

Wednesday, 19 November 2014

Parliament met at 2.02 p.m. in Parliament House, Kampala

PRAYERS

(The Deputy Speaker, Mr Jacob Oulanyah, in the Chair.)

COMMUNICATION FROM THE CHAIR

THE DEPUTY SPEAKER: Honourable members, I welcome you to this sitting. I have learnt of the unfortunate accident that our colleague, hon. Fred Badda, MP Bujumba, had. He broke his leg while playing football and he is hospitalised in Nakasero Hospital. Together, let us put him in our prayers so that he can have a quick recovery. I am informed that he should have been operated upon last night but I have not received any feedback on this particular information and his medical progress.

In the usual parliamentary solidarity, I urge all honourable members to visit him in the hospital, where possible, and give him comfort and spiritual support. Indeed, hon. Badda's input during the forthcoming East African Community games to be held in Arusha will be greatly missed as our attacking mid-fielder.

Honourable members, as indicated to you earlier, Parliament will go on recess on 18th December this year. That means, subject to other factors, we have 11 sitting days in which to handle business. In principle, the Business Committee had agreed earlier that the handling of Bills be given priority. I, therefore, urge all the chairpersons who are handling Bills to expedite their considerations to that. As many Bills as possible can be presented for Parliament's consideration before we break for the Christmas recess. Thank you very much.

2.04

MR MATHIAS BIREKERA AWO NSUBUGA (DP, Bukoto South, Lwengo): Thank you very much, Mr Speaker. I rise on a matter of national importance. However, before I bring it up, I can see that there is nobody at the frontbench and I wonder whether my matter of national importance will serve any purpose without any government official to reply to it. I seek your guidance, Mr Speaker.

THE DEPUTY SPEAKER: We will raise it with them when they come.

MR BIREKERA AWO NSUBUGA: Mr Speaker, I represent Bukoto South and Bukoto South Constituency is in Lwengo District. Those of you who have watched the national television stations like NTV, Bukedde, UBC and others, have seen the chairman LCV of Lwengo District, Mr George Mutabazi, caning residents of the district. This is a matter that is very serious. Our Constitution guarantees the inherent human rights which every individual enjoys. He claims that these people are supposed to do what they call *bulungi bwa nsi*, which is voluntary service.

This Parliament appropriates funds to construct roads, repair spring wells and provide any other service in the district. It is a matter of sensitizing these people so that they can know what to do, but what happened is that children, women and even the elderly were being caned. To make matters worse, the chairman and his men were being escorted by the Police.

I would like the Government to tell this House whether it is in order for an LCV chairman or any other leader to start caning people, thereby denying them their rights. This House established a Committee on Human Rights; we even have the Uganda Human Rights Commission, which is supposed to be a watchdog for individuals' rights.

Mr Speaker, I need an explanation as Member of Parliament representing this area in this House. First, even in the Local Governments Act, there is no article at all under the functions of a chairman of a district, where he is supposed to cane people.

Secondly, I would like to know how the Police, who are supposed to safeguard the rights of an individual, could escort somebody practicing mob justice. This is a matter which I think that the Uganda Human Rights Commission and the human rights committee of this House should take interest in.

MR MAWANDA: Thank you, Mr Speaker. Is it in order to proceed when the whole frontbench is not present? The honourable member has raised a very pertinent –

THE DEPUTY SPEAKER: I will raise this matter with the ministers when they come.

2.09

MR WILLIAM KWEMARA (NRM, Kyaka County, Kyegegwa): Thank you so much, Mr Speaker. I equally rise on a matter of national importance.

Sometime mid this year, UWOPA and Plan Uganda invited us for a workshop on the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). We all agree that we should fight violence against women, but at this particular moment in time, allow me to observe that there is an opportunity that we have always missed as Government through the Ministry of Gender, Labour and Social Development, and as Parliament, UWOPA, gender activists and the civil society. That opportunity is what is called the 16 days of gender activism. These days are commemorated from 25th November to 10th December of every year, internationally.

The 25th of November is the International Day for the Elimination of Violence against Women. On this day in 1960, the three Mirabal sisters were detained, tortured and assassinated by dictator Trujillo of the Dominican Republic. It has since been adopted as the International Day for the Elimination of all forms of Violence against Women.

The 10th of December is the international Human Rights Day. It is on this day in 1948 that the Universal Declaration of Human Rights was made. It was also on this very day, 10 December 1993, at the Vienna World Conference on Human Rights that the violation of women's rights was recognised as violation of human rights.

So, those form the 16 days - between 25th November and 10th December. However, in between, there are equally some other important days pertaining to human rights. We have 29th November, for example, where we celebrate the International Women Human Rights Defenders' Day. On 1st December, we celebrate World AIDS Day and there is a correlation between gender and sexual based violence in the contribution to HIV/AIDS prevalence.

On 6th December, we celebrate the Montreal massacre. It was on this day in 1989 that a gunman opened fire at 14 female engineering students at the University of Montreal, claiming that they were feminists and he hated feminists. He first ordered the male students to leave the cafeteria and opened fire on these people.

Mr Speaker, I want to bring to the attention of my colleagues the theme of this year: "From peace in the home to peace in the world". There are several other areas of focus and one of them is intimate partner violence, or what we call IPV. All of us remember very well in January this year, a female student at Makerere called Peninah Kobusinge was murdered by a jilted lover. She was a second-year student of

biomedical laboratory technology. Up to this time, no report has ever come from the Police, and women activists have been silent and we have equally been silent on that.

Another issue is violence perpetrated by state actors. When talking about sexual and gender based violence, we normally look at individuals and the community but hardly do we look at the state. If a young girl was raped, how would she be protected with dignity at the Police? How would she report? If she is told to get a medical form, how is she accompanied? In most cases even when we go to court, how do the judicial officers handle these cases? Indirectly, you find violence can be perpetrated by state actors.

There is also sexual violence during and after conflict. I may not talk much about that because we all know what happened in Somalia.

I am bringing this matter up as a call to action. As Parliament, UWOPA and Ministry of Gender, have we planned any media campaign? Have we planned some form of walk? Are we demanding an explanation from the Police? Are there any memorials, exhibitions or anything to show that we are part and parcel of the fight against sexual and gender based violence? Thank you, Mr Speaker.

THE DEPUTY SPEAKER: I will be raising these matters with the ministers when they come.

2.14

MS HUDA OLERU (NRM, Woman Representative, Yumbe): Thank you very much, Mr Speaker. I would like to thank the colleague for raising this very important issue that considers the issues of women, children and the rest. I know when we talk about gender, although the perception is only women but it covers both sexes.

Mr Speaker, after our colleague raised this very important issue, I propose that we develop a substantive motion so that we can discuss this issue. I know these are the times where we can take stock. We can review as a country what we have done in terms of empowering women and increasing human rights.

There are so many issues that even the Government has been dealing with, but sometimes we take them for a ride. Normally, when we have such an opportunity, this is when we reflect and look at how far we have achieved, what has gone wrong and what we can do to improve. Therefore, I request for an opportunity, maybe on Tuesday, for us to develop a better motion that will be debated in this House. Thank you.

2.15

MS ROSEMARY NYAKIKONGORO (Independent, Woman Representative, Sheema): Thank you, Mr Speaker. I want to thank the colleague for raising such issues.

As you are aware, the whole world is celebrating or commemorating the 16 days of gender based violence and of which Uganda is part. As I speak, there are some organisations that actually last week, met with the media fraternity especially NTV, to create awareness with regards to gender based violence in the country. I believe as Parliament, this is the opportunity for us also to bring out such a motion, like my colleague has raised, such that these issues are raised at a high level and we come up with resolutions.

Mr Speaker, when we go to the constituencies, those are some of the things that we find. Our policemen, the RDCs, the Family Protection Unit are overwhelmed by these cases of gender based violence, and they do not have ways of handling them. So, I believe that we can come up with a motion, discuss it in Parliament and see how to help the Police in terms of handling gender based violence because they leave them at community level and yet they are overwhelmed.

Many people, both men and women, have lost lives. We should not say that it is only women experiencing such things; men are also tortured and they are quiet. I think this is the time, as we commemorate 16 days of gender based violence in the whole world, to bring up this issue and we discuss it as Parliament. I thank you.

2.17

MR JACK SABIITI (FDC, Rukiga County, Kabale): Mr Speaker, I have a very important matter regarding the Uganda Police Force.

The Uganda Police Force is part and parcel of the Uganda Public Service. The Standing Orders of the Uganda Public Service, section F (d), clearly prohibit any member of the public service to get involved in politics. Mr Speaker, I have noted in the *Daily Monitor* of 18th, a copy of which I have sent to you, that a certain officer by the names Bakaleke, a senior public officer, was in Mukono addressing a rally and he started campaigning for President Museveni and the Movement.

I am concerned about this matter because public service is for everybody. We are supposed –
(*Interruption*)

MR KASIBANTE: Thank you very much, my senior colleague, for giving way. Officer Siraje Bakaleke happens to have served in my constituency as DPC Old Kampala Police Station. I often visited his office, sometimes voluntarily and other times he compelled me to visit his office as a suspect. In his office, Mr Speaker, there was a poster of candidate Museveni of 2011 and it bore the words, “Mzee *fuga pakalast.*” It was hanging properly in his office at Old Kampala.

At one time he would tell suspects, as I was listening, that he only had powers to arrest and detain and that his boss, who was candidate Museveni, would be the only one to release them. Now, whoever was released, he could ask him or her to support the boss who has released him or her. That is the information I want to give.

MR SABIITI: Mr Speaker, it is a dangerous move by a police officer, a senior police officer who is supposed to protect everybody, to get involved in the politics of this country.

Trying to identify where he stands - He can vote, there is no doubt about that, but to start campaigning, that means that such an officer may harass, as you have heard, those candidates who are not for his candidate.

I had wanted the Prime Minister, if he was here, to explain this so that this officer is actually reprimanded
(*Interjection*)

MR BIREKERA AWO NSUBUGA: Thank you very much, my colleague. Mr Speaker, I think this is an NRM policy. When one is a public servant and draws money from the Consolidated Fund, under public service he is not supposed to participate in partisan politics. We have the example of NRM Deputy Secretary-General, hon. Hyuha, who is our ambassador in Tanzania; the NRM Vice-Chairman for Western Uganda, Brig. Matayo Kyaligonza, who is Uganda’s Ambassador to Burundi.

The point I want to make is that I think the NRM have no respect for civil servants. In fact, they should know, for those of us who are in partisan politics, that once you are a public civil servant, you cannot participate in partisan politics. That is the information I wanted to give.

MR KWIZERA: Mr Speaker, can I give further information that the ambassadors are appointed by approval of Parliament, and I do not know if it is true that under Article 29 of the Political Organisations

Act, if you are a public servant you cannot hold a political party office. So, are you saying that Parliament made an error to approve these two ambassadors, if they did? I thank you.

MR SABIITI: Actually, according to the Public Service Standing Orders in the section I have quoted, he is not supposed to. The standing orders are very clear, that he should not hold an office. If we made a mistake, maybe we should revisit that area, but I am given to understand that she has left.-(*Interjection*)

MR OKUPA: Thank you, Mr Speaker. I think clarification needs to be made about hon. Hyuha. At least from what we know, when she appeared in the Appointments Committee, the information that we have is that her appointment was withheld on condition that she resigns first as Deputy Secretary-General. That is why she did not report to Dar-es-Salaam and she has never reported. So whoever is saying she is our ambassador to Dar-es-Salaam, I was there and she did not report to the mission. So, she is not the ambassador in Dar-es-Salaam; she was not recalled from there and because she did not resign, she could not report.

MS NYAKIKONGORO: Thank you so much, honourable colleague. I want to confirm what you are saying; I sit on the vetting committee and the committee never actually approved her on condition that she first resigns. She has never reported as an ambassador and therefore, hon. Hyuha is not a civil servant.

MR SABIITI: Mr Speaker, my interest is in this police officer; he should be subjected to discipline because it is contrary to the Public Service Standing Orders of Uganda. So, could the relevant minister handle this matter?

In addition to this, the Resident District Commissioners equally are public servants. They have harassed many of us in constituencies; they have taken sides, they campaign openly and I think really this matter must be put to a halt. The appointing authority must be informed that this is contrary to the rules and the Constitution, so that everybody feels comfortable in his country. I thank you very much.

THE DEPUTY SPEAKER: Thank you. Honourable members, on this particular issue of the newspaper article, I have had reservations about some of the headlines and statements that come from the press, which are not verified. I am talking about my personal experience.

There was a headline in one of the newspapers, "Oulanyah's guard shoots at motorist" and yet the police officer who actually shot that gun was in my compound and in the middle of the night. So, I do not know whether there were motorists driving at night in my compound that now made the headline scream in the newspapers, "Oulanyah's guard shoots at motorists". It was in the papers. So, sometimes, we do not need to take the headlines at face value. That is the point I am making. We need to go with extreme caution and verify some of these facts before we actually make a big issue out of them.

Maybe when the time comes, the proper people will make some responses to this. However, I just wanted to caution all of us that when we find newspaper articles, especially when they have screaming headlines of this nature, sometimes they do not actually carry the facts as they appear.

2.29

MR EDDIE KWIZERA (NRM, Bufumbira County East, Kisoro): I wish to raise an issue of national importance, Mr Speaker and honourable members.

In the Ministry of Education, we find that there are incidences where Government is fully sponsoring students in vocational training institutes and then when they reach those training institutes, they are also charged. An example I have here is where a student is admitted to Kabale Training Institute and is

sponsored by Government but when they get there, they are charged, among others, a sum of about Shs 1 million. This fee includes welfare for students, examinations, maintenance of buildings, libraries, etc.

Mr Speaker, I know that if a student is fully sponsored in a vocational training institute or university, the Government should be able to come up and tell us whether they are either fully sponsoring the students or they are doing partial sponsorship - they are contributing. A number of students from my constituency have gone to these institutions, hoping that they are fully sponsored by Government only to reach there and they are told to pay Shs 1 million when they knew that they are sponsored by Government.

We have done some research about public sector performance and delivery of service and I will be delivering my report soon. We found that delivery of service in the sectors of education and health has been affected because there are no vocational training institutes. This is because some of these vocational training institutes are very expensive and they make education expensive and unaffordable. This ends up affecting the rate of employability of our people who even come from university – *(Interruption)*

MR SSEWUNGU: Thank you, hon. Kwizera, for giving way. Mr Speaker, the matter the honourable member is raising is very pertinent. I am a member of the education committee and it common knowledge that Universal Secondary Education is free of charge. I happened to take students to Kitebi Secondary School, which is universal and the Government has given money but the fees they charge are exorbitant.

Recently, I went to Ndegeya Core PTC in Masaka. I took five students from my constituency, knowing that teacher education is free. When I went for my Grade III certificate, we were only paying for passport photos, uniforms and scholastic materials. Today, teacher training colleges are charging over Shs 600,000 per student and we are saying they are not paying anything! That is the information I want to give you. So, we need to find out from the minister whether there is free education in these institutions or not.

MR KWIZERA: Honourable members, I might raise this and you ask whether it is unique to that place but in the theory of a boiling frog, the one in the lake may think that it will never be boiled but if it is fetched and put in the pot, it will also boil. So, this situation that is affecting students from Bufumbira East might be affecting other people. The concern is that Government is funding because it is sponsoring –*(Interruption)*

MS FRANCA AKELLO: Thank you, hon. Kwizera. The information you are giving this Parliament is really important and I want to add some value to it.

There is a Government training institute called Mbale School of Hygiene - I stand to be corrected if that is not what it is called. This is a Government institution which trains students in public health at certificate level and diploma level. All students who enrol in that institution on government sponsorship are subjected to pay a lot of money depending on what courses they are doing. A certificate course ranges between Shs 500,000 to Shs 700,000 every term and yet this is supposed to be a government sponsored programme.

There is no difference between students on government sponsorship and those ones who are private. They even have to bribe their way to get onto the government payroll. So many students have testified over the years that they are asked to pay money before they are included on the government list. This is an appalling situation and I want to thank hon. Kwizera for bringing this issue up.

MR KWIZERA: Honourable members, in fighting corruption, it should not be a song; we should be realistic. If you find an institution of government robbing people, then that is corruption. When you tell the ministers, they say that government does not have sufficient resources, so they allow these people to

pay. Why then don't you change and say that there is no more government sponsorship of students? How can you sponsor students and you do not pay for their identity cards for examinations?

MR SSEBULIBA MUTUMBA: Thank you, Mr Kwizera. Mr Speaker, the honourable member has raised such a pertinent issue. Is it possible to get a list of all these schools where they may be doing a disservice to our people such that they are made culpable and made to pay back the money to the gullible public?

MR KWIZERA: Mr Speaker, that will be a question for the minister to prove that there are students who they sponsor and they do not pay. I know that all vocational institutes ask government sponsored students to pay.

We know that the Ministry of Finance budgets and we approve money for them. So, you realise that there is double expenditure. Even when the auditors go to audit, these figures are hidden from the auditors because these monies are not appropriated by Parliament. So, there is double funding of students. How do you pay for a student's utilities when he is sponsored by Government? You would rather scrap that kind of thing.

I would not want Government to pretend that we are delivering services when you cannot deliver the service. You rather risk and say that due to a limited resource envelop, you are not able to sponsor students and people cope the hard way. I thank you.

2.37

THE MINISTER OF STATE FOR EDUCATION AND SPORTS (HIGHER EDUCATION) (Mr Chrysostom Muyingo): Thank you very much, Mr Speaker and colleagues. It is true that the first-year government sponsored students of Kabale School of Nursing have been issued with admission letters requiring them to pay a total sum of Shs 1,046,700. This is so because this includes things like cardigans, uniform - some of these are personal - *(Interruption)*

MR KASIBANTE: Thank you very much, Mr Speaker. It is very clear from the list that it is actually the students sponsoring government. *(Laughter)* If you look at items 31 and 32, you have a student paying for the syllabus, a text book for nursing.

Is it in order, therefore, for the honourable minister to come to the Floor of this Parliament and tell honourable members that by paying for the nursing council syllabus, for example, such a student is paying for a personal item when it is actually now the students sponsoring government? Is he in order?

THE DEPUTY SPEAKER: Honourable member, I wish you had allowed the minister to make the statement so that I can understand what he is saying. He has not made a statement.

MR MIYINGO: Thank you, Mr Speaker. Dear colleagues, I was trying to take you through what is contained in the Shs 1,036,700. I said some of this money goes to pay for things like T-shirts, uniforms, school bags and others. Some of these things are for the students' personal use.

It is also true that Government sponsored students have been asked to pay towards certain institution requirements. Although Government provides money for utilities, staff wages and salaries, it is also true that the amount of money we give to support our students in these institutions is not enough. So in 2011, in many of these institutions, the utility providers had decided to cut off their services because our ministry was not in position to pay the providers. During that time, a decision was taken that each and every student in these institutions is asked to make a contribution towards some of the facilities like electricity, water, and fuel for the generators - *(Interruption)*

MR SEBULIBA-MUTUMBA: Mr Speaker, I am sorry that I am trying to interrupt his submission but I would like to seek clarification from the minister. If he can help and educate me and even operationalise what they or he means by government sponsored students, maybe I would support him.

When I see a full list of all these things, where does Government come in to say they are sponsoring these students? It is supposed to be student-centred government sponsorship. So, where does this word come from? Can you help the House and operationalise the meaning of government sponsored students?

THE DEPUTY SPEAKER: Please, let the minister make the response then we will see the gaps and deal with them.

MR MUYINGO: Thank you very much, Mr Speaker. The truth is that government sponsored students are sponsored by Government, but the fact is that what is being provided from the Treasury is not enough to cover everything that requires - *(Interjections)* - Unless the honourable members do not want to hear the truth, but many a time, our ministry has provided these institution requirements and we have always asked for more money. However, because of the financial constraints, sometimes the resource envelope that is provided to us is small and other stakeholders are called upon to give us support.

THE DEPUTY SPEAKER: Honourable minister, what contribution are you making to these students as Government?

MR MUYINGO: Mr Speaker and dear colleagues, the Government provides the staff, pays their salaries and wages, scholastic materials and *-(Interruption)*

MR NZOGHU: Thank you, Mr Speaker. When you look at this list here, the students are going to pay for stationery, text books, medical fees, training gowns.

Is the minister in order to dupe the people of this country and this Parliament that Government is actually sponsoring students when in actual sense, all the requirements are being paid for by the students themselves? Imagine, he says that actually Government is paying for scholastic materials, which are already listed here as some of the requirements that the students are going to pay for. Is he therefore in order to dupe this country and this Parliament?

THE DEPUTY SPEAKER: Honourable minister, before I rule on the order, can you guide this House; what contribution is the Government making to the students' education directly – tuition or whatever it is? What is there apart from paying teachers' salaries and things like that? Is the Government contributing directly to the students' education or directly to what the students should be paying? Is there any contribution from Government?

MR MUYINGO: Mr Speaker and colleagues, as I said, Government contributes towards the stay and the learning of our students in these institutions by providing the lecturers, paying them off, meeting some of the costs for the scholastic materials, and why I am saying "some" *-(Interruption)*

MS FRANCA AKELLO: Thank you, Mr Speaker. You guided this House very correctly, in your wisdom as the Speaker of this Parliament, and the minister, hon. Muyingo, I know very well has ears and those ears hear and he understands. I also know that he is a teacher and therefore I understand that he really understands the language of education.

Is he, therefore, in order to defy your guidance by continuing to repeat the same issues you said, for example lecturers' salaries and so on, as part of the contributions, instead of telling us the actual amount

of money Government puts in, for example in terms of tuition fees per student, in the training? Is he in order?

THE DEPUTY SPEAKER: I think, honourable minister, you are not proceeding properly. You are not guiding the House properly and that is why every Member wants to contribute on this issue. You could help us by dealing with the issue; what contribution is Government making, for example to tuition and other things, so that we know the amounts?

MR MUYINGO: Mr Speaker, I beg that the House gives me some time and I will give you the details.

THE DEPUTY SPEAKER: Honourable minister, this matter is serious and I think you need to liaise with the committee on this matter before it comes back to the House, so that we have clear guidance on what is happening in this sector and what actually is the definition of a Government sponsored student. We need to understand this properly. We do not need to proceed with this in a hurry because it is touching the whole country.

So, the chairperson of the education committee, I think you need to take interest in this matter and have an interaction with minister, so that we have a proper debate on this subject. We need to know what our students are proceeding upon.

MR ATIKU: Thank you, Mr Speaker. The issues that members have raised are very critical. They do not only involve one institution but almost all health training institutions. The matter I want to add, as a matter of procedure, is in regard to Mulago Paramedical School. We are told that the principal there reached retirement age and actually retired, but is still holding office without any formal instrument.

Wouldn't it be right therefore, Mr Speaker, for the Committee on Education to look at all these issues in totality? Having somebody who has retired in office has implication in terms of management of the institution. We have had several strikes at that school. So, I want your guidance on this matter so that when the minister is interfacing with the committee, they can together handle these issues so that we address them as Parliament, once and for all, all over the country.

THE DEPUTY SPEAKER: I think when these matters are referred to the committee all members are entitled to raise these issues so that they are comprehensively handled. The matter is substantively now before the committee to handle within a timeframe that is reasonable, so that we can discuss this thing before we go for the Christmas recess, so that the country is guided on how to proceed with this matter. Liaise with the ministers and guide the House on how we should proceed with this matter peacefully.

Honourable members, in the public gallery this afternoon, we have students of administrative law and political science from Kyambogo University. They are represented by the hon. Fredrick Ruhindi and hon. Nabila Sempala, Kampala District. They are here to observe the proceedings. Please, join me in welcoming them. *(Applause)*

LAYING OF PAPERS

2.52

MS ROSE AKOL (NRM, Woman Representative, Bukedea): Thank you, Mr Speaker. Mr Speaker and honourable colleagues, I beg to lay on the Table financial statements for the year ended 30 June 2012 together with the report and opinion of the Auditor-General for the following institutions, ministries and departments:

- i) Strengthening Institutional Framework for Service Delivery - UNDP funded project No. 00062241–0079645.
- ii) Strengthening Oversight Function for Accountable Service Delivery - UNDP funded project No. 00062243–00079647.
- iii) UNFPA/GOU Executed Programmes/Project.
- iv) Creating Secure Environment for Recovery – UNDP Funded Project No. 00041294–00047028.
- v) Uganda Electricity Transmission Company Limited (UETCL) – Bujagali Interconnection Project (ADF 2100150014594).
- vi) Uganda Electricity Transmission Company Limited (UETCL).
- vii) Territorial Approach to Climate Change in Mbale Region – UNDP funded project MP.00060230 – 00075753.
- viii) Sustainable Land Management – UNDP Funded Project No. 000060784–000077187 – TerrAfrica Initiative.
- ix) Strengthening Agricultural and Rural Innovation Systems in Eastern, Central and Southern Africa: A Regional PhD Programme, for the period 25 December 2008 to 31 July 2012, Grant Contract No. 197621.
- x) Uganda Electricity Transmission Company Limited (UETCL) - Institutional Cooperation between UETCL and Statnett Project.

Mr Speaker, I beg to lay.

Mr Speaker, I beg to lay financial statements for the year ended 30 June 2013 together with the report and opinion thereon by the Auditor-General for the following institutions, ministries and departments:

- i) The Uganda High Commission, Dar-es-Salaam;
- ii) The Ministry of Water and Environment – Climate Change Unit;
- iii) Preparation of the Second National Communication Project;
- iv) Austrian Partnership Programme in Higher Education and Research Development (APPEAR), Kyambogo University;
- v) Community Agricultural Infrastructure Improvement Programme (CAIIP);
- vi) The Road Sector Support Project 3, ADF Project ID No. P-UG-DBO-020 and loan No. 2100150020793, Nyakahita-Kazo–Kamwenge Road;
- vii) The Local Government Management and Service Delivery Programme;
- viii) The Northern Uganda Development of Enhanced Local Government Infrastructure and Livelihoods (NUDEIL) Programme;
- ix) Uganda Electricity Transmission Company Limited (UCTCL);
- x) The Rural Financial Services Programme – IFAD loan No. 591-UG;

- xi) National Youth Council;
- xii) Population and Development Linkages, Reproductive Health and Gender – UNFPA Funded Projects LOT 1;
- xiii) Yumbe District Local Government;
- xiv) Oyam District Local Government;
- xv) Population Secretariat, Uganda Bureau of Statistics;
- xvi) Population and Development Linkages, Reproductive Health and Gender Rights Funded Projects (UGA7U101, UGA7U606 and UGA7U505);
- xvii) The National Women’s Council;
- xviii) Reproductive Health, Population and Development; and Gender – UNFPA Funded Projects LOT 3;
- xix) Mubende District Local Government;
- xx) Kanungu District Local Government;
- xxi) Ministry of Education and Sports;
- xxii) Ministry of Gender, Labour and Social Development;
- xxiii) The Uganda National Education Support Project funded by the Islamic Development Bank (IDB) Loan Agreement No.UG0071;
- xxiv) The Ministry of Health, Reproductive Health, Population and Development and Gender Funded Project UGA7U202, UGA7U303 and UGA7U404;
- xxv) Transforming Settlement of the Urban Poor in Uganda Project (TSUPU);
- xxvi) Quality Infrastructure and Standards Programme (QUISP)–SIDA Contribution NO. 51180019/12;
- xxvii) The Uganda Air Cargo Corporation;
- xxviii) Millennium Villages Project (MVP) Phase II – IDB loan No. UG 89-90;
- xxix) Nile Hotel International Limited;
- xxx) Uganda Livestock Industries Limited;
- xxxi) The Ministry of Education and Sports (MOES) - UNFPA funded programme components of reproductive health, population and development and gender;
- xxxii) The Ministry of Gender, Labour and Social Development (MOGLSD) - UNFPA funded programme components of reproductive health, population and development, and gender;

xxxiii) The Bujagali Interconnection Project – Loan No. ADF 2100150014590 and JDIC loan No.UD-P1; and

xxxiv) Supporting National Blood Transfusion Services in the Implementation and Strengthening of Blood Safety Activities in Uganda.

I beg to lay, Mr Speaker.

THE DEPUTY SPEAKER: Let the records capture all those opinions and reports of the Auditor-General in respect of the sectors. They stand committed to the appropriate accountability committees. The Clerk is instructed to forward those documents to the responsible committees.

BILLS
COMMITTEE STAGE

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) BILL, 2007

Clause 52

THE DEPUTY CHAIRPERSON: I put the question that clause 52 stand part of the Bill.

(Question put and agreed to.)

Clause 52, agreed to.

Clause 53, agreed to.

Clause 54, agreed to.

Clause 55

MR MULONGO: Mr Chairperson, the committee proposes that clause 55(1) be amended by substituting “three”, which appears in the second line, with “five”, and amend the composition so that the amended clause reads as follows: “Subject to this Part, the Fund shall be administered by a Board consisting of five members: the Permanent Secretary of the Ministry responsible for Health, one member appointed by the Minister responsible for Gender and Social Development, and one member appointed by the Minister responsible for Finance and two members appointed by the Minister of Internal Affairs.”

The justification is: to enhance the composition of the board and to provide for appointments to the board by the minister responsible for internal affairs.

We are also proposing that clause 55(3) be deleted. This is to ensure that the board, being under the ministry, should not engage in investing on its own accord.

MR JAMES BABA: I have no objection to that.

THE DEPUTY CHAIRPERSON: Honourable members, those are the proposals from the committee. I put the question to the amendments.

(Question put and agreed to.)

Clause 55, as amended, agreed to.

Clause 56

MR MULONGO: Mr Chairperson, clause 56 is about the management of the fund. The committee proposes that clause 56(b) be amended by substituting it with the following statement: “Keep proper books of accounts of the fund.” The committee further proposes that clause 56(c) (i) be amended by substituting it with the statement, “books of accounts and financial statements as required by the law.”

The justification is: to enable management to prepare all kinds of books of accounts. The enumerated books of accounts are all financial statements as articulated in section 56(c).

THE DEPUTY CHAIRPERSON: Honourable members, that is the proposal by the committee. I put the question to the amendment.

(Question put and agreed to.)

Clause 56, as amended, agreed to.

Clause 57, agreed to.

Clause 58, agreed to.

Clause 59, agreed to.

Clause 60, agreed to.

Clause 61, agreed to.

Clause 62, agreed to.

Clause 63, agreed to.

Clause 64

MR MULONGO: Mr Chairperson and honourable colleagues, the committee proposes that clause 64(1) be amended by substituting the word “the”, which appears immediately after “apply” in line four, with the word “to”. The amended clause will therefore read, “Where another country requests assistance from Uganda to obtain and execute a search and seizure warrant for the purposes of an investigation or proceedings relating to the corresponding law of that country, the Attorney-General may apply to court for the warrant requested.” This is intended for grammatical correction.

THE DEPUTY CHAIRPERSON: Honourable members, this is clear. I put the question to the amendment.

(Question put and agreed to.)

Clause 64, as amended, agreed to.

Clause 65, agreed to.

Clause 66, agreed to.

Clause 67

MR MULONGO: Mr Chairperson, in clause 67(2)(b), rephrase the diction by replacing “illicit traffic” with “illicit trafficking”, so that it reads as follows: “In particular, and without prejudice to the general

effect of subsection (1), the measures which Government may take under subsection (1) include- (b) assistance to the appropriate authorities in other countries and the appropriate international organisation to facilitate coordination and universal action for prevention and suppression of illicit trafficking in narcotic drugs and psychotropic substances.” I beg to move.

THE DEPUTY CHAIRPERSON: Honourable members, that is the amendment proposed by the committee. I put the question to the amendment.

(Question put and agreed to.)

Clause 67, as amended, agreed to.

Clause 68

MR MULONGO: Mr Chairperson and honourable colleagues, the committee proposes that clause 68(1) is amended by inserting the words, “in the Ministry of Internal Affairs” between the words, “committee” and “to”, and the phrase “whose members shall be nominated by the Permanent Secretary Ministry of Internal Affairs”. So the amended sub-clause would read, “There shall be established a committee in the Ministry of Internal Affairs known as the National Coordination Committee for Drug Control whose members shall be nominated by the Permanent Secretary Ministry of Internal Affairs.” This is just for clarity.

Two, we propose to amend clause 68(2) (b) by inserting the phrase, “or persons nominated by the permanent secretaries” between the words, “secretaries” and “of”. This is to allow the permanent secretaries to nominate officers from their ministries to the coordination committee.

We also propose that clause 68(2) be amended by inserting immediately after (f) a new paragraph (g) to read as follows: “the Executive Director of the National Mental Referral Hospital or his or her representative.”

Mr Chairperson and honourable colleagues, the committee believes that this will accord the National Mental Referral Hospital, which is a cornerstone of mental health services provision in the country, representation on the coordination committee. I propose.

THE DEPUTY CHAIRPERSON: I put the question to that amendment from the committee.

(Question put and agreed to.)

Clause 68, as amended, agreed to.

Clause 69, agreed to.

Clause 70

MR MULONGO: Thank you, Mr Chairperson. The committee proposes that clause 70 be amended by substituting the words “drugs” in the third line and “drug” in the last line with the words “narcotic drugs”. We also propose to amend clause 70 by inserting the phrase, “through the minister” between the words “shall” and “publish” on line one. The amended clause would therefore read as follows: “The committee shall, through the minister, publish and lay before Parliament, annually, a report describing the situation and developments on the supply and demand of narcotic drugs in Uganda, and proposals on the promotion of anti-narcotic drugs activities.”

Mr Chairperson and honourable colleagues, this is aimed at requiring the line minister to lay the committee reports before Parliament.

MR OBOTH: Thank you, Mr Chairperson. I just want to seek clarification about the rationale of having the committee nominated by the Permanent Secretary having to do that. I believe that the Permanent Secretary does not attend this House, but I wanted to know the rationale of having that committee established and then they should publish through the minister. Do you need the minister to publish?

Laying of this report before Parliament could be by the minister, but publication? Why do you have to do this through the minister, especially when the minister is not the one who nominated them? What is the rationale of tagging publication and laying before Parliament to the minister?

THE DEPUTY CHAIRPERSON: Would you like to improve on it?

MR OBOTH: Well, if I was given permission to do so through the chairperson-

MR MULONGO: Mr Chairperson, I am most obliged if he can give us a proposal; we could have missed that out during our proceedings.

MR OBOTH: My proposal would be to let the committee, through the minister, lay before Parliament published annual reports describing - The publication would then be a condition precedent to laying before Parliament or we can have it antecedent.

MR BABA: Mr Chairperson, maybe we could ask the minister to report before Parliament annually on the report of the situation and developments on the supply and so forth, instead of asking the committee. Although it would be burdensome for the minister and the ministry, we would oblige and report annually. So, let the minister be the one reporting.

Specifically, I would like to propose as follows: "The minister shall lay before Parliament, annually, a report describing..." and then we continue with the rest, knowing very well that he will be reporting on the work of the committee. I beg to move.

THE DEPUTY CHAIRPERSON: So, the new clause will now read-

MR BABA: "The minister shall lay before Parliament, annually, a report describing the situation and developments on the supply and demand of narcotic drugs in Uganda and proposals on the promotions of anti-narcotic drugs activities." Thank you.

THE DEPUTY CHAIRPERSON: Is that clear, members?

MR MULONGO: Mr Chairperson, in the wisdom of the committee and considering the gravity of the problems of the drugs and the extent of the harm they do to the society, we wanted the community, other than just Parliament, to consume and share the information through publications of the ministry on the state of the drugs and its effects on Ugandans. That is why we wanted the publication to be there in addition to reporting annually to the House.

However, with the insistence of our learned colleagues who have proposed that we remove "publishing", so that it reads, "The minister shall lay before Parliament annually the report..." then the media houses can capture information from that. So we concede to do without the word, "publish".

MR ATIKU: Thank you, Mr Chairperson. I would like to disagree with my senior, hon. Oboth, on the aspect of publishing. Reports that are laid on the Floor of Parliament may most likely not be accessible to the wider public. I believe that if the ministry is allowed to make a publication, then through the agencies of the ministry, they can make this publication accessible to the public. We are talking about issues to do with drug abuse here.

THE DEPUTY CHAIRPERSON: Honourable member, just propose and we move.

MR ATIKU: I propose that we maintain publication as part of this clause.

THE DEPUTY CHAIRPERSON: Split the clause into two; one part dealing with the publication and then the other part with reporting.

MR BABA: Mr Chairperson, if the intention is for the wider public to get to know the situation of narcotic drugs and so on, this report will be brought here annually and the representatives of the people are here. They have every obligation to send this information out to their constituencies. However, we can go ahead and say, “The minister shall publish and lay before Parliament...” and so on.

MS KABAKUMBA MASIKO: Thank you very much, Mr Chairperson. Hon. Oboth’s concern was that it is the minister to publish, but I saw the committee’s recommendation and the amendment is very clear; it is the committee to publish. It says, “The committee shall, through the minister, publish and lay before Parliament...”

To my understanding, it is the committee that will publish and it is the committee that will submit this report to Parliament through the minister. The role of the minister is to ensure that the report reaches Parliament and let us understand it that way.

Mr Chairperson, with due respect, I did not agree with the hon. Minister of Internal Affairs. It is true we are the people’s representatives but it cannot be up to us to spread this gospel. We shall be taking the information, consulting and informing them on what is happening but there should be an official statement from the Ministry of Internal Affairs or from Government to inform the public on what is pertaining in this sector. I want to support the amendment of the committee as it is clear.

THE DEPUTY CHAIRPERSON: What form shall the publication take? Why don’t you split the two; one part deals with publication of the report then the other part will deal with the report, which is laying of the published report before Parliament?

MS KABAKUMBA MASIKO: Mr Chairperson, that is a very good and interesting question. I do believe that the report that will be brought to Parliament will be the same report that will be published.

MR OBOOTH: Mr Chairperson, I seek to be very clear on my concern. I was not against publication. I was against the committee publishing it through the minister who is the agent of-

THE DEPUTY CHAIRPERSON: Honourable, please take it to the next level.

MR OBOOTH: Yes, I am going to. Most obliged, Mr Chairperson. “The committee shall, through the minister, publish...” Who is the agent of the other? By drafting so, we are making the minister an agent of the committee.

The Minister of Internal Affairs had even agreed to an amendment that we remove the word “committee” and we just leave it as, “The minister shall publish and lay before Parliament...” and it would still serve

the purpose. The concern is having, “The committee shall, through the minister...” Those are the nitty-gritty administrative issues.

We all know that we have very able ministers but they have people who work under them. Should we legislate by having the committee here specifically provided for and say, “The committee shall, through the minister, publish” and not “The minister shall publish”? We know that the minister does it on behalf of the ministry. He is the political head and after publication, he will be able to lay it before Parliament. The two could be joined together to make equal sense in my view, but I was not against publication at all.

THE DEPUTY CHAIRPERSON: This report is not by the minister; it is prepared and published by the committee and the published report is then laid before Parliament by the minister. Can you split the section into two - one dealing with publication by the committee and the other dealing with reporting by the minister?

MR ANTHONY OKELLO: Mr Chairperson, even without splitting it into two, let me make this proposal: “The committee shall publish and through the minister, lay before Parliament...” This is so that the publication would have been done by the committee and for purposes of laying before Parliament, because the committee cannot come to Parliament, the minister would do it. That is my proposal.

MR NZOGHU: Thank you, Mr Chairperson. I think it would be unfair for us to import administrative issues in a law here. According to our procedures, it is definitely the minister to lay the report on the Floor of Parliament.

However, what hon. Oboth has given, I think, is fair because whether it is the minister who will instruct the committee to publish the report and it is him who will lay the report here. So for us to try and import the issue of the committee and then also merge it with the minister will really be confusing. I would think that we maintain the minister and that it will be published and laid before Parliament.

Mr Chairperson, I also have an issue which I wanted the chairman to clarify. We are concentrating on two issues; there is supply and demand. I do not know why the chairman also did not put the element of production. If we are saying, “The minister will publish and lay before Parliament annually a report describing the situation and developments on the supply and demand of narcotic drugs in Uganda and proposals on the promotion of anti-narcotic drugs activities”, why are we also forgetting the element of production of some of those narcotic drugs? Why don’t we bring it here so that it reads, “...developments on the production, supply and demand...”?

MR MULONGO: Mr Chairperson, I was still consulting. I think it is important that we harmonise our thinking on this. We could also take the proposal by the main chairperson that we split this into two where the publication of the annual reports on the situation is one element and then the one of the minister laying before Parliament is the other. I am sure this could take us forward.

MS KABAKUMBA MASIKO: Thank you, Mr Chairperson. In line with the proposal to split this, I would like to propose that we create (2) (a) to read, “The committee shall publish, annually, a report describing the situation and developments on the supply and demand of narcotic drugs in Uganda and proposals on the promotion of anti-narcotic drugs activities.” Then (b), “The minister shall lay before Parliament the published report.” I beg to move.

THE DEPUTY CHAIRPERSON: Is that what the spirit was?

MR MULONGO: Mr Chairperson, that captures the spirit on the side of the committee.

MS KABAKUMBA MASIKO: “Shall lay the published report before this Parliament annually.”

MR SSEMUJJU NGANDA: Mr Chairperson, I think many of the colleagues want this report published but they are not defining where. Do they want this report published in the *Gazette* or in the media? You must indicate this because publication of a report means production of a report. They may actually produce it in the office and then the following day, give it to a minister to come and lay before Parliament.

My proposal, Mr Chairman, is just a slight improvement from hon. Kabakumba Masiko’s proposal: “The committee shall publish, in the *Gazette* and in the media, a report describing the situation and developments on the supply and demand of narcotic drugs in Uganda and proposals on the promotion of anti-narcotic drugs activities.”

In part (b), “The minister shall, annually, lay before Parliament a report published by the committee.”

THE DEPUTY CHAIRPERSON: Honourable members, the Inspectorate of Government produces biannual reports, the Human Rights Commission produces reports and they are not published in the *Gazette*. Are we making this a special kind of publication?

I think a report has got to be prepared but by who? Once it is prepared, then it is laid before Parliament by the minister. I think that is the spirit you want to capture there.

MR OBOTH: Thank you, Mr Chairperson. With that advice and guidance from the Chairperson, what I had initially proposed, which was improved by hon. Princess Kabakumba, was to capture in this part of the clause that the minister shall lay before Parliament published committee reports annually, and the rest remains the same. It would then read, “The minister shall lay before Parliament published committee reports describing the situation and developments on the supply and demand of narcotic drugs in Uganda and proposals on the promotion of anti-narcotic drugs activities.” Still, we would have had the word “committee”.

THE DEPUTY CHAIRPERSON: Honourable member, you have not imposed any obligation on the committee to publish or to prepare the report by that drafting.

MR OBOTH: Mr Chairperson, the obligation is that it has to be a committee report.

THE DEPUTY CHAIRPERSON: The law does not operate by implication. The law has to command.

MR OBOTH: Mr Chairperson, I oblige to that, but my thinking was that as long as mention is made of an annual published committee report, it would have to be the national coordination committee -

THE DEPUTY CHAIRPERSON: By implication.

MR OBOTH: Not necessarily, Mr Chairperson.

MS ALUM: Thank you very much, Mr Chairperson. I think for clarity, I support the proposal by hon. Princess Kabakumba. When you just make it by implication, I do not think that we are making the law in a proper way. If the minister does not lay exactly what is supposed to be produced by the committee, it means that we have not spelt things out clearly here. So, I think that we should be very clear so that we are clear on what the committee and the minister are supposed to do.

On the issue of production, supply and demand, I wish to say that demand and supply normally come from production. Also, when you talk about the situation, it is a general thing, encompassing even production. So I think there is no problem with just talking about demand and supply because demand and supply come from production. Thank you, Mr Chairman.

MR OBOTH: Looking at the justification, which was to require the line minister to lay the committee reports before Parliament, I will have to concede on whatever proposals have been made. This is because I now know that the minister will be laying committee reports.

THE DEPUTY CHAIRPERSON: Chairperson, can you help us with this?

MR MULONGO: Mr Chairman, we seem to agree that we split the clause into two - one requiring that the committee publishes the situation report and two, that the minister lays before Parliament the annual report. It is only that we could not agree with hon. Nganda about requiring the media to capture the publication because that can be very challenging.

Mr Chairman, I propose that, as well articulated by colleagues, we split it into two. So, (1) would be, "The committee shall publish annually a report -

THE DEPUTY CHAIRPERSON: Although it would have been smarter because you see, clause 69, which we have just passed, is about functions of the committee and clause 70 is now about reports of committee to be laid before Parliament. We should have captured that function of the committee preparing the report in clause 69 and then in clause 70, we deal with how that report comes to Parliament. It would have been neater that way.

We can still go back to clause 69; we are still at Committee Stage. We do not even have to go there, we are still at Committee Stage; we can still deal with it in 69 and then we deal with 70 in a smarter way.

MR SSEMURU NGANDA: Mr Chairman, if we said, "The minister shall lay before Parliament a report published by the committee", we actually would not need to go back to clause 69. By saying, "The minister shall lay before Parliament a report published by the committee" and giving the details, we will have assigned two parties - the committee to publish the report and the minister to lay it in Parliament.

THE DEPUTY CHAIRPERSON: I think the initial situation was created by the people who drafted the Bill because they put it in clause 70 - the committee shall publish and lay before Parliament. Now our committee is saying, the committee cannot lay before Parliament and that is how the minister is coming in. The functions should have been captured in clause 69, where the functions of the committee are captured, so that clause 70 now deals with the issue of bringing it to Parliament, but let us proceed.

MR BABA: Mr Chairperson, I would like to plead with Members again that the House permits the minister to come and report these activities to Parliament. This is because in Government, we have procedures on how we bring reports here. We have to clear them through Cabinet and so forth. Now if you make a committee report directly here, that will be contravening procedures of Government. The minister can be taken to task on whatever the committee has written and be made answerable in this House. So I still request that we say, "The minister shall report and lay before Parliament annually..." I beg to move.

MR MULONGO: Mr Chairman, our Parliament committee, in their reasoning, needed the public to understand the status of the drug situation in the country by requiring the technical committee on this matter to publish the information. At the same time, as the minister has rightly said, he is caused to lay

before Parliament that report and he speaks to it. So we would like the two elements to be captured in the law.

If we leave it to the minister alone, we do not know what type of amendments he is going to occasion. Of course, we do have a lot of good faith in the minister but we would also like to get the information as published by the committee. So we would rather that we capture the two elements than just the minister. Specifically, as proposed by hon. Kabakumba, 70(1) should read, "The committee shall publish, annually, a report..." and then in 70(2), "The minister shall lay a published committee report before Parliament".

MR OBOTH: Mr Chairperson, I think you had given good guidance. Without us crowding clause 70, we would make publication of the report as one of the functions of the committee and then here we leave the minister as a standalone function. I thought that was excellent drafting.

He is trying to split this into two, but - you are a draftsman - it would be the same words; here it would be the committee and in the other one, the minister. Those who will read that law after us will wonder whether- They will really wonder, I hope not aloud.

THE DEPUTY CHAIRPERSON: Whether the Speaker was in the chair. *(Laughter)*

MR MULONGO: Mr Chairperson, we would like to concede on that piece of advice. We will have what we had proposed as 70 (1), where the committee is required to publish, moved to 69 and becomes one of the functions of the committee, and then 70 is restricted to reporting and laying before Parliament by the minister.

THE DEPUTY CHAIRPERSON: We are still at Committee Stage, we have not reported. We passed 69 but we are still at this stage. How do we handle it? Can somebody move this back to 69 and we move it as a new addition to clause 69?

MR MULONGO: Mr Chairperson, I would like move that clause 69 -

THE DEPUTY CHAIRPERSON: Arising from what has come up in clause 70, there is need to review clause 69 because of this function of the committee, which is put in clause 70.

MR MULONGO: Mr Chairperson, arising from the discussion in clause 70 in which the committee is required to publish its report annually, it is proposed that we amend clause 69 to include the function of the committee to publish as follows -

THE DEPUTY CHAIRPERSON: You can do that by introducing a new sub-clause (4).

MR MULONGO: I propose that we introduce a new sub clause (4) after to sub clause (3) to read, "The committee shall publish, annually, a report describing the situation and developments on the supply and demand of narcotic drugs in Uganda and proposals on the promotion of anti-narcotic drugs activities." I beg to move.

THE DEPUTY CHAIRPERSON: Honourable members, the proposal is to review clause 69 to transfer one function of the committee, which has been moved under reporting, so that goes back to clause 69. Can we take that decision and do that review? I put the question to that the request by the chairperson.

(Question put and agreed to.)

THE DEPUTY CHAIRPERSON: I put the question that clause 69 as amended stand part of the Bill.

(Question put and agreed to.)

Clause 69, as amended, agreed to.

Clause 70

MR MULONGO: Mr Chairperson and honourable members, I propose that Clause 70 is amended to read as follows: “The minister shall lay before Parliament, annually, the committee reports describing the situation and developments on the supply and demand of drugs in Uganda and proposals on the promotion of anti-narcotic drugs activities.” The committee report -

THE DEPUTY CHAIRPERSON: You can also say, the report in clause 69(4) -

MR MULONGO: “The minister shall lay the published committee report...” – Now, these are legal things, which are not accounting or defence issues but- *(Laughter)*

THE DEPUTY CHAIRPERSON: “The minister shall lay the report published under clause 69(4) before Parliament.”

MR MULONGO: Those were the words I was intending to use, Mr Chairperson.*(Laughter)*

THE DEPUTY CHAIRPERSON: “The minister shall lay before Parliament the report published under section 69(4).” Is that correct? I put the question to that amendment.

(Question put and agreed to.)

Clause 70, as amended, agreed to.

Clause 71, agreed to.

Clause 72

MR MULONGO: Mr Chairperson, we propose to amend clause 72(4) by deleting the word “on” appearing between the words, “expenditure” and “incurred” in line 2; and substituting the word “traffic” in line 2 with the word “trafficking”. The amended sub clause would read as follows: “The fund shall be applied by the committee to meet the expenditure incurred on measures for combating illicit trafficking in or controlling abuse of narcotic drugs and psychotropic substances.” This is for clarity purposes.

MS KABAKUMBA MASIKO: I only need clarification. Are we saying this fund shall be used for only these? You have just told the committee to publish its report; where will the money for publishing the report come from? Will it be from the Budget? I need clarification.

MR BABA: Mr Chairperson, if you look at clause 72(4), it says, “The fund shall be applied by the committee to meet the expenditure incurred on measures for combating illicit...” Publishing the report is part of the measures to create awareness in the public.

THE DEPUTY CHAIRPERSON: I put the question to that amendment.

(Question put and agreed to.)

Clause 72, as amended, agreed to.

Clause 73, agreed to.

Clause 74, agreed to.

Clause 75, agreed to.

Clause 76, agreed to.

Clause 77

MR MULONGO: Mr Chairperson and honourable colleagues, the committee proposes that clause 77(1) be amended by inserting the words, “of or above the rank of Inspector of Police” between the words “officer” and “may” in line 3. So, the sub clause would read, “For the purposes of investigating the commission, or of preventing the commission of any offence under this Act or for the purpose of giving effect to any provision of this Act, a police officer of or above the rank of Inspector of Police may...”

The justification is: to restrict the level of police officers who may conduct investigations of offences under the Act.

MR BABA: No objection, Sir.

THE DEPUTY CHAIRPERSON: I put the question to that amendment -

MR OBOTH: I would have no objection, but the only clarification I would seek before you put the question, Mr Chairperson, is: what is the problem with a police officer who is at the airport and is not at the rank of an Inspector of Police and he either wants to investigate or prevent commission of a crime? I know we are borrowing from other legislations but really, is it fitting here that we have to have a police officer of a rank of Inspector of Police? Are you going to employ inspectors all over or this is one way of shooting the same good law down?

THE DEPUTY CHAIRPERSON: If he is not an inspector or below, he or she does not act.

MR SSIMBWA: Mr Chairman, I also have a problem -

THE DEPUTY CHAIRPERSON: Honourable member for Makindye, I do not know how you got access to the Floor. Honourable Chairperson, please let us harmonise this position.

MR TANNA: Mr Chairperson, on the submission that hon. Oboth gave, the drafting of the law is the same for many police investigation cases. In this, it is the practicality that an O/C station maybe at that rank. The law officers have rights to process and arrest but while it is being presented for prosecution to the courts of law, that is when the documents shall be signed off by an officer of that rank. That is the interpretation in the standard operating procedures.

THE DEPUTY CHAIRPERSON: Honourable members, this is what is being proposed: “For the purposes of investigating the commission, or of preventing the commission of any offence under this Act or for the purpose of giving effect to any provision of this Act, a police officer of or above the rank of Inspector of Police may...”. That is what is being proposed and that is why there is an issue being raised from West Budama South. So, even to prevent the commission of the offence, you will need an Inspector of Police or above.

MR OKUPA: Mr Chairperson, the arrangement under which aviation police operates is such that they are based at the airport; so there is no way at any single point that you will fail to get an officer of that rank because their duty station is at the airport. That is where you find the aviation police deployed so -

THE DEPUTY CHAIRPERSON: What about at Malaba and Busia?

MR OBOTH: Thank you, Mr Chairperson. I just gave an example of the airport; I should not create an impression that this offence is only committed at the airport.

When you look further at what that officer is supposed to do, they are three duties in the body of the whole sentence: investigating, preventing any offence or for purposes of giving effect to any provision of this Act. We all know what we passed in the previous clauses, and then they say, "...may question any person on any matter relevant to that purpose." Do you need an Inspector of Police or a rank above to do that?

In (b) it says, "Request any person to produce, within a reasonable time not exceeding seven days..." Mr Chairperson, you know the requirement to have an Inspector of Police and above is really when you are preferring a charge or conducting an arrest because of a specific crime committed. We could miss the purpose of this by taking the rank higher, but I am open to the House's enrichment so that we can take the position wholeheartedly.

MR BABA: Mr Chairperson, hon. Oboth has argued our case very well, which was our original intention in the Bill. The recommendation of an officer of the rank of an inspector came from the committee. Our idea was that when this Bill is passed into law, we are going to constitute a special police unit dealing with these drugs issues. So, there will be competent officers dealing with these issues and the issues will not only be at the airports, it will be all over the country and outside the borders.

We really needed sufficient numbers to deal with this challenge and that is why we proposed an officer. So I beg that what was in the original Bill be maintained as a police officer dealing with these issues. I beg to move.

MR MUWANGA-KIVUMBI: The reasoning of the committee for replacing the officer with an inspector was that you do not want a situation where junior officers take it upon themselves, maybe at the airport, to delay people at will. You need a sufficient officer at the rank of inspector to do the needful, otherwise if you leave it open-ended so that anyone can do the needful, you will have a problem.

We appreciated the reasoning of the framers of the Bill, to the effect that they wanted any officer to do the work; maybe he or she could have been trained, but sometimes you need a special authority to do this kind of work for various sensitivities. Therefore, not any officer can do the same. So we were sensitive to bridge up the level and raise it to an inspector and not leave it at freewill; otherwise, we may have a problem.

MS KAMATEEKA: Thank you, Mr Chairperson. The fact that it is the inspector to do the work, it does not mean that he is going to do it personally. That is someone who is responsible to commission the investigation and he will be equally responsible to report. So you want someone responsible to commission the investigation and also to take responsibility. Thank you.

MS OLERU: Thank you very much, Mr Chairperson. The committee was wise to take that decision. Aware of the corruption scandals in this country, and aware that we do not even trust ourselves so much, the committee thought it wise that somebody of that calibre will look at his position and even respect

himself so he cannot easily be influenced. People respect their positions and that is why as Members of Parliament, you are not easily influenced. Somebody who does not have that position can easily do it.

You know, this is a very serious issue and that is why we want somebody with that position who respects himself and cannot easily be influenced. Issues of drugs are very important and that is why the committee has decided to take that position and I am here to support the committee position.

THE DEPUTY CHAIRPERSON: Can I put the question?

MAJ. GEN. (RTD) MUHWEZI: Thank you, Mr Chairman. My proposal is that we should not go into the administration of the Police about ranks and so forth. The important thing is specialisation. When the Police are deploying their staff, they know the kind of work they are going to do at the airport and elsewhere. So, I would think the position of the minister of saying a police officer is sufficient.

MR MULONGO: Mr Chairman, first of all, we are talking about very serious organised crime schemes, which are run by cartels and people with lots of money. These people have networks and cells and can easily infiltrate even established institutions to compromise them.

We are talking of the Police who are supposed to be the pulse of the state *vis-à-vis* the community or the population. Any conduct by the Police must be done in a manner that does not abuse the powers given to it or that will not compromise the good image of the Police. This cannot be done by anybody, Mr Chairman.

When you talk of a person of that rank, we do not mean that other lower ranks will not be involved. Of course, they will be involved but not to give them the opportunity to- Mr Chairman, as you realise, the whole law involves attaching assets and many things, which require somebody with a certain level of training and status in the Police. An Inspector of Police is not a very high rank to say that they may not be available.

MR SSEMUJJU NGANDA: Thank you very much. Mr Chairman, there are things that happened when we were considering this Bill in the committee. When you read the justification, we are talking about a Police officer who may not actually go with a warrant. We looked at the other laws and what rank is usually provided for performance of functions that are similar to this, but also asking what that police officer at that rank will do.

We understand and respect the rest of the police officers but even within the functions of the Police, there are certain activities that will not be carried out by the lowest in the rank.

MR OBOTH: I thank you, chairperson of the committee, for giving way. Who says this police officer is the lowest when we leave it like this? The one who is designating a rank here is the one who is going to discriminate against them. When you say “police officer”, why can’t you leave the nitty-gritty to the administration of the Police?

You heard from a former police and army officer, hon. Jim Muhwezi. Police officer does not necessarily mean the lowest in the rank. It can mean the lowest and the highest rank. Why can’t we leave it to the administration?—(Interjections)—Honourable Chairman, there is mob justice.

THE DEPUTY CHAIRPERSON: Order, members! Can we have some order!

MR MULONGO: Mr Chairman, we have passed some laws here; we passed the Public Order Management Act and we did restrict certain actions in terms of rank as well. If we leave it to just a police

officer, we are likely to have the lowest ranked police officers abuse their powers. This is because this area is extremely lucrative and the penalties that we are proposing are so stringent. You will have these lowest ranks abusing the noble powers of the Police.

As a committee, we would like to see somebody who is in a higher status with higher training and exposed to more experience, but he will be working with other ranks.

THE DEPUTY CHAIRPERSON: Honourable members, if you look at the headnote to this section, “Power to question and request production of documents, etc.”, this is the power they are exercising. Can I put the question to the amendment proposed by the committee?

(Question put and negatived.)

Clause 77, agreed to.

Clause 78, agreed to.

Clause 79

MR MULONGO: Mr Chairman, the outcome of the amendment earlier affects the subsequent proposals in terms of the rank, but -

THE DEPUTY CHAIRPERSON: So in other words, there are no more amendments. I put the question that clause 79 stands part of the Bill.

(Question put and agreed to.)

Clause 79, agreed to.

Clause 80

MR MULONGO: Mr Chairman, where the consequential effect applies-

THE DEPUTY CHAIRPERSON: Honourable members, I put the question that clause 80 stands part of the Bill.

(Question put and agreed to.)

Clause 80, agreed to.

Clause 81, agreed to.

Clause 82, agreed to.

Clause 83, agreed to.

Clause 84, agreed to.

Clause 85, agreed to.

Clause 86, agreed to.

Clause 87, agreed to.

Clause 88, agreed to.

Clause 89, agreed to.

Clause 90, agreed to.

Clause 91, agreed to.

Clause 92, agreed to.

Clause 93, agreed to.

Clause 94

MR BABA: We have made some amendments and we think that in the consequential amendments to be made, section 61 (c) should be excluded because of the earlier amendments we had made on the National Drug Authority Act.

THE DEPUTY CHAIRPERSON: What is the effect of what we have decided on in that amendment?

MS AMONGI: Thank you, Mr Chairman. I want to seek clarification from the committee about what happened to their amendment on clause 86. Clause 86 is very key; it is about notice of seizure and this leaves it open - "as soon as possible". The committee had proposed an amendment of 14 days' notice to the owner of the property which has been seized, but the chairperson did not get up to move this amendment.

I want to know whether it has been withdrawn by the committee, so that probably we can recommit as members who are concerned. Chairperson, can you clarify?

MR MULONGO: Mr Chairman, there was a technical problem; my iPad lapsed. However, the intention was, for avoidance of doubt and to be specific, to restrict it to 14 days.

THE DEPUTY CHAIRPERSON: Okay. I am still waiting for the minister. We can come back to that.

MS KABAKUMBA: Mr Chairperson, I see in the report that the committee had an amendment on clause 89 - punishment of attempt to commit offences under this Act etc. They had proposed that clause 89 (c) be amended by inserting the word "conceals" between the words "abets" and "or". The justification: to include concealment as an offence. I did not hear the chairperson move that amendment; maybe it was because of the technical problem on his iPad.

MR MULONGO: The chairperson concedes on that; it was the same effect of the blackout on my iPad. I would like to go through it, with your generosity, Mr Chairman. We propose that clause 89 also be amended to insert the word "conceals" between the words "abets" and "or". This is to include concealment as an offence. I found that very important.

THE DEPUTY CHAIRPERSON: Hon. Minister, are we ready with clause 94? In light of the issues raised in clause 86 - the chairperson cites technical problem with his iPad; I do not know how that one works.

MR BABA: I concede on that.

THE DEPUTY CHAIRPERSON: Honourable members, the proposal is that instead of “as soon as possible”, appearing in clause 86 (1), “a period of 14 days” be inserted. Chairperson, would do you like to propose it properly?

Clause 86

MR MULONGO: Mr Chairman, I propose that clause 86 (1) be amended by substituting the phrase “as soon as possible” appearing on line 4, with the phrase “within 14 days”. So, it would read as follows: “Where a narcotic drug or psychotropic substance, motor vehicle, aircraft, ship, carriage or other conveyance or any other article or thing liable to forfeiture is seized under this Act, notice of the seizure shall be given by the person seizing it, within 14 days, to the owner or to the person in charge of it where that person is not the owner”.

THE DEPUTY CHAIRPERSON: Is that the only one?

MR MULONGO: Mr Chairman, we also propose that clause 86 (2) (b) be amended by inserting the word, “at least” just before the word “one”. So the amended clause reads, “86 (2) A notice under subsection (1) shall be given to the owner or person in charge -
(b) by publishing the notice in at least one newspaper of wide circulation in Uganda, where the owner or person in charge is not known or, if known, he or she cannot be found after reasonable enquiry and his or her usual place of abode and his or her business premises are not known, or if he or she refuses to accept service of notice”. This is to enable the publication of a notice in more than one newspaper.

THE DEPUTY CHAIRPERSON: Is that ok, Members? Can we improve on clause 86 by adding those amendments that have been proposed? Can I put the question to the amendments?

(Question put and agreed to.)

Clause 86, as amended, agreed to.

Clause 89

MR MULONGO: Mr Chairman, we propose that clause 89 (c) be amended by inserting the word “conceals” between the words “abets” and “or”. This is to include concealment as an offence.

THE DEPUTY CHAIRPERSON: Honourable members, that is clear. I put the question to that amendment

(Question put and agreed to.)

Clause 89, as amended, agreed to.

Clause 94

MR BABA: Mr Chairman, I was referring to sections which are going to be subjected to consequential amendments from the National Drug Authority Act. We are saying Section 61 (c), which deals with cultivation and production of narcotic drugs, has been moved from this Act to the Bill under clause 11. That is why I am saying this should now be excluded from one of the Acts. That is what I propose.

Clause 61(c) is now covered under the new Bill on cultivation of these narcotic drugs – *mairungi* and so forth. So, it should not have been included in one of those to be in the consequential amendments.

THE DEPUTY CHAIRPERSON: I thought in effect you are amending the other Act; so, how do you amend it by not amending?

MR BABA: I will withdraw that proposal. I am sorry.

THE DEPUTY CHAIRPERSON: I put the question that clause 94 stand part of the Bill.

(Question put and agreed to.)

Clause 94, agreed to.

Clause 2

THE DEPUTY CHAIRPERSON: Honourable members, you recall we stood over clause 2, which is the interpretation clause. I put the question that clause 2 stand part of the Bill

(Question put and agreed to.)

Clause 2, agreed to.

THE DEPUTY CHAIRPERSON: Did we stand over clause 10?

Clause 10

MR BABA: Clause 10 was not a big issue, Mr Chairman. It is to change the heading of clause 10; instead of “*Supply of toxic chemical inhalants to young persons*”, we propose that it be amended to, “Accepts, supply or administration of narcotic drugs or psychotropic substances and other intoxicants to young persons below 18 years”. That is what we proposed.

THE DEPUTY CHAIRPERSON: As a headnote? *(Laughter)*

MR BABA: Yes, Sir.

THE DEPUTY CHAIRPERSON: That is a whole section!

MR BABA: Mr Chairman, I consulted with the chairperson; not this one but hon. Benny Namugwanya. The correction we want to add is that we should add “below 18 years” - “Supply or administration of narcotic drugs or psychotropic substances or other intoxicating inhalants to persons...” - and this is the addition - “...below 18 years”.

THE DEPUTY CHAIRPERSON: Now, what is the description of all those words? Can we get one word that can describe them? Are they classified drugs? I think there is a word that is supposed to take care of all those many words.

MR BABA: No, it is the supply of these narcotic and psychotropic substances -

THE DEPUTY CHAIRPERSON: Are they prohibited? What word can describe all those things put together? There was a word that they used.

MR MULONGO: Mr Chairman, the reason why we are revisiting this is because it escaped the chairperson’s attention at that time and, therefore, it was not considered.

The heading the minister is reading was well provided for by the minister himself in the Bill. It says, “Supply of toxic chemical inhalants to young persons”. That captures the spirit of supply or

administration of narcotic drugs or psychotropic substances or other intoxicating inhalants to young persons.

This is the amendment that this committee sought to have: to amend the headnote to read, “Supply or administration of narcotic drugs or psychotropic substances or other intoxicating inhalants to young persons”. This was meant to cater for the administration of narcotic drugs and psychotropic substances to young persons.

THE DEPUTY CHAIRPERSON: I put the question to the amendment of the headnote to clause 10 -

MR BABA: Instead of “young persons” we want to insert “below 18”. This is because youth as described nowadays go up to the age of 30, but we want to target those below 18 years old, to whom this supply should be prohibited. The word the Chairman was looking for was actually, “prohibition” to persons below 18 years, *–(Interjections)–* minors who are below 18 years *–(Laughter)*

THE DEPUTY CHAIRPERSON: I put the question to the amendment, honourable members; they are amending the headnote only. They have now proposed that it should be “Supply or administration of narcotic drugs or psychotropic substances or other intoxicating inhalants to persons below the age of 18.” That is the amendment. I put the question to the amendment.

(Question put and agreed to.)

MR MULONGO: Mr Chairman, sorry, we looked at the heading but we did not insert the phrase in the body. We propose that we insert the phrase, “or administers a narcotic drug or a psychotropic substance or other intoxicating inhalant to a child” between the words, “supplies” and “without” in line 1. Also, replace the word, “person” in line two with “child”.

So the redrafted provision reads, “Any person including a medical practitioner or dentist who supplies or administers a narcotic drug or a psychotropic substance or other intoxicating inhalant to a child without reasonable ground to believe that the child is not acquiring it for the purpose of abuse, commits an offence and is liable on conviction to a fine of not less than forty-eight currency points but not exceeding one hundred and twenty currency points or imprisonment not less than two years but not exceeding five years, or to both such fine and imprisonment”.

THE DEPUTY CHAIRPERSON: Is it a child or a person below the age of 18?

MR MULONGO: We are looking at a minor.

THE DEPUTY CHAIRPERSON: A minor is below 18.

MR MULONGO: A child is a child -

THE DEPUTY CHAIRPERSON: There is no age definition for a child.

MR MULONGO: Here we are looking at a minor, the spirit of -

THE DEPUTY CHAIRPERSON: So, who is a minor?

MR MULONGO: One who is 18 years and below.

THE DEPUTY CHAIRPERSON: So, why don’t you put it there?

MR MULONGO: So, “Any person including a medical practitioner or dentist, who supplies or administers a narcotic drug or psychotropic substance or other intoxicating inhalant to a person below the age of 18 without reasonable ground...” and the rest continues.

THE DEPUTY CHAIRPERSON: Honourable members, I put the question to the amendment.

(Question put and agreed to.)

Clause 10, as amended, agreed to.

DR LULUME BAYIGGA: Mr Chairman, clause 9 did not attract debate yesterday but I am seeking your indulgence so that it gets re-committed. It seeks to criminalise somebody to whom a prescription has been made, and in our setting there is very much likelihood that a patient may not really understand a prescription from a medical doctor, who is now being criminalised. Could I seek your indulgence, Mr Chairman?

THE DEPUTY CHAIRPERSON: Clause 9 was amended yesterday. My records show that it was amended.

MR BABA: Mr Chairman, we have concluded clause 2, but there is one interpretation which we needed to revisit in clause 75 on the analyst. The analyst is not described under clause 2 or under any of the interpretation clauses. We wanted it to be clear that the analyst referred to here is the Government Directorate of Analytical Laboratory or any other laboratory designated by the minister, so that not any analyst can be approached - *(Interruption)*.

MR NZOGHU: Mr Chairman, the minister should be clear on that; I do not know whether it is really within the powers of the minister to designate any other laboratory apart from the one of government. If that is what he means, can he be specific and mention them so that we are aware.

THE DEPUTY CHAIRPERSON: Honourable minister, this matter was not considered by the committee and it was not raised by you. You cannot raise it at this time.

MR BABA: If designation by the minister for any other laboratory is a problem, then we stick to the government analytical laboratory.

First Schedule

THE DEPUTY CHAIRPERSON: I put the question that the First Schedule to the Bill remains as the First Schedule to the Bill.

(Question put and agreed to.)

First Schedule, agreed to.

Second Schedule, agreed to.

Third Schedule, agreed to.

Fourth Schedule

MR MUWANGA KIVUMBI: Mr Chairman, I move to delete No.2, *Catha edulis*, from the list of banned substances. Justification: if you recall, during the debate here yesterday, we passed clause 93 - powers to amend schedule - and subsection (2) reads, “*The Minister may, by statutory order, add any substance or plant to the Second, Third and Fourth Schedules, as the case may be, and may from time to time, in the public interest, delete from any such Schedule any substance or plant.*”

I move that No.2 be removed from the list because the minister informed Parliament yesterday that he will not be in a position to outrightly go ahead and implement the law on *mairungi* or khat.

He said he will phase the implementation; when they have done adequate sensitisation with the growers, that is when they will be ready to move on it. Now that he has powers, when he has done that, under clause 93 *-(Interruption)*

MR BABA: Mr Chairman, is hon. Muwanga Kivumbi in order to say that the minister committed himself here to implement this in stages, when I clearly stated in this House, first, my understanding of how we are going to proceed, and secondly, the instruction I got to come here and defend this Bill to the finish. Is he in order to misinterpret it?

THE DEPUTY CHAIRPERSON: Those were your words and the honourable Member for Butambala cannot put any other words in your mouth. However, he can move.

MR MUWANGA KIVUMBI: Mr Chairman, I will formally move. Even at the committee level, we never took a decision on schedule 4; it was stood over. So, my humble prayer is that this be deleted until Government is ready to do the needful- *(Interjections)* – I move that No. 2 be removed from Fourth Schedule.

THE DEPUTY CHAIRPERSON: Honourable members, the proposal by the honourable Member for Butambala is to delete item No.2 from the Fourth Schedule.

MR ATIKU: Thank you, Mr Chairman. The matter you are about to put to question is a contentious one. I vividly remember that we debated this issue here and each individual expressed their interests, particularly hon. Muwanga Kivumbi through his minority report. Therefore, I would request that as you put this matter to vote, we use another method, probably by show of hand.

THE DEPUTY CHAIRPERSON: Honourable members, I put the question to this -

MR KASAMBA: Mr Chairman, I support the amendment and I want to appeal to colleagues to do so. When I was still chairman of the Committee on Defence, I interacted with several stakeholders from West Nile, Kabarole, Butambala. In Kenya, and medically, khat is not yet described at that level. So, I would appeal to Members that we stay this proposal *-(Interruption)*

DR BAYIGGA: Mr Chairman, hon. Mathias Kasamba has just given us information based on things that he knew when he was still chairman of the Committee on Defence, which information has now changed. Is he in order to mislead this House, Mr Chairman?

THE DEPUTY CHAIRPERSON: Honourable member who used to be chair of the defence committee, *-(Laughter)* there was a chairperson of the Committee on Defence who made submissions contrary to what you have just said. *(Laughter)* There is a current chairperson who processed this report; so please, let us leave the past in the past and the present in the present.

MR MWIRU: Thank you so much, Mr Chairman. I looked at the Act and it has a commencement section, which says that this Act shall come into force on a date appointed by the minister. If the issue is implementation, it will be administratively dealt with at that level of implementation. Therefore, we cannot stop doing our work as Parliament because we are delving into the implementation of the Act.

If the minister is not ready to implement, then he will not proceed to implement. So, I wonder whether it is procedurally right for us to stop doing our work because we are taking into consideration some other people who will be taken care of by the commencement section.

THE DEPUTY CHAIRPERSON: I gave this same guidance yesterday, that the issue of commencement has been left to the minister and when the minister has done all those things that he needs to do to make sure the implementation of the law goes smoothly, he will commence the Act. That was my guidance yesterday. Can I put the question -

MR BIREKERA AWO NSUBUGA: Thank you very much, Mr Chairman. I ask the honourable members not to debate this issue with emotions. We are members of the East African Community and in East African Community, as hon. Kasamba has just mentioned, in North Western Kenya, Turkana-

THE DEPUTY CHAIRPERSON: You are raising a procedural point; can you raise it, please?

MR BIREKERA AWO NSUBUGA: Before you put the issue to vote, I would like the Members to know that we are members of the East African Community and that we should not debate as if we are not part of the community *-(Interruption)*

MS RUTH NANKABIRWA: Thank you very much, Mr Chairman. I also want to thank you for having given an opportunity to one of our colleagues who represents a constituency *-(Interjections)*- I have risen on a point of order. Is in order for the member who is holding the Floor to waste the time of this august House by repeating an issue which you have ably guided on right from yesterday, and members had earlier on exhaustively debated it? Is he in order to continue spending the precious time of this august House?

THE DEPUTY CHAIRPERSON: Honourable members, the time of this House is very important *-(Laughter)*- and we should use it properly. Let us deal with this business and if there are some commencement issues, they can be dealt with administratively.

MR MUWANGA KIVUMBI: Mr Chairman, this is a critical issue; it affects many people. I would like to move a point of procedure on whether we have quorum in this House to take a vote. I want us to ascertain whether there is quorum for us to take a vote?

THE DEPUTY CHAIRPERSON: Honourable members, I proposed yesterday and I thought all those concerned and the Member for Butambala had taken heed; we could deal with this issue in the commencement clause of the Bill and make proposals on how you want to phase the implementation of this Bill in the commencement clause. We cannot begin extracting a main provision of the Bill for which we will not have opportunity to cause amendment to bring it back. But you can amend the commencement clause to stay some of the aspects.

I thought we were guided on this issue properly yesterday. We should not use this issue to crowd the process; it might not be a good idea.

MR SEMPIJJA: Mr Chairman, I stand to say that you rightly put it and yesterday I was the last person to lose this war. We agreed on the Floor here to move on until the commencement. We all agreed and I was the last person to hit the last nail, and we stopped at that.

Mr Chairman, I want to request my colleague; we suffer the same issue, we represent people who are outgrowers, but this is a decision of national importance. It is decided by the Parliament of the Republic of Uganda for the whole country.

THE DEPUTY CHAIRPERSON: Honourable members, can we proceed with this issue so that we can conclude this business? The issue of the commencement can be handled in agreement with the concerned Members of Parliament.

MR MUWANGA KIVUMBI: Mr Chairman, if I got you right, we already passed the commencement clause.

THE DEPUTY CHAIRPERSON: We can deal with it; we are still at Committee Stage.

MR MUWANGA KIVUMBI: So if I have assurance that we shall recommit-

THE DEPUTY CHAIRPERSON: No, we do not have to recommit, we will deal with it now.

MR MUWANGA KIVUMBI: If we can deal with it now, then I can concede and we make provision for this in the commencement clause.

THE DEPUTY CHAIRPERSON: So, can I put the question to Fourth Schedule now and then we go to commencement? I put the question that the Fourth Schedule remains as schedule to the Bill.

(Question put and agreed to.)

Clause 1

THE DEPUTY CHAIRPERSON: Can we conclude on this clause? What are the proposals?

MR MUWANGA KIVUMBI: Mr Chairman, the commencement clause reads, “This Act shall come into force on a date the Minister, by statutory instrument, appoints.” We can amend this. Let me first develop the argument. I propose that we phase the implementation because we cannot delay; I want to be sensitive.

We have a problem of drugs in this country that we should have tackled yesterday. There are sections you cannot delay and they should go into force immediately. However, there are those, like we have earlier agreed, that can delay. So I would like to move another subsection that in case of *-(Interjections)* – in case of *Catha edulis*, it shall be as and when the minister has done the needful – *(Laughter)*

MR MWIRU: Thank you, Mr Chairman. I rise to oppose that position. We are in this House to perform a constitutional function, which is under Article 79 of the Constitution of the Republic of Uganda, and the taxpayers of this country might be watching what is taking place right now.

What we are saying is that when laws come into this House – Actually, I have even had a problem with saying that until the President assents, because if the law is urgent, why should we wait for the President to assent? Even by merely saying “on a date appointed by the minister”, that would cause delays in terms of implementation.

I am of the considered opinion - I want to seek the indulgence of my colleagues; when we say on the date appointed by the minister, this means that the relevant minister will take into consideration all the nitty-gritty before a date is appointed. If any of our colleagues has a way he thinks we should implement this, then he should actually deal with it at that level. But for us to hold Parliament back in to passing the law, we shall have failed in our function of making a law. Actually, I am of the considered opinion that the section remains the way it is in the Act. Thank you

THE DEPUTY CHAIRPERSON: Honourable members, you can also phrase it by saying that different parts of the law shall come at different times. You can make those changes. You see, it will be still by statutory instrument but the minister has the discretion to commence one part or the other; it is permissible.

MR MULONGO: Mr Chairperson, I have a lot of sympathy and support for the motion by my good brother, hon. Kivumbi. However, Mr Chairperson, as it has been argued, the law is about so many things and it has to commence at some date. However, as you rightly pointed out, in clause 93, the power to amend schedules is given to the minister through statutory order, and he may add or subtract.

In the first part, he may add on the third and fourth schedules and also in public interest, he might delete from any such schedule any substance or plant. This means that this can be done administratively through a statutory order by the minister.

So, given that we are looking at an exceptional component of one element of the array of the many things that we are dealing with in the law, we would rather that we pass the law as it is. The minister can then, with certain rightful order, either add or subtract - in this case subtract - and actually give a certain duration for the farmers of *mairungi*, whom I also sympathise with a lot.

I would like to propose to honourable members that we concede on this and pass the law as it is and pursue it with the minister.

THE DEPUTY CHAIRPERSON: Honourable minister, how do you intend to handle these concerns?

MR BABA: Mr Chairman, just like I explained yesterday, when this law comes into effect, we intend to take this sensitisation exercise in earnest right from the beginning in the *mairungi*/khat growing areas. We shall tell them, "Fellow countrymen, this thing is now illegal, please remove it and let us try other alternatives". I think that can be done.

That is the commitment we would like to make, but we should not delay passing this law. This is the commitment we would like to make. As the honourable chairman of the committee says, clause 93 (2) really caters for what hon. Kivumbi wants. That can be brought back to this House to be dealt with. Let us consider the damage that is being done to our children countrywide. That is our primary consideration.

MS ALASO: Thank you very much, Mr Chairman. I am extremely passionate about the passing of this law. I am very passionate about protecting the children from khat and I would do what it takes to be part of the process. However, I have a very serious concern and I really need guidance from the Chair.

Hon. Kivumbi has thrown something at us by way of procedure and he has sat back. This House has that precedent of a Member who did not want a particular Bill to be passed into law; he threw it there, sat back and we were continuing to debate. Somebody at some point will pick the statement of hon. Kivumbi. Is it possible for us to pass this thing tomorrow at 2.00 p.m., rather than – (*Interjection*) - Yes, you are asking the whys; where were you when we passed the Anti-Homosexuality Bill? You were here and the same

thing was done; a technicality was thrown at us and because of the passion we had for it, we passed it and we went to court and the court simply said technically, you ignored this matter

So I seek your guidance because this matter is already on the *Hansard*. Mr Chairman, please help me out. Besides, we are dealing with a law that is not only about khat but it is also about narcotics, cartels, drug traffickers; they would want any opportunity to nullify this legislation.

MS RUTH NANKABIRWA: Mr Chairperson, when hon. Muwanga Kivumbi moved the amendment that he wanted to move, I was here and the Members that were present at that particular moment were the very Members who were present when he suddenly rose on a point of procedure. What I read from his intention was that because he was not allowed to proceed, therefore he had to bring up the procedural point of lack of quorum. Therefore, what hon. Alaso is raising is very pertinent.

We cannot be sure whether the very person who moved the amendment for which he was seeking support detected that he was not getting support and changed to a procedural point and raised the issue of quorum. When you laboured to explain to him, he sort of got confused and sat back, and then the issue of quorum was raised.

We all want to pass this law and therefore, Sir, I would like to agree with hon. Alaso. As a Member of Parliament representing Kiboga, I am not comfortable with moving on in passing of this Bill finally with those technical problems not being handled. We are seeking your guidance, Mr Chairman.

MOTION FOR THE HOUSE TO RESUME

5.00

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr James Baba): Mr Chairman and honourable members, I beg to move that the House do resume and the Committee of the whole House reports thereto.

THE DEPUTY CHAIRPERSON: Honourable members, the motion is for resumption of the House to enable the Committee of the whole House report thereto. I put the question to that motion

(Question put and agreed to.)

(The House resumed, the Deputy Speaker presiding_)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

5.01

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr James Baba): Mr Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled “The Narcotic Drugs and Psychotropic Substances Control Bill 2007” and has passed it with amendments. All the clauses have been passed with amendments save for the commencement clause, clause 1 *–(Interjections)*.

Mr Chairman, I beg to move that the Committee of the whole House has considered the Bill entitled “The Narcotics Drugs and Psychotropic Substances Control Bill, 2007” and passed all the clauses with amendments save for the Fourth Schedule. I beg to move.

THE DEPUTY SPEAKER: No, clause 1; we passed the Fourth Schedule.

MR BABA: Yes

THE DEPUTY SPEAKER: So it is clause 1, which was being reviewed.

MR BABA: I beg to report that the Committee of the whole House has considered the Bill entitled “The Narcotic Drug and Psychotropic Substances Control Bill, 2007” and passed all the clauses with amendments save for clause 1. I beg to move

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

5.03

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr James Baba): Mr Speaker, I beg to move that the report from the Committee of the whole House be adopted.

THE DEPUTY SPEAKER: Honourable members, the motion is for the adoption of the report of the Committee of the whole House

(Question put and agreed to.)

Report adopted.

THE DEPUTY SPEAKER: Honourable members, I thank you for these discussions and the steps you have taken on this Bill. We will be taking final decisions on the remaining aspects and also the final handling of this Bill tomorrow at 2.00 O'clock.

Honourable members, before we adjourn, there were issues that were raised here and I think the ministers were still in Cabinet. There is the issue of the LCV chairman of Lwengo District, who is caning people and is being escorted by the Police to beat people. It was raised by the Member for Bukoto South, Mr Mathias Nsubuga. Another matter was on the 16 days of gender activism, from 25th November to 10th December.

Those issues were raised when the House just started. So, can we have responses on these issues - the issue of caning, and also that this is happening when these people are being escorted by the Police. Is the minister aware of this? What is being done about it?

5.05

THE MINISTER OF INTERNAL AFFAIRS (Gen. Aronda Nyakairima): Thank you, Mr Speaker. Honourable colleagues, that is quite strange and I have just heard about it. The Government cannot condone - an individual to constitute a kind of lone government and conduct such activities.

We will certainly investigate that occurrence, if it occurred. If it has occurred, we will conduct an inquiry and will come back here and tell you exactly what caused that and what action Government is going to take. The Government will take action expeditiously. Thank you.

THE DEPUTY SPEAKER: Maybe the honourable Member for Bukoto South, Mr Mathias Birekeraawo Nsubuga, can explain more when it happened and what is still happening.

5.07

MR MATHIAS BIREKERAAWO NSUBUGA (DP, Bukoto South, Masaka): Thank you, Mr Speaker. I am surprised that the Minister is not aware about this. This is something that happened in

Lwengo not once; people, women and children are being caned because they are not attending *bulungi bwa nsi*, and this activity is voluntary.

I would like to know, especially, why he is being escorted by the Police during the caning. When can Government come and explain to the public whether this is a government policy or not. When are you likely to tell the House?

GEN. NYAKAIRIMA: In addition to what I have already said, I have no report that people are forced to do *bulungi bwa nsi*. That is not their work, and no one should force our people to do such.

As I said, I will interact with my colleague, he knows what I can do with him and others on the ground, and then we find out what has happened. We will then take immediate corrective measures and inform this House.

THE DEPUTY SPEAKER: Honourable members, in view of what has just transpired, this House will not be able to push proceedings now. House adjourned until tomorrow 2 O'clock.

(The House rose at 5.08p.m. and adjourned until Thursday, 20 November 2014.)