additional costs. They buy electricity locally, they buy water locally, they pay the workers and they put up structures. But you find somebody is producing an item, which he could sell and sustain his workers yet another one is importing it. The one who imports it, if we are competing for a contract say in UMEME, one who brings in transformers is given preference. The reasons may be that he has talked the “Proper language with the procurement officers.” Then the one manufacturing them here, who pays salaries to the locals, has got nowhere to sell his goods. You find them closing hence Ugandans losing jobs. I am very happy that at least you have put in a clause of preference if the goods can meet the same standards and quality.

**MR NANDALA-MAFABI:** I want to thank the engineer - that is very good. But supposing the industry that we have is the one promoting inefficiency because this money we are using is public money - instead of producing in two hours, they take 30 hours, which is a cost? How are you going to compensate for inefficiency while procuring from the domestic market?

**MR BYABAGAMBI:** I think I was very clear that provided the goods meet the same standards and can be supplied when they are required. For instance, if I want 50 transformers within a month and I advertise and the local company can give me the same transformers with the same specifications within 30 days, the local should be given preference.

**MR BYANDALA:** Thank you very much, Mr Speaker. I thank the committee chairman for the report. We should promote local enterprises through the use of preference and preservation schemes. That is one of the objectives of this Bill. That is very good but it can be very frustrating because I have been in this game of handling contracts. I have tried my level best with the local contractors but they can let you down. I was in charge of a European Union contract of about Euros 5 million aimed at promoting them but I was frustrated. You assist them and package them in small groups you think they can manage; you give them advance payment; tell them to work and they bring a certificate of completion; you pay them. As soon as you pay, the following day he gets a second wife, buys a second car and then the work cannot progress. That is why my committee has been pushing the Ministry of Works and Transport on the issue of bringing the local construction industry policy and I am happy tomorrow they are launching it.

This is the way to go, we have to help these people and they help the local construction industry because through it we can have the prices of these contracts go down and this money remains here. There are no overseas overheads like these people are charging us. So promoting them is very good but they must also reciprocate, if we are going to give you preference, you must be ready to invest back in the business. There are local contractors here I started with in 1980 and they are still very low. There are some foreigners I helped here and they are now doing very big contracts because they invest back but our people are not investing back and they only turn to enjoying life, marrying second and third wives. If we give these preferences, there must be conditions, we must know.

**MR KATUNTU:** Thank you very much, hon. Byandala, for giving way. We have a problem of inefficiency of the local contractors. We would rather go for a main contractor but with conditions that he should sub-contract local ones such that there is that supervision of this main contractor and the sub-contractors. But some of these so called big contractors who are local have been given a big job and they just mess it up. That is what has happened in most of these local governments. It would be better if you want to assist them to grow but they must be under the supervision of a major contractor.

**MR BYABAGAMBI:** Mr Speaker, I was very particular because I talked about manufactured goods. I did not talk about the contracts. I really support what my colleague is saying. Yes, our local construction industry is very weak and it is absurd that we can pass a loan here and you find that 90 percent of the money goes back to those countries without our contractors getting anything out of it because of their weakness. But in our local construction industry policy, which is going to be launched, there is at least eight percent to be sub-contracted to the locals. So, we are trying to address it that way and the only way we are going to do it is by building capacity of local contractors if they get sub-contracts.

At the same time, we gave these contractors leeway; they have to select the best because as I talk today, if I am given a task to identify any good local contractor, my answer will be almost impossible in this country. I agree with you – yes, not only that but even jobs.

Recently, we went with His Excellency to inaugurate the ground breaking of Bundibugyo-Fort Portal Road. I found Chinese driving water bouncers. Do you know what a water bouncer is? Just a water tank with holes fabricated under it for spraying water on the road was being driven by the Chinese. You do not need a technical person; any driver can do it. We have tried; they have reduced them from 80 to 50 because I was there before Easter. I actually wrote a letter to the Ministry of Labour, I hope you got it, because your colleague answered that we have to check on these work permits we give these Chinese. Water bouncer - any fool can drive a water bouncer because you do not even have to think. It is a matter of putting in water then you drive slowly at 5km/hour and you have finished the job but you find that a Chinese is doing it. I think we also have to look into that one because we need some little money from these loans to remain with our people who will pay these loans at a later stage. I thank you.

**MR BYANDALA:** Thank you very much. What hon. Katuntu said is correct and it has been used but it can be used at a certain stage of development. Some of these hardly have any equipment, have no technical staff and that is why I am saying, we must put conditions in place that, “We are giving this and you will be investing in machinery, you will be investing in equipment and personnel”. You find a contractor who is the managing director, the chief accountant, and whatever else and when you advise him, he says, “This is my business”. These people must have a structure which must be vetted before they can enjoy this preference.

In my career, I fought at one time and I rejected investors because they were causing more problems to me as a supervisor. You give them preference then you get problems with the IGG, otherwise you need to be there 24 hours to supervise.

I support this but there must be conditions attached to them. This one will also work very well when we get the registration board. This business of writing to a Minister of Works and City Council that, “I want to be a contractor” and you are vetted is not good because people at times allow - you are in class A when he is not there. Let us have a registration board where contractors have a say, they are regulating themselves and they will know that Byandala is class C. If they try to give you a job in class A, they will make noise and I have also been pushing for this in Works.

In Tanzania, it is working well. They have a say in what class of contractor you are. Moving from one class to another is only when you are worth moving and this organisation of theirs assists them in getting the big performance bonds because they have the clout. They can go to banks and assist these people. I support this preference but there must be conditions attached otherwise, they are going to delay projects and as you know, each year delayed in the project brings with it an increase –(*Interruption*)

**MR NANDALA-MAFABI:** The information I want to give - I think preference should be important for Ugandans. As much as I brought the other angle, we are looking for employment and if we do not create employment for our people we have a problem. In economics, if the money which comes in Uganda remains here, it creates more wealth when it is in Uganda than being removed from here. But what we should do is to encourage our people to be really serious. How do we do it? If it is proved that there is more need for supervision for them then the more we supervise them, the more we cut on the contract price because much of the resources will be invested in supervising. We have a problem with those corrupt tendencies which will make preference a conduit for stealing public resources.

**MR BYANDALA:** Thank you very much, hon. Nandala-Mafabi. Let me make this very clear. I am not against preference. I am just saying that we must be cautious of what we are going to do. As I was saying, one year’s delay in a contract comes with it between five to 10 percent increase in the contract sum and that is why we are always stone cautious and we should not take it very lightly.

Let me also slightly talk about this term of procurement. We are always blaming PPDA, World Bank and EU but there is a big problem within the service. People do not act as required. You know when they took us through the circle of this procurement in Uganda, World Bank got an expert. We could save seven months if we were acting on time. I have handled many projects but taking action is not difficult and getting a no objection answer from the World Bank - you just send an email or even a phone call but here the thing comes and it is put in a tray. The man moves around the whole week not looking at it. There must be not only technical but political supervision for things to move. Let us not blame World Bank.

The other month I was in Tanzania in TNRA; the equivalent of UNRA. So just as a joke I said, “Do you have a problem with the World Bank in your procurement here?” They said, “No, for us things are moving smoothly. We have no problems as long as you do what they ask you to do, the thing moves”. But here, our people just find scapegoats. If World Bank asks for this, give it and you will get an answer instantly. Like these World Bank task managers, half of the year they are in the air flying from here to there, so if you delay, when the man is in the office and you do not answer, the other time he is in the air and he cannot give you an answer. We must act on time and try not to hide behind World Bank because the World Bank procurement is the same in Kenya, in Egypt and everywhere. There are no special ones for Uganda. We must have technical and political supervision to get rid of this excuse of World Bank, EU and ADB.

Lastly, I came in when hon. Lukwago was talking against these negotiations but these are inevitable. Even if you advertise, evaluate and award, at the end of day, you must do some negotiations. It is inevitable in contracts and there are those which are specialised. Not everybody can do that. What do you do? Do you just advertise for the sake of advertising? There are those specialised ones but you negotiate with knowledge.

I thank —(*Interruption*)

**MR LUKWAGO:** Mr Speaker, the information I want to give my colleague here is about these modes of procurement and disposal. I was calling for your vigilance on the issue of provisions given here so that we give it critical attention and see how we can address these modes of procurement so that ultimately we emphasise the notion of value for money. If you are to talk about private treaty, you talk about direct negotiations - what safeguards do you have that people will not circumvent the most appropriate mode of procurement or disposal? That is through advertising the asset.

Allow me again to use this very opportunity to give further information about this particular provision which is so dangerous and I have seen it even in the report here. The committee is recommending an addition. We are complaining about negotiations and private treaty; if you look at page 16 of the report, the last paragraph, clause 33, the committee is talking of an addition of I(h) the following, “now donation” as a mode of disposal and in II, they are suggesting a complete deletion of sub-section 1(a) that donation as a method of disposal should not be a default method but should be listed together with all other methods of disposal.

In the Bill, clause 33, the minister had suggested that we come up with a default method of donation that in case you cannot adopt any of those modes of disposal provided for, you go for donation and it is a very dangerous one. If you look at the original Bill, it is a landmine actually. It is -(*Interjections*)- I am giving information -(*Interruption*)

**MR NANDALA-MAFABI:** Mr Speaker, donations are allowed. I will give an example. The Ministry of Education has old cars and there is Elgon Technical -(*Interjections*)- or old books. If a donation is within the same entity, we should make a qualification. You can take an old car for children who are studying mechanical engineering. So, those are allowed apart from donating to somebody on the streets and that is where a problem will come in.

**MR LUKWAGO:** Mr Speaker that is not my worry. My worry if you looked at the original clause 33(c) where they provided for this default method that, “where disposal cannot be effected using any of the methods, a procuring and disposal entity may dispose of a public asset by donation as may be prescribed”. That, “where a public asset is to be donated under sub-section 1(a), the procuring and disposing entity shall take into account the following factors; national security and public interest, health and safety issues, legal and human rights issues, environmental considerations”.

Then 1(c), “Notwithstanding sub-sections 1 and 1(a), a procuring and disposing entity shall not dispose of any strategic asset without the prior approval of the minister.”

“Sub-section 1(c) shall not apply to the disposal of land by the Uganda Land Commission or district land board”. But 1(e) says, “For the avoidance of doubt, sub-section 1(c) applies to disposal of land held by the Uganda Land Commission on behalf of a procuring and disposing entity”.

Actually, the interpretation of this clause is that the procuring and disposing entity is given powers to donate land. Look at it critically; the exception here in 1(c) is that when it comes to disposing of land, Uganda Land Commission under the Constitution, the provision which was read out by the Speaker here is not subject to control or direction by any person or authority. That is why there is this exception here that it shall not apply to land held by the Uganda Land Commission but where land is held by the Uganda Land Commission or a district land board on behalf of a disposing and procuring entity, then this provision applies. This means that if land is held by a district land board, for example, in Kampala on behalf of the Kampala Capital City Authority, it means donation applies and this is very dangerous. Situations where you can donate land –(*Interjections*)- no, this is a very dangerous provision if we are to provide for value for money because our ultimate concern is value for money. Where is value for money when you are just giving it out?

**MR GAGAWALA:** Mr Speaker, there is a factory called Sameer which actually was given away for one dollar. Why; because it is very important for us to have a big milk processing facility. The production of milk from the villages was more important than holding that place. It was given for one dollar, more or less a donation, but we attracted a big investment for turning milk into powdered milk something which is more important for the economy. So, it is possible. I hope you are getting my point.

**MR NANDALA-MAFABI:** Mr Speaker, the minister is very wrong on that. The moment we have land -

**THE SPEAKER:** You had concluded because you said you had finished. When he came in to give you information you said you had finished and you sat down.

**MR BYANDALA:** Mr Speaker, the last one is on land. This issue of advertising for land is good if it is planned and it becomes transparent. I also went through it. At one time, they advertised in Luzira; you can imagine a whole city engineer and surveyor and I did not get. Other people got including my wife but I did not get. (*Laughter*) So, it is transparent but -(*Interjections*)- no, they were different applications but if it is Uganda Land Commission, it becomes very tricky to advertise because it is the initiative of somebody; he sees government land there and says, I can use it” and then you go and try to inquire from the user, “Do you need this land?” How will these people advertise -

**THE SPEAKER:** You see the person says, “I want this piece of land to build a factory dealing in this and the other.” What are you going to advertise because this person wants that piece of land for a certain activity? So you advertise asking, “Who are the others” – it is funny.

**MR LUKWAGO:** Thank you, Mr Speaker. We passed the Physical Planning Act here and we made the whole of Uganda a planning area. As a country, we must plan for the development of our country generally. So, it is not incumbent upon an individual to say, “I want to put up a factory somewhere here.” That is not acceptable. Let us not rationalise -

**THE SPEAKER:** No, he wants to do farming in an area which is public land; he wants to graze sheep or cattle or horses - that is the reason why he is acquiring that land for a specific activity he wants to do. Now what are you going to advertise? That how many want to rear horses here?

**MR KATUNTU:** Mr Speaker, I would like to hazard an answer here to your question. You see we are talking about public property and a certain Katuntu can move into an area and see this fertile land and maybe he has got Shs 50 million worth of investment in that land to raise goats yet this land is owned by the public or by ULC. What will be wrong for Government to say, “We intend to donate this land in Bugweri, whoever is interested can apply to Government” and I have Shs 50 million and hon. Wambuzi, if he is going to rear goats, has got Shs 100 million. Then Government I think would be in a better position to know who has more money to invest in that land, other than myself.

**THE SPEAKER:** The initiative has come from you. You have seen an empty piece of land and you want to develop an agricultural farm. You want so many acres and this is the plan you want and you apply. Now, do you want them to advertise that, “So and so has applied to do this”, or you are inviting others?

**MR KATUNTU:** Mr Speaker, even that is okay. This is because what you are talking about is public property and we are saying, there is somebody, a strategic investor who has resources to develop this land and all we want is transparency. If hon. Wambuzi has got Shs 100 million and I have Shs 300 million to invest in that land, certainly if it is about investment, then I would take precedence. But the worry or the risk we are running -(*Mr Byabagamabi rose\_)-* if I may make my point, hon. Byabagambi, the risk we are running is for people to start looking for public land and saying, “Can you give me this one” which is very dangerous in my view.

**MR NANDALA-MAFABI:** Mr Speaker, I think public land - by the way, all public land is almost done. Land around is very expensive nowadays even in the villages -

**THE SPEAKER:** Around where?

**MR NANDALA-MAFABI:** Even in villages, land is now quite very expensive. For example, if you got land in Kololo, I am told it goes for US $1.5 million for a quarter of an acre. If somebody came and said, “I want to put up a very big office.” First and foremost, as government, we must value our land at open market rates.

Having said that, if one is trying to rear goats - you see that is why we have had a problem with the Uganda Investment Authority. That lady goes out there and somebody tells her on the plane, “I am going to bring US $2 million or US $10 million” when he does not even have US $1,000. So he comes and she gives him land here and they are the people selling the same land and going away.

We must be careful with public assets. First, we must attach a value and two, we must find a way that this property must be - everybody must be informed that they want to rear goats somewhere. Is there anybody who can rear goats better than this one? That is the one we shall give the land to. Otherwise, this business – (*Interruption*)

**MRS MUSEVENI:** Mr Speaker, I just want to add to what hon. Lukwago said because as Ugandans, we all have interest to develop our country and sometimes we will have people who will come here and say, “I want to build a hospital,” for instance, and we want hospitals in Kampala. They will not say, “I want to build a hospital in Kololo or Nakasero or wherever” but they will say, “I want to build a hospital in the capital in Uganda.” I think it would only be right for the Government of Uganda to say that if we have an investor who is willing to build a utility that we need as a nation, Uganda should have an input in that by at least offering them where to build the hospital. But when you say if we think that somebody is going to rear goats and now we say who else wants to rear goats and who has the money; that becomes a process. It may be a long process and that person does not have to do it in Uganda. He can go anywhere else and do it. So it is up to us as Ugandans to also think about how we can shorten these processes and get what we need.

**MR NANDALA-MAFABI:** Thank you very much, hon. Janet Museveni. The information I want to give you is that the moment there is planning in the country it will solve all these problems. This business of going and getting somebody on the plane and they say, “I want to do this”, and you say, “You go and pick public land –

**THE SPEAKER:** But when will the planning come? Is it there? Is the entire country under plan?

**MR NANDALA-MAFABI:** That is what we are saying. National Planning Authority must have gazzetted this country and the public land, which we want to develop – like Namanve now. We have said Namanve is an industrial park. Anybody who wants to utilise it as an industrial park, land is there and the price for the land is this much –(*Interruption*)

**MR TUMWEBAZE:** Let me give some clarification about this proposal of land such that Members can put it in the right context. One - Lord Mayor you should listen to this. One, the Bill seeks to classify land as a supply, and I think we all agree; to avoid misinterpretation of the existing laws. If Parliament of Uganda wants to acquire land for its chamber around Nakasero, it should do so by advertising and looking out for suppliers. That is principle number one.

Principle number two is about disposal; the argument we had in the committee was the proposal in the Bill that seeks to exclude land that now is being held in trust by the Uganda Land Commission. In the wisdom of the committee, which the minister didn’t agree to, we are saying the Uganda Investment Authority has already got its land; it even acquires land through buying. There is the Uganda Land Commission which also has land; we are not talking about the district tribunals because we are very sensitive to the land tenure system. But the Uganda Land Commission has land; they know which land is designated for industrial work; they know which one is for farming, if at all they want to promote farming. They know which one is for an upcoming real estate like the Entebbe area. So through a transparent open process, they can advertise this piece of land to be given out to the public for development.

Hon. Museveni was talking about building a hospital; the Constitution allows Government to compulsorily acquire land. So they can acquire anything, including my property, so long as I am compensated. That is the spirit of our proposal and Members can debate basing on that.

**MR KATUNTU:** You are missing out one point, hon. Tumwebaze – it allows acquiring public land for public interest. So, it is not about acquiring land compulsorily; it is about public interest too.

**MR BYABAGAMBI:** Mr Speaker, I am seeing a problem here as much as I agree with my colleague. The problem is somebody coming with a beautiful idea not known to anybody and wants to put up a facility within the capital city of Uganda. And then suddenly, because I want land, you are advertising and putting my ideas in the newspapers – here you are not even protecting my intellectual rights. I think the Government should be given lee-way to offer land to that investor to do that project that nobody has thought about but is in public interest.

Let us see how we can incorporate such so that we do not kill initiatives. I am a scientist and I can have my own initiatives but I do not want that idea of mine to be put in the newspapers because I have brought it to you.

**MR NANDALA-MAFABI:** We agree that public land should be acquired as a public asset, like a Uganda government hospital; like for security reasons; that is allowed. But a man comes here and says he wants land to develop and sell computers; that is a business motive. The moment a thing has a business motive; it should be treated as any private business. Why do you want to start on another hospital instead of making the existing one better? We have hospitals in this place; it is a matter – so please, do not use hospitals as an excuse. We know how some of you have used these quack briefcase people that have been given land and then eventually you are the owners of the land. This is public land and we should know that it is a public asset.

**MS ALASO:** I seek to understand this further; because we are talking about public land and I hear the words, “donate to an investor”. I am wondering: has Government explored the possibility of converting our public land into a share holding asset of a kind in that new entity so that the interests of Ugandans are taken care of? If somebody comes and says he is building a private hospital and you want to give that person public land, is it possible that the Government of Uganda will convert our land into a share holding asset in that private hospital? If you just give it out, I can tell you, there are millions of Ugandans who will never be treated in that so-called private hospital. It is terribly expensive but it is on our public land and we are not beneficiaries at all.

I want to know whether you are considering that other angle because I understand, by the way, it is the practice, especially in areas like Dubai and the United Arab Emirates; your land becomes your share holding in that entity.

**THE SPEAKER:** But I think that the best thing to do is – this subject of land can be best treated in the specific law dealing with the land, outlining what the district land board can do rather than bringing it under this general law when there were specific laws dealing with the subject. I would rather we recall a review of the land laws to deal with these specific issues on land.

**MR AMURAIT:** I wish to be guided based on what you have just suggested. I do not know whether that land law or Act will take care of disposal.

**THE SPEAKER:** It does.

**MR AMURAIT:** I am sure that we are discussing land under the PPDA Act because it is specific; it is disposal specific. When we go to the law on land, it will be land specific and probably there is a chance that disposal of land will remain in the grey area and never be tackled. We risk that, Mr Speaker.

**THE SPEAKER:** No. I think that maybe – you know, the definition of the term, “land” is wider than what the common man thinks about land because the common man thinks land is soil and maybe trees and so forth. But when we talk about land, we talk about this building, houses in Nakasero and so forth. The land we are talking about is mostly handled by the district land board or the Uganda Land Commission. The land commission would dispose of government properties like the houses or the Parliament as the case may be but most of the land we are really thinking about is vested in the District Land Board and the law controlling the operation of the district land boards is the land law.

I think that by revisiting this land law, we can give the guidelines to the land commission or to the District Land Board on how it allows people to get leases – I think it is better to be handled there rather than this one.

This is a general law and I would think that you would rather deal with it in the specific Act that deals with land and the District Land Board – I do not know!

6.08

**MR LIVINGSTONE OKELLO-OKELLO (UPC, Chua County, Kitgum):** While what you are advising is proper, in the meantime, something must be done. This idea of giving land to an investor is wrong and must stop. There is no investor anywhere in the world that will not make provision for buying land. That is the first item in the budgeting of any investor – land first because you cannot do investment without land. It is only in Uganda that we have encouraged people to come here and take land for free.

Let me give you a funny example I came across; when I was still the Commissioner of Lands, an “Indian investor” coming to Uganda for the first time, landed at Entebbe and was driven to State House. The investor wanted 200,000 hectares to grow maize and cassava for producing starch which according to him, was lacking in the whole world. So the President told him it was possible and he went to the Minister of Finance who at that time was hon. Mayanja Nkangi. The Minister told him it was possible. Now, the man was loaded on my Minister who was then, hon. Tom Butime.

Hon. Butime could not understand the man and he called me, “Commissioner, you come over here. There is a man I do not understand.” I went across and hon. Butime was sitting where the Minister of Internal Affairs is now. I myself could not understand the man; 200,000 hectares *–(Laughter)-* because I had never seen a farm like that, preferably in one place or in two places but not more than two.

I came with the man to my office and I told him it was not possible to get that land because that is almost a sub-county to one investor. The investor said he had already set aside US $5 million to come and invest in Uganda. Coming for the first time, how do we believe in that kind of thing? So donating land – land in Uganda is very cheap – it is almost free.

In 1982, we wanted to build our High Commissioner’s residence in India and a plot cost US $2 million – just a plot - bare land and up to now we have not built. So, land in Uganda should not even be talked about. There is no serious investor who cannot afford to pay for land because it is almost free. I thank you.

6.11

**MR REMIGIO ACHIA (NRM, Pian County, Nakapiripirit):** On page 7 of this report, the committee observes that there is a draft Bill on Public-Private-Partnerships is in the offing. I am of the opinion that since land is one of those inputs into an investment, why do we not shelve this idea of donation and this will be treated under the Public-Private-Partnerships Bill which hopefully will provide for what land is available, the criteria for accessing it and who can have the capacity to acquire this land so that in that way, we avoid the issues of lack of transparency in these matters?

Our Constitution with regard to land says that the Government can acquire land for public interest; that is for health, education, security, roads and others. But it does not provide for the Government to acquire land for private investment. It is, therefore, difficult to know whether this idea is constitutional at the moment – the idea of donation. Donation in principle is good because we have seen many villages across the country – local governments giving land for –

**MR RUHINDI:** I wish to inform the colleague holding the Floor that the concepts he is applying are different. What is being referred to under the Constitution is compulsory acquisition of land under Article 26. There is even an enabling legislation to that effect. When you compulsorily acquire land, you acquire it as you rightly put it, for public use and you must pay compensation upfront. That is a concept which came in the 1995 Constitution; payment of compensation upfront as opposed to prompt compensation which was provided for under the 1967 Constitution. Now, that concept is different from government developing an industrial park in Namanve and getting investors and promoting them under strategic industries.

Hon. Okello-Okello, my understanding is that the world over now as we speak, when you want to attract investment, you go down to Kenya, Kigali, Tanzania -(*Interjections*)- please let us listen to each other because you submitted and I listened to you. Let me tell you. Your argument is that these investors can buy the land anyway. They can even pay the taxes. Why would you for instance allow an investor or give him tax incentives to promote him or her.

My colleagues, we have shortfalls in the area of providing conditions or benchmarks so that these investors follow. Our negotiating capacity is almost not there. You give an investor land, you do not go back to monitor, you do not give that investor benchmarks and you do not say, “In two years, you will have done this. If not, this land reverts to the authority.” That is where we have the problem not that you should actually be stopped. You should not have the leeway to give leverage to investors particularly in strategic industries for this country.

**MR REMIGIO ACHIA:** Mr Speaker and hon. Members, I am happy with the information the Attorney-General has given and in his conclusion, he brings out clearly the challenges to do with the issues of transparency and accountability in the donation of land. In principle, it is right but why don’t we also say the Constitution says that Government and those authorities are enjoined to protect public land, national parks and forest reserves for the sake of the people of Uganda? In that respect, public land wherever it is unavailable, we can bring it out clearly since we are thinking about private investments having access to this land. We can make it part of the Public-Private Partnership Bill that is being proposed so that there is clarity in terms of the criteria for anyone. It does not have to be an external investor; any of us can be eligible. You might have the resources to have access but clarity of access and what conditions -(*Interruption*)

**MR NANDALA-MAFABI:** Thank you very much, Mr Speaker. I want to thank my brother for giving way. We have Namanve Park - I want to give you a practical example. In Namanve Park, all locals who want to invest there are buying an acre for about US $90,000 but the foreigners are being given free land and they are the same ones who are turning around and selling to us the locals. I can tell you this because I have an interest in Namanve. That one is a sure case and that is one of the queries I think that are before COSASE.

The other part which I want to point out in public interest - my brother as you have said, we have a Ministry of Trade where that man Eng. Gagawala is; it went and gave away at Nakawa, six acres of land that it had no interest in developing by using a pen and yet they wanted money. The same person whom they gave apportioned it and started selling each acre at about Shs 1.5 billion yet if the ministry had sold it, we would have got money to develop something of interest. So, what you are saying about private partnership is better.

**MR KATUNTU:** I would like to seek clarification from the learned Attorney-General. You see if Government is disposing of land; if it is selling or buying, we are seeing a transparent process in place where there are rules and guidelines such that everybody knows if you want to buy from or sell to government, these are the rules. The question I am asking is: where are the rules if you want a donation from government? Where do I find the rules?

**MR REMIGIO ACHIA:** Mr Speaker, I would really want your support and that of honourable members. I think the idea of donations should probably be left out. The minister could guide because the draft Bill is in the offing. We are told the draft Public-Private Partnership Bill is in the offing. If Government gives land to somebody like it did with Shimoni, then the Public-Private Partnership Bill should be able to help us to define, for instance, when you are giving somebody land, you must also define the land use type. If it is for a hotel, it must remain for a hotel, a school or a hospital respectively, so that in case the land use type is changed by the person you have given, then the agreement becomes null and void. If I am given land in a forest reserve to plant trees and I decide to clear it and build or do something else on that land, then the contract should be null and void.

**THE SPEAKER:** No, this is what happens if they give you land. They put conditions in place that it will be for residential, commercial or agriculture purposes. These are there and, therefore, if you do not abide with this, then that is breach of contract and therefore you are liable to lose your land. The conditions are always there when you look at the titles especially with the public land.

**MR KATUNTU:** I have been in this business for long seeing how land especially in Kampala has been given out arising out of queries of the Auditor-General’s report and I will give you a few specific examples. This place called Centenary Park; when the original documents went to the authorities, they said they wanted to manage that park for leisure and they were given that land. After a few months, they started building and they even applied for what they call, “change of use”.

If you come from Kamwokya near the British High Commission, that land was actually a children’s park. After it had been granted, it is now a petrol station. So, they always do that because if you are to convince the President, they always come with very fancy and very big ideas; “We are going to do A, B, C and so on” and the President - and I want to imagine in good faith - thinks these are real investors who want to do A, B, C, D.

This place at the roundabout down there, when they went to the President, they said it was a hotel; today it is a supermarket. So it happens. When they go to Government, they actually present big business plans. After they get the land title in their names, then they run to City Council and apply for change of use and a different thing comes up. So, as long as you do not have rules and regulations; say if I need a donation from government, these are the rules - so that I, Katuntu could know, I have some idea but I do not have money to buy land, but if I meet this criterion, then I could go to the ministry responsible or even to the President and say, “I meet Government criterion; your Excellency, can I have land?” But now we have this sort of talk, corruption, then people start cheating and all sorts of stories.

The point we are trying to make is; can we have a law that spells this out? As this Bill provides for donation, it is going to cause more problems. I do not know why people on that side to not realise it. If there are no rules, then you are going to be accused. But if there are rules, then you can say, “This is the law and we acted in accordance with the law”. You cannot have rules to dispose of and you do not have rules to donate. Really, that does not make sense to me.

**MR RUHINDI:** Mr Speaker, subject to the guidance of the Minister of State for Investment, I know that the investment code is under review and very soon we shall have a Bill here on investment matters. I am aware that under that law, even in its current form, it provides for ways and means in which Government can promote and facilitate investment, including giving physical as opposed to fiscal incentives.

**MR REMEGIO ACHIA:** In conclusion, there is a draft Public-Private Partnership Policy in place; I think it was issued by the Ministry of Finance some time in March last year. I have had an opportunity to read it and I strongly believe that the details I read in that policy are so useful that even these issues of donating land could come under that policy because land is a unit of investment. Where else would it be more useful than in a public private partnership arrangement? This provides an opportunity to redirect with transparency and accountability on how public resources are made available to whoever would want to invest, including financial resources. As Remigio, I can access government resources if I want to invest. A criterion under public private partnership could be useful in this case. And if government did not see it fit to donate to me a piece of land and considered my investments as very strategic then I accept it even at US $1 under the public private partnership arrangement.

**THE SPEAKER:** Okay, hon. Members. I think we have had sufficient general debate on the motion for second reading – the real session to enact the law will be the Committee Stage. Whoever has an amendment in detail on any particular section, I request them to prepare it.

Therefore, I put the question to the motion for the second reading of the Public Procurement and Disposal of Public Assets Amendment Bill, 2010.

*(Question put and agreed to.)*

**THE SPEAKER:** You can now go and look at areas where you think we need amendment. We may not have the Committee Stage now, but you prepare for the Committee Stage. And we have said that we will come here tomorrow to view the video footage at 10.00 a.m. So we shall convene tomorrow at 10.00 a.m. to do the needful.

But hon. Members, again I would need your views on how we are going to proceed. I understand there is a Company Amendment Bill with two or three amendments, but they are necessary amendments. Next week is busy because on Thursday 12th, there will be the swearing in of the President and, therefore, there will be no work. I do not know whether on Wednesday, prior to the swearing-in ceremony, we shall be able to gather here to transact business?

Otherwise, we may not clear everything, but I am proposing that we come tomorrow to view the video and dispose of the motion and then we reconvene on Monday afternoon and Tuesday to do business. If we can meet on Monday and Tuesday, I think we shall be able to clear even the Company Bill. I understand there are only three amendments; we can use the new method of not reading the other unaffected sections, so that we finish.

After the swearing in of the President, the other week is the swearing-in of the Members of the Ninth Parliament. Strictly speaking, this Parliament can continue to sit up to 18May 2011, but I do not know whether it would be practical for us to sit when new Members are swearing-in in front of us.

And also, after the swearing-in of the President, we shall not have the frontbenchers in their capacities as ministers and always ministers are required to be here when we are transacting business to answer queries in respect of their ministries. They can come back as Members of Parliament, but can we practically transact business where there is a swearing-in ceremony outside? That justifies us to sit on Monday afternoon and Tuesday.

**MR OKUPA:** Mr Speaker, while I agree with your proposal, in view of the pending business, I would like to propose that when we come to view the video footage tomorrow, let us also continue with this Bill and we conclude it so that next week can be used for any other business.

**MR NANDALA-MAFABI:** Mr Speaker, I think we are capable of working up to Wednesday or even Thursday *–(Interjections)–* yes, because your worries of those who will not be frontbenchers is no problem. But there are two other important laws which we should not miss. One is the Anti-Money Laundering Bill and the second one is the Retirement Bill on the liberalisation – this one we can take it on in thirty minutes because it is one of our -

**THE SPEAKER:** Okay, but the Anti-Money Laundering Bill is in your committee where you sit. Have you finished the report?

**MR NANDALA-MAFABI:** That is what we are saying. We are saying that you allow us to present the report and that on liberalisation next week and we move on.

**THE SPEAKER:** Okay, I will decide when the report is ready.

**MR TASHOBYA:** Thank you very much, Mr Speaker. I just wanted to add to what hon. Kajara said about these Bills. I have already confided in you about the urgency of the Bill you have mentioned, the Companies Bill, whose report is ready. I am enquiring from you whether it might not be possible because –(*Interjections*)- no, not to save – because like we considered the Insolvency Bill last time at the Committee Stage, with the modalities you used, it is very fast to consider these Bills and pass them at the Committee Stage. I am wondering, considering the urgency of the PPDA Bill, whether we may not start with it tomorrow and conclude it and then continue with the viewing of the videos.

**THE SPEAKER:** Okay, let us think about it so long as we carry out the agreement as reached.

**MR WADRI:** Mr Speaker, you will recall that when we came back from the campaigns, the Business Committee held a session to look at the pending business. We realised there were many committee reports which were either half way done or ready, which awaited presentation and debate in the House. As per what I can see now, in my opinion, it may not be possible for us, as the Eighth Parliament, to dispose of all the pending business we have. I think we may have to reconsider and take stock of urgency in terms of what work we have that we consider very urgent which should not inhibit the operation of Government.

I am also conscious of speedy enactment. If we just hurry up enactment, chances are that humanly we may make mistakes, which will become very expensive for us to correct. I appeal that we take what we can chew and for the rest - Government work does not end. It will always be passed on to somebody else. In that case we can save those other committee reports and Bills *–(Interjections)-* yes, they can be saved.

**THE SPEAKER:** For the next Parliament? They can note that some work was done and utilise whatever reports you made because they will have different committees. But the reports will be available. They could access them and use them.

**MR WADRI:** Yes, if the reports are there and there is a mechanism of making use of them; we should not have the efforts of Members of the Eighth Parliament wasted. We should still be able to benefit from their input because – why I am saying this – as I said earlier on, I would not like a situation where we just rush with legislation then tomorrow we begin regretting that there was an oversight over a particular provision of the law. Let us take our time, do a good job of what we can and leave what we cannot.

**THE SPEAKER:** Hon. Members, I thank you very much.

**MR KATUNTU:** Mr Speaker, this concerns some of us who have been leaders of these committees. I remember the Local Government Accounts Committee laid a few reports on the Table which are awaiting debate. Under these circumstances, I really do not know whether the –

**THE SPEAKER**: Honourable, let us see what we can accomplish today, tomorrow, Monday, Tuesday and probably Wednesday and then maybe some of these may be tackled that way.

**MR LUKWAGO:** Thank you, Mr Speaker. As we focus on urgent Bills to be concluded before we wind up this Parliament, we are faced with pressure from the women movements and I am surprised my committee chairman is not talking about marriage and divorce *–(Interjections)-* as one of the most urgent Bills.

**THE SPEAKER:** Hon. Members, I thank you for your time and your contributions. The House is adjourned to tomorrow at 10.00 a.m.

*(The House rose at 6.39 p.m. and adjourned until Friday, 6 May 2011 at 10.00 a.m.)*