

**Tuesday, 13 April 2021**

*Parliament met on 2.44 p.m. at Parliament House, Kampala.*

PRAYERS

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

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE SPEAKER:** Honourable members, I welcome you to this afternoon’s sitting. I have a few areas to communicate.

The first one is that we have learnt of the death of the Duke of Edinburgh, the husband to Her Majesty, the Queen of England, Head of State of the United Kingdom and Patron of the Commonwealth. They have been married for 73 years.

Prince Phillip died at the age of 99. He came to Uganda with her on two occasions: the last in 2007, when we had the Commonwealth Heads of State Meeting here in Kampala. However, prior to that, they had both come to Uganda in 1954 to open the famous Owen Falls Hydroelectricity Dam.

On behalf of the Parliament of Uganda, I convey condolences to Her Majesty, the Queen, members of the Royal Family, the people of the United Kingdom and the Commonwealth fraternity.

Secondly, honourable members, we also have heard the sad news of the death of Ambassador Dr Kiryapawo. He was a former member of the National Resistance Council, Member of Parliament for Budaka County in the 6th Parliament. He also served as Uganda’s High Commissioner to the United Kingdom and Ambassador-Extraordinary and Plenipotentiary to the Republic of Ireland.

He was a minister in charge of micro-credit – *Entandikwa* – between 1996 and 1998, Minister of State for Gender Labour and Social Development, in charge of Gender and Culture between 1999 and 2000. He was also Minister of State for Energy in charge of Mineral Development in 2001.

He was married to hon. Loi Kiryapawo, former MP for Tororo District in the NRC and the 8th Parliament. He also served as a Commissioner of the Uganda Electoral Commission. He served with diligence and we condole with the family.

I will, therefore, ask that we rise for a minute of silence to honour those individuals.

*(Members observed a moment of silence.)*

**THE SPEAKER:** Honourable members, we also have to inform you about good news on the East African Community. On 11 April 2021, the President of Uganda, Mr Yoweri K. Museveni and his Tanzanian counterpart, Her Excellency Samia Suluhu Hassan concluded the tariff and transportation agreement and host Government agreement for the Republic of Uganda on the agreement for shareholders to the East African Crude Oil Pipeline Project and the awarded the main engineering procurement and construction contracts.

This is a timely milestone in our bid to leverage production and commercialisation of our petroleum resources. Opportunities will abound in the sector and it is incumbent upon the leaders to adequately prepare our people to partake of these opportunities.

Petroleum resources will be integral in the growth and development of not only Uganda and Tanzania but also the entire Community.

I, therefore, congratulate our two Heads of State and the people of East Africa. *(Applause)* I have no doubt that the ministers will be able to advise us about the content and details.

Honourable members, on Monday, 12 April 2021, our Muslim brethren commenced the Holy Month of Ramadhan. This Ramadhan is a sacred month of prayer, reflection and community, aimed at solidifying personal and collective covenants with Allah.

I take this opportunity to convey goodwill wishes to all the Muslim faithful. Ramadhan Kareem. *(Applause)*

Finally, today, His Majesty, the Kabaka of Buganda has celebrated his 66th birthday. We congratulate him and wish him a happy and long life and many happy returns to His Majesty, the *Nnabagereka* and the people of Buganda. *(Applause)* Thank you.

There was one matter of national concern from hon. Sebaggala.

2.52

**MR ABDULATIF SEBAGGALA (Independent, Kawempe Division North, Kampala):** Thank you, Madam Speaker. I would like to congratulate the Kabaka of Buganda on his 66th birthday. I also extend my best wishes to all Ugandans and on behalf of the Muslim Parliamentary Caucus, wishing all Ugandans a blessed Holy Month of Ramadhan.

Of recent, we have experienced water shortage in many parts of Kampala. In some parts of Kawempe, it has taken almost two weeks without water. When we go to the offices of National Water and Sewerage Corporation, the answers are inadequate to explain why we do not have water.

Without water in Kampala, it is terrible because we can contract many diseases. There are some areas in Kampala here where it has become normal not to have water, especially in Ttula, Kawempe and other parts of Kampala City.

I know that National water and Sewerage Corporation (NWSC) is a money-making institution. I do not know how they can operate when its clients are ready to receive water but do not have it.

I request that the minister explains why we have water shortage in many parts of this city.

Secondly, is the issue of *Umeme Yaka* meters. We are experiencing a lot of challenges with meters. They are out of stock and people are now stealing them. When *Umeme* staff come to conduct operations, they just arrest everyone present regardless of whether they explain that the meters were stolen; they cannot listen yet, they do not have any meters in stock. Right now, for one to get a meter, they have to pay over Shs 700,000.

Madam Speaker, I request that you direct the minister to explain why we have shortages of *Umeme* *yaka* metres yet clients are ready to pay for proper connection in order to avoid illegal connections. These *umeme* operations cannot distinguish between someone who is genuinely without a metre and the one who is not.

Therefore, it is the ministry to come out and ensure that *Umeme* *yaka* meters are available so as to avoid illegal connections. Thank you very much.

**THE SPEAKER:** Regarding the water issue, the minister is here.

**THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (ENVIRONMENT)(Ms Beatrice Anywar):** Thank you, Madam Speaker. I thank my colleague for raising the issue of water shortage in his area. Water is life and I understand that there is no water and there are a lot of disturbances.

Kawempe and Ttula areas are some of those areas, which for a long - before I came to this House, I used to work with NWSC had a challenge supplying water to. National Water and Sewerage Corporation has been trying to catch up with water supply in that hilly area and we thought that by now, we would have gone over this. However, they still have challenges of the disturbances in the water distribution. National Water and Sewerage Corporation had tried to overcome the distance from where to supply water but there are still challenges.

I am going to get in touch with my colleague, hon. Ssebaggala, so that by tomorrow, I can have some positive response to his plea. Otherwise, we shall ensure there is adequate water supply especially now that our Muslim brothers and sisters are starting their Ramadan. We shall ensure water supply is constant. We are going to rectify this immediately. I beg to submit.

**THE SPEAKER:** On the issue of the *yaka,* the Clerk should transmit the query to the Minister of Energy and Mineral Development.

2.58

**MR CHARLES BAKABULINDI (NRM, Workers’ Representative)**: Thank you very much, Madam Speaker. I requested to raise an issue of national concern but let me first say something about water. It is true that Kawempe has been suffering for a long time. However, the issue of water now has gone beyond the Kawempe area.

I stay in Mutundwe and we can even spend a whole week without water. When I rang there, they told me it was because of the construction that is taking place. I know there is some construction going on around Kabuusu but how I wish the minister could come back, as she has promised, with details of how they coordinated with the Ministry of Works and Transport on this matter because it is affecting us so much; we want it settled.

Back to the issue of national importance, as Government, whenever you undertake a pledge with some sensitive sectors, you should try your level best to fulfill it. Health workers have done tremendous work in this country during the COVID-19 period.

There is a time when people feared to even be close to patients of COVID-19 but our health workers were in position to save us. I remember there was a time they had wanted to go on strike but as workers’ Members of Parliament, we sat with and convince them and take on the undertakings from the Ministry of Health and Ministry of Public Service, which promised them that during this budgeting process, their lunch allowances would be incorporated.

However, Madam Speaker, yesterday, when I met them, they told me there is nothing of that nature that has been incorporated. The Minister of Finance is here and will tell us as far as the lunch allowances for health workers been reached. And if they threaten another strike, it will be the people to suffer. An action needs to be taken before we come to the end of the budgeting process.

In addition to the above, around 5 March 2021, my colleague, the hon. Rwabushaija raised a matter of national importance about workers in the markets around Kampala. Some of them had gone to the extent of leasing markets like Nakasero, St Balikudembe; the details are there in the files.

The Government Chief Whip stood, on behalf of the Minister for Kampala, promised that within two days, the minister was going to come with an answer on how they were going to handle that issue amicably. However, up to now, the minister has dodged and nothing has taken place.

My prayer is that you assign this matter to the relevant committee so that all the people with their evidence can come to testify before it. I thank you very much.

**THE SPEAKER:** Honourable members, on the issue of the health workers, since we are in the budgeting process, I want to instruct the Chairperson of the Committee on Health to take an interest in those issues and ensure that they are presented. Anyway, the Minister of Health is here. I do not know whether she has something to say.

Then concerning the one of the markets, we shall send it to the Committee on Presidential Affairs so that they can have a proper hearing before they give us a report.

3.02

**THE MINISTER OF STATE FOR HEALTH (PRIMARY HEALTHCARE) (Dr Joyce Moriku):**  Thank you, Madam Speaker. I would like to thank my colleague for raising this very important matter. We cannot deliver effective healthcare services without the health workers. The nurses comprise predominantly of the health workers in the profession and are the majority.

Indeed, it is true that all this time, the lunch allowance they have been getting is Shs 2000 per day, which is not adequate. All of us have agreed, as Government and as ministry, that the nurses should be motivated by just adding a little bit on top of what they are getting.

I am very surprised that this matter is coming up again. The Rt hon. Prime Minister, I recall, pledged personally and put it in writing that come this financial year, this would be fulfilled. It is our great hope that this matter is going to be captured in the forthcoming Budget so that we do not make empty promises. The nurses that comprise predominantly of the health workers will be given this small money so that - *(Interruption)*

**MR SSEWUNGU**: Thank you, honourable minister. Madam speaker, the minister is not telling us the truth. We are in the budgeting process and she is among the ministers who always appear before the Committee on Health. The answer she is supposed to give us without even mentioning the Prime Minister is that “we have put this money in our Budget.”

If she is talking about the Prime Minister personally, is he going to sell his own cows to realise that money? The answer is no. Therefore, honourable minister, please, tell us, have you put this money in your budget? The moment you assure us about that, you will not even need to waste time on the microphone. Thank you.

**MR SSENYONGA:** Madam Speaker, it is not only the workers. The procedural matter I would like to raise before the Minister of Finance, Planning and Economic Development is that even Shs 2,000 - you already have a petition by all civil servants. The Shs 2,000, which is being given to them as lunch allowance is also taxed. At the end of the day, they remain with almost nothing.

Therefore, those of us in public service and local Government are saying that all ministerial policy statements should be considered, including lunch. The Minister of Finance, Planning and Economic Development and Uganda Revenue Authority should clearly come out and not tax Shs 4,000 or 5,000. Otherwise, when it is taxed, one cannot even afford breakfast. Thank you.

**THE SPEAKER:** Honourable minister, did you provide for this in your budget? If you did not, what magic will the Prime Minister’s letter bring? Did you provide for it or not?

**DR MORIKU:** Madam Speaker, this money was factored in the budget for the next financial year. However, it is one of the unfunded priorities, which we did not want it to be.

I, therefore, request my colleague, the Minister of Finance to come and clarify that matter. Our wish is for it not to be an unfunded priority but for it to be fulfilled in the next financial year.

**THE SPEAKER:** The Minister of Finance is here.

3.06

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Thank you, Madam Speaker. Before I make a comment on the allowances for the health workers, I have seen the chairperson of the Committee on Budget, hon. Lugoloobi, enter the House. We would like to thank God that he recovered very well after three months. (*Applause*)At an appropriate time, you will be able to welcome him back in the House properly.

**THE SPEAKER:**  On behalf of the House, can I also add my words of welcome and say we have really missed you” We thank God for your life.

**MR BAHATI:** It is true that this particular item has been part of the unfunded priorities and we are considering it as we finalise the budget. There will be a meeting, a few days from now, so that in the next corrigendum that we are likely to bring either this or next week, we will have sorted out all these issues. Whatever is going to be accommodated will come in the corrigendum.

On the issue of taxing of allowances, I beg that you give me some time. Tomorrow, I will check what exactly the honourable member is saying and then, I come back to inform the House. Thank you.

**THE SPEAKER:** With regard to the lunch allowance for the health workers, this is now Government assurance. The minister says he will bring a corrigendum and I hope he will keep to his word. He said he will answer the other question tomorrow. Let us go to item no.3. timuzigu rose \_\_

**THE SPEAKER:** Under what rule do you rise, honourable member?

**MR TIMUZIGU:** Thank you, Madam Speaker. I rise on a point of procedure on your directive to the Ministry of Finance concerning the payment for Makerere University Business School (MUBS) lecturers, who are supposed to get money through a supplementary budget.

They had been promised and it had taken very long and the minister knew about that promise. Up to now, that money is not reflected in the budget we are preparing.  I am worried.

We have been waiting for a supplementary budget to cover the concerns of the lecturers. I pray that you redirect the minister to make sure that that money is reflected in the budget, if it cannot come as part of a supplementary budget. Thank you.

**THE SPEAKER:** Honourable Minister of Finance, what do you say about that? It is an old commitment.

3.10

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, the issue of salary enhancement is not a simple one. It is a very big issue because the entire public service would like to see their salary enhanced. What we started with were the medical personnel. We also looked at other categories of the cadres in the civil service. We have been increasing their salaries slowly.

It is true that we had committed ourselves before the staff of MUBS about two years ago, with His Excellency the President. We had a meeting with them but the issue has been about resources.

Madam Speaker, I request that you again give us some time. As we come with a corrigendum of the budget, we would be able to inform this House on the unfunded priorities and what we have been able to fund. Together as leaders of this nation, we shall take a decision given the resource envelope that we have.

Therefore, between the end of this week or next week, I will be coming back regarding that matter.

**THE SPEAKER:** Could you come by the end of this week - because we do not have too much time to work on the budget? Otherwise, the Tenth Parliament is ending in hardly a month. It is a serious issue.

STATEMENT BY THE RT HON. PRIME MINISTER ON THE NEED TO REVIEW THE 9 P.M TO 6 A.M CURFEW

3.11

**THE PRIME MINISTER AND LEADER OF GOVERNMENT BUSINESS (Dr Ruhakana Rugunda):** Madam Speaker, I join you to salute and welcome our comrade, hon. Lugoloobi, who has jumped the hurdle and is now with us. We feel much strengthened that Parliament and the country will continue to benefit from your expertise. You are welcome. *(Applause)*

I will make a short statement on the issues connected with curfew, which were discussed in this House.

Government is aware of the request by the honourable colleagues as well as our brothers and sisters from the Muslim community, during this holy month of Ramadhan. The request is for the Government to review some of the measures put in place to control the spread of COVID-19. Specifically, there has been a request to review the curfew hours from 9 p.m. to 10 p.m.

This is a matter that is not only being discussed in this august House but was also discussed in Cabinet yesterday under the Chairmanship of His Excellency the President.

As this House will recall, the measures to control the spread of COVID-19 were put in place after a long consultative process; with our scientists and other different stakeholders, in the country. These measures were all aimed at containing the spread of COVID-I9 pandemic among our population and to save lives.

These measures, which were announced by H.E the President and the Ministry of Health, based on advice from our scientists, are regularly reviewed from time to time. This, therefore, means that the issues of curfew hours will be looked into in the context of protecting the lives of Ugandans, considering that the pandemic is still with us and it is still affecting and killing many people in our country.

As you are aware and from the information that we have been receiving from our scientists and the Ministry of Health, the threat and scourge of COVID-19 is still with us. Projections indicate that we should not relax our guard because the number of positive cases reported have unfortunately, started to increase, especially in urban areas, border districts and trading centres. This is coupled by the reported cases of new fast-spreading and possibly more deadly variants of COVID-19.

I would like to let you and the country know, that Government is very much alive to the impact that COVID-19 has caused and also the measures that we took to control COVID-19 and what those measures have also caused in our way of life, our businesses, productivity and subsequently, on livelihoods. We are very much aware and we are in solidarity with all those who have been affected.

H.E the President will, in the coming days, be addressing the nation with more details on this matter of curfew, where we are in the fight against COVID-19 and what more steps we should take in order to keep our people safe.

In the meantime, the guidelines issued by H.E the President and the Ministry of Health remain in place.

I thank you, Madam Speaker.

3.18

**MR ABDULATIF SEBAGGALA (Independent, Kawempe Division North, Kampala):** Thank you very much, Madam Speaker. I have listened attentively to *Ndugu* Prime Minister’s statement.

I do not know whether the Prime Minister lives on another island and not here in Uganda. I would like to informally tell the Prime Minister that curfew, in many parts of this country, is not there. I am telling him this because he could be living on another island of reality. What we wanted is to officially get the curfew out of our way because when you move to many parts of this country, life is moving on normally.

Apart from curfew impacting negatively on many, especially small scale businesses of our poor women and men who earn their living between 4 p.m. up to 8 p.m. and beyond, it has become a money-making venture for the security operatives, especially the police. If they get you past 9 p.m., they take you to a police post and in order for you to get released, you must pay Shs 50,000 and above. The road blocks are staged just to solicit money from people who move past 9 p.m.

Madam Speaker, I can volunteer to move with the Prime Minister today around the city and see what is happening. By 11.00 p.m., people are still in bars and moving freely.

What we wanted is to help the Government to officially extend the curfew hours or to do away with it, because we know it has lost its meaning. It has been abused and that is why, when we, as the Muslim Community, when we enter the month of Ramadan, which started today, we thought the Government is going to come in and say that we have been under curfew the last one year and beyond and now it is time for us to use this holy month of Ramadan to pray for our country. Therefore, we have officially done away with the curfew.

We know the impact. We are still grappling with COVID-19 but I request the Prime Minister and the Government to reconsider this so that we do not leave the curfew as a project to security operatives. We should not apply curfew selectively to some parts of this country because we know that we are all Ugandans. Thank you very much, Madam Speaker.

3.22

**MR ASUMAN BASALIRWA (Jeema, Bugiri Municipality, Bugiri):** Thank you very much, Madam Speaker. The Rt Hon. Prime Minister has made matters worse with his presentation.

There is a team of Ugandans in Kyankwanzi undergoing some ideological orientation. The Minister of Health issued a statutory instrument to the effect that there will be no political meeting of 200 people and above. However, there is a meeting going on in Kyankwanzi, which is beyond 200 people and yet, there is a law barring meetings of 200 people and beyond. What are these double standards that you are exhibiting; that make it difficult for you to review curfew hours, to allow the Muslim community enjoy the Holy Month of Ramadan? What is special about it?

Our Imam has already informed the Prime Minister that in effect there is no curfew. We would like to request that, given the reality on ground and the fact that you are already abusing the Standard Operating Procedures (SOPs) that you put in place as Government, just formalise the issue to allow Muslims enjoy the Holy Month Ramadhan.

Finally Madam Speaker, yesterday, there was a communication - and I am glad the Minister of Internal Affairs, Al Hajji Jeje Odongo, is here. Yesterday, *Afande* Ochom issued a circular to all RPCs, DPCs and commanders calling on them not to inconvenience the Muslim community beyond the curfew hours. I have that communication on my phone. When we received it, there was a sigh of relief in the Muslim community. *Afande* Ochom said that Muslims will pray beyond the 9 p.m. and that if they are found moving after 9 p.m., they should not be inconvenienced. That was his communication.

The Prime Minister, however, comes on the Floor and says the curfew is still there. How are we moving as a country? So, what are the muslims going to do? Are they going to follow the communication of the Prime Minister or that of *Afande* Ochom?

Rt Hon. Prime Minister, it is important that you come out very clearly on this matter for the good of the country. Thank you.

3.25

**MR FRANCIS MWIJUKYE (FDC, Buhweju County, Buhweju):** Thank you, Madam Speaker. As a member who was seconded to the National Taskforce on COVID-19, if the Prime Minister had consulted us, we would have advised him otherwise.

Just like hon. Sebaggala has said, it is not that there is no curfew; the roadblocks are there. However, as long as you have money in your pocket, you will move during the curfew hours. Therefore, those roadblocks are money-collecting centres. It has now defeated the purpose for which the curfew was established.

There are roadblocks but people are moving. So, if you do not have money, you will not move and if you have money, you will definitely move.

It is important now to sit and review – because some of these SOPs were established for purposes of planning. Now that we have been planning for over a year, why can’t we extend the curfew to start from midnight like other countries have done? Otherwise, we cannot continue defending regulations that are not helpful to Ugandans.

Otherwise, I support the idea that the curfew is extended to at least midnight. Thank you.

3.27

**MR FRANCO CENTENARY (FDC, Kasese Municipality, Kasese):** Thank you, Madam Speaker. Rt Hon. Prime Minister, I would like to inform you that I come from the border district of Kasese but to our detriment, the privileges accruing to the border districts have not reached Kasese. For instance, we were put under lockdown for an entire month during the campaign period but we have not received even a single ambulance even when we were put under a red flag.

What does that mean? A boda boda rider in Kasese has to park his motorcycle by 6 p.m. and he has to pay the owner of that motorcycle. Across, in Fort Portal and neighbouring districts, however, the boda bodas are moving throughout the night. Why does Government allow selective application of the SOPs on certain districts and yet other districts are enjoying the full privileges of the lifting of the curfew?

Another issue is that the public transport buses that move to Kampala are dumping people in the city at around 9.00 p.m., 10.00 p.m. and 11.00 p.m. Now, just imagine somebody who has travelled from Kasese to Kampala, and he needs to go to Entebbe. Imagine he arrives past 9 p.m., how do you expect him to get to Entebbe when they have put a curfew on the alternative transport that is supposed to take him to the final destination?

I think your scientists need to study – As a lay person, I know we have a number of markets, which even accommodate hundreds of people and we have not seen a single case of a COVID-19 patient from them. It means that your scientists need to study further how this virus is reoccurring and spreading.

You may realise that there are people you are punishing innocently and you are affecting their livelihoods without giving them alternative sources of income. For instance, bar owners are suffering. The URA is demanding for rental income tax from the landlords who own those premises where the bars are being operated, and yet the people who are doing businesses in those buildings are not allowed to operate. If they are operating, they are doing so illegally and the police patrol is always around to collect money from them.

It is a big shame that Government cannot systematically apply its guidelines. Therefore, I agree with my honourable colleagues that we need to lift, first of all, the curfew hours. Secondly, we need to review the SOPs so that some people are back into the fold of economic livelihood.

Otherwise, people are going to collapse because they have borrowed loans from banks and invested in their bars and buildings. They are, however, not earning from those investments and yet, they have to pay taxes and also look after their families. I beg to move.

**THE SPEAKER:** Rt Hon. Prime Minister, last week, I mentioned that the Government had closed the airports for a long time. When the airports were reopened, there was no adjustment to the curfew and yet, there are flights, like KLM, that arrive after 11 p.m., Turkish Airways arrive at 3 a.m., Ethiopian Airways arrive at midnight and Kenya Airways arrive at 5 a.m. So, all the passengers from Entebbe Airport are committing an offence by trying to get to Kampala in the night. What do you want them to do at the airport? Do you want them to remain there?

3.30

**MR SILAS AOGON (Independent, Kumi Municipality, Kumi):** Rt Hon. Prime Minister, you just have to do away with the curfew. I know you are such a good man. This is from us to you. Go and tell the President to remove this curfew.

We cannot, as a House, continue debating the same matter; I think this is the fifth time we are talking about curfew. We are spending precious time of this Parliament speaking about one matter. For how long are we going to do this?

I have seen that there is a problem. Government is now coming up with taxes, which are not coordinated to cover the gaps created by the curfew. What kind of economics is this? A villager like me can also tell that it is time to remove the curfew. Why not remove it?

I do not know what this curfew is meant to do. Is it to arrest coronavirus or suspects at night? It is because I do not know what is happening. In the night, people are moving. I think the curfew is targeting social distance. What is the difference between social distance during the day and the one at night? The Prime Minister should answer that question. Medically, does the difference exist?

Secondly, Mr Prime Minister, do you pay the police officers who are managing the curfew some money? Are you giving them any basic allowance? It is like the public are the ones to pay now. They are the cashiers now and that is where the problem is.

You are giving out *Emyooga* money. How are the owners of restaurants, salons, barbershops, bars and going to benefit from the *Emyooga* money?

When we speak here, it might sound like we just want to make noise. No, we are part of Government. Government is about the Legislature, Executive and the Judiciary listening to one another. Parliament has spoken but you have kept quiet. So, what are we going to do? We are not about to riot.

We are bending low; maybe when we speak with a low tone, for the Prime Minister to listen. I kindly beg you to remove the curfew.

Maybe, we have been so loud that you have failed to listen to us. Please, remove the curfew, thank you.

3.34

**THE LEADER OF THE OPPOSITION (Ms Betty Aol):** Thank you, Madam Speaker. Honourable Prime Minister, are these scientists really helping you? If the information is from them, do we still have district meetings taking place? Those district meetings should inform you that the curfew is a theory right now.

It is there to extort resources from people and as a mechanism for those soldiers to get their pay from the population. If you are unlucky, you get tortured by those people.

How can you move from 9 p.m. to 10 p.m.? What impact will it bring? You remember when the curfew was put in place; it was as a response to the total lock down, which was done away with. Why should we leave curfew to continue?

I do not know if you still have the national taskforce meetings taking place because we do not hear about them. That is why the police gives one statement and you come with another.

It is not only about the muslims. Right now, the priority is put on the muslims, but it should be about all the people of Uganda. We need people to be free and if we are to give them their freedom - the boda bodas suffer most because sometimes buses also travel in the night and they take people - let alone the airport being open.

We request the Prime Minister to revisit the communication you have given to us. I do not know what the President is going to tell the nation, since he is coming to address us within a few days. It is better you do your research well and help the people of Uganda. Otherwise, you are putting a section of Ugandans in a very big problem because every time you move, there are people who want to extort from you and this is wrong.

These scientists must be investigated, to find out if they are real scientists. We are beginning to doubt them. They are politicians and not scientists; they should do their research well.

Rt Hon. Prime Minister, we are all saying this in good faith, to help the people of Uganda, because this curfew is meaningless. The only meaning of this curfew is for those soldiers to continuously extort money from the people and not to protect the population or to protect the property of the people anymore but for extortion of money.

Please, do us a favour and open up. From 9 p.m. to 10 p.m. is meaningless. At least, if you talk about 9 p.m. to midnight but we want total removal of this curfew. This is the proposal that we are giving you; please, take it in good faith. Thank you.

3.39

**Mr GILBERT OLANYA (FDC, Kilak South County, Amuru):** Thank you, Madam Speaker. Rt Hon. Prime Minister, you need to give us the scientific prove that COVID-19 spreads more after 9 p.m.

It is quite risky to talk when you do not know exactly what happens and you need to understand exactly what happens between 9 p.m. to 5 a.m.

I am aware that currently churches and market places are open. Upcountry, we have auctions and during auction day, you find more than 2,000 people in a market. In burial places, more than 3,000 people gather.

What scientific prove do you have that after 9 p.m. the spread of COVID-19 is higher. I know the statement presented by the Rt Hon. Prime Minister was drafted in a hurry. I am very sure that the people who work in your office discovered that you are on the Order Paper and they hurried to draft the statement. I do not think that you read it before coming here because if you had read it, you would not have presented it before Parliament.

Rt Hon. Prime Minister, the implementation of this curfew is all political. Not that we are fighting the spread of COVOD-19, but it is political, for reasons well known to you as the Prime Minister of the Republic of Uganda.

The request of our people that we presented the other time; right now, boda bodas are being looted by these police officers who are implementing the curfew. The newly recruited police constables - that is now their major work. At 7 p.m., they dress very fast from their homes and run to the roadside looking for money from the boda bodas.

Some of us Members of Parliament and ministers are not being asked; after a police officer realising that you are a Member of Parliament or someone big in Parliament, they calm down and let you go but people who are not in any higher positions are crying. They are being robbed day and night yet you are saying reluctantly that the issue of the curfew shall be looked into by the President.

Finally, the problem we have in Uganda is that we over-depend on the President of the Republic of Uganda. No minister will ever come up with his personal statement for the betterment of the country.

You have to wait for only one man and the day that one man will not be there, the country will go into a total mess. Even a very small thing like saying; let us extend the curfew hours, the Prime Minister and the Minister of Internal Affairs have to sit and wait to hear from the President. This is very risky for our country. Let us be serious and remove the curfew and let people look for money to send their children back to schools.

As I take my seat, let me give one scenario that happened last week. A bus traveling to Gulu reached Luwero and it was stopped after 9 p.m. It was directed to go to police and from there, they were asked to contribute some little money.

They refused to pay money and they detained the bus from 9 p.m. until 6 a.m. and then they were allowed to go. People slept in the cold.

There are other buses, which are paying money and allowed to move, even at 11 p.m. and midnight. The moment you pay money, you are free to move. If you do not give money, you are tortured and humiliated as if you are not a Ugandan.

Rt hon. Prime Minister, let us be serious for the betterment of our country. I beg to move.

3.44

**MR JOHN BAPTIST NAMBESHE (NRM, Manjiya County, Bududa):** Thank you, Madam Speaker. If the curfew was to curb the spread of COVID-19, then it worked only during the time when we were in total lockdown. Our neighbours like Kenya have had to revise; they have had to enforce lockdown, particularly in those urban areas where the spike is skyrocketing.

For instance, the recent announcement was that Nairobi, Nakuru about six urban centres were again put into total lockdown. That is where curfew works. It was equally working here.

However, right now Rt hon. Prime Minister, I want to tell you that because of curfew, there are new negative character traits from the Police. It will shock you. I held a meeting with my coordinators until around 9 p.m. when we were surrounded by Police. They were not only dispersed but some were arrested. They were only released after the Police had extorted money from them.

The bars have become even more undisciplined than before; they operate throughout the night. They have spies and the ones they use are the police to protect them. These are informers.

Recently, where I stay, when they realised that they have known that trick, they have now turned to singing songs and singing “Halleluyah Hosanna” whenever they get tipped off that the Police is coming. They sing for a long time until the Police goes away and also close doors to hoodwink the Police that this is a place of worship. These bars are packed to capacity. What would you expect, therefore, about the level of infection of COVID-19? Therefore, curfew is doing more harm than good.

Madam Speaker, curfew, in my view, has been weaponised as another form of Public Order Management Act, after it was quashed by the courts of judicature because it is more political.

I would like to raise a very humble question to the Rt hon. Prime Minister on whether permission was sought and eventually, granted by the line ministry; that is the Ministry of Health. The Minister of Health is incidentally here – for Kyankwanzi to carry with that illegal gathering when other parties like National Unity Platform cannot hold meetings anymore.

Because of the curfew, it has become the preserve of one party to be at liberty to hold meetings even under the umbrella of darkness, when others are held in limbo.

The cost of doing business in Uganda is now very high. The informal sector economy is suffering the most because most of these people in the informal sector do their business at night.

You can also imagine how skyrocketing the charges are. To merely get a boda boda or special hire at that time to take you anywhere is very expensive. This curfew has not put into consideration the nightmare of traffic jam in the city. You take two hours in traffic jam. After that, you are arrested by the Police and you have to have more than Shs 50,000 on you to be set free. *(Interruption)*

**MR KINOBERE:** Thank you, honourable colleague, for giving way. Madam Speaker, I would like the Rt hon. Prime Minister to justify. We have SOPs. What percentage has curfew contributed to the reduction of the COVID-19 pandemic in the country? Thank you.

**MR NAMBESHE:** As I conclude, Madam Speaker, mine is to humbly request the Prime Minister to harmonise his position with the IGP, who has prudently come to realise that at a time like this, he should relax those stringent guidelines pertaining to the curfew. Thank you.

3.50

**MS CECILIA OGWAL (FDC, Woman Representative, Dokolo):** Thank you, Madam Speaker. First of all, I appreciate the statement made by the Minister of Internal Affairs, hon. Gen. Jeje Odongo, concerning decentralisation of passport processing.

This is positive because he has responded positively to the request we made last week, concerning congestion of people, particularly women, sleeping around the Immigration Offices. This is a positive step.

I would like the Prime Minister to understand that when we come here and talk with a lot of bitterness, we are not bitter against you or anybody. We are representing the feelings of the people.

Right now, the concept of the curfew itself is damaging the image of the Government because you and I find it very difficult to go back to our constituencies and tell our people not to crowd at funerals when they see people dancing and crowding in Kyankwanzi.

They are asking whether politicians are immune to COVID-19. Why is it that in the villages, we are telling them not to crowd places, yet in Kyankwanzi, they are crowding? We are contradicting each other.

I think it is your responsibility and my responsibility to advise the President. It is sometimes wrong for us to say that we cannot do this because it can only be the President. You are now trying to put an impression that the President is a total dictator. You are the one to advise him; he is not a scientist himself. It is important that we give the President the right information to lead him to make the right decision.

Finally, I would like to say that the curfew has become a money-generating period. If you do not make money this time, you will never make it. I know Government officials have made money in the name of the curfew and COVID-19. Money has been fraudulently collected from people. People have been robbed in the name of COVID-19 and curfew. Can we stop it, please?

Rt hon. Prime Minister, you are our only hope. You are the only person who comes here and we tell you what the people are feeling. We pray that when you go back and meet the President, tell him what the people of Uganda feel about the exploitative habit, which has now been generated out of the COVID-19 pandemic and our concern about curfew. Thank you.

3.54

**MR JULIUS ACON (NRM, Otuke County, Otuke):** Thank you, Madam Speaker. I thank the Rt hon. Prime Minister for the wonderful statement. The curfew has brought a lot of damage in this country. Curfew would allow and the thieves would pass through peacefully then other people would not pass through in a peaceful manner - you must pay the money.

Rt hon. Prime Minister, the voice that we are speaking here today is a voice of the citizens, our voters. It would be very wise if you gave this voice straight to the President to review the curfew meaning to our nation. When Uganda was in a lockdown last year, the things went smooth but when things got easy, that is when part of the security began making money.

This is real money. One time I was tried – I am just a very normal person when you meet me, you would not know even if I am a Member of Parliament. When they realised, one of the security personnel asked if I would give them some drinking water. I had water in the bottle because I did not know what they wanted but they wanted money. Therefore, I gave them a bottle of water.

Madam Speaker, this country, if we do not review, it is going put us down. Thank you very much.

3.55

**MR GEOFFREY MACHO (NRM, Busia Municipality, Busia):** Madam Speaker, I would like to thank the Prime Minister for his statement. When the Prime Minister speaks, the Government has spoken. We have come to be a laughing stock in the East African region.

I come from the Busia border and we are very blessed that in this regime, they built us a one stop border point whereby, business goes on 24 hours. However, as I talk now, why I have said that we are a laughing stalk, whereas business goes on 24 hours in Kenya, business goes on 12 hours in Uganda. Therefore, Kenyan are asking what could be wrong with their neighbours.

Mr Prime Minister, what is wrong with us in the region? - That whereas Kenyan vehicles travel from far, carrying goods to export here, ours park on the border to wait for another 12 hours. The question is what is wrong with the Ugandans?

Truly, Madam Speaker, I would like to agree with my colleagues that policemen who have not enjoyed this season, God will condemn them. *(Laughter)* Curfew in Uganda is an income generating activity.  We who live in Mukono and we drive for hours, some of us are spared because of our faces but Ugandans are really suffering.

One voter asked me, “Is that what we call steady progress?” and I said I would ask the Prime Minister. Rt hon. Prime Minister, is that what we call the steady progress? Somebody drives in the curfew and as soon as he reaches Mukono and he is arrested due to curfew.

I request my Muslim brothers to pray because Rt hon. Prime Minister, if we do not help our muslim brothers, prisons and cells are going to be full. However, what wrong have the Muslims done to us for us to pay them in this kind? I do not know which answer hon. Jeje Odongo will tell the *Mufti* or the District *Khadhi* where he comes from.

Rt hon. Prime Minister, as we request the Government to help us and open up the curfew, we also request the Government to help us and give us COVID 19 funds accountability that was given by Ugandans who are being tortured by curfew. We have some people who donated a lot of money to our party and we did very well through their donation. During the time of COVID-19, all their bars are closed and they are asking for where the accountability of the COVID-19 funds is. The vehicles that were given to the districts went without the logbooks.

Mr Prime Minister, I request you - you are a parent - that wherever we the senior officer take beer in our houses, the local people who were going in bars supporting bar owners who were doing business through the borrowed money are crying in their houses.

I propose and second that let us remove the curfew and let Uganda be like Kenya and Tanzania, which have gone to middle income without curfew. Thank you, Madam Speaker.

3.59

**MS JANE AVUR (NRM, Woman Representative, Pakwach):** Thank you, Madam Speaker. I would like to thank the Rt hon. Prime Minister for the update on the SOPs. I do think that it was not wrong for the Government to put the curfew in place and still not wrong for the Government to have the curfew in place. However, I do agree with Members and share their feelings that it is not proper for the police however, to take this an exploitative venture to rob Ugandans of their resources.

Madam speaker, as Ugandans and as leaders, we need to instil a bit of discipline in ourselves and work smart. If by far the Government has not uplifted curfew or reviewed the time, why wouldn’t a serious Uganda plan herself or himself properly. *(Interjections)* Which order now?

Madam Speaker, for me I would rather advance a case of the Government uplifting on public transport *–(Interruption)*

**MR AOGON:** Madam Speaker, the honourable colleague knows very well that we are governed under our specific Rules of Procedure.  When there is an atmosphere, which is charged and you know it is positive, I do not know whether it is okay for you to go negative. Even when you know that it is not right for you to say what you have just said, you go ahead and say what is wrong.

Is it in order for the Member to behave the way she has behaved via her submission? Is she in order?

**THE SPEAKER:** Honourable members, when you are speaking in this House, we are not speaking about the leaders; you are speaking about the ordinary Ugandans. How do you expect a Ugandan who has entered a bus at 4 p.m. going to Jinja and arrives at midnight. Please, think about the people. Do not just talk anyhow.

**MS AVUR:** Madam Speaker, I accept the order. However, allow me to make this contribution about public transport. Our people are paying very heavily. For somebody to come right now from West Nile, to and from, you need to be close to Shs 200,000. I would rather implore the Government through the Prime Minister that we uplift the half board on the public Transport.

Even right in Kampala, on a rainy day like this, I do not know how much the ordinary Ugandan is paying to and from their places of abode. It is not less than Shs 20,000. It is time for the Government to adjust and review a number of these SOPs and not just the curfew time. I thank you.

4.03

**MR HENRY KIBALYA (NRM, Bugabula County South, Kamuli):** Thank you, Madam Speaker. I believe that on the day of swearing in, the President held the same Constitution that I also held and so did *Ndugu* Ruhakana Rugunda.

Article 8(a) of that Constitution is clear that the laws that we make must be in the interest of Ugandans. The voices we hear here are from the Ugandans out there. It is clear that the voices of the people should be the ruling force of Government.

Rt Hon. Prime Minister, Ugandans out there are crying. Everybody appreciates the role the President played during the COVID-19 period. We appreciate the role of Government too but apparently, Ugandans are suffering. Whoever moves on the streets of Kampala knows that the traffic jam ends at around midnight or about 11.00 p.m. although we still have curfew regulations of 9.00 p.m. I wonder whether we are setting this law in the interest of providing, as other colleagues have said, for the security forces to have reasons.

The other day, some *Bako* came for *Kwanjula* in Bugabula South in Kamuli; they had come from Nansana. In our area, *Kwanjula* normally ends at around 7 or 8 O’clock. Hardly two hours had passed than I received a call that the *Bako* had been arrested. Look at that situation, honourable Prime Minister. Imagine such visitors had been to your home and you are later called to say they have been arrested for flouting curfew regulations.

We must make laws that are in the interest of this country –*(Interruption)*

**MR SSEWUNGU:** Thank you, Hon. Kibalya, for giving way. The information I would like to give is that yesterday, officials from the Department of Education in Kampala Capital City Authority appeared before our Committee on Education and Sports. I asked the Director for Education to give us a status report on the children in Kampala, ever since they resumed school, who have been infected by COVID-19 and they had none.

When the lockdown was instituted, we were at stage one. As a doctor, the Rt Hon. Dr Ruhakana Rugunda knows this; that at that stage, we were looking for contacts and we could get them. We left Stage I and went to Stage II. The moment we went to stage IV, curfew became unnecessary because we cannot get the contacts anymore. It is like telling us, “People are going to spread HIV; so, Ssewungu, you should no longer sleep with your wife. You must sleep this side to stop the spread.” It can no longer take place.

Therefore, as long as we are at Stage IV, there is no need for curfew because you can no longer trace the contacts. Thank you.

**MR KIBALYA:** I know that *Ndugu* Rugunda is the Patron of the Association of Old Boys of Mwiri College, where men with inspiration realise infinity. I know very well that the Prime Minister is taking notes. Tomorrow, he may come back here and say that the curfew has been extended to midnight.

We are not defying anything; we only would like to be considerate to Ugandans that the 9 O’clock curfew is not applicable, even considering the time we close House here. Can Government look into this and listen to the cries of Ugandans so as to make life easy for the people that we govern. Thank you.

4.08

**MR MICHAEL TIMUZIGU (NRM, Kajara County, Ntungamo):** Thank you, Madam Speaker. I take this chance to thank the three Arms of Government for the job well done in trying to fight COVID-19. However, I would like to support what my colleagues have been yearning to listen to from the Prime Minister, on doing away with the curfew.

Everyone knows that the curfew is no longer a Government business but a police business because they use it to extort money. We would like to know from the Prime Minister the ranking of the strategies of fighting COVID-19, such that we know that curfew is the most effective.

In villages, people no longer wear masks and the policemen do not mind. At the same time, the police personnel do not wear theirs. We have discovered that at the moment, when one goes to a police station, there is no water and soap for them to wash their hands.

Therefore, almost all standard operating procedures (SOPs) have either been relaxed or abandoned. Why maintain the curfew? Is it the most effective measure of fighting COVID-19?

When this continues as we see - the policemen extorting money - people will come to believe that all the remaining measures are political. Remember that we are representing political clients of Government business.

Rt Hon. Prime Minister, your clients, as the Leader of Government Business, are the ones we represent in this House. When we represent them, we make your job easy. Therefore, whatever we say here is for the benefit of the Government. As such, we expect you to advise the President, working with the scientists, to lift the curfew if it cannot be ranked No. 1 among the strategies of fighting COVID-19. Thank you.

4.11

**THE MINISTER OF STATE FOR HEALTH (PRIMARY HEALTHCARE) (Dr Joyce Moriku):** Thank you, Madam Speaker. I would like to thank the Rt Hon. Prime Minister for the statement he has made.

For the last three months, the country has experienced significant reduction in COVID-19 new cases. For that matter, allow me to congratulate you, colleagues and the people of Uganda.

There have been many theories why the infection rate has reduced in the country within this month. One of the studies revealed by scientists is that previous studies in influenza in this country have shown that the high rate of infection is at the start and peak of the rainy season. That has been proven to be similar to this infection.

Having said that, under normal circumstances, everybody would say that given the experience we have had, for the last three months, curfew should be off. However, this discussion comes at a point when the country is just beginning to get the second wave of COVID-19 of COVID-19. We are already starting to get serious infection rates going up every day.

Madam Speaker, as a country, we have discovered the new variant from the United Kingdom and South Africa, which is a big concern to everybody, especially, we, the policy makers.

As we discuss this issue of the curfew, there is a phenomenon called “herd immunity.” Given the fact that we have started the process of vaccination - herd immunity is when the population is indirectly protected from the COVID-19 infections; when a good percentage of others have been vaccinated - about 60 to 70 per cent of the population has been vaccinated.

This has come at the time, when we have this very important discussion and when the vaccination on COVID-19 is just being rolled out.

There has been a glaring and significant lack of adherence to the SOPs. Having given these four important points, with your permission, today, in the *New Vision*, we have seen countries like India and others put in place measures to lockdown and institute a curfew because of the second and third wave of the Coronavirus, which is coming back again into the country.

Having said that, research has shown that night time curfew helps to reduce the spread of infections. This is very clear globally. With all these reasons, especially the second wave that is glaring into the country, we request this Floor, chaired by you, Madam Speaker, that we need to move slowly. We need to monitor the way things are unfolding because there is a very high possibility, as studied by the scientists, that by the next couple of months, the country is likely to get another high infection rate because of the second wave.

Madam Speaker, allow me to emphasise the point of herd immunity, which is going to give us leverage. Once we attain 60 to 70 per cent of the population vaccinated against COVID-19, a huge percentage of our population will be indirectly protected. That is the time, when we can have most of these restrictions lifted. It will give us leverage and a way forward to open up most of these restrictions so that we can live happily and enjoy whatever activities we are doing.

For now, as a scientist and a Minister for Health, I request that we monitor the way events are unfolding and move slowly. We need to give it time to study and get back and review the process from time to time. I thank you, Madam Speaker.

**THE SPEAKER:** Thank you very much, honourable minister. Just before I invite the Prime Minister, I still want to be convinced that the COVID-19 infection is between 9.00 p.m. and morning. I want someone to convince me that, that is the time when people get infected and that is why there is a curfew.

Secondly, we had three months of campaigns in this country. Did that bring a spike in infections in this country? All of you that went for the elections are products of those campaigns.

Secondly, the markets are busy and open. The churches and mosques are also open. The burials are also taking place. Sometimes you give us reasons that are difficult to justify. What is special about 9.00 p.m. to 6.00 a.m.?

Rt Hon. Prime Minister, I think you should get better reasons for stopping us from living our lives. We have observed the SOPs and the infections have come down; we are aware of this. What are you saying?

**MAJ. GEN. ODONGO:** Thank you, Madam Speaker. I would like to respond to three specific concerns that colleagues have raised in the course of reacting to the statement made by the Rt Hon. Prime Minister.

The first concern, which I would like to respond to is a matter that was raised by Hon. Basalirwa to the effect that the curfew is preventing Muslims now in the month of Ramadan, from performing the specific act of prayer called *Taraweeh*, which takes place immediately after the evening Muslim prayer. It tends to last to about 10.00 p.m. and if Muslims performed it, they would fall victim of the curfew.

I would like to share with you factual information. *Taraweeh* is a Muslim practice of performing certain rights during the month of Ramadan. It involves reading two or three chapters of the Quran and performing 12 or so *Rakats* or supplications.

Madam Speaker, practise is not compulsory. It is supposed to be performed in the Mosque. Indeed, Prophet Muhammad - Peace Be with Him - did indicate why he did not perform *Taraweeh* in the mosque, when he was asked. He said that if he performed *Taraweeh* in the mosque, it would be construed as if it is compulsory. Therefore, he did not *–(Interruption.)*

**MR SEBAGGALA:** Thank you very much, Madam Speaker. Gen. Jeje Odongo knows that I am his parliamentary Imam and so, I am definitely a consultant on issues to do with religious matters. *(Applause)*

Madam Speaker, is Gen. Jeje Odongo in order to try to mislead us that *Taraweeh* prayers are optional and are supposed to be performed at home and yet he knows the importance of these prayers and the holy month of Ramadan? Is he in order to try to encroach on the field he is not very familiar with? Is he in order to interfere with religious matters?

**THE SPEAKER:** Honourable members, unfortunately, I am not very familiar with that situation. I do not know the Quran and the practices; so, it is difficult for me to rule on his capacity or the capacity of the Imam.

Honourable minister, I think you should focus on the curfew. Do not take us into what you do in your religion because the Catholics will bring their things and the others will bring theirs, too. Just deal with the curfew and do not confuse us with your religious practices.

**GEN. JEJE ODONGO:** No. Madam Speaker, I am not confusing you at all. I am simply trying to educate us to understand that *Taraweeh* is not obligatory to be performed in the mosque. You can perform it at home. That is the *Sunnah* of the Islam performance.

**THE SPEAKER:** Honourable minister, do not take us into that.

**GEN. JEJE ODONGO:** If Hon. Sebaggala wants, we can talk about it out of here. We will argue and I will give him evidence.

The second point I would like to explain is the matter of a message sent by the Director of Operations of Police, Mr Ochom, to extend curfew beyond 10.00 p.m. I would like to let you know that that message was sent in error. It has already been withdrawn because he is not authorised, first of all, to make such a pronouncement. So, it was made in error and it has been withdrawn.

Thirdly, on the matter of the police taking money at roadblocks; I would like to inform colleagues, through you, Madam Speaker, that we have taken note of this abhorrible act. On Thursday this week, I will chair a meeting of the police authority and we will take action on the officers that we have already identified as culpable in this matter. I thank you.

**THE SPEAKER:** Does the Prime Minister have some concluding remarks?

**DR RUHAKANA RUGUNDA:** Thank you, Madam Speaker. *Ndugu* Kibalya said, “We are listening.” It is true we are listening but that does not necessarily mean we agree on this very important subject matter.

I will just make a few comments on the issues raised. One, this matter I am communicating today, which will be more extensively communicated, was arrived at by Cabinet after thorough discussion with scientists. There were several scientists who advised the Cabinet and we were convinced by this line of action, given the circumstances, the gravity of the pandemic, the possible wave that may be coming up, the fact that variants that are more severe, lethal and deadly are coming up, and that younger people are increasingly being affected as it has been seen in Brazil and some other countries. So, this position is heavily backed by our scientist colleagues.

Secondly, *Ndugu* Macho raised a few issues about border points, and he said Uganda is not like Kenya or Tanzania. For diplomatic reasons, I will not make comments on it, but I would like you to do a little more study of that subject matter, because there has been reasonable performance in the fight against COVID-19 in our country.

The next point about the effectiveness of the curfew in the fight against COVID-19 has been raised by a number of people, including you, Madam Speaker. The fight against COVID-19 has many aspects in the SOPs. It is a combination of these factors, curfew included. The SOPs we talk about, which are very well known to us, is a combination and we would like to see that combination reinforced instead of being weakened.

I salute the honourable –*(Interruption)*

**MR SSEWUNGU:** Thank you, Rt Hon. Prime Minister, for giving way. The clarification I am seeking from Hon.Ruhakana Rugunda is that if the pandemic is growing, does Government reduce its measures or it continues sustaining them? Why? Namboole is not active now and yet it was a collection centre. In the hospitals, nothing is taking place. The funds you used to provide are not there. Therefore, are there other control measures or are you using the curfew as the only method to control the spread of the virus?

Secondly, are there measures at the airport that are stopping these variants that are coming from Brazil and other countries from attacking this country? Thank you.

**DR RUGUNDA:** Madam Speaker, Government continues to take appropriate measures. We are not reducing them and we will continue to expand them.

Two, we are constantly reviewing this situation. It does not mean that the steps you had taken last month are necessarily the steps you must continue taking now. That is why, therefore, issues of Namboole were changed. That is why, for example, the homes have become centres of care. At the moment, as I speak, about 10 per cent of our ICU beds are occupied by the sick patients. Also, this means there is significant improvement in the care that the country is giving.

Let me also add one issue. These variants have been identified in a number of tests in Uganda. As I have told you, we have seen some of them causing more morbidity and mortality. We do not have many weapons against COVID-19. Prevention is, perhaps, the most powerful weapon we have against COVID-19, hence strengthening the measures that we are using. That is why the curfew is still one of the weapons.

As I said, this is a matter that Government continuously reviews. I cannot say because it is working today, it will also work tomorrow. Let us, however, continue reviewing. Let us take measures as advised by our scientists. Something may be attractive on face value but when the scientists examine it, you may find that after all, it is not helpful.

Madam Speaker, I would like to thank the Members of Parliament for making their suggestions. Some of them are not quite agreeable to us but some are very useful. Government will consider them and we will take the necessary measures.

His Excellency the President, as I have already communicated, will, in the coming days, address the nation. He will also address the nation about the curfew and other measures that are necessary to prevent the spread of this pandemic, which has really been a menace to us as Uganda and to the world at large.

Thank you, Madam Speaker, for giving me this opportunity to say what I have said. Thank you.

LAYING OF PAPERS

ADDENDUM TO SUPPLEMENTARY SCHEDULE 5 FINANCIAL YEAR 2020/2021

4.33

**THE MINISTER FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** [*Expunged]*

**THE SPEAKER:** I think this is taking us for granted. What is difficult about you holding that thing and laying it? That is what the law requires you to do.

Honourable members, the minister did not lay anything under 4(i); therefore, let us go to 4(ii). Leave that item. I have expunged what he said.

ADDENDA TO THE MINISTERIAL POLICY STATEMENT AND THE BUDGET ESTIMATES FOR FINANCIAL YEAR 2021/2022 FOR THE FOLLOWING ENTITIES:

a)    VOTE 148: JUDICIAL SERVICE COMMISSION

4.36

**THE DEPUTY-ATTORNEY GENERAL (Mr Jackson Kafuuzi):** Madam Speaker, I beg to lay a ministerial policy statement for Vote No.148: Ministry of Justice and Constitutional Affairs.

**THE SPEAKER:** It is sent to the sessional Committee on Legal and Parliamentary Affairs for perusal and report back.

b)    VOTE 129: FINANCIAL INTELLIGENCE AUTHORITY

4.38

**THE MINISTER FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, I beg to lay the ministerial policy statement addendum for the Financial Year 2021/2022 for Vote 129.

**THE SPEAKER**: It is sent to the Committee on Finance for perusal and report back.

**MR BAHATI**: Madam Speaker, I beg to lay a ministerial policy statement for Vote 314: The Lotteries and Gaming Board.

**THE SPEAKER**: It is sent to the Committee on Finance for perusal and report back.

REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30TH JUNE 2014 FOR SUBCOUNTIES IN THE FOLLOWING DISTRICTS:

1. Kibaale District
2. Zombo District
3. Kasese District
4. Bundibugyo District
5. Oyam District
6. Sironko District
7. Moyo District
8. Dokolo District
9. Agago District
10. Amudat District

4.39

**MR FRANCIS MWIJUKYE    (FDC, Buhweju County, Buhweju):** Madam Speaker, I beg to read through the list and lay them together.

Reports of the Auditor-General on the financial statements for the year ended 30th June, 2014 for subcounties in the following districts:

1. Kibale District
2. Zombo District
3. Kasese District
4. Bundibugyo District
5. Oyam District
6. Sironko District
7. Moyo District
8. Dokolo District
9. Agago District and
10. Amudat District.

I beg to lay.

**THE SPEAKER**: Honourable members, the reports are sent to the Public Accounts Committee (Local Governments) for perusal and report back.

REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015 FOR THE SUBCOUNTIES IN KASESE DISTRICT

**MR MWIJUKYE:** Madam Speaker, I beg to lay a report of the Auditor-General on the financial statements of the subcounties in Kasese District for the year ended 30 June 2015.

**THE SPEAKER:** Honourable members, it is sent to the Committee on Public Accounts (Local Governments) for perusal and report back.

REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30TH JUNE 2020 FOR THE FOLLOWING ENTITIES:

1. National Medical Stores
2. Uganda Civil Aviation Authority
3. Uganda Railways Corporation
4. Mulago National Referral Hospital
5. Uganda Virus Research Institute
6. Uganda Reproductive, Maternal And Child Health
7. Service Improvement Project
8. East Africa Public Health Laboratory Networking Project
9. East Africa’s Centres Of Excellence For Skills And Tertiary Education In Biomedical Science – Phase 1 (Eaoi) Project Id No. P-Zi-Ibo-24, Loan No.21001500319962 (Adb - Support To Uganda Cancer Institute)
10. Ministry of Works and Transport

**MR MWIJUKYE:** Madam Speaker, I beg to lay reports of the Auditor-General on the financial statements for the year ended 30th June, 2020 for the following entities:

1. National Medical Stores.
2. Uganda Civil Aviation Authority.
3. Uganda Railways Corporation.
4. Mulago National Referral Hospital.
5. Uganda Virus Research Institute.
6. Uganda Reproductive, Maternal and Child health Service Improvement Project.
7. East Africa Public Health Laboratory Networking Project.
8. East Africa’s Centres of Excellence for Skills and Tertiary Education in Biomedical Science - Phase I (EAOI) Project ID No.P-ZI-IBO-24, loan No.21001500319962, (ADB support to Uganda Cancer Institute).
9. Ministry of Works and Transport.

I beg to lay.

**THE SPEAKER:** Thank you, very much, honourable members, item No.6(a-h) will be sent to the Public Accounts Committee, Commission on Statutory Authorities and State Enterprises for perusal and report back.

Item No. 6(j) will be sent to the Public Accounts Committee, Central Government. Thank you.

LAYING OF PAPERS

ADDENDUM TO SUPPLEMENTARY SCHEDULE 5 OF FINANCIAL YEAR 2020/2021

4.43

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, I beg to lay the addendum to Supplementary Schedule 5 for Financial Year 2020/2021, and I apologise. I thought the Clerk had this document when I was reading it earlier on. Thank you.

**THE SPEAKER:** It is finally sent to the Committee on Budget for perusal and report back.

BILLS

SECOND READING

THE NATIONAL CLIMATE CHANGE BILL, 2020

4.44

**THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (ENVIRONMENT) (Ms Beatrice Anywar):** Madam Speaker, I thank you for this opportunity. I beg to move that the Bill entitled, “The National Climate Change Bill, 2020” be read for the second time.

I beg to move.

**THE SPEAKER:** Members, is the motion seconded? It is seconded. Justify your second reading.

**MS ANYWAR:** Madam Speaker, the Bill that is before us today has the following objectives. Among others, I will highlight them.

It is to give the force of law in Uganda, the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol and Paris Agreement, provide for climate change response measures, participation in climate change mechanisms, measuring of emission, reporting and verification of the information, the institutional arrangements for coordinating and implementing climate change response measures, financing for climate change and other related matters.

Madam Speaker, what does this Bill intend to cure; the defects. Currently, there is no legal framework governing climate change interventions. The absence of such a framework is an obstacle in translating the identified policy priorities into implementable actions with tangible climate change benefits. There is, therefore, need for a legal and regulatory framework for climate change.

I would like to -

**THE SPEAKER:** No. Go to the other one.

**MS ANYWAR:** Okay.

**THE SPEAKER:** Honourable members, we have had the justification. Can we invite our committee to present its report?

4.47

**THE CHAIRPERSON, COMMITTEE ON CLIMATE CHANGE (Mr Lawrence Biyika):** Madam Speaker, before I present the report of the committee, I beg to lay the report and minutes of the meetings of the Committee on Climate Change on the National Climate Change Bill, 2020.

Madam Speaker, this Bill is long overdue. It is a very important Bill. On behalf of the committee, I hereby present the report of the Committee on Climate Change on the National Climate Change Bill, 2020.

The National Climate Change Bill, 2020 was read for the first time on 30 June 2020 by the honourable Minister of State for Environment and was thereafter referred to the Committee on Climate Change, in accordance with Rule 128 of the Rules of Procedure of Parliament.

Background

Climate Change is one of the greatest challenges that the world faces today. Its impact is far reaching and extremely devastating, particularly in less resilient countries, Uganda inclusive.

The country is experiencing the effects of a changing climate, which have manifested in the uncertainty of rainfall patterns, as well as frequent floods and landslides. In recent years, the country has increasingly experienced beyond normal rainfall with devastating effects such as loss of lives and property in the mountainous areas of the Rwenzori and Elgon, particularly in the districts of Bududa, Sironko, Mbale, Kasese, Pakwach, Buliisa and Butaleja, among others.

The reduction in agricultural yields and resultant food insecurity, as well as drought with regular incidences of extreme temperatures, has also been a manifestation of the raging effects of climate change. There has been a notable increase in warming trends, with a projected rise of more than 2° Celsius in the minimum and maximum temperatures by 2030.

The World Bank noted that although the level of poverty in Uganda reduced from 62 per cent in 2003 to 35 per cent in 2013, the poorest - mostly subsistence farmers - constantly bear the brunt of the drought and other shocks, resulting from the fluctuations in temperatures.

Additionally, the country’s development gains have continued to be eroded due to changes in the climate, with drought reported to have caused damage and losses amounting to $1.2 billion, which is 7.5 per cent of Uganda’s GDP, between 2010 and 2011.

The need to protect the environment, adapt and mitigate the dangers of climate change cannot, therefore, be over emphasised. Uganda ratified the United Nations Framework Convention on Climate Change in 1994, the Kyoto Protocol in 2004 and the Paris Agreement in 2016.

While this is the case, Uganda has no legal and regulatory framework to domesticate these Agreements or Protocols to address the challenges posed by climate change.

Object of the Bill

The object of the Bill is to give the force of law in Uganda to the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol and the Paris Agreement.

However, most importantly, it is to provide for climate change response measures, participation in climate change mechanisms, measuring of emissions, reporting and verification of information, the institutional arrangements for coordinating and implementing climate change response measures and financing for climate change and other related matters.

Methodology

In the course of scrutinising the Bill –

**THE SPEAKER:** You can leave that one; they can read.

**MR BIYIKA:** Thank you.

Rationale for a legal framework for climate change in Uganda

Compliance with constitutional obligations:

The need for a legal framework for climate change is rooted in the need to heed to the constitutional call highlighted under Objective 27 and Articles 17(1)(j), 39 and 245 of the Constitution of the Republic of Uganda.

Under that objective, the State shall promote sustainable development and public awareness of the need to manage land, air and water resources in a balanced and sustainable manner for the present and future generations. The utilisation of the natural resources of Uganda shall be managed in such a way as to meet the development and environmental needs of present and future generations of Uganda and, in particular, the State shall take all possible measures to prevent or minimize damage and destruction to land, air and water resources resulting from pollution and other causes.

The State shall promote and implement energy policies that will ensure that people's basic needs and those of environmental preservation are met. The State, including local government, shall create and develop parks, reserves and recreation areas and ensure the conservation of natural resources.

Promote the national use of natural resources so as to safeguard and protect the biodiversity of Uganda. Article 17(1) mandates every citizen of Uganda to create and protect a clean and healthy environment, while under Article 39, every Ugandan has a right to a clean and healthy environment. Article 245 states, *“Parliament shall, by law, provide for measures intended:*

1. *To protect and preserve the environment from abuse, pollution and degradation;*
2. *To manage the environment for sustainable development;*
3. *To promote environmental awareness.”*

Domestication of international climate change treaties ratified by Uganda. I have already highlighted that; I beg to make a summary of it. Over the years, Uganda ratified many climate change related treaties but particularly for this is the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol and Paris Agreement.

In this, we made a commitment and each country is expected to domesticate. Therefore, this is the process of domesticating these agreements, treaties and protocols.

Codifying Uganda’s policies into law

A number of Uganda's policies take cognisance of issues of climate change. The National Climate Change Policy was passed in 2O15 and paragraph 5.1 thereof underscores the need for a robust legal and institutional framework to address the growing challenge of climate change. The policies are there but there is no law. Therefore, this is a good justification that we need a climate change law.

The National Development Plan III highlights, in paragraph 218, that natural resources and climate change management are critical to the reduction of losses from disasters, achievement of increased household incomes and improved quality of life for the population. Paragraph 219 highlights the centrality of climate change management to the realisation of the Sustainable Industrialization Agenda.

National Development Plan (NDP) III mainstreams climate change into all the development plans, policies and budgets of the Natural Resources Environment, Climate Change, Land and Water Management Programme. However, other programmes, particularly those prioritized in the nationally determined contributions, are deficient of climate change responses.

Fortunately, Uganda was the first country in Africa to develop and endorse its Nationally Determined Contribution Partnership Plan in June 2O18. It made key commitments in this regard including reducing greenhouse gas emissions by 22 per cent by 2030; of course globally, we want to reduce it by 45 per cent.

Reducing climate change vulnerability of climate sensitive sectors since the economy is natural resource dependent; building climate resilience of key sectors; and disaster risk management. Although the inclusion of climate change under policies and sectoral development planning is an important way through which climate change adaptation and mitigation may be promoted, the need to implement the policies on climate change and its centrality to the development plan of the country require that a law on climate change be enacted.

Addressing the effects of Climate Change

Uganda has various pieces of legislation that mention the need for climate change mitigation and adaptation in areas such as health, environment, energy, disaster preparedness, and management, among others. However, climate change is not the gist of these laws and tends to be overshadowed and thus loses the prominence it deserves when it comes to implementation.

Climate change however continues to affect all sectors as climatic factors are interlinked with socio-economic factors. According to the projections of the economic assessment of the impacts of climate change, 2015, climate change damage estimates in the agriculture, water, infrastructure and energy sectors will collectively amount to 2-4 per cent of the GDP between 2010 and 2050 if no legal framework to guide action is put in place.

There exist glaring gaps between the policy and practice of implementing climate action and consequently, there is need for specific legislation that addresses climate change mitigation and adaptation.

Compliance with United Nations 2030 Agenda for Sustainable Development

Sustainable Development Goal No. 13 calls upon all countries to take urgent action to combat climate change and its impact. Under this goal, countries have the obligation to strengthen resilience and adaptive capacity to climate related hazards and natural disasters in all countries; integrate climate change measures into national policies, strategies and planning; and improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning, among others.

These are wide-ranging measures that can only be properly implemented with a comprehensive legal and institutional framework, which the Bill aims to put in place. Goal number 13 is particularly critical, given that developing countries like Uganda suffer the brunt of the effects of climate change even though they contribute least to global warming.

Observations and Recommendations

Against the above background, the committee made the following observations and recommendations to the National Climate Change Bill 2020 as highlighted below:

Interpretation Clause

The committee notes that Clause 2 of the Bill adopts narrow definitions, which if strictly interpreted, could lead to ambiguity. For example, “district” is restrictively defined and does not take care of other developments including the creation of new cities.

Recommendation

The committee recommends that Clause 2 of the Bill be amended to expand the narrow definition and provide for terms not otherwise provided for in the bill.

Key Timelines

The committee observed that a number of key timelines were not provided for thereby posing a challenge of implementation of the Act. While the Bill provides for the development of framework strategy on climate change in Clause 5, it does not provide the timeline within which the framework strategy is to be developed. This can lead to delays, as there are no set timelines.

The committee further observed that even where the Bill provides timelines, it gives wide discretion regarding those timelines, which may not lead to the desired outcome.

Recommendation

The committee recommends that timelines should be provided, where the Bill requires action to be taken in order to guide the implementation.

The National Climate Change Advisory Committee

The committee notes that the Uganda National Climate Change Policy mandates the creation of a National Climate Change Advisory Committee to provide technical input to the Policy Committee on Environment. The advisory committee is envisaged to offer strong, transparent, credible and enforceable oversight on the activities of the department of climate change.

The proposed committee will be chaired by the Minister for Water and Environment and will bring together technical representatives from the various Government departments at the national level, along with representatives from private sector associations, civil society, academia and district authorities.

Recommendation

The committee recommends that the Bill be amended by introducing a new clause to provide for a National Climate Change Advisory Committee

Climate financing

The committee takes cognisance of the fact that financing is key to climate change adaptation and mitigation. However, issues of climate financing have not been prioritised in the past.

The committee further observes that while the Bill makes provision for financing of climate change, the provisions therein are not adequate despite the fact that party states to the United Nations Framework Convention on Climate Change have been encouraged to translate international commitments into national policies, laws and plans of action to ensure adequate resourcing and monitoring.

The committee found that although efforts have been made to mobilise funds for the environment under Clause 32 of the National Environment Act, which provides for a National Environment Fund, no monies have been ring-fenced to specifically deal with the climate change crisis. This is despite the fact that on average Shs 10 billion is collected annually through environment levies and deposited into the Consolidated Fund.

Goal 13 of the Sustainable Development Goals emphasises that social and economic development must be achieved in ways that are sustainable for the planet. This requires mobilising financial resources from different sources including public, private, bilateral and multilateral.

Given the uniqueness of the sources of climate funds, there is need to centralise their management in order to ensure proper accountability.

The committee examined climate change legislation from different countries with regard to the handling of climate financing and found that most of them had specific financing mechanisms and sources provided under their laws. For example, in Kenya the Climate Change Act of Kenya No. 11 of 2016 creates a Climate Change Fund, which is the financing mechanism for priority climate change actions and intervention.

Although Clause 20 of the Bill obliges the Minister responsible for Finance to provide for climate change financing, taking into account a number of factors, it does not provide a specific mechanism for climate change financing and management.

Recommendations

The committee recommends that Clause 20 of the Bill be amended to create a Climate Change Fund, subject to the Public Finance Management Act, 2015 whose sources of funding shall include the following:

1. Money appropriated by Parliament for the purposes of the fund;
2. Fees and money paid to the department for services rendered;
3. Money from environmental levies, loans, grants, gifts or donations from Government and other sources made with the approval of the Minister.

b) The committee further recommends that the Ministry of Finance should ensure that national, sectoral and district-level budgets and other indicative planning figures integrate climate change through appropriate provisions.

c) The committee recommends that the ministry should continue to attract climate finance and technology and further facilitate the introduction of relevant financial mechanisms and tools in order to support climate change resource mobilisation and investment.

Mainstreaming Climate Change

The committee observes that climate change is a crosscutting issue and central to national development and for this reason, the NDP III has mandated that it is mainstreamed across all sectors.

The committee notes that while the Bill attempts to mainstream climate change, it falls short of the desired level of integration. Although the Bill is expected to put climate change on the agenda across all government departments to enable policymaking in the relevant sectors and transform political debate on climate change, this does not come out clearly under the provisions therein.

Whereas the Bill provides for the development of a National Climate Change Action Plan under Clause 6, and thereafter District and Local Government Climate Change Action Plans, there is no provision for intermediate government agencies not operating at Local Government level to develop plans for adaptation and mitigation of climate change effects and neither is there a provision for inter-district and trans-boundary resources and projects.

Further, Clause 27 of the Bill provides that Section (9) of the Public Finance Management Act, 2Ol5 be amended to mandate budget framework papers of only Votes responsible for implementing climate change measures and to allocate funds for climate change.

It is, however, the committee's observation that the budget framework papers for all Votes be climate change responsive and contain adequate allocations for funding climate change measures and actions since climate change is a cross cutting issue.

The committee recommends that the Bill mandates Ministries, Departments and other Government Agencies to develop action plans within one year after the development of the National Climate Change Action Plan.

The committee further recommends that Clause 27 of the Bill be amended to provide that the budget framework papers for all Votes be climate change responsive and contain adequate allocations for funding climate change measures and actions.

Cellmate Change Disaster Risk Management

The committee notes that disaster risk management is a major component of climate change adaptation modalities and issues related to mitigation of loss and damage.

The committee further notes that climate change related hazards and disasters continue to displace thousands, claim lives, devastate homesteads and destroy livelihoods.

Article 8.1 of the UNFCCC recognises the importance of averting, minimising and addressing loss and damage associated with the adverse effects of climate change, including extreme weather events and slow onset events.

The committee was, however, informed that disaster risk management as a whole has not been prioritised despite its contribution to averting the adverse effects of the climate change.

The ministry responsible for disaster preparedness lacks substantive funds to not only respond to climate change related disasters but most importantly ensure that there is resilience to the would be causes of such disasters.

Recommendation

The committee recommends that the Government adopts elaborate mechanisms to implement adaptation and mitigation measures to address climate change disasters.

Integration of Climate Change in the Education Curriculum

The committee acknowledges that mainstreaming climate change under the education sector would promote inter-disciplinary skills amongst learners to collectively appreciate the issue at a national and global level in order to contribute to sustainable development.

The committee notes that the integration of climate change in the curriculum would not only skill learners on climate smart practices and technologies but also address the challenges associated with awareness raising.

The committee underscores the need to use schools as a mechanism of disseminating awareness and sensitising Ugandans on climate change and its effects to the country.

Recommendation

The committee recommends that a clause be inserted in the Bill to provide for the integration of climate change education and research in the curriculum with emphasis on school-community linkages.

In conclusion, the committee has attentively considered the provisions of the Bill and hereby reiterates the necessity to have a legal framework to address the existential threat of climate change.

The committee further calls upon the country to treat the matter with utmost urgency by ensuring that all stakeholders play their part in ensuring its mitigation and adaptation, before it is too late.

The committee recommends that the National Climate Bill, 2020 be passed into law subject to the proposed amendments.

I beg to report.

**THE SPEAKER:** Thank you, Hon. Songa, and chairperson of the Committee on Climate Change, together with your Members, for the work done on this important Bill.

Honourable members, I have established that there are minimum necessary numbers. You are free to make your comments on the same. I am trying to check where my legal officer is here because I have noted that what we are doing is domesticating a treaty.

**MR SONGA:** Madam Speaker, the major reason we need to have law on climate change in the country is to provide for climate change response mechanisms, participation in climate change mechanisms, measuring of emission, reporting and verification of information, and provide for institutional arrangements within the country for coordinating and implementing climate change response measures and financing.

Coming to institutional mechanisms, you will see that, as a country, we are making an effort to address climate change but the efforts are scattered. We need an institutionalised coordination to address climate change in the country in totality.

Of course, as we do that, we automatically domesticate whatever commitment we have in the United Nations Framework Convention on Climate Change (UNFCCC), the Paris Agreement and the Kyoto Protocol –

**THE SPEAKER**: Honourable member, what I am saying is that it seems we are just bringing the treaty exactly as it is because the way it is set – isn’t this the Kyoto Protocol?

How much can we do since we have already committed to this treaty? I was trying to get my lawyer to look at it to see - because if the whole Bill is the Kyoto Protocol - that is why you read about articles. It is a grey area but let us have your views. Thank you.

5.13

**MS CECILIA OGWAL (FDC, Woman Representative, Dokolo):** Thank you, Madam Speaker. The committee should have been more holistic in handling this matter because it is very broad. When you look at the objective for bringing the Bill, it is like we need a legal framework because we are experiencing disasters; rain and so much more.

However, the issue is bigger than that. The committee should have carried us through. Some of us have had the opportunity of attending quite a number of discussions and conferences on this subject and so, we tend to know more.

Madam Speaker, what would surprise you is the fact that whereas the chairperson has talked about financial resources, if you check with the various government departments, you will find there is a lot of money coming into the country under different projects but purportedly to deal with the climate change mitigations and adaptations.

We need to know where these projects are. Under which ministry are they being managed? We need to know this. We are now asking Government to put in money but we do not know how much money we are getting.

I am a strong supporter of climate change and I would like this Bill to be passed as soon as yesterday but I would like it to be presented in a broader way. When you talk of the Kyoto Protocol, it is like many of these charters that we sign with international organisations. We have to highlight areas that are very relevant to our country and we domesticate them. We need to make sure that we implement those areas that we have identified in order to make a meaningful change in our situation.

Whereas the Kyoto Protocol is there and other protocols have already been signed, which the chairperson should have highlighted – there was one signed in Cap. 21. We should have been able to highlight the areas where Uganda played a very critical role in that particular negotiation so that we know where we have come from, what we have achieved at the moment and where we are going, when we adopt this law. I thank you, Madam Speaker.

**THE SPEAKER**: The Attorney-General has denied us his services.

5.16

**MS VERONICA ISALA (NRM, Kaberamaido County, Kaberamaido):** Thank you, Madam Speaker. I would like to thank the committee for a very good report presented and the minister, for bringing this Bill.

My first intervention is exactly what you raised but maybe I can start with another. Where is the policy on the National Climate Change Bill? Is it in place? Or are we putting the cart before the horse? I would like the committee or the ministry to tell me where the policy is. I wish this law that I support is passed as soon as yesterday. We need to have a policy on this.

Secondly, we are basically domesticating the international agreements; the Kyoto Protocol, the Paris Agreement and the UNFCCC. When we do this, we have to be careful with the localisation of these protocols or agreements in our laws; the entrenchment to make sure what we are importing from those treaties are not just verbatim into our conditions but we choose what is good for Uganda. We have had domestications of some laws that have actually turned out to be stale.

Sometimes we make these laws because things are already bad. We have a chance, as Ugandans, to actually protect our environment. We should not wait until the environment is totally degraded and then we now say we are beginning to repair it; a case in point is the way we are cutting down all the trees, destroying the environment and burning charcoal.

The other one that we are waiting to happen is - we have already started drilling the oil and I see that we need to include in this law what we are going to do with the waste as we drill the oil. Thank you, Madam Speaker.

**THE SPEAKER:** I need the Attorney-General here because what I can see here is that we are incorporating the convention. The Bill is an entire convention. What can we do about a convention because we could have borrowed? Everywhere you see the Kyoto Convention, the Paris Agreement –

5.20

**MR SILAS AOGON (Independent, Kumi Municipality, Kumi):** Thank you, Madam Speaker. Let me thank the chairperson of the committee and the minister. I would like to start by applauding the colleague, hon. Eragu, for showing us that she is indeed a lawyer; not just a lawyer but a seasoned and senior one.

I was also about to start by questioning the approach we are taking. We are talking about protocols, international treaties, what we are trying to ratify and domesticate but what is the context?

I contend that our atmosphere is quite different. It is not that everything imported is good. Because of that, it is also very important that we test what we are trying to import against the provisions of our Constitution because you might get surprised to see that some of these issues are not constitutional in Uganda. I say so because there is need to follow our Constitution; domestication is good.

Madam Speaker, it now appears like if there were no international conventions or agreements and treaties, then Uganda would not have a law. Without those international laws, then we are empty.

Two, I agree with the committee on the issues of interpretation. When we have clarity in terms of definitions, then it is easy for those who use the law to enforce it.

This law must be able to create obligations, most especially for the state. If we are talking about climate change, who are the enforcers? I think since the state owes the money, it must have also played its roles.

We need strong offences to be created, if this law is to work without compromising the rights of the citizens of Uganda. The survival of the people is very much attached to the natural resources, and because of that, just importing this law without balancing and knowing what we need can easily harden the lives of Ugandans. As a result, we shall have a very big problem.

Offences must always move with penalties attached. We would love to see a very clear mechanism of enforcement. Otherwise, without a mechanism of enforcement, then there is no law; the law will be absent.

We are waiting to see, when we go to the committee stage, the details of what you have provided there. The minister of State for Water and Environment (Environment) knows this. Most of the issues we talk about here - even when this law comes, I do not know whether we shall implement them.

Honourable minister, one time, I asked you to check around on issues of degradation of a certain water point. You only went there, but up to today, no action has been taken. Climate change starts affecting us from those small points; at household level.

I am concerned that all that we are talking about may just be a ritual that we have a law, but a law, which will stay on the shelf without implementation. That will be a problem. However, it is our duty to do what we are supposed to do. Let us make the law. Those who are supposed to implement it should do the needful. Thank you, Madam Speaker.

**THE SPEAKER:** Honourable members, you see, my difficulty is that we are incorporating a treaty already signed. I had thought that we would draw our own Bill, but now – Let me read for you Article 8 of the Kyoto Convention. It says *“A secretariat is hereby established.*

*Functions of the secretariat shall be to make arrangements for sessions of the Conference of the Parties, and its subsidiary bodies established under the Convention and to provide them with services as required”.* I do have a problem with this, honourable members.

**MS NAMAYANJA:** Thank you, Madam Speaker. I thank the committee for this report. However, as you have rightly noted, we have a lot of gaps to guide climate change. The committee notes that there is no legal framework to guide climate change, which is why we need a law today.

Noting that all these protocols have been in place for all this time, I do not know why we have been having all these gaps unchecked.

Secondly, we note that human behaviour has impacted a lot on the environment. Whatever we have to do to guide human behaviour, we need the Government entities to plan and work together so that we avoid any disasters as we are experiencing right now.

The issue of enforcement should also be addressed in the law that is coming. However, I would like to find out from the committee chairperson which entity is going to coordinate all the other sectors in the implementation of the issues on climate change. These are cross cutting issues. As a result, all the sectors must be brought on board for proper coordination. I thank you.

**MR SSEWUNGU:** Members have failed to get what the Speaker is saying. The spirit of the Bill is okay but the drafting has a problem.

**THE SPEAKER:** I am a lawyer and I am telling you what I have read, as a lawyer. I see here the operation of a convention and meetings of the conference of state parties. This is what is in this Bill. It is not our business.

**MR SSEWUNGU:** That is what I am saying. I was praying that if you permitted, you would refer us back to the committee to correct those errors so that we move well.

**THE SPEAKER:** It is not an error. Where is our own Ugandan Bill? That is what I want to see. This is the convention of all the countries. I want to see our own Bill. How shall we work on settling disputes between countries?

**MR SSEWUNGU:** That means there is no Bill.

5.29

**THE MINISTER OF STATE FOR ENERGY AND MINERAL DEVELOPMENT (MINERALS):** Thank you, Madam Speaker. You have raised legal concerns about this Bill. Aware that the Attorney-General is not here, I do not know whether it is not prudent for you to request the Attorney-General to come and give – It is because a Bill cannot come here without clearance from the Attorney-General. There are concerns being raised by you.

May I request that we skip this Bill for now, and ask the Attorney-General to come and give guidance on it.

**THE SPEAKER:** Clerk, please record that we are unable to proceed for now with this Bill until we get the advice of the Attorney-General on the nature of the Bill, and its relationship to the Paris Agreement and the Kyoto Protocol. I also would like to see our own Bill, and not the treaty.

5.30

**MR PATRICK NSAMBA (NRM, Kassanda County North, Mubende):** Thank you, Madam Speaker. In addition to that, we need the Minister of Water and Environment to make a clarification to this House. We have just completed the National Environmental Bill, 2019, which we worked on rigorously here and passed it.

I would like to request the minister to come here and clarify specific clauses that need this law that cannot be carried in the Environmental Act, 2019. It is important she makes that clarification.

I have looked through this Bill and wondered why we did not carry the details in the Bill that we just completed. If the minister can allay our fears, then it is quite important for us to proceed on this one. Otherwise, if you look at the way this Bill was presented, it has 120 pages, but of those, just a few things were presented here. The rest are schedules of the other protocols.

Madam Speaker, according to the normal procedures here, even if you were to attach a schedule, we cannot attach a protocol. We attach the details of things that we need to implement the law. I will take the information -

**THE SPEAKER**: Honourable members, I do not know what we are discussing. I have already said that we defer the consideration of this one until we have a properly legal opinion on this Bill.

These are serious issues, it can’t be tomorrow. Honourable minister, did you want to say something?

5.32

**THE MINISTER FOR WATER AND ENVIRONMENT (ENVIRONMENT) (Ms Beatrice Anywar)**: Thank you, Madam Speaker. We do take your advice that the Attorney-General will come and beef up the legal perspective, but I want you to take note that this Bill is very important for our country.

The committee has tried to do their best; burnt candles over this, and I pray that we quickly beef it up and make this law to help us protect our environment. That cannot be underrated because there are already difficulties and loopholes in enforcing our undertaking for the environment.

Madam Speaker, you are our greatest ally and, therefore, we rely on your guidance. And expressly, if this Bill can come back and we make it into law; that will save our mother country.

Otherwise, colleagues, a lot is going on out there. If we do not have this enforcement arm in place, we shall have a big problem. I look forward to having this law come back quickly -I do not know how soon. You should have put time. I beg to pray.

**THE SPEAKER:** So, is today Tuesday? I ask the Attorney-General to come back to us on Tuesday next week. There are serious legal issues.

MOTION FOR A RESOLUTION OF PARLIAMENT TO AUTHORISE GOVERNMENT TO BORROW UP TO $90.0 MILLION FROM THE ISLAMIC DEVELOPMENT BANK (IDB) AND $15.0 MILLION FROM ARAB BANK FOR ECONOMIC DEVELOPMENT IN AFRICA (BADEA) TO SUPPORT DEVELOPMENT OF IRRIGATION SCHEMES IN UNYAMA, NAMALU AND SIPI REGIONS PROJECT.

**THE SPEAKER:** Honourable members, as you recall we received a report on this loan. Issues arose which required the minister to respond to, before we complete the matter.

5.35

**THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (WATER) (Mr Ronald Kibuule):** Thank you, Madam Speaker. Colleagues raised some questions and Madam Speaker ruled that we should come and give responses. I will be brief.

1. Meteorological stations in the country; where farmers suffer inaccurate information. This is very true because it has been happening. We undertook a study, which recommended two more in order to cover the whole country.

The Uganda National Meteorological Authority (UNMA) purchased equipment and we are going to install in Rwampara and Lira, to supplement the existing radar system in Entebbe. This will be fully operational and will strengthen the regional and local networks and offer real-time data which will cure the problem.

Additional to that, each irrigation scheme has been incorporated to have automatic meteorological stations; including one in Mobuku, Kasese District, Doho in Butaleja, Ngenge in Kween, Tochin in Oyam, Wedelai in Pakwach, as additional meteorological stations; that will offer national data to generate real time data.

Thirdly, under strengthening the Adaptive Capacity and Resilience of Communities project targeting the Bukedea watershed zone, 16 automatic weather stations shall be installed. The weather and climatic data generated will be used to improve irrigation water management and water use efficiency, in targeted areas.

So, Madam Speaker, that answers question No.1. If we have development capacity and install all the stations, we shall be on top of the game.

2. Low absorption of funds; it is true that our ministry like others suffer the same, and the question is about the low disbursement for the said projects approved by Parliament.

We are particular to say that the solar powered project has delayed, which is true. This is partly because of COVID-19; the contractors and the EXIM Bank of India have been slow in achieving our time frame, as required by the ministry.

The other question is land acquisition, we suffer problems when it comes to construction of these infrastructure; people tend to change when we put the tank at the final stage of the project, they inflate and give reasons and many are in court for the same.

The third reason are the court processes. There was a case in Kasese, where we had put channels and were nearing completion. A cultural leader refused the offer we gave him, saying that the money was not enough. We had to persuade him to accept what we had agreed to offer, for the project to go on. So, as a water sector, we always suffer these land acquisition problems and this partly causes our low absorption, in many cases.

The other side is that the Ministry of Finance has committed availability of required resources to achieve the desired project preparedness; in order to ensure satisfactory utilisation and absorption of funds, for all debt financed projects in the water and environmental sector.

Madam Speaker, the third one was about the implementation of agribusiness development. This was about mandate and it is shared under the irrigation policy; both Ministry of Water and Ministry of Agriculture.

Our part is about the infrastructure of the water system, but the agribusiness and agronomy extension is by Ministry of Agriculture; since the Minister of Agriculture is here, that is their part; it is a shared mandate. Ours is to have water to the farm.

Hon. Nsamba raised the issue about Mayirikiti Church Small Scale Irrigation; we are working on it. It is just an extension of four acres that they requested to be added, and we are going to install the tank. It was a result of COVID-19 pandemic interruption but before the financial year ends, hon. Nsamba, you will have the four-acre extension and the tank installed.

The last one was about the potential for water harvesting by Hon. Jane Avur. It is true. Honourable members, this should be a joint fight; we should encourage our people to harvest water.

In flooded areas like Kasese and Teso in particular, we are using damming through valley tanks as a solution. We have developed capacity of about 480 communal valley tanks, 1,077 individual valley tanks, 34 earth dams; all creating a storage capacity of 42.282 million cubic metres.

In the Teso area, we have decided to do a study this financial year to have at least six valley tanks, as a solution to mitigate the flooding that kills our people in Teso. We have, as a ministry, agreed to dam all this surface water as a strategy to store and use it for irrigation.

There was a question raised about training at a site by Hon. Jane Avur. She claimed that we are not doing agronomy and agribusiness training. Farmers and district staff have already benefitted from this. Hon. Ssempijja will give clearer information on the when and how.

The last question was about project management costs. It is true the project costs are significant. We have a total loan of $90 million. The budgeted cost for irrigation scheme development is about $79.1 million, which is about 87.89 per cent. Agribusiness development is about $3 million, which results into 33 per cent. Integrated Natural Resource Management is about $5 million, which is close to 5.56 per cent. Project management is at $2.9 million, which is 3.22 per cent.

The best practice for execution of projects requires that management costs should not exceed five per cent of total project costs. The management costs are partly required to undertake environmental and social audits, community awareness, raising engagement, capacity building and training, as recommended by the Committee on National Economy, in order to have sustainability and ownership of the project and also monitoring supervision and evaluation. These are the costs that Hon. Nsamba wanted to know about, as part of the loan management costs.

Madam Speaker, I beg to submit. Those were the questions raised. Thank you.

**THE SPEAKER:** Honourable minister, I do not know whether you answered my questions on the failure to absorb four loans:

1. The Integrated Water Management and Development Project, loan taken in December 2018. Only 3.2 per cent has been utilised.
2. Development of Solar Powered Irrigation and Water Supply System, loan taken in September 2019; no utilisation whatsoever.
3. Irrigation for Climate Resilience, loan taken in August 2020; no utilisation.
4. Supply and Installation of Solar-Powered Water Pumping Systems in Rural Areas, loan taken in October 2020; no implementation.

We want to know why you have failed to utilise this money and you are still taking more.

**MR KIBUULE:** Madam Speaker, I will answer case by case. I had used the recent one of India – the solar power one – as an example; that it is true we approved the loan. The contract was signed. Those people were in India and could not travel. We sent the contract; they have responded. They are mobilising but they had the COVID-19 problem during this period.

I can give an explanation on each, Madam Speaker. Let me first allow Hon. Ssempijja to answer this and then I come back and handle the four loans on a case by case basis. Thank you.

**MR PATRICK NSAMBA:** Madam Speaker, the minister, while responding to that, used one case to give us as a blanket response. It is good that he is bringing further information but we also want the interest status. Some of these loans lie unused while we are paying interest on them. It is quite important.

He also raised a matter to do with meteorology in the country. Somehow, he is giving us a promise that very soon, things are going to be okay with meteorology in the country – that they have established other stations.

Madam Speaker, before we approve this loan, we need your committee to prove that what the minister is saying is right; that we have those centres and they are either under construction or not.

However, in the Auditor-General’s report of 2019, while speaking about meteorology, he indicated that the biggest challenge with meteorology information is the machines and equipment we have are outdated and cannot give us reliable information. I expected the minister to respond in terms of how they are handling in equipping the UNMA, so that they can give us reliable information. However, he must prove to us that actually, those centres are under construction, just the way he is saying.

**MR KIBUULE:** Thank you, Madam Speaker. My brother, buying machinery for stations does not mean it will stay idle. It means we have to install it. This study was in 2013 by an American firm that technically recommended Rwampara and Lira as the two stations.

If Rwampara was picked, it was on technical basis. We have no interest to put Rwampara but we have one interest; to serve Uganda maximally. So, my brother, this is underway beyond doubt because the equipment is now available.

The second reason on the Nexus Green loan is that the Solicitor-General recommended some changes and amendments were made. That amendment – before the loan is – I think we do not pay interest. Let the finance ministry clarify on this because when the Solicitor-General recommended the amendment, it was the finance ministry which reengaged the other group. That is on the other loan of the development of solar powered irrigation and water supply system. The one on solar were two, Madam Speaker; the one of Nexus Green and the recent one of 2020.

On the Climate Resilience loan, it has commenced. It is Shs 3.2 billion and by December 2020 – Of course they could not move during COVID-19 pandemic. What you have been debating regarding curfew and total lockdown also affected their time. They have asked for extension and the ministry has accepted, in order for them to finish their works.

Madam Speaker, I would like Hon. Bahati to clarify on the new engagement of that amendment concerning the interest –

5.53

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, generally first and foremost, the issue of absorption to the capacity of different sectors have been a concern not only in this Parliament but everybody. We would like to appreciate the Committee on National Economy that came up with new regulations and rules and to say that things that were delaying the implementation and absorption capacity of the project should be improved.

One of them was that you cannot now pass a loan unless there is counterpart funding available. The second was the issue of land compensation, which we are still struggling with and also a number of other ideas that they came up with. Because of that, we have seen generally speaking, the absorption capacity improving from an average of 45 per cent to now 60 per cent over all. We continue to move.

However, on this specific project of water, there are two reasons I can see. First, if a loan has not been disbursed, we are not paying interest. Hon. Patrick Nsamba asked this, we do not pay interest on that if a loan has not been disbursed.

The second issue was of COVID-19 that disrupted some of the things; when we were negotiating and signing the documents, moving them up and down, scaling down on both sides for the lenders and ourselves. Like one of them, when we were about to sign the solar powered project, we had negotiated that we reduce the cost of the loan by taking on the owner’s engineer and because of that reduction, the Solicitor-General or the Attorney-General advised that we should come back to Parliament to amend the resolution.

We came and we would like to thank you, Madam Speaker, that you accepted us to amend this resolution. We have amended and signed it, now they should be able to start implementation by the end of this month. That is how we can state that particular one.

There are issues that we are handling internally as Government. If it is an issue of project management, we are now very strict. We want to use it as an indicator of performance on the accounting officer of the sector, so project management and issues of decision making have been a problem.

There is also another issue of procurement. We secure resources but to procure these services becomes a problem. Therefore, we came here with amendments and if we had finished a PPDA amendment, we would go a long way in terms of reducing the time interval we take to finish the procurement.

However, we would like to appreciate the concerns of members of Parliament and also to assure you, Madam Speaker, that we are doing our very best to make sure that we get 100 per cent absorption capacity. If we do not absorb, we are delaying the services to reach the people and yet that is the reason why we are approving this money. We are sorting out these issues. Uganda is not losing any coin in terms of unutilised loans, especially for the water sector. I thank you, Madam Speaker.

**THE SPEAKER:** We had set that debate already and we were waiting for answers from the two ministers.

5.55

**THE MINISTER OF AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES (Mr Vincent Ssempijja):** Thank you, Madam Speaker. First of all, I would like to inform the honourable members that it took 12 years for the Ministry of Water and Environment and the Minister of Agriculture, Animal Industry and Fisheries to agree on the irrigation policy.

It is very interesting but I just want this Parliament to congratulate the two ministers for having broken the barrier and we agreed on the irrigation policy for the sake of our country. We are implementing this policy together and we are moving ahead. Once you look at the graph of water for irrigation, the graph is going up.

Madam Speaker, majorly, the Minister of Water, in terms of irrigation schemes and in terms of water for irrigation and production, majorly the policy says that the Ministry of Water should handle what we call off-farm water; that is bulk water pumping to the sites and then the Ministry of Agriculture uses it to irrigate the crops.

However, in practice, Madam Speaker, you may not break - that is why we work together - you may not entirely say it depends on the geography of the area. For example, if it is an irrigation scheme like Mobuku and Doho, the Ministry of Water will do all the trenching and then after that they will hand it over to the Ministry of Agriculture to use the water in the trenches to grow the crops. Of course, our agricultural engineers, water engineers, irrigation engineers and agronomists will work together to make sure that we control how much water is used for the crops and so on. Therefore, sometimes there is kind of interaction and working together but we agreed to do that so that we move ahead.

All these irrigation schemes will be productive because of this new policy where we are working together. There is no problem with coordination and working together. Sometimes that is why you see that we talk about small irrigation schemes under the Ministry of Agriculture; it is only interpreting off farm and on farm. However, as ministries we know where we meet and where we do things together.

Thank you, Madam Speaker. I just wanted to assure the members that what we are doing now is already pushing our country to better levels - by the time of the policy, we were at around 0.5 water for production usage in this country. Now we have moved up to six per cent and higher.

Therefore, at that rate, we are going to make sure that everybody - we have started working with individuals and crop and animal farmers. Like this loan is designed to train farmers, we are very sure that our people will also adapt to the new science of using water for irrigation. Thank you, Madam Speaker.

**THE SPEAKER:** Had Hon. Kibuule completed his part? Did you complete your part? Okay, because we now need to take a vote.

6.58

**MR SILAS AOGON (Independent, Kumi Municipality, Kumi):** Hon. Bahati said that if a loan has not been disbursed, it does not earn interest. We would like to categorically know, which one of the first loans has not yet been disbursed. The issue of interest is a very big issue.

Right now, as we speak as Uganda, I am aware that our debt burden is almost hitting the bar. Yesterday, I was reading in one of the newspapers that the country is struggling to repay loans and you are denying the normal budget breathing space. We are now seeing a level where Government is trying to create taxes, which are irrelevant because of this kind of thing.

How can we go ahead to approve such a loan when five loans have stayed idle? They are not moving. Shall we be called a House if we continue like that?

6.00

**The Minister of State for Finance, Planning and Economic Development (Planning) (Mr David Bahati):** Madam Speaker, it is probably because the Tenth Parliament is remaining with a few days. However, as you recall, we bring the performance of the loans and grants report to this House every quarter. I think we should be giving it time for discussion because all the details are in this report.

Also to note that while we are on that trend of the acquisition of loans, almost 70 per cent of our overall budget is in development. You will recall that 10 or 15 years ago, it was the opposite; the biggest portion of our budget was on recurrent expenditure. We are borrowing this money to offer services to the people of Uganda. If we had domestic resources, we would not be going to borrow money.

Therefore, in the next five, six or seven years, we will feel the pinch but not after that because 85 per cent of these loan portfolio is on infrastructure; water, roads among others. We are not going to be doing these projects every year. Once we put them in place, subsequently we will be reducing the loan burden.

Eighty-five per cent of the loans we are acquiring are for water, roads, schools and health centres. That is why we are borrowing the money and we need these services. We are saying that we should not overburden the people of Uganda through taxation.

You cannot say, get more services but do not tax or borrow. It does not work. The issue is balancing it but also ensuring that when we borrow, we should implement and do so with speed. That is the overall responsibility of all of us, including the sessional committees.

When you are considering sectoral policy statements, let us make sure that these accounting officers are put to task and we implement. When we mobilise these resources, let us utilise them to offer services that they deserve to the people of Uganda.

Water is life; I request that we consider this loan and give it the support that it deserves. Thank you.

**The Speaker:** Honourable minister, when do you intend to table your final state of indebtedness of this country in this Parliament?

**Mr bahati:** Madam Speaker, we laid a report but if you so wish, before next week, we can update the House on the issue of the debt.

**The Speaker:** I think it is important to update the country.

**Mr bahati:** Madam Speaker, I can assure you that if you compare us with the rest in the region, Uganda is still sustainable. Kenya is almost closing to 70 per cent but we are still close to 50 per cent. We have to get money to implement the projects for the people of Uganda. All of us are promising them some of these projects so we must implement them.

**The Speaker:** Honourable members, I put the question that the question now be put.

*(Question put and agreed to.)*

**The Speaker:** I now put the question that this House do approve the request to borrow US$ 90 million from the Islamic Development Bank (IDB) and US$ 15 million from the Arab Bank for Economic Development in Africa (BADEA) to support development of irrigation schemes in Unyama, Namalu and Sipi regions project and 96 small scale schemes.

*(Question put and agreed to.)*

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE ON PUBLIC ACCOUNTS (LOCAL GOVERNMENT) ON THE AUDITOR-GENERAL’S REPORTS FOR THE FINANCIAL YEAR 2017/2018 (ON 122 DISTRICT LOCAL GOVERNMENTS; 42 MUNICIPAL COUNCILS; 1,042 SUB-COUNTIES AND 355 SECONDARY SCHOOLS AND TERTIARY INSTITUTIONS)

**The Speaker:** We had wanted better participation because of the importance of that report; I do not know whether there is an improvement to allow us to start debate on it. I think we should postpone it to tomorrow and make sure that we start early.

**Mr olanya:** Thank you, Madam Speaker. I also request that you can direct the Minister of Local Government to be present tomorrow. The matters that are in this document are very crucial; they should be brought to his attention.

**The Speaker:** You have raised an important point; the Minister of Local Government should be here because many of these accounts relate to the local governments. There are health centres, schools etc. The other ministers should also be here. This is very important for the country.

MOTION FOR RECONSIDERATION OF THE PUBLIC PROCUREMENT AND DISPOSAL OF ASSETS (AMENDMENT) BILL, 2020 AS RETURNED BY H.E THE PRESIDENT IN ACCORDANCE WITH ARTICLE 91(3)(B) OF THE CONSTITUTION AND RULE 142 OF THE RULES OF PROCEDURE

6.09

**The chairperson, committee on Finance, Planning and Economic Development (Mr Henry Musasizi):** Thank you, Madam Speaker. The Public Procurement and Disposal of Assets (Amendment) Bill, 2020 was returned by His Excellency the President on 13 July 2020 in accordance with Article 91 of the Constitution of the Republic of Uganda.

The Bill was tabled in the House on 14 July 2020 and consequently referred to the Committee on Finance, Planning and Economic Development for re-consideration and report to the House.

His Excellency the President returned to Parliament for reconsideration:

1. Clause 3 (amending Section [3] of the principal Act),
2. Inserted Clause 5 (amending Section 5 (1) of the principal Act),
3. Clause 6 of the Bill (amending Section 8(1)(b)),
4. Clause 22 (2) (c) and 2 (d) of the Bill;
5. Clause 35 (Repealing Section 88(L) of the Principal Act),
6. Clause 36 of the Bill, (amending Section 89 of the principal Act),
7. Clause 37 of the Bill (amending Section 90 of the principal Act),
8. Inserted Clause 35 (amending Section 91(b) of the principal Act),
9. Inserted Clause 37 (inserting a new Section 91(c)(a) to the principal Act,
10. Clause 39 of the Bill (amending Section 91(I) of the principal Act),
11. Clause 41 of the Bil1, (repealing Section 91L of the principal Act),
12. Clause 42 amending Section 91M of the principal Act,
13. Clause 45, amending Section 94 of the principal Act,
14. Clause 46, amending Section 95 of the principal Act,
15. Clause 51, on miscellaneous amendments,
16. Clause 52 and the inserted clause 55.

Madam Speaker, the committee considered the returned Bill and made the following observations:

Clause 3 of the principal Act redefined the “authority” as the Public Procurement and Disposal of Assets Authority. H.E the President guided that renaming of the PPDA authority to be Public Procurement Regulatory Authority without providing for the transfer of liabilities and obligations of the PPDA authority to the Public Procurement Regulatory Authority will cause a lacuna in the 1aw. The contracts of employment and the contracts entered into with service providers, the pending court cases and all other contractual obligations should have been transferred to the regulatory authority to avoid any uncertainties hence the deletion of the term “Authority.”

Clause 5 sought to replace Section 5(1) of the Principal Act which established the PPDA Authority. However, the provision did not present the Public Procurement Regulatory Authority as a successor to the PPDA Authority, and established the Regulatory Authority without providing for the transfer of liabilities and obligations of the PPDA Authority to the Regulatory Authority. According to the Amendment Act, 2020 the PPDA Authority currently in existence will cease to exist when the Amendment Act commences. This meant that all contracts, agreements, charges and obligations entered into or which bound the PPDA Authority including employment contracts and retirement benefits of the staff would be affected.

The Amendment by replacing “the PPDA Authority” with “Regulatory Authority” without providing for succession of obligations of the PPDA or a transfer of its contracts and agreements would annul all actions of the PPDA and cause a lacuna in the PPDA Act hence deletion of the entire provision.

Clause 6 of the Bill, amending Section 8(1)(b) by giving powers to the authority to investigate procurement and disposal proceedings. However, 'proceedings' are reviews by the tribunal and furthermore the Act defines “procurement processes” and “disposal processes.”

In the Bi11, the provision was limited to exercise of functions under Section 7(j) and did not apply to the other functions of the authority in Section 7.

According to the provision, the parties who may make complaints to the authority include the procuring and disposing entities whereas the complaints to the authority are against procuring and disposal entities.

The parties who may make complaints to the authority also include bidders and contractors. This is contrary to parts VII and VIIA of the Act, which indicate how these may make complaints.

The provision excludes complaints that are under administrative review but does not exclude complaints before the tribunal.

The provision omitted the c1ause in the Bill that had repealed Section 8(1)(e).

Clause 22(2c) and (2d) of the Bill sought to amend Section 58(2c) and (2d) of the principal Act, which provides for guidelines to be made for the procurement of aggregated requirements. The provisions are silent on who is mandated to make the guidelines. In the Bi11, the power to make the guidelines had been removed from the authority and given to the minister in Clause 48 of the Bill. The proposal was, however, dropped by Parliament and returned to the authority.

However, for aggregated procurements and multi-year procurements in Section 58, the Public Finance Management Act has to be applied because of the financial and budgetary implications of aggregated procurements and multi-year procurements.

Clause 35 of the Bill sought to repeal Section 88L of the principal Act. Whereas Section 88L of the PPDA Act, 2003 was amended by the Public Private Partnership Act, the arrangements that involved the private sector resources e.g. Build Operate and Own (BOO), Build Operate and Transfer (BOT), Build Operate Own and Transfer (BOOT) and the PPP in Section 88L were all removed from the PPDA Act and transferred to the Public Private Partnership Act rendering the provision in the PPDA Act redundant.

Clause 36 of the Bill sought to amend Section 89 of the principal Act but subclauses (7) and (8) are not clear on what the ten-day period in both cases applies to; and subclause (11) the conjunction "and" is misleading and should be changed to “or.”

Clause 37 of the Bill sought to repeal Sections 90 and 91 of the principal Act. However, the Amendment Act only repealed Section 91. The provisions of Section 90 of the Act are similar to the provisions of clause 33 of the Amendment Bill (which amends Section 89 of the principal Act). Therefore, Section 90, as retained in the Bill, is redundant and may in some cases contradict Section 89.

Clause 35 sought to amend Section 91B (3) of the principal Act to include the membership of the tribunal "any other relevant profession." However, since the tribunal hears complaints on all procurement and disposal processes and the appointment is permanent for a period of four years and not on a case by case basis, determining "a relevant profession" may not be possible.

The Amendment Bill inserted a new paragraph (3a) which requires a-third of the members to be women, which is ambiguous.

Clause 37 sought to insert a new Section 91CA. This Section lists the functions of the tribunal. The functions in (a), (b) and (d) are stated in Section 89 as part of the procedure of hearing applications by the tribunal.

Part VIIA of the Act provides the functions of the tribunal as the process to be adopted by the tribunal in hearing applications for example Section 89(8) and in Section 91I(1) spelling out the functions of the tribunal as such limits the tribunal on what it can or cannot do, for example, for the issues that are not spelled out as functions in the Act, taking an example of section 89(9).

In all cases, all tribunals are established to hear applications and hearing applications includes the processes which involve calling witnesses, examining documents and writing decisions which may be considered as functions. The tribunal has the inherent power to determine whether a matter that is before it qualifies to be handled by the tribunal and where a matter qualifies, the tribunal uses its powers to determine how to handle the matter.

Paragraph (a) refers to an "administrative review”. However, the tribunal does not hear applications for administrative review as this is a function of the accounting officer.

Clause 39 of the Bill sought to amend Section 91I(1) to allow persons to file applications under Section 89(2). However, Section 89(2) is a continuation of Section 89(1) and under it, a person who is aggrieved uses the procedure in Section 89(3) and (4) and only resorts to the tribunal where an accounting officer has failed, hence warranting an amendment.

Furthermore, Section 91I (1) only allows bidders who are aggrieved to make applications to the tribunal and does not include other persons who may be aggrieved by a decision of the accounting officer as indicated in Section 89(9).

Section 91I (1) should be amended to include persons other than bidders to make applications to the tribunal and to allow a bidder who believes that an accounting officer has a conflict of interest in a particular matter.

Sub-clause (2) is not clear and should be recast.

Sub-clause (3) omitted the proposal in Clause 41 of the Bill, and as a result, repealed some provisions in Section 91L of the principal Act.

Sub clause (4) requires the registrar of the tribunal to ask the accounting officer to suspend procurement and disposal proceedings until the application for review is completed. The subsection refers to "proceeding" instead of "process". But more importantly, the provision contradicts Section 89(5) and (11)(a). The provision may be interpreted to mean that the suspension is lifted when the accounting officer makes a decision and that the suspension may only resume when the registrar communicates to the accounting officer, which is not the intention of the Act and which may cause an interruption in the suspension process.

The intention is to ensure that the suspension is not interrupted from Section 89(5) until the process is completed in Section 89(11). Sub-clause 5 (a) is in conflict with other provisions in the Act on the suspension of procurement or disposal processes. Sub-clause 5(b) is a final decision of the tribunal and not an interim provision. The final provisions are provided for in subclause (6).

Sub-clause (6) has, with modifications, merged Section 91I(5) and (6) of the principal Act. In so doing, the powers of the tribunal, in Section 91I(5), would have been equated to the options available to the tribunal when making decisions which are in 91I(6).

Furthermore, the provisions of subclauses (6) (a) and (b) are distinguishable from the provisions of subclause (6)(c) to (j). Sub clause (6)(a) and (b) are the action the tribunal may take after consideration of an application.

On the other hand, subclauses (6)(c) to (j) are on the types of decisions the tribunal may make to vary or set aside a decision of the accounting officer. Furthermore, paragraphs (c) and (e) are similar. Paragraphs (d), (f) and (h) are also similar. Paragraph (j) recommends for disciplinary action against the accounting officer whereas the accounting officer is not a party to the proceedings before the tribunal.

Subclause (8) lists the persons who may be parties to the proceedings before the tribunal. However, Clause 39 amending Section 91I(1) clearly spells out who makes the application and against whom the application may be made.

Clause 41 of the Bill sought to repeal Section 91L of the principal Act. The Act had repealed Section 91L whereas the Bill has amended the section. The amendment Bill has repealed reference to prescribed form in sub-section (a) and repealed sub-section (b) which provisions are required.

Clause 42 of the Bill makes reference to Section 91I(4). However, suspension of the processes is under Section 91L(4) and not 91I(4).

Clause 45 sought to amend section 94 of the principal Act. The amendment allows a suspended provider to appeal the decision of the authority to the tribunal. However, a review of section 94 indicates that the suspension by the PPDA is in most cases based on decisions by other bodies, for example, paragraphs (b), (c) and (f) of section 94 of the principal Act, and that the authority does not act independently. And in paragraph (d), a provider is suspended if the provider is convicted by a court of law which court ranks higher than the tribunal.

Since the High Court has unlimited jurisdiction over all matters, a suspended provider has a right to petition the High Court. Furthermore, section 94 of the principal Act should be read with Section 95(1c), (1d), (1e) (1f) and (1g), and allowing the tribunal to hear matters of suspension may render Section 95(1c), (1d), (1e) and (1g) redundant.

Clause 46 sought to amend Section 95 of the principal Act. Paragraph (f) uses the phrase "without justifiable cause", which is subjective and makes reference to prescribed time for awarding contracts whereas there is no time period prescribed within which contracts should be awarded. Paragraph (g) uses the phrase "without justifiable cause" which is subjective. Paragraph (h) makes reference to "public assets" which term is defined, but the provision omits "public funds" which may be more relevant to procurement processes.

The provision should cater for public funds.

Paragraph (i) makes it an offence to contravene recommendations of the authority, however the recommendations are not binding. Section 9(1), (b), (2), (3) and (4) of the PPDA Act 2003, indicates how recommendations of the authority are to be dealt with.

xiv. In clause 52, the miscellaneous amendment to substitute “authority” with the “accounting officer” was omitted and, therefore, it should be reinstated.

xv. Clause 53(3) inserts a transitional provision to preserve the contract of the executive director in office at the commencement of the Act. The provision is however not definite but deems a transfer of contract of employment and mentions similar or better terms, whereas the amendment was with respect to only the duration of the contract and not terms of service.

The provision should be amended to revise the tenure of the executive director to five years, and provide for renewal of contract but without mention of the other terms of the contract, which were not amended by Section 12 of the amended Act.

xvi. The inserted clause 55 may be interpreted to mean that there are two distinct bodies; i.e., the supply chain and the Institute of Procurement Professionals of Uganda. Whereas, it is only the Institute of Procurement Professionals of Uganda that is currently in existence. Furthermore, the schedule at which the provision is to be inserted was repealed by Section 52 of the amended Bill.

With these observations, the committee recommends that:

1. The returned clauses of the Public Procurement and Disposal of Assets (Amendment) Bill, 2020 be passed by the House.
2. The Public Procurement Disposal of Assets Amendment Bill, 2020 be passed by the House. I beg to move.

Madam Speaker, I would like to lay on the Table the minutes of the committee that we generated in the process of reconsidering the Bill, together with other materials we received from the stakeholders. I beg to move.

**THE SPEAKER:** Thank you very much, honourable chairperson, and the members of the Committee on Finance, Planning and Economic Development for the elaborate work done. The amendments looked few but the report has gone into great detail. We need to study them and start the debate in order to be able to move to the committee stage, when we are still fresh in our minds. I am, therefore, proposing that we defer debate to tomorrow so that members can go and study all these changes so that when we start-

**MR AOGON:** Thank you, Madam Speaker. This Bill is very important and you might be aware that most Members have been busy in committees because of ministerial policy statements. I, therefore, beg that we skip tomorrow and then we bring it the next day so that tomorrow, we critically look at this returned Bill.

You have the issues of delayed absorption of monies, which are got through loans and partly these issues are arising because of the PPDA Act. We therefore need to accord it enough time. Let members understand it properly and then we come back on Thursday, when we are properly hinged to it and we do it justice. Thank you.

**MR MUSASIZI:** Thank you, Madam Speaker. I do take cognisance of the concern raised by the honourable colleague from Kumi Municipality. However, it is also important to appreciate how busy this season is.

I was about to notify you that considering the timelines you gave us, we should be ready to start processing the tax Bills on Thursday. I am wondering in the circumstances whether the timeframe will allow us to consider Bills of this nature and the tax Bills because they are quite many; we have 11 of them and they will start coming on Thursday.

I pray that members internalise this report overnight and tomorrow we get it out of the way, so that I am able to put my mind on the tax Bills.

**THE SPEAKER:** Honourable members, if we take too many days before we debate, we shall lose the trend of the report. We shall end up getting summaries. Please, let us try to look through it tonight and use tomorrow to complete.

As the chairperson said, when I saw the list of Bills I sent to him last week, I felt sorry for him and the other members of the committee. They have done the policy statements. Altogether, I do not have too much time anymore.

Let us try to work as quickly as possible and see how far we can go before the Fifth Session of the Tenth Parliament ends. House is adjourned to tomorrow at 2.00 p.m. Members just go and look at the Bill.

*(The House rose at 6.38 p.m. and adjourned until* *Wednesday, 14 April 2021 at 2.00 p.m.)*