**Tuesday, 10 May 2016**

*Parliament met at 1.36 p.m. in Parliament House, Kampala.*

PRAYERS

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

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE SPEAKER:** Honourable members, I welcome you to this morning’s sitting. We should have started at midday but as we are closing Parliament, there are many things that we have to complete. That is why we delayed.

However, let me see whether we can hurry through what is remaining between today and tomorrow, when we dissolve Parliament in the evening.

I will be adjusting the Order Paper to bring up item 7, because we had wanted to handle it last week. Therefore, we shall move it forward so that the Minister of Health can present the second reading of the Uganda Heart Institute Bill. Thank you.

MINISTERIAL STATEMENT ON THE EXTERNALISATION OF LABOUR

**THE SPEAKER:** Is the Minister of Gender, Labour and Social Affairs here? He is absent. Okay, let us go to the item 3 (b).

MINISTERIAL STATEMENT ON THE DECISION TO STOP RESETTLEMENT OF BUDUDA LANDSLIDES SURVIVORS AND RESETTLEMENT OF OVER 100,000 PEOPLE AT RISK OF LANDSLIDES

**THE SPEAKER:** Is the Minister of State for Disaster Preparedness and Refugees here? He is also absent.

LAYING OF PAPERS

REQUEST TO PARLIAMENT TO BORROW UP TO US $ 11.5M FROM THE ARAB BANK FOR ECONOMIC DEVELOPMENT IN AFRICA (BADEA) AND US $ 11.5M FROM THE OPEC FUND FOR INTERNATIONAL DEVELOPMENT (OFID) TO SUPPORT THE UPGRADING OF LUWERO – BUTALANGU ROAD PROJECT

1.39

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, I would like to apologize and request that you give me five minutes. Due to the things that we have been involved in, I have not yet got the papers. Let me wait.

**THE SPEAKER:** Okay. Let us defer it for a few minutes.

REPORT OF THE HUMAN RIGHTS COMMITTEE ON THE 16TH ANNUAL REPORT OF THE UGANDA HUMAN RIGHTS COMMISSION

1.40

**THE CHAIRPERSON, COMMITTEE ON HUMAN RIGHTS** **(Ms Safia Nalule):** Madam Speaker, I would like to lay the report of the Human Rights Committee on the 16th Annual Report of the Uganda Human Rights Commission on the Table.

**THE SPEAKER:** Thank you very much, hon. Safia Nalule. Honourable members, as I indicated last week, the House will be dissolved tomorrow. Therefore, the report will be considered by the Committee on Human Rights of the Tenth Parliament. Thank you.

MOTION TO INTRODUCE A PRIVATE MEMBER’S BILL (POLYTHENE REGULATION BILL)

**THE SPEAKER:** Hon. Ken-Lukyamuzi is absent.

MOTION FOR RECONSIDERATION OF THE EXCISE DUTY (AMENDMENT) BILL, 2016

**THE SPEAKER:** I think the minister is still out. Let us go to the next item 7.

BILLS

SECOND READING

THE UGANDA HEART INSTITUTE BILL, 2015

1.41

**THE MINISTER OF HEALTH (Dr Elioda Tumwesigye):** Madam Speaker, I beg to move that the Bill entitled, “The Uganda Heart Institute Bill, 2015” be read the second time.

**THE SPEAKER:** Is it seconded?

**DR TUMWESIGYE:** Second time.

**THE SPEAKER:** I am asking whether there are seconders to your motion. Honourable ministers - yes, it has been seconded. What is your justification?

**DR TUMWESIGYE:** Madam Speaker, the Uganda Heart Institute Limited was administratively established in 1988 with Makerere University, Mulago Hospital, the Minister of Health and the Uganda Heart Foundation as the founding members.

It was subsequently incorporated as a company limited by guarantee under the Companies Act, with memorandum and articles of association duly signed and registered as required by the Companies Act of 2001.

The memorandum and articles established the board of trustees as the governing body. However, consequent to that, the Auditor-General’s report on financial statements for the year ended 2010 and subsequent ones established that the Uganda Heart Institute cannot operate as it were.

There were also a number of resolutions of Parliament that the Uganda Heart Institute should be established under the law. Subsequently, we gave it a vote, but nonetheless, we feel that the Uganda Heart Institute needs to be given autonomy to be able to fulfil its mandate of ensuring good, healthy hearts among Ugandans. Therefore, we came up with a Bill for establishment of the Uganda Heart Institute as an autonomous body.

**THE SPEAKER:** Honourable members, I believe our committee has had the opportunity to study the Bill. Can I invite the chairperson?

1.44

**THE CHAIRPERSON, COMMITTEE ON HEALTH (Dr Medard Bitekyerezo):** Madam Speaker, this is a Report of the Committee on Health on the Uganda Heart Institute Bill, 2015.

The Uganda Heart Institute Bill, 2015 was read for the first time on 7 July 2016 and it was referred to the Committee on Health in accordance with rules 117 and 118 of our Rules of Procedure for scrutiny.

In scrutinising the Bill, the committee was guided by Rule 118 of the Rules of Procedure of Parliament and hereby present its findings and recommendations. But before I present our recommendations and observations, I would like to say that we used two methods to gather data on suitability of this Bill and these were: we conducted public hearings and received views from the following stakeholders, Madam Speaker -

**THE SPEAKER:** Chairperson of the committee, the Members can read those ones. Just go to your observations and the recommendations.

**DR BITEKYEREZO:** Okay, but before I finish, Madam Speaker, let me lay on the Table a copy of the minutes of the meetings we had with stakeholders, together with the original Bill. I beg to lay.

**THE SPEAKER:** Thank you.

**DR BITEKYEREZO:** Madam Speaker, the Bill provides that the institute shall have a board of directors, which shall be the governing body of the institute responsible for the performance of the functions conferred on the institute by this Act.

The Bill provides that the board of directors shall consist of seven members of high moral character and proven integrity and competence accorded by the minister as follows - you can read them on page 3 of this report.

The committee observed that for proper functioning of the board, there is need to have a board that is multi-skilled with members from diverse backgrounds. In that regard, the representative from the Ministry of Health should be the Director, Clinical Services who will be responsible for coordination of clinical services and a representative from the college of health sciences, more so should be there, and that person should be specialised in cardiovascular diseases.

The committee further observes that the board should have a representative from the Uganda Law Society, an experienced member on the financial management team or institution and one from palliative care. This will guide the board appropriately.

The committee recommends that the board should consist of persons of high moral character, proven integrity and competence as follows: the chairperson; the Director, Chemical Services, Ministry of Health; the Executive Director of Mulago Hospital or his/her representative; a representative from Uganda Heart Foundation; a representative of the colleges and schools of health sciences, with knowledge of cardiovascular diseases; a lawyer, who is a member of the Uganda Law Society; one eminent Ugandan with experience in financial management; one representative of the palliative care association and the executive director, who shall be an ex-officio member.

Before I go to the procurement of super speicialised cardiac medicines, we had a lot of argument on the Director General of Health Services being on this institute’s board. We found that he/she has got very many boards on which he/she sits and we felt that this time we should put the Director, in charge of Clinical Services.

Procurement of super specialised cardiac medicines - see this at page 5. According to National Medical Stores Act, Cap 207, the National Medical Stores (NMS) is mandated to ensure efficient and economic procurement of medicines and medical supplies of good quality, for the national and public benefits.

However, NMS in the procurement and handling of cardiac medicines and medical supplies has experienced challenges due to their highly specific nature and the small quantities, which do not meet the principles of economies of scale.

As a result, it was agreed that a shift be made and NMS procures only the general medical supplies and essential medicines. Separate funds should be provided to Uganda Heart Institute, through the budget, to cater for the super specialised medicines and supplies.

To justify my statement – when your heart stops beating, you are finished and will never be seen again. If you want to wait for the procurement process of NMS and you have got a heart attack yet you do not have drugs to direct your vessels, you can never be alive again.

That is the reason we are struggling and urging you, that we empower this heart institute so that it can procure medicines for the heart because the heart is the most important organ of the body.

We want to ensure that after giving them this mandate, we do not hear of any more problems. Madam Speaker, and hon. Minister of Health, we don’t want any more speeches. We want people to go to Mulago with a heart attack and they find a defibrillator. If one has to be given a stent in the heart when their blood vessels have been blocked, it should be given there and then, not to wait for NMS to get it from Entebbe in order to provide it.

If one needs GTN (Glyceryl Trinitrate), we must have that drug in Mulago Heart Institute, so that one does not die of a heart that has failed to get blood.

Madam Speaker, consequently, during the financial year 2013/2014, Uganda Heart Institute was allocated one billion shillings, for the supply and delivery of highly specialised services for operation of the cardiac catheterisation laboratory and dedicated operating theatre. This shift so far, has been successful.

The committee observes the sensitivity in the procurement and storage of these highly specialised medicines and recommends that Uganda Heart Institute continues to procure the cardiac agents and devices related to cardio-vascular treatment, for example, pacemaker, while other essential medicines like sceptre, amoxicillin can be bought by National Medical Stores.

Palliative care and rehabilitation services

The committee notes that the Bill does not mention the need for palliative care and rehabilitation for cardio-vascular patients, who are almost terminally sick and who may not survive.

However, when you and I are sick, you need a decent suffering. That means you need to be given palliation, so that you die in dignity. According to the World Health Organisation Report (2002), palliative care is an approach that improves the quality lives of patients - adults and children and their families that are facing the problems associated with life-threatening illnesses.

Through the prevention and relief of suffering by means of early identification and correct assessment and treatment, the primary goal is to improve the quality of the life of patients and those around them, by neither prolonging life nor hastening death.

The committee recommends that Uganda Heart Institute establishes the appropriate departments that are responsible for the provision of palliative care and rehabilitation services for patients who are terminally sick of cardio-vascular disease conditions.

Madam Speaker, for some of us who have had patients with heart conditions, like I, whose mother has a valvular heart disease; like the mother of the minister in charge of general duties in the health sector, hon. Dr Chris Baryomunsi - I went there and saw it all. These people are doing a wonderful job and so they should not be stopped from doing their work just because of these procedural problems, where if you want a pacemaker to regulate somebody’s heart rate at 70 times per minute but you leave somebody to die of a heart failure.

I kindly request this House to support this Bill so that it eventually becomes a law. We need to untie the ropes that have been tying the heart institute for the benefit of Ugandans, who have heart diseases and those likely to get heart disease conditions. I beg to report and I thank you very much.

**THE SPEAKER:** Thank you very much, the honourable Chairperson of the Health Committee, together with the entire committee. We would like to thank you for the work done as we had discussed. In the VIP gallery, we have hon. Robert Sebunya, former Minister of State for Information and National Guidance. He is the Chairman of the Uganda Heart Institute. He is here to see how we are handling the Bill. Honourable members, the report has been read. You have three minutes each to make your submissions.

1.55

**MR PAUL MWIRU (FDC, Jinja Municipality East, Jinja):** Thank you, Madam Speaker. I rise to support the Bill but I am also seeking clarification from the minister. The Uganda Heart Institute was a company limited by guarantee, and had a memorandum and articles of association, which actually spelt out how it would be wound up, in case such proceedings were to commence.

The Bill states that it is actually after we have passed this Bill that the process will commence to have it wound up. We have actually had a problem - as Public Accounts Committee, because Uganda Heart Institute has a vote. Whenever we appropriate money as Parliament, Uganda Heart Institute would limit audit only to money appropriated by Parliament and would not wish Parliament to look into other monies, which actually were received using the name “Uganda Heart Institute” yet to us, that would be a receipt to Uganda Heart Institute in the year under review.

It is, therefore, difficult to proceed with the Bill without the minister clearly speaking to this House about the status of the Uganda Heart Institute. The other time, a mistake was made. We made it a vote, but we did not come out clearly to tell what happens because that is also a receipt from Government of Uganda. I think that, that is one of the aspects that must be clearly spelt out, so that the House understands what would happen if we passed this Bill, yet the shareholders of the company get to have a problem with what we have done?

I would like the minister to come out clearly and shade some light on that. Otherwise, for us to pass the Bill in its current state, we would just be aggravating the confusion. As I have said, when Parliament appropriates money to Uganda Heart Institute, the Auditor-General can only audit to the extent of the money voted by Parliament. I think that is very critical and it should be clarified by the minister.

Two, when you talk about –*(Interjections)*– but I said I support it, only that I need some clarification.

Madam Speaker, Dr Omagino, one day embarrassed us as a committee of Parliament, when we asked him why people were still going outside. He told us that he had a plan and that he only needed money. It is incumbent upon every Member of Parliament to support this Bill since it is going to address what we have been raising.

On the other hand, I have had the benefit to visit Uganda Heart Institute. Madam Speaker, when you go to the Uganda Heart Institute now, it has very good equipment –*(Member timed out.)*

**THE SPEAKER:** Half a minute to conclude.

**MR MWIRU:** The challenge is the personnel. That is one aspect which the Government must take very seriously. It is not enough to pass the Bill and leave it at that. We must be a long way towards addressing the question of personnel so that we carry out these operations in this country to save lives and also save money. I beg to submit.

1.58

**MR PETER OGWANG (NRM, Youth Representative, Eastern):** First of all, I would like to thank the chairperson of the committee and the Ministry of Health. Hon. Paul Mwiru has given much information, which I wanted to raise. However, I would like to emphasise one point.

The Uganda Heart Institute - I came to know how good they are when my Chairman, hon. Col. Fred Mwesigye was admitted there. I think that was around 2012 or 2013 when I visited the facility. It is true I saw some challenges. I am happy Dr Omagino is here.

However, like hon. Mwiru has said, those are some of the issues that are still there. Madam Speaker, it is important we support this Bill. There are issues which in my opinion can be handled after this Bill has been passed into law.

Why do I say this? Like in every health sector today, they have many challenges. But for this institute, if we factor how much money our own poor people spend to leave Uganda to go and look for better services elsewhere, it is very high. How many people have we lost struggling to raise money to fly out of the country to get to such a facility? So, I would like to beg colleagues to support the Uganda Heart Institute and also beg the Minister of Health to help us in addressing this.

Madam Speaker, before I sit down, allow me smuggle one or two issues. Recently, we had a supplementary budget here. I know it is not part of the agenda but it is within the health sector. We passed Shs 11 billion for Hepatitis B. However, I get constant calls from my constituency. People are continuing to die. This morning, I was forced to call the Executive Director of National Medical Stores to find out how far they have gone with the procurement of the kits and reagents for Hepatitis B Vaccines. He told me, “Honourable member, as I talk today, I have not got any money from the Ministry of Finance, Planning and Economic Development.”

Madam Speaker, you told us that today is when we are going to dissolve Parliament. What is going to happen, if up to now the supplementary money we passed for Hepatitis B vaccines has not gone to the accounts of National Medical Stores? How many months are we left with to the next financial year? - *(Member timed out.)*

**THE SPEAKER:** One minute; it was an important point.

**MR OGWANG:** The question that I would like to ask the honourable minister is: how many months are we left with to the next financial year? When is the Government going to release that money to National Medical Stores to help our people? Honestly, in my constituency – and I have emphasised this - out of ten people suffering, almost eight are dying of Hepatitis B. What do you people want us to do? Help our people. That is all I wanted to raise. I will need an answer from the minister.

2.01

**COL. (RTD) FRED MWESIGYE (NRM, Nyabushozi County, Kiruhura):** Thank you, Madam Speaker. Dear colleagues, as you have heard, I am a regular visitor of the Uganda Heart Institute. I would like to appreciate the committee for the precise findings and recommendations.

Madam Speaker, before I proceed, I have good news for you. Yesterday, the Uganda Heart Institute successfully carried out a bypass for the first time in Uganda; it was successfully done. *(Applause)* Therefore, I would like us to congratulate and appreciate Dr Omagino and Dr Lwabi, the Heart Institute and the Ministry of Health. I was present.

We must be proud of our staff at the Uganda Heart Institute. Despite the challenges they are facing, they have been consistent. For the few times I have been at the Uganda Heart Institute, I have met dedicated workers who know what to do, but they need some support, which I presume we shall give them today.

Madam Speaker, I would like to support the committee on the issue of the board. A slim but multi-skilled board will facilitate the Uganda Heart Institute to move faster, and be more efficient. I, therefore, support the committee’s recommendation on the setting up of a seven-member board.

Secondly, on the procurement, I was at the Uganda Heart Institute and realised that the institute lacks most medical supplies, medicines and equipment. That is the reason they could not do - even yesterday, there was something lacking but they successfully did the surgery without that equipment. Therefore, the earlier we support them to procure independently, the better for the country.

Finally, I support hon. Paul Mwiru and other colleagues, that in order for the Uganda Heart Institute to recruit and sustain staff, we should look at the remuneration of these staff so that they are motivated. This will ensure that the staff do not leave, because most of them go to South Africa and other countries. It is high time we stopped this hemorrhage, Madam – *(Member timed out.)*

**THE SPEAKER:** You still want to talk? Okay, one minute, as a survivor.

**COL. MWESIGYE:** You know I am a survivor and I would like to thank you, Madam Speaker, because you at least visited me; it was very comforting. You also discovered some of the challenges that day when you came, but I was talking about the staff.

I would like us to support the Uganda Heart Institute and any other specialised institute, so that we can recruit and retain staff by paying them at international level. Remember, Madam Speaker, our President has been saying, “Pay the scientists sufficiently.” I do not know what has happened to the directive of the President. Thank you, Madam Speaker. I beg to submit.

2.05

**MS HELEN ASAMO (NRM, PWD** **Representative):** Thank you, Madam Speaker. I also stand to support the report as presented by the Committee on Health.

Madam Speaker, the independence of the Uganda Heart Institute has been overdue, just as hon. Dr Bitekyerezo said. It is very bad to have a heart institute, yet people have to ask for solutions from elsewhere. I would like to propose that on the board - the issue of the director general being on the board, I think we do not need to pass it. Already, there is a head of the heart institute who should advise them on how things should move. Otherwise, we shall create bureaucracies of having someone else to approve what is going to happen.

Madam Speaker, I support the idea of the institute to procure those equipments they need without going through the tedious procurement processes, under PPDA. That will help them to be more independent, since this is about a life-threatening condition.

Our people have suffered. Usually, when they come out, they have to go around looking for people to donate - and also sometimes parliamentarians have suffered in this to ensure patients are flown to India.

On the personnel issue, I think if the institute is well funded, our doctors will be ready to come back to support it.

I would like to thank Dr Omagino because he is like the “father” and “mother” of the Uganda Heart Institute. When you hear of the Uganda Heart Institute, then you are talking about Dr Omagino. I think he has persisted and remained in Uganda because he loves the country, otherwise, his kind are marketable.

Madam Speaker, I entirely support the Bill and I know that this Uganda Heart Institute will go a long way in supporting other countries. It will also benefit us economically. The Bill should be passed into law to help Ugandans. Thank you.

20.7

**MS ROSEMARY NAUWAT (NRM, Woman Representative, Amudat):** Thank you, Madam Speaker. I would like to thank the committee for their report. Some years back, people used to say that heart diseases were for the old and rich, but today it affects the young and old, rich and poor alike.

On the other hand, Uganda has not been able to handle all the heart complications and many patients have had referrals abroad, yet they cannot afford.

Madam Speaker, I see the Auditor-General’s findings relating to managerial and operational challenges at the Uganda Heart Institute that need to be addressed, if we have to save life.

Making the Uganda Heart Institute autonomous would, therefore, improve the institute a lot. They will be able to coordinate and supervise all the activities of the institute. I believe when they are made autonomous, then we shall need to support and empower them financially in order to build the capacity of the personnel there.

On procurement of super specialised equipment and medicines, I think this should be left to the institute because we have heard instances where a lot of money is wasted. You find things which are not of the right type and quality being bought, but at the end when they find they are not worthy, they are disposed of. To avoid wastage, let us leave the procurement of the highly specialised equipment and medicines to the Uganda Heart Institute, and also leave what medical stores can purchase to them so that we can save taxpayers’ money from wastage. I, therefore, support the Bill. Thank you.

2.09

**MR PATRICK NAKABALE (NRM, Youth Representative, Central):** Thank you, Madam Speaker. I would like to thank the committee and the honourable minister. It has been really unpleasant to have our country and Mulago without the necessary facilities for heart complications, given the public outcry. The majority of our people have been seen in the media soliciting funds to go out of the country to get the necessary treatment.

Matters of health are a matter of life and death. In that particular regard, I appreciate the committee and also urge Members to support the Bill. In doing so, strict measures, as seen in procurement, should be addressed such that we understand the need to fast track the process, when it comes to matters of research and health delivery.

I also would like the honourable minister to take note that, as we look for measures of efficiency and delivering our country to the necessary level, we should also approach these matters in a holistic way. Not only should we push for the Bill, but also address matters of science, training and skilling. I support the Bill. Thank you, Madam Speaker.

2.11

**THE OPPOSITION CHIEF WHIP (Ms Cecilia Ogwal):** Madam Speaker, this is a multiparty Parliament, and so, there is no way you can debate an important matter like this and you forget or ignore the contribution of the Opposition.

First of all, I wish to apologise that the Leader of the Opposition is not here and several others. This is because, the other day when they woke up in the morning, all their homes were sealed off by police. So it is only the few of us who have survived that sealing that are available.

Madam Speaker, this Bill ought to have come a long time ago, but it is not too late because at least it is one of the Bills we are considering before the closure of the Ninth Parliament. We need to celebrate as a country because we have been very embarrassed, taking our patients to Nairobi, India and so on, over very simple matters. And many of our loved ones die of very simple things which could have been handled by our own distinguished hospital like Mulago.

I have always told this Parliament and I am going to continue telling you that my own mother, who died because of heart complications, could not even access oxygen from the rural referral hospital. This is very unfortunate. Therefore, we want a heart institute, which will provide all the services in totality, so that a patient does not have to travel all the way from Lira or Dokolo to Mulago.

We need to ensure that we decentralise the services so that people can access the services of the heart institute. I think this is an important component, which if not in the Bill, has got to be included. This is because I feel that it is very unfair for us who can afford to drive to Mulago or who can afford to finance ourselves in Mulago - our lives are preserved because we can easily access the services, yet the very people we represent in this House cannot access them.

Madam Speaker, if we care for Ugandans, let us make sure from the very start that the services of the Uganda Heart Institute are decentralised, so that we can access them in all regions.

Secondly, of the nine members of the board, I am very surprised that the committee was so insensitive about gender. When it comes to heart and cancer issues, the women are the ones who take care of the loved ones. How do you make a board of nine people but you do not specifically mention that “two of which must be women of specialised skills” in handling heart complications. Madam Speaker, this is unfair because - and you know these men, if you leave the law unspecified, they will put themselves; they do not care. *(Laughter)*

Madam Speaker, we have to be specific and mention in this Bill that, “of the nine members, at least three must be women” but specialised women. I am not talking of any woman picked from anywhere but women whose integrity is known, specialisation in the field of medicine is known and that is something I am expecting to be included in this Bill through an amendment.

Finally, Madam Speaker, the committee has intimated to us that the palliative care is absent in the Bill. The chairman of the committee is a medical doctor and he knows that when one really has a heart problem - palliative care must be part and parcel of this institute we are trying to put in place. I urge the committee to ensure that the amendment is incorporated to include palliative care. Thank you, Madam Speaker.

**THE SPEAKER:** Honourable members, I see general support; there is no objection. Let me invite the minister to respond briefly before we go to committee stage.

2.16

**THE MINISTER OF HEALTH (Dr Ellioda Tumwesigye):** Madam Speaker, I would like to thank the chairperson and the members for the report. They mentioned - looking at the board and we shall be at that stage talking about maybe remaining with a representative from the Ministry of Health rather than prescribing whether it should be director clinical services or not. It should be up to the Minister of Health to decide whether the ministry should be represented by the director general or the director clinical services or by any other person experienced enough and has heart issues in his or her heart at the board level.

We also recognise the importance of having a lawyer on the board. We usually require all regional referral hospitals to have lawyers on their boards and we are in agreement with the committee on that.

On the issue of palliative care, we agree with the committee that we need to establish the appropriate department within the Uganda Heart Institute responsible for provision of palliative care.

However, we believe that that can be accomplished without necessarily having somebody from the palliative care association. Instead, we would rather believe that the ninth person could be somebody from the private sector, with expertise and experience in corporate governance, which is sometimes so indispensable for the proper management and governance of such institutes.

On the issue of the heart foundation, we have discussed and believe that rather than prescribing it within the law here, “Uganda Heart Foundation” we would rather say a “heart related civil society.” The ministry is aware that the Uganda Heart Foundation represents the civil society in that respect, and would be able to take care of the heart foundation to be on the board rather than prescribing it within the law, which should stand the test of time.

Also, instead of saying that the Executive Director of Mulago Hospital, we wish move that we have the executive director in every national referral hospital as more referral hospitals will be coming on board. The Executive Director Mulago might be overwhelmed with quite a lot of engagements.

With respect to gender, I agree with hon. Cecilia Ogwal that gender is a consideration and in the Bill, it is indicated, in clause 10(2) - where it is specified that in constituting the board, the minister will take gender into consideration. Therefore, rather than prescribing how many women - because you can end up with four or five - it is known that usually on the boards that are created, even before they go to Cabinet, one has to ensure that gender balance is catered for.

With respect to hon. Paul Mwiru’s submission, the Auditor-General’s findings and the challenges that they faced while auditing, from the Auditor-General’s report and your parliamentary report, that is why it was found necessary to come out with a law establishing the Uganda Heart Institute as an autonomous body rather than having it run as a company.

However, it is also important to note that even as Uganda Heart Institute Limited, it is not a company with shareholders. It is a company limited by guarantee without share capital. There has been agreement that once this law is in place, that company limited by guarantee, will be dissolved.

And with respect to –(*Interruption*) -

**MR MWIRU:** Honourable minister, do you have a copy of the agreement? At least as someone who has been following this matter very closely, there is conflict between other players who formed the Uganda Heart Institute Limited and Government. Maybe if you had a copy of that agreement - and laid it on the Table, it would settle my worries, because for a fact, I know that, that issue has been there. Dr Omagino has been promising to resolve it but it has not been resolved.

**DR TUMWESIGYE:** I cannot lay the agreement on Table here today, but I would like to say that the company was comprised of the Ministry of Health, Makerere University and the Uganda Heart Foundation. All these were consulted.

The law that you are going to pass will explicitly indicate what is going to happen to the Uganda Heart Institute Limited. Therefore, I would like to appeal to my colleague not to insist on laying on Table the agreement as a condition for passing this Bill. All these problems will be sorted out once we have this law in place.

With respect to reducing referrals abroad, as specified by hon. Mwiru, I would like to say that the Uganda Heart Institute Ltd is one of the advanced heart care centres in Africa, north of South Africa and now we have been only waiting to have expertise in coronary artery bypass, as well as heart valvesurgery. Now that we are starting to do coronary artery bypass, and soon heart valve surgery with more capacity, it will mean that any heart condition can be managed within Uganda.

Of course with time, we shall have capacity to do transplants. The rehabilitated Mulago Hospital will have capacity for transplants and other hospitals will come on board. Therefore, I must say that with referrals abroad, we are doing whatever it takes to limit them.

Hon. Peter Ogwang mentioned a number of supportive issues, but he had a question about the supplementary budget for Hepatitis B vaccines. I would like to inform the honourable colleague that Shs 11 billion is not yet available to the Ministry of Health. Actually, even the fourth-quarter money including the Shs 2.5 billion was by yesterday not yet available.

However, we are going to have a discussion with Ministry of Finance tomorrow morning, and I hope this issue will be settled once and for all. Once money is available, then we shall be able to buy vaccines and test kits on time.

**THE SPEAKER**: Let us move to committee stage. Honourable members, I put the question that the Bill be read for the second time?

*(Question put and agreed to.)*

BILLS

COMMITTEE STAGE

THE UGANDA HEART INSTITUTE BILL, 2015

Clause 1

2.23

**THE CHAIRPERSON, COMMITTEE ON HEALTH (Dr Medard Bitekyerezo)**: Madam Chairperson, we intend to make an amendment in clause 1 about the short title and commencement. That is clause 1(2). We beg to delete the entire sub clause (2). The justification is that we would like to ensure that the commencement of the Act takes effect on its date of publication as notified in the *Gazette* rather than having to wait for the minister to issue regulations appointing a date on which the Act is to come into force.

**THE CHAIRPERSON:** Honourable member, I think we discussed this matter while discussing the cancer institute. But you are trying to do the same thing that we rejected in the other Bill. We had our reasons for wanting the minister to issue the instruments specifically.

**DR BITEKYEREZO:** Madam Chairperson, again for purposes of moving as a family and basing on the treatment you have given us as a committee, we shall concede and take the original version.

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

*(Question put and agreed to.)*

*Clause 1, agreed.*

Clause 2

**DR BITEKYEREZO:** Madam Chairperson, we would like to put some amendments on the purpose of this Act as indicated is clause 2(d) by inserting the words “public health” between the words “other” and “centres” appearing in line three of paragraph (d). The justification is for specificity since the institute can only oversee public health centres and not privately-owned health centres.

**COL (RTD) MWESIGYE:** Thank you, Madam Chairperson. There is something I would like to be included here; that this heart institute should be the coordinating body for both local hospitals and those international groups intending to establish heart hospitals. This is my opinion –

**THE CHAIRPERSON:** What do you want the institute to do?

**COL (RTD) MWESIGYE:** First of all, I am looking at a local company or the hospitals. These referral hospitals are going to have heart units so, should they be independent of the heart institute at the centre here or should it be this heart institute to oversee what they are doing? Likewise, for the international organisations coming to set up heart units -

**THE CHAIRPERSON:** Do you want them to be like a clearing house?

**COL (RTD) MWESIGYE:** If it is possible, Madam Chairperson.

**THE CHAIRPERSON:** Minister, what do you think about the proposal?

**DR TUMWESIGYE:** Whereas that would be a good proposal, it is not advisable; we have the medical and dental practitioners’ council and other bodies of Government which can regulate and oversee that. Therefore, we do not need to have that. Let the heart institute oversee public health facilities and cardiology services in Government facilities.

**THE CHAIRPERSON:** Okay, honourable members, the question is that clause 2 be amended as proposed by the chairperson.

*(Question put and agreed to.)*

*Clause 2, as amended, agreed to.*

Clause 3

**THE CHAIRPERSON:** Let us go to clause 4. We will do clause 3 last; we shall come back to it at the end of the Bill.

I put the question that clause 4 do stand part of the Bill.

*(Question put and agreed to.)*

*Clause 4, agreed to.*

Clause 5

**DR BITEKYEREZO**: Madam Chairperson, we would like to have an amendment on the functions of the institute as follows:

(a) 5(1) To insert a new paragraph immediately after (c) to read as follows, “(d)To procure super-specialised cardiac medicines, reagents, sundries and equipment.”

The justification is that we want to ensure timely access to highly specialised cardiac medicines for efficient and effective service delivery of cardiac services.

(b) Also under clause 5(1)(d), we would like to re-draft paragraph (d) to read as follows: “(d) To develop and promote educational programmes on the management and prevention of cardiovascular diseases and related diseases.”

The justification is for specificity.

(c) In clause 5(1)(e); to delete the entire paragraph (e).

The justification is that it is not practicalfor theinstitute to conduct public training programmes on the promotion or prevention of cardiovascular diseases.

(d) In clause 5(1)(f); to insert the words “on their own or in collaboration with persons or institutions inside and outside Uganda” immediately after the word “management” appearing at the end of the provision.

The justification is for specificity.

(e) We would also like to insert a new paragraph after paragraph (g) to read as follows: “(h) to provide palliative care and rehabilitation services to heart patients.”

The justification is to broaden the mandate of the institute to include provision of palliative care and rehabilitation services to heart patients with the aim of improving the quality of life of these patients.

(f) Clause 5(1)(h); to delete paragraph (h).

The justification is that it is redundant since it has been catered for in the amendment proposed under paragraph (f).

(g) Clause 5(1)(g); to insert a new paragraph immediately after paragraph (i) to read as follows: “To establish and manage regional heart centres for the provision of cardiac services and medical care to heart patients.”

The justification is to empower the heart institute to set up regional heart centres to improve service delivery of cardiac services in the entire country.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 5 be amended as proposed -

**MS CECILIA OGWAL:** Madam Chairperson, I would like the chairman of the committee to guide me on whether it would not be necessary under these functions, to also include development and promotion of sensitisation of the public to be aware of the preventive management of heart complications. I think the preventive aspect is absent from here.

**THE CHAIRPERSON:** I do not know whether you have the report; there is a proposal under clause 5(1)(b) - the new amendment.

**MS CECILIA OGWAL:** I had not read it.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 5 be amended as proposed.

*(Question put and agreed to.)*

*Clause 5, as amended, agreed to.*

*Clause 6, agreed to.*

Clause 7

**DR BITEKYEREZO:** Madam Chairperson, on the powers of the minister in clause 7(1), we propose to delete the phrase “and the institute shall comply with those directions” appearing immediately after the word “institute” in line three.

The justification is that we want to prevent a situation where the institute may have to comply with erroneous or impractical directives from the minister.

In clause 7(2), to re-draft the provision to read as follows: “(2) The directions given by the minister under sub-section (1) shall be consistent with the purposes and provisions of this Act with respect to the functions of the institute.”

The justification is to ensure that the provision focuses more on the compliance with the purposes and functions of the Act rather than on the independence of the institute.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 7 be amended as proposed.

*(Question put and agreed to.)*

*Clause 7, as amended, agreed to.*

Clause 8

**DR BITEKYEREZO:** Madam Chairperson, on the independence of the institute, we propose to delete the entire provision.

The justification is that we want to ensure that the institute does not circumvent directives of other bodies, which are constitutionally or legally mandated to monitor, supervise or oversee it.

**THE CHAIRPERSON:** Honourable members, the proposal is that that clause be deleted.

*(Question put and agreed to.)*

*Clause 8, deleted.*

Clause 9

**DR BITEKYEREZO:** In clause 9 - board of directors, we beg to amend it by substituting Arabic numeral”7” appearing in line one, with 9.

The justification is for consistency with the amendment proposed under sub-clause (3) to increase the number of board members from “7” to “9”.

For clause 9(3); to re-draft the entire sub-clause (2) as follows: “The board of directors of the institute shall consist of -

(a) the chairperson;

(b) the Director, Clinical Services, Ministry of Health;

(c) the Executive Director of Mulago Hospital or his/her representative;

(d) a representative from the Uganda Heart Foundation;

(e) a representative of the public colleges and schools of health science with knowledge in cardiovascular diseases;

(f) a lawyer, who is a member of the Uganda Law Society;

(g) one eminent Ugandan with experience in financial management;

(h) one representative of the Palliative Care Association of Uganda; and

(i) the Executive Director, who shall be an ex-officio member.”

The justification is that we would like to ensure that the board is multi-skilled for effective governance of the institute.

Before I sit, Madam Chairperson, why we wanted the Executive Director of Mulago Hospital to be part and parcel of this heart institute is that, I got a phone call yesterday – because we have had interactions with people from the Mulago board asking whether we are divorcing Mulago from the heart and cancer institutes? I told them that my committee cannot do that.

Therefore, for purposes of working together, it would be prudent for the heart institute that is located on Mulago hill to have the Director of Mulago National Referral Hospital on their board so that they can work together. If we do not do that, Madam Chairperson, you will find fights on that hill and when elephants fight, the grass suffers.

**DR TUMWESIGYE:** Madam Chairperson, I agree with the proposed amendments by the chairperson of the committee. However, as I said earlier, I would like us to maintain one representative from the Ministry of Health rather than prescribing the Director, Clinical Services.

About the Executive Director of Mulago, we would prefer to say, ”Executive director of a national referral hospital” because the Uganda Heart Institute is going to grow and have regional centres and some national referral hospitals are going to come up. Therefore, in future, the law should not be tied to Mulago Hospital. There could be another director that can be on the board for another term as they rotate.

Then with respect to the representative of the Uganda Heart Foundation, we would like to have a representative of a heart-related civil society organisation so that it is generic – (*Interjection*) – the Uganda Heart Foundation is actually part of civil society.

We also concede on having a lawyer as a member of the Uganda Law Society and an eminent Ugandan with experience in financial management. However, a representative of the palliative care association should be replaced with a representative of the private sector with expertise and experience in corporate governance. I beg to submit.

**MS EKWAU:** Thank you very much, Madam Chairperson. I was looking at the last part of the submission that the minister has just made. Replacing palliative care with a member of the private sector; we know we need to generate resources to have this heart institute operate maximally without any financial hindrances.

However, to me, the object of palliative care and that of tenderness would surpass the need for looking for a tycoon of whatever class. This country should not leave sensitive matters to the private sector. We have capacity to even mint gold to whatever level if we wanted in this country. The reason we are suffering in most of the sectors in this country is because we have carried the country and handed it over to the private sector. At what point does Government come in wholeheartedly?

Therefore, the needs of the heart institute are more of palliative care than money. If Government will get money to do any other service outside it, part of the important services to be added should be the Uganda Heart Institute. Fully fund it and look for the private sector to take other needs of the country. However, on our health, honourable minister you should be ready to handle us; otherwise, do not give us to the private sector. Thank you, Madam Chairperson.

**MR MUSASIZI:** Thank you, Madam Chairperson. The minister proposes that we include on the board representatives from the civil society. I wonder whether there is any expertise we can get from civil society that is not found in these representatives we have so far proposed to include.

Madam Chairperson, civil society does more of advocacy and oversight. I, therefore, wonder whether we are bringing them in to push from inside. If Members agree with me, from the experience we are having with the civil society, it is high time they played their role out there and we also allow Government to run. They are not people who we can really get into bed with. They should handle their business independently and Government handles theirs independently.

I would like to propose that the minister’s idea to include civil society be rejected. Thank you, Madam Chairperson.

**THE CHAIRPERSON:** Honourable minister, I have just realised that the executive director is also supposed to be an expert in cardiovascular diseases but also have representatives of the same from the colleges and schools of health. I think there are no conditions for the chairperson. Can’t you get someone with knowledge of corporate governance as the chairperson?

**DR TUMWESIGYE:** To get someone to maintain palliative care? Madam Chairperson, I do concede that we can leave palliative care. However, rather than say, “Palliative Care Association”, we can say that “one representative of palliative care organisations” because this is an NGO that is specific and I did not want to have a specific NGO named in the law in case they are wound up by other reasons.

The same also goes to civil society that was alluded to. We used the words “civil society” because we didn’t want to include it in the law, “The Uganda Heart Foundation,” which is basically an NGO. By and large you will find that civil society is used to refer to NGOs, CBOs and other bodies. If the words “civil society” should not appear there, we can say that “a representative from a heart related Non-Governmental Organisation” and that will take care of the Uganda Heart Foundation.

**MR KATUNTU:** Madam Chairperson, there is a reason we have organisations called Non-Governmental Organisations. They are literally not supposed to be part of Government. Civil society can never be part of Government institutions; then it ceases to be civil society.

Why do we have NGOs? NGOs supplement where Government has failed to meet its obligations. What the minister’s proposal seems to suggest is that we are recruiting civil society into Government. NGOS are supposed to oversee what Government is doing; that is the basis of civil society –*(Interruption*)

**MR RUHUNDA:** Thank you very much, hon. Katuntu, for giving way. My point of clarification is about the public/private partnership, which Government is encouraging and we passed that law. I do not think that leaves out civil society.

How do you handle that because much of what is being done especially in the health sector is that there is a lot of complementary work by civil society? Therefore, if we cannot recognize that, I am really worried about it.

**MR KATUNTU:** I think you are comparing mangoes and oranges and let me tell you why I think so. What he calls a public/private partnership is contractual where the “public” contracts with the “private” to do a particular project and it is governed by an agreement. However, because we are investing public funds, we need legislation or a legal regime that governs that relationship.

What the minister’s suggestion implies, according to me, is that we are getting the civil society to start doing public functions or work by law. I have strong objections. Let these civil society organisations continue with their monitoring role. Let them point out where the public is having weaknesses and challenges and Government improves. That is –*(Interruption)*

**MR OBOTH:** Madam Chairperson, I must thank my senior brother, hon. Katuntu, for giving way. My understanding of that legal provision, or in this case the proposal in the Bill, was that a committee or the public institution in Government would benefit from the views of the private or civil society.

If that has been harmonised, I need to know whether hon. Abdu Katuntu finds it difficult to have all these where the needs of these civil society organisations could be met when they are in this committee or body of Government. I thought it was purely for information sharing. Are they into governance?

**MR KATUNTU:** Madam Chairperson, we are talking about a policy organ. It is like suggesting that since Parliament can benefit from NGOs, we should amend the Constitution and include representatives of civil society organisations to be Members of Parliament. *(Laughter)* That does not make sense to me. What we are saying is that civil society’s role in communities is, first of all, to monitor. For example, when we are doing legislation here, we invite them and they give their input independently from the Government institutions.

However, once we start this, we will be conscripting civil society organisations into Government institutions. They always make an input by coming and advising or being consulted. That is how Government institutions work but not by conscripting civil society organisations to do Government work. Thank you.

**DR TUMWESIGYE:** I understand hon. Katuntu’s point but NGOs do not only do monitoring. Some of them are also involved in service delivery and this has a basis. The Uganda Heart Institute was initially formed with support from the NGO, the Uganda Heart Foundation. They partnered with Makerere University and Ministry of Health and reached thus far. Even if you go to churches, there are NGOs that provide services.

This is not the first law where we are including members of the civil society or NGOs to serve on the boards as far as advocacy is concerned. You may want to go and give healthy education and you will find that the NGOs probably have a network to talk about heart-related issues. What is wrong with having them participate? However, I hear you and understand the challenges of having NGOs represented on the board. I am not very stuck to it but I think the Uganda Heart Foundation formed a deep foundation of what we now have as the Uganda Heart Institute.

However, because we did not want to prescribe it automatically as “Uganda Heart Foundation” in the law in case it winds up for other reasons, we said “a heart-related NGO”. The ministry will be able to put Uganda Heart Foundation.

It is also the reason we are now coming up with palliative care organisations. They are also part of the civil society but are the ones providing palliative care. Although Government provides palliative care – care for the terminally ill – they supplement and sometimes it does no harm to have them represented on the board at least for advocacy.

**MR KATUNTU:** Honourable minister, just look at it in good faith. The moment we take a decision to start recruiting NGOs into Government institutions, you are going to get conflict of interest sooner or later. You will be swallowed by NGOs. This is because they will be acting from within. The NGOs are good but they have their own roles to play in society. They supplement you. It is not about service delivery.

Look at all these NGOs involved in poverty alleviation and others, they are not part of Government institutions but we have seen schools being built by NGOs. We have even seen hospitals being built by NGOs. Their role is different other than to say they are now part of the Ministry of Health. It is in your interest, honourable minister, and I implore you to look at it that way.

**THE CHAIRPERSON:** Honourable members, I hope you have looked at the memorandum. The Uganda Heart Foundation was one of the founders of this institute. Therefore, if we want to lock them out, we should have clear reasons. They have been together from the beginning.

**MR RUHUNDA:** Madam Chairperson, I get the point when we talk about the civil society. Maybe we could find a better wording of getting a specialised person from the public because we have seen some of the boards that we have made here and they include individuals. It is not even organisations but individuals from the public who have a specialised background on that field. That cannot negate the fact that someone can come from the Uganda Heart Foundation. I do not know whether that can give us a better way out.

**THE CHAIRPERSON:** Honourable members, I think that argument is dangerous. It means even the Uganda Law Society person must go because he or she is part of the civil society. Let us hear hon. Musasizi and hon. Ndeezi.

**MR MUSASIZI:** Thank you, Madam Chairperson. I have been dealing with the Uganda Heart Institute matter in the Committee on Public Accounts. We appreciate the role that was played by the Uganda Heart Foundation, especially to see it go through its initial stages. In that regard, if the minister’s interest is to recognise the contribution made by the Uganda Heart Foundation, then we should be specific and say “a representative from the Uganda Heart Foundation” instead of broadening it to include all these members of the civil society whom some of us even doubt their capacity in comprehending these issues. Thank you.

**MR NDEEZI:** Thank you very much, Madam Chairperson. First of all, I appreciate the relevant concerns expressed by my senior brother, hon. Katuntu. We should not be co-opting Non-Governmental Organisations and civil society organisations into Government structures.

I also note the concerns of conflict of interest and who monitors who. Hon. Katuntu, I request you to admit that the concern today is adequate capacity. The Government is admitting that it has inadequate capacity in terms of expertise. The Government is admitting that in the process, Non-Governmental Organisations did this work very effectively and even did it better than the Government itself.

Therefore, hon. Katuntu and honourable colleagues, let us admit that the Government needs to utilise the expertise from the Non-Governmental Organisations and Civil Society Organisations and hope that by being able to utilisethis capacity, maybe in future, when adequate capacity has been generated or put in place we can go back and amend this.

Otherwise, it will seem as if we cannot move forward without the inputs and expertise of the Non-Governmental Organisations. Therefore, let us, in this special case, accept that we need Non-Governmental Organisations and civil society organisations. Thank you so much.

**MR WAMANGA-WAMAI:** Thank you very much, Madam Chairperson. I do not know why the minister insists and I keep wondering why Government is trying to bring NGOs in its work. If we have got professionals out there, it does not stop a professional from coming to lecture and advise under this. They can also be on the board. However, we cannot include them in the Bill.

It means now NGOs are coming to work with Government. Therefore, the minister should concede that these people can come as visiting professors or advisors and they can also be on the board. Thank you.

**MS JOY ATIM:** Thank you so much, Madam Chairperson. If the minister studied the report from the chairperson, he has conceded that the member should be for a national referral hospital. However, for that particular one, if you saw in the list of the nine members, there is a member of the Palliative Care Unit. That person could be brought on board through the Palliative Care Unit but we do not specify it as a member of the private sector. If you saw it; it says a member of the Palliative Care Unit should be part of it. You will then know how to put it. Thank you.

**MS ANYWAR:** Thankyou, Madam Chairperson. We cannot make a mistake to allow the NGOs to be part of the Bill because this House catered for them even if it had a lot of loopholes. We expect them to help us have an oversight role, but once they are already in the same operation, who is going to check the excesses of the other? In any case, are we opening up the can of all other NGOs to be catered for in a special way or we are going to deal with only isolated cases?

My submission, Madam Chairperson, is that we leave the NGOs out. Honourable minister, we shall, as Government, work with them at all times. They are willing to come only that sometimes, we disregard them in other areas. Most disappointing is that in the Bill we passed here, we really did not give them enough mandate and their submission**.** That is why they are trying to get another way of having an entry point into coming closer to work with the Government.

Otherwise, the Bill should have clearly specified and helped us, as a country, on how to deal with them to help us operate efficiently. I beg that the minister listens to the submissions of Members and concedes so that we proceed. I thank you, Madam Chairperson.

**DR TUMWESIGYE:** Madam Chairperson, I thank Members for their contributions. Of course, two heads are better than one. I also see the challenges they are pointing out. The intention of putting a heart related NGO was in order to cater for the Uganda Heart Foundation because of its historical role in the Uganda Heart Institute but also, to avoid a future scenario where then, the board members of the heart foundation decide to change the name, wind up or otherwise and you have to come back to change the law.

Therefore, I agree with hon. Musasizi’s submission that given the historical role let us maintain the Uganda Heart Foundation as a founding body because it is also indicated in the memorandum. Then, with respect to Uganda Law Society which is also part of civil society, we could say “a representative of the Solicitor General’s Office”.

With respect to a representative from the Palliative Care Association or as I had suggested the private sector, we can instead put there a palliative care expert, which would not be an association coming from the public. Thank you.

**DR BITEKYEREZO:** Madam Chairperson, I had agreed with the minister that instead of putting “Director, Clinical Services in the Ministry of Health”, we put a “representative from the Ministry of Health”.

Then, instead of putting the “Executive Director of Mulago National Referral Hospital”, we say “Executive Director of a national referral hospital or his/her representative.”

**THE CHAIRPERSON**: Therefore, the permanent secretary can just choose anyone from the ministry to go and represent them? Honourable members, the question is that clause 9 be amended as proposed.

*(Question put and agreed to.)*

*Clause 9, as amended, agreed to.)*

*Clause 10, agreed to.*

**THE CHAIRPERSON:** Where is hon. Ogwal? I thought this would be where we need to put numbers for the women. You know sometimes, people forget and if you do not remind them, they just move without you. (*Laughter*)

**DR BITEKYEREZO:** Madam Chairperson, these days, the issues of women are very important unless somebody is dangerously insensitive. I have interacted with the Minister of Health right now; he cannot and we do not expect the President to appoint a minister who is going to be insensitive to women issues.

Therefore, every Ugandan knows the affirmative action of having at least a third of the people sitting on every board as women. It is a constitutional command. Anybody who does not want to respect women will be in trouble. (*Laughter*)

**THE CHAIRPERSON:** Honourable members, I chair the Appointments Committee but sometimes, you look at the list and see that it does not comply with the Constitution. What is the harm in putting it there?

**MR KATUNTU:** Madam Chairperson, there has been a problem that the appointing authority has always been having this idea that when you say “a third”, then it means women must be a third. The maximum - I know what has been happening because most institutions just go up to a third. We need to find a way of crafting it such that it is not about a third. We would like a situation where they could be more than the men. Therefore, this “a third” has been vulgarised to say the women are entitled to one third.

We need to have - I wish I had thought about it and come with a good draft - and why should it even be a third? Why can’t we say, “at least a half?” The Constitution does not prescribe that everything should be a third and that is where the mistake is. We can even say, “Not more than a half.” If I can have one minute, I can draft something and we stand over it -

**THE SPEAKER:** Draft something.

**MR KATUNTU:** There has been a lot of injustice to women because *- (Interruption)*

**MR RUHUNDA:** Madam Chairperson, on the issue of gender, I sit on the Committee on Budget and one of the major challenges from almost all the Government sectors is the failure to be gender compliant. When we tried to dig deeper, some of the reasons being advanced were that in some specialised areas, they were finding it hard to get the women.

Therefore, it may be good to enforce it but for such specialised bodies, you could end up tying them when you say, “a half”. We can say, “at least a third must be women” and when you say “at least”, then it could be more but not less.

**THE CHAIRPERSON:** Honourable members, I just want to give you an example from this House. When I first became the Speaker, we asked for nominations of chairpersons and vice-chairpersons of committees in this House and all nominations for the 22 committees were men. I had to battle with the whips for them to change it because all the 44 were men. This matter, therefore, is not a joke. People forget that women are there. When I asked, they said the women did not apply, which was not true.

**MR OBOTH:** Madam Chairperson, this Parliament has power under Article 79 to legislate and make laws. If it is a fact that has been found that it is not being accorded - We are all captured in the structure of Government and on the three arms of Government, there is a third. The third representative is chairing this House session right now. I believe at an appropriate time, and hon. Abdu Katuntu will agree with me, the cure should be to provide for equality in total, including representation.

We are expecting 458 Members of Parliament and we will come here and do the same things. Why can’t it be that every district brings a male and a female? The gender question would, therefore, be resolved and it would spill over to the committees; nobody will be able to take more.

Madam Chairperson, probably that is why God still wants you in that Chair. Guide so that we legislate what will not affect the women. You never know after you have chaired, there will be a man.

**THE CHAIRPERSON:** Let me also remind Members about the certificate of gender equity. We cannot avoid this. We must do it for clarity, if for nothing else. Do you have a proposal, hon. Bitekyerezo?

**DR BITEKYEREZO:** Madam Chairperson, I propose to add, “board of directors of the institute shall consist of…” after (i), we say (j) “…at least a third of the members of this board should be women.” Let us not run away from realities of life. We have said that at one time, people only chose men here and forgot all about women and yet women existed. Is there a possibility for us to clearly state, “In choosing this board, at least a third of the board members shall be women.”

**THE CHAIRPERSON:** Are you placing it properly?

**DR TUMWESIGYE:** Yes. Madam Chairperson, rather than putting it in clause 9-

**THE CHAIRPERSON:** No, it is clause 10. We are on clause 10.

**DR TUMWESIGYE:** I propose we put it under clause 10 (2) where we say, “The minister shall, in appointing members of the board, ensure that there is adequate representation of customer interests and balance of skills, gender and experience among the members of the board.” Then we add, “For avoidance of doubt, at least a third of the members of the board shall be women.”

**THE CHAIRPERSON:** Fine. Honourable members, the question is that clause 10 be amended as proposed.

*(Question put and agreed to.)*

*Clause 10, as amended, agreed to.*

*Clause 11, agreed to.*

Clause 12

**DR BITEKYEREZO:** Madam Chairperson, on clause 12, “Tenure of office of board members”, we propose to delete the words “except that of the first members to be appointed to the board, three shall be appointed to hold office for two years” appearing after the word “term” in line two. The justification is that we would like to ensure fair application of the law by enabling the said members of the board to serve for the same period.

**MR MUSASIZI:** Madam Chairperson, from the onset, my reasoning is that it was framed like this to provide for staggering so that not all board members expire at the same time. Unless the chairman wants to propose how staggering will be factored in, I would like to suggest that this clause be maintained as it is.

**THE CHAIRPERSON:** Honourable chairperson, there is a need for institutional memory. You have the whole board gone and there is completely a new one coming in - at least this one permits institutional memory. You can pass on the knowledge and then leave.

**DR BITEKYEREZO:** Madam Chairperson, I concede.

**THE CHAIRPERSON:** I put the question that clause 12 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 12, agreed to.*

*Clause 13, agreed to.*

Clause 14

**DR BITEKYEREZO:** Clause 14 on “remuneration of board members,” we propose to redraft clause 14 to read as follows: “The chairperson and members of the board shall be paid such remuneration as the minister may, in consultation with the minister responsible for finance, determine.”

The justification is that:-

Since the remuneration of the members of the board will be drawn from the Consolidated Fund, the minister responsible for finance should be involved.

The involvement of members of the board in the determination of their remuneration will create conflict of interest.

**MR NANDALA-MAFABI:** Madam Chairperson, I would like to seek clarification from the chairperson. How do you pay those board members of National Water and Sewerage Corporation, Uganda Investment Authority and Uganda Revenue Authority? What is the law because this is a similar body to those –(*Interruptions*)

**DR BITEKYEREZO:** Thank you, Madam Chairperson. I respect hon. Nandala’s submission. Again, we said that in the spirit of moving together as a unit, and if we are to give services under a very good board, then we just need to retain the one that was there originally so that hon. Nandala’s views are well catered for. So, I concede to hon. Nandala’s suggestion.

**THE CHAIRPERSON:** Honourable members, the question is that clause 14 do stand part of the Bill.

*(Question put and agreed to)*

Clause 16

**DR BITEKYEREZO:** Madam Chairperson, we request to re-draft clause 16 (2) (d) to read as follows: “To determine rules and procedures for appointment, promotion, termination, discipline; and terms and conditions of service of the employees of the institute, in consultation with the Health Service Commission.”

The justification is to ensure that the appointment, promotion, termination and discipline of the employees of the institute are done in consultation with the Health Service Commission, since it is the body constitutionally mandated to appoint persons to hold any office in the health service.

**THE CHAIRPERSON:** Are we just substituting the Health Service Commission with for the public service?

**MR NANDALA-MAFABI:** Madam Chairperson, if you are saying that it is the Health Service Commission responsible for appointments then, what about the other authorities; who is responsible for the other institutions? I think the mandated body should be the Public Service and not the Health Service Commission.

**DR TUMWESIGYE:** Madam Chairperson, I recognise hon. Nandala-Mafabi’s submission. However, health workers are by and large recruited with support from the Health Service Commission which is the constitutional prerogative. I would like to propose that there is no harm, having the Health Service Commission appointing staff of the Uganda Heart Institute rather than the Public Service Commission.

**MR NANDALA-MAFABI:** Madam Chairperson, what about the sweepers, the drivers and administrators who are not health service professionals?

**DR TUMWESIGYE:** Okay, what has been happening is that, those often called support staff or common cadres are appointed by the Public Service. However, there is no harm if we say: “…in consultation with the Public Service and the Health Service Commission”, in order to take care of all categories of staff that are going to be appointed.

However, by and large, the board should be able to appoint the support staff. It is mainly in recruiting the other high calibre staff that it requires guidance from the Health Service Commission.

**MR NANDALA-MAFABI:** Then, if you are saying that the board is responsible, we should not tie the board’s hands. Let us allow them to recruit the staff. They are free to ask anybody to come and assist them. However, if we say that it is mandatory for them to go to the Health Service Commission that means that they will never have a worker until they have consulted with the commission.

Let us allow the board to freely recruit, discipline and do all that is appropriate and necessary. Let us not tie their hands; I would not agree with the Health Service Commission to being mandated with this work.

**THE CHAIRPERSON:** Do you, therefore, want to delete sub-clause (4)? Even public service should get out, so that the board does their work. Is that what you are suggesting?

**MS BBUMBA:** Thank you, Madam Chairperson. I would like to propose that instead of deleting both the Public Service Commission and the Health Service Commission, we say “The board will fire in consultation with the relevant appointing authority”. That caters for both the Public Service Commission and the Health Service Commission.

**THE CHAIRPERSON:** Is that not vague?

**MR NANDALA-MAFABI:** Madam Chairperson, the reason why we are putting this is that the person who appoints in the institute is the board. You cannot, therefore, say that you should consult somebody before you fire and employee.

If the board is responsible for recruitment, it is the one which should be responsible for firing. We, therefore, would like to avoid tying this institute - well, the Public Service Commission, may pass because these are going to be civil servants.

**THE CHAIRPERSON:** Honourable members, can you allow me to just check the law, because recently we were vetting the Health Service Commission, and I know they do a lot of recruitment and promotion, among other things. Let us find out where their power ends. Let us just defer this one for a while. Let us go to clause 17. Where are my lawyers, are they in here?

Clause 17

**DR BITEKYEREZO:** Madam Chairperson, we propose to delete the entire provision. Justification is that, one, to ensure that the board itself performs its function which it is constituted to perform; two, to avoid abuse of the powers and functions of the board.

**THE CHAIRPERSON:** Honourable chairperson, when we were considering the Cancer Institute Bill, we touched this matter and we said that a blanket ban on delegation may not be appropriate. For instance, you may delegate three members of the board out of the nine to go and attend to something on your behalf. They will be representing the board there. What do you say about that?

**DR BITEKYEREZO:** Madam Chairperson, thank you so much for reminding me of what we did for the cancer institute. Again, I said that for the purposes of going without meandering – because for the cancer institute, we accepted a delegation.

Let me concede that we leave clause 17 as it was instead of deleting it. The purpose is that we would like to be consistent.

**MR KATUNTU:** Madam Chairperson, let us look at how the board functions, not necessarily about this particular issue. Do they ordinarily have powers to delegate some of the inherent powers that have specifically been provided by the law? Yes they do, but to who? I think that is the question.

One, boards ordinarily delegate some of their powers to the committees of the board. That is the usual phenomenon and it is a norm on almost all boards. Where I find a problem is that this particular section is providing for the board delegating board powers to an officer, such that, tomorrow you will find –

**THE CHAIRPERSON:** We deleted that clause in the cancer institute. The one of the officer was deleted.

**MR KATUNTU:** We cannot have it because we are talking about the board. It can only delegate some of its powers to a sub-committee or to some members of the board but not to ordinary officers of the institute. I would have an objection on that.

**THE CHAIRPERSON:** What happened the other time is that we removed the officer and left the board members there.

**MR KATUNTU:** May I, therefore, recommend that the officer of the institution be delete?

**DR BITEKYEREZO:** I concede.

**THE CHAIRPERSON:** Honourable members, the question is that clause 17 be amended as proposed.

*(Question put and agreed to.)*

*Clause 17, as amended, agreed to.*

*Clause 18, agreed to.*

Clause 19

**DR BITEKYEREZO:** Madam Chairperson, we propose to delete paragraph (b) of clause 19 (1). Justification is that it is a consequential amendment arising from the proposed deletion of clause 17–

**THE CHAIRPERSON:** We have deleted that part -

**DR BITEKYEREZO:** Yeah. However, on clause 19(2), to redraft sub clause (2), as follows: “(2)A committee appointed under subsection (1), shall consist of a chairperson, who shall be a member of the board, and two other members of the board.” The justification is to restrict the composition of the committee to only members of the board.

Clause 19(4) to redraft sub clause (4) to read as follows: “(4)Members of the committee appointed under this section, shall be paid such allowances as the board may, in consultation with the minister and Minister responsible for Finance, determine”.

The justification is to ensure that the determination of allowances of the committee members is not only left to the board but should be done in consultation with the minister and Minister of Finance, Planning and Economic Development

**MR KATUNTU:** Madam Chairperson, the minister is part of cabinet. When they talk about the minister having powers, the law assumes that this minister should be able to consult his colleagues. There is no way the Minister of Health will start detailing how much money is going to be paid, without referring to a Cabinet decision or consulting his colleagues, including the Minister of Finance, Planning and Economic Development.

Madam Chairperson, it is very difficult to provide for consultation between a minister and minister by law. That is the function of Cabinet. There is no way a minister will start prescribing salaries and remuneration without consulting his colleague, the Minister of Finance, Planning and Economic Development.

**DR BITEKYEREZO:** Madam Chairperson, in view of what hon. Abdu is saying, I am proposing as follows: “Members of the committee appointed under this section shall be paid such allowances as the board may, in consultation with the minister, prescribe.”

Justification: to ensure that the determination of allowances of the committee members is not only left to the board but should be done in consultation with the Minister of Health.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 19 be amended as proposed.

(*Question put and agreed to.)*

*Clause 19, as amended, agreed to.*

*Clause 20, agreed to.*

Clause 21

**DR TUMWESIGYE:** Clause 21, we wanted to move an amendment to provide that the institute shall have an executive director who shall be appointed by the minister on recommendation of the board on terms and conditions specified in his/her instrument of appointment.

Justification: to provide another level of scrutiny and provide for checks and balances because the board will be able to appoint all the staff of the heart institute. However, for the Executive Director, Deputy Executive Director and Secretary to the Board, they should do it in consultation with the minister. I beg to submit.

**MR KATUNTU:** What the minister wants is to have a role. What the legislation has provided is that the board has powers to appoint but in consultation with the minister, not the minister having the power of appointment. Will you be comfortable with –

**THE CHAIRPERSON:** Yes, the minister’s point is that the power should not originate from the same source because if the board appoints everybody then no one will be in charge. Therefore, when he adds the “minister” there, it helps to differentiate them.

**MR MUSASIZI:** Appointments should be by the board in consultation with the minister, not the other way round.

**DR BITEKYEREZO:** Madam Chairperson, I totally agree with hon. Musasizi. I happen to be a chairperson of a board somewhere. My board has powers to sack any one. For the sake of making this board very strong, let them appoint in consultation with the minister. If we don’t do that, we shall get a problem.

**THE CHAIRPERSON:** Honourable members, the question is that clause 21 be amended as proposed.

*(Question put and agreed to.)*

*Clause 21, as amended, agreed to.*

*Clause 22, agreed to.*

*Clause 23, agreed to.*

Clause 24

**DR TUMWESIGYE:** Madam Chairperson, consequential, we can say that the institute shall have a Deputy Executive Director who shall be appointed by the board in consultation with the minister.

**THE CHAIRPERSON:** Honourable members, the question is that clause 24 be amended as proposed.

*(Question put and agreed to.)*

*Clause 24, as amended, agreed to.*

Clause 25

**DR TUMWESIGYE:** Clause 25(2), “The secretary to the board shall be appointed by the board in consultation with the minister”, although ideally the secretary should be appointed by the minister on recommendation of the board. The secretary to the board should be an appointment by the minister instead of the board appointing its secretary.

**THE CHAIRPERSON:** So, we delete clause 25(1) - because they are saying the institute will designate an officer; meaning that it should be someone inside designated by the board.

**DR TUMWESIGYE:** Yeah, in theory -*(Interruption)*

**MR BIRAARO:** Madam Chairperson, the minister has already had his share in fully appointing the board. That is the role of the minister and already the board members are specified. They are members of high moral integrity and standing**.** I do not see why every appointment that comes, must have the hand of the minister. In such cases, management becomes very complicated because later on, the hand of the minister will prevail even to stop disciplinary action, say upon a member the minister was consulted to appoint.

The moment the minister has appointed the board; the board is functioning and credible. The board should have powers and the minister’s hand should be distance from the board; that is without malice and prejudice.

**MR BAHATI:** Madam Chairperson, can I seek guidance from the minister and the Attorney-General on the other side of the House? Previously, in the different boards we have approved, the executive director is normally the secretary to the board, as a member of the board, but also acts as a secretary. I do not know what justification we are giving to have a separate secretary to the board of this institution. I can imagine some institutions like NSSF and others have an independent secretary. However, for this heart institute, I do not know whether we need a secretary. Why can’t the Executive Director work as a member of the board and the Secretary to the board?

**MR OBOTH:** Let me help; after I have had the Floor, hon. Katuntu will have less to say something.

Madam Chairperson, as the Minister of State for Finance, Planning and Economic Development (Planning) is saying, there are boards where we have specialised services like the Uganda Heart Institute. What would be the work of the secretary per se? Are you talking about a corporation secretary of the board, board affairs that an executive director would not do? You are even proposing that this board secretary should be appointed by the minister. What are you worried about? Hon. Biraaro, mentioned that these are board members you have appointed; why don’t you have confidence in them to appoint a board secretary; yet the same board will appoint the executive director? Maybe there is something you have under your sleeves; do you have a permanent secretary in mind?

Honestly speaking, the roles of the board would be designated and the Executive Director would still provide the usual roles –unlike in a few boards such as URA and NSSF where the board secretary is a lawyer. This is warranted by the nature of their roles and other duties they undertake. I would buy and join in issue with hon. Bahati and recommend that you drop this idea unless you really satisfy us that you need a board secretary.

**THE SPEAKER:** let us ask the minister for the rationale for this proposal and then hon. Katuntu will come. Why do you want a secretary, honourable minister?

**DR TUMWESIGYE:** It is part of corporate governance and I think there is a debate on the best way to manage these parastatals. When you say the CEO of the parastatal also becomes a secretary there are so many duties that are required of a secretary that sometimes the Executive Director cannot perform; and in the end they decide to choose one of the staff to perform the function of the secretary.

We have a situation of National Medical Stores where we have a specific secretary to the board and responding to hon. Biraaro’s comment, of course the heart institute is going to have hundreds and hundreds of employees. The minister is only asking for consultation with respect to appointment of the executive director, deputy executive director and secretary to the board.

Madam Chairperson, having said so, I concede that we can delete that whole clause talking about the secretary to the board and instead in the clause talking about composition of the board, we add a sub clause where we say the “executive director shall be secretary to the board” just like the cancer institute was provided for.

**MR KATUNTU:** Madam Chairperson, the executive director is actually a director. That is why they call him the executive director. To designate a managing director to be a secretary of the board, including to perform other functions much as he wants them deleted - Look at the functions that had been designated for the secretary, “Keep records of all transactions, and act as secretary.”

Other institutions have what you would call a minute taker. Here we are talking about an institution with somebody responsible for the board matters, right from minute taking to keeping records and sometimes perform such other functions as the head of the institution may designate.

There are many other functions which an ordinary secretary does that a managing director does not do. If you are talking about corporate governance, you have three principal officers of a company: you have the executive head, who is the managing director; in his absence you have the deputy and then the secretary. In most cases, the secretary performs the general functions of these institutions.

The contention is how this secretary should be appointed. To me, this is a board function. The board can easily appoint this secretary and he will manage board matters. Board matters are not very easy they need an officer responsible for them. Literally, if you have a functional board, the managing director is the overall head of the institution. We need to distinguish those two roles; you need to think twice before you delete this office.

**THE CHAIRPERSON:** Honourable members, I think what we need to agree is the secretary going to be recruited from outside, because the proposal here is that he will be designated. The presumption is that he is within. He will be designated from among the existing staff.

**MR KATUNTU:** Madam Chairperson, it is a contradiction when you look at clause 25 (1) like you pointed out, it is a designation of an officer to be appointed secretary and then you go to (ii) which talks of another formal process of appointment. Do we need just a designation where you can just designate an officer to be a secretary and then you do not go through all these processes under clause 25 (2)?

**MR MAGYEZI**: Madam Chairperson, we need to separate the secretary of the institute from the secretary of the board. There is a company secretary, a lawyer who in terms of what I would understand - you are putting him or her at rank No.3; you are talking of the executive director, the deputy executive director and next in line is the secretary to the board.

Honourable minister, we need to be very clear; are you looking at that kind of secretary for the institute or you are talking about somebody taking minutes and keeping records of the board.

To me, it is not a matter of designating somebody; it should be part of the structure. With the executive director, deputy executive director, finance officer and secretary. If you insist that you want a secretary to the board that does not have to be appointed by the minister or in consultation with the minister. That one would simply be among the other staff who are appointed by the board -*(Interruption)*

**MR NANDALA-MAFABI:** Thank you very much, hon. Magyezi and Madam Chairperson. We are confusing two things; I know an institute is where education is provided.

This institute is to provide cardiac services and medical care to patients. That is where we are going wrong; when you talk about institute we are thinking like Uganda Management Institute (UMI), Makerere and so forth. If it is just like more so an authority I think as we debate we should not look at it as a teaching institution. It is like an organisation going to do some specific work, but not necessarily training.

If that is the case, the person who is supposed to be a secretary for purposes of minute recording in maybe quarterly minutes or quarterly meetings, I suggest the executive director should be the one to take on that function other than making it a huge organisation, which will be so costly and eventually may not offer the required services. That is the information I wanted to give.

**MR MAGYEZI:** Thank you, hon. Nandala-Mafabi, for the information and it is in that spirit - if I were the executive director of this organisation and I am not in-charge of the board matters - you put another staff in-charge- I would think you are causing paralysis.

If you insist that you want the bearer to be at the level of a company secretary, a lawyer to advise them - I think under the cancer institute we said, “The executive director will handle all the board related affairs.” My proposal is that let the executive director be the secretary. Then you can have a minute taker within the structure; a secretary can be designated; any member of staff can do that job.

**THE CHAIRPERSON:** So, would you like to delete clause 25?

**MR RUHUNDA:** Madam Chairperson, in modern practice when you are the Executive Director, you are also the custodian of the information of that particular institution because basically that is your executive role and you must be trusted.

I would really think that it is appropriate to have the executive director play the role of the company secretary.

Therefore, I do not see a problem with that unless we want to create jobs for some people, but some of these institutes need to be protected. How is the cancer institute, for instance, performing? Does it mean that by not appointing a secretary they will have problems? I do not think so. We should allow these institutes and the executive directors to play their role.

**MR MWESIGYE:** I sincerely do not understand where you people are coming from. The real practice in the corporate world provides for an executive director and a company or board secretary appointed by the board with approval of the minister. This is the practice all over. Even these Government parastatals you know of; that is the practice. Therefore, I do not understand why you want to change goal posts when you come to the heart institute.

You just take a look at all these Government parastatals. It is the executive director, board or company secretary, appointed by the board in consultation with the minister. This is what happens. You can crosscheck and if you see the law then No.1 can go but the rest are the real functions of the company secretary *– (Interruption)*

**MR BAHATI:** Thank you, hon. Mwesigye. I do not think it is true that all corporations and bodies that we have approved here, we have approved a position of a secretary; No, we have not. There are institutions like NSSF and URA, which on a daily basis need a corporation secretary to attend to these issues.

Does the heart institute need a full time secretary to manage the affairs of the board? That is the question we should ask. My answer is no. The executive director can be part of and work as secretary to the board. Appointing somebody as secretary to the board on a full time basis, then you are not going to utilise that person to the fullest potential.

**MR KATUNTU:** We need to look at clause 25(1), it provides that the institute shall designate as officer to be appointed. Therefore, you can designate one of your officers within the institution for these purposes. What we should be looking at is clause 25(2). However, if you are going to get and executive head of an institution and be acting a secretary that will not be me if, I were the executive head.

**THE CHAIRPERSON:** Honourable members, does that mean that we delete clause 25(2) and leave clause 25(1) so that the person is from within and designated?

**MR KASULE:** Unless we are assured that the person who shall be designated is a person who shall add other costs to the board -

**THE CHAIRPERSON:** That is why we are deleting clause 25(2)

**MR KASULE:** Let us assume that it shall be the chief executive officer or the managing director for the institute that shall be secretary to the board -

**THE CHAIRPERSON:** Honourable members, let us delete clause 25(2) and leave the others. That will solve the problem. Okay.

Honourable members, the question is that clause 25(2) be amended by deleting sub clause (2)?

*(Question put and agreed to.)*

*Clause 25, as amended, agreed to.*

Clause 26

**DR BITEKYEREZO:** Madam Chairperson, we propose to amend clause 26(2) that is to substitute for the words “on the advice of the executive director”, with the words, “in consultation with the Health Service Commission”. Justification: for harmonization of terms and conditions of services since the Health Service Commission is constitutionally mandated to oversee the recruitment of persons to hold any office in the health service.

**THE CHAIRPERSON:** Honourable members, I said I would like to check the Health Service Commission Act. These are the functions under clause 8:-

“(a) Advice the President in performing his/her functions in relation to the health services under the Constitution.

(b) Have power to appoint persons to hold or act in any office in the health service including the power to confirm appointment. Exercise disciplinary control over those persons and to remove them from office.

(c) Review the terms and conditions of service, standing orders, training and qualification of members of the health service and any other matter connected with their management and welfare and make recommendations on them to the Government.”

What we need to agree on is, is this institute part of the health service? If they are, then they fall under the Health Service Commission. That is what I wanted us to understand; if they do then instead of public service then it is health service. She has also proposed health services in clause 26 - we shall go back to it.

**MR MAGYEZI:** The minister should help us on this. We thought we are establishing an institute which can determine its remuneration. We are establishing an institute where the board can employ, hire and fire. The moment you bring it under the Health Service Commission, then it is the Health Service Commission that must recruit, hire, fire and retain the terms of the health service. In that law, we are talking of the Health Service Commission in relation to the Education Service Commission and Public Service Commission.

That is the commission responsible for people in the public service - the traditional civil service. In the spirit of this separate law, this institute should be autonomous, and must have terms and conditions that are attractive and we give the powers to the board. Under clause 26, we are running away from what we have been doing all along. We are now establishing part of the structure of civil service under the Health Service Commission.

In my view, we would delete clause 26(2) and leave the rest to the board. There is no need to refer to the commission and minister under staff. The staff should remain under the board. Delete clause 26(2) and retain clause 26(1) and 26(3), and this is safe.

**DR TUMWESIGYE:** We should not delete clause 26(2). Maybe, what we can delete is “on the advice of the executive director”, but we maintain that “employees shall be appointed by the board”. When you remove clause 26(2), it means you have no provision for who appoints the board.

**THE CHAIRPERSON:** Would you like to say, “The employees shall be appointed by the board”? Do not add, “To advice the board”.

**DR TUMWESIGYE:** And the rest, whether you consult Health Service Commission or not, that will be cured in the other clause which we stood over, which determines the rules and procedures of appointment.

**MS NAMAYANJA:** I would like to find out if you remove the executive director’s advice, how does the board get to know that there is a requirement for recruitment? I thought the executive director advices the board on the need to recruit.

**DR TUMWESIGYE:** I do not want to refer to situations in other companies where the executive directors are clashing with other people but the issue is that you do not want to have every employee of the board to be appointed in consultation with the executive director. Let the board have a free hand to appoint people. The executive director is part of the board and can be able to provide that information rather than pointing it in the law where he might veto every appointment which he/she does not agree with.

**THE CHAIRPERSON:** Honourable members the question is that clause 26 be amended as proposed?

*(Question put and agreed to.)*

*Clause 26, as amended, agreed to.*

Clause 27

**DR BITEKYEREZO:** Madam Chairperson, we propose to amend clause 27, that is, on protection from liability of members of the board and officers of the institute. To delete the words “or of an officer of the institute” appearing after the word “board” in line two.

Justification: We want to avoid abuse of the provision.

**MR MAGYEZI:** This is a standard provision; it is not just for the officer but even any other person, acting on the directions of the board. You cannot now say that it is only the committee members but the staff acting on the directions of the board in the interest of the institute must be protected. I do not see why you want to make it segregative.

**THE CHAIRPERSON:** Honourable chairperson, I advise that you leave it because the test is in the words “done in good faith”. So it is a question of evidence whether you did it in good faith or not.

**DR BITEKYEREZO:** Madam Chairperson, I concede that clause 27 remains the way it was originally.

**THE CHAIRPERSON:** Honourable members, the question is that clause 27 do stand part of the Bill.

*(Question put and agreed to.)*

Clause 28

**DR BITEKYEREZO:** Clause 28: Funds of the institute. We propose to amend clause 28(d) by deleting paragraph (d).

Justification: To ensure that borrowing is not taken primarily as a source of funds for the institute but should be a last resort measure.

**MR MUSASIZI:** Madam Chairperson, I would like to propose that we delete (b), (c), (d), (e) and (f) and then we replace them with the following: “Funds that accrue to the institute shall be dealt with in accordance with the Public Finance Management Act, 2016.” The justification is that section 30 of the Public Finance Management Act, 2016, provides for how revenues that accrue to the entities of Government should be treated.

**THE CHAIRPERSON:** Honourable members, as you recall progressively since we enacted that law, we have made it clear that these institutions cannot borrow unless they come to Parliament; they cannot get money from donors unless it is also part of the Budget. So it is really under the Public Finance Management Act; so even the money accruing to them in the course of their duty should go to the Consolidated Fund and be appropriated. So it is more or less standard now – that all of them should operate under the Public Finance Management Act. So if you can phrase it properly, we will delete everything else.

**MR NANDALA-MAFABI:** Madam Chairperson, first, I support what hon. Musasizi has raised. But we have already told the Executive that whenever they are bringing a Bill here, they should quote exactly what the Public Finance Management Act talks about as far as revenues and expenditures of authorities or whatever institution they are creating are concerned. So who is this one who is not taking the order we have given. So honourable minister, why did you defy Parliament on what is already in place?

**DR TUMWESIGYE:** I know hon. Nandala-Mafabi always looks for faults within my area. *(Laughter)* But I know he is trying to ensure that he trains me to follow the law. However, he has not looked at clause 38 which talks about compliance with the Public Finance Management Act. It says: *“The institute shall, at all times, comply with the Public Finance Management Act.”*

So I provided for that. But we can go back to see how to relate it to this particular clause.

**MR NANDALA-MAFABI:** Why I am saying this – if the minister can quote it somewhere else, why didn’t he put it here? We have explained and told them that as far as this section is concerned in any law, you must say: “…according to the Public Finance Management Act.”

**THE CHAIRPERSON:** Honourable members, what we can do is to amend (a) and after the word “institute”, we say: “money appropriated by Parliament for purpose of the institute as provided under the Public Finance Management Act.” That will cover the loans, the donations and others.

Okay, we delete everything else and amend sub clause (a).

So I put the question that clause 28(a) be amended as proposed.

*(Question put and agreed to.)*

*Clause 28, as amended, agreed to.*

*Clause 29, agreed to.*

Clause 30

**MR NANDALA-MAFABI:** Madam Chairperson, again on clause 30, no account is supposed to be opened without the authority of the Accountant-General. So “The board should open and maintain such accounts necessary for the performance of the functions of the institute with the authority of the Accountant-General.” Justification – of course Madam Chair, you are aware of the justification.

**THE CHAIRPERSON:** Okay,honourable members,the question is that clause 30 be amended as proposed.

*(Question put and agreed to.)*

*Clause 30, as amended, agreed to.*

Clause 31

**THE CHAIRPERSON:** Honourable members, we should delete clause 31; we have progressively stopped borrowing.

**DR BITEKYEREZO:** Madam Chairperson, I beg to move that we delete clause 31 because we are struggling to avoid borrowing for purposes of not having problems.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 31 be deleted.

*(Question put and agreed to.)*

*Clause 31, deleted.*

Clause 32

**MR NANDALA-MAFABI:** Madam Chair, even clause 32 must be deleted.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 32 be deleted. The reasoning is the same; we are not going to allow them to have surplus funds – they should use what is budgeted.

*(Question put and agreed to.)*

*Clause 32, deleted.*

*Clause 33, agreed to.*

*Clause 34, agreed to.*

*Clause 35, agreed to.*

*Clause 36, agreed to.*

*Clause 37, agreed to.*

*Clause 38, agreed to.*

*Clause 39, agreed to.*

*Clause 40, agreed to.*

*Clause 41, agreed to.*

*Clause 42, agreed to.*

*Clause 43, agreed to.*

*Clause 44, agreed to.*

Clause 45

**DR BITEKYEREZO:** Madam Chairperson, we propose to delete clause 45(6). Justification: It is redundant since it is already provided for under subsection (4).

**MR NANDALA-MAFABI:** Madam Chair, this is for purpose of emphasis. Clause 45(6) says: “Nothing in the Act affects the pension rights.” What it means here is that even if you have gone, your pension rights should not be affected.

**THE CHAIRPERSON:** It is a repetition. Honourable members, I put the question that clause 45 be amended as proposed.

*(Question put and agreed to.)*

*Clause 45, as amended, agreed to.*

*Clause 46, agreed to.*

*The First Schedule, agreed to.*

The Second Schedule

**DR BITEKYEREZO:** Madam Chairperson, we propose to amend Schedule 2: meetings of the board, sub-paragraph 1(3) to substitute for the word “fourteen” appearing in line two, with the word “seven”.

The justification is to ensure practical implementation of the provision since it is not feasible to call a special meeting under sub-paragraph (2) within 14 days and, at the same time, notify members of the meeting within 14 working days before the day of the meeting.

**THE CHAIRPERSON:** Honourable members, the question is that sub-paragraph 1(3) be amended as proposed.

*(Question put and agreed to.)*

*Second Schedule, as amended, agreed to.*

Clause 16

**THE CHAIRPERSON:** Honourable members, I gave you the provision under the Health Service Commission Act. Honourable chairperson, maybe you could re-state your proposal.

**MR NANDALA-MAFABI:** Madam Chairperson, I have looked at those who are supposed to be the board members and they include the Director, Mulago Hospital, somebody from the ministry of-

**THE CHAIRPERSON:** Is that clause 16? Let us deal with clause 16 first. We had stood over clause 16 and I think we were looking at clause 16(2)(d).

**DR BITEKYEREZO:** Madam Chairperson, we had proposed to redraft clause 16(2)(d) to read as follows: “Functions of the board: To determine rules and procedures for appointment, promotion, termination, discipline; and terms and conditions of service of the employees of the institute in consultation with the Health Service Commission.”

The justification is to ensure that the appointment, promotion, termination and discipline of employees of the institute are done in consultation with the Health Service Commission, since it is the body constitutionally mandated to appoint persons to hold any office in the health service.

**MR NANDALA-MAFABI:** Madam Chairperson, I had not read clause 16 very well but having read it, I think it is okay. It is saying, “…propose to the Minister of Public Service for approval, rules and procedures of appointment, promotion and termination, discipline and terms of conditions of service of the employees of the institute.”

Basically, all these service commissions that we are talking about are under the Ministry of Public Service. Therefore, you cannot say that we should go to the Health Service Commission. If the Ministry of Public Service wants any help, it will go to the Health Service Commission where the required competence is. As such, the clause is okay as it is. We do not need to add or subtract anything.

Therefore, I would like to propose that clause 16 be maintained.

**THE CHAIRPERSON:** Okay, he is saying that the board will present their proposals for appointment, promotions, termination, and so forth, and the Ministry of Public Service will approve. Do they present their proposals to him or her?

**DR TUMWESIGYE:** I tend to agree with hon. Nandala-Mafabi. However, we need to add “of” so that it reads: “…propose to the Minister of Public Service for approval of rules and procedures for appointment, promotion, termination, discipline and terms and conditions of service of the employees of the institute”.

Therefore, the Minister of Public Service is the one responsible for approving the rules and procedures and not approving promotions.

**THE CHAIRPERSON:** Okay. Honourable members, I put the question that clause 16 with the amendment “of” do stand part of the Bill.

*(Question put and agreed to.)*

*Clause 16, as amended, agreed to.*

Clause 3

**DR BITEKYEREZO:** Madam Chairperson, on clause 3, Interpretation, we propose to insert the interpretation of the following phrase immediately after the interpretation of the word “minister”, “Super specialised cardiac medicines, reagents, sundries and equipment means highly specialised cardiac medicines or devices used in the management and treatment of heart diseases.”

The justification is for clarity. Madam Chairperson, I am suspicious that hon. Katuntu wants us to talk about specialised cardiac medicines. The heart has a variety of parts and we have drugs that work on the rhythm and those that work on the contractility of the muscle. There are so many drugs and if we wanted to list all of them, we would produce a British national formulary here. It would be too much.

However, when we talk about cardiac medicines, we mean drugs for treatment of so many things-

**THE CHAIRPERSON:** Honourable, you have asked yourself a question and you are answering it. (*Laughter*)

**MR KATUNTU:** Madam Chairperson, I will not talk about drugs. In the interpretation clause, you have already provided for the office of the executive director but you have failed to provide for the office of the Deputy Director and the Secretary who we have provided for within the Act. We should reproduce them to have the same meaning as the sections that create them.

**THE CHAIRPERSON:** Can someone propose?

**MR KATUNTU:** Madam Chairperson, we propose that the “deputy director” means the “deputy director of the institute as appointed under clause 24.”

The “secretary” means the “secretary as designated under clause 25.”

**THE CHAIRPERSON:** Honourable members, the question is that clause 3 be amended as proposed.

(*Question put and agreed to.*)

*Clause 3, as amended, agreed to.*

*The Title, agreed to.*

MOTION FOR THE HOUSE TO RESUME

4.16

**THE MINISTER OF HEALTH (Dr Elioda Tumwesigye):** Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House do report thereto.

**THE CHAIRPERSON:** Honourable members, the question is that the House do resume and the Committee of the whole House do report thereto.

(*Question put and agreed to*.)

*(The House resumed and the Speaker presiding\_)*

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

4.17

**THE MINISTER OF HEALTH (Dr Elioda Tumwesigye):** Madam Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, “The Uganda Heart Institute Bill, 2015” and passed it with a number of amendments.

MOTION FOR ADOPTION OF THE REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

4.17

**THE MINISTER OF HEALTH (Dr Elioda Tumwesigye):** Madam Speaker, I beg to move that the report of the Committee of the whole House be adopted.

**THE SPEAKER:** Honourable members, the question is that the report of the Committee of the whole House be adopted.

*(Question put and agreed to.)*

BILLS

THIRD READING

THE UGANDA HEART INSTITUTE BILL, 2015

4.18

**THE MINISTER OF HEALTH (Dr Elioda Tumwesigye):** Madam Speaker, I beg to move that the Bill entitled, “The Uganda Heart Institute Bill, 2015” be read for the third time and do pass.

**THE SPEAKER:** Honourable members, I put the question to the motion.

*(Question put and agreed to.)*

A BILL FOR AN ACT ENTITLED, “THE UGANDA HEART INSTITUTE BILL, 2016”

**THE SPEAKER:** Title settled and the Bill passed. *(Applause)*

**DR BITEKYEREZO:** Madam Speaker, this might be my last speech in this Parliament. From my heart of hearts, let me thank you, Madam Speaker, for giving a gift to the children of Uganda when we passed the immunisation Bill. We gave a second gift of the Uganda Cancer Institute Bill, 2015. Lastly, in the health sector, which I have been overseeing as chairperson, we have passed the Uganda Heart Institute Bill, 2016.

Madam Speaker, I would like to thank the Executive Director of the Uganda Heart Institute and the medical fraternity that are working on patients in Mulago. They get very poor pay but still work. I thank them for the wonderful job that they have done. We have cut the ropes that have been tying the heart institute from procuring drugs, and we have enabled them to provide affordable and sophisticated service to people with heart conditions. All of us are capable of getting heart diseases, including children that are born with defects within their heart chambers.

Madam Speaker, as I leave Parliament, I will always be highly indebted to you as Dr Bitekyerezo, a specialist physician that is going back to Mbarara to treat patients. I believe that Ugandans should not die. We should not keep ferrying patients abroad to look for treatment in India. They have to sell all their land and houses only to come back here and eventually die. I believe that as Parliament, we have liberated the health sector.

Honourable minister, I do not want you to be sacked, but I want you to leave that air conditioned office in the Ministry of Health and go and see what is happening down there. When you find people not administering heart treatment, sack them or sack the board, because you have the power.

We do not want people to get treatment in Mulago only. Let Jinja, Mbale, Moroto, Arua, Gulu, Mbarara, Kabale and Fort Portal all have heart institute services.

Madam Speaker, may God reward you, and I hope that this Parliament elects you again. In fact, I pray that nobody, even from the Opposition, stands against the Speaker. This is because, Madam Speaker, you have been a Speaker for this country and I thank you very much.

Last but not least, let all of us support this in-coming President who is going to take over this country so that you can keep reminding him that we have done our work, and he should also do his, so that we move with steady progress. *(Laughter)* Thank you very much.

**THE SPEAKER:** Thank you very much. On behalf of the House, let me also thank the Committee on Health for delivering on those three Bills, as we had agreed.

MOTION FOR A RESOLUTION OF PARLIAMENT MOVED UNDER ARTICLE 123(1) OF THE CONSTITUTION AND SECTION 2(B)(1) OF THE RATIFICATION OF TREATIES ACT, CAP. 204 FOR THE RATIFICATION OF THE AGREEMENT FOR THE ESTABLISHMENT OF THE EASTERN AFRICA STANDBY FORCE (EASF)

4.20

**THE MINISTER OF STATE FOR DEFENCE (Gen. (Rtd) Jeje Odongo):** Madam Speaker, I beg to move a motion for a resolution under Article – *(Interruption)*

**MS ANYWAR:** Madam Speaker, I would like to raise a point of order, but the honourable minister has rushed out. However, allow me to raise this concern. We sit here and support each other to do this nation a duty. It would be sad that after a minister’s Bill has passed, he leaves without listening to others. If all of us disappeared, who is going to do business in this House? I pray that you prevail over the Executive to be patient with us as we are usually patient with them.

**THE SPEAKER:** Honourable members, before we started this sitting, the Minister of Health came to me and requested that I bring forward the consideration of that Bill, because he had a meeting with the President at 4.00 p.m. Therefore, he has my permission. He is not just running away.

Honourable Minister of Defence, when you finish your business, stay here because you have not said anything. *(Laughter)*

**GEN. (RTD) ODONGO:** Madam Speaker, I have no intention of running away.

I beg for your permission to move a motion for a resolution under Article 123(1) of the Constitution and section 2(b)(1) of the Ratification of Treaties Act, Cap. 204 and Rule 47 of the Rules of Procedure for the ratification of the agreement for the establishment of the Eastern Africa Standby Force(EASF).

**THE SPEAKER:** Is it seconded? It is seconded by the Minister of Internal Affairs as well as the Minister of Agriculture, Animal Industry and Fisheries.

**GEN. (RTD) ODONGO:** Madam Speaker,

*“WHEREAS Article 123(1) of the Constitution mandates the President to make treaties, conventions, agreements or other arrangements between Uganda and any other country or between Uganda and any other international organisation or body in respect of any matter;*

*AND WHEREAS Section 2(b)(1) of the Ratification of Treaties Act requires that where a treaty relates to armistice, neutrality of peace, it shall be ratified by Parliament by resolution;*

*AND WHEREAS it is a primary responsibility of the United Nations Security Council to maintain international peace and security as mandated by the Charter of the United Nations;*

*AND WHEREAS Article VIII of the Charter of the United Nations recognises the roles of regional arrangements in dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action;*

*AND WHEREAS on the 26th day of June 2014, the Eastern Africa Standby Force Assembly of heads of state and government during their third extraordinary summit held in Malabo, Equatorial Guinea, signed the agreement on the establishment of the Eastern Africa Standby Force as part and parcel of the African Standby Force;*

*AND WHEREAS the signing of the agreement is consistent with the provisions of the Charter of the United Nations, the Constitutive Act of the African Union and the Protocol relating to the Establishment of the Peace and Security Council of the African Union;*

*AND WHEREAS the purpose of the agreement is to establish a mechanism for the prevention, management and resolution of inter and intra state conflicts, consultation and cooperation for peaceful settlement of disputes and capability for response in a timely manner to conflicts in Africa through an operational structure or the effective implementation of decisions to promote regional peace, security and stability;*

*AND WHEREAS the Eastern Africa Standby Force comprises of 10 states namely: the Republic of Burundi, the Union of the Comoros, the Republic of Djibouti, the Federal Republic of Ethiopia, the Republic of Kenya, the Republic of Rwanda, the Republic of Seychelles, the Federal Republic of Somalia, the Republic of Sudan and the Republic of Uganda;*

*AND WHEREAS Article 22(1) of the agreement provides for its ratification by the member states in accordance with the constitutional procedure in the member states;*

*NOW, THEREFORE, be it resolved by Parliament as follows:*

*That in accordance with Article 123(1) of the Constitution and Section 2(b)(1) of the Ratification of Treaties Act, Cap 204, Parliament ratifies the Agreement on the Establishment of the African Standby Force, signed by the President of the Republic of Uganda during the Third Extraordinary Summit of the East African Assembly of Heads of State and Government held in Malabo, Equatorial Guinea on the 26th day of June 2014.”*I beg to move.

**THE SPEAKER:** Honourable members, you have heard the motion. Is the motion seconded? Have you finished with the justification?

**MR KATUNTU:** Thank you very much, Madam Speaker. I am at a loss. There is an agreement, which the minister seeks this House to ratify. Where is this agreement? It could be there but it should be on the Floor for purposes of our record. It should be laid before the House and then we can debate it.

**MR NANDALA-MAFABI:** Madam Speaker, we should study the agreement after it is laid. The Committee on Defence and Internal Affairs should also advise us. As of now, the minister wants to speak to his motion so that we ratify the agreement.

Madam Speaker, we have the African Union on standby. Wouldn’t it be procedurally right that after the minister presenting his motion and laying it on the Table, we send it to the appropriate committee, and that committee will advise us on whether the agreement is good for us to ratify or not?

**MR MAGYEZI:** Madam Speaker, thank you. Hon. Katuntu asked for a copy of that agreement but I am equally concerned that the copy, which is on our iPads, is not signed by Uganda. It is signed by Burundi, Rwanda, Comoros, Seychelles, Djibouti and Somalia. Therefore, we need the hard copy of the agreement. If we are here to approve and ratify an agreement, which is not signed by Uganda, I equally get concerned. Can we have the hard copy laid on the Table?

**MS OGWAL:** Madam Speaker, it was not long ago when we requested the Ministry of Foreign Affairs to bring to Parliament all the treaties that Uganda had committed itself to either sign or ratify so that we know their status. This is now one of them and I am amazed that the minister would request for ratification before giving us a copy because that is what we have been waiting for. We would like all these treaties to be looked at for us to ratify so that we can domesticate them.

Now, you are bringing us a very important matter without making it complete. Madam Speaker, I would like to say that not only should we deal with this but we would like the Minister of Foreign Affairs to bring us all these treaties so that we can know the status of their ratification and domestication. I thank you.

**MR OBOTH:** Madam Speaker, I would like to believe that this is not the first time that we are faced with a procedural issue on ratification of treaties. If it is not the first time then you do not reinvent the wheel where the wheel exists. How have we been doing it?

Section 2(1) of the Ratification of Treaties Act, which was made in relation to Article 123, would give us the procedure and here, the procedure is that the minister comes. Madam Speaker, to make the procedural issue a little easier for all of us, I have a copy ratified by Uganda on page 11. I am sure that in the iPads, if you stopped at page 10, you would not be able to see it.

What is this ratification? Should we go into defining what ratification is? The agreement is already entered into. A copy of that agreement would only be for information and the minister should be able to speak to the motion, and tell us what the silent provisions are concerning peace and inter or intra conflict resolution mechanisms.

Madam Speaker, you may have to guide the minister to feed us with this information, and also give Members the assurance that copies are available. Personally, I have a hard copy because I am seconding this motion- (*Interruption*)

**MR NANDALA-MAFABI:** Madam Speaker, I would like to thank my God for changing hon. Oboth’s mind from standing for deputy speakership. I would like to thank Him and I will continue doing that. (*Laughter*) Madam Speaker, hon. Magyezi raised an issue-

**THE SPEAKER:** Hon. Nandala-Mafabi, our Rules of Procedure do not allow us to speak in a disparaging way about other Members.

**MR NANDALA-MAFABI:** Madam Speaker, I was thanking God because we must thank Him for everything. There is nothing more. (*Laughter*)

Madam Speaker, hon. Magyezi raised a point and said that he has a hard copy of the agreement, which is not signed by Uganda. We said that we wanted a copy to be laid on the Table. Hon. Oboth is saying he has a copy, as if he is the only Member of Parliament.

Is it in order for him, who got his copy from elsewhere, to come here and tell us that we should accept his word and follow him? (*Laughter*)

**THE SPEAKER:** Who has the Ratification of Treaties Act? Do you have it there? Honourable members, under the Ratification of Treaties Act, after the Cabinet has ratified the treaties, they should be laid here as soon as possible.

**GEN.** **(RTD) ODONGO:** Madam Speaker, I am sorry for the confusion. When we submitted the motion, we actually submitted it along with all the documents relating to it.

First of all, to allay hon. Magyezi’s fears, on page 11 of the agreement where there is a space for the signature of the President of Uganda, it is duly signed. I would like, therefore, to take this opportunity*- (Interruption)*

**MR KATUNTU:** Madam Speaker, we want to do our duty as members of Parliament and we must do it according to the law. This is common sense. The obligation of ratification was not given to us by somebody on the seat, but by the law. We have an obligation to perform, and this is not a ceremony like one person wants us to believe.

There are two categories of treaties, according to the law: The first category is that which does not require ratification by Parliament under section 2(a) of the Ratification of Treaties Act. For emphasis, I will read it: *“All treaties shall be ratified as follows-*

*(a) by the Cabinet in the case of any treaty other than a treaty referred to in paragraph (b) of this section.”*

Once that has happened and Cabinet has ratified a treaty, the minister has only one obligation, which is to lay that treaty before Parliament as soon as possible under section 4, and we have nothing to do except to receive it. Cabinet is the one, which is supposed to ratify it.

However, there is this other category under (b), and it is the one the minister is seeking to have us ratify. It originates from section 2(a) which says, *“…other than a treaty referred to in paragraph (b)”.* Paragraph (b) says, *“… by Parliament by resolution”.* This is in the case of a treaty in respect of which the Attorney-General has certified in writing that its implementation in Uganda would require an amendment of the Constitution.

Therefore, we need to know what treaty the minister is talking about. Is it this one, which requires an amendment of the Constitution? It is probably not. How would we know it? We would know it by the minister laying this treaty on the Table. As of now, we do not know where hon. Oboth got his agreement from. Parliament cannot act like this; for somebody to come here and claim he has his *-* we do not know - *(Interruption)*

**MR OBOTH:** Madam Speaker, with high respect to hon. Katuntu and many others who have spoken very unfortunate words about me, you cannot stop people from thinking the way they do. I also thank the same God that hon. Nandala-Mafabi was thanking because He is the one who created you the way you are.

Madam Speaker, I am on record as the one who seconded this motion and I said that I only obtained that copy as a result of seconding this motion. What hon. Katuntu is saying is absolutely correct in view of the procedure. When I got up to speak, I might have spoken something that is not palatable for some people, but I was speaking the truth. The procedural issue I am raising is: why is my name, although it sounds good and appears three times in the Bible, being dragged into this ratification? *(Laughter)*

**THE SPEAKER:** Honourable member, if you are officially on the Order Paper as a seconder, there is no problem. You are a Member of this House and you are entitled to second any motion. However, in order to get the support of this House, it is important that the text is laid on the Table. How shall we speak about it when we do not know?

**MR NANDALA-MAFABI:** Madam Speaker, I have noticed many things, which take place here. Sometimes when a minister brings a Bill, it is mostly ministers that stand up to support it. When something from the Executive is brought to the House, it is usually the Executive that supports it because they have discussed it.

The procedural issue I am raising is: when the Executive was discussing this treaty, was hon. Oboth, a backbencher, in the Cabinet? He has come to this House to second it instead of hon. Simon D’Ujanga and hon. Rose Akol.

**THE SPEAKER:** Honourable members, if the Cabinet wanted to discuss issues among themselves, they would remain there. When they come here, Members are expected to participate, understand and support or reject, if necessary. There is no problem with a backbencher supporting the Government.

**MR KATUNTU:** Madam Speaker, I think we need to conclude this. I do not know why the minister is not coming in at this point to save us from this debate. We will not ratify - At least I will not be party to the ratification of a document that has not been laid on the Table beforehand.

Secondly, the reason as to why we have committees is so as to help us arrive at a logical conclusion because they have time to go through some of these documents. This is not about laying documents on the Table for our information and then passing them; it is about ratification. The Constitution and the Ratification of Treaties Act provide that for this category of treaties, Parliament should ratify them by resolution. This was because it was envisaged that the representatives of the people would have a say and agree on whether this treaty is good for the country.

You are going to commit national resources in terms of human resource and equipment. The soldiers you are going to commit are not your children; they are children of Uganda. The equipment you want to commit is not your private equipment; it is taxpayers’ equipment. That is why the Constitution envisaged that the people should have a say and ratify the decision you would have taken.

Madam Speaker, I read *–(Interruption)*

**MR MAGYEZI:** Thank you, Madam Speaker. Hon. Katuntu is labouring to prove a point, which is important, but we still have a technicality. As I see the honourable minister here, all he has is some scattered photocopies of some documents and I am wondering whether he is going to lay these scattered documents on the Table for us to examine as the treaty.

This is my iPad and colleagues, I hope you have your iPads; I do not understand how the minister would give us the document up to page 10, where other countries have signed, and leave out the page with Uganda’s signature. Interestingly, it seems that the signatories to this agreement did what we do with our reports; they actually initialled all the other pages. I have looked at the initials of the other pages and Uganda is not there. Therefore, hon. Katuntu, we have a technicality even before we go into the details.

Do we have the treaty that the honourable minister would like us to ratify, and it should not be these wonderful papers that I see in front of us here. Can he lay it on the Table and then we debate it? Honourable minister, can you save us? Do we have the treaty?

**MR KATUNTU:** Lastly, Madam Speaker, I think Gen. Jeje Odongo is doing a big disservice to us. There is what the law requires you to do; please, do it. Do we want to ratify a treaty? Maybe yes; but can’t we do it properly? Do you expect us to come and just rubberstamp what you are telling us? Please, give some respect to this House.

**GEN. (RTD) ODONGO:** Thank you, Madam Speaker. I am a person of very few words. I had just started to explain and do what is required of me; if only hon. Katuntu had permitted me to complete the sentence, that is what I was going to do.

I was explaining that the agreement we are talking about is an 11-page document, which I had submitted along with the motion, and I thought that they would be uploaded together on our iPads. Unfortunately, some pages were not uploaded. Big as it is, I have a copy here, which I would like now to take the opportunity to lay on the Table. *(Laughter)*

**THE SPEAKER:** Honourable members, the document has been received. We will commit it to the Committee on Defence and Internal Affairs of the Tenth Parliament because we are dissolving this House tomorrow. They should do it expeditiously and report back to us. Thank you.

Is it the same with the next item because they are related? Please, lay the second one on the Table as well.

LAYING OF PAPERS

4.51

**THE MINISTER OF STATE FOR DEFENCE (Gen.(Rtd) Jeje Odongo):** Madam Speaker, I would like to take this opportunity to lay on the Table an agreement called, “The East African Community Protocol on Cooperation in Defence Affairs.” I beg to lay.

**THE SPEAKER:** Honourable members, that treaty is similarly committed to the Committee on Defence and Internal Affairs of the Tenth Parliament for consideration and report back.

MOTION TO INTRODUCE A PRIVATE MEMBER’S BILL (THE POLYTHENE REGULATION BILL)

4.52

**MR JOHN KEN-LUKYAMUZI (CP, Rubaga Division South, Kampala):** Thank you very much, Madam Speaker. About one year ago, I moved a motion here, which we passed, seeking the regulation of the use of polyethylene in Uganda by law. I gave notice that if a year elapses and we have not seen such a Bill from Government, I would move a private Member’s motion to seek to present one.

I am moving this motion under Article 94(4) (b) of the Constitution of the Republic of Uganda, 1995 and rule 111(1) of the Rules of Procedure of Parliament.

*“WHEREAS Article 94 of the Constitution of the Republic of Uganda and rule 110 of the Rules of Procedure of Parliament recognise the right of a Member to move a Private Member’s Bill;*

*AND WHEREAS Article 93 of the Constitution authorises Parliament to proceed on a Bill or motion that does not impose a charge on the Consolidated Fund or alter taxation otherwise than by reduction;*

*AND WHEREAS all Ugandans are enjoined, under Objective XXVII of the National Objectives and Directive Principles of State Policy enshrined under the Constitution, to protect the environment and biodiversity of Uganda;*

*NOTING that Article 17(1) (j) and Article 39 of the Constitution impose a duty on every citizen to create and protect a clean and healthy environment;*

*NOTING FURTHER that Parliament, under Article 245 of the Constitution, is empowered to make laws providing for the measures intended to protect and preserve the environment from abuse, pollution and degradation, to manage the environment for sustainable development, and to promote environmental awareness;*

*CONCERNED that despite Parliament enacting the National Environment Management Act aimed at providing for sustainable management of the environment and indeed establishing an authority as a coordinating, monitoring and supervisory body for that, the danger posed by the polythene bags to the environment continues to grow;*

*RECOGNISING the role of Parliament under Article 79 of the Constitution to make laws for the peace, order, development and good governance of Uganda;*

*NOW, THEREFORE, this motion is moved-*

*i) that this House accepts the introduction of a Private Member’s Bill for an Act entitled, “The Polyethylene Regulation Act, 2016”; and*

*ii) do order the publication of the said Bill in preparation for its first reading.”*

The motion is moved by John Ken-Lukyamuzi, “the man”, MP Rubaga South.

**THE SPEAKER:** Is it seconded? It is seconded by several Members. Can you go ahead and justify.

**MR KEN-LUKYAMUZI:** Thank you, Madam Speaker. You all know that in 2009, the Finance Act incorporated a small provision as an intervention to save Uganda from the catastrophe of polyethylene. Under the Constitution of Uganda namely, articles 39, 245, 17, and the National Objectives and Directive Principles of State Policy, this is the domain and jurisdiction of the national resources sector.

What the Minister of Finance, Planning and Economic Development did was very good but it was just an intervention, with reference to the Constitution which I have just read. Therefore, what I have done is to make sure that I consult the National Environment Management Authority (NEMA), which has made an input in the Bill, and we are very grateful for what they have done.

Professor Stigler, a Nobel Prize winner and an economist by profession, once said that the world must watch out for the catastrophe related to oil. Polythene is a direct product of oil. If we go ahead to explore the oil resources without a law controlling unscrupulous businessmen and women, we are in trouble. Therefore, the intervention I am making on your behalf is genuine and appropriate. You should support it.

Madam Speaker, I am a little worried because everyone is now praying that we get oil so that manufacturers get an opportunity to make a catch from the oil. That should be avoided. What should be done by the Government of Uganda, after the success of this Bill, is to make sure that arrangements are made between the Ministry of Water and Environment and the Ministry of Trade and Industry, to get as much paper as possible, which can be used to produce bags so that we protect our environment.

Uganda is such a beautiful country, which we cannot afford to lose, because some people are catching up with theideaof replacement. Look at the way Rwanda is germinating and exploring the protection of its environment and yet, Uganda is much more beautiful than Rwanda. You must take action and the time is now.

I must say that I am taken up by the environment. I know that I am not coming back to the Tenth Parliament, but I will make sure that people like hon. Anywar, hon. Cecilia Ogwal take up this motion so that it proceeds. You can see how “the man” is serious about the environment. *(Laughter)*

Madam Speaker, I would like to thank this Parliament for the support they have given me since I joined. I have been expressing my views freely and when I heard the news that you were likely to come up as the prospective Speaker, I rejoiced because you have struggled. You remember, one day I wrote to you, *“Thank you for giving this building of Parliament a new outlook”*. It had been dirty all these years and yet people were just looking on. It was only Speaker Kadaga who took action to reface it. *(Applause)*

Very soon, I will be publishing a book and I will make sure that the majority of you are invited when I launch it; it will probably be the Speaker to launch it. The title of the book is, *“Uganda is the Creature of Federalism: Emerging Parliamentary Lessons”.* The experience I have got out of my fifteen-year stay in Parliament has motivated me to write a book, which is a reflection on the federalism doctrine.

Do you mind if I recite a one-minute poem to say goodbye to you? *(Laughter)*

**THE SPEAKER:** You recite the goodbye poem. Only one minute. I want you to wind up.

**MR KEN-LUKYAMUZI:** One minute. It is going to be very brief.

*Uganda, Uganda, Uganda,*

*Uganda is the land of the sun,*

*It is the land of the zebras,*

*It is the land of the lions,*

*It is the pearl of Africa.*

*At the Murchison Falls,*

*When the waters flow,*

*The lions roar,*

*The giraffes yawn,*

*And the rain is calm.*

*Uganda is a nation of many nations,*

*With diverse peoples,*

*And diverse culture,*

*The kumam,*

*The Alur,*

*The Iteso,*

*The Karimojong,*

*The Banyankole,*

*The Bakiga.*

*There are also kings,*

*The Emorimor,*

*The Rwot,*

*The Adhola,*

*Obusinga,*

*Kyabazinga,*

*Omukama.*

*In Buganda, the Kabaka reigns*

*He does not rule,*

*But he still commands.*

*Uganda, Uganda, Uganda. (Applause*)

**THE SPEAKER:** Thank you very much for the poem. We shall miss your poetry.

Honourable members, he is just seeking leave to have the Bill printed and then it will come for first reading. The debate will take place when the Bill returns. Do we allow him to- I put the question that the motion be approved.

*(Question put and agreed to.)*

**THE SPEAKER:** He has assigned colleagues to take up the matter in the Tenth Parliament.

MOTION FOR RECONSIDERATION OF THE EXCISE DUTY (AMENDMENT) BILL, 2016

**THE SPEAKER:** The minister is not here. Let us go to item 13. I do not know whether we shall have time because we have one hour left.

MOTION FOR PRESENTATION, CONSIDERATION AND ADOPTION OF THE REPORT OF THE PARLIAMENTARY COMMITTEE ON NATURAL RESOURCES ON THE MOTION FOR A RESOLUTION OF PARLIAMENT TO DE-GAZETTE AND GAZETTE FOREST RESERVES

**THE SPEAKER:** Honourable members, this matter commenced a fortnight ago and last week, when it came up again, we requested that time is given for stakeholders to consult. I hope that someone has a report today.

5.04

**THE VICE-CHAIRPERSON, COMMITTEE ON NATURAL RESOURCES (Mr Eddie Kwizera):** Madam Speaker – (*Interruption)*

**MR ANYWARACH:** Madam Speaker, the business reads something else. This is an issue that was introduced to the Floor of Parliament as a private Member’s motion but on the Order Paper, it appears as a report of the committee.

When we insisted that this motion be sent to the Committee on Natural Resources, it was rejected. There was supposed to be an inter-stakeholder’s consultation. I wonder whether that constitutes a report of the Committee on Natural Resources. We need to be guided. Thank you.

**THE SPEAKER:** I may have to look at the *Hansard* because I was not here when you started the process. However, when it came up last time, I deferred it to 10 May 2016, which is today.

5.05

**THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (ENVIRONMENT) Ms Flavia Nabugere):** Madam Speaker, when the motion came to the Floor of Parliament, there was a request made. The ministry was requested to present a Cabinet memorandum to Cabinet. The Cabinet memorandum was presented on Wednesday, 4 May 2016 for consideration before the minister could come to the Floor to present the matter of gazettement and de-gazettement of forests.

While discussing the memorandum, Cabinet realised that the matters that were to be discussed were sensitive and also complicated; they needed more time to discuss the paper. It was ruled that the matter would be handled by the next Cabinet. However, on the request by the Minister of Works and Transport to acquire parts of Namanve Forest for an inland port and for the standard gauge railway, Cabinet advised that the Minister of Works and Transport applies to National Forestry Authority (NFA) for a licence to allow commencement of the feasibility study as the process continues. I so report.

**MR KWIZERA:** Madam Speaker, a motion and a petition from people from Mukono were moved before this House and reference was made to the committee and you directed that we meet stakeholders. The committee invited all the stakeholders, including Ministry of Water and Environment, and released a report of the committee which is uploaded on the Members’ iPads. It is on that basis that we come to present our report because it was a reference to the committee.

Secondly, performance of a minister cannot be by a person but rather by an institution. Is it procedurally right for the minister of state to come here and contradict what the senior minister originally said? I thank you.

**THE SPEAKER:** What did the minister say? Maybe I really need to look at the *Hansard*.

**MS ANN MARIA NANKABIRWA:** Thank you, Madam Speaker. This Parliament many times handles business that has originated from Cabinet. There is no way the Committee on Natural Resources could have handled that business unless it had originated from Cabinet. This matter was passed on from the Eighth Parliament to the Ninth Parliament.

**THE SPEAKER:** From the Eighth Parliament? Why didn’t we handle it earlier?

**MS ANN MARIA NANKABIRWA:** That is part of the business that the Committee on Natural Resources has taken on for some time and handled with care. The last time the issue appeared on the Floor, the chairperson presented a report, which was subjected to some discussions because he was presenting as a private Member.

The Speaker in the Chair advised that when the Minister of Water and Environment, hon. Kamuntu, presented, Cabinet was also moving the same matter on the Floor of Parliament. The issue is, when something is on the Floor of Parliament, - it had been pushed to Parliament after the Cabinet had handled it - then you cannot restrain Parliament from handling it; otherwise, the matter shall never come to an end.

There were issues of emergency where we had committed ourselves as Parliament and we approved loans, first of all for the inland port. The Speaker ruled that the presenter of the motion, the Committee on Natural Resources, should amalgamate and instructed that the committee should sit to consider this issue. The Committee on Natural Resources held meetings, stakeholders were called last week, and the committee sat and considered the issue. That is why today the chairperson is presenting the motion as a chairperson.

I do not seem to understand today what is happening when I find the minister of state trying to speak on the matter. It is as if she is faulting the Committee on Natural Resources for having dealt with her senior. We need to be advised whether when we invite a ministry, we should specifically invite the minsters of state.

**THE SPEAKER:** Are you saying that this work started in the Eighth Parliament, was not completed and it was saved for the Ninth Parliament?

**MR KWIZERA:** Madam Speaker, we have a gazette from the Ministry of Water and Environment and it is provided by the same ministry; it was dated 29 October 2008. If something was done in 2008 and you were not there as a person, institutions must run.

I consulted the Prime Minister, Rt Hon. Rugunda, and he said that we call the stakeholders and put a clear distinction between those urban authorities which have complied and those which have not complied. For those which complied, Parliament should go ahead and do its work. For those which have not complied, NFA, as a stakeholder, will continue. Even as we are here, NFA is the lead agent that advises the minister and this report was given to the committee by NFA, and I beg to lay it on the Table.

We would not like institutional conflicts to be extended to Parliament. When we invite a minister, we do not know if we are obliged to invite a minister of state. I thank you.

**THE SPEAKER:** Present your report so that we can know what to do.

**MR KWIZERA:** Madam Speaker, I beg to lay on the Table the report from the lead agency, which is National Forestry Authority, the report on the petition from Namyoya, Mukono, and the proceedings of the committee, the minutes.

There is also a report from Ministry of Water and Environment and a statement of the Minister of Works and Transport about the standard gauge railway, the dry port and the Jinja Express Highway. Members approved loans for this, subject to the de-gazetting of these areas which are required. I beg to lay these reports on the Table, Madam Speaker.

**THE SPEAKER:** You have not told us what you would like us to do.

**MR KWIZERA:** Madam Speaker, as I was trying to move, an issue was raised. However, we have the committee report, which I have laid on the Table, and if I am allowed to, I will proceed and read it.

**THE SPEAKER:** Just give us the highlights.

**MR KWIZERA:** Madam Speaker, I have the committee report and the minutes here. Since the report is uploaded on the iPads, I will go straight to the recommendations, if I am allowed.

On 3 May 2016, a motion was moved on the Floor of the House to de-gazette and gazette some forest reserves. The objective was to maintain the forest cover of our area. When a reference was made to the committee, a methodology was adopted. In compliance with the Speaker’s directive, we invited the stakeholders - Minister of Justice and Constitutional Affairs, Minister of Works and Transport, Minister of Local Government, National Forestry Authority, Minister of Water and Environment - and they all attended the meeting.

Our observation is that whereas some areas were ready and they complied with the law, other forests, which are listed in the report, had not complied. There is a distinction between those that have complied and those that have not complied. We have recommended those which have complied for de-gazetting. Those which have not complied, including Namyoya in Mukono, have been removed from the original motion. The committee, in its wisdom, made recommendations on page 9 as follows:

1. The committee recommends that the Namyoya Central Forest, situated in Goma Division, Mukono Municipality, should be removed from the list of the forests that are due for de-gazetting.

2. Te-ilwa Forest in Lira and Lira Municipality Forest Reserve do not qualify to be de-gazetted since the municipality has not complied with all the legal requirements as stipulated in the National Forestry and Tree Planting Act of 2003.

3. In accordance with Rule 49 of the Rules of Procedure of Parliament and with the permission of the Speaker, the motion is amended to remove Namyoya Central Forest Reserve situated in Goma Division, Mukono municipality, from the list of the forests to be de-gazetted.

4. Parliament passes the motion as proposed. I beg to move.

5.16

**MR ABDU KATUNTU (FDC, Bugweri County, Iganga):** Thank you very much, Madam Speaker. We are in a period of transition and like any other government in transition, we need to be careful about the decisions we take during the transition. (*Applause*) We must be cognisant of the fact that the people of this country have given a mandate to almost another 83 per cent of our colleagues who are not here.

The biggest enemy of this contemporary world today is environmental abuse and climate change. This subject is so sensitive that we need some time to re-examine it and take a decision that we think the country will accept. We are here until the end of our term, and that is next week, but other than emergency cases, let us have residual powers to make residual decisions. On substantive decisions that affect the environment, economy, and other substantive issues, we need to be very slow in my view.

It is not that what the honourable member is presenting - I know we have increased competition, with the growing population and pressures on the land, but this is a debate for which we must have the full authority and mandate of the people. I would request my colleagues that we go slowly.

Madam Speaker, you are going to prorogue the House tomorrow and here we are taking very substantive decisions, which the incoming people may disagree with. Therefore, I am personally reluctant to be party to this sort of discussion.

**MS CECILIA OGWAL:** Madam Speaker, I wrote to you a letter before I left for Ivory Coast, seeking clarification. My letter was dated 2 May 2016, and I declared my interest in this motion because as the committee has highlighted, there are some areas, which need de-gazetting in my subregion, and I am particularly interested in those areas.

However, the reason I wrote to you on the 2 May 2016 was to seek your guidance on how you could reconcile this motion with the motion that was brought before Parliament and passed on 24 April 2016. On 24 April, this Parliament requested that the sector minister lays before Parliament a status report on all central and local government forests, parks and game reserves. If we are going into the exercise of gazetting and de-gazetting before we even get the inventory as we requested, it may cause a bit of a problem. Therefore, before we deal with hon. Kwizera’s motion, we should first get the inventory of the entire central and local government forests and parks as we requested on 24 April 2016.

Madam Speaker, I seek your guidance. As hon. Katuntu has already stated, these are very heavy matters; for anything to do with land in Uganda, you would have pressed the wrong buttons everywhere until you prove that they are not the wrong buttons. Therefore, before we press any button, can we be assured beyond the assurance that the sector minister has given us –(*Interruption*)

**MR KAKOOZA:**  Thank you, hon. Cecilia Ogwal, for giving way. The point we would like to put across is very pertinent. I am a member of the select committee on Nonve. According to what we found on the ground, unless the Minister for Environment plus NFA come out with a correct inventory of the land they occupy, we are going to cause a problem for this country. We have not laid the report on the Table yet; it is ready but we have not got a slot. This is the Wakiso case of Prof. Bukenya where NFA is contesting land titles, which were given out.

We interfaced with the Uganda Land Commission and they told us that unless there is a streamlined policy and the inventory is known, most of the forests for NFA and those of local governments and central government are mixed up and nobody knows the boundaries. The moment we start to say that we can de-gazette and gazette, then we are opening up a Pandora’s box. This is the information I would like to give to the House.

5.23

**MR BERNARD ATIKU (FDC, Ayivu County, Arua):** First, I would like to thank the Committee on Natural Resources for this report and for doing a good job.

I know there were conditions that were given to urban authorities that were interested in de-gazetting central forest reserves. Arua happens to be among those urban centres that expressed interest in de-gazetting their central forest reserves. The National Forestry Authority, Arua Municipality and the district local government sat together and the district and municipality acquired about 265 hectares of land, which was a pre-condition before embarking on this process.

Madam Speaker, you are aware that Arua is long overdue for a city status. We cannot afford to delay Arua’s transformation to a city when we have duly obliged with the command of the law and gone ahead to give land in excess of what is being de-gazetted. Here, it is indicated that out of the 236 hectares, only 165 hectares are going to be de-gazetted, meaning-(*Interruption*)

**MR NANDALA-MAFABI:** Thank you, my brother, hon. Atiku, for giving way. I am sure you have been to New York, Washington, London and when you are landing, you see a forest. I have never heard them say that those forests are out of town. The clarification I am seeking is: how can a forest, which is in town, bringing good oxygen, be very bad for a city that you need to remove it –(*Applause*)

**MR ATIKU:** Thank you, honourable member, for that informative clarification. In Arua, it has been done in such a way that not the whole forest is going to be de-gazetted or cut down. There is a well-planned utilisation that has been fronted –(*Interjections)-* Hon. Mafabi, can I be heard?

As stakeholders in Arua, we welcome this de-gazettement. Since we have no queries or complaints, when Parliament pronounces itself on the process of de-gazetting, if there are Members who have reservations about their areas of interest, I have no problem but for Arua I give notice on the Floor of this House that we are ready for the de-gazettement of these forests. Thank you. *(Applause)*

5.27

**MR NATHAN NANDALA-MAFABI (FDC, Budadiri County West, Sironko):** Thank you, Madam Speaker. We have no problem with de-gazetting but we should also be mindful of the city or town we are creating. When we breathe out, we breathe out carbon dioxide and it is absorbed by the green trees. The moment green trees are far away, it means we will be breathing in carbon dioxide. That is why the health of our people is detoriorating; they are falling sick all the time without knowing that it is because of the air we breathe in.

I would have no problem; in Mbale, I am one of the beneficiaries because I have seen that we are going to cut down one forest. I would have no problem if a study was done to clearly show that after the forest is cut, we shall build a factory or workshop and in exchange, nearby there should be a forest which will assist us. That way, I will have no problem.

Secondly, there is the issue of titles to this land. I will give an example; in Mbale, there is a chairman in charge of open spaces –*(Laughter)–* and he has moved around. Now, they look at the forest as an open space. So, we might de-gazette that forest here and say we shall make it a town place whereas the chairman of the open space and his team have already taken the land.

We must first get to know where the land titles are before we even de-gazette. The land must be titled under the name of the municipality and then they can start allocating it to people who are true investors. We have Namanve Forest here; people took plots but they turned out to be merchants who were selling the land instead of developing it. I am interested in land too but before we de-gazette forests, let us first *–(Interjection)-* We have only one day to go. Hon. Kwizera, do not worry, I will take care of your interest.

De-gazetting these forests at the last minute can land us into danger. In town councils, there are people who have lost jobs and are also waiting for this land, especially the councillors. Since their term has expired, this will be an opportunity for them to grab land, and it is possible that they have already allocated it to themselves. We can deal with the incoming councillors because they fear losing in the next elections, but since these ones have lost, they are more dangerous than those who are just coming in.

Madam Speaker, it is a long process –*(Interruption)*

**MR KWIZERA:** Madam Speaker, my friend, hon. Nandala-Mafabi, is a very good and eloquent member of Parliament. However, if he has not read what I have submitted, I would wish to inform him that, for any urban authority to comply, it means that they should have provided a land title.

Assessment of compliance is done by the lead agency. I do not think that even we, as Members of Parliament, have the technical capacity to assess compliance other than what is provided for in the law, and the law mandates NFA. Therefore, I would wish to inform you that your fears are catered for in accordance with the law.

Titles for Mbale Municipality are provided. I know you are a very good person; you were recently re-elected chairperson of Bugisu Cooperative Union. This means you are on the ground. You could go out for a second and call your mayor for information. Thank you.

**MR NANDALA-MAFABI:** He has told me to go and call the chairman in charge of open spaces. *(Laughter)*

Madam Speaker, it is very good to de-gazette forests for development. I have no objection, as I have stated before. However, my worry is de-gazetting just to create income for speculators. I always give an example of northern Uganda; we approved a loan request of Shs 200 million for northern Uganda. The people from northern Uganda were saying, “You are delaying; let them eat it in the name of the people of northern Uganda.” When the money was approved and was later embezzled, they were the first to cry about it. So, we may be saying that we want to promote towns and cities but I am worried because I have not been convinced beyond doubt -*(Interruption)*

**MR BYABAGAMBI:** Thank you, my colleague, hon. Nandala-Mafabi, for giving way. Madam Speaker, there are about three flagship projects that the Government is carrying out to improve their capacity and also to decongest our cities. All these three flagship projects are passing through that forest reserve that I requested for by writing to the minister in charge of forests.

When I was applying for this land, I never put my interests first, and I think I am not a speculator. Hon. Nandala-Mafabi, how can you say that we are applying for land for speculators? I am not a speculator; I am doing it for the good of the citizens of Uganda.

**THE SPEAKER:** Honourable minister, I think you are now confusing us. If the Government wanted this land for the standard gauge railway and Bukasa by de-gazetting the forests, why didn’t you move the motion, as Government? You are the ones who need the land; why doesn’t the Government move the motion formally here? Why are you passing through the backdoor? You are the ones who need the land for the railway and other things; why don’t you come here yourselves and say, “We are applying for this”?

**MR NANDALA-MAFABI:** Madam Speaker, that is why I love you. You are a straight talker. You see, this is a minister who was in Cabinet last –*(Mr Byabagambi rose\_)*– Your time is over. This is a minister who was in Cabinet last Wednesday when the Minister of Environment raised the issue. However, he is now coming here to debate as though he is also a backbencher like hon. Oboth and Nandala-Mafabi -*(Interruption)*

**MR BYABAGAMBI:** Madam Speaker, I did not want to raise a point of order against my friend when he mentioned that we are applying for this land as speculators. I think I was a gentleman, as he is, and I wanted to use diplomatic language to inform him that I am not a speculator.

It is true that we applied for this land. I applied to the minister in charge of forests and it is the minister who wrote to them, giving away the land. He wrote to the committee and informed them that I wanted the land. I am not departing from my colleagues here because when we went to Cabinet, we discussed it and I said that I have no problem as long as the minister gives me permission to continue with the feasibility studies as the process goes on. I am not departing from that because I am part of the Cabinet decisions. I only stood up to challenge hon. Nandala-Mafabi and tell him that I am not a speculator nor am I applying to speculate.

Madam Speaker, is hon. Nandala-Mafabi, the Chairman of Bugisu Cooperative Union, and who is also known to be the chairman of empty spaces, -(*Laughter)-* in order to insinuate that I am a speculator?

**THE SPEAKER:** No, he is out of order. You are a good minister trying to get us land for our roads.

**MR NANDALA-MAFABI:** Thank you very much, Madam Speaker. I would like to make one correction. I am not the chairman of open spaces. I just told you that there is a man who is the chairman of open spaces in Mbale.

The reason I am raising the issues of land is because as Bugisu Cooperative Union we have 3,300 acres in Bulambuli. When we took people there - because we wanted them to go and visit the land - two people per zone, those were 18, plus three staffs - we were stopped by the army and police. They told us that we could not go there because the issue of land there is very tough that you would need the police and army to escort you to your own land.

What we are talking about here is not a laughing matter. Even an inch of land in Bugisu is very dangerous. Therefore, Mr Minister, I never said you are a speculator. The Minister of Works cannot be a speculator but individuals can be speculators and hon. Migereko agrees with me on this. He knows that there are many people who have come to him and they are just speculators.

I would like to conclude by saying that I want to be convinced by the committee. After they did the analysis, they just recommended that some places fulfilled the conditions; but what did they fulfil? What are the plans?

I am sure these Members of Parliament would be happy to look at the plans for the land we are going to de-gazette. What are you going to do? We are asking these questions so that when you say you are going to put up a hotel and we go there and do not find the hotel, we ask what happened. We are not aware of those plans. We need to know whether it is supposed to have a post office. If we are just saying de-gazette without us even knowing - When I go to Mbale, I would like to tell them what is happening. Therefore, I want to see the plan before I can make a decision whether to append my signature or not. However, we have one day remaining and that is my worry.

5.40

**MR SAMUEL SSEMUGABA (NRM, Kiboga County West, Kyankwanzi):** Thank you, Madam Speaker. I would like to thank the committee for their report, especially on the land for Bukasa inland port and the standard gauge railway. I would like to implore Members to allow the de-gazattement of that part. I am very passionate about it being de-gazetted so that we allow that work to begin. You know we have also approved money for the standard gauge railway.

For Bukasa, there is 640 acres of land which they are going to use for the exchange. If there is contention on other municipality land, let us just consider that part of Namanve Forest Reserve to be de-gazetted so that we allow our projects to take off. Thank you, Madam Speaker.

5.42

**MR RAPHAEL MAGYEZI (NRM, Igara County West, Bushenyi):** Thank you, Madam Speaker. On 3rd May, exactly a week ago, a motion was moved here and within one week, the report is done and it is being presented. I would like to commend the committee for this kind of express work. (*Laughter*) The mover of that motion was hon. Eddie Kwizera, which motion was sent to the committee, and the chairperson of that committee is hon. Eddie Kwizera, and the report is presented by hon. Eddie Kwizera. I would like to commend him for the good job done. *(Laughter)*

Madam Speaker, the task that is before us, when you look at what the Speaker told the committee to do, is on page 5 of the report; the Speaker directed the committee to undertake full consultations with the key stakeholders in order to harmonise positions on this job of de-gazetting forest reserves.

I am looking at the methodology of the committee - a wonderful job done. One meeting held on Friday, 6th May with seven people. I am wondering, and my mind is really bothered, as to why it was possible to have consultations with hon. Otafiire, the Minister of Justice, hon. Chebrot, - and it should have been hon. Byabagambi – the Minister of State for Transport, and the Minister for Water and Environment was not consulted.

Among the key stakeholders, the committee did not have time to move out and consult the local authorities, the urban authorities, the district councils, some of whom actually have the titles to some of these forests. There is an example in Bushenyi District; the district local government decided to sell forest land in Kyamuhunga in my subcounty and they thought it belonged to the district. The resulting conflict between the subcounty, the district and the local community was very difficult to quell.

Sitting here to de-gazette 14 forest reserves and gazette another 14 without consultation with the local community and the municipal councils is a serious matter. This is a serious job, Madam Speaker. In my opinion, the best that the committee should have done would have been to say, “This is serious job; we, therefore, recommend that a full study be undertaken.” (*Interruption*)

**MS ANN MARIA NANKABIRWA:** Thank you, colleague, for giving way. Madam Speaker, it has been almost two years - When you read through the report of the Committee on Natural Resources, you realise this topic has been a subject in our reports. Even in our recent report on the policy statement, that issue was captured.

The only fault with the motion is when the chairperson of the committee brought the motion as a private Member. That is when the Speaker guided that it comes from the committee because it was part of the committee report. However, it required a specific motion to come to the House, because de-gezettement is a role of Parliament, so that the House pronounces itself specifically on the motion.

Therefore, it is not right to say that the committee has not visited these areas. That is why you find that the urban authorities that were not complying were scrapped off because we found an error in the motion that the Member had presented as a private Member. When we considered the issue as the committee, and you can look at the report signed by the members of the committee, we gave our recommendations as per our findings in the different areas.

National Forestry Authority, which is a major stakeholder, attended the meeting because we were talking about forests. We were talking about different local authorities, which must have applied that those forests in their jurisdictions be de-gazetted. We were looking at circumstances where land, which is supposed to be used to replace the de-gazetted forests, is available. That is why we came up with such a report. It is not that we handled it only in a day; we have handled the issues of forests as a sector that handles natural resources for the last five years.

**THE SPEAKER:** Let us try to wind up.

**MR MAGYEZI:** Madam Speaker, the key recommendation in this report is No. 4 – that Parliament passes the motion, and that motion is to de-gazette all these forests except Nwoya and Te-ilwa. In view of making sure that we are all able to defend the action that shall be taken, let us have a fuller study and discussion on each of these forests in regard to their ownership and boundaries as well as the views of the community. This report is very scanty and I fear to take a decision based on this report. Thank you very much.

**MS NABUGERE:** Madam Speaker, the National Forestry and Tree Planting Act mandates the minister to initiate the process of gazettement and de-gazettement of forests. It is a process. From the time the ministry started taking stock of the forests, we have not completed identifying which forests have genuine land titles, where the land lies or the nature of the soils. We have not yet completed all these things but we are in the process of doing so. We are also in the process of bringing the status report together with the requests that have been made to the ministry for de-gazettement.

We had already finished presenting the memorandum to Cabinet for discussion. That is why when the matter came here we said we need Cabinet to consider it. Cabinet has considered it and found that what the Members had risen on the Floor to comment on is a sensitive matter. Therefore, Madam Speaker, I request that this matter cannot be initiated -

**THE SPEAKER:** Let her finish.

**MS NABUGERE:** Madam Speaker, the Ministry of Water and Environment is doing its work as diligently as possible to be able to present to this Parliament a clear picture, which is properly analysed.

The Committee on Natural Resources, which should be getting information from the minister, is getting information from the National Forestry Authority and the ministry is not in the know. On Friday, for example, they sat but we saw the letter which was inviting us to that stakeholders’ meeting yesterday, on Monday. Therefore, we could not even have attended that stakeholders’ meeting.

The process is much lengthier for us to arrive at a decision to de-gazette. Let me give a small example of what is going on. The Minister of Works and Transport applied for 500 acres but records show about 1,200 hectares. Therefore, the Ministry of Water and Environment has to go to the ground and ascertain the 500 acres *vis-à-vis* the 1,200 hectares.

Madam Speaker, I beg that we take this matter very seriously. Many cities in the world are covered with substantial forest areas. As our urban population grows, we also need these forests’ eco-systems, which cannot be understated. In addition, the de-gazettement of forests has to be handled with caution. The ministry must be given time to go to the ground and verify whether the titles that are being presented by the Committee on Natural Resources are correct. I thank you.

**THE SPEAKER:** Your final words, hon. Kwizera. We need to wind up.

**MR KWIZERA:** Madam Speaker, the senior minister was here. The Minister of State for Water and Environment concurs with the senior minister that they were ready for Cabinet. If they were not ready for de-gazettement, what were they taking to Cabinet? One goes to Cabinet when all the work is finished. The minister agreed with me that we can go ahead on those ones that comply and we leave out those that do not.

Therefore, is it procedurally right for the Minister of State for Water and Environment, who was not here and even avoided to come to the committee, to come and mislead the House by saying that the work is not completed yet the sector’s lead agency, the NFA, which is mandated to give technical advice to the minister, came to the committee? Honourable members, we know that the mandate of the committee expires when the House is prorogued –*(Interruption)*

**MS EKWAU IBI:** Thank you very much, hon. Kwizera, for giving way. Madam Speaker, some of us will not be in the Tenth Parliament. However, you will do service to this country by saving municipalities and urban councils who meet the criteria.

I thank the Seventh Parliament very much for the law that they made because it has been able to help us protect all the forests in this country. I would be the last person to defend such a motion that would promote de-gazettement of forests without knowing the value. However, municipalities are stuck with forest reserves. I give the examples of Soroti and Gulu where I was personally contacted. The law tied their hands and all hands in this country apart from that of Parliament. Therefore, let us give municipalities and urban councils the opportunity to swap. The word is “swap”; it is not de-gazetting and taking the forest land. (*Applause)*

Madam Speaker, because of the law, most of the urban councils are stuck with the forest reserves. They have become dumping grounds. This is where our daughters are being raped. This is where our daughters are being killed in cold blood. This is because the urban councils cannot plan for these forest reserves. *(Applause)* Therefore, kindly allow the municipalities and urban councils that meet the criteria, through the right procedures, to swap and identify land of equal value and measure so that they plant other forests.

**THE SPEAKER:** Honourable members, this is a very weighty matter. I am surprised that the Government is casually applying for land. We passed a loan here for land for Bukasa but Government cannot bring its own motion. I would like us to separate the Government projects from this motion. However, let us sleep over it. We can take a decision tomorrow because this matter is very heavy for us to take a decision now. House adjourned to 12.00 noon tomorrow.

*(The House rose at 5.56 p.m. and adjourned until Wednesday, 11 May 2016 at 12.00 p.m.)*