**Monday, 9 May 2011**

*Parliament met at 2.35 p.m. in Parliament House, Kampala.*

PRAYERS

*(The Speaker, Mr Edward Ssekandi, in the Chair.)*

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE SPEAKER:** Hon. Members, I welcome you and I believe you had a peaceful weekend. Last week we agreed that we sit on Monday afternoon so that we can clear some of the work we have, including important Bills, but people seem to be tired.

Meanwhile, let me adjust the Order Paper to allow hon. Reagan Okumu, Chairman of the Committee on Commissions, Statutory Authorities and State Enterprises, to table his reports as we think of what to do.

PRESENTITON OF PAPERS

2.38

**THE CHAIRMAN, COMMITTEE ON COMMISSIONS, STATUTORY AUTHORITIES AND STATE ENTERPRISES (Mr Reagan Okumu):** Thank you, Mr Speaker. The Parliamentary Committee on Commissions, Statutory Authorities and State Enterprises is, according to Rule 154 of the Rules of Procedure of the Parliament of Uganda, mandated to examine reports of audited accounts of statutory authorities, corporations, public enterprises and in the context of their autonomy and efficiency, ascertain whether their operations are being managed in accordance with the required competence and, where applicable, in sound business principles and prudent commercial activities.

In this respect, I wish to lay on the Table the following reports:

1. Report of the Committee on Commissions, Statutory Authorities and State Enterprises on the Performance of National Housing and Construction Corporation dated 31 December 1999 to 31 December 2007.

2. Report of the Committee on Commissions, Statutory Authorities and State Enterprises on the Performance of the Cotton Development Organisation for 1999 to 2008.

3. Report of the Committee on Commissions, Statutory Authorities and State Enterprises on the Performance of Uganda Revenue Authority from 1997 to 2008.

4. Report of the Committee on Commissions, Statutory Authorities and State Enterprises on the Performance of THE Uganda Bureau of Statistics from 2001 to 2008.

5. Report of the Committee on Commissions, Statutory Authorities and State Enterprises on the Performance of the Uganda Communications Commission from 1998 to 2005.

Mr Speaker, I thank you.

**THE SPEAKER:** On behalf of Parliament, I want to thank you, chairman and Members of the committee, for those reports which are now official documents of this Parliament. Thank you very much!

2.41

**MR JOHN KIGYAGI (NRM, Mbarara Municipality, Mbarara):** Thank you, Mr Speaker. I am seeking clarification from the Prime Minister. I have been one of the senior legislators in this House since 1989, except in the Sixth Parliament when I did not come. I came here during the Seventh Parliament and I am here in the Eighth Parliament. For all this time, I have never seen a scenario, which I have seen recently. Maybe it is not true; but I have been seeing in the papers that the Prime Minister wrote to the ministers and asked them to hand over to permanent secretaries. I did not believe that until I saw a letter, which was also quoted verbatim by the press, indicating that.

My understanding is that this does not happen unless there is a crisis, like that we had when our colleagues stood as independents and the Constitutional Court said they cannot be Members of Parliament; there were no replacements and they handed over to the permanent secretaries. Here, the ministers are current and they are supposed to carry on their duties until a new Cabinet is announced and they hand over. It is a new thing which I have never seen and I would like guidance from the Prime Minister on what basis he did this. If it is true, then he should let us know. I have never seen this in the three Parliaments I have been part of until this time. I thank you, Mr Speaker.

2.42

**MR REAGAN OKUMU (FDC, Aswa County, Gulu):** Mr Speaker, my concern is related to what my colleague has raised. The Prime Minister, we are told, issued that letter. I do not know whether he is also covered under that because he is part of Cabinet. This renders this House without work because most of the work here is the business of Government.

If the Front Bench has been asked to hand over, what are my colleagues doing here? If you have handed over *–* hon. Awori seems not to be aware of what is going on. I talked to one of the ministers over the weekend who told me that he had handed over to the PS who told him, “You can temporarily stay with the vehicle and the driver.” So, what are we doing? Have we dissolved Government? Is that the way Government gets dissolved?

This raises a lot of contradictions and confusion among the public. People think there is a vacuum. If there is a vacuum, there are issues on the Floor of this House which the House still expects Government to respond to; if the people who are supposed to respond are asked to vacate their offices, I think this an embarrassment. There should be a decent way of doing things but not just embarrass individuals through issuing some of those statements.

2.44

**THE GOVERNMENT CHIEF WHIP (Mr Daudi Migereko):** Mr Speaker, I want to thank hon. Kigyagi and hon. Reagan Okumu for raising this matter. I would like to take the opportunity to inform you that we have not handed over. Cabinet is functioning normally because our term of office is still on. We only hand over when our term of office has come to an end. Nobody should feel that in Parliament the front bench will be empty and there will be nobody on the Government side to handle Government business and respond to issues.

Regarding the directive by the Prime Minister in terms of guidance as to when to hand over, this matter has been handled within the Executive and I want to assure hon. Kigyagi that there will be no vacuum. First of all, the swearing-in of His Excellency, the President, will be taking place on the 12th of this month, which is Thursday, and I am sure Government will continue running normally because as you know, the NRM has always been set to provide sound leadership to this country. I thank you.

2.45

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr Matia Kasaija):** Thank you very much, Mr Speaker. We take your concerns dear to our heart but we also have to go by the law. The current Government, according to the law, should be expiring midnight 11th because the new President is being sworn-in on Thursday the 12th. So, there will be no vacuum.

Even here in Parliament, Mr Speaker, from what I am told I think we are having our last session sitting maybe on Wednesday. You can inform us, Sir. So, there should be no vacuum at all but at the same time we have to do things in accordance with the law. After the President has sworn in, then he will announce his Cabinet. As soon as the new Parliament convenes, then those ministers will be vetted and then they can continue to take over but in the meantime the President could run Government together with the civil servants. I am told that is the law. Thank you.

**MR KIGYAGI:** Mr Speaker, I am not saying that things have come to a halt. I only want to find out from the Prime Minister: is there a directive? Yes, we know when the term will end, but we have been in this Parliament and we know how ministers hand over to other ministers when they come in. We have only experienced a situation of the Constitutional Court where there were no ministers and they were obliged to hand over to the permanent secretaries. However, we have been told that ministers have been asked - I want the Prime Minister to say if it is true or not true –(*Interruption*)

**MR TUMWEBAZE:** The supplementary explanation from hon. Matia Kasaija actually makes it worse. If the tenure of the ministers expires midnight 11th May, that means you have a president swearing in on the 12th. Now you are going to have one to two weeks with no fully constituted Cabinet; what is that? How is the Executive conducted? I think that is the explanation colleagues are seeking.

**THE SPEAKER:** It is not a question of “if”; the present Government’s term is expiring on Wednesday - it is a fact – and then a new President will be sworn in on Thursday. If it were not for the details of how you form a Cabinet, he would, on Thursday, form his Cabinet. However, because there are other details to take care of before you form a Cabinet, there will be a process for about a week or two before the Cabinet is formed. The mandate of the Executive, which came in 2006 is ending before the swearing-in of the President, so it is not “if”.

As far as Parliament is concerned, Parliament’s mandate will expire on 18th May and the following day a new Parliament will come in. Whether we shall be able to transact business or not, that is a different matter. The mandate of Parliament does not expire at the same time with the Presidency. If you read Article 77(2) of the Constitution, it will tell you exactly when it expires.

**MR KIGYAGI:** Correct, Mr Speaker. Now this means that if the Prime Minister has asked the ministers to hand over to the permanent secretaries, then between 12th and 18th when the new Parliament comes in, there will not be ministers; it will be the permanent secretaries.

**THE SPEAKER:** Well, it is up to the President to see who is going to assist him to run the Government.

**MR NANDALA-MAFABI:** Thank you very much, Mr Speaker. The information I want to give my colleague is that the permanent secretaries will be acting ministers and you should not get worried. There will be no vacuum -(*Interjections*)- for you, you are dying to be a minister but this time you cannot make it. (*Laughter*)

Even during Amin’s time in 1971 *-* yes, I want to give you an example where the permanent secretaries had to act as ministers -(*Interjections*)- that is the problem with you; you want to say that but the true story is that even the permanent secretaries will do a better job than you and we do not even need or know your relevance. So, I want to thank the Prime Minister for having sacked you in advance. (*Laughter*)

**THE SPEAKER:** Hon. Nandala-Mafabi, you are being personal. (*Laughter*)

2.52

**MR GEOFREY EKANYA (FDC, Tororo County, Tororo):** Thank you very much, Mr Speaker. Without revealing names, three ministers have moved their private and personal documents from offices even before the date that is constitutionally mandated. That really has caused instability in some offices - documents are not moving! So, really when we are asking this, we want the country to move forward. Thank you.

**MR MIGEREKO:** Mr Speaker, you have rightly guided on this matter. I have nothing to add except to urge Members to disregard the information given by hon. Nandala-Mafabi because he was just being himself. Thank you.

**THE SPEAKER:** Thank you very much, hon. Members. We are supposed to continue with the Committee Stage on the PPDA amendment Bill but it appears, unfortunately, the numbers we have are not enough and I have nothing to do other than adjourn the House to tomorrow at 2.00 p.m.

*(The House rose at 2.54 p.m. and adjourned until Tuesday, 10 May 2011 at 2.00 p.m.)*