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**Wednesday, 7 November 2018**

*Parliament met at 11.02 p.m. in the Parliament House, Kampala.*

PRAYERS

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

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE DEPUTY SPEAKER:** Honourable members, I thank you, for coming this morning. Welcome to the sitting. Yesterday, as I informed you a meeting was called that distracted our yesterday’s sitting and that is why we are sitting early this morning to try and make up for the time we have lost as a result of that meeting. Therefore, let us get to the business.

LAYING OF PAPERS

BRIEF TO PARLIAMENT ON A PROPOSAL TO BORROW UP TO SDR 174.6 MILLION (US$251 MILLION EQUIVALENT) FROM THE INTERNATIONAL DEVELOPMENT ASSOCIATION OF THE WORLD BANK GROUP FOR FINANCING THE INTEGRATED WATER MANAGEMENT AND DEVELOPMENT PROJECT

**THE DEPUTY SPEAKER:** It is just laying of papers. Please if the document is there, just lay it.

11.05

**THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (ENVIRONMENT) (Ms Mary Kitutu):** Mr Speaker, I beg that you give us some time-

**THE DEPUTY SPEAKER:** Just lay the document honourable minister, there is no time required.

**MS KITUTU:** I do not have a copy.

**THE DEPUTY SPEAKER:** The document is there.

**MS KITUTU:** Mr Speaker, I lay at the table a document for the proposed borrowing of SDR 174.6 million ($251 million equivalent) from the International Development Association of the World Bank Group for financing the integrated water management and development project.

**THE DEPUTY SPEAKER:** Honourable members, let the records capture that. It stands referred to the appropriate Committee on National Economy to handle expeditiously and to report back.

THE ANNUAL BUDGET PERFORMANCE REPORT FOR FINANCIAL YEAR 2017/2018

11.06

**THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (ENVIRONMENT) (Ms Mary Kitutu):** Mr Speaker, I beg to lay on the Table the Annual Budget Performance Report for the Financial Year 2017/2018. I beg to lay.

**THE DEPUTY SPEAKER:** Let the records capture that. It stands referred to the Committee on Budget to look at and advice as it should.

MACROECONOMIC AND FISCAL PERFORMANCE REPORT FINANCIAL YEAR 2017/2018

11.07

**THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (ENVIRONMENT) (Ms Mary Kitutu):** Mr Speaker, I beg the lay the Annual Macroeconomic and Fiscal Performance Report for Financial Year 2017/2018 for the Public Finance Management Performance Report by the end of February and October every financial year in accordance with the provision. Therefore this is a provision where the honourable finance minister has to lay this report-

**THE DEPUTY SPEAKER:** You are the minister. Proceed.

**MS KITUTU:** I beg to lay.

**THE DEPUTY SPEAKER:** Let the records capture that. It stands referred to the appropriate committee to handle and report to the House.

LOCAL GOVERNMENT FINANCE COMMISSION – ANNUAL REPORT 2015/2016

11.08

**THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (ENVIRONMENT) (Ms Mary Kitutu):** Mr Speaker, I beg to lay the Annual Report for Financial Year 2015/2016 for the Local Government Finance Commission.

**THE DEPUTY SPEAKER**: Let the records capture that. It stands referred to the Committee on Local Government and Public Service.

LOCAL GOVERNMENT FINANCE COMMISSION – ANNUAL PERFORMANCE REPORT 2016/2017

11.08

**THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (ENVIRONMENT) (Ms Mary Kitutu):** Mr Speaker, I beg to lay the Annual Performance Report for the Financial Year 2016/2017 for the Local Government Finance Commission.

**THE DEPUTY SPEAKER:** Let the records capture that. Is it for the Committee on Local Government and Public Accounts or it is Public Accounts Committee - Local Government?

Okay. Honourable members, item 3(IV) that annual report is referred to the Committee on Public Accounts-Local Government and also this item that has just been laid is also referred to the Committee on Public Accounts-Local Government.

LOCAL GOVERNMENT FINANCE COMMISSION – STRATEGIC PLAN 2017/2018 – 2020/2021

11.09

**THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (ENVIRONMENT) (Ms Mary Kitutu):** Mr Speaker, I beg to lay the strategic plan for the Financial Year 2017/2018 – 2020/2021 for Local Government Finance Commission.

**THE DEPUTY SPEAKER:** Let the records capture that. This one stands referred to the appropriate Committee of Local Government and Public Service to handle and advice Parliament on how to proceed.

BI-ANNUAL INSPECTORATE OF GOVERNMENT PERFORMANCE REPORT TO PARLIAMENT, JULY – DECEMBER 2017

11.10

**THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (ENVIRONMENT) (Ms Mary Kitutu):** Mr Speaker, I beg to lay the Bi-Annual Inspectorate of Government Performance Report to Parliament, for the year 2017 for the period between July – December.

**THE DEPUTY SPEAKER:** Let the records capture that. This stands referred to the appropriate Committee on Legal and Parliamentary Affairs to look at and advise Parliament on how to proceed.

BILLS

SECOND READING

THE NATIONAL ENVIRONMENT BILL, 2017

11.11

**THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (ENVIRONMENT) (Ms Mary Kitutu):** Mr Speaker, I request that the National Environment Bill, 2017 be read for the second time.

**THE DEPUTY SPEAKER:** Is the motion seconded? The motion is seconded by hon. Ajilo, hon. Avur, hon. Baseke, hon. Komakech, hon. Wamanga-Wamai, hon. Franca Akello and many more Members.

Would you like to justify your motion honourable minister for second reading of your Bill?

**MS KITUTU:** Yes. I would like to justify that this Bill is very critical and we are required to have it at least passed by 30th November for certain Government activities to proceed.

Therefore, Mr Speaker, I propose that this Bill be read for the second time so that we are on time to pass it.

**THE DEPUTY SPEAKER:** What is your justification for the Bill? Why is it a necessary Bill? You have the NEMA Act and all these laws in place; why is this one important? Tell us.

**MS KITUTU:** Mr Speaker, this Bill is important because it is capturing new areas like allowing the minister to gazette areas of conservation like the Bujagali. In the old Act, we did not have that power. Therefore, we have a deadline to have that done. If this Bill is passed before 30th November, then we shall be in time for Government Business to proceed.

Rt Hon. Prime Minister, we also *–(Interjections)–* sorry, Rt Hon. Speaker; Mr Speaker, I also hear Members of Parliament sometimes addressing the Prime Minister as Speaker. These things happen depending on where you spend most of your time.

The new Bill will be addressing emerging issues like oil and gas, climate change and hazardous chemicals which the old Bill had not captured.

We believe that this new Bill is going to be more encompassing on all emerging issues, which the old Act did not cover because there was a challenge implementing certain issues.

We are also proposing this new Bill to establish an environmental tribunal because many times environmental cases need to be immediate like we have the traffic laws because the environment does not wait. We believe that if this Bill is passed; as the ministry we shall be able to perform our duties better.

**THE DEPUTY SPEAKER:** Honourable members, you recall that I had to make a statement in the House in relation to this Bill that it had a timeline that was agreed upon internationally that is why it has been brought.

The question that I now propose for your debate is that the Bill entitled, “The National Environment Bill, 2017” be read the second time. The principles of the Bill. The committee examined this matter and it should report. Mr Chairman, please give us a summary of your findings.

11.17

**MR KEEFA KIWANUKA (NRM, Kiboga East County, Kiboga):** Mr Speaker, the report has been uploaded on the intranet.

**THE DEPUTY SPEAKER:** You can lay a copy of the full report on the Table and the minutes.

**MR KEEFA KIWANUKA:** As you requested I will summarise; I will not be reading the report. The report was read for the first time on the 20th December, 2017 and in accordance to rule 128, the Bill was referred to the Committee on Natural Resources.

The cause of the delay in handling it was because the committee at that time was reconstituted and then we had new members so somehow we had to start afresh.

Last month, we asked for extension to which the House kindly granted. We have now examined the Bill and would like to report as follows:

When we talk about the environment, we are talking about the physical factors of the surroundings of human beings including land, water, air, atmosphere, climate, sound, order and taste; we are talking about the biological factors of animals and plants; the social factors of health, safety and wellbeing of people and it includes the interaction of human beings with both the natural and built environment.

In processing this Bill, the committee has relied on a wide range of documents both that we sought and accessed and those that were submitted by the witnesses.

In this we sought to benchmark good practices as would be readily accessed. We also reviewed a number of relevant laws on environment including the current Act CAP 153 of 1995.

We had hearings of a wide range of witnesses in total we had 15 witnesses who all made various submissions. They included the honourable Prime Minister.

We also had two benchmarking trips: one to Ghana and the other to Kenya. We sought to benchmark the experience on petroleum development in Ghana and in Kenya we sought to benchmark the experience on dealing with the menace of plastics and plastic waste.

Objectives of the Bill

The object of the Bill is to repeal the National Environment Act CAP 153 and replace it with the law that concerns the existing Government policy, and other relevant laws in particular to continue in existence NEMA as a coordinating, monitoring, regulating and supervising body on environmental activities.

To provide legislation on emerging environmental issues like the growing challenge around climate change, management of hazardous chemical biodiversity offsets and provide strategic environmental assessment.

The Bill seeks to address environmental concerns arising out of petroleum activity which is a new exploration in Uganda; to provide for the management of plastics and plastics products.

To establish environmental protection force, environmental tribunal, provide for enhanced penalties for offences related to environmental degradation as in this Bill.

To provide for procedural, administrative and related matters and all this is intended to provide a framework law from which other sector laws can be drawn.

The rationale of the Bill is to provide a new legal framework recognising that since 1995 when the National Environmental Bill was enacted, there have been numerous changes.

I have mentioned the discovery of petroleum, the emerging new climate change concerns like drought, floods, storms, pollution, landslides which are all seriously affecting agricultural production, food security, nutrition, household income, health and livelihoods.

There are also issues about technological advancements, resultant challenges of e-waste management and the problem of unsound use of chemicals.

So it seeks to strengthen NEMA as a regulator in environmental management in the country; addressing the funding gap by strengthening the national environment fund, providing for the management of the green environment.

We are looking at the special conservation areas, sustainable use, proper management of the environment and natural resources.

We are looking at issues of access and utilisation of genetic resources, environmental health and aspects of genetically modified organisms.

There are also the issues of payment of ecosystems services and management, climate change impact of ecosystem. In all these we are seeking to strengthen environmental planning at the national, district and departmental levels.

We are also seeking to provide for control of use of hazardous chemicals and products, prohibiting pollution by introducing polluters’ liability and providing for environmental emergency preparedness.

We are seeking to prohibit littering and provide for management of waste in accordance with the environmental best practices. We are also seeking to establish environmental standards and making provisions for environmental and social assessment.

The observations of the committee are divided in eleven areas: There is something about a clean and healthy environment, the right of nature, principles of environmental management issues to do with the national environmental fund, management of plastics and plastic products, international obligations; establishment of Environmental Tribunal, institutional arrangement and regulation of environment in Uganda as well as management and utilisation of wetlands in Uganda, management of waste in Uganda and the area of sustainable development goals.

Regarding the right to a clean and healthy environment; Clause 3.1 of the Bill mirrors the constitutional provision that every Ugandan has a right to a clean and healthy environment. Indeed, a clean and sustainable environment is a basic human right and one that every person has a right to and a responsibility to ensure for future generations.

Therefore, the committee noted that the right to a clean and healthy environment and the duty to protect the environment should be opened up to all persons being or living in Uganda and should not be limited to only Ugandans as stated in the Bill.

The committee recommends that protection should extend to all persons living in Uganda and that they have the duty to protect the environment and prevent its pollution.

There is also something under 3.2 on page 5 about the Right of Nature. It states that for a very long time, laws have been treating nature as property, which means that we own it and therefore we can use it as we please. We can destroy or protect it. That has limited our ability to protect nature. The only recourse at the moment is that the Constitution commands the state to protect important natural resources including water, wetlands, mineral oils, fauna and flora on behalf of the people of Uganda.

However, nature does not hold, enjoy and enforce its rights. Here we are talking about the ability of nature being able to sue or somebody suing on its behalf other than with Government intervention.

In a revolutionary recommendation, the committee is recommending giving legal rights to nature just like a legal person or a corporate body so that both humans and nature can enjoy a clean and healthy environment. This would mean that nature can go to court where its rights to a clean and healthy environment are abused or denied.

The examples set out on page 5 are the Ganges River and its tributary, the Yamuna in India. This river was very glorious and was held in very high regard. It is sacred to over a billion Indians. However, it had become one of the filthiest rivers in the world with tons of rose sewage and industrial waste dumped into it daily. As a result of this, court granted it legal right with two guardians. These are like the board, which protects it and can sue on its behalf. Since being granted this right, with research coming from there, indications are that damaging of this river is gradually reducing and it is recovering its glorious past, which the committee thought would be a great experience to introduce in our laws so that nature can protect itself.

The other area is the Principles of Environmental Management. Clause 4.2 on Page 6 captures most of the recognised Environmental Management Principles like the precautionary, polluter pay and the Rio Principles.

The committee recommends that additional principles be included: The first one is prior and sufficient consultation where the people to be affected by a project or whatever it might be are given sufficient information and that they are properly consulted.

We are also recommending that we should add notification in case of emergency to widen support that may be available in the event of an emergency in an area.

We recommend that there should be another principle added on Human Rights Based Approach. This is having due regard to the international human rights acceptable standards.

There is also something on Ecosystem Based Adaptations where all approaches seek to increase resilience to climate change in particular areas affected as well as something on gender equity.

There is something on the National Environmental Fund. The committee observes that although Government has since Financial Year 2015/2016 it has been collecting a 50 per cent environmental levy, for instance, on old cars, this money is not being remitted to the Fund. It goes to the Consolidated Fund and then it is appropriated for other general activities.

The Fund has also had low funding since its inception limiting resources available for critical environment activities. The committee is recommending that 100 per cent of money collected, for instance, on old cars as environmental levy, should be remitted to the Environmental Fund.

From the money remitted to the National Environmental Fund from the environmental levy, the committee is recommending that 30 per cent of that levy should go towards environmental restoration as a priority activity. The funds that go in the National Environmental Fund should support direct environmental activities and not administrative expenses.

To make sure that this is all tied up neatly and that money is remitted, the committee is recommending that the minister should make an annual report to Parliament in February of each year on the environmental levies collected. This should be in terms of how much has been collected, the amount that has been remitted to the National Environmental Fund and the financial performance of the Fund.

I get on to the management of plastics and products, which many people simplify as “*Kaveera*” but it is much broader than that. In 2009, plastic bags were banned in Uganda. It has however since then been difficult enforcing the ban because of the competing interest of stakeholders. This Bill offers the opportunity to find a lasting solution to the menace of what many people talk about as “*Kaveera*” and the management of plastic waste.

The committee received several submissions from those people and those against the ban on *Kaveera*. The main attraction of most people was either a ban or not on *Kaveera*. Somehow other areas of management of plastic waste were ignored but we bring all of it together.

Those who were supporting the ban on *Kaveera* argued that it is impacting on the environment invariable; that *Kaveera* or plastic bags are non-degradable and can take 50 to 100 years or even 400 years to break down. As such, they impact on land, agriculture, livestock and public health as breeding ground for mosquitoes and other unwanted health hazards. They impact on urban drainage – on this, Kampala Capital City Authority (KCCA) was very strong on reporting how much they spend each year trying to unblock the drainage. They impact on aquatic life; fishes and so on because they sink in the water. They also impact on the water treatment.

However, those against the ban on *Kaveera* also put a very spirited fight. These included a wide range of people: Ministry of Trade and Industry, Operation Wealth Creation where we have army generals, manufacturers under the Uganda Manufacturers Association, the plastic manufacturers are all weighed in. They argued that this is a growing industry with 45 factories at the moment and 38 of them producing plastics.

They argued that the investment levels at the moment are at $100 million in machinery and about $50 million in housing and other infrastructure. They also argued that the sector is employing over 6000 staff; 20,000 are semi-permanent at the moment.

They argued that the industry is recycling over 144,000 tons of plastics. The recycled materials are used to produce a wide range of products like egg trays, chairs, damp-proofs, water tanks, road culverts, roofing tiles, electrical conduits and water pipes. They explained that all these are produced at a much cheaper price and they are also exported. Actually, they said they have been proved to be of a superior quality.

They argued that there is a lack of a viable alternative to *kaveera*. Above all, they argued that *kaveera* is actually just 15 per cent in the plastic family and that 85 per cent is the broader range of plastics like those used for covering agricultural materials, medical materials, mattresses and so on.

They further argued that *kaveera* does not litter; it is human beings that actually litter.

Now, these are our observations, Mr Speaker:

First of all, the committee noted that the increasing proliferation of plastic and plastic waste is a threat to the environment. There is no doubt about that. However, we noted that the country cannot do without plastic products in the short-run.

The committee also noted that laws passed in Parliament should not be passed in vain. In other words, we should not pass a law very well knowing that the law will fail. They also noted that the law should not be passed for the society to adjust itself around it. Actually, laws should be passed according to the norms and cultures; what is obtained from the society at that particular point in time.

We also noted that there is no country that has ever achieved a total ban on plastic bags. We noted that 85 per cent of the plastic waste is from packaging materials and only 15 per cent is from plastic bags.

The committee also noted that there are two approaches to managing plastic bags and waste. The first one is about reducing and discouraging the use of plastic bags and at the consumer level, it is about encouraging plastic bags collection and recycling.

The committee also noted that in Greenwatch v. the Attorney General and NEMA of 2011, court declared that manufacturing, distribution and use of *kaveera* of 30 microns and below denies Ugandans the right to a clean and healthy environment. Court urged for a quick and expeditious ban on *kaveera* with 30 microns and below. On that basis, honourable members, the committee is recommending a ban on plastic bags with 30 microns and below but with certain exemptions as set out in schedule 11.

The committee is recommends:

1. An introduction of a mandatory recycling on producers
2. Introduction of tax incentive to encourage production of packaging materials
3. Better partnership between manufacturers and the public sector on waste management
4. Plastics including those exempted should be labelled
5. The Minister of Finance, Planning and Economic Development should introduce polymer levy; a levy on plastic bags. We thought this should be on polymers near the banned threshold if that can be achieved.

On international obligations, the committee noted the increasing priority on environmental protection and recognition of the need for international cooperation. The committee also noted emerging legal obligation at global, regional bilateral, international environmental agreement, prescribing certain international obligations of states, for instance, the agreements on marine environment, conservation of wildlife and their habitats and transboundary pollution and desertification.

One of the most effective ways of Government to meet environmental obligation is through these agreements; often knowns as MEAs (Multilateral Environmental Agreements). Clause 168 requires better consultation before such agreements are signed. In our reports, the committee is recommending that there should be sufficient consultation with the relevant agencies including NEMA.

The committee recommends that these treaties should be domesticated. The committee further recommends that there should be regular review of progress and reports to Parliament on how we are performing on the agreements we have signed.

In Clause 37, the Bill recommends the introduction of an environmental tribunal. Clauses 150 to 160 talk about the environmental tribunal which is intended to expeditiously handle environmental litigation.

Whereas it is a step in the right direction, the committee noted that:

1. It has been overtaken by events. Judiciary has established a standard wildlife and a utilities court dubbed as a specialised court on environmental matters.
2. The bulging public expected expenditure and the ongoing process of the public sector is a welcome move.
3. Without the tribunal being a public sector burden. Here we mean without the tribunal setting up satellite offices around the country, it will be a Kampala outfit.
4. We need to empower the local authorities to handle local disputes.

The committee is, therefore, recommending that the clauses on environmental tribunal, Clauses 140 to 160 be deleted.

Institutional Arrangement

The committee’s observation was that there have been several attempts made to streamline environmental management in Uganda. However, one of the challenges of environmental management has been the institutional arrangement. Strengthening institutions and governance mechanism is at the core of environmental sustainability agenda.

In this report, the committee therefore, recommends better institutional management centred on the strengthening of NEMA; as an independent regulatory agency, monitoring, supervising and coordinating environmental activities.

We are also seeking to strengthen the board with amendments to what had been proposed around how the board should be constituted.

Challenges in the management and utilisation of wetlands

Here, we note the problem of population explosion. Uganda is now rated as one of the most fertile populations, with a population growth rate of 3.2 annually. The population has grown from 4.8 million in 1948 to where we are now around 35 million, according to the National Population Census of 2014.

However, according to the National Housing and Population Census, as by 2050, the population of Uganda will be over 130 million. All this is resulting in mounting pressure on wetlands, agriculture, various raw materials and fishing. In urban areas, wetlands are providing the cheapest areas for housing and industrial development and even slums.

Nevertheless, there are also issues around the complex land ownership.

There are issues of political interference in the management of wetlands, enforcement hierarchy of policies and regulations and problems of allocation of land in wetlands by district boards and the Uganda Land Commission.

Here, the committee has considered the possibility of cancelling titles in the wetlands. However, we were drawn to the case of Nyakana v. the Attorney-General, that it is illegal to own land in the wetlands. As a result of this, that is why we have the problems of dealing with Mailo Land owners in wetlands.

Therefore, the committee recommends:

1. Increased sensitisation on wide views; the committee recommends that the responsible ministry should publish wetland view guidelines to provide guidance on land use in the wetlands.
2. The committee also recommends establishing conditional grants to fund local governments as lead agencies on management of natural resources.
3. Finally, the Ministry of Water and Environment, as the responsible ministry, should gazette all wetlands and at least cancel the land titles issued illegally in the affected wetlands. Those that have degraded those wetlands should be made to restore them.

Mr Speaker, as I mentioned at the beginning, this is being presented and intended as a framework law, from which other lead agencies will draw their sectoral laws.

With that, Mr Speaker, I beg to lay on Table the report and the minutes of the committee scrutinising this Bill. I beg to lay.

**THE DEPUTY SPEAKER:** Let the records capture that. Honourable members and chairperson, thank you for your very elaborate and eloquent presentation of this report. I thank the committee for a really good job from the report and I have also looked at the proposed changes to what the minister had proposed in the Bill.

Honourable members, I have already proposed the question and as a reflection, I will do it again. I now propose the question for your debate that the Bill entitled, “The National Environment Bill, 2017” be read the second time. That is the motion where we discussed the principles of the Bill and that debate starts now. Each member will take three minutes.

11.48

**MR GODFREY ONZIMA (NRM, Aringa North County, Yumbe):** Thank you, Mr Speaker. I would also like to thank the committee for a very good report. This Bill is basically to provide for emerging issues, among which include, climate change, management of hazardous chemicals and others.

I would like to address myself to the issue of climate change. Many times you find people looking at it from three angles; deforestation, mismanagement of wetlands and emission of chemicals.

For the case of Africa, when you look at the emission of chemicals, available research provides that chemicals emitted from factories in America and China in a day are equivalent to what Africa, as a continent, emits in a whole year. Therefore, that means that our major challenges are issues of deforestation and mismanagement of wetlands.

We may have changes in this current law of managing our environment but if we do not change our enforcement ways, we may face serious problems. When you look at the current law, it provides effectively for how we can manage our wetlands but look at what is happening in the wetlands; the same Government that comes up with this kind of policy also fails to enforce it. We have very many good laws and if well enforced, they can help us but many times we put these laws aside and do our own things.

We have factories, as observed by the committee, that are constructed on wetlands but who has issued this? For some of us who go to the North, after Luweero, we have seen that most of those wetlands have been surrendered to Chinese; they are growing rice in them. Who has given the Chinese those wetlands? Hence, our challenge is not inadequacy in our laws but it is enforcement of our already existing laws.

For the case of wetlands, they act as reservoirs. When it rains, the waters go and settle in the wetlands and it is the same water that sinks down and improves the water level of boreholes and other sources of water. Then, it is also the same water, when it shines, that evaporates and settles to produce rain. However, what happens is that when all these wetlands are turned into *–(Member timed out.)*

11.52

**MR JOHN BAPTIST NAMBESHE (NRM, Manjiya County, Bududa):** Thank you, Mr Speaker. Let me add my voice to that of our colleagues to thank the committee for a good report.

Mr Speaker, I will commence with the environmental levy. This is a huge fund that is being collected and actually taken to the Consolidated Fund. Moreover, this is a country that is grappling with new emerging challenges of climate change because of environmental degradation.

Therefore, I agree and concur with the committee recommendation that 100 per cent of this fund should be remitted to the relevant line ministry, rather than being taken to the Consolidated Fund to address the challenges of the environment; like restoration of the environment.

However, currently as we talk, it is not the case. The Ministry of Finance, Planning and Economic Development takes the whole of it. Even the percentage that was recommended for remittal to the Ministry of Water and Environment hardly comes by from reliable sources.

Mr Speaker, according to the report in 2009, there was a ban on plastics of a certain micron. Enforcement was difficult because of the competing interests from the different ministries; Ministry of Trade, Industry and Cooperatives in antagonism with the Ministry of Water and Environment.

I also concur with the recommendation because of borrowing from the neighbouring countries that have had a ban on polythene bags. For example, as we talk now, Rwanda – but incidentally, Kenya does not now have the challenge that Rwanda is facing. Rwanda is stuck with huge quantities of packaging materials. This committee visited Rwanda and saw the challenges they are grappling with because of banning polythene bags and not taking into account what will happen after the liabilities. For instance, what would come after closing the 48 factories that are manufacturing?

Here, the requirement which could have been recommended by the committee –(*Member timed out*.)

11.54

**MR PAULSON LUTTAMAGUZI (DP, Nakaseke South County, Nakaseke):** Thank you, Mr Speaker. Let me also add my voice to thank the committee for the good work done. Protection of the environment is teamwork. Without teamwork, there is no way we can protect the environment.

Uganda has had very good laws but it lacks political will. When there is no political will, such laws cannot work. When there is no teamwork, such laws cannot work.

Mr Speaker, recently, the same committee interfaced with people who have been sand mining in Lake Victoria. However, to date, they are still mining. You wonder what is happening. The laws are there but the people, who are supposed to implement the laws, are most of the time compromised. Unless we make laws, follow and enforce them and try to create what we call “political will”, there is no way we can protect our environment.

The President was recently travelling to Nakaseke District. Along the way to Kapeeka Town, he found the entire environment degraded yet theNational Environment Management Authority(NEMA) is there but it is like a paper tiger. You wonder, we waste a lot of money to facilitate NEMA officials but you can hardly see the work they do.

I would like to thank you, Mr Speaker and the committee. However, unless there is political will, we are wasting time. Thank you, Mr Speaker.

11.56

**MS SILVIA AKELLO (NRM, Woman Representative, Otuke):** Thank you very much, Mr Speaker. I would like to thank the committee for the hard work done. However, I would like to also say, I do not know whether we should call it political will or the people supposed to implement the law, are the ones with a problem.

I would like to give an example of shea trees in Otuke District. Some years back, the President wrote saying that those trees should not be cut. When you go to the district, we even find the environmental police that always move around in northern Uganda where there are shea trees to ensure that they stop people from cutting the shea trees. At the end of it, they always impound the charcoal at the police stations. However, the police are the ones who ferry the charcoal that have been impounded and go and sell.

If we are talking about political will, whose will is this? The police who are supposed to make sure that the issue of charcoal burning is stopped impound it and within a few days, they go and sell the same charcoal.

Furthermore, I would like to talk about the alternative source of cooking. What shall people use? We are saying stop cutting the shea trees for charcoal burning but we are not giving them alternatives. As people who are responsible for the issues of environment, we should also provide alternatives.

Lastly, Mr Speaker, is the issue of tree planting. I very well know that agricultural experts know the type of soil that grows particular type of trees. To our disadvantaged, you see the forestry department take any type of species to any district. For example, in Otuke, they always take pines. After five years, they all dry up. What is the use of these soil sampling and studies for, if they cannot give us the specific type of trees that grow in specific land texture? I thank you, Mr Speaker.

11.58

**MR BENARD ATIKU (Independent, Ayivu County, Arua):** Thank you, Mr Speaker. I join colleagues in appreciating the report and thanking the chairperson together with the committee members for doing a good job. This law is long overdue. I think it is time for us to redeem the future of this country if we are to see pride in what people have been calling Uganda as the Pearl of Africa.

Mr Speaker, I would like to talk about three issues. First, is to support the committee position on redeeming wetlands. In Arua District, we have a number of wetlands that have been turned into gardens. You wonder what the people who have invaded these wetlands think about the future because if our ancestors used these wetlands as gardens, what would they be using today?

All the trees that used to protect the wetlands as watersheds have been lumbered and nothing has been replaced. Any mahogany or local or indigenous species that tries to grow, is cut down. It is, therefore, important for us to strengthen this law, especially the environmentalists to ensure that they go on ground and sensitise people and evict those who have settled on the wetlands.

We would also like to urge Government to complement because what is pushing people into the wetlands is lack of water for irrigation. I think it is important that as we pass this law today, we also urge Government to first track the irrigation schemes that suits some of the localities like in West Nile.

Secondly, the previous legal regime talked about banning or management of plastics and plastic products without specifying which particular microns should not be imported or manufactured. Therefore, it is important for us this time, to make it very clear. The environmentalists have indicated to us that it is actually plastics or *kaveera* of 30 microns and below. It is important for us to be explicit as we make this law to –*(Member timed out.*)

12.01

**MR HENRY KIBALYA (NRM, Bugabula County South, Kamuli):** Thank you, Mr Speaker. I need to join the colleagues in thanking the chair and the committee for the good report.

As we debate to pass this into a law, we must first of all cultivate the culture of respecting law in Uganda. The environment is not polluted by the weak ones but it is polluted by the strong ones, the “untouchable”. If we cannot have respect for the rule of law in Uganda and if we still have people around who cannot be touched or told what is right, we are going to pass the law and it will remain on paper like several other laws that have existed.

I would like to request and urge the minister, that possibly when you are in Cabinet; tell fellow ministers and the Head of State that when we pass laws, they should be respected.

In addition, Mr Speaker, among other recommendations the Chair said that we should cancel the certificates for those ones that occupy wetlands. However, the last time when we were in Serena as the Head of State was addressing us, he said he has no problem with people occupying those areas so long as they are setting up factories they are better than the things that exist there. I wonder how they are going to reconcile with that.

There is another Bill that is still lingering in your office. The Climate Change Bill - I do not know whether, as you are responding, you will say something about it because it is related. I do not know what you are going to say.

Lastly, Mr Speaker, the minister, as she goes to her office, she goes through Bugolobi; past the sewerage corporation. We have failed to tame that area. It is polluted; it is smelly, year in year out. Other places where we pass, much as there is sewage, you do not find that kind of smell. However here, we have failed and we are here in the Parliament trying to tame the environment, trying to control the environment, saying this and the other. That is exactly her docket. I do not know what she is going to tell us; how she is going to tame that as we fight to control and restore the environment that everybody admires to live in.

Then the issue of police; if police can go to a secondary school or primary school or a nursery school and fire teargas in that school, I wonder what type of –*(Member timed out.)*

12.04

**MS HELLEN ASAMO (NRM, PWDs, Eastern):** Thank you, Mr Speaker. I also want to thank the committee. I just have one thing I need clarification on. The harmonisation of the different ministries. You know Ministry of Health says when you use polythene, you get cancer. The Ministry of Trade is saying our manufacturers are going to lose out. When you get to another ministry, they are saying something else. So where are we as we pass the Bill?

Therefore, the minister needs to inform the House whether all these interests have been harmonised. I know the Chairperson has tried to talk of something but I think when you talked about the *Kaveera,* there was a lot of ping-pong. We need a clarification because we wouldn’t want to pass a Bill which does not see the day.

In Uganda, the planning system is very poor. Factories are put anywhere. You find a factory in the middle of the city. Or somewhere else and all the pollutants that they pass out affect our people. Our NEMA is just watching and doing nothing.

The previous speaker talked about the sewage, look at factories of sugar. When you pass around Lugazi and Kakira in the evening, you detect a terrible smell when these people are releasing their waste. Yet there is nobody in the Government to put these people to order. Instead, because they are powerful, we leave them and we go for the small fish. I think this thing should be handled in a way that helps other people.

The issue of the local government: our local governments have been rendered almost useless. The Bill will be at the headquarters with a little resource but down there, the local governments cannot enforce anything about the use of *kaveeras*.

The other thing I wanted to hear about is creating awareness. How do we create awareness in the population about environmental protection? Before you handle people, they should be given information. A woman picks something from the market with a *kaveera,* she goes home, and she uses the *kaveera* to cover potatoes and posho. How do we create this awareness? I think it doesn't come out in the law to tell us how it is going to be handled.

The other thing is the issue of the certificate in wetlands. The former Minister of the Environment, I remember very well, came to this House and said they were going to remove them. It has become a song. We need a plan. They should come to this House and tell us that these are the plots that are going to be removed so that when we do oversight and we see –*(Member timed out)*

12.08

**MR JOHNSON MUYANJA (NRM, Mukono County South, Mukono):** Thank you, Mr Speaker. I would like to join my colleagues to thank the committee for the work well done.

I have issues concerning the de-gazetting. When you look at their recommendations, they are giving the minister a lot of power and now the crisis which is ongoing, you find for example Namanve was given away in 2001 with good intentions but we ended up having individuals almost occupying 80 percent of that forest.

Now, when you look at some other areas that we are trying to de-gazatte, they are already occupied by the big shots in the country. Now we are only coming here to approve so that they can continue benefiting and enjoying but not for the rightful purpose. We might have reasons as to why we de-gazette before we recommend that the minister will have all the power.

Finally, Mr Speaker, when you talk of cancelling some of the titles and industries in the wetlands; Is that not a loophole for the tycoons because they would again come to this Parliament with a reason to borrow and compensate in trillions of money. People are occupying those industries while we are looking on. Now saying we are going to cancel means heavy compensation. That might be a loophole for the dealers. Thank you.

12.09

**MR GENENSIO TUMURAMYE (NRM, Kashongi County, Kiruhura):** Thank you, Mr Speaker. I also wish to thank the committee for the good report, it has been long overdue. I have three observations:

It is true every Ugandan in one way or the other has an impact on environment, positively or negatively. However, Mr Speaker, clause 3.1 on page 4 of the report is talking about the right to a clean and healthy environment for every Ugandan. Some Ugandans do not have land to cultivate or they have small pieces of land to cultivate for their livelihood. The committee is recommending sensitisation and use of law, probably to evict the occupants but they are not providing a bigger solution. That's my observation.

Another observation: It is true, the committee recommends persons living in Uganda to have a duty to protect the environment. However, Mr Speaker, most of these industries and persons as mentioned by my colleague are located in the swamps and in city centres. They pollute and contaminate our environment. It becomes very challenging if we cannot relocate them and if we do relocate them, the cost of relocation.

The committee is talking about NEMA to be given much power and becoming autonomous and an institution of Government. However, recently Cabinet passed the amalgamation and mergers of institutions of Government under their parent ministries, NEMA inclusive. Now my concern is; wouldn't it be a negative impact on a cabinet resolution? Thank you very much, Mr Speaker.

12.12

**MS ROSE MUTONYI (NRM, Bubulo County West, Manafwa):** Thank you, Mr Speaker. I would like to thank the committee for the work you have done.My only problem with this Bill, just as hon. Silvia of Otuke commented, is the lack of political will. She was talking about whether political will was missing or going against the enforcers. Mr Speaker, the political will is not there because there are many hotels that have been constructed on the lake shores and river banks.

How can we say political will is there when our very ministers and ministries organise seminars in those hotels? They go and sit there and do not talk about it. Some of them may be owned by the ministers and other political leaders. For example, if we go to Protea Hotel, it is just about 10 metres away from the lake shore. At Imperial Botanical Beach, they have even constructed a hall into the water. Look at Munyonyo which even reclaimed a wetland. I just wonder. The enforcers are not doing anything and these things are being done even under the noses of the politicians. Who is in charge and who is responsible?

Secondly, enforcement is even done selectively where some are allowed while some are not allowed. For example, I have a two-and-a-half acre piece of land along River Nile, where there was an old coffee plantation. In 2004, they came and said “we are demarcating the river banks” and they did it. Last year, they came back and said: “Oh, we did it badly.” They planted a huge mark stone on my land, taking away two acres. When I tried to apply for a land title, they said: “No, the area is in a river reserve.” Now, what about those hotels? Have they put up those hotels without land titles?

Therefore, Madam Minister, can you, please, clarify on why there is selective *–(Member timed out)*

12.16

**MR RICHARD GAFABUSA (NRM, Bwamba County, Bundibugyo):** Thank you, Mr Speaker. I also join my colleagues to thank the chairperson and the committee members for the very good work and report that they have presented to us. From the report and the minister’s Bill, I will summarise what the difference will be in four main areas. Whatever we are talking about has been there and we have been watching. All we need to do is to make a difference now by way of this new law that we are putting in place.

The first and most important area, to me, is whether we have in place strong institutions against strong individuals in this country. What we have today are strong people against weak institutions. What this law is proposing, to me, should be the strong institutions as we have seen the committee recommending.

The second area that would make a difference is funding. Like colleagues have already said, much of this work is done at the local governments. However, if you look at the money that comes from the centre to the districts and subcounties and you specifically look at the budgets for environment and natural resources, you shed tears.

In my district, for example, I was looking at the budget for the whole financial year for the entire department of natural resources and it was less than Shs 50 million and you expect people at that level to be able to implement all these activates we are talking about. Therefore, I am happy the committee is recommending this funding *–(Member timed out)*

12.19

**MR GAFFA MBWATEKAMWA (NRM, Kasambya County, Mubende):** Thank you. Mr Speaker, we shall still face some challenges as we try to enforce this in case it becomes law. First and foremost, the police, who are supposed to enforce, are very good at degrading the environment. Just look at the police cars. They are in dangerous mechanical conditions (DMCs) but they are not even shy to grab your car saying it is a DMC. They also misuse teargas. When you talk about sewage, when you move around Naguru right now, you may have to block your nose until you cross that area.

Mr Speaker, as we try to look into this Bill, we need to think about the alternative sources of energy, mainly for cooking. Unless we have cheap energy, we shall continue to degrade the forests. Even for us the MPs, if I were to pose a question here, how many people in our families are using electric cookers? We are all using charcoal and where do we get charcoal –

**THE DEPUTY SPEAKER:** Honourable member, you should speak for yourself.

**MR MBWATEKAMWA:** Okay, with the exception of the Speaker and some few honourable members *-(Laughter)-* most of us are using charcoal. Therefore, unless the Government thinks about establishing alternative sources of energy such as coal, biogas and the rest, we shall keep on degrading the environment. I thank the committee very much.

12.21

**MS CONNIE NAKAYENZE (NRM, Woman Representative, Mbale):** Mr Speaker, I would like to add my voice to thank the committee for the work well done. However, I just want to talk about *kaveeras*. The committee states that some people use *kaveeras* to produce other products. Yes, it is good to recycle but I do not want to believe that all the products they mentioned are coming out as a result of the use of recycled *kaveeras*. This is because we have raw materials for most of those products.

Mr Speaker, I do not support the use of *kaveeras* to continue because they are the ones degrading the environment the most. Like the committee has stated, cancer is coming out of the use of *kaveeras*, yet the industry and their proprietors are advocating for the use of the *kaveeras* because they are still producing. My observation was that the moment they said they were going to stop *kaveeras*, most industries again sprouted up. This means people have a deliberate effort to frustrate the protection of this nation’s environment. According to history, if I recall very well, in the early 1960’s, 1970’s when I was born and the 1980’s, there was no use of *kaveera* to this level. That is why cancer was at a low rate.

However, we have a lot of cancer cases because we have promoted industries with *kaveera*. Therefore, we should decide whether the industries should thrive or we suffer from cancer. We should choose because that is what they have said. They have also tried to give advice to people who grow marijuana and tobacco to get alternative crops. Can’t we get alternatives for these industries, other than having *Buveera* that are going to kill us like it has already been indicated?

Mr Speaker, there must be collective effort. If it is not collective responsibility, then we shall continue to have corruption suffocating preservation of our environment. However, if we prioritise the environment, then –*(Member timed out)*

12.24

**MR DAVID ABALA (NRM, Ngora County, Ngora):** I would like to thank you, Mr Speaker, for giving me this opportunity. I would like to thank the committee for the report. We now have a choice. We must agree that there is a choice that must be taken. If we ignore it, we are going to be in trouble.

For example, if you go to the Uganda Cancer Institute at Mulago, there are so many people who are suffering from cancer because of those types of polythene we are talking about. In my view, the ban must be effected. There is no story about it. If we are going to ignore this, Ugandans are going to be affected.

Secondly on the issue of cancelling land titles on wetlands, in my view, we must actually cancel them without discussion. If we want to reclaim our environment, we must come out clearly and strongly and ignore the strongman syndrome that we are suffering from as a country.

Thirdly, the element of poverty is affecting Ugandans and that is why you find that people have no source of income. Whenever they see any tree standing, they are sure that they will get money if they cut that tree down. If we had a different solution to unemployment in Uganda, I am very sure and confident that this element of environment would be safe.

I would also like to talk about the National Environment Management Authority (NEMA). As we speak, if you look at the entire country, there are about 40 environment officers countrywide. What do you expect if you are about 40 officers, one assigned per district yet there are over 100 districts? Can you monitor, supervise and enforce? It becomes difficult.

My view is we must support NEMA with one heart. We must also tell NEMA that as it does this, let it do it diligently. Do not do things because of your personal interests. I am happy with the recommendation here that we must now treat nature as a legal person.

Many times, we have always ignored nature and our environment. I am happy this time round, with that recommendation that we must treat – *(Member timed out)*

12.27

**MR ANGEL MARK DULU (NRM, Adjumani County East, Adjumani):** Thank you very much, Mr Speaker. I would like to also take this opportunity to thank the Chairperson and members of this particular committee for producing this good report.

In future, when we produce a report like this, we should also be able to cite some good examples of these culprits. They are not in heaven. They are among us here. For example, when we talk about wetlands, we should parade some two to five names here so that they get to understand that actually they are not hidden and we know them. That will send fear and order amongst them.

Some people strongly believe that whatever they are doing is not seen and that they are the ones who are seeing. If you remember in 2006, we started razing down houses constructed in wetlands but we only razed a few of them and left. That means that there are people who cannot be touched. That is why when you move from one place to another in the districts, town councils and municipalities, our roads are not good. This is because when it is marked, then the marked house cannot be razed down. It has to make a sharp corner.

Recently, Chief Administrative Officers (CAOS) were tasked to ensure that tree products do not leave their districts. For example, my CAO, while doing that, met armed people harvesting trees in Zoka Forest. The CAO came back and asked me what he should do and that I should advise him. I asked him whether he got the names of those harvesting while armed. He said no and that he got some army officers in their *mama ingia pole* guarding pitsaws. You can imagine that kind of situation.

Much as we talk strongly and do everything possible here, our problem is not the law. The problem is simply because some people are above the law and cannot be touched. We should, therefore, show them that they are not untouchable by mentioning their names in a report like this so that they get to understand that we will follow them. Thank you very much.

12.30

**MR JOSEPH KASOZI (NRM, Bukoto County Mid-West, Lwengo):** Thank you, Mr Speaker. I would also like to thank the committee for the very good informative report. On Page 6 of the report, they introduce a very interesting concept called the rights of nature; that nature should also be made a legal entity and it enjoys rights of protection.

I was wondering – maybe the chairperson of the committee can clarify it for me – who is going to help this nature with its legal person now to enforce and advocate for their right? You gave an example of a company which has directors who can sue and be sued and enforce. However, who is going to do that for nature now? Are we going to do it in public interest litigation? Are you going to create a special body for that?

Secondly – *(Interjection)* – just a moment! I am concerned about the functionality of the bodies that we have created to manage the environment. You talk about Environmental Police. How functional is it? Which numbers do they have? Are they adequately staffed to carry out the function?

When you look at NEMA which you want to give more powers to strengthen them, when you talk to NEMA, they will say they are so understaffed that they cannot even move out of Kampala to enforce some of these people that infringe on the environment. Why don’t you also talk about making sure that these bodies we are creating are made fully functional and not stay on paper? This is so that they are empowered to do their work. Thank you, Sir.

**THE DEPUTY SPEAKER:** Thank you.Honourable members, in the public gallery this afternoon, we have pupils and teachers of Uthman Primary School, Masindi. They are represented by hon. Ernest Kiiza and hon. Jalia Bintu. They are here to observe the proceeding. You are welcome. (*Applause*)

We also have pupils and teachers of Zirobwe Church of Uganda Primary School, Luweero. They are represented by hon. Muyingo and hon. Nakate. Please, join me in welcoming them.

12.33

**MR ALEX BYARUGABA (NRM, Isingiro County South, Isingiro)**: Mr Speaker, I would like to thank you for this opportunity. I just have three issues. The first one is that this Bill received the highest level of involvement and consultation in as far as I am concerned. We reached the highest level possible and that is why I am saying I wish we could even pass it in the next 20 minutes. It is so well done. Therefore, I would like to thank the chairperson and his colleagues for the work well done.

Secondly, -

**THE DEPUTY SPEAKER**: Honourable member, are you a member of the committee?

**MR BYARUGABA:** No, I am not.

**THE DEPUTY SPEAKER**: Then proceed.

**MR BYARUGABA:** However, I think I did 90 per cent of this work. That is a fact.

Mr Speaker, there are three issues. The first one is enforcement. We have had a law in place on environment. Why are we making another one? It lacked that bit of enforcement and this is what the Bill is trying to introduce. The enforcement bit is a must and we must emphasise it as much as possible.

The second one is water catchment places. Mbarara, for instance, will soon shift come what may. There is not going to be any more water in about five years if nothing is done about the water catchment for River Rwizi. There will be no alternative but to shift the town.

What is happening is that the big, mighty and politically well-connected people have dried up all the water catchment sources of River Rwizi in Buhweju. This is a fact and I wish the Buhweju people were here to attest to it. It is very unfortunate and as long as this law does not catch up with this very politically and economically powerful and well-connected people, we will still come to square one.

Thirdly, we should all sit back and think about greening Uganda. The country was gifted by nature but we have killed all the nature. We cut all the trees and invaded all the wetlands. Oh my God! There is so much that we have done to our country that we only need to recollect. What do we do now? Let us go to the younger generation and schools to make tree planting a compulsory activity as far as it can be done.

During every other rainy season in any part of this country –(*Member timed out.*)

**THE DEPUTY SPEAKER:** Honourable members, can we reduce the time to two minutes? If we maintain it at three minutes, then I can only limit the number now. We need to close. I am going to have Ruhinda, Apac, Kitgum, Kanyum, Kitgum and Butemba counties. Then, I will finish with the Leader of the Opposition.

You said three minutes; I wanted two minutes so that we can share the time. Can we agree on two minutes? Okay, two minutes it is.

12.37

**MR DONONZIO KAHONDA (NRM, Ruhinda County, Mitooma):** Thank you, Mr Speaker. I would like to thank the committee for especially coming out clearly on the issues of *Kaveera.* It is because when it was enforced, they were looking at the *kaveeras* which were being manufactured and imported. They were not looking at the *kaveeras* people use in packaging.

However, there are some specific individuals who we need to single out and first sensitise them on this law. It is because we may pass it but tomorrow, you may hear somebody saying they should be given some time. At the end of the day, we shall have done nothing.

I wanted to hear the linkage between the ministry and the Uganda Investment Authority and the Uganda Wildlife Authority. We have seen so many factories coming up especially in the wetlands and the poor individuals are the ones suffering. For example, I may use the advantaged against the disadvantaged. Look at the factories coming up in Kyengera, Busega. The poor individuals who were only cultivating were the ones evicted but the factories are still going on.

Therefore, I think we need to do a lot. Look at the police impounding the DMC vehicles using breakdowns of 1970.

There is also an issue of monitoring and supervision. We are aware there are so many NGOs that are doing activities related to environment. However, who is monitoring them? For example, there is an organization –*(Member timed out.*)

**THE DEPUTY SPEAKER:** Honourable members, it is now two minutes.

12.31

**MS BETTY AWOR (NRM, Woman Representative, Apac):** Thank you, Mr Speaker. I also would like to add my voice to my colleagues’. I would like to thank the chairperson of the committee for their report.

Government has to strengthen National Environmental Management Authority (NEMA) as its lead agency in coordinating environmental issues. NEMA still has inadequacy in skills, regulations and capacity to deal with the environmental challenges. Remember, a spirited fight was put up to ban *kaveera* but it was in vain. We do not know what happened. Today, our environment is being depleted as we see. Our very important trees are being depleted. They are cut; some are for export and we do not know how much Uganda earns from that.

Mr Speaker, as I conclude, the committee’s recommendation is a step in the right direction. I only pray that it is realised. I thank you.

12.41

**MR ISMAEL OROT (NRM, Kanyum County, Kumi):** Thank you, Mr Speaker. I would like to observe that the law is good. Every Ugandan should understand that for us to become rich, we should enrich our environment like it has happened elsewhere.

However, there is making the law and understanding the law. What has failed all these environmental protection measures is that the local enforcement in rural areas that used to exist has been ignored. Therefore, in this law, we should include the local enforcement. The person who lives with his cows near the swamp and benefits from the water catchment should be involved in protecting the area. It is because if that water is drained, his livestock will die. That was what used to happen in those golden days.

Secondly, when you look at our environment, even in Kampala, - in fact, some people whisper that it could be time we moved even the city a distance away to Nakasongola so that we begin planning. What has made the environment to be poor now is lack of physical planning. This is true. When I am going where I sleep in Kampala, I pass through Muyenga. Somebody surprised me by saying Muyenga is what is called a rich man’s slum because the physical planning was not properly observed that you see the jam along the road*-(Member timed out)-*

12.43

**MS BEATRICE ANYWAR (Independent, Woman representative Kitgum):** Thank you, Mr Speaker and the committee for the work. The issue of environmental protection force; I am happy that I was part of it because that was an alternative policy which was brought on.

However, since then, we have not gone an extra mile to make sure that this force we put in place is working. The reason is that:

1. The number which is allocated does not meet the task it is supposed to do.
2. The funding from the minister to that effect is not enabling them do their work
3. We have conflict of interest. When we give our own force to go and do works; then we frustrate them when they are implementing it, it pulls them down.

We need to let this force be able to do its work by doing what is necessary.

Mr Speaker, the concern about petroleum products- as a country we are planning to become an oil producing country; I would like the minister to bring to Parliament the comprehensive details of accruing benefits of by-products of petroleum and put in place the procedures on how you can go along to get it.

This will help on the onset of production of, for example. plastics as by-product of petroleum; you need to have prepared yourself with abcd in place before you are given the license to engage in it. From the onset and that has been long overdue. And psychologically *–(Member timed out.)*

12.45

**MR PENTAGON KAMUSIIME (NRM, Butembe County Kyankwanzi):** Thank you, Mr Speaker. If you look at the changing climatic conditions, the long droughts, too many varieties of crop pests and diseases and indeed human diseases, you realize that we need to do something about our environment.

For example, all our foods that are grown in low lands absorb water and nutrients including the heavy metals which come from factories and other products. Directly when we consume these foods, for example, if there is a heavy metal like lead, these ones directly will lead to issues like cancer and other respiratory tract infections.

Mr Speaker, I would like to categorically say that there seems not to be sufficient Government will to protect and preserve the environment. Therefore, as Parliament and indeed I challenge Cabinet, we should stand firm and say no to any investment in wetlands and this should cover small and big shots in this country.

Secondly, we should endeavor to mobilise and sensitise the community on the environmental protection and environmental friendly practices that can be done within wetlands especially the agriculture practices; so that our people can sufficiently and equitably use the environment without degrading it.

Mr Speaker, I have also an eminent suggestion that NEMA or ministry of water and environment should have its own member at the district taking over environment so that this person is not employed by the district local government. Otherwise, he or she will always be *–(Member timed out\_)*

12.47

**MR LYANDRO KOMAKECH (DP, Gulu Municipality, Gulu):** Thank you, Mr Speaker. I rise to seriously support the work of the committee as far as this coming law is concerned. Since the turn of the 19th century, our traditional communities lived with a lot of protection of the environment.

That is why if you pick one of the ethnic communities like the Baganda in Uganda; the totems were developed as a mean to protect the environment. A *mamba* person would not eat *mamba* fish. Someone from any other totem of that nature will not do it.

In Acholi and Northern Uganda, you find that people do not live in swamps because they are meant to be for spirits of ancestors. Today, even the living are now forcing themselves to join the spirits that live in swamps. These were meant to protect our environment. These were our laws traditionally.

Now, as far as we are concerned today, the level we have reached is a level where we should declare it as a national security threat of this country. If you look at the emerging challenges of environmental protection, it is now enough to say we have environmental insurgency in this country.

In Northern Uganda, the rate at which the vegetation is going is worse than the LRA destruction. Therefore, this law should be extremely prohibitive for those who will intend to destroy the environment. It should have an enforceable strategy that should ensure whether you are who or who; this law must catch up with you.

In Kenya, I heard *–(Member timed out\_)*

12.49

**MR WAMANGA WAMAI (FDC, Mbale Municipality, Mbale):** Thank you very much Mr Speaker. I would like to join the rest to thank the committee and to remind colleagues that Uganda is a member of the international committee against environmental degradation.

The globe as I speak now is fighting against environmental degradation. We should know this. We should have passed it yesterday and the entire world is now fighting against environmental degradation.

You see the haloclines, the tycoons, the cyclones; tsunamis are coming because we have degraded the environment. The hole in the ozone layer and now the ice in the Atlantic is melting and it is affecting the environment.

I get surprised when the chairman of the committee says or gives two views; dos for those factories. The plastics have degraded this country so much and they can never be destroyed. The countries in the region are fighting against these plastics. Therefore, Uganda should come up and ban plastics so that we can protect the environment.

This Parliament, Mr Speaker, should pass laws that are pro-people to protect them. However, all these plastics are destroying the environment, where are our people going to live?

Therefore, we should stand up and say no more plastics. The law was passed but the interests of some people in Government and these factories; the managers and companies come and say, “Oh, we should not ban them.”

Mr Speaker, when you start up a company, you must follow the laws of the country and the laws*-(Member timed out\_)*

12.51

**MS JACQUELINE AMONGIN (NRM, Woman Representative Ngora):** Thank you, Mr Speaker. I would like to add my voice on the already mentioned areas and the recommendations of the committee.

However, aware that Uganda is one of the countries that committed in Paris, the Climate Change Commitment in Paris Declaration on carbons reduction, Uganda came up with a percentage. Therefore, this makes me to make the following recommendations:

1. The *Kaveera* is still a pending issue even when we resolved in this very Parliament that we should stop *kaveera*, no implementation has been taken up to now. I would like us to propose that at least if we must insist on using *kaveera*, we should emphasise on industrial and medical *kaveera* only
2. As an environmentalist that I am, we have EIS and also the modus operandi that should be followed by the stakeholders or the departments concerned like National Environment Management Authority (NEMA) but political influence is still very important and it is down-playing our role in achieving the goal by 2030 that we are committed to in the SDGs.
3. Mr Speaker, we are talking about the National Environment Fund but currently even the environmental levy that is supposed to be utilised by NEMA is not taken into consideration. Modalities must be put in place as we adopt this Bill.

Lastly, industrial pollution is still a big concern in this country. There is no modality put in place; for example, in Nakivubo where the industrial waste is just released into the channel, which is a big pollution to the economy. We must ensure that most of these –*(Member timed out.)*

12.54

**MR MEDARD SSEGGONA (DP, Busiro County East, Wakiso):** Thank you, Mr Speaker. Ordinarily, we should support anything that is intended to improve the law. That is my conviction. However, I am concerned that on the one hand Government is trying to reconsolidate these agencies and now in this law, we are proposing to create among others a tribunal. So, those intra-contradictions within Government are matters of concern to me.

The second thing is about enforcement. If colleagues may recall that in the Ninth Parliament, I was trying to inspect a place where somebody was piling soil in a wetland in Kyengera but I was brutally picked up by the police and locked up for a whole day. It took the intervention of the honourable minister Gen. Nyakairima then. The person who was doing it was never brought to book.

Recently, the chairman LCV Wakiso was at some place again trying to fight degradation. The next thing we saw, he was was summoned by the police for using what they called the language that was unbecoming in terms of promoting sectarianism. The person who was doing it has not been summoned.

The other day, the President was inspecting industrial premises promoting Chinese growing of rice in wetlands. The other day, his brother Gen. Salim Saleh was supporting Chinese excavating sand from the lake and you are telling me that we are making a law, which has no penalties for people who make those kinds of interferences. How do you expect me to support this kind of law?

I support ordinarily any law that will protect the environment. We have had Chinese manufacturing eggs*…(Member timed out.)*

**THE DEPUTY SPEAKER:** Leader of the Opposition, you have three minutes.

12.56

**THE LEADER OF THE OPPOSITION (Ms Betty Aol):** Thank you, Mr Speaker. We started talking about the *kavera* bags a long time ago. There is conflict of interest which can only be answered by taking away some of the authority from Ministry of Trade and Industry and Cooperatives and giving it to NEMA so that the latter takes control.

Maybe there is a clarification that should be made for us to know. There was a court case and a ruling. Should we still debate what the court has ruled on? That has to be clarified by the honourable minister.

I would also think that it is important that we take the environment seriously. We should take care of our children, grandchildren, great grandchildren and those who are to come in the future.

If we are only thinking about job creation by protecting those manufacturers more than the future, then we are doomed. We should invest in biodegradable, renewable technology, which is more important.

There is no waste management policy. Recently, we talked about imported vehicles – *(Interjections*) –

**THE DEPUTY SPEAKER:** Please, wind up.

**MS AOL:** Thank you. When we talk about gas emissions – we see how our people are suffering. At the Uganda Cancer Institute, people are all over the verandas suffering from diseases caused by gas emissions.

I feel that researchers should do more studies on these gas emissions. We should not leave very old vehicles to operate and cause health problems to our people.

We need enforcement and it should be very stringent. We talked about *kavera* but our neighbour Rwanda banned *kavera.* If we say let this micron be used, who is going to give the licence? If we give the licence to Ministry of Trade, Industry and Cooperatives then we are not going to succeed. Let us have some people to manage this. We must know that we are not doing well in as far as our environment is concerned. Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Thank you, Leader of the Opposition. In the public gallery this afternoon, we have pupils and teachers of New Hope Primary School, Lira District represented by hon. Jonathan Odur and hon. Joy Atim Ongom. They are here to observe the proceedings. Please, join me in welcoming them.

Honourable minister, you have three minutes to summarise the responses after which I put the question and we move to the next stage.

1.00

**THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (ENVIRONMENT) (Ms Mary Kitutu)**: Thank you very much, Mr Speaker. I will do my best. Most of the questions are related and many of the issues the Members raised are enriching the law so that we have a law that bites.

From what I have listened to, I can say that we have a Parliament, which is very well sensitised about the environment. Thank you very much.

Mr Speaker, talking about climate change, we are heading for our COP24 in December and the bad news is that much as we agreed in Paris that we keep the temperature below 2 degrees centigrade - scientists are now saying that we have to keep it below 1.5 degrees centigrade and we have only 12 years.

If we do not this, then the damage, which we shall cause shall be irreversible and there are costs because the future will suffer.

Mr Speaker and honourable colleagues, as a country, we are doing our best because our emissions are far below. We do not need to worry about the emissions.

However, we are impacted on and that is why, together with the other least developed countries, we want more money to be put on adaptation. It is others who damage the environment and we pay the price.

There were issues on the institutional arrangement. We have done our best to harmonise the activities because in the past, the law was not specific about who does what and that is why you would find conflicting roles.

However, in this new Bill, we are going to make sure that we harmonise that. The Prime Minister called all of us stakeholders to harmonise and have a common voice on plastics. From the environment side and also from the Ministries of Health and Local Government, we are continuing with –

**THE DEPUTY SPEAKER:** Please, wind up.

**MS KITUTU:** We are continuing to sensitise all Ugandans to know that there are dangers in the use of these materials especially when you use them wrongly, like those who use them for cooking; they are not meant for that.

Others are talking about cancellation of titles, which I have already presented to Cabinet. It is the court injunctions, which are making us not to move. Otherwise, we would have already moved. Cabinet passed a resolution to cancel them. It is the court that we have to mount pressure to.

People are talking about alternatives, which is true but right now, I cook using gas and I find it cheaper. Honourable colleagues, go and use gas; it is far cheaper than charcoal. (*Interjections)*

There are alternatives and we are continuing to sensitise –*(interjections)* Otherwise, I commend all your views to enrich this law. I look forward to your support so that we have a law that is biting. I also look forward to your support when I am enforcing the law. If you put your foot, I will jump over it and make sure that I enforce the law. We are going to capture all that you have mentioned and make sure that we get a law that bites. Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Thank you, honourable minister. Honourable members, in the gallery this afternoon, we have pupils and teachers of Nabuganyi Church of Uganda Primary School in Kayunga District represented by hon. Amos Lugoloobi and hon. Erios Idah Nantaba. They are here to observe the proceedings. Please, join me in welcoming them.

Honourable members, I now put the question that the Bill entitled, “The National Environment Bill, 2017” be read the second time.

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER**: Honourable members, we will pause here before we go to Committee Stage. I will suspend the House for an hour and we resume at 2.00 O’clock to proceed with the Bill.

*(House was suspended at 1.05 p.m.)*

 *(On resumption at 2.05 p.m., the Deputy Speaker presiding\_)*

BILLS

COMMITTEE STAGE

THE NATIONAL ENVIRONMENT BILL, 2017

Clause 1

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

*(Question put and agreed to.)*

*Clause 1 agreed to.*

Clause 2

**THE DEPUTY CHAIRPERSON:** Can we deal with the amendment on clause 2, which is interpretation later when we finish with the rest of the text? It helps.

Clause 3

**DR KIWANUKA:** Thank you. I have the following amendments on clause 3. Under sub clause (2) and (3), replace “Ugandan” with the words “person in Uganda”.

Under sub clause (5), insert a new paragraphs as follows:

“(g) To compel the persons responsible for the environmental degradation to restore the degraded environment as far as practicable to its immediate condition prior to the damage.

(h) To provide compensation for any victim of pollution and the cost of beneficial uses lost as a result of an act of pollution.

(i) Other losses that are connected with or incidental to the foregoing.”

The justification is to make the provisions apply to all persons within Uganda’s jurisdiction, both citizens and non-citizens and to provide additional orders that may be made by the court.

**THE DEPUTY CHAIRPERSON:** Honourable members, you have heard the proposed amendments and the justification. I put the question to the amendments.

*(Question put and agreed to.)*

*Clause 3, as amended, agreed to.*

Clause 4

**THE DEPUTY CHAIRPERSON:**Chairperson, there is a proposal to insert a new clause after clause 3.

**DR KIWANUKA:** We propose to insert a new clause immediately after clause 3 to read as follows;

“Rights of nature

(a) Nature has the right to exist, persist, maintain and regenerate its vital cycle’s structures, functions and its processes in evolution.

(b) Any person has a right to bring an action before a competent court for infringement of rights for nature.

(c) Government shall apply precaution and restrictions, measures in all activities that can lead to the extinction of species, the destruction of the eco systems or the permanent alteration of the natural cycles.

(d) The minister shall, by regulation, prescribe the conservation areas for which the rights in sub section (1) apply.”

The justification is to grant nature legal recognition, enjoyments of rights and ability to enforce these rights.

**THE DEPUTY CHAIRPERSON:** Honourable members, you have heard the amendments but in particular the proposed new (b). Is it correct to say, “any person has a right to bring an action before a competent court for any infringement of rights for nature”? I think it is “rights of nature”. Are we only talking about the provision of this law or is it a general application?

**DR KIWANUKA:** Mr Chairman, it should be “rights of nature.”

**THE DEPUTY CHAIRPERSON:** Honourable members, is this specific to this clause or is it a general law? “Competent court for infringement…” I would have put for “any infringements of rights of nature under these laws”. I would have done it that way.

With those slight amendments, I now put the question to these amendments.

 *(Question put and agreed to.)*

**THE DEPUTY CHAIRPERSON:** Honourable members, I now put the question that the new clause as proposed be inserted to constitute part of the Bill.

*(Question put and agreed to.)*

*New clause, as amended, inserted.*

Clause 4

**DR KIWANUKA:** The committee proposes amendment to the effect that in sub clause (2), we insert the following new paragraphs immediately after paragraph (q):

“(r) ensuring that processes of environmental management and human development have due regard to international human rights standards.

(s) ensuring that in the implementation of public and private projects, approaches that increase both the environmental and people’s resilience to impacts of climate change are prioritised.

(t) ensuring that in case of an environmental emergency such as disaster of any magnitude, the lead agencies promptly notify other relevant agencies and departments so as to guarantee the availability of support.”

The justification is that these are critical, internationally recognised principles of environmental management, which should be included under clause 4(2).

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

*(Question put and agreed to.)*

*Clause 4, as amended, agreed to.*

*Clause 5, agreed to.*

*Clause 6, agreed to.*

*Clause 7, agreed to.*

Clause 8

**DR KIWANUKA:** The committee recommends that we replace sub clause (2) with the following;

“(a)to advise on the formulations and implementations –

**THE DEPUTY CHAIRPERSON:** This is under mandate and functions of the Authority.

**DR KIWANUKA:** That is right.

“(a) to advise on the formulation and implementation of environmental and climate change policies, plans and programs;

(b) to advise the minister on legislative proposals and standards on the environment;

(c) to advise the minister on the harmonisation of policies of Government, with respect to the environment and natural resources;

(d) to support the mainstreaming and integration of environmental concerns in national and sectoral plans through coordination and collaboration with lead agencies;

(e) to require lead agencies to report and account for the execution of their mandate in relation to environmental management as prescribed in this Act or any other applicable law;

(f) to issue environmental compliance certificates;

(g) to regulate, monitor and coordinate private sector inter-governmental organisations, non-governmental organisations, cultural institutions, indigenous people, local communities and religious institutions on issues relating to the environment;

(h) to regulate environmental practitioners in the environmental and social impact assessment and environmental audit processes;

(i) to review and make decisions on environmental and social impact assessments, environmental audit and other studies or reports submitted in accordance with this Act or any other applicable law;

(j) to issue permits and licenses in accordance with this Act and any other applicable law;

(k) to undertake and coordinate environmental monetary inspections and compliance audit;

(l) to undertake and support research in innovations, new technologies and emerging issues on environment;

(m) to prepare and disseminate the National State of the Environment Report;

(n) to prepare and disseminate the National Environment Action Plan;

(o) to undertake public environmental awareness and literacy;

(p) to coordinate lead agencies in their preparedness and response to environmental emergencies or disasters;

(q) to support the implementation of multilateral environmental agreements for which the Authority is based on.

(r) to advise the minister on legislative and other measures for the management of the agreements in the field of environment as the case may be;

(s) to advise Government on regional and international environment conventions, treaties and agreements, to which Uganda should be a party and follow up the implementation of such agreements where Uganda is a party; and

(t) to enforce the provisions of this Act.”

The justification is to clearly state the functions of the Authority.

**THE DEPUTY CHAIRPERSON:** Honourable members, you have heard the amendments. Honourable minister, when you do not rise, I will presume that you are okay with the proposed amendments. So, I will not be asking you. When you have a matter, you just rise.

Okay, honourable members, you have heard the amendment. I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 8, as amended, agreed to.*

Insertion of a new clause

**DR KIWANUKA:** This is the new clause that we have inserted immediately after clause 8, “Power of the Authority over lead agencies;

(1) the Authority may, after giving reasonable notice of its intention, direct a lead agency to perform within such time and in such manner, as it shall specify, any of the duties imposed upon the lead agency by or under this Act or any other written law in the field of environment.

1. while the lead agency fails to comply with such directives, the Authority may itself perform or cause to be performed the duties in question and expense incurred by it in so doing shall be a civil debt recoverable by the Authority from the lead agency.
2. any person who fails to comply with subsection (1) commits an offence.”

The justification is that it is intended to empower NEMA to issue orders to a lead agency to fulfil any duty imposed on it by law.

**THE DEPUTY CHAIRPERSON:** Honourable members, that is clear but in terms of subsection (3), in the new drafting, you do not say, “any” but you say, “a person.”

**DR KIWANUKA:** Okay, I amend it to read, *“a person who fails to comply with subsection (1) commits an offence.”*

**THE DEPUTY CHAIRPERSON:** Honourable members, you have listened to the amendments, can I put the question to the amendment as proposed by the chairperson –

**MR NIWAGABA:** Thank you, Mr Chairman. I have failed to appreciate the rationale of creating an offence under that substituted section, especially since it relates to the relationship between the lead agency and the Authority. Therefore, I need the chairman to expound on it for me to fully appreciate it and see whether I should support his position.

**DR KIWANUKA:** The rationale here is strengthening NEMA to be able to enforce protection of the environment on the lead agencies. That is the main objective. We wondered how that can be enforced without any sanction, if a person fails to enforce what NEMA is asking them to do. That is the justification.

**THE DEPUTY CHAIRPERSON:** Hon. Niwagaba, are you satisfied? The proposal in subsection (1) states, if you fail to comply with what the Authority is doing, what happens? It further reads, “The Authority, may, after giving reasonable notice to its intention direct a lead agency to perform within such time and such manner, as it shall specify, any of the duties imposed upon the lead agency by or under this Act or any other given laws in the field of environment*.”*

Therefore, the lead agency is directed and it does not act on Government. If the timeline provided is not followed, what happens? I think that is what they were trying to say –

**MR NIWAGABA:** When I listened to him critically, he seemed to suggest that the Authority goes in to execute the work and recover the costs incurred as a civil date. Then, why do you want to penalise and at the same time claim under the civil action?

**THE DEPUTY CHAIRPERSON:** No, this is very specific to sub clause (1), which reads, *“*Any person who fails to comply with subsection (1) commits an offence*.”* The only challenge I have with that is; do you have a general provision for offences of this nature? Do you have sanctions? Do you have a general clause that deals with all the other offences under this section? If you do not, then it remains hanging; he commits an offence. So what?

**MR GAFABUSA:** Mr Chairman, that is what I wanted to raise because it just stops at saying, “he commits an offence” and it does not go on to add what the fine or penalty is. Therefore, what happens after the offence is committed? What does the culprit do? Does the culprit pay a fine? What happens?

**THE DEPUTY CHAIRPERSON:** I think it is taken care of by clause 189, which has the general penalties to cover all those that are not mentioned elsewhere. Are we clear?

**MS ANN MARIA NANKABIRWA:** Mr Chairman, I am a member of the committee but I have seen the logic of the Member of Parliament from Ndorwa. In clause 32, we also proposed amendments to introduce a certificate of environmental compliance, which must be issued by NEMA. Any person to get money from the National Environment Fund must comply and have a certificate of environmental compliance.

The lead agency’s work is environmental management. The work of NEMA is regulatory. In view of the above, maybe sanctions of civil nature may not be wise to a lead agency that maybe to individuals.

**THE DEPUTY CHAIRPERSON:** No. This is not in this clause. You are talking about something else. The civil sanctions are not in this clause. So, which clause are you talking about? Right now, we are discussing the proposed new clause. It has nothing to do with civil sanctions.

**MS KITUTU:** Thank you, Mr Chairperson. In the past, NEMA has been sued. When they would be sued, it is another leadagency, which has the mandate to perform or maybe if someone did not do their work. For example, when Kampala Capital City Authority (KCCA) mismanaged stages, it was NEMA which was sued because it was the one now – that is why this clause would say that if a lead agency neglects its duty, it should also be sued. You commit an offence although NEMA goes in, we can both go to court or you can be sued as an institution.

In the past, it used to be NEMA to stand like the Attorney-General stands in for everybody. Maybe, you need to look at the –

**THE DEPUTY CHAIRPERSON:** No, this is not about suing anymore. It is about charging. Suing would be in a civil court but this is committing an offence that means you would be sent to prison. I am wondering how you would send KCCA to prison, if that is the logic we should follow?

**MS KITUTU:** Mr Chairperson, what we meant was that NEMA’s work is regulatory and enforcement. The work of the lead agency is environment management under the regulation of NEMA. Where NEMA comes to instruct the lead agencies to do some management and they have not been able to do it; that is where we were looking at. What can you put in place that can compel the lead agencies to be able to adhere to the instructions by NEMA? Can we put some sanctions? There was another food for thought that if they do not, then NEMA comes and does the work. Can’t it have sanctions to the lead agency; for example, to be able to get back their money?

This is what I was now coming to that we shall find in our proposed amendment in clause 32, where we have tagged monies in the National Environment Fund, 30 per cent of it will be used for restoration. For these lead agencies to be able to get the money, they must go through -

**THE DEPUTY CHAIRPERSON:** Honourable minister, what you are saying in paragraph (3) is not necessary.

**MS KITUTU:** That civil part -

**THE DEPUTY CHAIRPERSON:** No, are you looking at paragraph (3)? Paragraph (3) has nothing to do with civil. The civil one is under paragraph (2). Are you saying that paragraph (3) is not necessary? Hon. Niwagaba, is that what you are saying?

**MR NIWAGABA:** That is what I thought, Mr Chairman.

**THE DEPUTY CHAIRPERSON:** Chairperson, is paragraph (3) necessary? We have paragraph (2) that is dealing with the lead agencies; imposing on them obligations which NEMA can take over and if it takes over, all the expenses incurred by NEMA in executing the work of that lead agency will be recoverable from that lead agency under paragraph (2). Therefore, would paragraph (3) still be necessary?

**DR KIWANUKA:** Okay, Mr Chairperson, I withdraw sub clause (3). It reads: “a person who fails to comply with subsection (1) commits an offence.” I withdraw subsection (3).

**THE DEPUTY CHAIRPERSON:** Is there a possibility that there could be individuals who can also be in default – individual natural persons – in which case paragraph (3) would apply to natural persons. The way it is structured, does not look like there is any individual or natural person.

**MS KITUTU:** Mr Chairperson, I think for the individuals, they had taken care of in other sections. However, for this one, we are talking about the relationship between NEMA and the lead agencies. NEMA being a supervisory institution and regulatory, if someone refuses –

**THE DEPUTY CHAIRPERSON:** What was in the mind of the person who drafted this? Is it from the committee; so, you can dispense with it without – okay, honourable members, Clause 3 has been – you see, that is why I needed to be properly guided on this because what is a lead agency? It means ministries, departments, agencies, local government or public officer in which or in whom the functions or control or management of any segment of the environment are vested.

There are individuals here who are public officers and they are also called lead agencies by definition in the law. That is why I was insisting that where did this come from because it could not have just been hanging there.

The definition of lead agency includes a public officer. If you remove it, then the individuals there would go to scot-free.

**DR KIWANUKA:** Okay, Mr Chairperson, with that guidance, I would like to reinstate it.

**THE DEPUTY CHAIRPERSON:** The committee chairperson is withdrawing and reinstating and withdrawing – hon. Niwagaba, are you okay now? Can I now put the question to this?

**MR NIWAGABA:** Let it pass since I will not be a lead agency.

**THE DEPUTY CHAIRPERSON:** I now put the question to the new clause as proposed by the committee chairperson.

*(Question put and agreed to.)*

*The new clause, as amended, agreed to.*

Clause 9

**DR KIWANUKA:** In clause 9, I propose to replace paragraph (a) with the following:

“(a) plan, regulate and manage the segment of the environment within its mandate.

(b) replace paragraphs (e), (f), and (g) as follows;

(e) Undertake environmental inspections and review environmental assessments and environmental audits in accordance with this Act and any other applicable law;

(f) implement the decisions of the Authority with respect to the segment of environment under its mandate; and

(g) report on progress quarterly and account to the authority for the execution of its role in relation to environmental management within three months after the end of the financial year.

(c) Insert a new paragraph (h) as follows;

“(h) Implement and enforce the provisions of this Act;”

The justification is to strengthen the lead agencies to undertake effective environmental management.

**THE DEPUTY CHAIRPERSON:** Thank you. Honourable members, you have heard the proposed amendments from the Chair of the committee. I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 9, as amended, agreed to.*

*(Question put and agreed to.)*

*Clause 9, as amended, agreed to.*

**THE DEPUTY CHAIRPERSON:** Honourable members, I would like you to participate in this process. We do not have observers in the House. *(Laughter)*

Clause 10

**DR KIWANUKA:** Clause 10; the Board of the Authority. In sub-clause (1), we propose that we delete the word “Directors”.

In addition, replace sub-clause (3) with the following:

“(3) The Board shall consist of the following:

(a) a representative of the ministry responsible for environment;

(b) eight members, not being public officers.”

In sub-clauses (5), (6), and (7), we propose that we insert the following:

“Sub-clause (5) will read, “The minister shall, in appointing the members of the Board, ensure that three members of the Board are environmental professionals;

(7) The minister shall appoint the chairperson of the Board from amongst the members in sub-section 3(b).”

In sub-clause (8), insert the following words between the words “shall” and “attend”; “be the secretary to the Board”.

The justification is that the board should be mostly technical to exercise this mandate.

**THE DEPUTY CHAIRPERSON:** Thank you. Honourable members, you have heard the amendments. There is a problem in (1). If you delete “Directors” only, what happens to the word “of” because it is “Board of Directors” and you are only deleting “Directors” and leaving “of”? I think the deletion should be “of Directors”

**DR KIWANUKA:** Mr Chairperson, I propose that we delete “of Directors”.

**MR WAMANGA-WAMAI:** Mr Chairperson, I would like to know, why eight members of the Board. Those are very many and if you look at the numbers needed to be present for the meeting to go ahead, that is also a big number. You are also aware that, that will involve paying allowances and so on. Can’t we reduce the number to five instead of eight?

In addition, why three professionals? They can be two or one professional on the Board.

**THE DEPUTY CHAIRPERSON:** Honourable minister, why have you agreed to eight? It is an even number and decision would be difficult.

**MR NIWAGABA:** Mr Chairperson, in addition, I wonder why the committee is recommending complete deletion of public officers, especially when we have to deal with environmental protection that has a lot to do with inter-governmental agencies. If, for example, you get rid of Ministry of Finance, Planning and Economic Development, you will have a problem with the Authority getting money.

I believe that we will need somebody from Finance, Planning and Economic Development, a representative from the local government and one from the Ministry of Tourism, Wildlife and Antiquities. Why do you want to do away with Government ministries and agencies and simply privatise the Board itself?

**DR KIWANUKA:** The thinking was that the Board will be stronger if it is not necessarily directed by Government. Where you have representatives of ministries, somehow they owe their allegiance to the ministries, which they are representing on this Board. The idea was to reduce the number of public officers from other agencies coming onto the Board, which we thought will increase the independence of the Board.

The second rationale here and how we came to the number eight, was to have more people involved in the sector. Apart from environmental professionals, there are others that are provided for in the Bill. For instance, under (h) in the Bill, there is a representative of the academia. Under (j), there is a representative of Non-Governmental Organisations legally registered and present in Uganda and finally under (k), a representative of the private sector selected in consultation with the Private Sector Foundation.

Within the environment itself, we thought we would have somebody with skills in the area of environmental law and somebody with experience in natural resources management. When we added that up, it brought the number to about eight.

**THE DEPUTY CHAIRPERSON:** Is this academia also somebody with an environmental background or a Professor of English Language can also qualify?

**DR KIWANUKA:** Mr Chairman, we thought we would leave that to the discretion of the minister but I think in appointing somebody to this position, that is something they will need to bear in mind.

**THE DEPUTY CHAIRPERSON:** Members, can I now put the question to this?

**MR NZOGHU:** Mr Chairperson, I have listened carefully to the debate, which we had before we broke off for lunch and Members put a lot of emphasis on culture. I know that there is a ministry, which coordinates our cultural institutions in this country; the Ministry of Gender, Labour and Social Development through which cultural leaders can submit or even present their views.

I thought that to have a representative from the Ministry of Gender, Labour and Social Development would work better to coordinate with cultural institutions because protection of our environment is crosscutting. As you are aware, the cultural beliefs, customs and values and what we know is that once we involve such an agency, it would help people to grow up when they know what they are supposed to do, right from their homes.

**THE DEPUTY CHAIRPERSON:** Honourable minister, why have you left out the cultural institutions? It is the minister’s Bill. - So, let me hear from her why she does not like cultural people.

**MS KITUTU:** Mr Chairperson, I do not think we do not like cultural institutions. The former Board used to have 12 people so I think they have done a good job to reduce. We are also trying to look at making the Board. However, if it is a proposal – I think Ministry of Gender, Labour and Social Development was not part of the NEMA Board but we have NGOs and there is someone called “an eminent Ugandan”. We believe that the people who constitute the Board should be able to represent everybody.

However, I agree with him because we have issues in some of the kingdoms and so, we can put Ministry of Gender, Labour and Social Development.

**THE DEPUTY CHAIRPERSON:** Instead of “eminent person”?

**MS KITUTU:** We can replace the “eminent person” with this.

**MR WAMANGA-WAMAI:** Mr Chairperson, I think the numbers are still many because NEMA is there with professionals. You do not have to have a specific person in law or environmental science and so on. If you have done environmental science then you will have done something with law or law, you will have done something with environmental science. Therefore, we do not need three people from NEMA. One person is enough, reduce the numbers.

**THE DEPUTY CHAIRPERSON:** The minister has said they have reduced from 12 to eight now – [Ms Kitutu: *“Nine.”*] - Which ministry is the ninth? Do you mean the Ministry in charge of Environment? How can you have a representative of your own ministry when you are already there?

**MS KITUTU:** Mr Chairman, I do not sit on the NEMA Board; it is someone who we nominate to sit; maybe one of the directors but the minister does not sit on the Board.

**THE DEPUTY CHAIRPERSON:** The concern is that the number is still big. Are you comfortable with that? Can your budget-support that number without affecting other sectors?

**MS KITUTU:** Well, since we are now working on cutting costs, we can choose who to lay off from among these. But we are cutting off and adding.

**THE DEPUTY CHAIRPERSON:** Honourable members, the minster has proposed that list of people and there is the addition proposed by the Member for Busongora County North that there should be representation from the cultural institutions, which the minister has conceded to. That comes in the place of the “eminent person” because it is quite a definition of its own that requires to be put in the definition section.

**MS KITUTU:** Mr Chairperson, I would like to share that the NFA Board actually has five people but they have had challenges in constituting the committees, say in charge of finance and others.

In addition, there was a time when I had a challenge with the NFA Board where the tenure of two members could not be renewed and we remained with two members and they could not sit. However, if you have eight members and two go off, six can still run the institution as you look for the other two. I think eight is not a very –

**THE DEPUTY CHAIRPERSON:** Is it eight or nine?

**MS KITUTU:** It is now nine. I think we can move with nine. We were 12 before and we have dropped three.

**THE DEPUTY CHAIRPERSON:** Have we agreed that in the place of “eminent person” we put a representative from the Ministry of Gender, Labour and Social Development? Is that okay?

**MS ANN MARIA NANKABIRWA:** There are two positions; one in the draft Bill and the proposed amendment as read by the chairperson of the committee, to which the committee is proposing an amendment of first of all, reducing the number from 12 to nine. The ninth person is a representative from the Ministry of Environment and the eight members are not public officers.

The committee proposed that during appointment by the minister, he or she is only tied to the appointment of three people who are professionals in environmental matters while the rest are left open. In the Bill, they had tied the appointment to ministries and public offices, which we thought was unfair. Today, you find an officer sitting on eight Boards and earning a retainer. However, he has no time for the sector because he has got his own place of work –

**THE DEPUTY CHAIRPERSON:** I think the point is made and it is clear. The committee has proposed and that is why I am saying, can we adopt the proposal from the committee? Is that the way we should go? Can I put the question to the amendment, as proposed by the chairperson of the committee?

*(Question put and agreed to.)*

*(Clause 10, as amended, agreed to.)*

*Clause 11, agreed to.*

Clause 12

**DR KIWANUKA:** Clause 12 is on the tenure of office of Board members. The committee recommends that we replace the clause with the following: “Save for the member appointed under sub-clause 3(a), a member of the Board shall hold office for three years and is eligible for reappointment for only one more term.”

The justification is that the representative of the ministry is appointed to the Board by virtue of his or her office.

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

*(Question put and agreed to.)*

*(Clause 12, as amended, agreed to.)*

Clause 13

**DR KIWANUKA:** Replace paragraphs (d) and (e) as follows:

“(d) to monitor performance of the Authority;

(e) to review and approve environmental policies, plans, strategies, legislative proposals and standards for the management of the environment and natural resources initiated by the authority.”

The justification is that it is made for clarity on the functions of the Board.

**THE DEPUTY CHAIRPERSON:** Honourable members, I put the question to this amendment.

*(Question put and agreed to.)*

*(Clause 13, as amended, agreed to.)*

*Clause 14, agreed to.*

*Clause 15, agreed to.*

*Clause 16, agreed to.*

*Clause 17, agreed to.*

*Clause 18, agreed to.*

*Clause 19, agreed to.*

Clause 20

**DR KIWANUKA:** We propose to delete the words “Deputy Executive Director” where they appear in the clause and thereafter wherever in the Bill.

The justification is that for good corporate governance, the Deputy Executive Director will be appointed by the Board only to deputise the Executive Director.

**THE DEPUTY CHAIRPERSON:** In other words, there will be no deputy executive director? Are you proposing to delete it from both the headnote and wherever else it appears?

**DR KIWANUKA:** Mr Chairperson, we thought that, that position does not have to be created in the law but it can be created by the Board for purposes of only deputising the executive director. For that matter, we are not even providing for the functions of the Deputy Executive Director.

**THE DEPUTY CHAIRPERSON:** Honourable minister?

**MS KITUTU:** Mr Chairperson, I think that in the law, which we are repealing, the deputy used to take charge of the supervision of the technical staff. However, if the committee feels that both of them can perform either function of administration –

**THE DEPUTY CHAIRPERSON:** The committee is saying there should not be both but only one.

**MS KITUTU:** The deputy can take on the functions of the executive when the other one is not there.

**THE DEPUTY CHAIRPERSON:** The committee is saying there should be no provision for deputy executive director. Is that okay?

**MS KITUTU:** It is okay.

**MR GAFABUSA:** The chairperson of the committee needs to clarify more because he seems to contradict himself. He says we should delete the position of deputy executive director and leave the power to the Board to appoint the Deputy Executive Director.

That means that we shall still have the position but what they are saying is that we give the powers to appoint the Deputy Executive Director to the Board and only leave the Executive Director to be appointed by the minister. However, the two positions remain.

**THE DEPUTY CHAIRPERSON:** Honourable members, what is the practice in this country? What happens with creation of that office? Do the laws create the position of Executive Director together with the deputy? What does the law say? I need somebody to advise us here.

Do all those laws that create offices of Executive Directors like in Uganda Wildlife Authority (UWA) create positions for deputies? We need consistency in the legislation that we pass. If they create deputies, why are we making this an exception? If they do not create deputies, why are we making this an exception? What do the general laws say about Executive Directors? Does UWA have a Deputy Executive Director in the law?

**MR NIWAGABA:** Mr Chairperson, I think other than National Social Security Fund (NSSF), the rest do not have. You have seen the fights between the Managing Director and the Deputy Managing Director when created under the law. Therefore, I agree with the position of the committee that we do away with that position of Deputy Executive Director under this particular law.

**DR KIWANUKA:** That was the thinking of the committee and it is supposed to avoid conflict when the two positions are provided for in the Act. The thinking of the committee was that there will be a Deputy Executive Director but that is one of the other staffthat the Board may decide to appoint.

In any case, in some agencies, it is not just one Deputy Executive Director. You may find that you have two or even three Deputy Executive Directors; probably somebody responsible for administration and another for technical services. Therefore, there will be a deputy executive director but we have said, to avoid conflict when both positions are provided for in the Act, it should be at the discretion of the Board to make those appointments.

**MR BAHATI:** Mr Chairperson, as hon. Niwagaba has said, the laws do not provide for Deputy Executive Directors in most of these organisations. However in practice, what happens is when the Board realises that there is need for this to happen, they create these positions using the relevant instruments, including the Human Resource Manual.

In some cases, they have a number of deputies like at the Uganda Bureau of Statistics where we have about two or three. At National Water and Sewerage Corporation, we have enough. Therefore, it would be better for us to leave it out. Since the Board will not be stopped from creating these positions, they can do that.

**THE DEPUTY CHAIRPERSON:** Honourable members, I now put the question to the amendment as proposed by the chairperson for deletion of “Deputy Executive Director”, which is in Clause 20.

*(Question put and agreed to.)*

*Clause 20, as amended, agreed to.*

Clause 21

**THE DEPUTY CHAIRPERSON:** Clause 21, chairperson? Therefore, that deletion now applies to Clause 21 and the rest of the Bill. Is that correct? The others are now consequential.

I now put the question that Clause 21 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 21 agreed to.*

*Clause 22 agreed to.*

Clause 23

**DR KIWANUKA:** In Clause 23, we are proposing that we replace the word “minister” with “Authority”. In other words, the protection force will be appointed by the authority and will be within the control of the Authority.

**THE DEPUTY CHAIRPERSON:** Honourable minister, are we agreeable to this? I put the question to the amendment proposed by the chairperson.

*(Question put and agreed to.)*

*Clause 23, as amended, agreed to.*

Clause 24

**DR KIWANUKA:** On Clause 24, we propose that in sub-clause (2), we insert the words, “in consultation with the Authority” immediately after the word “may”.

The justification for this is that the Authority must guide the local governments during the development of ordinances and bylaws.

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

*(Question put and agreed to.)*

*Clause 24, as amended, agreed to.*

Clause 25

**DR KIWANUKA:** Clause 25 is on Urban, district local environment committees. We propose that Clause 25 is replaced as follows:

“District Environment and Natural Resources Committee

1. Every district shall establish the district environment committee, which shall be composed as follows:
2. The District Chairperson;
3. The members of Parliament from the district;
4. The Resident District Commissioner;
5. The secretary for environment;
6. The district natural resources officer, who shall be secretary;
7. The Chief Administrative Officer;
8. The district engineer;
9. The town clerk;
10. The mayor, town clerk and secretary responsible for environment at the Urban Council;
11. The district planner;
12. The physical planning officer; and
13. The community development officer.

(2) The members of the committee shall elect from amongst themselves a chairperson and a vice chairperson of the committee;

(3) The minister shall, by statutory instrument, prescribe the procedures of the district environment and natural resources Committee.”

The justification for this is to merge the Urban Committee with the district environment and natural resources committee to avoid duplication.

**MR JAMES KAKOOZA:** Mr Chairperson, I seek clarification from the chairperson on why he has included members of Parliament. If a decision is made and you are doing an oversight function to correct it, you will be part of the decision and you will not check yourself. Why do you include the member of Parliament?

I do not think it is correct and we need to be consistent. If you look at the Land Fund Committee in the districts, people sit and the chairperson of that committee is a Member of Parliament. However, here you are choosing a different person to the committee.

**MS KITUTU:** Mr Chairperson, we are trying to look at how we can strengthen these committees because they are very weak. If you just leave the technical people – For example, we normally go and reinforce the Roads Committee. Therefore, we are trying to see how we can make this stronger and also have the minister add a statutory instrument to give them authority to do their work.

**MS JOY ATIM:** Thank you, Mr Chairperson. It is stated that, “… urban councils shall consist of an urban environment committee which shall consist of the secretary responsible for environment.” However, when you go to the district, it is the councillor responsible for environment and this is not consistent. If it is the secretary at the urban council, then it should also be a secretary at the district level.

**THE DEPUTY CHAIRPERSON:** Honourable chairperson, right now we are discussing the proposed amendments in the committee. The committee has dealt with all those things and come up with only one committee. Therefore, if we do not support the committee’s position, we will come to those breakdowns, which are in the Bill.

**MS JOY ATIM ONGOM:** It is there for the districts and urban councils but at -

**THE DEPUTY CHAIRPERSON:** Honourable member, in the committee’s proposal, there is no urban or anything. It is just district.

**MR NIWAGABA:** Mr Chairperson, the proposed amendment giving the minister delegated legislative powers to make statutory instruments is not clear. What is the procedure for because the powers of the environmental committee at the district level have been elaborated in the law? Therefore, what is the purpose of the statutory instrument? Can you explain? Is it a procedure to do with the meetings of the committee?

**MS KITUTU:** Mr Chairman, we are proposing that the environment fund; the money, which we are going to levy and which has been going to the Treasury, is designated for restoration. This committee is going to be charged with the management of this fund.

As such, such instruments are necessary. You know when you are going to give funds to people – Of course, these committees had duties but we are now going to change and make them stronger. Therefore, that instrument will specify the powers of all these people.

**MR GAFABUSA:** Thank you, Mr Chairman. I have two issues. The first one is, when I look at the composition of the committee, especially the technical people including the CAO, town clerk, physical planner and the community development officer, I see an important head of department missing; the department of health. There is a lot to do with health issues when you are talking about the environment and waste management. I propose that we include the district health officer at that level.

Secondly, I still need clarification on sub-clause (1)(c). I have not heard of the councillor responsible for the environment in our set up. If you are talking about a councillor responsible for environment, we do not have such a position in our districts or local councils. It should be secretary for environment at the district.

**THE DEPUTY CHAIRPERSON:** Honourable minister, I hope you have heard this.

**MR GAFABUSA:** Do we have any position anywhere referred to as councillor responsible for environment? We do not. It should be secretary for environment.

**THE DEPUTY CHAIRPERSON**: When was it amended?

**DR KIWANUKA:** That has been amended to secretary for environment.

**THE DEPUTY CHAIRPERSON**: Honourable chairperson, the mistake that you made is to read from a document that you have not circulated. All of us are looking at the one you sent in the report while you are reading from another document. Therefore, people are lost and rightly so. They are not following what you are saying. Even when I tried to follow, I saw you introducing new things, which are not in what you have proposed.

Therefore, can we take a decision on this matter?

**MR JONATHAN ODUR**: Thank you, Mr Chairperson. I am concerned about this merger, having looked at the proposal and considering that we are getting more urban councils day in, day out. I have taken an example of where a district has five urban councils. The number of members on this committee would be too big in the circumstances. I do not know whether the committee paid attention to that when they were considering the merger.

**THE DEPUTY CHAIRPERSON:** What number would be too many? I thought the number would remain the same.

**MR JONATHAN ODUR:** Mr Chairperson, it depends on the number of town councils, urban councils and municipalities in the area.

**MR NZOGHU:** Mr Chairperson, I also have a problem with the proposal by the committee because as Parliament, we should be very mindful about the decentralisation policy. Parliament also has relevant committees that provide oversight roles and it would be more of a repetition to have members of Parliament as part of the team and yet Parliament has leverage to go to any district and provide an oversight function.

Secondly –*(Interruption)*

**MR JAMES KAKOOZA:** We can be like -

**THE DEPUTY CHAIRPERSON:** Honourable member, you have not yet been granted the permission to use the microphone.

**MR NZOGHU:** I have granted him permission, Mr Chairperson. *(Laughter*)

**MR JAMES KAKOOZA:** Thank you, my colleague, for giving me way. If we can borrow a leaf from the Local Government Act, we are ex-officio members of the district councils and not permanent members. I may carry out an oversight function to check what these people are doing but when I become part of the decision made in that committee, I would have abrogated my role of checking what they are doing.

**THE DEPUTY CHAIRPERSON:** What about the District Roads Committee?

**MR JAMES KAKOOZA:** No, we are not part of it.

**THE DEPUTY CHAIRPERSON:** Yes, we are.

**MR JAMES KAKOOZA:** We are there to supervise the funds because we are the chairpersons of the committees but here you are talking of the town council and whatever minutes are passed there - That is why in the Local Government, when you pass -

**THE DEPUTY CHAIRPERSON:** Honourable member, please let us be consistent. This is not a council; this is the district local environment committee.

**MR JAMES KAKOOZA:** It is at the LC III level anyway and not at the district.

**THE DEPUTY CHAIRPERSON:** No, it is at the district. You are not following what is going on.

**MR NZOGHU:** Mr Chairperson, I find difficulty with the RDC because he is the representative of the Central Government and yet, he is also head of security and the President is the head of the Executive. Here, we have Parliament and the Executive merged together and this contradicts the principle of separation of powers.

I thought that the RDC and the members of Parliament would be excused from this committee and then they can do oversight functions using the relevant structures and systems that they have in the law.

**MR DAVID MUTEBI:** Mr Chairman, I do not see anything harmful in Parliament extending the national outlook within that committee by representation. However, my issue is with the councilor. I do not think that there is any designated office of the secretary for environment within the district council.

Therefore, that importation of an office that does not exist may not work within that committee. We need to get clarity if that office really exists but I doubt it.

**THE DEPUTY CHAIRPERSON:** I thought that was clarified a long time ago.

Honourable members, let us move. *-* We are moving.

**MEMBER:** There is a serious matter, sir.

**THE DEPUTY CHAIRPERSON:** No, this is also serious. Moving forward is also serious.

**MR MPUUGA:** Thank you, Mr Chairperson. I wish to buttress the concern of my colleague, hon. Nzoghu in relation to the RDC being part of this committee. There is a challenge there legally in relation to separation of powers.

While the CAO and councillors constitute their civil service at the local government and the politicians elected there can work with them and give guidance on what they need to implement, it becomes difficult for you to fuse or even disaggregate the role of a person who is an appointee of the Executive.

I chair the District Roads Committee in Masaka and the way we work, you really find the role of the RDC quite distinct from what is actually done. I do not know whether we will be able to disaggregate and properly have these roles properly played with this fusion, Mr Chairperson.

**THE DEPUTY CHAIRPERSON:** Mr Chairperson, this particular provision of the RDC was not in the Bill. Can you speak to it? Why RDC?

**DR KIWANUKA:** Mr Chairman, the thinking behind this amendment is to strengthen these local environment committees *-(Interruption)*

**MR AOGON:** Mr Chairperson, as committee members, we looked at the other aspect. The RDC usually chairs security in the district and you know how contentious matters of the environment can be. We considered and thought it wise to have the RDC on this team so that where you have challenges of a security nature, he commands and we move. The environment has become an issue around the World and we feel that is the right thing to do.

**DR KIWANUKA:** I think that is enough information. The whole thinking of the committee is, how can we strengthen the local environment committee? How can we achieve better effectiveness at that level? That is why we are grappling with all these ideas.

We did not see any problem of us including the members of Parliament because we are already ex-officio members of Council. In Kiboga, I chair as a district roads committee and we are members of several other committees and we participate in the activities there. Therefore, I do not see any problem with a member of Parliament participating in these committees.

On the contrary, what we see is that the committee will be better strengthened and that was the reason for including the RDC. Actually, when you have all these people coming together to deliberate on issues affecting the environment in that district, it makes a greater impact. You may give a correction if I am wrong.

**THE DEPUTY CHAIRPERSON:** Honourable members, can we take a decision on this matter and move? We have over 100 clauses; actually this is not a small Bill. Let us take a decision on this matter. Can I put the question to the amendment that is proposed of the chairperson of the committee?

*(Question put and agreed to.)*

*Clause 25, as amended, agreed to.*

*Clause 26, agreed to.*

*Clause 27, agreed to.*

Clause 28

**DR KIWANUKA:** Mr Chairperson, to avoid any confusion, there was an oversight. Something got lost in the amendment and with your permission -

**THE DEPUTY CHAIRPERSON:** Proceed, chairperson.

**DR KIWANUKA:** I propose that we amend clause 28 as follows: Replace the entire clause with the following:

“1) Natural resources conditional grant. Parliament shall, each financial year, appropriate funds for the purpose of natural resources of financing environment and natural resources programmes in the districts, city, municipal and town councils;

2) The minister shall annually issue guidelines indicating how the funds referred to in sub-section (1) shall be shared among the sectors that constitute the natural resources department of each district;

3) The funds referred to in sub-section (1) shall be sent directly to the district, city, municipal and town councils.”

The justification for this is to ensure that the responsibility of funding for environment committee is placed on the right person and secondly, to provide funding to local environment and natural resources programmes in the district, city, municipal and town councils.

**THE DEPUTY CHAIRPERSON:** Chairperson, is there a particular reason for leaving out sub-counties?

**DR KIWANUKA:** It is just an omission, Mr Chairperson.

**THE DEPUTY CHAIRPERSON:** Would you like to correct it?

**DR KIWANUKA:** Sub-section (3), “The funds referred to in sub-section (1) shall be sent directly to the district, city, municipal, town councils and sub-counties.”

**THE DEPUTY CHAIRPERSON:** Does that apply to (1) also? Sub-counties should be there.

**MS AVUR:** Mr Chairman, it should be there but when they say that it should be directly transferred, I do not see how we can transfer directly to sub-counties but maybe, to the districts and then to the sub-counties - To the local governments and then to the different lower local governments.

**THE DEPUTY CHAIRPERSON:** This particular line of financing should go directly to the sub-counties. That is what the law is saying.

**DR KIWANUKA:** Just to clarify on this, although it may go through the district, it is an allocation to the sub-county.

**THE DEPUTY CHAIRPERSON:** So, it is transmitted through the districts but it is already known that it is for a sub-county. So, it is direct.

**MR SSEGGONA:** Mr Chairman, I think we may remove the word “direct” and say “sent” because there is money that we send direct to the sub-counties and town councils. If the word “direct” is the problem, we could remove it and it achieves the same purpose.

**THE DEPUTY CHAIRPERSON:** Can we have some order, especially from members of the committee?

**MR AOGON:** Mr Chairman, we had reasons for saying “direct”. Districts have always found it hard to directly transfer money to the responsible councils; for instance, the sub-counties. That is why we thought it would be proper to have these funds channelled directly to those councils responsible for natural resources.

**THE DEPUTY CHAIRPERSON:** Honourable members, directly means that this money is going specifically for a sub-county. It should not be mixed up with some other activities. If it is known that Shs 10 million is going to Lalogi sub-county, it goes through the district, which knows that it is going to Lalogi sub-county. That is direct.

If you now say, it should be transmitted, that means the district receives a pool and can decide, like the Ministry of Finance, Planning and Economic Development is always doing, to do other things.

**MR BAHATI:** Thank you very much, Mr Chairperson. The debate we are having is resolved in the heading. The moment you say, “Natural resources conditional grant”, it has conditions. Therefore, whether you send it directly or indirectly, it must reach and do the work it is supposed to do.

Therefore (1) and (2) are actually sufficient to solve the - You are saying, under natural resource conditional grant, Parliament appropriates. If it is appropriating, it puts it under a certain Vote.

In (2), the minister issues guidelines on how this is going to be administered and the conditions that are required. Therefore, I think that (3) is bothering this law as (1) and (2) and the heading are sufficient to do what we want.

**THE DEPUTY CHAIRPERSON:** Does it do any harm, for the avoidance of doubt?

**MR BAHATI:** By saying, “…shall be sent directly to the district, municipal councils, town …”, it has no harm but it creates an impression that the Ministry of Finance, Planning and Economic Development cannot do its work properly.

**THE DEPUTY CHAIRPERSON:** From experience, it looks like that and that is why they are -

**MS ANN MARIA NANKABIRWA:** Thank you, Mr Chairman. The intention was to create a conditional grant named the natural resources grant. Under restructuring, all districts have a natural resources department intertwined in environment, forestry and others that deal with the environment. Therefore, we thought it important to create a natural resources grant.

Why is it that in (25), the district environment committee – When you go to the lower structures, the urban councils, sub-counties and town councils do not have the natural resources department? That is why we brought that amendment in (25) to introduce the ddistrict environment committees to be quarterly reviewing environmental issues in the district and approving work plans to do with natural resources and environment.

Therefore, when we call it a district conditional natural resources grant, we do not need to go down to mention sub-counties, urban councils and others because we have provided that the minister shall prescribe how the funds shall be allocated to each sector.

Mr Chairperson, in (32) we are also going to meet other funding that are also tied to different activities of environment.

**THE DEPUTY CHAIRPERSON:** Honourable members, it does not burden the law to be clear but it burdens the law to be ambiguous and unclear. You cannot leave everything to interpretation all the time when you can make it clear in the law. That is what they are trying to do here. Let nobody read anything else into it; it must be clear to the letter. Why do we want to bring clouds where there is sunshine? Can I put the question to this?

I put the question to the amendment as proposed by the chairperson.

*(Question put and agreed to.)*

*Clause 28, as amended, agreed to.*

Clause 29

**MR KEEFA KIWANUKA:** In sub-clause (1), insert the following words at the end of the provision: “in consultation with the Authority.”

Insert a new sub-clause (5) as follows: “While the environment officer appointed under sub-section (1) is considered for termination, the appointing authority shall consult the authority.”

The justification is that we are trying to require the appointment and termination of environment officers to be done in consultation with the authority.

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

**MR NIWAGABA:** Mr Chairperson, I believe that this kind of proposed amendment is onerous and may be in breach of employment laws.

A local government is an independent entity. If an environmental officer has committed a gross crime, for example, involving moral turpitude and you say to terminate his services, first consult the Authority, which had no hand in employing him, I believe this is going overboard. This particular amendment contravenes the Employment Act and the laws related to employment.

**THE DEPUTY CHAIRPERSON:** Mr Chairperson, withdraw and we proceed.

**DR KIWANUKA:** Mr Chairperson, I withdraw.

**THE DEPUTY CHAIRPERSON:** Honourable members, I now put the question that clause 29 stands as part of the Bill.

*(Question put and agreed to.)*

*Clause 30 agreed to.*

Clause 31

**DR KIWANUKA:** Clause 31 provides for the continuation of the National Environment Fund. In sub-clause (2), we propose that we insert a substitute paragraph (d) with the following; “plastic levy”.

Mr Chairperson, this is intended to introduce a plastic levy and further discourage investment of monies in the fund.

**THE DEPUTY CHAIRPERSON:** Is the word “plastic” clear?

**DR KIWANUKA:** Further to encourage investment of monies in the fund.

**THE DEPUTY CHAIRPERSON:** What are plastics? It is not in the definition.

**DR KIWANUKA:** Plastic levy is a fee to be paid -

**THE DEPUTY CHAIRPERSON:** I am talking about plastic itself. What is it? You have no information and it is not defined in the law. You cannot give information. What information are you going to give? *(Laughter)* Why are you using words that may lead to confusion, especially when they are not defined?

**MR SSEGGONA:** Considering that it is not defined, we could only get the definition after understanding what the policy behind this is. That is the only way we can define it in a contextual manner.

**THE DEPUTY CHAIRPERSON:** Honourable minister, have we used the word “plastic” in this Bill? It looks like it is a whole new law in this Bill as it has not been used before.

**MR KIWANUKA:** Mr Chairperson, it is defined later under Clause 75.

**THE DEPUTY CHAIRPERSON:** If it is defined under Clause 75 then that is fine. Where is the definition in Clause 75?

**MR KIWANUKA:** Right at the bottom under Clause 75, we have “Polythene and Polypropylene”, which make up plastic.

**THE DEPUTY CHAIRPERSON:** Honourable members, Clause 75 is even more complicated because we do not know what “plastics” and “plastic products” are. How do you regulate something you do not know?

**MR KIWANUKA:** Mr Chairperson, in view of the fact that it is not defined, can I request that we go by the definition, which is provided in Clause 17 and that instead of using “plastic”, we use “polythene”?

**THE DEPUTY CHAIRPERSON:** Honourable minister, why don’t you say something? This is your Bill. What do you mean?

**MS KITUTU:** Mr Chairperson, I would propose that we drop this plastic levy and we just – *(Interruption)*

**MR SSEGGONA:** Mr Chairperson, if I may be of assistance to my sister, the spirit I am reading is really good; it is to give effect to the provisions of this Bill. Other than being stampeded to withdraw it, let us stand it over and come up with the definition.

**MS KITUTU:** Yes, we can do that because we need to know at what point we are putting the levy. Is it at the time of use or manufacturing?

**THE DEPUTY CHAIRPERSON:** No, we need to know what “plastics” is first of all.

**MS KITUTU:** Normally, with the levies we put on cars, we indicate the years. For this, maybe we need to indicate the category but we need more time to consult on the matter.

**MR BYABAGAMBI:** Mr Chairperson, in Engineering we have two types of plastics in general. Anything from zero to 100 microns are termed as films. Those are the most dangerous for the environment. They are the polythene bags that you carry or which are known commonly as “*kaveera*”. Anything above 100 microns are plasmas and include chairs, which are easily recyclable. I do not think we need a levy on them.

However, to even put a levy on these ones is like glorifying them; that we should continue manufacturing them, which is totally nonsense. They should be banned completely from our country.

Worldwide, all films; polythene bags have been banned completely. You cannot cross into Kenya or Rwanda with them. Even yesterday, the European Union banned these polythene bags but here we are trying to glorify them by putting a levy so that we can continue manufacturing these dangerous substances. All our water channels are blocked; actually plastic bags should not be mentioned here but deleted completely out of our vocabulary.

**THE DEPUTY CHAIRPERSON:** Honourable member, why do you want to put a levy on something you want to ban or something that you have banned?

**MR KIWANUKA:** Mr Chairperson, we have not got to that discussion yet but I propose that we stand over this clause and come back to it later.

**THE DEPUTY CHAIRPERSON:** We need to know what we are standing over because even if you stand over this matter and we still come back without knowing what plastics are, we would have wasted time standing over. The purpose of standing over this matter is to clarify what we mean by “plastics” and therefore, what we are putting levies on.

**MR SSEGGONA:** Mr Chairperson, we are standing over both the definition and the principle.

**THE DEPUTY CHAIRPERSON:** That is why I was saying we consider what we understand by “plastics”. Please work on it.

Clause 32

**MR KIWANUKA:** Clause 32 is about administration of the National Environment Fund. With your permission, I have some new amendments on that.

**THE DEPUTY CHAIRPERSON:** Honourable members, let me state that the purpose for which this clause is stood over is not for us to come back to it without information. That means the technical people should go and work and when we come back, we have an explanation.

**MR KIWANUKA:** To be clear, I am introducing new amendments, which are not –

**THE DEPUTY CHAIRPERSON:** In Clause 32?

**DR KIWANUKA:** Yes, Clause 32 on Administration of the National Environment Fund. Under sub-clause (2), we propose that we delete paragraph (d) and insert the following new paragraphs:

“(d) Research intended to further the requirements of environmental management, capacity building, environmental publications and scholarships;

(e) Innovations for environmental conservation and management by the public and private sector.”

Delete sub-clause (5) and;

Inserting a new sub-clause, immediately after sub-clause (6), as follows:

“(7) 70 per cent of the funds contained in the National Environment Fund” - (*Interjections)*

**THE DEPUTY CHAIRPERSON:** As you heard the chairperson saying, that document has been improved upon so he is not reading from the text that we have in the report.

**DR KIWANUKA:** “70 per cent of the funds contained in the National Environment Fund shall be reserved and allocated to lead agencies and local governments as conditional grant.

30 per cent of the funds allocated to lead agencies and local governments, pursuant to sub-section (7), shall be reserved and utilised for restoration activities.

In sub-clause (9), subject to sub-section (2), the minister shall, by regulations, prescribe a manner in which lead agencies shall access funding from the funds.

(10) The authority shall issue a certificate of compliance to a lead agency, which effectively executes its functions under this Act.

(11) A lead agency shall not receive any money from the fund unless it has been issued with a Certificate of Compliance, as prescribed in this Act.

(12) The minister shall, by the 15 of March every year, submit to Parliament a report on the performance and status of the funds.”

Justification:

1. The environmental fund should be strictly for environmental management;
2. To provide funding for restoration activities by lead agencies;
3. For transparency and accountability, the minister should report to Parliament.

Of course, it is another way of ensuring that we get the information as to whether the law is being followed as enacted.

**THE DEPUTY CHAIRPERSON:** Honourable members, you have heard the proposed amendments from the committee on Clause 32.

**MR KASULE:** Thank you, Mr Chairperson. I would like to seek clarification from the chairperson of the committee whether the Ministry of Finance, Planning and Economic Development has revised the policy of creating funds within a fund. We have a single Treasury account and the Public Finance Management Act states that when we get money, we bank it in the Treasury.

In addition, the institution is budgeted for by Parliament and so, where is the money going to come from apart from being appropriated by Parliament?

**DR KIWANUKA:** I need to come back to you on the first part of your question as to whether that policy has been amended.

However, on the National Environment Fund and where the money is going to come from, that is provided for under Clause 31 -

**THE DEPUTY CHAIRPERSON:** This fund is going to be created by an Act of Parliament. Therefore, the issue he is raising does not arise. It is as simple as that.

**DR KIWANUKA:** Thank you, Mr Chairperson. However, he asked a question on where the money is going to come from. That is provided for in Clause 31, which includes -

**THE DEPUTY CHAIRPERSON:** Have we already passed Clause 31? Didn’t we stand over it? We stood over Clause 31.

**DR KIWANUKA:** Yes, we did but I just wanted to inform the member on where the money is going to come from.

**THE DEPUTY CHAIRPERSON:** That will be done; it is not really an issue.

**MR NZOGHU:** Mr Chairperson, I have an issue with the percentage which the chairperson of the committee is proposing; the 70 per cent being strictly for restoration of the environment. I recognise that there is already the traditional budget in the district, which budget has not realised any meaningful impact -

**THE DEPUTY CHAIRPERSON:** Honourable member, you need to start on a good premise. 70 per cent is not for restoration.

**MR NZOGHU:** That is what he said.

**THE DEPUTY CHAIRPERSON:** No, he did not say that. He said 70 per cent of the funds contained in the National Environment Fund shall be reserved and allocated to lead agencies and local governments as a conditional grant. 30 per cent of the funds allocated to lead agencies and local governments, pursuant to that, shall be reserved and utilised for restoration. Therefore, it is not 70 per cent but 30 per cent of the 70 per cent.

**MR NZOGHU:** Mr Chairperson, I see that 30 per cent of the 70 per cent is too little because -

**THE DEPUTY CHAIRPERSON:** 70 per cent was too much; 30 per cent is too little?

**MR NZOGHU:** No, I said 70 per cent is even too little. If we can have a reasonable amount of money for the restoration of environment, it would be better. That is what I am trying to put forward.

**THE DEPUTY CHAIRPERSON:** What are you proposing from 30 per cent?

**MR NZOGHU:** I am proposing that we put it at 50 per cent.

**THE DEPUTY CHAIRPERSON:** Honourable minister, this is not a debatable matter.

**MS KITUTU:** Mr Chairperson, as a minister, I am happy with any proposal to increase money for restoration. That is where I have a challenge and I agree with the honourable member.

**THE DEPUTY CHAIRPERSON:** Okay. Are you accepting 50 per cent?

**MS KITUTU:** I would propose that 50 per cent -

**THE DEPUTY CHAIRPERSON:** You would accept 50 per cent?

**MS KITUTU:** Yes, I accept 50 per cent of the 70 per cent.

**THE DEPUTY CHAIRPERSON:** The minister concedes to the proposal. Can I put the question to that one?

(*Question put and agreed to.*)

Clause 32, as amended

**THE DEPUTY CHAIRPERSON:** Can I now deal with Clause 32, as amended? We only amended that provision. Can I now put the question to the amendment itself? I put the question to the amendment as proposed by the chairperson and amended –

**MS NAUWAT:** Mr Chairperson, the committee is proposing that the environmental tribunal should not benefit from the National Environment Fund but when you look at those clauses that talk about the tribunal, apart from remuneration of members of the tribunal, there is no source of funding for the activities of the tribunal. Maybe the chairperson could tell us where the tribunal will get money for its day to day activities.

**THE DEPUTY CHAIRPERSON:** That is appropriation.

**DR KIWANUKA:** Specifically on the tribunal, I mentioned in my earlier presentation of the report that the tribunal has been overtaken by events. The Judiciary has created a division, which deals with environment within courts.

In addition, we saw it as something, which could be a burden on the meagre resources.

Thirdly, we saw it as something that could be a Kampala outfit and not easily accessible. However, we will be getting on to that particular clause and those amendments.

**THE DEPUTY CHAIRPERSON:** Can I now put the question to the amendment as proposed by the chairperson of the committee?

(*Question put and agreed to.)*

*Clause 32, as amended, agreed to.*

*Clause 33, agreed to.*

*Clause 34, agreed to.*

*Clause 35, agreed to.*

*Clause 36, agreed to.*

*Clause 37, agreed to.*

*Clause 38, agreed to.*

*Clause 39, agreed to.*

*Clause 40, agreed to.*

*Clause 41, agreed to.*

Clause 42

**THE DEPUTY CHAIRPERSON:** Hon. Niwagaba, on Clause 42, did you submit your amendment to the committee?

**MR NIWAGABA:** No.

**THE DEPUTY CHAIRPERSON:** I put the question that Clause 42 stands part of the Bill.

(*Question put and agreed to.*)

*Clause 42, agreed to.*

Clause 43

**DR KIWANUKA:** This is about planning for the environment at the national level. Under sub-clause (2)(a), we propose to replace, “four” with “two and a half.” We are also proposing that we insert a new subclause (4) as follows, “The National Environment Action Plan shall include among others;

1. an analysis of the natural resources of Uganda with an indication as to any person obtained in their distribution and quantity over time;
2. operational guidelines for the operation and management of the environment and natural resources;
3. actual or likely problems, which may affect the natural resources and the broader environment context in which they exist;
4. trends in the development of urban and rural settlements, their impact on the environment and strategies for the amelioration of their negative impact;
5. proposed guidelines for the integration of standards of environmental protection into development planning and management;
6. recommendations on policy and legislative approaches –

**THE DEPUTY CHAIRPERSON:** Mr Chairman, it would do us well if you stated what you are reading.

**DR KIWANUKA:** Okay.

e) proposed guidelines for the integration of standards of environmental protection into development planning and management;

f) recommendations on policy and legislative approaches for preventing, controlling or mitigating specific as well as general advancing practice on the environment;

g) priority areas of environmental research and outlined methods of using such research findings;

h) maintenance of eco-system services and measures for preventing, reversing or mitigating any deleterious effect.

The justification for this is to align the National Environment Act Plan with a comprehensive National Development Planning Framework.

**THE DEPUTY CHAIRPERSON:** Members, you have heard the proposed amendment. Honourable minister, do you concur? Honourable members, I put the question –

**MR NIWAGABA:** Chairperson, if you consider the proposed amendment and what is stipulated under sub-clause (2) (b) to (d), I do not find much difference other than it being much more explanatory. In essence, we are repeating ourselves; so I do not see the justification for this amendment because it is all covered under (d), which states, *“cover all matters affecting the environment of Uganda and shall contain guidelines for the management and protection of the environment and natural resources…”*

Actually sub-clauses (b), (c) and (d) cover everything he has proposed. To me, it is more of a repetition than an amendment.

**THE DEPUTY CHAIRPERSON:** Mr Chairman, can you scientifically tell us the difference on what you are proposing and what is in the Bill?

**DR KITUTU:** Mr Chairman, I concur; pressing these issues does no harm. We are trying to emphasise how we can link the environment action plan with the national development planning process. Therefore, in all this, we are trying to enrich the action plan for emphasis.

**THE DEPUTY CHAIRPERSON:** Honourable minister, how different is what is proposed by the chairperson from what is in the Bill?

**DR KITUTU:** This is an added clause.

**THE DEPUTY CHAIRPERSON:** Okay, can I put the question to the amendment?

*(Question put and agreed to.)*

*Clause 43, as amended, agreed to.*

Clause 44

**DR KIWANUKA:** In clause 44, we propose an amendment in sub-clause (1) to replace “ministries, departments and agencies of Government” with the word, “lead agencies”.

In sub-clause (2), we propose to replace “three” with “two and a half”.

In sub clause (4) (a), we propose to replace “four” with “two and a half”.

The justification for this is for clarity and to align the National Environment Act Plan with the comprehensive National Development Planning Framework.

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

*(Question put and agreed to.)*

*Clause 44, as amended, agreed to.*

Clause 45

**DR KIWANUKA:** Clause 45 is about the state of the environment report. We propose an amendment that in sub-clause (2) (a), we replace “three” with “two” and then insert a new sub-clause immediately after sub-clause (6) as follows and it will be (7). It reads; “The minister shall present this report to Parliament.”

The justification for this is to align the report with the National Development Planning Framework and further ensure debate by Parliament.

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

*(Question put and agreed to.)*

*Clause 45, as amended, agreed to.*

*Clause 46, agreed to.*

Clause 47

**DR KIWANUKA:** Under clause 47, we propose under sub-clause (1), to replace the word “liaise” with the word “in consultation”.

The justification is for clarity.

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

*(Question put and agreed to.)*

*Clause 47, as amended, agreed to.*

*Clause 48, agreed to.*

*Clause 49, agreed to.*

Clause 50

**DR KIWANUKA:** Clause 50 is about the duration of special conservation areas and we propose to insert the words, “with approval of Parliament” under sub-clause (1) immediately after the word “Authority”.

We also propose to amend sub-clause (6) so it becomes, “The minister shall, before amending an instrument made under this section, obtain parliamentary approval and ensure that the procedure prescribed in sub-clauses (2), (3) and (4) for declaring special conservation areas has been complied with.”

The justification for this is that it is intended to require parliamentary approval for declaring special conservation areas.

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

*(Question put and agreed to.)*

*Clause 50, as amended, agreed to.*

*Clause 51, agreed to.*

Clause 52

**DR KIWANUKA:** Clause 52 is about the protection of river banks, lake shores and natural beaches. Under sub-clause (1), we propose to delete the words “take measures necessary to”, insert a new sub-clause (8) immediately after sub-clause (7) to read as follows;

 “(8) in this section, (a) “lake shore” means the land not more than 100 metres adjacent to or bordering a lake;

(b) "river bank" means the rising ground, not more than 100 metres long, bordering or adjacent to a river in the form of rock, mud gravel or sand and in cases of flood plains includes the point where the water surface touches the land, that land not being the bed of the river.

(9) A person may carry out any of the permitted activities referred to in schedule 12 in lake shores and river banks.”

The justification is to:

1. prescribe the activities a person may carry out in protected areas.

2. protect lake shores and river banks.

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

**MR GAFABUSA:** Thank you, Mr Chairperson. I have issues with activity No.3 on Schedule 12 on the list of activities permitted in river banks and lake shores. I need clarification from the chairperson and the minister.

**THE DEPUTY CHAIRPERSON:** Are you talking about things listed in the schedule?

**MR GAFABUSA:** Yes, the schedule.

**THE DEPUTY CHAIRPERSON:** But we are not yet there.

**MR GAFABUSA:** We are referring to it here.

**THE DEPUTY CHAIRPERSON:** No, we can change it from there but not here.

**DR KITUTU:** Mr Chairman, whereas I support the protection of the river banks and lake shores, you will realise that there are communities that live along river banks. During dry spells, they try to plant vegetables around there. I do not know how this law will treat such cases unless they clarify on what activities exactly may not take place in such areas.

**DR KIWANUKA:** Mr Chairperson, that is why we have a schedule which specifies what permittedactivities are in protected areas.

**THE DEPUTY CHAIRPERSON:** Honourable member, you raised a query; they are responding to you and you are not following.

**DR KIWANUKA:** The permitted activities in protected areas which, is schedule 12 on page 27, are:

1. Brick making.

2. Recreational activities –

**THE DEPUTY CHAIRPERSON:** No, we will get there.

**MR NIWAGABA:** Mr Chairperson, I have liked the committee’s ingenuity in defining river banks and lake shores. I wish they had done the same to natural beaches under this very section so that it leaves no room - they defined river banks, lake shores and natural beaches because the section is about protection of river banks, lake shores and natural beaches.

Under this section, I wish they could also define the natural beaches.

**MR KASULE:** Mr Chairman, can I propose that hon. Niwagaba prepares the definition so that it can be placed in the definition clause? Otherwise, we are rolling down and he is –

**THE DEPUTY CHAIRPERSON:** No, he is asking the chairperson who has already done two and he is left with one to finish.

**DR KIWANUKA:** “Natural beach” had already been defined although we did not consider that one; we said we would come back to it. “Natural beach” means a naturally occurring land form alongside a water body which consists of loose particles typically made from rock such as sand –

**THE DEPUTY CHAIRPERSON:** It is already defined in section (2). We are not going to read it now; he just wanted to know that it is defined and it is defined. Let us proceed.

Clause 52

**THE DEPUTY CHAIRPERSON:** Was there any amendment on clause 52?

**MR GAFABUSA:** Mr Chairperson, I still have an issue with clause 50(8)(b) on the definition of the river bank. I would like to suggest that we include the natural course of the river in that definition because there are places where people have tampered with the natural course and made the river to shift to a different location.

If you are looking at the 100 metres, someone on one side will interfere with the natural course of the river to push the distance to the other side of the river. Therefore, we have to be specific to the natural course of the river.

**THE DEPUTY CHAIRPERSON:** Yes, chair, that definition? Natural course - where is it?

**DR KITUTU:** Mr Chairperson, I do not think it is a natural process for you to just come and divert a river without knowing? You are not allowed to divert a river.

**THE DEPUTY CHAIRPERSON:** No, honourable minister, what harm does it cause to say “natural”?

**DR KITUTU:** Well, if you are to divert a river, you will be regulated.

**THE DEPUTY CHAIRPERSON:** No, what harm does it cause to say “natural river bank”? What is the problem then?

**DR KITUTU:** For someone to use the example of River Nyamwamba, I think that was done in the 1960s before the law came into existence. Otherwise, right now, you cannot just divert a river.

**THE DEPUTY CHAIRPERSON:** Okay, in other words, “natural” is satisfactory. Where do we insert the word “natural” according to the proposal?

**DR KIWANUKA:** Mr Chairperson, I thought we can say,

(b) “River bank” means the natural course, the rising ground not more than 100 metres.

**THE DEPUTY CHAIRPERSON:** Where are you reading from? Is that the amendment now?

**DR KIWANUKA:** Yes, this is the amendment.

**THE DEPUTY CHAIRPERSON:** Okay.

**DR KIWANUKA:** “River bank” means the natural course, the rising ground not more than 100 metres long –

**THE DEPUTY CHAIRPERSON:** Would that cover the matter?

**MR GAFABUSA:** Mr Chairperson, I would like to put it like this: “River bank” means the rising ground not more than 100 metres long bordering or adjacent to a natural course of a river in the form of rock….” The words “natural course” should come after the words “adjacent to the natural course of a river”.

**THE DEPUTY CHAIRPERSON:** Okay, is that accepted? Can I put the question to that amendment?

*(Question put and agreed to.)*

*Clause 52, as amended, agreed to.*

Clause 53

**DR KIWANUKA:** Clause 53 is about management of wetlands. We propose to replace sub-clause (6) as follows:

“(6) The Minister may, on the recommendation of the Authority and in consultation with the lead agency, by Statutory Instrument, declare any wetland to be a protected wetland of national or international importance and may limit human activities in that wetland.”

The justification is to require the minister to consult the competent authority.

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

*(Question put and agreed to.)*

*Clause 53, as amended, agreed to.*

*Clause 54, agreed to.*

*Clause 55, agreed to.*

*Clause 56, agreed to*

*Clause 57, agreed to*

Clause 58

**DR KIWANUKA:** We propose to replace paragraph (c) and (d) of sub-clause (2) with the following:

(c) Identify, prepare and maintain an inventory of biological diversity of Uganda including indicative lists of categories set down in schedule 10 which is attached.

(d) Determine components of biological diversity that are threatened with extinction and those which offer the greatest potential for sustainable use.

Justification

This is to align the provisions to the convention on biological diversity.

**THE DEPUTY CHAIRPERSON:** I put the question to this.

*(Question put and agreed to.)*

*Clause 58, as amended, agreed to.*

Clause 59

**DR KIWANUKA:** We propose to replace paragraphs (f) and (g) with the following:

(f) for prohibiting, controlling or eradication of alien species.

(g) for integrating traditional knowledge for the conservation of biological diversity with mainstream scientific knowledge and for equitable sharing of benefits arising from the utilisation of such knowledge.

We also propose to insert a new paragraph (i) after paragraph (h).

**THE DEPUTY CHAIRPERSON:** Are you proposing to add something after (h)?

**DR KIWANUKA:** This is a new paragraph (h) which becomes (i).

(i) for the selection, establishment and management of protected areas or areas where special measures need to be undertaken to conserve biological diversity.

(j) for rehabilitation and restoration of degraded eco-systems and promote the recovery of threatened species.

(k) any other matter which the authority considers necessary for the better management of biological resources in Uganda.

The justification is that in order to maintain the integrity of biological resources in (c) (2), guidelines for eradication of alien species should be provided for.

Secondly, to ensure that indigenous knowledge is not only exploited for conservation purposes but also the holders of such knowledge are involved and benefit from utilisation of such knowledge, innovations and practices.

**THE DEPUTY CHAIRPERSON:** Mr chairperson, you might want to consider putting the “and” which you removed in (g) to be at the end of (j) to draw all the things together since (j) which is the second last paragraph is not connecting with the last paragraph.

**DR KIWANUKA:** Therefore, paragraph (j) will read; “For rehabilitation and restoration of degraded eco-systems and promote the recovery of threatened species, and…”

**THE DEPUTY SPEAKER:** I now put the question to this amendment.

(*Question put and agreed to.)*

*Clause 59, as amended, agreed to.*

Clause 60

**DR KIWANUKA:** Under sub-clause (1), we propose to insert a new paragraph (c) as follows;

(c) for managing collection of biological resources from natural habitats for conservation practices.

The justification is to ensure that indigenous populations and eco-systems are not threatened.

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

*(Question put and agreed to.)*

*Clause 60, as amended, agreed to.*

Clause 61

**DR KIWANUKA:** In sub-clause (2) (b) insert the words, “an import”.

The justification is that measures should be put in place for import of genetic resources in case need arises.

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

*(Question put and agreed to.)*

*Clause 61, as amended, agreed to.*

Clause 62

**DR KIWANUKA:** Replace paragraph (a) with the following: “For the protection of the environment and management of risks to human health, from the development, access, use and transfer of genetically modified organisms.”

The justification is to align the provision to the convention on biological diversity.

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

*(Question put and agreed to.)*

*Clause 62, as amended, agreed to.*

*Clause 63, agreed to.*

Clause 64

**DR KIWANUKA:** Clause 64 is about conservation of energy. The committee proposes that we replace the word “collaboration” with the word “consultation”.

The justification is to require consultation rather than collaboration.

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

*(Question put and agreed to.)*

*Clause 64, as amended, agreed to.*

*Clause 65, agreed to.*

Clause 66

**DR KIWANUKA:** The committee proposes to replace the word “collaboration” with the word “consultation”.

The justification is to require consultation rather than collaboration.

**THE DEPUTY SPEAKER:** Honourable members, we have just taken a decision on a similar provision. I put the question to that amendment as proposed by the chairperson.

*(Question put and agreed to.)*

*Clause 66, as amended, agreed to.*

Clause 67

**DR KIWANUKA:** Under clause 67, we propose to replace the word “collaboration” with “consultation”.

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

*(Question put and agreed to.)*

*Clause 67, as amended, agreed to.*

*Clause 68, agreed to.*

Clause 69

**DR KIWANUKA:** Clause 69 is about prohibition or restriction on import, export, manufacture, formulation, distribution and use of hazardous chemicals. Under sub-clause (9), the committee proposes that we include the following: “The Toxic Chemicals Prohibition Control Act, 2016.”

The justification is to exclude chemicals under the Toxic Chemicals Prohibition Control Act, 2016. There is an Act and we are just making it clear that excludes chemicals, which are provided for under that Act.

**THE DEPUTY CHAIRPERSON:** The chairperson is proposing that we replace the full stop after the words “the National Drug Policy and Authority Act” and replace it with a comma and add the words “the Toxic Chemical Prohibition Control Act, 2016.” I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 69, as amended, agreed to.*

Clause 70

**DR KIWANUKA:** Clause 70 is about the management of hazardous chemicals and products containing hazardous chemicals. Under sub-clause (3)(f), the committee proposes that we delete the word “mercury” and insert the word “bases” at the end of the paragraph.

Replace paragraph (l) with the following: “A register of all hazardous chemicals manufactured, packaged, used imported into and exported from Uganda.”

The justification is that mercury is already prescribed under clause 73 and also to include bases which can be toxic as acid. The amendment on clause 70(3)(l) is to expand the provision to cover the whole value chain.

**THE DEPUTY CHAIRPERSON:** Honourable members, can I put the question to the amendment as proposed by the chairperson?

*(Question put and agreed to.)*

*Clause 70, as amended, agreed to.*

*Clause 71, agreed to.*

*Clause 72, agreed to.*

Clause 73

**DR KIWANUKA:** Clause 73 is about management of products containing mercury. We propose to insert the words “lead, cyanide, arsenic and polonium”.

The justification is that the clause does not explicitly provide for the coverage of other substances which pose a big threat as mercury given their proliferation in the country.

**MRS OGWAL:** Mr Chairperson, I am seeking clarification where they say, “A person shall not import, export or manufacture mercury…” What happens if somebody does it and has been caught? What action will be taken?

**THE DEPUTY CHAIRPERSON:** Which one?

**MRS OGWAL:** It is in clause 73(3).

**MR NIWAGABA:** Furthermore, Mr Chairperson, the committee is proposing to insert the new words “lead, cyanide, arsenic and polonium” but where do we add them? Do we add them on the head note or in the entire clause after the word “mercury”?

**MR SSEGGONA:** Mr Chairman, I think it is equally important to remind ourselves that we stood over clause 2, to do with plastics. My view is that we cannot resolve this until we understand “plastics”.

**THE DEPUTY CHAIRPERSON:** We are on clause 73. The new words should be after the word “mercury”.

**DR KIWANUKA:** Clause 73 (c) will read: “The provision of alternative products containing mercury, lead, cyanide, arsenic and polonium.”

**THE DEPUTY CHAIRPERSON:** Is it clear now? Can I put the question to that amendment?

*(Question put and agreed to.)*

*Clause 73, as amended, agreed to.*

*Clause 74, agreed to.*

Clause 75

**THE DEPUTY CHAIRPERSON:** Are we clear now? We had deferred issues to do with plastics. Are we clear now?

**DR KIWANUKA:** Yes, we are clear with what plastics are. Plastics are synthetic materials made from a wide range of organic polymers such as –

**THE DEPUTY CHAIRPERSON:** Chairperson, what are you doing now?

**DR KIWANUKA:** I am defining plastics. *(Laughter)*

**THE DEPUTY CHAIRPERSON:** You are proceeding to define but where do we put those words? Are you calling us to go back? Are we clear about the definition of plastics now?

**DR KIWANUKA:** I thought we may not proceed unless we have defined plastics.

**THE DEPUTY CHAIRPERSON:** Honourable members, as you recall, we stood over the definition in clause 2. Now, a definition has been worked out for the word “plastics”. Therefore, we can now proceed knowing that the word is defined. Okay? *–(Mr Sseggona rose) -* Honourable members, we have not dealt with clause 2 and this is also going to be on clause 2 but we are proceeding with the Bill.

**MR SSEGGONA:** My worry, Mr Chairman, is that supposing we go by hon. Byabagambi’s proposal to do a total abolition in accordance with the court ruling here, we will be abolishing something we have not understood. If we proceed to place a levy, we will be placing a levy on something we have not understood.

My humble proposal would be that we equally defer this until we have defined it, then we can make an informed decision on the provision.

**THE DEPUTY CHAIRPERSON:** What I am saying is we have not looked at the definition of the words on all the provisions we are dealing with. The definitions are there but we have not looked at them. This definition is now here but we have also not looked at it. However, it is there. We are not dealing with the levy right now. We are dealing with clause 75 which has nothing to do with levies.

**MR SSEGGONA:** Mr Chairman, if we go back to clause 31, which we stood over and have not formed an opinion on whether to do a complete abolition or place a levy, the question is that in principle, we have not decided on how to deal with something called plastics. Even in this particular section, we cannot deal with it in whichever way before we understand it.

**THE DEPUTY CHAIRPERSON:** The short point you are making is that we stand over clause 75.

**MR SSEGGONA:** Yes.

**THE DEPUTY CHAIRPERSON:** Why didn’t you propose that?

**MR SSEGGONA:** I did, Mr Chairman and you guided. Let me propose, for clarity, that we stand over this clause.

**THE DEPUTY CHAIRPERSON:** Let us stand over clause 75.

Clause 76

**THE DEPUTY CHAIRPERSON:** I put the question that clause 76 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 76, agreed to.*

*Clause 77, agreed to.*

*Clause 78, agreed to.*

*Clause 79, agreed to.*

*Clause 80, agreed to.*

*Clause 81, agreed to.*

*Clause 82, agreed to.*

*Clause 83, agreed to.*

*Clause 84, agreed to.*

*Clause 85, agreed to.*

*Clause 86, agreed to.*

*Clause 87, agreed to.*

Clause 88

**THE DEPUTY CHAIRPERSON:** Chairperson, isn’t that one of those you want to amend? Clause 88 is in your notes. You have clause 88 which provides for duty to have an emergency response system against acute pollution and you have an amendment to replace clause 5. At least that is what I have on mine.

**DR KIWANUKA:** I request that we stand over that, Mr Chairperson.

**THE DEPUTY CHAIRPERSON:** You have it. It is here.

**MR SSEGGONA:** Do we have different reports?

**DR KIWANUKA:** I am sorry about that. Clause 88 provides for duty to have emergency response system against acute pollution. Replace sub-clause 5 with the following: “The Authority may, in consultation with the relevant lead agency by regulations, prescribe measures relating to emergency preparedness and response systems required under this section for purposes of consistency.”

**THE DEPUTY CHAIRPERSON:** Honourable members, you have listened to the amendment as proposed in clause 88. I put the question to that amendment.

**MR JAMES KAKOOZA:** I have a problem. I do not know whether the minister has read it. It says, “*The minister may, in consultation with the Authority and the relevant lead agency…*”

The policy oversight is made by the relevant minister but not the Authority itself. Are you creating a monster within the department?

The original Bill says, “*The minister may, in consultation with the Authority and the relevant lead agency*…” This is a person who is looking at oversight policy of Government. It is not the authority.

**THE DEPUTY CHAIRPERSON:** Have we delegated power to the authority to make regulations?

**MR JAMES KAKOOZA:** Yes, because the amendment says just authority without an input from the minister.

**THE DEPUTY CHAIRPERSON:** I am not asking a substantive question. Have we given the Authority powers anywhere to make regulations? As I read in clause 198, it is only the minister; so have we also given powers to the Authority?

**DR KITUTU:** Mr Chairperson, I think my chairperson made amendments otherwise what I had in clause 88 has not been changed. I think the powers should remain with the minister.

**THE DEPUTY CHAIRPERSON:** The one I have was changed.

**DR KITUTU:** The one I have was not changed.

**MR SSEGGONA:** Actually, the one you have is different from the one we have because ours has nothing to do with that particular clause. We do not have it anywhere.

**THE DEPUTY CHAIRPERSON:** Honourable members, I put the question that clause 88 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 88, agreed to.*

*Clause 89, agreed to.*

Clause 90

**THE DEPUTY CHAIRPERSON:** Just for the record, clause 88 was not amended. Let the records show that clause 88 was not amended. Now, I put the question that clause 90 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 90, agreed to.*

*Clause 91, agreed to.*

*Clause 92, agreed to.*

*Clause 93, agreed to.*

*Clause 94, agreed to.*

*Clause 95, agreed to.*

Clause 96

**DR KIWANUKA:** Clause 96 is about prohibition of littering and we propose that the entire clause is replaced as follows:

“Clause 96: Prohibition of Littering

1. Littering is prohibited.
2. The minister shall, by regulation, prescribe additional provisions relating to littering.
3. A natural person who contravenes sub-section (1) commits an offence and he is liable, on conviction, to a fine not exceeding 5 currency points or imprisonment not exceeding three months or both.
4. A corporate body which contravenes sub-section (1) commits an offence and is liable, on conviction, to a fine not exceeding 150 currency points.
5. In addition to the penalty in sub-sections (3) and (4), the person may be required to remove the substance littered and to properly dispose it of or be subjected to an express penalty prescribed under section 193.
6. For purposes of this Act, littering means disposing waste in a place not designated as a dumping area or waste collection point.”

The justification for this is to impose fines on the natural persons and companies. Actually, we are just raising the fine because it is already there.

**THE DEPUTY CHAIRPERSON:** Thank you. Honourable members, you have heard the amendment as proposed by the –

**MR GAFABUSA:** Thank you, Mr Chairman. I have two issues. One is with sub-clause (3) which talks about a natural person; I need clarification on what that means. Are there artificial people? The other one is to do with sub-clause (6) –

**THE DEPUTY CHAIRPERSON:** Let me deal with the first one on natural person and corporate person. There are two kinds of persons; one is a company and the other one is a human being. The human being is the natural one and the other one is the corporate one. *(Laughter)*

**MR GAFABUSA:** Thank you, Mr Chairman. The other one is with sub-clause (6) regarding the meaning of littering and it says “it means disposing waste in a place not designated”. I have an issue with designation. Who is going to designate the dumping area for waste? I see a situation where a household collects waste in a place and probably burns it or takes it to the areas where they are collected by authorities.

Therefore, for avoidance of ambiguity, this needs to be clarified. Who is going to designate where to put waste so that you can determine who is littering?

**MR KASULE:** Mine is to seek clarification from both the minister and the chairperson of the committee. They are creating controversy between a natural person and a corporate person well knowing that the corporate person, being powerful, will bribe a natural person to litter, dump or pollute and they will get away with it because it is a small sanction. They will just hire a natural person to do it. The natural person will only stay in prison for three months or pay Shs 500,000. So, why are they creating this controversy?

**THE DEPUTY CHAIRPERSON:** Then, where will you find the next person?

**MR KALULE:** I also need to be assisted. I do not know whether this law on littering touches our people who keep on throwing maize husks on the road and bottles of mineral water anywhere. I also remember a case of a man who was on a lorry. He started urinating on some big person’s car and he was arrested somewhere in Mpigi.

So, I would like to be assured that this law will catch such people. Even those who defecate in unusual places-

**THE DEPUTY SPEAKER:** Was the person peeing littering? *(Laughter)*

**MR OGUZU:** What is important is that littering is prohibited. However, we cannot prohibit littering without placing an obligation on the citizens clean. I would, therefore, like to introduce a clause between clauses 1 and 2 that there shall be a day designated for public cleaning across the country. That can be either a Saturday – at least once a day –

**THE DEPUTY CHAIRPERSON:** Did you submit this amendment to the committee?

**MR OGUZU:** I am not a member of the committee.

**THE DEPUTY CHAIRPERSON:** Did you submit your amendment in advance?

**MR OGUZU:** No, I did not.

**THE DEPUTY CHAIRPERSON:** No more amendments on the Floor will come straight like that. We will not accept it.

**MR SSEGGONA:** Mr Chairperson, that creates some difficulty because then, what is our role?

**THE DEPUTY CHAIRPERSON:** Honourable members, the purpose of this is that the amendment should be circulated and shared rather than stampeding us with an amendment that we have not interrogated. We will have problems processing it.

**MR SSEGGONA:** What happens if I conceive it in the process of the debate?

**THE DEPUTY CHAIRPERSON:** If it is part of the amendment that is already on the Floor, it must have been already discussed at length. However, if you are just showing up to amend something that has not been discussed in form of an amendment, it would be difficult to allow you.

**MR SSEGGONA:** I am sorted, Sir.

**THE DEPUTY CHAIRPERSON:** Actually, the honourable Member for Maracha would be very happy to look at clause 167.

**MR KAMUSIIME:** Thank you. I have an issue with the penalty given to the corporate body that contravenes this law. 150 currency points is not deterrent enough. I am looking at a situation where a factory decides to deposit anything into our waters thinking they would just pay Shs 3 million. I suggest we raise this fine to at least 500 currency points for the corporate body because a corporate body cannot just litter like an individual. Let us make it a little more deterrent and put it at not less than 500 currency points.

**THE DEPUTY CHAIRPERSON:** Is littering different from dumping? If they are different; would they attract the same penalties?

**MR SSEGGONA:** Mr Chairperson, first, we must understand that we are creating an offence. Therefore, the standard, in terms of clarity, is higher. Going by what my brother is raising, there is littering where somebody throws a bottle out of a taxi from Gomba to Busiro. It means he got his maize from Gomba and he wants to dump the waste in Busiro. There is also another form of littering from the definition here. We have seen how factories operate; in the night, they let out the sewerage into the road.

I would like to seek clarification from the chairperson of the committee. What is the purpose of distinguishing between an offence committed by a natural person and a corporate person if it is the same offence? It is because we are going to have companies hiding under natural persons. Even for a corporate person, the actual offence is committed by a natural person who perhaps works with that company.

I am of the view that we go ahead to define the kind of littering. If we are not able to do that, we place a heavy penalty for whatever form of littering.

Finally, Mr Chairperson, in this particular one, for public places or public transport or even individuals but public transport in particular, we should place an obligation on the operators of the public transport systems to run a deposit for the wastes or whatever materials that they would otherwise litter on the road.

If you are in an aeroplane, you do not have the liberty of throwing your sweets and whatever outside because you do not have the means. The windows of this car or bus going to Masaka – well, I live along Masaka Road and I see buses going past my house and I imagine they are going to Masaka. You see people throwing all manner of things on the road.

The bus operator should provide a mechanism within his bus for storing those so-called waste products to avoid littering. *(Interjection)* Plastics would not arise as for now because we haven’t decided how to deal with them.

Therefore, my view, Mr Chairperson, is that we stand over this and the technical people help us to come up with a clearer definition. Secondly to again legislate or put a clause on how to manage waste within the public transport system because that is where it is coming from.

Also on the penalties, I agree with my brother that 150 currency points is not deterrent enough. Who administers this express penalty scheme in this particular case?

**THE DEPUTY CHAIRPERSON:** Honourable members, can we stand over clause 96?

*Clause 96 stood over.*

Clause 97

**THE DEPUTY CHAIRPERSON:** I put the question that clause 97 be part of the Bill.

*(Question put and agreed to.)*

*Clause 97 agreed to.*

*Clause 98 agreed to.*

*Clause 99 agreed to.*

*Clause 100 agreed to.*

*Clause 101 agreed to.*

*Clause 102 agreed to.*

*Clause 103 agreed to.*

*Clause 104 agreed to.*

Clause 105

**DR KIWANUKA:** Clause 105 is about standards for the control of effects of vibration and pollution caused by noise. Under this clause; (1) the committee proposes that we insert a new paragraph as follows:

“(d) Take measurement of the levels of noise emanating from all sources. Details of weight measurement shall be given to the owner or occupier of the premises from which the measurement was taken for their action;

(e) The authority may, on request, grant a temporary permit not exceeding three months allowing emission of noise in excess of established standard for such activities as fireworks, demolitions, firing ranges and specific heavy industry on such terms and conditions as the Authority may determine.

(f) Where an exemption has been granted under 1(e), workers exposed to excessive levels of noise shall be adequately protected in accordance with the guidelines issued by the authority.”

The justification is to establish means of measurement of noise levels, which results should be disclosed to the owner of premises for their action and for the safety of the workers in a noisy environment.

**MR BYABAGAMBI:** Mr Chairman, I would like clarification from the chairperson of the committee; where does he place the noise caused by the numerous churches which pray throughout the night? -*(Interjection)-* No, Mr Chairperson, I would like this to be defined. Yes, I am a Christian but people spending the entire night praying at the expense of those who are supposed to have peaceful rest at night *-(Interjection)-* what praying for me? I pray for myself. Nobody prays for me –

**THE DEPUTY CHAIRPERSON:** They should be relocated?

**MR BYABAGAMBI:** They should be controlled *–(Interruption)*

**MS OGWAL:** Is it in order for the minister to say people who are praying the whole night are disturbing the peace and affecting the environment when he is very well aware that there are people who dance the entire night and he has not raised that issue?

Why would prayer pollute the environment and not the dancing in the bars and dancing halls? Is the minister in order?

**THE DEPUTY CHAIRPERSON:** I have not heard of prayers that stop me from sleeping; what stops people from sleeping is shouting and my understanding is that God is not deaf. Therefore those who go and shout and make noise, of course, fall within the category of noisemakers and they should be regulated.

**MR BYABAGAMBI:** Mr Chairperson much obliged. If I have used a wrong word, I meant those who shout the whole night in the name of God and preventing others from sleeping. I have a church just next *- (Interruption)*

**MR SSEGGONA:** Mr Chairperson and colleagues, when we are legislating, we actually do not know who we are legislating for or against. We are making a blind law. I am a Christian, I don’t want people to make noise for me in the night but we are making a law for those people in church. We are making a law for regulating noise irrespective of where it is coming from, irrespective of whether it is night when hon. Byabagambi is sleeping or day when I am seated in my compound.

By the minister insinuating that we should make a law regulating people who are praying their own way, is he in order?

**THE DEPUTY CHAIRPERSON:** No, noise when it is in relation to sleeping is very relative. The other day I found a man sleeping in a grinding mill. They were grinding maize and the man was asleep. *(Applause)* He was sleeping so soundly *(Laughter)* and yet the engine was really making noise.

However, honourable members, the focus is on noise and any form of noise that disturbs the peace; there only has to be a complaint to activate the process. Therefore it does not matter who is making the noise or for whatever purpose that noise is being made.

**DR KITUTU:** Mr Chairperson, we are regulating noise and we have been regulating the noise irrespective of where you are. Therefore, what we do is; once you go beyond the decibels you will be compelled to comply. We have arrested some people and stopped noise. I would agree with those who are saying that we cannot make a law for a specific group but everybody is not supposed to go beyond certain levels.

**MR BYABAGAMBI:** Mr Chairman, I brought this as a specific example because of the level of breaking this law by those churches including those who dance the whole night.

**THE DEPUTY CHAIRPERSON:** Honourable minister, the issue is that whoever is making noise for whatever purpose is violating other people’s rights and therefore in turn violating the law. Some of them should be relocated to the industrial areas so that they can compete with machines.

**MS OGWAL:** Mr Chairman, the Constitution allows freedom of worship and I know that at around 4:30 to 5:00 a.m. the Muslims make a prayer call to alert people to wake up and pray. I have always appreciated that because while they are trying to wake up Muslims they also wake me up to pray.

Are you now going to restrict freedom of worship because without that prayer call the Muslims may not wake up at the right time?

There are also categories of Christians; those who are charismatic feel energised and driven by the Holy Spirit to pray and shout so that the devil can get out of their heads –

**THE DEPUTY CHAIRPERSON:** Honourable, please do not start it here. *(Laughter)*

**MS OGWAL:** This is different from the regular Catholics who pray the holy rosary saying, “Hail Mary, full of grace...” This is what we enjoy as Christians because we have the freedom of worship.

When I go to the Catholic Church I know how to pray and when I go to the Pentecostal Church I know how to pray and I do not see how you can regulate how I am going to behave in all these churches.

Mr Chairman we have to be careful; I hope we are not stepping on a very dangerous issue because when you touch on the matters of the Spirit and worship, it can be very difficult because Isaiah 33:22 says; “For the Lord is our Judge, the Lord is our Lawgiver, the Lord is our King; it is He who will save us.”

We are legislating on behalf of God; are we going to curtail the voice which the Lord uses to sound an alert? Even when the Jericho wall was being broken, there was a trumpet blown and everybody shouted and that is what God uses.

Sometimes we have to command the devil and use force saying, “Devil, get out of Parliament!” You cannot negotiate with the devil and simply ask it to leave; it does not understand.

**THE DEPUTY CHAIRPERSON:** Honourable members, we are dealing with noise and to activate that process you need somebody to complain. If nobody complains and you are all a society of people making that intercession with God then there is no problem.

However, if the expression of your freedom infringes on other people’s freedoms then it becomes an issue; it is about balance.

You all know of a story of a person who came out of a human rights workshop and he was walking stretching his arms and in the process knocked somebody’s nose. The man said, “You have knocked my nose; that is not right.” The man said he was exercising his freedom of movement. *(Laughter)*

The other man told him, “You are free to exercise your freedom of movement but where my nose begins, your freedom ends.”

These things have to be balanced in a certain way; you cannot just shout endlessly when other people are concerned about doing other things. There must be some harmony so that you mutually coexist and everybody is enjoying whatever they would like to do without somebody over-enjoying at the expense of others. Can we close on this matter, please?

**MR SSEGGONA:** No, we have difficulty in closing on this matter because of the way the clause was drafted.

**THE DEPUTY CHAIRPERSON:** Honourable members, we are on clause 105. We will stand over this clause and at this time, the chairperson will resume.

*(Clause 105, stood over.)*

**MR AJEDRA:** Mr Chairperson, the Ministry of Finance, Planning and Economic Development has an objection to clause No.34. I request that we recommit it or it should be deleted altogether.

**THE DEPUTY CHAIRPERSON:** We have not reached that stage; so you are way ahead of our time and you risk penalties.

**MR AJEDRA:** Much obliged, Mr Chairperson.

MOTION FOR THE HOUSE TO RESUME

5.13

**THE MINISTER OF WATER AND ENVIRONMENT (ENVIRONMENT) (Dr Mary Kitutu):** Mr Chairman, I beg to move that the House do resume and the Committee of the whole House reports thereto.

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

*(Question put and agreed to.)*

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

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

5.14

**THE MINISTER OF WATER AND ENVIRONMENT (ENVIRONMENT) (Dr Mary Kitutu):** Mr Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, “The National Environment Bill, 2017.”

We looked at the clauses from 3 to 105 and stood over clauses 31, 75, 96 and 105. I beg to report -

**THE DEPUTY SPEAKER**: No, but there were clauses that were passed.

**MS KITUTU:** They passed all except those that we stood over. We passed all from clauses 3 to 105 but we stood over clauses 31, 75, 96 and 105 –

**THE DEPUTY SPEAKER:** And also clause 2.

**DR KIMONO:** And clause 2. I beg to report.

**THE DEPUTY SPEAKER**: Not yet. Clerk, please guide the minister.

MOTION FOR ADOPTION OF THE REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

5.15

**THE MINISTER OF WATER AND ENVIRONMENT (ENVIRONMENT) (Dr Mary Kitutu):** I beg to move that the report from the Committee of the whole House be adopted.

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

*(Question put and agreed to.)*

*(Report adopted.)*

**THE DEPUTY SPEAKER:** Thank you, honourable members. Today we started in the morning and I am sure many of you feel the way the chairperson is feeling. Let us pause it here and we resume tomorrow.

Honourable members, we have two Bills that we need to handle. Tomorrow, we will also be able to handle the Investments Code Bill, 2017 and hopefully we will finish both Bills.

**MR MPUUGA:** Mr Speaker, thank you for your indulgence. Yesterday, you instructed the Minister of Finance, Planning and Economic Development to come today to the House and explain the circumstances under which his ministry is making an illegal payment in Mutungo, to which they assured the House that they would make a report today afternoon.

Right now, I do not see the minister around but there is a Minister of State for Finance, Planning and Economic Development (Investment) to report about that matter.

**THE DEPUTY SPEAKER:** Is the minister aware of this matter instead of beginning to shout, “Point of Order”?

5.18

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (GENERAL DUTIES) (Mr Gabriel Ajedra):** Mr Speaker, much as I am the Minister of State for Finance, Planning and Economic Development in charge of General Duties, if any of my colleagues whose Bill is here in the House is not available, duty demands that I must take over in terms of presentation of the Bill.

**THE DEPUTY SPEAKER:** Then proceed with the response to the matter regarding what he has raised.

**MR AJEDRA:** Mr Speaker, before I became the Minister of Finance, Planning and Economic Development (General Duties), I was the Minister of Finance, Planning and Economic Development (Investment) and that Bill started when I was still the minister in charge of Investment – *(Interjections)*

**THE DEPUTY SPEAKER:** No, there is a matter raised by the honourable member.

**MR AJEDRA:** Which Bill? I am sorry.

**THE DEPUTY SPEAKER:** We will deal with this matter tomorrow. Honourable members, tomorrow, we will have a slight delay. The presiding officer will be travelling from upcountry; we cannot gauge the time well so it would be safer to adjourn to tomorrow at 3 o’clock rather than 2 o’clock. House adjourned to 3 o’clock tomorrow.

*(The House rose at 5.20 p.m. and adjourned until Thursday, 08 November 2018 at 3.00 p.m.)*