

PARLIAMENT OF UGANDA

**Tuesday, 4 May 2021**

*Parliament met at 11.29 a.m. in Parliament House, Kampala.*

PRAYERS

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

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE SPEAKER:** Honourable members, I welcome you to this morning sitting. I have two issues to communicate. One is that we should try as much as possible to run through the items on the Order Paper. Secondly, I ask the Clerk to remind ministers who have questions to answer this week to come and respond to them. There are issues we need to get addressed before Parliament closes. Thank you.

MINISTERIAL STATEMENTS

1. ON LAYING OF THE HOST GOVERNMENT AGREEMENT TARRIF AND TRANSPORTATION AGREEMENT AND SHARE HOLDERS AGREEMENT FOR THE EAST AFRICAN CRUDE OIL PIPE LINE

**THE SPEAKER:** Is the minister here? No. let him come and brief us before we close.

II.             ON THE IMPLEMENTATION STRATEGY OF THE PROPOSED PARISH MODEL

11.32

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Thank you, Madam Speaker. You recall that the last time we were here, on the request of the Prime Minister, we agreed that we should have an interaction with the Committee on Budget.

We had a meeting on Friday with the Committee on Budget and we generated consensus and common ground on how to move forward but in principle as you guided, we are moving forward to implement the Parish Model, to ensure that we reach the grass root. We also agreed on a number of ways on how this is going to be financed.

The Committee on Budget will be reporting the details of the financing but in principle we agreed that the Parish Model; targeting two out of five households who live in a subsistence economy, should move forward; beginning next financial year.

The activities that we will carry out; including recruitment of the parish chiefs, training of the parish development committees in the first quarter and then, beginning with the second quarter, the programme and this strategy, implementation starts in earnest. So, the committee on Budget will be reporting on the details of the financing.

**THE SPEAKER:** Thank you, honourable minister. Honourable Members, we shall wait to hear from the Budget Committee. Let us go to item no.3 (iii).

III. ON THE MODALITIES FOR EFFECTING THE MERGER OF SELECTED GOVERNMENT AGENCIES GIVEN THAT MOST OF THEM ARE ESTABLISHED BY ACTS OF PARLIAMENT

11.34

**THE MINISTER OF STATE FOR PUBLIC SERVICE (Mr David Karubanga):** Madam Speaker, I wish to report that Cabinet on 22 February 2021, approved the recommendations for the rationalisation of Government agencies, commissions, authorities’ expenditure and the road map for the implementation process for a period of two years to facilitate efficient and effective service delivery.

The overall objective of rationalisation of agencies and public expenditure was to eliminate structural ambiguities, functional duplications and overlaps, wasteful expenditures and realise resultant short-term and long-term savings, which would be utilised to provide other critical public services, in line with approved implementation roadmap.

My ministry was directed to report to the House in regard to the modalities for effecting the merger of selected Government agencies; given that most of them are established under the Constitution or by Acts of Parliament.

I wish to report as follows; by way of our historical perspective, the Constitution of the Republic of Uganda of 1995; as amended in 2006 in Article 189, Schedule 6 and Section 9, of the Local Governments Act, CAP 243, clearly prescribes functions and services which were reserved for central Government ministries.

These include policy formulation, coordination and inspection, provision of technical advice and support supervision and training within the respective sectors of Government.

The Constitution further creates a number of commissions, authorities, boards and other statutory bodies to support sector ministries to adequately fulfill their mandate.

The creation of Government agencies picked momentum in early 2000 and continued to gain support due to the following reasons;

1. Obligations arising from international protocols and agreements.
2. Conditionalities for accessing development assistance from development partners.
3. The need to pay special attention to highly specialised functions and harness the necessary skills for improved efficiency and effectiveness for public service.

However, in 2015, the Government of Uganda passed a resolution to freeze further creation of agencies, commissions and authorities, because it was realised that their continuous creation had not realised the original intended objectives.

Agitation had become an opportunity for different sectors to create additional institutions for selfish interests rather than the original intention.

Among those interests were the anticipation of better terms and conditions of employment, as opposed to the traditional or mainstream civil service and lobbying for more resources at institutional level, which was more beneficial to those in the institutions.

In view of the above, in 2016, Cabinet directed the Ministry of Public Service to undertake comprehensive exercise on rationalisation of Government agencies, commissions, authorities and public expenditure with the view of streamlining mandates, roles and functions of these ministries, departments and agencies. Also to eliminate duplications and overlaps, assessing the relevance of some of the existing Government agencies and Government expenditure.

In addition, His Excellency the President of the Republic of Uganda raised a number of concerns on the several mushrooming agencies and demanded for clear, practical recommendations to realign public institutions and ensure efficiency of Government.

It is against this background that the Ministry of Public Service embarked on an exercise to rationalise Government agencies, commissions, authorities and public expenditure, as a means to improve service delivery.

By way of problem analysis, in 1995, the Constitution of Uganda, as amended, provides for a definite number of agencies – that is commissions, authorities, boards, local councils and other statutory bodies. There was a pilferage of frameworks such as statutes, Acts of Parliament, Executive Orders and administrative arrangements, leading to the establishment of a multitude of public agencies, without consideration of the institutional harmony and affordability.

This mushrooming of Government agencies has continued to create:

1. Functional overlapses - as already mentioned – duplication,
2. Jurisdictional ambiguities,
3. Drain the National Treasury, at the expense of effective service delivery,
4. Outstretch the capacity of Government to sustain public institutions,
5. Salary disparities between agency employees and traditional civil servants, leading to wastage of resources, which could otherwise be committed to providing critical public services such as health, education and infrastructure development, among others.

Therefore, implementation of the recommendations on the rationalisation of agencies, commissions and public expenditure is a strategy to address the ambiguities.

By way of scope, the exercise will require a critical study and analysis of the mandates, roles and functions, workload and structures of 18 Government ministries and offices and 97 agencies, with a view to effecting mergers and mainstreaming functional transfers to support improved service delivery.

In this case, the word “agencies” is used to refer to the public entities such as Government authorities, boards, commissions and bureaus. The reform will also engage in the following:

1. Developing a change management strategy to facilitate smooth transition and undertaking job evaluation, aimed at harmonisation of pay across the service and
2. Developing an administrative reform model for Government of Uganda to coordinate Public Service reforms for the next 10 years.

The objectives of the reform are:

1. To implement recommendations, arising out of the rationalisation of Government agencies, with a view to harmonising mandates and functions,
2. Streamlining structural and operational ambiguities,
3. Eliminating the embedded duplications and overlaps and
4. Determining the wage cost implications of the recommended structure.

We have specific objectives, which include:

1. Implementing the approved recommendations with the review and rationalisation of agencies and public expenditures, which will entail studying, analysing and reviewing the functionality, operational systems and structures of MDAs, with specific reference to their mandates, roles, functions and responsibilities; undertaking functional and workload analysis for MDAs, with a view to determining optimal staffing levels and wage cost implications and; reviewing the legal and policy frame work, within which Government MDAs operate and make appropriate recommendation to support implementation.
2. Undertaking job evaluation to facilitate the design of a harmonised salary structure for the entire Public Service and;
3. Identifying and reengineering major dysfunctional, operational and management systems in MDAs, to facilitate improved service delivery.

By way of roadmap, a Cabinet sub-committee, chaired by the Minister of Public Service has been established and is responsible for providing political oversight during the implementation process.

An inter-ministerial technical committee has been constituted to coordinate the implementation of recommendations by Cabinet. A secretariat has also been set up to coordinate the implementation process within these two years.

Madam Speaker, I wish to report that the secretariat has also come up with a detailed implementation plan, which includes:

1. The first phase – this is 2021/2022 – of implementation of recommendations on rationalisation, which will focus on a comprehensive review of 18 Government ministries and 97 agencies, which are affected by the merger, mainstreaming and transfer of functions.
2. The second phase will be in Financial Year 2022/2023, which will focus on the remaining six Government offices and ministries and 61 agencies, which were recommended for retention but would require institutional review, to enable them adequately respond to the current service delivery demands.

Madam Speaker, during this period, the implications to the affected agencies are as follows:

1. There is a freeze on the creation of new structures in the Public Service.
2. Freezing new appointments and filling of vacant positions in the affected institutions. The Ministry of Public Service will continue to guide on the transition process.

I wish to report that the process will have legal, administrative and financial implications, which include amending laws, especially for the agencies that were created by Acts of Parliament and those that are constitutional.

We propose to have an omnibus law and policy that will facilitate the rationalisation. A compensation plan for the boarded off staff, recruitment plan for the recommended structures, harmonised terms and conditions of service, a report on assets and liabilities for affected entities and an administrative reform model for the Public Service of Uganda for the next 10 years.

As I conclude, I wish to report that the projected resources to be freed, as a result of the implementation of the rationalisation in the short term, totals to Shs 988.12 billion and cost saving items considered include operational costs including rent and entire development budgets.

The projected cost savings are in form of freed savings, due to the merger of some agencies and functions, as well as mainstreaming functions of some agencies back to their line ministries.

Medium and long-term savings will be achieved when rationalisation is fully implemented. Attached is a list of entities that will be affected and a legal framework plan of implementation of recommendations on rationalisation of agencies. I beg to submit.

**THE SPEAKER:** Thank you very much, honourable Minister for Public Service. Honourable members, this is just information about their plans. For now, there is no proposal for those actions. So, the Committee on Public Service and Local Government is advised to remain as is so that they can brief us from time to time. Thank you very much.

LAYING OF THE REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020 FOR VARIOUS ENTITIES

11.45

**MR FRANCIS MWIJUKYE (FDC, Buhweju County, Buhweju):** Madam Speaker, I beg to lay the following reports:

1. A report of the Auditor-General on the financial statements of the Uganda Prisons Service for the year ended 30 June 2020.
2. A report of the Auditor-General on the financial statements of the office of the Directorate of Public Prosecutions for the year ended 30 June 2020
3. A report of the Auditor-General on the financial statements of the office of the President for the year ended 30 June 2020
4. A report of the Auditor-General on the financial statements of the Ministry of Justice and Constitutional Affairs for the year ended 30 June 2020
5. A report of the Auditor-General on the financial statements of the Ministry of Foreign Affairs for the year ended 30 June 2020
6. A report of the Auditor-General on the financial statements of the Ministry of Internal Affairs for the year ended 30 June 2020
7. A report of the Auditor-General on the financial statements of the Office of the Prime Minister for the year ended 30 June 2020
8. A report of the Auditor-General on the financial statements of the Ministry of Agriculture, Animal Industry and Fisheries for the year ended 30 June 2020;
9. A report of the Auditor-General on the financial statements of the Ministry of Local Government for the year ended 30 June 2020
10. A report of the Auditor-General on the financial statements of the National Animal Genetic Resources Centre and Data Bank for the year ended 30 June 2020;
11. A report of the Auditor-General on the financial statements of the Directorate of Government Analytical Laboratory for the year ended 30 June 2020;
12. A report of the Auditor-General on the financial statements of the Ministry of Defence and Veteran Affairs for the year ended 30 June 2020
13. Hoima Regional Referral Hospital Audit Report and Opinion for the year ended 30 June 2020.

Madam Speaker, I beg to lay.

**THE SPEAKER:** Thank you very much, Commissioner. Honourable members, all are sent to the Committee on Public Accounts (Central Government) for perusal and report back.

BILLS

SECOND READING

THE PREVENTION AND PROHIBITION OF HUMAN SACRIFICE BILL, 2020

11.51

**MR BENARD ATIKU (Independent, Ayivu County, Arua):** Thank you, Madam Speaker. I beg to move that the Bill entitled, “The Prevention and Prohibition of Human Sacrifice Bill, 2020” be read the second time.

**THE SPEAKER:** Honourable Members, is the motion seconded? *(Members rose\_)* It is seconded. Can you justify it?

**MR ATIKU:** Thank you, Madam Speaker and honourable colleagues for supporting the motion. I stand here to justify the Bill’s second reading.

On 8 April 2021, I introduced in Parliament the Prevention and Prohibition of Human Sacrifice Bill, 2020. The Bill was referred to the Committee on Legal and Parliamentary Affairs pursuant to Rule 128 of the Rules of Procedure of Parliament for scrutiny and report back. The committee has finalised this scrutiny of the Bill and is ready to report its findings to the House.

The object of this Bill is to provide for the crime of human sacrifice; to provide for fines and penalties for the offence of human sacrifice and for related matters.

Human sacrifice has been a growing concern to law enforcement agencies in our country, parents, child rights activists and the general public. Records from the Uganda Police Force show that human sacrifice cases have been steadily increasing for the last several years. Human sacrifice targets the most vulnerable persons of society such as children and persons with disability.

The general consensus of the various societies affected by the practice considers it worse than murder due to the gruesome way it is performed. Honourable members, I would like to refresh your mind that when we were consulting, as we drafted this Bill across the country, the tales and stories of what the parents and victims and of human sacrifice went through was very agonising. Therefore, before a person dies, the pain that the victim suffers is more than just treating this as a murder case.

It is for that reason that we are proposing a stand-alone law that will treat human sacrifice as a criminal offence and give it the punishment it deserves, especially those practising it.

The reported cases indicate that whereas the perpetrators of human sacrifice are mostly witch doctors and traditional healers, the financers of the practice are often wealthy individuals who are never prosecuted.

The remedies proposed in the Bill are to provide for the offence of human sacrifice with specific ingredients and to provide for deterrent penalties and fines; also, to provide for the other preventive measures against the practice.

We have a familiar case that involved a prominent businessman in Masaka - Kato Kajubi. He had been left off the hook but after a second thought by the DPP and a lot of pressure, this case was retried; Kato Kajubi was brought to book and eventually convicted.

Madam Speaker, this indicates that there are loopholes, in spite of the existing legal regimes, including the Penal Code Act, necessitating for us to have this stand-alone Bill to be able to squarely address the act of human sacrifice. I beg to move.

**THE SPEAKER:** Thank you very much, hon. Atiku. Can we receive the committee report?

11.57

**MR PAUL AKAMBA (Independent, Busiki County, Namutumba):** Madam Speaker, I seek your indulgence that in the interest of time, I present an abridged version of the report. For a more detailed analysis, I refer honourable members to the main report uploaded on the intranet.

You may recall that on 8 April 2021, this House referred a Bill entitled “the Prevention and Prohibition of Human Sacrifice Bill, 2020” to the Committee on Legal and Parliamentary Affairs for scrutiny and report back pursuant to Rule 128 of our Rules of Procedure of Parliament for scrutiny and report back.

This private member’s Bill seeks to, among others, provide for the crime of human sacrifice, for fines and penalties for the offence of human sacrifice and for related matters.

The committee notes that human sacrifice is a growing concern to law enforcement agencies, parents, child rights activists and the public.

Records from Uganda Police Force show that human sacrifice cases have been steadily increasing for the last several years with more complicated and grim methods being introduced by perpetuators every single day.

The few provisions under the Prevention of Trafficking in Persons Act, 2009 are brief and do not capture all the possible scenarios, causes and elements surrounding this crime, leaving much room for ambiguity.

The few provisions which exist against human sacrifice are found embedded within a law which is unrelated to the crime and the existing provisions have been written with the intention of preventing trafficking in persons and not human sacrifice. As a result, these provisions are lacking the key elements unique to the offence of human sacrifice.

As the methodology, the committee wrote to and received written memoranda from selected stakeholders as enumerated in the main report that can be accessed on the Members’ iPads. The committee could not meet face to face with them because of the tight schedule of the Budget process.

Madam Speaker, the committee examined the following proposals in the Bill and reports as follows:

The Bill, in clause 1, seeks to define “human sacrifice” to mean the killing, mutilation, removal of organs or body parts of a person for sale or for purposes of witchcraft, rituals or any harmful human practices.

The committee has considered the proposal to define the phrase “human sacrifice” and is of the considered opinion that the provision does not go far enough to deal with all the aspects of human sacrifice.

The committee is aware that it is not only human organs and body parts that can be removed or mutilated from a person, since practice in relation to this offence shows that human blood and human tissues can also be removed in furtherance of this offence.

The proposal, therefore, to limit the offence to only human organs and body parts will create a grey area in the law and will lead to abuse of the provisions of this law.

The committee recommends that:

1. The definition of the phrase “human sacrifice” should be expanded to include the removal or mutilation of human tissue of a person and the drawing of blood from a person;
2. For clarity, define all the words that are ambiguous.

Offence of human sacrifice

Clause 2 of the Bill creates the offence of human sacrifice and requires that the offence is committed when one mutilates or causes the death of another person for the purpose of performing or furthering a ritual.

Whereas the committee agrees with the principle to create the offence of human sacrifice, the committee is concerned that there are a number of issues that may affect the effectiveness of the Bill. For instance, the committee notes that there appears to be a conflict between the definition of the phrase “human sacrifice” and the offence of human sacrifice being created under clause 2.

The committee observes that for the offence of human sacrifice to be committed as proposed in clause 2, one must cause the death of another person for purposes of performing or furthering a ritual while clause 1 defines human sacrifice (therefore, the offence of human sacrifice) in broader terms to include, among others, the mutilation and removal of body organs and body parts.

This perceived conflict will affect the effectiveness of the offence since it will not be in tandem with the definition of the phrase “human sacrifice”, thereby making the work of the prosecution difficult.

The committee recommends that:

1. Definition of human sacrifice in clause 1 and the offence of human sacrifice in clause 2 should be harmonised.
2. The punishment proposed in the Bill should be commensurate with the act or omission that constitutes the offence therefore:
3. The death penalty should imposed on a person who commits the offence where such a person is a parent, guardian or person having authority or control over the victim of the offence or where the act results in the death of the victim.
4. In other cases where a person causes grievous bodily harm to the victim, the person should be liable to imprisonment for life and if the person causes any other injury to the person, should be liable to imprisonment for 10 years.

c) The provision should also punish a person who carries out human sacrifice on himself or herself to ensure that there is no loophole that can be used to defeat the purpose of the Act.

Admissibility of Accomplice Evidence

The Bill proposes, in clause 8, to allow the admission of accomplice evidence without the need for corroboration. This provision will allow the prosecution to rely on the evidence of an accomplice without need for corroboration.

The committee notes that currently, section 132 of the Evidence Act directs that an accomplice is a competent witness against an accused person and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

The committee is concerned that the proposal to remove the requirement for corroboration will be abused and may result in a miscarriage of justice.

 The committee, therefore, recommends that clause 8 be deleted with the justification that the provision will result in the use of uncollaborated evidence whose credibility cannot be assured and may result in the conviction of otherwise innocent persons, thereby constituting a miscarriage of justice.

Compensation, Rehabilitation or Restitution to be made in Certain Clauses

Clause 10 of the Bill proposes to make provision for compensation, rehabilitation or restitution to be made in certain cases. The provision allows the payment of compensation to a survivor of the offence or his family or dependent as well as rehabilitation of the survivor of the offence.

Whereas the committee is agreeable to the principle to direct for payment of compensation, rehabilitation or restitution, the committee is of the considered opinion that the provision needs to be strengthened to ensure that the provision is effective.

One of the ways this can be achieved is through requiring a victim assessment to be carried out to examine the extent of the injury on the survivor or the family or dependents of a person, which will in turn guide court in making the orders to compensation, restitution or rehabilitation.

In light of the above, the committee recommends that clause 10 stands part of the Bill albeit with the amendment to require an assessment to be carried out on the victim of the offence to determine the damage caused to such a person as a result of the offence of human sacrifice and to ensure that at all times during a criminal trial, adequate provision is made for dealing with physical and psychological effects of the offence of human sacrifice on a person without necessitating the institution of civil proceedings against the perpetuator of such crimes.

The committee studied other proposals in the Bill like the duty to report acts of human sacrifice; the need to harmonise the Bill with the Prevention of Trafficking in Persons Act, 2009, and 2019 and made recommendations.

I seek the indulgence of honourable members, to find the details in the main report.

Madam Speaker, the committee would like to make some general comments that we found lacking in the Bill and we thought it would help to enrich it.

For instance, the committee observes that the provision should be made for inspection of places, where human sacrifice is likely to take place. This will empower a person authorised by the minister to, after giving reasonable notice, inspect any house, building or any place in which he or she has reason to believe that the offence of human sacrifice is taking place or is likely to take place. This will ensure that offences are detected early and deterred before they can happen.

The committee also proposes that the Bill should include provisions on extra territorial jurisdiction to ensure the prosecution of offences committed outside Uganda, in circumstances, where the person against whom the offence is committed, is a citizen of Uganda, or is ordinarily resident in Uganda, or where the perpetuator of the offence is a citizen of or resident in Uganda. This will close a lacuna in the law, which can be exploited by perpetuators of these crimes by having Ugandan citizens or residents sacrificed outside the territorial jurisdiction of Uganda, while either being Ugandan citizens or residents or where the perpetuator is a Ugandan citizen.

The committee also notes that there is need to clearly disregard certain defense that would ordinarily be available to a person under criminal law. The committee notes that in some offences, consent is a defense to a charge and maybe available to a person who commits the offence of human sacrifice by alleging that the victim of the offence consented to the acts that would constitute human sacrifice.

In such instance, save for acts involving the killing of a person, a person who mutilates another person and takes away a body part, blood, tissue or organs of another person can allege that the victim compensated to that removal of body organs, tissues, blood or organs.

The committee further notes that there is need for the minister to report on the implementation of the Bill to Parliament. This will enable Parliament to assess the effectiveness of the Bill by examining how the Bill is applied as a measure to curb the increasing cases of human sacrifice.

The committee, therefore, recommends that the provision is made in the Bill:

i) Requiring the minister to annually submit to Parliament a report on the implementation of the Bill.

ii) Consent of victim of an offence should not be a defence to a charge under the Act.

1. The minister should be given powers to appoint authorised officers for purposes of inspecting places, where human sacrifice is likely to take place.

iv) For extra territorial jurisdiction of the Bill.

Madam Speaker, I beg to report and seek your indulgence that the Bill is read the second time and do pass subject to amendments.

I have the minutes ofthe meetings of the Committee on Legal and Parliamentary Affairs to review the draft report and submission of select stakeholders on the prevention and prohibition of human sacrifice Bill, 2020 held on the 29th April, 2021 in room 139 of Parliament. I have a signed report of the Committee on Legal and Parliamentary Affairs on the prevention and prohibition of sacrifice Bill, 2020, which I beg to lay at the Table.

**THE SPEAKER:** Thank you very much, honourable Chairperson and members of the Committee on Legal and Parliamentary Affairs, for your expeditious handling of this Bill.

Honourable members, you have heard the motion, you have heard the justification and you have received the report. Are there any comments?

12.14

**MR THEODORE SSEKIKUBO (NRM, Lwemiyaga County, Ssembabule):** Thank you, Madam Speaker. I would like to thank the Committee on Legal and Parliamentary Affairs for the report, as well as the minority report by hon. Akamba.

Hon. Akamba has attempted to widen the scope of human sacrifice by adding the harvesting of human organs to be a wider form of human sacrifice. I just needed some small clarification. There is the mutually agreed harvesting of these organs. There is a mutually agreed situation, where a patient looks for a relative to donate an organ to the sick person. Would that also qualify to be amongst the harvested organs? A clear demarcation has not been made to us. More often, we hear of those conditions, where a patient who has kidney failure, would seek for a relative, a friend, a donor, among others.

Now, the tricky part of it is that we do not know for sure if that medical condition can be helped so that the donor comes out alive. Suppose the donor whose organ was removed subsequently dies. I think hon. Akamba you would tie the loose ends on the harvesting of the organs to demarcate between the voluntary and involuntary –

**THE SPEAKER:** Hon. Ssekikubo, the word “harvesting” is different from “donor”. An organ donor is an organ donor. However, when you say, I am harvesting, collecting organs as if it is a garden.

**MR SSEKIKUBO:** Madam Speaker, let us talk about the removal of the organs whether it is harvested, probably, that was on the higher side but we agree on the giving and removal of an organ by consent or for monetary reasons but in a way, where the two parties have agreed to that end. I beg to submit.

**THE SPEAKER:** I am not the mover of the Bill but I think what is in mind is for instance, organ removal by trickery. For instance, you say that you are taking me for a job and then you drag me and take out my organs. This has been happening to some of our people. Donating organs is completely different from this, I believe.

**MR LOKWANG:** Thank you very much, Madam Speaker. The information I wanted to give is that sometimes in Karamoja human sacrifices are made, maybe as accolades. Most of the time, they target people with diastema, which is a gap in between the teeth; or someone with big umbilical cord or twins. They dissect the human being; they sacrifice them not to remove the organs but to dissect so that the raiders can pass between the bodies.

It is not only for removing the organs but there are different types of sacrifices that happen in different communities. Thank you.

**THE SPEAKER:** I hope we shall distinguish that issue.

12.18

**MR MICHAEL TIMUZIGU (NRM, Kajara County, Ntungamo):** Thank you, Madam Speaker. I come to the Floor of Parliament when the word “sacrifice” is being widened. Let me concentrate on what the committee is talking about.

We are happy that at this point, we are bringing a law that will stop people from sacrificing others. Indeed, sacrifice is not only murder; it is beyond and so, having a law specifically to curb human sacrifice is very important because human beings have got a right to life, which is internationally recognized. All cultures recognise a right to life. Therefore, I want to thank the committee for the job well done.

This report brings in the issue of the minister, who is a political head of a ministry but I do not think the minister is more technical to handle the issues of supervising that area very well.

They talked about investigations and the minister visiting the places expected to have activities of human sacrifice. I wonder how the minister will do that job. I propose that we leave that to the police or any other technical people who can investigate matters of human sacrifice very well. Thank you.

12.20

**MS MARGARET BABA DIRI (NRM, Woman Representative,** **Koboko):** Madam Speaker, I would like to thank the Committee on Legal and Parliamentary Affairs for the good report presented. Human sacrifice has become too common and those who do it believe that they can get rich or that their projects will develop.

For example, when they construct tall buildings, they sacrifice a human being. It has become so common that children are disappearing; even grownups. We have become like sheep, which were sacrificed in the past, yet, even today sheep are not sacrificed. This law has come in time to deter people who are doing this.

They target the vulnerable people like children and give them away. The parents want to make money out of human beings, which is not fair. You do not produce to sacrifice or give away to make money.

Then you find the disabled especially the albinos being sacrificed because they believe that if they take their parts, you become very rich.

The issue of exporting human beings is also common. We need to trace them. For example, in Tanzania, the albinos are targeted. That is why they have come to Uganda. They pick them from here and take them to Tanzania to be sacrificed.

We need to trace up to the place where they are sacrificed and if necessary, find out what has happened so that we stop this problem. When this law comes into place, we need to implement it so that it can help us.

There is a kind of sacrifice common in the Democratic Republic of Congo and Uganda now; it is called *abiba* and it is where someone is bewitched to death.

They say a whole clan can be registered and they die. Where do we classify this one because it has become very common? At times they tell lies that because you have become very rich you have sacrificed human beings and even, they can kill a progressive young man. It has become a problem; I do not know whether we can include this so that whoever practices *abiba* can also be arrested. Thank you.

12.23

**MS JESCA ABABIKU (NRM, Woman Representative    Adjumani):** Thank you, Madam Speaker. I want to thank hon. Atiku for this move and the committee for a good job done. I support the committee’s recommendations. In my view, we should move for a total deterrence.

I have listened to the committee report and noticed they are proposing varied penalties in relation to: (i) if the crime was committed by a parent or relative or guardian *vis-a-vis* a person who is not closely linked to the victim.

They indicated that for a person who is a relative, caretaker or parent, the penalty is death and that other people have lessened the gravity of the penalty.

This is an act - whether it is done by a relative or not - it is a grave act. Taking away somebody’s life forcefully should not be tolerated.

I am of the view that any other person who is not a relative who gets involved in this act should be treated with the same penalty.

Giving pardon and room for others to know that “if I do these things I am not a relative to so and so or to this child, I will have a less penalty is going to create room for abuse.

I am interested in how we can handle a scenario where victims are rescued. Often times, others are recued when they are not harmed but they get traumatised.

How are we going to provide counselling services to them?  Which institution is going to handle counselling services to these children or to people who get rescued?

I also think that when we get these children or any other person, who has been rescued. That person has to be compensated. There are cases where we get them rescued but when they are already harmed. Therefore, it also requires counselling and compensation.

I pray that we provide for specific provisions to give second hope to these people who become victims but get rescued. They should counselled to regain hope to live for more years but also their protection and compensation too. Thank you.

12.27

**MR FRANCIS MWIJUKYE    (FDC    Buhweju County    Buhweju)**: Madam Speaker, human sacrifice is not only primitive but it is inhumane and archaic and so, it should be penalised.

Some time back, I remember when we visited Abu Dhabi, there were some young people who came to us and they told us stories of what happens there. People who go to work in foreign countries are forced, even sometimes unaware. They take out your body parts – a kidney is taken and they force you to come back to Uganda. A few months after you have returned, you start getting pain. When you check, you will find that you have one kidney. Some of these companies are here.

I support this law so that these companies can be brought to book and there is a penalty for them. I thank the chairperson of the committee. I thank hon. Atiku for this good law. I urge that we should support it. Thank you very much.

12.29

**MR EMMANUEL ONGIERTHO (FDC, Jonam County, Pakwach):** Madam Speaker, thank you, for this opportunity. I thank the committee for the good report. I also want to thank hon. Atiku for bringing this law.

I support the committee recommendations. However, I suggest a modification that the people who are involved in this practice and are found guilty should be taken to be tried by the Military Court Martial. *(Laughter)* These are worse than some of our friends who find themselves in the military court.

After trial and found guilty, I am recommending that such people should be put in the firing squad. We really want to deter people from this practice.

Secondly, I want to bring up the case that my colleague from Koboko raised. Madam Speaker, it is a practice that we used to hear from Congo but now, it has come amongst our people. Amongst the Alur and Jonam people, they call it “*Jooro*”.

It is like I want to be rich and so, I will identify either my child or relative or some other person. Most of the time, the people go to Congo to consult the witch doctors there. They will do whatever we do not understand but at the end of it, you see this person’s child dying under unclear circumstances.

A lot of times, people suspect their parents because when the child is sick, you see the parent unconcerned. That is why they become the first suspects to the ordinary people.

Madam Speaker, people know that it is very difficult to prove such a case in the courts of law, therefore, they resort to mob justice and many people have been killed in that process.

It is discovered afterwards that some of them are killed innocently but others are killed I think rightly. Of course, I do not want to say I have proven myself.

This is something we need to take interest in because it is spreading. Our people are psychologically suffering from it because you never know what is happening.

Unfortunately, it is also coming into politics, in a sense that you hear that a candidate is very sick. The other candidate has died and some of your people say, “You know, that person has been sacrificed by another candidate”. It is very unfortunate. It is something we need to take interest in, but maybe we cannot mix it with the current law being proposed. I thank you, Madam Speaker.

**THE SPEAKER:** Thank you. Hon. Nauwat, hon. Centenary and hon. Bahati.

12.33

**MS ROSEMARY NAUWAT (Independent, Woman Representative, Amudat):** Thank you, Madam Speaker. I would like to thank the mover of this private Member’s Bill and the committee.

Madam Speaker, there are heartless people in this world. In a bid to fulfill their own interests, they do so, at all costs, including sacrificing human life. In the Ninth Parliament, I was on the Committee on Gender, Labour and Social Development. At that time, there were many incidences of human sacrifice and we picked interest as a committee. We moved around to those areas, where those incidences were heard of. We went to Mukono and Nakitoma in Nakasongola District.

We interacted with the communities, the survivors and the parents there. Some parents had even lost their children. We were shown terrifying photographs. They showed us a photograph of a boy whose head had been chopped off. We also saw a photograph of a young girl whose private parts had been removed and the survivors had scars on their bodies.

The survivors were only able to survive because of the intervention and support from NGOs. Some of these cuts were so deep that it necessitated flying these children abroad. There was a young boy whom we were told was flown to Australia. Most of these children are from poor backgrounds. If it was not for the intervention of NGOs, such children would not have not had a second chance to live.

Madam Speaker, the communities try their best to report such incidents to police but the police take long to react. In Nakitoma, for example, there was a senior six leaver, who had been killed. Community members reported the case. When police came, they traced the drops of blood to some shrine. On reaching there, they collected the blood samples.

When we asked the community members, they told them that the blood samples had been taken to South Africa and it was such a long time from when they took the samples. If justice is to be given to these people, Government should act.

It is good that the committee has recommended strict measures, including imprisonment for life and death sentence. Therefore, I call upon the Government to act swiftly. In this case, where blood samples are flown out of the country, the Directorate of Government Analytical Laboratories should follow up so that justice is dispensed. I beg to submit, Madam Speaker.

12.36

**MS CONNIE GALIWANGO (NRM, Woman Representative, Mbale):** Thank you, Madam Speaker. I want to thank the committee for the report, most especially hon. Atiku, for bringing up this Bill. In fact, it is long overdue. Human sacrifice is not only inhumane, but evil; very evil.

I am not comfortable with the punishment that is segregative. Like hon. Ababiku put it, if it is the parents who have sacrificed their children or vice versa, the punishment should be death penalty but for the others, it should be imprisonment.

Madam Speaker, as long as a life has been taken away, these people should be dealt with equally. I may not be somebody that advocates for death but if it is death, let them all die. If it is life imprisonment, let them all be imprisoned for life. Some of the holy books say “an eye for an eye.” I pray that this will be a big deterrent, given the fact that all those who have practised it have not faced any punishment that can scare anybody. That is why it is still going on. If there is a stern punishment, I think it will go.

There are some parents that think death will occur to them so they hire people to do it for them. They may still escape the death. If it is an equal punishment, some of these will try to do it.

I think everybody is vulnerable; it is not only the children but wives, husbands, albinos and people with gaps are all vulnerable. Now in Karamoja, if you have a big umbilical code, it is not your fault. If you are a twin or albino, it is not your fault. This is God’s design. Therefore, everybody is culpable and a victim. If we have stern punishments, they will be a big deterrent.

The police has tried to help but it is very slow. Can there be some measures put across; probably a timeline to address what happens expeditiously, within a given timeframe? Otherwise, if it is at their own laxity, it will take a long time and the families and victims will remain traumatised; eventually they will not fit in society.

Madam Speaker, I beg to submit.

**THE SPEAKER:** Thank you.

12.40

**MR ROBERT CENTENARY (FDC, Kasese Municipality, Kasese):** Thank you, Madam Speaker, for giving me an opportunity to contribute to this Bill; it is long overdue.

I recall one time at the children’s forum when we went to Luweero to visit some victims of human sacrifice. Somebody had attempted to pick organs from the twins. One of them survived and the other did not make it. When we visited the grave of the other twin with the relatives of the surviving twin, he actually broke down. These memories are still very fresh in my mind.

When we are processing this Bill, we should put in mind that – I have a natural gap and so, I am equally a victim in Karamoja. Our grandchildren could also be victims of human sacrifice.

The Bill is “prevention and prohibition.” For it to make meaning, the punishment should be preventive and prohibitive. Therefore, it is proper that we harmonise this. I beg for the indulgence of the committee to concede, so that we have a punitive measure of death, harmonised across all the people; those who abet the crime and the ones that commit it because they will conspire – you know Ugandans have become innovative. The people who have no mercy for the victim are those who are not even the parents or relatives, because perhaps some relatives may feel shy that the clan is going to excommunicate them. If I am not related to you, I have no moral obligation to even have pity upon your child or you, yourself.

However, we also have a big challenge with the leadership; the LCs and the police. Sometimes, these cases are reported but because the people who do the human sacrifice reap big from these body parts and organs, they compromise the leaders from pursuing these cases. I think they should also be brought into the loop of the people who are supposed to be punished, especially if it is proven beyond reasonable doubt that there was a case reported at the LC or the police and they decided to conspire with the people that have sacrificed humans.

Otherwise, life is precious. If we want this law to have meaning and retire very well - like some of us going into the senior citizens’ docket - we need to pass a law that is going to, at least help this country reduce this vice of human sacrifice. We may not stop it and some people will do it undercover.

Albinos have become the biggest victims of that sacrifice. Probably if we decided, we could categorise them into the most vulnerable, especially now that it is becoming a global issue. They are looking for their body parts in Tanzania and Kenya. I would probably agree that if there was a punishment bigger than the death penalty, I would advocate for that. I beg to move.

12.44

**THE LEADER OF THE OPPOSITION (Ms Betty Aol):** Thank you, Madam Speaker. I would also like to thank hon. Atiku for this Bill. In this 10th Parliament, he has been working tirelessly and at the end of it all, we are now able to deliberate on this Bill. He has worked hard for children.

While adults are also victims of human sacrifice, the main victims are children. We saw some of them in Gulu. I am very sure that the people involved are still behind bars but you will find that this mainly happens to the children. Sometimes, this is due to primitive cultural beliefs; to think that you have to go to the witch doctor to get rich. How rich is this witchdoctor? You find this witchdoctor in a grass-thatched hut and you think this witchdoctor is going to give you wealth. You do away with the life of a child. It happened in Awach and Gwatiro, which was very bad. You cannot just go to get wealth through sacrificing children. I kept asking them if they eat human flesh. If you do not eat human flesh, why should you kill?

When I was in primary school, my grandmother used to tell us to be careful with people, who sometimes go to look for children. It was usually those with very big umbilical cords. They would pay a lot of money to maybe teachers and you disappear.

Those days, we would go for physical education in pyjamas and they were able to see what they needed to see. I think those are all primitive beliefs. They should all be done away with. This law will help to completely clear them. The alarm we made also helped.

I want to say that parents also used to sacrifice their children. I was told that if you produce an abnormal child, you go to a river and tie the child loosely; when it falls in the running water, you make an alarm as if you are sorry for the death of the child and yet, you had planned it.

We must thank God for bringing the Bible to us. A disabled child should be taken care of more than an able child. A disabled child should not be looked at as a curse - that child did not ask for that abnormality - you just found that you have a child like that.

Therefore, if we leave this primitive practice and go to the Bible, it will help us - we say that wisdom is to know God and when we know God, we accept what He has given us. However, if we are not wise, then we think this is a curse; how can I get rid of it? Getting rid of it is sacrificing - and it is mostly children. For the adults, yes, they are victims but not as often as the children.

Thank you very much for this Bill. It should be passed as quickly as possible. It should have been passed yesterday. Probably, the sentence should be looked at and strengthened to deter people from killing children. We should never kill children. Thank you, Madam Speaker.

12.50

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Thank you, Madam Speaker and honourable colleagues.

Human sacrifice anywhere in the world is a creeping danger to the human race. Therefore, we condemn it wherever it takes place. It is very shameful to note that a network of these criminals who are involved in human trafficking earn over $ 30 billion every year and over 2.4 million people worldwide are affected by this evil and dark business and practices.

Therefore, we want to thank hon. Benard Atiku who has been at the forefront for issues regarding children. Even when we know that you are going for sabbatical leave, you leave the 10th Parliament knowing that you have made a contribution - we are very grateful for what you have done on our behalf.

Madam Speaker, we also need to thank Justice Michael Chibita who made this an issue when he was still in the High Court of Uganda at Masaka, when he made that ruling against a one, Kajubi. It was a very difficult case but he stood firm and ruled in favour of the victim; we are very grateful that he now sits at Supreme Court bench.

The contribution we are making as the 10th Parliament is really a signal to these criminals that business is not going to be as usual. I think we must strengthen the punishments and offence. I have read what the chairperson of committee is proposing that “attempting to do human sacrifice” should only attract 10 years - I think this is very little time. We should strengthen it so that we help to curb this crime once and for all.

There are areas we have seen where people cannot erect buildings unless they have done human sacrifice of some sort; we have registered them here in this country. It is very shameful that you cannot get out of the foundation unless you have shed blood of somebody created in the image of God. The 10th Parliament is ending at a very good note by passing this important Bill.

Regarding others; for example, hon. Ssekikubo was wondering whether we are going to confuse donation of these organs for health reasons and human sacrifice. As the Minister of Health one time mentioned here, at Cabinet level, we have passed a law that is going to manage the donation process of these special organs for purposes of health - the kidney, liver and others. The Bill will be coming in the next Parliament so that we can handle that because we know it is also a major issue that is affecting the health of the citizens. However, it should be managed in a very strict and organised manner. That is why the Minister of Health had to move a Bill in Cabinet, we passed it and it will be Parliament.

We are very grateful once again to hon. Atiku for your contribution, we wish you very well in your sabbatical leave. We hope that after the leave, you will come with more Bills of this nature to protect our children. Thank you very much.

**THE SPEAKER:** Thank you very much honourable members. I put the question that the question be put.

*(Question put and agreed to.)*

**THE SPEAKER:** I now put the question that The Prevention and Prohibition of Human Sacrifice Bill, 2020 be read for the second time.

*(Question put and agreed to.)*

BILLS

COMMITTEE STAGE

THE PREVENTION AND PROHIBITION OF HUMAN SACRIFICE BILL, 2020

Clause 2

**THE CHAIRPERSON:** Committee chairperson, do you have an amendment?

**MR PAUL AKAMBA:** Madam Chairperson, yes, I have an amendment on clause 2.

Clause 2

Offence of Human Sacrifice

Redraft clause 2 as follows: Offence of human sacrifice

1. A person who carries out human sacrifice commits an offence and is liable, on conviction, to the penalty prescribed in subsection (3).

 (2) A person who carries out human sacrifice on himself or herself commits an offence and is liable to imprisonment for 10 years.

1. For the purpose of sub-section 1, where –

(a) The person who commits the offence is a parent, guardian or person having authority or control over the victim of the offence, the person is liable to suffer death;

(b) The offence results in –

(i) The death of the victim, the person is liable to suffer death;

(ii) Grievous bodily harm to the victim, the person is liable to imprisonment for life; or

(iii) Any other injury to the victim, the person is liable to imprisonment for 10 years.

4) In this section –

(a) “Grievous bodily harm” means any harm, which amounts to mayhem or dangerous harm, or seriously or permanently injures health or which is likely so to injure health, or which extends to permanent disfigurement, or to any permanent or serious injury to any external or internal organ, membrane or sense.

Justification

1. For clarity and to remove a conflict in this clause and the definition of human sacrifice under clause 1.
2. To expand the provision to punish persons who carry out human sacrifice on him or herself.
3. Consequential amendment arising from the amendment of clause 1 of the Bill, wherein the matters in clause 2 (2) have been included therein.
4. To prescribe different punishments based on the severity of the injury to the victim of the offence and the relationship between the victim and the perpetuator of the offence.

**THE CHAIRPERSON:** Honourable members, the question is that clause 2 be amended as proposed.

*(Question put and agreed to.)*

*Clause 2, as amended, agreed to.*

Clause 3

**MR AKAMBA:** Offence of financing human sacrifice.

Clause 3 is amended –

(a) In the head note, by inserting immediately after the word “financing”, the words “or facilitating”;

(b) In sub-clause (1), by inserting immediately after the word “finance”, the words “or facilitate”;

Justification

To expand the provision to include a prohibition on the facilitation of human sacrifice, in addition to financing of human sacrifice.

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

*(Question put and agreed to.)*

*Clause 3, as amended, agreed to.*

Clause 4

**MR AKAMBA:** Attempt to commit offence of human sacrifice and financing of human sacrifice.

In clause 4, insert immediately after the word “financing”, the words “or facilitating” wherever the word appears.

Justification

1. To expand the provision to include a prohibition on the facilitation of human sacrifice, in addition to financing of human sacrifice.
2. Consequential amendment arising from amendment of clause 3 of the Bill.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 4 be amended as proposed.

*(Question put and agreed to.)*

*Clause 4, as amended, agreed to.*

Clause 5

**MR AKAMBA:** Prohibition of certain harmful practices relating to human sacrifice.

Clause 5 is amended, –

i) In paragraph (a), by deleting all the words appearing after the word “sacrifice”;

ii) By substituting for paragraph (c) the following –

“(c) Encourages or advices any person to use a human body part, a human body organ, human tissue or human blood or any product or concoction derived from a human body part, a human body organ, a human tissue or human blood in any ritual, treatment or healing.”

iii) By deleting paragraph (d);

a) By inserting immediately after paragraph (f), the following – “offers himself or herself or the service of another person for purposes of committing the offence of human sacrifice;”

Justification

i) The amendment in paragraph (a) is intended to expand the provision and make irrelevant the purpose for which the spread of belief in human sacrifice is made for.

1. The amendment of paragraph (c) is for purposes of expanding the provision to include a human body organ, human tissue or human blood or any product or concoction derived from a human body part, a human body organ, human tissue or human blood and to merge paragraphs (c) and (d) since they relate to the same matters;

iii) To criminalise the offering of oneself or another person to commit the offence of human sacrifice.”

**THE CHAIRPERSON:** Honourable members, I put the question that clause 5 be amended as proposed.

*(Question put and agreed to.)*

*Clause 5, as amended, agreed to.*

Clause 6

**MR AKAMBA**: Possession of human body parts and instruments of human sacrifice.

Clause 6 is amended –

i) In paragraphs (a) and (b), by inserting immediately after the word “parts” the words “or a human body organ, a human tissue or human blood;

ii) “In paragraph (c), by inserting immediately before the word “makes” the words “unlawful;”

Justification

a) To expand the provision to include human body organs, human tissues or human blood among the matters a person may not have in his or her possession.

b) Due to the diverse instruments that may be associated with human sacrifice, some of which may have lawful uses and also may be used as teaching aids in the fight against human sacrifice, to limit the offence to only persons who have those items unlawfully.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 6 be amended as proposed.

*(Question put and agreed to.)*

*Clause 6, as amended, agreed to.*

*Clause 7, agreed to.*

Clause 8

**MR AKAMBA:** Admissibility of accomplice evidence. Clause 8 is deleted.

Justification

The proposal in clause 8 will disregard a rule of practice, which requires the corroboration of accomplice evidence (evidence of persons who are charged with the same offence under the same charge sheet and one of them pleads guilty and then gives evidence against the other person). This rule of practice is borne out of a realisation that accomplices are usually interested parties who may be giving evidence merely for purposes of saving themselves from criminal liability and therefore, such evidence is regarded as untrustworthy by courts of law. The reason is that the accomplice is likely to tell lies in order to shift guilt from him or herself to play down the part that he took commission in the offence, since the evidence of an accomplice is treated as untrustworthy. For such evidence to stand, it must be corroborated by additional independent evidence, which increases the credibility of such evidence.

Clause 8 will, therefore, result in the use of uncorroborated evidence whose credibility cannot be assured and may result in the conviction of otherwise innocent persons, thereby constituting a miscarriage of justice.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 8 be deleted.

*(Question put and agreed to.)*

*Clause 8 deleted.*

**MR AKAMBA:** Immediately after clause 7, insert the following new clause; “Victim impact report”.

In sub-clause 1, “The prosecution shall when prosecuting offences under this Act, carry out a victim impact assessment to determine the impact of the offence on the survivor of the offence or any other person.

The victim impact report shall take into account:

1. The condition of the survivor or any other before and after the commission of the offence;
2. The nature of harm the survivor or any other person faced;
3. Whether the survivor or any other person faces or is likely to face any long term physical or psychological trauma necessitating the provision of long-term medical care or any other assistance;
4. Whether the survivor or any other person can recover or return to normal life and be integrated into normal society life;
5. Any other information as maybe required by a statutory instrument.”

Sub-clause (3), “The victim impact assessment shall be adduced in evidence following conviction and shall guide the court in sentencing and in awarding of compensation, rehabilitation or restitution.”

Justification

This is to provide for the carrying out of a victim impact assessment in order to determine the effect of the offence on the survivor or any other person so that appropriate orders can be made by court to cater for unique circumstances of the victim or the survivor of an offence under the Act.

**MR SSEWUNGU:** I would like to thank the chairperson of the committee. I think there is something lacking here: “The prosecution shall, when prosecuting offences under this Act, carryout victim impact assessment...” By who?

Who has carried it out? Is it a traditional doctor or a registered professional? This must be clearly stipulated. We will not use any report; it must be coming from somewhere and from someone who is professional, accepted by court and a medical personnel. Otherwise, the rest are okay.

**MR AKAMBA:** Madam Chairperson, the committee deemed it necessary to give the prosecution discretion to determine how this is done so it is the discretionary power of the prosecution to determine who carries out the impact assessment.

**THE CHAIRPERSON:** Honourable members, the prosecution is the State so you cannot expect a witch doctor to carry out an assessment on behalf of the State.

**MR ATIKU:** Thank you, Madam Chairperson. Please, allow me to support this proposal by the committee which we did consider during drafting but along the way, being a private member’s Bill, we feared that maybe we would not secure the certificate of financial implications.

However, on further study, just as hon. Ssewungu has said, we conceded to accept this proposal on the basis that the State already has professionals that it employs who have the capability to undertake such an assessment when there will be need.

Initially we had thought the presiding judge, in his ruling, would direct the relevant technical persons to undertake this assessment to be able to give the right prescription for the victims but if you insist, we would add the proposal that hon. Ssewungu was trying to drive at, of adding a professional so that it can read “a victim impact assessment to be determined by a professional” and for that matter, whether it will be for psycho-social, financial or health concerns. I beg to submit.

**THE CHAIRPERSON:** What does the chairperson say about that proposal?

**MR AKAMBA:** Madam Chairperson, the committee still maintains that there is need for discretion in this case because the impact assessment might be in form of psycho-social or medical to determine the level of disability or financial aspect. The State should be given the discretion to choose who carries out the assessment; it should be a case-by-case basis.

Madam Chairperson, I would like to make some clarification in sub-clause 2(a): “The condition of the survivor or any other person”. The word “person” is missing.

In sub-clause 3; the victim impact statement, we are replacing the word “report” for “statement”. Let us cross out “statement” and replace it with “report”. I beg to move.

**MR SSEWUNGU:** Mr Chairman, I would like you to look at my proposal. You are saying “the condition of the survivor or any other before and after the commission of the offence.” This means that they are going to have a number of professionals but I was saying, “impact assessment by a professional”. We could put something that gives powers to somebody who will give the report in that particular area because you have given a number of them.

In some instances, an offence has taken place and you will get a report below the level of a person who is supposed to give it and if you give it here, it saves you more. Thank you.

**THE CHAIRPERSON:** Hon. Ssewungu, I understand what you mean. However, if we are going into that, we may have to say, “...a medical professional, social worker or psychologist”. I know what you mean but how do we define that professional?

**MR SSEWUNGU:** To avoid multiplicity of different professions, I would say, “The prosecution shall, when prosecuting offences under this Act, carry out a victim impact assessment carried out by a professional to determine the impact of the offence on the survivor of the offence or any other person.”

Is it okay?

**THE CHAIRPERSON:** Yes. That means you will also have to define the professional in the interpretation section. That is what I am talking about.

**MR SSEWUNGU:** It is okay. We can define it, Madam Chairperson.

**THE CHAIRPERSON:** That is why I am saying you will have to say, “Professional means a medical officer, a social worker and a psychologist”.

**MR ATIKU:** Thank you, Madam Chairperson and the honourable colleague. From Madam Chairperson’s guidance, I want to agree that the original draft gives the presiding Judge leverage to be able to accommodate any professional.

However, if we are to put it here, that means we are going to limit it because we have to go back to the interpretation clause and list the professionals that will be associated with this. We all know that human sacrifice takes different forms. Therefore, for future cases, it will be important that we give this unlimited option for the presiding Judge to be able to determine the kind of professional attention or service to be rendered to the victims. I thank you.

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

*(Question put and agreed to.)*

*New Clause, agreed to.*

Clause 9

**MR AKAMBA:** In clause 9 - Psychosocial support to survivors of human sacrifice or attempted human sacrifice.

Clause 9 is amended

(a) In sub-clause (1), by inserting, immediately after the word “support”, the words “by State”.

(b) By inserting, immediately after sub-clause (1), the following:

“The minister may designate a person or organisation to complement Government in providing psychological support to a person who survives human sacrifice.”

Justification

1. To define who is responsible for provision of psychological support to a survivor of human sacrifice.
2. To empower non-governmental organisations designated by the minister to supplement Government in providing psychological support.

**MR SSEWUNGU:** Madam Chairperson, I pray that the minister “may”, so he is at liberty not to. However, since this person is already psychologically tortured, why don’t you say, “The minister shall designate a person or organisation to complement Government in providing psychological support”. That means he even has delegated authority.

However, when we leave it as “may”, it is up to him. “Today, we can leave this one”. So, let us use “shall” because this person is psychologically tortured and you are talking about human life; somebody who has gone through human sacrifice. Let us use “shall”, so that it is commanding and is a must for him to do so, with his designation in hospitals.

**THE CHAIRPERSON:** Honourable members, if we say, “Shall”, it means we are directing the minister. I do not know whether this does not have financial implications because the minister is going to be obliged to appoint. I do not know.

**MR AKAMBA:** Madam Chairperson, the intention of the committee was that there might be cases, which may not necessarily require psychological support. However, for such cases that may require psychological support, then the minister may choose to either choose a person or organisation.

In this case, it will be unwise to use the word “shall”.

**THE CHAIRPERSON:** HonourableMembers, I put the question that clause 9 be amended as proposed.

*(Question put and agreed to.)*

*Clause 9, as amended, agreed to.*

Clause 10

**MR AKAMBA:** Clause 10 - Compensation, rehabilitation or restitution to be made by court in certain cases.

Clause 10 is amended:

1. By renumbering sub-paragraph (iii) of paragraph (c) as subclause (2).
2. By inserting immediately, after subclause (2), the following:

“The failure by the prosecution or any other person to apply for compensation, rehabilitation or restitution shall not be a bar to a grant of compensation, rehabilitation or restitution by Court; save that where the court does not order for compensation, rehabilitation or restitution, the person presiding over the trial shall give reasons for that decision.

The Court may order compensation to a person who spent money to help a survivor of human sacrifice under this Act.”

The justification is:

1. Due to the physical and psychological effects of the offence of human sacrifice and the need for adequate compensation or restitution to be made, to guide court to make orders to compensation, rehabilitation or restitution and if none is made, to give reasons for such a decision.
2. To ensure that at all times, during a criminal trial, adequate provision is made for dealing with physical and psychological effects of the offence of human sacrifice on a person, without necessitating the institution of civil proceedings against the perpetuator of such crimes.
3. That we renumber of sub-paragraph (iii) of paragraph (c) as sub-clause (2) is to remedy a numbering mistake.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 10 -

**MR LOKWANG:** Thank you very much, Madam Chairperson. On clause 10, under compensation, rehabilitation or restitution to be made by court in certain cases; I propose that we insert, “competent court” because we also have local courts – LC1 courts and so on.

So, we should add the word “competent court”.

**THE CHAIRPERSON:** Has the court been defined in the interpretation section?

**MR AKAMBA:** Madam Chairperson, it is not defined but the committee looked at the fact that the punishment for most of the offences under this Act are prescribed. Punishment for a given offence determines which court has jurisdiction over it – either Chief Magistrate’s Court or a High Court.

**THE CHAIRPERSON:** Hon. Atiku?

**MR ATIKU:** Thank you, Madam Chairperson. I want to thank my honourable colleague for raising this concern. This is a criminal offence. In our country, criminal cases are only tried before well-established courts that do not need any further definition. This is a criminal offence and therefore, my colleagues’ fears should rest addressed.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 10 be amended as proposed.

*(Question put and agreed to.)*

*Clause 10, as amended, agreed to.*

Clause 11

**MR AKAMBA:**  Clause 11 is about the duty to report acts of human sacrifice. For clause 11, there is substituted the following:

“Duty to report acts of human sacrifice:

(1) A person who knows or has reasonable belief that any person has committed or intends to commit an offence under this Act, shall report the matter to a person in authority;

(2) A person who makes a report referred to in subsection (1) shall be afforded protection under the Whistle-blowers’ Protection Act, 2010;

(3) A person who -

(a) Does not comply with subsection (1);

(b) Prevents, prohibits, dissuades or hinders any person from making a report under this section; or

(c) Victimises a person who makes a report under subsection (1), commits an offence and is liable, on conviction, to a fine not exceeding seventy two currency points or imprisonment for five years or both, the fine and imprisonment;

(4) In this section, a person in authority includes -

(a) a member of the village local council,

(b) a member of a local government council;

(c) a Resident District Commissioner;

(d) a social welfare officer, or

(e) a police officer, a member of the Uganda Prisons Service, a member of the Uganda People's Defence Forces or a member of any other law enforcement agency established by an Act of Parliament.

Justification

1. To expand the people to whom a report of an offence can be made;

2. To prohibit and punish persons who pervert justice by preventing the reporting of offences or by victimising persons who report offences under the Act.

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

*(Question put and agreed to.)*

*Clause 11, as amended, agreed to.*

**MR AKAMBA:** Insertion of new clauses immediately after clause 11

Immediately after clause 11, insert the following new clauses:

"Extra territorial jurisdiction

This Act shall apply to offences under this Act committed outside Uganda where:

(a) The person against whom the offence is committed is a citizen of Uganda, or is ordinarily resident in Uganda; or

(b) The perpetuator of the offence is a citizen of or resident in Uganda.

Inspection of places where human sacrifice is likely to take place

(1) A person authorised by the minister may, after giving reasonable notice, inspect any house, building or any place in which he or she has reason to believe that an offence under this Act is taking place or is likely to take place.

(2) A person who carries out an inspection under subsection (1) shall prepare a report of the inspection.

(3) Where the report of the person referred to in subsection (1) indicates that there is need for immediate corrective action, the person shall give a copy of the report to the person or body to take the corrective action, including a member of the village local council, a member of a local government council, a Resident District Commissioner, a social welfare officer, a police officer, a member of the Uganda Prisons Service, a member of the Uganda People's Defence Forces or a member of any other law enforcement agency established by an Act of Parliament.

Consent of victim of an offence

The consent of the victim to human sacrifice shall not be a defence to a charge under this Act.

Report on the implementation of this Act

(1) The minister shall annually submit to Parliament a report on the implementation of this Act.

(2) The report referred to in subsection (1) shall contain information on -

(a) The complaint made under the Act, the investigation and prosecution of offences as a result of the complaint and investigation;

(b) The incidents and occurrence of each of the offence prescribed in the Act;

(c) The effectiveness of this Act and Government policy to deal with incidents of human sacrifice;

(d) The challenges faced in enforcing the Act; and

(e) Recommendations on the challenges faced in implementing the Act.

Amendment of Act No.7 of 2009

The Prevention of Trafficking in Persons Act, 2009 is amended:

By substituting for section 2 (g) the following:

“(g) human sacrifice means the killing, mutilation, removal of a body organ, body part or human tissue of a person or the drawing of blood from a person for sale or purposes of performing or furthering witchcraft, a ritual or for any other unlawful purpose.”

In section 3, by inserting immediately after subsection (1), the following:

"(1a) notwithstanding subsection (1a), where the person convicted of the offence of trafficking in person exploited the victim of the offence by carrying out human sacrifice, the convicted person shall, instead of the punishment prescribed in subsection (1), be liable to-

(a) Suffer death, if-

(i) The convicted person is a parent, guardian or person having authority or control over the victim of the offence; or

(ii) Offence of trafficking in persons results in the death of the victim;

(b) Imprisonment for life where the offence results in grievous bodily harm to the victim, or

(c) Imprisonment for ten years, where the offence results in injury to the victim of the offence.

Justification

1. For completeness, to criminalise persons who commit offences prohibited under this Act out side Uganda where the victim of the offence or the perpetuator is a citizen of Uganda or ordinarily resident in Uganda.

2. To make certain defences irrelevant for a charge under this Act;

3. To empower the inspection of places where acts prohibited under this Act may be performed.

4. To require the minister to submit to Parliament annual reports on the implementation of this Act;

5. To harmonise the definition and punishment for the offence of human sacrifice in the Prevention of Trafficking in Persons Act, 2009 with the amendment made to the Bill.

**THE CHAIRPERSON:** Honourable members, you have heard the proposals for the new clause. I now put the question -

**MS TAAKA:** Madam Chairperson, I would like to say something on inspection. It says “A person authorised by the minister may after giving reasonable notice to inspect any house, building or any place in which he or she has reason to believe that an offence under this Act is taking place or is likely to take place.”

I feel a little bit uncomfortable with words “authorised by the minister”.  Madam Chairperson, when such acts are taking place, they are emergencies. I feel the authority of the minister could delay the inspection such that by the time they reach the place, evidence has been tampered with. I think we should do away with this authorisation such that maybe a person who has authority, as long as they are in the company of police, they can inspect immediately. I beg to submit.

**MR AKAMBA:** Madam Chairperson, the intention of the committee was that the minister may give by statutory instrument a blanket authority to a given person to carry out this obligation.

**MS TAAKA:** They have to give a notice to the person who is in charge of the premises that they are going to inspect, when somebody is committing thing a crime there. When you tell them, police are coming - I think something needs to be corrected here.

**THE CHAIRPERSON:** How do you enter somebody’s premises without notice?

**MR ATIKU:** Thank you, Madam Chairperson and I would like to thank the honourable colleague for raising this concern. At the time we arrived at this position, we knew how people who hide in these places operate.

We did research and of course, some people may be uncomfortable, if we mentioned the word “shrines”; a shrine applies to most religions, including Catholics. We have Namugongo Shrine and other traditional believers have shrines. However, in those shrines, particularly, the traditional ones, is where some of these grievous practices take place. We were a bit careful in making these provisions.

When the committee made this submission, we were cognizant of the fact that you cannot enter somebody’s private property without that person being served. The fact that the notice will be served will mean that the place can be inspected and the reason for inspection is to collect evidence. Our research indicates the kind of evidence that we will be sourcing for which have also been provided for in some of the sections in this Bill. Therefore, my position was-

**THE CHAIRPERSON:** Hon. Taaka’s worry is that when you give notice, the element of surprise will not be there and they will have time to demobilse or move items. This is her worry.

**MR AKAMBA:** Madam Chairperson, the committee is proposing to delete “after giving reasonable notice” since the Criminal Procedure Act gives the details of the circumstance under which a search can be conducted. Therefore, the Criminal Procedure Act can come to aid in this respect.

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

*(Question put and agreed to.)*

*A new clause, inserted.*

Clause 12

**MR AKAMBA:** Clause 12 - Regulations. It is amended by inserting immediately after subclause (1) the following:

“The regulations made under subsection (1) shall be laid in Parliament for information.”

The justification is to require the laying of regulations in Parliament for information.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 12 be amended as proposed.

*(Question put and agreed to.)*

*Clause 12, as amended, agreed to.*

*Clause 13, agreed to.*

*The schedule, agreed to.*

Clause 1

**MR AKAMBA:**  Clause 1 – Interpretation

Clause 1 is amended by:

1. substituting for the definition of the phrase “human sacrifice”, the following:

“Human sacrifice” means the killing, mutilation, removal of a body organ, body part or human tissue of a person or the drawing of blood from a person for sale or purposes of performing or furthering witchcraft, a ritual or for any other unlawful purpose.

1. Inserting the following new definitions appropriately;

“Imprisonment for life” means imprisonment for the natural life of a person;

“Mutilation” means the unlawful and partial or total removal of a body part of a person;

“Ritual” means a religious, traditional, or cultural ceremony consisting of a series of actions performed for satisfying a belief.

“Witchcraft” includes sorcery, enchantment, bewitching, the use of instruments of witchcraft, the purported exercise of any occult power or the purported possession of any occult knowledge.

Justification

1. To expand the definition of the phrase “human sacrifice” by including the drawing of blood from a person and the removal of human tissues;
2. In definition of the phrase “human sacrifice to remove an ambiguous phrase “harmful human practices” which was incapable of exact definition and replace it with “unlawful purpose.”
3. For clarity, to define the words “mutilation” “life imprisonment” and witchcraft.

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

*(Question put and agreed to.)*

*Clause 1, as amended, agreed to.*

*The title, agreed to.*

MOTION FOR THE HOUSE TO RESUME

1.46

**MR BENARD ATIKU (Independent, Ayivu County, Arua):** Thank you, Madam Chairperson. I beg to move that the House do resume and the Committee of the whole House reports thereto.

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

*(Question put and agreed to.)*

*(The House resumed, and the Speaker Presiding\_)*

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

1.47

**MR BENARD ATIKU (Independent, Ayivu County, Arua):** Madam Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, “The Prevention and Prohibition of Human Sacrifice Bill, 2020” and has passed it with various amendments; and deleted clause 8 and inserted a number of new clauses. I beg to move.

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

1.47

**MR BENARD ATIKU (Independent, Ayivu County, Arua):** Madam Speaker, I beg to move that the report of the Committee of the whole House be adopted.

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

*(Question put and agreed to*.)

*Report adopted.*

BILLS

THIRD READING

THE PREVENTION AND PROHIBITION OF HUMAN SACRIFICE BILL, 2020

1.48

**MR BENARD ATIKU (Independent, Ayivu County, Arua):** Madam Speaker, I beg to move that the Bill entitled, “The Prevention and Prohibition of Human Sacrifice Bill, 2020” be read the third time and do pass.

**THE SPEAKER:** Honourable members, the question is that the Bill entitled, “The Prevention and Prohibition of Human Sacrifice Bill, 2020” be read for the third time and do pass.

*(Question put and agreed to.)*

A BILL FOR AN ACT ENTITLED, “THE PREVENTION AND PROHIBITION OF HUMAN SACRIFICE ACT, 2021”

**THE SPEAKER:** Title settled and Bill passes *[Applause]*

1.49

**MR BENARD ATIKU (Independent, Ayivu County, Arua):** Thank you, Madam Speaker. Allow me to use this opportunity to thank you for enabling us to fast track the passing of this Bill. Allow me to also use this opportunity to thank honourable colleagues, for standing with me in processing this Bill; undertaking the various consultations and compiling the report, and eventually presenting this Bill for first reading, and today seeing it being passed.

Madam Speaker, you will allow me to appreciate the following people:

First and foremost, allow me to thank the Minister of Justice and Constitutional Affairs, for delegating an officer from the First Parliamentary Counsel with whom I have been working with on this Bill. If you remember very well, when I moved a motion seeking leave, the Prime Minister did promise to support this Bill. Indeed, he did that by instructing the Minister for Justice and Constitutional Affairs to delegate a competent person in the names of Paul Okiringi.

Furthermore, the Judiciary also supported me in this process. We had interaction with Justice Yassin Nyanzi, who shared with us his personal experience of facing difficulties in prosecuting cases involving human sacrifice, and it is part of his experience plus other judges that informed this Bill, which will now become an Act.

I would like to also thank the Uganda Law Reform Commission and the Society, who shared with us their expertise and experiences. Madam Speaker, we work together with Uganda Parliamentary Forum for Children, whose motto is “Children First”. Majority of the victims of human sacrifice have been children. Today, this Parliament has done the noble duty of passing a law that will protect the future of the human beings in this country. We have worked together with the civil society organisations like World Vision International, and Children on the Edge and Kyampisi Childcare Ministries*.*

Children on the Edge is an international organisation based in the UK. It has followed the press reports of cases of human sacrifices. Today, as we were passing this Bill, we have a representative in the name of Ann Ekwa who is right there, on the technical bench. She has come to witness the final passing of this Bill.

We would like to thank everybody who has helped in processing this Bill, and the Committee on Legal and Parliamentary Affairs for tirelessly working to ensure that today, this Bill is passed.

This is my gift and also the gift to the children of Uganda and everybody who has suffered the pain of human sacrifice, in this country. I thank you, Madam Speaker. For God and My Country. *(Applause)*

**THE SPEAKER:** Thank you, Hon. Atiku. Does the Chairperson of the Committee on Legal and Parliamentary Affairs, wish to say something?

1.52

**MR PAUL AKAMBA (Independent, Busiki County, Namutumba):** Thank you, Madam Speaker. I would like to thank the mover of the Bill, now enacted into law, Hon. Bernard Atiku; for the effort he put in, from the time this Bill was referred to our committee. He has been co-operative and he provided all the information the committee would require of him.

I would like to take this opportunity to thank all the members of the Committee on Legal and Parliamentary Affairs, who dedicated all their time and effort, to ensure that this Bill is processed.

Madam Speaker, allow me to thank the whole House for the time, it devoted to this Bill and the huge debate it accorded to our report, and eventually, enacting the Bill into law. This is a gift that Uganda has got, because child sacrifice is on the rise and indeed, it needed a law of this nature.

Aware of the fact that the Constitution is quite alive to the fact that, life should not be taken away just at the whims of those who want to benefit and satisfy their own interests at the expense of the victims, and dependents of those who lose their lives as a result of sacrifice. I thank everyone.

**THE SPEAKER:** Thank you very much, Chairperson of Legal and Parliamentary Affairs. I think I would like to add thanks of this House to your committee. Between you and the Committee on Finance, Planning and Economic Development, I think your committee has borne the biggest burden of Bills before this House. Therefore, we would like to thank you for the work you have done.

More importantly, on a number of occasions, when children’s delegations come to visit me at Parliament, many times, they have asked me, where is justice for Kasirye, that young boy who was sacrificed in the Kato Kajubi case? I think today, we can answer that question and say that Parliament has now provided an opportunity and avenue for justice for Kasirye, and other victims like him.

Thank you very much, honourable members, for the work you have done. I would like to suspend the House for one hour so that we can resume at 3.00p.m. House is suspended to 3.00p.m.

*(The House was suspended at 1.55 p.m.)*

*(On resumption at 3.08\_)*

MOTION FOR THE ADOPTION OF THE REPORT OF THE COMMITTEE ON RULES, PRIVILEGES AND DISCIPLINE ON THE PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE OF PARLIAMENT

**THE SPEAKER:** As I invite the chairperson of the rules committee, in the Distinguished Strangers’ Gallery, we have a team of security officers from the Sergeant-at-Arms office in the Parliament of Kenya.

Mr Douglas Mburi, team leader; Daniel Kipangitich; Mr Joseph Mugeni; Mr Henry Lesaina; Mr Liki Akanga; Mr Fredrick Okuta; Ms Mildred Walumbe and Ms Judith Igo, you are all welcome. (*Applause*)They are visiting Parliament on a two-week attachment programme with our Sergeant-at-Arms Department.

Can I invite the chairperson of the rules committee? *(Interjection)* If he is not here, let me invite the chairperson of the Committee on Physical Infrastructure to report quickly and the chairperson of the Committee on Presidential Affairs.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE ON PHYSICAL INFRASTRUCTURE ON THE STATUS OF LAND AT THE FORMER NAKAWA-NAGURU HOUSING ESTATE

3.10

**MR ROBERT KAFEERO (NRM, Nakifuma County, Mukono):** Thank you, Madam Speaker. This is a report of the Committee on Physical Infrastructure on the status of land at the former Nakawa-Naguru Housing Estate. It is uploaded on the members’ IPads and they can follow.

The background of this issue is that on the 15 October 2007, the Government of Uganda through the Ministry of Local Government signed the public/private partnership contract with Opec Prime Properties Limited and Opec Uganda Limited hereafter, called the developer of Nakawa-Naguru Housing Estate.

Two ultramodern satellite towns through the construction of modern residential, commercial and institutional properties and premises.

This included the construction of 1,747 modern subsidised dedicated residential units for the purchase and resettlement of the registered tenants of the Nakawa-Naguru estate.

The principle of this project was that Government contributed 53.226 hectares of land at Nakawa-Naguru while the developer was responsible for financing, technical and operational obligations and the risks in the design, financing, building and operation of the project.

The full cost of the project was to be met by the developer. The developer was expected to have completed the dedicated residential units for the sitting tenants not later than four years from the date of signature of the agreement, and the entire project within 10 years from the date of signature of the agreement.

However, the project could not take off immediately due to challenges of securing vacant possession of land, court injunctions by former sitting tenants and investigations by Inspectorate of Government that halted the project for some time.

Consequently, the parties signed addendum 1 of the public/private partnership agreement on the 10 December, 2012 to cater for the lost time and to introduce other amendments to move the project forward.

The project site was officially handed over to the developer at a ground-breaking ceremony that took place on the 14 October 2013, presided over by none other than His Excellency, the President.

The project still did not take off and on 28 October 2015, the parties signed addendum 2 in which the developer agreed to surrender 24.426 hectares of land at Nakawa back to Government, leaving the developer with 28.8 hectares of land at Naguru. The surrendered portion was reallocated to the Aga Khan for construction of a modern university teaching hospital.

Under addendum No.2, the developer was supposed to continue with the project at the Naguru site within the timeline stipulated under the public/private partnership agreement addendum No.1. But still no progress was made, which prompted Government to terminate the agreement on the 9 August 2018, on grounds of failure by the developer to fulfil its contractual obligations.

Honourable members, it is against this background that the committee conducted a fact-finding inquiry to ascertain the current status of the Nakawa-Naguru land following termination of the public/private partnership agreement.

When you read through, you will see the terms of reference and the methodology that was used to generate this report. On page No.6, we have our findings, observations and the recommendations.

On current ownership status of Nakawa-Naguru, on termination of the public/private partnership agreement, the developer in August 2018, Government through Uganda Land Commission exercised its right to re-enter and the leasehold titles which had been issued to the developer were cancelled.

The committee reviewed copies of these and confirmed that indeed that they were cancelled. The committee, however, noted the Uganda Land Commission is in the process of allocating the land to private persons as will be noted later in this report.

On page 7, the question is on whether the interests of the former sitting tenants of the Nakawa/Naguru Housing Estate and other affected third parties have been protected.

Government decisions, in respect to third party interests on the land

The committee learnt that following termination of the PPP Agreement, Cabinet, under Minute 131(CT 2019), took the following decisions, to protect the interests of third parties who were affected by the termination.

Former sitting tenants of the Nakawa/Naguru Housing Estate

As mentioned earlier, under the terms of the PPP, the developer was required to use the land comprised in the Nakawa/Naguru Housing Estate to, among others, construct 1,747 modern subsidised residential units, for the purchase by and resettlement of the registered tenants of that area; who would have entered a memorandum of understanding with the Government and whose names were appended to the PPP Agreement.

On 28June 2007, Government signed a Memorandum of Understanding with those tenants, in which the tenants agreed to vacate the place for the redevelopment.

Following termination of the PPP Agreement, Cabinet decided that the former sitting tenants each be paid ex-gratia, amounting to Shs 17.7 million for the promise which Government had made to them under the MoU.

Madam Speaker, allow me to move straight to our committee recommendations, in light of that on page 9.

The committee recommends as follows:

1. Government should consider increasing the amount to be paid to each of the former sitting tenants of the Nakawa/Naguru land, having regard to the value of the modern subsidised residential units, which were to be constructed for the tenants and the anguish suffered by the tenants over the years, because of the failure by Government to replace their homes, which were demolished to pave way for the project.
2. Payments to the former sitting tenants of the Nakawa/Naguru land should be halted, pending verification of the list of the registered former sitting tenants by the Auditor-General, to ensure that only the tenants who are eligible are paid.

Pre-existing titleholders and institutions on the land

The committee noted that prior to the execution of the PPP agreement between Government of Uganda and the developer, there were existing title holders and public institutions on the project land.

The interests of the existing title holders and institutions were recognised under clause 3 of the PPP Agreement and the developer had agreed to accommodate them, in its overall plan for the satellite town.

During our visit to the land, Madam Speaker, we realised that there are KCCA Nakawa Division Offices. There is also Naguru Infant Primary School and St Peter’s Church of Uganda.

The committee further established that Ntinda Wholesaler and Distributors, which had acquired land in Nakawa, prior to the PPP Agreement, was subsequently requested to swap it for land in Naguru to make way for the Aga Khan Medical Teaching Hospital, which was allocated the Nakawa land.

Madam Speaker, Cabinet directed the Ministry of Lands, Housing and Urban Development to process and issue titles to the pre-existing institutions as follows:

1. KCCA Nakawa Division Offices (3.01 acres),
2. Naguru Infant Primary School (1.06 acres),
3. St. Peter’s Church of Uganda (0.98acres),
4. Ntinda Wholesaler and Distributors (2 acres) and
5. National Library of Uganda (2 Acres).

However, by the time of reporting, the institutions had not yet been issued with land titles.

Therefore, the committee recommends that the Ministry of Lands, Housing and Urban Development expedites the issuance of titles to the public institutions, to safeguard the interests of the institutions, more so that Government has decided to allocate the land to private persons.

Madam Speaker, on third party claimants with developments on the Naguru land; the PPP Agreement under clauses 6.1 and 11.0, recognised that the developer was at liberty to mobilise resources from third parties, for the purpose of delivering the project.

Accordingly, Cabinet directed that third parties, who had been engaged by OpecPrime and had made some developments on the land, be leased those portions they had developed, provided they meet the terms and conditions of the lease.

Consequently, Cabinet constituted an Inter-Ministerial Sub-Committee, chaired by the Minister for Kampala Capital City Authority and Metropolitan Affairs, with the mandate to directly engage third parties that had developments on the land, which arose out of their relationship with OpecPrime Properties Ltd.

The Inter-Ministerial Sub-Committee, established by Cabinet, constituted a technical committee to *inter alia* conduct a survey to map out the 12.17 acres to third parties with developed portions of land, to ascertain the claims of the third parties with undeveloped portions of land and advise on the status of their legal interests.

It is worth noting that the Solicitor-General had hitherto given a legal opinion to the Permanent Secretary of Ministry of Lands, Housing and Urban Development, on request by the ministry - that was on 8 June, 2020 - in which he advised that for third parties who had made developments on the land, only the developed portions of the land, measuring 12.17 acres – with emphasis - should be leased out to the said developers, in accordance with the Cabinet decision, following discussions with the Inter-Ministerial Committee on the terms and conditions that will be set and agreed to by the committee.

However, Madam Speaker, for other persons and companies that entered into agreements with OpecPrime Properties Ltd, the Solicitor-General opinioned that they had no claim whatsoever against Government, based on the principle of privity of contract.

The opinion of the Solicitor-General was subsequently clarified by the Attorney-General in a letter to the chairperson of the Uganda Land Commission on 8 July, 2020, which was in response to the letter by the Uganda Land Commission, dated 23 June 2020.

In the letter, the Attorney-General clarified that individuals and companies that bought land from OpecPrime got no interest in the land, following termination of the PPP Agreement by Government, which formed the basis for the grant of the land to OpecPrime and once terminated, the land reverted back to Government.

Regarding the companies and individuals who had developed some parcels of land pursuant to joint venture agreements with OpecPrime Properties Ltd, namely Roko Construction Ltd and Multi-Consult Designs Ltd, the Attorney-General advised ULC to implement the Cabinet decision in respect to this category of third parties working together with the Inter-Ministerial Sub- Committee of Cabinet constituted for that purpose.

The report of the technical committee took cognisance of the Attorney-General's legal opinion on the Naguru land and the directives of Cabinet regarding third parties who have developed portions of the land. The report indicates that there are six known and two unknown claimants with developments on the land measuring 15.228 acres. Members, you will note that the first was 12 acres and now it has increased to 15.22 acres. The known claimants are Roko Construction Ltd (9.344 acres), Multi Consult Design Ltd (3 acres) and Lukyamuzi, Hakim Mulindwa, Acacia Properties Limited and Prof. Gakwandi Shatto, whose developments cover 2.884 acres in total.

During our visit, we found out that there are 19 physical structures on the land as follows: two developments at foundation level and one shell house – meaning an unroofed structure and is incomplete - belonging to Lukyamuzi; two complete houses and 10 shell houses of the would-be town houses allegedly constructed by Multi-Consult on behalf of ROKO; one complete house belonging to Kato Magara; one complete house belonging to Prof. Gakwandi Shatto; one house still under construction belonging to Hakim Mulindwa and a slab which was constructed by ROKO to accommodate the first 200 units for the former sitting tenants of the Nakawa/Naguru 1and. However, due to limited time, the committee was unable to interface with the third parties.

The committee noted that whereas the report of the technical committee indicates that ROKO had developments on the land measuring 9.344 acres, during the locus visit, it was established that the only development of ROKO on the land is a slab, which was supposed to carry the 200 units for former sitting tenants, covering an area of l.7 acres.

Therefore, the technical committee's recommendation that ROKO should be allocated 9.344 acres, when in fact the company has developed only 1.72 acres, has no merit, considering that the Attorney-General had hitherto opined that third parties with developments on the land should be leased only the portions on which they have developments.

The committee was informed that ROKO is still interested in continuing with the construction of the 200 residential units on the existing slab and, therefore, the allocation of an additional 7.75 acres was intended to enable ROKO provide space for the amenities such as parking space and that would support the units to be constructed, in accordance with the plans approved by KCCA.

The committee however notes that in November, 20l4 when ROKO was engaged by OpecPrime up to August 2018, when the PPP agreement was terminated, the company had failed to construct the 200 units that were contracted to it. It is therefore risky for Government to allocate ROKO an additional 7.75 acres, when it failed to develop the initial l.72 acres for a period of almost four years.

During our visit, the committee established that the physical structures, which were erected on the land, do not meet the standard of an ultramodern satellite city envisaged in the PPP Agreement. As a matter of fact, the houses of the former sitting tenants which the Government demolished on the basis that they were dilapidated, were high rise apartments and of a much better standard than the structures currently existing on the land.

The committee therefore recommends that if Government is to proceed with its plan of redeveloping the land into an ultramodern satellite city then it should consider an ex-gratia settlement for the third parties with developments on the land, as opposed to granting them leases, since their developments were incompatible with the envisaged ultramodern satellite city.

Third party claimants with undeveloped plots of land

The technical committee of the Cabinet sub-committee considered their claims with undeveloped portions of land and the status of their legal interests. In this regard, the technical committee constituted a legal sub-committee comprised of a State Attorney, a Senior Inspector from the Ministry of Lands, Principal Legal Officer of the Ministry for Kampala Capital City Authority and Metropolitan Affairs.

The legal sub-committee established that there were a total of 12 third party claimants who had agreements with OpecPrime Properties (U) Ltd and these were: Kampala Associated Advocates (1 acre), Professor Henry Kerali, Dr Lucy Kerali and Dr Grace Kerali care of their attorney, Oketcha, Baryanyanga & Co. Advocates (1.085 acres), Prof. Arthur Shatto Gakwandi (0.98acres), AFG International Ltd (2.74 acres), Delta Wealth Focus Investments Ltd (O.9 acres), Elsa Bockre (1.09 acres), Lukyamuzi Investments Ltd (8 acres), Bwita Ltd (1.57 acres), Acacia Properties (9.5 acres), Setsi Supplies Ltd (1.9 acres), Kato Magara (0.l6 acres) and Hakim Mulindwa (0.5 acres).

Presidential Directives

The committee was informed that the President directed that part of the land be allocated to the International Medicine of Virginia (l5 acres), Uganda Heart Institute (10 acres) and Mediheal Group of Hospitals (7acres). The committee was availed with copies of the said presidential directives.

However, whereas the report of the technical committee of the inter-ministerial sub-committee indicates that the presidential directives were implemented, a letter dated 22 March 202l from the Uganda Land Commission to the Minister of Lands, Housing and Urban Development indicates that Mediheal Group of Hospitals was not allocated land in Naguru Estate by ULC because the President's directive was received after the allocations had been completed.

In the letter, ULC instead offered Mediheal Group of Hospitals 7 acres of Land at Butabika Hospital. Indeed, a document availed to the committee titled, ”Naguru project land survey” indicates that the Hospital was not allocated land.

TOR 3: Allegations of Allocation of the Nakawa/Naguru Land to private individuals under unclear circumstances.

Residue of the land after deduction of third-party claims according to the report of the technical committee, the total acreage of the Naguru Project land is 82.54 acres (33.4 hectares), while the residue is 42.542 acres (17 .22 hectares) after deducting the land for public institutions, the third parties and the Presidential Directives.

It is worthy to note that the some of the Cabinet proposals for land allocation were not implemented by the Uganda Land Commission. For instance, the allocation of 7 acres of land to Mediheal Hospital by Cabinet pursuant to a Presidential Directive was not implemented, while ULC allocated ROKO and Multi-Consult Design Ltd 2 acres of land each as opposed to the 9.344 acres and 3 acres respectively, proposed by Cabinet.

In addition, the proposed allocation of 2.885 acres to other third parties with developments on the land was not factored in the ULC allocations. Therefore, according to ULC the available land after deducting land under the Presidential Directives, pre-existing title holders and institutions is 50 acres.

There is a table showing the allocation of land by now the Uganda Land Commission. The other one was by cabinet. The table has:

1. National library - 2 acres
2. Anil Damani – 3 acres
3. Arab Oil Supplies and Exploration Limited
4. Dashen (U) Limited
5. Dembe Enterprises Limited – four acres
6. Dominion Partners Limited; the list is long but the total is 50 acres.

The rationale for allocating the land is there, explained, and the criteria by the ULC on page 18.

On page 19, the committee recommendations:

The Committee recommends that ULC should subject the applications of the allocatees to a rigorous due diligence exercise to ensure that they are technically and financially capable of developing the land. The due diligence exercise should be conducted within a period of one month from the date of the adoption of this report to avoid any further delays.

The committee noted the apparent lack of coordination between the ministry and the ULC in allocating the land which, if not addressed, will breed unnecessary land conflicts.

Whereas the ministry is implementing the directives of Cabinet on the Naguru land, ULC is allocating the same land without giving due consideration to the proposals by Cabinet. This has led to the creation of overlapping interests on the land which is a recipe for land disputes.

The committee observes that this modus operandi is not healthy for the development of the Lands, Housing and Urban Development sector, considering that the mandates of the two institutions are so interlinked that one cannot do without the other. For example, the ULC needs the ministry to generate survey maps for the land it allocated and to issue the allocatees land titles. At the same time, the ministry is vested with the mandate to provide policy guidance and supervisory oversight of the ULC, which it cannot do effectively in the prevailing circumstances.

The committee recommends that the Rt Hon. Prime Minister should intervene and resolve the disagreements between the ministry and ULC to facilitate the smooth implementation of planned projects at Nakawa/Naguru.

In regard to the attempts to usurp the mandate of the ULC

Under Article 238 of the Constitution of the Republic of Uganda and Section 46 of the Land Act 1998, the Uganda Land Commission is vested with the mandate to se11, lease, or otherwise deal with the land held by it.

However, the committee noted that there were attempts by Cabinet and Ministry of Lands to usurp the mandate of the commission by issuing directives to the commission to implement as opposed to making proposals for the commission to consider. In attempting to re-assert its mandate, the commission found itself on a collision course with Cabinet.

The Minister of Lands, Housing and Urban Development wrote several letters to the Chairperson of the Uganda Land Commission directing her to implement Cabinet directives. (Copies are attached hereto.)

In addition, the Attorney General's opinion to the Uganda Land Commission dated 8 July 2020, was crafted in way that undermined the mandate of the commission. If I may read it verbatim, it goes:

*“All subsequent allocations made by Uganda Land Commission without Cabinet approval should be rescinded as it is in breach of Cabinet Minute Number 131(CT 2019) (5) that authorized the Cabinet Sub-Committee to make proposal for Cabinet's approval of the investments to be undertaken on the recovered land.”*

The committee notes that the role of MLHUD is to provide policy guidance to ULC but not to allocate land. Therefore, the Uganda Land Commission should be allowed to execute its mandate without undue interference.

The committee further recommends that the Ministry of Lands should expedite the tabling of the Uganda Land Commission Bill to streamline the functions of the commission and accord it the much desired operational and financial independency to enable the commission exercise its functions independently, efficiently and effectively.

Recommendations

Madam Speaker, in view of the foregoing, the committee recommends thus:

a) The Chief Government Valuer should establish the actual value of the existing developments on the land, for future reference, should Government consider the option of paying the third party claimants instead of allocating them land.

b) Uganda Land Commission should take the requisite legal steps to restrain the third party claimants under the PPP agreement with OpecPrime, from proceeding with any further developments on the land, to protect Government from paying colossal sums of money to the third parties for the developments made in the future, considering that the value of property increases with each passing year.

c) The Kampala Capital City Authority should expedite the process of updating the masterplan for the Naguru-Nakawa area to take care of the changes in the land uses and which should be aligned with the overall physical development plan for the city.

In conclusion, Madam Speaker, the committee reiterates its support to the redevelopment of the Naguru-Nakawa land into an Ultra-Modern Satellite City as it will enhance the beauty of the area and boost Government revenues in the form of taxes and non-tax revenue from premiums and ground rent, among others.

However, the committee stresses the need for the allocatees of the land to be subjected to a rigorous due diligence process to test their technical and financial capabilities to develop the land, so as to avoid the reoccurrence of the scenario of the previous developer, who failed to develop the land. In so doing, Government should consider the compatibility of the land uses proposed by the developers with the envisioned satellite city and the overall physical development Plan for Kampala.

Madam Speaker, I beg to lay the report and the minutes of the meetings that considered this report.

**THE SPEAKER:** Thank you very much, honourable Chair and the Committee on Physical Infrastructure.

3.51

**MR JOSEPH SSEWUNGU (DP, Kalungu County West, Kalungu):** Thank you, Madam Speaker. I want to thank the chair for the report presented. Mr Chairman, to be frank with you, a lot is missing in your report and I am going to base on what you have submitted.

This is one of the areas or land that was given by Government, in 2006 when Shimoni Demonstration School was given out but nothing happened until someone took the land, including the one for Mbuya Army School and that of Naguru.

Honourable members, Naguru land had very good structures and it had only not been given a facelift at the time. They were accommodating head teachers, Kampala City Council staff, including nurses on top of them being paid very well.

What we are seeing here – let me first go to page 14 - we are seeing a number of people, including Kampala Associated Advocates, among others but your report is not telling us how they got ownership and whether they possess land titles and how they got them.

When this land was being taken away and Government staff were being sent away, they promised they would construct a city and that was in 2007 but now, it has become a land bonanza. If you talked very well with the local councils, they would have told you that even some ministers in KCCA own some parts of this land and the committee has that information but that is not revealed here.

Madam Speaker, the Attorney-General is the legal advisor of Government. The Attorney-General’s opinion to the Uganda Land Commission, dated 8 July 2020, was crafted in way that undermined the mandate of the commission. The Attorney-General’s opinion - and I do not want to read it - if the Attorney-General gives an opinion to a body in charge of our land; Uganda Land Commission, which is against the interest of Government, then he has also a conflict of interest and he should be investigated.

I would like to ask the committee - let us give a decree on this land - it should not be tampered with until we find out the facts relating to it. Even those people who seem to own the 50 acres, how did they get them? Under which procedure? We need to know that. These are thieves who should be hanged; they should be taken to prison. They are enjoying land and Naguru is a prime area but people have taken interest because nobody is – recently, when we were investigating the Auditor-General’s report the army came to the Committee on Public Accounts. While there I asked the PS and soldiers to tell us who owns the land onto which Mbuya Army School is. What they told us is very interesting and I am going to get for you all the copies.

We need tofind out who these people, who have so far shared 50 acres at the peril of Ugandans, are. Since the project never too off, then land should revert to Uganda Land Commission. That will help us to sit and make new decisions on them rather than people sitting at the city hall – KCCA ministers have already got some acres there. I will bring that here if there is need for it to be brought and I will give my evidence; and the committee is aware of that. They got that information but I do not know why they have not indicated it here. They are only stating that the Ministry of Lands, Housing and Urban Development is having a conflict with the Uganda Land Commission.

Madam Speaker, what is happening with the Uganda Land Commission is that it is trying to save the land from Ministry of Lands, Housing and Urban Development people who are also fighting to take the same land the way they want basing on the Presidential Directive.

I am warning you. You heard what Mr Museveni said on Labour Day about Umeme. He accused us and attacking Parliament. He attacked ministers and for him, he is a holy person living on earth with no sin. We say all these things in Parliament here.

As I conclude, Mr Chairman, kindly unearth more information out of your report. You know what you got from the committee, tell us facts and we put people to pen, rather than leave them to steal Government land. Honourable members, support me in stopping this land from anybody sharing a single acre until we carry out further investigation and the land reverts to Uganda Land Commission for better performance.

Otherwise, the thieves in this country are busy planning to steal that land. Thank you, Madam Speaker.

3.56

**MR PAUL MWIRU (FDC, Jinja Municipality East, Jinja):** Thank you very much, Madam Speaker. I want to thank the Chairman and the committee at large for the report. Madam Speaker, I am looking at a big problem about land management in the country. Yet, what the chairperson is bringing out is just a symptom; it is part of the bigger problem.

The mandate of the Uganda Land Commission is to hold land in trust of the Ugandans. The exercise of that mandate, which is conferred by law. In exercise of that mandate, first, we expect them to act independently.

 We have a problem in this country as to who is an investor. I went to Uganda Investment Authority when I was applying for an investment licence but a girl asked me “where is the investor?” I said “I am the investor”. They thought I had come with either an Indian or a white because investment now is attributed to colour.

Most of these companies these individuals donated this land to are paupers; they do not have money to do any development. This is why if one asked these companies to whom land had been allocated: “who did the due diligence to know their worth?” It is a shame to the Prime Minister and the ministers seated in front there. Otherwise, what you are doing is unacceptable.

I do not object to giving land to anybody who has potential to develop it. In fact, my view is that the Government should act transparently. It should advertise any public land, which is available for development. This is what serious governments do. As a result, people would express interest and you choose those who have capacity.

Madam Speaker, there are leases, which are issued in respect of these alleged developers. Suffice to mention is that there are always developmental leases, where they give the first five years. The ministers from the Ministry of Lands, Housing and Urban Development here. Even before the expiry of five years nothing has been done. The so-called investors are extending their leases from 49 to 99 years.

I dare challenge any of you to stand up and say this is not the case. Some even converted leases to freehold. In fact, they are denying the Government revenue. If an alleged investor has a freehold, he is holding perpetuity; he has no business coming back to you.

Finally, when you look at these awards, which have been done - is the ministry controlling authority, when working together with Kampala Capital City Authority. Why should land allocated for another purpose, be developed for something different, which is not the original plan? The question to the minister in charge of planning is: when this place was allocated for that purpose, do you gazette it as such? These people who are claiming to be owners, did they go and do change of land use?

The other issue is: when the lease is given out as a developmental lease, it is not transferable. Madam Speaker, this foolery, that the lease was given to OPEC, which started subleasing to other people, without reverting to the one who is giving the lease, is illegal and unacceptable. I want to challenge the ministers here. I know you can do better.

Madam Speaker, I want to end by saying that we should stick to the original offers. Issue directives to those who had been given leases to develop within a particular period within the developmental lease. If it is not done, let us cancel all of them; re-advertise and get actual investment in the real sense. Short of that, we are going to have schemers.

You have heard that the Minister of Lands, Housing and Urban Development is fighting with the Chairperson, Uganda Land Commission. The scrabble is about land; it has nothing to do with land management in this country. You cannot tell me that Uganda Land Commission, which is under the ministry cannot be supervised by the Ministry of Lands, Housing and Urban Development. The political head of that ministry is the Minister of Lands, Housing and Urban Development. Whereas when Uganda Land Commission is shooting their mandate, they act within the law.

I want to end by saying that the ministers can do better. I see my friend here Hon. Musumba, a seasoned lawyer and a very senior person. I also see Dr Chris Baryomunsi and I know you can do better. Thank you.

4.02

**MR GAFFA MBWATEKAMWA (NRM, Kasambya County, Mubende):** Thank you, Madam Speaker. I wish to thank the chairperson of the committee for the report about the scramble and partition of Naguru. If I had powers, I would have sacked Hon. Kafeero because he has been mean with facts.

He has not pointed out that ministers are thieves, though not all ministers. This time the land in question, Naguru land - Hon. Betty Amongi, Hon. Betty Kamya and Hon. Benny Namugwanya - it looks like the name “Betty” is sarcastic in this matter.

I wish to inform Hon. Kafeero said that all this fracas was only brought by the three ministers, who have tried to allocate themselves land and they are sitting on an inter-ministerial committee, confusing our “Mzee”, who also sits on the committee. They are passing papers here and there. Madam Speaker, I have the facts that they have allocated themselves land. They are trying to take away the mandate of Uganda Land Commission.

It is the mandate of Uganda Land Commission according to Article 238 of the constitution. I am even wondering; I did not study law but for the Attorney-General to say that Uganda Land Commission should not proceed and give out land, if they have not got any authorisation from the Cabinet. Who is that attorney-general? Are these new attorneys-general from the field or are they the old ones? Is he the old one that we should trust? If he can misinterpret the law like that, how about the people who are not learned like Hon. Mbwatekamwa here?

I do not think that even ROKO Construction Limited that they are trying to give some acres should not even get anything *–(Member timed out\_)*

**THE SPEAKER:** In half a minute, close.

**MR MBWATEKAMWA:** I do not think even ROKO Construction Limited should even get 0.02 decimals. Otherwise, it has only a shrub and has failed to take off. Who does not know that ROKO has been liquidated? In fact, by terminating OPEC, it means ROKO has no ground to claim?

According to the reliable information, these ministers of our Government are trying to create slums instead of satellite cities. You cannot create a satellite city by giving 0.22 decimals. They have distributed all small lands yet they do not even have powers. Shame on the ministers of this country. They are doing a disservice to this country. Honourable members, let Uganda Land Commission stay with its constitutional mandate. Thank you.

4.06

**MR GEOFFREY MACHO (NRM, Busia Municipality, Busia):** Madam Speaker, history comes and goes. The chairman’s report is good but not very good. Mr Chairman, you have not got the gist of the problem of Nakawa-Naguru.

I expected the chairman, in his report, to talk about who has the political responsibility for the misallocation, mismanagement of Nakawa-Naguru Estate. Today, I expect and would like to know who the minister who was responsible for this mess is; an intentional mess that was done with conflict of interest.

How does Roko, Lukyamuzi Construction and Multi-Consult Designs Ltd construction companies that have no financial muscle, be given land in such a prime area? When other countries are looking for big pieces of land in cities to develop satellite cities, we are trying to look for small companies to develop our land. Is it because we are under developed?

Madam Speaker, I strongly believe that the ministers or minister, mainly Hon. Betty Amongi, who was the Minister of Lands, Housing and Urban Development at the time, must come and tell Uganda –*(Interjection)*– I will give you for just a minute-

Madam Speaker, I keep complaining that people who left UPC came to NRM and imported their bad character of corruption and lack of transparency, to our party. These ones are bringing shame to our regime of NRM.

How do they really organise a ceremony and take our President to go and do groundbreaking of a satellite city? UPC members who are here in this House today, must apologise to Ugandans.

Madam Speaker, at the same time, I would like the UPC members here to tell us whether they are a collusion party with NRM. You keep coming to the NRM with a purpose of spoiling our party, and you take positions that would have been filled by senior cadres.

Madam Speaker –*(Interjection)*– I will take information, but for just a minute – *(Laughter)*.

**MR WALUSWAKA:** Thank you, Hon. Macho, for giving way. Honourable members and, Madam Speaker, the information I would like to give to my brother from Busia, is that not all people from UPC have bad character, but they are individuals. We have good members like Hon. Jonathan Odur – *(Laughter).* However, there are some members who have bad character and therefore create a bad image.

When you go to the allocations, I am told the then Minister of Lands, Housing and Urban Development was saying, “For this land, award this one. For this one, give this person”. That is why, Hon. Macho, when you see members on the proposed list, you will find that there are companies which were giving something, like a “kickback”. Prime Minister, you will investigate this. When you ask the minister, she will tell you.

For example, Anil Damani is going to invest three million dollars but was given three acres. When you see a man from Teso, who has built Wash and Wills Country Home Limited in Mbale, was supposed to invest $30 million, but he was only given one acre because – I think – he did not give them a “kickback”.

So, there is a total mess in that ministry. Hon. Macho, I wanted to give that information. It is not all UPC members; UPC is good for us in NRM but for one individual. Thank you. *(Laughter)*

**MR MACHO:** Madam Speaker, the reason why I am mentioning UPC in general, it is because my good brother and *muko*, Hon. Odur, made us take back Shs 20 million, that was given to us to take to our people who were starving, because of the effects of the COVID-19 pandemic. That is why I am mentioning UPC in general. *(Laughter)*

On this note, Uganda Land Commission must be given its mandate. Rt Hon. Prime Minister, the ministers have engineered a fight between Uganda Land Commission and themselves, because they have conflict of interest. This must stop!

Therefore, Madam Speaker, I plead with the President of this country, and I kindly request him that in the coming Government which will begin in two months from now, let UPC be left at Uganda House, so that NRM can govern this country alone, without them.

I rest my case, Madam Speaker.

**THE SPEAKER:** Hon. Kibalya, Hon. Achia, Hon. Ameede, Hon. Ssenyonga –*[Member rose]* - I will come to you. We shall come to you. You will speak last, honourable minister.

4.12

**MR HENRY KIBALYA (NRM, Bugabula County South, Kamuli):** Thank you, Madam Speaker. We thank the chairperson for submitting the report, but he submitted it as an obligation. I am very sure the Eng. Kafeero I know, was in position to present a report that was better than what he submitted. *(Laughter)*

Madam Speaker, I need to be clear on this. We need the Government that we are serving to know that before it came, several other governments had existed. They knew that one time, they would go and another government would come.

Those governments that existed knew that there were assets that would remain for Government of Uganda. What is very interesting in this current Government is that, the *mafias* and those big shots in Government feel that whatever is in Uganda is theirs, and they must go with everything.

The time when those poor citizens of this country were evicted from Nakawa and Naguru, we were in Kampala. We saw the misery; we saw the cry. We saw how those people suffered – very innocent. Some people slept outside for weeks. Some people had nowhere to go. There were sons and daughters, whose parents had been born from that area. They did not know the villages where they could go back to. They did not know anything; that was their life, but they were evicted.

Very many years down the road, here we are. *Mafias* in this country go to Naguru and Nakawa to begin dividing those plots, and allocating themselves that land.

If there is anything that we would request this Government - under the leadership of the Head of State and Commander-in-Chief, Gen. Yoweri Kaguta Tibuhaburwa Museveni to do, let us see something done here, as far as Naguru and Nakawa are concerned.

Madam Speaker, I was here the other day. I had gone to the office of the Clerk. I wanted to present a petition to censure the former Minister of Lands, Housing and Urban Development, Hon. Betty Amongi. The Clerk then said that time was not on our side, and that there was something else that was contentious. I had wanted to present it because we had our issues.

We cannot have a person in Government who is in every scandal, as long as it is on land. Where I come from, we have an animal that stays underground. It moves from here to the other side. You use it here today; tomorrow, you will find it there. *(Laughter)*

It is as if this minister was told that, “When you are given the docket of being a Minister of Lands, all the land in Uganda is yours”.

We cannot have somebody in every scandal of land. She is about to even take the land of Parliament here. We cannot continue like that, Madam Speaker.

I am totally against anybody who is occupying the Nakawa-Naguru land. They told us that they were developing a satellite city for that area. They told us they were going to develop something that was very fantastic, to even bring tourists in this country called Uganda.

Here we are; the *mafias* have begun allocating themselves that land. We cannot “stomach” that. We cannot have attorneys-general who can only advise against the interests of Ugandans. The Prime Minister is here; the good Prime Minister that I know.

I request him to go and advise the President, that for once, let us see the President bring to book anybody who was responsible for that deal. Before we were born, we could hear people being taken to firing squad. Let us see some firing squad. Can we see that happening today?

These *mafias* will take everything so that our grandchildren will not find anything in this country. This Government must know that this country will remain and it does not matter whose leadership it will be under but we must see an end to impunity.

People will continue fighting. There is a General fighting because he wants to come and grab the stock farm in Jinja; we are waiting for him. If the Government cannot handle him, we shall handle him ourselves in Busoga. This cannot continue, Madam Speaker.

**THE SPEAKER:** Rt Hon. Prime Minister, when I listened to the list of allocatees, I asked myself what happened to the housing of the African people because those houses in Naguru were developed by the colonialists for the African workers.

However, when you look at this list now, you do not see the Ugandans anywhere here. Let me declare my interests: For those who did not know, I grew up in Naguru estate; so I know what I am talking about.

4.18

**MR REMIGIO ACHIA (NRM, Pian County, Nabilatuk):** Thank you, Madam Speaker. I had just joined this Parliament in 2006 and in 2007 - a few months to swearing in - we were told that CHOGM was around the corner and we needed to find land to build hotels, since there was no accommodation. They also said that we also needed better roads.

We were asked to immediately give away Shimoni Demonstration School here and that the hotel was going to be built so that by August/September, the people coming from all over the world would find the hotel there. We refused to give away UBC which they also wanted. Today, 14 years later, they are still building and I do not know if they are still constructing that hotel.

An Arab company called Opec came back when Gen. Kahinda Otafiire was the Minister of Lands then. They told us that they were going to build a modern city in Nakawa/Naguru. I was in this very Parliament when we used to go and eat *Malakwang* food in the evening near Shell in a small restaurant made out of timber.

People were evicted. Some of them went to the slums; others went to Kinawataka and others remained with iron sheets near that business school in Nakawa. There were also those that ended up in the valley of Ntinda.

The objective was to give this land to Opec to develop a modern city. If that was the objective and that company failed to develop a modern city, the land should have been reverted back to the Government. Why is it that they are developing new owners when they evicted families? Why should we consider this new list of people when we do not consider the people that were there before? There were families and some of those children were our friends. I have a friend called Ogwang, who is a police officer in my constituency. He grew up from there. He joined me to study in St Joseph Seminary, Nyenga in Jinja in the 90s. His family was evicted and they did not know where to go or where to get transport from.

Wasn’t there a caveat that said that if they did not develop a modern city, they had to return the land? Why was this land transferable to some people? Who says so? It is not fair. If not, let us go and collect the list of all those people there and bring them back to occupy that land. We should give it back to them because we have failed.

Why should we, along the way, after deceiving everybody, put new people to occupy the land? Who are these new people that the ministry is considering?

The objective was to develop a modern city. If it has failed, let the land come back and we give it back to the people that we told to go away so that we could do something for them. It is not fair to lie to people all the time.

Madam Speaker, this is the same problem with industrial parks. Go to Namanve; someone is given land and then he sells it again; the land becomes transferable. If you have failed to develop that land, why should it not fall back to Uganda Investment Authority? It is happening all over the country; industrial parks and CHOGM. Why should the Government lease to you land and you fail to develop it for the purpose you were given? It should revert back to the people of Uganda, who owned it before and not these other groups. We should disappoint these people on that list.

4.23

**MS AGNES AMEEDE (NRM, Woman Representative, Butebo):** Thank you, Madam Speaker, for the opportunity. I thank the committee for attempting to present a report on this matter, though not satisfactorily.

I stand here to mourn the actions of our Government for the mismanagement of land in this country, thereby, causing chaos, especially as far as urbanisation is concerned. When I was a young girl, I went to Mbale Town and appreciated senior quarters. I went to Tororo Girls and I also appreciated senior quarters. I came to Kampala and lived in Bugolobi flats and I appreciated the bungalows with very neat lawns and took evening walks there; today that is no more.

Who bewitched this Government? It should have built on what was left on ground; it should have provided a conducive environment for sustainable cities. It is a shame. The Cabinet members are exposed members but what has happened is unbelievable.

Last year, a relative of mine was in Dubai and he sent me a post that read: *“You and your Government should go and drown in Lake Victoria for messing up Uganda.”* Those are some of the sentiments we suffer; so I want to exonerate myself from this collective responsibility of mismanaging public assets.

Finally, I had an electoral petition; so I looked for the Court of Appeal and I could not see any symbol of the state. It was shameful and it is still shameful that very many Government departments and ministries are renting.

About a year ago, I was riding in someone’s car and we were passing the road to Kingdom Plaza. He told me that the building was not going to get any clients. After two years, it is government *mafias* who are going to start renting and it has come to pass. Government departments have started renting there.

How can the Government give out land and ask ministries and departments *–(Member timed out.)*

**THE SPEAKER:** Please conclude.

**MS AMEEDE:** Why would the Government give out land to other people and ask ministries and departments to find land? Why would they pay exorbitant rent instead of building their own offices? The state cannot rob itself. This must stop. I beg to submit.

4.26

**MR EMMANUEL KALULE-SENGO (NRM, Gomba East County, Gomba):** Madam Speaker, I thank you for the opportunity. I have a feeling that this land saga is nothing but corruption. People are just trying to grab land. As my colleagues have pointed out, you remember the case of Shimon land. We were promised a hotel but now you have shops there and nobody has taken the trouble to investigate how a place that was supposed to house a hotel is now housing shops; this is corruption in our courtyard, we are looking at it.

Therefore, I have a feeling that the case of Naguru land should be investigated thoroughly. If you can possibly get eminent people, they should form a committee and investigate. All these allocations for these companies should be cancelled.

The land should revert to Government and let the Government come clean this time because this is a shame. Having made people suffer so much, I remember people sleeping in rain because they had nowhere to go. They were promised a satellite city, which never took off now they are saying they are allocating land to other people; this is not fair. It is a shame, let the Government come clean, let us have a proper investigation and let the truth be known by Ugandans.

**THE SPEAKER:** Honourable members, they destroyed my primary school- if someone is to task me, I cannot show you where I studied because they finished it. *(Laughter)*

4.29

**MR JOHNSON SSENYONGA (NRM, Mukono County South, Mukono):** Thank you, Madam Speaker. You set up a committee to investigate the saga between the Uganda Land Commission and the ministry. When I went to the committee, I clearly told them that sometimes we wonder how things are done.

In our Committee of Public Service and that of Local Government- my chairperson is there; the ministry is coming to ask for billions so that they can purchase land as far as Kajjansi - Kireka when there is land here from which Government ministries should benefit.

As we talk now, the Association of Urban Councils of Uganda has been chased from Wandegeya, Gayaza now they are in Kyaliwajjala and yet they have money on their budget in billions. For ULGA we budgeted Shs 2.5 billion this financial year, UAAU, we budgeted two billion. If that money can be put somewhere, and use this very land which is taken by unknown people in disguise of a few investors who are not even clearly known, it would solve the situation.

When you look at the Ministry of Local Government; good enough I have seen the minister here, how much money are they paying for rent every year and yet Nakawa is very near and centrally located. If the first proposal of the wonderful city has failed, let them put Government offices there so that Ugandans can benefit; there is a lot going on elsewhere.

Madam Speaker, we are now talking about Nakawa/Naguru but even other public land elsewhere; that is why forests and swamps have been re-allocated to people who are in control.

I agree 100 per cent that the Prime Minister should look into the matter to save this country. Otherwise, Ugandans are losing trust in us; because as we talk, they are watching and listening but what explanation are you going to give that after 13 years, Naguru and Nakawa - not even a single small house is available – you are instead giving it away to investors, who are unknown to us. Thank you, Madam Speaker.

4.32

**THE LEADER OF THE OPPOSITION (Ms Betty Aol):** Madam Speaker, I remember very well in the Eighth Parliament when they talked of CHOGM, children of Shimon came and cried tears. I was the Secretary of Uganda Parliamentary Forum for Children- it was not just about giving away; it was robbing the children of Uganda at the expense of a foreign investor coming to put up a very big hotel for CHOGM, which never materialised.

Worse still, some of the children were candidates and primary seven exams were just around the corner- (*Interruption*)

**MR SSEWUNGU:** Madam Speaker, I would like to thank my boss for giving way. I am the one who led the children from Shimon to demonstrate in Kampala and fight for that land. One of the reasons they gave was that the children of Shimon were causing traffic jam in Kampala. Members, as you get out, go and see what is happening along Shimon Road now. That is the information I wanted to give you.

**MS BETTY AOL:** Thank you, honourable member. For Nakawa/Naguru, for us as the Opposition, I remember that time, Hon. Nandala Mafabi was the Leader of Opposition, he led us there and we found people crying.

The Government does not care about inconveniencing Ugandans because they are always in the third, fourth or fifth position. We should be a priority in our country. When we are in other countries, we can afford to be number two, three, four or five. We saw how people cried.

When it comes to land, it is not only Naguru, Nakawa or Shimon. Talk about Butabika land. I was a member of the Social Service Committee in the Eighth Parliament; we saw how they were grabbing public land belonging to the hospital- the national referral hospital for the mentally ill people. Go there now, I believe they are big people in Government without shame- you know shame can always help us to have breaks; when we are shameless, we can do things that are not acceptable.

We should love our country and know that even after us, we have children and grandchildren coming after us. We should know that this country is there for eternity and we need all these public resources for the country; not for personal greed. I call the people who grab land, for example, Shimon, Nakawa, Naguru, Butabika, greedy.

When it comes to issues of land, the country needs to put a special committee. If this country had a council of elders like other countries, they would save these public resources from greedy people.

If you know you have grabbed public resources, you are among the greedy people. We call you *mafias* and these *mafias* should know that the country is crying. We need these public resources back. Give back and prioritise Ugandans, especially regarding Nakawa-Naguru. Give it back to the owners who owned this land before. Thank you.

4.37

**MR GILBERT OLANYA (FDC, Kilak South County, Amuru):** Madam Speaker, I rise to move a motion under rule 58(c) of the Rules of Procedure of the Parliament of Uganda. Following the discussion of honourable members and the attitudes of honourable members in the august House, I move a motion that the report presented by Hon. Kafeero be rejected in its totality until we get a better report. Madam Speaker, I beg to move.

**THE SPEAKER:** Honourable members, we are at the tail end of the Third Meeting of the Fifth Session of the Tenth Parliament. If we are to reject it, we shall have to start again in the 11th Parliament.

4.38

**MR HENRY KIBALYA (NRM, Bugabula County South, Kamuli):** Thank you, Madam Speaker. I stand to second the motion basing on the following facts:

1) Information on the ground is that as the committee went to get information, the committee did not interact with the stakeholders. Taking a report where the committee did not interact with the stakeholders who are the affected people on the ground leaves a lot to be desired in this report.

2) As we told you, there is a lot of information that we know on the ground:

a) When members were debating here, pinpointing and talking about some names of some ministers and big people in the Government, it was not by mistake. It is only that the committee was shy to reveal some of the information that could be behind there.

Therefore, we are requesting that we give ourselves time - whether this debate is deferred to the 11th Parliament or a select committee is formed - to make sure we move to the last dot of what is happening in Naguru and Nakawa. Otherwise, if we continue having half-baked information, if we continue giving people *–(Interruption)*

**MR SSEWUNGU:** Madam Speaker, the information I want to give Hon. Kibalya is that even here, you are seeing a report where they are mentioning the Attorney-General and yet they never interfaced with him.

Secondly, I have a full file about Shimoni Demonstration School, Bat Valley and I am now looking for Mbuya Army School. However, what is coming out of here - Even when you look at the signatures of the members, yes, the number is there but there is a belief somewhere that even the members disagreed on this report.

Therefore, if we defer, it is better than getting half-baked information about this land. Let us save the land and we hit these people until we get the thieves to book. Thank you, Madam Speaker.

**MR KIBALYA:** Thank you, colleague, for the information. Madam Speaker, the Attorney-General is there, he can testify. He was not interviewed and he did not respond to the committee. Some of the ministers did not interface with the committee and most people did not interface with the committee but there is a lot because Ugandans are suffering. We are breeding *mafias*, we are creating room for impunity and everybody is taking whatever.

As I said, we are worried. Tomorrow, some people are coming for the land title of this building.

**THE SPEAKER:** Honourable members, I do not know whether you have carefully thought about the implications of rejection. When you reject, now what? What happens to Naguru after you have rejected?

**MR SSEWUNGU:** Madam Speaker, since we have had this land for the last 13 years undeveloped, and indeed, we are trying to find out a remedy for this land but the report has not been useful to us, we can expunge everything out of this debate and when we come back in the 11th Parliament, we shall bring back the matter. However, we still command - and this Parliament has powers - that this land goes back to Uganda Land Commission as we investigate everything involved in this land.

There must be a moratorium stopping anybody from accessing that land until we come back. Otherwise, I can see the ministers now coming in very fast.

**THE SPEAKER:** In your motion, where is the moratorium?

**MR SSEWUNGU:** The mover of the motion is here. I amend the motion in support of Hon. Olanya that we should put a moratorium against anybody taking possession and developing this land until we come back to the 11th Parliament, and make conclusive investigation on this land of Naguru. Madam Speaker, I beg to move.

**MR MWIRU:** Thank you, Madam Speaker. I have had the benefit of listening to my good friend, Hon. Ssewungu. However, I am uncomfortable where Parliament would issue interim orders without interfacing with the affected parties. I am only wondering whether it is not procedurally right that we limit ourselves to our mandate, and we do not extend to issuing interim orders in respect of the development of land because it would be like we are getting out of our mandate. I seek your indulgence.

**THE SPEAKER:** Hon. Musumba wanted to speak. Where is he?

4.44

**THE MINISTER OF STATE FOR LANDS, HOUSING AND URBAN DEVELOPMENT (URBAN DEVELOPMENT) (Mr Isaac Musumba):** Thank you very much, Madam Speaker. I have listened to the report of the committee. We are prepared to agree with the majority of the recommendations of the committee but also update this House that there have been a number of improvements since the matters that came before the committee.

For example, it has been agreed that third parties with incomplete structures should be evaluated, assessed for compatibility and allocated land elsewhere. They should leave that place. We looked at the recommendations in the report and there are those that we agree on, like on page 9 that Government should consider increasing the amount to be paid to each former sitting tenant.

It is regrettable that up to now, those that were assessed have not been paid. As a ministry, we are engaging the Ministry of Finance, Planning and Economic Development to ensure that these people are paid. It is unfortunate that they have not been paid up to now.

Former sitting tenants of Naguru-Nakawa need to be paid. It has also been agreed that the development must be consistent with the new plan. In my capacity as Minister for Urban Development, I have written instructions to Uganda Land Commission, Kampala City Council Authority and everybody, instructing that the place has been re-designated to be an ultra-urban satellite city and given directives on how it should be developed.

This was done on the 29th March this year in which I- Madam Speaker, I beg to lay this letter on the Table. The directive is that, *“Please be notified that under section 3 of the Physical Planning Act, 2010 as amended, the whole country is a planning area and the law applies to the entire country.*

*The law further provides that for development permission to be granted before development - There is in existence a new physical plan for Nakawa Naguru that has been made for the area.*

*This is consistent with the aspirations of an orderly modern and well-developed satellite city, which will set pace for modernising Kampala and signalling a direction Kampala should take in its further development.*

*It is also intended to avoid slums, please take further notice that the highlights of the physical plan are that, there should be no plots of land of a size less than two acres and the building should be not less than three floors for residential houses and six floors for commercial buildings.*

*The plan must have provisions for intra road network, infrastructure corridors for water, drainage, sewer lines, broadband internet and electricity as well as green public space.*

*Anything contrary to these specifics shall not be approved for physical development in that area. By copy of this letter, the Director Physical Planning will avail you a copy of the physical plan of the area to which all must abide.”*

This instruction has been given and I am glad to inform Parliament that it is being complied with. With your permission, Madam Speaker, I will lay this letter on the Table as part of the evidence that we will not replace Naguru city with a slum.

On the recommendation of the committee, on page 13 of the committee report -*(Interruption)*

**THE SPEAKER:** He is reading a letter please let him finish.

**MR MUSUMBA:** Thank you, Madam Speaker. The committee recommends that if Government is in for redeveloping the land into an ultra-modern satellite city then it should consider ex-gratia settlement for the third parties with development of the land as opposed to granting them leases. This is agreeable and we have already adopted it as a working solution for Naguru-Nakawa.

On page 19, the recommendation that Uganda Land Commission should subject the application of the allocatees to a rigorous due diligence exercise to ensure that they are technically and financially capable of developing the land, we have been informed by Uganda Land Commission that they did.

On page 20 that the committee recommends the honourable Prime Minister should intervene and resolve the disagreement between Ministry of Lands and Uganda Land Commission to facilitate the implementation of planned projects *–(Interruption)*

**MR OKUPA:** Thank you. The honourable minister is telling us that the land commission informed them that they did the evaluation and got all the information regarding the evaluation of that land.

I have a letter here: “Uganda Land Commission status report on Naguru-Nakawa land” and addressed to the parliamentary committee, dated 7 April 2021.

In this report to the committee by Hon. Byenkya, she listed the properties given, if that was done then this would not be the case.

There is a firm here called Fakhruddin Properties Limited, they were allocated three acres for the high-rise apartments complex amount to be invested is not indicated. So, if the land commission did that why did they present this to the committee without the figure?

Two, is the issue of Roko Construction Company, two acres. For what purpose not indicted, the value not indicated, this was from the chairperson of the land commission. If you are saying that the commission has done this evaluation and given the values, why did they submit this to the committee without those figures?

That is the more reason that this matter be stayed for further scrutiny. The honourable minister talked about the new physical plan for that place, I have not heard anywhere the committee say that they saw the new physical plan for that area.

Also, because we would ask, is it in conformity with the directive of the President because there are three letters that the President wrote.

His thinking that let Naguru-Nakawa be a medi-city that is why he wrote three letters, one for the land to be allocated to Uganda Heart Institute, the Uganda Cancer Institute and the other one is about doctors whom he met - I can read this letter which is dated 20 October, 2019, where he said: *“Some time back, I met our Ugandans of Arab origin who used to own Bismilahi Restaurant in Mbarara in the 1960s, their children are specialist medical doctors who run several medical facilities in America.*

*I convinced them to come to Uganda and establish a specialised hospital and a nursing home which they agreed to. They requested for part of the Nakawa-Naguru land to be set up for the facility.*

*Given the urgent need to stop medical tourism and enable access to affordable specialised treatment by Ugandans, I hereby direct that you allocate 15 acres of the said land to the internal medicine of Virginia PC.”*

Another one was also written to the minister by the President again was for the allocation of land to Mediheal Group of Hospitals, Nairobi.

So, you can see that the President is looking at having a medicity there to stop medical tourism.

Why wouldn’t that be a preserve to that establishment of hospitals there? I do not know the physical plan the President is talking about whether it incorporates these four facilities that the President has talked of.

We are not going to have a mixed use in Naguru if we are going to have three hospitals set up in that area. Thank you.

**MR MUSUMBA:** It is true that the President’s vision is to have a health hub but in the proximity of a hospital, you need a hotel because attendants and convulsing patients and other people, need a place to stay. You need shops because there are things to buy. So, we have accommodated all these in our new physical plan for the area; both the requirements for the hospital hub as well as the auxiliary services.

**THE SPEAKER:** Honourable minister, is that plan available? Can you lay it on the Table?

**MR MUSUMBA:** Yes.

**MR MBWATEKAMWA:** Thank you very much. Madam Speaker, I am seeking clarification from the minister. Honourable minister, as you try to lay on the Table the physical plan for the satellite city, who is going to take up the mandate of leasing out land? Is it the duty of you ministers - as you have been leasing to yourselves - or the mandate will go to Uganda Land Commission? That is what we want.

Madam Speaker, by suspending the report, we are giving these ministers the opportunity to go ahead and steal, if we do not give the mandate to Uganda Land Commission. Before the report, there were only three houses. As we speak, there are 19 because people have been constructing day and night.

Madam Speaker, there has been a small unit of soldiers there and there are allegations that those soldiers were put there by Hon. Betty Amongi to help when they are constructing at night. So, we have wizards at Naguru yet the minister is involved.

We might think that we are protecting the land but the vultures here are ready to take it, if we suspend the report. So, honourable minister, clarify who is going to have this mandate? You?

**THE SPEAKER:** Allow the minister to conclude. Please, let the minister conclude.

**MR MUSUMBA:** Thank you, Madam Speaker. We do have a newly developed physical plan for the area, which I will lay on the Table in due course.

On the issue of who allocates the land, the Constitution is very clear. The Constitution states that all land that belongs to the Government of Uganda to be held by Uganda Land Commission, in trust of the Government or the people of Uganda.

The reason we are having this discussion today is the relative uniqueness, in respect of Naguru because it originally was taken and given to a property developer – Opec – who failed to do so. There were court cases and so on. From that point, the Government has an interest in ensuring that the mistakes of the past are not repeated –*(Interjection)* - Madam Speaker, if I can be allowed to proceed –*(Interruption)*

**MR SSEWUNGU:** Madam Speaker, you see, we are helping the minister. When the honourable members raise issues about this land, there are questions that must be answered, before you carry out anything.

Let me say something about Shimoni land to help the minister move on. When Shimoni land was sold, I was a teacher there; we had a washing bay at that place facing Dewinton Road, where they have constructed some structure, next to National Theatre but somebody was very smart. As the land was being taken, that person curved out a small part of the washing bay. By the time the land was given to the Arabs who never took it, this man had already taken part of the land. He sold that piece of land – about four acres –*(Interjections)*– where you see that new storied building; that was part of Shimoni.

So, the one who took over the remaining land never knew that what was sold before was part of Shimoni. This lady – the owner of Nakumatt – constructed a storied building there. Go to National Theatre - as you face Dewinton Road - you will see that structure, which is not completed. We usually cut our hair from there with the honourable minister; you know that building. That was part of Shimoni land.

However, because of discrepancies and theft, this man was smart, he took over and sold that land at four million dollars and now, someone is constructing a building on it.

So, honourable minister, when members said that ministers are sharing land, you never carried out due diligence, yet you are a lawyer, Hon. Isaac Musumba. You must accept what we are saying, for the better performance of any project you want to carry out on this land.

It is in your interest that you allow what we are saying, to avoid mistakes that will cause problems later on and you do not answer. If the President wrote three letters for hospitals, how are you going to oppose him? Tell me! You are saying that you cannot have a hospital next to him. He has said, “*Kisanja hakuna mchezo*” but you are just playing around with these things. We are here to help you!

Madam Speaker, let us go by the motion. We shall have this matter saved and come back to it in the 11th Parliament and we see a better performance on this land.

**THE SPEAKER:** Okay. Let the minister conclude. Let me have Hon. Akamba before I invite the honourable minister for housing.

5.02

**MR PAUL AKAMBA (NRM, Busiki County, Namutumba):** Thank you, Madam Speaker. The minister has alluded to the earlier arrangement, where the land had been given to the developer, who failed to develop the land.

However, he is shy to tell this august House that during that process, the Government of Uganda signed a Memorandum of Understanding with the sitting tenants; that after the property had been developed, they would be given priority to occupy the land.

Right now, we do not see where those sitting tenants are being taken care of in this new arrangement. Can the honourable minister clarify to the august House, which plans he has for these Ugandans who were the sitting tenants at that time? I thank you.

**THE SPEAKER:** That is why I asked him whether he is going to lay the physical plan. Let us have Hon. Musumba and then Hon. Dr Baryomunsi.

5.03

**THE MINISTER OF LANDS, HOUSING AND URBAN DEVELOPMENT (HOUSING) (Dr Chris Baryomunsi):** Thank you very much, Madam Speaker. I rise to provide information to my colleague, Hon. Musumba.

To quickly recap this, Government had given to this land to OpecPrime, with an understanding that they would put up high-rise, residential accommodation. The sitting tenants then had a right of first priority to purchase the flats, once completed. However, OpecPrime did not meet its part of the bargain; they had no capacity.

This matter has been extensively discussed in Cabinet. What was agreed on, under the guidance of the Attorney-General, is that because of that commitment to give priority to the tenants who were there then, they had reversionary interest. Therefore, something, in form of ex-gratia, would be paid to them because the land does not belong to those tenants; it is Government land.

As the ministry responsible for housing, we computed what would be equivalent to a low-cost house and then gave them a proportion of that amount. That is how Shs 17.7 million was arrived at.

Now, Government re-entered the land and it now belongs to Uganda Land Commission. The title is with the commission, not anybody else. Section 50 of the Land Act gives mandate to the minister responsible for land to provide policy directions to Uganda Land Commission.

Therefore, when Cabinet sits and makes decisions, those decisions are transmitted to ULC by the minister, in consonance with Section 50 of the Land Act. For instance, if the President has said, “Let us give 10 acres of land to Uganda Heart Institute” then the minister communicates that to Uganda Land Commission to issue the land.

So, the directives given by the President, especially on the hospitals, have been given to ULC. There has also been that discussion on the third parties and then the rest of the land is being allocated by Uganda Land Commission, not the minister or Ministry of Lands, Housing and Urban Development.

Regarding the various organisations, which were read out, the allocation has been done by the Uganda Land Commission. It is not correct to come here and accuse us of owning land. I do not own even a spoonful of the Government land. That is how the process has been – directives for the hospital and then the third parties who were given land by Opec and have constructed and put structures. The remaining land is being managed by Uganda Land Commission.

The Ministry of Land, like Hon. Musumba stated, has come up with a physical plan, which is our mandate and we have transmitted it to ULC to ensure that whatever allocations are made, they meet the requirements of the physical plan so that we turn Naguru into a satellite city and not a slum. I wanted to give that chronology of events as well and what is happening. I thank you very much.

**THE SPEAKER:** Honourable members, if you say there is a new physical plan, how has the allocation been done? Are they done according to the plan? Where is the new plan? Has it been gazetted? Is it a public document?

**MR OKUPA:** Madam Speaker, that is why we are saying that this matter should be deferred because by the time the committee looked at it, the physical plan was not there and the land had already been allocated.

If the physical plan was there, then, the committee would have had a look at it to find out whether it conforms to the physical plan. If you looked at those details, you would find that only 25 acres were allocated to the hospital, as a result of the President’s directive. The other institutions included a library, Nakawa Division Offices, Ntinda Wholesalers, Institutional Land, was allocated two acres (an Anglican Church of Uganda) and a primary school, which all constitute five acres.

The total acreage is 82.05, which have been parcelled in this form in total disregard to the physical plan or what is meant to be there.

It is true that if there are hospitals – probably, the patients that come from out will need this. Otherwise, they cannot be the ones taking 50 per cent of the land, and the hospitals are taking only 25 per cent.

Madam Speaker, this is the reason as to why it needs to be deferred so that it can be handled in totality, when the physical plan is brought. We need to find out whether it is in conformity with the allocations that were given, before the physical plan was out. If the physical plan was there, it should have been given to the committee.

**MR KIBALYA:** Madam Speaker, Dr Baryomunsi said it is clear that the Uganda Land Commission has powers to allocate land but, in this instance, it did not allocate land to the investors; it was the minister. This is where we want to be clear. Will it first go back to the Uganda Land Commission to allocate or it will continue as it has been?

Secondly, the information we are gathering, which I need the colleagues to also accept, is that, if we have to amend it - we observed that there is a lot of information that remained. Hon. Okupa said that land remained somewhere.

Madam Speaker, if we unveil the veil, we shall see who owns the land. The big shots in this current Government have just divided the cake amongst themselves. We may say that we are not adopting the report and by the time we come back, even the little that we said is for the hospital will have been given to their sons. We need to take a cautious decision on this, if we have to serve the interests of Ugandans. Otherwise, “cry my beloved country”.

**MR MUSUMBA:** Madam Speaker, thank you, for allowing me to finish my submission. I will lay on the Table both the zonal plan and the letter of instruction that I said I have.

Nonetheless, I would like to go to the recommendation on page 19 of the committee report which reads: “ULC should subject the applications of all allocations to a rigorous due diligence exercise to ensure that they are technically and financially capable.” I would like to assure the House that this happened.

On page 20, there is a recommendation of the committee that reads: “The Rt Hon. Prime Minister should intervene and resolve disagreements between the ministry and ULC to facilitate smooth implementation.” Madam Speaker, allow me to inform this House that the Prime Minister is already taking this in his stride.

Page 21 reads that, “The committee notes that the role of the ministry is to provide policy guidance to ULC but not to allocate land.” We are aware of this. Therefore, the Uganda Land Commission should be allowed to execute its mandate without undue influence.

We know that the mandate of ULC is constitutional but there is also a policy leadership role that the ministry plays and the two should work in harmony with each other, which, as I speak after the intervention of the Prime Minister, is happening.

On page 22, there is a recommendation that, “The Chief Government Valuer should establish the actual value of the existing developments on the land for future reference, should the Government consider the option of paying third party claimants”. We agree with this and the Chief Government Valuer will be duly instructed.

The Uganda Land Commission should take the requisite legal steps to restrain third party claimants under the PPP agreement with Opec from proceeding with any further developments on the land. I am surprised that there are people proceeding with developments on the land, when they do not have titles because we have not given out titles. They also do not have approved plans by the city council because we have since stopped issuance of those approvals.

KCCA should expedite the process of updating the master plan of the Naguru area. Madam Speaker, the House is informed that we, from the Directorate of Physical Planning, are working with KCCA to ensure that the master plan is fully operationalised.

Madam Speaker, third parties will be negotiated and those that cannot fit within the new ultramodern physical plan will not be allowed to proceed. Like I said, they will be compensated with land elsewhere but they will not allow small dingy houses, like those that were there in the past, to resurface in Naguru.

Madam Speaker, I would like to lay on the Table the two documents *– (Interruption)*

**MR SSEWUNGU:** Is the minister saying these things out of what he knows in the law and land matters, or is it out of excitement to this House?

If ULC has given third parties land and they have got titles, is it going to be easy to make them get out of the land they have got possession over? This is very clear. They have possession and these are mistakes we are talking about. This is why we are saying that this report has to be rejected and we should keep the status quo.

Honourable minister, you are a lawyer and you know that they have legal interest in that land. ULC gave them that land and it has the power to give out land; that is clear. Therefore, do you think you will have an explanation when you are going for legal battles with them? Thank you, Madam Speaker.

**MR MUSUMBA:** Madam Speaker, I would like to inform Hon. Ssewungu that there is a distinction. First, they do not have land titles; that is a fact.

Secondly, even where you have a land title, the law makes a distinction between land ownership and land use - you still have to be subjected to the area plan and the building you construct there must be constituent with what the plan says.

Madam Speaker, I beg to lay the documents on the Table:

1. The letter of instruction that we wrote relating to the physical planning for Nakawa/Naguru Estate.
2. The zonal plan for the new area.

The letter is dated 29 March 2021.

Thank you, Madam Speaker and honourable members.

**THE SPEAKER:** Honourable members, we have listened to the report; we have heard the debate and we have listened to the Minister but there are still areas which are unsatisfactory. For instance, on the issue of the allocation; whether they were where the Land Commission or whoever**,** Fakhruddin Properties Limited has not indicated how they are going to use the land and what they are investing but they were given three acres.

Then, ROKO Construction has not stated the purpose and even what they are going to invest. Therefore, you cannot say that due diligence was done before these were allocated. Therefore, it is not right to insist that no more due diligence should be done. The Uganda Land Commission holds that land in trust for the people of Uganda. So, we think that they should do all the necessary to ensure that the land is not distorted.

I just want to say this before we take a decision. Nobody is against the establishment of an ultramodern city. However, it is clear that the manner by which the land was allocated was not transparent. There is a lot of expenditure by Government on renting buildings, yet we could have put facilities on that land.

Now, the former occupants of Naguru/Nakawa land have not been catered for at all; no one is thinking about them.

Therefore, we propose that no more allocation of land is done until a clear plan of resettlement of these people is provided to Parliament.

We also request that the actual resettlement plan for the former tenants is also tabled, and we want to see here the cost benefit analysis of what the land should be used for, before we take other actions. All these are important for us because this land -

**MR MUSUMBA:** Madam Speaker, when you say no more allocation, what would that be because land has already been allocated in some cases under Presidential Directives and under various *modus operandi*. Are you referring to additional allocation -

**THE SPEAKER:** That is why we said no more - and you need to table here the physical plan so that this House can be informed about what exactly you are doing on that.

Honourable Members, I put the question that the report be adopted.

*(Question put and negatived.)*

*Report not adopted.*

**THE SPEAKER:**Honourable members, if you say no, you leave the status quo. Next item.

MOTION FOR ADOPTION OF THE REPORT ON PRESIDENTIAL AFFAIRS INTO THE IMPENDING EVECTION OF THE COMMUNITIES BORDERING KYANGWALI REFUGEE SETTLEMENT

5.20

**THE CHAIRPERSON, COMMITTEE ON PRESIDENTIAL AFFAIRS (Ms Jessica Ababiku):** Thank you, Madam Speaker and colleagues. We have uploaded this report on the Members’ iPads; therefore, I will be skipping some areas.

Madam Speaker, to provide a background to this report, allow me read the introduction.

At the 26th Sitting of the 1st Meeting of the 3rd Session of the Tenth Parliament of Uganda held on Wednesday, 19 September 2018, hon. Daniel Mpamizo raised a concern over the impending eviction of local communities bordering Kyangwali Refugee Settlement, to pave way for its expansion.

The Member submitted that on 18 September 2018, hon. Persis Namuganza, the State Minister for Lands and hon. Musa Ecweru, the State Minister for Relief, Disaster Preparedness and Refugees, told the local communities neighbouring Kyangwali Refugee Settlement, that Government intends to expand Kyangwali Refugee Settlement from the current 50 square miles to 70 square miles and that Government was relocating all the 28 villages of Bukinda area and seven villages of Katikara area in Kasonga Parish, to only 16.8 Square Kilometres of land.

According to hon. Daniel Muheirwe, the pronouncement was a scheme designed by senior Government officials at the Office of the Prime Minister, aimed at completing the process of grabbing land from nationals neighbouring Kyangwali Refugee Settlement.

His prayers were that:

1. A committee of Parliament takes up the matter to establish true ownership of the land.

2. The planned expansion is stayed pending determination of land ownership in the affected areas.

Consequently, the Rt Hon. Speaker directed that the Office of the Prime Minister halts the planned expansion of Kyangwali Refugee Settlement and presents a Statement on the matter by Tuesday, 25 September 2018.

The Committee on Presidential Affairs was to immediately examine the events in Kyangwali refugee settlement and report back to the House.

Terms of reference

In examining the events in Kyangwali Refugee Settlement, we were given the following specific terms of reference:

1. To investigate and establish whether there was impending eviction of the communities in Kasonga Parish, neighbouring Kyangwali Refugee Settlement by Office of the Prime Minister.
2. To investigate and establish the size and true ownership of the land under dispute between Kyangwali Refugee Settlement and the neighbouring communities in Kasonga Parish.
3. To consider any other related matters incidental thereto.
4. To make recommendations to Parliament on how to conclusively resolve land disputes in Kyangwali Refugee Settlement and the neighbouring Community.

Madam Speaker, I beg to leave the methodology, the meetings we held, documents we reviewed and field visits. Allow me go to 4.0, the background to the land dispute between Kyangwali Refuge Settlement and the neighbouring communities.

Background

In 1960, Bunyoro Kingdom Government offered land to the Government of Uganda to settle the Rwandan Refugees. Consequently, the Government of Uganda established Kyangwali Refugee Settlement in 1965. In the neighbourhood of the Kyangwali Refugee Settlement were the indigenous people settled by the Bunyoro Native Government, through issuance of certificate of land ownership.

The two groups; the refugees and the indigenous people are believed to have lived peacefully, until 2013 when the Prime Minister’s office came to re-open and mark the boundaries of the settlement and the neighbouring community.

The contradicting survey reports

The 1998 survey of Kyangwali refugee settlement land

According to the information availed to the committee, Mr J.L.M Bwogi, Commissioner of Survey and Mapping, in Lands and Survey department on 03 December, 1998 issued instruction to survey vide Instruction No. MM 2956 to M/S Technology Consult – Kampala. M/S Technology Consult – Kampala was directed to undertake a survey of approximately 90 Square kilometres for Kyangwali Refugee Settlement Land (The instruction is attached as appendix 1). The survey was undertaken with funding from United Nations High Commissioner for Refugees (UNHCR). The areas surveyed and computed were Bukinda area with 35.7 square kilometres, Katikara area with 7.36 square kilometres and Kyangwali Refugee Settlement with 91.46 square kilometres, which was equivalent to 35.3 square miles.

According to the Office of the Prime Minister, the 1998 survey findings were inaccurate because it generated several plots along the shoreline of Lake Albert and the resultant effect was that Kyangwali Refugee Settlement Land neither bordered Lake Albert nor Bugoma Forest and therefore, gravely deviated from the archived information in shape, size and proximity to the physical features highlighted in the archived documents. (The archived documents are attached as appendix 2 and 3).

Therefore, the Office of the Prime Minister disassociated itself from the 1998 survey and its findings.

The 2013 Survey of Kyangwali Refugee Settlement Land

The committee was informed that a stakeholders meeting was held on 16 September, 2013 in which the Rt Hon. Prime Minister directed that Kyangwali Refugee Settlement Land be surveyed and its boundaries opened as part of the efforts to resolve conflicts with the neighbouring community over the land. (The letter is attached as appendix 4).

Consequently, Mr Jasper Kakooza, Commissioner of Survey and Mapping in Lands and Survey Department issued an instruction on 02 December, 2013 to resurvey and subdivide Kyangwali Refugee Settlement Land into Kyangwali Refugee Settlement Land and for Uganda People’s Defence Forces. (The details are attached in appendix 5).

The demarcation and survey exercise of 2013 was guided by a letter to the Permanent Secretary/Director for Refugees, Ministry of Culture and Community Development dated 26 January, 1982 on Kyangwali Project for Resettlement of Rwandan Refugees, by David Sembage, Senior Settlement Commandant, South Kyaka Settlement; as the guiding document presented by Office of the Prime Minister. The said document described the land as marked mainly using natural boundaries namely Bugoma Forest on the eastern side, River Nkusi on the southern side, Lake Albert on the western side and Kabwoya to Kyangwali Road on the northern side. (The letter is attached as appendix 2).

The demarcation and survey exercise that started in 2013 and completed in 2016 put Kyangwali Refugee Settlement Land to 142 square kilometres and UPDF land to 26.2 square kilometres. This meant that the original size of land for Kyangwali Refugee Settlement subject to the “resurvey and subdivision” was 168.2 square kilometre; equivalent to 64.94 square miles, which is more than the known and perceived 50 square miles by the nationals. Therefore, this sparked off unrest because the nationals largely of Kasonga Parish did not agree with the 2013 survey and its findings.

The eviction of the community in Kasonga Parish

The committee was informed that in 2013, under the instruction of the Office of the Prime Minister, a team was led by the then RDC of Hoima District to Kasonga Parish. The team met the community of all the 28 villages in that parish and informed them that they were on Government land, therefore, advised to voluntarily leave. The committee was informed that, after two days, the community of Kasonga Parish was violently evicted. This violent eviction is alleged to have resulted into loss of lives, destruction of properties and establishment of an IDP camp at Kyangwali Subcounty Headquarters while others moved to different parts of the country.

Establishment of inter-ministerial committee

The committee was informed that the affected communities of the 2013 eviction petitioned the Prime Minister, who later, constituted an inter-ministerial committee led by hon. Hilary Onek, the Minister for Relief, Disaster Preparedness and Refugees to look into the matter.

Following this intervention, the community in the 23 villages out of the 28 villages of Kasonga Parish, were allowed to resettle on their land. In order to ensure peaceful re-instatement of the 23 villages on their land, the inter-ministerial committee established a verification committee led by the late Maj. Gen. Julius Oketa, to assist in addressing the likely challenges to be encountered in reinstating the bona fide nationals back to their land. This partially solved the problem since the community in the five villages remained in the IDP camp at Kyangwali Subcounty Headquarters.

The five villages that remained in the IDP camp were; Marembo, Buhumuliro, Marembo, Nyamiganda, Kitooro and Kagoma. The verification committee report recommended, among others, that the 839 individuals formally on Kyangwali Settlement Land and currently staying at the Subcounty headquarters do not have any legitimate claim over Kyangwali Refugee Settlement Land and should be advised to return to where they came from. (Recommendation is on page 3 and 16 of the report by the inter-ministerial verification committee of Kyangwali Refugee Settlement Land in Hoima District, dated October 2013 - January 2014). (The details are attached in Appendix 6.)

It is alleged that pursuant to this recommendation, people in the IDP camp at Kyangwali Subcounty headquarters, were violently evicted. The camp was closed and as a result of that, the affected people became homeless and moved to different areas. This escalated the conflict between the nationals, refugees and Office of the Prime Minister because the nationals believed it was unlawful eviction.

The return of the evicted and displaced community of the five villages, back to Kasonga Parish

The committee was informed that, in November 2014, those who were evicted from the camp at Kyangwali Subcounty Headquarters came back to Kasonga Parish and settled at Rweminsanga Catholic Church land with the support of the church leaders. This community, again, petitioned the Prime Minister against abuse of human rights as a result of the evictions.

In the petition, they prayed for regaining of their land, among others, but in vain. The aggrieved community further petitioned Bunyoro-Kitara Kingdom.

The committee was also informed that on 01 February 2016, some officials of Bunyoro-Kitara Kingdom and hon. Tophace Kaahwa, District Woman MP for Kikuube District, led a delegation of the affected communities to State House.

This resulted into a directive by His Excellency the President of the Republic of Uganda, to the Prime Minister to visit Kyangwali and address the plight of the affected persons of Bukinda and Katikara areas in Kasonga Parish. The letter is attached as Appendix 7.

Arising from the directive by the President, the Prime Minister set up another committee headed by Mr Isaac Kawooya the then Resident District Commissioner, Hoima District to investigate and verify the issues raised.

It is reported that this particular committee did not conclude its mandate since the committee chairperson and the other Members did not agree on the content of the draft report.

The committee was also informed that on 29 August 2017, the affected community further petitioned the commission of inquiry into the defectiveness of land acquisition, land management and land administration in Uganda, commonly known as the Bamugemereire Commission. At the time when the said commission of inquiry was in Hoima District, however, the committee did not access any document in relation to this.

The committee was informed that on 18 September 2018, hon. Persis Namuganza the State Minister for Lands and hon. Musa Ecweru the state minister for Relief, Disaster Preparedness and Refugees, informed the people in the camp that Government had decided to assist the suffering community by giving them part of the refugees’ land.

This was interpreted by the affected nationals as a plan to evict them from their land and therefore, it culminated into a concern of impending eviction raised by hon. Daniel Mpamizo.

Therefore, according to the findings, the key factors that accelerated this conflict were the contradicting survey reports of 1998 and 2013, the 2013 eviction and its effects and the alleged pending eviction of 2018.

Our findings, observations and recommendations -

**THE SPEAKER:** Honourable member, go straight to the findings; do not review the evidence.

**MR ABABIKU:** On Page 7, before I go to the specific breakdown on these terms of reference, the committee interfaced with hon. Persis Namuganza, the State Minister for Lands and hon. Musa Ecweru, the Minister of State for Relief, Disaster Preparedness and Refugees.

The ministers refuted the allegation against them by the petitioner. They submitted that they represented the Office of the Prime Minister in launching the exercise of implementing the recommendations of the inter-ministerial committee to resettle the affected victims of 2013.

On Page 8 where we have other specific findings, there was no evidence that implicated hon. Persis Namuganza and her colleague.

The glaring effects of the 2013 eviction are making the communities neighbouring Kyangwali Refugee Settlement to live in fear and discontent. The 23 villages out of 28 of Bukinda area in Kasonga Parish regained ownership of their land.

The five villages of Marembo, Buhumuliro, Nyamiganda, Kitoro and Kagoma were still staying in the Internally Displaced People’s Camp. The nationals in the remaining five villages were not satisfied with the resettlement package of 2.5 acres of land for each of the households because they were yearning to regain full ownership of their land.

The nationals interpreted the resettlement as a course to further conflict.

The next term of reference is about the size and the true ownership of the land.

The committee was informed by the petitioner and some of the nationals that the Government of Uganda was offered land of about 50 square miles by Bunyoro Kingdom to set up a refugee settlement for the Rwandan refugees in the early 1960s.

The committee established that this position was agreed to by all parties. However, the contention was on the size of the land because of the commonly used phrase of “50 square miles”.

Therefore, the committee established that the two issues highlighted above were the centre for answering the questions.

The petitioner and the affected nationals are in favour-apart from the contradicting interpretations of the words, “50 square miles”.

Our findings also reflected on the two contradicting survey reports. In the 1998 survey, the demarcation and survey exercise of 1998 instruction to survey number MM2956 put Kyangwali Refugee Settlement to 91.4 kilometres on Block 3/ Plot 8.

Bukinda area got 36 square kilometres on Block 3/ Plot 7 for the nationals and Katikara area got 7.36 square kilometres on Block 3/Plot 6 for the nationals. The implication of this is that Kyangwali Refugee Settlement covered an area of 35.3 square miles, which was below the popularly known 50 square miles.

Therefore, according to the committee’s findings, the 1998 survey and its findings were inaccurate because it gravely deviated in size and those highlighted in the archived documents and the land offer documents.

On the 2013 survey, we also established that its findings were so inaccurate because it gravely deviated in size from those highlighted in the archived documents by a difference of 14 square miles. Therefore, we recommend for a resurvey to be immediately taken because both of the survey reports were inaccurate.

We got a copy of the land offer document and it is reflecting the size of the land to be 50.19 square miles. So, we recommend for a re-survey, which will be the primary solution to establish the demarcation between the Government settlement land and the people bordering it. Also, to us, this will settle issues of other claimants.

Other matters that we also handled were the issues of the land titles, which were cancelled under the 1998 survey. We commend our Government for that action because it was done fraudulently.

Protection of Government land

We made observation that much of our Government land is not protected, including settlements. So, we recommend that Government should immediately take action to take stock of its assets and protect them.

Update on the resettlement

Madam Speaker, we established that there are problems with resettlement packages. We reported this immediately because people needed urgent intervention. The Office of the Prime Minister responded and we commend Government for that. However, we advise that Government should stick to the promise it made in terms of the package to be given for resettlement.

Madam Speaker, in conclusion, we made a summary that the major accelerators to these conflicts were the usage of the phrase “50 square miles” because it was not direct and land cannot fluctuate in terms of size. The eviction of 2013 and people living in panic -

We also established that Government took primary intervention to establish services. However, we established that there were interferences by some of the local leaders. We recommend that the local leaders should work closely with Government to ensure that the affected people are resettled and they get the services they desire.

Madam Speaker, I beg to report on this investigation. I now request to lay the report and copies of the minutes attached to this report. I beg to move.

**THE SPEAKER:** Thank you very much, honourable chairperson and members of the Committee on Presidential Affairs for that work. Honourable members, any comments? Hon. Eric Musana, three minutes please.

5.47

**MR ERIC MUSANA (NRM, Buyaga County East, Kagadi):** Thank you, Madam Speaker. I take this opportunity to commend the chairperson and members of the committee for a very good report on the investigation that was made in Kyangwali. The Kyangwali Refugee Settlement Scheme has brought a very big issue within Bunyoro region.

Madam Speaker, the committee has made serious comments, especially to do with the Office of the Prime Minister. It has noted that there are several contradictions from their own actions. It is very sad that the Office of the Prime Minister is making evictions of Ugandan nationals.

The issue that is causing serious concern now is the Bugoma Forest, which neighbours Kyangwali Refugee Settlement. We are currently looking at a situation where people are doing various economic activities in Bugoma Forest.

I understand that this report should have been discussed long time ago, but many things have changed. Therefore, I request that – The committee has recommended that we do an independent survey. This is very good but we need real action. People are still camped in the trading centres of Kyangwali and Bukinda. Imagine over 28 villages being evicted and they do not know what to do.

Madam Speaker, we need to have serious action taken, especially regarding Government evicting its own nationals on the land. This is quite disturbing.

Lastly, there seems to be an inter-connectedness of ministries, much as there is this inter-ministerial committee. We are looking at a committee contradicting another committee. The committees formed by the same Government are contradicting themselves and then action is not being taken.

How I wish we could speak the same language. I request that the ministry speaks the same language and then the people get settled. If we are talking about development, it can take place. This can be seen in the sub-county of Kasonga where villages like Buhumuliro, Magando and Katikara do not know what will happen the next morning. Thank you, Madam Speaker.

5.51

**MR GILBERT OLANYA (FDC, Kilak County South, Amuru):** Thank you, Madam Speaker. I would like to thank the chairperson of the committee for the good report.

Madam Speaker, looking at the report, the committee recommended for the resurvey of the 50 square miles. The problem that we have in this country is that we do not know the exact size of the land we normally talk about. The ministers and people in the land department normally do what we call guess work. They do not know the exact size of the land. Looking at the size of 50 square miles, this is extremely great, aware that the population has grown and it is still growing.

From the Bible, land is supposed to be used by the people. It is true that currently, the population is competing with the size of land. The population is growing but the land is not increasing in size.

Madam Speaker, if you look at it critically, allocating 50 square miles for refugees and evicting Ugandans who are living in that area is, I think, quite inhumane. Unfortunately, in this country, we normally value foreigners. We normally consider those who come from outside Uganda than real citizens; the bonafide land owners in this country.

Madam Speaker, if you look at how the Ministry of Lands and Government is treating people on their land - the real citizens of this country - it is quite alarming. I feel that these 50 square miles are too many. After all, when refugees are in this country, they are supposed to be confined within an area and for a short time. They are not supposed to stay permanently in this country. We have witnessed, in other places in Uganda, where refugees are living as if they are in their homes.

They are there in my place; Amuru. They are living freely, they are allowed to buy land and they are even chasing away some Ugandans from their land.

Madam Speaker, we should start considering our people - the citizens of this country – first, before we look at other areas. Further, I thank the committee for saying that those people should be compensated. If the resurvey is done and it is discovered that people were wrongfully evicted from their land, the Government should compensate those people immediately. It is quite alarming.

I remember when we were in Bunyoro, we discovered that Banyoro are staying in camps, like the Acholi community during the LRA war. How can the Government allow its citizens to live in camps? That situation is caused by the Government itself. This is quite alarming. Let the Banyoro and the people in that area be taken like citizens of this country.

Madam Speaker, I would like to appreciate the committee and pray that the report be adopted and implemented immediately. I beg to move.

5.55

**MR PATRICK NSAMBA (NRM, Kassanda County North, Kassanda):** Madam Speaker, thank you very much for the opportunity to speak on this report.

Madam Speaker, allow me thank the committee, the chairperson and the committee members for providing a solution to the violent evictions of the people of Uganda. It pains me a lot to hear that the same country fighting to settle refugees is busy violently evicting its own people. It becomes very unfortunate as to why you can find land for refugees to settle and fail to find land for your own people to settle on.

Many of these refugee camps have running water. The Government ensures that some of the services that the refugees need are provided there yet within the neighbouring communities where the people are not refugees - the hosting communities – these are not taken there.

I come from Kassanda and I have ever witnessed a violent eviction by Government forces telling people to leave; about 6,000 people were told to leave the gold mines and their lives were shattered. When the committee comes up to say that the lives of these people need to be sought out, I can understand because I saw people’s lives being shattered. Up to now, they have never recovered since 2017. Therefore, I am very sure that even the people of Kyangwali are not going through a normal life.

Madam Speaker, the resettlement of these Rwandese refugees already happened. Are they going to always own this land in perpetuity? Did you transfer them now that they are Ugandans? We need to know whether once you demarcate a refugee camp, it becomes property of those people, in perpetuity.

Now that the situation in Rwanda normalised, we would have seen the Government say that it has its people who can now partake of these pieces of land. What we do is to violently throw them out even in those nearby places.

Madam Speaker, we have a general problem in the country and the earlier we sort it out, the better; we will have helped our grandchildren. There is a problem of the Government having public land, which they never demarcate or title so they never do anything about it. This Government has been sold land. People acquire titles on public land and the next day, the Government buys it from them.

You have seen swamps and forests – because they are not demarcated and not owned by Government – you only see the swamp when the Government wants to do a project and then it must compensate people within a swamp. It becomes very unfortunate.

The Government should have surveyed those 50 square miles that we are talking about right away. When they say that these are the boundaries of the settlement camp, they should have been known. Capacity should be built so that government knows where and what they are doing. All these problems are coming through because – at least that land should have been allocated, well knowing that the demarcations and regulations are put in place.

Leaving this microphone, this generation must find a solution to violent eviction of Ugandans from land. Until we find that solution – because there is land in other countries. How is it possible that their Government never allows these evictions to be carried out? We need to find a long lasting solution so that no more evictions can continue going on because the people lose their livelihoods and property out of that. Thank you very much.

6.00

**THE LEADER OF THE OPPOSITION (Ms Betty Aol):** Thank you, Madam Speaker. I would like to thank the chairperson of the Committee on Presidential Affairs and the members of the committee, for this report.

I visited Kyangwali Refugee Camp and it is important for us to love our people. If we do not love them, then, we shall forever do things to inconvenience them. I am sure right now we are using kilometres and not miles to describe the land. If you see 142 square kilometres supposed to be refugee settlements - they kept on using square miles and square kilometres, which is also very confusing.

For consistency, I think it is important to use square miles. The 142 square kilometres are not equivalent to 50.19 square miles. They said that 130 square kilometres is equivalent to 50.19 square miles but let us use one. If we want to use square kilometres, we should be consistent and use it not to confuse us by using both.

I think these square kilometres are very big. If the Government wants to protect this big land for refugees, then it should do it right away and not inconvenience our people by evicting them. Then, when somebody goes to settle in Government protected land and is evicted, he will have himself to blame because he would have settled on land that is not his.

I support what hon. Gilbert Olanya said; 50 square miles or 130 square miles is too big. Our people are also producing. Those days when they demarcated these 50 square miles for refugees, the Ugandan population could have been six or 11 million but presently, you find that the population is over 43 million. Where do you expect our people to be? Instead of our people being very accommodative to the refugees, they become very aggressive towards them. We need to accommodate refugees because you never know whether tomorrow you will be a refugee in another country.

However, it can only happen if proper good planning is done for the people of the country. We cannot make our people second to refugees and then we evict them and tell them to go away. Where do you want them to go when this is their country?

Let us try to do better and protect the Government land until when we will come back and say that we have a lot of our people who do not have anywhere to settle; then maybe we can try to take that portion of Government protected land to the people.

I saw how the Government evicted people from Apaa in 2012; you will never like it; you will think they are not Ugandans. Eviction is very bad, let us not do it to our people; those who have witnessed it - if you saw that of Apaa, you will never love to see people being evicted.

If we want to ask people to move and degazette a place, it should be in a very cordial manner not in the way they evicted the people of Apaa; where they burn all your property and send you on the streets in the cold during rain without any kindness. I do not know where hearts go. Sometimes we are heartless. Let us be accommodative to refugees but our people should be number one.

Even when we go as refugees in other countries, for example, Ugandans were refugees in Kenya but I do not think they were put as number one there. They were welcomed but they made sure Kenyans were properly accommodated. We are still refugees in London but we are not number one; you will always look a little different from the citizens. Therefore, let our citizens look better. Thank you.

**THE SPEAKER:** Thank you very much. Honourable members, I put the question that the question be put.

*(Question put and agreed to.)*

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

*(Question put and agreed to.)*

*Report adopted.*

**THE SPEAKER:** Let us go to item six.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE ON RULES, PRIVILEGES AND DISCIPLINE ON THE PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE OF PARLIAMENT

6.07

**THE CHAIRPERSON, COMMITTEE ON RULES, PRIVILEGES AND DISCIPLINE (Mr Clement Ongalo-Obote):** Thank you, Madam Speaker. At the last sitting, we were going through the proposed amendments; so, let us now pick up from the proposed amendment to rule 9 of our Rules of Procedure.

Sitting Arrangement in the House

We propose to insert a new sub-rule, immediately after sub-rule (3), to read as follows:

“The Speaker shall reserve seats for Independent Members of Parliament and other categories of Members.”

The justification is to cater for sitting arrangement of Independent MPs and other categories such as the UPDF representatives.

**MR NANDALA-MAFABI:** Madam Speaker, in the House, we have two sides and on the same two sides, there are independents. Now when we are defining categories, one either belongs to a party or you are an independent.

When you say UPDF should be catered for, my question is: are we creating a specific place for the UPDF? Are they not like other Members of Parliament who should be free to sit anywhere or you want to say these are like the UPDF, they are bringing an Army Council to the House? The House is for Members of Parliament and there are two sides because we follow the Commonwealth rules. Therefore, if we are following them, then the UPDF, who belong to nowhere, should sit wherever they want.

Otherwise, when you start dividing the House, then one day someone will come and sit in the Speaker’s Chair and say, “I have nowhere to sit; there is space here.”

**MR OLANYA:** Thank you, Madam Speaker. In allocating special seats to special people - he gave an example of the UPDF - in many instances, the UPDF tends to lean on the Government’s side. Whenever they are in the House, when it comes to voting, they vote strictly on the Government’s side. On this matter, we have the NRM being Government. I would like to find out from my colleague how important it is to allocate a special place for them yet they normally lean towards the Government side in voting and everything.

As hon. Nandala-Mafabi has stated, let them be allowed to sit anywhere. Let them also sit on the side of the Opposition. It is meaningless to allocate a special place for them. If they belong to a party, let them stay on the Government side other than allowing them a special place when they aren’t independents; they are not independent at all. That is my plea, Madam Speaker.

**MR ONGALO-OBOTE**: Madam Speaker, I want to thank the Members for their concerns. However, rule 9 of our Rules of Procedure only recognises that the seats to the right of the Speaker shall be for the Leader of Government Business and members of the party in Government and the seats to the left shall be reserved for the Leader of the Opposition and members of the opposition parties.

Now, we recognise that those are not the only two sides in the House. The Independents are our Members; therefore, this proposed amendment is only to recognise the presence of such Members in the House by requiring that they be allocated where to sit. Whether the UPDF vote with Government or not, does not as a fact, make them NRM MPs.

**THE SPEAKER:** Honourable members, I put the question that rule 9 be amended as proposed -

**MR NANDALA-MAFABI:** Madam Speaker, Article 83 of the Constitution is very clear. It talks about political party or independents. Yes, I know that the same Constitution talks about representatives of the UPDF who are here because of our history, which history I do not know whether will ever come to an end.

Now the issue we are trying to raise is that you want to create a specific space for the UPDF. If they cannot be treated either in a political party, then they should be like Independents because they are here independently and independent of anybody. In this case, they would be independent of NRM and the Opposition.

Now when it comes to what my brother Olanya has raised, the UPDF has always been told to be listening posts but siding with the Government. Assuming they decided to be independent and be with their own voices, they would have no problem.

Madam Speaker, my worry here is that if we start making a rule like this, then we may have to create some seats for senior Members and young Members. You are now trying to segregate the House and create another set in the Constitution, whereby others are Independents and others are something which specifically cannot be described. If so, then let us change *–(Interruption)*

**MR AOGON:** I want to inform colleagues that Independents have been sitting on the same side of the Opposition, if I got it right from the very beginning. I have not seen Independents sit on the side of the Government. Therefore, if at all, there has been segregation, it has already existed before. That is the information I want to pass to you.

**MR NANDALA-MAFABI:** Thank you very much. I have institutional memory. In the last Parliament, I was the Leader of the Opposition and the Speaker then, who is now the current Speaker, requested that the Independent members of Parliament should sit with us since we wanted more space and it was agreed.

We have been sitting with them whether they vote with the Opposition or not; they are our brothers and sisters. We have never segregated them. Hon. Aogon, if we had segregated you, you would not be sitting near me.

Madam Speaker, what I want to make clear here *–(Interjection)–* you are also free to sit on the other side because according to the law, an independent is free. The only problem is that maybe, there is no space across. Otherwise, you are also free to sit there. That is why the UPDF sits there and some sit in the middle.

I want to make a proposal that this rule should not be amended because eventually, we are going to try to make the House have different sets. So far, we are already comfortable and the UPDF has come in. They are free to sit anywhere and there is no harm. I thank you, Madam Speaker.

**THE SPEAKER:** Honourable members, I am sure that if the UPDF walked and sat next to the Shadow Minister on the Front Bench, they would be rejected.

Honourable members, I put the question that Rule 9 be amended as proposed.

*(Question put and agreed to.)*

*Rule 9, as amended, agreed to.*

**MR ONGALO-OBOTE:** Rule 19: Sittings of the House

Substitute for sub-rule (2)

“(2) Subject to sub-rule (4), the House shall sit on Mondays, Tuesdays, Wednesdays and Thursdays.”

The justification is to increase sitting days by including Mondays to cater for the increase in numbers of Members.

**THE SPEAKER:** Honourable members, I think Gen. Ali had an issue with that.

6.19

**THE FIRST DEPUTY PRIME MINISTER AND DEPUTY LEADER OF GOVERNMENT BUSINESS (Gen. (Rtd) Ali Moses):** I want to disagree with the Committee’s proposal toadd Monday as a day for sitting in the House. This is because Monday is a day for Cabinet meetings. The House cannot proceed without ministers. I, therefore, propose that Rule 19(2) should instead be amended to include Friday as a Parliamentary sitting day to cater for Monday.

**MR NANDALA-MAFABI**: Thank you very much, Madam Speaker. The reason we have Tuesday to Thursday is basically that members of Parliament do not only have the job of being in Parliament; they also have constituency work to do.

Secondly, I thought that the Prime Minister knows that Friday is the day when we go to the Mosque – *(Interjection)–* by the way, I am both a Muslim and a Christian, seriously.

The reason we want to increase the number of days is because the population of Parliament is growing and work is also increasing. What we can do is that we maintain the days but we empower the whips to work because the issue here is that in normal business, whips should be the ones who would be leading business by choosing people who should deal with matters.

You do not choose anyhow; if it is a matter for forests, you choose somebody who knows forests. If it is a matter for dancing, you choose the one who knows dancing. The problem is that we have allowed the House to really move anyhow and that is why we are not moving well. I would like to propose that, that should not pass; it should be dropped so that we think about better ways of managing House affairs. Thank you.

6.21

**THE DEPUTY ATTORNEY-GENERAL (Mr Jackson Kafuuzi):** Thank you very much, Madam Speaker. I stand to oppose the proposal that the House sits on Mondays because we have constituencies, for which we need to make time and attend to, and then return to Kampala.

I know that this proposal is made in the spirit of trying to accommodate the numbers. In so doing, I propose, like we did today, that the House sits beginning at 10 in the morning and in the afternoon, on Tuesday, Wednesday, and Thursday.

Mondays should be left for members of Parliament to return to Kampala or for those who are meeting in committees and for the Cabinet. I beg to submit.

**MR AOGON:** Madam Speaker, before we amend that particular rule, I think the committee needed to tell us the real problem which has been there before we jump in to say we now want to change the days that we use.

This morning, the House sat and there was no rule that was amended for the House to sit. Where there is necessity for the House to sit, our rules already empower the Speaker to use his or her discretion. Therefore, why would we touch what we should not be touching?

Madam Speaker, numbers need enough time. There are issues with the constituency; I need to leave here on Friday and do some work on Saturday and Sunday and travel back on Monday. If we are talking about numbers, tell me how many Members are not in the House right now and how many chairs are vacant? Therefore, it is not about the rules or numbers; it is about the will to do the work. I do not want to believe that we are doing it because numbers have surged.

Maintaining the status quo is okay and it is the only way to go. Let us not start changing rules, which can easily give us headache and problems –*(Interruption)*

**MR OLANYA:** Thank you, honourable member. Madam Speaker, let the chairperson tell the august House the problem they have seen with Tuesday, Wednesday and Thursday, and convince the House why they want to increase it by adding Monday.

The three days we have in a week are more than enough. It is just a matter of being determined. The whips should encourage Members to work and we shall move on well. After all, we do not have the ending time of the House. I remember sometime back we could go until 10 or midnight.

It is just a matter of being determined and working seriously. Therefore, Tuesdays, Wednesdays and Thursdays are appropriate times. Thank you.

**THE SPEAKER:** Honourable members, the issue raised by hon. Nandala-Mafabi is also valid. Sometime back, we tried to agree with the parties and their Whips that we should give a certain number of people to contribute if they are knowledgeable on the subject, but the Members said, “No, I was elected to speak on everything.” I do not know whether the parties still have the will to do that or whether the Members will be willing.

**MR AOGON:** As I conclude, I think this chairperson has all the discretion; even if we wanted to sit on a Sunday because of a necessity, she or he can invite. It is not necessary. We cannot kill ourselves and make a rule that will be a burden on us as we watch on.

Therefore, it will only be sane for me to propose to this House that we drop that proposal and maintain the status quo. I beg to submit.

6.26

**MR THEODORE SSEKIKUBO (NRM, Lwemiyaga County,** **Sembabule):** Thank you, Madam Speaker and Members. With institutional memory shared together with hon. Elijah Okupa and hon. Nandala-Mafabi, we have seen this Parliament at a time when it had around 286 Members. We are now going to make 529.

The issue that the committee is trying to cure is to avail much opportunity to Members but it is not the case. Even if we reach 800, not all of them will be here to present constituency matters. Therefore, from that history, we know that when need arises - Madam Speaker, you have been there to discharge business, even to past 10.00 p.m. when need arises.

For us now to institutionalise it that we have four siting days, we shall be missing out on many issues on follow-up; to Government ministries, departments, research, going to the constituency and coming back. It will render fatigue on your Members.

I, therefore, propose – it is not that people have divergent views; people are agreeable on most issues. If indeed the Whips can align their work - I remember they had started, on daily basis, a list of Members to speak but it failed because not many Members were enthusiastic about it. Even those who had been listed abandoned taking the Floor.

Madam Speaker, I propose that it is an excess; let us delete the amendment and abandon it. The days are within our favour as Parliament and also,we need to look at the country we are representing in this House. We are not here to represent ourselves; that the time you are here from Monday up to Thursday or on Tuesday, you are here up to Friday -*(Interruption)*

**MR NSAMBA:** Thank you, Madam Speaker. Hon. Ssekikubo, the information I would like to give you is that the Woman MP for Kamuli has always been attending this House nonstop. She gets in at 2.00 p.m. and sometimes leaves at 8.00 p.m.

She sometimes starts at 10.00 a.m. and can go all the way up to 9.00 p.m. For those who want to increase the days, we do not know your intentions, especially knowing the fact that we have all intentions to maintain the Woman MP in her seat. So, that is the information I would like to give to you.

**MR SSEKIKUBO:** Madam Speaker, there are many days in this House where we have hit a snag because once members of Parliament come and raise issues, there should be designated members of Cabinet.

It is not for us as backbenchers to come and talk to ourselves here. On how many occasions have we demanded the Front Bench to be present in the House, to answer Members’ issues, with little success? We are now adding an extra burden. Yesterday, we were only blessed by hon. David Bahati here for the entire day from 10.00 a.m. up to 10.00 p.m.

Later on, he joined the House but the issue is not going to be strenuous to the backbenchers but also on the Front Bench and that is why it is agreeable, either way, that we leave out the fourth day and go by our three days.

According to hon. Nsamba, when need arose - you have been chairing this House for the last one month because need arose.

For us to put an extra burden among the rules - let us leave it to your discretion. You can move that at an appropriate time, this House shall conveniently sit. Thank you.

**THE SPEAKER:** Honourable members, I have listened to the objections by the Prime Minister; one is that it was agreed that Monday be designated as Cabinet day to allow Parliament to sit on Tuesday, Wednesday and Thursday but also, the contributions from the Floor.

Honourable chairperson, are you still of the same view or you can withdraw the proposal? We just need to take a decision.

**MR ONGALO-OBOTE:** Thank you, Madam Speaker. First of all, I would like to dispel the misconception by hon. Oshabe that this amendment arises out of some ulterior motive. If anything, it is intended to ease the work of the lady from Kamuli, who has to sit here up to 10.00 p.m. because she has only three days to do this work. Perhaps if we had four, we wouldn’t have to sit this long.

I have listened to the proposal from the Prime Minister, which is also genuine about Mondays being Cabinet days. However, the proposal by the Attorney-General for 10.00 a.m. would run into the same problem because that is the time when committees are usually sitting.

Going by the mood in the House, I do not have any problem withdrawing this amendment. Thank you very much.

**THE SPEAKER:** Let us go to the new rule.

**MR ONGALO-OBOTE:** Insert a new rule immediately after rule 24 as follows:

“Parliamentary calendar

1. The Business Committee shall, at the beginning of every session, determine a Parliamentary calendar that shall prioritise particular categories of business, for each meeting of the session.
2. The categories of business may include the following

(a) Prioritisation of Bills,

(b) Prioritisation of committee reports,

(c) Prioritisation of the budget process.”

Justification

The proposed arrangement will enable Members to concentrate on one aspect of Parliamentary business at a given time. This is likely to improve the efficiency of Parliament with Members being more available and prepared for most Parliamentary business and at the same time more accountable to their constituents.

**THE SPEAKER:** Honourable members, the new rule-

**MR NANDALA-MAFABI:** Madam Speaker, first of all, with the rule as it is, it is the Business Committee to determine the business of the House. That is why it is called “The Business Committee”.

If you try to tie the Business Committee to, “At the beginning of a session…” you are then saying that in the middle, they may not. It is like a work plan. In the middle of it, they can say, “No, this work plan is not working; let us amend it”.

Madam Speaker, the current rule is okay. Why? All the committees of Parliament are known. They know the work they do. So, the Business Committee will be part and parcel of one of the rules.

The only thing I see, which has come up, is making Bills a priority. Honourable chairperson, the Budget is also a Bill, if you are not aware. The Budget is the one which leads to the Appropriation Bill.

There is a law specifically about how the Budget process is handled. You cannot now use the Rules of Procedure, unless you want to amend the law. The rule will not amend the law on the Budget process. It has deadlines. It knows appropriation and how it is done.

I think the only thing we should do now is to go and amend the rule, which talks about how the Business Committee is because the rule – which I cannot remember – gives priority to Government business and then somewhere there, Private Members’ business –*(Interjection)*– I cannot remember the rule but I can check.

So, my proposal would be that instead of going to amend it to put the order of business, which we should start with, go and amend the rule which shows the sequence of priority in the House on how to handle business.

6.37

**MR JAMES KAKOOZA (Independent, Kabula County, Lyantonde):** Madam Speaker, the discretion given to the Speaker, who will be there by then, is quite important. When you put all administrative issues in the rules, it becomes very difficult for the flexibility of a Speaker to deal with the work of administration.

You can imagine when there is a problem and the rule is there. You have no flexibility in running that administration within the institution. So, the way the rule was made was to cater for any room for flexibility that will come, when the Speaker then can run that committee and the business, depending on the environment.

However, when you fix it in the rule, it becomes difficult. You are reducing the Speaker’s powers of running the institution. I think that it should remain as it is. I support hon. Nandala-Mafabi on what he said that the flexibility within the rule leaves the powers of the Speaker to run the institution.

In case of any eventuality, do not fix the way that office is run.

**MR** **PATRICK NSAMBA:** Madam Speaker, I would like to remind the chairperson that oftentimes, you have seen how in this House, the Speaker calls on Bills which are not ready. It depends on when Government is going to be ready.

Once you set up a precedent and say, “Now, this is what must come first”, then you are limiting the Speaker or the Business Committee to determine what is going to work for the day. We should leave that to be managed administratively because they will determine which Bill is ready. Where Government is ready, they process that but where Government is not ready, we move with other activities, other than specifying it in the rules.

Therefore, we beg that you concede on that one. Thank you.

**MR AOGON:** Madam Speaker, by trying to propose such a rule, it now means the committee is trying to push a vote of no confidence in the committee that has been handling business of the House.

Secondly, if you decide to implant this rule into our Rules of Procedure, it means you are trying to uproot the work of the Business Committee, which, to me, will become a real problem.

Madam Speaker, if we look at our Order Paper today, you will determine that we have not strictly followed the numbering. I know there was a moment where we had to go to item 18 and 19 but even before attending to item 18, we went to 19.

When we called the chairperson of the Committee on Rules, Privileges and Discipline to bring his report, he was not readily available because he was busy with some other work. So, in your wisdom, we had to go for item 19.

It explains the urgency with which we must go back to our senses and say, “No, let us maintain what we have been having”. Otherwise, we shall have a very big problem. We do not want to tie your hands, Madam Speaker. What will happen if we removed all these powers from you? Shall we be orderly? Shall we proceed? Will the business move? I am afraid, Madam Speaker.

6.41

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Thank you, Madam Speaker. The chairperson should probably have given us the justification for why he would like to tie particular business to a particular time of the calendar.

However, the existing rule that we have, which actually gives powers to the Business Committee to determine the work of the House, is sufficient.

Given the powers of the Speaker and the Business Committee, when you combine the two, they will be able to handle the issues and the problem that we are trying to cure. Not all the work, as several Members have said, comes in at a particular time.

Given the fact that there is another rule that actually gives precedence when you are deciding which business should come first on a particular day, I think the existing rule is sufficient to handle the situation that you are trying to do.

For some of us who come from areas where we have lakes, when the water is calm, it is not a good idea to start disturbing it. You can cause more problems by tying this particular business to a rule. What if the business is not there at a particular time of the calendar?

So, the current rule is sufficient. It gives powers to the Business Committee and the Speaker to make adjustments. Unless there is a particular problem you have identified in the existing rule, then that is what we can attend to. Otherwise, I would – *(Interruption)*

**MR NANDALA-MAFABI:** Honourable minister, I want to give you information. Madam Speaker, thank you very much.

The chairperson of the Business Committee is the Speaker. Secondly, the Speaker is the one who arranges – under Rule 174 - the order of business.

The information I am giving is that the moment you make a rule like that, the chairperson of the Business Committee - I think you have to go and also amend this one – has the mandate to call a meeting anytime to deal with the business. That is the information I wanted to give.

**MR BAHATI:** I suggest that we maintain the other one and this amendment can fall under its own weight.

**MR ONGALO-OBOTE:** Madam Speaker, the honourable members should keep in mind that the powers of the chairperson of the Business Committee, under Rule 174, are subject to Rule 25. Therefore, that power is not absolute. The Speaker may have that discretion but Rule 25 is specific on how business is ordered every day in this House.

At the beginning of the second session, the Speaker made this determination on the prioritisation of business; It was to ensure that some of the reports that the committees work very hard to produce and fail to see the light of day - Why? Rule 25 ensures that Bills take precedence. Therefore, these reports are always kept at the bottom until the Government is ready with the Bills.

Through prioritising, everyone gets to know the timeframe within which to do their part or else move to reports. We have had very many reports, as a result of a complaint from very many committee chairpersons on reports that the committee had worked so hard to produce but at the end of the day, because somebody is not ready, he keeps blocking that report, until it is overtaken by events. That is the main reason this prioritisation was introduced.

Honourable members *–(Interruption)*

**MS OGWAL:** Madam Speaker, I really appreciate the explanation the chairperson is labouring to put across but I think I have been here long enough to advise the House that the rules have gone through a lot of review and amendments.

This particular rule acknowledges the fact that the Speaker you would have put in place is the one elected by you. Therefore, you have the trust of the Speaker. When you have the trust of the Speaker, he has been given a wide perimeter within which he or she can steer the House.

When you give us a proposal that, after a while, let us even add “Z” to say other motions, what is it for? It is redundant because all these put here from A-Y – you can actually put any other. That is to say that anytime there is any motion, the Speaker has the mandate to add to it depending on the priority.

I would like to plead with the House; we have very little time to go through all the work that we have lined up before we close. So, instead of us debating in a manner in which - some of the people watching may think we do not have any other thing to do. These amendments are not relevant for the functionality and effectiveness of the work of the committees and the Speaker. I beg to move that we proceed to further amendments. Thank you.

**MR ONGALO-OBOTE:** The honourable member has risen on a point of clarification and I have not got it. However, honourable members, before we defeat his proposal, I would also like us to know that the committee does not just think of these things and then decide to impose them on the House. We are bound by our Rules of Procedure, which state that any rulings from the chairperson must be picked by the committee and within three months, we should bring them to this Floor for substantive inclusion into our Rules of Procedure.

This matter was ruled on from the Chair and by virtue of Rule 8, the Committee on Rules, Privileges and Discipline had to pick it up and officially bring it to this House. As you throw out this proposed amendment, I would like you to be aware of that. Thank you.

**THE SPEAKER:** Honourable members, I think you did not capture what I intended. We were dividing the session into three meetings and indicating what will be done in each. The first meeting is the one we said should handle Bills as much as possible. The second meeting should handle the reports and the third meeting should handle the budget. It is about the structure of the meetings. The calendar should indicate the different schedules for the different meetings. It is about the structure of the meetings.

**MR BAHATI:** Madam Speaker, we appreciate that kind of prioritising; it would help the House. However, in the existing rules, there is nothing that can stop you from saying that the first meeting of the session should handle Bills or any other thing. As the Chairperson of the Business Committee, there is nothing that stops you from doing so.

If you tie it to the rules, it will be very difficult for the Speaker now to change it. We would rather leave it the way it is because it gives us leeway; you do not know what will come in the middle. That is the challenge we have. There is nothing in the rules now that stops you from making that prioritisation of the meetings.

**MR AOGON:** Madam Speaker, what I would like to add to what the minister has just said is that we still have time, even in the 11th Parliament. We can take time and study and see whether we can do what the committee is trying to propose now. I think we should maintain the status quo. We do not want to tie up the Chair. Let the proposal be abandoned.

**MR ONGALO-OBOTE:** Madam Speaker, there is reason as to why we have a Constitution. We could as well not have a Constitution like the UK but the reason we have one is for purposes of certainty, keeping in mind that there is the office of the Speaker and the Deputy Speaker and they preside over this House at different times.

To avoid conflicting rulings coming from the Chair, when the Speaker guides, we would not want to be in a situation where two days later, the Deputy Speaker comes, sits on that Chair and gives different guidelines to the House. This is why it is important to have these things. Once a ruling is made from the Chair, we have them as part of our rules to avoid that conflict.

Moreover, honourable members, this is not a bad proposal because it ensures that at a certain time, reports by members from committees are given priority and they must be presented. Just like my brother hon. Aogon said, when you know your report is on and when Members know that this is the time for this particular business in the House, they will be better prepared. This is really the spirit with which this amendment is proposed -

**MR NANDALA-MAFABI:** Madam Speaker, the Constitution is very clear that we make our rules. Article 94(4)(a) is clear. It says that the Rules of Procedure of Parliament shall include the following provisions: *“(a) The Speaker shall determine the order of business in Parliament and shall give priority to Government business.”* Therefore, what are you trying to do? Are you trying to tie the hands of the Speaker?

The only thing you have to do is to guide the Speaker, amend Rule 25 and say maybe after the Bills, these are the reports. You can achieve what you want by going to Rule 25 and say, after speeches or whatever, this is what we shall deal with.

In fact, under Rule 25, after the Speaker’s communication, it says there will be short interventions in the communication, which we do not do. I think the Speaker, in his or her wisdom, decided to call it matters of national importance, which has really brought us a problem in this House. Everybody runs for matters of national importance and after raising it, they leave the chairs for us. That is why we are getting problems of reports not being dealt with.

What we should do is, there must be a mechanism under rule 25 on how reports can be handled. We can shift them from where they are and say, after Bills first reading *–(Interruption)*

**MS OGWAL:** Madam Speaker, I am rising on a procedural matter based on the constitutional provision that has just been quoted; Article 94(4)(a). I would have expected the committee to be mindful of this constitutional provision and subjected your amendment to this Constitution. This means, we should have first started with the constitutional amendment, removing this particular provision from the Constitution and then you can move in to prescribe how the Speaker conducts business in the House.

Unfortunately, a Bill cannot change the Constitution. Madam Speaker, are we proceeding rightly by discussing a matter which is already provided for in the Constitution and attempting to now -

**MR ONGALO-OBOTE:** Madam Speaker, before you rule on that procedure, I really do not know what the conflict here is because the Constitution says the Speaker shall give priority to Government business and in our proposal, the Speaker gives priority to Government business. Where is the conflict? In our proposal we give priority to prioritisation of Bills, just like in the Constitution. So where is the unconstitutionality in what we are doing?

**MR KAKOOZA:** Madam Speaker, even if the Constitution is there, some of us who have been in this House - Some environments change and you cannot go with them. A referee can be there and then it rains but even though the law says you have to officiate the match, you do not go into the violent rain.

The proposal of that rule gives the discretion to the Speaker that in case anything happens - because environments cannot be the same.

**MR NANDALA-MAFABI:** It says, the Speaker shall determine the order of business in Parliament. When she is determining the order, he or she shall give priority to Government business. We want to tell you that the rule you are bringing which - I thought when my mother Cecilia talks, you will hear very well and understand. It is saying that what we are trying is too redundant. Now you want to tie the Speaker’s hand. We shall come and say, these rules are violating the Constitution.

**MR KAKOOZA:** You see, in administration - which I know - there must be exceptions. If the Speaker is given those powers, she or he can evaluate the environment and say, according to today, this cannot happen.

Now you are putting the Speaker into problems by fixing her to follow that rule; there is no permanent environment. That is why the framers of that Constitution were clear; give the powers to the Speaker. If the environment is not enabling, you can get a way out. However, once you fix it in the rules, it becomes very difficult for that person to deal with that situation. Do not put administration issues in the rules.

**MR KAFUUZI:** Madam Speaker, I wish to add to what hon. Kakooza has just said. There is no mischief here that we intend to cure. The law is already provided for by Article 94. Now for us to go into the rules, amend and legislate upon it and tie the Speaker’s hands - we are simply creating a superficial appendage to the law.

If you should insist on having it in the rules, maybe you should use the word “may” so that it can be used flexibly as and when the Speaker deems it necessary. After all, it is already the Speaker’s powers and authority to determine the order of business. I beg to submit.

**MR AOGON:** I think it is only proper that the chairperson accepts and concedes to the position of the House. Madam Speaker, I know that our rules demand that the Order Paper is given to Members early before the sitting. So, even the argument of saying that Members need to know what is going to be discussed so that they prepare is invalid. The Clerk is supposed to upload the Order Paper early enough so that Members know what is going to be on the Floor. Therefore, I want to move that we delete that proposal and we maintain the status quo without wasting time. I beg to move.

**MR BAHATI:** Madam Speaker, the other point we need to look at is, Members in the House have different strengths and interests. There are people who are interested in legislation. For example, if you are handling a Bill, there are not always many people interested in these Bills.

That is why you can even see now - but if it was a debate on some political issue, people would be many. Therefore, if we stick one meeting to one particular business, it can also affect even the morale and attendance of Members. The liveliness of the House goes down because some people know that we are handling Bills this month. Madam Speaker, you will see just a few of us here.

Therefore, you need to mix up a little bit so that the House remains – people have different strengths. I think that we have really moved and I do not know what the Speaker is waiting on because we have moved three motions over this issue.

Madam Speaker, what we are waiting is for you to rule that this proposal be dropped – *(Interruption)*

**MS OGWAL:** Madam Speaker, the chairperson is insisting that we must give priority to Government business but there are many times we have laboured to tell the Prime Minister to come with his team to Parliament. Most times, space for Government business is given but those to drive Government businesses are never there.

Now, in a situation where the ministers who are supposed to bring to us matters of Government priorities are not there, do you now expect the Speaker to say, okay, the rule says, we now cannot move because the ministers to bring the businesses are not there?

Members, for the sake of peace and stability, why don’t we leave this rule as it is? Thank you.

**THE SPEAKER:** Honourable members, the general calendar of each meeting will be issued separately. I think let us not put it in the rules. Let us go to the next one.

**MR ONGALO-OBOTE:** Honourable members, the Speaker has just made a ruling.

Rule 25: Order of business

1. Sub-rule (2)(o) substitute for the word “presentation”, the word “laying”.

The justification is to use the correct phraseology based on practice. This is just an alignment.

**THE SPEAKER:** Honourable members, I put the question that sub-rule (2)(b) be amended as proposed.

*(Question put and agreed to.)*

**THE SPEAKER:**You have a new paragraph.

**MR ONGALO-OBOTE:** New paragraph

Insert a new paragraph immediately after paragraph (y), the following –

“(z) Other motions”

The justification is to cater for other motions.

(c) Sub-rule 4

(a) Delete the words, “by a specific vote, determine to” appearing in the first line.

The justification is that they are redundant

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

*(Question put and agreed to.)*

*Sub-rule 4, as amended, agreed to.*

*Rule 25, as amended, agreed to.*

**MR ONGALO-OBOTE:** Rule 26: Procedure of business

Insert a new sub rule (6) immediately after sub rule (5) as follows;

“(6) Notwithstanding rule 25 (1), where an item appears on the Order Paper for six consecutive sittings of Parliament, the Speaker shall give that item priority on the subsequent Order Paper.

The justification is to ensure that items on the Order Paper are disposed of.

**MR AOGON:** Madam Speaker, that is a typical example of avoidable headache. First of all, we know very well that this Order Paper – even the one of today, I wanted to invite my chairperson and the committee to look at the Order Paper of today and see how many items have been there and they have not been discussed. Then look into your mind and see the implication of what we are trying to do.

I do not believe that we need to that. We do not even need a debate on it; we simply need to drop it from the entrance.

**MR KAKOOZA:** Madam Speaker, I cannot understand but since you have been around for some time; the way you have been running the institution is by experience. I can imagine during the COVID-19 times, if you had not taken a stand and said let us do a, b, c and d, - and we had a lot of business on the Order paper. If you had not taken a stand, what could have happened?

You are telling the Speaker that please determine the Order Paper or any business which could come. Now, you are coming with another rule saying, please do not change the Order Paper. Let that environment be discretionary to the Speaker, who will be in that chair. There is no way you can control the environment and the environment cannot be constant; it changes all the time –*(Interruption)*

**MS OGWAL:** Madam Speaker, in a situation where I have been hired as a cook and you have to tell me, when food stays in an open place for three days, do not serve it to the children. Do you have to tell me? I should know that after three days, the food has gone bad; so, I decide whether it is eatable or not. As a mother, I am the one to decide. When I am cooking and you tell me how much salt to put, it means you do not trust me as a cook.

Particularly if you are a man, I will know how to treat you. Really, you have entrusted me with that responsibility; maybe what we should do is to prescribe in detail what qualifications a Speaker must have so that we do not have to tell the Speaker, after six days, if a matter is on the Order Paper, we do not have to prescribe those details because we trust the Speaker ought to know the administrative matters, and how to use his or her judgement, in driving the business on the Floor.

7.12

**MS AGNES WEJULI (NRM, Woman Representative, Bugiri):** Madam Speaker, this time, I want to stand with the chairperson on this matter because we have had items that stay on the Order Paper for long, and this has happened throughout this Parliament.

I think that if we have such a rule, it will help in guiding the order of business. Where I come from even if it is a mother or a father, they say that, that that does not have rules or behaviours, it is not enough for everybody.

Therefore, when we have a rule to guide the order of business in that way, it will even help the Speaker and I do not know how business is determined. You find other business being given priority and other items staying on the Order Paper for a very long time and so, it takes the Speaker to help us dispense business.

**MR AOGON:** Madam Speaker, I am seeking clarification from hon. Taaka. In a situation where the items, which have been pending for more than six times are more than 20 and you want to comply with this rule, what will you ask the Speaker to do?

A situation where you have many items of that nature and you are saying that by rule, they should be brought forward and handled as per your proposal, what is expected?

**MS TAAKA:** Madam Speaker, I wish to clarify that most probably we have had such items appearing for over 20 times though you are now standing with me for 10, 20 times – and because we did not have such a rule, it has been at the discretion of the Speaker to decide.

Therefore, an item can stay for long but when we have such a rule, it means that it will regulate the time limit and we shall work. The Speaker is the presiding officer of the rules and so, he or she will be there to see that we move by the rules. I beg to submit.

**MR BAHATI:** Madam Speaker, I do not know whether the former Leader of the Opposition is still in the House - I mean hon. Nandala-Mafabi. When he was the Chairperson of the Public Accounts Committee, in the 9th Parliament and some Members of the Opposition who were chairing the accountability committees - we had an issue where they produced reports and Madam Speaker, we had to come to your office to beg that these reports be put on the Order Paper, discussed and disposed of.

There are those situations where especially reports from the accountability committees, which come from the Auditor-General, keep pending on the Order Paper.

I support the chairperson that if we put it in place, it will help us handle matters of that nature instead of having to lobby the Speaker to put them on the Order Paper; the Speaker will be moved by the rule to handle such a matter.

So, I support the chairperson’s’ proposal; it will help us to attend to those matters that stay on the order Paper forever and never get disposed of. It is one way of encouraging the Speaker to handle these matters when they are on the Order Paper for open reasons or the other for some time.

7.17

**MR ELIJAH OKUPA (FDC, Kasilo County, Serere):** Madam Speaker, I am here to oppose this amendment. Let us look at the issue of Tororo District, which keeps appearing on the Order Paper. How are you going to enforce it when the appointing authority is saying, “please hold?” You are the very people who keep coming to say you aren’t ready.

For example, how are you going to enforce that because it has appeared six times? Apart from keeping it always on the Order Paper so it can keep running in and out because you are waiting for the caucus to meet; you are waiting for the President or waiting for some people to first go to London.

Let us not micro-manage the Speaker’s office. A friend was telling me, “If darkness has not caused you any problem, you do not start looking for light.” Why do you look for the sun when darkness has not caused you any problem because you need to sleep? Please, let us leave this to the discretion of the Speaker. Thank you.

**MR NANDALA-MAFABI:** Hon. Bahati, the Minister of State for Planning, I am available; I know why you had to ask me to may be stand. I am here this time to also support the committee’s proposal.

Why should some item appear on the Order Paper then it goes off and eventually becomes business to follow? The moment an item is on the Order Paper, the following day it must move up. It will be the best way to do business. Hon. Bahati raised a point that made me want to refer again to the Constitution - for example under Article 163(4) the Constitution says, *“The Auditor-General shall submit to Parliament annually, a report of accounts audited by him or her under clause 3 of this Article for the financial year immediately preceding.”* Then it adds, “*Parliament shall, within six months after the submission of the report referred to in clause 4 of this Article, debate and consider the report and take appropriate action.”*

The moment we relax, we are not doing our job and for a report to be on the Order Paper or anything, disposing of it does not mean it must be concluded.

It may appear so; it may be talked about and they say no, go back and do x, y and z but that will have been mentioned.

It is like in court, where you have a case and they say, you have to come today for mentioning; and that keeps the case alive. Reports staying on the Order Paper demoralises the people who prepare the Order Paper and causes inefficiencies.

The next Parliament should have timelines because we have timelines when we produce reports. This is incumbent upon both the Speakers’ office and the Clerk’s office to ensure we follow our timelines. Otherwise, we are badly off in this area.

**MR AOGON:** Madam Speaker, I know that hon. Nandala-Mafabi is trying to switch sides a little but there is something that I want to invite this House to think about. What will now happen in a situation where we have decided to carry such items forward - the way you are trying to propose - and the people who are supposed to attend to such matters are not present. How will you treat such matters after that?

The Speaker can determine which item has overstayed and if it should be brought forward but when you call the chairperson of the committee and you are told he travelled out of the country - how shall we continue?

Nobody is willing to do this or there is something that mandates that you cannot go ahead with that particular item; what happens after that? We should not run into a situation where we cannot solve the issue. Let the chairpersons of committees just agree that they have done a beautiful job but for now, this House holds the mandate to decide on what to agree with and what to react to.

Therefore, I propose that we reject this proposal; let us drop it and move on. We must value our time and there are more items coming ahead of us. Thank you.

**MR KAKOOZA:** To supplement what he said, we have the Public Finance Management Act where Cabinet delays to submit their policy statements and if it is not within the Speaker’s discretion to extend sometime, what happens? Would you throw out the budget?

When you look at one side, look at the other side too. The matter has been stayed for six months; supposing those matters are very important and there are no people to respond to that, what would happen? Will you throw them out and they disappear from the Order Paper?

I think people who framed these rules a long time ago were focused; that whatever environment there is, it is at the discretion of the Speaker to say, “I can do it this way because I can manage”. Micro management in an institution does not work. It is even bad.

If you choose a Speaker you trust who is very competent, knowledgeable and has got institutional memory, he knows how to deal with these things. However, you will get a new one and find problems. He will collapse this institution.

**GEN. (RTD) ALI:** Madam Speaker, can I say something?

**THE SPEAKER:** Yes.

**GEN. (RTD) ALI:** I think in life, it is not good to be indecisive. If you are going on a 10-kilometre journey and then reach a junction but you do not know which road to take - you want to go right and then turn and want to go left - you will remain there for hours.

This chairman’s proposal is actually good for the Speaker or whoever is staying there. After all, why should the item on the Order Paper stay for long? Why is it put at all on the Order Paper, if it is going to stay for long? I think we should help. We should make business move.

A Speaker should be helped and also, whoever is on the Order Paper should be helped to make sure that this is an active Parliament. I support the chairperson.

**THE SPEAKER:** Honourable members – Yes, Tororo.

**MR ANGURA:** Thank you very much, Madam Speaker. That would be a very good proposal, if it can be harmonised. Many times, what the delays on the Order Paper might not only be due to the absence of the chairperson who was supposed to present. Sometimes the members of the Executive also disappear.

What happens where you are referring to a similar issue, where the ministers are dodging to come; like hon. Okupa talked about Tororo? You keep referring to them but they are never there. Are we also – *(Interruption)*

**MS AOL:** Thank you, honourable member, for giving way. I would like to inform the honourable member that it is not only Apaa. When we wanted to pass the cities, it took long. It was not because of probably weakness of the law but sometimes, it is because of a challenge here in Parliament, like mobilisation.

When people are not mobilised, do you have to force it? For example, we are here and we want to pass maybe a constitutional amendment. Do we have to force that it is by law even when people are there?

The fact that we have business to follow is already good enough to help us save something which cannot be handled within that time, so that we get an appropriate time and handle it, when at least everybody is there to participate.

Thank you. That is the information.

**MR ANGURA:** You have exhausted it. Thank you very much. Madam Speaker, the discretion of the Speaker to decide is equally very important. What happens after six times? Will you make a ruling that, “Let Tororo be divided?” *(Laughter)* I think that is where we need to go.

We need that to also be harmonised well and let the Executive be aware that when we make these rules, they are for the good of management and day-to-day running of the business, by disposing all the business that is pending on the Order Paper.

It is unfortunate. We really need this to be managed, as a matter of fact. There is business that becomes stale and even disappears and yet it is important. However, the ministers are - in most cases – letting us down.

**THE SPEAKER:** Honourable members – *(Gen. Ali: Excuse me, Madam)*

**GEN. (RTD) ALI:** This business of flogging ministers, as if it is the only business for Government - Government business has been going on here; ministers have been coming.

So, if two, three or four ministers did not come – like many other backbenchers do not come to this House – not all of you are here. So, do not use this as an excuse. Business is going on; Government is going on. Government business is moving forward here. I do not accept this as a valid issue.

**THE SPEAKER:** Honourable members, yes, there could be areas where some business delays. However, I just want to give you some examples.

Yesterday, we dealt with a Bill that has been here for almost 10 years. If we had removed that Bill from the Order Paper, what would be the signal to the target people? There is a Bill that requires two thirds. I cannot remove it from the Order Paper. If I remove it, what will the pro-people say? If I remove it, what will the anti-people say?

You know, it is not as simple as you say. Yes; what we can ask the Clerk is that if matters have delayed, they should be brought formally to the attention of the Speaker. However, to say that, “Bring it forward”; if I bring that Bill and the two thirds is not here, do I throw it away?

The matter is not as simple as you think, but yes, there are some issues which you need to address. However, to say that if it had come six times - that means from last week to this one - if they come up to Thursday, we should now dispose of them anyhow.

**MS AOL:** For example, we have our Constitution (Amendment) Bill. We have been very few in this Parliament; should it have been thrown away or what? We have to consider this. Thank you.

**MR ONGALO-OBOTE:** Madam Speaker, I seem to have been misunderstood by Members. Nowhere in this proposed amendment does it say that if - for six consecutive times - this item does not appear on the Order Paper, it should be thrown out. That is not what we have said.

What we have said is that when an item appears on the Order Paper for six consecutive times but is not addressed, then the Speaker shall give it priority.

Honourable members, the Speaker is the keeper of the rules; the Speaker is not the rules. We are talking as if the Speaker is the rules and every time we amend the rules, we take powers away from the Speaker. The Speaker remains the keeper of the rules. That is why we have written rules but the Speaker has the discretion – often – to relax it or tighten it on a specific matter. For example, we have specific rules on budgeting but sometimes, by the Speaker’s discretion, finance is given an extra two to three days.

I want to give an example; the reason we think this amendment is useful is because using it brings closure to any business that the committees handle. For example, the Committee on Rules, Privileges and Discipline was dealing with the issue of discipline, regarding the honourable Minister of State for Defence and Veteran Affairs, hon. Okello Engola.

Now, this matter appeared on the Order Paper for almost three months and every day, hon. Okello Engola left any other pending business – however urgent they were – and he had to come to the House because he thought it would be called but it was never read.

We really believe that in that situation, the Member should have had a right to say, “Please move this up”. Honourable members, there are situations where you cannot delegate someone to appear on your behalf here, it needs *(Interruption) –* I will take that information.

**MR AOGON:** Madam Speaker, the information I would like to give my chairperson and colleague is this; the Office of the Speaker is always open and the Office of the Clerk to Parliament is equally open and where a minister knows that they have an item on the Order Paper, in my opinion, they are free to go and talk to the Speaker. I wonder whether the minister that you are talking about had time to discuss with the Speaker and she refused to attend to the matter.

Madam Speaker, on this matter of the rules - and trying to shift to say that we must put it on the Order Paper via the Rules of Procedure and yet the Speaker has the discretion – by the wisdom of this House, we are the makers of our own rules. Why are we making life difficult for ourselves yet we are the ones who decide?

Chairperson, your work is to submit the work of the committee here and then allow us to debate. I know you can try to defend it but you may not be able to defend it forever. It is time for you to drop it and the time is now. I do not welcome that. Madam Speaker, I again propose that we drop that amendment.

**MR KAKOOZA:** Attorney-General, you can guide us on this because the Speaker has asked a very good question. She has given an example of Bills being with us for 10 years. What will happen to them?

Once you put anything on record here in the Rules of Procedure, the Speaker stands to be challenged. When you state certain things about the matter, anybody that would have put up that matter can come and challenge the Speaker.

The reason we are giving room to the Speaker is that whoever has something to say can go and whisper it to the Speaker. He can say that his matter has been here but it has not been dealt with. The Speaker is ready to use that discretion.

There is no way to control human beings. We cannot be accurate all the time. That micromanagement in administration cannot be put in the Rules of Procedure. It is the person in that Chair that is given trust and discretion, to decide what is right and wrong. The moment you put it in the rules, she will stand to be challenged.

**MR KAFUUZI:** As Speaker, you chair the Business Committee of Parliament. By doing so, you determine what goes on the Order Paper, in which case it means you prioritise. If a matter is urgent, you will determine from then and bring it forward.

Just yesterday, I was here making a presentation on Kadhi Courts and because you considered it urgent and it is a matter that had not been brought to the Floor, you allowed for it to be brought here.

If we imbed that in the Rules of Procedure; and you say you want to prioritise it while the Government is not preparing the Bill, what do you do? Your hands will be tied by the Rules of Procedure. My suggestion is that we maintain the status quo and allow independence of the Speaker to determine what goes on the Order Paper.

On Thursday last week, I came here and walked to the Speaker and asked her to lay on the Table, a statutory instrument relating to operationalisation of the Electronic Voting System of the Electoral Commission, to which she accepted. She made time and did so. That is what it means to preside but do we have to legislate over that? I beg to submit.

**THE SPEAKER**: Honourable Members, I instruct the Clerk, administratively to take stock of items that overstay and must formally bring them to the attention of the Speaker. Just like you take time to check how long a Bill has remained somewhere, it has taken more than 45 days - I think that you should also do that with respect to items on the Order Paper. Honourable chairperson, leave that amendment.

I still think it is an appropriate time to adjourn because we have been here since morning.

**MR ONGALO-OBOTE:** Honourable Members, once the Speaker has ruled, if I say anything other than that, then, I will be challenging the ruling of the Speaker. I would only have to do that by way of a motion, which I am not about to bring now.

However, I would like to thank you all for today’s session. I just wish to remind you that we may not always have in that office, a Speaker whose door is open at all times; and you will remember these proposed amendments. Thank you.

**THE SPEAKER:** Okay. Honourable Members, I think this is an appropriate time to adjourn. The House is adjourned to tomorrow at 10 O’clock. Thank you so much. We have done quite a lot today.

*(The House rose at 7.39 p.m. and adjourned until Wednesday, 5 May 2021 at 10.00 a.m.)*