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IN THE PARLIAMENT OF UGANDA

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THIRD SESSION - 13TH SITTING - SECOND MEETING

Wednesday, 15 November 2023

Parliament met at 2.00 p.m. in Parliament House, Kampala.

PRAYERS

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

The House was called to order.

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable members, I welcome you to this afternoon's meeting. I know it has been raining but thank you very much for coming, especially my doctor, Dr Chris. You are most welcome – *(Applause)*

Thank you for coming earlier than me. There are only two people who beat me here, that is, the Kabale group, Hon. Musasizi and Hon. Bahati.

Honourable members, following my directive of yesterday, the report of the Committee on Tourism, Trade and Industry on the Inquiry into the Governance and Value-for-Money for Budgetary Appropriations to Cooperatives for the Financial Year 2011/2012–2022/2023 was duly uploaded as per the request of the Government Chief Whip. I urge you to read and internalise that report.

I also want to request the institutions that were given the report, that is, the IGG, CIID and DPP; to give us actions taken within three months from the date of submission of the report.

Honourable members, you are aware that schools are breaking off and children are coming back home. This is the time that we need to do parenting because it is a long holiday.

As such, these children are subjected to a number of challenges that border on early marriages, early pregnancies (sexual harassment), exploitation, violence and human trafficking.

Therefore, as parents and guardians, we should be able to support these children in this long holiday. I would like all the parents outside there to do effective parenting while these children are at home.

I also want to ask Government agencies; yesterday, something came up on issues of water and power in most of these institutions. You find that a police barracks, hospitals and nurses' quarters have no water and electricity.

Why don't we have a government-to-government discussion and see how some of these things can be resolved. Can't that be handled? Why would you leave a police officer who is guarding you to be in a dark place? A police officer without water in a barracks? That looks queer. I request the Government to look into that and see how we can resolve those issues.

I would like to thank Kampala Capital City Authority (KCCA) for trying to patch up the potholes in town. Unfortunately, they are

patching only where they think visitors are going to pass.

The biggest visitors in this country are us. *(Applause)* First start with us because all of us come from outside Kampala. We are visitors in this city. Patch up everywhere since we have given you money - not only for a road going to Munyonyo.

We know that there are a lot of inconveniences that happen when a road is being worked on; there is a diversion and you cannot pass. We also currently have too much rain.

I request KCCA to consider all Ugandans as visitors as we wait for the others who are coming. We want a beautiful city; we do not have to segregate. We do not work on our house only when we know that there are visitors coming. We gave out money and it is for the whole city.

Honourable members, this morning - and I am saying this painfully. I should not have said it, especially when the chairperson of Lango Parliamentary Group is my very good friend. I saw a press conference where the Lango Parliamentary Group was addressing the nation. I have also seen T-shirts and a number of posts on social media saying “No Akii-Bua, no AFCON; no Akii-Bua, no vote.”

I would like us to distinguish between presidential pledges and what was put in the AFCON bid. The bid had requirements that have to be fulfilled whereas a presidential pledge also has to be fulfilled.

There is Akii-Bua and Buhinga, which must be fulfilled. Let us not jeopardise our bid for AFCON. This is an international bid; let us not localise it. *(Applause)*

I also come from a different subregion; do you want us also on Sunday to say, “No Soroti/Bukedea Stadium, no vote”?

There was a decision by Parliament that – Dr Chris, do you remember the decision of Parliament on putting up stadia all over the

country? You will give it to us. We are not going to tolerate this. Why didn't you make that noise when we were bidding? Because we were on tension when we were bidding for AFCON.

Please love your country. The fact is that Akii-Bua must get its stadium at whatever cost. Buhinga will get it. It was a presidential pledge. That is why I am not asking for it in Bukedea because it was not pledged there. I want us to desist from that and look at what is good for our country. That kind of cheap politics will not take us anywhere. Let us love this country. I will only need to hear from the minister on the position of the Cabinet on that issue. For you to have the Africa Cup of Nations (AFCON), you needed to have an airfield in your area; that is when they would use your stadium, and the only places that qualified were Hoima and Kampala.

Therefore, for us who do not have – *(Laughter)* – honourable members, let us accept that we do not have them. It is not until they are put there that we can have it. Let us first host this one and not attach politics to it – no vote! Vote for who? I hope you have votes for yourself, first.

Honourable members, let us desist from such because if these people of the Confederation of African Football (CAF) hear that, it is bad publicity for this country.

I believe the Ministry of Education and Sports, the Cabinet and the Government are going to do the right thing, following what was in the bid and the presidential pledge. Let us differentiate between presidential pledges and what is in the bid.

The checklist is in the bid – what was put there. That is why places like Nakivubo and Namboole are going to host matches. There is going to be a stadium put up in Arua, but not for AFCON.

I would like to thank you very much and request that as you enter and later exit, please, clock in and out. Today is the second day – I started counting yesterday. I am checking the list every day, of people who attend the House.

Honourable members, I was reading on social media this afternoon – actually, the office of my colleague from Kenya called me this afternoon, that there is a man called Wilson Okello, who stole a vehicle – I do not know from where. I think he was beaten and taken to a Kenyan hospital.

When he got conscious, I think he wanted some refuge and said: “I am a brother to the Speaker of Uganda.” *(Laughter)* Not all Okellos are my brothers – not anybody whose name starts with “O” - like “Obua”, “Okema”, and others are my brothers. *(Laughter)* I do not know that person. Kenya should take that issue seriously and prosecute the person. I do not know him. We do not want thieves – and I do not have relatives who are thieves. One of my relatives in this House is Hon. Obua – we come from the same clan – but he is not a thief. *(Laughter)*

Honourable members, I have received matters of national importance from Hon. Migadde, Hon. Biraaro, Hon. Annet, Hon. Feta and Hon. James. Kindly, allow me - tomorrow, we have nothing on the Order Paper apart from “Members’ Day”. As I told you, we will have Members’ Day on Thursdays.

Two, I am not going to accept anything on AFCON. I have communicated my position. I am only going to receive, from the minister, what the Cabinet decision was.

2.15

THE MINISTER OF INFORMATION, COMMUNICATIONS TECHNOLOGY AND NATIONAL GUIDANCE (Dr Chris Baryomunsi): Thank you, Madam Speaker, for the communication and for appreciating that I came early. I began coming early yesterday to monitor your health as you sit there. *(Laughter)*

Yes, as we all know, Uganda together with Tanzania and Kenya, put a bid for AFCON, met the requirements and won the bid. Therefore, all of us should be united in supporting this, more so we the Members of Parliament; we should be patriotic enough to support that.

Secondly, I did not listen to the press conference by the honourable colleagues from Lango. As you have correctly guided, we should separate issues. Let us not mix AFCON with what the Government has promised or intends to do.

I know there has been an outstanding pledge to build a stadium – Akii-Bua Stadium – in Lango and Buhinga Stadium in Fort Portal. The Government is aware of those.

Just a few weeks ago, we had a discussion in Cabinet – I think we were discussing the Sports Bill – and we made a decision that going forward, the Government is going to build stadia in the different parts of the country.

We shall start with regional stadia such that all regions are covered – the north, east, west and central – and then we shall later on build the stadia at sub-regional levels - the independence districts; West Nile, Acholi, Kigezi, Toro, etc.

Akii-Bua Stadium as well as Buhinga are accommodated in that pledge. Therefore, my plea is that - like you have guided – let us not mix the AFCON bid which we successfully won, together with the sister countries, with the Government’s commitment to construct stadia in the different parts of the country.

Colleagues from Lango and Toro, you should rest assured that Government is aware of those pledges and, through this Parliament, we shall appropriate resources and ensure that we have stadia in the different parts of the country. Thank you, Madam Speaker.

THE SPEAKER: Thank you so much, Minister of Information, Communications Technology and National Guidance.

In the public gallery, we have students from Islamic University in Uganda - Where are you? Welcome. Thank you for coming. *(Applause)*

2.19

MR EMMANUEL OMODING (Independent, Serere County, Serere): Thank you, Madam Speaker, for giving me this opportunity.

The people of Serere and I would like to join honourable colleagues to congratulate you, *Nalongo* together with *Salongo*, for the bundle of joy you have given us. The blessings shall continue. (*Applause*)

I also take this opportunity to thank you and the honourable members. You all stood with me and the Okabe family when we lost Hon. Patrick Okabe and my mother in that nasty accident in Budaka.

I thank you all for standing with me. Some of you have been counselling me, supporting me and praying with me. I think this is what it should be - to stand together. Thank you.

THE SPEAKER: Thank you, Hon. Okabe. We shall always stand with you. Hon. Florence Kabugho, thank you so much for being in the House. Being a Member of the Opposition, you have to be here to represent your people. Thank you for being in the House. (*Applause*) Hon. Musana?

2.20

MR ERIC MUSANA (Independent, Buyaga East County, Kagadi): Thank you, Madam Speaker. Allow me to raise my voice and congratulate you for being a *Nalongo*. Congratulations from the people of Buyaga East.

Madam Speaker, you have given very thorough communication about how Kampala Capital City Authority (KCCA) is doing great work on patching up these potholes within the city. Given that we have serious rains disrupting us, and given that we also have issues to do with environmental challenges and changes in weather patterns, our roads are impassable.

When we go to rural areas, the local person is having challenges. When you go to our constituencies, honourable members, you will agree with me, that most of the swampy areas are now a problem to our communities.

Madam Speaker, it would be very well if the Uganda National Roads Authority (UNRA) would interest itself in ascertaining the number

of bridges that have broken down. For example, now, you may have difficulty connecting to Hoima because River Kafu is completely broken and the people surrounding the river are in dire need. That is only in Kafu, but we have several areas that have murrum roads.

Madam Speaker, you also remember that heavy rains come with several challenges, including diseases, cholera, malaria, and typhoid. We would like to interest UNRA and the Ministry of Works and Transport to intervene and mitigate the problem. Thank you.

THE SPEAKER: Thank you so much. Government, I think you need to take note of that. When you reach - there is a road from Kamuli-Nabirumba Bridge, you cannot cross. It is totally broken and that needs to be handled.

When you talk about KCCA, there are a lot of floods. The business community has started building in the trenches. I do not know what the Government is doing about it. Government?

2.23

THE GOVERNMENT CHIEF WHIP (Mr Hamson Obuga): Madam Speaker, the issue of building in undesignated areas such as trenches and wetlands has been majorly handled by Cabinet. To the best of my recollection, we agreed that all land titles issued within wetlands should be cancelled and those involved, prosecuted in accordance with the laws of Uganda. It is now incumbent upon the respective organs of Government, through the line ministries, to swing into action. Thank you.

THE SPEAKER: Thank you. Minister of Water and Transport, do you have anything to say?

2.24

THE MINISTER OF STATE FOR WATER AND ENVIRONMENT (ENVIRONMENT) (Ms Beatrice Anywar): Thank you, Madam Speaker, for this opportunity. Let me, first of all, take my personal opportunity to congratulate you, Rt Hon. Speaker, as the *Nalongo* of this country, and we are proud that you are adding to our population.

The issue of the environment which has been raised - and my Chief Whip has referred to - as Government, we have already got the presidential directive and as the Cabinet, we have already made a decision.

The challenge is that we have a lot of forged certificates which are given out there; certificates by the so-called National Environment Management Authority (NEMA). The cancellation process is on and the process by the Ministry of Lands, Housing and Urban Development has started.

Since the directive of the President, NEMA resolved, officially that there is no issuance of any certificate allowing anybody to construct in a wetland. We have gone ahead to ensure that those who are in the wetlands - we have classified them as directed by the President - those who fall under the category of Bukedea and other areas that are using the wetlands for livelihood, we have gone ahead to plan and implement alternative sources of livelihood. We are shifting them but the biggest challenge is the illegal degraders.

Honourable members of Parliament, through you, Madam Speaker, I pray that we, as a country, take responsibility. Anywar cannot be everywhere. We are all Government. Let us take this responsibility and report those illegal people.

Another challenge is that it is the very people we are talking to - the so-called untouchables - who are also degrading the environment. Let us take on this mantle and blacklist them; show them out because we have now the action to be taken as directed by the President. We are in action, Madam Speaker.

THE SPEAKER: Thank you. Before we take action on those upcountry, can we first take action on the Physical Planning Department in KCCA, so that we are able to plan for the trenches very well? We have all these lakes. I am about to name one "Lake Anywar".

MS ANYWAR: As the Government here in the city, we talk to each other - we have our

environmental officers in KCCA and indeed, we are under the guidance of the Prime Minister, where there is already an inter-ministerial committee - we talk to each other on this.

As you have also guided, I think we need only to intensify - let us mainstream what we are doing so that we do not have duplication of work and doing work without consulting each other. The problem is that we were working in a disjointed manner, but now we are working under the guidance of the Prime Minister, in the Inter-Ministerial Committee, and we are talking to each other.

Friends, we still need your assistance. Thank you.

THE SPEAKER: Thank you so much. And on a serious note, Government, you need to take note and take charge of the Physical Planning Department in KCCA; it is rotten. They need prayers. Dr Acuti?

2.28

DR SAMUEL OPIO (Independent, Kole North County, Kole): Thank you, Madam Speaker. On behalf of the people of Lango, we also want to offer our congratulatory messages. In Lango, we do not call it "*Nalongo*" but *min rudi*. We, therefore, congratulate you for becoming a *min rudi*.

Madam Speaker, we also thank you for the communication that you have made on the Africa Cup of Nations (AFCON). As Lango Parliamentary Group, our desire is that we remain united in this bid. I know there could have been some social media outbursts from some of our people, but that has not been our intention.

However, our concern that we came out with today, was that on the 3rd of October when we were discussing the motion to pay tribute to Uganda for winning the AFCON bid, there was a statement that was read out by the Minister of State for Education, which was signed, and I have a soft copy of it. Within that statement, they said that the Government had made six commitments to the Confederation of African Football (CAF) as far as AFCON is concerned.

One of the commitments was to construct two additional stadia, and it specifically mentioned Akii-Bua and Buhinga or Hoima Stadium. We had a very lengthy discussion and the impression that was understood at that time was that Akii-Bua would be part and parcel of this bid.

The sudden change is what has created a lot of outcry and concern. I request that we sit and see how best to harmonise this. As I speak now, 29 out of 30 Members of Parliament have come up with this resolution.

It is our humble plea - you are our *Mama*; you are our *min rudi*. (*Laughter*) We request that you help your Members to see how best to handle this because there is a lot of pressure from the 2.4 million people in Lango.

THE SPEAKER: Dr Acuti, Akii-Bua - I remember when I was in the Public Accounts Committee (COSASE), we ordered for the arrest of somebody who had “eaten” money for Akii-Bua Stadium. If there is any place to get a stadium, that is the place because there is a history behind it. It is not that you want it; it is in the memory of the late Obua. That was a presidential directive.

I also want to interest you to look at the AFCON bid. You can pick a copy from either my office or the Deputy Speaker’s office. It was filed; it has a checklist of what is required. That said and done, it does not stop us from having that place constructed. Let us have it budgeted for. Let us appropriate the money and have it constructed.

It does not require us to make noise outside by addressing press conferences. Hon. Anyakun is going to come tomorrow and start addressing a press conference for Karamoja that “We also want...” Let us avoid that kind of thing. Otherwise, we are going to have it in place. Buhinga is going to have a stadium. - Yes, you want your people to hear you say something?

2.37

MR ALEX RUHUNDA (NRM, Fort Portal Central Division, Fort Portal City): Thank you, very much, Madam Speaker; *Akiiki*. I congratulate you for giving us twins and becoming a Nalongo. The people of Toro are very happy and they love you.

Madam Speaker, you mentioned something very interesting in your opening remarks. This was about the children going back for holidays.

When we did our study, we found out that the country lacks sports facilities. So, the issue of sports facilities that should occupy our young children and nurture their talents is a must, because in any country, the Government plans for the younger population. These issues of the stadia are an obligation of the State and I think we do not need to demand something which the Government must plan for.

When we made our prayer to the President as the people of Toro for Buhinga Stadium, he came and even laid the foundation stone. He promised the people of Toro to have the stadium. Luckily enough, the AFCON came on board.

Madam Speaker, I would like to draw your attention to something: When we were going to host the Commonwealth meeting, the Government suffocated other budget lines and ensured that the required infrastructure for the Commonwealth meeting to take course was built, and it took us a lot of money.

I implore you kindly, Madam Speaker, that in the same spirit – after learning the conditions of the AFCON, Government should direct resources to specifically fulfil those requirements because this will boost the economy of this country. Instead of tagging ourselves only to the three stadia which are already - and maybe Hoima being at an advantage, we could say, “Government, this is the chance. This is the opportunity. What is missing in Lango? What is missing in Toro? Let us fix it,” so that we can have this stadium in place.

This is our plea and that is why I never called a press conference because I have personally been engaging you, Madam Speaker, and you have been giving me good news - you are engaging the President. I hope this discourse continues and the resolutions we have made here in Parliament are respected. I beg to move.

THE SPEAKER: Honourable members, as I said, let us not discuss issues of AFCON. It is an agreed fact that we will have a number of stadia in different areas. It is also a fact that in the bid, there are specific issues and items that were raised; you must have five-star hotels, an airfield; number of things were put in the checklist.

When people say Hoima is getting - maybe Fort Portal will also put up five-star hotels tomorrow. Maybe Hon. Okot-Ogong is planning to put up a five-star hotel in Lira - 2027 is far. Do not make the noise now. That will be sorted. Hon. Biraaro?

2.37

MR EPHRAIM BIRAARO (NRM, Buhweju West County, Buhweju): Thank you, Madam Speaker. I would have been the first to congratulate you.

THE SPEAKER: Because he is a Salongo.

MR BIRAARO: Because I come from a family of many twins. Only that I have not made it. *(Laughter)*

Madam Speaker, in the region where I come from, a Nalongo and a Salongo are the most respected people in society. Even when you come from a family that has got a *Nyinabarongo* - which is "Nalongo" in Luganda - and *Ishabarongo*, you do not get any negative attention in that society.

The fact that we come from the same society of Parliament with you, we also feel untouchable. The implication is that we shall also be respected in the forthcoming activities.

THE SPEAKER: Thank you.

MR BIRAARO: Back to your communication, Madam Speaker. I thank you for talking about the patching of roads in Kampala by Kampala Capital City Authority (KCCA). In the same way, in the countryside, there is a lot of patching on the face but the rest of the body is unwashed.

When they patch areas in Kampala where the guests are going to pass, they leave behind the other streets and roads untouched.

Likewise, the districts which are in corners that are not on highways - from Kampala, Masaka, Mbarara, Bushenyi, Ishaka, and Kasese, there is some attention. For a district in a corner like Buhweju, there is virtually no road to talk about. Be it a Uganda National Roads Authority (UNRA) road, a district road, a community road, and even the *bulungi bwansi*, which is done by the natives; there is virtually no road. No one should tell us about the funds released by Uganda Road Fund. They are too meagre to cause any effect in Buhweju.

I would like to make an appeal that the districts in corners - not only Buhweju, but those like Buhweju - should get affirmative action. I beg to move.

THE SPEAKER: Thank you. Government?

2.39

THE GOVERNMENT CHIEF WHIP (Mr Hamson Obua): Madam Speaker, we all recall that recently, this Parliament had a very long debate, especially on infrastructure, specifically the roads in all districts, cities and municipalities in Uganda. Madam Speaker, you personally played a very key role, even in changing the earlier guidelines that put emphasis on - we wanted maintenance but the Ministry of Works and Transport wanted something else.

All of us, as Members of Parliament, are members of the roads committee in the district. I would like to confirm that every district, city, and municipality in Uganda - out of the Shs 1 billion that this Parliament passed - has already received Shs 500 million. It may be

meagre, but it is going to all districts, cities and municipalities. We all passed this.

I implore my honourable colleague - because he has stated that even at the district, Buhweju is one of the districts that, in my humble opinion, has equally received a sum of Shs 500 million. If there are roads that fall under Uganda National Roads Authority, we can draw the attention of the Ministry of Works and Transport.

However, as far as the district roads are concerned, all municipalities and cities in Uganda received that money.

As far as community access roads that are handled under subcounties are concerned, all subcounties in Uganda have received their share. I beg to submit, Madam Speaker.

THE SPEAKER: Thank you. Honourable minister, you could also tell UNRA to look at his issue because it is unique. You know where Buhweju is; it is off-road - so deep in the corners that even going there is not an easy thing. You could ask UNRA to look into it.

MR OBUA: Madam Speaker, I undertake to do that straight away even while our proceedings are still ongoing.

THE SPEAKER: Thank you. You could also ask UNRA about the Nabirumba Bridge. I want to go home over the weekend, but I have nowhere to pass. Hon. Maximus Ochai, why did your people beat a reverend? *(Laughter)* Catholics do not behave like that. They beat up a priest.

2.42

MR MAXIMUS OCHAI (NRM, West Budama County North, Tororo): Thank you for this opportunity. Before I say anything about your communication, let me clarify that matter, Madam Speaker -

THE SPEAKER: I want an explanation on that; so come to my office because I know everything.

MR OCHAI: Okay, thank you. However, just to state it briefly; it was a lie that the priest was beaten. It was just politics. You know the politics in my place.

That said, Madam Speaker, allow me, first of all, on behalf of the people of West Budama North Constituency and also on my behalf, to congratulate you upon becoming *Toto Odwe*. *(Applause)*

Madam Speaker, in your communication, like others have observed, you addressed the issue of KCCA roads, but what is good for the goose is also good for the gander. Where I come from, in West Budama North constituency, there is a particular road; Tororo-Nagongera-Busolwe, which is in a bad state. Last week, the councillors of the district demonstrated. Unfortunately, they were arrested and it took me up to Friday to go and manually try to patch up some places.

Could you help me address this matter to the Ministry of Works and Transport so that they can prevail over UNRA to go and do an emergency repair on this road? I will appreciate it.

THE SPEAKER: You have information from the Member from Butaleja.

MR MUTIWA: Thank you, Madam Speaker. Thank you, Hon. Ochai, for giving way. On behalf of the people of Bunyole West, Butaleja District, and on my own behalf, I congratulate you for becoming a *Nabahwana*; that is in Lunyole.

The information I would like to give my colleague, Hon. Ochai, is that the road he is talking about stretches right from Tororo-Nagongera-Busolwe and it goes up to Busaba in my constituency.

UNRA was doing something on that road in terms of low-cost seal. There was an advert run and they started working on six kilometres of that road right from Senda, where Butaleja District starts from, to Mulagi. The advert was that they would continue and stretch from

Mulagi to Busaba and then from Busolwe to Nagongera. However, up to now, nothing is taking place.

I, therefore, request that as UNRA looks at the entire road, they should also come and explain how far this low-cost seal has reached. Thank you, Madam Speaker.

THE SPEAKER: Honourable members, I want to advise you; when you know that there is such a road and you even know the contractor that has been given that road, why don't you go to UNRA to follow it up?

You do not even need to write; go and follow it up and state what is happening in your constituency. It would be a good thing for you. You may raise it on the Floor here and it is not answered –Hon. James Kaberuka, I told you, “Tomorrow.” Do you want to react to my communication?

2.46

MR JAMES KABERUKA (NRM, Kinkizi County West, Kanungu): Thank you, Madam Speaker, for the opportunity. I am instructed by my culture because my father used to tell me that when a mother is in the village, she is for the nation. I am humbled to have a mother, especially a mother of twins. Congratulations, Madam Speaker.

Thank you for raising the issue of roads and people constructing in trenches. I am a member of the Committee on Physical Infrastructure and that behaviour is being blessed by the Government; I have heard of people constructing in trenches -

THE SPEAKER: Honourable, Government is me and you so -

MR KABERUKA: I want to clarify, Madam Speaker.

THE SPEAKER: Listen. Do you want to say that you are one of the people who have blessed such a thing? A criminal is a criminal; let us identify one criminal, prosecute that person and not bundle up everybody.

MR KABERUKA: Madam Speaker, we have written a report -

THE SPEAKER: Can I have that report tomorrow?

MR KABERUKA: Madam Speaker, on that matter, you will see how people are writing letters and allowing construction in trenches -

THE SPEAKER: Can we have the report?

MR KABERUKA: Madam Speaker, I thank you once again. On the issue of roads, we should stop having lovely expenditures. We need to look at return on investments.

I come from a constituency that contributes 65 per cent of the tourism revenue of this country; but as I speak now, yesterday, tourists failed to reach Buhoma; they could not cross over.

Madam Speaker, I need your indulgence on this matter. I thank Hon. Musasizi; he knows this subject as a finance minister. What do we do, because it is our cash cow, but it is being depleted? Kanyantorogo-Buhoma-Ruhija is now broken down, and yet the tourists are the ones that give us money. Out of the Shs 70 billion that comes from Bwindi, the budget for Uganda Wildlife Authority is Shs 124 billion. We contribute Shs 70 billion and now it is broken down. Are we really doing something? Madam Speaker, I need your indulgence. Thank you.

2.49

THE GOVERNMENT CHIEF WHIP (Mr Hamson Obuga): Madam Speaker, without any doubt in my mind, we are all aware that Mother Nature has gotten annoyed with us. In all parts of Uganda, there are heavy rains; bridges and roads are affected. There are floods, more or less everywhere.

However, just like you interjected when the Member was submitting, how I wish you could direct him to present it, since he stated that their report is ready. You even indicated that the report can be presented tomorrow such that we have a comprehensive and structured debate

on a report of the parliamentary committee. We promise that the ministry in charge of the sector will be available.

Honourable colleagues, all said and done, the Ministry of Works and Transport, as well as UNRA, needs our additional support in terms of funding to handle the emergencies that are currently happening in the country.

THE SPEAKER: Thank you.

2.50

MR PAUL OMARA (Independent, Otuke County, Otuke): Thank you, Madam Speaker. My mother is a twin, my brother has twins and I have one. Congratulations. In your communication, yesterday, you directed that the report of the Committee on Tourism, Trade and Industry should go to the relevant authorities. Today, you have informed us that the same document has been uploaded for us to read. I recall that sometime back in this Parliament –

THE SPEAKER: Honourable member, we are not debating, discussing or saying anything on that report. It ended yesterday. I was only informing you that as you had requested, it is uploaded. Go ahead and look at it and that is it. The other institutions have already started their work, so, let us not –

MR OMARA: Much obliged. Secondly, on the issue of roads, Kampala has suffered inadequate funding. We only do a knee-jack approach when visitors are coming and then we start patching up - as we are doing now. I would like to urge my honourable colleagues that it is time to plan appropriately so that we fund Kampala. This is our place and it is where we live. We do not have to wait for visitors but put in more money to fix Kampala roads.

In terms of district and community roads, I am the chairperson of the Otuke District Road Committee. I would like to salute my honourable colleague, the Minister of Finance, Planning and Economic Development for releasing money in time. We have had meetings and as a committee, we are doing quick interventions

on the district and community roads so that our people can have the roads they deserve.

I request my honourable colleagues to play a role as leaders - and by law, we are ex-officio members of the district committees - and make sure that we participate, do oversight roles and the chairpersons ensure that the roads are done so as to have a better road network. Thank you.

THE SPEAKER: Honourable members, as we said, we are all Members of the road committee. In my district, we do not have problems with the roads because the chairperson of the road committee follows what is being done. He moves with the road contractors from morning to sunset and he is here.

2.53

MR PATRICK OPOLOT-ISIAGI (NRM, Kachumbala County, Bukedea): Congratulations, Madam Speaker on expanding my clan. In Ateso we say: “*Emuria kolia*” and you respond: “*Koliai*” Thank you. (*Laughter*)

As far as roads are concerned, we are operating very well. We are trying our level best with the existing constraints. However, Shs 1 billion in the budget is not small money. It is a big leap from Shs 20 million that we used to have. We must get involved to ensure that corruption does not eat into this. I thank you.

THE SPEAKER: Thank you. Procedure.

MR EDDIE KWIZERA: Madam Speaker, you alluded to the report of the Committee on Tourism, Trade and Industry that handled cooperative unions and other related matters and you indicated that agencies could pick up and handle them. Would it be procedurally right to first adopt the report as the Committee of the whole House because under Article 90 of the Constitution of the Republic of Uganda, the committee processes the report and presents it to the House? The House then adopts it and the agencies take over from there. I beg to be guided, thank you.

THE SPEAKER: Honourable members, I put the question that the Committee on Tourism,

Trade and Industry on inquiry into the governance and value for money for budgetary appropriation to the cooperatives for the Financial Year 2011/2012 and Financial Year 2022/2023 be adopted by this House.

(Question put and agreed to.)

Report adopted.

THE SPEAKER: Yes, procedure.

MR ENOS ASIIMWE: Thank you, Madam Speaker. I have a concern and I seek your guidance. There are honourable Members of this House who have made it a habit of running to the media and make statements without taking advantage of your office, yet it is always open. We have a chance to address our issues to you, but somebody goes to the media and makes a statement before coming to you. Rule 30 of the Rules of Procedure guides on how to bring petitions to your office if our constituencies have issues to be addressed.

Two weeks ago, the Acholi Parliamentary Caucus, took up a matter related to the Balaalo and they know how it is being handled, but they made some serious statements. Yesterday – Madam Speaker, allow me to finish this.

THE SPEAKER: First sit down. Honourable members, the issue of Balaalo was an executive order, we do not have the locus to debate on it. Let us not discuss that unless you have something else.

MR ENOS ASIIMWE: Thank you for your guidance, Madam Speaker. Related to that, yesterday, another group went to the media about AFCON. My question is –

THE SPEAKER: That is concluded.

MR ENOS ASIIMWE: The reason I seek your guidance –*(Interjection)*- Why not allow me to finish?

THE SPEAKER: Honourable members, that is the benefit of coming to the House early. We have debated and discussed issues of AFCON and have agreed on a way forward and closed it. Can we hear from the honourable minister first?

On the issue of roads, honourable members, I would like all of you to get involved. An additional Shs 1 billion that we gave to these constituencies is a lot of money. They have already received Shs 500 million. Hon. Byarugaba, do not tell me it is not there. It is there; just because you are not in the constituency, that is why you are saying that it is not there. Ask your Woman MP and she will tell you it is there.

Minister of Finance, Planning and Economic Development, have you not released money to all the constituencies? Why is Hon. Byarugaba saying that it is not there?

2.59

THE MINISTER OF INFORMATION, COMMUNICATIONS TECHNOLOGY AND NATIONAL GUIDANCE (Dr Chris Baryomunsi): Thank you, Madam Speaker. I would like to give additional information which I have communicated to the public from Cabinet that the Government still sends the road fund and in addition, it made a commitment to give each district Shs 1 billion and it is released quarterly.

THE SPEAKER: Each district, city and municipality.

DR BYAROMUNSI: Yes. The clarification I wanted to give is that that additional Shs 1 billion is for maintenance of existing roads because we have found out that in some districts, people were budgeting for the Shs 1 billion to open like 12 kilometres of a new road.

The clarification we have given the districts and the public through Parliament is that the Shs 1 billion is to maintain the existing roads within our communities.

THE SPEAKER: Thank you. There is a procedural matter.

MR MACHO: Madam Speaker, you gave a wonderful communication today. You hinted at all aspects of life and majorly of the police force, whereby you said “It is not good for utilities like water and electricity to be denied to hospitals and police barracks.” I have never heard about army barracks since their spokesperson is here.

Madam Speaker, I brought here a matter concerning Exodus SACCO. The purpose was to address the plight of the police personnel in this country and as you truly spoke, the police barracks in this country receive water and electricity on ratio; when you receive at night in the morning you do not receive.

Therefore, Madam Speaker, I do not know whether we are proceeding well since the exodus’ report that was to be submitted to this august House, for us to look into the welfare of the police, has taken too long since you advised and directed. Thank you, Madam Speaker.

THE SPEAKER: Honourable Minister of Internal Affairs, do you have any information on Exodus? Chairman of the committee-

3.01

MR WILSON KAJWENGYE (NRM, Nyabushozi County, Kiruhura): Madam Speaker, this morning the Committee on Defence and Internal Affairs held a meeting to consider a draft report of the exodus. Last week in the Business Committee, we confirmed that we are on course. I pledge that this report should be ready next week.

THE SPEAKER: Thank you.

MR KAJWENGYE: We have listened to the cries of the police officers, the savers are our brothers and sisters and we are considering it thus leaving no stone unturned. *(Applause)*

THE SPEAKER: Thank you. Honourable Minister for Internal Affairs, we made communications here in regard to water,

electricity and the welfare of police officers’ barracks, some of them do not have water as Hon. Macho has said. Water is on and off; what do we do? When you look at the army maybe you need to borrow a leaf from the army barracks.

3.03

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi): Madam Speaker and honourable members, I was earlier on a little bit confused when Hon. Macho linked utility bills with Exodus. These are two different issues. That said, we indeed have issues with water and electricity.

Earlier on, on this Floor, I presented a statement regarding that matter but I request to go back and get the current status and come back to Parliament with a more informed position on the matter, Madam Speaker.

THE SPEAKER: Thank you. You can now request Kampala Capital City Authority to grade the road in Nsambya within the barracks to allow cars to pass. Thank you. Kampala- the minister.

3.04

THE MINISTER OF STATE FOR HEALTH (GENERAL DUTIES) (Ms Anifa Kawooya): Thank you so much, Madam Speaker for this opportunity to mention one or two pertinent issues. I have heard Hon. Nsereko saying “Ssenga.” I thought the record would not be right if I the “Ssenga” do not come here and join my other colleagues to express joy when I heard you had twins and you have added on the list of the “Bazzukulu”.

THE SPEAKER: Thank you, *Ssenga*.

MS KAWOoya: I personally had a moment of joy and I knew you knew how I felt. I wish you, the babies and the daddy all the best.

Madam Speaker, on behalf of all Members of Parliament and other people outside there - your passion and selflessness to touch the hearts of many and they have been saying you are a

mother but you are not only a mother. When you came in this week, you were seen going to the hospitals to check on our colleagues.

As a Minister of State for Health (General duties), I am aware, me inclusive of how many people you have saved and touched to ensure that they have good health. You are indeed very passionate.

I have been here for some time but this is your passion and humanity. You have not only added the babies to the population but you want to see everybody and you cut across to care. You went to our hospitals; I would have joined you but I was not feeling well.

You went to Nsambya Hospital and reached out to everybody even in their homes and hospitals. If I did not say these words today, I would not feel happy; I am very happy –(Applause)- on behalf of each and everybody, the way you care about everyone to ensure they have good health. You do not care whether they are from which part, from the Opposition or ideology, as long as long as - I commend you for that heart and I request and know that by God's guidance, it is your passion to touch many. Thank you so much. May God bless you.

THE SPEAKER: Amen. Thank you so much, *Ssenga*. I wish you a quick recovery. Thank you. You are not reading a Bible or a Quran.

3.07

MR MUHAMMAD NSEREKO (Independent, Kampala Central Division, Kampala City): Not at all. Thank you, Madam Speaker *Nalongo* and honourable-

THE SPEAKER: By the way, we have a new set of *Balongo* in the House by Hon. Grania Hope Nakazibwe. (Applause)

We also have a new baby called Anita Annet Among by Hon. Nancy-(Applause)- yes congratulations to all of them.

MR NSEREKO: Thank you, Madam Speaker. I would like to applaud you for your wonderful communication and Hon. Anifa

Kawooya and also to add my voice to the others in commending your passion but also your sense of motherly hood and direction of leadership for having visited our honourable colleagues. We pray and we wish them a quick recovery; that is Hon. Muhammed Ssegirinya of Kawempe Division North and Hon. Elotu Cosmas of Dakabela County, Soroti.

Our minds and souls go to their families and to them. As a House and their fellow members, through you Madam Speaker, we pray that the good Lord extends the hand of mercy onto them and the hand of relief so that they heal very well from their pains and diseases that they have.

Madam Speaker, Kampala has about 2100 kilometres of road and only a few have been opened up in the previous years as you know. I applaud you, when we sat here during the budgetary process, you put your foot down and you said “We have to increase funding to Kampala.” That as well goes to this august House and the Budget Committee.

Madam Speaker, what we are seeing are the fruits; we can only harvest where we have sowed. If we invest little, we harvest little. If we invest a lot, we acquire a lot.

Kampala was designed to only cater for 45,000 vehicles; that is including motorists and vehicles. By the time it was declared a capital city, we had a functional railway line that you all know is not functional at the moment.

Most of the roads in the city have outlived their usefulness and the patching you see is like someone with an old cloth who keeps patching until they cannot patch no more. I remember when we came here the other time, we talked about the status that is shameful to all of us.

Wherever you pass, your car arrives here when it is muddy and as long as the funding of the city is still low, that is what we shall reap. There is no shortcut.

I consulted with people and I also talked about it the other time. I asked; “would you be

willing to pay an extra levy on fuel to upgrade our infrastructure?" All of them were positive.

They said that; "It is we who drive these cars on these roads, we are much willing to see the face of their city looking like the cities of our neighbouring countries because it is shaming to every individual in this country.

That is why people are willing to pay for the express highway because Ugandans want beautiful things at an extra coin to attain them.

Now that the basket of goods and services that we have from our revenue is small, we can debate on our infrastructure and how to find this money.

Secondly, on the issue of patching - I agree with you – it has increased disruption and traffic in the city. The recent report showed that we lose close to 1,400 hours every year in traffic; that is two hours coming to work, and two hours going back home. This is because 90 per cent of the people that work in the city do not necessarily live within the city centre.

When you lose four hours probably for 300 days; that is close to 1,400 hours and equivalent to about 50 days of not working. Therefore, at the end of the day, the Uganda Revenue Authority (URA) loses revenue-

THE SPEAKER: Can you conclude?

MR NSEREKO: Madam Speaker, I implore this House to come up in a bipartisan manner to discuss the status of our country's infrastructure and find a position on how we can improve it.

For as long as it is not good, there is no investor you are going to convince to come and work in this country when the road network is poor, the railway we talked about is not functional- we have talked about the Standard Gauge Railway, the light rail.

All the other countries have perfected the art of improving public transport. Look at Tanzania and Kenya with their Standard Gauge Railway; Uganda, for the last 11 years has when the presidents launched it has nothing.

We must "box ourselves in a corner" and ask for better infrastructure, so that the people that pay tax, really feel that there is a Parliament and a Government.

THE SPEAKER: Thank you. Hon. Nsereko, the Government is still able to fund all its infrastructure whether hospitals or whatever. We are not going to start soliciting for money through contributions.

There is a way we can get money through taxes and let us not solicit money to help Government because it has not declared that it is not able to do that.

When there were potholes on the road to my home, you voluntarily helped and patched them for me. Let us not be the ones to say that we are not able. We have the money. Ministry of Finance, give us a position.

3.15

THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (GENERAL DUTIES)

(Mr Henry Musasizi): Madam Speaker, I would like to thank you for your wise guidance on the matter. I looked at Hon. Nsereko while he made his submission, and I shook my head wondering what kind of economics sense he made *-(Laughter)-* *(Hon. Nsereko rose)*. Madam Speaker – *(Interruption)*

MR NSEREKO: Madam Speaker, I do not know whether to define Hon. Musasizi as a serious minister or not. What I talked about is a fuel levy, which is legislated by this House. This House passed a levy on fuel, which is a tax. I have not talked about any abstract economics. I have said that the people of Kampala and its metropolitan, are willing to pay an extra levy on fuel-

THE SPEAKER: That is where the economics comes in. As an economist – Hon. Kigongo, sit down. *(Laughter)* Let us have an intellectual fight, but not a physical one. The economic sense he is talking about is on the increase. Honourable minister, continue. He is one of the most serious ministers, by the way. *(Applause)*

MR MUSASIZI: Thank you, Madam Speaker. To cut the long story short - because I want to leave this House when my friend is happy with me. We have enough money to meet the priorities of Government. We do not have to go around soliciting *-(Interjections)-* as you can see, we have provided all the money which is making us get inconvenienced with traffic jams, because the Kampala roads are being repaired. And all this is Government money.

I would like to commit before this House that as and when there is a need, we still have the capacity to finance our infrastructure and other obligations of Government without soliciting or adding unnecessary levies.

Taxation should not be looked at from one angle of raising revenue. We need to also look at its impact in terms of - you want to generate revenue, but also you want growth, and to make your people comfortable. These unnecessary levies will make our people uncomfortable and we cannot take that route.

THE SPEAKER: Thank you. Honourable members, the status of Uganda's infrastructure requires answers to the following:

- (i) Do we have a National Fiscal Development Plan in Uganda? The answer is no.
- (ii) Do we have a multi-model transport infrastructure plan in Uganda? The Executive should be able to address this.

When that is addressed, we will be able to resolve all these. I have seen the Minister of Agriculture, Animal Industry and Fisheries- as Parliament we shall do our work appropriately once that is handled. Yes, honourable minister?

3.19

THE MINISTER OF STATE FOR LANDS, HOUSING AND URBAN DEVELOPMENT (URBAN DEVELOPMENT) (Mr Obiga Kania): Madam Speaker, let me also take this opportunity to congratulate you and all the other Ugandans who are increasing the size of our population. We wish you many happy returns.

Madam Speaker, we have a national physical development plan that was approved by Cabinet, gazetted and we will soon table it here. Even before that, we are already working with a number of districts – If I knew, I would have been able to bring the number, but they are more than 15 districts and cities -

THE SPEAKER: Hon. Onen, wait a minute. Let me introduce your members before you go out.

MR OBIGA KANIA: All the districts have what we call the district physical development plan. Our challenge is the attitude and mindset of Ugandans about the importance of physical planning. They think you can just do things the way you want, except when the results are negative.

Madam Speaker, like you have guided, a lot of things which are happening in Kampala – the drainages – are all results of not following the physical development plan for Kampala. Once that is followed, we will be able to alleviate a number of these.

Having said all that, we are organising a national launch for the physical development plan for the whole country. Soon, you will be informed and we will require our colleagues to follow up on the process of implementation. I urge all Members of Parliament and our leaders in the country to be leaders by example, by making sure that they are the first people to follow the principles of the National Physical Development Plan and the district physical development plans. Once we do that, with a little bit of money, we should be able to resolve the issues related to physical planning. I thank you.

THE SPEAKER: Thank you so much. For us to have a change of attitude, we need to have a stakeholders' engagement for people to be able to appreciate before we even do the enforcement.

Honourable members, in the public gallery this afternoon we have a group of Gulu City officials, consisting of the civil society organisations, lawyers and victims or survivors

of the LRA rebellion. They are represented by Hon. Mapenduzi Ojara and Hon. Charles Onen. Fr Onen and Hon. Mapenduzi are very good Members of Parliament.

We thank you very much for coming, join me in welcoming them. *(Applause)* You have very good Members of Parliament; bring them back.

Honourable members, can we move to the next item? We have a Bill that we must pass.

LAYING OF PAPERS

THE ANNUAL MACROECONOMIC AND FISCAL PERFORMANCE REPORT FOR THE FINANCIAL YEAR 2022/2023

THE SPEAKER: Honourable members, pursuant to Rule 31 of the Rules of Procedure, I hereby invite the Minister of Finance, Planning and Economic Development to table the report.

3.23

THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (GENERAL DUTIES) (Mr Henry Musasizi): Thank you, Madam Speaker. Pursuant to the rule you have just stated, I beg to lay on the Table the Macroeconomic and Fiscal Performance Report for Financial Year 2022/2023. I beg to lay.

THE SPEAKER: Thank you. The report is accordingly referred to the Budget Committee for scrutiny and to the other committees for information.

MINISTERIAL STATEMENT ON THE COMMEMORATION OF THE INTERNATIONAL DAY OF PERSONS WITH DISABILITY DUE ON 3 DECEMBER 2023

THE SPEAKER: Honourable members, inclusion is a very vital precondition for the protection of human rights and the realisation of the Sustainable Development Goals, peace and security. Pursuant to Rule 52(1) of the Rules of Procedure, I invite the honourable

minister, Hellen Asamo, to come and give us a report to that effect.

3.25

THE MINISTER OF STATE FOR GENDER, LABOUR AND SOCIAL DEVELOPMENT (DISABILITY AFFAIRS) (Ms Hellen Asamo): Thank you, Madam Speaker.

THE SPEAKER: Honourable ministers, we have a Bill; we need quorum. We are going to the Bill next.

MS ASAMO: Thank you, Madam Speaker. I also want to add my voice to congratulate you on the birth of our children, who you have added to our clan. As Hon. Isiagi said, as the Teso clan, we are very excited *ijo araun Toto Odwe*. Thank you so much.

Madam Speaker, the United Nations Decade for Persons with Disabilities was held from 1983 to 1992 to enable governments and organisations implement measures to improve the lives of persons with disabilities all over the world. On October 14, 1992, as the decade drew to a close, the UN General Assembly proclaimed 3 December as the International Day of Persons with Disabilities. This day was first observed on 3 December 1992.

Madam Speaker, I request that I go to the real day so that I save time for some of the things that we need to discuss. The other things can be handled by the Members. I will go straight and look at the theme.

Madam Speaker, the national theme for this year's celebration of the International Day of Persons with Disabilities is: "The role of innovation in Disability Inclusion." This has been derived from the global theme for this year, which is "Transformative Solutions for Inclusive Development: The Role of Innovation in Fuelling an Accessible and Equitable World."

Madam Speaker, this year's theme is in line with the principle of leaving no one behind, as highlighted in the Sustainable Development Goals, NDP III and Vision 2030, among other frameworks.

The theme focuses on the need to raise awareness and exchange good practices on the importance of innovation as a tool to increase possibilities for persons with disabilities. Innovations help persons with disabilities in meaningful participation, in expanding opportunities and in easy sharing of knowledge and, therefore, it helps in reducing inequality.

Madam Speaker, the theme enjoins the Executive, Legislature, Judiciary and the private sector, especially the Ministry for ICT; Ministry for Science, Technology and Innovation; universities, Ministry of Health; Ministry of Education and Sports; banks; telecommunications companies; manufacturers; NGOs; investors; committees of Parliament and court assessors, among others, to critically think about all the new and upcoming innovations, in the context of their meaningful inclusion of each category of persons with disabilities.

The theme helps us to prioritise empowerment and independent living of persons with disabilities through provision of more user-friendly assistive devices and technologies. This enables persons with disabilities to navigate workspaces, access services, employment and markets easily, hence enhancing equity and disability inclusive development.

Madam Speaker, each of the different categories of persons with disabilities has unique needs that all innovations need to prioritise. For example:

- (i) Persons with physical disabilities require innovations focused on powered wheelchairs, functional electrical stimulation (to rehabilitate persons with spinal cord injuries, etc.), wearable exoskeletons (that rehabilitate persons with stroke and other neurological conditions), among others. As a country, we need to increase funding for innovations, for instance under Ministry of Health regional workshops. This will enable them to produce assistive equipment with better and accommodative technologies.
 - (ii) Persons with visual impairments need innovations in terms of adaptive technologies such as Braille keyboards, smarter versions of Braille, text-to-voice computing, talking devices, among other options. These innovations provide better chances of meaningful inclusion and independent living.
 - (iii) Persons with hearing impairments need innovations in Video-Relay Services. These services enable a person with hearing impairment to receive signed big-screen telephone calls, through a communications assistant who is a qualified universal sign language interpreter.
- Similarly, the Ministry of Education and Sports needs to explore innovations such as online sign language tutorials for secondary schools, and signed audio-visual copies of the curriculum, to mitigate the current teaching gaps in sign language. This also supplements the instructional materials and methods.
- These, among others, would possibly address the current challenges of performance among learners with special needs. In cases where there are no sign language interpreters, the ministry responsible for innovations or ICT can support installation of real time voice-to-text translation systems at work places, schools, health facilities, and other public places.
- These systems can accurately transcribe voice conversations using speech-to-text technology in conferences, classrooms, among other platforms. These innovations will slowly promote independent living, especially among the educated category of persons with hearing impairments.
- iv. The adoption of sub-titling of all voice speeches on television is another simple innovation, but with transformative results in the lives of persons with hearing impairment. Though Uganda Communications Commission (UCC) requires all television stations to have sign language interpreters, this has not been fully achieved for all television

programmes. Sub-titling of voice in most programmes on TV, like it is done in international media, is a reform that can help bridge the gap. We need to consider this as a matter of urgency.

- v. Persons with a combination of hearing-speech-and-visual impairments require the ministry in charge of technology and innovations to prioritise the area of tactile technology. This helps people with hearing, speech and visual impairment to communicate. It is an innovation that thrives on the sense of touching and manipulation of hands between a helper and a person with such a disability. This is very transformative in the lives of persons with a combination of the three impairments.
- vi. Persons with Albinism require Government agencies like Uganda pharmaceutical industries and other local scientists to prioritise products such as sunscreens, face balms, among others, which are currently imported and expensive.
- vii. Persons with Spina Bifida condition require innovations in the local production of affordable organic diapers, among other materials, to strengthen accessible care for children with this category of disability.
- viii. Similarly, children with hydrocephalus require innovations in the production of free or subsidised supplies such as shunts. Shunts are medical tubes used in health facilities to drain extra fluids from the heads of children with hydrocephalus. Most parents of such children cannot afford these critical supplies, yet they are not adequate in our health facilities.
- ix. Persons with short stature require Government interventions to make adjustments for reasonable accommodation. For instance, there is a need for the Ministry of Finance, Planning and Economic Development to issue a circular to banks to have a certain percentage of ATM machines at a lower

height to cater for persons with short stature – what we call “little persons” in Uganda - who keep complaining of inaccessibility.

There is also need for adjustments by the ministry in charge of sanitation, in the height of some toilets in public places to accommodate persons with short stature, among other adjustments for reasonable accommodation.

Madam Speaker, the above are some of the few examples to demonstrate the urgent need for the different duty bearers to prioritise the promotion of innovations for disability inclusion.

Madam Speaker, since the inception and as a practice, commemorating this day is organised on a regional rotational basis. Last year it was in Northern Uganda (Kole District) and this year, the day will be commemorated in the western region. The approved venue for this year’s commemoration is Mbarara District in western Uganda, which was selected among others, based on its timely expression of interest, and other suitability considerations, to host the event.

Madam Speaker, the Chief Guest for the national commemorations is expected to be the Rt Hon. Prime Minister of the Republic of Uganda. My ministry constituted a National Organising Committee (NOC) comprising of representatives of ministries, departments, agencies, non-state actors, and the host local government, to spearhead arrangements for the event.

The pre-event and D-Day activities include: assessment of some persons with disabilities for assistive devices, distribution of assistive devices, a National Disability Symposium with panel discussions on innovations for disability inclusion, HIV screening, blood donation, cancer screening, media engagements, provision of dummy cheques for selected groups in the region; that is the national special grant, exhibitions of inclusive innovations by the private sector and Government agencies, among others.

Madam Speaker, I wish to acknowledge and appreciate honourable Members of Parliament for their efforts in enacting enabling laws, and supporting budget allocations towards empowerment of persons with disabilities. I say that from my heart. This year we had Shs 3 billion allocated but because of your leadership, we have got back all the money; Shs 16 billion. *(Applause)*

Thank you so much for the special grant. That special grant is all over the country.

I urge all Members of Parliament to participate in the national and some of the district level commemorations of the International Day of Persons with Disabilities.

Madam Speaker, I conclude with an appeal to you to always support and mobilise resources for persons with disabilities to address their unique disadvantages, and enhance their meaningful inclusion in the development agenda of our country.

I also want to take this opportunity to invite all of you to come to Mbarara and see wonders of the disabled people in Uganda. Thank you so much. I beg to submit. *(Applause)*

THE SPEAKER: Thank you so much, Hon. Hellen Asamo, for the information. This statement is largely informative and self-explanatory. We want to thank you so much for supporting people with disabilities. These are very important persons in our lives.

We want to thank the Government for always having time for them and Parliament will continue supporting, where we can. If you need more than Shs 3 billion, just put it in the budget. We shall support you. *(Applause)*

Hon. Tom Alero, do you want to discuss this report? I have said it is informative. You never know, Hon. Tom has something to say.

3.38

MR TOM ALERO (NRM, West Moyo County, Moyo): Thank you very much, Madam Speaker, for giving me this opportunity

and thank you very much, honourable minister. We always say disability is not inability.

THE SPEAKER: Yes.

MR ALERO: These people are cobblers, tailors, shoe-shiners and they help us a lot in our day-to-day activities. Congratulations and thank you. They are even Members of Parliament legislating for the Republic of Uganda. Thank you very much, Madam Speaker.

THE SPEAKER: For your information, they are not only shoe-shiners. The Deputy Director of the Department of Litigation and Compliance in Parliament is somebody with disability. He cannot even walk. As a Parliament, to ensure inclusion of persons with disability, we had to give the gentleman that job.

3.39

MS JESCA ABABIKU (NRM, Woman Representative, Adjumani): Thank you, Madam Speaker. You have said it all. I have one proposal to the Government on the issue of children with multiple disabilities. One may give birth to a child who cannot sit, talk or hear. This makes most parents to abandon their jobs and that affects their capacity to care for these children.

I wish my Government takes this up and provides special care for these children because they are not too many. Others can be mainstream, but these ones with multiple disabilities should be taken care of.

On issues of accessibility, we would like to thank this Government and Parliament; you have done very well. However, to date, there are certain structures which do not have provision for accessibility. I feel action should be taken against the owners of structures that do not have rumps. We struggle to limp, but what about those who are crawling? I, therefore, pray that this is the time to act to ensure that all the structures in Uganda have rumps because our people live in every community. Thank you.

THE SPEAKER: Thank you. I am only giving people with disability a chance to speak. Unless you show me that you are disabled -

3.41

MS LAURA KANUSHU (NRM, PWD Representative): Thank you, Madam Speaker. I would like to speak about two issues; one is on assistive devices like wheelchairs, white canes and hearing aids. Every Member in this Parliament thinks the five of us have those things but we do not have them.

There was a workshop in Mulago that was funded by Government many years ago that used to produce those items. It has since closed. For us to deny people wheelchairs and crutches is to deny them legs. If I do not have my crutch, you will never see me in this Parliament. I cannot do my job.

While we thank the Government for all the efforts; the special grant, PDM, how will a person with disability, without a wheelchair, crutch or white cane, go to meetings where they are supposed to access those funds?

The other issue is education. The only thing that can liberate a person with disability is education. Members here can testify that most of the schools in our districts have no facilities for children with disabilities. Instead of going up in the promotion of rights of persons with disabilities, the country is going down.

Madam Speaker, you have the power to direct that all schools in this country; at least one school per district, must be accessible to children with disabilities. Otherwise, we are raising a generation of people with disabilities who are not educated and who will later become a big burden to the country. Thank you.

THE SPEAKER: Thank you very much. Let that come as a motion. Minister of Gender, Labour and Social Development, we need that motion in place. It should be brought and we give an instruction to all schools irrespective of whether they are private or Government-aided. If they cannot abide by what we are saying, then we will not allow them to operate. Hon.

Mpindi - Minister of Gender, Labour and Social Development, do you want to say something? You will be the last to speak, minister.

3.44

MR BUMALI MPINDI (Independent, PWD Representative): Thank you, Madam Speaker. I would like to first correct the record that we are not receiving Shs 3 billion. In the Budget, they had budgeted for Shs 3 billion but when we came to your office, Madam Speaker, you helped us and we went back to Shs 16 billion. We would like to thank you for that.

THE SPEAKER: All the persons who are disabled in this Parliament have aides that are paid by Parliament. *(Applause)*

MR MPINDI: Madam Speaker, we have a serious issue about the Ministry of Gender, Labour and Social Development. We have our land for persons with disability in Lweza but we have received information that the gender minister is conniving with some “mafias” to sell that land.

We would like to request the Minister of Gender, Labour and Social Development to give a detailed report about the Lweza land which is going any time. That is a serious issue.

THE SPEAKER: Minister of Gender, Labour and Social Development, is it true that you are conniving with “mafias”?

MS KANUSHU: Madam Speaker, allow me to add something before the minister responds. I would like to add to what Hon. Mpindi is saying about the land in Lweza.

There are two letters that we have access to. One letter is purportedly written by the President directing the Minister of Gender, Labour and Social Development to give four acres of that land to an investor company called Great Lakes Gold Refinery –

THE SPEAKER: The land belonging to lame people?

MS KANUSHU: Yes. The letter by the President was apparently written on the 13th of June. The letter directing the Minister of Lands, Housing and Urban Development is dated 23rd.

First of all, we have problems with the dates because they are contradictory. It looks like the minister wrote before she got the directive from the President but then she referred to the directive of the President.

Apart from that, the purported letter from the President talks about four acres to that investor. However, the letter by the Minister of Gender, Labour and Social Development goes ahead to allocate more of the Lweza land for people with disabilities to other companies, including a company that is supposed to build accommodation for the GROW Project. We are asking ourselves, since when did we start building accommodation for Government projects?

It is not only the land in Lweza. There seems to be a group of people who are after pieces of land that belong to people with disabilities. We have the same problem in Mbale, Naguru, Jinja and here in Kampala.

We would like to request you, Madam Speaker, to ask the Prime Minister and her ministers to give us clarity on where those people with disabilities who have lived on those pieces of land all their lives – some were there in the 1950s and 1960s. What is the plan? If the Government is giving out this land to investors, we need to know where our people are going.

We would like a comprehensive report on all those pieces of land but most especially, the one of Lweza because we have letters that the Minister of Gender, Labour and Social Development has already directed the Minister of Lands, Housing and Urban Development to start dividing that land. We got that information from the people with disabilities who live on that land. Thank you.

THE SPEAKER: Honourable member, we had directed the Minister of Lands, Housing and Urban Development not to give out

any Government land. I do not know if that directive was implemented.

Secondly, Minister of Gender, Labour and Social Development, why do you want to steal our land? *(Laughter)*

3.49

THE MINISTER OF STATE FOR GENDER, LABOUR AND SOCIAL DEVELOPMENT (DISABILITY AFFAIRS) (Ms Hellen Asamo):

Madam Speaker, I thank my colleagues, especially my fellow Members of Parliament, who have brought up this issue.

As the minister in charge of disabilities, I do not have a copy of a letter written to me about the land – *(Interjections)* – Yes, neither do I have one from the President or from my senior minister directing people to get the land. Therefore, the senior lands minister should brief the House.

THE SPEAKER: Can we have a report on the issue of the land on this Floor on Tuesday?

MS ASAMO: Madam Speaker, the Minister of Lands, Housing and Urban Development, who is in charge of the distribution under the Uganda Land Commission, and the Minister of Gender, Labour and Social Development will give us a better position. I will take the message. Thank you.

THE SPEAKER: Let the Government make a commitment.

3.50

MR LINOS NGOMPEK (NRM, Kibanda North County, Kiryandongo): Thank you, Madam Speaker. Persons with disabilities have land in the Old Taxi Park. We do not know how far – because they used to have issues; some people wanted to grab it. I do not know how *Hajji* Bumaali has – because he used to fight a lot for that land. Maybe -

THE SPEAKER: Give us the status of all the land belonging to persons with disabilities. Government?

3.50

THE GOVERNMENT CHIEF WHIP (Mr Hamson Obua): Madam Speaker, I undertake to notify, officially in writing, the two ministers to come and give us the status of all land belonging to the disability movement in Uganda by Tuesday. *(Applause)*

THE SPEAKER: Thank you very much. Hon. Everlyn Chemutai, would you like to say something?

3.51

MS EVERLYN CHEMUTAI (Independent, Woman Representative, Bukwo): Thank you, Madam Speaker. I thank the honourable minister for her statement. When I look at the theme of the day, “The Role of Innovations in Disability Inclusion” and since, you, the Rt Hon. Speaker, has promised to add them more money, I implore the minister to have an incubator for people with disabilities.

They have great knowledge, but do not have where to put it. If you have an incubator where all persons with disabilities converge, they can inform you on what they can do better and you can support that innovation that will help persons with disabilities in this country. Thank you.

THE SPEAKER: Thank you. Let us have the Member from Mbarara that is hosting the event and then the gender minister. *(Hon. Biraaro rose)* Is Buhweju hosting? *(Laughter)* I want us to discuss issues of disabilities on Tuesday, once we have the report on the land. Let us first hear from the Member from Mbarara who is hosting this event.

3.52

MR RUKAARI MWESIGWA (NRM, Mbarara North Division, Mbarara City): Thank you, Madam Speaker, for the opportunity. Congratulations upon our twins.

This is a commemoration day but I request that while the commemoration takes place, the ministry comes up with something that will stay in the memory of the persons with disabilities in Mbarara District.

For example, we can go to a school and designate it as accessible for persons with disabilities. On that day, I am very sure that very many persons with disabilities who lack facilities will throng the occasion. Have they prepared wheelchairs and walking sticks for these people? Let us not only commemorate but plan to serve the people that will be at that occasion.

The date has not been given to us – *(Interjections)*– Is it the 3rd of December? Okay

Thank you. I take this opportunity to invite all our honourable Members of Parliament to Mbarara on the 3rd of December.

THE SPEAKER: Thank you. We shall be there.

3.54

MS FLAVIA KABAHENDA (NRM, Woman Representative, Kyegegwa): Thank you, Madam Speaker. I would like to add my voice to all honourable members and the country that celebrated with you the coming and safe landing of our twins. Congratulations.

I stand and congratulate the people with disabilities upon the upcoming commemoration. I also thank the Government of Uganda for ensuring that we celebrate this event every year. I thank the honourable minister who has delivered a very strong statement on the celebrations for persons with disabilities on the 3rd of December.

I would like to start by thanking Pastor Francis of Ggaba Community Church who has assisted this country. He is in a wheelchair himself but he has decided to make a ministry of distributing wheelchairs throughout this country. *(Applause)* On this day, we need to celebrate him and if there was a medal, he would take it. He has just returned from my district where he distributed 220 wheelchairs. He distributes even more than that. We need to celebrate him.

Secondly, assistive devices have become a challenge to the people with disabilities. Some

have even resorted to “Katwe” devices. I do not want to undermine these devices but some of them are substandard. They have had to go for them because that is what they can afford.

We would like this country to commit itself to people with disabilities because the theme means that we are supposed to fulfil the promises of the Universal Declaration on Human Rights and they are very specific. Let us be true to people with disabilities.

Madam Speaker, controlling and containing disability has been a message from His Excellency. However, on top of the boda boda accidents every day, we now have people who have gone back to not going for immunisation against polio.

When they were distributing wheelchairs in my district, two thirds of the disabled people were children. We are wondering whether people are still taking their children for polio immunisation and other immunisations. We need to control the number of persons with disability in this country.

When this Parliament was processing the budget for this very running year, we put a tax on pampers. I have learned that people who live with hydrocephalus and spina bifida live on pampers. Those who do not wear pampers are catheterised so they wear them from birth to death; even older persons are using them.

Madam Speaker, I would like to call for your indulgence that we possibly have a discussion very soon to rescind the tax on these pampers.

The Legal Aid Bill was returned but I pray that we expedite it so that these people with disabilities can seek redress; not only access to justice but responsive justice that will assist them to sort out court issues.

Madam Speaker, I do not want to challenge your ruling on the statement on the land at Lweza. However, even the Naguru land for children is under grabs. The Jinja land for older persons is also under grabs. Basically, most of the land belonging to the gender ministry is

being grabbed by the very people who should protect –

THE SPEAKER: It is being grabbed by whom?

MS KABAHEHENDA: By those who should protect us. Madam Speaker, I request that the statement is comprehensive. Can we get a select committee?

THE SPEAKER: No, we first need a statement on the land which is being grabbed because I am aware that even the land for scouts in Kaazi is being grabbed. Can we have a statement so that we know who that land grabber is?

MS KABAHEHENDA: Thank you, Madam Speaker. We need that statement. I congratulate all people with disabilities upon the commemoration of their day.

THE SPEAKER: Thank you. I wish you well on that day. Once more, congratulations. As Parliament of Uganda, we will continue supporting persons with disability. Next item.

BILLS SECOND READING

THE EXPLOSIVES BILL, 2023

THE SPEAKER: Honourable members, the Explosives Bill, 2023 was read for the first time on 15 August 2023 and referred to the Committee on Defence and Internal Affairs. The committee considered it and is ready to report. I now invite the honourable minister to move a motion for the second reading of the Bill. (*Mr Feta rose*) Hon. Feta? (*Laughter*)

4.00

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi): Thank you, Madam Speaker. I beg to move that the Bill entitled, “The Explosives Bill, 2023” be read for the second time.

THE SPEAKER: Is it seconded? It is seconded by the Government Chief Whip; Minister of Information, Communications Technology

and National Guidance; Minister of Finance, Planning and Economic Development; the Attorney-General; the Deputy Chairperson of the Committee on Defence and Internal Affairs; Hon. Abeja, Gen. Kavuma, Gen. Mugira, Hon. Oboth and by the whole House. Hon. Oboth, come and sit here; I was missing you. This is the only Bill that has been supported by everybody.

Honourable member, would you like to speak a little about your Bill?

GEN. MUHOOZI: Madam Speaker, the Bill seeks to ensure more effectuation of the manufacture, storage, safe transportation, import and export and use of explosives in Uganda. It also seeks to ensure that we promote safety and security regarding explosives in this country.

THE SPEAKER: Thank you. I now invite the chairperson of the committee to present a brief report. Just go to the observations and recommendations.

4.02

THE CHAIRPERSON, COMMITTEE ON DEFENCE AND INTERNAL AFFAIRS (Mr Wilson Kajwengye): Thank you, Madam Speaker. I take the pleasure to join the rest in congratulating you on behalf of my constituency, Nyabushozi and Ankole, on your becoming a Nyinabarongo. You are most welcome to the club. *(Applause)*

THE SPEAKER: By the way, he sent me cows for the *balongo*.

MR KAJWENGYE: Yes, I did. I wish to lay on Table minutes of the meetings of the Committee on Defence and Internal Affairs held on the 10th and other dates, as the committee processed this Bill.

THE SPEAKER: Please lay.

MR KAJWENGYE: The report was uploaded almost three weeks ago and I am confident that Members have read and internalised it. Permit me to report briefly that

the Committee on Defence and Internal Affairs considered the Explosives Bill that was read for the first time on Tuesday, 15 August 2023 and was referred to the committee, pursuant to Rule 129 of the Rules of Procedure of Parliament. The committee has considered the Bill in consultation with various stakeholders and now reports.

The background has clearly been captured by the minister; I do not need to go into that. The object of the Bill seeks to –

- (a) Repeal the Explosives Act, CAP. 298;
- (b) Provide for establishment of the National Explosives Committee and the designation of the Chief Explosives Inspector;
- (c) Provide for restrictions on the manufacture, storage, use, dealing, import, export, and transportation of explosives;
- (d) Provide for the appointment of the explosives inspectors;
- (e) Provide for safety and precaution measures in the use and handling of explosives and related matters.

Madam Speaker, there were defects in the existing law hence the new law.

The methodology we used is that the Clerk wrote a public advert in newspapers inviting people to come and present physical and written memoranda.

We interacted with:

- (i) Ministry of Internal Affairs
- (ii) Ministry of Defence and Veterans Affairs
- (iii) Ministry of Energy and Minerals Development
- (iv) Uganda Revenue Authority
- (v) Uganda Law Reform Commission
- (vi) National Enterprises Corporation

(vii) Atomic Energy Council of Uganda

(viii) Kilembe Mines Limited, and

(ix) Uganda Hotel Owners Association.

The committee further received and reviewed written memoranda from the following:

(i) Uganda National Road Authority, and

(ii) Fireworks Dealers Association of Uganda.

We reviewed the relevant documents, including Halsbury's Laws of England (4th Edition) volume 34 and NEMA Environmental Impact Assessment Study report.

We reviewed international instruments, including, but not limited to:

The Explosive Substances of the International Labour Organisation.

The Charter of the United Nations.

Permit me, Madam Speaker, to now give the salient observations on the Bill. The Ministry of Defence and Internal Affairs informed the committee that an explosive is a substance that, when subjected to stimuli, undergoes a violent chemical decomposition with the evolution of heat and gas.

The committee established that Chapter 15 of the Explosive Substances of International Labour Organisation defines an explosive as a solid or liquid substance or a mixture of substances which, in itself, is capable of a chemical reaction producing gas.

The committee established that explosives are susceptible materials easily ignited by small heat, impact, friction and electrostatic stimuli.

The Ministry of Defence and Veterans Affairs further informed the committee that these commercial explosives are used extensively in construction, mining, petroleum exploration and the entertainment industry. However, because of their intrinsic flammable and explosive nature, they have potential safety risks in production, transportation, storage and use.

The committee has studied the Bill and makes specific and salient observations as enumerated below:

Interpretation clause

We are providing an improvement. We recommend that the interpretation clause should be amended to have a definition of a manufacturing plant and mental illness.

On application of the Act, we recommend that the importation, exportation, storage, use and transportation of explosives for the warfare is done in compliance with the provisions of the UPDF and Uganda Police Act.

On manufacture of explosives, we recommend that clause 14 be amended to grant the minister discretion to determine the Government participating interest at the time of licensing instead of prescribing the quantum of Government participation, as proposed in the Bill.

On regulating blasting activities, we recommend and propose that the provision covers the business of quarry blasting explosives and spells out under what conditions the blasting of explosives should be conducted.

Duty of care and compensation

We went an extra mile and looked at the High Court and Supreme Court decisions. We observed that the management and control of explosives requires particular attention to the safety and protection of life.

Whereas Clause 41 imposes a duty of care and penalties for explosives and misuse on any person conducting activities involving explosives, there is no provision for compensation to the affected party.

The committee deems it prudent that the affected person or community members who suffer loss due to recklessness and negligence should be compensated by a person responsible for such a loss.

This is espoused in *Mukwasi General Contractors Ltd v. Living Words Assembly Limited & 2 Ors* (Civil Suit No. 230 of 2013) where the High Court considered and the scholars for guidance cited - and I wish to quote:

“A person who disturbs another person in his legitimate enjoyment of his property cannot justify that disturbance as being the natural result of the exercise of his own rights of enjoyment if he exercises his rights in an excessive and extravagant manner.”

Madam Speaker, when you look at the Halsbury’s laws of England, it also expounds on that.

We therefore recommend that upon conviction by court, compensation of affected parties for reckless and negligent use of explosives be provided for in the Bill.

Conclusion

The repeal of Explosives Act 298 was overdue. However, the Bill introduced requires critical consideration so that the standards already set by the current Act are improved to address the emerging challenges. The committee, therefore, reviewed the Bill and made proposals deemed fit to achieve the set objectives.

The committee recommends that the Bill be considered for second reading, subject to the proposed amendments attached hereto and any other modifications the House may propose and approve. Madam Speaker, I beg to report.

THE SPEAKER: Thank you so much, Mr Chairperson, for the report. The report is direct.

4.12

MR MUHAMMAD NSEREKO (Independent, Kampala Central Division, Kampala): Thank you, Madam Speaker. I would like to thank the chairperson and the committee for the job well done. Of course, regulation regarding the movement and usage of explosives is quite important. We are particularly interested in the usage in areas that are near residential areas.

People have complained about quarries being set up in areas that are near residential areas and this regulatory policy is meant to protect persons that are residing in these areas. We want more powers to be given to inspectors to regularly visit sites of those people carrying out those duties, so that we protect the lives of people but also handle the issue of disturbance.

You remember the complaints that emanated long ago from the people of Muyenga; that they could not sleep because of the nature of explosives that were being used. Scientists also talked about the side effects of using a certain type of explosives on expectant mothers. This is a welcome Bill and I would like to say that you have our support. Thank you.

THE SPEAKER: Thank you.

4.13

MR DICKSONS KATESHUMBWA (NRM, Sheema Municipality, Sheema): Thank you. I would like to support the Bill but in addition to what my colleague has said, it is seeking to protect people who may be affected by blasting activities. I have not seen, in the Bill’s proposals, how to deal with protection of animals residing in protected areas.

We rely a lot on our wildlife. Therefore, if someone went into Karamoja, near Kidepo National Park, even though there could be no residents around, but does massive blasts, it would actually endanger the wildlife. The same could happen anywhere.

I would like to know, Mr Chairperson, from your discussions, whether this provision of protection could be expounded to cater for national protected areas, particularly where we have sensitive wildlife. I beg to submit.

THE SPEAKER: Do you have a clause to that effect?

MR KAJWENGYE: Madam Speaker, I am happy that Hon. Kateshumbwa refers to an area as a protected area. You therefore cannot have a quarry in a protected area. Therefore, we did not have to delve into that as we thought it was frivolous. Thank you.

THE SPEAKER: Just a minute before – Hon. Oboth -

4.15

THE MINISTER OF STATE FOR DEFENCE AND VETERAN AFFAIRS (DEFENCE) (Mr Jacob Oboth): Madam Speaker, given that the report which has been laid before us has no minority report, what the Members are trying to intervene would probably be -

THE SPEAKER: Introducing something in the House which is against the law.

MR OBOOTH: If there would be any interventions, it would be proper that we proceed to the next level and we look at the amendments. This is a non-controversial Bill; it should have been passed yesterday. Most obliged.

THE SPEAKER: Thank you. Honourable from Kachumbala -

4.16

MR PATRICK OPOLOT-ISIAGI (NRM, Kachumbala County, Bukedea): Thank you, Madam Speaker. I strongly thank the committee and the ministry concerned for bringing this Bill. I am from Kachumbala, which is very endangered from these explosions.

We are born of a lot of inselbergs which constitute a lot of good material for construction. Therefore, a lot of contractors are going to set up - We already have three blasting quarries and with the existing inselbergs, more are going to come to Kachumbala.

In your Bill, you mentioned protecting the lives of people. Please help and cite for me what protects the properties of people: houses, boreholes and other properties.

THE SPEAKER: We actually have a church next to a rock which is bound to be -

MR OPOLOT-ISIAGI: Yes, the property is badly endangered. We are going to have problems and I wish the Bill could really fix the blasters. I beg to move.

THE SPEAKER: Thank you. Hon. Kateshumbwa, haven't you finished?

MR KATESHUMBWA: Madam Speaker, perhaps the chairperson did not get my point because I am not talking about blasting activities in protected areas but those that could be established surrounding the protected areas.

If you look at, for example, the Bwindi Impenetrable National Park where we have mountain gorillas, they are the "Rolls Royce" of tourism. You could have a blast near the protected area and if not regulated, endanger the wildlife of this country.

I would like to know whether consideration has been made to extend that protection to such areas. Even though you are not within the protected area but considering the proximity, you could actually cause a massive problem for this country. I beg to submit.

THE SPEAKER: Hon. Kateshumbwa, I would like us to look at clauses 5 and 6 of the Bill. Clause 6 looks at the composition of the members in the committee; that could be covered under that.

4.19

THE DEPUTY ATTORNEY-GENERAL (Mr Jackson Kafuuzi): Thank you, Madam Speaker. I want to add to your voice in response to Hon. Kateshumbwa's concerns. The object of the Bill, among others, is to provide for restrictions on the manufacture, storage and use.

It means that you cannot go blasting anywhere without authorisation. There are environmental concerns and several other aspects to be considered. Even if it is a protected area, you still need to be authorised to do the blasting.

THE DEPUTY SPEAKER: Thank you. Honourable Members, virtually we have 72 members and physically we have 122. I now put the question that the Explosives Bill, 2003 be read for the second time.

(Question put and agreed to.)

BILLS
COMMITTEE STAGE

THE EXPLOSIVES BILL, 2023

4.21

Clause 1

THE CHAIRPERSON: I put the question that clause 1 stands as part of the Bill.

(Question put and agreed to.)

Clause 2

THE CHAIRPERSON, COMMITTEE ON DEFENCE AND INTERNAL AFFAIRS (Mr Wilson Kajwengye): Thank you, Madam Chairperson. Clause 2 deals with interpretation.

Clause 2 is amended:

(a) In the definition of the word “explosive” by substituting for paragraph (a) the following:

“(a) a substance or a mixture of substances in a solid, liquid or gaseous state which is capable of producing an explosion.”

(b) by inserting the following definitions in the appropriate order. “explosives factory” which means premises licensed to manufacture authorised explosives under section 14;

“Explosives shop” which means premises licensed for dealing or trading in authorised explosives under section 20;

“Mental illness” has the meaning assigned to it under the Mental Health Act, 2014.

Justification

The definition of explosives is amended to cater for all states that an explosive may appear.

The Bill provides restrictions in establishing an explosive factory yet it does not define what

amounts to an establishment known as an explosives factory.

To provide a working definition for the phrase “explosives shop”.

The substitution of the word “unsound mind” with “mental illness” is to conform to the Mental Health Act, 2014. I beg to report.

GEN. MUHOOZI: Madam Chairperson, the amendments are enriching and I concur with them.

MR KAFUZI: Madam Chairperson, I concede to the amendments.

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

(Question put and agrees to.)

Clause 2, as amended, agreed to.

Clause 3

MR KAJWENGYE: Clause 3 is amended by substituting for sub-clause (2) the following:

“For the avoidance of doubt, this Act does not apply to the importation, exportation, storage, manufacture or transportation of explosives used in warfare by a security agency in execution of its mandate conferred by an Act of Parliament.”

Justification

To empower security agencies to import, export, store, manufacture or transport explosives used in warfare.

Subclause 2(b) is proposed for deletion since it is redundant, aware that importation, exportation, use, manufacture or transportation of explosives by multinational or international defence forces or policing agencies is governed by international law. I beg to move.

GEN. MUHOOZI: I concur, Madam Chairperson.

MR KAFUZI: We agree with the committee's proposal.

THE CHAIRPERSON: 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, agreed to.

Clause 6, agreed to.

Clause 7, agreed to.

Clause 8

MR KAJWENGYE: Clause 8 is amended in subclause (2) –

- (a) by inserting immediately after the word “Minister”, the words “on recommendation of the committee” and
- (b) by substituting for paragraphs (a) and (c), the following –
 - (a) Is suffering from a mental illness which renders him or her incapable of performing the duties of his or her office.
 - (c) Declared bankrupt.

Justification

- i. To conform the provision to the Mental Health Act, 2018 that substituted the use of the words “unsound mind” with “mental illness”.
- ii. To harmonise the provision with the Insolvency Act, 2018.

I beg to move.

GEN. MUHOOZI: These are useful additions, I concur.

MR KAFUZI: I concur, Madam Chairperson.

THE SPEAKER: I put a question that clause 8 be amended as proposed.

(Question put and agreed to.)

Clause 8, as amended, agreed to.

Clause 9, agreed to.

Clause 10, agreed to.

Clause 11, agreed to.

Clause 12

MR KAJWENGYE: Clause 12 is amended by inserting, immediately after subclause (1), the following:

“Where the Chief Explosives Inspector exercises any of the powers under subsection (1), the Chief Explosives Inspector shall, within five days, file a report to the committee.”

Justification

To enable the committee to effectively supervise the exercise of the powers by the Chief Explosives Inspector.

Insertion of a new clause –

THE CHAIRPERSON: Honourable member, that is after.

MR KAJWENGYE: Okay. I beg to report.

THE CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: Madam Chairperson, that improvement is meant to check arbitrary use of the powers of the inspector, so, I concur with the improvement.

THE CHAIRPERSON: Thank you. Attorney-General?

MR KAFUZI: I concur with the committee's position.

THE CHAIRPERSON: Thank you. I put the question that clause 12 be amended as proposed.

(Question put and agreed to.)

Clause 12, as amended, agreed to.

New clause

THE CHAIRPERSON: New clause?

MR KAJWENGYE: Madam Chairperson, the committee proposes to insert immediately after clause 12, the following-

“Vacation of office by Chief Explosives Inspector

- (1) The Chief Explosives Inspector may resign his or her office in writing under his or her hand addressed to the Minister and the resignation shall take effect from the date of receipt of the letter of resignation by the Minister.
- (2) The Chief Explosives Inspector may be removed from office by Minister if he or she -
 - (a) is suffering from a mental illness, which renders him or her incapable of performing the duties of his or her office;
 - (b) is declared bankrupt;
 - (c) is convicted of an offence involving fraud or dishonesty; or
 - (d) is convicted of an offence punishable by more than three months’ imprisonment.”

Justification

This is to make provision for the vacation of office by the Chief Explosives Inspector. I beg to move.

THE CHAIRPERSON: Minister?

GEN. MUHOOZI: Madam Chairperson, I concur with the addition.

THE CHAIRPERSON: Attorney-General?

MR KAFUZI: Madam Chairperson, I concur.

THE CHAIRPERSON: I put the question that the proposed new clause stands part of the Bill.

(Question put and agreed to.)

New clause, inserted.

Clause 13, agreed to.

Clause 14

MR KAJWENGYE: Clause 14: Establishment of explosives factory

Clause 14 is amended –

- (a) by deleting the words “manufacturing plant” and, thereafter, wherever the words appear in the Bill; and
- (b) by substituting for subclause (2) the following-

“(2) A person shall not be licensed to establish or operate an explosives factory unless the person has granted to the Government a participating interest in the explosives plant, as the Minister may, by statutory instrument, prescribe.”

Justification

- (i) The deletion of the words “manufacturing plant” is to achieve clarity since the term “explosives factory” includes a manufacturing plant.
- (ii) To grant the minister discretion to determine the Government’s participating interest at time of licensing instead of prescribing the quantum of the Government participation as proposed in the Bill. I beg to move.

MR OPOLOT-ISIAGI: Madam Chairperson, I would like to seek clarification on

participating interest. What level is it going to be? Is it just going to be by shaking hands with the manufacturer and we say we have participated? If it is about shares, to what extent is the participating interest?

THE CHAIRPERSON: Attorney-General, let us first get Hon. Kateshumbwa and then you respond to all.

MR KATESHUMBWA: I am seeking further clarification on the definition of “participating interest”. What are we trying to achieve? Are we trying to achieve economic participating interest or exercising control? I thought the intention is to exercise control and oversight to ensure that these explosives factories do not endanger national security.

When we talk of “participating interest”, what does it mean? Does it mean that you have shares and you have eyes off? We need to be clear so that we achieve the purpose, which this provision is trying to get.

THE CHAIRPERSON: Does the Bill define what “participating interest” is?

MR KAFUZI: Madam Chairperson, the Bill does not specifically define what “participating interest” is. For subclause (2) which the committee seeks to delete, our position, as Attorney-General, is that it should be maintained.

The subclause that the committee seeks to delete, if I should read, states that: “A person shall not be licensed to establish or operate an explosives factory or manufacturing plant unless the explosives factory or manufacturing plant is owned by a Government entity or partly owned by a Government entity, with the Government entity having the majority shares and the controlling interest.”

So, this should answer the issue of participating interest.

THE CHAIRPERSON: So, you are not agreeing with the committee.

MR KAFUZI: Our position is that we maintain subclause (2)

THE CHAIRPERSON: Not substituting it?

MR KAFUZI: Not to delete it.

THE CHAIRPERSON: Committee chairperson – and I think that is better.

MR KAJWENGYE: Madam Chairperson, we debated this clause and the majority, if not all, were to the effect that if we legalise this monopoly, we would be running counter to the provisions of the Constitution and the right to do business. If, however, that is what the committee proposes –

THE CHAIRPERSON: What you are replacing is saying: “A person shall not be licensed to establish or operate an explosives factory or manufacturing plant unless the explosives factory or manufacturing plant is owned by a Government entity or partly owned by a Government entity, with the Government entity having the majority shares and controlling interest.”

What is wrong with that? Attorney-General, you are very okay.

MR KAFUZI: I would like to justify the position of the Attorney-General’s chambers. The Government should have majority shares in an explosives factory for purposes of preventing any abuse of the explosives by terrorists. Further, the abuse of commercial explosives may threaten the security of the country, hence the need for the Government to have a controlling interest in the explosives factory.

THE CHAIRPERSON: Honourable members, when you look at proposal (a), it states: “... by deleting the words “manufacturing plant” and, thereafter, wherever the word appears in the Bill.” When you look at the title of that part – under Part III – it talks about “manufacture of authorised explosives”. So, why are you deleting this “manufacturing plant”? The heading is “manufacturing plant”. Why are you deleting it in proposal (a)?

I am happy that we are back on the plenary and if in the-

THE CHAIRPERSON: No, we did not get out of plenary.

MR KAJWENGYE: Well, at Committee Stage, considering this - what I am saying is that the committee, if I may start with the Attorney-General's - we were of the view that in the current state of affairs, Government does not have controlling interest in any explosives factory in the country at the moment. Yes, there is-

THE CHAIRPERSON: What about Luwero Industries?

MR KAJWENGYE: The status of Luwero Industries, which we did benchmark on, the interest and the intention of Government is to have a controlling interest - is to have - but they are yet to achieve. Absolutely.

THE CHAIRPERSON: That is why we need a law and we are saying we should have controlling interest. Can I hear from your minister first?

MR KAJWENGYE: Okay, the minister and then, I will give my last position.

GEN. MUHOOZI: What we have right now, Madam Chairperson, is a de facto situation where Luwero Industries has monopoly and what we are seeking under this Bill is to make that controlling interest legal. We only now have an Executive order from the President.

THE CHAIRPERSON: We also want-

MR KATESHUMBWA: Madam Chairperson, explosives are not ordinary tradable items. World over, because of information, we have people who are endangering security. They have information off the shelf and they can get raw materials and manufacture explosive weapons that can endanger a country. This is not something we should play around with.

This is where we need it. We should not dilute this provision. We must have Government take control because who are you making these explosives for? It should be Government. So, I want to support the Attorney-General that we should restore the original provision because these are not just goods you are going to sell. Otherwise we are opening up challenges to national security.

THE CHAIRPERSON: Let us hear from Gen. Mugira.

GEN. MUGIRA: Thank you very much, Madam Chairperson. Maybe also not to leave UPDF behind in congratulating you upon becoming a *Nalongo*.

THE CHAIRPERSON: Thank you.

GEN. MUGIRA: Madam Chairperson, I concur with the position of the Attorney-General because when we are talking about "The Explosives Bill," we are basically talking about national security.

I saw the provision in the Constitution; Article 42, which is being referred to, deals with economic rights. They are making reference to investments, to business but this is not a question of business. It is not investment.

I believe, Madam Chairperson, this is the very reason you referred this matter to the Committee on Defence and Internal Affairs and not to the Committee of Tourism, Trade and Industry. These are important matters. I had an opportunity of briefing the committee; I gave them examples where ammonium nitrate has been used to cause explosions and devastating attacks in the world.

Giving an example, the World Trade Centre of New York in 1993 - this was just ammonium nitrate that we use as a primary raw material for the production of explosives. The Oslo bombings of 2011, the 2002 Paris bombings, the use by the ADF between 1997 and 2002 here in Uganda. This was just ammonium nitrate.

Recently, Madam Chairperson, here, the two bombs, it was confirmed by the police that the substances used were ammonium nitrate, which we use at Luwero Industries for the production of explosives.

Madam Chairperson, I beg this House to know that what we are handling now should be part and parcel of our national counter-terrorism strategy, and this clause should be left as it is. I beg to submit. *(Applause)*

THE CHAIRPERSON: General, I thank you very much for the free lecture. I mean, we do not have that knowledge really. Can you concede and we move on?

MR KAJWENGYE: Madam Chairperson, having listened to - yes. I, on behalf of the Committee on Defence and Internal Affairs, concede to this.

THE CHAIRPERSON: You concede to the whole clause 14. It has to be on - Hon. Omara, I am the Chairperson, I want it - the whole of clause 14. No amendment in clause 14.

MR KAJWENGYE: Madam Chairperson, I concede on all and we revert to the original text.

THE CHAIRPERSON: Thank you. I put the question that clause 14 stands part of the Bill.

(Question put and agreed to.)

Clause 14 agreed to.

Clause 15

MR KAJWENGYE: Madam Chairperson, clause 15 deals with application for a license to establish explosives factory. Clause 14 is amended in subclause 2.

THE CHAIRPERSON: Clause 15.

MR KAJWENGYE: Clause 15 is amended, I beg your pardon, in sub clause (2) by substituting for paragraph (c) the following: "Proof of payment of fees."

Justification

To require the applicant to pay fees and attach evidence of payment to accompany the application.

I beg to move.

THE CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: I concur, Madam Chairperson.

THE CHAIRPERSON: Attorney-General?

MR KAFUUZI: I concede.

THE CHAIRPERSON: I put the question that clause 15 be amended as proposed.

(Question put and agreed to.)

Clause 15, as amended, agreed to.

Clause 16 agreed to.

Clause 17

MR KAJWENGYE: Madam Chairperson, clause 17 deals with application for a license to manufacture explosives. Clause 17 is amended in sub clause (2) by substituting for paragraph (c) the following: "Proof of payment of fees."

Justification

To require the applicant to pay fees and attach evidence of payment to accompany the application.

I beg to move.

THE CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: I concur.

THE CHAIRPERSON: Attorney-General?

MR KAFUUZI: I concede.

THE CHAIRPERSON: I put the question that clause 17 be amended, as proposed.

<p style="text-align: center;"><i>(Question put and agreed to.)</i></p> <p style="text-align: center;"><i>Clause 17, as amended, agreed to.</i></p> <p>Clause 18</p> <p>MR KAJWENGYE: Madam Chairperson, clause 18 deals with the establishing of explosives magazine. Clause 18 is amended in sub clause (3) by substituting for the words fifty thousand currency points” the words “five hundred currency points.”</p> <p>Justification</p> <p>To make the provision more deterrent since the storage, establishment or operation of explosives magazine in contravention of safety standards poses a danger to the public.</p> <p>I beg to move.</p> <p>THE CHAIRPERSON: Honourable minister?</p> <p>GEN. MUHOOZI: I concur, Madam Chairperson. It makes the punishment more stringent.</p> <p>THE CHAIRPERSON: Attorney-General?</p> <p>MR KAFUUZI: Hon. Alioni seems to enjoy the word “concede”, so I concur, Madam Chairperson.</p> <p>THE CHAIRPERSON: I put the question that clause 18 be amended as proposed.</p> <p style="text-align: center;"><i>(Question put and agreed to.)</i></p> <p style="text-align: center;"><i>Clause 18, as amended, agreed to.</i></p> <p>Clause 19</p> <p>MR KAJWENGYE: Madam Chairperson, clause 19 deals with the application for a license to establish explosives magazine.</p> <p>Clause 19 is amended in sub clause (2) by substituting for paragraph (b) the following – “Proof of payment of fees.”</p>	<p>Justification</p> <p>To require the applicant to pay fees and attach evidence of payment to accompany the application.</p> <p>I beg to move.</p> <p>THE CHAIRPERSON: Honourable minister?</p> <p>GEN. MUHOOZI: I concur.</p> <p>THE CHAIRPERSON: Attorney-General?</p> <p>MR KAFUUZI: I agree.</p> <p>THE CHAIRPERSON: I put the question that clause 19 be amended as proposed.</p> <p style="text-align: center;"><i>(Question put and agreed to.)</i></p> <p style="text-align: center;"><i>Clause 19, as amended, agreed to.</i></p> <p>Clause 20</p> <p>THE CHAIRPERSON: Clause 20. Chairperson?</p> <p>MR KAJWENGYE: Madam Chairperson, clause 20 is dealing in authorised explosives.</p> <p>Clause 20 is amended in subclause (2) by substituting for paragraph (c) the following: “Proof of payment”.</p> <p>Justification</p> <p>To require applicants to pay fees and attach evidence of payment to accompany the application. I beg to move.</p> <p>THE CHAIRPERSON: Minister? Yes, Dr Bhoka.</p> <p>DR BHOKA: Madam Chairperson, I seek clarification on the use of the term “authorised explosives”. Are there unauthorised explosives? Thank you.</p> <p>MR KAFUUZI: The Bill grants power to authorise explosives to be used but there are</p>
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explosives that may not be used, for example, a nuclear is an explosive but we do not see it used anywhere anyhow; so you cannot necessarily deploy it simply because you seek to be authorised to use nuclear.

THE CHAIRPERSON: That is one of the objectives of the Bill to ensure that we have authorised access.

I like you people who run out to rest and do whatever you can and then come back. Do you see why the microphone has refused?

MR ENOS ASIIMWE: Madam Chairperson, I seek guidance. The Bill is setting up a committee but most of the powers are given to the minister, like applying for licenses and all - everything that is sent to the minister. Why not apply to the committee?

THE CHAIRPERSON: The problem is you have come late and there is no law that we made in this House where powers are given by the committee. Who is the committee?

MR ENOS ASIIMWE: Clause 5 creates an explosive committee.

THE CHAIRPERSON: Honourable member, when you look at clause 20 - you are taking us to clauses 5 and 6. Do you want to recommit?

MR ENOS ASIIMWE: No, no, no. I am saying -

THE CHAIRPERSON: I want to refer you to clause 20(2)(e). It says "Any other document as the Minister may prescribe by regulations."

Clause 20(3) says "The Minister may, by regulations, prescribe the procedure and requirements for the application for a dealer's license".

Clause 20? Minister, did you agree?

GEN. MUHOOZI: I have reservations as the Attorney-General will elaborate.

MR KAFUUZI: Madam Chairperson, the committee proposes the deletion of subclause

(c), which says "a certificate of good conduct of the applicant or its directors and shareholders in the case of a company."

Clause 20 creates grounds for those dealing with explosives. One, they must attach a certificate of good conduct when applying.

THE CHAIRPERSON: Are we together? Clause 20 was on the issue of the fees. Not so, Chairperson?

MR KAJWENGYE: No, he wants the deletion of clause 20(c).

THE CHAIRPERSON: Clause 20 is amended in sub-clause (2) by substituting paragraph (c) the following: "proof of payment of fees".

MR KAFUUZI: Yes, and our position is that we maintain it.

THE CHAIRPERSON: As it is.

MR KAFUUZI: Yes, subclause 2 (c).

THE CHAIRPERSON: Yes. It was (d) not (c).

MR KAFUUZI: Our proposal is that we maintain (c) but delete (d).

THE CHAIRPERSON: Chairperson, be on record and bring that.

MR KAJWENGYE: Can I justify first?

THE CHAIRPERSON: No. What are you justifying?

MR KAJWENGYE: I entirely agree with the learned Attorney-General. The intention of the committee was not to delete (c), but actually (d) for clarity's sake. We have maintained it. Thank you.

THE CHAIRPERSON: Attorney-General, is it now okay?

MR KAFUUZI: Yes, Madam Chairperson.

THE CHAIRPERSON: I put the question that clause 20 be amended as proposed.

(Question put and agreed to.)

THE CHAIRPERSON: I put the question that clause 20, as amended, stands part of the Bill.

(Question put and agreed to.)

Clause 20, as amended, agreed to.

Clause 21, agreed to.

Clause 22, agreed to.

Clause 23, agreed to.

Clause 24

THE CHAIRPERSON: Chairperson?

MR KAJWENGYE: Madam Chairperson, clause 24 deals with refusal to grant a license. Clause 24 is amended –

(a) in subclause (1) by substituting for the words “a fit and proper person” with “suitable”; and

(b) by inserting immediately after subclause (2) the following:

“A person aggrieved by the decision of the minister may, within thirty days from the date of receipt of the decision seek redress from the court of competent jurisdiction”.

Justification

1. To achieve consistency in the use of the word “suitable”;
2. To provide for a remedy to the applicant when the minister refuses to grant a license. I beg to move.

THE CHAIRPERSON: Don't we have an appeals process in this law? Why would one run to court straight?

MR KAFUZI: Madam Chairperson, we agree with the proposal of the committee to substitute the words, “a fit and proper person” with the word “suitable”, except that we disagree with the new insertion seeking redress in court. That would take away the power of the minister to grant the license. One can only appeal to court for administrative orders as judicial review, where the process of granting or denying him the license was faulty.

We need to be careful not to give authority to court to be the one to give the license. If you are dissatisfied with the grant or denial by the minister, yet you have met all the criteria, at most, court can give you damages. That is what happens under judicial review. However, the power to grant a license remains with the minister.

THE CHAIRPERSON: Yes, chairperson?

MR KAJWENGYE: We do not seek to usurp the powers of the minister in this case -

THE CHAIRPERSON: What you want the court to do is to take over the powers of the minister. Once the minister is not satisfied with the person, whether he should be given a licence or not, you want this person to go to court and court gives them the licence. That is wrong. How can court give a licence?

MR KAJWENGYE: In this case, I would like to hear from -

THE CHAIRPERSON: Remember we are dealing with a specialised kind of –

MR KAJWENGYE: In this case, I would like to hear from the minister and the learned Attorney-General for purposes of redress of an applicant, an investor and a business person who has applied and has been denied the licence.

THE CHAIRPERSON: Can't they apply for a judicial review? You do not have to put it in the law. It is an avenue – you can say, “let us apply for a judicial review” and then you will determine whether he is fit to get it or not.

MR NSEREKO: Madam Chairperson, what the committee chairperson is trying to say is that you can apply to court. Whatever orders you feel fit to apply for, that will be the jurisdiction of court. The learned Attorney-General knows that courts have unlimited jurisdiction over these matters.

If they feel that the minister has served justice, they will uphold the decision of the minister. In any case, they can be free to award damages or issue any other order.

However, saying that someone cannot go to court as recourse for this, I think -

THE CHAIRPERSON: We have not said that someone cannot go to court but we are saying that court cannot give you licence.

MR NSEREKO: Madam Chairperson, I am not saying anything contrary to what you are saying. I am saying that we are legislating in anticipation -

THE CHAIRPERSON: It is discretionally.

MR NSEREKO: It is discretionally; the orders of courts are discretionally; so, we should leave it to the courts of law.

DR BYAROMUNSI: What is being said is that you do not have to state it in the law because I can go to court over anything. For example, the High Court is a court of unlimited jurisdiction, so, you do not have to put it in the law for someone to go to court. If somebody is aggrieved, he is always free, so, it can remain the way it was. It does not mean that you cannot go to court.

MR OBOOTH: This is very clear, Hon. Nsereko; it is about the grant of a licence. Therefore, for any remedies that you are seeking there, you are going to force, ask and pre-empt the minister's powers to grant a licence. It should not be done for this highly restricted area. However, other remedies for procedural irregularities are given under the Constitution.

When you put this clause here, you would in effect say, "If you do not give me the licence, I am going to court" and court will be the one to grant it. That is the matter that this Parliament should protect and legislate against.

MR MUZAAL: Thank you, Madam Chairperson. I am looking at a scenario where the minister is biased with the investor. Let us look at that direction.

THE CHAIRPERSON: You know, you are imputing improper motive on the Government.

MR NGOMPEK: Madam Chairperson, I believe that a minister cannot be biased in relation to Government and how to protect the population.

THE CHAIRPERSON: Thank you.

MR OKEYOH: Thank you, Madam Chairperson. I am a member of the committee and we looked at this clause very seriously. We looked throughout the Bill and found that there was no ground for appeal. That is why we said that at this level, if the minister does not grant the licence, then one would go to court.

However, I implore this House to look at the recommendations of the committee because it falls back to them. I have found that there is need for an appeal. In case you are not granted a licence, there should be a ground under which a person may move to have his issues addressed.

Nonetheless, if the House feels that we do not need this appeal mechanism, then I implore my committee chairperson to concede but that is the ground upon which the committee -

THE CHAIRPERSON: That was the subcommittee of the whole House. Committee chairperson, can you now come - you cannot subject us to that.

MR KAJWENGYE: Madam Chairperson, I concede.

THE CHAIRPERSON: Thank you. I put the question that clause 24(a) be amended as proposed.

(Question put and agreed to.)

Clause 24 (a), as amended, agreed to.

Clause 25, agreed to.

Clause 26, agreed to.

Clause 27, agreed to.

Clause 28

MR KAJWENGYE: Clause 28 deals with prohibition of possession or use of explosives. Clause 28 is amended in subclause (3) by substituting for the words, “fifty thousand currency points” with the words, “five hundred thousand currency points.”

Justification

To make the provision more deterrent since the possession, use, dealing or sale of explosives without a license or permit has potential to endanger the public.

GEN. MUHOOZI: It is allowed, Madam Chairperson.

MR KAFUUZI: Agreed, Madam Chairperson.

THE CHAIRPERSON: I put the question that clause 28 be amended as proposed.

(Question put and agreed to.)

Clause 28, as amended, agreed to.

Clause 29

MR KAJWENGYE: Madam Chairperson, clause 29 deals with application for a permit to possess or use explosives.

Clause 29 is amended in subclause (3) by substituting for paragraph (d) the following: “Proof of payment of fees.”

Justification

It requires the applicant to pay fees and attach evidence of payment to accompany the application. I beg to move.

GEN. MUHOOZI: It is allowed.

MR KAFUUZI: Agreed, Madam Chairperson.

THE CHAIRPERSON: I put the question that clause 29 be amended as proposed.

(Question put and agreed to.)

Clause 29, as amended, agreed to.

Clause 30, agreed to.

Clause 31

MR KAJWENGYE: Madam Chairperson, clause 31 deals with prohibition of imports and exports explosives. Clause 31 is amended –

“(a) in subclauses (1) and (2) by substituting for the word, “qualified” with the word “suitable”; and

(b) by substituting for the words, “Chief Explosive Inspector” wherever the words appear in the provision the word, “Minister”.

Justification

(i) To harmonise clause 31 with clauses 4, 16 and 20, which recognise that the minister is the licensing authority for the manufacture, import and export of explosives and not the Chief Explosives Inspector as proposed in clause 31.

(ii) To require, in accordance with clause 16, that a person who manufactures explosives must be licensed by the minister. I beg to move.

THE CHAIRPERSON: Minister?

GEN. MUHOOZI: I concur, Madam Chairperson.

MR KATESHUMBWA: This is the consequence of this amendment. I support the amendment but I would like to request the Attorney-General that once this Bill is passed, he has to cause an amendment in the East African Community Customs Management Act, 2019 that governs importation and exportation of goods. There is a schedule for prohibited imports and it defines whom the authority is sought from.

Therefore, as we make this provision, you have to make sure that you cause an amendment so that the officers that regulate this business use the right procedures. I beg to submit.

THE CHAIRPERSON: He is very right because the laws passed at the East African Legislative Assembly (EALA) take precedence in the partner states.

MR KAFUZI: Madam Chairperson, first, I agree with the position of the committee. Secondly, we shall take the proposal by Hon. Kateshumbwa and see how to handle it.

THE CHAIRPERSON: Yes, Hon. Aza, when the two have agreed –

MR AZA: Thank you, Madam Chairperson. I would like to seek clarification about the use of fireworks. Thank you.

THE CHAIRPERSON: I will give 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

MR KAJWENGYE: Madam Chairperson, clause 32 deals with the application for import or export permit. Clause 32 is amended in subclauses (1) and (2) by substituting for the words “Chief Explosives Inspector,” with the word “minister.”

Justification

To harmonise clause 4, 16 and 20, which all recognise that the minister is the licensing authority for the manufacture, import and export of explosives and not the Chief Explosive Inspector as proposed. I beg to move.

THE CHAIRPERSON: That is consequential from the previous one. Yes, Minister?

GEN. MUHOOZI: I concur, Madam Chairperson.

THE CHAIRPERSON: Attorney-General?

MR KAFUZI: It is prudent.

THE CHAIRPERSON: I put the question that clause 32 be amended as proposed.

(Question put and agreed to.)

Clause 32, as amended, agreed to.

Clause 33, agreed to.

Clause 34, agreed to.

Clause 35

MR KAJWENGYE: Madam Chairperson, clause 35 deals with blasting of explosives. Clause 35 is substituted with the following -

“Clause 35. Blasting of Explosives

(i) A person shall not use explosives or a blasting material for purposes of blasting explosives unless the person has undergone training in a recognised institution and is in possession of –

(a) blasting permit issued by the Chief Explosives Inspector; or
(b) a blasting certificate issued by the Chief Explosives Inspector.

(ii) A permit issued under subsection (1) shall not be transferable to another person.

- (iii) The minister shall, by statutory instrument, prescribe the procedures and requirements necessary for the grant of a blasting certificate and the issuance of blasting permit.
- (iv) The Chief Explosives Inspector may, with the approval of the committee, issue guidelines and procedures for the blasting of explosives in order to ensure safety and security.
- (v) A person who contravenes subsection (1) commits an offence and is liable, on conviction, for a fine not exceeding fifty thousand currency points or to imprisonment for a term not exceeding 10 years or both”.

Justification

- (i) To merge clauses 35 and 37 since they relate to the same subject matter.
- (ii) To require a person to undergo training by a recognised institution and to possess either a blasting permit or blasting certificate before blasting explosives. I beg to move.

MR MUZAALE: Thank you, Madam Chairperson. He is talking about a recognised institution for explosives but I am not aware of any recognised institution in that area. Maybe you may clarify if you mean internal affairs as a ministry.

MR OPOLOT-ISIAGI: Secondly, Madam Chairperson, can we also get clarification on the curriculum?

THE CHAIRPERSON: Honourable members, when you look at the definition of a recognised institution, it means an academic or a technical training institution approved by the minister to offer a course of study or training in handling explosives, and that is in the Bill.

MR OPOLOT-ISIAGI: Madam Chairperson, who is the minister in that context?

THE CHAIRPERSON: The minister responsible for Internal Affairs.

MR OPOLOT-ISIAGI: Where is the education minister in that context?

THE CHAIRPERSON: It is in the committee. Look at clause 6. Anyway, can you answer your questions? I am not supposed to answer.

MR BYARUGABA: Madam Chairperson, I seek further clarification on what my honourable colleague was talking about. Whereas we are talking about education institutions; how about the current modern situation where you do not need to go to school to be able to make an explosive through artificial intelligence? Has this been taken care of as well? Thank you.

THE CHAIRPERSON: Honourable members, this is a business opportunity. I know Hon. Nsereko wants to start a college for explosions in Kampala. *(Laughter)* I am also aware that the late *Mac Odwogo* had a Certificate in Artillery from North Korea. However, the Bill defines what a recognised institution is. Therefore, I do not see any problem.

MR LOKWANG: Madam Chairperson, I need information on acids. I have not heard about them and yet they are also explosives. Where do they belong?

THE CHAIRPERSON: Not all acids are explosive. Yes, do you have something to say?

GEN. MUHOOZI: I concur.

THE CHAIRPERSON: Attorney-General?

MR KAFUZI: I concur, Madam Chairperson.

THE CHAIRPERSON: I put the question that clause 35 be amended as proposed.

(Question put and agreed to.)

Clause 35, as amended, agreed to.

Clause 36, agreed to.

Clause 37

THE CHAIRPERSON: Committee Chairperson, deletion?

MR KAJWENGYE: Madam Chairperson, we propose to delete clause 37.

Justification

Consequential amendment arising from the merger of Clause 35 with Clause 37 since they relate to the same subject matter. I beg to move.

MR MUHOOZI: I concur.

THE CHAIRPERSON: AG?

MR KAFUUZI: Agreed.

THE CHAIRPERSON: I put the question that clause 37 be deleted as proposed.

(Question put and agreed to.)

Clause 37, deleted.

Clause 38, agreed to.

Clause 39, agreed to.

Clause 40, agreed to.

Clause 41

MR KAJWENGYE: Madam Chairperson, Clause 41 deals with the duty of care. Clause 41 is amended by inserting immediately after clause 2 the following;

“Court may in addition to the penalty imposed under subsection 2, order the person convicted to pay compensation to the victim.”

Justification

The management, use and control of explosives require extra care and attention to the safety, protection of life and property. The Bill makes it an offence for any person to cause an explosion by which life or property is endangered.

However, duty of care is a tortious act that calls for civil obligation in which the breach calls for compensation or reinstating the person who has incurred loss in his or her former status. Punishing a person who has breached the duty of care leaves the victims without appropriate remedy.

The proposed amendment is intended to reinstitute – *(interjections)* - the person who has suffered loss in his or her original state due to negligence of the user or possessor of explosives.

THE CHAIRPERSON: Reinstitute.

MR KAJWENGYE: Yes, reinstitute.

MR OPOLOT-ISIAGI: Madam Chairperson, the way the amendment starts, is so redundant. You are telling the court- “court may” - I thought you put the law, then the court knows what to do. You are not going to tell the court in the Bill what to do. You put the law, then the court will do what they are supposed to do.

THE CHAIRPERSON: How do you want it to be amended? Guide us.

MR OPOLOT-ISIAGI: Just start from in front there- *(Laughter)* Leave out “court may”. Just make the law. Start from where the law starts and do not tell court what to do.

THE CHAIRPERSON: He is talking about 2. Read it as it was first.

MR KAFUUZI: “A person contravenes subsection (1)- “Is that the one?”

THE CHAIRPERSON: Yes.

MR KAFUUZI: “A person who contravenes subsection one commits an offence and is liable on conviction to a fine not exceeding fifty thousand currency points or imprisonment for a term not exceeding 10 years or both”. They are giving the court, the next step, that in addition to this, court may decide to order that you compensate the victim -*(Interjections)* No. When you file a complaint at police - may

I explain? Madam Chairperson, court is at liberty to convict and order you to pay a fine but here they are saying, in addition to that, based on the facts of the case, based on how much damage has been explained and proved before the court, court may order you pay compensation.

THE CHAIRPERSON: To the affected person?

MR KAFUZI: Yes, to the affected person. So you, the convict, in addition to imprisonment or in addition to the fine, you also pay compensation. That is the purpose of this law.

MR LOKWANG: Then you specify how much.

THE CHAIRPERSON: You cannot. It is discretionary. You cannot specify because you do not know the damage - Yes, it depends on the damage. As amended by the Attorney-General-

MR KAFUZI: We maintain the proposal of the committee because court is given leverage to decide. So, the court may, based on the facts of each case, either simply imprison you, ask you to pay a fine, or in addition to imprisonment, ask you to pay compensation. Thank you.

MR MUHOZI: I agree with the Attorney-General.

THE CHAIRPERSON: I put the question that Clause 41 be amended as proposed.

(Question put and agreed to.)

Clause 41, as amended, agreed to.

Clause 42, agreed to.

Clause 43, agreed to.

Clause 44, agreed to.

Clause 45, agreed to.

Clause 46, agreed to.

Clause 47, agreed to.

The First Schedule, agreed to.

Schedule 2

MR KAJWENGYE: Madam Chairperson, we propose to amend Schedule 2 by substituting for paragraph 12, the following;

“12. Nitrogen Based Compound Explosives.”

Justification

This is for clarity as the name of the authorised explosive. I beg to move.

MR MUHOZI: I agree.

MR KAFUZI: We concede.

THE CHAIRPERSON: I put the question that Schedule 2 be amended as proposed.

(Question put and agreed to.)

The Second Schedule, as amended, agreed to.

The Third Schedule, agreed to.

The Fourth Schedule, agreed to.

The Title, agreed to.

MOTION FOR THE HOUSE TO RESUME

5.26

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi): Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

THE CHAIRPERSON: Thank you. 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 OF THE COMMITTEE OF THE
WHOLE HOUSE

THE SPEAKER: Honourable Minister. There is procedure? You know he is my voter; I cannot deny him procedural matters. *(Laughter)*

5.27

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi): Madam Speaker and honourable members, I beg to report that the committee of the whole House has considered the Bill entitled, “The Explosives Bill, 2023” and passed clauses 1, 4 -

THE SPEAKER: Passed it with amendments.

GEN. MUHOOZI: Has emended clauses 2, 3, 8, 12, 15, 17, 18, 19, 20, 24, 28, 29, 31, 32, 35. I, however, had 41 included here, but we had said it should be passed as was, for the record; schedule 2. I beg to move.

THE SPEAKER: Thank you.

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

THE SPEAKER: Honourable minister?

GEN. MUHOOZI: Madam Speaker, I beg to report that the committee of the whole House has considered the Bill entitled, “The Explosives Bill, 2023”-

THE SPEAKER: You beg to move.

GEN. MUHOOZI: I beg to move that the motion for adoption of the report of the Committee of the whole House be passed.

THE SPEAKER: First repeat it, that; “I beg to move that the House adopts the report of the Committee of the whole House.”

THE SPEAKER: I beg to move that the House adopts the report of the Committee of the Whole House.

THE SPEAKER: Thank you. Honourable members, I put the question that the House adopts the report of the Committee of the whole House.

(Question put and agreed to.)

Report adopted.

BILLS
THIRD READING

THE EXPLOSIVES BILL, 2023

5.29

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi): Madam Speaker, I beg to move that the Bill entitled, “The Explosives Bill, 2023” be read for the third time and do pass into law.

THE SPEAKER: Thank you. Honourable members, the quorum is maintained and I put the question that the “The Explosives Bill, 2023” be read the third time and do pass.

(Question put and agreed to.)

A BILL FOR AN ACT ENTITLED, “THE
EXPLOSIVES ACT, 2023”

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

Honourable members, thank you very much for enduring to stay up to this time. I now adjourn the House to tomorrow at 2.00 p.m.

(The House rose at 5.30 p.m. and adjourned until Thursday, 16 November 2023 at 2.00 p.m.)