

**PARLIAMENT OF UGANDA**

**Thursday, 11 November 2021**

*Parliament met at 2.08 p.m. in Parliament House, Kampala.*

PRAYERS

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

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE SPEAKER:** Honourable members, I welcome you to this sitting. We need to finish the matters on the Order Paper for today. Therefore, there is not much communication from the Chair today. Let us start.

There are Members who had requested to present some urgent matters to be handled. I see hon. Ssemujju rising on a point of procedure. We never discuss procedures when you are not here. However, when you are here, we deal with procedures, hon. Ssemujju. Yes, say your point of procedure.

**MR SSEMUJJU:** Thank you, Mr Speaker. I thought you would address it in your communication but Parliament is under attack. The Chief Executive yesterday, while presiding over a ceremony to end the National Science Week, said the MPs - because now this institution has taken a decision and a select committee has been formed to investigate matters relating to science and technology – said, “I will go for them.”

That is very frightening because in the Ninth Parliament, when we lost a colleague here - hon. Nebanda – the Chief Executive started like that, that “…those who are hiding in my Parliament.” In fact, that time he said: “…in my Parliament, I will get them.” That is how the then Commissioner of Parliament, hon. Dr Chris Baryomunsi, was arrested in Fort Portal and detained at the Jinja Road Police Station. I went to see him. They had even denied him slippers. He looked like a criminal yet he was a whole Commissioner of Parliament.

Therefore, Mr Speaker, the procedural issue I am raising is whether you will not, as the head of this institution, need to speak to the Chief Executive not to issue public threats against the institution of Parliament and against individual MPs who are protected by the law to do the work of Parliament.

**THE SPEAKER:** So, the procedural matter you are raising is that I should call the President and tell him to stop talking about Parliament - I am trying to think through which part of the rules I would be using to rely on.

Anyhow, you see, honourable members, we have all said things in places where we should not and in circumstances where we should not have said them; we have all done that. Most likely, the President also said those things but I would not take that as an attack on Parliament.

This Parliament is here. If there is an attack, we are here. When he attacks you, respond but we do not feel any attack as of now; there is no attack.

If the President said those things, he was probably angered by the formation of a Select Committee on Science and Technology, which he is so passionate about at the moment. He could have got upset and said certain things, but it does not amount to an attack on Parliament.

We know when an attack on Parliament comes and we respond appropriately. I am here to do just that; to provide leadership in making sure that we do what we are supposed to do, as Parliament, and do them without anybody interfering with how we do them. Okay? Thank you. Next item – (*Mr Katusabe rose\_)* - on the same matter or a different one?

**MR KATUSABE**: Thank you, Mr Speaker –

**THE SPEAKER**: You know, you might have to keep your mask on even if somebody complained yesterday.

**MR KATUSABE**: Thank you, Mr Speaker. Sir, your office has a constitutional mandate, in as far as legislation processes or procedures are concerned. Globally, your word means the last word.

Mr Speaker, early – at the opening of this term – I raised a fundamental matter about human rights in regard to people that were incarcerated and are still incarcerated. Five years down the road -

**THE SPEAKER:** Honourable member, please, let us not abuse the process of this Parliament. What is the procedural matter?

**MR KATUSABE:** The procedural matter, Mr Speaker, is that while you gave a directive to the Attorney-General, the Government Chief Whip and the Minister of Justice and Constitutional Affairs to ensure that they look into it - the people that I represent are dying from prison without ever appearing in any courts of law and these are human beings, Mr Speaker.

Right now, whenever I am in my village office, I am confronted by a woman with a child whose dad is in prison and they are crying out for help, Mr Speaker. We lose relevance if we do not push matters that concern our communities.

**THE SPEAKER:** But, honourable member -

**MR KATUSABE:** Yes, Mr Speaker.

**THE SPEAKER:** You see, I would like us to use the rules and processes in this House to find solutions for the people who need those solutions. Otherwise, we cannot subvert the processes of this House – and ignore all the procedures in our rules – in order to achieve that. You are not proceeding properly yet you are on a procedural matter.

**MR KATUSABE:** Thanks for your guidance, Mr Speaker. So, is it procedurally right for the ministers of this Government to continue to not pay attention to your directive? You have directed not once -

**THE SPEAKER:** I wish you could finish it fast.

**MR KATUSABE:** Is it procedurally right, Mr Speaker, because our communities and I, as a leader, are crying out? Thank you.

**THE SPEAKER:** Professor *–(Laughter)-* sometimes, you really make it so difficult for me to get what you want me to do and that complicates my work. Now, I have to guess what you are asking me to do - *(Laughter)*– yet I am not very good at guessing.

I think it is something like a matter was raised before, about some people who are in incarceration. I think we had made some guidance that they should have access to medical facilities and be looked after – we made such guidance on that issue. What the Member is now saying without saying it is that they are still in the same situation - or no action has been taken. He wants action taken to save the lives of these people. That is what I can pick from what he was saying. Do we have any information in view of that?

2.18

**THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati):** Thank you, Mr Speaker. We do not have information at the moment. However, I will ask the Minister for Internal Affairs to attend to this matter this afternoon and get in touch with the honourable member who has raised the issue. This is so that what was raised in the House and resolved in the House is implemented and to also keep you and the whole House in touch. Thank you.

**THE SPEAKER:** It is true, the honourable member raised his matter sometime back. We spoke about it and we gave guidance on what should be done to help these people. Now, his concern is that nothing has happened since that time. We cannot be talking in vain. Please, try and find solutions to matters that we agree upon to help our people.

There was a matter from Mawogola District.  *-* Are we now debating by procedure? I will not allow that. Please, if you have nothing to say just sit down. You cannot say procedure when we are not proceeding. *(Laughter)*

2.19

**MS GORRETH NAMUGGA (NUP, Mawogola County South, Ssembabule):** Thank you, Mr Speaker. Yesterday, 10 November 2021, in Mawogola South, Mitete Subcounty, Kasambya Parish, around 12 villages were hit by a strong hailstorm. The elders from that community told me that, that last happened in 1983. It is going to take us close to seven days to have those pieces collected.

This has not happened only to Mawogola. Very many other areas of this country have been hit by strong hailstorms and every time we come here, we make a plea to the Ministry of Disaster Preparedness to come and rescue our people. The villages of Lusalila, Kasambya, Kibengo, Kamuli and others were strongly hit.

My prayer is that the Ministry of Disaster Preparedness goes to the ground to assess the situation and helps the people of Mawogola. Although the district has taken this on, this is not the first of the kind. We request that the Ministry of Environment also does something.

If you were to follow, 60 per cent of the matters of urgent importance surround hailstorms in different parts of this country. We cannot sit down when forests are continuing to be cut and swamps are being given to individuals. Something must be done. This thing of urgent importance and the ministry going to the ground and giving people posho and beans will not be enough. The Ministry of Water and Environment needs to do something if we are to save Ugandans.

I beg that the people of Mawogola South be helped with iron sheets, food and even capital because this money was part of the *Emyooga*. People got loans from banks and if you take posho, it cannot help. I beg to submit, Mr Speaker.

2.22

**THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati):** Thank you, Mr Speaker. We received this information from the honourable Member of Parliament for Ssembabule this morning and we thank you, honourable Member for Mawogola, for raising this issue.

As I speak, the Commissioner for Disaster Preparedness Management has put in place a system to reach the district to attend to this matter. Although the minister is in Kyankwanzi, Government is also handling this matter. I am sure that by tomorrow morning, we will be able to reach you and update you, if you keep in touch, on how far the Government is working to support the people of Mawogola who were hit by the rainstorm. Thank you.

**MR SSEGGONA:** Thank you very much, Mr Speaker. I noticed that most of the issues colleagues are raising are very serious issues. I thank hon. Bahati for enthusiastically attempting to respond to them by undertaking to communicate.

Today is a Thursday designated for the Prime Minister to listen to us. The Prime Minister constitutionally is the Leader of Government Business and her second deputy was designated with our approval as the Deputy Leader of Government Business in the House. None of them is in the House. We have not received any communication to the effect that hon. Bahati will be holding their fort. Of course, the courtesy of being a colleague restrains me from calling him an imposter because he is a colleague and I am bound by the conventions of this House.

The procedural question I am raising is, is it procedurally right for us to proceed without a Leader of Government Business and yet, in our transactions, we are communicating with Government through that person?

You will notice that, for example, on Tuesday, just this week, you directed the Minister for Lands, the hon. Judith Nabakooba to come and explain to this House the mess of suspending the Uganda Land Commission, a constitutional body she never appointed and taking over the functions of Uganda Land Commission. She is not here. The Prime Minister is not here to explain that and neither is the person who is supposed to whip her to be in Parliament.

Are we proceeding well, if your directives – or our directives as a House - are going to continue being flouted that way? Thank you, sir.

**THE SPEAKER:** We cannot be proceeding well if what we decide is not respected, is not acted upon and when it is so required to be done, there is nobody to do it. That is not proper. Like I keep saying, it is not only bad procedure; it is even bad manners to do things that way. But as it is, that is where we are.

What we try to do is to allow Members to bring out issues the best way they can. What we have not been able to achieve very much is to have a continuous full attendance of the Front Bench of Government. We have talked about this before, we have taken some decisions, some harsh words have been used but these are the results we get each time that happens.

I was going to suggest that we are representatives of those people. We might have to proceed with those matters that affect them and take decisions the best way we can and they get to know that we mean business. We must mean business even though other people do not mean business. We should show the country that we mean business. Hon. Bahati, we have talked about these things but they keep –

Yesterday, I was here and I saw the number of ministers that were here and you are almost 100. You can actually constitute a full quorum and debate as just ministers in this House but here we are with the five of you, out of 81. Does this help us do business of Government and the people of this country? That is it.

Why would you allow us to be talking to ourselves, when you are supposed to give us policy responses to the concerns and see how we can agree on a way we can handle these things? It has become a bit much and there is a level beyond which tolerance completely wears out. We do not want to reach there. It is almost there but we are just holding on. Hon. Bahati, that is the concern.

2.29

**THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati):** Mr Speaker, on behalf of Government, we apologise that we are not coming in the expected number to address and attend to Members’ issues. We hope that next week, we will improve so that we do not reach that level you are pointing to – *(Interjection)* – I would like to inform you -

**THE SPEAKER:** He has not said anything, please. *(Laughter)*

**MR BAHATI:** I would like to inform you, Mr Speaker, that the Deputy Leader of Government Business will be shortly joining the House and we are also trying to whip as many members of Cabinet as possible, to come to the House.

However, this matter will be raised in Cabinet next Monday so that we can have corrective action taken to have as many Members as we can in the House next week. So, next week, you will see a lot of improvement. That is the commitment, on behalf of Government, that I can make. Thank you.

**THE SPEAKER:** Thank you very much. *(Mr Ssewungu rose\_)* Honourable member, you are a senior Member of the House; there is no such request on the rules.

**MR SSEWUNGU:** Thank you, Mr Speaker. I was seeking for your guidance but if it is not in the rules, I am sorry about that. Sometimes, it will be about your prerogative.

The procedural matter I am raising, Mr Speaker, is still on this serious matter. We have been in this Parliament, as you have said. The whole of last week – I think for the last two weeks – ministers have been going to the Committee on Budget, presenting their supplementary budgets. While there, they line up as if they are going for a meal. After getting through the supplementary, they disappear - they do not come, including the Prime Minister herself, by the way.

So, the procedural matter I am raising is that in case such an occurrence takes place and I am around, and I inform you in time that Mr Speaker, I have just seen some ministers – about 30 here. Let me pray that they come in the afternoon. In case they do not come, I will be your best evidence at that particular time.

Otherwise, they are ever there. We see them in the canteen. They have their lead cars taking us off the road so that they can pass but afterwards, you come to Parliament and continue seeing hon. Bahati as it used to be in the 10th Parliament. I think he deserves a medal, Mr Speaker, because he has really tried to explain in his own capacity, although he is no longer in the finance ministry – he is in the trade ministry.

That is the procedural matter I was raising. If you allow me, I will be alerting you in time, Mr Speaker - before the bell goes off - that I have seen about 20 here and 10 this side, so that this helps you. In case they do not come in the afternoon, you know that Ssewungu did a noble job for Parliament and the whole country. Thank you, Mr Speaker.

**THE SPEAKER:** That is assuming that I do not know that they are there. I think it is something that we need to deal with. However, honourable members, there is a trend that is beginning to develop that we need to deal with.

There is what we call “rules of engagement”; how to conduct a debate. There is also that portion that says, “Interruptions of debate”. If there is no debate, you cannot interrupt anything. How you interrupt debate is by point of order, point of procedure, point of information and elucidation and point of privilege. That is how you do it.

Our rules use more sophisticated words. We like the simple one called “clarification” but our rules say “elucidation”. You might have difficulties dealing with that one. So, we usually say “clarification”; it is acceptable but - that is within the rules.

Specifically, to points of order and points of procedure - and listen to me carefully – you need to read your rules - Rule 78. If you look particularly at sub-rule (4), it says:

*“Where a Member interrupts debate on a point of procedure, the Member shall state the rule of procedure he or she deems to have been breached by the Member holding the Floor or the procedural matter he or she wishes to be ruled upon, before subjecting the Member to the Speaker’s ruling.”*

So, this business of just coming up and nothing is going on - “Procedure” - is wrong because points of procedure are supposed to be interruption of a debate. That means there is a debate going on; there is a Member holding the Floor but there is breach of procedure - then you rise on a point of procedure. You then rise on a point of order. The rules are clear and we are going to play by them.

So, if you are just there holding your Rules of Procedure and say, “Procedure”; no, I will not allow. We have gone into this habit of debating by procedure – “Procedure, procedure”. What is the other one? Additional procedure? *(Laughter)* Hon. Ssewungu is the expert of “Further procedure”. *(Laughter)*

Honourable members, these rules have been done well, to a great extent, to help us structure our debates properly and help us deliver. Sometimes, you people call me strict but what choice do I have? The rules tell me what to do; you want me to do something else.

Honourable member for Bukonzo West, I am going to be very tough on you this time with your “procedures”, now that I have made myself clear on this. So, let us try and make this thing good. I like a lively debate; it is very good for the soul but you cannot just do “procedure, procedure”. You all the time want the Speaker to be the one participating in this process. It is not good; I want a debate. *(Hon. Odur rose\_)*

Now what is this? *(Laughter)* Member for Erute, on what matter do you rise? *(Laughter)*

**MR ODUR:** Thank you, Mr Speaker. I am rising on that matter because there are circumstances in this House that would require us to get guidance from you, as the Chairperson, and it is not expressly provided for in the rules.

I thought at this point, if it is allowed, I would get permission from you so that I look at it and amend the rules. Even as I sat here, there is a matter that I wanted to raise but with your guidance now, I cannot raise it under “procedure”.

**THE SPEAKER:** Thank God.

**MR ODUR:** But with your leave, as it has just come, I kindly request that you allow me raise it under “procedure” because it is very important. It touches a matter in this House.

**THE SPEAKER:** Proceed.

**MR ODUR:** Thank you Mr Speaker. What I want to raise regards Rule 190(2), which guides us on how select committees of this Parliament are supposed to be constituted.

I wanted to raise this matter yesterday. If you read that rule, together with the interpretation rule which interprets what a political party is and who a whip is, in my understanding, wherever select committees are constituted, they must reflect the shades of opinion in this House. This means that all political parties must be represented.

I have already seen select committees that have been constituted and if we use the example of the recent one, four political parties that are represented in this House – the Uganda People’s Congress, the Forum for Democratic Change, the People’s Progressive Party and the Democratic Party - are not represented on that committee yet Rule 190 is mandatory that those shades of opinion must be represented.

I know that as UPC, some of our Members are on the side of the ruling party and I thought that the Speaker, in constituting this, might think that we are whipped from the other side. However, my president and I are still sitting on this. My president, hon. Jimmy Akena, is there. *(Laughter)*

Mr Speaker, with your indulgence, I thought that it is important, going forward, that this matter be clarified by your Chair. We may not alter what has already been – that is not my intention – but it is important that in the future, the Chair is clear on how select committees are constituted to let the political shades on this side be adequately represented. This must not be by any other Member who is that side but by direct Members of the political party. I so pray. Thank you.

**THE SPEAKER:** I think the rules are clear on what we should do in the creation of select committees for specific purposes. The challenge comes from numbers. If you want to do a select committee, which you hope can deliver quickly, then the number of the members of the committee becomes immaterial.

I have seen the ones that have been set up; they always have five members. In the Opposition, you already have more than five political parties. You have the Independents and then of course you have the NRM. Very soon, you are going to ask about the UPDF and so on and so forth.

Sometimes, you are going to have to trust the leadership that creates this and read nothing beyond it because it is not necessary to. We will, however, always try to improve every time this matter comes so that if we are going to deal with the Opposition, we can consult broadly and say since the Opposition has many parties; who do we take for this particular purpose and things like that. It will help us to deal with that aspect. If we are to accommodate all parties, the number will be too big and we do not want to get there.

These are things that should not come up again. It will not come back again. Next time these matters are being handled, we will do the necessary consultations and have them fixed properly. Thank you.

**MR SSEGGONA:** Thank you, Mr Speaker. I could not rise under any rule of procedure because I am guided by the civil procedure rules that when something is done, the counting starts the following day. So, permit me to take it that your ruling on the application of our rules, having been delivered today, will start running tomorrow.

It is for that reason that I rise up to seek your procedural guidance under certain circumstances where none of those interruption procedures are provided for, to guide me on Rule 08 of the Rules of Procedure that states thus: *“In case of any doubt for any question of any procedure not provided for in these rules, the Speaker shall decide, having regard to the practices of the House, the Constitutional provisions and practices in other Commonwealth parliaments in so far as they may be applicable to Uganda’s Parliament…the Speaker’s ruling, under sub-rule (1), shall become part of the Rules of Procedure of Parliament until such a time when a substantive amendment to the Rules of Procedure is made in respect of the ruling.”*

My concern, Mr Speaker, is that there could be situations for example, where there is no debate. When you were just about to transit from Item 2 to Item 3, I noticed that there is something that needs to be corrected, which cannot wait. When I see a Member dressed in a manner that is offensive to the decorum of the House or a Member who has walked in with a gun as it has happened in the past, I would want to bring such to your attention for you to guide the House because it is your responsibility.

It is also true that in the past, some of these interruptive messages or communications have been permitted where people have asked you for guidance and you provided it. People have sought clarifications as opposed to elucidation and you accepted it.

Would you not guide this House that pending such amendments, we maintain, with modifications, adaptation and qualification, the way we have been proceeding, because I trust you have been guiding us well without being very strict, Sir?

**THE SPEAKER:** Thank you. I see hon. Nandala-Mafabi rising. I do not know on what point. Can I first give guidance on this? Hon. Sseggona, if you notice, I was very clear about what I said. I was referred to where the rules are absolutely clear, where it does not require the Speaker to extend any rule or fill any gap. The rules are absolutely clear.

Should a situation arise where the rules are not clear, I will supplement by ruling. As of now, no such situation has arisen. I have only seen Members showing up to raise points of procedure where it is not necessary. They raise points of procedure but end up instead providing information. These are things that we are going to take slowly.

However, I have to maintain a moderately firm hand on this matter for us to structure our debates properly. On how to extend this, we are okay. Points of clarification, information and elucidations are never for the Speaker. They are usually for either a Member or minister holding the Floor to respond.

So, we want to assist the presiding officer so that when business starts, it rolls quickly. Thank you.

Hon. Nandala-Mafabi, on what matter do you rise?

**MR NANDALA-MAFABI:** Mr Speaker, I do not have the Rules of Procedure here –

**THE SPEAKER:** But on what matter do you rise?

**MR NANDALA-MAFABI:** I am rising to assist the presiding officer. *(Laughter)* I know the presiding officer is always right but I am rising to offer some assistance.

Mr Speaker, you are right. The reason Parliament did not make the right conclusion is because sometimes just when somebody is making a point, another Member can rise on procedure yet the procedural point that the Member is presenting might be distorting the information that the Member on the Floor is trying to make.

This also goes to your office. You know when one becomes a Member of Parliament, they may assume that they have achieved everything but sometimes, they might not even be in the right place. Education does not end. People should learn our Rules of Procedure because they are many.

Therefore, wouldn’t it be important for your office to really gazette time - we do not need to go to a hotel. Those who want to learn will come. People need to go through these rules, one by one, until we – because if we do not do it, you are going to be in problems, Mr Speaker.

Mr Speaker, you can see how the House is - but again it is because of the rules. I think they have understood that the rules keep changing every now and then. While they go out, we are entering because we discovered that the House was becoming unmanageable.

Mr Speaker, can’t you organise it? We have conference halls here. We can say it is every day from 10.00 a.m. maybe to 12 noon. for about 10 days and we go through the rules and even our behavior. When I went to Senior One, they had to teach me how to hold a fork and a knife. Now, these ones are going to start going to parties and they may not know a glass for wine, glass for whisky or glass for *malwa*. *(Laughter)*

Mr Speaker, even ethics *–(Interjections)-* yes, I do not go for parties but you can go and embarrass Parliament. Please, do not think that you know everything. I am saying this from experience. One time, I went to a place and I booked a five-star hotel. I never knew that the way I was sitting - I was sitting even on the toilet or even the bed.

Therefore, I claimed that the hotel was bad and I had to go to the reception to complain. They came and said "when you want a toilet, you press here, when you want a bed you press here” – and everything. Therefore, learning is continuous.

There is another man who went to Malaysia and while he was in a hotel, he thought there were no lights. He said that “even in Malaysia, there were no lights”, yet he was supposed to get the key and place it somewhere. Mr Speaker, it is a continuous process. Therefore, I cannot assume that we know everything.

I would like to request you to organise and we go through these rules. We have people who know diplomacy to talk to us about diplomacy – the Oryems are good there. We have those who know about dancing to teach us how to dance. This will depend on your office.

Mr Speaker, wouldn’t it be procedurally right – I do not know the rule under which I have raised it – that you assist us to manage this process? It is very dangerous. You should even teach us how to manage our finances. Thank you.

**THE SPEAKER:** Thank you. Honourable members, sometimes the only opportunity I get is when matters come to the House. However, my own experience when I came to the Seventh Parliament was that – hon. Nandala Mafabi is there, hon. Abdu Katuntu is there and many others who were in the Seventh Parliament – our induction was not done in a hotel. It was done here.

The former Speaker, the late hon. James Wapakhabulo, sat here and took us through – for two weeks – not just the rules but even the Commonwealth practices. We went through all of them.

Those who paid attention became different kinds of Members of Parliament and those who did not, remained the way they came. That is how the orientation was done. It was very detailed, in fact, to the extent that when we reached the issue of motions, secondment of motion and amendment of motions, he would say, “Okay, now that we have dealt with amendment of motions, hon. Katusabe, please, propose a motion.”

It was not just theory. Hon. Katusabe would get up there and propose his motion. “You, honourable, second the motion.” “Would you like to speak to your motion?” “Would you like to second the motion?” Then, they would speak. “Would you like to amend the motion?” Another member would get up to amend the motion.

Therefore, it was not just theoretical. We were taken through a real practical process of handling the matters in Parliament. When it came to the budget process, as it was then, we would go through it. When it came to issues of the reading of Bills – first, second and third readings – we did it here without a Bill. When it came to budget, we supplied it here without supplying any money because it was not a Parliament but a group of Members of Parliament sitting in Parliament without the record of Parliament. Therefore, it worked and it can work.

Therefore, we were trying to make an arrangement. As you can see, we now have our own facility to put outside sometimes. However, what is the most effective and best way to have this done? This is not to say that no attempt has been made. It has. There have been a series of induction meetings that have taken place with senior colleagues such as hon. Sseggona – I think you were one of the facilitators – hon. Abdu Katuntu, hon. Niwagaba and hon. Robina Rwakoojo.

I came and spoke in one of them – just to open it – and all of you were there. Therefore, if it now requires a more intense – for example, if you are going to draft an amendment to a Bill that is before the House, you have to have some basic drafting knowledge. Not everybody has that drafting knowledge. It takes additional training to get somebody who can draft a law. Not all lawyers can draft laws; no. You may give some to draft a law and they look the other side and say: “It is not my cup of tea.”

Therefore, these are skills that are necessary to make us effective. We will still find time and see if we can borrow a bit of what we did in the Seventh Parliament and adjust it to the current situation, because of the numbers, and see how we can do it overtime.

Would this be a good way to proceed? Honourable members, can we go to the business of the House? Please, let us proceed. I still have two Members with urgent matters. We have delayed them and their constituents could be waiting.

2.55

**MR RAUBEN ARINAITWE (NRM, Isingiro West County, Isingiro):** Thank you, Mr Speaker. I rise on a matter of national importance concerning land grabbing and destruction of two investments of licensed commercial tree farmers in Namanve Central Forest Reserve in Mukono District.

Namanve Central Forest Reservewas gazettedin 1932 by Legal Notice No.87/1932. Then in 1997, part of it, comprising of approximately 1,000 hectares, was degazetted for industrial park. The 1,200 remained under the forestry sector. However, in Seeta in Mukono District, that compartment 14 was never degazetted but people have cut tress and they are sharing the land.

This Parliament has never degazetted it. To my surprise, the Executive Director of National Forest Authority (NFA) passes there every morning and evening when he is going to and from work. Most of these tree farmers are retired civil servants who invested all their pensions to grow those trees.

Therefore, my prayer is that let those tree farmers, who have lost their investments, be compensated. Secondly, let those land grabbers be evicted, investigated and prosecuted.

In Addition to that, let the Minister of Water and Environment answer why NFA is neglecting its obligation and mandate to protect the forest reserves. I submit, Mr Speaker.

2.57

**THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati):** Mr Speaker, the prayers of the honourable member are very straight forward. The Minister of Water and Environment will attend to them and get in touch with you. Thank you.

2.57

**Ms norah bigirwa (NRM, Woman Representative, Buliisa):** Thank you, Mr Speaker. I am rising at this moment because of a very urgent public concern that has highly affected the people of Buliisa. As you may be aware, Buliisa is one of the districts that have been affected by the floods since last year. As a result, many of the electric poles have for long become rotten and therefore, fallen.

We, in Lower Buliisa, have been in darkness for the last one week. We are talking about hospitals, health centres and various institutions being in darkness.

Owing to the concern of human and aquatic life, most of the transformers had to be isolated from the grid supply. It is not possible for these institutions and more especially the health institutions and hotels, to continue operating on generators because they are very expensive.

It is our prayer, therefore, that:

1. The concerned ministry swings into action to divert the line that has been in the water around Waisoke in Buliisa subcounty.
2. The Uganda National Roads Authority (UNRA) grants permission for the line to be constructed within the road reserve since it is the only space that is remaining.
3. An alternative line from Hoima via Kigorobya feeding Buliisa be made available to benefit the people of Buliisa at this very moment.
4. The communities that were displaced by the floods be considered for power supply in places where they relocated to by transferring the transformers that are already flooded with water to those places where people now occupy.

This is my prayer. Thank you.

3.00

**The minister of water and environment (Mr Cheptoris Mangusho):** Mr Speaker, we toured that area when we were carrying out a familiarisation tour on petroleum. I noted that some of the lines were already in water and the population was displaced. We shall try to see how we can salvage the situation by getting our teams to go and carry out surveys. I will take this and report back in the next two weeks.

**The Speaker:** Honourable minister, you do not have to report back here. What we prefer is to hear that there is action. You were there earlier but apparently, it did not annoy you enough to do something. Now that we have listened and you have accepted, just go and have it fixed. You do not have to report to us. Have it fixed and have those people supported. Honourable member of Buliisa, please follow up with them on this matter. Thank you.

LAYING OF PAPERS

REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF BANK OF UGANDA FOR THE YEAR ENDED 30TH JUNE 2021

**The Speaker:** Who is the Commissioner going to lay this? Where is the document? Can I have a former Commissioner laying this report?

3.02

**THE MINISTER OF INFORMATION, COMMUNICATIONS TECHNOLOGY AND NATIONAL GUIDANCE (Dr Chris Baryomunsi):** Mr Speaker, I beg to lay the report of the Auditor-General on the financial statements of Bank of Uganda for the year ended 30 June 2021, signed by the Auditor-General; John F.S Muwanga. I beg to lay on behalf of the Parliamentary Commission.

**The Speaker:** Let the records capture that. It stands referred to the Public Accounts Committee on Commissions, Statutory Authorities and State Enterprises (COSASE) to see what is there. If there is anything that Parliament can do, they will make those recommendations.

MOTION SEEKING LEAVE TO INTRODUCE A PRIVATE MEMBER’S BILL ENTITLED, “THE CONSTITUTION (AMENDMENT) BILL”

3.03

**Mr Jacob Karubanga (NRM, Kibanda South County, Kiryandongo):** Thank you, Mr Speaker. I am here to move a motion seeking leave of this House to introduce a Private Member’s Bill entitled, “The Constitution (Amendment) Bill.” I am moving it under rules 56, 121 and 122 of the Rules of Procedure of the Parliament of Uganda.

*“Whereas Parliament is mandated, under Articles 259 and 262 of the Constitution, to amend the provisions of the Constitution by way of addition, variation or appeal;*

*And whereas Article 94(4B) of the Constitution and rules 121(1) of the Rules of Procedure of the Parliament of Uganda grant a Member of Parliament the right to move a Private Member’s Bill;*

*Aware that Article 10A of the Constitution recognises a person to be a Ugandan citizen by birth where the person is born in Uganda, one of whose parents or grandparents is or was a member of any of the indigenous communities existing and residing within the boundaries of Uganda as at the first day of February 1926 as set out in the third schedule of the Constitution;*

*And aware that currently in Uganda, there are a number of communities that are not recognised by the Constitution as indigenous communities that existed in Uganda by 1926 including the:*

1. *Maragoli people who are an indigenous group that migrated from present day Ethiopia and are mainly settled in Bunyoro Sub-region in the present day districts of Kiryandongo and Masindi and are of a total population of about 30,000 people;*
2. *The Mososhek people, an ethnic group living in the upper slopes of Mt Elgon in Sebei Sub-region in the present day districts of Kapchorwa, Kween and Bukwo are believed to have lived on the upper slopes of Mt Elgon since time immemorial with a total population of about 8,500 people;*
3. *The Bakingwe people, an ethnic group living in the present day Kasese District who were, in pre-colonial times, based at Kakure Island and the eastern shores of Lake Edward with a total population of about 2,000 people;*
4. *The Sobot people, an ethnic group living in Bubulo East Constituency in Namisindwa District;*
5. *The Bahaya people, a Bantu ethnic group based in Kagera region in Uganda and living mainly in Nyangoma in present day Rakai District;*

*NOTING that whereas the Maragoli, Masoshek, Sabot, Bakingwe, and Bahaya people existed in Uganda before the 1st day of February 1926, as required in Article 10 of the Constitution, they were never included in the First Schedule of the Constitution as one of the indigenous communities;*

*CONCERNED that the non-inclusion of the Maragoli, Masoshek, Sabot, Bakingwe, and Bahaya people in the Third Schedule of the Constitution, as one of Uganda's indigenous communities, has adversely affected the communities since they are not considered as Ugandan citizens, for purposes of access to social services, travel documentation, identification cards, eligibility to stand for political officers, and have no social protection against loss of their identity and cultural norms;*

*FURTHER CONCERNED that the lack of recognition of the Maragoli, Masoshek, Sabot, Bakingwe, and Bahaya people as indigenous communities, has led to their assimilation by bigger tribes, leading to the loss of their language, identity, culture, and self-determination;*

*CONCERNED that including the Maragoli, Masoshek, Sabot, Bakingwe, and Bahaya people in the Constitution will strengthen their sense of belonging and identity as citizens of Uganda;*

*COGNISANT that on 6 February 2020, the 10th Parliament recognised the need for this Bill by granting hon. Jack Odur - the then Member of Parliament for Kibanda South County - leave to introduce a Bill entitled, “The Constitution (Amendment) Bill” seeking to include the Maragoli, people among the indigenous communities in Uganda;*

*FURTHER COGNISANT that whereas the Constitution (Amendment) No.3 Bill, 2020 was issued with a certificate of financial implications, read for the first time in Parliament and referred to the Committee of Legal and Parliamentary Affairs for scrutiny prior to the Bill lapsing with the dissolution of the 10th Parliament, in accordance with Rule 235(1) of the Rules of Procedure of Parliament thereby necessitating this Bill;*

*NOW, THEREFORE, be it resolved that this House grants me leave to introduce a Private Member's Bill for an Act entitled, “The Constitution (Amendment) Bill” a draft of which is attached hereto and so order the publication of the said Bill in preparation for the First Reading.”*

I beg to move.

**THE SPEAKER:** Thank you very much, honourable member. Is the motion seconded? *(Members rose\_)* Okay, it is seconded by members for Manjiya, Bubulo East, Tingey, hon. Kazini and hon. Museveni. *(Laughter)* Would you like to speak to your motion?

**MR JACOB KARUBANGA:** Thank you, Mr Speaker, colleagues and the seconders. The need to include some of these ethnic communities in the Third Schedule cannot be overemphasised.

The little I know about the constitutional process and the introduction of such a schedule in our Constitution is that actually - maybe I will stand to be advised - the first Constitution that was made before 1995 never had such schedule identifying the various communities in Uganda. It was until the 1995 Constitution making process that such a schedule was introduced.

Actually, the background shows that at the beginning, the Constituent Assembly had only about 48 communities in the draft. However, by the time the Constitution promulgated, need arose as other communities were identified and by that time, the number went to 56.

Now, later on in 2005, more were identified and that is what brings the number to 65 today; nine were added. That background clearly shows that we are in a process of identifying ourselves as Ugandan communities. Therefore, there could even be others that have not yet been identified, that may probably be included in this as we go along.

Speaking for the Maragoli as an example, these are an ethnic community that has been in Uganda right from the 19th Century. History has it that - and like as identified by Were - in 1967, they migrated from the Arab world through Ethiopia, via the Nile to Bunyoro land, continued throughout the eastern region and eventually to Western Kenya.

That is why, upon that long movement - and of course, as you migrate, a number of community members settle down along the way. Such history is vivid.

Somehow, in 1903, during the construction of the railway, a number of them came back and rejoined their colleagues - and actually for Bunyoro’s case, in 1957 or 1956, Sir Tito Owiny, the Omukama of Bunyoro Kitara then, made a formal invitation and settlement of most of them, because there had been a very close relationship between the Kingdom of Bunyoro and the Maragoli, and because their dialect is very close to the Runyoro.

Therefore, since then, we have lived with them. The ones in Kiryandongo, were allocated an entire parish, formerly known as Kija Parish in Kigumba Subcounty, where I was born and raised, until recently when it was split into two.

There, they were given land in perpetuity and we do not think they can cause any problem. They are law-abiding citizens. So, I feel and further beg and convince the House to permit me prepare a Bill that I can present to this House. I beg to move.

**THE SPEAKER**: Thank you very much. Seconder of this motion; Member for Bubulo.

3.15

**MR JOHN MUSILA (Independent, Bubulo East County, Namisindwa):** Thank you, Mr Speaker. I rise to second this motion. Two of the said communities are in my constituency and district.

Some of us do not belong even to those communities. However, it could be by our word but the spirit is with them and they urge us to talk for them because they are not represented here.

Mr Speaker, allow me to convince the honourable members of this Parliament as to why we should recognise these communities. I know that since 1894, when Uganda became a protectorate and since 1926 when the borders of the protectorate of Uganda were moved from Naivasha to present day Lwakhakha, many things happened. The colonialists would not identify some of these communities here.

I, therefore, wish to convince the House that recognition of a community under schedule three of the Constitution is extremely important, since it determines a number of matters.

Mr Speaker, these matters are about six, including, of course citizenship, eligibility to stand for political offices, access to social services, access to travel documents, and identification, and of course, general enjoyment of the rights and freedoms guaranteed under our Constitution.

On citizenship, I noted that Article 10 of the Constitution deals with the citizenship by birth and reserves the citizenship by birth to persons who are born in Uganda and whose parents or grandparents or a grandparent was or were members of the indigenous communities existing and residing within the current borders of Uganda as at the first day of February 1926. And, as set out in schedule three.

By implication therefore, this means that for one to be a citizen by birth, such a person must prove that their parents or grandparents were members of an indigenous community, existing and residing within the borders of Uganda as at the first day of February 1926. And that such a community is listed in the third schedule to the Constitution.

In light of that provision, a member of an indigenous community that is not listed in the Third Schedule is not considered as a citizen by birth.

This categorisation poses a number of legal challenges to a member of such an indigenous community that is not listed. For instance, while a citizen by birth is automatically registered as a citizen of Uganda, a member of a non-gazetted ethnic group has to qualify for citizenship as a citizen by naturalisation, or by registration. Both of which require proof, which can be also very complicated.

The non-inclusion of a community in the third schedule excludes the members of such a community from being eligible for election to certain positions. For example, there is one such office is reserved for persons belonging to recognized indigenous communities, and that is the President, which is reserved for persons whose birth under Article 102 (a) should be of indigenous community of this country and recognised in the Constitution of Uganda, as I have just quoted.

Since citizenship by birth is reserved for members of ethnic communities as outlined in the third schedule, members from un-gazetted ethnic communities, therefore, cannot offer their candidature for such offices. Non-inclusion of a community in the third schedule of the Constitution also makes it impossible for members of those committees to access Government and other social services in Uganda; since they are not issued with national IDs in most cases, and other travel identification documents -*(Interjections)-* I would like to finish, Mr Speaker -

**THE SPEAKER:** I have allowed you.  But you are not justifying the motion. You are speaking on the proposed Bill. You need to convince these Members that the hon. Jacob Atenyi should be granted leave to present a Private Member's Bill. For the time you have spoken, you have not done that. I am going to give you one last chance to now plead with the House so that the House can give the Member leave. That debate which you are having now can come when the Member has brought the Bill. Not so? Please, make your plea.

**MR MUSILA:** Thank you, Mr Speaker. Since – I want to say again, this could be my maiden speech with you chairing this House –

**THE SPEAKER:** That is why I have allowed you.

**MR MUSILA:** With respect, Sir, I will treat it with your advice. I would like to end, especially, with coaxing the honourable members of this House to recognise the plight of these communities, as my senior brother, the mover of this motion did. They are in my constituency, in my district and many other districts of this country.

Mr Speaker, the moment we leave them out or we do not recognise them, there are several issues, which happen. For example, loss of their culture –

**THE SPEAKER:** Honourable, please, you have gone back.

**MR MUSILA:** Therefore, I would like to support this motion and also coax and request this House. *(Laughter)* I am not allowed to remove my mask but maybe it is also distorting my pronunciations. But since a precedence has been set here, Mr Speaker –

**THE SPEAKER:** Please, proceed with the mask on.

**MR MUSILA:** There is a Member here who has been allowed all the time to remove his mask and has set precedence in this House.

I would like to say that we support the motion before us –*(interjections)*– Mr Speaker, I am being interrupted.

**THE SPEAKER:** The Member is protected.

**MR MUSILA:** I fully second and convince the House to stand with this motion. I thank you.

**THE SPEAKER:** Thank you very much. Honourable members, the motion for your debate is that this House supports a bid by the honourable member for Kibanda South to introduce a Private Member's Bill entitled, “The Constitution (Amendment) Bill, 2021.”

Honourable members, the motion is that the Member be granted such leave. And that is the motion for your debate. And the debate starts now on whether or not to grant the Member leave of this House to present a Private Member's Bill.

**MR ALOYSIUS MUKASA:** Thank you, Mr Speaker. Yesterday, based on the honorable lady's inquiry, because she had raised a procedural matter inquiring whether during debating session, we could be timed. You may find that most of the honourable members are given more time, disadvantaging most of the Members who take their time seeking –

**THE SPEAKER:** Honourable member, you should have said something like, Mr Speaker, I would propose that you give a time limit on –

**MR MUKASA:** Not exactly, Mr Speaker. My issue is this; previously, some three weeks back, as we were debating, because in most cases I rotate around here trying to catch your eye but in most cases, it is the most common faces that are given the opportunity.

I am, therefore, raising a procedural matter. Is it procedurally right for the most common faces – in most cases – to be given the opportunity and denying some of us the opportunity to air out our views during the debating session? Sometimes, we spend sleepless nights trying to research on most of the topics and motions, then we come here and go back without getting a chance to speak.

We are not spectators, Mr Speaker. The procedural matter I am raising is that we should be given audience.

**THE SPEAKER:** Honourable member, you are completely out of order. Please, sit. Firstly, that is not a matter you raise in this House. It undermines the integrity of the House. You may have luck of your own, but we want to protect that of Parliament. You can continue with your luck of whatever, but we need to protect the integrity of this institution.

Secondly, you have made a very severe allegation that the Speakers – presiding officers – do not look at everybody. It is entirely false. Let me educate you on how we suffer with choosing people to speak.

This House has people from regions, special representation, different political parties, people with disabilities, the young people, old Members of Parliament, new Members of Parliament and the other one – different tribes – if you want me to say that. You also have the UPDF.

If you noticed yesterday – and I want you to start thinking about this, seriously – the honourable member for Upper Madi County rose and the honourable member for Lower Madi County also rose, at the same time. What did I say? I said: “No, only one of you will speak for now.” Who did I choose? The new Member of Parliament, as opposed to the one of Upper Madi County, who is an older Member of Parliament.

So, please, you should never say some of these things in public. You should never even be caught thinking about saying them –*(Laughter)*– because they are ridiculous, for lack of a better word.

We try to balance – region, male, female, party. When you come to party, it is not just Opposition; you have FDC, DP, UPC, NUP and PPP. I need to balance all those. So, if you do not speak for Rubaga or whatever your party is, for once –

I remember you speaking about four times the last time I chaired Parliament. You would be the last person to raise a complaint about choice of people who speak. Would you like to apologise to the House and the Speaker?

**MR ALOYSIUS MUKASA:** Mr Speaker, three weeks back, I think –

**THE SPEAKER:** Would you like to apologise to the House and the Speaker? If you do not, just sit down.

**MR ALOYSIUS MUKASA:** Based on your demands, Mr Speaker, I do.

**THE SPEAKER:** If you do not want to apologise, sit down. We do not have time for all these things. This House is a disciplined House. So, when things show up like the way you have come up, it destabilises systems.

Can we go to the business of today? Debate? Kilak.

3.31

**MR GILBERT OLANYA (FDC, Kilak South County, Amuru):** Thank you, Mr Speaker. I appreciate the honourable colleague for raising a very important motion. However, while we allow him to raise a Private Member’s Bill, as a country, we need to be very careful.

Right now, we have very many ethnic groups in this country. I implore the Member – he mentioned about four different groups and all of them should be considered case by case. If we look at them generally, we may go astray.

Mr Speaker, we need to look at the number of the particular ethnic group. If it is the Maragoli, how many are they and we need to trace the history of when they came to Uganda so that we come up with an informed point of view. However, if we are to go the way you are mentioning – all of them at once – it may not look nice.

Good enough the honourable member mentioned that there are others which have a population of 2,000 people, 5,000 people and 30,000 people. If you look at Uganda, we are a very good country in hosting different ethnic groupings. We now have the Chinese – I think they are more than 40,000 in Uganda.

We have the South Sudanese, who have settled in this country and very many of them have bought land in Kiryandongo District – permanent residents – and they are more than 50,000 people. What will happen in future if they raise concerns that they need to be recognised as one of the ethnic groupings in this country?

Mr Speaker, I support that Parliament gives leave to the honourable member, but he should tread carefully. I beg to move.

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

3.33

**MR MILTON MUWUMA (NRM, Kigulu County South, NRM):** Thank you very much, Mr Speaker. I rise to support the motion on the Floor.

As the deputy chairperson of the Committee on Defence and Internal Affairs, we have interacted with agencies such as the National Identification and Registration Authority (NIRA) and the Directorate of Citizenship and Immigration but they have challenges when it comes to issuance of passports and national IDs. Why? This is because some of these ethnic groups are not clearly spelt out in the Constitution. The motion is coming with a solution – they are providing a solution to some of these challenges.

Mr Speaker, I remember the Ik community – the minority group in Karenga, Kaabong – rose up, demanding the same. Whereas they were less than 2,000 people then, this Parliament heard their plight and they were endorsed.

Just like my brother, hon. Gilbert Olanya, has talked of the numbers, let us look at identifying these people. However few they may be, in one way or the other, we own them.

When you trace the history of migration – the Bantu, Luo and others – we have a lot in common. It is just the geographical boundaries imposed by the imperialists that, at times, cause these tensions. We have had interventions and confusions caused by some neighbours, at times, leading to people crossing from one side to another, when they originate from the same locality.

Mr Speaker, without wasting time, I wholeheartedly support the Member to be granted leave to come up with that constitutional amendment. I thank you.

**THE SPEAKER:** Thank you very much. I had already picked the Member for Maracha. After that, we will have Oyam and then Bugiri.

3.36

**MR DENIS OGUZU (FDC, Maracha County, Maracha):** Thank you, Mr Speaker. I am still constrained to endorse that motion. Chapter Three of the Constitution of Uganda is very elaborate on how people attain citizenship in this country and the regularisation of matters relating to citizenship.

From the motion, I cannot be able to understand what informs the urgent plea for recognition of that group. It is a common practice in this country that before we come up with any regulation, there must be impact assessment. It would be good if Ugandans understood the implications of recognising that group as has been proposed, as an ethnic group, for us to move ahead.

I would have loved the minister responsible to respond because we have had cases where every time such a matter is brought here, it fuels ethnic conflicts. One group would want to prevail over another and at the end of the day, we will create a very hostile society, which I doubt, at this particular moment, the country is ready to confront.

In the absence of those clarifications, I want Members to be slow in granting the request. We need to get the facts very clearly for us to move forward from an informed point of view. Thank you.

**THE SPEAKER:** Thank you.

3.38

**MS SANTA ALUM (UPC, Woman Representative, Oyam):** Thank you, Mr Speaker. I stand to support this motion. Article 32 of the Constitution of Uganda places a mandatory duty on the State to take affirmative action in favour of groups that have been historically disadvantaged.

Overtime, we have seen these disadvantaged groups of people. In the Ninth Parliament, I remember the Ik people from Karamoja were brought before us and we considered them, first as a committee and later on as a House.

The four communities mentioned here have been in existence in this country for all these years. We all know that there are some services that these people must get. In any case, most of them are born on our soil. If by virtue of the fact that when you are born on the Ugandan soil, you can qualify to be a citizen of Uganda, it means these people cannot be denied some of these services like the National ID and so many others.

When we went for a field visit in Bunyoro, we came across this problem where people urged Parliament to look into their plea that they too become recognised by the Constitution of Uganda.

I support the motion and I move that the Member be granted leave to bring this Bill for the House to consider the said tribes before us. Thank you.

**THE SPEAKER:** Thank you.

3.40

**MR ASUMAN BASALIRWA (JEEMA, Bugiri Municipality, Bugiri):** Thank you, Mr Speaker. I also stand to support the motion that this House grants leave to the colleague to present a Private Member’s Bill on the subject matter.

In the 10th Parliament, I was a member of the Committee on Legal and Parliamentary Affairs. We had an opportunity to interact with some of these communities, especially the Maragoli who have been presented here. When we engaged the stakeholders, I also discovered that there are Maragoli in Bugiri. And actually somebody teased me that I could be a Maragoli.

We went to their area and interacted with them. They told us the challenges that they face as a community; discrimination and other related challenges yet they have lived here for a very long time.

We are talking about issues of identity and belonging, which are really very necessary. If these people have been here for that long - I do not know which generation they are – then it is only fair that the Constitution recognises them. There is a country called Burma and there are Rohingya Muslims there. The military government in Burma is saying the Rohingya Muslims are not Burmese but these people do not have any other country. That is the problem there. The more we continue to exclude and discriminate people who have lived with us, the more we create risks for conflicts.

Finally, when I look at the demands for constitutional reforms and when you look at the Order Paper, there is another item for Constitutional amendment. Could we take this opportunity to urge Government to consider establishing a Constitutional Review Commission so we can comprehensively look at the Constitutional matters? Otherwise, I am afraid that we are likely to have many Constitutional amendments. Government did promise on that issue but it has not been fulfilled yet we are contending with Constitutional amendments all the time.

Why doesn’t Government take this opportunity to come up with a Constitutional Review Commission to discuss matters of ethnic minorities and other related matters for us to avoid this piecemeal amendment that we are considering right now? Thank you.

**THE SPEAKER:** Can I now have Terego, Bukonzo County West and Tororo District? Is that Terego?

2.43

**DR ABRAHAM ISAMAT (NRM, Kapir County, Ngora County):** Thank you, Mr Speaker. I am called Dr Abraham Isamat, Member of Parliament for Kapir County in Ngora District.

Mr Speaker -

**THE SPEAKER:** So, you are not a Member of Parliament for Terego County? You look like honourable – are you going to allow the Member to speak?

**MR ISAMAT:** Thank you, honourable colleague, for allowing me the opportunity. Once again, I am Dr Abraham Isamat, Member of Parliament for Kapir County, Ngora District.

I personally support the motion on the Floor. However, we in Teso, for a very long time, have been very friendly in a way. There are people who have stayed in Teso - I will not actually mention their tribe because they are quite a number.

Anyhow, some of these people have been very good friends. They have actually grown up with us and we have continued to interact with them in various ways. We really feel that by not recognising them as part of us, we shall be doing a lot of injustice to them. However, there are instances where some of them have gone ahead to make some claims beyond the claims that the natives of the area can make.

My humble request is, as we consider to grant leave to the honourable colleague, let us go slowly. We need to do some assessment and investigations so that as we go to make that decision, we should ask ourselves the question, are these people really going to promote peace as we consider them as citizens of Uganda? I beg to submit.

**DR BARYOMUNSI:** Thank you, Mr Speaker. I am seeking your guidance. It is true the Constitution and the Rules of Procedure of this House allow backbench Members to present Private Member’s motions. The Member is just seeking leave to allow him to proceed. Usually, at this stage, we assess whether the Member has complied with the rules and we focus on whether the motion offends Article 93 of the Constitution or any other provision. In this case, the motion appears to be straightforward.

However, from the debate, we seem to be debating the merits and demerits of considering the ethnic groups. What the honourable member is seeking is that we allow him to proceed - and definitely, we know the procedure of Parliament. If we do, then he will bring the Bill for first reading, it will go to the committee, the committee will do the assessment and we shall have a detailed debate like the one happening now.

Isn’t it procedurally correct that since the motion does not offend any provisions of the rules or the Constitution, we allow him and this debate, which is taking place, will take place at that time when we have received the report from the committee? That is when we shall allow whether to insert these groups or not. I would like your procedural guidance.

Maybe, the other matter that I need your guidance on, like hon. Basalirwa raised, is that the Minister for Justice and Constitutional Affairs proposed names for the President to consider for the Constitutional Review Committee. To the best of my knowledge, the President is still undertaking consultations.

Maybe, the other guidance - in light of what the honourable member raised - while the Members retain the right to bring motions, we are aware that the Government is considering coming up with a Constitutional Review Committee, which shall comprehensively get views from Ugandans, including what the Member is raising.

I would like your guidance on whether we should be guided to wait for that process but well aware that the Member has a right at this time to move this motion. I would like you to guide me on those two important aspects.

Otherwise, I think the debate, which is taking place will take place then. For now, we just need to assess that the motion does not offend any constitutional provisions and we should have no reason not to grant him leave, Mr Speaker.

**THE SPEAKER:** Thank you very much, hon. Baryomunsi for those two points you have raised. The first one is that you know how to proceed: If you want to close debate, you do not ask for a procedural matter; you move to close debate. It is as simple as that; you are a senior member. Just proceed and do it and we will do it.

Secondly, the aspect of private Members bringing motions seeking leave of the House to be granted permission to present Bills on constitutional amendments; the standard response of the Government just like you have said, there is a Constitutional Review Committee coming. Therefore, would it be necessary to have Members bringing private Member’s Bills dealing with constitutional amendments? The question is when is that Constitutional Review Committee going to be formed? Because it is the same defence you gave in 2018, 2019 and part of 2020 when I was still chairing Parliament. I remember them very well.

Even Gen. Ali, the Deputy Leader of Government Business here knows that it is true he has been articulating these matters here. Government is going to show up with comprehensive proposals for amendment after a Constitutional Review Commission; five years or six years.

Therefore, it can no longer hold water. We will proceed the way we are proceeding. If there should be a more comprehensive proposal like the one that came in 2001 – I think - when there was a constitutional review commission that made proposals that - in 2004-2005, we had to deal with a long list of amendments in the – I think we amended up to 118 Articles of the Constitution. That is what we are looking for.

Therefore, if that is coming, then people would not be spending time. However, the thing is that they are waiting and they are still waiting. Therefore, you might not be able to stop them. You will remember what the situation was when hon. Niwagaba brought and for eight months, we could not proceed because Government said that they were going to move but they never moved. After eight months, I had to allow the Member to proceed.

Therefore, let us leave that and proceed the way we are proceeding. I had already picked Members for debate. If the honourable member wanted to proceed the way he wanted to proceed, he should have done it.

3.52

**MR ATKINS KATUSABE** **(FDC, Bukonzo County West, Kasese):** Mr Speaker, thank you very much for giving me the opportunity. However, in the House, I have a very good friend that I am happy and delighted to see - and that is Gen. Moses Ali.

General, I am glad to see you and I thank the Almighty Allah for saving your life. You are my good friend and I thought that was very important.

Mr Speaker, I support the motion. I ask that this House finds it necessary to allow the Member to proceed for a number of reasons.

Number one is the value system that “I am my sister’s keeper and I am my brother’s keeper.” We are confronted with the threats of globalisation, especially posing to account insecurity and instability.

I come from Kasese and for us to determine your real identity, you have to trace back about three people or three generations. If you do not mention anywhere that your great grandfather came from the then DRC, then we will doubt your identity. Everybody there is a resident and a citizen of Uganda by residing in Kasese. Your number one identity or trace is the DRC.

Mr Speaker, I represent the people on the border. We have faced the same challenges; people that were born in Bukonzo County West - every time people imagine they are more citizens than those on the border keep branding them as “Congolese” or “DRC citizens”. Some of us fight back and ask, “Who is not a Congolese here?”

If you are really a Mukonzo especially the indigenous people in Kasese, you must have either your grandmother or grandfather who must have come from the DRC. *(Interjections)-* I think it is me to determine. Even the timeframe to appreciate *–(Laughter)-* the time factor because I do not want to take a lot of the Speaker’s time.

However, the point that I am trying to raise is that we need to streamline our path to citizenship. I do not see any justification why Government should struggle. The Constitution is very clear; we have a lot of laws that speak in that direction. Mr Speaker, as we have always said, what we lack, especially in Uganda, is enforcement mechanisms and, of course, enforcement procedures.

Very lastly, Mr Speaker, while we process or bring about such kinds of documentation, we need to be guided by three factors. Number one is content specification. That is the reason I am glad that my honourable brother is specifically focused on particular groupings, but not making it amorphous and we can pick it.

The second factor is having clear boundary demarcations so that we drive the debate with the adequate clarity and precision necessary.

The third is avoiding any case of pseudo scenarios. This will help us avoid things like the unknown or the fear of the unknown factors.

Lastly and I want to sit down, I encourage the people that make laws that I think an attack on one of us is on all of us – I have just said that I come from Kasese. People that I call my own, my fellow Bakonzo, are being brutally murdered in the Democratic Republic of Congo (DRC). Here we are, as a country, saying, “Can we allow the DRC become part of the East African Community family?” I think this Parliament owes it all to the people of Kasese and DRC, especially those that are in Eastern Congo. We can, in the spirit of, “I am my brother's or sister's keeper” stop the killing in DRC. Thank you.

3.58

**Ms sarah opendi (NRM, Woman Representative, Tororo):** Thank you, Mr Speaker, for this opportunity. I stand to second this motion but indicate that it is very unfortunate that we have to come up with these amendments of the Constitution piecemeal.

I was part of the Executive and we kept waiting for the Constitution Review Commission. It has not come. As women in this Parliament, we will soon also come with another proposal; a motion seeking an amendment of the Constitution because there are gaps. We need them addressed so that the women in this Parliament and in this country can fully enjoy their rights as women.

The honourable member has mentioned four groupings. The Benet people that he mentioned - it is very sad. When I was the Minister of State for Lands, Housing and Urban Development, we went to Karamoja over the landslides, which were clearly showing that they would move on even up to parts of Kapchorwa. While there, we met the Benet people living as real destitutes because they were settled on Uganda Wildlife Authority land. They were evicted. They would move down to the mainland at night and then away to go and leave wherever. It was a very sad situation.

He has talked about them. However, there are other tribes. I remember when hon. Sanjay Tana was a Member of Parliament in this House, he tried to also bring up a proposal, an amendment motion to recognise the Indians who were born here. They have no other home. They only know Uganda as their home. We also have the Bakenyi. They are in one part of Tororo, settled there as people of Tororo but are a different ethnic group.

I have heard also some people trying to call themselves the “Abavandimwe”, the Rwandese. That is another grouping. Therefore, while I support this motion, I think it should be comprehensive so that it covers all those, and we do not have another group coming up here again to raise another motion - *(Applause)* - That is what I wanted to say.

I would like to also recognise the fact that the Citizenship and Immigration Act does have different categories of citizens. Let us take advantage of those. There are those who are citizens by birth, registration and citizenship by naturalisation. If the processes could be made simple, because I know it is also a hassle to get these citizenships - if it could be made simpler and easier, then maybe, we would not be having this challenge.

If I qualify to be a citizen by naturalisation or registration, why should it be a big problem? I have had people come to me for help. Why should you come in to help if it is already provided for in the law? Therefore, these are some of the challenges.

Otherwise, I do support the motion to allow the Member to be granted leave so that he can proceed, but how I wish we could take care of all the other ethnic groups. Thank you.

**The Speaker:** Thank you very much. Honourable members, I have a list here of Members that I had already noted down to speak. I had already picked all this number but it is four o'clock; the Prime Minister's Question Time. The Rt Hon. Prime Minister is here to proceed with this.

Honourable members, it might not be a good precedent for us to set, especially, when our own private Members come to seek our permission for them to present Private Member's Bill. They do not violate any provision of the Constitution or any other law, then we subject that request to a lengthy debate. I do not know what kind of precedent we will be setting for ourselves.

If the request of the Member does not offend the Constitution, and the Constitution itself - by the way, provides no restrictions except those ones under 93 and the other ones on human rights and so on; but it does not put any limitation on the Member or a procedural requirement for a Member to bring a Private Member's Bill. Instead, it says that if the Government wants the Member to present the Bill, it should take over the process of preparation of the Bill and even its publication in the Gazette. That should now be the responsibility of the Government to facilitate the private Member.

The way we are proceeding is as if we want to make it a burden to a private Member to bring a request for leave to present a Private Member's Bill. What we put in the rules is not in the Constitution. This procedure is not - but we put it there deliberately for us to get the opportunity to ask this question; “How does it sit with the Constitution or other laws in the country? Does it violate any fundamentals, vested interests and things like that.” Once we are clear that it does not, we allow the Member to proceed? That is how it should be. I am hoping that it will be that way in future.

That is why I was hoping that hon. Dr Baryomunsi would have assisted the House by going the full length on what he was proposing. Honourable members, I am going to put the question to this motion to allow the Prime Minister's Question Time to come.

Honourable members, the question that now I put for your decision is that hon. Karubanga Jacob Ateenyi of Kibanda South County, be granted leave by this House to introduce a Private Member's Bill entitled, “The Constitutional (Amendment) Bill.”

*(Question put and agreed to.)*

**The Speaker:** Congratulations. Clerk, you know what should happen. You take full charge to help the Member. Now, prepare the final text of the Bill for its onward return to this House. Thank you very much.

PRIME MINISTER’S TIME

4.06

**THE SECOND DEPUTY PRIME MINISTER AND DEPUTY LEADER OF GOVERNMENT BUSINESS (Gen. (Rtd) Moses Ali):** Mr Speaker, I am here to make responses to questions raised during Prime Minister’s Time. Right now, all the staff of the Office of the Prime Minister are on a retreat in Kyakwanzi. I just came yesterday for this purpose.

I have seven questions today and I will only be concentrating on the questions, not the background of who asked the questions.

The first question -

**THE SPEAKER:** Yes, point of procedure.

**MR NAMBESHE:** Thank you, Mr Speaker. Rule 41 (9) gives the Leader of the Opposition the right to reply or comment. Amicably, I am entitled to a copy of that reply or response to the questions for me to internalise and reply from an informed position.

This is not the first time I am raising this complaint. I have severally done that but it seems Government is not heeding to this, Mr Speaker. Therefore, are we procedurally complying with our rules?

**THE SPEAKER:** Thank you very much. Actually, the words used in the rules are, “…the Leader of Opposition may comment…” They did not use the word “reply” deliberately. The intention is for you to first have an assessment of how the responses have been for you to get a wider picture rather than dealing with bullet points on what has been asked and answered.

That is to help you have a broader picture of the general policy issues in the areas the question came from and whether the questions were handled; were they to your satisfaction or dissatisfaction. That will be the nature of the comment from the Leader of Opposition.

We only changed this thing into a written text recently at the end of the last Parliament, where now, you have to come with a written response and proceed the way the Second Deputy Prime Minister was preceding.

However, if it will help, please, arrange a copy of the Prime Minister's responses for the Leader of the Opposition so that we can proceed normally. Otherwise, you will have your time to do what the rules allow you to do. Clerk, please, arrange a copy for the Leader of Opposition.

**GEN. (RTD) AL**I**:** Thank you, Mr Speaker. The first question was: “Can the Ministry of Education and Sports allow the Education Service Commission to issue appointment letters to these headmasters, deputies and teachers so that these Seed schools can run smoothly to avoid another cost of the process of advertising for the same positions?”

The answer is that the caretakers were not assigned by the ministry to take care of in the above Seed schools. Appointing caretakers would disadvantage the substantive deputy headteachers and teachers in such Seed schools. The Ministry of Education and Sports has posted substantive headteachers to Seed schools.

The second question was: “Can the Ministry of Education and Sports explain how the money which was meant for this purpose was utilised since this was a loan, which Ugandans must pay?”

The response is that 117 schools have been constructed out of that money and 142 schools will be constructed in the second phase. In addition, the Ministry of Education and Sports has recruited and appointed 1,598 teaching and non-teaching staff, who have already been deployed in the respective Seed schools.

The third question was: “Explain how USE grants in these schools are being utilised without appointment of accounting officers and their deputies.”

The response is that in schools without headteachers, the deputies have been assigned higher responsibility to manage the USE grants and other resources.

Another question was: “How will students be taught subjects when teachers are not there when schools open sooner or later?”

The response is that the Ministry of Education and Sports recently recruited 2,669 education officers and assistant education officers and some of these will be deployed to the Seed schools to fill those gaps. The vacant posts have already been declared to the Education Service Commission for advertising, to take care of subjects without teachers.

Question five was: “Does Uganda have a new climate action plan on which our climate change mitigation and adaption is based?”

The response is that on 21 October 2021, Uganda submitted a new climate action plan, an interim nationally determined contribution, to the United Nations Framework Convention on Climate Change (UNFCCC), which will be concluded by end of December 2021.

According to the interim nationally determined contribution, adoption remains the country's key focus to climate change response in addition to mitigation actions.

Question six was: the above action plan is focusing on reduction of carbon emission to meet zero target by 2050 yet Uganda is eager to see its first oil drop by 2025. How is the Government planning to balance these aspects that is, the huge investment in the oil sector and sticking to the commitment on carbon emission amidst global shift from fossil fuels?

The response, Mr Speaker, is that Uganda is developing a long-term low emission development strategy, which will be completed in February 2022. Experts have advised that these will reduce carbon emissions to meet the zero target by 2050.

It is important to note that the country intends to use oil revenues for investments in climate vulnerable sectors such as agriculture, energy, natural resources among others. Government will explore new climate technologies to make the oil and gas sector greener.

Earlier, Mr Zaake, Member of Parliament for Mityana Municipality raised an issue that Mityana General Hospital has been without a functional X-ray and ultrasound for the last two years. The question is, what steps is the Government taking to ensure the X-ray and the ultra sound machines are fixed?

Mr Speaker, the spare parts for the X-ray and ultrasounds have arrived and have been inspected and approved by the Ministry of Health. The agent is scheduled to have the machines fully functional by the end of November 2021.

This ends the questions. Thank you.

**THE SPEAKER:** Thank you very much. Yes, Leader of the Opposition?

4.21

**THE CHIEF OPPOSITION WHIP (Mr John Baptist Nambeshe):** Thank you very much, Mr Speaker. They know why I requested for a copy; it would be much easier to follow what the General was taking us through than merely following him as he was reading in that mask. Most of the words were actually consumed by the mask. *(Laughter)*

That notwithstanding, about the 117 schools that Government boasts of constructing, I applaud you on behalf of the Opposition but the ones that are pending – which are even more; 142 – have taken ages even when funds that are sourced or mobilised through loans are on the accounts of the ministry.

The ministry, at one time in 2019, was found to be notorious for having low absorption capacity of funds. Moreover these are loans with commitment fees and interest to pay. This low absorption capacity is a kind of indiscipline, which leaves unspent balances that are sent back to the Treasury. The eventual fate of such funds is not very clear.

Regarding the other question on climate change; does Uganda have a climate change plan? The Rt Hon. Prime Minister has informed the House that they have enacted a new climate action plan and it is supposed to be in full force by the end of 2021.

However, Mr Speaker, this House has dispensed a lot of justice to climate change by approving funds, including the 3 per cent environmental levy. This fund goes to the Ministry of Finance, Planning and Economic Development instead of the line Ministry of Water and Environment. What is remitted are peanuts actually. In essence, is the Government walking the talk when they are preaching that they are after reducing on greenhouse gases by 2022 when the funds that are meant to implement, for instance, plans like massive planting of trees in regions that have had serious environmental degradation are not there? They are in the Ministry of Finance, Planning and Economic Development.

The Leader of Government Business should desist from preaching water and drinking wine, with due respect, as a Muslim who does not drink alcohol.

The last one is about the question, which was raised by the Commission and hon. Francis Zaake about the Mityana Regional Referral Hospital lacking X-ray and ultrasound machines.

The general state of healthcare services in the country is very wanting, especially when we got that report of the Task Force on COVID-19. It is not only confined to Mityana Referral Hospital but even in hospitals where this equipment is functional, you find that they are not in use at all. This is either due to the staffing gaps, which are in these hospitals or poor equipment or both.

Therefore, Government ought to up your game and ensure that the health care services are improved upon. At one time, you may remember that the then President was shot in their mouth but we are reliably informed that he sought his medical health care in Mulago Hospital. That was the late Apollo Milton Obote.

I do not know whether if it happened today – you see a Minister of State for Health seeking health care from a Nairobi hospital. You wonder whether going to our National Referral Hospital is suicidal or not.

So, when you talk about improvement on healthcare facilities and equipping them well, even issues of staffing gaps being addressed, you are lacking in many aspects and you had better repent to Ugandans. Thank you, Mr Speaker.

**THE SPEAKER:** Thank you very much, Leader of the Opposition. Thank you, Rt Hon. Prime Minister, for these responses you have given to the questions. Let us go to the next item.

MOTION SEEKING LEAVE OF PARLIAMENT TO INTRODUCE A PRIVATE MEMBER’S BILL ENTITLED, “THE PUBLIC ENTERPRISE REFORM AND DIVESTITURE (REPEAL) BILL”

4.27

**MR MICHAEL MAWANDA (NRM, Igara County East, Bushenyi):** Thank you, Mr Speaker. I rise to move a motion seeking leave of this House to introduce a Private Member’s Bill entitled, “The Public Enterprise Reform and Divestiture (Repeal) Bill”.

It is moved under rules 56, 121 and 122 of the Rules of Procedure of Parliament.

“*WHEREAS Article 77 of the Constitution of the Republic of Uganda empowers Parliament to make laws on any matter for the peace, order, development and good governance;*

*AND WHEREAS Article 94(4)(b) of the Constitution and Rule 121(1) of the Rules of Procedure of Parliament grant a Member of Parliament the right to move a Private Member’s Bill;*

*AWARE that in 1993, the Public Enterprise Reform and Divestiture Act, Cap. 98 was enacted to give effect to the Government policy for public enterprise reform and divestiture, as well as the action plan for the public enterprise reform and divestiture;*

*FURTHER AWARE that the Government policy for public enterprise reform and divestiture was aimed at reducing the direct role of Government in the economy, developing a correspondingly greater role with the private sector and improving the efficiency and overall performance of those public enterprises that remained in Government possession and control;*

*NOTING that the Public Enterprise Reform and Divestiture Act had listed a total of 113 public enterprises, grouped in four classes in the First Schedule to the Act, namely; class 1, comprising of public enterprises in which the State was required to retain 100 per cent shareholding; class 2, comprising of those public enterprises in which the State is regarded to retain majority shareholding; class 3, comprising of public enterprises which the State is required to fully divest from and class 4, comprising of public enterprises which the State is required to liquidate;*

*FURTHER NOTING that in accordance with the Public Enterprise Reform and Divestiture Act, Government divested all the public enterprises listed in class 3 and class 4, leaving only those public enterprises listed in classes 1 and 2 of the Public Enterprise Reform and Divestiture Act, for which Government is required to retain 100 per cent shareholding and those which the State is required to retain majority shareholding and are, therefore, not available for divestiture;*

*RECALLING that on 15 March 2016, Parliament considered the report of the Committee on Commissions, Statutory Authorities and State Enterprises on the audited accounts for public enterprises and resolved, among other things, that the Privatisation Unit be wound up and that the unfinished business under the Privatisation Unit be performed by the Parastatal Monitoring Unit;*

*CONSIDERING that the purpose of the Public Enterprise Reform and Divestiture Act has been served, there is need to repeal the Act to save Government funds that continue to be utilised by structures established under the Act, aware that these structures no longer have any mandate to perform;*

*RECALLING that on 9 July 2020, the 10th Parliament recognised the need to have the Public Enterprise Reform and Divestiture Act repealed by unanimously granting me leave to introduce a Bill entitled, “The Public Enterprise Reform and Divestiture (Repeal) Bill”;*

*FURTHER RECALLING that whereas the Public Enterprise Reform and Divestiture (Repeal) Bill, 2021 was read for the first time on 22 April 2021 and referred to the Committee on Finance, Planning and Economic Development for scrutiny, the Bill lapsed with the dissolution of the 10th Parliament, in accordance with Rule 235(1) of the Rules of Procedure of Parliament;*

*NOW, THEREFORE, be it resolved by Parliament that this House:*

1. *Grants me leave to introduce a Private Member’s Bill entitled, “The Public Enterprises Reform and Divestiture (Repeal) Bill, 2021”, a draft of which is attached hereto be reinstated and referred to the Committee on Finance for scrutiny*.
2. *Do order the publication of the said Bill, in preparation for its First Reading.*”

Mr Speaker, I beg to move.

**THE SPEAKER:** Is the motion seconded? *(Members rose\_)* It is seconded by hon. Jonathan Odur, hon. Milton Muwuma, hon. Tom Ekudo, hon. Robert Kasolo, hon. Stephen Kagwera and hon. Rauben Arinaitwe.

Would you like to briefly speak to your motion, sir?

**MR MAWANDA:** Thank you, Mr Speaker. In 1987, the Government of Uganda embarked on an economic recovery programme, aimed, among others, at improving service delivery and reducing Government expenditure in state enterprises and agencies and to spur private sector-led economic development.

One of the main policies formulated under the economic recovery programme was the Public Enterprise Reform and Divestiture Policy, published in Gazette No.48 of 1 November 1991.

Following the formulation of the policy, Parliament, in 1993, enacted the Public Enterprise Reform and Divestiture Act, Cap 98, with the objective of giving effect to the Government policy for public enterprise reform and divestiture, published and also the action public for public enterprise reform and divestiture.

The Act was also aimed at reducing Government equity holding in the public enterprises and thereby, *inter alia,* relieving Government of the financial drain on the resources and burden of administration and raising revenue by means of divestiture including, where necessary, liquidation or dissolution of public enterprises and by the promotion, development and strengthening of the private sector.

The Act creates the legal framework through which the privatisation process of public enterprises is to be implemented. The Act creates the Divestiture and Reform Implementation Committee, whose main role is the implementation of Government policy on reform and divestiture of public enterprises. That also lists a total of 113 public enterprises grouped in four categories, as already alluded to, Mr Speaker.

From 1993 to date, in accordance with the Public Enterprise Reform and Divestiture Act, Government has divested all public enterprises listed in clauses 3 and 4, leaving only those public enterprises listed in clauses 1 and 2.

The completion of divestiture and liquidation of shares of state enterprises under clauses 3 and 4 means that the privatisation process in Uganda has been concluded. The remaining state enterprises are to be preserved from divestiture and therefore, are to be held by Government, either entirely or as a majority shareholder.

The effect of the above is that the Public Enterprise Reform and Divestiture Act, Cap. 93 has achieved the purpose for which it was enacted and has had full effect. The Public Enterprise Reform and Divestiture Act is therefore, spent and should be removed from the statute book.

The repeal of the Public Enterprise Reform and Divestiture, Cap. 98 will enable the management of the State enterprises, which are not divested to be managed by the line ministries. This will save public resources, which continue to be utilised by privatisation agencies with little or no output.

The repeal of the Public Reform and Divestiture Act will signal the end of public enterprise reform and divestiture policy. I beg to move, Mr Speaker.

**THE SPEAKER:** Let us hear from, hon. Jonathan Odur, the seconder of this motion.

4.37

**MR JONATHAN ODUR (UPC, Erute County South, Lira):** Thank you, Mr Speaker. I am here to second the motion to grant leave to hon. Michael Mawanda to introduce the Constitutional (Amendment) Bill.

**THE SPEAKER:** No, it is not a Constitutional (Amendment) Bill. It is the Public Enterprise Reform and Divestiture (Repeal) Bill.

**MR ODUR:** To repeal the – I am also the seconder in the Constitutional (Amendment) Bill. I thought this was it.

Mr Speaker, this is a straightforward request. This House already made a decision through the adoption of a report, which had advised Government to close or repeal the processes they had undertaken. We are also aware that Government is engaged in planning different activities. So, it took a bit of time for them to bring it. Hon. Mawanda is passionate about saving the resources that Government is spending on sustaining this unit.

It is also clear that Government has already taken a decision to do away with redundant agencies and this process has already started. The correct procedure is that it should not end with only this but with others, we shall repeal - that is the basis for which I think this House should grant him leave to proceed with the Private Member’s Bill for us to save Government funds. I briefly beg to submit.

**THE SPEAKER:** Thank you. Honourable members, the question that I propose for your debate is that leave be granted by this House to hon. Michael Mawanda, to introduce a Private Member’s Bill entitled, “The Public Enterprise Reform and Divestiture (Repeal) Bill.” That is the motion for your debate. As I guided earlier, the question is: is there need to give the private Member leave to present this Bill?

4.49

**MR OKIN OJARA (FDC, Chua West County, Kitgum):** Thank you, Mr Speaker. I stand to second this motion. I was privileged enough to be in the Tenth Parliament. I was the chairperson of the select committee on the investigations into the mismanagement of UTL. In the circumstances, where the Government has taken the responsibility of privatising all the public enterprises and others are left, we have seen a lot of mismanagement of public funds that have been released to some of these enterprises.

Therefore, it is our considered view that this Member be granted leave for the repeal of this Public Enterprise Reform and Divestiture Act so that we are able to realise value for money allocated to some of these enterprises. I would like to second this motion that the Member be granted leave for this purpose. Thank you.

**THE SPEAKER:** Thank you. Motion –

4.40

**MS SARAH OPENDI (NRM, Woman Representative, Tororo):** Thank you, Mr Speaker. I rise under Rule 59 to move a motion without notice that we suspend debate on this subject matter, since it is an obvious one.

The justification is very clear. This Parliament handled this matter and in its report, it recommended so. I am aware that even at Cabinet level, we had actually asked the minister to handle this matter by coming up with a Bill to repeal the Public Enterprise Reform and Divestiture Act. However, the Ministry of Finance, Planning and Economic Development is so busy with so many things.

I move that we close debate on this matter and the question be put. I beg to submit.

**THE SPEAKER:** Honourable members, the rules are clear and when such motions are moved, I have no discretion but to deal with it immediately. The motion is that I put the question that the question be put.

I now put the question to the motion that the question be put at this moment.

(*Question put and agreed to.*)

**THE SPEAKER:** Honourable members, that now takes me to the next level. Debate has been closed.

I now put the question that hon. Michael Mawanda, Member of Parliament for Igara County East, be granted leave by this House to introduce a Private Member’s Bill entitled: “The Public Enterprise Reform and Divestiture (Repeal) Bill.”

*(Question put and agreed to.)*

*Motion adopted.*

**THE SPEAKER:** Clerk to Parliament, you know what to do to assist the honourable member to bring this Bill to fruition.

MOTION SEEKING LEAVE OF PARLIAMENT TO INTRODUCE A PRIVATE MEMBER’S BILL ENTITLED, “THE CONSTITUTION (AMENDMENT) BILL”

**THE SPEAKER:** Honourable member for Igara County East.

4.43

**MR MICHAEL MAWANDA (NRM, Igara County East, Bushenyi):** Mr Speaker, I again rise to move a Motion seeking leave of the House to introduce a Private Member’s Bill entitled: “The Constitution (Amendment) Bill.” It is moved under rules 56, 120 and 121 of the Rules of Procedure of the Parliament of Uganda.

The motion reads:

“*WHEREAS, Parliament is mandated, under Articles 259 and 262 of the Constitution, to amend the provisions of the Constitution by way of addition, variation or repeal;*

*AND WHEREAS, Article 94(4)(b) of the Constitution and Rule 121(1) of the Rules of Procedure of Parliament grant a Member of Parliament the right to move a Private Member’s Bill;*

*RECALLING, that on 21 May 2021, the Constitution (Amendment) Bill, 2020 was read for the first time and referred to the Committee on Legal and Parliamentary Affairs for scrutiny;*

*FURTHER RECALLING, that by the time the Tenth Parliament was dissolved, the Committee on Legal and Parliamentary Affairs had completed scrutinising the Bill and the committee was ready to report to the House on the same;*

*NOTING, that the Constitution (Amendment*) *Bill, 2020 sought to, among other things, amend the Constitution of the Republic of Uganda in accordance with Articles 259 and 262 of the Constitution to remove the Governor and Deputy Governor from being Chairperson and Deputy Chairperson of the Central Bank;*

*FURTHER NOTING that the Constitution (Amendment) Bill, 2020 sought to give effects to the resolution of Parliament passed on 28 February 2019, wherein Parliament, in accordance with Article 163 of the Constitution of the Republic of Uganda, considered the reports of the Public Accounts Committee, Commissions, Statutory Authorities and State Enterprises on the special audit of the Auditor-General on the closure of commercial banks in Uganda and resolved, among other things; that Article 161(4) of the Constitution be reviewed to separate the Office of the leadership of the Board of Directors of Bank of Uganda and the top management of the Bank of Uganda;*

*RECOGNISING that the Constitution (Amendment) Bill, 2020, will incorporate basic corporate practices in the management of the Bank of Uganda;*

*FURTHER COGNISANT that whereas the Constitution (Amendment) Bill, 2020 was read for the first time and referred to the Committee on Legal and Parliamentary Affairs for scrutiny, the Bill lapsed with the dissolution of the 10th Parliament in accordance with Rule 235(1) of the Rules of Procedure of Parliament, thereby necessitating this motion;*

*NOW, THEREFORE, be it resolved that this House grants me leave to introduce a Private Member’s Bill for an Act entitled, “The Constitution (Amendment) Bill, 2021, a draft of which is attached hereto and do order the publication of the said Bill in the preparation for its first reading.”*

Mr Speaker, I beg to move.

**THE SPEAKER:** Is the motion seconded? It is seconded by Erute County South, Dokolo District, Kitgum District, Iki-Iki County, Burahya, Tororo District and Kashari. Would you like to briefly speak to your motion?

**MR MAWANDA:** Mr Speaker, on 28 February 2019, Parliament, in accordance with Article 163 of the Constitution of the Republic of Uganda, considered the report of the Committee on Public Accounts (Commissions, Statutory Authorities and State Enterprises) on the special audit report of the Auditor-General in the closure of commercial banks in Uganda and resolved, among other things, that Article  161 (4) of the Constitution be reviewed to separate the offices of the leadership of the Board of Directors of Bank of Uganda and top management of Bank of Uganda.

Parliament further resolved that the amendment to Article 161 of the Constitution be introduced in the House within 90 days, with the adoption of the committee’s report, failure of which, a private Member would proceed with the initiation of the requisite amendment. In making the above recommendation, Parliament was concerned that there was inadequate supervision of the management of the Central Bank by the board.

The authority of Bank of Uganda is vested in a board consisting of a Governor, Deputy Governor and more than five other members. The members of the board are appointed by the President, with the approval of Parliament and these serve a five-year term but are eligible for reappointment.

The authority of the Central Bank is vested in the board, which is responsible for the general management of the affairs of the bank, ensuring the functioning of the bank and the implementation of its functions as well as formulation of policies.

It is evident from the management structure of Bank of Uganda that there is a fusion of management authority of Bank of Uganda with the board authority since the governor and deputy governor are all members of the board as the board chairperson and vice-chairperson, respectively, yet at the same time, the Governor is the Chief Executive of Bank of Uganda and should, ordinarily, be answerable to the board.

It should be noted that the decision-making authority of Bank of Uganda is bestowed on the board, chaired by the Governor. It is also worth noting that the Governor is at the same time the Chief Executive Officer of the bank responsible for implementing the decisions of the board, where he sits. This means that the Governor may influence board decisions since he has a double role of being board chairperson and CEO.

There is also the challenge of supervision of the Governor when exercising the functions of the Chief Executive Officer of Bank of Uganda since the Governor also chairs the board, which is supposed to supervise him or her in the performance of the functions of the Chief Executive Officer.

This supervision cannot be done effectively. The fusion of management of Bank of Uganda with the operation of Bank of Uganda means that the Governor cannot effectively carry out the role of the Chief Executive Officer while at the same time being part of the board. It was the considered opinion of this House that the separation of the board operation from management operation will enable the Governor to concentrate and devote 100 per cent of his or her time to management operations, leaving the board operations to be done by an independent person.

Against this background and the desire to have sound governance principles being applied in the management of the Central Bank, this Bill is, therefore, moved to enhance the decision-making of Bank of Uganda and the supervision of the Central Bank by the board. The Bill also proposes to incorporate good corporate governance principles in the management of Bank of Uganda, which require that the positions of the chairperson and vice-chairperson of the board is separate from the positions of the chief executive officer and his/her deputy.

The Bill draws resolutions from the G20/OECD Principles of Corporate Governance 2015, which requires that in countries with single-tier board systems such as Uganda, objectivity of the board of the Central Bank and its independence from management may be strengthened by the separation of the role of the chief executive and the chairperson. Separation of these two positions is generally regarded as good practice as it can help to achieve appropriate balance of power, increase accountability and improve the board’s capacity for decision-making, independent of management.

The Bill also draws from the vast experience of other countries that have separated the boards of the central banks from the day-to-day running of the central banks, including Kenya and Ghana, which have all recorded improvements in the affairs and management of their central banks.

The object of the Bill is to amend Article 161 of the Constitution to remove the Governor and Deputy Governor from being the Chairperson and Vice-Chairperson, respectively, on the board of directors of the Central Bank, provide for the functions of the Governor and provide for the Governor as the Chief Executive Officer of the Central Bank and provide for the resignation of a member of the board.

Mr Speaker, I pray that leave be granted to me to enable me to introduce a private Member’s Bill to this House. I beg to move.

**THE SPEAKER:** Thank you very much. The seconder of the motion?

4.53

**MR JONATHAN ODUR (UPC, Erute County South, Lira):** Thank you very much, Mr Speaker. I am here to second the motion that this House permits hon. Mawanda to introduce a private Member’s Bill. The justifications are straightforward. We had this Bill in this House and it was processed. The committee nearly reported on it but the 10th Parliament lapsed.

It is only fair that now that the 11th Parliament is properly constituted, we allow hon. Mawanda to proceed. The gist of this Bill is that it seeks to enhance transparency in decision-making at Bank of Uganda.

You will recall that this Parliament did an extensive investigation into the affairs of Bank of Uganda and one of the recommendations that came out – and indeed, this House adopted it – was that there must be separation of functions and segregation of duties. Some of the challenges that we have in a very important institution as Bank of Uganda is because decisions are fused together and this practice has landed Bank of Uganda in a number of problems. This Bill, if processed, will cure the challenges they have been going through.

Secondly, hon. Mawanda is clothed with that legal backing that he can introduce this Bill under Article 94 and rule 121 and rule 122 of the Rules of Procedure. Therefore, it is only proper that, being one of us and with such legal authority backing his efforts, this House supports him and grants him leave so that he can introduce the Private Member’s Bill.

Lastly, we know that the Government has a number of responsibilities and they are engaged in making different proposals. This is a very important matter and we have seen that the 90 days that this House had recommended have lapsed. The recommendation was conditioned that the Government brings the amendment within 90 days, failure of which, a private Member would be allowed to proceed. I think it is only proper that we support his request and grant him leave so that he can proceed. I beg to second.

**The Speaker:** Thank you very much. Honourable members, the question that I now propose for your debate is that hon. Michael Mawanda, Igara County East, be granted leave by this House to introduce a Private Member's Bill entitled, “The Constitution (Amendment) Bill.” That is the motion for your debate and the debate starts now.

4.56

**Ms betty nambooze (NUP, Mukono Municipality, Mukono):** Thank you, Mr Speaker. The leave being sought –

**The Speaker:** The mask -

**Ms Nambooze:** Mr Speaker, I apologise. The leave, as being sought by hon. Mawanda, is about a matter that has been in this House for some time resulting from the work of the committees of Parliament.

However, with due respect to my honourable brother to whom I do not want to make any suggestion that this amendment can cause us situations that are similar to what we saw in 2017, I do not know what the framers of the 1995 Constitution are thinking about us because it is as if the Constitution of Uganda is just a working document that is amended each and every other day.

There was a proposal that the country, guided by the Minister for Justice and Constitution affairs and the Attorney-General, move to cause an amendment to the Constitution of Uganda on this and many other issues once and for all.

The fact that the motion to amend the Constitution is coming from a backbencher also speaks a lot about what we do in this House and the way we are handling the Constitution as a grand norm. I do not know whether the Executive in this country has become so irresponsible that when Ugandans gave them a Constitution to implement through different procedures of governance, the Government has gone missing.

I do not know why such an obvious matter, for example, could not be moved by the line minister. They leave hon. Mawanda to come here, first of all, to seek an amendment for the first Bill he talked about and now the Constitution. When will Ugandans get an opportunity to formally call for reasons or proposals to amend the Constitution once and for all? What does this say about the 1995 Constitution? Could – *(Member timed out.)*

**THE SPEAKER:** Conclude.

**MS NAMBOOZE:** Thank you, Mr Speaker. If we are going to amend the Constitution each and every other day, why don't we go back to ask whether Ugandans have the right document as a Constitution?

Today, I have been looking at policemen as I came in. It so happened that most of their faces were unfamiliar. I got worried when I realised that the Order Paper was reading “Amendment of the Constitution,” because of what was done to me the last time this Parliament sat to amend the Constitution. How safe are we? Won’t we get Special Forces Command (SFCs) to come back here and grab us?

Mr Speaker, some of us can no longer live happily. Our lives were greatly distorted by what was done by this Parliament in 2017. I speak in pain –*(Interruption)*

**Mr oguzu:** Thank you, honourable member, for giving way. The information I would like to give you is that in this House, even when I was not named by the Speaker, I got picked from here, beaten by SFC and taken to Naggalama Police. This was confirmed by General Muhoozi who sits right there when he was giving testimony during the Constitutional court process.

Therefore, it is important that the Constitution must not be played with; the issues must be salient. I know when they are, the Government always picks interest and enforces it using all security apparatus, as we saw in this House. Thank you.

**Ms Nambooze:** Mr Speaker, I want to thank my colleague for that information. You will forgive me if I sound emotional but we were mistreated and almost killed in this House.

If you know what it means to be a woman with a broken back, just look at me and think about the people who sent us here. If there is need to amend the Constitution for that and all the other issues pending, I would love to see this being done formally.

However, for the regime to sneak in – *(Interjection)* – *Mama* Cecilia, I sit here with you not because I am 80 years but because my back was broken here. I am not going to clarify to you. Let me wind up, *Mama* Cecilia will speak.

*Mama* Cecilia, I sit here with you not because of age but because I was attacked in this House while representing the people who elected me. I have never received any redress, not even a “sorry.” The last I saw was the army commander then in court, pinning everybody here who had been hurt and condemning us.

In Luganda, we say, “*Omusango omukadde gusala omupya*”. You can tell where you are going by referring to the past. The idea of facilitating and using backbenchers to move amendments and continue denying Ugandans the opportunity to formally amend the Constitution - If you want this to be just a working document, let us declare it so and to the 1995 Constitution is thrown out completely.

A few months ago, we were swearing in here to defend the Constitution. Mr Speaker, thank you for this time.

I want to tell you that I speak with pain. I know that Ugandans very much want to amend this Constitution, for example, in relation to the system of governance but they have not been given an opportunity. It is self-betrayal, for backbenchers to continue moving separate amendment Bills, when what is required in Uganda is the country to focus and where unnecessary, formally amend our Constitution and in consultation with the masses.

Thank you, Mr Speaker.

**THE SPEAKER:** Thank you very much. Looks like we are going to have the full debate. Can I have the honourable Member?

5.06

**MR HASSAN KIRUMIRA (NUP, Katikamu County South, Luweero):** Thank you, Mr Speaker. When I was sworn-in as a Member of Parliament, it was made very clear that I will protect the Constitution of the Republic of Uganda.

I believe that our Constitution is articulate on each aspect of our country. I was not part of the 10th Parliament so I do not know what happened in the 10th Parliament.

However, if amendment of our Constitution is required, it has to be wholesome. This idea of coming up with mini or petty ideas or amendments within our Constitution, I find it problematic going forward for our country.

**THE SPEAKER:** Did you say “petty”?

**MR KIRUMIRA:** Yes, I want to clarify on that.

**THE SPEAKER:** Honourable, did you use the word “petty” in reference to a matter that Parliament –

**MR KIRUMIRA:** Mr Speaker, I mentioned that -

**THE SPEAKER:** Would you like to withdraw that word, please?

**MR KIRUMIRA:** Can I please mention what I meant by the word -

**THE SPEAKER:**  Please resume your seat.

**MR KIRUMIRA:** Mr Speaker -

**THE SPEAKER:** Resume your sit.

5.08

**MR WILLIAM MUSEVENI (NRM, Buwekula South County, Mubende):** Thank you, Mr Speaker. I stand to support the motion. I got clarification that this matter was handled by 10th Parliament but the Government never returned it within the mandatory 90 days. It is our role to legislate, make laws and amend where necessary.

If the Governor of Bank of Uganda is then the chairperson of the board, really, there was a lacuna in the law, which we are supposed to address. I support the motion that leave be granted to the mover so that we can rectify that anomaly. I beg to submit.

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

5.09

**MR ISAAC ETUKA, (NRM, Upper Madi County, Madi-Okollo):** Thank you, Mr Speaker for this opportunity. I want to thank hon. Mawanda for this important motion.

It is unfortunate that from the time this Constitution was promulgated to date, we still have this lacuna. As my colleagues have said, if the constitution amendment was wholly done by the Government, we would not be coming with these piecemeal amendments.

However, it is very important that we amend the parts of the Constitution, which are very destructive to this country. When we look at the motion at hand, you will find that there is conflict of interest, and that is one of the aspects this Bill will cure.

In the current situation, there is conflict of interest for one to be both Chairman of the Board and Governor at the same time – therefore, one cannot operate well. I, therefore, request that we grant hon. Mawanda leave so that he introduces the Bill so that the Constitution is amended. Thank you, Mr Speaker.

**THE SPEAKER:** Thank you very much. Member for Erute.

5.11

**MS CHRISTINE AKELLO (NRM, Erute County North, Lira)***:* Thank you, Mr Speaker. I rise to support the motion. For the purpose of transparency and accountability, I support that we should amend the Constitution. The Governor cannot be the chairperson of the board and at the same time the central bank governor; it cannot happen because he cannot supervise himself - that would be a source of corruption. I beg to submit.

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

5.12

**MR TOM EKUDO (FDC, Gweri County, Soroti):** Thank you, Mr Speaker. The motion we are having here is a good one. It helps us have checks and balances and separation of powers.

However, sometimes it is an abuse - forgive me for using this word; this is an abuse to the people who made the 1995 Constitution - maybe it was an oversight.

However, you cannot be a president and a minister at the same time; we have more than 80 ministers in Uganda. However, if the President had said “I am overall”, he would to be in charge of everything.

On this particular issue, it looks as if that time there was an oversight. I am one of the actors who said *tojikwatako* last time and this one disturbs my head. The 11th Parliament should not keep on changing and amending the Constitution.

**THE SPEAKER:** Honourable member, the language of this House is English or Swahili. The words you used do not belong to either of the two.

**MR EKUDO:** I withdraw that word. *(Laughter)* Mr Speaker, I know what you mean. You should forgive me for that. However, I mean that I do not support the motion.

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

5.14

**MS NOELINE KISEMBO (NRM, Woman Representative, Kibaale):** Thank you, Mr Speaker for the opportunity. I thank my colleague, hon. Mawanda, for the motion which intends to cure a problem that is existent. However, I have a problem with piecemeal amendment of our Constitution.

I was privileged to be in the 10th Parliament. We had three proposals - if not more; one came from the Maragoli for amendment, this very proposal for constitution amendment was on the Floor, and there was another motion for constitutional amendment from my senior colleague hon. Niwagaba.

In other words, if there is need to amend the Constitution, why don't we urge Government to put in place the Constitution Review Commission, which has been called for by this House, so that the Constitution is reviewed and amended once? We then call it an amendment, other than this piecemeal amendment, where every other Member will bring another provision.

We need to improve on that. For that reason, I do not support the amendment. Thank you.

**THE SPEAKER:** There is no amendment; there is only a request for this House to grant the Member leave.

5.16

**MS CECILIA OGWAL (FDC, Woman Representative, Dokolo):** Thank you, Mr Speaker. I request that I be protected from my neighbour while I speak. *(Laughter)*

**THE SPEAKER:** Your neighbour has just been saying she needs protection. Now, you want protection from her?

**MS OGWAL:** I rise to support the motion. Dokolo is one of the districts that should have registered its signature for this private Member's Bill. This Parliament has encountered a number of challenges in the management of several Government agencies - even private ones - and we have found conflict of interest in the management of Government agencies and private businesses.

We had an idea that we come up with a law that regulates the management of Government agencies and private companies. Unfortunately, we had wanted that to come before hon. Mawanda’s Bill but Mawanda has moved faster and has, therefore, been able to do this.

In the meantime, I pray that we encourage private Members to come up with a Bill that will regulate the management of Government agencies and private businesses. There are very many people who have lost businesses because of poor management and lack of clear definition between the role of the chief executive and the board.

In the case of Bank of Uganda, it is even more dangerous, because the Constitution clearly spells out that Bank of Uganda is independent of any kind of supervision. Therefore, the decision of the board, more or less is final.

It is, therefore, important that we allow hon. Mawanda to have this Bill brought before us. I just wanted my neighbour to know that Rule 74 of the Rules of Procedure of Parliament says that when we are debating a motion, we must be relevant to that particular motion. *(Laughter)* He thought I was being tribalistic. I do not know whether hon. Mawanda comes from Dokolo. He just appropriated hon. Mawanda to Dokolo. I am not being tribalistic. I was just trying to guide my neighbour quietly but he made it public by saying I am tribalistic.

Mr Speaker, I stand to give strong endorsement and support for this amendment. Thank you.

5.19

**MR MUWANGA KIVUMBI (NUP, Butambala County, Butambala):** Mr Speaker, thank you for this opportunity. The Leader of the Opposition (LOP) will elucidate our position. As the official side, we launched a legislative agenda for which you participated as the chief guest.

In the legislative agenda, we intend, if Government does not, to move key amendments that are pro-Uganda. That is our commitment in the legislative agenda.

Therefore, from our side, it is our considered opinion and strong support that where Government fails, the obligation is on the Members of Parliament. Under that constitutional obligation, we go seek support; people support us to come here and do that. And there is no amount that we will fail to do.

I was here in this Parliament when hon. Lulume Bayiga moved a transitional Bill. Painfully, he was denied. I was for it. I was here in this Parliament when hon. Raphael Magyezi moved to seek leave of Parliament. I could have been part of the people who did not feel like it was okay but the other day, I felt it was not okay when Dr. Lulume Bayiga was denied.

In some of our stances in public life, sometimes, it is to our discomfort. However, if it is lawful, it should be done. We have hon. Niwagaba’s Bill. We intend to move here to change the governing structure of the country to usher in federalism. If Government does not, are we not going to do it?

 I am the chairperson of Buganda caucus. I intend to garner support and come here and say, “We want strong regional governments”. If Government does not, am I not going to do it?

Therefore, Mr Speaker, I stand here to state categorically, our stance on movement of amendment of the Constitution. If Government does not move, we will support individuals but we will examine the spirit of each and every amendment that is brought. If it is not pro-people, we will have the courage to say so. If it is against the people of Uganda, we will still gather the courage to say, “This amendment you intend to move is bad”.

Therefore, I would like to examine the leave he seeks in the spirit; is it good for Uganda? Does it deepen and widen? Does it extend the frontiers of good governance in this country? If it does, then let him do so? Are we going to wait for a Government that does not – we have had Constitutional Review Commissions. Have they not given us constitutions for which we intend to amend?

Is there a time when we will put a ceiling, claiming that this Constitution is so perfect that we will never amend it? It will never come. Generations after generations will amend constitutions to rhyme and resonate with the challenges of the day.

Therefore, there is no sealing date that once we put a commission and a holistic amendment is done, it is a done deal. The duties of a democrat, I keep saying, are three at all times; where there is absence of democracy, you struggle to establish it. Where it is established, you struggle to consolidate it. Where it has been consolidated, you struggle to improve it. I beg to move.

**THE SPEAKER:** Thank you very much. Honourable members, as I said earlier, are we going to subject a Member’s right to a debate all the time? I asked that question earlier, I ask it again. By doing this, we set the precedent that each of you when you come next time, the rules allow us to check whether your proposal is in consonance with the Constitution and does not affect any other law and other things adversely.

Once we are satisfied that those things are not there, should we then proceed to the debate on a Member's right to present a Private Member's Bill? That is why you see that the objections are not on the request. The Member has come and said, “Colleagues, I am here. There is a matter that is urgent, that we need to deal with. I have no authority without you to do it. I have come to you, give me authority to do it.” That is what we are doing here - giving him the permission to do it. That is what the Member is asking this House to do.

Can I put the question? Honourable members, I will now put the question that hon. Michael Mawanda, MP Igara County East, be granted leave of this House to introduce a Private Member’s Bill entitled “The Constitution (Amendment) Bill”.

*(Question put and agreed to.)*

*Motion adopted.*

**THE SPEAKER:** Clerk, you know what should happen: assist the Member to come with the final text of the Bill. Thank you very much.

QUESTION FOR ORAL ANSWER

QUESTION 35/01/2021 TO THE MINISTER OF INTERNAL AFFAIRS

5.25

**MR EVANS KANYIKE (NUP, Bukoto County East, Masaka) (For Hon. Allan Mayanja):** *“Why is there discriminate application of the Presidential Directive on COVID-19 by security officers apprehending motorcyclists, leaving out other categories of persons that move beyond curfew time? Why are the arrested motorcyclists subjected to torture, cruel and inhuman treatment, contrary to Article 24 of the Constitution? What measures have been put in place by the ministry to apprehend and discipline errant officers who torture riders in bad faith, contrary to Article 26 of the Constitution, i.e., failure to pay bribes? What measures have been put in place by the security organs to ensure that all boda boda motorcycles impounded by police are released, as per the presidential directive?”*

**THE SPEAKER:** Honourable minister?

5.25

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi):** Mr Speaker, hon. Allan Mayanja, MP Nakaseke Central County, raised concerns and it has taken quite a long time for want of time. Nevertheless, here I am with a response.

He said that there was discriminate application of the directive of the President regarding enforcement. He said cyclists are arrested, tortured and inhumanely treated. He said he wanted an answer regarding the officers who commit breaches in enforcement and also wanted an answer regarding the boda bodas impounded and how they have been given back to the owners, as per the President’s directive.

My response, Mr Speaker, is as follows:

It is not true that boda bodas are selectively targeted in enforcement of, especially curfew guidelines. I know boda bodas are given up to 6.00 p.m. to stop operating, yet they are the most common means of transport and most convenient and they reach inaccessible places.

However, we also note that due to the passage of time, people have lowered their guard, including operators of these boda bodas. Due to their numbers, they are, unfortunately, the most prominent in the default category, hence the frequency of arrest of the riders and impounding of these boda bodas by the patrols.

It is, therefore, not selective targeting. In any case, I think the more valid test would be: “Are you in breach or not?” All those arrested, I want to report, have been in breach.

Regarding release of these bikes, as directed by the President in his last address to the country on the 22nd of September, it is being effected carefully, guided by careful ascertainment of the authenticity of the claimants.

Since the exercise began, I want to report that out of the 722 bikes held countrywide by that time, 549 have been returned to their owners. We still remain with 173 unclaimed, for want of authentic papers.

I have been made to understand that some of these riders had got them on hire purchase and they do not have the papers. So, we tell them to go back to the companies that sold them to them to get letters and come and claim their bikes.

So, the directive was not open-ended or blanket for all bikes. It was restricted to boda bodas impounded within a specific timeframe, pre-the Presidential directive. It excludes those bikes that had been involved in commission of crimes other than the breach of curfew regulations.

Lastly, Mr Speaker, we shall ensure strict enforcement, inspections of deployed personnel and action against those caught in breach but also those supposed to enforce but fall short of their obligations –*(Interjection)*– I am about to finish.

Post-duty audits and debriefs have also been instituted. I beg to submit, Mr Speaker.

**THE SPEAKER:** Honourable members, this is a response to a written question. The rule, normally, is that when the minister presents his response, the Member who raised the question can ask a supplementary question and these days it has been allowed that other Members can ask supplementary questions.

So, to start engaging the minister in the course of his answer would not be procedurally correct. Let the minister finish. If there are supplementary questions we want to ask, then we ask.

Honourable minister, have you finished? Oh, you have finished. Is the honourable member who raised this matter here? Please, you take priority.

**MR KANYIKE**: Thank you, Mr Speaker. I am standing in for hon. Allan Mayanja. This is the supplementary question to the minister.

Mr Speaker, at first, we were served with a statement on the questions by the honourable minister, Kahinda Otafiire, and at the exact period of time provided for under Rule 45 of the Rules of Procedure of Parliament. However, later, contrary to the rules, I received a different one from the honourable minister, Gen. David Muhoozi. These two statements to the questions have different answers and from different individuals, yet they are in the same ministry.

Mr Speaker, I do not know who is answering what and who is not answering. Can the minister inform this august House about the status and implication of the implementation of the curfew time in this country? I beg to submit.

**THE SPEAKER:** Is that a supplementary question? It is not; that is a substantial question. It departs fundamentally from your original question. Supplementary means supplementary. If you have a supplementary question, please, ask it.

**MR KANYIKE:** The supplementary question is that let the minister clarify the status and implication of the implementation of curfew time in this country. Thank you.

**THE SPEAKER:** It is the same issue. Overruled. It is the same question you asked earlier and it is the same question you are asking again. Both questions fall by their weight; no answer required. I will allow procedure.

**MS LUCY AKELLO:** Thank you, Mr Speaker. The procedural matter I am rising on is in regard to the –

**THE SPEAKER:** Please, advise me on the rule you intend to use so that I can be ready to rule.

**MS LUCY AKELLO:** It is in regard to the statement that was made by the MP who raised the question. He talked of two different statements given to him and he said that he does not know which one to take –

**THE SPEAKER:** Would you like to answer it?

**MS LUCY AKELLO:** I am asking whether it is procedurally right for us, as a House, to continue with the two statements without knowing which one to take, Sir. Thank you.

**THE SPEAKER:** We have received a statement from the Minister of State for Internal Affairs. Supplementary questions are being asked. Can we do it that way, please?

5.34

**MR OJARA P.P OKIN (FDC, Chua County West, Kitgum):** Thank you, Mr Speaker, for giving me this opportunity to ask a supplementary question to the minister.

The essence of the question responded to is about a presidential directive. In many cases, the Executive fails to implement the presidential directives. A case in point –

**THE SPEAKER:** Supplementary question?

**MR OKIN:** A case in point, which I want to ask, is about a very serious circumstance in northern Uganda, which is on the *Balaalo* herders.

In 2017, the President issued a directive that these herdsmen should actually leave northern Uganda. Actually, the UPDF, under his command by that time, move in to evict these people –

**THE SPEAKER:** Honourable member, please do not overstretch these matters. Let us stay relevant to the question.

**MR OKIN:** This is about a Presidential directive –

**THE SPEAKER:** No, it is not. The question was specific to the impact of COVID-19 and the way COVID-19 directives are being handled. Now you are bringing 2017 when there was no COVID-19.

I know what you want to do and I would have supported you if you were a little smarter but now you are too –*(Members rose\_)*– honourable members, I wish you knew how I hate the word, “procedure” you would spare me the time from asking me to do it because we are dealing with a supplementary question and now there is a procedure.

I mean, if you do not have a supplementary question – thank you, honourable minister, for your response to these questions. This House is adjourned to Tuesday, 16 November 2021 at 2 o’clock.

*(The House rose at 5.36 p.m. and adjourned until Tuesday, 16 November 2021 at 2.00 p.m.)*