



PARLIAMENT OF UGANDA

PARLIAMENTARY DEBATES

(HANSARD)

OFFICIAL REPORT

SECOND SESSION - SECOND MEETING

FRIDAY, 23 DECEMBER 2022



PARLIAMENT OF UGANDA

IN THE PARLIAMENT OF UGANDA

Official Report of the Proceedings of Parliament

SECOND SESSION - 17TH SITTING - SECOND MEETING

Friday, 23 December 2022

Parliament met at 10.22 a.m. in Parliament House, Kampala.

PRAYERS

(The Deputy Speaker, Mr Thomas Tayebwa, in the Chair.)

The House was called to order.

COMMUNICATION FROM THE CHAIR

THE DEPUTY SPEAKER: Honourable colleagues, I welcome you to this year's final sitting as we go for the Christmas break. I also thank you for turning up in big numbers, yesterday, to pay glowing tribute to our colleague, Hon. Okabe. Like the Speaker said, when we lose one of us, it always shakes us, but God Almighty always guides us through.

Therefore, I urge those who can, to go to Serere tomorrow and let us come in big numbers to send off our colleague. I will be there. It is a strong message we send in terms of caring for each other. If we can go to bury relatives, I think when it comes to a colleague, we should be there in big numbers. I urge you to, please, join us tomorrow in Serere.

I will be amending the Order Paper to allow the Minister of Finance, Planning and Economic Development to table the Supplementary Schedule (No.1) for the Financial Year 2022/2023.

Also, today, the issues we have on the Order Paper do not require quorum. Someone might say, "You do not have quorum." There are no critical resolutions to be made. We are meeting procedural requirements as I will be explaining later on.

Next item - what do you want to comment on? We do not have much time here today. I do not see which communication you want to react to. Let me allow you only two minutes.

10.26

MR NATHAN TWESIGYE (Independent, Kashari South County, Mbarara): Thank you, Mr Speaker. I would like to respond to your communication. In the 10th Parliament, we lost Hon. Abiriga and you saw what happened when the body was taken to Arua. People were bitter because there was no report on why he was killed. I think up to now, there is no report on how our colleague died. Gen. Katumba was attacked and I have heard the President saying it was the Allied Democratic Forces (ADF).

We lost a colleague on Monday in an accident - the Minister of Works and Transport, the Minister of Internal Affairs, the Minister of Defence and the Minister of Foreign Affairs are Members of this House. It is reported that the truck that knocked our colleague had registration numbers of a foreign country.

Mr Speaker, we are burying our colleague who died on Monday, tomorrow, Saturday, but there is no report on what exactly happened. If it was a Kenyan truck, where was it going? If the

driver took off, who is the owner of the truck? What is the police doing?

I request that before we go for burial tomorrow, we should have at least a partial report of what happened and what has been done so that we give people hope that something is being done about this matter. Otherwise, we may have another scenario like what happened in Arua.

THE DEPUTY SPEAKER: Thank you, Hon. Itungo. First, the police came out with a statement as far as the accident is concerned. Secondly, on this Floor, we should not have such doubts and create suspicion in the minds of people.

The works minister was here yesterday and he talked. We met the family and we have been working with them and we have not seen any doubt; we have cooperated. Parliament has a team on the ground and a team of security to keep law and order. I have not heard of any - because the family would have been the first. All those complaints you are talking about, honourable colleague, started from the family. However, they know what exactly killed their parents.

I have taken note of the matter. I will pass on the message to the relevant minister. I urge that as the situation is calm, we should give a message that creates further calmness on the ground.

10.30

MR GEOFFREY EKANYA (FDC, Tororo North County, Tororo): Thank you, Mr Speaker. You have indicated that the finance minister is going to lay a paper, which we appreciate. We have come here to do our constitutional duty; the National Budget Framework Paper is laid, we process the budget, do appropriation and pass it.

To-date, the House has requested for the quarterly reports on the budget performance, as provided for in the Public Finance Management Act. The minister has presented reports here, but the reality on the ground is totally different. Institutions are being given “air” releases. We

are now going to start another budget process. We need the finance minister to give us hope that we are not going to waste time.

THE DEPUTY SPEAKER: Thank you. Honourable colleague, the minister did his part by presenting the reports and we referred them to the committee. Let us wait for the committee report. What you are doing is discussing the outcomes or recommendations of the committee. Allow the committee to report and we will have a clear basis for debate before making conclusions.

Immediately after recess, we are going to give the Chairperson of the Committee on Budget space on the Order Paper. He will report on the performance of the budget.

BILLS FIRST READING

THE EMPLOYMENT (AMENDMENT) (NO.2) BILL, 2022

10.32

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Ms Betty Amongi): Mr Speaker, I beg to move that the Bill entitled, “The Employment (Amendment) (No.2) Bill, 2022 be read for the first time. I beg to lay on the Table the Certificate of Financial Implications and clearance for the same. I beg to move.

THE DEPUTY SPEAKER: Is the Bill seconded? (*Members rose*) - it is seconded by Hon. Fox-Odoi, Hon. Mudimi, Hon. Norah Bigirwa and Hon. Opendi, Hon. Alyek, Hon. Gabriel Okumu and Hon. Amos.

The Bill is referred to the Committee on Gender, Labour and Social Development. With that, item No.4 is going to be suspended for now. We want the committee to meet and reconcile the two Bills because there are provisions, which could not be catered for in the Private Member’s Bill due to the limitations under Article 93 of the Constitution (that is, clauses with financial implications).

Instead of passing a weak law because a Member is limited in one way or another, they better go back, enrich it so that we have one law that is strong and addresses the challenges in the employment sector.

10.34

THE LEADER OF THE OPPOSITION (Mr Mathias Mpuuga): I was very agitated, Mr Speaker, when I saw both on the Order Paper. Again, I felt like Members are being frustrated. We need to cultivate that spirit and probably, the frontbench should give assurances to Members that they will not be frustrated. Certainly, they lack initiative and we can understand their sense of sluggishness.

Therefore, if they can commit that they will not frustrate Members so that Members can really initiate - because the Uganda Law Reform Commission is also slow and the frontbench is not any better. If that spirit can be cultivated, we will do a lot of business with Members who wish to move a Private Member's Bill.

I see Hon. Kasaija is agitated, but that is the reality. The frontbench is sluggish and we are trying to allow Members to move Private Member's Bills - especially you, do what the Ministry of Gender, Labour and Social Development has done, which is commendable - to come and complement the work of Members. Then, Parliament can really affect and effect the public cause. Thank you, Mr Speaker.

THE DEPUTY SPEAKER: Thank you, Leader of the Opposition. We have allowed Private Member's Bills to come so that if a minister delays, then, they will play catch-up. Otherwise, we cannot frustrate the Member. - Let me first pick the mover of the Private Member's Bill.

10.35

MS AGNES KUNIHIRA (NRM, Workers' Representative): Thank you, Mr Speaker. I appreciate the decision you have made. My emphasis is that the ministry should not facilitate other unclear issues. I have looked at their Bill and I know their interests. I know

that they are not interested in bringing on board the casualisation of labour, and yet it is clearly stated in the statutory instrument.

Therefore, I implore the House that when the time comes, they should not frustrate the details.

THE DEPUTY SPEAKER: Honourable colleague, that is why before I even allowed the minister to speak, I first called you. We do a lot of work behind the scenes. If there is a Member who has moved a Bill, I cannot again allow it on the Order Paper before consulting with the Member.

I remember I called you late in the night and we had a long talk. I guided you properly so that we can move in tandem, as a team, which is very important.

Now, when the minister tables the Bill on the Floor, her work is done. The minister no longer has the capacity to frustrate you, even if she wanted to, but I do not think she will do this because she approached me. She said, "I know my colleague has moved, but I want to complement what she has done so that we have a richer Bill." There should not be any cause for alarm. It is the committee that now has to go back to assess and ensure that the two Bills are integrated.

MR OKUPA: Thank you, Mr Speaker. I do not know if this is a point of clarification or a procedural matter. If a Member has been given a Certificate of Financial Implications - for this case, I just need some clarification whether that was done - from the honourable member before I raise this matter.

THE DEPUTY SPEAKER: We allow - after 60 days, if you do not get a certificate, it is automatic. That is what we consider.

MR OKUPA: Therefore, it was not given; it was just implied. Thank you.

10.38

MR IDDI ISABIRYE (NRM, Bunya County South, Mayuge): Thank you, Mr Speaker. I appreciate the minister for the first time -

THE DEPUTY SPEAKER: I hope it is not the last time. *(Laughter)*

MR IDDI ISABIRYE: I am a member of the Committee on Gender, Labour and Social Development. This Private Member's Bill was referred to the committee. We processed this Bill and we were ready to present the report, together with the Bill.

There were efforts to reach out to the minister to come and appear before us such that we do it together - for the ministry's input together with the Member's. We were really frustrated. Today, we came ready to present the report together with the Bill.

If the minister is tabling a Bill for reconciliation with the already - we must be mindful of the time and the resources that we use to process the Bill. We went for a retreat. This is not a ritual. If a Member –

THE DEPUTY SPEAKER: I thought you were appreciating the minister. This kind of appreciation – *(Laughter)*

MR IDDI ISABIRYE: Yes. Mr Speaker, the reason I appreciated her was because she came at the time when we were ready to present the Bill. I thought we were going to do it together so that her input is made together with the report, which was ready to be presented here.

THE DEPUTY SPEAKER: Honourable member, we cannot introduce new clauses on the Floor.

MR IDDI ISABIRYE: I know, Mr Speaker. That is why I appreciated her, but I appreciate your – *(Member timed out.)*

THE DEPUTY SPEAKER: Thank you. I totally agree with you. It is a challenging situation. However, again, in the end, you want a very rich Bill. If you find some clauses, which a Member is barred by law from moving, then what does it help for you to finish a Bill quickly, which may be a weak one? Immediately after assent, the minister can bring another amendment and then, you go through

the same process. Therefore, you would rather harmonise it early - we are working it out together to see how best this can stop.

I had allowed Hon. Opendi to speak. Let us conclude this matter because honourable colleagues want to go for Christmas. There are those who want to go to Serere. Today, I do not want us to sit for more than an hour.

10.41

MS SARAH OPENDI (NRM, Woman Representative, Tororo): Thank you, Mr Speaker. Moving a Private Member's Bill is our right. In moving a Private Member's Bill, oftentimes the ministers know that such a Bill is coming. These Bills are not moved for the good of a Member. We are moving these Bills in the best interests of Ugandans so that we can solve problems that could be existing at community level.

Therefore, even when the Member has been granted leave, this Member does consultation. The teams that support the Member here in Parliament - the legal team - consult the Solicitor-General.

I, therefore, appeal to the frontbench. We normally reach out to Members of the frontbench about certain Bills. The Employment (Amendment) (No.2) Bill, 2022, for instance, was passed by the previous Parliament. The minister knew that it was one of the Bills that were not assented to. How I wish she had worked with the Member so that she supports her. We are not doing this for our own good. Please, support the Member so that the Bill can come - and then, even support the process at the committee level. We would not be going into this. We would have had the Bill passed today.

Therefore, I request the Executive, moving forward - we have other Private Member's Bills; we have the Sexual Offences Bill, which was passed by the previous Parliament, but brought back. I want to request - honourable minister, this falls in your docket, because it is intended to address a problem concerning your sector. I request you to support us so that we

move together. Other than this - you know, it looks ugly, that a Member has brought a Bill and then, the Government brings another; why don't you support the process so that we move together with one Bill like we did with the HIV/AIDS Bill and others. Thank you, Mr Speaker.

THE DEPUTY SPEAKER: The most important thing is that you have been put on notice that there is another Bill where you need to support a Member. Colleagues, please, let us move on.

BILLS FIRST READING

THE LAW REVISION (MISCELLANEOUS) (AMENDMENT) BILL, 2022

THE DEPUTY SPEAKER: Attorney-General -

10.44

THE DEPUTY ATTORNEY-GENERAL (Mr Jackson Kafuuzi): Thank you, Mr Speaker. I thank you for agreeing to stand over my matter because I was stuck in traffic.

I beg to move that the Law Revision (Miscellaneous) (Amendment) Bill, 2022 be read for the first time. I beg to submit.

THE DEPUTY SPEAKER: Thank you. Honourable minister, supporting documents -

MR KAFUZI: Mr Speaker, here with me is a Certificate of Financial Implications issued by the finance ministry. I beg to submit.

THE DEPUTY SPEAKER: Thank you. Is the Bill seconded? (*Members rose*) It is seconded by Hon. Teira, Hon. Nsibambi, Hon. Hanifa, Hon. Ekanya, Hon. Itungo, Hon. Katoto, Hon. Twesigye, Hon. Norah and Hon. Byanyima. The Bill is seconded and referred to the Committee on Legal and Parliamentary Affairs to be processed. Thank you.

MR BASALIRWA: Mr Speaker, I thank you and the learned Attorney-General. You recall that I came to your office and you accorded

me space on the Order Paper to move a Private Member's Bill on law revision. Again, with your guidance, the Attorney-General came and we engaged - because they had a similar Bill, which I think is this one.

Mr Speaker, you recall my motion and the draft Bill had already been uploaded on our new parliamentary platform. I thought that in the spirit of allowing them to bring their Bill, they would cater for the interests in the Private Member's Bill. Unfortunately, I have perused their Bill and it has no relationship, whatsoever, with the Bill I intended to move.

Mr Speaker, when you look at my Bill, which-

THE DEPUTY SPEAKER: Honourable member, without going into details, because I know if your provisions are not provided for in the short title, that means they cannot be introduced either at the Committee Stage or even in the House; they would need to be introduced from the beginning.

MR BASALIRWA: Yes, Mr Speaker.

THE DEPUTY SPEAKER: So, I will request that you meet with the Attorney-General and the Parliamentary Counsel today so that we see how to harmonise this. If we fail, Presiding Officers will get a solution for the private Member.

MR BASALIRWA: Mr Speaker, let me be on record that their Bill has no amendment to the Penal Code Act in light of the provisions of the Supreme Court in the Andrew Mwenda case.

It has no provision on the Public Order Management Act, in light of the Muwanga Kivumbi case on permission by police. It has no provisions on the Police Act; and all these cases are judicial pronouncements.

Therefore, we have not been playing our role - both the Attorney-General and Parliament. Unfortunately, the courts are still charging people under laws that were declared unconstitutional. For example, rogue and vagabond, idle and disorderly, sedition - In

fact, last year, I represented a young man called Moses Bigirwa, before the LDC Court over a law that had been declared unconstitutional. I had to remind the magistrate that this is an unconstitutional law, but they are still in our law books.

Therefore, I expected the Attorney-General to capture the fact that we have obsolete laws. The Nakivubo War Memoriam Trust Act- we are battling with issues to do with sports development- this is an obsolete and redundant law. When you look at theirs, they mentioned some, which are not captured.

Mr Speaker, it is obvious that their Bill is not in tandem with mine. However, with your guidance, if they can agree to capture the provisions in my Bill, I would have no problem with it. If not, the Attorney-General is here, he should commit himself. If not, I would seek your indulgence to allow me move a motion to have the matter resolved.

THE DEPUTY SPEAKER: But honourable, I said the presiding officers are going to protect their Members. Attorney-General do you want to say something?

MR KAFUZI: Thank you, Mr Speaker. First, Hon. Asuman is my colleague and personal friend. Ideally, there is no way we can avoid considering his concerns. As Attorney-General's Chambers, we shall accord him time. We shall look at what he has and see if we can include it so that we harmonise our positions to avoid a lot of disagreement on the Floor of Parliament. I beg to submit.

THE DEPUTY SPEAKER: Thank you. When you do this reconciliation, Hon. Basalirwa, you will find that some of them are - like the one on sedition, they provided for it under clause 14 of the Bill- it is already there - yes, I have it here, you can read through. Therefore, you need to go and reconcile. However, what is important, from what I pick from what Hon. Asuman is saying, is that once a major provision is not provided for under the short title, the committee and the House cannot help a Member.

So, instead of passing a Bill, then immediately after assent, a private Member brings another Bill- this is what we are talking about that you reach out to each other. Let us have open hearts- please, ensure that you consider the issues, which Hon. Asuman considered. If not, then, I will allow him to move his Private Member's Bill, and then, ask the committee to merge the two and reconcile.

However, I would think that we do not need to reach that level all the time. Please, first give people an opportunity to work together and once they fail, then you can go to that extreme kind of step.

LAYING OF PAPERS

THE NATIONAL BUDGET FRAMEWORK PAPER FOR THE FINANCIAL YEARS 2023/2024 TO 2027/2028

10.52

THE MINISTER OF FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (Mr Matia Kasaija): Mr Speaker, I beg to lay the National Budget Framework Paper for the Financial Years 2023/2024 and 2027/2028.

THE DEPUTY SPEAKER: Thank you, honourable minister. Is it accompanied by the certificate of compliance from the Equal Opportunities Commission, or the assessment report?

MR MATIA KASAIJA: Mr Speaker, it is accompanied by the Certificate of Gender and Equity Compliance on the National Budget Framework Paper for the Financial Years 2023/2024 and 2027/2028. I beg to lay.

THE DEPUTY SPEAKER: Thank you, honourable minister, for complying with Rule 144 of the Rules of Procedure. It is hereby referred to the Committee on Budget, but the relevant sectoral committees will have to pick on components, which are relevant to their committees.

10.53

MR NATHAN BYANYIMA (NRM, Bukanga North County, Isingiro): Thank you, Mr Speaker. I request the finance minister to try his level best and avail to all the Members of Parliament a copy of that framework paper.

Last financial year, we fidgeted a lot. The fact that they put them on the intranet to have a touch of reality that it is an important document for us all to pick – *(Interjections)* – I am wrong, I am an old man, let me have my copy. Otherwise, I think it is important for Members to each have a copy. That way one can read through and pick out what they can so that eventually – even when it comes to the ministerial policy statements, each Member should have a hard copy so that they can read what is in Water. I can read on Roads like we used to do and so on.

True these reports are on the intranet, but these documents are very important and we cannot do without them. You cannot imagine the pages that are in that report; one cannot read them on the iPads and adequately understand. I thank you.

THE DEPUTY SPEAKER: I do not need to rule on that. Colleagues, we have made a request to the honourable minister; let us listen to him.

MR MATIA KASAIJA: What has been requested is genuine. I concur and I will provide it. *(Applause)*

THE DEPUTY SPEAKER: That is sorted.

10.55

THE LEADER OF THE OPPOSITION (Mr Mathias Mpuuga): Mr Speaker, thank you. I thank the minister for complying with the timelines. However, I would like to beg that before we take leave today, I want to look at the copy because on 21 December 2021, they laid a dummy and later, sneaked in the real documents. This time round, before my old friend takes leave, I want to look at the real document he has laid so that he does not lay a dummy here.

We had a fiasco last financial year. With your indulgence, Mr Speaker, I will look at the document while seated here before he leaves this House so that I can do a citizen arrest in case he laid a dummy here. *(Laughter)*

THE DEPUTY SPEAKER: Colleagues, if you trust Hon. Mpuuga and Hon. Kasaija on such matters, you will fall into a problem. They are good friends. I know, sometimes, they want to pull our legs, but you are colleagues, you share and make sure you open up to each other. Chairpersons of sectoral committees, we have only one month to process this report. We have to report to the House by the 30th of January because the House must approve it by the 15th of February.

So, you can see our timelines and these are timelines we cannot amend. So, the National Budget Framework Paper is going to be our priority so that we give it justice. We do not want to go into rush kind of situations.

10.57

THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (GENERAL DUTIES) (Mr Henry Musasizi): Thank you, Mr Speaker. Just to inform the House that the law requires us to approve the National Budget Framework Paper by the 1st of February, not the 15th.

THE DEPUTY SPEAKER: Thank you for that clarification. Sorry, I had got it wrong. Colleagues, just refer to rule 145, which has very clear timelines. I am sure we shall make it.

10.57

MR PATRICK ISINGOMA-MWESIGWA (NRM, Hoima East Division, Hoima City): Thank you very much, Mr Speaker. I join colleagues in thanking the minister for presenting the National Budget Framework Paper. However, on an unfortunate note, last night on the news, I saw the Chief Administrative Officer (CAO) of Nakaseke reporting that he will not pay civil servants' salaries for December until mid or end of January.

The other day, I read a letter from my CAO in Hoima and it is the same scenario. Now that we are here and the two finance ministers are here –

THE DEPUTY SPEAKER: We have one Minister of Finance, Planning and Economic Development. (*Laughter*)

MR ISINGOMA-MWESIGWA: My elder brother, Hon. Kasaija is here. Can we know what is happening - because this is too much. We are being questioned and hit left and right, yet, we do not know what is happening. What is going on, Hon. Kasaija, at the Ministry of Finance, Planning and Economic Development?

THE DEPUTY SPEAKER: Thank you. I am going to just allow Hon. Kasaija to respond. Otherwise, I would not have allowed this matter to come in, where we have reached. This is not the right time to – in terms of how we are proceeding in the House. Since it is – honourable colleague, a colleague has just raised a procedural matter and I am guiding. Now, you are raising a point of procedure. What do you want me to do?

MR EKANYA: Thank you very much, Mr Speaker, for your indulgence. I am just seeking your guidance that before the minister responds to this issue, I would also like to raise a similar procedural issue and then, he handles both at once.

According to the Constitution and the Public Finance Management Act, the minister is supposed to lay the National Budget Framework Paper with several attachments. Last financial year, the minister laid the National Budget Framework Paper without the required attachments. The attachments were brought later, which made the work of the committee very complicated. The law is clear on the list of attachments. I expect the minister to have laid all the attachments as provided for in the Act that has accompanied the National Budget Framework Paper.

THE DEPUTY SPEAKER: Honourable member, that is what I referred to. That is

why when the minister laid on the Table the National Budget Framework Paper, I asked him for a certificate from the Equal Opportunities Commission because section 9 of the Public Finance Management Act (PFMA) demands for that.

When the minister presents the full budget - because this is the National Budget Framework Paper - that is when all those other documents you are talking about will be laid. For now, the National Budget Framework Paper under section 9 of the PFMA, it is only the Certificate of Compliance from the Equal Opportunities Commission.

MR MPUUGA: Thank you, for your indulgence, Mr Speaker. I picked from what the Hon. Ekanya has said. He is making reference to Schedule 3 of the PFMA. Probably, the minister needs to make reference to Schedule 3 and assure the Member that all the matters referred to in Schedule 3, to give meaning to the entirety of the National Budget Framework Paper, are covered in this document. If he can give us that comfort, I think the honourable member would be covered.

THE DEPUTY SPEAKER: No, Hon. Mpuuga. What you have asked for is different. The Member was very clear; Section 9 is very clear about the National Budget Framework Paper, that the only requirement that is needed in the form of a document – there is a difference between being compliant with certain documents and meeting the requirements under the National Development Plan - that is different. The one for laying on the Table - those others are what the committee will assess to find out whether the minister has complied or not. Don't we have the National Development Plan in this House?

Colleagues, let us not read too much into this - the minister has taken note. If there is any document and the Vice-Chairperson of the budget committee is here - I am very sure they will do a thorough job. What I wanted was the certificate, as provided for under section 9 that has been captured.

Honourable minister, you were supposed to respond to Hon. Isingoma's issue. Colleagues, I hope we do not open up debate. Be clear, honourable minister, on what is going on to avoid a debate.

11.03

THE MINISTER OF FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (Mr Matia Kasaija): Mr Speaker, I will be very clear this time around. Let me make a statement. Salaries and wages have the first call on the Budget. If this question had been given to me in writing, I would have checked the exact figures. If there is any institution or sector that draws salaries from the Treasury and that money has not yet been given, then, there must be a procedural problem.

I want to promise this House that as soon as I leave here, I will go and check with the Chief Accountant as to why people have not received their salaries. I repeat, salaries and wages have got the first call on the budget.

If you want to get details, I do not know, Mr Speaker, how I will be able to convey that.

THE DEPUTY SPEAKER: Honourable minister, I think in about 30 minutes to one hour, you can have some information with which you will update this House.

MR MATIA KASAIJA: Thank you.

THE DEPUTY SPEAKER: We shall wait for you in one hour to give us feedback so that Members are able to - Thank you.

Back to my guidance on the National Budget Framework Paper, colleagues, according to rule 145(2), by 20 January 2023, the sectoral committees need to have reported to the Committee on Budget. However, we shall be communicating. Although we are going into recess, the sectoral committees are allowed to continue with their work, especially with processing the National Budget Framework Paper to meet the deadline. We shall reduce on Plenary so that you can focus on sectoral committee business. Next item.

THE SUPPLEMENTARY EXPENDITURE
SCHEDULE (NO.1) FOR FINANCIAL
YEAR 2022/2023

11.06

THE MINISTER OF FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (Mr Matia Kasaija): Mr Speaker, I beg to lay the Supplementary Expenditure Schedule No.1 for Financial Year 2022/2023. I beg to lay.

THE DEPUTY SPEAKER: Thank you, honourable minister. Colleagues, this is referred to the Committee on Budget for processing.

MOTION FOR ADOPTION OF THE
REPORT OF THE COMMITTEE ON
HEALTH ON A FIELD VISIT TO WEST
NILE AND NORTHERN UGANDA
TO ASSESS THE SCOPE OF WORKS
EXECUTED BY BMK UGANDA LIMITED
UNDER THE UGANDA REPRODUCTIVE
MATERNAL AND CHILD HEALTH
SERVICES IMPROVEMENT PROJECT
(URMCHIP)- LOT 6 PURSUANT TO
RULE 34(1) AND (2) OF THE RULES OF
PROCEDURE

THE DEPUTY SPEAKER: Mr Chairperson, this report has been on the intranet for some time. It is a very direct matter; please, go to the observations and recommendations so that we do not waste much time on it.

11.07

THE CHAIRPERSON, COMMITTEE ON HEALTH (Dr Charles Ayume): Well guided, Mr Speaker. I beg to lay the report of the Committee on Health on a field visit to West Nile and Northern Uganda, to assess the scope of works executed by BMK Uganda Limited under the Uganda Reproductive Maternal Child Health Services Improvement Project (URMCHIP) – Lot 6, together with its appendages. Mr Speaker, I beg to lay.

Mr Speaker, as you have guided, I will give a compendium of the report, which has been uploaded on the intranet. The Uganda Reproductive Maternal and Child Health

Services Improvement Project (URMCHIP) was procured through a loan in the previous Parliament.

A loan of \$110 million was procured from the International Development Association, of which \$22.5 million was earmarked to support the Ministry of Health to construct maternity units and related infrastructure works in 81 health facilities.

Mr Speaker, this was divided into six lots and awarded to six companies. What the Committee on Health was trying to investigate is Lot 6 –

THE DEPUTY SPEAKER: Hon. Ayume, sorry for the interruption. It seems the minister was quick to get an answer on the issue of salaries. If you allow, let us first allow him to present it so that if there are gaps, we still have time to send him for more information. Is that okay, colleagues? Chairperson, is that okay? Thank you for giving way.

11.07

THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (GENERAL DUTIES) (Mr Henry Musasizi): Thank you, Mr Speaker. It is true that some Votes are finding challenges in paying salaries for December and I wish to state as follows:

A number of Votes, especially Local Governments, experienced wage shortfalls in quarter one of this Financial Year 2022/2023. This was largely attributed to salary enhancement for scientists and secondary school Science teachers. As a result, the finance ministry provided additional resources for wage through supplementary funding to the affected Votes.

However, after releasing 50 per cent of the revised wage budget to cover quarters one and two, some Votes have continued to report wage shortfalls indicating that they are unable to pay salaries for December 2022 due to insufficient funds caused by inadequate budgeting, not necessarily relating to salary enhancements.

The finance ministry is in consultation with the Ministry of Public Service to arrive at a lasting solution to address the issue of inadequate budgeting, which causes recurrent wage shortfalls.

In the interim, we have decided to front-load quarter three expenditure limits for wage to enable the affected Votes pay salaries for December 2022. I wish to submit, Mr Speaker.

THE DEPUTY SPEAKER: Thank you. This being a very important issue, I will allow 15 minutes for debate and pick three or four people. Let me start with the Member who raised it. Are you satisfied, honourable colleague?

MR ISINGOMA: Thank you, Mr Speaker. I would like to thank the minister for the explanation and emphasise that there is a much problem than meets the eye. Fortunately, the minister has clarified. It appears to me that the minister is fully aware and they are doing everything possible to address the matter.

We want our people to have salaries for the month of December as soon as possible, honourable minister. You know the situation. Of course, these people work very hard; day and night and so, they must get their pay so that they can look after their families during this festive season. I beg to submit.

THE DEPUTY SPEAKER: The issue is: why would it happen? You have figures. You know the number of workers and these scientists, Minister of Public Service. The finance ministry only releases what public service has cleared. Minister of Public Service, what is the problem?

11.13

THE MINISTER OF STATE FOR PUBLIC SERVICE (Ms Mary Mugasa): Thank you, Mr Speaker. I also want to appreciate Hon. Isingoma for asking this question. It is, indeed, a problem because we have shortfalls as a result of enhancement. The enhancement was done after the approval of the budget. Therefore, those shortfalls are inevitable. We are working together to ensure people get their salaries.

THE DEPUTY SPEAKER: Honourable minister, it is very simple. The finance minister says when you enhanced and gave them the lists, they released money; they catered for that. I remember when we were reading the Budget, honourable minister, you provided, I believe, under the three per cent. Is it one of the items catered for?

This is an issue of the numbers given to the finance ministry. If you give 100 scientists yet they are 130, finance will release money for only 100. The problem, honourable minister, I do not think is on the side of Finance. It should be on the numbers you released to the finance ministry. Isn't that the issue?

MS MUGASA: Mr Speaker, let me also get technical guidance from our people in the ministry because they also sought technical guidance. Let me get it and give a report instead of hearsay.

THE DEPUTY SPEAKER: Honourable minister, in 45 minutes, I will reopen this matter. Colleagues, let us stop at this. In 45 minutes, we open it up after the Minister of Public Service has consulted because we need to know where the problem is.

Finance ministry and public service, Members are not satisfied with the explanation. Honourable minister, if you got what the Members are saying, you are not sending Government workers home without Christmas salaries. We are going into Christmas. In my area, we have associations of meat. People contribute money for meat starting in January. Families contribute Shs 1,000 or Shs 2,000 every month to be able to raise money to buy meat for Christmas. Now, imagine a salary. If people can sacrifice from January, what about salary?

We need a solution. Let us not focus on the explanation, but on what you are doing to do to ensure people get salaries before they go for holidays. We have today. We shall reopen this issue after 45 minutes. Let them be prepared.
[Mr Kimosho rose] Is it on the same issue?

11.17

MR DAN KIMOSHO (NRM, Kazo County, Kazo): Thank you, Mr Speaker. I am being impatient because it does not necessarily concern public service. This is specifically to the finance ministry. What is appropriated by this Parliament does not meet what is released by the finance ministry.

If we were to examine item by item, you may be shocked that even some of the items rejected in the budget committee meet the first call on the budget in terms of releasing money. Therefore, while the law puts appropriation in the hands of Parliament, there is a silent opposition to that mandate and sometimes, the finance ministry tends to do the contrary.

Mr Speaker, we need to do a thorough examination of what Parliament appropriates and what is released. Even if one wants to argue that there was no money collected, Parliament needs to know in time that this is not possible to meet so that we stop, lying to Ugandans that we have appropriated certain figures, then they wait in vain on what they receive.

THE DEPUTY SPEAKER: Thank you. Hon. Kimosho, at the beginning of this session, we said once the report from the budget committee on assessing the performance of the budget comes, we shall have a discussion on the same.

Secondly, why I still believe public service has a critical role to play is that salary is a statutory obligation. The finance ministry does not have a discretion on it. On issues of discretion, I can agree, but where we have no discretion; even us here. That is why that part of the budget is protected. We just pass it the way it is. We should not be having a problem on that.

Minister of Public Service, come back here with a report. The other day, I told the Prime Minister to handle a matter, which they have not. I am being pushed into a corner of appointing a select committee to look into operations of public service, though for now, I am still resisting that temptation. If you continue, I will have to take that line and I know how tough that can be.

You reduced the salaries of police officers. Someone who has been earning a salary for 10 years - you come from nowhere and say, "This is not your salary." I saw the letter from the Permanent Secretary of the Ministry of Public Service. It is unfortunate that you people do not want Parliament to do its work. Hon. Lumumba, for 12 years, a person has been earning that salary. Then, in between, you employ other people along that same salary scale yet you come and bundle up everybody saying, "This was wrong." Moreover, Parliament even passed a supplementary to cater for that increment in 2010.

Public Service has come up - and the police officers who were at five point something are back to two point something. Many of them are falling off. They are saying, "Let's go to the legal profession." You are going to lose all your officers. The Prime Minister promised to handle the matter, but nothing has been done.

I am hearing public service taking action. If you do not, I am going to take a tougher route. *(Applause)* Do not clap because I have not yet taken it. I am still resisting. *(Laughter)* I usually take my time, but I am giving the Government last chance to look into it because it is a direct matter.

We have our senior employment lawyer here, Prof. Nsibambi and Hon. Fox-Odoi. The law is very clear. You can never review salary to someone's detriment. You can only increase; you cannot go downwards. Therefore, honourable minister, I request you to take interest in this matter. I see the Inspector General of Police has protested, but the Ministry of Public Service does not want to listen and so, the officers are going to pull out.

Anyway, let us go back to the issue, but the Minister of Public Service will come. Let them come so that we can handle it. I am reopening that matter later.

DR AYUME: Thank you, Mr Speaker. Like I had said, out of the loan of \$110 million, \$22.5 million was earmarked for infrastructure - to improve infrastructure in 81 health facilities.

This was divided into six lots. The lot in question is Lot 6, which was worth \$24 billion - VAT inclusive. The contractor was BMK. They were supposed to construct maternity units and extras like pit latrines and placenta pits in 14 health facilities in West Nile and in Northern Uganda.

The duration of the project was 16 months and it was supposed to commence on 15 March 2021, upon signing of the project contract. However, site handover was delayed to May 2021. The contract was supposed to run till 30 September 2022. The supervising architect was KK Partnership Architects.

The Ministry of Health advanced 30 per cent of the total contract sum totalling to about Shs 6 billion to BMK to enable them mobilise and bring equipment to the site and start preliminary construction. BMK provided performance security in the form of a bank guarantee worth approximately Shs 6 billion and environmental and social safety guarantees of approximately Shs 1.9 billion, respectively.

The objective of our visit, as a committee - which was very important - was to ascertain the physical progress of the works, among others. We had received many complaints from the citizens of West Nile and Northern Uganda, but most importantly, the politicians, about the delayed progress. In other parts of the country, they were 80 per cent and in this particular area, they had not yet reached even 50 per cent, yet we were running out of time.

The committee also conducted a financial and legal analysis of the project to have a holistic scrutiny of the project.

The sites visited were Panyimur in Pakwach, Kuchwiny in Nebbi, Kochi in Yumbe, Lobule in Koboko, Oluvu in Maracha, Awoo in Omoro, Akura in Alebtong, Anyangatir in Lira City and Kamdini in Oyam.

Key findings from the field visit

The committee found that on average, the civil works in nine sites ranged from between 55 per

cent to 80 per cent. Remember, the contractor had reported, in his analysis, that all the sites averaged about 35 per cent. When they are ascertaining the progress of the works, they are looking at roofing, plastering (internal or external); fittings like windows and doors and they are also looking at external works like pit latrines, placenta pits, among others.

The committee noticed that there was minimal compliance with environmental and safety standards. Areas were not hoarded off. In one of the health facilities, a goat from the community had fallen into an open pit latrine and it raised a lot of issues.

Between July 2022 and October 2022, the ministry reported that BMK had abandoned the site. There was no progress of works and they had held several meetings, reminding and trying to map a way forward.

However, when the committee visited the site in the company of the district engineers, the district health officers and the local area politicians, they found that BMK had resumed works. In most of these sites, they were at the roofing stage. That is how the committee comes up with a figure of between 55 to 80 per cent. That was between 28 November 2022 and 2 December 2022. The narrative might have changed right now in the positive.

The Ministry of Health had given BMK until the 25th of November to vacate and hand over the site and clear all their material. However, as I speak, beyond that period of time, BMK remained on site trying to finish their work - still to-date. Therefore, in terms of the legal implications, a contractor whose works were terminated over a month ago is still on site and for us, that raises a red flag; legal implications.

Also most importantly, there has been significant progress of works beyond the 35 per cent.

When we met the Ministry of Health, BMK and the consultant, one of the ways forward was for them to have a tripartite meeting in the company of the Attorney-General to see whether the contract can be renewed. This is because the Ministry of Health reports that the

World Bank, which is the financier, has agreed for single sourcing of a new contractor. We are saying that we have six months left for the contract to end on 30 June 2023.

Procurement of a new contractor whether it is single sourcing at most - and on this we have consulted the technocrats.

For the contractor to mobilise and set camp in Northern Uganda and West Nile, we are talking about February – *(Interjections)* – sorry -

THE DEPUTY SPEAKER: You listened to my instructions and now, you have decided to listen to Hon. Sarah. If you were a footballer, you were going to abandon a ball on the pitch because of a whistle from the fans; and you concede a goal. Please go on, honourable member.

DR AYUME: Well guided, Mr Speaker. Our concern, as a committee, is with six months left and procurement of a new contractor - whether it is by single sourcing –

THE DEPUTY SPEAKER: The reason you are hearing Members saying, “Procedure” is because the Members want you to read the report. You are presenting the report of the committee; whether you are reading a summary or not, they want to see you. It is as if you are presenting your own issues.

DR AYUME: Mr Speaker, you had told me to summarise and I have read the report –

THE DEPUTY SPEAKER: I told you to go to the observations and recommendations, though, the summary also sounds good.

DR AYUME: Thank you, Mr Speaker. Let us move to page 24.

The legal and compliance issues arising from the contract.

Status of the agreement

The contract between the Ministry of Health and BMK executed on 15 March 2022 was for a duration of 16 months. The contract

started running in May 2021, when the sites were handed over to BMK. The contract was, therefore, supposed to run up to 30 September 2022, which was the expiry date.

However, the contract was informally extended to 15 November 2022 to enable BMK wind up its operations. Whereas the contract between BMK and the Ministry of Health lapsed on 30 September 2022, the conduct of the parties, especially of the Ministry of Health in extending the agreement informally to 15 November 2022, and the continued performance of the contract by BMK without objection from the Ministry of Health, amounted to acquiescence on the part of the Ministry of Health. The relationship between the parties would amount to a contract by conduct of the parties.

Contracts by conduct recognised under section 10(2) of the Contracts Act, 2020, which provides that:

“A contract may be oral or written or partly oral and partly written or may be implied from the conduct of the parties.”

The ministry, in extending the agreement beyond 30 September 2022, and further, acquiescing in the continued construction works by BMK, had the effect of extending the agreement albeit informally. The doctrine of acquiescence is applied to stop the ministry from denying to have extended the agreement with BMK since the ministry did not stop BMK from continuing with the works, even when the ministry was aware that the works were ongoing.

Recommendation

The Ministry of Health, with guidance from the Attorney-General, should regularise the relationship with BMK by executing an agreement in accordance with the procurement laws to govern the completion of construction of works of the maternity unit and other related infrastructure works of the 14 health facilities in Northern Uganda and West Nile under URMCHIP.

Page 25 - Refusal to Renew the Contract

According to the documents availed to the committee by the Ministry of Health, there was a delay in performing the agreement occasioned by slow progress of civil works arising from low mobilisation of materials, equipment, low deployment of personnel, both skilled and unskilled.

The ministry further indicated that the contract was time-based and other contractors who are meant to install equipment were ready, but could not access the site.

The ministry also indicated that the project being supported by the World Bank was due to end on 30 June 2023, and assumed BMK would not be able to perform the contracted works by then.

The ministry afforded BMK up to 15 November to wind up all the operations and hand over the site to KK Partnership Architects to carry out the evaluation of the work done.

On their part, BMK informed the committee that the delay in performing the contracted works were occasioned by COVID-19 challenges brought on by increasing costs of building materials and fuel, which rose steadily during the contract execution period.

Limited time for performing the agreement, given the scope of works involved and long distances between the sites - that is between Northern Uganda and West Nile.

Finally, the death of the BMK Group chairperson, which resulted in the freezing of the company's account. This prevented the company from mobilising and accessing funds to undertake work until the legal processes for the appointment of an executor were concluded.

Mr Speaker, the committee was informed that in order to find a solution to the delay in project implementation, various meetings were held between KK Partnership Architects, the ministry and BMK, such as the meeting held on 26 August 2022, and agreed as follows:

- a. BMK should achieve 50 per cent overall progress of the works by the 30th of September to form a basis for the extension of the contract;
- b. BMK was to resume work on all sites;
- c. BMK to submit evidence of credit terms;
- d. BMK to provide a list of credible subcontractors;
- e. BMK to extend performance guarantees and environmental social safeguards; and
- f. BMK to develop a work plan by 30 August 2022, showing how it hopes to achieve project implementation.

window through which two parties could use to renew the contract and enable the completion of works.

Article 8(5) lists the circumstances that could result in the extension of time allocated to the contractor to conclude the contracted works, which include: delays caused by variations, climate changes, unforeseen shortages of staff and materials caused by the epidemic or government action, and delays attributed to the employer.

Allow me to skip to the committee recommendations

With the guidance of the Attorney-General, the parties should settle this matter amicably, through arbitration, as required in clause 21 of the agreement.

The Ministry of Health should verify and pay all outstanding monies due to BMK arising from the expired agreement.

The committee was informed that following that meeting, BMK executed the agreement by mobilising resources, employing more workers at different sites and renewing the performance guarantees, which were soon expiring.

BMK alleged that it performed the agreement at a rate that would entitle them to the renewal of the contract as had been agreed upon by the parties since only a few of the conditions for renewal of the contract were not met.

On 12 October, BMK applied for renewal of contracts and on the 21st of October, the Ministry of Health rejected their request in a letter addressed to BMK noting that BMK had only performed 35 per cent of the contracted work and therefore could not extend it.

The committee observed that whereas the extension of time for the agreement was within the preserve of the Ministry, the grounds for refusing to extend the agreement and the failure to adhere to the conditions agreed upon by the parties in the meeting of 26 August 2022 were not tenable.

The committee reviewed the contract between the Ministry of Health and BMK and noted that Article 8, which provides for the extension of time, within which the contractor may conclude the contracted works, availed a

Mr Speaker, I would like to draw your attention to page 29 - that is bullet 7.4: liquidation of performance and environmental safety guarantees.

Clause 4 of the contract requires the contractor to obtain a performance security worth 0.8 of the contract amount in the same currency as the contract amount.

The performance security was supposed to be delivered to the Ministry of Health within 28 days of receiving the letter of acceptance.

In accordance with that article, the contractor delivered to the Ministry of Health performance security, in form of two bank guarantees equivalent to 8 per cent and 2 per cent of the contract value worth Shs 5,766,761,137 and Shs 1,995,073,910 respectively.

According to the meeting of 26 August 2022, BMK was required to renew the performance guarantees as one of the conditions for the extension of the contract and based on this promise, BMK renewed the guarantees.

However, without informing BMK, the ministry liquidated the two performance guarantees on 21 October 2022, at a time when the two parties had an informal contract between them.

Whereas the ministry was entitled to liquidate the performance security, there were conditions that had to be fulfilled, and these were:

- a) The ministry had to notify BMK of the circumstances of liquidation before liquidating the performance guarantee;
- b) The ministry had to ensure that the contract was terminated first, or circumstances that warrant its termination had to arise before liquidating the performance guarantee.

These two requirements were not fulfilled by the ministry.

Recommendations

In light of the committee's findings that the Ministry of Health erred by liquidating the performance guarantee without following due diligence process, the Ministry of Health should refund to BMK the sum of Shs 7,761,835,047 under the performance guarantees.

The Role of the Attorney-General

Article 119 of the Constitution creates the Office of the Attorney-General and mandates it, among others, to give legal advice and legal services to Government and to draw and peruse agreements, contracts, treaties, conventions and documents by whatever name called, to which the Government is a party or in respect of which the Government has an interest.

The agreement between the Ministry of Health and BMK was drafted and approved by the Attorney-General pursuant to provisions of Article 119 of the Constitution.

The committee notes that the Attorney-General's Office was not consulted in relation to the matter at hand and yet the office is mandated to advise Ministries, Departments and Agencies on legal matters including contracts.

Recommendation

The committee recommends that a tripartite meeting be held between the Ministry of Health, BMK Limited and KK Partnership Architects, in the presence of the Attorney-General, to discuss the legal issues surrounding this agreement and forge a way forward.

Mr Speaker, this meeting never took place despite the fact that it was a very strong recommendation in bold and we feel that the Ministry of Health ignored it.

As I conclude, the urgency to complete the execution of the agreement cannot be over-emphasised. Delayed implementation of the project has affected the delivery of health services and facilities, as was evidenced in Kamdini Health Centre II, where the committee witnessed that incomplete staff quarters being utilised as outpatient departments for about 70 mothers, who had brought their children for immunisation.

In a meeting with the Ministry of Health on 8 December 2022, the committee was informed that the earliest time a neutral contractor can begin work on site is February 2023 yet the end date of the project is 30 June 2023. The committee is further cognisant of the fact that the process of procuring a new contractor, mobilising materials and equipment, and deployment of new personnel will adversely affect valuable completion time.

Therefore, the committee recommends that BMK is given an opportunity to complete the works since BMK has expressed renewed capacity and has procured building materials and deployed personnel on the ground. The consideration should, however, be made on condition that a clear roadmap, with timelines of completion and stringent supervision, are put in place and followed.

Mr Speaker, I beg to move that the report be adopted by the House.

THE DEPUTY SPEAKER: Thank you, Chairperson and colleagues, for the job well

done. Do you see the problem of adding riders on reports before they are adopted?

Now, on the last recommendation, you said despite this strong recommendation, the meeting never took place. Your resolutions, as a committee, are not final until they are adopted by the House. So, on that, I cannot fault the Government for not implementing it because it had to be first adopted by the House.

So, we need to be cautious at committee level, when crafting resolutions. When they come here, they are adopted and become a resolution of the House. Now, before I open up this matter, let me allow the Minister of Public Service to give us an update and we conclude.

THE MINISTER OF STATE FOR PUBLIC SERVICE (Ms Mary Mugasa): Thank you very much, Mr Speaker. The immediate answer is the front-loading, which the finance ministry is working on. We also agreed to meet again in January to review the payrolls of all local governments and realign the budget. But in the interim, and for this December, the finance ministry is front-loading so that all public servants are paid.

THE DEPUTY SPEAKER: You know, ministers, you are politicians. Do not be technical. Thank you very much, Hon. Mugasa.

THE MINISTER OF FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (Mr Matia Kasaija): Mr Speaker, we have committed to the information my colleague has given us. We will work on that money even today.

THE DEPUTY SPEAKER: Very good. Thank you. So, even today - and that is why the minister wants to go back to the office.

MR MATIA KASAIJA: I told you, please, salaries are settling and they have the first call on the budget. Now that my colleague has confirmed that preparations are going on, this money should be – today, we are operating a very good system. *(Applause)*

THE DEPUTY SPEAKER: So, the minister has made a commitment on the money. I want us to conclude so that he goes to ensure his commitment is implemented.

MR MATIA KASAIJA: In that respect, therefore, Mr Speaker, I beg to leave and go – *(Laughter)*

THE DEPUTY SPEAKER: Honourable minister, give us five more minutes before we set you free.

THE LEADER OF THE OPPOSITION (Mr Mathias Mpuuga): Thank you, Mr Speaker. You have every reason to arrest him to remain here because why should we find ourselves in this kind of situation? You know, the minister and the Prime Minister are here. The frontbench is very uninspired and insipid and we are worried. Are you able to run a Government? We must remind you that you have a duty to pay salaries, to come here and make phone calls.

The other day, the Prime Minister was angry with me because I said she runs the Government like a WhatsApp group. This is the kind of thing that a Member must rise to say, “You have not paid salaries” then you say, “Oh, let us make phone calls.” Are you out running the Government? You are not inspired, you are insipid and do not inspire confidence, and people are watching you trying to run the Government in this way.

Are you really serious - that it takes the 23rd of December for the Speaker to insist that you must explain that you actually enhanced salaries and you did not know what to do with this enhancement? The House must expend time to debate small movements of information? Assure me, my dear friend, that you are actually in charge. Why aren't you inspired to get things done?

THE DEPUTY SPEAKER: Honourable minister, the LOP needs assurance that you are in charge.

MR MATIA KASAIJA: My good friend – (*Interjections*) - no, because I am addressing him specifically –

THE DEPUTY SPEAKER: Honourable minister, do not listen to side talk. Please, focus here.

MR MATIA KASAIJA: To err is human. I think there is an English saying in that direction. To make errors is human. I want to tell this House explicitly now, please, release me, I will make sure I send a message to the Speaker on what is happening now *vis-à-vis* the subject matter we are talking about.

THE DEPUTY SPEAKER: Honourable minister, please, go and ensure that what you have committed to here is implemented. Honourable minister, just to assure honourable colleagues - you see, we are talking about today's deadline for people to get salaries. The issues we are raising can be handled even in January. But now, we want an emergency situation of helping colleagues. So, instead of continuing to hold the minister here, let him go and handle the matter as we continue.

MR TINKASIIMIRE: Mr Speaker, I was wondering whether it is procedurally right to leave the finance minister, who has many state ministers under him - and we equally know that on issues of money transfers, he literally has no role to play. Tell me the code that he holds on money transfers. Does he have any? It is done by the Permanent Secretary/Secretary to the Treasury.

I think we would have given him five minutes to stand outside and call the Secretary to the Treasury to effect the transfer. However, to allow him to have a holiday -

THE DEPUTY SPEAKER: Thank you, Hon. Tinkasiimire. You see, even if the minister is not the one who punches in numbers and codes, he is the only one we can hold responsible here. The technical people cannot access here; they are strangers to this House. He is one of us. Now, instead of him giving an excuse that, you people held me in Parliament and I failed to

implement my commitment, let us allow him to go and implement.

Colleagues, let us open up this matter, which the Committee on Health has reported on. The major role of the House is very simple; ensuring the project moves. People want their facility and that is all. We are not interested in anything else. So, I am going to open up for a short debate because it is a direct matter. Is there an MP from the affected area so that I can start there?

I will start with Hon. Andrew Oulanyah, then come to Hon. Gilbert Olanya – it is a day for the Olanya's; Hon. Anthony Akol, Hon. Aisha Kabanda as an in-law - Hon. Basalirwa is demanding for in-laws, so I picked Aisha. (*Laughter*) Please, Hon. Oulanyah, two minutes.

11.53

MR ANDREW OULANYAH (NRM, Omoro County, Omoro): Thank you, Mr Speaker. I thank the committee chairperson and the team for a fantastic report. I agree with the findings on the ground because I was in Omoro last week with the team from the Office of the President and the findings are very similar to what you have reported. I thank you and commend you for the report.

Mr Speaker, the recurring issue is this hybrid contract, which we have had discussions over. The districts, as mentioned in the report, are not able to do any supervision because of those limitations. They feel privileged to be in the constituencies.

It is my prayer that we adopt the report as is, including the amendments. We appreciate the work done by the committee, thank you very much.

THE DEPUTY SPEAKER: Thank you. Hon. Gilbert Olanya -

11.54

MR GILBERT OLANYA (FDC, Kilak South County, Amuru): Thank you, Mr Speaker. I would like to thank the chairperson

of the committee and his team for the good work done.

There is a tendency in this country whereby when a contract is awarded, the main contractor may not benefit much from that money. We have experience where contractors are always claiming that when they are awarded contracts, the top Government officials want some money to remain with them. As such, they go on the ground with very meagre amounts of money and they really struggle to complete the work.

Mr Speaker, let Government be serious and let investigations be done. The moment a contract is awarded, let the exact amount of money be given to that contractor so that he or she completes the work at the specified time.

Secondly, Mr Speaker, wherever Central Government awards contracts, the local governments are not in any way mandated to supervise and to know what is going on. Therefore, anybody given a contract from the Centre will do anything on the ground because he is not liable and no one will ever make that person accountable. Let the district chairpersons, district councillors and technocrats in the district be given authority to follow up the money given by the Central Government. Otherwise, the report from the committee is really perfect. *(Interruption)*

MR OCHERO: Mr Speaker -

THE DEPUTY SPEAKER: As a former Chairman LC V, I am allowing you to make a substantive presentation. *(Laughter)* Otherwise, I wanted to pick you. I do not know why you are rushing, but do make a substantive presentation.

MR OCHERO: I wanted just to give information to –

THE DEPUTY SPEAKER: You are a former Chairman LC V; we want to benefit from you.

MR OCHERO: Mr Speaker, I wanted to first give some critical information regarding what my brother has raised. Actually, most of the

shoddy work in this country is due to leakages that are in the procurement process. Like he put it, giving a bribe of 10 per cent is now part of the procedure of getting a contract. I do not know how we are going to fight that because for you to land a contract, you must have first donated 10 per cent of the total amount to the people in the process. There is an evaluation committee, which has the same people. There is also the contracts committee with the same group of people.

For you to succeed in getting a contract, Mr Speaker, you must have relinquished 10 per cent of the contract amount. How sure are we that we are going to get good work? I only wanted to give information to support my colleague's submission, but I have my own submission, Mr Speaker. *(Laughter)*

THE DEPUTY SPEAKER: Can you conclude with your submission, chairman?

MR OCHERO: Mr Speaker, first and foremost, Karamoja was totally left out of that programme. Even the loan that we were supposed to have benefited from, up to now, we have not seen anything. So, we are simply hearing of miracles when people are talking about construction of health facilities.

We thought that Karamoja would benefit from the Italian loan, but the most underprivileged region is the one most disadvantaged. That was my concern, Mr Speaker.

THE DEPUTY SPEAKER: Thank you. Honourable, I want to assure you that I personally followed up that issue of the Italian loan to the extent that I shared with the Italian Ambassador with who I have a personal relationship. He is pushing really hard and I think the first release of € 5 million is going to be made very soon because the issues, which were blocking the loan and the release of the money, have all been sorted. I can assure you that loan is going to benefit the people of Karamoja very soon, and I am personally following up.

I had allowed Hon. Akol then Hon. Aisha.

11.58

MR ANTHONY AKOL (FDC, Kilak North County, Amuru): Mr Speaker, allow me to thank the committee for the good report. Awarding contracts from the Central Government is the major problem in this project. This problem is not affecting only the health sector; we have had the same problem in education, especially the seed schools where a contract was awarded from the Central Government and up to now, construction has not been completed.

From the committee report, when people talk about COVID-19 affecting the project, we are all aware that during COVID-19, construction was one of the areas that were allowed to go on. Therefore, there is no way somebody can claim that because of COVID-19, they were not able to finish the project. The President made a very good directive that workers should be on site and complete works.

I have the same problem in my constituency. Elegu Health Centre III was supposed to be constructed - the contract was awarded in 2020, but up to now, no work has been completed. I went to the Minister of Health several times and they claimed they could not complete works because of COVID-19. It is high time people stopped using COVID-19 as an excuse. Thank you very much.

THE DEPUTY SPEAKER: Thank you. Hon. Aisha then Hon. Okupa -

12.00

MS AISHA KABANDA (NUP, Woman Representative, Butambala): Thank you very much, Mr Speaker. I join colleagues in thanking the committee for a good report. Probably, I should start by informing colleagues that even the departments and Government ministries that continued to work under COVID-19 do not work in abstract. They work in an environment that was generally affected by COVID-19. That is why you see every ministry and Government department crying even when they stayed open.

The evaluating body that kept on saying that the work was at 35 per cent, even after work

was continuously being done, is suspect. At one time, they came and gave a less figure than they had given previously. That holds them in suspicion; something wrong could have happened between the people that were evaluating this project.

Also, the person that cancelled the contract was probably blind to the issues surrounding this whole project. The death of a director who was a signatory to the account was an issue that they should have looked at.

Mr Speaker, we are happy that BMK continued to construct even when money was withheld from them. Also, BMK's money was taken. The Government took money over and above what they had given BMK, but they continued to deliver.

Given the fact that 80 per cent of the work has been realised and we want to realise the project in time, I join the committee to pray that BMK's contract is stayed so that they can do the job to completion so that the people of West Nile can benefit from this service. Otherwise, you run the risk of going into other legal issues. We also run a risk of closing BMK, by the way, shortly after his death. I join the committee to pray that this organisation is given the opportunity to see the –(*Member timed out.*)

THE DEPUTY SPEAKER: Thank you. Honourable colleagues, of course, it is very absurd. We moved here a motion to recognise the contribution of that great gentleman. Above all, we must see a way of supporting our local companies. (*Applause*) We are not trying to interfere. I believe the ministry can understand what we are looking at.

We have some of these small contracts given to foreign companies and you ask yourself, "Is it still viable to do business?" The local companies in Uganda work under a lot of pressure, especially construction companies. I have an experience. There was a business I had until someone advised me, "Employ a foreigner of a certain race. You will be assured of 10 per cent discount because the person who will be going to procure is from this kind of group."

I tried it. On top of what I could negotiate and get, the other one is assured of 10 per cent.

Secondly, they access cheap money. They look local, but they are international. They access very cheap money against local companies who access money at around 25 or 24 per cent. They also have a way of supporting each other as a bigger community with equipment when the local companies are struggling. The moment you do not help our local people - BMK's story was a very sad one. *(Applause)* The Government that praised him very much for his contribution cannot be the same Government before even his grave cracks, to say, "We are taking away what we had given you." That would be extremely absurd.

12.04

MR ELIJAH OKUPA (Independent, Kasilo County, Serere): Thank you, Mr Speaker. I think you have hit the nail on the head. I thank the committee for a well-written report and the recommendations, all of which I support. I also thank the political head of the ministry who has come here. I was worried earlier that they might not be here.

There is a problem with Government regarding the awarding of contracts. I do not know who has forced on them this business of lotting. If a company fails, you will find that at a number of sites, work has failed. It has happened in seed schools. My area is one of those affected. This needs to be reviewed.

We raised the issue of Buy Uganda Build Uganda (BUBU) here and so, it is very important for us to support our own. Why was the Ministry of Health in a hurry to cancel the contract? Why haven't they cancelled ROKO? It has had a problem, but we are trying to support it. Has the Minister of Health cancelled Lubowa? ROKO is here with Parliament, but we are saying because it has been around for a long time, let us support it. How can we not support BMK, surely? *(Applause)*

Therefore, I request that we support the recommendation that the Ministry of Health, the Attorney-General and BMK sit and resolve this matter so that BMK does not collapse.

Finally, I would like to ask the committee to reach other regions. They have handled West Nile and some parts of the north. Come to the east. Kasilo is one of those benefiting. Go to western and come to the central. We have similar problems with the contractors and it is all arising from lotting. They are failing to handle this matter of education. Follow up on issues of education. Thank you.

THE DEPUTY SPEAKER: Thank you. Let me pick a few from this side then I come back here. I have to balance the political sides - you might be seated together, but I know you.

12.07

MR JOHN TEIRA (NRM, Bugabula County North, Kamuli): Thank you, Mr Speaker. I take your guidance on protection of local companies very seriously, but I implore this honourable House to debate without sentiments because that will give us a very objective debate.

There is a tendency of very many local companies taking contracts after paying hefty bribes because they know "who is who". This has heavily increased the cost of doing business here. We are blaming the Government, especially the Minister of Health alone, but also the contractors, by and large, are to blame for promoting corruption in the procurement of these contracts.

Adoption of the report has a bit of controversy that must be aligned. For example, serious legal issues have been raised. The chairperson of the committee mentioned in the report that there was an informal agreement alongside a formal one and that was his basis for faulting the liquidation of the guarantee. Technically, you cannot have an informal agreement alongside a formal one and then, base on the informal.

My recommendation is that we invite the Attorney-General to look at the legal issues that pertain to this arrangement before we make a serious recommendation that BMK should continue with the contract. I have very high respect and regard for BMK and I would like to see them succeed better than where they are today, but we must not run Government with emotions and sentiments. There should be

some clear principles, which must be followed, especially when it comes to contracting. I thank you.

THE DEPUTY SPEAKER: Thank you. Hon. Teira, this is in line with what the committee recommended. The committee recommends that a tripartite meeting be held between the Ministry of Health, BMK Uganda Limited and KK Partnership Architects in the presence of the Attorney-General to discuss legal issues surrounding this agreement and forge a way forward. To me, however much there are other recommendations, this is the overriding recommendation.

12.10

MR MILTON MUWUMA (NRM, Kigulu County South, Iganga): Thank you, Mr Speaker. I thank the committee for the good report. In the same report, they mentioned the Attorney-General urging that this matter be sorted and handled amicably. It is the way to go.

Initially, the Attorney-General's Chambers used to be an institution of connivance for the Government to lose billions of money, but now, the current Attorney-General is sensitive to issues that cost the Government lots of money. *(Interjections)* Yes. He wore lenses that saw what would happen. That is why he advised, through the committee, that the issue should be sorted amicably. That is the way to go.

Secondly, Mr Speaker, like you observed, BMK as a person helped a lot in the development of this country. It is true that he passed on, but after that, it would be unfair of us to totally paralyse what he left behind by even denying the company to move forward. My take is that we should allow this company to complete these works and let Government release money, without any further ado. We will be losing out on value for money because funds depreciate in one way or another. I rest my case.

THE DEPUTY SPEAKER: Thank you. Honourable colleagues, let us be honest here. What the public wants to see from us is consistency. This is a contract of Shs 26 billion.

There are companies we are giving Shs 200 billion; we have given one over Shs 50 billion, Atiak has got around Shs 270 billion. This one is not even asking for money. He has said that he should be left with his small contract so that he completes the work. *(Applause)*

If the House is to be honest; if we want to be consistent - if we are to help, let us have a principle of helping. If BMK has problems, let us give them about Shs 50 billion and they recover. BMK is not asking for money. They just want to finish their contract. Now, you are saying that they do not have capacity and are in problems. Then, let us solve their problems the way we have done for others. It is simple.

12.13

MS SARAH OPENDI (NRM, Woman Representative, Tororo): Thank you, Mr Speaker. I appreciate the committee for their report. I hope there is a timeframe within which the meeting between the Attorney-General, BMK and the Ministry of Health will be held because if we leave it open, without a timeframe, then it may never take place. I hope the first week of January, within two weeks from the date of passing this, that meeting will be held and the matter resolved so that they report to the House.

Secondly, I was in the Ministry of Health. We used to send money to districts to procure contractors and undertake works, but it was a challenge. Most of you know that the health centres IV which were constructed through the district systems had to be redone because they got contractors who had no capacity and supervision became a challenge. That is why we decided to re-centralise. However, the problem is not with re-centralisation. Once a contractor has been procured by the health centre, he or she must be introduced to the district and the district has a role to supervise.

The biggest problem is the issue of lotting. I appeal to my honourable colleagues, specifically the ministries of Education and Sports, and Health where there is money and the lotting system is being done. Before I left the ministry, we had asked the Permanent

Secretary to stop the issue of lotting. For example, you give one contractor six to seven sites all scattered in different districts that are far apart.

THE DEPUTY SPEAKER: Please, conclude, honourable member.

MS OPENDI: There are challenges with financing. Therefore, the ministry should get out of this lotting business and maybe, give a contractor not more than two to three sites so that they are able to manage them. Most of our local contractors lack financial capacity and do not have access to cheap credit.

Corruption is everywhere; it is at the health centre and the district. I think it is high time we thought of having one small entity that will do these procurements for us. Short of that, we are spreading corruption right from the health centre to the local government. Thank you, Mr Speaker.

THE DEPUTY SPEAKER: Honourable colleagues, I know I had picked Members to speak, but I can see there is no time. This is a very clear matter. - Minister of Health, do you want to say something?

12.16

THE MINISTER OF STATE FOR HEALTH (PRIMARY HEALTH CARE) (Ms Margaret Muhanga): Thank you, Mr Speaker. On 8 December 2022, we had a meeting with the Committee on Health. We also had a meeting with BMK, development partners and Ministry of Health officials. After that meeting, I think everybody was convinced that BMK does not have the capacity to finish the work they gave them. *(Interjections)*- Let me explain.

THE DEPUTY SPEAKER: Honourable colleagues, you are defying me. When I tell you to listen to the minister and you insist - Listen to her. If there is any issue, she will clarify.

MS MUHANGA: I am not misleading anybody.

THE DEPUTY SPEAKER: Honourable minister, you are protected.

MS MUHANGA: Even their own supervisors - if you need an explanation - they were given two years to finish the contract. In 16 months, they had only done 33 per cent of the work. If you have done 33 per cent of the work in a period of 16 months - and they have only four months to complete - can you do the remaining 67 per cent in four months? Their supervisor conceded that they cannot finish the work.

The consultant procured -

THE DEPUTY SPEAKER: Honourable minister, please, conclude. I will not run an unruly House. We cannot continue behaving this way.

MS MUHANGA: The contractor who is supervising all these projects in Northern Uganda recommended that BMK cannot finish the work. They do not have the capacity to finish the work. They have had several meetings with them, as a company. Even when BMK was brought here, the same thing you said - I did eulogise him because I said we have a consanguine relationship with the family. I sat with the family; the Permanent Secretary sat with them five times, but they do not have the capacity.

THE DEPUTY SPEAKER: Honourable minister, let me make it easy for you. We can understand your concerns as a ministry, but what Members are calling for is fairness because you have projects that are performing worse than BMK. They are consuming a lot more money and you are not terminating their contracts; you are instead adding them money. You are not terminating any; you are giving them more money and revising the work.

What the honourable colleagues are saying is very simple; that indeed, you might have challenges - Honourable minister, I wish you could listen to me. If we were to study your projects, one-by-one and say the yardstick you have applied on BMK should be applied on all, you would be shocked at the outcome.

What we are requesting of you is simple; that you support this local company. Look through their issues, have a meeting with the Attorney-General, hold a meeting with them and the funder to support them. Hon. Lumumba, do you want to say something? Let the minister give information. You cannot deny information.

MS MUHANGA: I am not going to tell you what I discussed with BMK. *(Interjections)* They have conceded that they cannot manage the work.

Secondly, the World Bank has refused and they are the funders. If the World Bank refuses, what do we do?

MR BASALIRWA: Mr Speaker, there is a procedural issue. We have received a report; in that report, they interacted with the ministry. What the minister is telling us is information that is in the report because the ministry was given an opportunity to appear before the committee and give its side of the story.

The committee processed that information from the ministry and other stakeholders; they have come up with recommendations. Mr Speaker, is it procedurally right, for the honourable minister to come and regurgitate the information they already gave to the committee?

THE DEPUTY SPEAKER: Honourable minister, I need a report of the tripartite meeting by the 10th of January. The House needs that report - please, Hon. Mugema, you will not talk to the minister and then bring me news of what you have discussed; no, that is not how we shall run the House. No, colleagues, when I am in the Chair, I know who is here.

I had already picked Hon. Lumumba and the minister insisted she wanted to give information. Therefore, when Hon. Lumumba is here and we are discussing the matter of health, the Minister for Health takes precedence because she is in charge of the docket.

Colleagues, you will not tell me how to run the House. When I have the Minister for Health

here, I go to the minister for the sector. You will not tell me who to pick.

Honourable minister, I need a report from the tripartite meeting, so that we see how this matter has been resolved in relation to the recommendations of the committee. Let us have the LOP and then, I conclude with the acting Government Chief Whip.

12.23

THE LEADER OF THE OPPOSITION (Mr Mathias Mpuuga): Thank you, Mr Speaker. I would like to appreciate the committee for the very elaborate report. The committee was only shy in naming and shaming. On another day, it should go out of its way to establish individuals that are cajoling and intimidating the company into abandoning this project. I listened to the minister and even read her lips - *(Interjections)* - She has had meetings with the family, not with the company.

Mr Speaker, we have information - you see, these companies operate in the public space, where information is awash as to what is going on and of individuals telling the company to abandon the project and instead partake of something small for another company to come in.

Secondly, we are also aware that there are individuals who told the company that they have to part with a 10 per cent revolution fund, which revolution fund they are not talking about.

Therefore, when we come here and get equivocal submissions from the ministers in charge, there is even more reason to believe the grapevine that, indeed, the company is being held at ransom to abandon the project. Dr Ayume's submission actually let the cat out of the bag.

This was your committee; they did a job on our behalf and they are extremely believable. I am afraid, my sister, you are not believable on any day. You need to roll back your appetite for overtaking projects and allow people to do their work. You are not believable, I am afraid. *(Applause)*

Mr Speaker, we need a commitment from the Leader of Government Business, that they are going to take up the committee recommendation because the Parliament is ready to take them on and adopt the report. Thank you, Mr Speaker.

THE DEPUTY SPEAKER: Thank you, LOP. Leader of Government -

12.26

THE MINISTER, OFFICE OF THE PRIME MINISTER (GENERAL DUTIES) (Ms Justine Kasule Lumumba): Thank you, Mr Speaker. I also thank the committee for the good report. The report is detailed and simplifies work for us supervisors to follow up on the matter because the details give a lead.

I request the Leader of the Opposition not to belittle my colleague, the minister, because she was doing it on behalf of Government. Please, let us accord each other - because tomorrow, it will be any of us in that chair.

Mr Speaker, the issue of lotting is something that the Government has already identified as a challenge and a solution has been found. The challenge is beyond lotting.

Lotting was done under the Uganda Intergovernmental Fiscal Transfers (UgIFT) project; that is under the ministries of Health and of Education and Sports. We have had challenges in almost all the areas. However, the President has given guidance and work has started. When it comes to construction for secondary schools and above, under the Ministry of Education and Sports, and under the Ministry of Health, for Health centres III and above, those are done by the UPDF Engineering Brigade. The intention is to make sure we get standard and quality work.

The other issue is also to look at the unit cost because that has also gone up and yet, we do not get the best quality in some of the projects. That is going on and it has led to delays in some of the projects because the UPDF is doing the construction.

However, Mr Speaker, about the projects that are on-going, especially under UgIFT, we still have challenges with many of them. In this report, I liked the idea of Government supporting some companies.

We should come up with a procedure and principles on which companies should be supported so that it is transparent and clear for everybody because if we came last week with a proposal to support one local company and today, we are debating to remove another, it leaves Ugandans who vote for leaders with an issue that we must look at.

I take responsibility, on behalf of the Leader of Government Business, and I support the report. We should be able to report back, whether we are in recess or not, by the 10th because it is urgent for the good of the local companies in this country and for the good of the individual who was the sole proprietor of BMK.

He supported the employment industry in this country; he introduced motorcycles as a means of public transport - the boda boda. He is one person who put efforts in the skilling of people in Katwe and that is something that has been taken up by our technical schools.

Therefore, as a process of paying back, Government should look at this. As a former Secretary-General of the ruling party, he was *-(Interjection)-* I want to say this, he gave me accommodation with my team in BMK during the COVID-19 period and even gave us his boardroom to hold our meetings; we should be human. Mr Speaker, I support that the report should be adopted. Thank you.

THE DEPUTY SPEAKER: Thank you. Honourable colleagues, I now want to put the question that the report of the Committee on Health on the field visit to West Nile and Northern Uganda to assess the scope of works executed by BMK Uganda Limited under the Uganda Reproductive Maternal and Child Health Services Improvement Project (URMCHIP) Lot 6, be adopted by the House.

(Question put and agreed to.)

Report, adopted.

THE DEPUTY SPEAKER: Action taken on the report should come in by the 10th of January. Thank you. Next item.

MOTION FOR A RESOLUTION OF PARLIAMENT TO PASS A VOTE OF CENSURE AGAINST HON. PERSIS NAMUGANZA PRINCESS, MINISTER OF STATE FOR LANDS, HOUSING AND URBAN DEVELOPMENT (HOUSING) PURSUANT TO RULE 109(7) OF THE RULES OF PROCEDURE

THE DEPUTY SPEAKER: Thank you. I need order in the House. Colleagues, can I have order. Colleagues, after the Committee on Rules, Privileges, and Discipline had submitted the report regarding the alleged misconduct of Hon. Namuganza – please, can I have order in the House. Do I have parliaments in Parliament? Let us listen to one another so that you can get what I am telling you properly.

So, Hon. Namuganza, in the midst, raised a point of procedure on sub judice, in which I made a ruling because she admitted on the Floor that she had not yet served Parliament and she said she was looking for Fr Charles Onen.

I told her that, indeed, Rule 8 of the Rules of Procedure does not allow me to run the House in anticipation. I told her that if she was looking for Fr Charles Onen, it meant she had not served him and she had not done anything. I do not know anything about her matter. I have seen several media interviews here and there, but we expect that during our work, we will be abused and we are regarded as bad; that always happens.

However, she went ahead and wrote to the Speaker about the same, which I felt I should put on the record of Parliament so that everything is clear. The letter is dated 12 December 2022 and it reads thus:

“My claim of subjudice against the debate on the report of the Committee on Rules,

Privileges and Discipline of Parliament and the censure process amidst the on-going Constitutional Court Case, Petition No.41 of 2002 Namuganza Persis Princess Vs Hon. Rev. Fr Charles Onen and the Attorney-General.

Reference is made to the above-captioned matter and to the on-going exercise and process of censuring me from the Office of Minister of State for Lands, Housing and Urban Development and I write to you as follows;

That the Committee on Rules, Privileges and Discipline tabled a report on the Floor of Parliament and I, being aggrieved by the process that led to the report, filed a suit before the Constitutional Court of Uganda, challenging the constitutionality of the actions and omissions of the committee, chaired by Hon. Rev. Fr Charles Onen, Member of Parliament and Vice-Chairperson of the said committee;

That on 7 December 2022, while Parliament was in session, I objected to the debate of the above-captioned report on grounds of sub judice. I laid on the Table, and informed the Speaker and Parliament before the debate ensued, that I had filed a constitutional petition No. 41 of 2022, challenging the actions and omissions that led to the report, and the petition is pending determination and that the debate was barred by the rule of sub judice.

Service of the court process was effected upon the Attorney- General as required by law. A copy of the received notice of presentation of the petition is attached and marked A.

To my dismay, the Deputy Speaker, who chaired the Parliamentary Session of 7 December 2022, proceeded to lead the House to debate and adopt the report and recommended a censure process against me, in total disregard of the Rules of Procedure of Parliament as well as the court case, which act contrary to the Constitution and the rule of law.

For avoidance of doubt, rule 73(1) of the Rules of Procedure of Parliament provides: ‘...a Member shall not refer to any particular matter

which is sub-judice.’ rule 73(2) therefore, provides that a matter shall be considered sub-judice if it refers to active criminal or civil proceedings...’

Furthermore, rule 73(3)(c) provides that civil proceedings shall be deemed to be active when arrangements for hearing, such as setting down matters for hearing have been made, until the proceedings are ended by judgment or settlement or withdrawn.

I wish to inform you that there are active civil proceedings in the form of the Constitutional petition pending hearing in the Constitutional Court of Uganda, a fact that you and all Members of Parliament are aware of, as I informed the House on the 7th of December 2022 and tabled proof to that effect.

Despite the above knowledge, you have allowed the Members of Parliament to discuss, execute and implement the recommendations of the impinging report, which is a subject of active court proceedings. The process has already been cleared by the Office of the Clerk to Parliament to censure me from office. A copy of the censure motion is attached and marked B.

It is unfortunate that this is being executed in total disregard of the Rules of Procedure of Parliament and in breach of my constitutional right. I have a right to disagree with the report of the Committee on Rules, Privileges and Discipline. And above all, like any other Ugandan, I have the right to seek redress from the courts of law as I did in this particular matter.

The purpose of this letter, therefore, is to humbly inform you that the matter is sub-judice and also to request you to prevail over the Parliament of Uganda, its staff and all the Members of Parliament to desist, refrain and restrain from discussing, debating, executing and deliberating on the plans to implement the recommendation to commence my censure as the Minister of State so that the courts of law are given the opportunity to decide the suit and promote the rule of law.

The deliberations will not only affect a fair determination of the matter in court, but will render the court case nugatory. I undertake to provide further justification, if so required by the Speaker. Yours faithfully, Ms Namuganza Persis Princess, Minister of State for Lands, Housing and Urban Development, Bukono county MP.”

This is Hon. Namuganza writing to the Speaker of Parliament challenging my ruling.

Anyway, the Speaker also responded. I am also going to read to you the response from the Speaker to whom she appealed because I want us to do things in the open. I do not want to be receiving letters as if they are secrets. The Speaker’s letter reads:

“The Speaker’s Chambers, 19 December 2022. Allegation of sub-judice on the matter of the adoption and execution of the report and recommendation of the Committee on Rules, Privileges and Discipline. I will refer to you as contained in reference LAD/12/1222, dated 12 December 2022...”

Colleagues, I allowed free sitting, so, you can share –(Laughter)- We are handling serious matters; let us not allow distraction.

The letter continues as follows: “...In your letter above mentioned, you requested the House and its Members and staff to refrain from doing or permitting the doing of any action by the House that would be sub-judice to a Constitutional petition No.41 of 2022 filed by you. I have carefully studied the matter and I wish to guide as follows:

1. On 7 December 2022, my colleague, the Deputy Speaker, ruled on the allegation of sub judice as raised by you, in accordance with Rule 73 of the Rules of Procedure of Parliament. The discretion given by the Speaker, to determine the instances where rule 73 applies, is meant to shield the House from dilatory tactics adopted by a party intent on precluding a matter formally debated in the House for the simple reason that it is before the courts.

The courts of law have, on numerous occasions, ruled that a matter is not sub judice where the petitioner ran to court after Parliament had commenced investigations into the matter. The court matter must have been filed prior to the commencement of the Parliamentary inquiry.

In this case, your petition was filed in court after the notice of motion of censure had been duly served to the Clerk to Parliament. At that stage, no matter was pending before court and the notice of motion for censure could not prejudice a court matter, which was not yet lodged in court.

2. I would like to guide you further that the Speaker of Parliament is clothed with discretionary powers under Rule 73(5) of the Rules of Procedure to determine whether a matter is sub judice or not. A decision by the Deputy Speaker was delivered on 7 December 2022, after thorough consideration of your petition.

I, therefore, find that your letter is a veiled effort to challenge and appeal against the decision of the Speaker without following the provisions of Rule 87(2) of the Rules of Procedure.

In light of the above mandatory provisions of Rule 87(2) of the Rules of Procedure of Parliament, I am unable to address the matters in your letter dated 12 December 2022.

Anita Annet Among, Speaker of Parliament.”

I wanted to show that, that matter is settled. Honourable colleagues, whenever a Speaker makes a ruling and you are not satisfied, just refer to rule 87(2) where you give notice of a motion to challenge that ruling. You do not go on radio, write letters or go on TV. I felt that this needs to go on record.

With that out of the way, honourable members, this item that we have read is governed by Article 118 of the Constitution and Rule 109 of the Rules of Procedure. These two provisions elaborate the procedure to be followed to process the item.

While Article 118 of the Constitution empowers Parliament to pass a vote of censure against a minister on any of the grounds provided therein, Rule 109 (1) of the Rules of Procedure requires a Member who is desirous of moving a motion against a minister to notify the Clerk in writing, of his or her intention, citing the ground for the proposed censure motion and giving detailed particulars supporting such grounds. This was done by Hon. John Amos Okot, MP for Agago North County, with a notice dated 9 December 2022.

In compliance with rule 109(2), the Clerk, upon receipt of the notice of censure, notified Parliament by causing the notice, the grounds and particulars supporting the grounds of the proposed censure motion to be pinned on the Members’ notice board.

Upon notifying Parliament, the Clerk to Parliament went ahead to prepare and deposit with the Sergeant-at-Arms a list of all Members of Parliament with an open space against each name for purposes of appending signatures as required by Rule 109(3) of the Rules of Procedure. The list is required to be with the Sergeant-at-Arms for the duration of 10 working days within which signatures of at least one third of the Members should have been collected.

I perused the list prepared and posted with the Sergeant-at-Arms and it is entitled: “Signatures in support of the censure motion against Hon. Persis Namuganza Princess, Minister of State for Lands, Housing and Urban Development in the Republic of Uganda.”

I have checked through the list - Hon. Amos had a list that beat the deadline and a list that was beyond the deadline. The list that was beyond the deadline had 259 Members who had signed, but the list that I verified that beat the deadline had 196 Members. The requirement for a motion to be tabled is 176 Members, meaning he went beyond the threshold by 20 Members. That leaves me with no option, but to allow the motion to be tabled on the Floor of the House. *(Applause)*

Rule 109 (7) requires the Speaker, on receipt of the proposed censure motion, grounds and particulars supporting the grounds and supporting signatures as in the instant case, to cause the proposed motion to be placed on the Order Paper for consideration at the next working day.

Yesterday, the Clerk to Parliament served me and within 24 hours, as per the rules, I have to call the House and ensure that the motion is tabled on the Floor.

These are issues provided for in the rules; they are not at my discretion. I cannot say I will wait after Christmas or wait for a year. I follow the timelines as provided for in the law.

Having received the cited documents yesterday, the next working day was today and after reading all the documents, I now formally invite the chief petitioner, Hon. Amos Okot, to formally move the censure motion and lay all the supporting documents on the Table. I also guide that each document so laid shall be endorsed by the Clerk.

Colleagues, according to Article 118(5) of the Constitution, this motion is not subject to debate. Today is not subject to debate. The law requires that after receiving this motion today in the House – get a copy of your Constitution, honourable colleague. That is why Hon. Macho is looking at me. I am telling him to get his copy of the Constitution.

After tabling of the motion, within 72 hours, I have to write to the President to inform him that Parliament intends to censure his minister, clearly showing the grounds, the signatures and supporting documents.

Thereafter, within 14 days after informing the President, I have to appoint a select committee, which will investigate and give Hon. Persis Namuganza a chance to come and defend herself. I am taking you through your own rules because some of you might say, “I have come to give my vote today” or you might come to protest today. No, the process has just started. Thereafter, we shall receive the report of the committee and the House will then vote.

For avoidance of doubt, for people who think that today I have not allowed debate, Article 118(5) says, “*The motion for the resolution of censure shall not be debated until the expiry of 30 days after the petition was sent to the President.*”

Therefore, by writing to the President, we shall be serving Hon. Namuganza through the President. The role of the President, at this stage, is to inform his minister, reason being that you might look for the minister to serve and you do not get her. So, the moment you deliver the notice to the appointing authority, you have served the minister responsible.

Before I invite Hon. Amos Okot, it is important that I read the letter from the Clerk.

“22 December 2022

The Rt Hon. Speaker, Parliament of Uganda.

RE: Notice of Censure against Hon. Persis Namuganza, Minister of State for Lands, Housing and Urban Development

On 9 December 2022, I received a written notification from Hon. John Amos Okot, MP Agago North County, of his intention to move a censure motion against Hon. Persis Namuganza. Upon receipt of the said notice of censure, I notified Members of Parliament by enclosing the notice of the proposed censure motion to be pinned on the Members’ notice board, according to Rule 109(2) of the Rules of Procedure of Parliament.

At the same time, I further caused to be prepared and deposited with the Sergeant-At-Arms the list of all Members of Parliament with an open space against each name for purposes of appending signatures according to Rule 109(3) of the Rules of Procedure.

I have, this 22nd day of December 2022, received a list of Members who have appended their signatures signifying their support for the proposed motion from the Sergeant-At-Arms, numbering 196.

In accordance with Rule 109(5) of the Rules of Procedure, I hereby forward to you the notice

of censure together with a list of Members who have appended their signatures signifying support to the motion for your further management.

Adolf Mwesige
Clerk to Parliament”

12.52

MR JOHN AMOS OKOT (NRM, Agago North County, Agago): Thank you. Mr Speaker, I thank you very much, first of all, for giving the detailed explanation.

Secondly, I beg to move a motion for a resolution of Parliament to pass a vote of censure against Hon. Persis Namuganza Princess, Minister of State for Lands, Housing and Urban Development.

Just like you have quoted, I move under Article 118 of the Constitution of the Republic of Uganda (as amended), 1995 and Rules 106 and 109 of the Rules of Procedure of Parliament.

“AWARE that Article 111 of the Constitution of the Republic of Uganda establishes a Cabinet consisting of the President, the Vice-President and such number of ministers as may appear to the President to be reasonably necessary for the efficient running of the State;

AWARE that the President of the Republic of Uganda, according to Articles 113 and 114 of the Constitution, appointed Hon. Persis Namuganza Princess, Member of Parliament for Bukono County in Namutumba District, the Minister of State for Lands, Housing and Urban Development;

NOTING that Parliament, while considering the report of the ad hoc committee on the Naguru-Nakawa land allocations, found that Hon. Persis Namuganza Princess abused her office and authority by directing the Uganda Land Commission to allocate land to entities while purporting to communicate presidential directives, which were non-existent and resolved that Hon. Persis Namuganza Princess be held accountable for abuse of office;

CONCERNED that following the resolution of Parliament on the 21st and the 22nd of May 2022 and again on the 12th and the 13th of July 2022, Hon. Persis Namuganza Princess made statements -” (Interjections)

THE DEPUTY SPEAKER: Honourable members, a colleague is reading his motion.

MR BASALIRWA: Mr Speaker, maybe, just to clarify. Is “Princess” a name or title, for purposes of the record?

THE DEPUTY SPEAKER: I am informed it is in the Gazette. Whether it is a title or not, I do not know. Let us go on.

MR JOHN AMOS OKOT: Thank you, Mr Speaker. It will be befitting for –

THE DEPUTY SPEAKER: Hon. Okot, please, focus on your motion.

MR JOHN AMOS OKOT: ...*CONCERNED that following the resolution of Parliament on the 21st and the 22nd of May 2022 and again, on the 12th and the 13th of July 2022, Hon. Persis Namuganza Princess made statements about Parliament in the media and social media, attacking the operations of Parliament, questioning the powers of Parliament, the integrity of the Presiding Officers of Parliament and imputing improper motive to Parliament and its Presiding Officers;*

FURTHER CONCERNED that the statements made by Hon. Persis Namuganza Princess were derogatory and found by Parliament to amount to gross misconduct and misbehaviour, an affront to the dignity of Parliament, denigrating public trust and confidence in the authority and integrity of the Office of the Speaker, Members of Parliament and the institution of Parliament and brought the House and its Members into disrepute and her conduct was in breach of the Code of Conduct for the Members of Parliament, as enumerated in Appendix F of the Rules of Procedure of Parliament; paragraphs 2,3,4 and 5 and constituted contempt of Parliament;

NOW, THEREFORE, be it resolved that:

Parliament passes a vote of censure against Hon. Persis Namuganza Princess, the Minister of State for Lands, Housing and Urban Development on grounds of misbehaviour and misconduct and also refusing to understand Parliamentary works."

I beg to move.

THE DEPUTY SPEAKER: Thank you. Is the motion seconded? (*Members rose*) It is seconded by Hon. Katoto, Hon. Kimosho, Hon. Rauben, Hon. Macho, Hon. Basalirwa, Hon. Okupa, Hon. Mwijukye, Hon. Akol, Hon. Lucy Akello, Hon. Nebanda, Hon. Otimgiw, Hon. Christine, Member for Busia, Member for Arua, Member for Butalejja, Hon. Nsegumire and Hon. Fox-Odoi.

Happy to see you, Hon. Everlyn Chemutai. Hon. Amos, because you have raised the issues properly, can you use three minutes to speak to your motion.

MR JOHN AMOS OKOT: Thank you, Mr Speaker. We are in this House to play our constitutional role and mandate. One of the biggest roles a Member of Parliament should perform is the oversight duty.

Besides, we have our rules that guide us and Parliament works through committees. These committees we are talking about can be ad hoc, select or standing committees plus others that all of us know and are aware of. Once a committee has presented a report on the Floor of Parliament, its work stops when the House has adopted the report.

This House mandated the ad hoc committee to do the work and it was done. The report was debated and adopted.

Unfortunately, having given all that background, this same House, again, went further to refer the matter to the Committee on Rules, Privileges and Discipline so that in a way, if there are issues that can be ironed out by my dear sister, Hon. Persis Namuganza

Princess, she would have completely and so concluded. However, to our dismay, Mr Speaker, we had been opened up to criticism, abuse, arrogance and many other things in the media; not only in the media, there were attacks on personality.

We live in this country and we live in the community with Hon. Persis Namuganza, to the extent that it defeats the understanding and the behaviour of an elected Member of Parliament and leader. We consider that this Member has to follow the code of conduct on how a leader should behave because we are supposed to be exemplary in everything we do.

Mr Speaker, allow me to quote some few things that she may have stated on social media and even on this Floor of Parliament. It will give you no other ground, but to move forward and say, "Wait a minute, where is all this arrogance coming from? What is the rock behind it? What is the intention?" The best thing we can do is to remove the spirit, which is not a humble spirit.

Mr Speaker, all of us here are not naive to the behaviour that we have been seeing; we are not doing this to attack the personality of our dear Member. We are here as colleagues, but we have the mandate to perform. The mandate is very clear, short and simple.

Therefore, I stand here - I do not want to go further to say all this, but I beg that you permit me to lay on the Table the documents supporting the motion.

THE DEPUTY SPEAKER: I hope they are endorsed by the Clerk.

MR JOHN AMOS OKOT: Yes, Mr Speaker. Allow me to lay on the Table, first, the motion for censure, which I have been going through. I beg to lay the motion for a resolution of Parliament to pass a vote of censure against Hon. Persis Namuganza Princess, Minister of State for Lands, Housing and Urban Development. I beg to lay.

I would also like to lay on the Table a notice of motion that I wrote to the Clerk to Parliament

conforming to follow all the rules and the guidance that is enthroned before taking a step to censure or move a motion to censure Hon. Persis Namuganza. I beg to lay.

Mr Speaker, I would also like to lay on the Table the letter that I got from the Clerk to Parliament, responding to the notice that I presented to the Clerk's office. He wrote back. In the letter that he wrote, he indicated that the Members that have signed to support the motion against Hon. Namuganza, by then, were 196. Unfortunately, when counting, he did not count the mover. If he was to count me, it was going to be 197 Members. By that time, the period that is stipulated into our rules had not yet expired. He responded according to Rule 109(5) of the Rules of Procedure. I beg to lay this letter on the Table.

Finally, I beg to lay on the Table the list of signatures by the honourable Members of the 11th Parliament, who took a very keen interest to study our dear sister and found that there was misconduct. There was some indiscipline and a lot of other issues that relate to how an honourable leader in this country should behave. They appended their signatures. By that time, 197 Members had appended their signatures. When I checked the final list –

THE DEPUTY SPEAKER: Honourable member, you met the threshold of 176 signatures. You do not have to -

MR JOHN AMOS OKOT: Thank you. I beg to lay, Mr Speaker. I thank you for giving me this opportunity to raise this motion.

THE DEPUTY SPEAKER: Thank you. Honourable colleagues, the Member informed me that he has three seconders; one from the ruling side, one from the Opposition and one from the Independents. I will start with Hon. Kimosho. Use three minutes, please.

1.08

MR DAN KIMOSHO (NRM, Kazo County, Kazo): Thank you, Mr Speaker. I rise to second the motion. The reason I firmly and strongly

second the motion is because I am an advocate of promoting the dignity and decorum of this Parliament.

Some of us were inspired to join politics and later on Parliament because we thought Parliament was high above the bar. It is our responsibility, as the current Members of Parliament, to maintain that bar.

The success, effectiveness and prestige of any institution rests on its orderly functioning and the extent to which it adheres to the standard of discipline, dignity and decorum for discharging its activities. Discipline, dignity and decorum in this sense are foundational norms of any institution. This is particularly so, of Parliamentary institutions, which embody the will of the people.

The erosion of discipline and decorum will lead to erosion of Parliamentary institutions. These foundational norms of representative bodies have always been considered fundamental and are, therefore, preserved, protected and defended. It is my strong opinion that we should stand strong in disciplining any Member who tries to offend the dignity of Parliament.

Mr Speaker, I am even more convinced of this motion because the person in question is not a first offender. Analysing her history in the previous Parliament, and analysing her history with her previous supervisors and senior ministers in different ministries, this person is a perpetual offender. It is only right for this House to put her in her right place because she serves as a wrong example to the public. If we keep her in the position where she is, we will be demeaning the dignity, the decorum and the standard to which Parliament is expected to serve the people of this country. I beg to move. Thank you.

THE DEPUTY SPEAKER: Thank you. Hon. Basalirwa has asked me to inform Muslim colleagues that the prayers will be at 1.30 p.m. Therefore, we still have time. Hon. Gilbert Olanya.

1.12

MR GILBERT OLANYA (FDC, Kilak South County Amuru): Mr Speaker, allow me to start by appreciating Hon. Amos Okot for this very important motion.

Mr Speaker, the honourable member we are talking about has been one of the luckiest ministers so far. It has taken long for her to be censured. The 10th Parliament would have dealt with her, but she has been one of the luckiest ministers to survive up to this time. *(Laughter)*

Mr Speaker, the major reason of removing her from the office is not the minor issues, which she alluded to last time on the Floor of Parliament. As Parliament, we deal with big matters. We are not censoring her because of her personal differences with other Members. However, we are looking at the Parliament as an institution and her conduct as a minister.

Hon. Amos put it clearly. Mr Speaker, you remember during the Naguru land saga, when the ad hoc committee was given the mandate to investigate the land matters involving 82.5 hectares of land and how the minister used her position to divide that land among the so-called investors.

The way the minister responded to the ad hoc committee was not convincing at all to Ugandans and this House - we are looking at big matters.

The honourable minister decided to give hectares of land to herself and her people and she arrogantly intimidated the Uganda Land Commission using her power and the name of the President.

Mr Speaker, this minister does not deserve to survive and to continue being a minister in this House. If we leave her to continue as minister, I am very confident Africa will laugh at Uganda. What she did is all over social media and the whole world is aware of what is going on. Therefore, we cannot maintain her.

Finally, Mr Speaker, following her utterances on social media, demeaning the presiding officers, she is putting herself as the highest minister, so far, on earth.

I would like to applaud my colleagues who signed the censure motion and because of that, today, we are going for Christmas very happy. Let the process continue. I pray for the success of this motion by Hon. Okot Amos. I beg to move.

THE DEPUTY SPEAKER: Thank you. Hon. Chemutai. Colleagues, we are not debating, these are seconders - no, I have the list of seconders. *(Laughter)*

1.15

MS EVERLYN CHEMUTAI (Independent, Woman Representative Bukwo): Thank you, Mr Speaker. I stand to second the motion. I appreciate my honourable colleague who moved this motion.

The honourable minister - the princess - is my friend. *(Interjections)* Yes, she is my friend. I am a peace-loving Ugandan. All I expected from her was to do the right thing and not to abuse the House.

The time she went personal and insulted the Speaker, she insulted the whole House. I believe the honourable minister is a Christian. The book of Romans says that we should respect those in authority. I expected her to respect authority and to stay in her lane. If the problem was land, she should have remained in the land business and not going personal to attack the family and person of our boss.

Lastly, Mr Speaker, the title she carries - "Princess" - does not depict what she says. It would not cost her anything to say, "I am sorry, honourable colleagues". She mentioned that she regrets - but that was an insult to the whole House. I beg to move. Thank you.

THE DEPUTY SPEAKER: Thank you. Hon. Maureen Oloru -

1.17

MS MOURINE OSORU (NRM, Woman Representative Arua City): Thank you, Mr Speaker. I rise to support the motion moved by Hon. Okot.

We have been sent here by our people to debate matters concerning our citizens. We are here with a mandate to appropriate budgets not to open up grounds for battlefields.

Mr Speaker, earlier last year, I remember we all took an oath of allegiance that we shall be faithful, provide faithful service to the Parliament of Uganda and uphold the Constitution of Uganda by protecting it; that was the oath we all took.

Mr Speaker, a member of this august House, my honourable minister, the princess who also took oath, seems to have forgotten where she is. We are here to defend the image of Parliament. If we do not do this, the public is going to lose confidence and trust in us. Imagine we are here in this House, people of different calibres and professions; a fellow Member like the honourable Princess attacking us. She is my friend too, but from that day, when she came in this august House and said whatever she said - I do not want to be like a tsunami that sweeps everything. She is not the kind of person that can actually sort matters amicably.

The same honourable member has an attitude problem; every one of us here looks useless to her. As a woman, she should learn to apologise.

The other day, when the Rt Hon. Prime Minister told her to apologise, she refused. What was the meaning of that? If she cannot apologise, why does she continue to work in the same place where she was sent? Why can't she resign? That would be the best thing to do.

Therefore, Mr Speaker, the minister in question - we are all in the "mighty party" *-(Member timed out.)*

THE DEPUTY SPEAKER: Honourable colleague, please conclude.

MS OSORU: Yes, I remember she even went ahead to forge a letter regarding the Naguru land dispute. It is in the report of Hon. Katuntu. If she was an ordinary Member in public office, she would be off by now, but she is a minister. I wonder what she is still doing in that office if she can still use her office to abuse the Parliament she works in.

Honourable members, I think she is accountable and it is high time we all rise together to defend the image of this Parliament. Otherwise, if we do not - imagine we are going outside there at public events and they are analysing and taking us unserious. We cannot accept that nonsense to be taking place in this Parliament. Mr Speaker, thank you.

THE DEPUTY SPEAKER: Hon. Okot, I had allowed you and a few people on the list you gave me. However, you gave me a long list and we cannot continue because it will degenerate into a debate. So, I will conclude with Hon. Macho. *(Applause)*

1.21

MR GEOFFREY MACHO (Independent, Busia Municipality, Busia): Mr Speaker, seasons come and go and every season has gifts.

This season of Christmas in the Republic of Uganda is for Hon. Macho to humbly second this motion that the minister in question, the Hon. Persis Namuganza, is referred back to the appointing authority to demonstrate that, truly, our dear President has a burden with some of his people in the Executive.

I call it a burden because I saw the Rt Hon. Prime Minister of the Republic of Uganda struggling, suffering and talking all the sweet soft words on the Floor of Parliament, pleading with the minister to apologise. As if that was not enough, I saw the Rt Hon. Prime Minister of the Republic of Uganda move out and push microphones, trying to block journalists in order to stop the Minister of State for Lands, Housing and Urban Development from addressing the media. That was a sign that the minister in question has no value of being

a humble leader. She lacks humility, which is one of the key qualities of a leader.

Mr Speaker, this is not by surprise. The minister in question, when I was the Youth Chairman of Busia District and she was the secretary for the female youth for her district, the character she is exhibiting now is the same character she used to exhibit then. *(Laughter)*

I, therefore, see that the only solution – what we do where I come from, is that when you fail to manage any person, you take them back to the owner. Good enough, Mr Speaker, we have very many loyal humble NRM cadres who can be ministers and who even work harder. We have the Hon. Fox Odoi Oywelowo, who is here and he can be a very good minister. *(Laughter)* We even have some colleagues in the House like Hon. Nicholas Kamara, who is willing to join the NRM to become a minister. *(Laughter)*

Mr Speaker, what we are doing is a noble cause. We are rebranding the Executive so that the NRM can become a mighty party with a new breed and new fish in the dock. I submit and recommend. I appeal to Ugandans to receive this gift that we are warmly bringing back with two hands. Thank you, Mr Speaker. *(Laughter)*

DR NICHOLAS KAMARA: Order, Mr Speaker.

THE DEPUTY SPEAKER: Thank you. Honourable member, the point of order applies when a Member is still holding the Floor. Once there is no one on the Floor – please, do not access the microphone without my permission. Honourable member, the rules allow you to give a statement of personal explanation. So, you can come to my office and I will give you space. You rejected a ministerial offer from Hon. Macho, but let me allow you. Hon. Tinkasiimire, let us allow Hon. Dr Nicholas Kamara to say something.

DR NICHOLAS KAMARA: Thank you, Mr Speaker. I want to put it on record that I am a very proud Member of the FDC and I am not

about to join the so-called “mighty party” of the NRM. That is what I wanted to put clear to my voters and all Ugandans. Thank you very much.

THE DEPUTY SPEAKER: So, you have rejected Hon. Macho’s offer?

DR NICHOLAS KAMARA: I have flatly rejected your offer, Hon. Macho. *(Laughter)*

MR TINKASIIMIRE: Thank you very much, Mr Speaker.

THE DEPUTY SPEAKER: Honourable colleagues, let us have order in the House.

MR TINKASIIMIRE: I move under Rule 16 of our Rules of Procedure, which states thus: “*A Member may, with the consent of the Speaker, move that a rule be suspended in its application to a particular motion before the House and if the motion is carried, the rule in question shall be suspended.*” The rule that I seek to be suspended is rule 107, which provides for a long procedure of disposing of a censure motion of a minister.

Mr Speaker, when you read rule 16(2), you notice that it provides for rules, which cannot be suspended and rule 109 is not one of those rules.

Mr Speaker, I plead with you and seek your consent that this matter – as you see the emotions in the House - be disposed of today. I beg to submit. *(Laughter)*

THE DEPUTY SPEAKER: Thank you. Hon. Tinkasiimire, Rule 107 of the Rules of Procedure talks about the removal of the President not the removal of the minister. The minister’s removal is catered for under rule 109 and of course, with that – I can allow you to make a correction.

MR TINKASIIMIRE: Mr Speaker, the rule that I sought to suspend is rule 109.

THE DEPUTY SPEAKER: Okay, thank you.

MR TINKASIIMIRE: For the avoidance of doubt, the title is: "Vote of Censure against Ministers."

THE DEPUTY SPEAKER: Of course, I knew, but I wanted the –

MR TINKASIIMIRE: Much obliged, Mr Speaker.

THE DEPUTY SPEAKER: Thank you. Honourable colleagues, those who have not yet picked the new rules, please, pick the copies because we amended them. So, I understand the challenge.

Now, honourable colleague, luckily enough, you said that this has to be with the consent of the Speaker. This is a very serious matter that is also clearly provided for under Article 118 of the Constitution.

So, the moment I just refer to the rules only, yet, the Constitution gives a very clear procedure, I think we shall be arming someone to say that we never proceeded well in processing the motion.

Therefore, Hon. Tinkasiimire, you will agree with me that we do not suspend the rule, but follow the procedure as laid out in the Constitution and in the Rules of Procedure.

Honourable colleagues, that being done, I am going to inform the President within 72 hours and then, after 14 days, we shall appoint a select committee, which shall process the motion and listen to Hon. Namuganza. She will appear, either in person or with her lawyer, and we will ensure that she responds to the issues in the petition.

We are breaking off for Christmas. This is the last session before Christmas, but as you know, tomorrow, we have the burial of our colleague in Serere and there is transport provided. Hon. Okupa, you can guide on the issue of transport.

1.31

MR ELIJAH OKUPA (Independent, Kasilo County, Serere): Thank you, Mr Speaker. The burial is slated for tomorrow. I want to update the House that the body has safely arrived in Soroti at the Iteso Cultural Centre, which is just 17 kilometers to the home of the late.

Tomorrow, there will be transport at Parliament. Those who will use group transport should be here at 6.00 a.m. The Director, Transport, Administration and Logistics, Mr Oyata, is coordinating this.

For those who may drive their cars, you can go through Pallisa - as it is shorter - to Kumi, Ngora and then, to the place of burial in Ochapa Town Council. If you go up to Soroti Town, take the Soroti-Serere Road. It is 17 miles to Serere and just about three kilometers from Serere District headquarters.

If you are flying, you will land in Olio Primary School, which is a more secure place that has been secured for those who will be flying. I got a request from some colleagues who were saying they may fly in a chopper; that is the place where you can land.

Mr Speaker, we would like to invite you all to Serere to say farewell to our brother. However, like I said yesterday, I think the Ministry of Internal Affairs needs to come up with a full report about the incident. Please, ask the Ministry of Internal Affairs to follow it up because it is something that is raising some issues.

THE DEPUTY SPEAKER: We shall handle.

MR OKUPA: We do not want what happened to Hon. Abiriga to happen in Serere.

Mr Speaker, we thank you and we pray that the Almighty God takes us safely to Serere and safely back here and rests the souls of our late brother and his wife in eternity. Thank you very much, Mr Speaker.

THE DEPUTY SPEAKER: Thank you, Hon. Okupa. Colleagues, chairpersons and the leadership of sectoral committees, you have up to 20 January 2023 to present to the Committee on Budget your reports on the National Budget Framework Paper, meaning that immediately after Christmas, committees should resume sitting.

Priority is going to be given to sectoral committees. I request standing committees not to conflict with sectoral committees because Members belong to both standing and sectoral committees. Let us use this January period to focus on the Budget; we shall only have sectoral committees sitting.

With that, honourable colleagues, I wish you a very merry Christmas and a happy new year. I adjourn the House *sine die*.

*(The House rose at 1.34 p.m. and adjourned
sine die.)*