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**Wednesday, 2 October 2019**

*Parliament met at 3.00 p.m. in Parliament House, Kampala.*

PRAYERS

*(The Speaker, Ms Rebecca Kadaga, in the Chair.)*

ADMINISTRATION OF OATHS

*The oaths were administered to:*

1. Ms Harriet Businge

**THE SPEAKER:** Hon. Businge, you are welcome to the Tenth Parliament. Congratulations on your election. I understand you are a member of the National Resistance Movement party, so you will sit on my right hand side. *(Applause)* The Government Chief Whip will assign you to two committees; a standing committee and a sessional committee where you will serve until the end of the session.

To assist you in doing your work, I would like to hand you a copy of the Constitution of the Republic of Uganda and a copy of the Rules of Procedure of the Parliament of Uganda. Study them, they will help you to write your motions, make your applications and petitions. I would also like to give you a directory of the Members of Parliament so that if you want to get any Member, Clerk or staff of Parliament, the information is there. I will ask the minister to show you where to sit. *(Applause)*

Hon. Businge, I would like you to know that on this side are members of the Opposition. The Independents are in that corner and in the middle are a number of Independents. All of them are friends. Thank you.

Let us have the next member take the oaths, please.

ADMINISTRATION OF OATHS

The oaths were administered to:

1. Tubo Christine Nakwang

**THE SPEAKER:** Hon. Nakwang, I would like to welcome you back to Parliament. I congratulate you upon your election although you have been here before. Still, I would like to indicate that you will sit on this side of the House.

The Opposition is still here, the Independents are still there and the others are in the middle. We welcome and wish you well. In order to assist you with your work, I would like to first give you the Constitution -

Honourable members this is a ceremony please. This is a copy of the Uganda Constitution which will help you to do your work, study it well to guide you. I also give you the Rules of Procedure which will help you to process your motions, petitions and any other work you would like to do.

I also give you the directory of the members of Parliament if there is anyone you need the information is there. The Government Chief Whip will assign you in two committees one standing and one sessional. All these are your friends you can take a seat on this side of the House. She used to sit somewhere there.

Honourable members, join me in welcoming on this side a delegation from Kaabong. They are dressed in their attire and they have come to witness hon. Nakwang take her oaths. On this side of the House is a delegation from Hoima. They came to witness hon. Businge taking oaths. (*Applause*)

Honourable members, I welcome you to this afternoon sitting but we would like to start with some difficult situations. We have received information about the death of Mr Joseph Bbosa formerly in the Bank of Uganda.

He has been the Vice President of the Uganda People’s Congress and he was a husband of our colleague Lady Justice Solome Bbosa who is at the International Criminal Court in The Hague.

He has been quite active on the political scene. As if that was not bad enough; we have also received news of the death of hon. Chebet Maikut former CA delegate and also a Member of the 6th Parliament.

He was a commissioner for Climate Change in the Ministry of Water and the coordinator for the UN Climate Change Secretariat in Uganda.

Unfortunately, I was with him on Monday at Sheraton in a Climate Change Conference and I was pestering him to be more visible but he has died.

The arrangements for funeral will be given to you but otherwise, I would like us to stand up for a minute of silence in honour of these two good Ugandans.

*(Members stood and observed a moment of silence.)*

Honourable members, consequent upon our hosting the Commonwealth Parliamentary Conference, a number of issues have come up which need follow-up both from the Parliament and Government.

First was from the delegation of Malta; in the 1940s during the colonial struggles, a number of their leaders were arrested in Malta and brought here to Uganda, Bombo. They were imprisoned for a number of years.

When they went back one of them became a Prime Minister. We gave them opportunity to go to Bombo and they would like their Government to construct a monument in honour of those Maltese who were here.

I shall be asking our committees to establish the issues around that monument but also to get the history of what happened in the 1940S, when those people were exiled in this country.

Secondly, again as a result of the CPC, the delegation of South Africa took an interest in visiting the Oliver Tambo School of Excellence in Kaweweta in Nakaseke District and they say that there were issues, which the Government of South Africa and the Government of Uganda were supposed to do.

Maybe if you do not know; in the last seven years of the struggle of South Africa, they were based here in Uganda in Kaweweta. So, I will again be asking the committees to go there to establish what is required and for us to know. I personally have never been to Kaweweta. Imagine the foreigners went there before me.

I would like to undertake to visit the institution and to have a motion moved in in House on some of these issues, so that we can take resolutions which we shall pass on to the Government for their action.

I will be asking the honourable chairperson of the organising committee to propose a motion, which we shall debate so that we can see how to move forward with a number of those issues. Thank you. We had a few mattes of national concern.

3.17

**MS CAROLINE KAMUSIIME (NRM, Woman Representative, Rukiga):** Madam Speaker, I rise up on an issue of national importance. Our health centre IV in Mparo, Rwamucucu Sub County has too old structures, the building especially for the male ward is almost collapsing and now that it is raining any time I am sure there is a possibility of the building collapsing.

The ministry has ever sent a team there but it is almost now a year and they have not done anything. When you enter the floor it is stinking and when it rains they are forced to shift the beds.

My prayer is that the ministry tells us the exact plan they have for the health centre IV Ramucucu Sub County, Mparo. Thank you, so much for the opportunity.

**THE SPEAKER:** I see the minister of health here. Does she wish to speak on this issue now?

3.19

**THE MINISTER OF STATE FOR HEALTH (GENERAL DUTIES)** (**Ms Sarah Opendi):** Thank you, Madam Speaker. The honourable member was talking about Mparo Health Centre IV which exists and is operational. Maybe we need to make a follow-up because we increased the PHC operational funds for the health centres IV; we need to find out.

Maybe if it is beyond the little funds that we send for repairs then we will need to look at that and factor it in the next financial year.

Otherwise as of now, I cannot state that we can as Government find funds to put that in order. We will visit the health facility and see what we can do but in the next financial year and not now.

**THE SPEAKER:** Honourable minister, you will report to us after the recess; when we return you will have made the visit to Mparo.

**MS OPENDI:** Yes, Madam Speaker. I will link up with the honourable member and visit the facility.

**THE SPEAKER:** Okay, thank you. Hon. Tinkasiimire, two minutes.

3.21

**MR BARNABAS TINKASIIMIRE (NRM, Buyaga County West, Kagadi):** Thank you very much, Madam Speaker. I rise on a matter of national importance. In my constituency, Buyaga West – *(Interruption)*

**THE SPEAKER:** Point of procedure.

**MR OKUPA:** There are rules and regulations governing this House. Even if you are at the departure lounge, you still keep within the VIP precincts until the time for departure. Therefore, is it procedurally right for hon. Tinkasiimire to be ahead of his time? Of course, we are eager to receive him but is he procedurally right for him to be ahead of his time? I think we must adhere to the rules of this House.

**THE SPEAKER:** Hon. Tinkasiimire, speak from the NRM side of the House. *(Laughter)*

**MR TINKASIIMIRE:** Thank you very much, Madam Speaker, for your guidance. I am right handed and normally when I am moving, the right hand side is easier for me. Nevertheless, I take your guidance. For the record, I would like to say I am NRM and in the 10th Parliament, I was unopposed.

The people that I represent, Buyaga constituency, has 17 sub-counties. Out of these, four sub-counties have Government secondary schools and 13 do not have. The Government suspended the policy of Universal Secondary Education (USE), leaving these secondary schools having children who were enrolled on USE in community schools and private schools with nowhere to go.

Madam Speaker, the reason I am raising this matter is to ask the minister what plans he has for these 13 sub-counties with no Government secondary schools. Two, what plans does he have for the children – *(Member timed out)*

**THE SPEAKER:** You have two minutes. When you start by giving preambles, you waste your time. Simply conclude with prayers.

**MR TINKASIIMIRE:** Thank you very much, Madam Speaker. Two minutes will be enough for me –

**THE SPEAKER:** Conclude. *(Laughter)*

**MR TINKASIIMIRE:** Madam Speaker, the matter I was raising is that there are children who were already enrolled on USE and have been abandoned in the middle of the year at every community secondary school. For instance, at Ruteete Community Secondary School, it had 502 children under USE. Where are these children going to go?

**THE SPEAKER:** Honourable member, I did not get the details in time but this is something that should not have come in this form. I think you needed to ask a formal question so that they have proper answers. It does not qualify for this. You should have brought it as a formal question so that they answer you in writing so that the whole country knows the policy. *(Applause)*

**MR TINKASIIMIRE:** Madam Speaker, in the event that I raised this matter - with your indulgence and for the honourable members - I request that the Minister of Education and Sports – this is an urgent matter – comes and gives an answer. Maybe, we could even be having colleagues with similar problems.

**THE SPEAKER:** Honourable members, I think this matter requires the attention of the ministry. It is not the only one. I have reported on this Floor many times a number of places where I have been in this country and I have been told that there are no secondary schools.

Therefore, we would like an answer from the Ministry of Education and Sports on the plans for these schools and the children. Report to us immediately after the recess.

3.25

**MR THOMAS TAYEBWA (NRM, Ruhinda County North, Mitooma):** Thank you, Madam Speaker. Before I raise my issue, allow me to congratulate you, the organising committee and colleagues for successfully holding the Commonwealth Parliament Conference (CPC). *(Applause)* You did a very great job.

I am a student and these days, I go home late sometimes; classes end at 10 p.m. A few days ago in Wandegeya, when I was driving home, some people came and broke a glass of a car that was in front of me. They hit the glass – it was a lady driving – picked out a bag and ran away.

The next day, when I was driving again, someone tried to open my door and break into the car. They also went and started picking mirrors from people’s cars. This is Wandegeya opposite a police post in the city centre.

About two weeks ago, a friend of mine was driving around Kamwokya at 7.00p.m. Two people opened his car door and entered. They had a knife and started stabbing him. They took away the wallet, phones and everything. When I started sharing with colleagues – Today, I shared with some colleagues also on a platform. There is a friend in Nakasero Hospital who was also attacked and badly hit on the head. You are driving and they break into your car and enter – *(Member timed out)*

**THE SPEAKER:** Half a minute.

**MR TAYEBWA:** Madam Speaker, thugs target intersections, traffic lights and places where there is traffic jam. I would like to raise this issue so that the Minister of Security and the Minister of Internal Affairs can look into this issue because the country is on tension in this city.

**THE SPEAKER:** I do not see the Minister of Internal Affairs but we would like to ask him to – Oh, were you sitting somewhere? Order!

3.28

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr Obiga Kania):** Madam Speaker, of course, those are unfortunate incidences. We still have them and we have never eliminated them; probably, we will never eliminate them.

However, when such incidences happen, I would propose that – like that one which my colleague saw in Wandegeya – it would be prudent, not only for his sake but also for the sake of the person who was attacked, to report immediately to the police station.

Even if that incident happened opposite Wandegeya Police Station, it does not mean that the police station has got people all over the spots opposite the police station. We do not have enough people in all the spots around the police station. So, we would propose that these incidences are reported so that corrective action can be taken immediately. The police can follow those criminals, as and when the incident happens.

Otherwise, as a post-mortem in the process, we will have lost track of those people. The police will continue to do what it can.

**THE SPEAKER:** Honourable minister, I think the problem the members are talking about is the gridlock in traffic. When you are in a traffic jam and you cannot move, the thieves pounce on you.

So, they want solutions to that situation. What do we do when you are caught up in four traffic jams simultaneously – like in Wandegeya?

**MR OBIGA:** Madam Speaker, the member has talked of 10.00 p.m. We do not have traffic personnel deployed everywhere at that time. We are saying that at any given time, when such an incident happens, it is absolutely important that you report so that an immediate action can be taken. Thank you.

**MR KEEFA KIWANUKA:** Madam Speaker, is the minister in order to pretend that he is hearing about this for the first time when there are known places in Kampala which are hotspots for thieves? And this has been reported severally.

What I would have expected from him is how they are deploying police in those known spots to begin with. So, is the minister in order to talk about reporting them when it is a known serious issue in Kampala?

**THE SPEAKER:** Honourable minister, are you aware there are hotspots in Kampala where stealing takes place every day?

**MS KUNIHIRA:** Thank you, Madam Speaker. I would like to thank the colleague who has raised this issue. What he said happened to me two months back at nine o’clock in the morning. I was coming here and my side mirror was removed while I watched. I kept hitting my windshield, asking them to go away. I feared to open my door.

These areas are known even by the police. Every day, there are incidents where they remove side mirrors; they even open and take the hand bags if you have not locked your car doors.

So, the minister should tell us that he is going to deploy in those areas, for example, between Wandegeya and Kamwokya. Thank you.

3.32

**MR BARNABAS TINKASIIMIRE (NRM, Buyaga West County, Kagadi):** Madam Speaker, the issue that was raised by my friend, hon. Tayebwa, is very critical. The minister’s answer should not be entertained in this House.

Where those incidents have been reported, there are CCTV cameras, which are monitored by the nearest police station. At the police station in Wandegeya, they have a computer that monitors what takes place around there.

So, is the answer the minister giving the type of answer we should entertain when Government spent billions of shillings to deal with these problems?

3.33

**MR MOSES KASIBANTE (Independent, Rubaga Division North, Kampala):** Thank you, Madam Speaker. I would like to thank hon. Tayebwa for bringing up this issue. The minister should acknowledge that this is a very sensitive matter. I know hon. Tayebwa as a personal friend who has sharp shooters and yet he could be attacked.

The minister has been speaking about hotspots in regards to the fact that we should report when we are attacked. I would like to inform this House that I represent a part of Kampala. When you go to some of the police stations, the police themselves tell you about the black spots. However, they have not deployed any personnel in those black spots. Actually, they tell you which route is dangerous.

I have information, Madam Speaker, that some of the CCTV cameras under construction have been stolen. This is very serious –*(Interruption)*

**MR GUMA:** Madam Speaker, given the sensitivity of this issue, from the way members are reacting and security being critical to all of us, wouldn’t it be procedurally correct for you to direct hon. Obiga Kania, the Minister of State for Internal Affairs with his senior minister, Gen. Jeje Odongo, to prepare a comprehensive report about this situation so that they come back here and tell us what exactly they are planning to do rather than –*(Interjection)*– it is because the matter cannot be exhausted under points of order and information due to its importance.

**THE SPEAKER:** Honourable minister, you can see by the amount of interest that everybody wants to speak on this issue. It is not really a city issue; it is an issue for the whole country and it touches on the capacity of our people to move. At nine o’clock in the morning, side mirrors are being stolen and yet the hotspots are known.

Can you come back and give us a statement on how you plan to deal with the hotspots because they are well known? I think even the press sometimes write about the hotspots.

3.37

**MR ELIJAH OKUPA (FDC, Kasilo County, Serere):** Honourable minister, can I give you more information so that you can go and prepare? I think it would be useful for the members to give the minister information – because he seems to lack it – so that when he goes, he can come back with a comprehensive report covering these areas.

Hon. Lyandro Komakech’s side mirror was grabbed and the thief waved at him as he was walking away. You can imagine they can even afford to wave at you.

Another dangerous spot in the evening is from Nakawa up to Kireka. It is actually from Lugogo. During the 64th CPC, two ushers on a boda boda, had their things grabbed when their motorbike broke down and they tried to jump into a car.

So, the place between Lugogo up to Kireka is a terrible zone from 5.00 p.m. up to 10.00 p.m. There are people who walk there and you think they are pedestrians yet they are targeting vehicles. They see what is in the car and they hit the glass and grab it. That is one of the black spots. Other areas are from Clock Tower on Entebbe Road up to Najjanankumbi and Clock Tower to Nsambya. Those are dangerous places.

We thought the 6,000 LDUs who were recruited would be deployed along these areas. A lady was stabbed at the traffic light of Lugogo Bypass. Another area is Ntinda Trading Centre. Those are the areas where the minister should deploy plain-clothed police officers. They will be able to grab these thieves.

I thought we should be able to give that information to the minister such that he gets to know the dangerous areas. Thank you.

**THE SPEAKER:** Honourable members, I would like the honourable minister to have as much information as possible but that will mean we adjourn this debate and just listen to members on this issue. I would like to propose that members with information should write it down and give it to the honourable minister.

Honourable members, those with more information, write it down and either send it to me or the honourable minister so that - it will mean that everybody will just think about this issue.

3.39

**MS ANNET NYAKECHO (Independent, Tororo North County, Tororo):** Thank you, Madam Speaker, for the opportunity. The issue that is being discussed this afternoon is serious. There was a time a criminal was narrating on television, after he was captured, confessing how he had been working with the police; that footage was circulated on social media for quite a long time. That man was known as Sobi. When he was asked that how he could attack a victim right next to a police station but nothing happens to him? He replied to say, “But those are our bosses. When we steal, we give them a share of what we have taken away.”

Therefore, the information I would like to give to the honourable minister is that as you go back to organise this comprehensive report, also clean your house. The house has a few elements that cooperate and work with these people as a way of getting money. They employ the criminals especially in the city centre.

**MR MUKITALE:** Traders from Buliisa have lost money in town and when they report to police, they ask, “which building? We know the person.” They go to that so-called boss. They drove and found the man had like three gates to his house and rentals and that he said, “How much money are you looking for from me? Only Shs 8 million; you would have just called me and I send you back the money.” This means there is a network and the police know who steals from people at Gazaland, mini-price and who is in charge of stealing. I thought that that is very important information. Our police stations in town know those gang groups.

3.42

**MR WAIRA MAJEGERE (Independent, Bunya County East, Mayuge):** Thank you, Madam Speaker. The way they operate on Entebbe Road, they are normally three. One comes and hits on the vehicle this side. If you have a passenger on phone, one will hit the vehicle this side, and the other will grab the phone while the third remains somewhere just in case you get out and he will be there to hit you and run away.

However, honourable minister, if people do not have anything to sell and they are not vendors, what do they do in a traffic jam? It is simple, make sure that *- (Interjection) -* and you see, we are now trying to simplify the work of the minister but he is being engaged somewhere. Honourable minister *-(Interjection) -* yes. If people have got nothing to sell, what are they doing in the traffic jam? Just identify those people who are idle in the traffic jam. Whoever is in the traffic jam should be selling something and not idling around. Thank you.

3.44

**MR ALLAN SSEWANYANA (DP, Makindye Division West, Kampala):** Thank you, Madam Speaker. The information I would like to share with the honourable minister is that the whole of Kampala is a hotspot. These days the thieves sit at the start of any hill and when they see a vehicle ascending that hill, they sprint at it and chase it.

However, we have always seen police sit down these people in a meeting where they confess how they have been stealing from this road, street, here and there but at the end of the day, they let them back to the public, which is very dangerous.

That means there is some relationship between police in Kampala here and those thieves. Otherwise, how can they manage to get them into a meeting, call a press conference, organise and take sodas and everything like they are jubilating? Therefore, we have a very big problem.

**THE SPEAKER:** Honourable members, as I indicted, let us assemble the information and give it to the honourable minister, then he will come with a statement - no he is attentive and listening.

3.46

**MS SARAH BABIRYE (NRM, Youth Representative, Central):** Thank you very much, Madam Speaker. Like a month ago, while we were that side of Makindye walking on foot with my twin brother, somehow, someone called me and I walked back as he stood at the road side waiting for me but these guys hit him with an iron bar. He was rushed to Mulago; it was around 6.30. I went to police and followed it up. Those people call the thugs, which means they know them and have their contacts. Among the things they took was his national identity card and as we talk, it is the evidence that we have because we got it back. They took all the money and the rest of the things but the national identity card was dumped.

Secondly, there is something wrong happening these days. The thugs keep creating different groups on social media like *whatsApp* and add contacts of members. We share all information and they receive everything. They share which trick you can use; like you go on some group and find how someone was able to enter a house and these guys are sharing everything.

Therefore, we also need to find ways of managing our social media and what is happening. It is like we are promoting theft. That is all I wanted to raise, Madam Speaker. Thank you so much.

**THE SPEAKER:** Honourable minister, how much time do you require to assemble this information? Order against the minister? You know, there is nobody on the Floor; so, I do not know where the order is coming from.

**MR OBIGA:** Madam Speaker, I thank you for the guidance to the House to avail us that information. It will help us to prepare responses as much as we can, on what we are doing to fight this crime. I can see a lot of information is already very useful. For example, a member says he has seen these thieves sitting at the hill ends with the police. That is very important information. Another one says she was attacked the other day and this is useful information.

That is why I was saying that if you report this information to the police, then we have data on which to work because by the very nature of our institution and our numbers, we are not everywhere but since this is a huge activity to collect all this from the members, my timing frame will depend on the responses that I get from the member as much as possible.

However, since we are going on holiday, by the time we come back - within this month, I will be able to give an answer when we come back. Otherwise, police are doing everything and I am glad that many of them who are not thieves were able to secure us during the recent Commonwealth Parliamentary Conference. I thank you.

**THE SPEAKER:** Thank you. Honourable members, please write down the information quickly before we go on recess so that the minister can attend to it.

Honourable members, join me in welcoming students of Mt St John’s College Kagoma. Where are they? Can you stand up? There they are. Oh! They are quite many and are looking very smart. They are represented by hon. Moses Walyomu and hon. Loy Katali. You are welcome. Please sit down.

3.49

**MS CISSY NAMUJJU (NRM, Woman Representative, Lwengo):** Thank you very much, Madam Speaker. I stand here to present a matter of national importance concerning the death of women and their children during childbirth in Masaka Regional Referral Hospital.

On 21st September, a lady called Teopista Nansamba died together with her child while giving birth in Masaka Regional Referral Hospital. She is survived by five children and her husband, Richard Mutyaba, who is now in a sorry state. The family lives in Ndagwe sub-county in Lwengo District.

During that very week, we buried three women and their children, who also died during childbirth in the same hospital. The cases are all in one sub-county but I have been hearing about similar cases in other sub-counties in Lwengo District and neighbouring districts.

It is very unfortunate that the Ministry of Health has only women ministers and the permanent secretary is also a woman but they have not done their best to fight against the death of mothers and their children during birth. Madam Speaker, the minister should fight to see that women do not die during childbirth.

We all know that in many countries, the death of women and children during childbirth is not as common as it is in Uganda. I, therefore, appeal to the Health Minister and ministry to fight against death during childbirth.

My prayers are:

1. The Ministry of Health should get professional doctors *–(Member timed out.)*

**THE SPEAKER:** Order, honourable members!

**MS NAMUJJU:** Thank you, Madam Speaker. My prayers are:

1. The minister should take care of the children and the family members of the deceased should be compensated by the ministry.
2. The Ministry of Health should also appreciate persons like Dr Dominic Kiiza Katerega in Kyazanga Health Centre IV, who has done his best to prevent the death of mothers and their children during childbirth. I pray that the ministry appreciates his efforts and awards him, together with other doctors who are doing the same.

Madam Speaker, you have been there for women in many ways. I pray that you also champion this matter and protect mothers from death during childbirth. My concern comes from the fact that I lost my mother at a very young age and I had to grow up through a lot of struggles without a mother’s love.

Madam Speaker, thank you very much. I rest my case. *(Applause)*

**THE SPEAKER:** Thank you, honourable member. I am sure that the minister has heard about the situation in Masaka and that she might want to do something about it.

3.53

**THE MINISTER OF STATE FOR HEALTH (GENERAL DUTIES) (Ms Sarah Opendi):** Thank you, Madam Speaker. Hon. Cissy Namujju has raised a matter that all of us know is dear to everyone’s heart. No mother should die while giving birth in this country.

Madam Speaker, I would like to state that it is not true that we have done nothing. If you look at maternal mortality in this country, it has been dropping. We started off in 2011 where we were talking about 535 deaths per every 100,000 live births. This dropped to 435 in 2011 and increased slightly by three in 2016. Now, we are talking about 360 deaths per 100,000 live births. Hence, there has been a decline in maternal mortality in this country. However, what I would like to state is that the maternal mortality rate is still high.

Every death at a health facility must be audited. It is a policy that we must audit every maternal death so that we can know the cause and see how to address it. However, we have been having a bit of a challenge, Madam Speaker, that just about 51 per cent of the maternal deaths are actually audited.

Madam Speaker, the causes of deaths in our regional referral hospitals are known. They are known factors caused sometimes by the mothers themselves delaying to get to the facility. There are also factors caused by the health workers at the facility delaying to attend to the mothers. There are also sometimes other challenges such as delayed referrals and so on.

Of course, it is very unfortunate and all of you know that we have a bit of challenge when it comes to the doctors at the facilities and this has been a problem. That is why we have been saying, can we remunerate our health workers better so that they can be committed to their work? Madam Speaker, I would like to thank this Parliament and Government that this financial year, we have made an increment in the salaries of the doctors and senior consultants.

Masaka is a regional referral hospital and because of that, it is supposed to have senior consultants at these facilities. Our staffing level for the regional referral hospitals has been at 31 per cent. Just imagine that. That is so low. Even when the Health Service Commission would advertise, we would actually fail to attract these senior consultants.

The President has already given us a directive on the issue of salaries and there is a letter that came out yesterday. Since this matter is specific to Masaka Regional Referral Hospital, as raised by the member, allow me to do more investigations and find out the cause of deaths so that I can report when we come back from recess. Thank you, Madam Speaker.

**THE SPEAKER:** I hope hon. Namujju can provide the names of the victims so that the minister is not sent on a wild goose chase.

3.56

**MS CHRISTINE ACHEN (NRM, Woman Representative, Alebtong):** Thank you very much, Madam Speaker. I rise on matters of national importance concerning what is happening in Alebtong District right now.

Madam Speaker, my people in Ajuri Constituency and Moroto are suffering from floods. As I speak, very many houses are affected, toilets and food have been destroyed and people have nowhere to sleep. My people are suffering, especially in four sub-counties in Ajuri and Moroto.

Due to the fact that this matter is serious, my prayer is that the Ministry of Disaster Preparedness and Refugees takes action to provide them with food as well as shelter. Thank you very much, Madam Speaker.

**THE SPEAKER:** Thank you. The Minister for Disaster Preparedness and Refugees is urged to quickly go to Alebtong and address the impact of the floods in the four sub-counties and report to us when we return from recess.

3.59

**MAJ. (RTD) DAVID GUMA (NRM, Ibanda County North, Ibanda):** Thank you, Madam Speaker. The Government pronounced and committed itself to extend power to all sub county headquarters in the country by 2020; that was the deadline as far as I remember. However, by the look of things and given some privileged information some of us have, it appears that power may not be coming to subcounty headquarters before 2023/2024.

Madam Speaker, I would request you to direct the Minister of Energy and Mineral Development, hon. Irene Muloni to, firstly, come here with a comprehensive report to tell the country through their representatives, how far they have gone with that project. *(Applause)* secondly,direct the leadership of the Committee on National Economy to invite the management of Rural Electrification Agency to brief the committee, which committee will tell Parliament how far they have gone with the loan that was passed many years ago for a Chinese Company called Tibbeyan.

This is an issue that concerns all of us. It is very important that this matter is addressed before we break off for recess.

**THE SPEAKER:** Thank you. Honourable members that matter is extremely important because that is the pledge the Government made to the people of Uganda and the public is waiting for it. Hon. Peter Lokeris is here. Hon. Lokeris, where is our power at the subcounties?

4.01

**THE MINISTER OF STATE FOR ENERGY AND MINERAL DEVELOPMENT (MINERALS) (Mr Peter Lokeris):** Madam Speaker, with due respect, he was referring to the person of hon. Irene Muloni and I am not hon. Muloni by all standards. However, as far as power is concerned, we passed money and it is a matter of time for extension to be made; the programme is on. I thank you.

**THE SPEAKER:** Honourable minister, I know you are not hon. Irene Muloni but you work in that ministry. This country is asking you to give us an update; how many subcounties have you served and when are you completing? That is what they would like to hear before they go for recess.

**MR LOKERIS:** Thank you, Madam Speaker. With your indulgence, I request for your permission to go and bring the list for update.

**THE SPEAKER:** Will you give us our response tomorrow on how far you have gone with that project?

**MR LOKERIS:** It is possible tomorrow.

**THE SPEAKER:** Okay. Bring the information so that Members can tell their people during the recess.

**MR LOKERIS:** Thank you very much.

**THE SPEAKER:** I have just been reminded that there was something the Ministry of Lands, Housing and Urban Development was supposed to bring here by 5 September 2019. There was an update on the issue of Tororo and report from the trip. They were supposed to come back in two weeks but it is now five weeks.

Can I ask the Minister of Lands, Housing and Urban Development to come tomorrow and give us the answer to that issue? Is it on the Order Paper?

Ministry of Energy and Mineral Development, there was something urgent that we asked you to handle today, concerning the eminent departure of Total and Shinnok. They were winding up and they had not paid people. We asked you to come today and give us a report. Are you ready with that information?

**MR LOKERIS:** Madam Speaker, that information is not available now. However, I will come along with the one you have asked for tomorrow.

**THE SPEAKER:** Honourable members, join me in welcoming a delegation of youth leaders from Kabale. They are represented by hon. Catherine Ndamira, hon. Andrew Baryayanga, hon. David Bahati and hon. Wilfred Niwagaba. They have come to watch our proceedings. You are welcome.

On this side of the House, we have student leaders from Kampala University, Luwero Campus. They are very smart. They are represented by hon. Lillian Nakate and hon. Abraham Byandala. You are welcome.

4.05

**MR ELIJAH OKUPA** **(FDC, Kasilo County, Serere):** Madam Speaker, additionally, the issue of the land at the source of the Nile is another matter, which the Minister of Lands, Housing and Urban Development had promised to come and give us an update here. During the CPC, when we went there with the Speaker of the Parliament of India, he asked about it. I, indeed, communicated to them that the work would start soon.

However, last week, we were told that that land does not exist. There was a guarantee that the Minister of Lands, Housing and Urban Development would come and explain to this House. There is no way the Source of the Nile Convention Centre can be built in Entebbe when the source is in Jinja.

**THE SPEAKER:** Honourable members, what we had directed the Minister of Lands, Housing and Urban Development to do then, was to cancel those title deeds, which were impeding the progress on that project. Please, take it seriously; it is true the delegation of India put us down to find out what we were doing about the Prime Minister’s pledge. Help us to solve that. Can you give us an answer tomorrow on whether you have cancelled the title deeds?

4.06

**THE MINISTER OF STATE FOR LANDS, HOUSING AND URBAN DEVELOPMENT (LANDS)** **(MS Persis Namuganza):** Madam Speaker, the senior minister has been working on that. I would like to request that she comes tomorrow and gives an update.

**THE SPEAKER:** Thank you very much.

MINISTERIAL STATEMENT ON CONSULTATIONS MADE ON THE SUGAR BILL, 2019 AS RETURNED BY H.E THE PRESIDENT IN ACCORDANCE WITH ARTICLE 91(3) (B) OF THE CONSTITUTION AND RULE 142 OF THE RULES OF PROCEDURE

4.07

**THE MINISTER OF TRADE, INDUSTRY AND COOPERATIVES (Ms Amelia Kyambadde):** Madam Speaker, allow me to use this opportunity to congratulate Uganda for hosting a successful 64th Commonwealth Parliamentary Conference. I congratulate you also for becoming the President.

The Sugar Bill, as we all know, was tabled and debated in Parliament on 22 November and approved with amendments made on the draft Sugar Bill 2016.

Aware that the President declined to assent to the Bill and directed it to be re-tabled at Parliament, raising issues as indicated in the committee report. The ministry has submitted the responses to the President in regard to the concerns he wanted to be rectified in the Sugar Bill.

In addition, the President has also been consulting key stakeholders, especially the out-growers and the sugar millers on the same issue. I wish to pray that the ministry be allowed to re-table the Sugar Bill in the earliest opportune time after receiving the comments from the President into the Bill. I beg to submit.

**THE SPEAKER:** Honourable minister, you do not need to re-table the Bill. What we want is the report of the outcome of the consultations because we adjourned the matter so that consultations could be carried out. The Bill is here. We need to get time when you are ready with your response from the consultations.

**MS KYAMBADDE:** I thank you for the correction, Madam Speaker. I pray that you grant me more time to wait for the outcomes of the consultations by the President*.*

**MR MWIRU:** Thank you, Madam Speaker. My honourable colleague, the Minister of Trade, Industry and Cooperatives seems to introduce a new way of dealing with Bills. We are talking about a law, which the President returned. That law is now with Parliament.

For the minister to suggest that we wait – when we granted time for consultations, it was the minister – the minister is now pegging us with the consultations by the President, which are not within the ambit of this House.

I wonder whether it is procedurally right that the House waits for the consultation of the President - we do not know which form it takes and what interest it serves. He returned the Bill to the House.

Isn’t it procedurally right that we just give a particular period of time to the minister to report to the House other than telling us that we wait for the President to finish the consultations, the way she has presented it to the House, which seems to be violating our Rules of Procedure.

**THE SPEAKER:** Honourable minister, the House will resume in the first or second week of November. We shall put the matter on the Order Paper when we return from recess in November.

**MS KYAMBADDE:** I concede, Madam Speaker. Thank you.

RESPONSE TO AN URGENT QUESTION RAISED BY MS ALUM SANTA OGWANG, ON THE INCURSION OF ELEPHANTS INTO OYAM DISTRICT AND THE SUBSEQUENT DISRUPTION OF LIVELIHOODS, DESTRUCTION OF PROPERTY AND LOSS OF LIVES

4.11

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, we request that we move around and look for the minister so that he can come and answer this question. *(Laughter)*

**THE SPEAKER:** Please, find him and ensure that he comes to answer this issue. It has been on the Order Paper for almost a month.

The ministers of disaster preparedness are not here and they were not here yesterday. Do you know where they are?

**MR BAHATI:** Both ministers are not available today but they will be available tomorrow.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE ON DEFENCE AND INTERNAL AFFAIRS ON THE TRIPARTITE AGREEMENT BETWEEN THE UGANDA POLICE FORCE, UGANDA LAND COMMISSION AND TIP TOP INVESTMENTS LTD FOR THE DESIGN, CONSTRUCTION AND EQUIPPING OF A REGIONAL FORENSIC REFERRAL CENTRE, CONSTRUCTION OF HEADQUARTERS AND ACCOMMODATION FOR OFFICERS

**THE SPEAKER:** Where is the chairperson? Minister, where is the report of your committee? *(Laughter)* Is this a volunteer chairperson?

4.13

**MR DANIEL MUHEIRWE (NRM, Buhaguzi County, Kikuube):** Madam Speaker, this is the report of the Committee on Defence and Internal Affairs on the tripartite agreement between the Uganda Police Force, Uganda Land Commission and Tip Top Investments Ltd for the design, construction and equipping of a regional forensic referral centre, construction of headquarters and accommodation for officers.

**MR OBIGA KANIA:** Madam Speaker, the chair was presenting this matter yesterday and from the records we have perused, you directed the three ministers to be present and to consult on the matter before the presentation is completed.

This morning, when we consulted with the Minister of Internal Affairs, the Attorney-General and the Minister of Lands, Housing and Urban Development we agreed, together with the chair that the report would be stood over to give us more time for consultation on the report and it is presented at the next appropriate time. I beg your indulgence, if it is possible to stand over it.

**MR KIVUMBI:** Madam Speaker, I thank you. I rise on a point of procedure. This report has been with the committee for a number of months. The committee wrote the first report, which was duly signed. After writing it, we disagreed and wrote a minority report. When the minority report was read, the committee decided to do fresh due diligence. After doing due diligence, they wrote another report. We found issues with that report as well and still wrote a minority report. Now that they have read the minority report, they are saying that they still need to consult.

Madam Speaker, the matter at hand is very critical and it concerns one of the most prime lands in this country. Sixty acres of police land where the police headquarter sits that is about to be given away in a very shoddy manner. It is a multi-billion deal.

When you look at the details, at every turn, they seem to want to run away from presenting the facts to this Parliament. Here we are, they are aware that they are faced with a very fake agreement that they laid before this House for ratification.

Let this Parliament do justice. If the agreement is bad, as it is, admittedly, let them present it and Parliament pronounces itself and then, they go and do a decent job. To keep hiding, claiming that they are consulting – this is the second report we have written. Once we give them facts, they read through and then, they realise that the facts are real and they withdraw and go back and do another fake report.

Madam Speaker, I beg you, let the report be read this time and Parliament pronounces itself.

The forensic laboratory is about the national security of this country. We are faced with numerous murderers roaming this country and soon, the President will blame Parliament. The minister stood on the Floor of this House and blamed Parliament for failing to pass this Bill.

For us to wash our hands off it, whether it is bad or ugly, let the report be read and the facts be known to this House so that we deal with this once and for all. There is no more hiding in that agreement. Whether you present it today or the other day, it will still be a bad deal. Let them face the facts. They are running away from the facts.

Therefore, Madam Speaker, are we proceeding well with the minister changing goal posts at every turn?

**THE SPEAKER:** Honourable members, the minister came to see me together with the chairperson and told me that when they were designing the project, it had four components but that when they wrote the agreement, three components were not there and they think that if they are not there, it is a non-starter. They said the agreement concentrates on the forensic lab and does not deal with accommodation, headquarters and – what was the fourth one?

**MR OBIGA:** The fourth component is the building of a satellite city in that area.

**THE SPEAKER:** He told me that the final agreement only concerns the forensic lab but it does not touch the accommodation, headquarters and the satellite city, yet, it should have been made a comprehensive project. That is what they told me.

**MR MUWANGA KIVUMBI:** Madam Speaker, I think the minister was not being honest when briefing you. They laid an agreement on the Table in this Parliament and they did so because it is a requirement under the Public Finance Management Act. That agreement is detailed and fully signed. Having read what we raised in the minority report - where those facts were mentioned - they are coming to you to withdraw a report, which report was presented to this Parliament.

By all means, they have a very bad agreement, which is not amendable. It is fully signed and endorsed. The only thing they can do is for the committee to present the report, Parliament pronounces itself and they go and maybe start the process afresh *–(Interruption)*

**MR TAYEBWA:** Thank you, hon. Kivumbi, for giving way. Madam Speaker, I had the advantage of getting the document in advance. I read the two reports – the main and minority reports – and I can tell you that after reading, I agree with every letter in the minority report. It pains me when I hear a minister saying he wants “to go and consult” on issues which are very clear. He even came to you and said three components are not in. However, instead of telling you that they will go back and cancel the contract, sign a new one and bring a new request to be handled, he is saying they are going back to “consult”. Consult over what? Withdraw the thing and start afresh and come and we support you.

Madam Speaker, what was very important is that the two reports clearly agree that the forensic centre is very important. It is the other details, where the deals were hidden, that are causing problems. *(Laughter)*

**MR MUKITALE:** Madam Speaker, let me give additional information. The committee has invested a lot of time. Yesterday, when the committee chairperson was presenting, the concern was not the minister’s consultation but the absence of the line ministers. Therefore, the minister cannot at this point want to completely disrespect the work the committee has done.

The minister would help this Parliament and Cabinet if he listens to the report – given the investments made – and either concedes that the committee is right and in that case, he can withdraw, saying: “We agree we did a shabby job and would like to withdraw.” However, for the minister to stifle the findings of the committee after the committee has invested a lot of time, would in a way be arm-twisting Parliament. Can we allow Parliament’s committee to work? When they invest their time, their report should be read and the information goes to the public so that next time, the minister can be more organised when they are starting such a project.

**MS NAMUGANZA:** Madam Speaker, I would like to give some clarification as a person who chaired this inter-ministerial committee. I was not told about the meeting when my colleagues came to see you. However, I am surprised to hear that the three components are not there. The contract which the Attorney-General signed with our development partners had all the components involved but in phases and that is why we subdivided that land and we said the land would be transferred in phases.

When they accomplish one phase and start another, the land would also be transferred. We put a five-year lease. The reason we did that was to safeguard the land so that we *– (Interjections)* - I am giving clarification as a person who chaired the committee.

**THE SPEAKER:** Honourable members, the Ministry of Lands, Housing and Urban Development is part of this programme. Let us hear from them and see how to proceed.

**MS NAMUGANZA:** Madam Speaker, since there was the land component, our strictness was on land where we said we cannot give a lease beyond five years and that we shall release land through the Uganda Land Commission, which signs on behalf of Government; when those programmes follow each other as they were aligned. Therefore, to say that the other components are not there, when the contract, which I know about included all those in an organised manner -

**THE SPEAKER:** Honourable members, in the circumstance, let us hear the report so that we can grasp everything.

4.27

**MR DANIEL MUHEIRWE (NRM, Buhaguzi County, Kikuube):** Madam Speaker, the introduction is as it is on page 2. The background is also as it is *–(Interjections)-* Okay, let me start from the introduction.

Introduction

The agreement between the Government of Uganda (represented by the Uganda Police Force and Uganda Land Commission) and Tip Top Investment Ltd for the design, construction and equipping of the Regional Forensic Referral Centre of Excellence for the Eastern Africa Region; construction of headquarters and accommodation for officers was laid before the House on 18 September, 2018 by the Minister of State for Internal Affairs, hon. Obiga Kania, and referred to the Committee on Defence and Internal Affairs for scrutiny in accordance with rule 185 of the Rules of Procedure.

The agreement was laid on Table in accordance with section 34(6) of the Public Finance Management Act, 20l5, which states that *“An Accounting Officer shall not pledge or otherwise encumber the land or any other asset of a Vote without permission of Parliament*.” The committee has considered the agreement and now wishes to report.

Background

In 2012, the East African Community Council of Ministers resolved to have a regional forensic referral centre hosted by Uganda. It was to be a centre of excellence in forensic service delivery in the East African Community as well as to serve as a focal point of forensic service delivery in the EAC Region.

*The East African Police Chiefs Cooperation Organisation (EAPCCO) and the African Police Cooperation Organisation (AFRIPOL)*

The necessity for a regional forensic referral centre in the East African Community arose out of the need to strengthen the investigative capacity of law enforcement agencies in the East African region to facilitate other law and order sectors in the administration of justice and to combat the increased sophistication in crime cognisant of its apparent transitional nature especially terrorism and cybercrime and investigation of other emerging crimes.

The East African Community Fourth Sectoral Council on Interstate Security adopted the recommendation from the East African Community Chiefs of Police to establish a regional forensic referral centre of excellence that would spearhead the harmonisation and provision of forensic expertise, quality control and standardisation of forensic service delivery, accreditation of forensic service providers and the certification of forensic experts.

*Training, research and strengthening of forensic services in the region*

During a meeting held in Kigali, Rwanda on 23rd and 24th August, 2Ol2, the East African Community Chiefs of Police endorsed Uganda to host the regional forensic referral centre.

The recommendation to have Uganda host the regional forensic referral centre was adopted by the 5th Sectoral Council of Ministers on 27th August 2012. The Uganda Police Force was, therefore, given the responsibility for establishing the regional forensic referral centre with the strategic intent geared at the EAC and EAPCCO being self-sufficient in the timely and reliable delivery of forensic services in the following cooperation areas: chemical analysis, forensic pathology, forensic ballistics and tool marks, forensic photography and imaging, scenes of crime management, polygraph and acoustic analysis, forensic biology, fire and explosives analysis, forensic toxicology, cyber forensics, forensic anthropology and odontology, dactyloscopy, facial recognition, iris recognition, forensic art, questioned document analysis, trace evidence analysis, accident scene reconstruction analysis and any other area that may require forensic analysis.

Internally, Uganda Police Force seeks to strengthen her investigative capacity in support of the administration of justice through applications of modern scientific techniques in compliance with international standards.

The Uganda Police Force desires to develop critical infrastructure at Naguru using 60 acres of its land in the same area. The critical infrastructure development is to include:

a) Design, build and equip a modern regional forensic referral centre of excellence;

b) Construct 1,000 apartments units for police accommodation; and

c) Construct Uganda Police Force Headquarters.

The regional forensic referral centre project will require the following key interventions:

(i) Designing and building an ultra-modern structure to house the centre;

(ii) Equipping the modern structure with state-of-the-art scientific and analytical equipment for use by forensic practitioners in the various scientific application areas;

(iii) Training, tooling and skilling of the pre-requisite human resource, competent to undertake the various forensic examinations; and

(iv) The existing structure housing the Directorate of Forensic Services in Naguru is proposed for remodelling to accommodate the Forensic Academy that will be used as a Regional Forensic Training Academy.

A developer, M/S Tip Top Investments (U) Ltd, approached Uganda Police Force with a proposal to undertake these infrastructure developments in addition to developing the acreage into a 'mini-city' that will be leased to it in a phased manner, initially for 5 years convertible to 49 years as payment for this infrastructure development.

It is upon the background above that an agreement was signed between the Government of Uganda, represented by Uganda Land Commission and Uganda Police Force and Tip Top Investments Limited as a special purpose vehicle incorporated for the execution of the project. Master Assets is the guarantor for Tip Top Investments Limited.

Terms of reference

While scrutinising the tripartite agreement, the committee was guided by the following terms of reference:

(i) To establish the need for the regional forensic referral centre;

(ii) To establish whether the agreement signed complies with the relevant laws; and

(iii) To find out the justification for the proposed financing mode for the centre.

Methodology

**THE SPEAKER:** You can skip that and go to the next.

**MR MUHEIRWE:** On page 7 are the findings and observations and the justification for a Regional Forensic Referral Centre.

i) Limitation of the Directorate of Government Analytical Laboratory

Directorate of Government Analytical Laboratory has been the leading provider of independent scientific analytical and forensic services in Uganda with laboratories staffed by trained chemists, material scientists, technicians and laboratory management, with over 80 years of industry knowledge and expertise provided since the 1930s.

However, Directorate of Government Analytical Laboratory has capacity, technical and human resource limitations. The existing infrastructure housing the Directorate of Forensic Services is inadequate to accommodate all the capabilities of a modern forensic service.

Additionally, the global standards governing forensic service delivery specifically ISO/IEC 17025:2017 could not be fulfilled due to structural limitations of the existing infrastructure, let alone provide a suitable environment for modern scientific equipment.

An ultra-modern forensic centre equipped with the latest scientific knowledge and resourced with highly-skilled and knowledgeable forensic practitioners is envisioned. The facility will deliver accurate, timely and reliable scientific services, thereby eliminating the current investigative bottlenecks in the fight against modern, trans-national and cross-border crime.

ii) Increase in crime rate in the region

Due to the high crime rate within the EAC and EAPCCO, especially crimes related to firearms and increase in cybercrimes, the regional centre will be structured to handle heavy requests for forensic science investigation from the neighbouring countries, through capacity provision of modern scientific laboratories and to establish a management platform for effective governance of forensic data.

According to the consolidated statistical result in the profiling of current crime status in the East African region, crime cases committed using firearms were paramount in all the five East African Community countries. The table below shows a quantitative analysis of firearms crimes across the five East African countries.

From the above table, it is clearly indicated that Uganda is leading in the crime rates indicated, followed by Burundi, Kenya, Tanzania and Rwanda being the least. Therefore, there is urgent need for the forensic laboratory in Uganda.

Madam Speaker, Table 2 shows the records of crime court cases in Uganda in 2016. From the above table, for a case to be concluded, there is need for efficient and effective management of criminal investigations and the sustained use of forensic techniques at all levels in the administration of justice.

iii) Need to control cross border crime

There is need to build regional response to fight trans-national and organised crime. EAPCCO and the EAC have to come up with strategies to control cross border crime and ensure that persons and goods within the region are continually being monitored. The advancement in technology, knowledge dispersal and globalisation in all aspects continue to influence crime types and trends.

iv) Terrorism threat

Attacks by terrorists have become a key security threat in the region, calling for increased vigilance to prevent more attacks.

v) Income from international referrals to the forensic centre

Since the Regional Forensic Referral Centre is expected to serve EAC, EAPCCO and AFRIPOL, Uganda will, therefore, generate revenue from the referrals.

5.2) Benefits of the Regional Forensic Referral Centre

The committee visited Southern Medical University School of Forensics, which is located in Guangzhou, China and observed that the forensic laboratory highlights the urgent need for the establishment of a forensic laboratory of equal or better stature in Uganda, as highlighted in the following benefits:

1. Revenue generation from local and international referrals to the forensic centre;
2. Aid in speedy investigation of national, regional, trans-border crime and reduction in terrorism threat;
3. Reduce the backlog of cases in the administration of justice due to delays in investigation;
4. Improved, efficient and effective management of criminal investigations and the sustained use of forensic techniques at all levels in the administration of justice; and
5. Employment opportunities for the youth population and application of science in modern policing, for example, reconstruction of accident and crime scenes.

5.3) Compliance with the law

Madam Speaker, the committee established whether the following laws apply to the transaction:

1. The Land Act, 1998;
2. The Public Procurement and Disposal of Public Assets Act, 2003; and
3. The Public-Private Partnership Act, 20l5.

The committee was informed that the agreement for the design, construction and equipping of the Regional Forensic Referral Centre of Excellence is a Project Framework Agreement, which sets out principles, which shall govern implementation of the project. The structure of the transaction envisages that other agreements or contracts will be entered into, in accordance with the relevant laws, in order to deliver the project.

The transaction has two components namely:

1. Disposal of the payment land by way of lease by Uganda Land Commission; and
2. Works, equipment, training and consultancy services.

5.4) Disposal of the payment land by way of lease by Uganda Land Commission

Madam Speaker, the Public Procurement and Disposal of Public Assets Act, 2003 does not apply to the transaction because the payment land is not a public asset, since it is held by the Uganda Land Commission.

Section 3 of the PPDA Act, 2003 defines a public asset as, *“… any property tangible or intangible, owned by Government or by a procuring and disposing entity, including physical property, shares, property rights and land, except land held by Uganda Land Commission.”*

Section 3 of the PPDA Act, 2003 defines a disposal to mean, *“… any divesture of public assets by any means including lease.”* Leases are entered into by way of direct negotiations of the PPDA Act, 2003 between the prospective lessee and lessor. That is stipulated in section 87 of the PPDA Act, 2003 and regulations 9 and 10 of the PPDA Regulations S.1 13 of 2014. The provisions above do not apply to the disposal or lease of the payment of land.

The law, which is to be followed, therefore, is the Land Act of 1998. The procedure followed is that prescribed under section 53 (c) of the Land Act, which gives Uganda Land Commission powers to sell, lease or otherwise deal with land, among others.

5.5) Works, equipment, training and consultancy services according to clause 15(1) of the agreement, Uganda Police Force shall procure a consultant, who shall be responsible for obtaining the necessary approvals and supervisions of the work among others.

Uganda Police Force shall also be responsible for the procurement of the equipment with the company as the financer. The framework agreement, therefore, envisages compliance with the procurement laws and processes where applicable.

On page 12 in the third paragraph under works, the construction works shall be led by the company through contractors procured by the company itself and as such, the PPDA Act would not govern a private investor in soliciting for a contractor.

All the above will be financed by the Tip Top Investment Company.

According to regulations 8(1) and 9(1) of the PPDA (Contracts) Regulations S.1 No.14 of 2014, *"A procuring and disposing entity shall not enter into a contract until the accounting officer confirms in writing that the required funds have been committed for the proposed contract." "An Accounting Officer shall ascertain that the total cost of acquiring a procurement requirement is committed before entering into a contract."*

Similarly, regulation 4(1) of the PPDA (Rules and Methods for Procurement of Works, Supplies and Non-consultancy Services) S.1 No.8 of 2014 provides that: *"A Procuring and Disposing Entity shall not initiate any procurement for which funds are not available."*

According to the above, therefore, where funds are not available to finance an acquisition, no procurement processes under the PPDA Act can or should be initiated.

The transaction is not a Public Private Partnership (PPP) arrangement because according to section 4 of the Public Private Partnership Act, a PPP is a commercial transaction between a contracting authority and a private party where the private party performs a Government function on behalf of Government and acquire use of Government property, assumes substantial and technical operational risks in the performance of public functions and receives payment or benefits for such performance.

Under the agreement, the company is not required to perform a public function *– (Mr Tayebwa rose\_)*

**THE SPEAKER:** The Member is presenting a report. What is the point of order?

**MR TAYEBWA:** It is a very important issue in regards to the report.

**THE SPEAKER:** Why don’t you allow him to finish?

**MR TAYEBWA:** It is very important. Madam Speaker, I have seen on the membership of the committee, the Chairperson is hon. Doreen Amule and the Vice Chairperson is hon. Moses Nagwomu.

The Member reading the report, hon. Daniel Muheirwe is a Member of the committee but he did not sign the report. Now, I do not know which report he is reading because from what I am seeing here, he did not sign the report. Therefore, I need your guidance whether we are proceeding right.

**THE SPEAKER:** Did he sign the minority report?

**MR TAYEBWA:** No, he did not.

**THE SPEAKER:** Then, he can present the report.

**MR MUHEIRWE:** Thank you, Madam Speaker. The transaction is not a PPP arrangement because according to Section 4 of the Public Private Partnership Act, *“A PPP is a commercial transaction between a contracting authority and a private party where the private party performs a Government function on behalf of Government and acquire use of Government property, assumes substantial and technical operational risks in the performance of public functions and receives payment or benefits for such performance”.*

Under the agreement, the company is not required to perform a public function of forensics and investigations. Once the forensic centre is complete, it shall be owned, managed and operated by Government.

Tip Top Investments Limited was engaged through direct negotiations and as part of the investment, the company is also under obligation to develop the land leased to it.

JUSTIFICATION FOR THE FINANCING MODE

The committee was informed that in April 2017, M/s Tip Top Investments Limited submitted an unsolicited expression of interest to lease part of Uganda Police Force land at Naguru for commercial development. In exchange for the lease, they offered to develop police infrastructure. (Trade-off arrangement)

Uganda Police Force subsequently signed a memorandum of understanding with the developer to further develop the existing concept of the Regional Forensic Referral Centre and explore possible avenues of cooperation.

Uganda Police Force wrote to the Uganda Land Commission in September 2017 seeking for a no objection to lease the Naguru land. This was to be done in exchange for construction of:

1. Regional Forensic Referral Centre at Shs 72 billion;
2. Equipping Forensic Referral Centre at Shs 18 billion;
3. Headquarters at Shs 36 billion;
4. Accommodation for officers at Shs 54 billion;

Uganda Land Commission gave consent for the lease transaction on 13 November 2017.

The committee was further informed that currently, no lease has been given to the investor. The lease will be processed when implementation of the project is started in accordance with the terms of the agreement. Each acre of land in Naguru was valued at Shs 3 billion by the Chief Government Valuer as per 25 November 2016.

The committee noted that the Regional Forensic Referral Centre construction, equipping and training is estimated to cost Shs 108 billion. The actual sum shall be determined following finalisation and revision of Bills of Quantities by M/s Tip Top Investments Limited and the Owner's Consultant and as approved by Uganda Police Force. The final contract sum shall, however, not exceed the value of the available land.

The committee also noted that the Capital Development Budget for Uganda Police Force is inadequate to cater for construction of a modern forensic laboratory, Uganda Police Force headquarters and command centre and accommodation facilities for police officers.

Madam Speaker, residential and non-residential budget for Uganda Police Force is Shs 13 billion. This means that Uganda Police Force will have to stop all constructions for the next 10 years to be able to undertake these initiatives.

A PPP arrangement comes with a heavy burden to the Government as it requires initial payments.

Following the guidance from His Excellency the President on the development of Uganda Police Force infrastructure using Uganda Police Force’s prime land, this mode of financing was preferred since it was budget-neutral. The Regional Forensic Referral Centre and accommodation for police officers are supposed to be prioritised.

The committee observed that the project and the value of the said land, the forensic centre, equipping it, construction of accommodation facilities and the Uganda Police Force headquarters will be covered by the area of land available for swapping, which is 60 acres. For the Regional Forensic Referral Centre, sequential leasing in parcels of five acres for money invested will be undertaken.

The committee observed that in the contract agreement the 60-acre piece of land shall be used as a mode of per cent for the project.

The committee further observed that in 1996, part of the police land at Naguru was leased to UNAFRI for 99 years to accommodate their staff. However, UNAFRI also went ahead and subleased to YUASA, a car bond and Future Group Ltd for the period of 99 years and Government should, therefore, consider giving out the land in a phased manner.

5.7) Tip Top Investment Company Ltd

Madam Speaker, the committee established that Tip Top Investments (U) Ltd is owned by Tip Top Dubai, which in turn is owned by MCC Capital Limited with shareholding. The committee observed that MCC Capital Limited is registered under Registration No. 2262302 from the Hong Kong Registration Bureau Company as evidenced.

Whereas Master Assets Investments Limited is the guarantor for Tip Top Investments (U) Ltd as detailed in the contract agreement, the committee established that MCC Capital Limited is the entity that is in position to invest in this project with funds contributed by the shareholders. MCC Capital Limited has five shareholders as listed.

Madam Speaker, the following are the committee recommendations;

1. The Minister of Internal Affairs forms a Project Management team through the relevant entity Uganda Police Force tasked to review the contract agreement and ensure that the scope of Regional Forensic Referral Centre including equipment is itemised, cost in order to establish the complete total cost of the project, that includes designing, building and equipping a modern forensic facility, construction of 1,OOO units of staff accommodation and construction of Uganda Police Force headquarters.
2. The Project Management Team oversees the implementation of the project to its satisfactory completion.
3. The implementation of the project, the design, construction and equipping of the Regional Forensic Referral Centre of Excellence takes precedence to ensure its timely realisation due to the risk of losing the opportunity to host such a unique capability in East African Community and Sub-Saharan Africa.
4. MCC Capital Limited issues an on-demand bank guarantee as opposed to an on-demand performance bond by a reputable insurance company since the committee could not obtain the audited financial statements for the past three years.
5. Government be given a go ahead to lease in a phased manner according to construction works accomplished on the land in Naguru as payment to Tip Top Investments (U) Ltd.
6. The initial advance payment of 10 acres should be given to Tip Top Investments Limited based on a probationary five-year lease and only converted to 49 years after a commensurate amount of work is done.

Conclusion

Madam Speaker, it is our view that the recommendations contained in this report be adopted. Allow me appreciate the contribution of members of the Committee on Defence and Internal Affairs and the technical staff in the production of this report. I request that this report be considered by this House and recommendations therein adopted. I beg to move.

**THE SPEAKER:** Thank you very much, honourable member. One, I would like to just get justification from the honourable member. You have presented a report; do you stand by the content? Did you attend all the meetings? And why didn’t you sign?

**MR MUHEIRWE:** Madam Speaker, I attended all the meetings and contributed and read through the report. When we went for the real production of the final copy, I was on another committee engagement and I could not append my signature. However, I can sign since I am around, Madam Speaker.

**THE SPEAKER:** No, I just wanted to know that you own the report.

**MR MUHEIRWE:** I own the report and I am always on the majority. I have been informed that there is a minority report as it has been the practice by hon. Muwanga Kivimbi and the House should expect it.

Madam Speaker, allow me to lay the report on the Table officially.

**THE SPEAKER:** Thank you very much. I hope the minutes and the report will come later. Honourable member, let it be recorded that the Chairperson and vice chairperson of the committee were not available and hon. Muheirwe presented the report and stands by it. Can we now invite the owners of the minority report?

5.06

**MR MOHAMMAD MUWANGA KIVUMBI (DP, Butambala County, Butambala):** I thank you, Madam Speaker. It is not a practice but our noble and patriotical obligation and we do not enjoy it.

Madam Speaker, the background is as stated by the majority report and I will not go into that. I will straight away go to areas of dissent;

1. a) The committee did not address itself on the legal capacities of the parties involved to enter the agreement that binds Uganda.
2. The committee erred when it failed to scrutinise the adequacy of the performance support guarantees

c) The committee erred in law and facts when it failed to discover the unscrupulous attempt by Tip Top Investments Ltd to obtain land by circumventing the laid down procedures.

d) The committee erred when it came to the conclusion that the tripartite agreement in respect of design, construction and equipping the Regional Forensic Referral Centre of Excellence includes the construction of Police Headquarters and accommodation of officers, which was a basis of no objections from Uganda Land Commission, which is not the case.

e) The committee did not address itself to the illegality in the proposed models of funding this project. I would like to note that the minority report agrees with the recommendations made by the East African Community Chiefs of Police to establish a regional forensic referral centre of excellence in Uganda for purposes of forensic expertise, quality control and standardisation of forensic service providers, certification of forensic experts, training research and strengthening of forensic services in the region.

Therefore, we agree with the need; the purpose of a forensic laboratory cannot be underestimated and there cannot be any debate about it.

The minority report disagrees with the committee on the legal capacities of the parties involved, failure to follow applicable laws, and the scope of the agreement *vis-à-vis* the mode of payments as established below.

Lack of the Legal Capacity of the Parties to Enter Into the Tripartite Agreement

The parties to this agreement do not have the legal capacity to enter the tripartite agreement according to the laws of Uganda. The tripartite agreement was entered into by Uganda Police Force (UPF), Uganda Land Commission (ULC) and Tip Top Investments Ltd with the performance support guarantee executed by Master Assets Investment Limited in favour of Uganda Police Force and Uganda Land Commission. In accordance with the Constitution of Uganda, there is no person or entity of Government that has the legal capacity to enter into any agreement or contract to which the Government is party without the legal advice from the Attorney-General. The interactions held by the committee between Uganda Police Force and Uganda Land Commission do not indicate whatsoever that the Attorney-General was ever involved in this transaction.

Article ll9(4)(b) of the Constitution of the Republic of Uganda instructs the Attorney-General to draw and peruse agreements, contracts, treaties, conventions and documents by whatever name called, to which the Government is a party or in respect of which the Government has an interest. A close look at the agreement does not indicate that it was perused by the Attorney-General or his officers or that they were responsible for drawing it.

It was entered into by parties without legal capacity to enter such agreement. Uganda Police Force has no capacity to enter any agreement of a commercial nature that binds the country without the Attorney-General as a party. Therefore, this agreement is illegal *ab initio*, hence null and void. We do not have any document whatsoever on record that shows that the Attorney-General Okayed this agreement. It is not anywhere.

Recommendation

This agreement, being illegal, is null and void and cannot therefore be sanctioned by Parliament.

Void Performance Support Guarantees

The Performance Support Guarantee purported to have been executed on 24 April 20l8 by Masters Assets Investment Ltd to Uganda Police Force and Uganda Land Commission was laid on the Table by the Minister of State for Internal Affairs, hon. Obiga Kania, on l8 September 2018. It was never signed by the director of the Guarantor. There is one signature of Mr Wong Cho Yiu Thomson, the director of a company not mentioned, who signs as a witness, without the guarantor signing. This is really a very big case.

Secondly, the Performance Support Guarantee never gave the address of Masters Assets Investment Ltd, a company purported to be incorporated in the British Virgin Islands. The committee was never availed with the certificate of incorporation by the guarantor. No articles and memorandum of association were ever availed to the committee. There was no proof of the legal personality of this guarantor.

The committee did not pay attention to what would happen if this transaction is sanctioned and if Tip Top fails to perform the contract and the Performance Support Guarantee turned out to be fake. Failure to sign the Performance Support Guarantee by the executor goes to the root of the agreement. This is an indication that this transaction is not secured at all.

Recommendation

This tripartite agreement without a valid performance support guarantee cannot stand and should be rejected by Parliament.

Unscrupulous Attempt by Tip Top Investments Limited to Obtain Land by Circumventing the Laid Down Procedures

Uganda Police Force does not own any piece of land in its own name. The land in Naguru is registered under the proprietorship of Uganda Land Commission. Uganda Police Force is encumbered in the land title as the user of the said land. The appropriate body to enter a lease with Tip Top Investments Ltd is the Uganda Land Commission in accordance to section 53 (c) of Uganda Land Act, Cap 227 and Section l0l of Registration of Titles Act, Cap 230.

Section l0l of Registration of Titles Act states thus: *“The proprietor of any freehold or mailo land under the operation of this Act may, subject to any law or agreement for the time being in force, lease that land for any term exceeding three years by signing a lease of it in the form in the Eighth Schedule to this Act; but no lease subject to a mortgage shall be valid or binding against the mortgageee unless he or she has consented in writing to the lease prior to it being registered.”*

This means that there must be express agreement between Tip Top Investments Ltd and Uganda Land Commission for purposes of leasing the said land and the appropriate procedures should be followed. An agreement for design, build and finance a regional forensic referral centre of excellence cannot be a basis for creation of the lease agreement between Tip Top Investments Ltd and Uganda Land Commission.

The effect of paragraph 4 of the tripartite agreement is intended to circumvent the laid down legal procedures of creating a lease. It states thus:

*“4.1 The effectiveness of this Agreement shall occur upon satisfaction of all the conditions set out in this clause. The effective date shall be a date on which the Uganda Police Force notifies the company that the conditions to effectiveness have been satisfied by the respective party or otherwise waived by the Uganda Police Force;*

*4.1.1 Uganda Police Force obtaining and providing a written undertaking from the Uganda Land Commission giving recognition of this Agreement and undertaking to give the company a 49-year lease to the parcels of the payment land in accordance with the terms of this agreement;*

*4.1.2 The Uganda Police Force obtaining and providing a written undertaking from the Uganda Land Commission that it shall parcel out the payment land in separate parcels of approximately five acres each and hold the certificates of title in readiness for transfer to the company to meet the procedures.”*

Based on the above paragraph, the agreement compels the Uganda Land Commission to lease its land to Tip Top management. It is deduced that Uganda Land Commission was coerced to give out its land to Tip Top Investments Ltd, parcelled in small acreages and transferred to Tip Top Investment Ltd before obtaining a written undertaking to the company.

In the event that this scrupulous arrangement is permitted, the company, after the land has been transferred to them, can transact in the said land in any way they want. As a country, we need to be so cautious and suspicious of the intentions of this agreement. Giving away this prime land in the city basing on agreements that are tainted with ill motives will be a huge loss to the country.

Recommendation

We, therefore, implore Parliament to defer any decision authorising Government to circumvent the laid down legal procedures of leasing this land to investors.

The Tripartite Agreement Excludes Construction of Police Headquarters and Accommodation of Officers

Madam Speaker, this is the heart of this agreement. The committee erred in fact when it came to the conclusion that the tripartite agreement in respect of design, construction and equipping the Regional Forensic Referral Centre of Excellence (RFRCE) covers the construction of police headquarters, accommodation for officers, which was a basis of no objection from the Uganda Land Commission

The committee reports that in April 2017, Ms Tip Top Investment Ltd offered unsolicited expression of interest to lease part of the police land in Naguru for commercial investment in exchange for the development of the police infrastructure. The committee, therefore, reports that the land is to be traded off in exchange for the construction of the following, and the majority report stated this:

a) Regional Forensic Referral Centre, which will be constructed at Shs 72 billion;

b) Equipping a Forensic Referral Centre which will be constructed at Shs 18 billion;

c) Headquarters will be constructed at Shs 36 billion; and

d) Accommodation for offices will be constructed at Shs 54 billion.

The agreement entered into between the Uganda Police Force, the Uganda Land Commission and Tip Top Investments Ltd is restricted to the construction of the ultramodern Forensic Referral Centre and equipment only. I have a copy of that agreement with me here.

Paragraph 5 of the contract states thus: “Parties agreed that the project will involve the company undertaking the designing, building, financing and equipping an ultra-modern Regional Forensic Referral centre with the state-of-the-art technology as well as training UPF human resource in the equipment in accordance with joint plans developed by Uganda Police Force, the company and the equipment as detailed in the scope of the works.”

In the agreement there is the scope of work, which they are supposed to do at each stage and nothing like the building of headquarters is involved. The said agreement does not have any provision to construct either the accommodation for the staff or the headquarters. The company’s obligation is only limited to carrying out the detailed design of the project in accordance with the technical design concepts and perform in accordance with the performance bonds. The contract entered into indicates that the company shall provide design services, labour, materials and the equipment required to undertake, complete, start-up and test the facility.

The agreement describes what the facility shall comprise of. The Regional Forensic Referral Centre facility will be comprised of two major structures with a total build-up area of 14,000 square metres, namely –

(i) Designing and building of the main structure of four wings (A, B, C and D), each with four levels as well as a basement level on wings C and D.

(ii) The adjacent ballistic range will have one level.

The costing of this facility was placed by the ministry as –

(a) Construction of the Regional Forensic Referral Centre at Shs 72 billion; and

(b) Equipping the Forensic Referral Centre at Shs l8 billion.

The value of the work is only Shs 90 billion as per the ministry’s submission. The construction of the headquarters and accommodation for staff are not part of the contract. Suffice to note that even the figures quoted by the ministry and even in the majority report are not anywhere in the agreement and do not form part of the sum that the guarantor is purported to have guaranteed.

The report on page l4 states thus: “UPF wrote to the Uganda Land Commission in September 2017 seeking for ‘no objection’ to lease Naguru land. This was to be done in exchange for the construction of the following:

a) Regional Forensic Referral Centre at Shs 72 billion;

b) Equipping Forensic Referral Centre at Shs 18 billion;

c) Headquarters at Shs 36 billion; and

d) Accommodation for officers at Shs 54 billion.”

These figures are not reflected anywhere in the agreement. Besides, the items listed above were the basis for the Uganda Land Commission to grant a “no objection” yet these figures and scope of work are not part of the contract.

The breakdown of the project cost quoted in the contract in paragraph 9.1.1 under the payment indicates the following:

“9.1.1 In consideration of the execution of the project with all its scope by the company and the remedying of all defects in the works, Uganda Police Force shall pay the company a total sum not exceeding $48,654,277, broken down as follows:

9.1.1.1 The total project costs for the design and build services for the facility are estimated by the bills of quantities totalling to $26.173 million;

9.1.1.2 Specialised fit out of the building totalling to $5.6 million.

9.1.1.3 The cost of the equipment and installations including furniture totalling to $l6.88 million.

9.1.1.4 Costs of provision of operational training, tooling and skilling of UPF human resource in the use of the facility and equipment is included in clause 9.1.l.3.

9.1.1.5 The contract sum of $48.654 million is an estimate. The actual sum shall be determined following the finalisation and revision of the bills of quantities by Ms Tip Top Investment Ltd and the owner’s consultant as approved by the UPF. The contract total sum shall, however, not exceed $48.654 million. In the event of failure by the company and UPF to agree to the final costs of the BOQ, the owner’s consultant estimate shall prevail and be adopted as the final and binding BOQ cost under the agreement.”

Madam Speaker, this is the bone of contention. What is being quoted is a total sum of $48 million, which is equal to Shs 180 billion, to all go towards constructing the ultra-modern forensic referral centre to completion and no money will be left for the construction of the police headquarters and accommodation. That is what the contract says. Regarding the satellite city, those are hallucinations as they are not anywhere in the agreement.

The Government valuer estimated the total value of the 60 acres of land that the company is interested in to be worth Shs 180 billion. It is being traded off to the value of works worth only Shs 90 billion - Shs 72 billion for construction of the building and Shs 18 billion for equipment. That is all the agreement speaks about. That means that we are giving property worth Shs 180 billion in exchange for a value of Shs 90 billion.

In relation to the extract above, where did the committee get the figures quoted in the report? Any other purported explanations outside the provisions of this agreement are just intended to mislead Parliament. Those things that the minister was talking about are not anywhere in the agreement.

I had the privilege, with my colleagues, to attend a meeting with the President in State House over this agreement. When we put these facts to him, he said he was like any other person from the village but the experts would explain.

The attempt to persuade the House with erroneous information, not backed by any evidence, is embarrassing. It is sufficient ground for Parliament to reject this transaction.

The committee did not address itself to the illegal mode of procuring and financing this project. The committee erred in law and in fact when it came to the conclusion that the Public Procurement and Disposal of Public Assets Act, 2003 does not apply to this transaction. The minority opinion is that the Public Procurement and Disposal of Assets Act, 2003 is so central in governing this transaction and was violated.

The agreement signed for the design, construction and equipping of the Regional Forensic Referral Centre of Excellence has two components:

1. Procurement of the ultra-modern regional forensic equipment, works, training and consultancy;
2. The disposal of the land by Uganda Land Commission.

It is our considered opinion that acquiring ultra-modern forensic equipment itself necessitates standalone procurement. This comes within the ambit of the Public Procurement and Disposal of Assets Act, 2003. Section 2(1) of the Act states, *“This Act shall apply to all public procurement and disposal activities and in particular shall apply to…”*

Pages 23 and 24 of this agreement, paragraph 9.1.l, give the details of expected work, which include design and building services for the facility, equipment and installations, including furniture, operational training, tooling and skilling of human resources in the use of the facility. These services contracted bring this contract in the operations of the PPDA Act, 2003, section 2(l)(c), hence a need to apply section 79 of the PPDA Act, 2003.

Section 3 of the PPDA Act, 2003 as amended defines the procuring and disposing entity to be a ministry or government department. Therefore, the Uganda Police Force, being a Government department under the Ministry of Internal Affairs, is bound by the operations of the PPDA Act, 2003.

Before the execution of this agreement to give an award to Tip Top Investment Ltd, a contract that will procure the ultra-modern forensic equipment, build the infrastructure and train Uganda Police officers, section 79 of the said Act should have been applied. The section states thus:

*“A procuring and disposing entity in respect of-*

*(a) each procurement activity shall use any of the methods in sections 80 to 86…*

*and their conditions for use specified in the Fourth Schedule.”*

This contract already assigns the obligation to the Tip Top Investment Ltd to purchase the equipment, design and build the infrastructure and train UPF officers thus already procuring their services and equipment by circumventing the PPDA Act, 2003. This agreement is a raw deal where the contractor designs the project, builds the infrastructure, buys equipment and trains the officers. The company determines the bill of quantities and variations thus causing conflict of interest. This contract violates sections 44 to 49 of the PPDA Act, 2003.

Recommendation

The Ministry of Internal Affairs should follow the Public Procurement and Disposal of Public Assets Act, 2003 while procuring, designing, building and facilitating the installation of the equipment.

The impact of previous similar transactions cannot be underestimated. The majority report was silent on the implications of previous similar transactions that were deliberated upon in the committee. The following transactions were deliberated upon:

a) Illegal Transactions in Part of Naguru Police Barracks Land

Originally, the land at Naguru police headquarters amounted to 138 acres, excluding the road network. Part of this land - 26 acres - was allocated to the United Nations African Institute for the Prevention of Crime and Treatment of Offenders (UNAFRI) for a lease of 49 years. Surprisingly, UNAFRI went ahead to sublease 8.077 acres to car dealers for 99 years, that is, to YUASA and Future Groups Co. Ltd near Jinja Road, Nakawa. This was part of UPF land but see how it is being used.

b) Trade-Off Land at Kitante Grounds

This land was formerly for building hostels for our doctors. It was first given to the Chieftaincy of Military Intelligence (CMI) and later transferred to Sudhir Ruparelia in exchange for a small building as their headquarters in Mbuya. Up to now, that land in Mulago is undeveloped and empty. It was under similar circumstances.

We all know of similar stories of the Shimoni land and Naguru-Nakawa staff quarters land, and Naguru estates. All this land was traded under shoddy arrangements.

Madam Speaker, this brings me to our recommendations.

Recommendations

1. The financing mode of this project has been associated with irregularities. We recommend that it should be rejected by this august House.

2. A better funding method be applied, and we save our prime land from scrupulous land dealers in the ministry. Due to the importance and urgency to have the Regional Forensic Referral Centre hosted in Uganda, a budget of Shs 90 billion should be provided either through a supplementary budget or we borrow but not in exchange for our prime land in Naguru.

Madam Speaker, for those who do not know the land we are talking about, let me give you the geography. It starts from Nakawa and stretches to Spear, where there is vehicle inspection. It goes all the way to Shell and extends to the Police Headquarters.

In addition, Madam Speaker, they are taking away the only emergency runway we have for emergency execution in this city in case of a disaster. We built the one in Kololo and another one in Naguru. The only other runway is at the Kabaka’s palace. Therefore, this city’s defence is left in tatters by this agreement.

When I posed this question to the President he said, “I was not an expert in defence, but Napoleon never went to a military academy” So, how do you quickly evacuate the President or the Speaker in case of a huge disaster? *(Applause)* The only runway where you could land and do a quick evacuation – I do not want to go deep into the security apparatus of this country because it is not in national interest. However, they are building on it and destroying it as Members of Parliament are witnessing. Let this be the occasion to say that Naguru Police Barracks land be developed by the ministry.

Honourable members, the moment we go with this agreement, the entire Naguru Police Barracks will never be there because the other land was taken by UNAFRI. Out of the remaining 65 acres, 60 acres is now going to be given away and we will remain with only five acres where we have the police headquarters. By the way, the dealer is entitled to deal with this land the way he wants. Soon, you will have motor vehicle dealers and warehouses next to the police headquarters.

The Naguru Police Headquarters should be developed and there is need for a Public-Private Partnership (PPP) to be initiated and the procedures enshrined in the Public Private Partnership Act should be followed.

Madam Speaker, it is our considered opinion that the country faces real threat with murders. Let us find the money in another form but let us save this prime land. Shs 90 billion cannot be an exchange for Shs 180 billion. I beg to move. *(Applause)*

**THE SPEAKER:** Thank you very much. Honourable members, yesterday I insisted that the Attorney-General should be here because I have been asking myself whether the Uganda Police Force has *locus standi* to enter into this agreement in the first place. He is not here.

Secondly, yesterday we had medical interns here and one of the reasons they were striking in Kampala was lack of accommodation. Those buildings which used to be for interns near Mulago were casually given away. Now, there is just a fence. The Government gave away the interns’ residences casually and they have nothing and they are being arrested for striking over it.

Now, this is a scandal; you have a lease of 49 years and you lease that land for 99 years! How? Who executed that instrument? How can you give a 99-year sublease on a lease of 49 years? Our Government executed this instrument. What is UNAFRI doing these days? Does anyone know?

**MR OKUPA:** Madam Speaker, after the Member who stood in for the committee chairperson - because the chairperson and vice-chairperson were not here - finished reading the report you asked where the minutes were. Can the minutes of the meetings be laid on the Table? We are waiting.

The other document which I would want the committee to lay on the Table is the due diligence report of the committee. That report speaks volumes. I do not know why the honourable colleague who read the report did not lay that report on the Table. Let that report be laid on the Table by the leadership of the committee.

Madam Speaker, you said the minister and chairperson of the committee came to you and said some information was missing. However, we were surprised when the minister of state in charge of lands came and said the agreement she was privy to had all the four sectors. We do not know who to believe. However, I think the minority report has helped us to understand what is contained and what is not contained in the agreement.

If you even just Google the speciality of the so-called Master Assets company, it does not come near to being forensic-related. It is a Jomayi of sorts. It is a Property Masters of sorts. Its mission is to create, develop, market and operate world class real estate developments in the hospitality, residential, retail and office sectors. That is what it does. For us to be duped that it is going to do wonders - That is why I insist that we get the due diligence report of the committee and we also dwell on who financed the due diligence report.

**THE SPEAKER:** Do you have some papers to lay on the Table, Chairperson? Let her lay on the Table what was missing.

4.47

**THE CHAIRPERSON, COMMITTEE ON DEFENCE AND INTERNAL AFFAIRS (Ms Doreen Amule):** Thank you, Madam Speaker, for giving me the opportunity. First of all, I apologise; I stepped out and I had to reschedule my appointment with my doctor. Following our discussion in the morning, I thought that perhaps I did not have to-

**THE SPEAKER:** Honourable members, do not heckle.

**MS AMULE**: That is a challenge when you grow and leave your brain behind. You can say anything but health is for all of us.

Madam Speaker, I have three things to lay on the Table: the minutes of the committee of different sittings that we had concerning the forensic lab and all other components in it; other documents concerning the investors that are proposed to carry out this project that is*-(Interjections)-* Madam Speaker, I beg to be protected because they want to speak faster than me *-(Interjections)-* Request for procedure through the Speaker.

I have other documents concerning the authenticity of the companies that are proposed to carry out this project, that is, MCC Capital and Tip Top Investment-

**THE SPEAKER:** Give us the source of the documents and the date.

**MS AMULE:** I have certificates of registration for Tip Top Investment; a certificate of conversion from single member company to private company, not being a single member company.

I also have a certificate of conversion. This is from the Registrar of Companies and it is dated 4 September 2017 - Tamale Bernadette *- (Interjections) -* That is what I am reading from the document. This is not my document. We have a certificate of incorporation and it is dated 4 July 2017 by the Registrar of Companies, Kampala.

I also have an amended memorandum of articles of association of Tip Top Investments by the Registrar of Companies, Kampala. It is for Tip Top and they registered under the Registrar of Companies, Kampala, Uganda. We have agreements and there are also-

**THE SPEAKER:** Lay your documents on the Table and sit down.

**MS AMULE:** I beg to lay. Thank you.

**THE SPEAKER:** Allow the chairperson to complete her report.

**MS AMULE:** I have the Certificate of Registration by MCC Capital Limited, Hong Kong *-(Interjections)-* Unfortunately, we are not the same. We have the Certificate of Incorporation and all the documents that accompany it.

Madam Speaker, I also have the reports of the committee that contain both the due diligence report and the major report. I beg to lay.

**THE SPEAKER:** Honourable members, I have looked at the minutes which have been presented but some pages are not there. They are very limited in information and the chairperson did not sign them. Bring the proper minutes. Can I have a look at the agreement itself? I do not even see the agreement.

Honourable members, there is something wrong. I propose that we defer any consideration of this matter until you produce the proper minutes, agreement and report of due diligence, and the Attorney-General should also come here.

Honourable members, join me in welcoming a delegation from Sudan National Defence College, Khartoum, led by Brigadier Abu Talib Mohammed Esa. They are here to observe our proceedings and they are accompanied by our officers from the Uganda Peoples Defence Forces (UPDF). Thank you.

**MR ODONGA OTTO:** Madam Speaker, I seek your guidance. I know that this is the third Parliament under a multiparty dispensation and you are bestowed with a very huge responsibility to help us navigate these waters. However, this is the third time that the same chairperson is bringing a report that is half baked and rejected by this House.

In 2001, I was a Member of Parliament and Members elected their committee chairpersons. However, now we have a situation where the party designates Members. How can you strengthen the institution *vis-à-vis* the compromise between people designated by the party and the high standards you are setting given that you are the President of the Commonwealth Parliamentary Association (CPA).

This is now the fourth time; we had a report on Amuru and Nalufenya by the same chairperson and it was a problem. Today, again it is the same chairperson. Is there a way you can help this House. Even the incident of Arua, where hon. Kyagulanyi was incarcerated –*(Interruption)*

**MS AMULE:** Madam Speaker, I have been a chairperson of the Committee on Defence and Internal Affairs for one year and three months now. This my second time to present a report. I have never had any activity on my table regarding Amuru. If the honourable member sleeps dreaming about Amuru or walks dreaming about Amuru, you should never think of tagging it to me.

Madam Speaker, is it in order for my brother, who is a senior legislator, to wake up and allege – trying to victimise me and cause me to look like I am incompetent, just like he is – and simply say things which I even do not know about?

First of all, I even do not know the report he is talking about because I never signed it as the chairperson and I did not authorise it. Today’s report should be treated as a case of its own. Is it in order for him to rise up and say all that, simply because I was designated as chairperson? Thank you.

**THE SPEAKER:** Honourable members, hon. Amule became chairperson in the Third Session of the Tenth Parliament; so she is not responsible for what happened earlier.

On the issue of whether I designate or not, I think that is a debate we need to complete in this House so that we settle it, once and for all. I am calling upon the Committee on Rules, Privileges and Discipline to quickly do that which we asked them to do on that issue.

**MR ODONGA OTTO:** I would like to say it was a slip of the tongue. I am sorry you were not in any way in charge of Amuru. However, what I meant was Arua and Nalufenya. The reports were marred with irregularities. The chairperson fled and could not even come to the House to present the committee report.

Therefore, Madam Speaker, we need your guidance on how we shall compromise multiparty politics and the strength of the House. That is the guidance I am seeking from you.

**THE SPEAKER:** Honourable members, I have called on the Committee on Rules, Privileges and Discipline to complete an exercise I gave to them so that we can debate it and sort out that issue, once and for all. There is something pending in the committee and I want it quickly. Now, on what point do you rise, hon. Nandala-Mafabi?

**MR NANDALA-MAFABI:** Madam Speaker, you are the President of the Commonwealth Parliamentary Association so –*(Laughter)*– We would like to thank you for your wise ruling.

The guidance I would like to seek is in relation to our reports of the committee. The chairperson and vice-chairperson were not in. The chairperson later came with documents and presented them. I would like to seek guidance on this.

On page 17 of the report, point (iv) says, *“MCC Capital Limited issues an ‘on-demand bank guarantee’ as opposed to an ‘on-demand performance bond’ by a reputable insurance company, since the committee could not obtain the audited financial statements for the past three years.”*

Madam Speaker, she could not get the statements but she has got the certificates of incorporation. Why did she fail to get the audited accounts but managed to get a certificate of incorporation? So –

**THE SPEAKER:** Honourable members, I said we are not proceeding on that issue; so we cannot even debate it by coming through the back. *(Laughter)*

**MR NANDALA-MAFABI:** Madam Speaker, we would like to thank you. That is the reason why I would like to make a proposal that the chairperson should be taken to the Committee on Rules, Privileges and Discipline. She has brought a lot of lies to this House. When she gets up to speak, she only speaks lies. She was putting this House in disrepute and this is very dangerous for this Parliament, Madam Speaker, and yet you are the President of CPA.

**THE SPEAKER:** Honourable members, do not intimidate one another. We have said we are not doing anything on that issue.

**MS OGWAL:** Madam Speaker, I think we should not trivialise this matter and probably make it personal and appear as if the chairperson is the one responsible for all this. We are dealing with a majority report and a minority report. If there are errors with the majority report, all members of that committee must be scrutinised. We must know; did they know or did they not know and why did they not ask questions?

We know that the people who have been involved and have brought Tip Top Investments Ltd at the forefront on this programme are hiding. I think it is high time we exposed these people.

Madam Speaker, we heard the shame which was brought to this House as a result of the same kind of undisciplined behaviour of the Committee on Tourism, Trade and Industry. That was shame brought on the Parliament. It is no longer the sanction of one person. We must look at the totality and composition of that committee and find the way forward, not simply at one person.

It is only unfortunate that the chairperson would simply come and read a report that she does not even believe in. If she believed in the report, she would have been in the House in the first place. So, there is a reason why both the chairperson and vice-chairperson were not there. However, why should they fear?

Madam Speaker, you are now the President of CPA. We must show the whole world and especially the Commonwealth that we are going to promote democracy and fight corruption, starting from here, before you go to sanction and discipline other countries about corruption. Let us show an example here.

We cannot allow this kind of report to be brought to our Parliament and pretend as if we are continuing. We have been told this report is illegal - it did not follow the law. What legitimacy do we have to debate it? We should simply throw it out of the House and start afresh because we have no legal reason upon which we can base our argument.

Madam Speaker, you are going to sanction the whole Commonwealth and please do not shame Uganda. Stand above the waters and let people know that Uganda is serious in the fight against corruption. I thank you. *(Applause)*

**THE SPEAKER:** Honourable members, there are serious issues in those reports, which we cannot simply throw away; they need action. That is why I would like the Attorney-General to come so that he advises us on some of the activities and action that should be taken. If the Uganda Police Force has no *locus standi* to enter in agreement, then it is void. We should hear it from him. If UNAFRI has leased land for 99 years and they have only 49 years, it should be followed up. Who issued the instrument of sublease and how? We should follow that up.

Therefore, let us get the Attorney-General when we return from recess and we handle this issue. We shall issue sanctions where they are supposed to be and then we can throw out the report. However, some of those things are important; we cannot simply throw them away.

**MR MWIRU:** Thank you very much, Madam Speaker. I rise on a procedural point. According to our rules, where there are two reports – a majority and minority report – we are required as Parliament to dispose of one and adopt the other. However, of late, I have a seen a practice where we do not actually dispose of one.

In the current circumstances, for example, where the majority report fails the test of a report within the meaning of our rules and there is a minority report, I am only wondering whether it would not suffice that we adopt the minority –

**THE SPEAKER:** Honourable member, I am alive to the issues you want but there are areas where I would like action. You know, if you simply throw away the other one, you will not take action. There are areas I would like us to address in those reports. I am aware that we have to take a decision but I would like those issues debated here first, we issue sanctions and then we adopt.

**MR NZOGHU:** Thank you, Madam Speaker. I seek your guidance. The main report has fallen short of what a report of Parliament should be and we have a minority report that is superb. (*Laughter*) What happens when the main report is presented on this Floor and it falls short of the standard that Parliament has set? What happens, Madam Speaker?

**THE SPEAKER:** Honourable member, there will be no other report. I want the agreement presented here and I want the report on due diligence before we finish this matter. We just want those documents that are missing before we take action.

**MR KAFUUZI:** Thank you, Madam Speaker. I listened attentively when hon. Muwanga-Kivumbi read his report. He made reference to the various transactions - the leases and others. Wouldn’t it be procedurally prudent that as we wait for the Attorney General, hon. Muwanga-Kivumbi also furnishes us with the documents he has referred to so that we know they are genuine and authentic? He talked of two leases; a lease and a sub-lease. He should lay them on the Table.

**MR MUWANGA-KIVUMBI:** Madam Speaker, all those documents are part of the minutes of the committee. I never even invested a coin in getting them. I just sat in the committee meetings, listened carefully, read the documents presented; that is where the documents are. Just read the report. If the minutes of the committee are quite right and correct, those documents are three. Even each member of the committee has copies of those documents.

**THE SPEAKER:** Yes, Prime Minister, I think you are *– (Laughter)*

6.09

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, we would like to thank you for your good guidance over this matter.

Hon. Kafuuzi, I think it will also be the duty of the Government to assist the Member who has presented the report. If he has referred to any documents regarding this transaction, we should have these documents and should be able to bring them instead of bothering hon. Muwanga-Kivumbi who is not probably familiar with the operations of Government; we will be able to provide them.

**THE SPEAKER:** Can the Minister of Lands, Housing and Urban Development produce for us the sub-lease between UNAFRI and YUASA. What is the name of the second company?

**MR OKUPA:** It is called Tip Top Investment Limited.

**THE SPEAKER:** That agreement should come from the Government.

**MR OKUPA:** Madam Speaker, I thought the minister was also going to tell us who financed the due diligence because we have a report that it was financed by that company.

**MR TAYEBWA:** Madam Speaker, there is a very big problem and this is where I need your guidance; it is in regard to the committee minutes. I have never attended a meeting where we discussed minutes; we discuss reports.

The committee clerk goes and prepares minutes, which are brought here without the committee going back to ascertain what is in the minutes - if I am to go back to corporate governance in the boards on which I sit – I think minutes should first go back to the committee for review to agree whether they are a true record before they are brought here.

However, the practice I know in this Parliament, Madam Speaker –

**THE SPEAKER:** It is not in all committees.

**MR TAYEBWA:** Madam Speaker, you do not sit in committee meetings. Members can tell you the truth; we do not discuss minutes but rather reports. I just wanted to bring it to your attention.

**THE SPEAKER:** Thank you for the information. We shall issue detailed instructions. That is why I rejected those minutes because they did not contain anything other than the names of the attendants.

Let us go to item 8. Item 7 is under caveat. *(Laughter)* Honourable minister, do you have anything to say on item 7?

6.12

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, yesterday, we promised the House to consult with the President over this matter. However, it has not been possible to consult with him but we also did not have the Minister for Works and Transport in the House. I do not know whether it is okay for him to make a case for this particular –

**THE SPEAKER:** The Kampala-Jinja Expressway?

**MR BAHATI:** Yes, on whether he has any more information to give to the House for it to consider this loan because it is a bit urgent for the oil roads. If we tie the two for long, I do not know – but we have not consulted the President and we will be able to do that either tomorrow or Friday.

**THE SPEAKER:** Does the minister have any useful information for this country? (*Laughter*)

6.13

**THE MINISTER OF STATE FOR WORKS AND TRANSPORT (WORKS) (Gen. Katumba Wamala):** Thank you very much, Madam Speaker. There is an explicit instruction that except for railways and electricity for the purpose of controlling costs, the oil and the tourism roads and some aspects of education, health and irrigation are the areas where external borrowing should be entertained.

Accordingly, the President directed that borrowing for the expressway should not be done because there is already a Chinese company, which has offered to do the road. It will be able to meet its expenses on a Build, Operate and Transfer (BOT) mode.

Therefore, in the wisdom of the President, there is no reason for us to borrow money expensively when there is already an offer by a company to do a BOT. That is what we should be following. The President gave us instructions that we should get to the company and negotiate that approach. The Kampala-Jinja Expressway is not shelved. We are looking at the mode of financing the project.

**THE SPEAKER:** Honourable minister, are you aware of how long the people who use that road have been waiting? It is since 2008.

**GEN. KATUMBA:** Madam Speaker, I am at a loss and crossroads when I have instructions from the President to do otherwise. Being a soldier who follows orders –*(Laughter)*- I find it very difficult to defy an order. I would, therefore, request that you allow me lay the communication of the President to the ministry on the Table.

**THE SPEAKER:** Honourable minister, I know you are a very good soldier by the way. However, these Members and I cannot go to Cabinet to speak about this road, our pain and the problems we have. You should take back our message and tell Cabinet there is a problem and ask them to review this matter. That is what we are asking. Are you not able to tell the President that the people from Malaba to Jinja have a problem?

**GEN. KATUMBA:** I have said that the project for Kampala-Jinja Expressway is not shelved. What is being modified is the mode of financing the project. It is not that the project is shelved, no. It is the mode of financing the project. Otherwise, everything remains as is. The studies have already been done, the compensations are on-going and the right of way is being acquired; it is just the mode of financing the project.

**THE SPEAKER:** No other roads in this country will be done. All other roads will come under PPP. Assure us that any other road in the country will come under PPP. Go to the microphone and assure us. *(Laughter)* Yes, if that is a new policy, it should be for the whole country. It cannot just be for the Jinja-Kampala Expressway, no.

6.18

**MS ANN MARIA NANKABIRWA (NRM, Woman Representative, Kyankwanzi):** Thank you, Madam Speaker. I do not want to challenge my President but I have a concern. This type of project where we want to go under Build, Own, Operate and Transfer(BOOT) is not anywhere. BOOT is built on transfer projects. Many of those projects begin, have their agreements reviewed and end in 20 years.

This is a road and many of our roads do not last longer than 10 years. 10 years is even too much. Even when we have used our money, after five years or when they are nearing completion of the road, we begin to do renovations.

Now we want to do the BOOTtype of financing. By the time these people build, own, operate and transfer, what would be the status of the road? Have we put that into consideration? Has the President been assisted and given that technical guidance? Tell me any road in this country that has lasted for 10 years.

This House also needs to be helped to know the types of the BOOT agreement. What are the conditions? How will the road be? What is going to be handed over? Is it not junk?

**THE SPEAKER:** Honourable minister, you remember that when we were enacting the PPP law, we said that Parliament should get involved but they threw us off. Now see -

6.19

**MR WILLIAM NZOGHU (FDC, Busongora County North, Kasese):** Thank you, Madam Speaker. We have two sides in this House and when my colleague, Gen. Katumba has spoken, it is befitting that you also give this side a chance for the shadow minister to speak and reply to what the minister has said.

**THE SPEAKER:** The shadow minister -

**MR NZOGHU:** Thank you, Madam Speaker. Build and operate means it will be road tolling. There are many roads that have been constructed in this country. The one going to Mbarara has no road toll. Roads to other directions have no road toll. Why the east yet all the people who use the eastern, western and northern routes are Ugandans and are taxpayers? However, it is also on record that the people on the eastern route are the poorest.

Madam Speaker, it would be fair that the build and operate be installed for Mbarara because they are the people with money.

Therefore, I would like to seek clarification from the honourable minister:

1. It is the mandate of Parliament to scrutinise borrowing agreements that Government enters into. Therefore, what the honourable minister should be clarifying to this House is when that undertaking is going to commence.
2. What are the other terms apart from road tolling?
3. The honourable minister is aware that there are still issues on the Entebbe Expressway yet it was one of the most expensive roads. Why should we get into more trouble when we know that there is already something bad regarding the Entebbe Expressway?

**THE SPEAKER:** Honourable members, we were told that, that road is a toll road. We made the law and did our part but nothing is happening. The law is in place but nothing is happening.

**GEN. KATUMBA:** Thank you very much, Madam Speaker. Let me make these clarifications. First of all, Entebbe Road is supposed to be a toll road. However, we delayed passing the Road Bill, which would give authority to do the tolling.

The Bill has been passed and has already been assented to so it is now an Act. Therefore, the contract for operations and maintenance is already underway and very soon, Entebbe Road will be a toll road.

Two, about tolling the eastern route only, Busega-Mpigi Road is going to be a toll road *- (Interruption)*

**MR ODONGA OTTO:** We took a loan, as a country, to work on the Entebbe Express Highway. I do not remember the figures but it was around Shs 870 billion. Even a person in Pader or Arua is paying for the loan already; even those who will never travel to Kampala in their lives.

We are again having a road toll for only those who can afford to use the road. Doesn’t that amount to segregation, apartheid and double taxation because the man who will never step in Kampala will be repaying the loan? Therefore, can the minister tell us what they are talking about in Cabinet? This is basic common sense.

6.25

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, there are two issues here. The first one is, we came and informed the House of what His Excellency the President has decided. We have requested that we go back and consult with him about this particular road; the Kampala-Jinja Expressway on whether, in the opinion of the House, we should borrow for it.

The question has been, are we building this road? Yes, we are building it but we have a different method of financing, which you are disagreeing with. Therefore, we are going back to talk to His Excellency the President and express the concerns of Parliament and then we will come back and report.

The other issue is, on the other side, we have this loan for the Albertine roads, which are important to bring the oil out. The committee visited this area and saw the progress being made.

Madam Speaker, we also have a request to you and to the House; would it be possible - and I know that we have the capacity, as a House, to handle these two issues concurrently - to consider the loans as we also consider the issue of the Jinja-Kampala Expressway in terms of loans?

Madam Speaker, the sanctions have come too soon before we even make a case. If you can allow us to go with the roads in the Albertine Region for the oil, then we also *–(Interruption)*

**MR MWIRU:** Madam Speaker and colleagues, the information I would like to give to the minister is that even before Parliament approves these loans, they have already spent the money. Hence, you are just seeking for retrospective approval, according to the information I have. Therefore, our approval of the loan is just moot because you have already spent part of that money.

**MR BAHATI:** Madam Speaker, we do not know whether the House can consider our request; that we handle these two issues concurrently. We should approve the loan for the oil roads because it is important to have them constructed so as to bring the oil out. We should also handle the issue of Jinja; the financing mode of the Kampala-Jinja Expressway within a specific time. You can give us time to handle this issue, Madam Speaker.

**THE SPEAKER:** Are you going to bring out the oil in the next one month? Is the oil coming out in the next one month?

**MR BAHATI:** Madam Speaker, the oil is not coming out in one month but the contractors are on-going and they need funding. This is our request but regarding the consultation, we are going to do that and come back to you.

6.28

**THE LEADER OF THE OPPOSITION (Ms Betty Aol):** Madam Speaker, it is very frustrating to hear the minister say that they just take orders without advising the President.

I believe that ministers should advise the President. That is just one person and cannot decide on everything; that is why Parliament is above him. For the honourable Minister of Works and Transport to say that he takes orders – that is why some time back, we said active soldiers should not be part of the Front Bench as ministers. This is because that equates to being partisan; they cannot even advise the President. Yes, that is true.

Secondly, we do not want to be rubberstamps. If you want to come to Parliament to make decisions on something, at least, let it be that you have not yet taken decisions to use – if you use part of the money and come to Parliament to approve that money, then, you are making Parliament a rubberstamp. You are asking for a loan, which you have already spent and you want us to make decisions and yet you have already started spending the money. Is that fair?

Besides, the Minister of Works and Transport should take note that some of these roads are a disservice to the country, while we spend too much compared to other countries. I do not know what a unit cost of our roads is. It looks like our roads are very expensive. We overburden the people and yet within a very short time, these roads need renovation.

Minister of Works and Transport, please, take note that there should be value for money. Do not just tell us that you have constructed good roads and within two to three years, you notice a lot of potholes already developing on them. This is bad for the country.

Please, let us work, as a country – we should not think that everything must be decided by the President. It is completely wrong; so, help the President. That is why you bring certain things and say, “it is order from above.” We do not want this “order from above.” It must stop. Thank you.

6.31

**MS SYDA BBUMBA (NRM, Nakaseke North County, Nakaseke):** Thank you very much, Madam Speaker. If there is an important road in this country, it is Jinja Road followed by Entebbe Road. Jinja Road is our umbilical cord to the rest of the world and hence the need to expeditiously have it constructed.

We should also look for the least expensive money to finance that road. If it is expensive, the cost of production in this country will be high. We are competing for markets in East Africa and elsewhere. Our products will not compete as long as transport, which is one of the inputs of being a landlocked country, is expensed.

Madam Speaker, this road should have been constructed yesterday. When I left the Ministry of Finance, Planning and Economic Development nine years ago, this road was on top of the agenda. It was already on the planning table. I do not know why it has taken this long to have it constructed. What is important now is to find ways of expeditiously getting this road constructed. In the meantime, as we construct that road, let us also have the existing public one rehabilitated.

From my experience, when you start negotiating for money and it is a direct loan such as a public loan like borrowing from the World Bank and the African Development Bank, it takes a minimum of five years to touch the first dollar. The Arab funds are slightly better because those take about three to four years to have the money. Three years or even five is a long time.

Can we find money to construct the Jinja Road quickly, Madam Speaker? The most important thing is that construction must be cheap. It must not be inflated, like they say the Entebbe Expressway is very expensive. This must be an un-expensive road.

If we are to look for ways of funding this road, one of the ways would be to involve the private sector because they push - they want their money to start earning quickly, especially on a road like this, which has got the highest internal rate of return among the roads in the country. Madam Speaker, when we are debating here, let us look for those ways of delivering the road quickly and cheaply.

On the oil roads, the two are not competing. They are a pre-requisite to getting the oil from the ground because the equipment, which is going to be used to get the oil from the ground, requires the kinds of roads that are covered under this request. These big ridges cannot pass on the system roads and hence the need to move the two in parallel; of course, with the Jinja Road taken to be more important than the oil roads. Nevertheless, the two should move parallel.

The other important thing about the oil roads is that it is one of those means of generating the money to repay the loans. If we got a loan for the Entebbe Express Highway, one of the ways of generating the repayment will be from the oil.

Madam Speaker, I totally agree with those that are saying that Jinja Road should be constructed as soon as yesterday *–(Interjection)-* I have suggested that involving the private sector would be one of the fastest ways to deliver the road.

**MR SABIITI:** Thank you, Madam Speaker. This is just information. Before you get a final investment decision on this oil - which we have not yet made – you will take a minimum of three years to begin pumping out the first barrel. You cannot pump out oil because we do not have storage. The moment you have not built the pipeline and refinery, which takes about three years and that is after an investment decision has been made, there is nothing - even if you construct these roads, you are still not going to pump that oil out of the ground because you do not have the storage. Thank you.

**THE SPEAKER:** Honourable members, the idea that we need to get the oil, the oil is far. It will be another seven years before we get oil. Let us deal with the roads of Jinja first.

6.38

**MR THOMAS TAYEBWA (NRM, Ruhinda North County, Mitooma):** Thank you, Madam Speaker. In relation to what the Chairperson of the Committee on National Economy, hon. Syda Bbumba has said, on 5 November 2018, the African Development Bank released this statement. It is an open statement, you just google it and it is on the website of the African Development Bank. It reads: “The Board of African Development Bank on 31 October 2018, sad approved a loan of $400 million together with the European Union and the Agence Française Development (AFD).” They already approved $400 million for the Kampala-Jinja Expressway.

Chairperson Committee on National Economy, issues of five years will not arise here. After approving this, the procurement goes on and you pay money to the International Finance Corporation (IFC) of the World Bank to start procurement. They did all the procurement and they shortlisted four consortium.

After shortlisting four consortiums, some people through the backdoor, reached the President after they failed to qualify; to meet the standards of doing a good road, they pass behind and meet the President and say, we can get money but they do not discuss quality. They only discuss money because they failed on quality standards.

I would like to inform you that if you are going to get these people – for example, they have not said how much they are going to charge. What if they say that they are going to charge Shs 1.4 billion? If we have been saying that we are begging the Chinese to give us this little money; these people are saying that they are going to raise all the money but from where? These are delaying tactics and people who want a document. After getting the document, they start vending it around. I can assure you that these people will never construct this road.

Finally, Madam Speaker, concerning the oil roads, many issues are to do with the oil roads. You are doing the feed; that is front end and engineering designs for the refinery. You have already finished the feed for the pipeline and you are now going on the final investment decision for both the oil pipeline and the refinery, which will be coming later.

If you do not do the oil roads now, how are these people going to make the final investment decisions? If you say, when will the oil come out but these people need to bring in very heavy equipment that needs very serious roads. Therefore, you are going to frustrate the oil sector.

**THE SPEAKER:** Are they going to bring that machinery in one month? Please, we are not fools. We have not said no but we are saying that we want answers about the Jinja-Kampala Express Way and it is on the Order Paper. We want answers first.

**MS ANN MARIA NANKABIRWA:** Thank you, Madam Speaker. I share all the sentiments on the eastern route because today, it is the backbone of our trade and the income of Uganda. However, I also feel the two are not competing. The eastern route is not competing with the oil roads once we agree to prioritise and understand the importance of the eastern route.

Having said that, when the honourable minister said that they are going back for consultation with the President over the Kampala-Jinja Express Road - on the issue of the Exim loan for the oil, if you can answer now, well and good. As Kyankwanzi District, we have written our concern to the Minister of Finance, Planning and Economic Development to explain why they left out sections of the roads because the same sections are undertaken by the Uganda National Roads Authority (UNRA) that end in Bunyoro, Gayaza and Kakumiro. However, this other portion was cut off from Kyankwanzi.

When we raised it to hon. Matia Kasaija, he told me that it is because they were considering areas where there were oil wells. I called for the map and asked him, which oil well is in Kakumiro District? He said, “No, it is because of the export route.” I said fine; can we look at the pipelines? It is only Kyankwanzi District that will have two pipelines cut through the district; the export pipeline and the refinery pipeline. Here we are, cutting off the sections of the roads, which have been always catered for by UNRA.

Is it not procedurally right since we are now going to consider the loans and since these portions had been cut off by the consultancy and now an error was identified as we have been informed and we have requested the Prime Minister so that they also amend? Wouldn’t it be the right time so that sections of roads from Masodde-Nkouko-Kakumiro-Nalweyo from Bukwiri to Kyenda-Byerima are also reconsidered?

**THE SPEAKER:** Honourable, you are going into the debate of the loan. You will raise those issues when the report is presented and you can speak to it.

6.44

**MR GAFFA MBWATEKAMWA (NRM, Kasambya County, Mubende):** Thank you very much, Madam Speaker. I have been struggling to catch your eye. I think we woul have gotte as far back as two years ago with the Jinja Expressway. The challenge we have in Uganda is that many people have lead cars and they do not mind about us; how we suffer with the traffic jam. A journey that would have taken you less than 30 minutes from Kampala to Jinja takes five to eight hours.

When going to Jinja, I prefer going through the Gayaza- Kayunga Road. Therefore, I think that oil roads are very important. Since the honourable minister has brought a proposal, can you hurry and go to Cabinet and we also make sure that this road is considered immediately. I thank you.

6.44

**MR PAUL MWIRU** **(FDC, Jinja Municipality East, Jinja):** Thank you very much, Madam Speaker. We need to contextualise the debate. The issue is not about the construction of the oil roads or the Jinja Expressway but we must agree that there must be construction.

The issue is the source of funding; people want to have deals on the Jinja Expresway that is why they want to settle for that model. You cannot go to Hoima and you find money for 363 kilometres in one place and you say that you cannot find money for a 75-kilometres road and you want us to gamble. This is what we are saying.

We are putting hon. Bahati on halt so that the minister, who fears the General because he is a soldier, goes back and advises the appointing authority in his capacity as a Minister of Works and Transport, on what is tenable. Thank you.

6.46

**MR SILAS AOGON (Independent, Kumi Municipality, Kumi):** Thank you, Madam Speaker. On behalf of the Independents who are in the House, I would like to give an independent opinion about this matter - *(Laughter).*

It is such a long time. We have waited for the road, which has never come. If you study the east, you do not see any good road except the road from Jinja to Iganga. *(Interjection)* The rest are just bumpy. It is supposed to be the Greater North Road but it is not a great road at all. Minister, I would like to take you there and so that you see what I am talking about. When are we getting a road that befits the wise men from the east? How are we wise with these bumpy roads?

Away from that, this is a national issue. We do not want to debate this matter with a lot of sentiments. Let us look at Uganda as a country within common borders. Oil roads are oil roads but also the expressway is within Uganda. The issue is that we are one but it is the right time for us to think about the Jinja Expressway. Let us get money.

I demand for the status of any loan to do with the Jinja Expressway. People are saying that there was something before; what happened? How much money was borrowed? Where is that money?

If it was not borrowed, we need a loan now that is clearly for the Jinja Expressway without anybody telling us stories. If the rest of the country has benefitted, why not us? This is so strategic that it needs attention from every corner of this country.

We also talked about the Standard Gauge Railway (SGR), which is also supposed to pass there. What went wrong with the SGR? What is wrong with this part of the country that everything that passes around there is not happening? It is very disturbing, spiritually and physically.

**THE SPEAKER:** Honourable members, hon. Tayebwa has said something which caught my ears; that we took a loan for the Jinja Expressway. He said he was doing a Google search on it –

**MR TAYEBWA:** What I said, Madam Speaker, was that on 31 October 2018 – I am reading from the website of the African Development Bank (ADB) and anyone can Google. The statement says, *“…Approved by the board of the African Development Bank on Wednesday, 31 October 2018, the loan supports the Government’s Vision 2040 agenda. It will co-finance, with the European Union and AFD 400 million, which will pave the way for private sector financing of the remaining 800 million.”*

What they meant was that part of the money comes as a loan and the rest of the money is raised by the private sector. The procurement that has been going on was based on that.

Four consortiums were pre-qualified by the IFC of the World Bank, which was contracted by the Government of Uganda. In the middle of it all, as they were about to bring financial bids, someone went behind and said, “No, give it to me directly.”

This of course means that you lose a sense of competition. The standards for the IFC were extremely high. The kind of quality they had designed was very high; that is why these *kwarakwara* companies could not compete.

Around 42 companies applied and only four consortiums were approved, most of them European. Because they were European and one Chinese in the consortium – UNRA made it open – they went behind the ones that failed in the bidding process and lobbied quietly. They found their way and they are now frustrating the whole process.

What this means is that a procurement process which was going to, for example, end in the next two months, is now going to go back. These companies had invested money in designs. We have paid IFC millions of dollars to work on this procurement and we come and frustrate our own process? What are we going to tell the World Bank and the international community? The people who came in here and invested heavily? Now you come and tell them that you have cancelled for one Chinese who lobbied?

**THE SPEAKER:** Isn’t that the information the President of this country should get? *(Interjections)*

6.52

**MR JAMES KABERUKA (NRM, Kinkizi County West, Kanungu):** I seek your indulgence, Madam Speaker. At this point in time, having gotten this information, it is important to – these ministers in the jaws are also cordoned and they need to get out of that. We need to direct these ministers to go and explore that information and utilise it. We are otherwise backtracking. We are starting to –

**MR OKUPA:** Thank you, Madam Speaker. Hon. Kaberuka, it is not that the ministers do not have this information. They know.

The biggest shareholders of the World Bank were here. They went with them to Entebbe. As the chairperson of the Parliamentary Forum for the World Bank, we attended the reception, together with hon. Syda Bbumba. We were here at Serena with a team that came from the World Bank – the biggest shareholders, with 51 per cent shareholding. They wanted to finance the road. It is, therefore, not true that the ministers do not have this information.

I was seated with the finance minister in that reception. It is not true that they do not know. They have this information. Whatever is making them behave that way is what hon. Tayebwa could possibly –

**MR KABERUKA:** Madam Speaker, I think since we have a loan on the Table about the oil, can they also explore and bring both concurrently and we pass them at once? We should pass the Jinja Expressway and the oil roads at once; that would make sense because they are both important for this country.

Madam Speaker, I sit on the Committee for East African Community Affairs and the issue is, while the roads in Kenya are well made, when they arrive here, they get problems. So, cross-border trade is being hampered by our poor roads.

I, therefore, pray that they go back, organise in-house and bring a loan for two and we pass it. *(Applause)*

**MR MUKITALE:** Madam Speaker, yesterday, I volunteered information, possibly slightly more diplomatic than the information we have just heard from the honourable member.

I cautioned Parliament yesterday to avoid being hostage of economic hit-men. When they do their deals, they succeed to put them on the Cabinet Order Paper and they translate into what you are going to see in Parliament. Some of us discuss with a lot of energy without knowing the deals behind.

I said that the transport ministry and UNRA had gone through a due process of handling that road. I even volunteered to give information on what happened when I was chairperson of the Committee on National Economy.

At one time, hon. Byabagambi – I told him yesterday to his face – he opposed what hon. Byandala had procured and his was also stopped by others. We have seen junior ministers stopping senior ministers - *(Laughter)* - like it was in the case of the Buliisa Road nine years ago. Nine years after, we are talking about oil roads.

Can I request – because the President is the constitutional finance minister – if he has decided that he wants us to go the PPP way, as Parliament, we are also constitutionally mandated to appropriate. We are responsible for the budget. We are also responsible for committing the country into debt. What we can do as Parliament is to demand the Ministry of Finance, Planning and Economic Development to bring here the financing mix, in terms of what comes through a loan and what comes through a PPP.

The Government should also immediately come here and present the lineup of the PPPs because the experience we have is that the previous PPPs were badly negotiated. A build, own and transfer is just one of the hybrids of the many PPPs. Yesterday the minister requested that the Minister of Energy and Mineral Development be allowed to come and present on what is happening in the oil industry.

It is a hybrid PPP. Parliament does not know what is happening in that industry. We are jumping to discuss taxes and workers but we are not discussing local content and many other things which we are responsible for.

Madam Speaker, the economic hitman will be very happy if in this panic the President orders either one Chinese company, through PPP or a borrowing. That is how the economic hitmen hit us. They cause the chaos – the roads were delayed for 12 years and now we have to do them in a difficult way. They cause that panic. They suffocate all other sources of funding and then come as a solution at a very expensive cost and at that time you would not have done due diligence or looked at other alternatives.

Somebody is laughing out there, saying, “Look at them. I am about to hit them.” Therefore, you cause a stampede at the Ministry of Finance, Planning and Economic Development and Ministry of Works and Transport and they say, “Let us have a contractor.” The same PPP you saw the other day at Serena – without you attending – has been given a contract to construct the Jinja Expressway because of your pressure.

Can Parliament play its role, through its committees in this scrutiny and the best way is to get a presentation next week from the ministries in charge of finance and works on the progress of all the works and what stopped that ADB funding, the earlier EXIM Bank funding and what has been stopping all these proposals, which almost reached maturity stage but they got stillbirths - before we jump on this excitement - I can take a clarification from the shadow minister *– (Interruption)*

**MR NZOGHU:** Thank you, Madam Speaker. The clarification I would like hon. Mukitale to abreast us with is, we are specifically talking about the Jinja Expressway. In the event that there may be many projects that this Government has undertaken, right now our concern is about the Jinja Expressway. Therefore, can the honourable member guide this House about this particular project of Jinja Express Highway and do away with the general debate about the various loans?

**THE SPEAKER:** Honourable members, I would like to propose that we set up a committee with all the information to go and have a meeting with the President – together with the ministers. It is not going to be a select committee; we want them to go and talk about the road – oil roads will come but we also need roads and equity.

7.00

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, in our opinion, we can first pursue what we have been pursuing in the next two days. I do not know whether at this stage it is necessary to have a committee of Parliament when we have not exhausted - for example, the President already has the information, which hon. Tayebwa has given the House and he even has more than that. I think what you are suggesting is the difference between his proposed mode of financing and what the House prefers.

Therefore, we could go back and tell the President that the House is very strong about the Jinja Expressway and if we think it is important to give further reinforcement, then that would be the time to do that. However, together with my colleagues, we are going to reach out to the President and relay the position of the House.

Madam Speaker, you can even reach out to the President about this matter *– (Interjection) -* but we are going to do it as the Executive and find a solution.

Therefore, on behalf of the Executive – sitting in for the Prime Minister – allow us to go back, put our house in order and come back to Parliament. *(Applause)*

**THE SPEAKER:** When can you report to us? This is urgent.

**MR BAHATI:** Madam Speaker, next week we could be able but I think we shall be on recess.

**THE SPEAKER:** The Speaker’s office is open whether it is time for recess or not.

**MR BAHATI:** Therefore, next week we will come back and brief the Speaker.

**THE SPEAKER:** Honourable members, House is adjourned until tomorrow at 2 O’clock in the afternoon.

*(The House rose at 7.03 p.m. and adjourned until Thursday, 3 October 2019 at 2.00 p.m.)*