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**Tuesday, 29 January 2019**

*Parliament met at 2.34 p.m. in Parliament House, Kampala.*

PRAYERS

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

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE SPEAKER**: Honourable members, I welcome you to this afternoon’s sitting. Today we have a bit of bad news from different parts of the country. The honourable Dr Herbert Lwanga, former Member of Parliament for Bukoto South in the Seventh Parliament, passed on. He was the chairperson of the Committee on Social Services in the Seventh Parliament. He was laid to rest on Sunday at his home in Kyotera.

There was also a famous veteran singer and dancer, Mr Suisseman Ngoy, who passed on. I think many Ugandans remember him for introducing and popularizing Zaire contemporary dances in Kampala in the 1960s and 1970s. You have also heard of the death of a Ugandan cardiologist working in Malawi, Dr Francis Kamwenge.

On behalf of Parliament, I want to extend our sympathies to the bereaved families and invite you to stand for a minute of silence in their honour.

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

**THE SPEAKER:** Honourable members, on another note, I would like to congratulate the Orthodox Church for their spiritual growth in the country. On 27 January 2019, they formed the new Orthodox dioceses of Gulu and Eastern Uganda with Mr Silvestros Kisitu as the new Bishop. I am told the ceremony was very colourful. I know that hon. Ssekikubo must have attended. We congratulate them. Bishop Kisitu was elected and appointed in Egypt last December. We congratulate him and wish him well in his ministry.

Honourable members, today I received a delegation from the Women Mathematics Association - women lecturers of mathematics and science from different universities. They have formed an association to encourage Ugandan boys and girls to love, appreciate and enjoy mathematics. They will be conducting mathematical parties, twining good performing schools with poorer performing schools; they will also hold career talks on the importance of science and mathematics, among other activities.

In April, they will be having a marathon run. Honourable members, if you are invited, please attend. Of course, you know that in the previous Primary Leaving Examinations (PLE), the performance of mathematics was poor. So, let us support the Women Mathematics Association so that they popularize the subject. Thank you.

Honourable members, there were few matters of national concern.

2.48

**MS OLIVER KATWESIGYE (Independent, Woman Representative, Buhweju):** Thank you, Madam Speaker. I rise on a matter of national importance.

There has been an outbreak of rabies in three districts in the west - Buhweju, Rubirizi and Ntungamo. These districts are near Karinju Forest and it is believed that dogs get the virus from the forest. So far, four people have died. We have managed to contact the ministries responsible - Ministry of Agriculture, Animal Industry and Fisheries and the Ministry of Health. They have confirmed to us that there is no vaccine in the whole of Uganda to vaccinate people against rabies.

This is a very serious problem, Madam Speaker. Our children and women no longer go outside and now that children are about to start school, it is going to be a very serious problem. I pray that Government takes immediate action because this is a serious matter. These dogs have become mad and they are running up and down. Anytime, people are going to face more challenges. Thank you.

**THE SPEAKER:** Where does this matter fall? Is it under the Ministry of Tourism, Wildlife and Antiquities? Who is in charge of the rabid dogs? Is it the Ministry of Agriculture, Animal Industry and Fisheries?

Can we ask the Ministry of Health to come and advise us quickly on this issue; first, advise us on the absence of the vaccine but also the management of rabid dogs. Ministry of Agriculture, Animal Industry and Fisheries, handle the outbreak of rabies and the animals and give us an update by Thursday because this is urgent.

2.51

**MS FLORENCE NAMBOZO (NRM, Woman Representative, Sironko):** Thank you, Madam Speaker. I rise on a matter of national importance.

The Namagumba-Budadiri-Nalugugu Road has been a presidential pledge since 2001. This road feeds the whole of the Elgon region including the neighbouring countries of South Sudan and Kenya and most of the eastern region.

Madam Speaker, this road has been talked about so many times. You have even supported us by writing letters to the President. He also visited when we lost our people after a landslide in Masaba in November 2017. He assured the people of Sironko that there was money available for this road. As I speak, the people of Sironko are confused because the rains are about to come yet our terrain is not very interesting.

I pray that the Ministry of Works and the Ministry of Finance work in tandem to ensure that the tarmacking of our road commences as soon as possible because the President said the money was available. Thank you.

**THE SPEAKER:** Honourable members, I just want to confirm that when I was in Sironko, people told me they had many problems but what they wanted me to handle was the issue of the road. Hon. Katumba, why haven’t you done the road to Namagumba-Mutufu-Budadiri?

2.53

**THE MINISTER OF STATE FOR WORKS AND TRANSPORT (WORKS) (Gen. Katumba Wamala):** Thank you, Madam Speaker. Even during the NRM celebrations recently, that road came up among the roads, which will need to be done, and the President promised that it is among the roads that have been prioritized.

The Ministry of Finance, Planning and Economic Development has already applied for finances. The road will be done because it is among the roads that are coming up. However, as we have said before on this Floor, we want to finish a number of projects before we pick on new projects; otherwise, we are going to be spreading everywhere. There are a number for projects, which are going to be exiting the Public Investment Plan (PIP) and when they exit, then we shall take on new projects, and this is one of them.

**THE SPEAKER:** Do you have a timeframe? I think what they want to know is when it will happen? The “we are going to do it” has been heard now they want to hear the “when” as well.

**GEN. KATUMBA WAMALA:** Madam Speaker, I do not have full information right now but I will come back and give the timeframe within which it will start.

2.54

**MR THEODORE SSEKIKUBO (NRM, Lwemiyaga County, Ssembabule):** Thank you very much, Madam Speaker. I rise on a matter of public importance.

Over the weekend, we read an article in the media regarding the Minister of Justice and Constitutional Affairs, Maj. Gen. (Rtd) Kahinda Otafiire. He told the press, “We are not in a hurry to conduct electoral reforms.” He also said that if there are any, he has all the time to do it when he wishes at an appropriate.

Ordinarily, I would not have raised this matter, but in your Chair you issued a directive to the same minister to come before this House and address Parliament. I was surprised that the honourable minister chose his home upcountry, far away, to make such a statement yet there is this entire Parliament, this Floor and this microphone, where he would have made his views known so that we can respond to them.

I have carried the *Hansard* of Tuesday, 11 August 2015, where we undertook constitutional amendments. Indeed, there were a lot of issues that emanated particularly from the minority report, which was so voluminous that it even doubled the main report. Parliament, in its wisdom, agreed to shelve debate on the matters after collection of views from the public. If I might be permitted, the then Attorney-General, hon. Fred Ruhindi, had this to say: “Mr Speaker, I am reliably informed…” *–(Interruption)*

**THE GOVERNMENT CHIEF WHIP (Ms Ruth Nankabirwa):** Madam Speaker and the august House, for the past three weeks, you have been tasking Government to bring a statement regarding what hon. Ssekikubo is talking about. Last week, I stood here and pleaded that Government brings the statement today. When I look at today’s Order Paper, item No. 4 is about the statement of the minister on the status of preparedness by Government to table electoral reforms before Parliament. This is today’s Order Paper.

Hon. Ssekikubo is using this provision of raising matters of national importance for matters which are about to be handled. Are we proceeding well, Madam Speaker?

**THE SPEAKER:** Honourable members, I am aware that this matter is on the Order Paper. However, hon. Ssekikubo wants the House to know whether it is true that hon. Otafiire sat in his home and said, “We are not in a hurry”. The other matter is on the Order Paper but we want to know if he made that statement.

**MR SSEKIKUBO:** Thank you, Madam Speaker, for your wise guidance. I also thank hon. Ruth Nankabirwa for her input. I wish she had put her mind to what is being said on the Floor of Parliament, she would have made an appropriate interjection.

Madam Speaker, for the minister to sit at his home and address the media, which in a way is destroying the integrity and the decorum of this House, is quite unacceptable not only to me but to every member of this House. For us to see it and we keep quiet, Madam Speaker, is unacceptable.

This is a forum for all Members and the minister was particularly directed to come and report to the House - not only make a statement but to talk about the said reforms as well. We have an undertaking here on the record of this House; Government undertook to bring reforms. Therefore, we do not want any further statement but we want the real reforms introduced on the Floor of this House.

The honourable minister should have it in mind that he belongs to this House and he cannot be seen to belittle Parliament by telling off whoever is interested in the reforms to wait a little longer. As long as I am still a member of this House, an assault on the dignity of this House will not go unchallenged, Madam Speaker. I thank you so much.

**THE SPEAKER:** Honourable minister, we would like to know whether it is true that you told me off. It is said that you said, “Tell the Speaker that I am not in a hurry.”Is it true that you said that? There is a command of the Supreme Court, which has not been answered. The request of this House has also not been answered. Let us know whether you said it, hon. Otafiire.

3.00

**THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS (Maj. Gen. (Rtd) Kahinda otafiire):** Thank you, Madam Speaker and hon. Ssekikubo. Whereas we represent the people of Uganda in this Parliament, we are not trustees of their souls. I am cognisant of the responsibilities placed on my shoulders to deliver laws that will ensure good governance in this country.

When I said that I was not in a hurry, it was in response to a question that indicated that I ought to jump the gun and do things I am not supposed to do. I recall I said that I am duty bound to consult the stakeholders of this country, who are the citizens, and I shall do so by constituting a constitutional review commission, which will bring the ideas and views of the citizens of this country to form the nexus for the requisite electoral law reforms.

Like I have stated in my report today before Parliament, I do not have any intentions of discrediting your capacity and judgement and the concern you have for this country in asking me to work hard to make sure I bring these electoral reforms; I trust your judgement. So, nobody should impute, including hon. Ssekikubo, that I take liberty to sit at my house and reply arrogantly to the dictates of the honourable Speaker of this House, which Speaker I hold in very high esteem; mark you, very high esteem *– (Laughter) –* or that I am disrespectful of this august House, which is the choice of the people of Uganda; that me, Otafiire, I am superior to the people of Uganda!  *(Laughter)*

**MR KASSIANO:** Thank you, Madam Speaker. I wish to thank Maj. Gen. (Rtd) Otafiire for allowing me to seek clarification from him. I am sure and aware of the fact that the Electoral Commission is under his docket of responsibility. The Electoral Commission has gone ahead and issued a road map for the 2021 general elections. Even his own party, the NRM, has also gone ahead to issue a road map for the elections of 2021.

I would not want to use the word “dilly dallying”, but if you still do not have every aspect in your hands to bring the necessary reforms to this Parliament for debate and enactment yet it was one of the conditions put forward by the Supreme Court of this country, let alone other actors in the political arena, when will you now come? Now that other agencies have run ahead of you, do you have a plan to put in place a commission of inquiry, as it were, to look into the constitutional matters and ensure all the relevant laws rhyme with these other two road maps, which have already been laid? When will you come? Thank you.

**MAJ. GEN. (RTD) OTAFIIRE**: With your permission, Madam Speaker, I am very grateful to hon. Kassiano Wadri. That is why those are agencies of Government and the party and I am Minister of Justice and Constitutional Affairs. We have different roles we play. (*Laughter*) I am not going to stampede the House into unresearched, unqualified issues, where there is no democratic participation of the people of Uganda. I am going to work according to my pace and capacity and the capacity of the people of Uganda so that we do things correctly.

**THE SPEAKER**: Honourable minister, please, separate the constitutional review process from the electoral laws - Honourable minister, I am talking to you. There were directives of the Supreme Court that should have been handled in two years, so, separate the two. The review is your business; the electoral laws are our business.

Honourable members, in the public gallery, we have a group of constituents from Bugiri. They are on this side. They are represented by hon. Asuman Basalirwa, hon. Gaster Mugoya, hon. Solomon Silwany and hon. Agnes Wejuli. You are welcome. *(Applause)*

We also have the Guild Executive Committee of the Uganda Institute of Information and Communications Technology in Nakawa. They are represented by hon. Michael Kabaziguruka and hon. Nabilah Naggayi. There they are. You are welcome. *(Applause)*

We also have a delegation from Lusanja, Wakiso District, represented by hon. Abdulatif Sebaggala and hon. Rosemary Seninde. They are here; you are welcome. (*Applause*)

3.06

**THE LEADER OF THE OPPOSITION (Ms Betty Aol):** Thank you, Madam Speaker. I rise on the issue of electoral reforms.

As the Opposition, we already have our position. We request that if not today, then tomorrow we should have our shadow Attorney-General present on this Floor of Parliament the position of the Opposition. If Government fails to help us, they can adopt our position. (*Laughter*)

**THE SPEAKER:** Let us wait for your proposals. When you are ready, let me know.

3.07

**MS CAROLINE KAMUSIIME (NRM, Woman Representative, Rukiga):** Thank you, Madam Speaker. I rise on a matter of national importance.

Since it is a new district, Rukiga District has a lot of challenges with roads, especially the Uganda National Roads Authority (UNRA) roads. In Rukiga, we do not have any tarmac road. Last year, UNRA contracted a company, which startedworking, and we expectedthem to use murram but they ended up using red soil and the population complained.

Yes, I appreciate that some work is still ongoing, but in 2006, the President pledged to tarmac Muhanga-Kisiizi Road that connects to Rukungiri, and Kamwezi Road that connects Rwanda and Uganda. However, since 2006, we have not seen anything. Since we are a new district, let me take this opportunity to ask the Government when are they going to work on the Muhanga and Kisiizi roads? Thank you very much for the opportunity.

**THE SPEAKER:** Ministry of Works and Transport, can you come back to us on Thursday? Thank you.

3.09

**MR FRED TURYAMUHWEZA (FDC, Rujumbura County, Rukungiri):** Thank you, Madam Speaker. I rise on a matter of national importance regarding interference in the service delivery to our district by a Government official in the position of Resident District Commissioner (RDC). Last week, on Friday, we held our routine district roads committee meeting. That same afternoon, the RDC called and threatened me, saying that I was not inviting him for the meeting and that I was hiding something because I am an Opposition Member of Parliament.

When I checked the statute, the Uganda Road Fund Act, 2008, I discovered that RDCs are not members of district road committees. However, he went ahead and told me that as long as we continue developing programmes and he is not invited, – he is Dan Kaguta - in the name of the President, he will block the funding to the district roads. This is an attack on the rights of our people in the district. When such rights are attacked, we come to Parliament to seek for protection.

Madam Speaker, my prayers are that Government assures the people of Rukungiri that: they shall go ahead and continue constructing their roads but also instructs the RDC to refrain from using threatening language; and we should have separation of powers, so that the RDC does his work and also leaves us to do our work. Thank you, Madam Speaker.

**THE SPEAKER:** Okay, honourable members, the Minister for the Presidency should come and assure the country on that issue on Thursday, this week.

3.11

**MS JALIA BINTU (NRM, Woman Representative, Masindi):** Thank you, Madam Speaker. I rise on an issue of national importance.

Since September 2018, Kimengo Subcounty in Masindi District has been experiencing drought. The people in this subcounty are predominantly cattle keepers. We could have accessed water from River Kafu but since Government privatised Kiryana Livestock Ranch, the investor decided to block the entire 20-mile area, which is on the Masindi side, so the cattle keepers cannot get water for their animals.

It is on this note that I ask Government to immediately provide water for the cattle keepers because the cattle have started dying. Two, Government should prevail over Mukwano who decided to block the cattle keepers from getting water for their animals in River Kafu, which is a natural resource. According to our Constitution, nobody is supposed to deny citizens from accessing natural resources. The Government should prevail over Mukwano to help people water their animals.

Madam Speaker, Mukwano is telling our people to walk 20 miles up to Gulu Highway, where River Kafu crosses the road. One cannot walk for all those miles to take animals to drink water. They will die before even coming back to where you are supposed to keep them. It is an appalling situation. We seek the immediate intervention of the Government.

**THE SPEAKER:** You are smuggling, but you speak.

**MR KASUMBA:** Madam Speaker, I come from the same area with hon. Jalia Bintu. The information I would like to give is that it is not only one subcounty that is affected; even Bujenje County is affected. Water cannot even be got from boreholes because the drought has affected the water levels. The entire belt is affected and it needs urgent attention. That is the information I had to provide. Thank you very much, Madam Speaker.

**THE SPEAKER:** I think the investors are under the Ministry of Finance, Planning and Economic Development. Hon. Bahati, I know that we need investors but I think they should not operate at the expense of the local people. These are cattle keepers; they need water but they have been blocked. How are you going to resolve that?

3.14

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING)(Mr David Bahati):** Madam Speaker, I beg that I come back on Thursday after studying the situation and we provide solutions to it.

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

3.15

**MR PAUL AKAMBA (Independent, Busiki County, Namutumba):** Thank you, Madam Speaker. On 24 July 2018, I raised a matter of national importance regarding the banning of airtime scratch cards. That day, you directed the Minister of Information, Communication Technology and National Guidance to come with a statement on that issue. My prayers were that the ban be lifted since it had become a national crisis. Ugandans are still crying because of the same problem and it is indeed a crisis.

On 31 July 2018, the Minister of Information, Communication Technology and National Guidance came with a statement, which was debated in this House. He concluded by making a prayer that he should be given some more time and that a dialogue would be organised for all Members to attend and raise their concerns.

Madam Speaker, you presided over that meeting, which was held in the Conference Hall, and indeed the Minister of Information, Communication Technology and National Guidance conceded and said that Government had considered lifting the ban. He also addressed the media immediately after that meeting. The Executive Director of Uganda Communications Commission (UCC), who was also in attendance, confirmed the same position and all the managing directors of the telecom companies were in agreement. The position was that airtime scratch cards should be left on the market. However, as we talk now, there is not a single airtime scratch card anywhere in Uganda yet Ugandans are crying.

My prayer is that the Minister of Information, Communication Technology and National Guidance directs UCC to ensure that Ugandans are availed with airtime scratch cards. Otherwise, Ugandans will not take this august House as serious if all Members were in this House and deliberated and a decision was taken but up to now, Government has not come up to implement its own position that it gave to this House *–(Interruption)*

**MR KIBALYA:** Thank you, honourable member, for allowing this information. During the stakeholders’ meeting, the minister and the investors said that they had thought that Easy Load was going to work out because they thought their network was everywhere.

When we told them that Easy Load could not work because the network was not everywhere, they said they were going to bring back the scratch cards and only begin phasing them out from those areas where they are sure the network was complete and Easy Load could work. However, before they could even begin their programme of installing the network everywhere, they began withdrawing the scratch cards.

They had committed that before withdrawing scratch cards, they would ensure that there is network everywhere in the country. That is the information I wanted to give.

**MR AKAMBA:** Madam Speaker, that is the prayer that I have made.

**THE SPEAKER:** Honourable members, the issue of scratch cards touches on the rights of access to information and the right to communication. Therefore, the Minister of Information, Communication Technology and National Guidance is directed to come here on Thursday and explain to us the status of the availability of airtime scratch cards.

There is a second matter which I want him to come back to us on. Today, in the *New Vision* newspaper, I read a story on our campaign against female genital mutilation. This is a matter that I have been talking about each year – the absence of communication in the highlands of Kapchorwa. They do not listen to Ugandan radios but Kenyan radios. I have been talking about it every year. I want the minster to come here and explain. When will they address that issue? Kapchorwa is part of us; how can a community be cut off continuously?

3.21

**MR PENTAGON KAMUSIIME (NRM, Butemba County, Kyankwanzi):** Thank you very much, Madam Speaker. I have received several complaints from my people – the tobacco growers in Butemba and indeed in Kyankwanzi District, as well as the Bunyoro subregion. They have not received payment for their supplies from August 2018 to date. These people have suffered in the hands of two companies: Continental Tobacco (Uganda) Limited and Nimatabac (Uganda) Limited.

These are companies registered by our own Government. They made people grow tobacco, and growing tobacco to harvesting takes a full year; it is also hectic and consumes a lot of money. These are local people and you can imagine them waiting for that money for a full year after harvest. I speak with a lot of pain in my heart. These are people who depend solely on agriculture and their children missed exams last year and they are now worried about taking children back to school. Yesterday, about 50 of them came to me at home and they were crying.

Madam Speaker, this is not the first time that people have complained about non-payment by these companies. We are the voice of the people. Unlike people who represent urban areas, we MPs from the villages are under fire. We have to shoulder all these problems when people are not earning money. I am a farmer too and we are suffering.

My prayer is: Now that this has been too much and these companies seem to be adamant, I request that a committee of Parliament picks interest, interacts with the farmers and summons – *(Member timed out.)*

**THE SPEAKER:** Honourable members, this company called Continental is notorious. Every financial year, farmers come to complain about it. It is a notorious company and we had asked the Minister of Trade, Industry and Cooperatives to address that issue and tell us what is happening. I think we will ask the Committee on Tourism, Trade and Industry in addition to the Minister of Trade, Industry and Cooperatives, to invite these people. I know Continental because they are mentioned every year.

**MR KAMUSIIME:** Madam Speaker, the other company is Nimatabac (Uganda) Limited. This issue was actually raised last December.

**THE SPEAKER:** The Committee on Tourism, Trade and Industry should invite those companies to explain, but also the minister should come and tell us what they did because every year, that issue is brought here; if it is not Bunyoro, it is the neighbours. We cannot go on like this. So, the Minister of Trade, Industry and Cooperatives should come and explain to us what is happening on Thursday.

3.21

**MR JOHNSON MUYANJA (NRM, Mukono County South, Mukono):** Thank you, Madam Speaker. I stand on a matter of national concern regarding the excavation of sand.

Recently, it came out clearly that while sand is one of our minerals, we do not have clear policies regarding its excavation. Recently, a team of people invaded my area, claiming to be investors. They said they were going to excavate sand using graders. Good enough, I joined the community to chase them away.

Now that we do not have any clear policy, it is my humble request that the ministry concerned comes up with a clear policy regarding excavation of sand. Some of the islanders, mainly those surrounding Lake Victoria, have been excavating sand locally but not with graders. So, we do not now know what to do.

Secondly, these so-called investors do not have any environment impact assessment certificates from the National Environment Management Authority (NEMA). All those issues must be looked into to help the lower local governments, so that LCIs are not used as the so-called investors have been doing. Thank you.

**THE SPEAKER:** Honourable members, in the First Session of this Parliament, we had a lengthy debate on the issue of sand mining. One of the resolutions was that we should activate Article 244 to ensure that sand, among others, is brought into the ambit of minerals. We have been waiting for the law. I do not see the minister responsible for energy here. Minister in charge of minerals, where is the law on sand?

3.26

**THE MINISTER OF STATE FOR ENERGY AND MINERAL DEVELOPMENT (MINERAL DEVELOPMENT) (Mr Peter Lokeris):** Madam Speaker, Cabinet has already approved the principles and the policy, and the law is being drafted by the First Parliamentary Council. Thank you very much.

**THE SPEAKER:** I will ask the Clerk to crosscheck with the First Parliamentary Council to see whether actually the Bill is there. *(Laughter)* Let me know by tomorrow because they are here. If it is not there, you will know. *(Laughter)*

3.27

**MR PETER MUGEMA (NRM, Iganga Municipality, Iganga):** Thank you, Madam Speaker. I rise on a matter of national importance under rule 53 of the Rules of Procedure of Parliament to seek your indulgence to raise a matter that touches Article 33 (2) and (3) of the Constitution of the Republic of Uganda.

Under the cited provisions, the Government and state are duty-bound to provide facilities and opportunities necessary to enhance the welfare of women and enable them to realise their full potential and advancement. The state is duty-bound to protect women and their rights, taking into account their unique status and natural maternal functions in society.

On Saturday 26th, I happened to go to Mulago Hospital, the Kawempe branch, to transport the remains of one of my constituents who had died while giving birth. To my dismay, I learnt that there were 17 women in labour but could not be attended to because of shortage of manpower. When I inquired from the nurses, I was told that the Director of Mulago Hospital, Dr Byarugaba, had recalled all the midwives who used to work at Mulago Hospital, Kawempe. There were over 100 midwives who were recalled to Mulago Hospital and yet this is also a branch of Mulago Hospital at Kawempe, which serves the poor. They were recalled to go and serve the rich in the newly refurbished Mulago Hospital.

My humble prayer is that Parliament directs the Director of Mulago Hospital, Dr Byarugaba, to rescind his decision and let these midwives work on a temporary basis until Government finds a solution to attend to mothers who go there to receive services.

As I speak now, I received a call from my voters that another mother has died. These are women who need to be attended to. The midwives are doing their best but they cannot do much because some people are fighting their personal battles. Dr Byarugaba comes from Kigezi where hon. Bahati comes from, and Kansiime, who is also the Director of Mulago Hospital in Kawempe, also comes from hon. Bahati’s constituency. They are fighting with their personal egos while Ugandans are suffering because of their personal vendetta –

**THE SPEAKER:** Hon. Bahati, it is just that the poor man comes from Kigezi. *(Laughter)* Honourable members, we shall direct the Minister of Health to first come to confirm whether it is true that the 100 midwives were withdrawn from Kawempe and returned to Mulago and what arrangements the minister has made for manpower at Kawempe, if it is true that they were withdrawn?

**MR KIBALYA:** Thank you, Madam Speaker. I thank hon. Peter Mugema and will agree with the decision that the minister comes with an explanation. However, on several occasions, we have been here crying about the lack of midwives in health facilities. Those of Kawempe are lucky, but there are hospitals that MPs have not visited yet where people are dying.

Madam Speaker, when you instituted a select committee to find out what is happening in schools in regard to sexual harassment, sanity has returned. I would like to request that you interest yourself in this matter. We should not only stop at inviting the minister to give an explanation because the minister will give us the usual position, but you should interest yourself in this and we save the women of this country. Women are dying; the situation is tough. I only request that you interest yourself in this to have this brought to an end, Madam Speaker.

**THE SPEAKER:** Honourable members, the minister will come and respond to this issue of the withdrawal of the midwives. However, the Committee on Health is now working on the budget; can you give us an update of the midwives we have in the country and where they are? Let us have a report from that committee because they are looking at the budget.

3.32

**MR ROBERT CENTENARY (FDC, Kasese Municipality, Kasese):** Thank you, Madam Speaker. I rise on a matter related to the interference by the office of the Resident District Commissioner (RDC) in the running of Uganda Broadcasting Corporation (UBC) radio stations in this country, specifically in Kasese.

I remember Parliament directed that time be appropriated – at least one hour – for leaders to go and give information on accountability and progress of the work they are doing. However, whenever a Member from the Opposition requests to utilise that airtime, the office of the RDC frustrates that Member, warns them and even intimidates the managers of the radio stations. It is even worse with UBC; even when you are willing to pay your own money, they will tell you that the RDC has stopped them from allowing leaders, especially those from the Opposition, from utilising those public facilities.

Madam Speaker, Parliament appropriates money to UBC, which is supposed to run as a Government entity but not as an entity for a particular political party, and it is also supposed to generate income. My humble prayer, therefore, is that the relevant ministry issues clear guidelines on who is supposed to and who is not supposed to utilise the services of UBC. Secondly, UCC should also give a clear directive to the owners and managers of the other radio stations that are not owned by Government on who – (*Member timed out.*)

**THE SPEAKER:** Honourable members, UCC cannot come here to the Floor. The Minister for Information, Communication Technology and National Guidance should come and address the issue of interfering with the work of Members of Parliament.

3.35

**MS PAMELA KAMUGO (NRM, Woman Representative, Budaka):** Thank you. I rise on a matter of national importance regarding the 23 women who were murdered last year and sticks were inserted into their private parts. Although three suspects were apprehended, last week on Thursday court acquitted them on grounds that the police did not give sufficient evidence.

As women leaders of this country, we demand that the Minister of Security gives us a report on what is going on and the police should tell all Ugandans what is going on. Thank you.

**THE SPEAKER:** Does the Minister of Justice and Constitutional Affairs intend to appeal?

3.36

**THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS (Maj. Gen. (Rtd) Kahinda Otafiire):** Thank you, Madam Speaker. I will consult the Attorney-General and get his views.

**THE SPEAKER**: Let us get the position of Government on the issue and then we will know how to move. Thank you.

BILLS

FIRST READING

THE ADMINISTRATION OF PARLIAMENT (AMENDMENT) BILL, 2019

3.37

**MR ANDREW BARYAYANGA (Independent, Kabale Municipality, Kabale):** Thank you, Madam Speaker. I beg to move that the Bill entitled, “The Administration of Parliament (Amendment) Bill, 2019” be read for the first time.

**THE SPEAKER:** Is the Bill is seconded? Okay, it is.

**MR BARYAYANGA:** I beg to lay on the Table the Administration of Parliament (Amendment) Bill, 2019 accompanied by a Certificate of Financial Implication as provided for under section 76 of the Public Finance Management Act, 2015 under rule 117 of the Rules of Procedure.

Considering the importance and timing of this Bill, I beg that we suspend the rule on the 45-day period so that we shorten the days in which the Bill can be considered. Thank you.

**THE SPEAKER:** The matter is urgent and the Bill is small. If Members have no objection, can the committee consider it for a week?

**MR IBRAHIM SSEMUJJU:** Madam Speaker, there are rules governing the processing of a Bill. I am one of those who are uncomfortable when these rules are not respected. The committee is mandated to look at the Bill and report after 45 days. I sit on the committee where this Bill will most likely go, but before the committee has looked at the Bill, the presenter of the Bill wants to determine how much time the committee should spend on the Bill; this is unfair.

**MR KIBALYA:** Thank you. With pain, I need to find out whether my senior colleague is in order to put words into hon. Baryayanga’s statement. Hon. Baryayanga did not state a timeframe. He did not schedule the days himself. Secondly, the honourable colleague requested to have the rule on 45 days suspended. He requested that since this Bill is urgent, we suspend that rule so that we work on it.

I would like to know, therefore, whether hon. Ssemujju is in order to stand and say that the colleague was not in order to request for a suspension and to put words in his mouth that he asked for a timeframe.

**THE SPEAKER:** Hon. Ssemujju is out of order because within our rules, we have the capacity to waive time upon request and a motion.

3.41

**THE GOVERNMENT CHIEF WHIP (Ms Ruth Nankabirwa):** Madam Speaker, I have a copy of the Bill that has been tabled for First Reading. I read the objects and the intentions of the Bill. This Bill concerns how political parties are going to be administered when we are in Parliament; it concerns the running of parties in Parliament.

I attended the Inter-party Organisation for Dialogue (IPOD) meetings in Munyonyo and the issue of independent Members was raised. Therefore, I am pleading that we let the Bill go through the process without suspending the rule on the timeframe, to allow Members consult. It is not about Members of Parliament only; it is about the multi-party practice in this country.

What we are introducing concerns how the authorities of political parties will nominate. When we rush, it will be as if we are making a law targeting the current exercise taking place in this Parliament. So, why can’t we allow Members of Parliament to consult their political parties and support the Bill after being given enough time? I do not see any justification for rushing this Bill.

**MR NANDALA-MAFABI:** Thank you, Madam Speaker. When the Ministry of Trade, Industry and Cooperatives wanted to remove me from Bugisu Cooperative Union, they went ahead and made a law saying no politician should be a leader in cooperatives. The law was targeting me in Bugisu Cooperative Union. Now, somehow, things went the way they went and hon. Gagawala, who was leading this, left me here and he is back to his constituency.

Madam Speaker, this law we are talking about -

**THE SPEAKER:** Honourable members, you should not discuss the content of this Bill. You cannot discuss the contents of that Bill.

**MR NANDALA-MAFABI:** Yes, you are right, Madam Speaker but –

**THE SPEAKER:** Honourable members, the Bill is sent to the Committee on Legal and Parliamentary Affairs. Handle it expeditiously.

MINISTERIAL STATEMENT ON THE STATUS OF PREPAREDNESS BY GOVERNMENT TO TABLE ELECTORAL REFORMS BEFORE PARLIAMENT

3.44

**THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS (Maj. Gen. (Rtd) Kahinda Otafiire):** Madam Speaker,following your directive to the Minister of Justice and Constitutional Affairs to present to Parliament the status of the electoral reforms, I have the honour to report as follows:

As you will recall, Parliament in 2015 considered proposals introduced by Government relating to electoral reforms ahead of the general elections of February 2016. Subsequently, Parliament enacted the Constitution (Amendment) Act 2015 (Act No. 12 of 2015) to provide for these reforms.

The Constitution (Amendment) Act, 2015, amended the Constitution, *inter alia,* to prescribe a procedure for the removal of members of the Electoral Commission; to require the Electoral Commission to hold a by-election within sixty days from the date of notification of a vacancy of a Member of Parliament by the Clerk to Parliament; to require the registrar of a court declaring the seat of a Member of Parliament vacant to transmit the judgment to the Clerk to Parliament within ten days after the declaration; and to permit Floor crossing in Parliament by Members of Parliament within twelve months before the end of the term of Parliament. These constitutional reforms, together with the amendment reforms reflected in the electoral laws and Acts of Parliament, constituted the legal regime for the general elections of 2016.

Madam Speaker, as you will further recall, following the general elections of 2016, the Supreme Court, in in the case of Amama Mbabazi v. Yoweri Kaguta Museveni and others: Election Petition No. 1 of 2016, noted that there was need to amend, among other provisions, Articles 104 (2), (3) and (7) of the Constitution in relation to the presidential election petitions. These reforms were addressed in 2018 when Parliament enacted the Constitution (Amendment) Act No. 1 of 2018.

The Constitution (Amendment) Act, 2018 amended the Constitution to provide for the time within which to hold presidential, parliamentary and local council elections; to provide for the term of Parliament; to provide for eligibility requirements for a person to be elected as President or district chairperson; to increase the number of days within which to file and determine a presidential election petition; to increase the number of days within which the Electoral Commission is required to hold a fresh election where a presidential election is annulled; to provide for limits on the tenure of the President; to provide transitional provisions having regard to the amendments made; and for related matters.

Consequential Amendments to Electoral Laws, Arising from the Constitution (Amendment) Act, 2018

As a result of the amendment of the Constitution, consequential amendments are required for the following Acts, to ensure conformity with the amended provisions as effected by the Constitution (Amendment) Act, 2018:

1. The Presidential Elections Act, 2005;
2. The Local Governments Act, Cap. 243;
3. The Electoral Commissions Act, Cap. 140;
4. The Parliamentary Elections Act, 2005; and
5. The National Youth Council Act, Cap. 319.

Additional Electoral Reforms Arising Out of Other Recommendations of the Supreme Court

The Supreme Court also made recommendations relating to the following matters, requiring further amendment of electoral laws:

1. Nature of evidence;
2. Use of technology;
3. Unequal use of state owned media;
4. Donations during election period;
5. Involvement of public officers in political campaigns;
6. The role of the Attorney-General in election petitions.

The implementation of the above recommendations requires both legal and administrative action. The required draft Bills to implement the above reforms have since been prepared for submission to Cabinet. However, Madam Speaker, while the Government could proceed to introduce the above named electoral reform Bills, it has become evident that in order to severally address matters relating to elections in Uganda, it is necessary to handle the matter in a chronological manner, beginning with the review and amendment of the Constitution of Uganda, 1995. Since this is concurrent with the process to amend the electoral laws, Government has continued to pursue proposals for amendment of the Constitution.

Further, you will recall that in 2015, while promoting the amendments to the Constitution, the then honourable Attorney-General made a commitment to the Committee on Legal and Parliamentary Affairs. He said that since the Constitution (Amendment) Bill, 2015 contained only amendments relating to electoral reforms and the Judiciary, the rest of the proposals for amendment of the Constitution would be considered by a constitutional review commission to be established by the Government.

The Constitution of the Republic of Uganda, 1995 has undergone various piecemeal amendments since its promulgation. Notably, in 2005, about 119 amendments were made to the Constitution, some stemming from recommendations made by the Ssempebwa Constitutional Review Commission of 2001. Since then, several proposals for the amendment of the Constitution continue to be submitted to Government, including further proposals relating to electoral reforms.

Government is committed to establishing a constitutional review commission to take into account the several proposals received. It is important that the proposals undergo proper and legitimate scrutiny under a constitutional review process that is owned by the people.

Secondly, the deferred proposals for the amendment of the Constitution since 2001 have accumulated over the years. There is need to handle the proposals responsibly to dispose of them and bring the process to finality.

The volume of the proposed amendments received by Government reveals that the 1995 Constitution has certain defects and inadequacies, which need to be addressed in the interest of good governance and effective administration of the country. Since the promulgation of the Constitution, the socioeconomic and political environment has changed and thus, a review of the Constitution is essential to bring it in perspective with the current situation and make it responsive to the aspirations of the people for the future.

The Ministry of Justice and Constitutional Affairs has on two occasions written to the Minister of Finance, Planning and Economic Development requesting for funds for the activities of a constitutional review commission. However, the finance ministry is yet to provide the funds due to financial constraints.

Nevertheless, within the next six months, Government intends to make final preparations relating to the establishment and appointment of the commission and securing of the necessary funds for the activities of the commission. I thank you

**THE SPEAKER:** Thank you, honourable minister. I would like you to confirm that the items under paragraphs two and three will be separated from the constitutional review process.

**MAJ. GEN. (Rtd) OTAFIIRE:** Madam Speaker, what I did not say is that some of the amendments we made recently are now in court and I cannot predict the outcome, which will fundamentally affect what we intend to propose. Therefore, I would beg your indulgence that we wait for the court decision then I can give you an informed answer. Thank you.

3.54

**MR IBRAHIM SSEMUJJU (FDC, Kira Municipality, Wakiso):** Thank you, Madam Speaker. My understanding of the judgment of the Supreme Court the minister is quoting is that the Justices said that it would be good manners to have all the amendments relating to elections done at least two years before. The minister in his statement is being circumlocutory that in the next six months they will be looking at matters relating to establishment and appointment. He actually says nothing in the statement deliberately.

The question I would like the minister to answer is whether this Constitutional Review Commission, he is talking about is going to handle matters, in his judgement, that will be consumed by the next scheduled electoral process or is he talking about something else?

**THE SPEAKER:** As I invite hon. Nsereko, can I know from the minister whether you have made provisions for the Constitutional Review Commission in your budget?

**MAJ. GEN. (Rtd) OTAFIIRE:** Madam Speaker, let me take this opportunity to answer hon. Ssemujju Nganda that much as it is desirable for both of us to act in tandem, I am not the one who took the case to court and I cannot determine how far the court is going to pronounce itself. Both of us are waiting for the court decision so that we can be able to do something that is smart and presentable.

Secondly, I am aware of the pronouncement by the Supreme Court that we should do these reforms within two years; but then there is a case in court. Do you want me to bring these reforms and when the court pronounces itself I come back? Or should I honestly and humbly wait for the court to pronounce itself, so that I either lose or win, and then I come back with something worth considering? Hon. Nsereko sit down. *(Laughter)*

Madam Speaker, I am doing my level best to ensure that your concerns are taken care of. I have been informed by the Minister of Finance, Planning and Economic Development that they are doing their best to provide resources for this Constitutional Review Commission. Otherwise, I can assure you that for us we are ready.

3.57

**MR MUHAMMAD NSEREKO (Independent, Kampala Central Division, Kampala):** Thank you, Madam Speaker, and the honourable minister for presenting this submission before this august House.

Madam Speaker, you have guided this House and the minister to draw a distinction between the Constitutional Review Commission and its proposals and the electoral reforms.

At the beginning of this sitting, hon. Kassiano Wadri put it clearly to the honourable minister that the Electoral Commission came up with the road map, before us in the Committee on Legal and Parliamentary Affairs; it presented its budget ultimately to cover the two years after the election period with a cut of about one and a half trillion shillings.

It is incumbent upon this august House to prepare not only parliamentary and presidential elections, but also local governments, and prepare the populace for the elections. The National Resistance Movement, the party you serve, came up with the road map recently, which involves starting district conferences and primaries in lieu of preparation for elections based on the road map that has been presented by the Electoral Commission.

You are the minister in charge of the Electoral Commission, and as a House we expect that you should abide not only in tandem with the ruling of the Supreme Court, but also the mandate that this Parliament has. It should be presented by the Cabinet, through you, of the electoral reforms so that we are prepared early enough. For example, whether are we to go biometric or analogue? These are things we need to discuss here in the House and we need to discuss them early *–(Interjections)-* Hon. Byabagambi is proposing that we line up. Anyway, all said and done, if proposals come earlier in time, then all parties would be in a better position to organise.

Honourable minister, does that take you six months? Does it require this House to wait for six months? That will be about three and a half years within the term for us to come up with the electoral law proposals, for members to discuss and debate exhaustively, so that we come up with the required amendments in the electoral law. Prepare the populace so that by the time people go for primaries they exactly know what they are going for, and let the rules be prescribed as per the law. Thank you.

4.00

**THE SHADOW ATTORNEY-GENERAL (Mr Wilfred Niwagaba):** Thank you, Madam Speaker. I would like to thank my good friend, the minister for being candid. From his statement it is clear that Government is not willing nor is it ready to bring electoral reforms under the guise of establishing a Constitutional Review Commission, which was promised on the Floor of Parliament when we were considering the Constitutional (Amendment) Bill, way back in 2015. It is now almost four years down the road. There is no Constitutional Review Commission. The promise that it will be set up in six months can only be an empty one.

The second ground being ridden on by the honourable minister is the pending constitutional appeal in the Supreme Court, which has nothing to do with the electoral reforms because it is only about an issue of entrenching a life presidency by way of amending Article 102 (b).

Madam Speaker, for that matter, since Government is not ready, I would seek leave of this House under Rule 56 (1) (a) read together with Rule 121; that I bring a formal motion to amend electoral laws in the following areas:

1. All aspects of the electoral laws in the Constitution by bringing a Constitutional (Amendment) Bill, 2019, which we already have and subsequently sequentially bring amendments in the following laws:
2. The Presidential Elections (Amendment) Bill
3. The Parliamentary Elections (Amendment) Bill
4. The Electoral Commission (Amendment) Bill and
5. The Local Government (Amendment) Bill.

I beg to move.

**THE SPEAKER:** The information has been noted.

4.02

**MR KASSIANO WADRI (Independent, Arua Municipality, Arua):** Thank you, Madam Speaker. Whereas I fully support the position of the Shadow Attorney-General, I would like to take another angle.

The rationale for which the Supreme Court recommended amendments into those provisions of the law was as a result of not having levelled election ground.

Therefore, if Government was really serious, it is more less two years down the road - actually, coming to three years because when the matter quoted the petition by hon. Amama Mbabazi v. President Yoweri Kaguta Museveni - I think by now, if Government was serious, these reforms should have been brought much earlier and avoided being caught by this constitutional petition which is in court.

Therefore, if the rationale as I cited earlier on is what we stand for, within the next two years we will be back on the drawing board of having elections. I believe by that time as raised by the minister, the reforms will not be in place. Even if there were in place, the agencies and officials that use them will not have enough time to get acquainted with the provisions of the laws that will have been amended.

Therefore, I would like to say that instead of us all eying the constitutional review exercise, which may take longer than two years, the minister, should go ahead and remove those provisions that are so vital to the electioneering exercise so that the ground is levelled for all actors who will want to contest in the fourth coming elections.

Otherwise, if that is not done, then it will give the impression that the Executive is defying the directive given by the Supreme Court, which again if it was in a developed country, would bring us into conflict in sense that we would be undermining one another in terms of separation of powers in governance.

Therefore, Madam Speaker, if the minister is serious, it is time for him to do that and bring what is more necessary rather than us waiting for the constitutional review exercise which as I said earlier will take long and it will not serve the purpose of having a levelled ground come 2021 elections. I beg to submit, Madam Speaker.

4.05

**MR NATHAN NANDALA-MAFABI (FDC, Budadiri County West, Sironko):** Madam Speaker, you are on record, since 2006 asking every now and then that they bring the electoral reform laws here. Since you are on record, I think the Executive is also on record for not wanting to bring them. That is why I want to agree with the Shadow Attorney-General that these are brought immediately.

Madam Speaker, we want to beg you that you give the opportunity to the Shadow Attorney-General so that these are done very quickly, so that we deal with them. Many of the people in the Executive are happy that things are like that. However, some of them know that these laws affect them in one way or the other, but they fear to speak. For example, my brother Kahinda Otafiire, when he went to his place, they threw him down. I am sure he is aware that if the ground is not levelled they will always throw you down. I am sure he would have been the first one to bring these laws here.

To say that in six months is when you are going to constitute the Constitutional Review Commission, that means it is July, and then they will swear in October, start work in January, and start moving in the country; that means by 2021, there will be no any amendments here and yet the Supreme Court ruling of 2006, 2016 says these amendments should have been done long ago.

Madam Speaker, this country belongs to all of us not a few people. We need a levelled ground for an election. Today, you might be there but tomorrow you will be on this side. Therefore, we are saying that we should not look at it at narrow perspective, let us use the wider perspective and know that this Uganda belongs to all of us.

Madam Speaker, nobody should lie to you that there will be constitutional reform laws here soon. Why? Even bringing this report has taken four weeks. If writing a report to bring to Parliament takes four weeks what about a Bill? Therefore, we want this thing to be taken over by Parliament so that we move better.

Madam Speaker, in the last elections, if you recall, what happened in West Nile, hoes were taken there and that was bribery. Even the Supreme Court said it was bribery, but no action was taken on the chief briber because everybody fears him.

Therefore, we need a law to deal with that now. I beg you, Madam Speaker, that you grant our Shadow Attorney-General permission to do it tomorrow so that we debate these laws by next week for a better country. Thank you.

4.09

**MR KENNETH EITUNGANANE (Independent, Soroti County, Soroti):** Thank you, Madam Speaker. Allow me to thank you for insisting on the issue of electoral reforms. I am sure if you had not done this consistently and consecutively there would be no report on this Floor.

Madam Speaker, the issue of elections in this country is very crucial and Ugandans are concerned. If you look at the history, there are a lot of challenges whenever we go into the electoral process and the issues keep coming. The only way we can address them is through these reforms.

I would like to implore the Government to move and table these reforms as soon as possible. We have issues to do with violence, commercialisation of politics - a variety of them. We can only address them by you presenting to us here the proposals.

The issue is very crucial and Ugandans are expecting a lot from this House. I have a fear, Madam Speaker, if it continues to delay; we are going to be blamed as Parliament for not tabling these reforms. Then if it is presented late as well, they are going to hold Parliament at ransom and if we do not deliver in time then we are letting down Ugandans.

Therefore, honourable minister, if you cannot do it in time, let the shadow minister take the opportunity to present these reforms so that we debate them and we come up with a clear road map for our country. We need a levelled ground for these elections and this country is for all of us. We need to accommodate each other and we can do that through electoral reforms, so that we have peaceful elections. I beg to submit, Madam Speaker.

4.11

**MS BETTY NAMBOOZE (DP, Mukono Municipality, Mukono):** Thank you, Madam Speaker. When the issue of the electoral reforms came up in the Ninth Parliament, the excuse that was given then was that Parliament did not have enough time to address this matter and most of the proposals were left out. We promised the country that the Tenth Parliament would hold this matter as a priority.

Madam Speaker, the court judgment in the petition of Amama Mbabazi added on this. Therefore, it is quite sad that up to now, the minister is not ready. I want to be educated, how the case before the Supreme Court is connected to the matter of electoral reforms that were supposed to come to this House in the Ninth Parliament and they were saved for this Parliament.

Madam Speaker, rigging election does not take place on election day. It starts in arrangements like this one. For anybody to prepare for an election, you have to know how you are going to vote, who you will vote, what type of election we are going to hold and the limits of the campaign. That gives the parties and individuals who are going to participate in any election time to prepare.

If those rules are not in place early enough, we shall get caught up by time and have another fake election. The consequences of a rigged election in any country are known. Madam Speaker, we have had these elections a number of times under the multiparty arrangement. I think the next elections that we give Ugandans should be one of the best we can ever hold because we have had all this time.

Therefore, I request that you grant the Shadow Attorney-General the opportunity to present the Bill. Thereafter, the Government can come and also participate. After all, that is the very purpose under which we have an alternative Government in this House. I beg that, that matter comes up tomorrow so that Ugandans – not only us in this House but also other interested politicians and entities, who are interested in elections in Uganda - have these rules well in time and we prepare the country for a smooth election. Thank you very much.

4.14

**MR SOLOMON SILWANY (NRM, Bukooli County Central, Bugiri):** Thank you, Madam Speaker. I strongly disagree with the proposal that the Shadow Attorney-General brings electoral reforms to the House as an alternative to Government. Also, the Minister of Justice and Constitutional Affairs always delays and we end up bringing these reforms in the last minute. In that case, there is no time to debate them, no time to handle issues and everything is done in a rush. When we do things in a rush, we end up making numerous mistakes.

This time round, let us be consistent and plan well. We should bring the reforms early. I strongly suggest that my Minister for Justice and Constitutional Affairs brings the reforms to this House at the soonest and earliest time possible so that we debate. We need to talk about these reforms so that when we go for elections, people do not bring complaints.

Let us start early. We need to debate the reforms and talk about issues with a lot of integrity so that the country benefits from the efforts of this Parliament in delivering a quality, qualitative and quantitative election to the Ugandans, the tax payers and then our voters.

Madam Speaker, that is my take and I beg to submit.

4.16

**MR HENRY KIBALYA (NRM, Bugabula County South, Kamuli):** Thank you, Madam Speaker. I think it is high time we brought some things to an end. I listened to the minister very well and in his presentation, he said he will do his things at his pace.

Before I came to this Parliament, the electoral reforms were an issue. When the case that hon. Nambooze cited came up, the Supreme Court advised and said that we should bring the electoral reforms in time.

Madam Speaker, the minister even had the audacity to manipulate the current court case and not bring these reforms on the Floor of this House.

These ministers were entrusted with powers to run this country very well. Citizens out there are yearning for reforms and seeing better democracy. For the minister to have the reforms here – you have seen how long it has taken him to bring a statement to this House; some of these ministers do their things at their own pace.

Much as my colleagues are saying that the Shadow Attorney-General should take responsibility of the electoral reforms, I disagree. No, the minister must first resign and tell us that they are no longer in position to handle the responsibilities they were given; they are not capable and then we switch.

Nevertheless, we need to know if there is anything hidden. Talking about the reforms that were done before we came, in the last year, people in the House here – one can switch from one party to another – so we must have these things put clearly before people take decisions.

As Parliament, can we have the minister stop dilly dallying and tell us that in the next given period, he is coming here *–(Interruption)*

**MR OLANYA:** Thank you, Madam Speaker. I would like to inform my colleague that the honourable minister is probably delaying with the electoral reforms because he is waiting for an order from the “godfather.” I pray that he consults his “godfather” and tells him that Ugandans are waiting for this very important – thank you, Madam Speaker.

4.19

**MR PATRICK NSAMBA (NRM, Kassanda County North, Mubende):** Thank you very much, Madam Speaker. The minister recently gave an interview to one television station and adamantly said, “Nobody is going to push me.” If you compare that interview and his presentation here, you will notice that he is sending the same kind of notice; that none of us is going to force him to bring electoral reforms.

I would like to inform the minister that this House represents the people of Uganda and we are here on their behalf. Many times, we have given ultimatums to ministers. If the minister cannot come up and take this matter seriously, we can do the same; require him to come here, in a specified period of time.

Although I seriously support the proposal for the Shadow Attorney-General to come with amendments, I would prefer if the minister – somebody responsible for that job – is helped through an ultimatum to ensure that he comes here. I do not even know why the minister fears – at the end of the previous elections, the President himself said his votes were rigged. He was also not very comfortable with the electoral process.

Therefore, when you bring these reforms, you will be informing him – if that is what hon. Gilbert is saying - the fear; that probably the President will not be comfortable. Anyway, you are not here to serve anyone but the people of Uganda.

Madam Speaker, any country’s sustainable peace depends on the confidence people have in the electoral process. Whenever people continue doubting the electoral process, they will resort to violence. Therefore, this man here who is supposed to bring us these electoral reforms is seated on a time bomb *– (Member timed out.)*

4.22

**MR JAMES KABERUKA (NRM, Kinkizi County West, Kanungu):** Thank you, Madam Speaker. I have too much respect for the Minister for Justice and Constitutional Affairs, Gen. Kahinda Otafiire. However, I think it is too much of him today because I did not think that he would present the way he has presented. The minister promised this long time ago and I am surprised that he is tagging the reforms to the appeal in the Supreme Court. I do not know how they are related. I do not know whether the Supreme Court has already withdrawn your powers. We also need to know whether you are no longer acting and maybe, you are waiting for the exposition of that case.

These reforms are for all of us. If you recall, the minister promised when we were doing that thing that he was a great proponent of reforms and he said he was going to bring the reforms and all the constitutional reviews were going to be tabled. I am surprised that everything is now being tagged to the appeal.

Madam Speaker, I would like to propose. Many ministers have responded to the call of this Parliament, why is this ministry so reluctant that it cannot respond to the call of this Parliament? We are in budgeting and they are asking for money, if we are not useful to your ministry, do you want us therefore, to debate on your budget? Do you want us to do anything on your budget? I would like to appeal that this ministry be instructed to bring these reforms; otherwise, we may not look at his budget if we are not useful.

Secondly, the minister should take in high esteem the report which hon. Theodore Ssekikubo has read and should remember that it is on the *Hansard.* You promised the nation and even the President confirmed it during the State of the Nation Address 2017 that we were going to have a Constitutional Review Commission to have that process done. I do not know why you have delayed. Extending to six months is extending forever. I think *–(Member timed out.)*

**THE SPEAKER:** Honourable members, I think I must express my disappointment with the Government. First, you should separate the Constitutional Review Commission from the electoral reforms. Stop dangling that commission because even if you appoint them in July, they will report to the Eleventh Parliament and the review has nothing to do with this Parliament.

By the time this House goes for elections, it will not be ready and so, it is not our business. Our concern is the electoral reforms. Honourable minister, the Supreme Court passed judgement before this Government was sworn in. The judgement came before the swearing in of the President. As soon as the President was sworn in, your first duty was to address the issues of the Supreme Court because there were clear. Honourable minister, the review is not our business. What we want are the electoral reforms and we want you to respond to the command of the Supreme Court in full.

Honourable minister, by the end of April 2019, come and report to us about the electoral reforms.

RESPONSE TO A QUESTION RAISED BY HON. JUDITH ALYEK ON THE INTIMIDATION, RTURE, DEATH THREATS AND ARREST OF WORKERS OF MEDIA HOUSES, AND SUSPENSION OF RADIO PROGRAMMES IN LIRA ARISING FROM THE DEATH OF MR DICKENS OKELLO WHO WAS KILLED BY AN INDIAN NATIONAL**.**

4.27

**THE MINISTER OF INTERNAL AFFAIRS (Gen. (Rtd) Jeje Odongo):** Thank you, Madam Speaker. It is true that in the course of the proceedings of this House last week on Tuesday, hon. Judith Alyek raised the matter of intimidation, torture, death threats and arrest of workers of media houses particularly of Unity FM in Lira. My interpretation of the import of her submission was the act of intimidation occasioned by the actions of Uganda Communications Commission (UCC).

Therefore, it would be difficult for me to respond on the actions of the UCC which is supervised by the Minister of Information and Communications Technology. If, however, the import of her presentation was the matter of Dickens Okello, again that matter is before court and court proceedings are continuing and it would be difficult for me to make any response to that matter. The point I am making is, that it is wrongly attributed to the Minister of Internal Affairs. It should be the Minister of ICT to respond.

**THE SPEAKER:** I think the reason they were coming to you was because they were Government officials involved in the threats. Servants of the Government who were threatening the radio workers and that is how, it came in.

**GEN. (RTD) ODONGO:** Madam Speaker, as I said, the decision to cause the actions reported here, was made by UCC to the management of Unity FM in Lira. I do not see how I am involved? It is Lira FM which acted on the direction of UCC to occasion these acts.

**THE SPEAKER:** The people were in your custody for some time. The custody was occasioned by your staff and that is why they would like you to answer.

**GEN. (RTD) ODONGO:** Madam Speaker, maybe, I need to be educated. Was the intimidation, the torture and threats or death caused by police? I just need to be guided so that I can act correctly.

4.31

**MS JUDITH ALYEK (NRM, Woman Representative, Kole):** Thank you very much, Madam Speaker and honourable minister. I think the issues that I raised that day that the minister is responding to right now, could concern two ministries:

1. The issue of intimidation, harassments and death threats can be handled by the Ministry of Internal Affairs because these issues were reported to police and they should take the mandate to investigate them.

2. The issue of suspension of the staff and programmes on the radio stations and also the fines levied on those radios.

Madam Speaker, maybe, these ones could be handled by the Ministry of ICT. There could be two things but I am waiting for your guidance on these two issues. Thank you.

**THE SPEAKER:** Let the ministers in charge of Internal Affairs and theMinistry of Information, Communication Technology and National Guidance make a joint statement on these issues, each on their part.

**GEN. (RTD) ODONGO:** Most obliged, Madam Speaker. I will come back and respond accordingly.

RESPONSE TO A QUESTION RAISED BY HON. HILLARY LOKWANG ON THE POOR CONNECTIVITY AND LACK OF TELECOMMUNICATION NETWORK IN IK COUNTY

**THE SPEAKER:** The Minister of Information, Communication Technology and National Guidance? Absent.

RESPONSE TO A QUESTION RAISED BY HON. NSABA BUTURO ON THE STALLED SHS 41 BILLION TEA AND POTATO FACTORY IN KISORO DISTRICT THAT WAS COMMISSIONED BY H.E THE PRESIDENT

**THE SPEAKER:** Minister of Finance, Planning and Economic Development? Absent.

RESPONSE TO A QUESTION RAISED BY HON. BIGIRWA NORA NYENDWOHA ON THE TRAFFIC CONGESTION ON THE KAMPALA-MUKONO-JINJA ROAD AND THE ATTENDANT DISTRESS AND INCONVENIENCES IT WAS OCCASIONING ON THE ROAD USERS

4.34

**THE MINISTER OF STATE FOR WORKS AND TRANSPORT (WORKS) (Gen. Katumba Wamala):** Madam Speaker, this statement is being presented in response to a matter raised by hon. Norah Bigirwa Nyendwoha, the Woman MP for Buliisa District. The honourable MP raised the matter concerning the traffic congestion on the Kampala-Mukono-Jinja road and the attendant distress and inconveniences it is causing the road users.

Madam Speaker, the Kampala-Jinja road is a major economic artery as it connects the country to the sea at Mombasa port and the interior. It has a major impact on the cost of goods and services and, therefore, its level of service should be maintained at high standards. Currently, sections of this road register the highest traffic volume, yet it is heavily congested. The Ministry of Works and Transport is much aware of the current traffic situation on the road. The situation can be explained by the following:

Condition of the Road

Some sections of the road have experienced severe rutting due to the heavy traffic, especially on the import side or on the Kampala-bound traffic. This slows down traffic, especially the heavily-laded trucks, hence the traffic build-up on the road.

The Roadside Activities

The increased developments along the road, especially from Kampala to Lugazi section and the roadside activities have reduced the speed of traffic on the road. The developments have resulted in the permanent roadside parking and the numerous accesses to the trunk road which increases the turning on/off of traffic. This phenomenon increases the start-stop and increases the local traffic volume, which slows down the transit traffic.

In addition, numerous roadside activities are cropping up which results in the reduction of the effective lane width of the road. This slows traffic and increases accidents.

Capacity of the Road

Sections of this road have registered the highest traffic volumes on the national road network, with large volumes of commercial vehicles. The single lane road sections are, therefore, not adequate for this traffic, causing congestion.

Ongoing Plan and Planned Interventions

Madam Speaker, the Ministry of Works and Transport is endeavouring to undertake the following measures.

Enforcement of the Regulations

Ugandan National Roads Authority (UNRA) has an ongoing programme of sensitising the public to keep markets and other activities away from the carriageway shoulders and reclaiming the road reserve. Together with Uganda Police Force, this effort yielded some positive results especially around Mukono.

Road Maintenance

This financial year, procurement of an emergency contract commenced and is in advanced stages with works contract expected to be signed in March 2019. This will attend to localised sections of the road link and will entail sectional repairs by reworking the base and resurfacing the road sections. Particularly, the heavily-rutted sections at Nakawa-Bweyogerere and other critically failed sections of the road. In the medium term, UNRA has started designing for major rehabilitation to reinstate the failed sections of the road and to restore full serviceability by 2010/2021.

Capacity Improvement

Construction of the Kampala-Jinja Expressway entails construction of a 4-8 lane road with restricted access to maintain acceptable high speeds. Due to the excessive developments along the Kampala-Jinja road, it was decided that a new road be constructed to avoid the land acquisition costs, delay in the project implementation and to allow flexibility in designing a high-class road. This will be a green field project intended to alleviate the current traffic congestion on this route.

The project has been prepared as a public-private partnership and the procurement commenced this financial year. It is hoped that the construction of the Kampala-Jinja Expressway will commence in July 2020 and will offer a lasting solution to the traffic congestion connecting Kampala to Jinja.

Madam Speaker, in addition, to those efforts we are also working hard to rehabilitate the Tororo-Kampala railway line so that most of heavy cargo can go on the rails instead of the road.

I beg to submit, Madam Speaker.

**THE SPEAKER:** What about the water transport alternative?

**GEN. KATUMBA WAMALA:** Yes, the water transport alternative is also being rehabilitated. Right now we have finished the rehabilitation of the Port Bell to Kampala line so that the cargo from Tanzania to Kampala on that southern route can easily roll on and roll off on our ships and be brought by rails. We are encouraging many of the heavy customers like steel rolling, which are importing a lot of stuff, to use the alternative routes.

**THE SPEAKER:** Hon. Nyendwoha, do you have a supplementary question? She is not here.

RESPONSE TO A QUESTION RAISED BY HON. SARAH NAJJUMA ON THE DEPLORABLE STATE OF THE ROAD THAT CONNECTS NAKASEKE AND WAKISO DISTRICT

4.41

**THE MINISTER OF STATE FOR WORKS AND TRANSPORT (WORKS) (Gen. Katumba Wamala):** Madam Speaker, this statement is presented in response to a matter raised by hon. Sarah Najjuma, the Woman Representative for Nakaseke District. The honourable MP raised the matter concerning the deplorable state of the roads that connect Nakaseke and Wakiso districts.

Madam Speaker, heavy and continued precipitation occurred on 16 and 17 November 2018 in most parts of Kampala, Wakiso, Mukono, Mpigi and Luwero districts. This resulted into increased water levels in several rivers and swamps. Consequently, on 18 and 19 November 2018, a number of rivers burst their banks with large volumes of water mixed with papyrus and mud. Some of the affected rivers were River Mayanja and River Lwajali that drain across a number of roads that connect Wakiso to Nakaseke from the southern parts and finally into River Kafu and Lake Kyoga in the northern part respectively.

These floods drastically affected sections of the roads, leaving them cut off and one bridge clogged with papyrus and mud.

What was the impact?

There are six particular road sections under UNRA that were badly affected and of which five roads were totally cut off. The most affected roads were:

1. Kakiri-Danze-Mawale 23 kilometres
2. Gobero-Seganga-Kakonda 15 kilometres, and
3. Namayumba-Kakonda-Semuto 16 kilometres.

These were totally cut off by River Mayanja. Consequently, no one could cross from Wakiso to Luweero District via these roads. On Kapeeka-Busunju Road, Mayanja two bridges were fully blocked by papyrus and muddy clay. Water was almost flowing over the road surface. Luckily, the road was not cut off and the public has been advised to use alternative routes.

The other affected roads were those connecting Luweero and Mukono districts, separated by Lwajjali River, namely:

1. Zirobwe-Lwajjali-Kabimbiri and
2. Kayindu-Kalagala-Kyabakadde 27 kilometres.

The two rivers, River Mayanja which flows North-West into River Kafu and River Lwajjali which flows northwards into Lake Kyoga, cut off the roads.

After intervention, this is the current status. The following roads have been worked on and are open to traffic.

1. Kakiri-Danze-Mawale
2. Zirobwe- Lwajjali-Kabimbiri and
3. Kahindu-Kalagala-Kyabakadde

Works are currently going on to restore Namayumba-Kakonda-Semuto road which is 16 kilometres. My ministry is also working tirelessly with UNRA and the district local governments to maintain all the roads in a motorable condition. These situations were like an emergency, which we were able to respond to and to a great extent, we have restored the road network. However, plans are already underway. Surveys have been made by our roads and bridges department to design better bridges on the affected sections of these roads, which may not be well restored by use of culverts and other means.

**THE SPEAKER:** Hon. Najjuma, any supplementary? Are you happy?

4.45

**MS SARAH NAJJUMA (NRM, Woman Representative, Nakaseke):** Thank you, Madam Speaker. I thank the minister for his report. As we speak now, work is going on. Thank you very much, honourable minister and Madam Speaker.

**THE SPEAKER:** The question was for hon. Najjuma. It is not for general debate.

RESPONSE TO A QUESTION RAISED BY HON. ELOTU COSMAS ON REPLACING AN AMBULANCE THAT BELONGED TO ATIRIR HEALTH CENTRE IV BUT WAS DESTROYED IN AN ACCIDENT IN 2016

4.46

**THE MINISTER OF HEALTH (Dr Ruth Aceng):** Madam Speaker, on 22 January, hon Elotu Cosmas, MP Dakabela County raised an issue on replacing an ambulance that belonged to Atirir Health Centre IV but was destroyed in an accident in 2016.

The Ministry of Health acknowledges the challenges that Atirir Health Centre IV is facing without ambulances but also, the challenges that many other facilities all over the country are facing because of lack of ambulances.

Currently, there are 441 functional ambulances in the country. One hundred and seventy-three (173) are Government-owned; 172 are Private Not For Profit (PNFP) owned and 96 are owned by private service providers, including honourable Members of Parliament. For this, we are extremely appreciative.

Using the national ratio of one ambulance to 100,000 population, this figure would indicate that we have an adequate number of ambulances in the country. However, the distribution is irregular; it does not follow any approved policy on strategy and this has left the majority of the population without any support.

The current system also has challenges which include lack of coordination, heavy running costs that the hospitals and facilities cannot handle, as well as maintenance costs which are not provided for. There is also the problem of misuse of the ambulances and lack of trained personnel.

Allow me to outline the steps that Government is undertaking and the planned interventions to address the gaps and improve the ambulance referral system in the country. We started in 2007 by carrying out an ambulance census in the country and I have provided this in form of a table. This report was sent to the Clerk. In the table, we listed down the ambulances that are in Kampala, in Ankole region – *(Interruption)*

**THE SPEAKER:** What is it? What is your problem, hon Aogon?

**MR AOGON:** Madam Speaker, the minister is supposed to be responding to a question raised by a Member. In the attempt to do so, I see her going to the larger perspective. Isn’t it procedurally proper for her to directly answer the question raised by hon. Elotu for now? Thank you.

**THE SPEAKER:** Honourable minister, when will you replace the ambulance of Atirir Health Centre?

**DR ACENG:** Madam Speaker, I was giving an overview so that I can answer the question because at Atirir is not the only health centre facility that has complained. Many honourable members have complained and written and I thought I would give an answer that would cover all.

However, if I am to only cover for Atirir, I will kindly report that I do not have funds for the health centre to procure any ambulance. If you allow me to continue, then I will explain to the Members what Government is doing to source for the money to procure ambulances.

**THE SPEAKER:** I think it is important information.

**DR ACENG:** Thank you, Madam Speaker. In 2015, while implementing the Uganda Health Systems Strengthening Project, the Parliament then, including you, requested that we fill in the gaps for the ambulances that are missing countrywide. We quantified the ambulances and the need and placed this issue before the Ministry of Finance, Planning and Economic Development, and Cabinet at that time.

When it was received, Cabinet guided that a proper ambulance policy and strategy be developed so that funding can be sourced to cater for the needs of the entire country instead of addressing the needs in the irregular manner in which we were doing it. The Ministry of Health has now concluded the development of the policy. The strategy costing will be completed by the end of this month and this will be presented to Cabinet in February this year. Cabinet has already instructed the finance ministry to provide a Certificate of Financial Implications, so that funding can be sourced for the ambulances.

In the new policy, we shall have regionally coordinated ambulance services, with ambulance stations at regional levels and ambulance spots at health sub-districts where ready ambulances are parked and wait for dispatch on instructions.

The regional coordination will be backed by a district ambulance committee and the health sub-district committee to support the technical team in responding to emergency calls and referrals. There will be 14 regional call and dispatch centres for ambulance response. This means, if the new policy is implemented, we are moving away from the health facility based ambulance system and we shall require all the existing ambulances to be registered into the new medical system.

Madam Speaker, once Cabinet approves the policy in February; this is the system that will apply. So, I cannot give an ambulance directly to Atirir Hospital because there will be regionalised ambulance.

4.53

**MR ELIJAH OKUPA (FDC, Kasilo County, Serere):** Thank you. It is good hon. Elotu raised this matter because in 2009, the ambulance that had been given by AMREF to Kasilo Health Centre IV got an accident. To date, I have been trying with the Ministry of Health in vain, - I wish the minister could listen- but nothing has happened.

Madam Speaker, I remember I came to your office last week because I wanted to raise a question either during the Prime Minister’s Time or matter of national importance. Members of Parliament are suffering. They have become the providers of ambulances to every constituency. We know that every constituency has a health centre IV. I think this is the right time for Parliament to stand up and ensured that in this budget, there is money for ambulance for every constituency.

I am surprised that up to today, we do not have a policy and procedures on how to manage ambulances and yet we have just celebrated 33 years of NRM. How can you spend all these years without a policy or procedure? It is a shame on the Ministry of Health.

Do we need a Certificate of Financial Implication to procure ambulances? Are we bringing a Bill for this?

I would like us to direct the Committees on Health and Budget to ensure money is provided for ambulances, for every health centre IV in this country. Without that, we shall not pass any budget. If we can provide money for Members of Parliament who are over 450, can’t we provide Shs 200 million per constituency? There are less than 300 constituencies with health centre IVs. It can be provided for.

What a shame that up to now, you have not even budgeted for the ambulances. You do not know their cost and yet you have been having some ambulances. So, I call upon this House to support me. Madam Speaker, you know how much you also suffer. People come to ask for ambulances from Members of Parliament. When did we become Government? When we tried to raise our allowances, they said we are hyenas. I heard a statement made yesterday that we are hyenas.

This is the time we must stand up and ensure that this financial year, money is provided for the ambulances. Without it, we shall not be able to pass the budget. It is for the people of Uganda.

**MS WATONGOLA:** Thank you, Madam Speaker. I would like to add my voice to hon. Okupa’s submission. Two days back, hon. Kizige, the Minister of State, Office of the Prime Minister (Karamoja) was at a burial in Nabilumba. One Commissioner, Kadoi, stood up at the funeral and questioned why hon. Kizige has not yet bought an ambulance for his constituency.

Sincerely, this is an issue, which is very pertinent in our lives. Every voter thinks that every Member of Parliament must buy an ambulance whereas, in our budget, we only have salary. So, how can I get my salary and buy an ambulance for the voters? In Kamuli, the two ambulances broke down. Even when hon. Dhamuzungu got an accident, the ambulance could not bring him to the hospital in Kampala. Instead, it stopped on the way.

Therefore, we need ambulances for each constituency. I would like to thank hon. Okupa, because he is a senior Member of Parliament and he knows all the challenges at the grass root. Thank you.

4.57

**MR GILBERT OLANYA (FDC, Kilak South County, Amuru):** Thank you, Madam Speaker. I do concur with my colleagues about the provision of ambulances to all the constituencies. However, local governments also need to be careful in handling ambulances. I have evidence that there are other local governments, which are careless in taking care of the ambulances.

A case in point is my district, Amuru. We were given four ambulances. One of them had a problem with one tyre, but the ambulance has been parked for three years because the local government cannot afford to buy one tyre for the ambulance.

Much as we talk, we need to be careful in handling Government property. There are other CAOs or leaders in the districts who are reckless and careless in handling Government property. If Government can provide more than four ambulances in a district and the local government cannot maintain them, then we need to be serious.

Let us caution the local governments to take care of the ambulances provided for the districts. Thank you.

4.59

**MR SILAS AOGON** **(Independent, Kumi Municipality, Kumi):** Thank you, Madam Speaker. This is a hot topic. I would like to thank the minister for having come up with a plan. However, you must first answer the issue of Atirir. Hon. Elotu raised a question that deserves a better answer, that an ambulance collapsed and killed people. It needed to be replaced urgently. We cannot therefore, clamp it up with the rest of the country. Those people are suffering because they do not have an ambulance, if there is a hospital which has four ambulances, get one and post it to Atirir so that we rescue their situation for now as we plan for the rest. If hon. Elotu was here, he would have asked for the same. I am telling you the truth.

Madam Speaker, before my good friend comes on board, besides budgeting for ambulances for these constituencies, we must budget deliberately for fuel. The reason people are running for the small cars, is because they cannot fuel the ambulances. Most of the Land Cruisers have two tanks and to reach Kampala, you must fill both tanks. So, somebody in the village will be asked for Shs 400,000 or 500,000, which he cannot afford.

Therefore, Government must budget for the fuel and help the people. The ambulances must be run. About administering them, the councils can handle that. That is a secondary matter. The primary matter right now is for us to have the ambulances. Once we have them, things will be okay.

For Kumi, there is nothing as we talk now. However, first finish with Atirir. The question was about the health facility in Atirir not having ambulance. When are you giving them an ambulance?

5.01

**MR GEOFFREY MACHO (NRM, Busia Municipality, Busia):** Madam Speaker, some of the wonders in my life I have met this year was when I saw a woman delivering from canoe boat when I was coming from Sigulu Island. I had never seen it before. It was a state of shock and this makes me agree with my colleagues that the fact of the matter – I do not know whether it is a strategy of Government that they avoid giving ambulances to districts so that Members of Parliament buy them using their allowances.

I did a study in Kenya and found that their hospitals and constituencies have ambulances. All referral hospitals have ambulances provided by Government to an extent that they even have air ambulances.

I, therefore, would like to agree with my colleagues that in this financial year budget, we should have ambulances provided, not only to health centres, but constituencies as well *–(Interruption)*

**MR OUMA:** Madam Speaker, I thank hon. Macho for giving way. When we are planning for this country, sometimes the planners forget that there are islands. The minister can take 5-10 years without going to the islands.

However, hon. Macho is right. Our women deliver in the boats. Therefore, I would like the minister to inform us through this House what the plan of the Government is to avail water ambulances to this country.

**MR MACHO:** Lastly, Madam Speaker, I note that we have commissioners in the Ministry of Health who are in charge of ambulances. Those people should do the work that they are employed for because I believe they must be very idle and redundant in their department. Thank you, Madam Speaker.

5.03

**MS IDAH NABAYIGA** **(NRM, Woman Representative, Kalangala):** Thank you, Madam Speaker. When President Museveni came to Kalangala District, he pledged to give them two water ambulances. When I went to the Ministry of Health, they told me that they procured two fibre boats with 15 horsepower engines as water ambulances.

Madam Speaker, it is my humble request that when they are planning, they should know that we have islands. There are some people who come from islands and we are representatives of very many people. We are losing lives because we do not have speedy means of transport.

In Kalangala District, for example, we only have two health centre IVs and we have 84 islands. Therefore, when they are planning, they should get a water ambulance with oxygen. Thank you.

5.05

**MR JOHN BAPTIST LOKII (NRM, Matheniko County, Moroto):** Thank you very much, Madam Speaker. First of all, I would like to thank the Member who raised the issues of ambulances in the country. The issue is not any different from the areas that have remained behind, like Karamoja.

First of all, the area is hard to reach. In some areas like Tapach behind Moroto and neighbouring Kenya, patients suffer even to reach Moroto Regional Referral Hospital. Some of them succumb to illnesses on the way.

Madam Speaker, Kenya seems to be doing better than us in terms of health service delivery. I say so because I am a neighbour of Kenya. When you interact with Members of Parliament from Turkana and Pokot, they tell you that there is a deliberate effort by Government to provide ambulances to the various constituencies so that these health centres are accessible to patients.

That is why they have a deliberate programme of providing constituency development fund. This fund helps to balance the development. Some of the development gaps in the district development plans can be implemented because of the money that Government gives as Constituency Development Fund.

Can Government of Uganda therefore consider reinstating the Constituency Development Fund to help the districts to be able to afford such expenditure like for ambulances? Thank you very much.

5.06

**MR FRANCIS MWIJUKYE (FDC, Buhweju County, Buhweju):** Thank you, Madam Speaker. You may recall some time last year, you came to Buhweju and commissioned an ambulance. I bought this ambulance after realising that we needed between Shs 150,000 to 200,000 to fuel the Government ambulance that was there.

When you call for an ambulance, they say, you need to fuel it. And you need between Shs 150,000 to 200,000 in Buhweju and somebody could not afford that. Therefore, you buy an ambulance and fuel it, pay a driver and repair it. Even where Members of Parliament have bought ambulances, they go through all that.

The minister needs to appreciate what we are going through and instead of saying she has no plan to do it immediately, do it even tomorrow. I thank you, Madam Speaker.

**THE SPEAKER:** Honourable members, it is interesting that Government is able to buy new cars for the chairpersons of the districts, the RDCs and ministries, but the ambulances for health centres are not a priority. I have been campaigning on this Floor about the water ambulances but I do not hear of any plans. Honourable minister, I do not know what to say.

**MR OKUPA:** Madam Speaker, as I conclude *–(Interjections)-* that was too much information for me. In the previous Parliament, the Prime Minister, came here and said that the World Bank was going to give a loan to ensure that every health centre IV will have an ambulance. What happened to that loan *–(Interjections)–* the Prime Minister raised it here, because there was an issue of ambulances in West Nile. That is when the Prime Minister in his response said they are securing a loan from the World Bank to ensure that every health centre IV gets an ambulance. What happened to that loan?

Madam Speaker, the power is in our hands, honourable members. This budget should not pass without us providing Shs 100 billion for ambulances. I would like us to put our feet down and that is the only way we can save ourselves. Thank you.

**MR SEMUJJU:** Madam Speaker, the procedural issue I have is supplementary to the information that has been raised. If you read the Local Government Act, under the Second Schedule, part II, functions and services for which district councils are responsible: Subject to Article 176 of the Constitution and sections 96 and 97 of the Act those services include provision of rural ambulance services.

Therefore, the procedural issue I am raising is, let the Government harmonise this with local Government to advise Parliament on which health centre IV they are responsible for to provide ambulances in regard to the Local Government Act.

**THE SPEAKER:** Honourable minister, do you have any responses to what we have said.

5.10

**THE MINISTER OF HEALTH (Dr Jane Aceng):** Madam Speaker, allow me to appreciate the honourable members for the issues they have raised and for their patience. I would like to indicate that Government is committed to ensuring that ambulances are made available, but also that they are well maintained and there is funding to run them.

Currently, ambulances have no funding; as indicated by honourable members, patients are paying to be transported. Currently, there are many other areas in the country as I said that do not have ambulances. The plan that we have concluded addresses ambulances per region, including boat ambulances, Madam Speaker.

However, this Parliament appropriates money and I am personally happy for those talking of giving me money. However, do not give me Shs 100 billion, because it will only buy 80 ambulances. Give me more than that. That alone is not enough to address the issue of maintenance and service. That is why I was working on a holistic amount so that when Government is sourcing for the money, it is given to me in its entirety so that I can address the entire country. I thank you.

**THE SPEAKER:** Honourable minister, can I have a copy of your statement? I would like to study that programme of yours so that we give further guidance to the committee.

**MS OSEGGE:** Thank you, Madam Speaker. If I heard correctly, the minister said that in the policy that they are concluding, they would require that all ambulances are registered. At the same time, she seems to be banking on private ambulances that are run by members of Parliament. Would she like to make a clarification if she is committing that Government would take care of those ambulances, own and take care of them probably?

I do not understand because since the Ninth Parliament, we have been talking about regional ambulances. The situation down there even requires village ambulances because you cannot wait for a woman in labour to reach hospital and then you send her to another referral hospital. You need a system that can pick a patient from home.

The kind of system we have is only from a regional to a national referral hospital; not even from a Health Centre IV. We need a system that can run from Health Centre II upwards and from home. That is the situation back home especially for women. Can the minister tell us what she is planning to do about this?

**MR ABALA:** Thank you, my boss. The spirit in which this question was asked by hon. Elotu is exactly what hon. Osegge is talking about. Atirir Health Centre is deep in the village and the beneficiaries are purely rural women. In my view, the minister should address this matter as we proceed because it is not helping us at all.

That is the information I would like to give her such that the minister will be able to know and re-direct her thinking ability to look at Atirir Health Centre IV. Thank you.

**MS MUGENI:** Thank you, Madam Speaker. The clarification I am seeking from the minister is on the issue that the honourable has just talked about.

We have had a lot of challenges in handling patients that are in the village health centres. I am disturbed when the minister says that the policy of Government is to have ambulances at the regional hospitals yet the people that are being referred are from the local health centres and the district hospitals to the regional hospital.

I do not know how accessible the roads that we are talking about in our districts are for somebody to be ferried especially during late hours in the night. This applies to women especially. For how long can this woman wait for the ambulance to come from the regional referral hospital to the village to pick her especially at night? It is becoming very dangerous.

**MS OSEGGE:** Madam Speaker, thank you and the colleagues for the information. Can I reiterate what has been raised by my senior colleague and other Members that indeed, we make it a point that ambulances are provided in this coming budget that we are working on.

If we did an assessment of the budget expenditure in this country, there is no single reason for Government to claim we cannot provide money for the ambulances. Provide them, fuel, pay the drivers and everything that is required; Good ambulances not pick-ups. Thank you.

**THE SPEAKER:** Honourable members, we direct the Committee on Budget and Committee on Health to sit together and give us a proposal in the National Budget Framework Paper about ambulances for each constituency. *(Applause)*

RESPONSE TO THE QUESTION ON THE REFUSAL TO OBEY THE RULING OF THE SPEAKER TO STAY THE ISSUANCE OF NEW PASSPORTS PENDING AN UPDATE TO THE HOUSE ON THE MATTER

5.17

**THE MINISTER OF INTERNAL AFFAIRS (Gen. (Rtd) Jeje Odongo):** Madam Speaker, my take on the issue raised by hon. Muhammad Nsereko, Member of Parliament for Kampala Central Division, is congruent upon the debate that ensued on 4 December 2018 when my colleague, the Minister of State for Internal Affairs made a statement on the migration from the machine-readable passport to the e-passport.

Indeed, you directed me to explain the matters that arose as a consequence of that debate, which included, but not limited to-

1. The existence of a country called East Africa where the authority to issue the e-passport was derived.
2. Whether replacing the machine-readable passport with an e-passport was not a breach of contract between Government and citizens and other related matters.

As I was preparing a statement to explain these issues, my attention was drawn to the fact that a concerned citizen has taken Government to court. As we speak, Mr William Aboneka and the Centre for Constitutional Governance have taken Government to court. There is now a case against the Attorney-General and I have learnt this will be determined by 04 March 2019.

Under those circumstances, I have difficulty. If I make a statement, I have been advised, that those matters that I may explain have become matters of the court. What do I do? Should I open myself available to this court case or do I reserve that let us resolve that court case and then we do it? I have that constraint.

However, at the same time, Ugandans need to move and the e-passport is available. We had understood that the e-passport was replacing the machine-readable passport so we did not continue to order the machine-readable passport. The e-passport is available.

Madam Speaker, I am in that dilemma and I seek your guidance. If you say, “go ahead and make a statement”, it is available.

**THE SPEAKER:** Honourable minister, one of the things we wanted to know was the legal basis of the action you took. We wanted to know where you got that authority from. The treaties were not laid here and no one came here to tell us that you have undertaken that activity.

**GEN. (RTD) ODONGO:** Madam Speaker, what you are asking is absolutely right. You need to know the legal basis for issuing these passports. That is also the matter Mr Aboneka has raised and so, I do not know. Mr Aboneka specifically raised that matter.

**MR NSEREKO:** Thank you, Madam Speaker. I can see the honourable minister is caught between the rock and hard stone. However, this House cannot take a ruling based on hearsay. You are talking of Aboneka, which indeed, if rightly true is a matter before court. The rules provide that the Speaker of course after acquainting herself with the pleadings before court shall take the decision.

I would not like to prejudice the proceedings in court or act in contempt as Parliament. However, the questions we posed, that would be the ruling of the Speaker- I am not saying that I want to pre-empt the ruling of the Speaker, was on the price and the change in the rules and the legal framework. You can clearly say that you laid a treaty here or you did not lay it.

However, if you find yourself wanting, the question is that the other questions that were involved are the people in the Diaspora and the Speaker raised this. We have people that are stuck. Is that a matter of court to determine?

Therefore, there are some issues I think you can present and others if you feel will jeopardise the case that you have before court, you may leave out. However, I understand the situation in which you are but please, find a win-win situation in order to also inform the public.

However, if you clearly have the pleadings or if you can access them, lay them at the Table and then, give the Speaker the basis to rule. Thank you.

**THE SPEAKER:** Yes. Honourable members, the issue of whether a matter is sub judice are really mine. Therefore, if I could access the pleadings - the Attorney-General should present the pleadings so that we study and see. If it is sub judice, we leave it.

**MR NIWAGABA:** Madam Speaker, the proper interpretation of rule 72 (2) would require the Minister to give the statement. However, in your opinion, Madam Speaker, if you find the matter to be discussed involving active criminal proceedings, you stop the discussion.

However, for the Minister to answer the questions, he must answer and then, you will determine whether we should discuss particular part of the question or not. Moreover, the answer he is giving is not a ministerial statement that is going to be discussed by Members; it is only a supplementary question if it arises from the Member who asked the question.

Therefore, the Minister should not hide under the sub judice rule to deny information to the country and to answer the question the Member asked.

**THE SPEAKER:** The Attorney-General should give us the pleadings so that we take the decision. I refer the discussion on this matter to Thursday. I am sure you can browse the internet and get the pleadings.

Honourable members, in the public gallery, we have teachers and pupils of St Steven Kumi Development Centre represented by hon. Amoding and hon. Aogan. Welcome to Kampala and welcome to Parliament.

RESPONSE TO THE QUESTION ON THE DEVELOPMENT OF BUMPS ALONG THE NEW BRIDGE ON RIVER NILE AT JINJA, PARTICULARLY THE ROAD SECTION TO KAMPALA

5.26

**THE MINISTER OF STATE FOR WORKS AND TRANSPORT (WORKS) (Gen. Katumba Wamala):** Thank you, Madam Speaker. This statement is in response to a matter raised by hon. Fredrick Angura, Member of Parliament, Tororo County South, regarding the development of bumps along the new bridge on River Nile.

The source of River Nile Bridge was commissioned by H.E the President on 17 October after its construction was substantially completed. About two months ago, signs of rattling and crack bumps were noted on asphalt wearing course along the edge of the import lane from Kenya to Uganda. It was noted that the bond between the waterproofing layer on concrete and the asphalt layer was losing bond.

However, it should be noted that:

The asphalt-wearing course on which the bumps manifest is not part of the permanent bridge structure. Therefore, there is no structural defect on the bridge. It is a layer laid on top of the bridge deck to carry traffic and protect the concrete deck.

This bridge has four layers; the concrete deck, the waterproof layer, the asphalt and the tack layer. The defects, which are detected now and which are causing concerns and rightly so, are in the asphalt layer not in the concrete deck and not on the waterproof layer. Therefore, there is no structural defect as far as the bridge concerned.

This layer, after every five years, will be replaced. The site is still under the contractor until December 2020, when the two-year defect liability period will expire. Therefore, any defects noted will be rectified by the contractor at his own cost and no cost to Government.

Additional tests are being done on the asphalt and waterproofing material to see the bonding behaviour to understand why they are not bonding well and this will inform the decision on the application of a permanent solution.

The contractor and the consultant conducted several tests on the bridge, took a sample of the failed asphalt and tested them in the laboratory in Nairobi. This will form a baseline data for the bridge structural health monitoring and inform the decision to replace the wearing course with a more resilient asphalt layer as soon as investigations are completed. All this is being done within the defect liability period before the contractor leaves the site.

At the moment, the contractor has completed all the tests and has embarked on plans to start application of permanent asphalt on the bridge deck but as contractual requirement, they are preparing a trial section of an asphalt of 100 meters on both approaches of the bridge.

My ministry and Uganda National Roads Authority (UNRA) are endeavouring to minimise traffic flow disruptions with the on-going exercise. I beg that Members be patient and we see the results of this. I would like to re-affirm that there is no structural defect on the bridge. It is just the top layer, which has been affected. I beg to submit, Madam Speaker.

**THE SPEAKER:** The question was from hon. Angura; he is entitled to a supplementary.

5.30

**MR FREDRICK ANGURA (NRM, Tororo County South, Tororo):** Thank you, Madam Speaker. I would like to thank the Minister for the statement he has made. I also want to say that I am not very satisfied with the answer that has been given by the Minister because this is not the first road that has been constructed and maybe, the first bridge that has been constructed along the Nile.

Therefore, I would like the Minister to confirm whether the increased heavy traffic that we are continuing to realise on this road will definitely not continue to regularly affect the asphalt as he has said.

Secondly, wouldn’t it be precautionary right to also worry about the stringers that are holding the bridge? For purposes of diligence, we task the team of experts to check these strings and also ascertain whether they are firm enough and may not collapse very soon. If the problem persists, then maybe, we would request for an audit on the contractors of this bridge and also other bridges across the country.

Finally, honourable minister, in the event that this bridge is starting to cause some worries before it even attains six months, what plans are there to maintain the old bridge that has survived for many years, with minimal replacements of the asphalt? I beg to submit.

**THE SPEAKER:** Honourable members, this was a question for one person. How much information do we have about it?

5.32

**MS MILLY MUGENI (NRM, Woman Representative, Butaleja):** Thank you, Madam Speaker. I am one of the users of the Jinja Nile Bridge. I would like to seek some clarification from the Minister since all Ugandans were excited when we saw this new bridge. Doesn’t he think that we rushed to use this bridge?

Secondly, the speed limit on this bridge is 80 kilometres per hour. Isn’t it too high for excited Ugandans?

5.33

**MS REHEMA WATONGOLA (NRM, Kamuli Municipality, Kamuli):** Thank you, Madam Speaker, for the opportunity. My inquiry is on the accidents on that bridge. During the festive season, there was a terrible accident on the bridge. Thank God that people did not fall into the water.

At the beginning of January, still, there was another accident at the bridge. Last week, there was also another accident. That means that there must be something wrong, which the minister and Government should come out quickly to explain before we lose a great number of people.

Lastly, the traffic officers are just stationed before the bridge when they are on duty. However, they never stop to check on the vehicles but instead leave the drivers on their own. That might be a reason for the accidents on the bridge.

5.34

**MR WILLIAM NZOGHU (FDC, Busongora County North, Kasese):** Thank you, Madam Speaker. I would like the honourable minister to explain to this House about the defects liability period that he mentioned. As far as I can recollect, the defects liability period should be within a reasonable period; that is two years.

Madam Speaker, by last night, they were removing the top layer on the bridge and yet, the two years have not yet passed. Which assurance is the honourable minister giving us; that the quality of works on that bridge will last for the period that was planned, if already reconstruction is happening even before the two years elapse?

5.35

**MR DAVID ABALA (NRM, Ngora County, Ngora):** Thank you very much, Madam Speaker. I would like to thank the minister for this report. He spoke like he was a professional engineer, although he is a General. I do not know if he is a General Engineer.

I use that road every weekend. There is a day I was stopped about three times. When I was driving, the vehicle was just shaking. Considering that situation, it appeared like there was shoddy work but the minister is not admitting that. That bridge was commissioned three months ago and today, when you use the road, the vehicle just shakes.

That is why I would like the Minister to come out clearly, specifically because his engineers are there every day. At the same time, the bridge is cracking and I do not understand why. That is why I suspect there is shoddy work on that bridge. That is the reason we have all this. The minister is now trying to use the engineering language to convince Parliament, to accept that the bridge is okay. Otherwise, I am worried because that bridge seems to have more problems than we envisaged today. Thank you.

**THE SPEAKER:** Honourable minister, you know we have other work. Can you please respond? Give us a way forward on this issue.

5.37

**THE MINISTER OF STATE FOR WORKS AND TRANSPORT (WORKS) (Gen. Edward Katumba Wamala):** Thank you very much, Madam Speaker. A number of questions have been raised by the honourable members. There is a question on the increased traffic and whether it will not affect the asphalt if it continues.

I would like the honourable members to note that the asphalt defect is just on the inverted section of the bridge. It is not on either side of the road. As you come from Jinja, before you hit the bridge, the asphalt is not affected. As you come from Njeru, before you hit the bridge, the asphalt is not affected. Why? Because the laying of the asphalt was done in the traditional way.

As I said, it is at the section of the inverted bridge – that is why we have those four different layers; the concrete, the waterproof aspect, the tar treat and the asphalt. Therefore, what we are investigating is whether the bonding between the last two layers and the waterproof layer failed. Due to its failure, we have those bumps. That is what is being replaced.

The pylons are very strong. This is not the first bridge that the Japanese companies have constructed in the world or on the continent. Therefore, there is no worry about the inverted pylon bridge. The problem is the asphalt and it is being replaced.

There is a question on whether the increased volume of traffic will not affect – it could be true. It happened this time because the weighbridges, which are fixed on either side of the bridge, have not yet been functional.

That could take me into the other question where somebody said, “couldn’t we have hurried to commission the bridge and start using it?” What would happen in the normal circumstances is that, after the auto weighbridges have started functioning, there would be no overweight vehicle to get on the bridge. It would be taken aside once the auto bridge reads that the vehicle is overweight. Therefore, there should be no worry about this volume of traffic because the studies were undertaken.

Can we be open to an investigation? Yes, it is okay. If there is an independent team of members of Parliament who may want to conduct an investigation, it is perfect. We have no problem with that.

About the liability period, that is the normal liability period we took. That is why I have told you that whatever defect will be detected within that period of two years, it is the responsibility of the contractor. It has no cost to Government at all because it is within the defect period.

As for the speed on the bridge, the point is taken. I think we may have to again going by our behaviours as Ugandans, we may have to revisit that speed of 80km/hr. Already, I know about three vehicles that have geared off but they saved from getting into the water because of over speeding. I will take that point and that is something we have to look at and see whether we can revisit the speed on the bridge.

The old bridge is right now under investigation to see whether it can be repaired. Of course, it was still useful but we would not highly encourage people to use it. That is why we have tried to maintain the flow on the new bridge even with the repairs being made. Right now, the old bridge is being used by the light vehicles and boda bodas. If you are travelling and you would like to use the old bridge, nobody can prevent you from using it because it is still *–(Interruption)*

**MR OKUPA**: Yesterday morning, I was coming from Kasilo. I saw the engineers working on the other part, which has got defects. I was stopped because I wanted to divert from Igar petrol station to use the old one. I was told that I cannot pass there and it is only the boda boda cyclists that should use side. If they have not got that information, please, could you pass it on to them?

Minister, as you are going to follow up this matter, I think what has happened points to a bigger problem given your explanation. If this is not the engineer’s first bridge to be constructed, then this should not have happened. They have contracted the issue about investigation, I can give you an example, we built at the same time a bridge in Tanzania Kigamboni from Dar-es-salaam across. This bridge is 680 metres and it cost $136 million. Ours is 525 metres and it has cost us $161 million. The one built at the same time in Suez Canal is 3.9km and it cost $196 million.

Our bridge, which is over cost has even developed defects**.** I would like Members to google and look at how the finishing on the Kigamboni Bridge in Tanzania has been completed and how it looks wonderful; compare it with ours. It points to a lot of things.

**GEN. KATUMBA:** Point taken. Thank you, honourable member. Madam Speaker, with that, I beg to submit. Thank you.

**THE SPEAKER:** Honourable members, we shall ask our Committee on Physical Infrastructure to remain ceased of the matter. If there are other issues, they can come back to us. Thank you very much.

BILLS

SECOND READING

THE SECURITY INTEREST IN MOVABLE PROPERTY BILL, 2018

5.45

**THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS (Maj. Gen. (Rtd) Kahinda Otafiire):**Thank you, Madam Speaker. I beg to move that The Security Interest in Movable Property Bill, 2018 be read for the second time.

**THE SPEAKER:** It was actually read. When we were going for Christmas, it was already given the second reading. I think we are waiting for debate. Unless the Chairperson wants to give a highlight in case Members have forgotten.

5.46

**THE CHAIRPERSON, COMMITTEE ON LEGAL AND PARLIAMENTARY AFFAIRS** (**Mr Sam Bitangaro):** Thank you, Madam Speaker. The Security Interest in Movable Property Bill, 2018 is a Government Bill, which was read for the first time by the Minister of Justice and Constitutional Affairs on 27 March 2018. It was referred to the Committee on Legal and Parliamentary Affairs for scrutiny in accordance with Rule 128 of the Rules of Procedure of Parliament. It was read slightly before we broke off for Christmas. It is now time for debate.

**THE SPEAKER:** What are the main objectives of the Bill?

**MR BITANGARO:** The Bill before Parliament today is:

1. To provide movable properties as collateral.
2. To provide for the creation and perfection of security interest.
3. To provide for the rules for determining priority of claims among competing claimants.
4. To provide for the registration of security interest in movable property by notices.
5. To provide for a registrar of security interests in movable property.
6. To provide for the enforcement of security interests, search of a register and for related matters.

Thank you very much.

**MR MAWANDA:** Thank you very much, Madam Speaker. This is a very important Bill and I recall we passed the Chattels Security’s Act, 2014 in the same way; we were very few and hon. Kahinda Otafiire did not agree with us and we ended up making mistakes. The report was presented –

**THE SPEAKER:** What mistakes?

**MR MAWANDA:** Madam Speaker, there were some issues that were left out. We did not make mistakes but some items, which were raised were left out. The procedural matter I am raising is that the report was presented in December and as you can see, Members would like to appreciate this Bill and be able to revise it properly. If they can give us today so that tomorrow, we come back here when we are fresh so that we can be able to discuss it properly and be able to process the Bill in the right manner. I thank you, Madam Speaker.

**THE SPEAKER:** Honourable members, this matter has been on the Order Paper since 6th January. Please, debate.

5.50

**MR SILAS AOGON (Independent, Kumi Municipality, Kumi):** Madam Speaker, like the previous Floor bearers put it, it is very important for Members to understand this very important Bill. I remember when the Rt Hon. Jacob Oulanyah was on the Chair, there was an attempt to introduce it again. Members said we needed to first go back and internalise.

I think what is critical is for the Chairperson to be available and give information where Members need it. For instance, we are now saying security interest in movable property, what does it mean? That should be the question. When we are talking about security interest, we are talking about collateral. Somebody is borrowing from a creditor but the creditor is demanding for something that he or she will take as collateral. For instance, people have been looking at land but to me, this Bill is looking at expanding the catchment for those who are doing business. For example, the youth and women do not own land. Therefore, how do they help themselves in getting credit?

This Bill will bridge that gap so that people can be able to access credit; you could use a car or you could use your stock in the shop to access credit or you could even use your livestock to access credit. There should be a list of priority in case people are struggling to get payment from collateral. For instance, if your business has collapsed and there are people demanding from you, who takes priority? In taxation, Government usually takes the first priority. However, what does this House say? It is a question that needs to be answered. There are many issues here.

Madam Speaker, when the Chattels Security Act, 2014 was passed, of course, there were some flaws that were detected. This is an opportunity for us to put it right. The basic issue in this Bill is to have movable property such as vehicles, judgment liens, stocks for trade, shares, livestock, negotiable instruments and money coming into play.

If this House considers this, it will most especially help the youth because they do not have access to land and do not own big property to be put as collateral. Therefore, the word “security interest” should not scare anybody because it simply means collateral and that will help us.

Madam Speaker, my submission is that this is the right time for us to consider this Bill and I support the observations and recommendations made by the committee. They have been pinpointing the gaps that need to be filled. Before we considered this Bill, there was a problem because there was a narrow scope of the types of movable assets. There was exclusion of judgment liens and negotiable instruments. There were also no debentures and intangible assets such as intellectual property rights, shares and securities.

The Chattels Security Act, 2014 envisaged a manual register which, according to international best practices, may not be effective for putting third parties on notice for actual or possible assistance. That is why we needed to have this law put right this time. I would like to agree with the committee. They are spot on. I support the recommendations. We need to pass this Bill the way it is recommended by the committee. Thank you, Madam Speaker.

5.53

**MR MICHAEL MAWANDA (Independent, Igara County East, Bushenyi):** Thank you very much, Madam Speaker. I thank the committee for the report. I also rise to support the Bill. I am glad that some of the defects that were in the Chattels Security Act, 2014 have now been properly addressed. This Bill is about expanding the financial instruments on the market. It now gives us leverage even to pledge any movable property that is of value as security and access credit, which has not been the case and had greatly affected the interest rates. The interest rates are high because items to be pledged as security are limited.

If this Bill is passed into law, I can pledge my watch. Imagine I am moving with an item worth Shs 2 million on my wrist but I cannot pledge it as security. If I am financially constrained, I can put off my watch and pledge it as security and access credit and be able to solve my problems. Let us support this Bill because it will go a long way in satisfying the national strategy of financial inclusion and deepening.

Secondly, Madam Speaker, the business world is dynamic and more financial instruments are coming onto the market. For example, under intellectual property rights, people can now pledge their intellectual property like songs as security, which is not the case in Uganda now. If this Bill is passed into law, people can access credit through intellectual property rights as well as bonds and shares as already said by my colleague.

Madam Speaker, it will also go a long way in bringing on board people who do not own land. The most important property you can now pledge as security is land. The youth who are complaining about unemployment do not have land. Women also do not have land but they have other movable property, which can be pledged as security.

Secondly, you can also float the movable property as a floating charge. I can have one item but pledge it as security in two financial institutions as long as it has the worth *–(Interjections)-* Yes, debentures can be but to a limited extent. If this Bill is passed into law, debentures will be able to assist people who have movable property to be able to access credit.

I implore Members that we support this Bill. It will go along a long way in financial deepening and inclusion and bringing more instruments on the market to be able to improve the ease of doing business in Uganda. It is actually in Uganda that we are still behind in as far as pledging some of these securities, which we have, for credit.

I support the Bill and hope that when it comes to committee stage, I will come up with some amendments. I thank you very much, Madam Speaker.

**THE SPEAKER:** Honourable members, you know we now have a serious practice. If you intend to move an amendment, you should submit in advance.

5.57

**MS AGNES KUNIHIRA (NRM, Workers Representative):** Thank you, Madam Speaker. I would also like to support that the Bill be passed into law. Much as the law has not been there, you are aware that people have been moving their movable assets like cars. However, because it was not regulated, somebody would take his or her car worth Shs 100 million to get Shs 5 million but interests would accumulate and these people would lose their property.

Therefore, I support that the Bill be passed into law to help our people who have been losing their property. I beg to support.

5.58

**MR MICHAEL TIMUZIGU (NRM, Kajara County, Ntungamo):** Thank you, Madam Speaker. I have to admit that this Bill is timely because as we know, the population of Uganda is increasing every year. As the population increases, the movable property also increases in proportion to the population. There are very few people who have immovable property.

In 10 or 20 years to come, many people will not have immovable property but they have shares in different companies. They will have other forms of property as mentioned; intellectual property – and they will also have shares in businesses. Now that we know the situation is changing, we need to have this law in place. We need to prepare ourselves such that we have a bright future for ourselves and our children.

Therefore, Madam Speaker, I support this Bill because it is going to prepare this country for economic prosperity.

5.58

**MR LAWRENCE MANGUSHO (NRM, Kween County, Kween):** Thank you, Madam Speaker. I support the report by the committee. The issue of movable property has even been in practice, especially with these small microfinance institutions and local moneylenders. However, the issue has been regularising and legalising it. Therefore, this law will be very helpful both to the small-scale entrepreneurs and farmers and also secure the lender because once it is regularised, it becomes good collateral which is reliable.

Therefore, those communities from rural areas who do not have property, which is credible collateral can benefit from any line of credit. It has happened in our neighbouring countries like Kenya, where it was passed in 2017 and I think if this House approves this Bill, it will be very helpful to our own people. First of all, with the current method that people are using, the mafias have been able to grab people’s property like confiscating car log books or computers, just because there is no proper regulation and registration. Therefore, I support the motion. Thank you.

6.01

**MS MILLY MUGENI (NRM, Woman Representative, Butaleja):** Thank you, Madam Speaker. I would like to thank the mover of the Bill and also support it. As a woman leader in this country, we know very well that the women are not really empowered economically. When it comes to such things, they really suffer because they do not have immovable property to present to especially banks for them to get credit.

I would like to call upon all leaders, especially the men, to support this Bill so that in future, it helps the mothers, wives and sisters to get credit like the men who are empowered do. Thank you very much.

6.02

**MR DAVID ABALA (NRM, Ngora County, Ngora):** Thank you, Madam Speaker, for giving me the opportunity. I would like to raise two points. The first one is on copyright. In Uganda today, people are copycats. They can copy a logo for this and change the name. For example, if you look at what used to happen with Red Cross; all the hospitals were using the same symbol and there was no law helping us. However, this law here is going to help us in addressing all these problems.

Secondly, this law will actually help us to address all these problems including trademarks. If hon. Otafiire, the Minister of Justice and Constitutional Affairs, has designed his own logo or trademark, nobody should be able to use it. For example, in this House, they call me “*otyo*” meaning it is almost like a trademark for me – *(Laughter)* – because I always use the word “*otyo*”.

This law will go a long way in making sure that the immovable property like land cannot be transferred without the consent of your spouse. This is why I am very happy because I am sure the women are going to be protected. They will have a voice on the issue of land. The children will also be involved in the process if you have to transfer. If they do not give consent –*(Interruption)*

**MR NIWAGABA:** Thank you, honourable member, for giving way. I thought the law we are talking about is a security interest in movable properties. However, in your debate, you are talking about land, transferring and protection of women. Would you be in position to clarify to me the connection between land and transferring land and the creation of security interest in movable property?

**MR ABALA:** Madam Speaker, I was just breaking down this matter so that we all understand and everybody gets to know what we are talking about. When you talk about the issue of –*(Interruption)*

**MR AOGON:** Madam Speaker, the information I would like to give is this. I understand what my brother was actually explaining. The truth is he was trying to say that women, children and youth do not have access to titled land and buildings and therefore, they cannot access credit. You know, he uses many words but I wanted to be precise. *(Laughter)*

**MR ABALA:** Madam Speaker, he read my mind properly. *(Laughter)* That is why I support this Bill and actually, plead with my colleagues not to waste time. Let us pass this Bill into law. Thank you very much.

**THE SPEAKER:** Honourable members, I know I should not say this but when we enacted the Chattels Security Act, 2014, we were very excited because we saw an opportunity for people who have no land to have access to credit. I kept on asking when it is coming into force. I would call the banks to ask whether it is operational. Nobody was telling me anything. However, this Bill speaks to access because people will have more access; it speaks to inclusion and is very important.

By the way, honourable members, when I was constructing my hotel, I tried to borrow money but was told they cannot take a title deed from Kamuli. They told me to bring my title deed of the house where I live in Kampala. They said they know I have a house and I should take the title deed. I said, “no, I cannot mortgage my house.” *(Laughter)* They said no one would go to Kamuli. So, this can assist us.

6.07

**MR GORDON BAFAKI (NRM, Kazo County, Kiruhura):** Thank you, Madam Speaker. I would also like to support this law. Although we have tried to include other items, we have been fixing or putting as collateral to include those that are movable.

The only challenge I have with this Bill is that we can include all these other things but the challenge has been with the interest. I can take my car or television but what will be the interest rate of the amount of money I am getting from the movable items I am giving?

I would like this issue to be really taken into consideration. Ugandans have been suffering. We can get money or loans but I do not know whether the law will cater for the interest rate. Thank you.

6.09

**MS FLORENCE NAMAYANJA (DP, Bukoto County East, Masaka):** Thank you very much, Madam Speaker. I support the Bill. However, I note that we have spent a lot of time enacting these laws but the Judicial Service Commission and the Uganda Law Reform Commission are very thin on the ground to sensitise the people about the laws we pass.

For instance, this law would benefit many of people including the low income earners and those who do not have a lot to present when they are getting loans. It is important for the commissions and even legislators to be seen on the ground. If we can find time to go and specifically sensitise communities on certain laws that are not very clear, maybe people would appreciate our roles as Members of Parliament. Thank you very much.

6.10

**MR WILLIAM NZOGHU (FDC, Busongora County South, Kasese):** Madam Speaker, I have some issues. Firstly, for the few Ugandans who have property that they have been presenting as collateral to the various creditors, the majority of them have lost their property. Basically, the challenge arising is out of the unregulated interest rate charges, which every creditor in his capacity introduces and he can determine at what interest rate he is going to extend credit to a borrower.

Now, the issue that lingers on my mind is that even where Government, particularly Bank of Uganda, has been very clear on the Central Bank Rate (CBR), when the CBR goes down, the traditional commercial banks and other creditors do not adjust accordingly. What happens usually is that when CBR has been increased by just a small percentage, the creditors multiply the interest rates.

The biggest question here is: how are we going to ensure that the creditors do not fleece the people of their property in the guise of having an open ground in which each property owner, small or big, can simply mortgage the property and access credits? We have a challenge in this circumstance. We may be increasing the vulnerability of the common people if we do not put enough safeguards in this Bill.

So, how do we protect the property the creditors are looking for from the vulnerable people? I thought the mover of this Bill would *–(Member timed out.)*

**THE SPEAKER:** Honourable members, using your iPads, google the text of this Bill. It is not about interest rate; it is about security interest. Do not confuse interest rate with this Bill. Can you address the -

**MR NZOGHU:** My issue of contention is about the protection of the people who access credit. I am saying interest rate is one of the challenges these people are facing. The unregulated interest rates can make this Bill even more irrelevant when the people are not protected. So, how do we efficiently and effectively safeguard the people who avail their property to access credits and not necessarily make them more vulnerable than they were before they borrowed the loan?

**THE SPEAKER:** Please, address the Bill.

6.14

**MR SIMON OYET (FDC, Nwoya County, Nwoya):** Much as I have no problem supporting this Bill, I would like to invite my colleagues to pay attention to some of the critical issues, which may affect our economies.

In 2007/2008, when Europe was hit by a financial crunch, some economists were tasked to do some research to find out the suggestions on the causes of the economic crunch. One of the issues, which came out prominently and was published in so many journals was about the expansion of the financial security. I took time to read and analyse it. The practice in Europe then, especially among young people, was that they would go with their movable assets like motorcycles and vehicles to secure loans knowing they were not going to pay. When the lender, after the borrowers defaulted, decides to sell the movable assets, he would not sell the assets at the value the loan was given.

Madam Speaker, I would like to illustrate this example. Sometime back, I did money lending. We decided to expand the financial security to include some of the household appliances and there were people who came with their fridges and TVs. As a result, we were forced to hire a store. Little did we know that was one of the ways of disposing of those assets. Up to now, we have failed to sell some of them.

Therefore, we need to pay key attention to some of these issues in order to keep a sound economy. Thank you.

6.17

**MR ALEX BURUNDO (NRM, Bulambuli County, Bulambuli):** Thank you, Madam Speaker. I am in support of the Bill. In rural areas, we have women who have formed small groups. In those groups, they have gone an extra mile of buying things like tents and plastic chairs, which can be valued at Shs 10 million. When they go to the banks to look for credit to expand their business, they are always denied.

If this Bill is passed into a law, I am convinced the rural women will be able to go to banks and borrow money to expand their businesses. Recently, there was a group of *boda boda* cyclists who went to the bank to borrow money in order to buy more motorcycles as a source of employment. As you have seen, we have a problem of unemployment in Uganda. It was very unfortunate that these *boda boda* men were denied loans and yet, they had ten motorcycles. Today, ten new *boda bodas* are valued at Shs 40 million.

Therefore, if we can include movable property like motorcycles, trusted *boda boda* will be able to go and get loans. The fraudulent ones will always get problems because at the end of the day, they must pay back the loan.

I am in support of the Bill because I had to go and stand in for the *boda boda* for them they could get a loan. If this Bill is passed, I would ask them to go and get the money on their own. I would be a free man while they continue transacting their businesses.

**THE SPEAKER:** Honourable members, I think there is a general agreement. So, I would like to put the question that the question for the reading of the Bill the second time be put.

(*Question put and agreed to.*)

**THE SPEAKER:** I put the question that the Bill be read the second time.

(*Question put and agreed to.*)

BILLS

COMMITTEE STAGE

THE SECURITY INTEREST IN MOVABLE PROPERTY BILL, 2018

Clause 1

**THE CHAIRPERSON:** I put the question that clause 1 do stand part of the Bill – Do you have an issue with clause 1?

**MR BITANGARO:** No amendment.

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

*(Question put and agreed to.)*

*Clause 1, agreed to.*

Clause 3

**THE CHAIRPERSON:** Do you have an amendment to clause 3?

**MR BITANGARO:** Madam Chairperson,

(a) In subclause (1), we need to redraft paragraph (c) as follows –

“(c) a tangible or intangible asset which is ordinarily used outside Uganda where the grantor of the asset is located in Uganda.”

(ii) Insert a new paragraph (d) immediately after paragraph (c) as follows –

“(d) a moveable property attached to immoveable property.”

(b) In subclause (3), substitute for “shall” the word “is.”

(c) In subclause (4) substitute “habitual” with “ordinary”

(d) Delete subclause (5)

(e) In subclause (6)(b) insert immediately after the word “of” appearing in the second line, the word “which”

(f) Delete subclause (7).

Madam Chairperson, the justification is for clarity and better drafting to remedy grammatical and typographical mistakes in the provision and to remove redundant and misplaced provisions.

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

**MR AOGON:** Madam Chairperson, I would like to get an explanation. You talked about tangible and intangible properties outside the country; maybe you could shed light on that particular clause.

**MR BITANGARO**: “…intangible securities which is ordinarily used outside Uganda where the grantor of the asset is located in Uganda.” A tangible asset is defined in the definition section II, on page 8.

**THE CHAIRPERSON**: If you look at the top of page 8 that is intangible; it deals with accounts, deposit accounts, electronic securities, intellectual property etc.

**MR BITANGARO:** It is defined on page 8 of the Bill.

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

*(Question put and agreed to.)*

*Clause 3, as amended, agreed to.*

Clause 4

**MR BITANGARO:** We would like to have clause 4 replaced as follows -

4. Creation of security interest

1. A security interest may be created –

(a) In any type of combination of moveable property.

(b) In a part of or an undivided interest in moveable property.

(c) In a generic category of moveable property; or

(d) In all of the moveable property of the grantor.

1. A security interest is created by a transaction that secures payment or performance of an obligation without regard to the form of the transaction.
2. An agreement for a security interest becomes enforceable where –
   1. The grantor is the owner, has right in the collateral or has the power to encumber the collateral;
   2. The agreement-

i) Is signed by the grantor; and

ii) Identifies the secured creditor as the grantor;

iii) is witnessed by a third party;

iv) Describes the collateral, in a manner that reasonably allows its identification as may be prescribed by regulations made under this Act.

v) Describes the secured obligation in a manner that reasonably allows for its identification where pre-existing present or future, determined or determinable, conditional or unconditional, fixed or fluctuating or a line of credit as may be prescribed by regulations made under this Act.

vi) Indicates the maximum amount for which the security interest is enforceable; and

(c) The secured creditor gives the collateral a monetary value.

(4) Where the secured creditor is a money lender, the transaction shall, in addition to subsection (3), only be enforceable if it complies with the provisions of the Tier 4 Microfinance Institutions Act and Money Lenders Act.

(5) The security interest shall be taken as given by grantor to a creditor for the sole purpose of creating a security interest and shall not operate as a transfer of an interest in property from the grantor to the creditor.

(6) Where a grantor signs a transfer as a condition for a grant of a security interest under this Act, the transfer shall be void.

(7) The provisions of the Land Act, Cap. 227 relating to family land rights shall apply to this Act.

The justification is:

1. To ensure that the transactions under the Bill do comply with the strict provisions of Tier 4 Microfinance Institutions Act and Money Lenders Act as far as money lenders transactions is concerned.

2. To require transactions under the Act to only be intended as security and not to act as a transfer of the secured property to the secured creditor.

3. To subject the creation of security interests to the Land Act in order to protect family land.

4. For clarity and better drafting.

**THE CHAIRPERSON:** Mr Chairman, I would like to know how an immoveable property is becoming a subject of this law. I would like know how land becomes part of this law. This is about moveable property; how does land come into it?

**MR BITANGARO:** Well in relation to seeking consent before you mortgage your car, for example.

**THE CHAIRPERSON:** But a car is not land.

**MR BITANGARO:** No, it is not; we are borrowing the provision that relates to that Act to come to this Bill.

**THE CHAIRPERSON:** Can’t you just state them without reference to the Land Act? I think it is better if we state them without reference to the Land Act.

**MR BITANGARO:** We can; I accept your guidance, Madam Chairperson.

**MR NZOGHU:** Madam Chairperson, the title does not mention what the chairperson is talking about. If we are trying to incorporate land, it would mean that the mover and the chairperson would have to first of all revisit the title so that we move in a more realistic manner.

**THE CHAIRPERSON:** I understood what he said; that he has borrowed the principles in the Land Act to apply them here. Therefore, instead of referring to the Land Act, let us put the principles here.

**MR NZOGHU:** Madam Chairperson, how about issues of movable and immovable property?

**THE CHAIRPERSON:** Let us ask our people to get the Land Act so that we can formally restate those provisions.

**MR AOGON:** Madam Chairperson, I concur with you. If we try to import from the Land Act - first of all, when we talk about the youth, most of them are not married. If ask that they must get the consent of their spouse, does it hold water? If there is anything expressly that we want to insert, we must formulate it and put it here and ignore the Land Act; otherwise we shall make mistakes.

Secondly, I have not heard mention of matters of insurance in this Bill. If a company is going to give credit to a youth for livestock and fire burns it, what happens? I do not know whether you have something to say about insurance. Livestock is also susceptible to theft. Maybe we can have a discussion about that or do you already have something on it?

**THE CHAIRPERSON:** Honourable chairperson, let us defer the conclusion of clause 4 while our counsel restates it. Let us go to the next one. We will come back to it when they have finished the draft.

**MR MAWANDA:** Madam Chairperson, can I also ask for clarification that can be considered?

**THE CHAIRPERSON:** Yes, hon. Mawanda.

**MR MAWANDA:** Thank you. This is in respect to Clause 4(4)(V) where it describes the secure obligation in a manner that reasonably allows for a certification; whether pre-existing, present, future, determinable or undeterminable, conditional or unconditional, fixed or fluctuating.

He is referring to a debenture yet in the Interpretation Clause, the debenture is not covered. You said that we should not bring amendments on the Floor but I had wanted to introduce the term, “Debenture” in the Interpretation Clause so that it can be easily understood. How will it be captured?

**THE CHAIRPERSON:** That is why we have not handled interpretation. We will do it at the end in case there are changes. Let us go to a new clause.

**MR BITANGARO:** Madam Chairperson, insertion of new clauses immediately after clause 4 to read as follows –

“Effectiveness of agreements creating security interest and duty of faith

1. An agreement to create a security interest is effective according to its terms between the parties to it and it is enforceable against a third party.
2. A duty of good faith applies both to the grantor and the secured creditor.

Rights and duties where collateral is in possession of a secured creditor

1. A secured creditor has a duty to use reasonable care to preserve collateral in his or her possession.
2. In the case of a negotiable instrument or chattel paper, reasonable care referred to in subsection (i) includes taking steps to preserve rights against prior parties unless otherwise agreed.”

**MR NZOGHU:** I did not hear you well on clause 4 (ii). Can you read it again so that I compare with what I have here?

**THE CHAIRPERSON:** I think you missed out something. In one of the texts it says, “… notwithstanding the provisions of this Act …” then you follow, “… an agreement to create a security interest is effective…” I think you left out some words in the text.

**MR BITANGARO:** Are you using the new copy?

**THE CHAIRPERSON**: Do you have a new one?

**MR BITANGARO:** Yes.

**THE CHAIRPERSON:** So do you stand by your text?

**MR BITANGARO:** Yes.

**THE CHAIRPERSON:** Okay, proceed.

**MR BITANGARO:** Are you asking about, “… a duty of good faith applies to both grantor and secured creditor?”

**MR NZOGHU:** What I have here is, “… a duty of good faith applies to both the debtor and the secured party.”

**THE CHAIRPERSON:** Where are you - on the new amendments?

**MR BITANGARO:** It is, “secured creditor” not “party”.

**MR NZOGHU:** It is actually “secured third party”

**MR BITANGARO:** It should be “secured creditor.” We had gone to the rights and duties where collateral is in possession of secured creditor.

“(1) A secured creditor has a duty to use reasonable care to preserve collateral in his or her possession.

(2) In the case of a negotiable instrument or chattel paper, reasonable care referred to in subsection (i) includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

(3) Unless otherwise agreed, where collateral is in the possession of a secured creditor -

(a) Reasonable expenses, including the cost of any insurance incurred in the custody, preservation, use of operation of collateral are chargeable to the grantor and are secured by the collateral.

(b) The risk of accidental loss or damage is on the grantor to the extent of any deficiency in any effective insurance cover.

(c) The secured creditor may hold, as additional security, any increase of profits from collateral except that the profits or money must be remitted to the grantor or must be applied in reduction of the secured obligation.

(4) A secured creditor may use or operate the collateral for the purpose of preserving the collateral or its value or pursuant to a court order or except in the case of consumer goods, in the manner and extent agreed.

(5) Subsections (1), (2), (3) and (4) apply whether or not possession rises from the default of the grantor.

Secured creditor to supply information

(1) A grantor, a debtor, a judgment creditor, a person with interest in the personal property of the grantor or an authorised agent of any of these may request the secured creditor to update him or her on the-

(a) status of the collateral or

(b) amount of unpaid debts secured by the security interest.

(2) The secured creditor shall not, later than 10 working days after the day on which the request is received, respond to the request.

(3) Where the secured creditor fails to comply with (ii), a person aggrieved by that decision may apply to Court, which may make an order -

(a) Requiring the secured creditor to comply

(b) Extending the time for compliance; or

(c) Requiring any person to take other steps it considers necessary to ensure compliance.

(4) Where, without reasonable excuse, the secured creditor fails to comply with any order made under subsection (iii), the court may order that the security interest of the secured creditor in respect of which the request was made, is to be treated as un perfected or extinguished and that any related registration may be discharged.”

The justification is:

1. To ensure transparency in the relationship between the grantor, unsecured creditor and third parties.
2. To provide rights and duties for the grantor and secured creditor.
3. For completeness.

**MR KASULE:** Madam Chairperson, mine is a consequential amendment; I would like to add, “by all parties involved” after the words “unless where agreed.”

**THE CHAIRPERSON:** What mischief are you trying to cure?

**MR KASULE:** Somebody may write a statement and say that you have been party to it. To say, “agreed by all parties” means that you have to append your signature.

**THE CHAIRPERSON:** Where are you?

**MR KASULE:** In his amendments. He read very many.

**THE CHAIRPERSON:** Honourable members, the question is about introducing a new clause.

**MR MAWANDA:** Madam Chairperson, on the rights and duties where collateral is in possession of a secured party on page 6, on reasonable expenses - when dealing with the Micro-Finance Institutions and Money Lenders Act, we had this issue of reasonable expenses. The beneficiaries of this Bill will be micro-borrowers; small time borrowers.

Would you like to subject them to expensive insurance companies and expensive auditors so that they hide behind them and say, “we incurred these reasonable expenses?” We agreed that we would use minimal expenses. I wonder whether we would also apply the same here because when we leave it as “reasonable expenses”, we it may be abused.

**MR AOGON:** Madam Chairperson, that is a point of contention and I think to make it better, the parties should always come together to agree on the expenses so that somebody does not just put whatever they feel. Perhaps we should find a better way of drafting to include that.

Secondly, you talked of the secured creditor updating the data. What is going to be the mode of update? Can it be informal? Can somebody just make a telephone call and say, this is the state of your property or should there be a designed form, which can be handled through the regulations? Thank you.

**MR BITANGARO:** While I sympathise with hon. Mawanda on the use of the word “reasonable” - when you use “minimal” as well, what is minimal? It is relative just as “reasonable” is. Therefore, I beg hon. Mawanda to leave it in the capable hands of the court to interpret “reasonable.”

**MR NANDALA-MAFABI:** Thank you, Madam Chairperson. I would like to give the committee chairperson some information. In drafting, you cannot say “minimal” because who determines minimal? There might be a scale for “reasonable” for example, fare of transport by bus, somebody can say, “I came by plane”. I think we should go with what the chairperson has stated. What you are raising is maybe what you use in your own way of doing work.

**THE CHAIRPERSON:** Honourable members, I put the question that a new clause be introduced as proposed.

*(Question put and agreed to.)*

*New clause, agreed to.*

Clause 5

**MR BITANGARO:** Continuation of security interest after transfer of collateral. We wish to amend it by replacing subclause (1) as follows –

“(1) Where collateral is dealt with to give rise to proceeds, the security interest –

(a) continues in the collateral, unless the secured creditor expressly or impliedly authorises the dealing; and

(b) Extends to the proceeds."

ii) Delete subclause (2).

iii) Replace subclause (3) in the following terms -

“(3) A security interest in collateral extends to commingled goods and commingled assets.”

Insert immediately after subclause (3) the following –

“(4) Where the proceeds in the form of funds credited to a deposit account or money become commingled assets –

(a) the security interest extends to the commingled assets

(b) the security interest in the commingled assets is limited to the amount of the proceeds immediately before they became commingled goods or commingled assets; and

(c) if, at any time after the commingling, the balance credited to the deposit account or amount of money is less than the amount of the proceeds immediately before they became commingled assets, the obligation secured by the security interest that is enforceable against the commingled assets is limited to the lowest amount between the time when the proceeds were commingled and the time the security interest in the proceeds is claimed.

(5) Where the secured creditor enforces the security interest in both the collateral and the proceeds, the amount secured is limited to the market value of the collateral at the date of the dealing.”

The justification is:

1. To provide for how to deal with proceeds arising from the sale or transfer of a security interest that is deposited in an account thereby becoming a commingled asset.
2. To limit the amount the secured creditor may claim from a grantor.
3. For completeness and better drafting.

**MR NANDALA-MAFABI:** Thank you, Madam Chairperson. Mr Chairperson, I would like you to help me understand why you are deleting clause 5(2). It reads, “Unless otherwise agreed to by the parties where a collateral that is subject of an agreement for security interest is sold, the security interest in the collateral automatically extends to the proceeds of collateral whether or not the agreement contains the description of the process.” Here, they are protecting both parties; so, why are we deleting it?

**THE CHAIRPERSON:** In addition, I would like to know why you are deleting the option of sale or lease or license or exchange or disposition in clause 5(1). Then of course, I would also like to know why you are deleting clause 5(2).

**MR AOGON:** I do not know whether this is the very area that handles the issue of people who get collateral and then when you want to return their money, they hide. After hiding, they sell your property or say that you have failed to go by –

**THE CHAIRPERSON:** Honourable member, you are debating but we are dealing with Committee Stage. What do you say about this provision? No debate; do not divert him. We are dealing with clause 5(2), which you propose to delete.

**MR BITANGARO:** Clause 5(2) reads, “Unless otherwise agreed to by the parties, where collateral that is the subject of an agreement for security interest is sold, the security interest in the collateral automatically extends to the proceeds of collateral whether or not the agreement contains the description of the process.”

I want to delete it because I thought it would be a repetition, given what we provided for under the same clause 5.

**THE CHAIRPERSON:** But even clause 5(1) is being deleted and replaced with this one.

**MR NANDALA-MAFABI:** Mr Chairman, clause 5(1) talks about once it is created. It reads, “Once it is created, a security interest continues in the collateral notwithstanding a sale, lease, exchange…” Then it goes on to say, “Unless agreed…” In other words, if there is no agreement – they are saying that you can have an agreement that when you sell or exchange, I do not need the proceeds from it. Hon. Mawanda, listen to us, we are talking about what we know.

What I am trying to say is that my interest is created and agreed upon by the grantor and the secured creditor. The second one says that unless otherwise agreed… the proceeds shall automatically become collateral. Therefore, we do not need to delete clause 5(2) because there is no repetition.

**MR BITANGARO:** Madam Chairperson, I think the clarity of what would have been subclauses (1) and (2) is lost. For matters of clarity, I concede to have subclauses (1) and (2) stay.

**THE CHAIRPERSON:** Members, I put the question that clause 5 do stand part of the Bill.

*(Question put and agreed to.)*

*Clause 5, agreed to.*

Clause 6

**THE CHAIRPERSON:** Do you have an issue on clause 6?

**MR BITANGARO:** Clause 6, “Insertion of a new clause –

**THE CHAIRPERSON:** Is it in replacement or in addition?

**MR BITANGARO:** It is an insertion after clause 5. It reads, Insert the following new clauses immediately after clause 7,

“Tangible assets covered by negotiable documents *–(Interruption)*

**MR NANDALA-MAFABI:** Thank you, Madam Chairperson. I am raising a procedural issue. Is hon. Otafiire okay? Is it procedurally right for hon. Otafiire to keep quiet while we go ahead? *(Laughter)*

**THE CHAIRPERSON:** Hon. Otafiire appears satisfied with the process of the Bill.

**MR BITANGARO:** Insertion of a new clause. Insert a new clause immediately after clause 7,

“Tangible assets covered by negotiable documents

A security interest in a negotiable document extends to the tangible assets covered by” – I am sorry, Madam Chairperson. I think the insertion is after clause 5.

**MR ABALA:** Madam Chairperson, following the chronological arrangement of this Bill, we have just dealt with clause 5 and clause 6 is next. However, the chairperson is telling us to insert a new clause after clause 7, something that we do not understand. Are we proceeding well?

**THE CHAIRPERSON:** Let us first deal with clause 6. Members, I put the question that clause 6 do stand part of the Bill.

*(Question put and agreed to.)*

*Clause 6, agreed to.*

*Clause 7, agreed to.*

**THE CHAIRPERSON:** You can now move a new proposal, honourable chairperson.

**MR BITANGARO:** It reads, “Tangible assets covered by negotiable documents

A security interest in a negotiable document extends to tangible assets covered by the document, provided that the issuer of the document is in possession of the assets at the time the security interest document is created.”

The justification is to provide for the treatment of the tangible assets covered by a negotiable instrument.

**THE CHAIRPERSON:** Honourable members, the question is that a new clause be inserted as proposed.

*(Question put and agreed to.)*

*New clause, agreed to.*

Clause 8

**MR BITANGARO:** No amendment.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 8 do stand part of the Bill.

*(Question put and agreed to.)*

*Clause 8, agreed to.*

Clause 9

**MR BITANGARO:** Methods of perfecting proceeds of security interests

Re-draft sub-clause (l) as follows-

“(l) Where collateral is dealt with to give rise to proceeds in form of money, accounts receivable, negotiable instruments or a right to payment of funds to a bank account, the proceeds of the collateral shall be perfected without any further action.”

We also propose that we delete sub-clause (2);

Redraft sub-clause (3) as follows-

“(3) Where the proceeds are not of the type described in subsection (1), the secured creditor shall perfect the security interest in the proceeds using any of the methods in section 8(l) or as may be prescribed by regulations made under this Act.”

The justification is for clarity and better drafting and in sub-clause (3), to remove redundant words and words that would have adversely affected the enforcement of the provision.

**THE CHAIRPERSON:** Honourable members, the question is that clause 9 be amended as proposed.

*(Question put and agreed to.)*

*Clause 9, as amended, agreed to.*

*Clause 10, agreed to.*

Clause 11

**MR BITANGARO:** Security interest perfected outside Uganda

(i) Renumber the current provision as subclause (l).

(ii) Delete all the words appearing after the word “perfected” in the fourth line.

(iii) Insert the following new clauses -

“(2) Subclause (l) shall apply where the country in which the collateral was perfected has entered into reciprocal arrangements with Uganda to recognise and continue the perfection of security interests created in Uganda.

(3) Nothing shall prevent a person who has perfected a security interest under the laws of a state other than Uganda to perfect the security interest in Uganda, where the collateral is relocated or transferred to Uganda.”

The justification is:

(1) To only continue the perfection of collateral perfected outside Uganda if the country of origin of the collateral grants similar recognition to collateral created in Uganda.

(2) To allow for the perfection of collateral originating outside Uganda.

**THE CHAIRPERSON:** Honourable members, the question is that clause 11 be amended as proposed.

*(Question put and agreed to.)*

*Clause 11, as amended, agreed to*.

**MR BITANGARO:** I would like to insert a new clauseimmediately after clause 11 to read;

“Effect of transfer of collateral outside Uganda

(l) This Act shall continue to apply to collateral perfected in Uganda and relocated or transferred outside the territorial jurisdiction of Uganda.

(2) Where collateral that is perfected in Uganda is transferred beyond the territorial jurisdiction of Uganda, the collateral shall remain perfected against third party claims.

(3) Where collateral is transferred or relocated beyond the territorial jurisdiction of Uganda, the secured creditor may, in addition to the collateral already perfected, perfect another security interest using any method in section 8 or as may be prescribed by the regulations.”

The justification is:

1. To make provision for the treatment of collateral that is transferred outside Uganda.
2. To allow perfection of additional security in case the property is transferred or relocated outside Uganda.

**THE CHAIRPERSON:** Honourable members, the question is that a new clause be introduced as proposed.

*(Question put and agreed to.)*

*New clause, agreed to.*

**MR BITANGARO:** Madam Chairperson**,** we would like to, immediately before clause 12, insert the following new clauses -

“Designation of registrar

(l) The Registrar General appointed under the Uganda Registration Services Bureau Act, Cap. 210 shall be the registrar of security interests in movable property under the Act.

(2) The functions bestowed on the bureau under this Act shall be performed by the registrar.”

The justification is:

1. To designate a registrar to be in charge of implementing the provisions of this Act.
2. To empower the Registrar General to perform the functions of the bureau.

**MR NANDALA-MAFABI:** Thank you very much, Madam Chairperson. I would like to seek clarification from the Chairperson. Movable properties are properties which move; they can be moved. How would the registrar tag that moveable property to make sure that if it moves from here, it keeps its identity so that the one who is involved does not lose his property?

**MR BITANGARO:** Well, we have already covered one area where – I do not remember which clause it was but the same clauses apply where a person holding security is tasked to ensure that he is safe and reasonably protected. It also applies to the registrar.

Secondly, there is registration of that interest with the registrar.

**THE CHAIRPERSON:** Honourable members, the question is that a new clause be introduced as proposed.

*(Question put and agreed to.)*

*New clause, agreed to.*

Clause 12

**MR BITANGARO:** Madam Chairperson, we propose to replace clause 12 as follows –

“12. Register of security interests in movable property

(1) The bureau shall establish and maintain a register of security interests in personal property to be known as, “The Register of Security Interests in Moveable Property.”

(2) The register shall be maintained as an electronic records system and shall clearly specify the nature of the security interest registered and details of the movable property over which the interest is created.”

The justification is to separate the creation of the register and the mode of registration of security interests, which had been merged into one provision in clause 12.

**MR NANDALA-MAFABI:** Thank you very much, Madam Chairperson. I would like to make an additional amendment here that the registry, which we should maintain, should be both electronic and manual.

My justification is that recently, somebody switched off the security cameras at the Uganda Registration Services Bureau and documents of Crane Bank went missing. Therefore, I propose that we maintain both an electronic and a manual registry.

**MR BITANGARO:** Madam Chairperson, I see no harm in maintaining both an electronic and a manual register.

**THE CHAIRPERSON:** Honourable, have you *-*

**MR BITANGARO:** I thought in terms of having both options; the hard copies and the electronic copies.

**MR NANDALA-MAFABI:** Madam Chairperson, during Reagan’s regime, they wanted to burn files that were in their archives because they had overstayed. Reagan said, “For whichever file you burn, make a copy.” In short he was saying that you cannot burn that file. That is why there must be fixed security things - even in the UK, there are electronic and manual copies.

At this current state, we cannot remove manual registers in our Ugandan system, which hon. Mawanda is trying crying for because he is good at destroying information so he wants to *- (Interruption)*

**MR MAWANDA:** Madam Chairperson, is hon. Nandala-Mafabi in order to say that I am good at destroying information? Can he produce evidence to that effect?

**THE CHAIRPERSON:** Can you substantiate? If you cannot, then withdraw the statement.

**MR NANDALA-MAFABI:** Madam Chairperson, before hon. Mawanda came to Parliament, he was a court bailiff at Uganda Revenue Authority (URA). I can tell you that those tax arrears at URA are a result of this gentleman; hon. Mawanda. He came here to hide. *(Laughter)*

**THE CHAIRPERSON:** Have you read the headnote? The headnote is “Electronic register of security interests.”

**MR BITANGARO:** I realise that this should be an electronic register and the register is supposed to be accessible to all and sundry. The world can search and see whatever is on the register and that is the purpose. Therefore, I think hon. Nandala-Mafabi should concede. Thank you.

**THE CHAIRPERSON:** Honourable members, that is why we advise that you should present the amendments early so that we can look at them. In any case, honourable members, the proposal by hon. Nandala-Mafabi will increase the cost of administration and that is against Article 93; so, we shall not go into it. Let us take a vote. I put the question that clause 12 be amended as proposed.

*(Question put and agreed to.)*

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

Clause 13

**MR BITANGARO:** We propose to insert a new clause immediately after clause 12 in the following terms –

“Mode of registration of security interest

(1) Security interest in movable property shall be registered electronically in the register using notices, which shall be registered sequentially in the order in which they are submitted for registration.

(2) The register shall reflect the date and time when the information is entered in the register.

(3) Subject to section 19, a notice shall be effective from the date and time when the information in the notice is entered in the register.”

The justification is:

1. It is a consequential amendment arising from the amendment of clause 12.
2. It is to ensure that a notice registered does not become effective until the expiration of the period of objection prescribed in section 19.
3. For clarity and better drafting.

**MR OLANYA:** Madam Chairperson, I would like to find out from the committee chairperson; why do you restrict registration only to the electronic form and not leave it open, realising that there will come a time, given the circumstances at hand, when the electronic registration may not work? Why don’t you leave it so that it includes other forms of registration other than electronic modes?

**MR NZOGHU:** Madam Chairperson, in the event of a power shutdown or if there is any challenge say in areas where they cannot access power, what happens?

Secondly, I do not see where this particular clause comes into play, particularly given that we have clause 12. I see this as a crucial component in the regulations, which the minister will actually give after we have passed this law. If Parliament goes ahead to even give the mode of registration - I see that this could be a matter of regulation, which the minster can handle. I do not know whether it is necessary at this stage.

**MR BITANGARO:** Madam Chairperson, there are two reasons and one of them is to ease the mode of doing business. Electronic registration is accessible all over the world; whether in Greenland or Australia, you can access the record and it is also to keep in tandem with the modern times.

Secondly, it reduces expenses. Those were the reasons.

**THE CHAIRPERSON:** Honourable members, we should look at the text of the headnote. This section is about the electronic register. I put the question that a new clause be inserted as proposed.

*(Question put and agreed to.)*

*New clause, agreed to.*

Clause 13

**THE CHAIRPERSON:** Is the committee chairperson touching subclause (2)?

**MR BITANGARO:** Yes.

**THE CHAIRPERSON:** Are you addressing subclause (2) only?

**MR BITANGARO:** That is right.

**THE CHAIRPERSON**: Okay, proceed.

**MR BITANGARO:** “(2) Notices under this Act shall only be registered -

(a) After the creation of security interest.

(b) On the payment of the prescribed fees.

(c) Upon authorisation by the grantor in writing.”

We propose to rephrase subclause (3) as follows -

“(3) Notwithstanding subsection (1), a notice may be registered before the creation of security interest or the conclusion of the security agreement to which the notice relates if the registration of the notice is authorised by the grantor in writing.”

We propose to replace subclause (4) as follows -

“(4) For purposes of this section, a written security agreement is sufficient to constitute authorisation by the grantor for the registration of notice.”

The justification is:

1. To prescribe condition precedence for registration of notices under this Act; and
2. To require authorisation of the grantor every time a notice is to be registered.

**THE CHAIRPERSON:** Honourable chairperson, I would like to know why you do not want the present subclause because it deals with an initial notice; not just any notice. This is before the creation of security interest and this is the initial notice and you removed a judgement creditor. Why don’t you want them to access their rights?

**MR BITANGARO:** To have initial notice -

**THE CHAIRPERSON:** It is here, “Judgement creditor will register an initial notice before the creation of security interest...” However, you are removing that and putting in notices that shall be registered after the creation of security interest, payment of the fees and authorisation by the grantor. What about judgement creditor?

**MR BITANGARO:** Madam Chairperson, those are conditions precedent to registration of notice.

**THE CHAIRPERSON:** They are talking about an initial notice. It seems there is more than one notice. They are talking about an initial notice in (2) and here, you are talking about the general notices.

**MR BITANGARO:** Is this clause 14?

**THE CHAIRPERSON:** It is clause 13; “A secured judgement creditor may register an initial notice before the creation of a security interest.” It seems there is more than one notice. This was initial but you are saying they can only be registered if they are 1, 2, 3 -

**MR BITANGARO:** I get your point, Madam Chairperson. May I seek your indulgence to stand over it?

**THE CHAIRPERSON:** We stand over clause 13. Let us go to clause 14.

Clause 14

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

*(Question put and agreed to.)*

*Clause 14, agreed to.*

*Clause 15, agreed to.*

Clause 16

**THE CHAIRPERSON:** I put the question that clause 16 do stand part of the Bill.

**MR BITANGARO:** We have an amendment;

Information required in an initial notice.

In subclause (1), we propose to insert a new paragraph (e) immediately after paragraph (d) as follows -

“(e) Any other information as may be prescribed by the minister by regulations.”

The justification is to empower the minister to prescribe other matters that have to be registered in an initial notice.

**MR MAWANDA:** Thank you, Madam Chairperson. Clause 15(3) says, “A notice -

**THE CHAIRPERSON:** We are on clause 16. Honourable members, I put the question that clause 16 be amended as proposed.

*(Question put and agreed to.)*

*Clause 16, as amended, agreed to.*

Clause 17

**THE CHAIRPERSON:** Clause 17 -

**MR KASULE:** Madam Chairperson -

**THE CHAIRPERSON:** But the chairperson has not even moved.

**MR KASULE:** That is why I am interjecting, Madam Chairperson. We are now going to the initial notice, which we had suspended. Can we first pass the other one before we pass this initial notice?

**THE CHAIRPERSON:** We shall come back to it.

**MR BITANGARO:** Period of perfection of initial notice

In sub-clause (1), delete all the words appearing after the word “notice” in the second line.

In sub-clause (2) on page 11, substitute –

**THE CHAIRPERSON:** What sentence will that be? If you are removing that, it will just read “an initial notice”. Isn’t it? Will it still be a sentence?

**MR BITANGARO:** I beg your pardon, Madam Chairperson.

**THE CHAIRPERSON:** If you remove all those words, you will remain with just three words, “An initial notice” because you would have deleted everything else. That is what your proposal is saying.

**MR BITANGARO:** An initial notice is effective -

**THE CHAIRPERSON:** Unless you are talking about sub-clause (2). There is a problem there.

**MR BITANGARO:** An initial notice is effective for the period indicated by the secured creditor in the notice which shall not exceed five years.

**THE CHAIRPERSON:** You are saying that all those words must go; that we should stop at “Notice” and everything else after that must go. “Delete all the words appearing after the word, “Notice” -

**MR BITANGARO:** Madam Chairperson, I think we meant to handle sub-clause (2).

**THE CHAIRPERSON:** Even if it is sub-clause (2), it will say, “the period of perfectionof an initial notice.”

**MR BITANGARO:** It still makes sense. It says, “An initial notice is effective for the period indicated by the secured creditor in the notice.” That is what it will read after deletion of the words after “notice”.

**THE CHAIRPERSON:** The words, “… but shall not exceed five years” are not there?

**MR BITANGARO:** No, the words after “notice” are not there to give liberty to people to have a longer period or shorter period than five years. That was the rationale.

**MR NANDALA-MAFABI:** Madam Chairperson, thank you very much. Mr chairperson, sometimes we refer to the *Hansard* when we are trying to confirm if the law we made is right. In this, there are two notices: the first notice and the second one. I think we should say, “Delete from the second notice” as that will flow better. I would like the chairperson to amend his words to say, “Delete the words after the second notice”.

**THE CHAIRPERSON:** Honourable members, I would like to propose that we adjourn now to reformulate these proposals and continue tomorrow afternoon. Let me invite the minister. *(Laughter)*

MOTION FOR THE HOUSE TO RESUME

7.29

**THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS (Maj. Gen. (Rtd) Kahinda Otafiire):** Madam Chairperson, I beg to move that the House resumes.

**THE CHAIRPERSON:** You should proposethat the House do resume and the Committee of the whole House do report thereto. That is what you should say.*(Laughter)*

**MAJ. GEN. (RTD) OTAFIIRE:** Madam Speaker, I beg to move that the House do resume and the Committee of the whole House report thereto.

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

(*Question put and agreed to.*)

(*The House resumed, the Speaker presiding.*)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

7.30

**THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS (Maj. Gen. (Rtd) Kahinda Otafiire):** Madam Speaker, I beg to report that the Bill entitled, “The Security Interest in Movable Property Bill, 2018” has been considered up to clause 17 with amendments. I beg to report.

**THE SPEAKER:** Honourable minister, your report is incomplete because we considered some clauses, stood over some and passed some with amendments. Clerk, assist the minister.

**MAJ. GEN. (RTD) OTAFIIRE:** I beg to report that clauses 2, 4, 13 and 17 have been stood over. I beg to report.

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

**MR AOGON:** Madam Speaker, I am rising on a matter of procedure. At least, the record should be got properly. The title and the year of the Bill should clearly be stated. Isn’t it procedurally proper that the whole Bill be restated? Thank you.

**THE SPEAKER:** In the end, we shall pronounce ourselves on the full title of the Bill when we do the Third Reading.

Honourable minister, move the House to adopt your report.

7.33

**THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS (Maj. Gen. (Rtd) Kahinda Otafiire):** Madam Speaker, I beg to move that the House adopts the report with the amendments.

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

(*Question put and agreed to.*)

**THE SPEAKER:** Thank you. We shall continue tomorrow. We are waiting for the redraft of one of the clauses and also for the chairperson to reorganise the sequence of the amendments. Thank you. House adjourned to tomorrow at 2.00 p.m.

*(The House rose at 7.34 p.m. and adjourned until Wednesday, 30 January 2019 at 2.00 p.m.)*