



PARLIAMENT OF UGANDA

# PARLIAMENTARY DEBATES

(HANSARD)

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OFFICIAL REPORT

SECOND SESSION - FIRST MEETING

TUESDAY, 6 SEPTEMBER 2022

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**IN THE PARLIAMENT OF UGANDA**

**Official Report of the Proceedings of Parliament**

**SECOND SESSION - 25TH SITTING - FIRST MEETING**

**Tuesday, 6 September 2022**

*Parliament met at 1.58 p.m., in Parliament House, Kampala.*

Parliament. We will do everything that is possible to help our voters.

**PRAYERS**

*(The Speaker, Ms Anita Among, in the Chair.)*

There are a lot of issues out there. I was told there was a demonstration on coffee seedlings. This matter is going to be handled.

*The House was called to order.*

The matter on coffee seedlings was discussed in this House. I do not think it is right for us to advise our voters to come and demonstrate at the gate because that is not going to solve that problem. Instead, matters should be brought to this House for debate in order for us to see what can be done for our people.

**COMMUNICATION FROM THE CHAIR**

**THE SPEAKER:** Honourable members, I sincerely welcome you to this afternoon's sitting. I can see the Chairperson of the Committee on Presidential Affairs is squeezed; it is free sitting. Please, feel free - unless you are looking for some warmth. *(Laughter)*

So, I ask our people out there to be patient. The people you have here are your representatives. They are the voice of the voiceless. They will speak for you and we will make sure these issues are resolved. So, you do not need to come and demonstrate at the Parliament gate because that demonstration will not yield anything. We can allow you to demonstrate but we move on. However, if you brought a document and we agree to a petition that: "This is what should be done" - we will handle that.

Last week, we did not sit on Wednesday and Thursday because I was giving committees time to finish the work, which was before them.

Since we are measured by how many Bills and motions we pass in the House, I had to give committees time to finish the Bills that were before them. Today, we have one Bill and we should be able to have other Bills for the whole of this week.

I really want to thank you very much and I wish you nice deliberations.

The committees that have Bills must finish them since we shall be measured by the number of Bills that we will have passed in this House.

Matters of – on my communication? Yes?

I want to thank you sincerely; last week, you passed eight Bills in one day. *(Applause)* I thank you very much and as we committed ourselves, we are going to be a people-centred

2.02

**MR ABDI FADHIL CHEMASWET (NRM, Soi County, Kween):** Thank you, Madam Speaker. On the issues to do with the works of the committee, on 12 July 2022, Hon. Muruli

Mukasa responded to a matter that had been raised by Hon. Samuel Opio, regarding pension payments for the former employees of the East African Community.

I would like to report that while we had been given 30 days to report back to the House, I am requesting, Madam Speaker, that we be given up to 4 October 2022 to report back as a committee because we are still engaging other stakeholders.

**THE SPEAKER:** Chairperson, write to the Speaker to request for that extension and when you lay it on the Table, we will grant you that extension.

**MR CHEMASWET:** Most obliged, Madam Speaker.

**THE SPEAKER:** Thank you.

2.03

**MR GEOFFREY MACHO (Independent, Busia Municipality, Busia):** I really want to thank you for guiding the House very well.

Madam Speaker, concerning the cross-border, I would like to convey my congratulations to the people of Kenya and East Africa in general, for the recently concluded elections in Kenya. Those elections demonstrated maturity of democracy in our region. Therefore, we encourage our people across the borders to continue so that business is not the same as always.

Madam Speaker, regarding your communication about the demonstration of people on the coffee seedlings, I propose that the concerned ministries should help Parliament do its work. I am saying this because at times, our people demonstrate because ministries are not communicating to them. There is a very big communication gap between the ministry and our people. Therefore, sometimes they are pressed too much, which causes them to make statements through demonstrations. We believe that the time is now - since it is raining - for the ministry to act so that our people can be given seedlings to plant; agriculture is the backbone

of this country. Thank you, Madam Speaker.

**THE SPEAKER:** Thank you. We expect a report on the coffee seedlings tomorrow. Clerk, please, put it on the Order Paper.

2.05

**MR SOLOMON SILWANY (NRM, Bukooli County Central, Bugiri):** Madam Speaker, I want to thank you for your elaborate communication to this House, which has been very clear. However, last week, I rose on the Floor and talked about school fees increment by different schools. Today, immediately I entered, I saw the minister coming in.

Madam Speaker, while the term has started, some children are still stranded at home. Therefore, I want to seek your indulgence on whether the minister can give us an update of how far that has been handled so that the children who are still stuck at home can also go and join their colleagues who have started school already. This issue is urgent and very pertinent and so, it should be handled. I beg to submit.

**THE SPEAKER:** Yes, Minister of State for Higher Education and Sports?

2.06

**THE MINISTER OF STATE FOR EDUCATION AND SPORTS (HIGHER EDUCATION) (Dr John Chrysestom Muyingo):** Thank you very much, Madam Speaker. Yesterday, all schools opened for third term; a very important term in the academic year because it determines the progress of our children. It is, therefore, important that everything is done to enable all our children go back to school.

About the school fees increments, the ministry has been very clear. We have communicated to all the stakeholders that there will be no increase in school fees. In case there is need to increase or adjust anything, parents, executive committees, boards of governors and management committees have got to be involved before the final position is taken by the Permanent Secretary, Ministry of Education and Sports.

As I talk, the Permanent Secretary's desk has received only one case and so, we expect the status quo to remain the same, Madam Speaker.

**THE SPEAKER:** Honourable minister, how did you communicate to the stakeholders; to the owners of the schools?

**DR MUYINGO:** Madam Speaker, we have always communicated to schools through the heads of institutions by way of a circular.

**THE SPEAKER:** Where is the circular you sent out in regard to school fees? Can you lay on Table?

**DR MUYINGO:** Madam Speaker, I do not have it right now but I think I can provide it -

**THE SPEAKER:** Can we have that issue discussed thoroughly tomorrow? You must bring evidence that you communicated to schools not to increase school fees.

**DR MUYINGO:** Most obliged, Madam Speaker. *(Applause)*

**THE SPEAKER:** Thank you.

2.08

**MS SARAH OPENDI (NRM, Woman Representative, Tororo):** Madam Speaker, as we wait to discuss this matter, you have rightly indicated that this House's performance is measured on the Bills, motions and petitions that we process.

Related to the school fees issue, I presented a motion here on the grant-aided schools, which teachers the Government pays but they even charge more than universities. That motion has been before the Committee on Education and Sports for over six months. Is it not time? If the committee cannot process it, this House should discuss this motion and amend my prayers and we move on.

Madam Speaker, we are about to end this session before the *-(Interjection)-*

**MR OSHABE:** Thank you, Madam Speaker. Hon. Opendi, I sit on the Committee on Education and Sports. We have been trying our best to process that motion. Even today, at 10 O'clock, we held a meeting on the same. Unfortunately, my chairperson is not here – before I could provide the information, I wanted to see whether the chairperson was around.

The information I want to give you is that we are on it, as a committee. I hope that very soon, the chairperson will be before this House with the report. Thank you.

**THE SPEAKER:** *(Members rose)* Honourable members, let us not finish all the time on this. We are going to have the same issue tomorrow.

2.10

**MS HOPE NAKAZIBWE (NRM, Woman Representative, Mubende):** Thank you, Madam Speaker. I rise on a matter of national importance concerning the mushrooming plywood factories and the way they operate, more so in Mubende District and the Greater Mubende.

Mubende District, alone, has about seven plywood factories. I have received several complaints from Kyenda Town Council, where we have a one Feiya International Company Limited, which is a plywood factory that employs quite a number of our young boys and girls – which is a credit. However, my concern is about the smoke that they generate day and night and the way they treat the young boys and girls they employ.

When a boy or a girl gets an injury in that factory, they dismiss them and let them go. It is for them to find out how they can treat themselves. There is a one Nelson Baluku, who comes from Kasese or Bundibugyo. He was given a job but when he got injured, they chased him out of the factory. Now, he is trying to see how to recover. These factories do not have dining areas. They do not have enough bathrooms and toilets, yet bathing, more so for women, would be more meaningful when

it is private. I visited this factory and met the manager – with the deputy RDC. We agreed on a few things that needed to be improved. After some time, when I went back, the police officer who was manning the place did not allow me in and he almost shot me – because he threatened that he would actually shoot me.

My prayers, Madam Speaker, are that;

1. This honourable House takes concern through the relevant committees, more so the one on Gender, Labour and Social Development, the one on Health as well as the one on Environment and Natural Resources, to see how these factories operate and regulate the way they do their work;
2. The concerned ministries – that of Defence and Internal Affairs and the one of Security – look into the discipline of the police officers that go out to man such private facilities.

Thank you, Madam Speaker.

**THE SPEAKER:** Thank you.

2.13

**THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati):** Thank you, Madam Speaker. On the issue of standards for the factories in Mubende and the issues to do with the environment, pollution and the rights of the workers, we will follow up. We are going to send a technical team in the next few days and we will be able to report back next week. Also, we will continue to be in touch with the honourable member.

**THE SPEAKER:** Okay. We will wait for the feedback. Honourable member, avail all the information so that they are able to go to the factory and find out what is happening. Thank you.

**MS NAKAZIBWE:** Most obliged, Madam Speaker.

2.14

**MS BETTY NALUYIMA (NUP, WOMAN REPRESENTATIVE, WAKISO):** Thank you, Madam Speaker. I rise on a matter of national importance over the incident that occurred in Wakiso District when a stone quarry at Kajjansi caved in on Saturday, 3 September 2022. .

As many of us have already read, five people have been confirmed dead. One of them was a truck driver. It is already observed in this country that we do not have safety measures. Many local government labour officers are already incapacitated because the issues that affect the labourers in the casual and informal sector are many.

Madam Speaker, from this incident and many other incidents that occur in the country as far as the informal sector is concerned, I pray to this House that the Ministry of Gender, Labour and Social Development institutes and enforces safety guidelines and measures for artisans and all workers in Uganda's informal sector. In addition to that, all affected workers in all other trades should be accorded legal aid to enable them seek redress whenever accidents occur at the workplace.

I also pray, through you, that the Office of the Prime Minister comes to the aid of the affected families.

I pray and I submit.

**THE SPEAKER:** Thank you. Government?

2.16

**THE MINISTER, OFFICE OF THE PRIME MINISTER (GENERAL DUTIES) (Ms Kasule Lumumba):** Thank you, Madam Speaker. I thank the Member for raising this issue. We shall get in touch and aid those families. I also pass on condolence messages to those who have lost their dear ones.

I thank you for the vigilance, as leaders in the area. Let us continue working together to ensure - issues of safety are too wide, especially

for our people who are trying to earn a living in their small way. We must all be vigilant and work together with the local leaders.

Your prayers are going to be answered. Thank you.

**THE SPEAKER:** I think the Minister of Energy and Mineral Development needs to come in and act on this. We need to regulate the issue of artisan mines in terms of the technology that is being used, the tools, as well as the issues of health and safety. The ministry must really come in, in this aspect, and see how to handle it.

**MR KAGABO:** Madam Speaker and colleagues at large, I rise on a procedural matter. A month ago, Parliament and the country were awash with my impropriety and ambiguity. *(Interjections)* I do acknowledge that it was a procedural flow.

At this juncture, Madam Speaker, I do invoke *-(Interjections)-*

**THE SPEAKER:** He is making a maiden speech. *(Laughter)* Hon. Twaha, go ahead.

**MR KAGABO:** Honourable members, I do acknowledge and make a reflection on how important it is to work in harmony, as honourable colleagues and our leaders for the better dispensation of services to our country.

I, therefore, request for pardon on the impasse. I beg to move.

**THE SPEAKER:** What pardon are you asking for?

**MR KAGABO:** I request for the procedural impropriety that I caused on the actions of Parliament-

**MR KIBALYA:** Thank you, Madam Speaker. Our rules are clear - that when a colleague is communicating, the colleague must communicate in a language that the rest understand so that we are in position to

understand what he is communicating and the *Hansard* has what to put on record.

We have heard the colleague using a lot of English jargons and different statements, but he possibly had something he wanted to pass over because he was apologising.

Couldn't it be procedurally right that; the colleague uses English that we can understand and he tells us exactly what he is trying to convey so that if he wants forgiveness, people can know what they are forgiving?

**THE SPEAKER:** Hon. Twaha, I have also not understood what you are saying. *(Laughter)*

If you are going to seek for equity, you must go with clean hands. If you have something that you want to communicate, please, communicate openly. If you want to be forgiven, this House will forgive you. What do you want to be forgiven for?

**MR KAGABO:** Thank you, Madam Speaker. A month ago, I was seen moving with funds in the precincts of Parliament, which must have infringed on the privileges and rights of my fellow colleagues and the House at large.

I do, therefore, request for pardon over that and extend an olive branch to others for the betterment of services in the country. *(Laughter)*

**THE SPEAKER:** *(Mr Mugema rose)* Honourable member, is that how people from Iganga behave? Sit down, please. What is your issue?

**MR MUGEMA:** Thank you, Madam Speaker. My procedural issue is that Hon. Kagabo is our colleague. If the alligator is telling you that the crocodile is dead in the water, who are you to deny it? He has said that he is sorry for his actions but he has failed to explain which actions. Hon. Kagabo, please, explain to us because personally, I have failed to understand you. Try to explain and we see whether it is true that the "crocodile is dead or not."

**THE SPEAKER:** Honourable member, it is unfortunate you were not listening to Hon. Kagabo. He has asked for forgiveness for his actions. Next item. (*Applause*)

MINISTERIAL STATEMENT ON  
IMPLEMENTATION OF THE 21<sup>ST</sup> EAC  
SUMMIT DIRECTIVE IN UGANDA TO  
ADOPT KISWAHILI AS AN OFFICIAL  
LANGUAGE OF THE COMMUNITY

**THE SPEAKER:** Honourable members, you are aware that Article 6 of the Constitution of the Republic of Uganda, 1995 stipulates that Swahili shall be the second official language in Uganda to be used and as it is prescribed in the East African Community Integration. That is one of the things going to be presented now. So, Minister, please, present your paper.

2.23

**THE FIRST DEPUTY PRIME MINISTER AND MINISTER FOR EAST AFRICAN COMMUNITY AFFAIRS (Ms Rebecca Kadaga):** *Mwenye kiti na wabunge wa Uganda, habari za mchana. Bon après-midi - Good afternoon.*

Madam Speaker, I am proceeding under Article 137 of the Treaty for the East African Community, which states that Kiswahili shall be developed as the lingua franca of the Community.

Under Article 8(2) of the Protocol of the Kiswahili Commission, The East African Community encourages the use of Kiswahili in the conduct of official business and public life within the region.

I would like to inform you that in order to promote Kiswahili for regional integration and sustainable development, the Council of Ministers urged the Heads of State to consider amending Article 137(2) of the Treaty to make Kiswahili the second official language of the Community.

On 26 August 2016, the East African Legislative Assembly passed a resolution urging the Summit to consider amendment of

Article 137(2) of the Treaty to consider making Swahili the second official language of the Community.

Therefore, at the 21<sup>st</sup> Summit of the Heads of State held on 27 February 2021, Kiswahili was adopted as an official language of the Community. This, therefore, warrants the implementation of the directive in Uganda to adopt Kiswahili as an official language. You are aware that it is in our Constitution but it has not effectively been implemented.

As you are aware, Article 8 of the Treaty mandates the ministry responsible for East Africa to coordinate and act as a focal point on all East African Community matters.

Given that mandate, in that regard, adopting Kiswahili as an official language, my ministry needs regular strategic engagements to ensure full implementation. We have identified the following stakeholders: The cabinet; the Parliament of Uganda; the Ministry of Education and Sports; Ministry of Gender, Labour and Social Development; academic institutions and; the media, among others.

In order to implement the directive, we have the following objectives;

- i) To empower the business community of Uganda, using Kiswahili by partnering with the private sector organisations.
- ii) To inculcate Kiswahili in Government procedures, through Kiswahili focal points in all arms of Government.
- iii) To coordinate the promotion of the use of Kiswahili by non-state actors, such as faith-based organisations, cultural institutions, among the general citizens.

The Council of Ministers directed the Kiswahili Commission to develop programmes and manuals for Kiswahili teaching and training in the partner states.

The programmes and manuals are, therefore, part of the Kiswahili development tools to help



the Partner States develop the language and popularise its usage in the EAC integration activities.

Due to resource constraints, the East African Kiswahili Commission prioritises the Parliament of Uganda, the media and the education sector as key entry points. I am happy to inform the honourable members that, at least, in a number of the schools at the borders, there is a minimum amount of teaching of Kiswahili. .

Parliament was selected for the following reasons;

- i) It has a critical role as an entry point in ensuring that Kiswahili becomes an official language;
- ii) It has the potential of contributing to both national and regional integration, as well as sustainable development.

We need Parliament to support the National Kiswahili Council to be established in this country.

We shall need the necessary policy, human and financial support for this. We shall need Parliament's legislative, budgetary and oversight roles to support the promotion and development of Kiswahili not only as an official language, but also as the lingua franca, as already mentioned.

The use of Swahili in Parliament would inspire other institutions of Government, as well as state or non-state actors, to promote the use of Kiswahili in official and unofficial domains.

My ministry coordinated the development of Swahili training programmes through participatory multi-sector engagement; the key stakeholders have already been mentioned. The 16<sup>th</sup> Sectoral Council of Ministers responsible for education adopted the training programme and the manuals, and they have forwarded them to the Clerk to Parliament, for implementation.

Therefore, we are going to focus first on the Members of Parliament, the Parliamentary

Forum on Swahili - I hope it is there - the staff of Parliament, and the Uganda Parliamentary Press Association.

The Ministry of Education and Sports coordinates the secondary schools' essay writing competition. The concept was first conceived as a wider EAC approach to create awareness among the school-going population, as part of the integration process and activities. It gives secondary school students an opportunity to learn from their own perspective, the benefits, opportunities, and constraints of the regional integration of East Africa.

The students are expected to write essays either in English, Swahili or French on topics presented to them annually and focused on contemporary issues in the EAC. The regional awards for the ceremony, which took place just before the COVID-19 pandemic, had one girl student from Iganga Girls' Secondary School, Nafula Fortunate Mugeni, who was second best in the entire community. She wrote an essay in Kiswahili and she was given an award in July by the Heads of State during the 22<sup>nd</sup> Ordinary Summit in Arusha.

Owing to that success story and guided by Article 120 of the Treaty, we are coordinating a programme to establish EAC clubs in secondary schools. The clubs promote the usage of Kiswahili among students and participation in essay competitions.

We are in the process of finalising mapping and establishing a network of Swahili trainers in Uganda, who will assist the ministry to train basic Swahili to business persons to ease their business transactions in Kiswahili.

At this stage, I would also add that we recently had an offer from the Government of Zanzibar; they are willing to send as many Swahili teachers as we need to this country.

The ministry mobilised resources from Trademark East Africa, for a new initiative to translate into Swahili, the COVID-19 administrative guidelines for free movement of goods and services in the EAC. We engaged the Ministry for Gender, Labour, and Social

Development to establish a National Kiswahili Council, which will champion Kiswahili development initiatives at the national level. They have prepared the Cabinet Paper on this matter and we shall update you once it has been concluded.

The Minister for Gender is expected to focus on Kiswahili research and journal manual publications. He is expected to complement our efforts to translate key East African Community documents such as simplified trade regimes and other outreach activities to promote Swahili.

There is need to enhance the abilities to communicate in Kiswahili by the business persons engaged in cross-border trade. Last Friday, I was at Mutukula meeting the cross-border traders and they told me that one of their biggest problems was the inability to communicate while at the border with their colleagues. But this would enhance intra-regional trade.

Promoting Kiswahili would create opportunities for translators and interpreters of Kiswahili to reduce unemployment. It can be used collectively to promote the EAC as a single tourist destination. You can imagine if Ugandans were able to speak to anybody in Swahili, having arrived in this country.

There is need to create a shared sense of identity within the highly diversely rich society. We have 56 tribes in Uganda, 42 in Kenya and more than 120 in the United Republic of Tanzania. Of course, now if you add Congo, Rwanda and Burundi, there are very many people and we need a common language. Therefore, for Uganda to smoothly integrate into the EAC, it makes it both necessary and urgent for the country to consider the language to operate as a central role in the region for development.

We would like to request the following:

1. The Government should supply sensitisation materials such as flyers and media booths broadcast in Kiswahili. I can now inform the House that Uganda

Airlines have been directed to start communicating at least a greeting, both in English and Swahili, as a start.

2. We would like the Government to support professional translators and interpreters for Kiswahili.
3. To provide sign language in Kiswahili for all Government entities.
4. To support adult literacy teaching programmes in Kiswahili.
5. To establish Kiswahili focal persons in each district for organising and overseeing the learning of Kiswahili.
6. Encourage the use of Kiswahili in offices.

The 21<sup>st</sup> Summit Directive was presented to the Cabinet on 4 July 2022, with the following objectives:

1. To update Cabinet on the implementation of the directive.
2. To request Cabinet to approve resources for the Parliament of Uganda as a pilot implementation area for the training of Swahili.
3. To request Cabinet to approve funding for the ministry to coordinate and promote Swahili as an official language in the EAC.

Therefore, Cabinet noted what was requested and resolved that;

1. Each Cabinet member and the permanent secretaries must be given one year within which they should learn the language.
2. They directed my ministry to submit a comprehensive plan and budget for various activities to implement the directive.

On the funding, we agreed to defer that for the time being until we have completed certain other smaller works. So, the ministry is in

the process of engaging a team of Kiswahili trainers to train Cabinet and the permanent secretaries. We have begun the process of engaging relevant stakeholders with a view to preparing a comprehensive plan and budget for the various activities to promote this directive. Thank you very much, honourable members.

**THE SPEAKER:** Thank you so much. Honourable members, the document's information is self-explanatory. So, it will not be open for debate. If you need information, go to the library; you will get the document there and you can read it.

## BILLS SECOND READING

### THE NATIONAL LOCAL CONTENT BILL, 2022

**THE SPEAKER:** There is a procedural matter here.

**MS CECILIA OGWAL:** Madam Speaker, last week on Thursday, the Minister of Public Service undertook to come to the House and give us an update as to what has been done about the claims made by the family of the late Robert Ekino, who left us about 34 years ago in a very nasty incidence, having been killed by the rebels in the bush. And right up to now, the family of Robert Ekino has not got the adequate gratuity as expected.

In fact, Madam Speaker, we felt the family was insulted by being informed formally by a letter written by the Attorney-General, that the only money due to the family of Robert Ekino was Shs 32,000. And Shs 32,000 by my own crude calculation cannot transport one person from Soroti or in this case, from Kaberamaido to Kampala, to come and claim that money.

Therefore, Madam Speaker, all the details concerning the claims were given to the minister and also laid on the Table, and the minister undertook to give us the information last Thursday. Unfortunately, because of our engagement, we were not able to see it. So, I am seeking your indulgence to find out whether

the minister is ready so that we can receive the information. If not, maybe you can guide us accordingly. Thank you.

**THE SPEAKER:** Honourable minister, were you supposed to bring a report?

2.38

**THE MINISTER OF STATE FOR PUBLIC SERVICE (Ms Grace Mugasa):** Thank you, Madam Speaker. Unfortunately, I have not heard that information but I promise that I will bring it tomorrow; I was not around last week.

**THE SPEAKER:** Thank you. Bring the information tomorrow. There was another procedural matter.

2.38

**MR ATKINS KATUSABE (FDC, Bukonzo County West, Kasese):** Thank you, Madam Speaker, for the opportunity. Mine is not a procedural matter. Last Saturday, I had the chance to join my community - that is, the Catholic Community in Kasese. My bishop, who is also yours, the Rt Rev. Bishop Kibira Francis Kambale had his message given to me to deliver to you. First of all, to say congratulations - and that he prays for you on a daily basis.

Secondly, to welcome you back from the Holy See - the Pope. He also gave me instructions to bring to your attention that, that Saturday in the Catholic community, globally, was a very important day in the sense that it was the commemoration of 100 years of the Legion of Mary.

The message from your bishop is that you consider or explore the possibility of celebrating 100 years of the Legion of Mary as this Parliament, if it pleases you. That is a request from your bishop, who is also my bishop. Thank you.

**THE SPEAKER:** Thank you.

2.40

**MS SARAH OPENDI (NRM, Woman Representative, Tororo):** Madam Speaker –

(Interjections)

**THE SPEAKER:** Honourable members, Hon. Sarah is the Woman Member of Parliament for Tororo, not Kasese District.

**MS OPENDI:** Thank you, Madam Speaker. Most of you could have watched this on television or heard it over the radio about the *Nyege-Nyege* Festival, that is coming up for three days in Jinja.

However, Madam Speaker, we are aware that at the previous event, there were attempts to stop it - May the soul of Fr. Lokodo rest in peace - and because the ministry of ethics then and the Ministry of Internal Affairs had conflicting positions, the previous festival was left to go on. And all of you saw what came out of that festival. People were having sex in the open and drinking. People have been told that this event will go on for three days - both day and night - and people have to drink themselves silly.

Madam Speaker, while it is okay and people may look at this as normal - to leave people to enjoy - we have another bigger challenge. Our young children are being recruited into the LGBT Community. Most of you may notice that on 03 August, the NGO Board suspended the activities of one of the NGOs that has not been registered but was operating - the Sexual Minorities Uganda.

Madam Speaker, when you listen to the stories of those who have been recruited by this institution, you will get to know that children are being paid Shs 500,000 -(Interjections)- yes, when you attend their meetings. Some of the people have been told to have live sex to be paid millions for such porn recordings.

Therefore, about this *Nyege Nyege* event, can we hear from the Government what its position is on this growing immorality in this country? I am saying this because it is going to attract all kinds of people from all over the world, bringing all kinds of actions that are really non-Ugandan, into our communities. I am glad the Prime Minister is here. Can we hear from

her? What is this *Nyege Nyege* thing that you are allowing to take place?

The advert is international. Madam Speaker, if you go to the site, you will see young men holding hands together. What are they promoting? Is it okay for one to come with a fellow male partner for *Nyege Nyege* because this seems the message?

Can we hear from the Prime Minister why and how she is going to control these gays from operating in this community? There is further information before I can -

**THE SPEAKER:** Rt Hon. Prime Minister, can you tell us what your plan is and how you are going to stop it? Is that something that you desire as a country?

2.44

**THE THIRD DEPUTY PRIME MINISTER AND MINISTER WITHOUT PORTFOLIO (Ms Lukia Nakadama):** Thank you, Madam Speaker. I know it is not good because, of course, our country motto is: "*For God and My Country.*"

Right now I have the honourable minister of ethics, who has all the information; she wants to give it to this Parliament as far as that *Nyege Nyege* festival is concerned. Please, come and give that information to Parliament, honourable minister.

2.45

**THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (ETHICS AND INTEGRITY) (Ms Rose Akello):** Thank you, Madam Speaker. I want to thank my sister, Hon. Sarah Opendi, for putting up these questions to the House. The *Nyege Nyege* Festival is an event, which is organised by the Talent Africa and sponsored by Uganda Breweries.

As Government and as the Directorate for Ethics and Integrity in particular, we had already taken a stand. The directorate, working with the police, had already summoned the organisers. We had a meeting with them last week. Today, I was supposed to meet with

the Inspector General of Police, the Police Director of Operations and the organisers at Police Headquarters, Naguru.

We had given them conditions and told them, “If you follow those conditions, then we can have that event. If you don’t, we are not ready to accept that event to take off.”

**THE SPEAKER:** What are the conditions?

**MS AKELLO:** Some of the conditions, we gave them are:

1. Children below 18 years are not supposed to attend that event;
2. Nobody should go to that event naked or any kind of body exposure of any dressing;
3. Nobody should be in that event doing all the immoral activities –(Interjections)– all those!

Madam Speaker, I need your protection. This afternoon, we are going to get those conditions from them. If they do not abide, Government is ready to stop that event from taking place.

**THE SPEAKER:** Honourable minister, can I find out one thing: what benefits are we getting out of that *Nyege Nyege*? (Applause) And, what do we lose if we do not hold it?

2.44

**THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (ETHICS AND INTEGRITY) (Ms Rose Akello):** Thank you, Madam Speaker. As my sister said in her submission, in 2019, this event was held and my late predecessor took all the efforts to stop it. However, there was some contradiction between the police and the Directorate of Ethics.

As Government, we came together with the police and set conditions for this event to take place–(Interjections)– Madam Speaker, I beg for your protection.

Before I came here – because I got this

information just some few minutes to the House - if you could give me time, I can even come with a full statement tomorrow. I can come with a full statement on that because I was given information just a few minutes to the House.

**THE SPEAKER:** Honourable members, I want to hear from the minister for tourism. Give us information on that because you want to sell our country, in the name of tourism.

2.49

**THE MINISTER OF STATE FOR TOURISM, WILDLIFE AND ANTIQUITIES (Mr Martin Mugarra):**

Thank you, Madam Speaker. I think the minister of ethics had commented about it – that, indeed, there are conditions that should be met for this event to take place.

However, the bigger picture is that *Nyege Nyege* is an event. As we speak, around 8,000 foreigners have already paid for tickets and have booked to come and sleep in this country.

Madam Speaker, this event is going to be held somewhere in Jinja. However, I would like to agree with my colleague, the minister for ethics and integrity, that we sit together, tomorrow so that she comes and gives this House a comprehensive document –(Member rose\_)

**THE SPEAKER:** There is a point of order.

**MR KIBALYA:** Thank you, Madam Speaker. I expect the minister to be mindful of the morals of this country, and not just talking about the foreigners who have bought tickets.

Madam Speaker, I come from Busoga. I have witnessed this *Nyege Nyege*; it is totally immoral. It destroys our children; it destroys everybody.

Madam Speaker, if the tourism minister wants *Nyege Nyege*, let him take it to his district – let them take it to Mbarara. (Laughter) We cannot sacrifice the people’s morals because of tickets that have been sold.

Is the minister in order to talk about tickets that have been sold at the expense of our people, Madam Speaker?

**THE SPEAKER:** Honourable members – *(Interjections)*- when you get tired of talking, then, you can tell me that you are tired.

We are talking about the morals of this country. We are talking about our children and you are trying to promote tourism at the expense of our children. We are not going to allow that function to take place. *(Applause)* How do you sell tickets at the expense of people's children? You are promoting gays in Uganda. No function should take place. *(Applause)*

## BILLS SECOND READING

### THE NATIONAL LOCAL CONTENT BILL, 2022

**THE SPEAKER:** Honourable members, this afternoon –even the visitors can see how we are behaving.

This afternoon, in the public gallery, we have visitors from Uganda Urban Council Speakers Association, where I am the patron. They have come here to witness the proceedings. You are most welcome. *(Applause)* They have been brought here by Hon. Rukaari of Mbarara Municipality. Welcome. Thank you for bringing our visitors. *(Applause)*

Honourable members, the National Local Content Bill, 2022 is a Private Member's Bill, which was introduced by Hon. Patrick Oshabe. It was initially read for the first time on 30 January 2020 as "The Local Content Bill, 2019". It was passed on 20 May 2020 and transmitted to the President for assent.

However, the President returned the Bill on 20 August 2020 on the following grounds:

1. The imposition of the local content obligation on the negotiated funds in form

of grants, donations and loans, which may potentially conflict with the terms and conditions of such funding.

2. Designation of departments as a proper way of procurement plans and contracts, contrary to the traditional convention, which infringes on the constitutional mandate of the Solicitor-General.

The returned Bill later lapsed in the 10<sup>th</sup> Parliament, as per Rule 234 of the Rules of Procedure. The Local Content Bill, 2022 was re-introduced on 3 May 2022 in the 11<sup>th</sup> Parliament, and it was referred to the Committee on Finance, Planning and Economic Development.

As it was re-introduced, the sponsor, who is still Hon. Oshabe, had addressed the issues that were raised by the President during the 10<sup>th</sup> Parliament.

Today, we have the report from the Committee on Finance, Planning and Economic Development and the mover of the motion is also here, ready to move the motion. It is going to be a very short Bill because most of the issues have been addressed.

I will request the sponsor of the Bill to come and move the motion, officially.

2.56

**MR PATRICK OSHABE (NUP, Kassanda County North, Kassanda):** Thank you very much, Madam Speaker. In accordance with Rule 130 of the Rules of Procedure of Parliament, I beg to move that the Bill entitled, "The National Local Content Bill, 2022" be read the second time.

**THE SPEAKER:** Thank you. Is the motion seconded? *(Members rose)* It is seconded by Hon. Silwany, Hon. Ibanda, Hon. Goretti, Hon. Ogwal – even Hon. Twaha –*(Laughter)*– Hon. Aber. Hon. Amos – by the whole House, including the chairperson. Would you like to speak on the principles of your Bill, briefly?

**MR OSHABE:** Thank you very much, Madam Speaker. Briefly, we subjected our country to competition, which is very okay, because every country deserves to have competitive procedures whenever we are doing procurement and whenever we are spending our money.

Unfortunately, when we opened up the door, we even removed the door frames out of the house. We subjected our companies, our Ugandans to international competition. So, continuously, our companies are dying; continuously, our Ugandan people are being ejected by competition because the rules we have speak of competition.

This law that I am proposing to the House is an affirmative action law aimed at these Ugandans to say, how do we create a chance? How do we create room for them to participate in what is going on in the country?

This Bill is intended to impose local content obligations on any person using public money, to begin with. Many of you desire that we impose these obligations everywhere but other countries are focusing on where the taxpayers' money is being used. We desire to prioritise Ugandan citizens, and Ugandan and resident companies in public procurement, in this law.

We want to ensure that skills and technology transfer takes place. We desire that we come up with local content plans at every level of procurement.

We desire to provide for supervision, coordination, monitoring and implementation of local content at all stages - from top to down. Where we will be sure that at least there is a percentage of participation of the people of Uganda.

Madam Speaker, the committee on finance finalised - when you sent this Bill to the committee - they finalised and they have a report. I beg to request the chairperson to come and report over the same. Thank you.

**THE SPEAKER:** Thank you. Can we now have the chairperson, just briefly? This Bill has been there; we know it; it is uploaded. Give us

a brief of your report.

3.00

**DR KEEFA KIWANUKA (NRM, Kiboga East County, Kiboga):** That is what I intend to do, Madam Speaker. You have already mentioned the reasons why it was returned.

Objection to the imposition of local content obligations on negotiated funding grants, loans and donations

There were clauses in the Bill, which seem to be in conflict with the East African Community Protocol and also, the free movement of goods and services and the PPDA Act. There was also an issue around designation of a department as an approver of local content plans and contracts.

Here we are, thinking about the whole country, the entire procurement that goes on around the country - all of that being approved by a single department.

Madam Speaker, as you mentioned, the Bill was processed but lapsed in the 10<sup>th</sup> Parliament because it was not saved.

The object of the Bill is to impose a local content obligation on any person/entity using public money or utilising Uganda's natural sources, or carrying on an activity requiring a licence, to prioritise Ugandan citizens, Ugandan and residential companies in public procurement to ensure skills and technology transfer -

**MS CECILIA OGWAL:** Madam Speaker, this Bill was processed and unanimously passed by the last Parliament. The current Parliament is conversant with the issues in the Bill.

Procedurally, I would have expected the chairperson to focus on the two areas where the President was not in agreement with Parliament so that we can understand why he disagreed with us, and how we can reconcile the positions.

If you could focus on those two critical areas - For purposes of time because we have several

other Bills to process within this short time. Thank you.

*(Question put and agreed to.)*

**BILLS  
COMMITTEE STAGE**

**THE NATIONAL LOCAL CONTENT BILL,  
2022**

**Clause 1**

**MR KEEFA KIWANUKA:** Clause 1: Application. Clause 1 is amended;

- i) By renumbering the provision as Subclause (1).
- ii) By inserting a new subclause (2), as follows;

(2) This Act shall not apply to the oil and gas sector.

**Justification**

The existing legal framework for the oil and gas sector in Uganda is sufficient to ensure the promotion of local content while maintaining stability of the legal regime.

The Government of Uganda has entered into long-term legal contracts based on the existing national content legal regime in the oil and gas sector. These contracts contain stabilisation clauses, which if vitiated by change of law, as envisaged in this Bill, will constitute a breach of contract.

Just as an example, when we were processing the Public Finance Management Act, we had to be mindful of the many existing legislations. It was a maze of them. So, we considered it necessary that that is excluded. Thank you very much.

**MR MUSASIZI:** Madam Chairperson, we have no objection to this proposal.

**THE CHAIRPERSON:** What I want the House to know is that we have already passed some laws in regard to the Infrastructure Code of Practice (ICOP) and in regard to mines and minerals. So, if you are going to pass a law that is going to contradict the existing laws, then

**THE SPEAKER:** In the circumstances, then why don't you go and discuss those two parts at committee level?

**MR OSHABE:** Madam Speaker, I beg - It is not only two issues: The President highlighted those as the main issues but he gave several comments about the Bill. The chairperson and the committee took time to study this. I beg that we move at least on the proposals that they came up with -

**THE SPEAKER:** That is at committee stage?

**MR OSHABE:** Yes.

**THE SPEAKER:** What are you moving? Are you saying we should go to committee level?

**MR OSHABE:** Madam Speaker, that will be more helpful.

**THE SPEAKER:** Then move.

**MR OSHABE:** Madam Speaker. I beg to move that we proceed to Committee Stage to properly deal with the issues raised by the committee. Thank you.

**DR KEEFA KIWANUKA:** Madam Speaker, whereas I agree with the motion, the other thing I want to point out is that it is an entirely new Bill. It has new clauses. The comments that the President made were crosscutting and have influenced the amendments that we are making. Actually, we are not going to-

**THE SPEAKER:** We will look at them at Committee Stage, clause by clause. Isn't that better, chairperson?

**DR KEEFA KIWANUKA:** I concede, Madam Speaker.

**THE SPEAKER:** I now put the question that The National Local Content Bill, 2020 be read for the second time.



you are not legislating well.

The chairperson is saying that we already have existing laws in regard to oil and gas, passed by this House. Hon. Ekanya, you are a member of the committee on finance, so, why are you standing up?

**MS CECILIA OGWAL:** Madam Chairperson, on the issue of the Oil and Gas Sector, we must realise that the oil and gas sector is very broad and the chairperson of this committee recalls that when we were in the UK, we agreed that the export fund for the construction of the airways and so on, will have a higher local content.

So, for us now to say that we cannot apply the issue of local content in anything that affects the oil and gas sector may, sometimes, also restrict us. I think this is a general thing as long as it does not contradict. I do not see why it cannot - because it requires procurement. The oil and gas sector is so broad; we cannot just surrender it like that.

**MR MUSASIZI:** Madam Chairperson, if I got the chairperson of the committee very well, he said that the local content provision in regard to the oil and gas sector is already provided for in the existing oil and gas framework, which I think is sufficient. And that is why we agree with the chairperson of the committee.

**MR OGUZU:** I want to know how the proposal as it is in this law, conflicts with the local content policy in the oil law; it would seem to me, that there are things we are covering that are going to disadvantage Ugandans. Why should we exclude the oil and gas sector if those two local content policies and laws are not in conflict?

**THE CHAIRPERSON:** I think you also need to consider the specialised activities that take place in the oil and gas sector. For example, the welder you may require in the oil and gas sector is not the same as the one you will need in your home. So, you need to look at some of these things.

**MR KATESHUMBWA:** Madam Chairperson, I would like to allay our colleagues' fears. When we were examining the oil and gas law that we passed, the background was related to the various regional agreements we signed like the host Government agreement as a country.

Therefore, matters of national content were defined extensively in that law and given the wide nature of the oil and gas sector. We should be comfortable as a House to know that the Bill we passed sufficiently addresses our concerns.

Therefore, we should proceed to consider this law without referring to or having fears that other issues could have been overlooked.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 1 be amended as proposed.

*(Question put and agreed to.)*

*Clause 1 as amended, agreed to.*

Clause 2

**DR KEEFA KIWANUKA:** Madam Chairperson, the committee recommends that in clause 2, the interpretation be amended by inserting the following immediately after the definition of the words, "currency point"; "department" means the department responsible for the procurement policy and management under the ministry responsible for finance designated under section 3 to be responsible for local content and the implementation of this Act.

It is intended to provide a definition of the word "department" that is used in the Bill. I did not give the preamble to this but the mover intends that there be a department responsible for local content. And when we were examining it, the ministry of finance said that they already have a department in the ministry for procurement and management.

The Public Procurement and Disposal of Public Assets (PPDA) said that they should house it-

**THE CHAIRPERSON:** *[Mr Oshabe rose]*  
No, you are going to speak.

**MR OSHABE:** It is just a procedural matter. Clause 3

**THE CHAIRPERSON:** Are you done, Mr Chairman?

**MR KEEFA:** Department responsible for local content; clause 3 is amended:

**MR KEEFA:** I was trying to explain the background.

(i) By substituting the headnote with the following “3. Designation of the Department for Procurement Policy and Management”.

**MR OSHABE:** I propose that we deal with (3) because that is where the matter-

(ii) By substituting for subclause (i) the following; (1) The department responsible for procurement, policy and management. Under the ministry responsible for finance is designated the department responsible for local content and the implementation of this Act.

**THE CHAIRPERSON:** Let him finish then you will bring your suggestion.

**DR KEEFA KIWANUKA:** So, the Public Procurement and Disposal of Public Assets (PPDA) said that, it is a responsibility enshrined in the PPDA Act and that this is taking away what they should be doing.

iii) By deleting paragraph (d), in subclause 2;

The Ministry of Trade and Industry said that this is coming in just to help legalise what they are doing as BUBU; Buy Uganda Build Uganda. Other agencies and other stakeholders that we interviewed were of the view that we should create an independent commission but considering that the Government is rationalising agencies at the moment, we thought this provides a natural home for it. I think my brother has some contention about it.

iv) By deleting the words “and audit” in subclause 2(i); and

v) By deleting subclauses 3 (b) and (c).

The justification for this - as I explained earlier – is that the already existing Department of Procurement Policy and Management is mandated to implement matters of local content and as such can implement the National Local Content Act.

**THE CHAIRPERSON:** He wants to stand over this.

The second reason is to comply with the Government policy towards the rationalisation and the merger of Government ministries, departments and agencies.

**MR OSHABE:** Madam Chairperson, the following clause 3 is where the department was proposed and from the chairperson’s explanation, I thought probably we should deal with that, and then the interpretation will fall in automatically.

Three, the approval of the local content plan should be deleted, for the reason that once the department has developed the national local content plan, the aspect of approving the local content plan should not arise, but rather be left for auditing by the department.

That is the reason I came up to raise a procedural matter-once we agree on (3), then automatically the department will be defined better.

Four, the proposed functions of reviewing and approving contracts are a preserve of the Attorney-General and as such, should be deleted to avoid the conflict of roles.

**THE CHAIRPERSON:** So, we are standing over clause 2; let us handle clause 3, then we will get back to clause 2; Okay. So, we have stood over clause 2.

Five, the auditing function should be reserved for the Auditor-General, under Article 163 of

the Constitution of Uganda, and the National Audit Act, 2008. This is meant to address the concerns that were raised by the President and trying to harmonize things.

**MR OSHABE:** Thank you very much, Madam Chairperson. On clause (2), I am in agreement with parts five and six. The proposal to delete subclauses (2)(b) and (c) and the proposal to delete subclause 3(2) and (1) and the words “and audit”, on all those, I agree.

However, Madam Chairperson, like I explained initially, local content is a destruction of procurement procedures. The people in procurement, their rules are competition. Their rule is value for money. When you bring in new affirmative action, that is a distraction to how they will operate. They will not entertain it. You can only force them to listen but by the bad nature of procurement, this is a distraction.

And I beg you, honourable members, that as you consider this, the stakeholders I engaged or we engaged initially desired an autonomous body. But we created this law at a time when the Government was rationalising and so, we thought it does not make sense for us to come up within a law and propose an authority and a commission at such a time. That is why we said to them that the least we can have within the ministry, is a department to oversee matters of local content.

Madam Speaker, and whereas matters of local content deal with public resources, they are not specific to procurement alone. So, we proposed a separate department, under the ministry of finance, to keep pushing for the prioritisation of Ugandans. And that is why I beg this House to create a separate department and not add this law to an existing department of procurement. I beg to move.

**THE CHAIRPERSON:** Can I hear from the minister?

**MR MUSASIZI:** Madam Chairperson, we looked at both proposals; what Hon. Nsamba proposed and also the ideas, which arose from the committee hearings. I would like to state

that yes, procurement is a competition, but the existing laws provide for preference clauses and reservations. Therefore, to allay your fears - even when there is competition, there is where we reserve some contracts for specific people - the women, youth, the elderly, etc.

Madam Chairperson, we are currently undertaking rationalisation and we are trying to be as much leaner as possible. In this regard, there is no harm in us managing local content under our existing department of procurement. We shall only create a unit in there to specifically deal with the local content matters. I beg to submit.

**THE CHAIRPERSON:** Is that administratively?

**MR ATWIJUKIRE:** Thank you, Madam Chairperson. I have reservations about clause 3. The PPD Act is very elaborate about the local content. For us to create another office is to increase the red tape. And if we are talking about being leaner and merging institutions, really what a contradiction at this point that we are even proposing a creation of another office yet the law - the PPD Act - answers all the questions that we are talking about.

Finally, Madam Chairperson, the institutions we are talking about that deal in procurement, are being overstretched with audits. They already have audits by the PPDA. Now, you want to create another office to do audits and exactly repeat the same thing. Why can't we empower the PPDA if we want to refine things therein so that the law works within the existing institution? Thank you, Madam Chairperson.

**THE CHAIRPERSON:** Hon. Oshabe, is there a problem with handling this administratively?

**MR OSHABE:** Madam Chairperson, I think the minister brought in the PPD Act that proposed a reservation in 2003 but in 2003, they failed to implement it.

**THE CHAIRPERSON:** No, have you done the amendment? Is it in the law? No, I am asking; is it in the law?

**MR OSHABE:** Madam Chairperson, this is what I am talking about -

**THE CHAIRPERSON:** There is a difference between having it in the law and its implementation.

**MR OSHABE:** The first proposal about reservation came in the PPD Act of 2003. And we took consideration of that before - and if it was working - by the way, I need to tell this to Members: some countries like Ethiopia don't have a law on local content, but they implement local content; they do.

In Kenya, they do not have a specific law but also implement it.

Our problem in this country is - the reason we came up with this law is because things were failing. I want to tell the minister and honourable members that this law is not specifically on procurement alone. It also deals with other aspects of local content like licenses; that needs somebody specific - somebody in procurement is concerned about bidding and all that.

Therefore, once you create these other responsibilities beyond what they can do, they will not handle it. We deal with matters or issues to do with how the expatriates will be employed in this country. Those cannot be handled. That is why we desired a separate department to deal with, specifically, matters of local content. Local content needs to be developed -

**THE CHAIRPERSON:** Hon. Patrick, can local content be a cross-cutting principle like the one for gender and equity? Let me first hear from the chairman.

**DR KEEFA KIWANUKA:** Madam Chairperson, that is a fundamental issue that we had to deal with when we were conducting our hearings. What is local content and what is procurement? Procurement is more around the acquisition of goods and services and deals

with advertising and things like that.

However, with local content, we are thinking about a range of measures that favour the domestic industry at the expense of foreign competitors.

Secondly, we are thinking about a wide range of policies imposed by Government that require firms to use - just as an example - domestically-manufactured goods or supplied services. That may not be in procurement but it is maybe a requirement in order to operate in an economy.

Specifically in the Bill, it is defined to include all locally-produced goods, services and utilisation of personnel, including other areas such as financing goods and services by a local content entity in any operation or activity carried out in Uganda.

Therefore, it is much broader than the procurement that we are talking about.

**MS CECILIA OGWAL:** Madam Chairperson, my understanding of this - and I think it has been raised in that section, which we are discussing now - is that on the issue of evaluation, we have to evaluate the entire system in order to lay hands on the areas where we want the local content to have priority.

My problem, which we had even when we were discussing this issue earlier, is that we are focusing on goods and services and forgetting the issue of recruitment.

We came to discover that some of the foreign companies would say there are very many Ugandans or East Africans there, but when you quantify in terms of percentage, you find that the Ugandans are only 10 or 20 per cent when actually they should be 40 - in terms of the resources that go into the locally recruited personnel.

We are looking at a broader issue - just like equal opportunities - so that when budgeting, we ensure that the agency that we want to scrutinise has been able to evaluate not only goods and services, but also recruitment of

personnel and not just clerks and the low-class employees. We want the people in the top hierarchy of management.

Madam Chairperson, I want to emphasise this: let us not only focus on the goods and services. Let us also focus on the employment and the recruitment of personnel. Thank you.

**THE CHAIRPERSON:** Honourable members, I think what we need to do is to look at local content as a cross-cutting theme. *(Applause)* We do not need to domicile it in one department. Let it be a theme, like gender and equity, where you are supposed to report to Parliament always – this is what you have done as an institution and this is your contribution. *(Applause)* That is the basis that should form, say, a tax waiver or tax holidays. We should look at that. Let us look at it as a cross-cutting theme. We should also have a certificate like for gender and equity.

**MR KATUSABE:** Madam Chairperson, I want to thank you for your –

**THE CHAIRPERSON:** We need to be seen to be moving.

**MR KATUSABE:** Yes, Madam Speaker. I want to thank you for your leadership. I think your position is what, basically, we needed the most in this process.

In Bill processing – I am trying to bring in my experience - we need to focus on three fundamental parameters. Parameter number one is content specification. Number two is boundary demarcation and number three – in Bill processing, you also have to look at avoiding pseudo scenarios.

One of the things that I have closely observed as we go along with the processing of Bills in this House is that our colleagues, especially those that bring the Bills on the Floor, do not pay attention in as far as identifying variables – in terms of dependent, independent and inter-dependent.

In this case, I want to draw your attention

to section 2, where the chairperson made reference to complying with Government's merger policy. So far as we know - all of us here - this thing was thrown back to the Cabinet. We do not have the position of Cabinet, back to this House, to invoke a resolution of the House. Therefore, how can something that is still awaiting Cabinet approval become part of a Bill?

Madam Chairperson, I am suggesting that section 2 – complying with Government's merger position – should be dropped because that, surely, does not stand the test of time. In the event that Cabinet approves otherwise, again, we shall have to come back here to amend the Bill and that will be wasting time -

**THE CHAIRPERSON:** If I heard it correctly, I heard the minister saying we cannot have different authorities or departments because we are in the rationalisation process. So, we are not going to go into departments or authorities.

**MR KATUSABE:** Yes, Madam Chairperson. Specifically, mine was about complying with the Government policy about the merger. I was saying that –

**THE CHAIRPERSON:** Let us first keep the merger away. Let us finish this Bill.

**MR KATUSABE:** That is the reason I am saying section 2 should not be part of this Bill.

**THE CHAIRPERSON:** Can we finish with clause 3?

**MR KATESHUMBWA:** Madam Chairperson, is it procedurally okay for a colleague to take the House back to a matter where we have already moved?

**THE CHAIRPERSON:** It is not. I am saying: can we move ahead?

**MR KATESHUMBWA:** So, I beg that we move forward with the clauses now.

**MR OSHABE:** Thank you very much, Madam Chairperson. I like the position that you came

with, in your proposal, where you indicated that local content must be cross-cutting - where every institution of Government reports about it. That is what we desired, initially. The challenge it comes with is that you will need an institution that – for example, for the gender and equity certificate, there is an institution that reports to Parliament on compliance. That will force you to create an institution.

I want to talk about the rationalisation, honourable minister –(*Interruption*)

**MR EKANYA:** Hon. Oshabe, suppose it is provided under the role and the responsibility of the sector minister that the minister will report to Parliament twice a year. As the Chairperson proposed that it is cross-cutting - like the gender equity law – that every Government department, while submitting the report here for budgeting, submits a clause at the level of compliance. It is very simple. It is Parliament to be strong to play the oversight role. Madam Chairperson, I rest my case.

**THE CHAIRPERSON:** I think that is a very good suggestion.

**MR OSHABE:** Thank you for that proposal. I think I may take that, although with reservations. I propose, Madam Chairperson, that we stand over that clause -

**THE CHAIRPERSON:** No, we are not standing over that one again; let us move on. We put, as a condition that, “The minister shall, when making a policy statement, report in regard to local content.”

**MR OSHABE:** Which minister, Madam Chairperson?

**THE CHAIRPERSON:** The Minister of Finance, Planning and Economic Development. You have already put it in finance.

**MR OSHABE:** Madam Chairperson, when the Minister of Finance comes here to report,

the minister reports specifically on the ministry.

**THE CHAIRPERSON:** First of all, it is cross-cutting. All ministers must report in terms of local content. Even Parliament will report in terms of local content and it will be part of the format of writing.

**MR OSHABE:** I take it, Madam Chairperson.

**THE CHAIRPERSON:** Can we make the amendment? Hon. Oshabe Patrick, make the amendment; add a sub-clause on Clause 3. Hon. Ekanya, can you help?

**MR EKANYA:** Madam Chairperson, the clause is amended by inserting the following words-

**THE CHAIRPERSON:** Clause 3.

**MR EKANYA:** That: “Every minister shall report to Parliament on compliance with this Act.” Just as simple as that because every minister must report while submitting the policy statement on the level of compliance of this Act. (*Interjection*) Twice a year; it can be, if you want.

**THE CHAIRPERSON:** Please, put it in a way that every ministry, department and agency shall-

**MR ENOSI ASIIMWE:** Madam Chairperson, how about saying “Government” because ministry is from Government?

**THE CHAIRPERSON:** “Government” is ambiguous.

**MR EKANYA:** Madam Chairperson, the wording should be, “Every ministry, department and agency, shall report the level of compliance with this Act while submitting policy statements to Parliament.” Thank you.

**THE CHAIRPERSON:** Yes. That is okay.

**MR ENOSI ASIIMWE:** I was not understanding my honourable colleague because the amendment we are making –

first of all, the draft Bill was talking about forming an independent department. The amendment is saying that we do not have to make an independent department but give the responsibility to the department under the Ministry of Finance, Planning and Economic Development.

Then when we talk about – I think the amendment my honourable colleague is bringing in – it is another clause under clause 3; it is not what we are actually legislating on. What we are talking about is, should we take the amendment of not having an independent department but taking the responsibility to the department under the Ministry of Finance, Planning and Economic Development? After that, we can talk about the reporting at the time of policy statements.

**MR OSHABE:** Madam Chairperson, the proposal by Hon. Ekanya, while good, leaves this law hanging. No one will be there to implement it. So, instead of just leaving it to no one, I rather leave it to what the committee proposed because you are leaving it when you say, “Every minister” – then there is no minister who will be checking because even when we talk about the gender equity law, there is somebody responsible. However, here we leave it to no one. Instead of leaving it hanging to everyone -

**THE CHAIRPERSON:** Hon. Oshabe, assuming one said – it should be a standalone sub-clause:

- i) “A public entity shall ensure compliance with the local content in all activities.
- ii) A minister shall report to Parliament at least twice a year on compliance to the provisions of this act.”

**HON. MEMBER:** Madam Chairperson.

**THE CHAIRPERSON:** I am talking to Hon. Oshabe. Can I first hear from him?

**MR OSHABE:** Madam Chairperson, that is

very good. Then, we go to interpretation.

**THE CHAIRPERSON:** Yes, the one we stood over.

**MR OSHABE:** When we go to interpretation, we must define who the minister is.

**THE CHAIRPERSON:** Yes.

**MR OSHABE:** And who is the minister? Does he remain the minister?

**THE CHAIRPERSON:** “Responsible for...” Remember we are saying it is cross-cutting – - are we together with Hon. Oshabe on that? So, are we making that amendment?

**MR OSHABE:** Madam Chairperson, I am okay with that. My only problem comes when to interpret who the minister is. Then you will have to specify that, “By minister, I mean this one.” Then you will have trouble to say that the minister you meant was this minister.

**THE CHAIRPERSON:** If it is cross-cutting, it has to be for all ministers. It is not only minister -

**MS CECILIA OGWAL:** Madam Chairperson, the committee’s position is the correct one. It is a continuous evaluation of the local content situation, whereas if we go by the new amendment, we have to wait – actually, you put it on the shelf and wait until the report is made, and so, what if the report is made and they have not complied? Whereas the committee’s report gives me the responsibility to continuously evaluate the local content situation, that is how I look at it.

Madam Chairperson, I think we need to borrow from the way we normally comply with the equal opportunities law. Whenever it comes to the time of budget, we look at the performance of the equal opportunities law in every department but it is a continuous process. So, I think the committee’s position is the one I

am comfortable with. Therefore, I am pleading with the mover-

**THE CHAIRPERSON:** Hon. Oshabe, can we go by the committee's position?

**MR OSHABE:** Madam Chairperson, the committee's position is fair because at least, it gives responsibility to someone other than leaving it to no one. Thank you.

**THE CHAIRPERSON:** Thank you. I put the question that clause 3 be amended as proposed.

*(Question put and agreed to.)*

*Clause 3, as amended, agreed to.*

*Clause 4, agreed to.*

Clause 5

**DR KEEFA KIWANUKA:** Clause 5, is the rejection of Uganda goods and services during procurement. Clause 5 is amended in (1) by inserting the word "price", immediately after the word "quality."

And the justification is to include price as one of the parameters for rejection by a local content entity of a good or service.

**MR MUSASIZI:** Madam Chairperson, I agree with the committee's position.

**MR OSHABE:** I agree with the committee's position.

**THE CHAIRPERSON:** Thank you. I put the question that clause 5 be amended as proposed.

*(Question put and agreed to.)*

*Clause 5, as amended, agreed to.*

*Clause 6, agreed to.*

*Clause 7, agreed to.*

Clause 8

**THE CHAIRPERSON:** Deletion.

**DR KEEFA KIWANUKA:** on clause 8, the committee recommends that clause 8 be deleted. And the justification for that is that this is covered under the Uganda Citizenship and Immigration Control Act 2015.

**THE CHAIRPERSON:** Honourable minister - Enosi please, leave the minister.

**MR MUSASIZI:** Madam Chairperson, we agree with the committee.

**MR OSHABE:** Chairperson, I am finding a challenge. What the chairperson gave me is different from what is coming up here. In clause 8, if it is provided for like the chairperson is claiming that there are laws that prohibit employment of non-citizens here, then let us see them. Other countries employ expatriates for a given period of time; say three years and those countries require a national to understudy this expatriate. Madam Chairperson –

**THE CHAIRPERSON:** Patrick, before you go into that, is it true that it is provided for in the Uganda Citizen Immigration Control Act 2015?

**MR OSHABE:** I am not aware of that.

**THE CHAIRPERSON:** Can you check for him? If it is provided for, that would be a duplication of the law. We should delete it.

Please, come and have a chance to look at it here. Honourable members, I have checked with the laws available; the position of the committee is correct.

**MS CECILIA OGWAL:** Chairperson, I beg to plead with the movers of this motion to accept the position of the committee. I think it is a very well-framed position, which should convince us. Hon. Patrick, can you reconsider your position, please?

**MR OSHABE:** Chairperson, as I said, we have been sharing with the chairperson on this matter but this is a new thing. I concede on this.



**THE CHAIRPERSON:** Thank you. I put the question that clause 8 be deleted as proposed.

*(Question put and agreed to.)*

*Clause 8, deleted.*

Clause 9

**THE CHAIRPERSON:** Deletion.

**DR KEEFA KIWANUKA:** Madam Chairperson, the committee recommends that clause 9, which is on unemployment of non-citizens, be deleted.

**THE CHAIRPERSON:** Because it is covered in the same Act?

**DR KEEFA KIWANUKA:** Yes, it is covered under -

**THE CHAIRPERSON:** Yes, Minister.

**MR MUSASIZI:** Madam Chairperson, I agree with the chairperson of the committee.

**THE CHAIRPERSON:** Yes, Hon. Patrick. We try our best to give the mover of the motion time to give his input.

**MR OSHABE:** I am okay with the committee's position.

**THE CHAIRPERSON:** Thank you. I put the question that clause 9 be deleted as proposed.

*(Question put and agreed to.)*

*Clause 9, deleted.*

Clause 10

**THE CHAIRPERSON:** Deletion.

**DR KEEFA KIWANUKA:** Madam Chairperson, the committee recommends that clause 10 be deleted. This is covered under the Uganda Citizenship and Immigration Control

Act, 2015. Also, employment arrangements should be left to the agreement between the employer and the employee.

**MR OSHABE:** I am okay with the committee's position.

**MR MUSASIZI:** I agree with the committee.

**THE CHAIRPERSON:** I put a question that clause 10 be deleted as proposed.

*(Question put and agreed to.)*

*Clause 10, deleted.*

Clause 11

**THE CHAIRPERSON:** I put the question that clause 11 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 12, agreed to.*

Clause 13

**THE CHAIRPERSON:** Deletion

**DR KEEFA KIWANUKA:** In clause 13, the committee recommends that the prohibition of subcontracting be deleted. The justification for that is that subcontracting should be permissible because it gives small and medium companies an opportunity to build their capacity to undertake projects on their own.

To avoid the conflict of laws, such as the Public Procurement and Disposal of Public Assets Act 2003, which permits subcontracting - can I just add, Madam Chairperson, to explain this a little bit more? There is a provision in the Bill, which requires a contractor to subcontract 40 per cent of the work to a Ugandan; Unfortunately, the Bill again prohibits that. So, someone has got work, they are prohibited from subcontracting it, yet, some of the entities that may get the subcontracts may not have the capacity to implement it at 40 per cent.

We had examples from the oil and gas sector, where contracts normally are very big and cannot easily be managed by a small Ugandan entities, which probably are just getting started but may be eligible to compete and get the contract.

**MR OSHABE:** Madam Chairperson, we put this because we desired that middlemen should not take over the intentions of this Bill. Once you delete this clause, we run a risk of middlemen coming, getting the work and trading on whom to do the work. It is our intention, in this Bill, that the right people, under affirmative action, get the work. If you do not deserve the contract, do not apply for it.

Let us leave the companies that deserve to do the work, do it. That is why we think that we need this subclause; that once you get a contract under this Act, then do not subcontract another person because you have been subcontracted and that is the *–(Interruption)*

**MS CECILIA OGWAL:** I would like to give information to the mover, hon. Patrick Nsamba that just take a look at clause 14 (2) because it clears that doubt. So, I think by the time the committee came up with that recommendation, they were aware that what you are concerned about is already provided for in clause 14, subsection 2.

Hon. Patrick, are you trying to suggest that I have read a little bit more than you?

**MR OSHABE:** Yes, you have because we are still dealing with clause 13 but you are already somewhere else. That is the purpose - once we maintain that, we will protect our people. Middlemen are going to get the contracts and then, they start putting out on market and that will inconvenience the main contractor because the main contractor must deal with one person. They should not have the right to get a subcontract and then you also subcontract other people.

The oil and gas proposal you are talking about

- you brought an amendment that says that it shall not apply to the oil and gas sector; it is not a proper example.

**THE CHAIRPERSON:** Honourable members – I do not need help. Anyhow, I have understood what hon. Oshabe said and I am persuaded. Yes, minister.

**MR MUSASIZI:** Madam Chairperson, at first, I had not appreciated the intention of this clause but with hon. Oshabe's explanation - this is an affirmative provision; if we give you an affirmative benefits, you should not easily transfer it to somebody else. I, therefore, agree with hon. Oshabe that the clause stands.

**THE CHAIRPERSON:** So, we leave it to stand as part of the Bill; we are not deleting?

**DR KEEFA KIWANUKA:** Madam Chairperson, I concede on behalf of the committee.

**THE CHAIRPERSON:** Thank you. I put the question that clause 13 stands as part of the Bill.

*(Question put and agreed to.)*

*Clause 13, agreed to.*

*Clause 14, agreed to.*

*Clause 15, agreed to.*

*Clause 16, agreed to.*

Clause 17

**DR KEEFA KIWANUKA:** This clause is about the termination of subcontract. We propose to amend clause 17 as follows:

- i) In subclause 1, by deleting the words “on any of the grounds prescribed in subsection 2” and
- ii) by deleting subclause 2.

The justification is that the grounds listed under the sub clause are grounds to be provided in

a contract of subcontracting for breach of contract.

Further, when we attempt to list, we leave out some grounds that may be peculiar to that particular contract. So, we recommend that it is amended.

**MR OSHABE:** Madam Chairperson, regarding clause 17, we know what goes on. A contractor might put in something in a contract; this affirmative action gentleman or lady but who will fail or may fail. Now, we provided the many grounds under 17. For example, if you fail or neglect to perform your duties, you absconded or abandoned subcontracted works, you assign or sell its shares or rather it ceases to be eligible to subcontract, contravenes any provisions of this act -

Here, we are trying to tell this person that when we are dealing with this person you have given a subcontract under this law, you can only suspend this person if he or she fails on these grounds.

Now the chairperson wants to leave it open, in which case the committee will be subjecting these people who should be participating to the mercy of the one who will give them the contract.

That is why I suggest and plead that this stands part of the Bill. If there is anything that we need to add on, we can, but not deleting it. Otherwise, they will be subjected to other dramas and they may end up failing.

**MR MUSASIZI:** Madam Chairperson, if I look at the justification by the committee properly, the chairperson said that there will be a contract entered into. This contract will stipulate all the performance conditions including how termination can be addressed if there is failure.

Secondly, the Chairperson said that this list – yes, it is there, but it is not exhaustive. Circumstances may arise, which will require this list to be expanded. In this event, I agree with the committee that we provide for this

under the contract not in the law.

**THE CHAIRPERSON:** So, you are saying we delete it and instead, provide for it in the contract?

**MR OSHABE:** Madam Chairperson, like I said -

**MR SILWANY:** Thank you. Madam Chairperson, I do not understand. If we have passed clause 13, which is prohibition of subcontracting, then, why does clause 17 still stand – termination of subcontract? I thought that we are already prohibiting the subcontracting. Which termination of the subcontract now exists in the same law? That is the clarification I need from the minister.

**THE CHAIRPERSON:** You need to read clause 13 in totality; do not read it in pieces.

**MR OSHABE:** Madam Chairperson, you have answered him well. I beg the minister to understand this. This is an affirmative action. When you delete this, you subject this person to the intentions of the other person. Here, we are putting in the main reason they say “hey, you are applying this person, do not chase him anytime and anyhow you want”. That will arise if you delete that.

Therefore, here, we are saying if this person has failed on his duties, deal with him – you can terminate the contract. If he has absconded and abandoned work, it is okay. Those are the terms. As a nation, we desire that this person can be terminated. Otherwise, when we just delete it, it will be unfair.

**THE CHAIRPERSON:** One issue that we need to understand is that laws are living documents; we can always amend them. It is not something that is cast on stone.

**MR MUSASIZI:** Madam Chairperson, for the purposes of moving together, I agree that we take Hon. Nsamba’s proposal.

**THE CHAIRPERSON:** Thank you. I put the question that clause 17 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 17, agreed to.*

*Clause 18, agreed to.*

*Clause 19, agreed to.*

*Clause 20, agreed to.*

Clause 21

**MR KEEFA KIWANUKA:** Madam Chairperson, the committee recommends that clause 21 be amended by deleting subclause (2).

Justification

1. It is a consequential amendment to the deletion of subclause (2)(d) that provided for the approval of local content plans by the department.
2. Clause 21(1) is sufficient because it requires a supplier, provider or contractor to develop and submit a local content plan with respect to the entire project or activity.

**MR OSHABE:** Madam Chairperson, clause 21(2) requires that *-(Interjections)-* it requires that a supplier, provider or contractor carrying on an activity described in subsection (1) shall, within six months of the commencement of this Act, submit to the department a local content plan for review and approval.

This provision is intended to ensure that contracts, already in existence at the commencement of the Act, will comply with the provisions of this Act. This is a transitional provision and deleting it will create a lacuna as to what happens to the contracts that are in existence at the commencement of this Act.

It should be noted that once the Act commences, everyone in Uganda, including the entities that are in existence, must comply with it. One of those matters of strict compliance involves developing and approving local content plans. Without subclause (2), the Act will not apply to those entities that are in existence today, thereby creating a disharmony in the law and

the lacuna as to which legal regime will apply to those companies that are in existence at the commencement of the Act. So, it is just a transitional clause that we wanted to be part of this.

**MR ENOS ASIIMWE:** I think there is a contradiction here. Under clause 3, we gave the powers of developing the local content plan to the department under the Ministry of Finance, Planning and Economic Development. Now, I think it would be requesting the contractors to submit a plan, not to develop. That is what you are putting under clause 21(1)

Therefore, in reality, we should delete subclause (1) and retain subclause (2) because subclause (2) is talking about submitting a plan. The development of the plan is already catered for under clause 3.

**THE CHAIRPERSON:** Hon. Enos, there is a difference between the local content plan and the national local content plan – the national one is different from the organisational. So, there is no contradiction.

**MR ENOS ASIIMWE:** Madam Speaker, they should be submitting their plan that relates to the national content plan but they should not be developing theirs – according to what the Bill is telling us. I think they should be submitting it.

**THE CHAIRPERSON:** When you have different contractors putting their plans together – when you amalgamate them, they become the national local content plan. For you, you are looking at the one of your small institutions. *(Laughter)*

**MR OSHABE:** Madam Chairperson, Hon. Enos is a member of the committee and the committee came to delete subclause (2). I have provided *-(Interjections)-* he is a member of the committee. The committee's report is talking about -

**THE CHAIRPERSON:** I have guided him. Can we hear from the minister?

**MR OSHABE:** The committee's report is talking about deleting subclause (2) and I am

saying it is a transitional clause, to include the companies that already have contracts on the way.

**MR MUSASIZI:** Madam Chairperson, transitional clauses are always provided for when we are making laws. I, therefore, would like to persuade the committee chairperson to agree with the mover of the Bill and we move to the next.

**THE CHAIRPERSON:** Honourable Chairperson, can you advise the House?

**DR KEEFA KIWANUKA:** On behalf of the committee, I concede, Madam Chairperson. *(Applause)*

**THE CHAIRPERSON:** Thank you. I put the question that clause 21 stands part of Bill?

*(Question put and agreed to.)*

*Clause 21, agreed to.*

*Clause 22, agreed to.*

*Clause 23, agreed to.*

Clause 24

**DR KEEFA KIWANUKA:** In clause 24, on procurement planning, there is a very minor amendment. Clause 24 is amended in subclause (2) by substituting for the word “bid”, the word “bidding”.

The justification is that this is just about the nomenclature to be used in the bidding.

**MR OSHABE:** Madam Chairperson, I agree with the committee.

**THE CHAIRPERSON:** I put the question that clause 24 be amended as proposed.

*(Question put and agreed to.)*

*Clause 24, as amended, agreed to.*

*Clause 25, agreed to.*

*Clause 26, agreed to.*

*Clause 27, agreed to.*

*Clause 28, agreed to.*

*Clause 29, agreed to.*

*Clause 30, agreed to.*

Clause 31

**DR KEEFA KIWANUKA:** Offences and penalties.

Clause 31 is amended –

- i) In subclause (1)(b) by inserting immediately after the word, “statement” the words, “in relation to information required under this Act.”
- ii) Subclause (1)(j) by substituting the words, “without authorisation from the department” with the words, “contrary to the provisions of this Act.”
- iii) In subclause (1) by deleting paragraphs (q) and (r).

The justifications for this are simple and straightforward:

1. To provide clarity on the nature of false statements that lead to liability under this Act, and
2. The offences proposed are similar or relate to the offences under the Public Procurement and Disposal of Public Assets Act.

**MR OSHABE:** Madam Chairperson, I agree with the committee position.

**THE CHAIRPERSON:** Thank you. Honourable minister -

**MR MUSASIZI:** Madam Chairperson, I agree with the committee.

**THE CHAIRPERSON:** Thank you. I put the question that clause 31 be amended as

proposed.

*(Question put and agreed to.)*

*Clause 31, as amended, agreed to.*

*Clause 32, agreed to.*

*Clause 33, agreed to.*

*Clause 34, agreed to.*

*Clause 35, agreed to.*

*Clause 36, agreed to.*

*Clause 37, agreed to.*

Clause 38

**MR KEEFA KIWANUKA:** Clause 38: Requirement to keep records.

Clause 38 is amended by deleting subclause (5) (c). The justification for this is that the clause gives the minister discretionary powers and yet, there is need for certainty in legislation, which is not there as it is.

**MR OSHABE:** Madam Chairperson, I agree with the committee position.

**THE CHAIRPERSON:** Thank you. Honourable minister, -

**MR MUSASIZI:** Madam Chairperson, I agree with the committee position.

**THE CHAIRPERSON:** Thank you. I put the question that clause 38 be amended as proposed.

*(Question put and agreed to.)*

*Clause 38, as amended, agreed to.*

*Clause 39, agreed to.*

*Clause 40, agreed to.*

Clause 41

**MR KEEFA KIWANUKA:** The committee recommends that clause 41: "Prohibition on foreign technical qualifications" is deleted.

Justification:

The requirement in this clause is necessary since some professions require international qualifications and certification for employment.

**MR OSHABE:** Madam Chairperson, it is very unfair to have a country where the standards for qualification are determined by the international - Somebody tells you, "I need an engineer with Chinese standards - I need an engineer with European standards." We would have desired that the standard is there. At least, we have the National Council for Higher Education, which can set up the standards here. However, because they deleted clauses 8, 9 and 10, this becomes irrelevant here. I, therefore, agree with the committee's position but we need to think about this, as a country; there is no way people can come - the project being done is here and our engineers are here; you ask for the US standards of an engineer. That is very unfair for a country.

**MR MUSASIZI:** Madam Chairperson, I agree with the committee.

**THE CHAIRPERSON:** I put the question that clause 41 be deleted as proposed.

*(Question put and agreed to.)*

*Clause 41, deleted.*

Clause 42

**MR KEEFA KIWANUKA:** Clause 42: Appeal

Substitute the words "five days" with the words "10 days".

The justification: To align with other laws that provide for a period of appeal.

**MR OSHABE:** I agree with the committee's position.

**MR MUSASIZI:** Madam Chairperson, I want

to propose a slight amendment that, instead of 10 days, we do 14 days to provide for adequate time.

**THE CHAIRPERSON:** Thank you. For uniformity with the other laws, we have 14 days.

I put the question that clause 42 be amended as proposed by the minister with the 14 days.

*(Question put and agreed to.)*

*Clause 42, as amended, agreed to.*

Clause 43

**DR KEEFA KIWANUKA:** Clause 43: Supremacy of this Act.

Clause 43 is amended by substituting for subclause (2) the following:

“(2) This Act shall apply to the insurance sector while the Insurance Act, 2015 is silent on the matter.”

Justification

This is a consequential amendment, following the exclusion of the oil and gas sector in clause 1 on application.

**MR OSHABE:** Madam Chairperson, I agree with the committee position.

**MR MUSASIZI:** Madam Chairperson, I agree.

**THE CHAIRPERSON:** I put the question that clause 43 be amended as proposed.

*(Question put and agreed to.)*

*Clause 43, as amended, agreed to.*

New clause

**DR KEEFA KIWANUKA:** The committee recommends that immediately after clause 43, insert the following new clause:

“International obligations –

i) Notwithstanding section 43 where this Act conflicts with an obligation of the Republic of Uganda arising out of an agreement with one or more states or with an international organisation, the provision of the agreement shall prevail over this Act.

ii) Where an agreement referred to in this section contains a preference or preferences in favour of a Ugandan entity, a content entity shall ensure that the applicable preference or preferences are clearly stated in the bidding documents.”

Justification

To give supremacy to international agreements and obligations.

Madam Chairperson, we are inserting this clause specifically in response to His Excellency the President’s concern that we sometimes have international obligations: loans, grants and donations, where the conditions of taking them – even eligibility just for you to be able to approach those institutions – requires that you accept them as they are. You cannot change them sometimes.

**MR EKANYA:** Madam Chairperson, I think that clause is redundant because some of these international agreements are ratified by Cabinet and others are ratified by Parliament. And they keep modifying them; like now, we are discussing the agreement about Bujagali. When we make adjustments here, it will have no effect even on the law.

So, that clause on supremacy and giving power to an international agreement that can change every now and then, is really redundant and unnecessary because Parliament ratifies those agreements whereas others are ratified by Cabinet. I submit.

**DR KEEFA KIWANUKA:** I should have mentioned, Madam Chairperson, that we are not introducing something new. This is already provided for in the Public Procurement and Disposal of Assets Act, 2003 as clause 4 (1).

**THE CHAIRPERSON:** If it is provided for under PPDA, why are you putting it here?

**MS CECILIA OGWAL:** For that reason, it is redundant; it should be withdrawn.

**DR KEEFA KIWANUKA:** To reassure you, we are including it because it was there and it was not here, and then the President expressed concern.

**THE CHAIRPERSON:** That will be a duplication of the laws. If it is provided for, why would you, again, provide for it? Then, it is redundant, as it has been said. Is there anything new that you are introducing?

Can we go to the next item?

**DR KEEFA KIWANUKA:** Something new, Madam Chairperson.

Clause 44

**THE CHAIRPERSON:** I put the question that clause 44 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 44, agreed to.*

Clause 45

**THE CHAIRPERSON:** Chairperson?

**DR KEEFA KIWANUKA:** Clause 45: Amendment of Schedules.

Clause 45 is amended by inserting the words, "By statutory instrument" immediately after the word "may".

The justification for this is to write the mechanism through which the minister may amend the schedules.

Madam Chairperson, you remember His Excellency the President had concerns about Schedule 2, where virtually, everything is listed as reserved for Ugandans. So, we are saying that there should be flexibility on this so that it

can be amended by a statutory instrument.

**THE CHAIRPERSON:** Hon. Patrick -

**MR OSHABE:** Madam Chairperson, there are many schedules in our laws and there are ways of how they are amended. I really do not know what the chairperson is trying to cure in this. We provided how the minister may come to Parliament and make the amendments to the schedules; that was provided for.

**MS CECILIA OGWAL:** Madam Chairperson, more importantly, why use the word "May"? "May" is non-committal.

**THE CHAIRPERSON:** Honourable Chairperson, are you trying to prevent the minister from coming to Parliament? Is that what you are trying to avoid? As of now, the law requires that the minister should come to Parliament to amend the schedules. Do you want to give the minister powers to amend at any one time he or she feels like without coming to the House? Hon. Oshabe, are you listening?

**MR OSHABE:** I am listening, Madam Chairperson.

**DR KEEFA KIWANUKA:** Madam Chairperson, we envisaged a situation where this schedule will be changing from time to time and we envisaged a situation where it is impossible for the minister to come to Parliament whenever he needs to change something. This may change two or three times in a year. Would it require that each of those times he reports to Parliament? So, we thought that there is a need for flexibility.

**THE CHAIRPERSON:** If you want it by a statutory instrument, why don't you say that "It shall be laid on Table for it to take effect?"

**DR KEEFA KIWANUKA:** That is a much better amendment, Madam Chairperson.

**MR OSHABE:** Madam Chairperson, I do not know whether he is trying to become a minister and is so worried that this thing



might cause him problems. Ministers have never complained about amending schedules and there is no problem with that. Why is he worried, as a chairperson? I see no purpose for this amendment. *(Laughter)*

**THE CHAIRPERSON:** Honourable minister -

**MR MUSASIZI:** Madam Chairperson, with my experience in Parliament, I know the interest this debate can bring. I want to say that the schedules are part of the Acts, so, if you want to amend the Act, you come to Parliament. I, therefore, agree with Hon. Nsamba that the clause stays. *(Applause)*

**THE CHAIRPERSON:** I put the question that clause 45 stands part of the Bill.

*Clause 45, agreed to.*

*(Question put and agreed to.)*

*Clause 46, agreed to.*

Clause 2

**THE CHAIRPERSON:** Clause 2, which we stood over.

**MR OSHABE:** Madam Chairperson, we stood over clause 2 because we wanted a definition and it looks like we carried the committee report. Therefore, I agree with the interpretation as provided for in the committee's report.

**MR MUSASIZI:** Madam Chairperson, I want to propose a small amendment, that we define a department to mean "the department responsible for procurement, policy and management under the Ministry of Finance, Planning and Economic Development" and we stop there. In other words, we delete "designated" under section 3 to be responsible for local content and the implementation of this act.

**MR OSHABE:** Madam Chairperson, I agree with the minister's proposal.

**THE CHAIRPERSON:** I put the question that clause 2 be amended as proposed by the minister.

*(Question put and agreed to.)*

*Clause 2, as amended, agreed to.*

Schedule 1

**THE CHAIRPERSON:** I put the question that Schedule 1 stands part of the Bill.

*(Schedule 1 agreed to.)*

*Schedule 2, agreed to.*

Schedule 3, agreed to.

The title, agreed to.

MOTION FOR THE HOUSE TO RESUME

4.36

**MR PATRICK OSHABE (NUP, Kassanda County North, Kassanda):** Madam Speaker and honorable members, I beg to move that to the House do resume and the Committee of the Whole House reports thereto.

**THE SPEAKER:** Honourable members, I put the question that the House do resume and the Committee of the Whole House reports thereto.

*(Question put and agreed to.)*

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

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

4.37

**MR PATRICK OSHABE (NUP, Kassanda County North, Kassanda):** Madam Speaker, I beg to report that the Committee of the Whole House has considered a Bill entitled "The National Local Content Bill, 2022" and passed it with amendments.

MOTION FOR ADOPTION OF THE

REPORT FROM THE COMMITTEE OF  
THE WHOLE HOUSE

**THE SPEAKER:** Honourable minister – yes, hon. Oshabe.

**MR PATRICK OSHABE:** Thank you for that promotion, Madam Speaker. *(Laughter)* I move that the report from the Committee of the Whole House be adopted.

**THE SPEAKER:** Honourable members, I put the question that the House adopts the report from the Committee of the Whole House.

*(Question put and agreed to.)*

*Report adopted.*

BILLS  
THIRD READING

THE NATIONAL LOCAL CONTENT BILL,  
2022

4.38

**MR PATRICK OSHABE (NUP, Kassandra County North, Kassandra):** Madam Speaker, I move that the Bill entitled, “The National Local Content Bill 2020” be read a third time and do pass.

**THE SPEAKER:** Honourable members, I put the question that “The National Local Content Bill, 2020” be read the third time and do pass.

*(Question put and agreed to.)*

A BILL FOR AN ACT ENTITLED, “THE  
NATIONAL LOCAL CONTENT ACT,  
2022,”

**THE SPEAKER:** The title is settled and the Bill passes. *(Applause)*

Honourable members, the passage of this Bill brings us to a total of 12 Bills so far passed. However, it is important to note that the passage of this Bill also gives us the feeling that we love our people - Buy Uganda, Build Uganda. (BUBU)

I sincerely want to thank the mover of the

motion, the proposer –hon. Oshabe, thank you very much for bringing the idea and standing against all odds to ensure this Bill goes through. I want to thank the Committee of Finance for doing all this work.

In a special way, our very good minister, the hon. Musasizi, thank you for being there for the House. We are about to give you a gold medal –*(Laughter)*- for always being in the House. I want to thank you very much. In general, the House, you are very beautiful people.

You love Ugandans, because you have passed this Bill. This Bill will go a long way to support Ugandans. We must make sure that we implement what is in this Act. Prime Minister, thank you for whipping us. Hon. Oshabe, do you have something to say?

**MR OSHABE:** Madam Speaker, I sincerely want to thank you. Thank you very much. You know, in the last session, when we failed to deal with this law, I had lost hope to have it but thank you for picking interest in it, Madam Speaker. *(Applause)*

Allow me thank the committee chairpersons. The first chairperson was the current minister. He processed this law the first time, only that we failed to get chance. The second chairperson is the current chairperson. Honourable member, thank you very much and your committee.

Otherwise, the speaker wanted the law very much, yet, you needed a lot of time. I am happy you dealt with it in the shortest time possible.

Honourable members of the Committee of Finance, I really appreciate your effort.

Hon. Musasizi, I want to thank you, in your capacity as a minister. There were very many provisions that I thought you would oppose but you accepted the justification. Thank you very much.

I pray that this law, if it is assented to by the President, gets implemented. Once it is implemented, we will be doing a lot for the people of Uganda. They will know that the

people who are here at this time really needed the rest of them.

Lastly, I congratulate my partners that supported me in processing this law, specifically the Private Sector Foundation of Uganda, that worked endlessly to ensure that I meet all the stakeholders. They ensured that I meet everyone who has a contribution. There are very many agencies that made contribution to developing this law. What I had initially was an aspiration but I did not know specifically what would make sense, until we met them.

The European Union, thank you for the different meetings. They sponsored us to be able to achieve this. Thank you very much chairperson. I will always remember you and the wonderful honourable members that passed this law with a lot of support. Thank you very much. In Luganda we say, *Okubasembyayo kabadde kakodyo*. May God bless you.

**THE SPEAKER:** Honourable members, we adjourn the House to tomorrow at 2.00p.m.

*(House rose at 4.44 p.m. and adjourned until Wednesday, 7 September 2022 at 2.00 p.m.)*