



PARLIAMENT OF UGANDA

PARLIAMENTARY DEBATES

(HANSARD)

OFFICIAL REPORT

THIRD SESSION - FIRST MEETING

TUESDAY, 29 AUGUST 2023



IN THE PARLIAMENT OF UGANDA

Official Report of the Proceedings of Parliament

THIRD SESSION - 22ND SITTING - FIRST MEETING

Tuesday, 29 August 2023

Parliament met at 1.59 p.m. in Parliament House, Kampala.

PRAYERS

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

The House was called to order.

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable members, I welcome you to this afternoon sitting. I sincerely want to commend you for the parliamentary business that you are conducting; the leadership of Parliament appreciates your commitment.

I had the honour to be hosted in the Vatican on the 25th - and by none other than the Holy Father himself. He thanked you so much for upholding and preserving family values. *(Applause)* He also thanked and congratulated His Excellency, the President for his 50th Jubilee Marriage Anniversary, which is part of upholding family values.

Honourable members, as you are all aware, Appendix F of our Rules of Procedure prescribes the Code of Conduct for Members of Parliament.

The Code covers areas like public duty, personal conduct, public interest, public trust, corruption, declaration of interests and openness, among others.

It has come to my knowledge that some Members of Parliament - and I will not be shy to say this - you know when you are in this seat, you use both the stick and carrot for the good of the institution, and I know that you will be proud to have an institution that everybody looks at as a clean institution - are reportedly engaged in dubious acts, which breach our Code of Conduct.

I had to write to all the Whips - and I hope they received the letters - to ensure they instil some discipline in some of the Members that are mentioned. I am not saying that all of you are mentioned; only those that have been mentioned. You know, this will destroy the reputation of the 11th Parliament.

The responsibility of guarding this institution is on you and I. If we do not guard it, then we will not have a good institution. So, it is upon us to ensure we respect ourselves, and the institution and preserve its name. Tomorrow when you go out, you should be proud of saying "I was among the Members of the 11th Parliament."

Honourable members, in a rather jubilant mood, I want to take this opportunity to congratulate our athletes. We got two Gold medals courtesy of Joshua Cheptegei and Victor Kiplangat in the recently concluded marathon. *(Applause)* I want to congratulate Team Uganda. I know the Government Chief Whip was there; thank you for bringing the medals.

As we celebrate this achievement, we need to match it with logistical support to people. We

need to fund the sector to ensure that they are fully facilitated.

In the same vein, I also want to congratulate the sports fraternity for the law that has been assented to; the sports law was assented to. It is now upon the minister to bring the statutory instrument to ensure the implementation of the law is put in place. I want to thank His Excellency, the President, for assenting to those laws. He also assented to the Financial Institutions Act; that is a very good achievement for us as a country.

Honourable members, I will vary the Order Paper to accommodate a motion by Hon. Akamba Paul seeking leave to introduce a Private Member's Bill entitled, "The Magistrate's Court (Amendment) Bill."

This morning I had the privilege to meet one of Uganda's decorated artists - I do not know if she is in the gallery - Ms Jackie Chandiru. You are most welcome.

Last week, we passed a Bill in this House on narcotic drugs. She came to me this morning and told me about her experience. I want you to get time and listen to her experience. She has gone through a lot because of being a drug addict; she has gone through a lot. I am happy we have a few Ugandans who can speak out. We want to thank you so much for opening up. (*Applause*) That will help our children out there and the public on how they should guard against drugs.

Ms Jackie Chandiru, we want to thank you as the Parliament of Uganda. We pledge to work with you to ensure we reduce the effect of drugs in society. We will even call you to have a talk with our Members of Parliament, and the staff - we all need that talk. It is a hard talk but we need it.

Okay, I can see some reaction, but I want to promise that I am not going to allow a lot of reactions because I have a congested Order Paper.

2.08

MR SOLOMON SILWANY (NRM, Bukooli County Central, Bugiri): Thank you, Madam Speaker. I, first of all, want to wholeheartedly congratulate you on your visit to the Pope. I thank God that I have taken the blessing to be the first to congratulate you in Parliament and I know the blessings will pour directly -

THE SPEAKER: Honourable members, you all have the blessings and the Pope wishes you well and prays for all of you.

MR SILWANY: Madam Speaker, I rise to react to your communication. I want to add my voice to the issue of our sports people, especially the sports fields in this country.

As Parliament we do our part by appropriating money for football, netball and other sports activities in this country.

However, these people do not receive all the money that Parliament appropriates for them. We celebrate when we are successful; when Cheptegei wins we jubilate together. However, when will the Government sort this out completely? Because the only thing that unites us - whether you are in NRM, in Opposition or slept without food - is sports.

Therefore, when will Government sort this out so that when Parliament does its part by appropriating money to sports, it is given. Now that the 3rd Deputy Prime Minister is already here, I request her to give us a response on this because we want to be sure that as we celebrate other sportsmen tomorrow, they are funded and the funding is available. Otherwise, if we keep on passing the budget for sports yet it hangs in balance - these people do not receive the money - we are only happy when they are successful but when they do not go for these sports, we keep quiet and put it under the carpet.

Madam Speaker, today, I need clarification now that we are celebrating the two gold medals of Kiplangat and Cheptegei.

THE SPEAKER: Thank you. We only celebrate when there is a win; when there

is a need for facilitation, we do not do that appropriately. Could we hear from Government, what happens?

We should be mindful of the envelope that we have as a country. The Minister for Finance, Planning and Economic Development has even come.

2.11

MS RUKIA NAKADAMA ISAIGA (NRM, District woman Representative, Mayuge):

Thank you, Madam Speaker. I welcome you back from that holy place. We also thank you so much, for all the blessings you brought to us. I know that there is a budget for sports but the releases depend on what has been collected on the envelope. For now that is what I can say, Madam Speaker.

THE SPEAKER: There is a clarification from this side.

MR BASALIRWA: Thank you, Madam Speaker. It is true, Parliament does appropriation, money goes to the National Council of Sports before it sends this money to some of these federations.

However, there is a lot of financial mismanagement in these federations. The Public Accounts Committee has been investigating sports especially, the National Council for Sports and the federations. We have been able to discover a lot of maladministration and financial mismanagement. As a matter of fact, while money goes to these federations, it does not reach the players.

THE SPEAKER: Honourable member, are you discussing your report now? The fact is that the money does not go to the federations in time and what is appropriated is not received by the federations.

What should follow is the accountability aspect because that is what you are supposed to do, as an oversight. What is important now is: in this quota, how much have you given to sports?

If you do not know, I can tell you off head; you gave Shs 4.3 instead of Shs 15 billion.

2.14

MR HENRY MUSASIZI (NRM, Rubanda East County, Rubanda): Madam Speaker, it is true that out of the Shs 15 billion, this quota we have released Shs 4.2 billion and there is a balance of Shs 10.8 billion, which will be released in quota two, without fail.

THE SPEAKER: Honourable minister, one thing you need to know is that sports has a particular period. There is a calendar for activities; it is either in this month or not. So, will you disburse money for first and second quotas?

MR MUSASIZI: Madam speaker, I can assure you and the House that, as much as possible, all the budget for sports shall be released. The only challenge I have now is the cashflow challenges. Otherwise, the commitment to release it is there.

THE SPEAKER: Thank you. Honourable members, he says that the money is going to be released.

2.16

MR FREDRICK ANGURA (NRM, Tororo South County, Tororo): Thank you, Madam Speaker. I also join the rest of the members to congratulate you. We were all excited including our voters. In fact, your visit to Rome has trended everywhere because of the good messages that came from there.

I also want to congratulate our athletes who have made us proud. Nakaayi almost got there but with better preparations next time definitely, we are going to continue seeing the number of medals rise.

Specifically, thank you, for the continued enormous support that you give to the sports fraternity, and the support you continue to render to the teams that not usually go for athletics, but football as well.

You supported us when we sent a team to Spain. That team was an eye opener that Uganda has talented people. And I want to thank Hon. Magogo who also stood by our side. As I speak to you, through those efforts we have now put

in the Scottish league 3 players who are rising in the rank.

And just last week, we sent another two players. These have already accessed clubs in Europe and one started over the weekend as a goal keeper for one big club abroad.

And as I speak –(Interjections)– the names are Madoi, Mwirusi Ali who started over the weekend in one of the clubs in Spain and to get people there is a process. This evening another two boys will be flying out, and this is all because of your good support.

At times when Government does not come in very fast, the good working relationship and mobilisation that the Speaker puts up - and through the Hon. Magogo, we are preparing to have a team that will support us when we shall be hosting the Africa Cup of Nations here in Uganda, courtesy of the Hon. Angura here and many others. I thank you. (Laughter)

THE SPEAKER: Thank you. Yes, Hon. Linos Ngopek.

2.18

MR LINOS NGOMPEK (NRM, Kibanda North County, Kiryadongo): Thank you, Madam Speaker. I would like to commend you for the journey to and from the Pope. It was a holy journey indeed and I am happy I was part of the delegation because as I speak, I am filled with a lot of holiness.

The message about family values was good. I would like to commend the President, Gen. Yoweri Kaguta Museveni and Mama Janet, for keeping family values; we will always look up to them. (Applause)

Today, Hon. Asuman Basalirwa is not smart or neat for nothing: we spent the whole of yesterday in hospital, as he welcomed a baby. (Applause) So, I congratulate him too – (Laughter) - for that good work of keeping the family together.

I thank you, Madam Speaker.

THE SPEAKER: Honourable members, we are talking about family values. We have said our President has set a record by celebrating his 50th wedding anniversary. We thank God for that. We also congratulate Hon. Asuman Basalirwa. Congratulations, Hon. Asuman. (Applause) It would have been bad if you were married to a man. Now that you are married to a woman, is the reason you are able to have a baby. (Laughter)

2.20

MS SARAH OPENDI (NRM, Woman Representative, Tororo): Thank you very much, Madam Speaker. I add my voice to colleagues' voices to thank you, for meeting the holy Father, and for the great message that you passed over to him, and his message that you have passed over to us.

I was not part of the Speaker's delegation. However, I travelled for another meeting for Catholic legislators, also in Rome. We had this conference under the theme, "Great Power Struggle, Corporate Capture and Technocracy: A Christian Answer to Dehumanising Trends".

Madam Speaker, the Pope is concerned about the way technology is slowly trying to replace human beings. This is an issue that we must critically look at. Many people will be out of jobs. You have even seen some adverts trying to show you a "Sarah" or "Grace" – that you can get any woman in the form of a robot.

Therefore, I think the issue of artificial intelligence, Madam Speaker, is something that we need to critically look at and legislate on. Otherwise, it is going to be a big challenge for us, if we just sit back and look on.

Lastly, on the issue of drugs, we passed the law in 2015. The Government did not work on the regulations, despite the various reminders that I personally made to the Ministry of Internal Affairs. I hope that this time, we shall have the regulations in time so that those charged with enforcement can do their work.

Also, Madam Speaker, there is a bigger challenge of drugs finding their way into

schools, through all kinds of things. We have items in supermarkets – sweets, biscuits and chocolates – laced with all kinds of drugs.

It is my humble appeal to Uganda National Bureau of Standards to pull up its socks and ensure that these drugs – that come from wherever – are banned. I do not know how they come in and get to the supermarkets. The children buy these items when they are going back to school. So, the issues of drugs in schools and items laced with drugs need to be addressed.

Madam Speaker, allow me to congratulate His Excellency, the President. I also congratulate you, Madam Speaker. We hope that our clan is going to expand soon.

THE SPEAKER: What is wrong with you? (*Laughter*) Hon. Opendi is just obsessed.

Honourable members, the issue of regulations is very important. We have passed a number of laws in this House, but there are no regulations; you cannot operationalise a law without the regulation. I even told the Attorney-General that we need the regulations to operationalise all the laws we have passed, but to date, we have not received them.

Government, can we have an answer to that? You will be here celebrating that you have the laws when there are no regulations.

2.23

THE THIRD DEPUTY PRIME MINISTER AND MINISTER WITHOUT PORTFOLIO (Ms Rukia Nakadama): Madam Speaker, I know you gave a timeframe to the Attorney-General to come here with all the regulations. I think he is still working within that timeframe. So, he will be here with them. Thank you.

THE SPEAKER: When?

MS NAKADAMA: When the time comes. You gave him –

THE SPEAKER: The timeframe has elapsed.

MS NAKADAMA: It was for two months; I think he has not yet – Madam Speaker, I am going to follow it up.

THE SPEAKER: Can you report back tomorrow?

MS NAKADAMA: Much obliged.

THE SPEAKER: Meanwhile, I brought a gift for you people. The gift I brought for you is that bell. (*Laughter*) I bought a bell for the House. (*Applause*)

2.25

MR BASIL BATARINGAYA (NRM, Kashari North County, Mbarara): Thank you, Madam Speaker, for this opportunity. While I congratulate Hon. Asumani Basalirwa for the baby, I also wish a happy birthday to the treasurer of the NRM Parliamentary Caucus, Hon. Faith Nakut. Happy birthday. (*Applause*)

Madam Speaker, I take this opportunity to thank all Members and whips who were invited to attend the celebration by His Excellency, the President, and *Mama* on their 50th wedding anniversary. They really gave me a push, in my caucus. I thank them very much.

THE SPEAKER: Thank you very much, Members who attended the function. I also want, on a special note, to thank the Members who came to Bukedea. (*Applause*) I will still welcome you anytime you feel like; feel at home, feel at Bukedea. Next item. Hon. LoP, do you have something?

2.26

THE CHIEF OPPOSITION WHIP (Mr John Baptist Nambeshe): Madam Speaker, I thank you. And permit me to join colleagues in welcoming you back from the holy city of the Vatican.

Madam Speaker, I am a recipient of your correspondence, warning Members about financial impropriety and solicitation and the subsequent establishment of a complaints desk in the Clerk's office. You are spot on because at this level, we ought to be men and women of proven integrity and impeccable character.

The truth of the matter is that this institution, incidentally in Uganda, is more hated than loved by the public. The public – we ought to be on alert – may also use this opportunity to get back at Members by concocting all manner of stories. This, though, does not rule out the fact that this House comes and curves around us with all manner of temptations, especially those that are in accountability committees.

As whips, we have all manner of roles, but we are limited in sanctioning a Member. However, it is good that your office has what it takes to bring about sanctions.

That aside –(Interruption)

MR SSEKIKUBO: Thank you, Madam Speaker. I would like to thank Hon. Nambeshe for giving way. Once a matter is raised, touching the moral turpitude of Members, it is a matter to be very wary of.

Madam Speaker, it is saddening that, for the first time in my stay in Parliament, the Speaker of this Parliament is raising a concern that Members, through our committees, have degenerated to the point of soliciting bribes.

THE SPEAKER: Is that what it is?

MR SSEKIKUBO: Yes, bearing in mind the point raised by Hon. Nambeshe, wouldn't it be proper, therefore, that –

THE SPEAKER: Yes, procedure.

MR ODRIA: Thank you, Madam Speaker. I think the matter my colleague, the Leader of Opposition has raised is serious, and deserves special treatment.

With my experience in this House, wouldn't it be procedurally right for this matter to be handled by your office with utmost urgency, in line with the Committee on Legal and Parliamentary Affairs?

THE SPEAKER: Honourable members, I wrote to the Whips. It is the Opposition Whip who has opted to bring it up here. Otherwise, I

wanted the Whips to take action as the leaders of political parties. If I wanted I would have come to the House and read the letter to the House, but I chose to write to the Whips. Let us not just say that the public does not like us, no.

We will only take an action if there is evidence; it should be evidence-based. As Whips, you need to take keen interest in your Members and that is not going to be a matter for discussion in this House. Whips, please take charge of your Members.

MR NAMBESHE: Most obliged, Madam Speaker.

MR SSEKIKUBO: Yes, but once my name is –

THE SPEAKER: No, listen – excuse me, Hon. Ssekikubo. I have made a ruling to that effect and if you are going to continue - okay, now that you want to deny whatever is happening, I am going to ask the Committee on Tourism, Trade and Industry to do an investigation on what is being alleged. Can you do an investigation on cooperatives since what is being alleged falls in your committee, and report to this House?

MR SSEKIKUBO: Much obliged, Madam Speaker.

MR NAMBESHE: Most obliged, Madam Speaker. I have a procedural issue.

THE SPEAKER: Honourable members, in the Public Gallery this afternoon, we have students from Chemwania High School, in the Kween District. They are represented by Hon. William Chemonges and Hon. Emma Cherukut. You are most welcome.

You have very good leaders; when you go back, tell your parents to vote them back. *(Laughter)* Hon. Kisos Chemaswet, was that your school? He is one of the best. Thank you for coming. Members, join me in welcoming the students and the teachers. *(Applause)*

MR NAMBESHE: Madam Speaker, a brief one is to join you to praise our Gold medal

earners and finalists. As a matter of procedure, last week when we were praising the starring performance of Mr Joshua Cheptegei, the issue of the Teryet National High Altitude Training Centre in Kapchorwa came up and the minister pledged at the directive of the Speaker, to come here with a comprehensive statement refuting the claims about the shoddy works on the construction of that centre.

That was supposed to be today; even the Member of Kween is in total support because his memory serves him better than my good friend here.

THE SPEAKER: Can we have a motion thanking and paying tribute to the athletes and a response to that effect, then we will debate? I am not seeing the Minister of Education and Sports here, but let us have a motion on the Floor.

2.35

MR GEOFFREY KAYEMBA SOLO (NUP, Bukomansimbi South County, Bukomansimbi): Thank you, Madam Speaker.

THE SPEAKER: Are you the Minister of Education and Sports?

MR KAYEMBA SOLO: Shadow Minister of Education and Sports. *(Laughter)*

THE SPEAKER: Shadow minister, we have agreed to have a motion. Could you come with a motion and then we get a response from the minister on what will be raised?

MR KAYEMBA SOLO: Much obliged, Madam Speaker.

THE SPEAKER: Next item.

LAYING OF PAPERS

REPORT OF THE DELEGATION TO THE 66TH SESSION OF THE OACP PARLIAMENTARY ASSEMBLY AND 43RD SESSION OF THE OACPS-EU JOINT PARLIAMENTARY ASSEMBLY (JPA) HELD FROM 19TH TO 29 JUNE 2023 IN BRUSSELS-BELGIUM

THE SPEAKER: Honourable members, this report is going to be laid pursuant to Rule 33 of the Rules of Procedure and I will require the chairperson, Hon. Cecilia Ogwal, to make a brief summary of the report, highlighting the lessons that were learned and the recommendations. Thereafter, the report will be deposited into the library for easy access.

2.37

MS CECILIA OGWAL (FDC, Woman Representative, Dokolo): Thank you, Madam Speaker. I am here to present a report of the delegation from the Parliament of Uganda to the 66th Session of the Organisation of African, Caribbean and Pacific States (OACPS) Parliamentary Assembly and the 43rd Session of the OACPS–EU Joint Parliamentary Assembly held from 19th to 29 June 2023 in Brussels, Belgium.

I will not be able go through the report as the rules compel, but I will be able to highlight just a few issues of interest to this House.

First, the European Union is still insisting on us operating as separate entities, that is, the African group, the Caribbean group, and the Pacific group. We went through the Rules of Procedure for the three separate entities, but this, of course, hurt us a lot. However, there was nothing we could do because they said the Council of Ministers had already agreed to the general principle.

We agreed to the general principle of the Rules of Procedure for the three separate Houses. We were more or less similar, but we focused more on the Africa region.

The most important issue of interest to this House is that the Ugandan delegation played a critical role in amending the rules to make them favourable to our operations in the Assembly. I think that is where Uganda should feel proud of our leader of the delegation, the Deputy Speaker, and the membership of the delegation.

Furthermore, we were very hurt that it looked as if the theme of the Assembly particularly the closing session, was targeting Uganda. This is because the Deputy President of the European Union Parliament came up with that theme that seemed to condemn Uganda and any other country that would want to decampaign homosexuality.

As the Ugandan delegation, we felt this was unfair because we are legitimate members and we did not join in order to forego our sovereignty. We demanded that the European Union withdraws that statement. I hope the diplomatic team will follow it up.

Otherwise, Madam Speaker, we cannot continue transacting business after we were condemned officially. We were condemned even after knowing very well that the terrorists attacked Uganda. So, while we are suffering from a terrorist attack, we are being condemned by the same people who should be protecting us.

Finally, the committee was able to pass a number of resolutions, which I will read just for the record; a number of these resolutions are of interest to us.

First of all, we have been able to formalise the Women's Forum, which will be aligned with a budget to ensure we follow up on how the women's emancipation issue is being handled by OACPS and the European Union.

We have also formalised the Youth Forum. This will also be followed up with a formal budget and institutionalisation.

Madam Speaker, the resolutions that were passed - of course, you will find them in the

report copy that will be placed in the library, but briefly:

1. Committee one was able to deal with enhancing cooperation on maritime security and promoting the rule of law on the seas. I want to put on record that Uganda was on record to condemn the dumping of dangerous chemicals into African seas. This is a very dangerous issue and I think we need to follow it up in all fora.
2. Committee II was able to come up with a list of non-cooperative tax jurisdictions and a list of Third World countries regarding anti-money laundering and counter-financing of terrorism. Third World countries are being targeted for not following the law of anti-money laundering. Even some of us who have done so much on that line, are being condemned that our laws are still not strict enough.
3. Committee III came up with strengthening parliamentary solidarity and political will for road safety in member countries of the OSCPS and EU, including safe infrastructure. We were able to tell them that Uganda is ahead on this matter and I think we did not lie.

Madam Speaker, the most important thing that I want to record again is that we still feel that OACPU - EU has been strong because we have been operating as a solid group against the European Union. The moment Africa, the Caribbean and the Pacific (ACP) are separated, we are going to speak in our individual voices and will not make the same impact that we have made in the past.

Something must be done about this. That is why we are saying all of us must lobby our heads of state to ensure that we do not sign the final agreement until we are allowed to stand together as a solid group of three continents; standing together to defend ourselves.

The second issue, there are so many prescriptions hidden in the new Continuum Agreement that need to be unpacked and we must find an opportunity to unpack them and understand where it is that they have put a limitation for us. We need to unpack when we get the time and we were praying that when Pan-African Parliament will be having a session here, we should have a session with the African group and be able to unpack that new Continuum Agreement and be able to identify areas which do not go well with the ACP group.

Madam Speaker, I beg to submit.

THE SPEAKER: Thank you so much, Hon. Cecilia. We will have the report in the library and you will all have access. Kindly lay it on the Table. Yes?

MS OPENDI: Thank you, Madam Speaker. It is not the first time we are talking about this post-continuum agreement. I recall the last time I raised this matter, the Minister of Foreign Affairs, Hon. John Mulimba - fortunately he is here - informed us that as Uganda, they did not initial on that agreement.

Madam Speaker, this document which is being hidden; I do not know why we cannot get a copy as Parliament so that this document can be referred to the Committee on Legal and Parliamentary Affairs to scrutinise so that we can discuss.

The reason we are being divided as Africa, the Caribbean and the Pacific, is to weaken us because when we stood together as a bloc, we were actually stronger.

I know His Excellency the President, while meeting the Members of Parliament from Africa who attended the family meeting that we held in April, did indicate that he was not going to sign.

However, I want to request you, Madam Speaker, to use your office to ask the Minister of Foreign Affairs - if we can have that document, in whatever form, laid on the Floor of this House so that people can have an opportunity

to look at it and the relevant legal committee can help us equally scrutinise it. Thank you.

THE SPEAKER: The minister is in the House.

2.47

THE MINISTER OF STATE FOR FOREIGN AFFAIRS (REGIONAL AFFAIRS) (Mr John Mulimba): Madam Speaker, thank you. Indeed, I want to acknowledge that this matter came up at that time, raised by Hon. Sarah Opendi.

Madam Speaker, the responsibility of the Ministry of Foreign Affairs -

THE SPEAKER: I want you to respond according to rule 40.

MR MULIMBA: Madam Speaker, the responsibility of the Ministry of Foreign Affairs in as far as treaties, conventions and agreements are concerned is to act as the depository of concluded treaties, conventions and agreements. When they are not concluded, we cannot pursue them.

Secondly, to allude to your call with respect to rule 40(4), if I am not mistaken, it alludes to the fact that the Ministry of Foreign Affairs will relay arguments that have been ratified by the Cabinet on the Floor for further transmission to the responsible committee for scrutiny.

Madam Speaker, as I have said, we do not have that treaty yet ratified, assented to, or signed to and, therefore, we do not have it with us.

THE SPEAKER: The subrule you are talking about is about laying drafts to Parliament periodically.

One provides that the minister responsible for the retreats, protocols or international agreements shall lay before Parliament a treaty, protocol or an international agreement entered into by the Government of Uganda within a period of six months after it has been concluded or signed. Do you want to tell us you have not entered into any agreement?

MR MULIMBA: Madam Speaker, I am speaking with the precise reference to the protocol under question, which is the Post-Cotonou Agreement. On this Floor, I did mention that Uganda has never initialled, and neither have we signed. And, therefore, as the Ministry of Foreign Affairs, we do not have possession.

THE SPEAKER: Okay, now that you do not have that, which one do you have? Can we have the ones that you have signed, laid before Parliament?

MR MULIMBA: Madam Speaker, recently, my ministry wrote to the Clerk to Parliament requesting for space on the Order Paper to do exactly the same. And I am very sure that letter was received because we have a received a copy at our ministry, requesting that we lay a protocol, which was recently passed by the Cabinet on this Floor.

THE SPEAKER: Can we have not only what was passed, but all the agreements and treaties that are pending to be presented to the House? So, we will have you on the Order Paper tomorrow.

MR MULIMBA: Most obliged, Madam Speaker.

THE SPEAKER: Thank you. Yes, Hon. Asuman Basalirwa - I was giving permission to Hon. Asuman; you are still on "suspension".
(Laughter)

2.50

MR ASUMAN BASALIRWA (JEEMA, BUGIRI MUNICIPALITY, BUGIRI): Thank you, Madam Speaker. The matter before discussion - as we discuss the suspension, I want to find out from the minister, whether as a country, we are really interested in that protocol because it is important to come out very clearly.

What is true, is that there is a copy, which was initialled. However, also know that initialling a treaty or a convention does not in itself signify ratification because the Ratification of Treaties

Act, which this Parliament passed, is very clear. But are we interested in that treaty? And if we are, what is stopping us from ratifying it?

If we also have issues with the treaty, Madam Speaker, under the treaty law, there are what we call reservation clauses. You get a treaty, you are uncomfortable with the provision, and you express a reservation. What that means, is that that particular provision will not bind the country. So, you have the treaty signed but subject to reservations.

What is stopping us from having that treaty concluded so that we cease to have this ping pong, that seems to be affecting us? Why are you initialling a document that you do not want to bind you?

THE SPEAKER: Where is the document, which was initialled?

MR BASALIRWA: First of all, Madam Speaker, the document, which was being referred to by Hon. Sarah Opendi, at that time - there was confirmation here that it had actually been initialled by the minister.

THE SPEAKER: But where is it?

MR BASALIRWA: They have it.

THE SPEAKER: Let us talk with facts.

MR OGUZU: Madam Speaker, Hon. Basalirwa has made reference to the Treaties Ratification Act. And under that law, it is either the Cabinet or Parliament that must ratify treaties. So, I want him to clarify to me; who is responsible for ratifying that treaty that we are talking about, is it the Cabinet or Parliament? If it is the Cabinet, we will have to ask them why they are not ratifying. If it is Parliament, Madam Speaker, you will have to provide leadership so that we can ratify that treaty. Thank you.

MR BASALIRWA: Madam Speaker, our Constitution, in Article 123, talks about the execution of treaties, conventions and agreements. Specifically, in Clause 1, it says

that the President, or a person authorised by the President, may make treaties, conventions, agreements or other arrangements between Uganda and any other country and international organisation or body.

What Parliament does is the process of ratification because ratification is actually domestication. Therefore, the conclusion of a treaty - the one who signs, is actually the President or a person authorised by the President. This is what our Constitution says.

THE SPEAKER: There is a procedural matter.

MR ALIONI: Thank you, Madam Speaker. I think you ruled on this matter. And you clearly said that tomorrow, the ministry will be on the Order Paper. They should come and lay all other documents that they have so that we can go through them. So, Madam Speaker, are my colleagues procedurally right to continue debating a matter that you have ruled on?

THE SPEAKER: Actually, that is why we missed you, Hon. Alioni. Honourable members, tomorrow we shall have all the treaties laid on the Table. We also have treaties that we referred to the Committee on Foreign Affairs, in regard to rule 40(2). The report should be ready soon. Honourable chairperson, when do we have the report on treaties? You are supposed to examine all the treaties.

2.55

MR FRED OPOLOT (NRM, Pingire County, Serere): That report should be ready next week, Madam Speaker.

THE SPEAKER: We need to have that report and see how many treaties we ratified and debate that issue.

2.56

MR MUHAMMAD NSEREKO (Independent, Kampala Central Division, Kampala): Thank you. Madam Speaker, I would like to thank my honourable colleague here. On top of the regional treaties we seek that you present to this House, something that is making rounds in the minds of people; the

bilateral agreement that was signed between the Government of Saudi Arabia and the Government of Uganda on the externalisation of labour.

You have heard of our young people there starting to say that their employers have been instructed to deduct certain amounts of money from their wages, at the request of some agencies from Uganda in lieu of a contribution meant for their social security. So, please also present that bilateral because, for as long as we do not know, what is envisaged in what you signed to give them the answers that they deserve. Otherwise, there is a worry that these externalised workers or the young domestic workers that are working mainly in the Arab world, under such difficult conditions are not aware of what bilateral was signed.

Most are complaining about their working hours, some are stating that they are working over 18 hours, and working in houses where you have over 20 people. So let us look at that bilateral so that we can ably, submit when we come across these different questions. The question of their social security and their working hours, Thank you, sir.

THE SPEAKER: Do you have anything to say on that?

MR MULIMBA: Thank you, Madam Speaker. I want to thank colleagues for their concerns.

Madam Speaker, the issue of the Ratification of Treaties Act, Cap 204 is very emphatic on the procedures, on how to have conventions, protocols and treaties end up with the Ministry of Foreign Affairs, and I would like to emphasise this, Madam Speaker. The Ratification of Treaties Act, Section 5, mandates the Ministry of Foreign Affairs to act as the depository, after the conclusion.

I do agree that Uganda has signed with the Royal Kingdom of Saudi Arabia but before they are deposited with the Ministry of Foreign Affairs, we cannot go searching for them. And as far as I am concerned, the Ministry of Foreign Affairs is not depository yet.

Therefore, we will be constrained to bring any information in respect to that and I know the respective MDA is the Ministry of Gender. Thank you.

THE SPEAKER: I thought it was collective responsibility? And it was from the Cabinet. You mean you are not coordinated, Gender and Foreign Affairs?

MR MULIMBA: Most obliged. Yes, we play a collective responsibility but in this very law, if you look at ratification of treaties –

THE SPEAKER: No, we are speaking specifically about this agreement between Saudi Arabia and Uganda; it is about our children who are working there.

MR NSEREKO: Madam Speaker, there is something that is so controversial. Our young domesticated children were supposed to be receiving a certain Cap of wages. However, what happened is that the Ministry of Gender or the Republic of Uganda entered into an agreement because there was a lot of talk about how they were being treated.

It is good for our girls to go and work, but they are saying that even the little monies they have been getting-someone is threatening to impose another collection of social security without them being aware.

Some of them have already committed these funds, for example; some are buying land in Kamwenge and all their funds have been committed to their salary loan schemes in order to put up some infrastructure at home. So, at the end of the day they do not know whether it is part of the agreement that was signed or not.

The only way for us to know is for the honourable minister to coordinate with the Ministry of Gender and present this agreement to us so that we can dissect it and represent our people ably.

THE SPEAKER: Honourable minister, can you coordinate with the minister of Gender and have that agreement on the Floor.

MR MULIMBA: Madam Speaker, I agree. The role of coordination rests in the ministry of Foreign Affairs, but sometimes –

THE SPEAKER: I am giving you an instruction; can we have the agreement on the Floor? And we want it tomorrow.

MR MULIMBA: We shall write to the Minister of Gender - (*Interjections*)- if they are here they can also do that because we do not have it yet.

THE SPEAKER: Yes, Ministry of Gender?

3.00

THE MINISTER FOR STATE FOR YOUTH AND CHILDREN AFFAIRS (Ms Sarah Nyirabashitsi Mateke): Thank you, Madam Speaker. It is very true that the Government of Saudi Arabia wrote to us telling us that but as we speak now we are in negotiations with them because we gave them our minimum wage, so maybe -

THE SPEAKER: What was in the original agreement?

MS NYIRABASHITSI: Madam Speaker, I request that you allow us present this tomorrow. Thank you.

THE SPEAKER: No problem. Bring and present it tomorrow.

REPORT OF THE COMMITTEE ON
FOREIGN AFFAIRS ON ITS OVERSIGHT
VISITS TO:

- A) THE CONSULATE OF UGANDA IN MOMBASA;
- B) THE HIGH COMMISSION OF UGANDA IN NAIROBI; AND
- C) THE HIGH COMMISSION OF UGANDA IN DAR ES SALAAM

THE SPEAKER: Honourable members, as I said before, this is also pursuant to Rule 34 of the Rules of Procedure. The chairperson will only give brief notes on it and he will deposit it to the library for you to get time and always make reference to it.

3.03

MS NORAH BIGIRWA (NRM, Woman Representative, Buliisa): Thank you, Madam Speaker, for the opportunity to present this report regarding our findings when we went for the oversight visit, and to lay it on the Table.

On behalf of the Committee on Foreign Affairs, allow me to lay on the Table a report of the Committee on Foreign Affairs on its oversight visit to the Consulate of Uganda in Mombasa, the High Commission of Uganda in Nairobi and the High Commission of Uganda in Dar es Salaam.

Madam Speaker, we would like to appreciate you as the Committee on Foreign Affairs for supporting us to execute our mandate in the missions, 38 of them in number, we have been able to move to some of them and we are here giving a number of reports.

In accordance to Rule 33(1) of our Rules of Procedure, as in the report laid on the Table but also, in accordance to Rule 33(2) of the Rules of Procedure, I beg to present a brief summary of the report and highlights of the key observations, and recommendations contained in the report of the oversight visit to the Uganda Consulate General in Mombasa, the Uganda High Commission in Nairobi and the Uganda High Commission in Dar es Salaam.

Madam Speaker, as a committee, we had a number of terms of reference we were looking at, among them we had to establish the status of the Mission Charters, infrastructure and their capacity to implement economic and commercial diplomacy; to assess the staffing levels of foreign service officers and matters pertinent to human resource and among others; to examine the relationships between missions and Ugandan nationals living within their respective areas of jurisdiction.

Many of the issues in our missions are crosscutting. And therefore, the observations and recommendations that we are coming up with in summary are also cross cutting, and I want to be very brief.

One of the issues we were looking at is the issues of property and property development. Uganda owns a number of property in Mombasa, which alone has got 23 properties managed by Uganda Property Holdings Limited. And I would like to lay on the Table the 23 properties that belong to the country.

In Nairobi, Government of Uganda also owns Uganda House, it is a prime commercial structure located along Kenyatta Avenue in the central business district. We want to appreciate Government for the money that has been extended to this mission this far.

The renovation of Uganda House is going on and we only request Government to complete the remaining monies so that they can fully complete it because you know that we shall be able to increase the Non-Tax Revenue (NTR) if the structure is completed.

THE SPEAKER: Honourable members, do not go out; we have a Bill, and with Bills, we need quorum. Hon. Koluo, come back. *(Laughter)*

MS BIGIRWA: Still on the issue of properties. Honourable members, you could be aware that we have a number of undeveloped plots in some of our missions. And as a country, we risk losing this very strategic plots. It is therefore, important that we appropriate funds to be able to develop these plots. If we do not, it is going to be a very big embarrassment for us.

In Dar es Salaam alone, we have got an undeveloped plot, very prime indeed. Secondly, the official residence of the High Commission was condemned and therefore, it is not being occupied but we are having a lot of costs in trying to maintain it. It is as if it is not being occupied.

And fully aware that we are supposed to relocate to Dodoma, this specific mission was not given monies for development. It is therefore, important that we try to appropriate funds to Dar-es-Salaam to enable us have a phased way of developing the plot that was given to us; two acres of land by the Government of Tanzania to prepare for relocation.

Under economic and commercial diplomacy

The East African Region remains a vital and strategic market for Uganda's exports; where Kenya and Uganda have been top trading partners for decades despite some bilateral trade challenges. It is very unfortunate that sometime back, the Ministry of Foreign Affairs and the Government came up with a project that is very key in appropriating funds under Economic and Commercial Diplomacy (ECD). The pilot project was in seven missions, but to date, even the seven have been reduced to five.

In our last appropriation, out of the seven missions that had been getting ECD funds, only five got. These were the missions in France, Germany, Australia, Turkey and Tanzania. We thought it would have been in the interest of the Government to have a roll-out of some of these activities, but to date, nothing has been done, yet we thought ECD would be a cash cow for our missions abroad.

Therefore, our missions are grappling with limited funding for Economic and Commercial Diplomacy programme. While the Ministry of Foreign Affairs highlighted ECD as a major programme activity for Financial Year 2022/2023, the committee has noted, with great concern, that the activity was not allocated funds and, hence, all missions struggled to sustain activities which were previously funded under ECD. It has become difficult for our missions to engage with their host countries. How do we transact business if our missions are not facilitated?

On top of that, in our last budget, there was a total scrap-off of travel abroad - we are talking about 38 foreign missions not being given travel abroad funds. What are we doing as a country? How do we expect to carry out ECD activities if our heads of missions are not able to travel? This is something that this Parliament and the country at large must consider –

THE SPEAKER: Honourable members, the missions, which are not facilitated are the foreign missions.

MS BIGIRWA: Thank you for the emphasis, Madam Speaker. We have got 38 foreign missions, some of which have a bigger number of accreditation. For example, Nigeria has got 16 countries of accreditation. How does the Ugandan High Commissioner to Nigeria go to all these countries without – *(Interruption)*

THE SPEAKER: There is a point of procedural matter.

MR SSEMUJJU: Madam Speaker, you invited the Chairperson, Committee on Foreign Affairs to present the report on Mombasa, Nairobi and Dar es Salaam. However, she seems to be presenting a general report on all the missions, something which she did when we were handling the policy statement.

THE SPEAKER: She mentioned cross-cutting issues.

MR SSEMUJJU: The procedural issue I am raising is whether that presentation, other than the laying of the paper, may not require debate, Madam Speaker.

THE SPEAKER: If you want to debate it – I said it is good for your information and it is going to be in the library, and it is under rule 34. She is just making a summary and giving cross-cutting issues affecting these foreign missions. *(Applause)* So, can you make a summary?

MS BIGIRWA: Thank you for that guidance. We recommend - the reports that we have, as the docket for foreign affairs, have got many issues, which need our attention. It would be very important for us to understand what is going on at our missions. I implore all of you to go through these reports so that when it comes to the time for appropriation, we are able to understand that there is need to take serious action. Thank you very much, Madam Speaker.

THE SPEAKER: Thank you so much. Ministry of Foreign Affairs, the chairperson is talking about foreign missions without funding. I was actually surprised that even the Uganda Mission in Dubai is not funded. It

is like milking a cow which you do not give water. That is what you are doing. How can you fail to fund a foreign mission, yet these people are supposed to move from one country to the other? There is a big problem if you cannot fund Dubai, where you get a lot of investors from.

Yes, Hon. Okot.

MR JOHN AMOS OKOT: Thank you, Madam Speaker. As the chairperson was making the presentation, the brief and the cross-cutting issues, I was attentive. Wouldn't it be procedurally right for you to give time to the House to debate the report so that we talk deeply about it and make even more recommendations?

THE SPEAKER: We will have time to debate all the reports from the Committee on Foreign Affairs. Next item. Okay, yes, Hon. Isaac Otimgiw.

MR OTIMGIW: Thank you, Madam Speaker. I know you will give us time to debate this report. However, since the chairperson of the committee mentioned a number of properties that most of us here and the Ugandans watching do not know that the country owns these properties abroad. Now that the directive is for only Members of Parliament to have access to this information in the library, I was wondering whether we could have these properties mentioned on record for the Ugandans out there to also know. Some of them are being sold secretly. Thank you.

THE SPEAKER: Honourable minister, we need to know the properties we have. We may not want liabilities, but we want know the assets. *(Laughter)* We need to know the assets and liabilities which your ministry has, especially outside the country. I visited them when I was still on the committees – those in Mombasa, London and other places. So, we need that information.

MR MARTIN MUGABI: Thank you, Madam Speaker. An issue was raised in this House, regarding the high cost of cooking energy.

Madam Speaker –

THE SPEAKER: That one will come as a substantial item on the Order Paper. Next item.

You know, if you were Panadol, I would understand. *(Laughter)*

MOTION SEEKING LEAVE OF THE
HOUSE TO INTRODUCE A PRIVATE
MEMBER'S BILL ENTITLED
"THE MAGISTRATES COURTS
(AMENDMENTS) BILL"

THE SPEAKER: Honourable members, this motion is in furtherance of Article 94(4)(b) of the Constitution of the Republic of Uganda, which grants a Private Member the right to move or initiate a Private Member's Bill.

As we all know, when you deprive a Member the right to do this, you deny them justice. We need to allow our Members to bring amendments and Bills to the House. It is your right, as a Member of Parliament, according to the Constitution. I now ask Hon. Akamba to come and present his motion.

3.17

MR PAULAKAMBA (NRM, Busiki County, Namutumba): Thank you, Madam Speaker. I rise to move a motion seeking leave of the House to introduce a Private Member's Bill entitled, "The Magistrates Courts (Amendments) Bill".

I move under rules 56, 121 and 122 of the Rules of Procedure of Parliament. The motion reads:

"WHEREAS Article 79 of the Constitution of the Republic of Uganda empowers Parliament to make laws on any matter for the peace, order, development, and good governance of Uganda;

AND WHEREAS Article 94(4)(b) of the Constitution and Rules 121 and 122 of our Rules of Procedure permit a Member of Parliament to move a Private Member's Bill;

AWARE THAT Articles 120 and 223 of the Constitution of the Republic of Uganda create

the Office of the Director of Public Prosecution and Inspectorate of Government, respectively, and bestows on them the power to institute criminal prosecution against any person under Article 120(3)(b) and Article 230(1) of the Constitution respectively;

NOTING THAT Section 42 of the Magistrates Court Act, Cap 16, empower private individuals to institute criminal proceedings against any person;

FURTHER NOTING THAT Article 120(3) (d) of the Constitution and Section 43 (1) (a) and (b) of the Magistrates Courts Act, Cap 16, mandate the Director of Public Prosecution to take over and continue or discontinue the prosecution of criminal proceedings instituted by a private person;

CONSIDERING THAT the taking over and continuing or discontinuing of private criminal proceedings by the Director of Public Prosecution is intended to guarantee the credibility of the process and prevent abuse of justice;

CONCERNED THAT in instituting private criminal proceedings, the Magistrates Court Act vests power in only the magistrate and local chief to make inquiries before drawing up a charge against an accused person, which process does not facilitate thorough investigations and the gathering of sufficient evidence to sustain a charge against an accused person;

MINDFUL of Article 120(5) of the Constitution, which requires the Director of Public Prosecution in exercising his or her powers under the Constitution to have regard to the public interest, the interest of the administration of justice, and the need to prevent abuse of legal process, there is need for the state to take a lead in executing criminal proceedings against any person through the offices established by the Constitution;

NOW, THEREFORE, be it resolved that Parliament grants me leave to introduce the Bill to amend the Magistrates Courts Act, a draft of which is attached hereto."

Madam Speaker, I beg to move.

THE SPEAKER: Is the motion seconded? Okay, it is seconded by Hon. Basalirwa, Hon. Obigah Rose, the Youth Member of Parliament, Hon. Kateshumbwa with his Woman Member of Parliament, Hon. Olanya, Hon. James, Hon. Kamuntu, Hon. Esther, Hon. Komakech and the whole House.

Honourable members, it is not a matter of shouting - you must know what - I know some of you do not understand what the Member is moving.

Honourable member, justify your motion.

MR AKAMBA: Madam Speaker, I wish to re-echo the provisions of the Constitution on the institution of criminal proceedings, which is Article 120 and Article 223 of the Constitution which create the Office of the Director of Public Prosecution and the office of the Inspectorate of Government, respectively. The state is better placed to handle prosecution as envisioned in the Constitution for the following reasons:

Since the Office of the Director of Public Prosecution and the Inspectorate of Government are a creation of the Constitution, the State sets aside significant resources for the offices to carry out their roles. As such, the offices have employed a significant number of public prosecutors and established themselves in different parts of the country to ably handle prosecutions. The structures of the two offices have stood the test of time and grown to handle the institution of criminal proceedings.

The officers are also vested with skills and competencies to institute criminal proceedings, which the magistrate or local chief cannot be said to have. Criminal proceedings, by their nature, require the collection of sufficient evidence. The Office of the DPP and the IGG carry out in-depth investigations before they can sanction a file. In fact, in practice, the DPP indicates on a file that the evidence collected is sufficient for charges to be laid against the accused person.

The reliance on a magistrate alone and a local chief of an area, as required in the Magistrates Courts Act, cannot be equated to the arm of the two offices that collaborate with other security agencies in evidence gathering and ensuring collection of water-tight evidence.

Furthermore, the Magistrates Court Act makes it discretionary for the magistrate to direct investigations or further investigations by the police. Therefore, a magistrate can choose whether or not he or she intends to involve the police in the investigations. The Office of the DPP and the IGG rely on the police and other security agencies to carry out necessary investigations. The courts are required, under Article 128 of the Constitution, to be independent.

Relying on a judicial officer to carry out an investigation does not respect the doctrine of separation of powers. The doctrine envisions the division of Government responsibilities in two distinct branches to limit any one branch from exercising the core functions of another, or even interfering with the other.

The Magistrate's Court Act is silent on whether the same judicial officer can investigate and try his own case, in the case of a private prosecution, which can actually occur.

In court proceedings, the prosecution has a big burden of proving a case beyond reasonable doubt, the aspect of which reasonable doubt requires a heavy reliance on evidence which can be direct or circumstantial. This shows that where the evidence adduced is weak, it will consequently impact the outcome of the case. The evidence collected by the magistrate and the local chief may only pass the test sustaining a charge, but not to prove the case beyond reasonable doubt.

I beg to move, Madam Speaker.

THE SPEAKER: Thank you. Yes, Hon. Basalirwa.

3.26

MRASUMAN BASALIRWA (Jeema, Bugiri Municipality, Bugiri): Thank you, Madam Speaker. I stand to support the motion and I am going to premise my argument on three areas:

First of all, the framers of our Constitution envisaged that matters to do with prosecution are a preserve of the Directorate of Public Prosecutions. Although there are provisions under the same Constitution that allow private prosecutions, ultimately, the same Constitution allows the DPP to take over all private prosecutions. No wonder, in the history of the country, we have not seen a private prosecution successfully concluded without it being taken over by the Directorate of Public Prosecutions.

Secondly, it is also true that this particular provision, Section 42, is likely to create a miscarriage of justice, where a judicial officer is empowered to investigate a matter, but also creates a possibility of that judicial officer hearing a matter they investigated. It should not have been the intention of the framers of the Constitution to create such a scenario.

Madam Speaker, this particular amendment is, in effect, not taking away the authority or power of private individuals to carry out prosecutions. After all, the Anti-Torture Act retains that authority. This particular provision, unfortunately, gives authority to a judicial officer to be a judge and, at the same time, an investigator. That, in itself, has a likelihood of creating a miscarriage of justice. I, therefore, beg to support the motion.

THE SPEAKER: Thank you. Hon. Rose?

3.29

MS ROSE OBIGAH (NRM, Woman Representative, Terego): Thank you, Madam Speaker. In the same vein, I stand to defend this motion. There is presumption of innocence and the burden of proof is squarely on the prosecution, and they have to prove beyond reasonable doubt. If we leave this particular section to the chiefs to justify, there will be miscarriage of justice.

We have a structured DPP with all the manpower and capacity to handle all criminal cases in this country. In this particular case, Madam Speaker, I know that they will be able to dispense justice and do it professionally other than having chiefs involved in such a critical area.

Madam Speaker, this particular area can also be abused, especially by political or business enemies. So, I suggest and conclude that we leave this to be handled by the DPP other than private practitioners. Thank you, Madam Speaker.

THE SPEAKER: Thank you, Hon. Rose. Attorney-General?

3.30

THE DEPUTY ATTORNEY-GENERAL (Mr Jackson Kafuuzi): Thank you, Madam Speaker. I have listened to the mover and seconders of the motion. They do present some kind of conundrum that would, ideally, require some scrutiny.

I seek that you give us at least two weeks as the Attorney-General's Chambers, the First Parliamentary Counsel, Uganda Law Reform Commission and the DPP's office to harmonise with the mover of this motion and we see what needs to be done. Thank you.

THE SPEAKER: The mover is only seeking for leave. When it comes for first reading, we will give you time to harmonise. For now, let us grant the mover leave.

I put the question that this House grants leave to Hon. Paul Akamba to introduce a Private Member's Bill entitled, "The Magistrates Court (Amendment) Bill".

(Question put and agreed to.)

THE SPEAKER: Honourable members, in furtherance to rule 121(2), I urge the Clerk to offer assistance to the Member. Thank you. Hon. Paul Akamba.

MR AKAMBA: Thank you, Madam Speaker. I take this opportunity to thank you and colleague Members of Parliament for supporting my motion and granting me leave to bring this Private Member's Bill. I assure you that I am going to handle it expeditiously and, very soon, the Bill will be tabled. *(Applause)* I thank you.

THE SPEAKER: Thank you. Next item.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE ON TOURISM, TRADE AND INDUSTRY ON INVESTIGATIONS INTO THE UTILISATION OF SUPPLEMENTARY BUDGET FOR FINANCIAL YEAR 2021/2022 BY THE MINISTRY OF TRADE, INDUSTRY AND COOPERATIVES FOR RENT OF NEW OFFICE PREMISES

THE SPEAKER: Honourable members, rules 159 and 189 of the Rules of Procedure prescribe the functions of committees and these include monitoring public funds and the performance of entities, which fall under them. The Committee on Tourism, Trade and Industry was requested to inquire into the public expenditure and that is what they are going to report on. I now ask the Chairperson, the Committee on Tourism, Trade and Industry to present the report and, after, we will debate it.

Honourable members, I also have information that there are mercenaries in this House over this matter.

THE SPEAKER: Thank you Hon. Rose Obigah. Yes, Attorney-General.

3.30

THE DEPUTY ATTORNEY-GENERAL (Mr Jackson Kafuuzi): Thank you, Madam Speaker. I have listened to the mover of the motion and the seconders; they present some kind of conundrum that would ideally require some scrutiny. I seek that you give us at least two weeks, as Attorney-General's Chambers with the first Parliamentary Council, Law Reform Commission and the DPP's Office to harmonise with the mover of this motion and see what needs to be done. Thank you.

THE SPEAKER: The mover is only seeking leave. When it comes for first reading, we will give you time to harmonise. For now, let us grant the mover leave.

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(Question put and agreed to.)

Honourable members, in furtherance to rule 121(2), I urge the Clerk to offer assistance to the honourable member. Thank you. Hon. Paul Akamba?

MR PAUL AKAMBA: Thank you, Madam Speaker. I take this opportunity to thank you and honourable colleagues for supporting my motion and granting me leave to bring this Private Member's Bill. I would like to assure you that I am going to handle it expeditiously and very soon, the Bill will be tabled. Thank you.

THE SPEAKER: Next item.

MOTION FOR ADOPTION OF THE
REPORT OF THE COMMITTEE ON
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Honourable members, I also have information that there are mercenaries on this matter in this House.

MR THEODORE SSEKIKUBO: Thank you, Madam Speaker. I do not know how this Parliament is going to proceed since the Speaker has alluded to matters that could be impacting on Member's submission on this topic.

Madam Speaker, I would like to draw your attention and the attention of the House-

THE SPEAKER: Is the procedural matter you are raising on what is going to be discussed?

MR SSEKIKUBO: Exactly.

THE SPEAKER: What procedure - what have you heard?

MR SSEKIKUBO: Madam Speaker, if you could allow me just a moment to raise the point. The performance of this Parliament and its committees is well structured - Matters in relation to public expenditure fall under the ambit of rule 174.

Madam Speaker, once you talk about expenditures, you must be talking about audits. The sectoral committee falls under the ambit of rule 189, which talks about policy, scrutiny of the budget and all matters that fall thereunder.

There is a danger, not necessarily of this matter here, but how will this Parliament proceed on matters which call for accountability? Yet, we have an officer of this Parliament called the Auditor-General.

Bearing in mind that Members have experiences and expertise in carrying out their scrutiny based on audited reports for which, we, as Parliament, know very clearly that those under the sectoral committee are very different matters handled differently - Unless Madam Speaker, it falls under rule 190, where the committee can turn itself - *(Interruption)*

THE SPEAKER: Order.

MR SILWANY: Madam Speaker, I rise on a point of order. Hon. Ssekikubo is one of the most senior Members of this Parliament and I really respect him.

I am constrained but I have to do this - We are barred by our rules to debate in anticipation in this House. Is it in order, for Hon. Theodore Ssekikubo, a senior Member of this House, to raise a procedural matter anticipating what is going to happen when the report has not been presented by the honourable member?

THE SPEAKER: Honourable members, I would like to take you to rule 189 on functions of sectoral committees, specifically (e) and (f) say, “... (e) to monitor the performance of Ministries, Departments and Agencies; (f) to monitor Government compliance with approved plans and programmes.”

That is one of the functions of a sectoral committee and that is exactly what the committee did.

As I said before, and I am repeating this without fear or favour, some of you are mercenaries. Can we go on? Chairperson of the Committee, can you present? - (*Mr Ssekikubo rose*)- Sseki, first sit.

3.39

MR DENIS OGUZU (FDC, Maracha County, Maracha): Madam Speaker, thank you for your stewardship. I want to address myself to Rule 85 and Appendix F of our Rules of Procedure, which relates to our Code of Conduct as members of Parliament. Madam Speaker, Code of Conduct 9 talks about acting as a paid advocate which is against our rules. Wouldn't it be procedurally right, for once we get to identify who is acting as a mercenary or a paid advocate in this House, such that we do not input improper motive on this House because some of us are scared that out there the public is looking at me as a mercenary, something that I am not, and yet the rules have clearly guided on how I am supposed to be. Can't we find out who is a mercenary before we proceed on this matter?

THE SPEAKER: We shall find out from the debate. We shall find out from when they are presenting.

Honourable Ssekikubo, we will allow you to bring your argument after we have had the report. Let us hear the report. What is important- Listen. Honourable members, do not make me run out of my patience. Can I have the report presented?

MR SSEKIKUBO: Madam Speaker, this is our House and we stand here in that capacity- where can be stifled. I am ready to be investigated if I am one of them and just a while ago you said the Committee on Trade should investigate itself as to what happened there. I am not a member of the Committee of Trade and here they come with a report-

THE SPEAKER: Listen. I did not say it should investigate itself but it should investigate an activity- a ministry that falls, under trade. At least I learned a little English. I did not speak in Ateso.

MR SSEKIKUBO: Most obliged, Madam Speaker but where the integrity of this House is concerned, I would be the last person to stand here. And if-

THE SPEAKER: So, what is your issue?

MR SSEKIKUBO: An item was read and I could see clearly that it is in the realm of the rules 174, if you had given me permission to read rule 174, vis-à-vis rule 189 which talks about the Sessional Committee, so that this House can be guided in a manner that shall stand the test of time.

THE SPEAKER: Hon Ssekikubo, I said this report is presented under Rule 159 and 189. That is what I said.

3.42

THE CHAIRPERSON, COMMITTEE ON TOURISM, TRADE AND INDUSTRY (Mr Mpaka Mwine): Thank you, Madam Speaker. Just for the record, Honourable Members and Madam Speaker, the Trade Committee of the

11th Parliament has blocked money that has been allocated to cooperatives twice in the two financial years while presenting ministerial policy statements and we have come here and given our justification as to why that money should not be appropriated.

I beg to lay the minutes of the report of the Sectoral Committee on Tourism, Trade and Industry on the investigations into the utilisation of the supplementary budget for the Financial Year 2021/2022 to the Ministry of Trade, Industry and Cooperatives for rent of new office premises. I beg to lay the report.

Madam Speaker and honourable members, for the interest of time, I may not read everything, but the introduction on page 4, Parliament of the Republic of Uganda approved the allocation of 5 billion through Supplementary Expenditure Schedule No.1 for the Financial Year 2021/2022 to the Ministry of Trade, Industry and Cooperatives according to the justification by the Ministry of Trade for the request for the supplementary. The allocation was for rent of new office premises. While scrutinising the Ministerial Policy Statement for the Financial Year 2023/2024 and the Annual Budget Performance Report, Financial Year 2021/2022 of the Ministry of Trade, the committee established that 5 billion for rent of new office premises was instead utilised for renovation of office premises for the at Farmers House -

THE SPEAKER: Honourable members, listen. If you want to talk, then first go to the corridor and finish your talks.

MR MPAKA: As opposed to the purpose for which the same ministry had requested the supplementary.

The committee further established that in the annual budget Financial Year 2022/2023, the Parliament also approved 3 billion for renovation of office premises for the Ministry of Trade in view of the above;

The Committee has therefore established that the Ministry of Trade had a total of 8 billion to utilise on renovation.

Parliament is mandated under Article 164.3 of the 1995 Constitution to monitor all expenditure of public funds, according to Article 90, Parliament efficiently executes its mandate through its committees. It is therefore, under this preserve of the Committee of Tourism, Trade, Industry and Cooperatives to monitor the performance of the Ministry of Trade, Industry and Cooperatives and its agencies as provided under Rule 189(a)(d)(e) and (f) of the Rules of Procedure of Parliament.

Methodology

The committee applied the following methods of work during the investigations:

We had meetings with several stakeholders. We had written memoranda, including memoranda from the Cybercrime Unit, UDC, URA, and so many more. We also did document review - see page 6.

Findings, observations and recommendations

Shs 8 billion for renovation of the Ministry of Trade office premises at Farmers House

The process for requesting for the supplementary budget was initiated by the Acting Permanent Secretary, Mrs Grace Adong Choda, through a request to the PS/ST on 4th August 2021, Annex A as attached. In her justification for the request, the Acting Permanent Secretary stated, that the Ministry premises on the 1st, 2nd, 4th, 5th and 6th floor of Farmers House had become dilapidated and unsuitable contrary to the requirements of the occupational Safety and Health Act, 2006.

She further stated that the estimated cost of renovation required was 20 billion and therefore shifting to a befitting and more suitable environment within the city will be sustainable as the ministry waits for government to finalise the plan for relocating MDAs to Bwebajja.

In her request, she made a breakdown for Shs 8 billion for rent as follows: Shs 3 billion annual rent of total office space, 3,000 square meters, Shs 3 billion for partitioning and Shs 2 billion for office furniture.

Honourable members, on page 8, the acting permanent secretary ministry of Trade made a request for a supplementary budget for the rent of office premises on 4th August 2022 and it was granted by Parliament amounting to Shs 5 billion.

Committee observations

The committee notes that the acting Permanent Secretary Ms Grace Adong Choda requested the Ministry of Works and Transport on 28th July, 2021 to cause an inspection on proposed premises for rent namely; Kingdom Kampala and Kings square.

The Ministry of Works and Transport responded to this request on 4th August 2021 nominating a team of 4 officers to undertake the request technical inspection.

However, shockingly, the committee established that on the same day of 4th August, 2021 the acting Permanent Secretary, Ms Choda Adong Grace requested for a supplementary budget amounting to Shs 8 billion for rent of new office premises from the Permanent Secretary and Secretary to Treasury even before the nominated technical team of Ministry of Works could start it's work to access the building.

The committee observes that there was no formal process carried out as PPDA (Act), 2015 in identifying specifically, Kingdom Kampala and Kings square by the Ministry of Trade.

The committee was informed by the head procurement officer, Mr Alfred Lapyem that the acting Permanent Secretary Ms Choda Adong Grace took him for a casual visit to the two above premises before any formal process for procurement had been initiated.

The committee observes that the acting Permanent Secretary, Ms Grace Adong Choda did not base her assertions that Farmers' House was dilapidated and un suitable on any technical report from the Ministry of Works or any other competent authority before she requested for the funds for rent of new office premises.

It is therefore, the committee's considered opinion that by requesting for Shs 8 billion supplementary budget to rent new office premises in her letter dated 4th August, 2021 to the PS/ST were she stated that Farmers' House had become dilapidated and un suitable contrary to the requirements of the Occupational Safety and Health Act, No.9 of 2006. The acting permanent secretary, Ms Grace Adong Choda was basing her opinion on personal conviction.

The committee is alive to the provisions of the Occupational Safety and Health Act No.9 of 2006 specifically, sections 13 and 26 which provide for the duty employers protect workers and provide safe premises respectively.

The committee observes that section 41 of the Building Control Act, 2013 gives mandate to a competent authority to condemn a building as dilapidated or in need of a remedial action.

Regulation 36 of the Building Control Regulations, 2020 states that a building control officer shall inspect the building at regular intervals to detect any deterioration or defects in the building in accordance with the Building Control Act, 2013.

The committee finds that the acting Permanent Secretary, Ms Adong Grace Choda should have based her assertions on the technical advice in view of the above provisions of the Law.

In a nutshell, it is in the observation of the committee that the acting permanent secretary did not have the technical competence to declare Farmers' House unsuitable for occupancy.

The committee is aware that there are several other user departments/tenants occupying Farmers' House including; Education Service Commission, Public Service Commission.

They said user departments or tenants have never sought any funding from the Government to relocate from Farmer's House on the basis of the reasons the acting permanent secretary gave to the PS/ST as justification for the supplementary budget.

Furthermore, the property manager of Farmers' House, Uganda Property Holdings Limited while interfacing with the committee, informed the committee that none of the user departments/tenants including the Ministry of Trade has ever lodged a formal complaint regarding the alleged dilapidated status of Farmers' House.

The committee established that Parliament has been approving funds for maintenance of the ministry premises as evidenced in the budget financial years 2018/2019, 2020/2021, 2021/2022 through the analysis of the annual budget performances reports.

The committee established that the Ministry of Trade and Commerce has been budgeting and receiving funds from maintenance - civil for their office premises at Farmers' House as indicated. They can project but it is a total of Shs 210 million.

THE SPEAKER: Yes, Hon. Ssemujju.

MR SSEMUJJU: Madam Speaker, our rules exactly to protect you by not allowing unnecessary movement. Is Hon. Ssekikubo in order to keep moving, waving and disturbing The Speaker?

THE SPEAKER: Please go ahead (*Laughter*)

MR MWINE MPAKA: The committee therefore observes that the magnitude of dilapidation as claimed by the acting permanent secretary-

THE SPEAKER: Members, can you listen.

MR ALLAN MAYANJA: Madam Speaker, the report has been removed from the iPad.

THE SPEAKER: It was there.

MR ALLAN MAYANJA: We cannot access it.

THE SPEAKER: Hon. Olanya, first tell them whether you have seen it or not? Whoever does not have data kindly inform us that there is no

data but you can also follow it on the screen as displayed.

MR OLANYA: Thank you, Madam Speaker, you have said what I wanted to say. Maybe other iPads do not have data but in my iPad I have the report.

THE SPEAKER: Thank you, chairman. That is the Chairman of Public Accounts Committee.

MR MWINE MPAKA: The committee therefore, observes that the magnitude of dilapidation as claimed by the acting Permanent Secretary, Ms Grace Adong Choda in her later dated 4th August 2021 to the PS/ST, where she claimed that the Farmers' House building had become dilapidated and unsuitable contrary to the requirements of the Occupational Safety and Health Act, 2006; could not be justified due to the fact that by the Financial Year 2022/2023 Parliament had approved a total of Shs 210 million in the preceding financial years for maintenance-civil to the ministry of trade.

The committee is constrained to conclude that unless the above said funds were being misused or diverted to other purposes, the Ministry of Trade premises at Farmers House could not have been dilapidated to the extent envisaged under section (13,23,26) of the Occupational Safety and Health Act, 2006; necessitating relocation to other more suitable premises.

The supplementary budget for the financial year 2021/22 was approved by Parliament on Thursday, 18th November 2021.

Allocation for the rent of office premises was Shs 5 billion and release to the Ministry of Trade during the fourth quota April to June 2022 and another Shs 3 billion was approved for renovation to the Ministry of Trade in the Financial Year 2022/23.

The acting Permanent Secretary Ms Grace Adong Choda was transferred from the ministry in November, 2021 and she handed over the office on the 25th November, 2022 to Ms Geraldine Ssali the current Permanent Secretary and accounting officer Ministry of Trade.

Authorisation and change of work plan from rent to renovation

In a letter dated 20th May 2022, the Ps Ms Geraldine Ssali requested the Permanent Secretary, Ministry of Finance and Secretary to the Treasury (PS/ST), Mr Ggoobi Ramadhan to authorise virement of Shs 5 billion from rent to renovation of the ministry premises.

On 2nd June 2022, the PS/ST responded to her request stating that; “Your request does not satisfy the requirement of virement under section 22(2) of the PFMA as amended 2015; which stipulates that virement should not be more than 10 per cent of the money allocated for an item or an activity or a vote were the virement is from one item or activity to another. Given that renovation of Government offices at Farmer’s House is more cost effective in the long run, pursuant to section 14(7) of the PFMA regulation, 2016. This is therefore to authorise you to change your work plan to enable you utilise the above funds for renovation of ministry premises as requested.”

Committee observations

The committee is of the considered opinion that the use of words; “but given that renovation of existing Government offices at Farmer’s House is more cost effective in the long, run pursuant to section 14(7) of the PFMA, 2016.

This is therefore, to authorise you to change your work plan to enable utilise the above funds for renovation of the ministry premises as requested, required the PS Ministry of Trade, Ms Geraldine Ssali to submit a revised work plan before embarking on any expenditure whatsoever. Ostensibly, the PS/ST should only have authorised a change of work plan, had it been specifically requested for by the Permanent Secretary, Ministry of Trade, Industry and Industries, Ms Geraldine Ssali. The PS should have been given an opportunity to review the work plan before authorisation was granted.

On page 11, Madam Speaker, the committee further observed that the PS/ST authorised

change of work plan on the 2nd of June and the same was received by the ministry for trade on the 7th of June (See Annex H).

However, to the utter shock of the committee, it was established that 14 days earlier - 14 days before even the PS/ST approved change of the work plan - on 24 May 2022, even before a revised work plan could have been received and approved by the PS/ST, the PS of the ministry for trade, Ms Geraldine Ssali, had authorised the initiation of a procurement process for renovation of office premises and the bids were issued on the 30th of May (See Form 5 and Annex 1).

This was before the PS in the ministry for trade received guidance by the PS/ST and, therefore, raises suspicion, doubt and distrust and is underwhelming as to how the PS in the Ministry of Trade, Industry and Cooperatives, Ms Geraldine Ssali, intended to utilise the technical guidance of the PS/ST, yet her request for virement was not legally tenable.

While appearing before the committee, the PS of the ministry of trade, Ms Geraldine Ssali, was tasked to present a detailed expenditure of the supplementary allocation for rent of office premises, which she instead utilised for renovation of Farmers’ House. The PS presented the document, detailing the expenditure of Shs 8 billion, as stated.

The committee observes that from the submission of the PS, all monies for renovation works has been expended, yet works were still ongoing. To make it worse, the contractor was paid only Shs 4.8 billion out of the Shs 6 billion contract price, which leaves a balance of Shs 1.2 billion.

It is also worrying that according to the submission by Sarick, the company that did the renovation, the contractor expected to be paid Shs 8.4 billion by April 2023, an amount over and above the contract price.

The committee was left in a state of astonishment and wonder by the contradictory submissions between the accounting officer –

the PS of the ministry of trade, Ms Geraldine Ssali – and the contractor, Sarick Construction Company. Both submissions are produced here below. You can read the submissions on page 14.

That first table on page 14 was given to us by Sarick. Sarick's total contract price was Shs 6 billion, but when you look at that submission, they were expecting Shs 8.4 billion.

The second table, which is the expenditure for the Shs 8 billion, was given to us by the PS, Ms Geraldine Ssali. You can see how they spent the money.

As part-payment for the renovation contract, they gave the contractor Shs 4.8 billion. They purchased 38 laptops worth Shs 200 million. They purchased office furniture worth Shs 1.196 billion. They gave UDC additional cash limits worth Shs 1.164 billion. They did reconciliation of a journal to offset encumbrance at Shs 85 million and spent Shs 570,939,000 on renovation-related activities, specifically the transportation – as you will see as we present. This document was given to us by Ms Geraldine Ssali and it is attached as evidence.

Renovation contract

On 1 November 2021, the PS requested the Ministry of Works and Transport for the development of bills of quantities (BOQs) and a structural integrity report to facilitate renovation of Farmers' House and assess its viability to accommodate another floor.

On 23 November 2021, the Ministry of Works and Transport responded with a request to facilitate them with necessary documentation and facilitation to undertake the assignment. In the same vein, the Ministry of Works and Transport informed the ministry for trade that the same team that had been nominated for assessment of the premises for rent would be retained by the Ministry of Works and Transport to assess viability of Farmers' House to accommodate another floor.

The Ministry of Works and Transport's preliminary assessment report was presented on 8 February 2022 and had the following findings:

1. The offices were in a fair condition, although some of the components, most especially the fittings, had seriously deteriorated or would deteriorate within a few years. Therefore, a comprehensive rehabilitation or replacement was required;
2. The roof terrace on the fourth floor could be used to provide additional offices required by the ministry, but a detailed assessment was necessary to determine the building's structural integrity;
3. Once renovated and remodeled, the building could continue to serve as offices for the ministry.

On May 9, the Ministry of Works and Transport submitted to the PS, Ministry of Trade, Industry and Cooperatives, Ms Geraldine Ssali, the initial cost estimates for the required renovation works and the standard specifications for building works, which would form part of the contract document, once the contractor was procured. The preliminary cost estimate was Shs 3,136,120,159, inclusive of five per cent contingency and 18 per cent VAT.

Upon presentation of the preliminary report on cost estimates, a number of concerns were raised by the ministry for trade's management, such as flooding in the basement parking, timelines for the works and management of the renovation works while utilising the premises.

The committee was informed that the Ministry of Works and Transport's team considered the concerns, including the prevailing market rates, which entailed the review of the unit rates of some items, inclusion of a provisional sum to address the flooding concerns and the correction of some observed arithmetic errors. This resulted in a revised final cost estimate of Shs 4,664,315,682 for renovation.

In a letter dated 16 May 2022, the PS, Ms Geraldine Ssali, requested the Ministry of Works and Transport to take up the role of procurement for renovation works, as the trade ministry did not have a strong procurement and disposal unit (See Annex N).

In a letter dated 19 May 2022, the Ministry of Works and Transport responded to the PS, Ms Geraldine Ssali, accepting to take up the procurement role for renovation, but warned that the procurement process could not be completed within the remaining time to the end of Financial Year 2021/2022.

The Ministry of Works and Transport stated that they needed approximately three months to procure the contractor and have the contract signed, and that the three months would only be effective when the procurement requisition was initiated with a detailed statement of requirements like bills of quantities (BOQs) and received by the Ministry of Works and Transport.

While interfacing with the committee, Mr Everest Ahimbisibwe, the Principal Assistant Secretary, Ministry of Trade, Industry and Cooperatives, informed the committee that he initiated a procurement for the renovation of office premises at an estimated cost of Shs 4,664,315,682 – this was the BOQ presented by the Ministry of Works and Transport.

He further informed the committee that Form 5 – the form for initiation of procurement – indicating an estimated contract price of Shs 6.2 billion – now – for the same procurement of renovation, was later presented to him for signature.

He informed the committee that the variance in the estimated contract price was not familiar to him, prompting him to decline to sign the document. In the interest of time – but if there is time, we could play the audio.

THE SPEAKER: We have the time.

MR MWINE MPAKA: I can read the entire report and then we play the audio later.

When tasked by the committee to justify the origin of the Shs 6.2 billion, Ms Rose Asiimwe, the Senior Assistant Secretary in the Ministry of Trade, Industry and Cooperatives, who signed on Form 5 and, therefore, initiated the procurement as a member of the user department, with an estimated contract price of Shs 6.2 billion, informed the committee that Mr Tom Acwera, the head of procurement in the trade ministry at the time, had presented the same to her and requested that she appends her signature, on the basis that Mr Everest Ahimbisibwe was not available – now, this was the person who refused to sign the initial Shs 6.2 billion.

Mr Everest Ahimbisibwe, the Principal Assistant Secretary, Ministry of Trade, Industry and Cooperatives, informed the committee that when he later tried to access the Electronic Government Procurement (EGP) system, he had been deactivated, at the request of the accounting officer, Ministry of Trade, Industry and Cooperatives, Ms Geraldine Ssali (See Annex O). We verified this, when we wrote to the Accountant-General, that Mr Everest Ahimbisibwe, indeed, had been removed – when you look at Annex O.

The committee established that on 24 May 2022, the PS, Ministry of Trade, Industry and Cooperatives authorised the initiation of a procurement for renovation of property at Farmers' House for an estimated unit cost of Shs 6.2 billion – you can see Form 5, Annex H.

When we asked the PS, Ms Geraldine Ssali, to explain, she informed the committee that she was not in the country at the time of the initiation of the procurement process for renovation and only signed, upon her return, at a later date.

She informed the committee that she trusted her technical team, which should have carried out due diligence and therefore did not question the estimated contract price quoted on Form 5.

Ms. Asha Arinda, the Senior Structural Engineer, Ministry of Works and Transport, informed the committee that on 27 May 2022,

she received a request from Mr Tom Acwera, the Procurement Officer, requesting for necessary documentation to carry out the procurement for renovation of office premises. She shared the information and all documentation regarding the procurement renovations at an estimated cost of Shs 4,664,315,682 via email to Mr Tom Acwera and provided these emails to us.

It is pertinent to note that Mr Tom Acwera was present at the hearing and did not refute any information provided by Ms Asha Arinda and therefore rendering it factual. According to her submissions, that was the last time the Ministry of Works and Transport was involved in the procurement process and they were only informed of the existence of a signed contract later on.

On 30 May 2022, a contracts committee meeting chaired by Mr Cleopas Ndorere was held to consider the request for approval of repairs and renovation of offices at the estimated cost of Shs 6,200,000,000. The contracts committee agreed with the evaluation committee that the method of procurement should be restricted domestic bidding.

During the hearing, the committee established that a letter of invitation of bids was issued on 30 May 2022 to four companies through restricted domestic bidding; to wit, M/s Seyani Brothers and Company Ltd, Yan Jin Uganda Co Ltd, Ambitious Construction Ltd and Bresco Consultancy Services Ltd under Procurement Reference Number No.MTIC/WORKS/2021-2022-00007 (Annex "P").

The committee was however astonished at the discovery that on the same day, 30 May 2023, another procurement process for the same renovation with the same dates for submission, closure and opening of bids was undertaken under the same procurement reference number, inviting now another different set. Through restricted domestic bidding, these three companies, to wit; Sarick Construction Ltd, Jarkes Consult Ltd and Silkal Engineering Ltd.

Committee observations

Availability of funds

An Accounting Officer is mandated under the Public Procurement and Disposal Act and Regulations to ensure availability of funds before initiating a procurement process. The committee established that the Permanent Secretary confirmed the availability of funds by signing on Form 5 with an estimated cost of Shs 6.2 billion and yet the money available at the time was actually only Shs 5 billion as approved by Parliament.

This is contrary to section 26(f) of the PPDA Act, 2003 which provides that "*an Accounting Officer shall be responsible for certifying the availability of funds to support the activities or disposal activities*".

As if this was not enough, whereas it was the submission of the Permanent Secretary, Ms Geraldine Ssali that she only appended her signature on Form 5 upon her return from abroad at a later date, the committee established that the date she appended besides her signature on Form 5 was 24 May 2022, the same date on which Ms Rosemary Asiimwe, Under Secretary, signed on Form 5 initiating the procurement for renovation at an estimated contract price of Shs 6.2 billion (See Annex H). This connotes the fact that the Permanent Secretary, Ministry of Trade, Industry and Cooperatives, Ms Geraldine Ssali, lied to the committee in this regard. If the audio is ready, kindly play it. If it is not ready, I can proceed.

(An audio recording was played.)

Honorable members, you can see Annex H, look at her signature and the date she appended next to the signature.

Section 45 of the Public Finance Management Act, 2015 mandates an Accounting Officer to control the regulatory and proper utilisation of Government funds.

The committee, therefore, finds that the Permanent Secretary, Ministry of Trade,

Industry and Cooperatives, Ms Geraldine Ssali, is personally liable for the dubious and mysterious inflation of the estimated contract price from Shs 4,664,315,682 billion to Uganda Shs 6.2 billion without any formal or legal justification.

Further, see Regulation 7(b) of the PPDA (Contracts) Regulations, 2014 provides as follows:

“a procuring and disposing entity shall not issue a contract document, purchase order or any other communication in any form conveying the acceptance of a bid that binds procuring and disposing entity to a contract with a provider until the Accounting Officer confirms that the contract price is not higher than the market price established prior to the commencement of the procurement process”.

The committee is dismayed that whereas the above elaborated provisions are coached in specific terms, the Permanent Secretary, Ms Geraldine Ssali undertook a procurement process that bound the Ministry of Trade, Industry and Cooperatives and therefore the Government of Uganda, to a contract price that was higher than the market price established prior to the commencement of the procurement process of the Ministry of Works and Transport.

The Permanent Secretary, Ms Geraldine Ssali, did not carry out any other market assessment prior to the award of the contract, yet she had only Uganda Shs 5 billion available. This was irresponsible for an Accounting Officer and amounted to negligence of duty.

Failure to adhere to preliminary assessment, structural integrity reports and Bills of Quantities by the Ministry of Works and Transport

Under the Uganda Public Service Standing Orders, the procurement, utilisation and disposal of goods and services in the Public Service; Standing Order 15 on Works instructs the responsible officer to consult the Ministry of Works and Transport before engaging. In a nutshell, honourable members, page 19 and

20, the Permanent Secretary consulted the Ministry of Works and Transport which gave her Bills of Quantities, but they ignored these Bills of Quantities and came up with another procurement of Shs 6.2 billion.

On page 21, it is ironic to note that the documents provided by the Ministry of Trade, Industry and Cooperatives on procurement for renovation indicated that two different procurements initiated for the renovation under restricted domestic bidding with different sets of companies and bidders, had the same procurement reference numbers.

There is a table on page 21 - either the Ministry of Trade, Industry and Cooperatives forged and forgot or the entire process was a scam because you cannot have two different procurements started for the same job and you invite six different companies or more under restricted bidding.

Therefore, when you look at the procurement for innovation, those are the companies they invited under restricted domestic bidding. These companies provided us with the emails of their invitations.

The same procurement for innovation, they invited another set of companies on the same date, 30 May 2022, closing date 7 June 2022, date of display 11 June 2022, date of removal 14 June 2022. And all these documents are signed and they are attached. They were given to us by the same ministry.

Two procurement processes happening at the same time, with the same reference number for the purpose of renovation and all invited under the same procurement method, is a clear indication that the procurement process for innovation was tainted with fraud and therefore rendering it illegal and void *ab initio*.

The Black's Law Dictionary, 6th Edition, defines fraud as follows: *“the intentional use of deceit, a trick of some dishonest means, to deprive another of his/ her/its money, property, or a legal right”.*

In the case of Frederick Zaabwe v. Orient Bank & Others, SCCA No. 4 of 2006, the court defined fraud to mean “...a false representation of a matter of fact whether by words or by conduct, by false or misleading allegations, or concealment of that which deceives and it is intended to deceive another so that he or she shall act upon it to his or her legal injury”.

In Makula International Ltd v. Cardinal Nsubuga, Civil Appeal No. 4 of 1981, it was held that “...a court of law cannot sanction that which is illegal. Illegality once brought to the attention of court overrides all questions of pleadings, including any admissions made thereon. No court ought to enforce an illegal contract or allow itself to be made an instrument of enforcing obligations alleged to arise out of a contract or transaction which is illegal if the illegality is duly brought to the notice of the court”.

Procurement and disposal activities are sequential processes; one cannot move to another stage of the process without fulfilling the first one. The objective of the PPDA Act for all intents and purposes is to achieve fairness, transparency and value for money in procurement, among others.

From the expounded facts and the provisions of the law, the committee is constrained to deduce that all the procurement processes that resulted into the ongoing works of renovation at Farmer’s House were irregular, illegal, and a nullity.

The Permanent Secretary (PS), Ms Geraldine Ssali, while appearing before the committee unsuccessfully laboured to justify the origin of the inflated estimated cost price of Shs 6.2 billion on Form 5 and informed the committee - we invited her several times to give her a fair hearing. She informed the committee the same was a result of a pre-bid meeting between the Ministry of Trade, Industry and Cooperatives and prospective bidders prior to commencement of the procurement process.

(An audio recording was played.)

MR MWINE MPAKA: The committee established, without a shadow of doubt, that it was not possible that a pre-bid meeting could take place before a procurement process is initiated by the user department and the availability of funds as estimated is confirmed by the accounting office. The confession that a pre-bid meeting was carried out prior to the signature of Form 5, initiation of the procurement process for renovation only confirms collusion and fraud between the purported best-evaluated bidder and the trades ministry. The PPDA Guidelines 2014, under Clause 5, detail the criteria for a pre-bid meeting.

Choice of method procurement for renovation

Restricted bidding

Restricted bidding is provided under Section 82 of the PPDA Act, 2003 as a procurement method where bids are obtained by direct invitation without open advertisement. The method is used to obtain competition and value for money to the extent possible where the value or circumstances do not justify or permit the open bidding process.

The PPDA Guideline No.1, 2014 provide that under Regulation 1.2 that restricted domestic bidding or restricted international bidding shall be used, if the estimated value of the works is greater than Shs 200 million but does not exceed Shs 500 million.

Madam Speaker, in a nutshell, the contract price was Shs 6.2 billion, therefore it was over and above the method they chose. In the interest of time, let us move to page 24.

The best evaluated bidder was displayed for only three days. The Solicitor-General cleared the contract on the third day of display and the contract was signed on the fourth day of display of the best evaluated bid.

Regulation 5 of the PPDA (Contracts) Regulation 2014 provides under clause 5(1) that “a procuring and disposing entity shall not take any action on the contract award until

a lapse of 10 days after the date of display of the notice of the best-evaluated bidder”.

The essence of the display period is to enable unsuccessful bidder’ in the bid process to appeal or rectify their bid documents. The requirement of display for the 10 days is couched in specific terms.

Regulation 4(d) of the PPDA (Contracts) Regulation 2014 further provides that *“a procuring and disposing entity shall not award a contract during the period of 10 days from the date of notice”.*

The objectives of the PPDA Act as enumerated from the long title is to formulate policies and regulate practices in respect to public procurement and disposal activities, as Justice Mwendha rightly pointed out in *Galleria Africa Ltd v. Uganda Electricity Distribution Company Ltd* that *“There is no way, the PPDA Act can regulate practices in respect to public procurement and disposal of public assets unless the provisions are adhered to strictly to the letter”.* The provisions cannot be merely directory, but mandatory.

Honourable members, in the interest of time, let us move to the second paragraph of page 25.

The committee observed that the procurement is not an event but rather a process which should have informed the Attorney-General’s legal guidance in this regard. If the Attorney-General had examined the entire procurement process, he would have halted the signing of the contract since the irregularities in the procurement process were glaring.

A multi-year expenditure commitment

Section 23 of the PFMA, 2015 provides a multi-year expenditure commitment as follows:

A vote shall not enter into a contract, transaction or agreement that binds the Government to a financial commitment for more than one financial year or which results in a contingent liability, except where financial commitment or contingent liability is authorised by this Parliament.

The committee is of the considered opinion that the approval of a contract price of Shs 6.2 billion against a budget of Shs 5 billion which we had given them in Financial Year 2021/2022 was in contravention of Section 23 of the PFMA, 2015. The provision prohibits a vote from entering into a contract, transaction or agreement that binds the Government to a financial commitment for more than one financial year or which results into a contingent liability except where the financial commitment or contingent liability is authorised by Parliament.

The committee established that the trade’s ministry expenditure on renovation did not constitute the report of the minister responsible for finance on the multiyear expenditure for the Financial Year 2021/2022.

Contract between Sarick and Ministry of Trade, Industry and Cooperatives

A contract agreement was executed between the Ministry of Trade, Industry and Cooperatives and Sarick company for repairs and renovation of properties at Farmers House for Shs 6,063,319,346 on the 15 June 2022 under procurement reference number as stated below.

The committee examined the contract and established the following:

- i. A performance security was not provided, but still awarded.

The clause in the contract 61.1 of the contract was not adhered to. This particular provision provided that a performance security to have been mandatory requirement. but even without this mandatory requirement, Sarick got the contract.

- ii. Advance payment

On 20 June 2022, the Director of Sarick Construction Company Limited acknowledged receipt of Shs 4.8 billion from the Ministry of Trade, Industry and Cooperatives, of which 18 per cent was VAT. According to the contractor, the payments were made in two batches.

Committee observations

The committee observed that Regulation 44(3) of the PPDA (Contracts), Regulation 2015, restricts advance payments to the contract not to be more than 30 per cent of the contract sum. It specifically provides that 44(3) procuring a disposing entity shall not make an advance payment exceeding 30 per cent of the contract price.

The committee established that this was an admeasurement contract on the bill of quantities 80 per cent payment was contrary to clause in the contracts 60.3 and 60.1 of the contract. They gave the contract 80 per cent as an initial deposit yet the law states 30 per cent.

While appearing before the committee, the Director of Sarick Construction Company, Mr Samuel Okurut stated that the company did not actually have a bank guarantee by the time the trade's ministry advanced Shs 4.8 billion for the renovation to the company account in Cairo Bank which was a legal requirement for the said funds to have been disbursed. However, the Minister of Trade, Industry and Cooperatives proceeded to advance the payment which he later used to secure a bank guarantee and submitted the same in an irregular and retrospective manner contrary to the aforementioned PPDA regulations.

iii. Non-remittance of Value-added Tax

Uganda Revenue Authority informed the committee that up to date, they have never paid the tax.

iv. The progress of the works

The committee undertook a visit to the locus, that is the Farmer's House on 3 August 2023. The committee observed that the renovation of two floors had been completed while the works on two floors and the basement was still in progress. Actually, they are not started.

Under the general conditions of the Contract 22.1 between the Ministry of Trade, Industry and Cooperatives and the Sarick Construction

Company, it was a condition that the intended completion date of work shall be one year from the contract's signature. The contract was signed on 15 June 2022 and work should have commenced within seven days.

In their submission to the committee in May 2023, the contractor informed the committee that he took possession of the site on 29th August and commenced works on 29th August 2022 and that 75 per cent of the works had been completed by May 2023.

The committee observed that there is not only a breach of the contractor to complete the works and hand over the site, but also an unintended plan between Sarick Construction Company and the trades ministry to further inflate the cost of renovation due to delays by another Shs 2,365,180,654 billion totalling to an unbelievable and unconceivable Shs 8,428,500,000 billion for renovation - approximately 30 per cent variation. These were documents the Company gave us of the money it is demanding.

Now we go to procurements of laptops. The contract for the procurement of laptops was awarded to Avalanche Investments Ltd for a contract price of Shs 191,900, 000- tax inclusive and signed on 15th June. The PS Ms Geraldine Ssali explained that the procurement of laptops was related to the expenditure for renovation since the staff had to work from home during the renovation works.

The committee observed that the purchase of computers (laptops) under The Government Chart of Accounts is assigned a separate expenditure "code 312213", ICT Equipment, therefore, it falls under the development budget category. The said procurement of laptops necessitated the accounting officer to seek authority to reallocate funds from rent to purchase of laptops/computers. Ms Geraldine Ssali did not seek such approval.

The committee further observes that the PS Ms Geraldine Ssali quoted Shs 200, 000, 000 for the procurement of laptops, which leaves Shs 8,000,000 uncounted since the contract

price was Shs 191,900,000- tax inclusive. This further creates doubt as to the authenticity of the work plan, which the PS Ms Geraldine Ssali submitted to the committee.

Procurement of office furniture

This was also unbelievable. The contract for the procurement of office furniture was awarded to Footsteps Furniture Co. Ltd at a contract price of Shs 1.196 billion, signed on 15 June 2022. The PS, Ms Geraldine Ssali, while appearing before the committee, said that though fully paid, the furniture has never been delivered to the Ministry of Trade - remember this contract had been signed on 15 June 2022, and the company was paid 100 per cent. We also interacted with Footsteps Furniture who confirmed.

She further informed the committee that her decision was based on personal due diligence, which she carried out and found that Footsteps Furniture Co. Ltd was a trustworthy company which would not fail to deliver the furniture at any time the Ministry of Trade, Industry and Cooperatives would require the delivery.

Notwithstanding the fact that the purchase of furniture was a diversion of funds from renovation, just like in the case of laptops, the committee observes that under Section 45 of the Public Finance Management Act, 2015, an accounting officer shall, in respect of all resources and transactions of a vote, put in place effective systems of risk management, internal control and internal audit.

Under the prevailing circumstances, the PS Ministry of Trade, Industry and Cooperatives grossly failed in her mandate when she paid for furniture worth Shs 1.196 billion without ensuring that the furniture was delivered.

For the interest of time, page 32, 3.9 additional cash limits. UDC is a subvention under the Ministry of Trade. While appearing before the committee, the PS submitted that UDC requested additional cash limits to cater for critical unfunded priorities and she, therefore, transferred Shs 1.16 billion part of the Shs 8 billion for renovation to UDC.

Committee observations

The committee observes that the PS Ms Geraldine Ssali executed her mandate irregularly and in contravention of section 45(4) of the Public Finance Management Act, 2015. UDC informed the committee that they did not request any cash limit and did not receive any.

On page 33. On the face of it, the PS- Ministry of Trade, Industry and Cooperatives diverted monies from a different budget line to another which is contrary to section 79 of the Public Finance Management Act, 2015. This finding is based on the following facts.

- i) The PS Ministry of Trade/Accounting Officer did not explain the circumstances under which funds had to be charged from the renovation budget and not on Item 263204 Transfers to other Government Units (Capital); and
- ii) Charging renovation was a desperate measure by PS to fulfil UDC's request for the release of its budget which amounts to diversion against Section 79 of the Public Finance Management Act, 2015.

Lastly, additional cash limits can only be provided by the Ministry of Finance, Planning and Economic Development and not the Ministry of Trade, Industry and Cooperatives. And the Minister is here, he can also confirm that he did not provide.

The committee therefore, observes that the accountability for Shs 1.2 billion as part and parcel of the Shs 8 Billion for renovation, as part payment to UDC as a subvention was irregular.

Reconciliation of Journal to offset encumbrance Shs 85, 210,752

Reconciliation of the journal to offset encumbrance and over-expenditure during the virement of Shs 1.3 billion was used to account for part of the Shs 8 billion for renovation.

According to the PS, this was done to restore the Ministry's overall budget and avoid over-drawn and over-encumbered budget lines.

The committee was not convinced with the explanation since journal entries to correct errors do not involve actual cash movement. Be that as it may, the expenditure should not have been charged on the funds for renovation as was the case.

Honourable members, for the interest of time page 35. Transportation of items from Farmers House to Entebbe at Shs 570 million.

The committee was informed that in order to facilitate repairs and renovations of properties at Farmer's House -

THE SPEAKER: Honourable members, kindly listen. You need to know the kind of items that were transported.

MR MWINE MPAKA: The committee was informed that in order to facilitate repairs and renovations of properties at Farmer's House, it was necessary to shift some office items for safe custody before the works commenced.

The project management team requested a quotation from the company that was going to do renovation (Sarick Construction Ltd) for moving office items by way of a variation to the contract upon which the contractor quoted Shs 457,630,285. You can see Annex W. They asked the company that was going to do the renovation to do a variance and also include shifting the documents and furniture. The quotation was rejected by the PS Ms Geraldine Ssali on the grounds of being expensive and uncompetitive.

The Ministry of Trade, Industry and Cooperatives opted for the use of internal ministry resources of force account mechanism under Section 95 of the PPDA, 2003. The PS Ministry of Energy offered storage services at the Ministry of Energy and Mineral Development Petroleum Authority Offices in Entebbe at no cost.

Once the storage services were acquired, the ministry embarked on another process of identifying transport services to shift the items from Farmer's House to Entebbe.

The Contract Manager, Eng. Byaruhanga Deo informed the committee that he opted to hand pick, with the knowledge and consent of the PS Ministry of Trade, Industry and Cooperatives Ms Geraldine Ssali, a company he described, in his own words as "green something"- maybe if you can play that one –

(An audio recording was played.)

[THE CHAIRPERSON: "Which company did you get to transport these documents""]

ENG. BYARUHANGA DEO: "Chair, I do not have it off head but it was green something""]

MR MWINE MPAKA: And that he did not have their contact to transport the items from Farmer's House to Entebbe.

The committee later established that the company was known as Green Car Hire Company, whose contact person confirmed that he had transported items for the Ministry of Trade, Industry and Cooperatives from Parliament Avenue to Entebbe.

The Contract Manager, Eng. Byaruhanga Deo further informed the committee that he contracted services of transportation of office items from Farmer's House to Entebbe at a total cost of Shs 2 million per trip and that in some instances, he used his fuel card to withdraw cash and pay for the transport services.

The committee, further tasked the Contract Manager, Eng. Byaruhanga Deo to give the total amount withdrawn from his fuel card No. 196575 and card No.00065533 for transport services to which he submitted that he approximately spent Shs 80 million to transport items from two floors - we are looking at five floors - from the two floors out of the four floors planned for renovation, namely 5 and

6. This translates into 40 trips if you look at the Shs 80 million from the assumption of two million per trip.

The committee, in trying to ascertain facts relating to these submissions above, established from Total Energies Uganda, that a total of Shs 78,838,194, which is quite close to his estimate, had been withdrawn from the aforementioned fuel cards from various Total Petrol stations. (See Annex X)

The committee further queried as to how much money the Contract Manager, Eng. Byaruhanga Deo had at his disposal on fuel cards. And as to who approved the deposit of the alleged sum of money on his fuel cards to which he informed the committee that the PS, Ministry of Trade, Ms Geraldine Ssali had authorised the deposits.

He also informed the committee that in some instances he paid cash to service providers for transport services, which prompted the Committee to ascertain the entire amount spent in cash.

The committee established that a total of Shs 138,755,000 was advanced to Engineer Deo Byaruhanga for facilitation of movement of items from Farmers' House to Entebbe in addition to the funds remitted on his two fuel cards; No.196575 and card No.00065533 for the same purpose.

This brings the total amount of funds advanced to and personally spent by the Engineer for transport related services to Shs 217,593,194.

The committee was privy to a few internal Memos. When we visited the ministry, we entered Deo's office and compelled him to give us some of these invoices, internal memos to prove that the PS had actually approved this money to be deposited.

The committee was privy to a few internal Memos in which Eng. Deo Byaruhanga requested the PS Ministry of Trade, Ms Geraldine Ssali to approve cash advances for transport related activities amounting to Shs

107,550,000 which further augments the fact that the irregular payment and expenditure of Government resources was being done under the authorisation and watchful eye of the PS Ministry of Trade Ms Geraldine Ssali. (See table below) those were the invoices we could get.

When tasked to explain how such large amounts of money could have been advanced to the project manager to undertake various transport related procurements without following any procurement procedures, and how she intended to account for the said monies, the PS, Ms Geraldine Ssali stated thus: "Deo is going to account for it, it is persona, because if I put money on your account, you have to bring back the accountability to me. Every accountability here, when I give my officers money, I expect them to come and account back" - you can look for the audio as I proceed.

The committee further established that Shs 570,939,000 was spent by the Permanent Secretary on transport related expenditure as follows:

The contract manager, Transport related procurement Deo received Shs 138,755,000 on his personal account to look for service providers and take these documents.

The Contracts Committee/ Contracts Management Committee got a facilitation of Shs 47,748,000. The Police, got Shs 19,295,000 million for allowances in Entebbe, facilitation for a Board of survey Shs 23,550,000. MTN Uganda, the invoice is also attached. Data bundles for staff working during renovations of building Shs 24,000,000.

Fuel expenditure, was put on Deo's two fuel cards. Fuel for moving items from Farmers' House to Entebbe Shs 68,360,000, facilitation onsite, the purchase of packaging boxes, facilitation onsite, purchase of aluminum locks on ground floor offices, facilitation of shifting the library material, engraving the laptops, assessment of viability of Farmers' House additional floor Shs 84,537,000.

Electronic document and records management; this facilitation was given to the staff, they used it for the following; sorting records for scanning, facilitation for dispatching outgoing mails, purchase of fumigation gel, record boxes, lunch and tea at Shs 158,155,000, miscellaneous Shs 6,539,000 million, total; Shs 570,939,000.

Observations

The committee observed that the Permanent Secretary, Ministry of Trade Ms Geraldine Ssali admitted to having advanced Government funds to the personal accounts of her officers for procurement of public services and expected them to account back to her personally.

The committee is constrained to deduce that the PS, and the accounting officer MTIC, Ms Geraldine Ssali acted in ignorance of the provisions of the Public Finance Management Act, 2015 and the Public Procurement and Disposal of Public Assets Act, 2003, specifically, sections 45, and 26 respectively.

In consideration of the fact that during the hearing Eng. Byaruhanga Deo informed the Committee that he used micro procurement as a method to procure the said companies to transport documents from Farmers' House to Entebbe.

The Public Procurement and Disposal of Public Assets Guidelines, 2014 provides for the threshold of micro procurement as a procurement method. Regulation 1.4 of the said Regulation provides that "Micro Procurement shall be used if the estimated value does not exceed Shs 10,000,000 million." But here you can see that it has exceeded Shs 10,000,000.

During the hearing Eng. Byaruhanga Deo admitted that he had spent about Shs 80,000,000 and even the Shs 24,000,000 on MTN-in short the expenditure was already above Shs 10,000,000 and therefore, could not warrant a micro-procurement as stated by the law.

A contract manager should not be involved in procurement, but rather in the execution

of the contract. Eng. Deo Byaruhanga, therefore, should not have been involved in the procurement of any services for the renovation works since he was the contract manager.

The mandate for such procurements is initiated by way of Local Purchase Order (LPO) by the procurement and disposal unit. The contract manager is provided for under Reg. 53(1) b) of the PPDA(Contracts) Regulations 2014 which states that "the accounting officer or a person appointed by the accounting officer shall closely monitor the progress of the contract and, ascertain that payments claimed by the provider are appropriate and in accordance with the contract terms."

The committee further observes that there was irregular duty facilitation allowance payment contrary to those approved by the Ministry of Public Service.

Whereas the daily approved rate for duty facilitation allowance is Shs 160,000, it was established by the committee that between the month of August 2022 and March 2023, a Records Officer received a total of Shs 92,975,000 million in cash advances as facilitation to carry out activities related to record management during the renovation.

The said services should have ideally been provided in line with her duties as an employee of Ministry of Trade or tendered out since these included scanning records, packaging and sorting documents and fumigation of records boxes, *inter alia*.

The committee further established that all expenditure on duty facilitation was charged on budget line item 228001 - maintenance-civil, instead of the budget code 211106- allowances, this amounts to diversion contrary to section 79 of the PFMA, 2015.

Contrary to the accountability in regards to the process of scanning documents to a tune of Shs 158,155,000, the committee established that the Ministry of Trade was given two scanners by the Ministry of ICT and therefore, no procurement of scanners was done but rather

an exaggerated facilitation of packaging, sorting records and scanning for Ministry of Trade staff.

The committee observed that the Ministry of Trade, Industry and Cooperatives moved documents from Farmers' House to sort and scan them in Entebbe, yet they could have done it at Farmers' House. Furthermore, since the ministry is implementing the electronic document system, the expenditure was not necessary.

The committee finds the shifting of documents from Farmers' House to Entebbe for purposes of only sorting and scanning was a well-orchestrated fraudulent activity to enable the staff of ministry to enjoy a cash bonanza.

Furthermore, given the fact that Shs 570,939,000 spent so far on transported-related activities was only spent for two floors – namely, floors five and six – the committee noted that the figure could triple since floors two, three and four were yet to be renovated. On a conservative estimation, this would amount to at least Shs 1.5 billion – after transporting, sorting and scanning documents from the subsequent floors.

Other emerging issues

The committee was privy to a communication from the Permanent Secretary/Secretary to the Treasury the Permanent Secretary, Ms Geraldine Ssali, informing her of the audit queries which had been noted by the Internal Auditor-General for the year ended June 2022 to wit, the Ministry of Trade, Industry and Cooperatives for which she is an accounting officer, was described as “needs improvement”.

Further, the PS/ST noted that the description by the Internal Auditor-General imputes deficiencies in governance, risk management and control processes. He also noted that there were unsupported expenditures worth Shs 8.6 billion and required the Permanent Secretary, Ms Geraldine Ssali, to respond not later than 24 November 2022. By this communication, the PS/ST noted with concern the lapses in

accountability by Ms Geraldine Ssali, which she has seemingly not laboured to correct up to now.

During the hearing, the committee was brought to speed about the work methods of Ms Geraldine Ssali, that an office attendant, Mr Tom Opio, was used by Ms Geraldine Ssali during the procurement process for renovation works. During the hearing, Mr Tom Opio denied, on oath, ever being involved in any procurement process at the ministry or even having access to the Electronic Government Procurement (EGP) system. The Committee wrote to the Accountant-General to verify if indeed Mr Tom Opio had access to the EGP system, specifically for purposes of procurement at the Ministry of Trade, Industry and Cooperatives. It was established that Mr Tom Opio (the office attendant), indeed, has access to the EGP system as a procurement officer and disposal unit user with the authorisation of the Permanent Secretary, Ministry of Trade, Industry and Cooperatives, Ms Geraldine Ssali (Annex Y – the letter the Accountant-General wrote to the committee).

When Ms Geraldine Ssali was tasked to explain the monies that Mr Tom Opio received as a member of the contracts committee, Ms Ssali stated that he was co-opted by the contracts committee to help them with the procurement, a decision which was, in the opinion of Ms Ssali, competent.

It was established that the draft contract for renovation works at Farmers' House was witnessed by Mr David Mutegeki (the Legal Officer, Ministry of Trade, Industry and Cooperatives). The committee was astounded that there actually exists the head of legal services at the trade ministry, Ms Sandra Anena, who submitted to the committee that Ms Ssali prefers the services of Mr Mutegeki, an officer. This was evident during the hearings, where Mr Mutegeki always interjected on issues that seemed alien to him.

Further still, during the hearings, the committee was informed that monies worth Shs 362,316,812 was withdrawn – when we

were trying to establish how much money Deo was given, we discovered something else - from seven fuel cards belonging to three individuals, namely; the Senior Accountant, Mr Nelson Balyejusa, the Principal Assistant Secretary, Mr Everest Ahimbisibwe and the Senior Assistant Secretary, Ms Rosemary Asiimwe, between May 2021 and December 2022. You may look at the table and see what fuel cards belonged to them.

The aforementioned officers denied knowledge and ownership of the said fuel cards. When tasked by the committee to ascertain the origin, validity and ownership of the fuel cards, the former transport officer, Mr Daniel Kalule, failed to provide evidence that the said fuel cards belonged to the aforementioned individuals. When we discovered that the cards had transacted in this manner, we found that the cards did not have the name, but instead the titles.

The committee observed that the fuel cards did not belong to the aforementioned officers, but were utilised as a conduit for fraud by the transport officer, Mr Daniel Kalule. Therefore, they created ghost cards.

Honourable members, in the interest of time, on page 47, we have recommendations:

1. The former Accounting Officer, Ministry of Trade, Industry and Cooperatives, Ms Grace Adong Choda, be investigated by the Inspectorate of Government and the Directorate of Public Prosecution (DPP) with a view of prosecution under sections 11 and 20 of the Anti-corruption Act, 2009, for initiating a request for supplementary budget worth Shs 8 billion for rent of new office premises at Kingdom Kampala, by the Ministry of Trade, Industry and Cooperatives based on personal conviction and sentiments that Farmers' House was dilapidated and unfit for occupancy in contravention of sections 45 and 79 of the Public Finance Management Act, 2015;
2. The PS/ST exercises his authority under Section 11(2)(g) of the Public Finance

Management Act, 2015, to withdraw the appointment and designation of Ms Geraldine Ssali as an accounting officer for the Ministry of Trade, Industry and Cooperatives in view of her failure to control the regularity and proper use of money appropriated to a Vote in regard to the procurement of renovation works in contravention of sections 26(1)(f), 26(1)(fa), 26(1)(j), 26(2)(b) of the Public Procurement and Disposal of Public Assets, Act, 2003 and Section 45 of the Public Finance Management Act, 2015 inter alia;

3. The offices of the Attorney-General and the Auditor-General should cause a special investigation and reconciliation of accounts to be carried out between the Ministry of Trade, Industry and Cooperatives and Sarick Construction Ltd, with a view of establishing the actual payments due to the contractor to avoid further gross financial loss to Government and unnecessary litigation due to the fact that whereas the contract price for renovation works amounted to Shs 6,063,319,346, Sarick Construction Ltd expected to have been paid up to Shs 8,428,500 by April 2023;
4. The Public Procurement and Disposal of Public Assets Authority (PPDA) carries out an investigation under sections 26, 94 and 95 of the PPDA, Act, 2003, on the procurement process that resulted in the award of the renovation works at Farmers' House to Sarick Construction Company Ltd, with a view of enabling the amendment or cancellation of the contract in the interest of the Government;
5. Sarick Construction Company Ltd be held accountable under sections 4, 39(1) and 62 of the Value Added Tax (VAT) Act, Cap 349 for non-remittance of taxes and Uganda Revenue Authority should claim the unremitted taxes and undertake its mandate under Section 62 of the VAT Act, Cap 349 to enforce collection where necessary;

6. The DPP causes an investigation of Mr Tom Opiro (Office Attendant, Ministry of Trade, Industry and Cooperatives) with a view of prosecution for the offence of perjury under Section 96 of the Penal Code Act, Cap 120 and he should be removed from the EGP system immediately;
7. Mr Daniel Kalule be investigated with a view of prosecution by the DPP under Section 20 of the Anti-Corruption Act, 2009, for facilitating the creation of ghost fuel cards that resulted in the loss of Government funds amounting to Shs 362,316,812, between 21 May 2021 and December 2022;
8. A forensic audit be conducted by the Auditor-General on the expenditure of funds amounting to Shs 570,939,000, by the Ministry of Trade, Industry and Cooperatives on transport-related expenses during the renovation works at Farmers' House, with a view of compelling the culpable public officers to refund the monies expended to them irregularly.
9. The DPP causes an investigation into the conduct of Eng. Deo Byaruhanga, as a contract manager, with the view of prosecution under Section 11 of the Anti-Corruption Act, 2009 *inter alia*.
10. A special investigation under Section 50 of the Anti-Corruption Act, 2009 be ensured by the Directorate of Public Prosecutions (DPP) on fuel expenditures from fuel cards designated to Eng. Deo. These are the cards he used to pay the transport companies.
11. The DPP causes an investigation on all the members of the Contract and Evaluation Committee in the procurement for renovation works with the view of prosecution for negligence of duty and causing financial loss, pursuant to Section 33 of the Anti-Corruption Act, 2009. These are the ones who approved the Shs 6.2 billion and yet the Ministry of Works and Transport had quoted Shs 4.6 billion.
12. Ms Asiimwe Rosemary be investigated by the DPP with the view of prosecution for initiating a fraudulent, irregular and alien procurement of an estimated contract price of Shs 6.2 billion and further, for carrying out unlawful orders contrary to the roles, obligations and conduct of a public officer under the Public Standing Orders F-a (10).
13. Mr Mutegeki David be investigated with the view of prosecution by the DPP under Section 20 of the Anti-Corruption Act, 2009 - this was the lawyer who was advising the ministry - for his role as a legal officer in advising an irregular procurement process.
14. The Permanent Secretary, Geraldine Ssali, be investigated by the DPP with the view of prosecution for offences committed under Section 79 of the Public Finance Management Act (PFMA), 2015 including negligence of duty under Section 26 of the PPDA Act, 2003 and Section 45 of the PFMA, 2015; offences committed under Section 95 of the PPDA Act, 2003; disobedience of statutory duty under Section 116 of the Penal Code Act, Cap. 120; abuse of office and causing financial loss to Government under Sections 11 and 20 of the Anti-Corruption Act, 2003, among other offences, as the DPP may deem fit. This is because for all the mistakes that were carried out in the ministry, the Accounting Officer is held liable.
15. Government should finalise and undertake deliberate measures to implement the strategic plan for relocating all Government ministries, departments and agencies to Bwebajja as a means of decreasing Government expenditure through rent of office premises.
16. Accounting officers should desist from undertaking expenditures that exhibit lack of appreciation of accounting laws, regulations and procedures that require strict adherence while dealing with public funds.

I beg to submit. (*Applause*)

THE SPEAKER: Thank you, committee chairman. Honourable members, I have listened keenly to this report and when you listen to it, you find a number of issues. What I have noticed is the wilful breach of Regulation 7B of the Public Finance Management Regulations; failure to adhere to the preliminary assessment and structural integrity of reports on the Bills of Quantities from the Ministry of Works and Transport, like you heard from the committee chairperson.

Then, there is a mismatch between the method of procurement and the contract sum that was given; you heard all this. There is also a lapse in the contract management, notably lack of performance security. Where does it happen?

There is tax evasion - and we are here crying that we want money, but when you are not paying taxes, what happens? So, the contractor did not pay taxes.

There is a lapse of internal controls; impunity in the ministry. Honourable members, you have heard all of that. Maybe, we could first hear from the minister. You might find that what has been said is not correct. Honourable minister, you have heard the report. Do you have any comments? Switch on the microphone.

5.01

THE MINISTER OF TRADE, INDUSTRY AND COOPERATIVES (Mr Francis Mwebesa): Madam Speaker, I thank the committee for the good work they have done in playing their oversight role. *(Applause)* We all have a duty to fight corruption in this country and my ministry will be working with other authorities to take action on recommendations by the committee.

THE SPEAKER: Thank you, honourable minister. Honourable members, you have heard from the minister; the report portrays the correct image of the ministry. I am now opening the debate and maybe you will bring in amendments.

5.02

MR NATHAN NANDALA-MAFABI (FDC, Budadiri County West, Sironko): Thank you, Madam Speaker -

THE SPEAKER: It is just good manners that you sit when -

MR NANDALA-MAFABI: Thank you, Madam Speaker - *(Interruption)*

MR SSEKIKUUBO: Thank you, Madam Speaker. I seek your indulgence on this matter. With your permission later on, allow me to have the way forward. However, before that, the work we do here is under the purview of the Constitution under Article 90, which says:

“(1) Parliament shall appoint standing committees and other committees necessary for the efficient discharge of its functions...”

In addition, Parliament shall, by its Rules of Procedure, prescribe the powers, composition, and functions of its committees.

Honourable members, I look forward to when we shall stand and defend our position as Parliament. The Rules of Procedure provide for committees of Parliament and they include the sectoral committees provided for under Rule 189 of our Rules of Procedure, which says:

“Sectoral committees shall have the following functions -

- (a) to examine and comment on policy matters affecting ministries covered by them;*
- (b) to initiate or evaluate action programmes of ministries and sectors and to make appropriate recommendations on them;*
- (c) to examine Bills referred to the sectoral committee by the House;*
- (d) to examine Government recurrent and capital budget estimates and to make recommendations on them for general debate in the House;*

- (e) *to monitor the performance of ministries, departments and agencies;*
- (f) *To monitor Government compliance with approved plans and programmes; and*
- (g) *to monitor the progress on implementation of the sustainable development goals made by the sectors that fall within their jurisdiction.”*

Members, I wish to draw your attention –

THE SPEAKER: What is the procedural matter?

MR SSEKIKUBO: The procedural matter I am raising is for you to allow me to get through to Rule 174 of our Rules of Procedure, which puts the entire matter, under the ambit of a standing committee called, “The Committee on Public Accounts (Central Government).”

THE SPEAKER: Hon. Ssekikubo, in one way or another, this report is going to the Committee on Public Accounts (Local Government) because the sectoral committee asked for a forensic audit. After that audit, the Auditor-General’s report will go to the accountability committee.

This matter came out from the ministerial policy statements and this is how this matter came under investigation.

Rule 189(d) states:

“...to examine Government recurrent and capital budgets estimates and make recommendations on them for general debate in the House”. They came up with this when they were looking at ministerial policy statements.

“(e)...to monitor the performance of Ministries, Departments and Agencies;

(f) to monitor Government compliance with approved plans and programmes”.

I do not see where the problem is. Let us debate

the report. If you want it to go to the standing committee, it will go.

MR SSEKIKUBO: Most obliged, Madam Speaker.

THE SPEAKER: There is a procedural matter. I have already responded to your issues.

MR NANDALA-MAFABI: Madam Speaker, Article 164 of our Constitution talks about accountability and I want to read it for my brother, Hon. Ssekikubo. Article 164 says:

“(1) The Permanent Secretary or the accounting officer in charge of a Ministry or department shall be accountable to Parliament for the funds in that Ministry or department.

(2) Any person holding a political or public office who directs or concurs in the use of public funds contrary to existing instructions shall be accountable for any loss arising from that use and shall be required to make good the loss even if he or she has ceased to hold that office.

(3) Parliament shall monitor all expenditure of public funds.”

Madam Speaker, the Committee on Tourism, Trade and Industry is in charge of the budget of that ministry; it is supposed to monitor the performance of that ministry. Before it approves more funds, it must know how the other one was used.

Now, during their work plan -

THE SPEAKER: Hon. Nathan, the investigations started during the budgeting process because there was underutilisation of funds. That is how the committee started the investigation; it was as a result of underperformance. You cannot approve more money when you have not consumed what you have been given. It is like giving you too much.

MR NANDALA-MAFABI: Madam Speaker, is it procedurally right for us not to agree with

the report of the committee which has shown -

THE SPEAKER: It is not “we”. It is Hon. Ssekikubo.

MR SSEKIKUUBO: I beg to agree with your guidance, Madam Speaker. Hon. Nandala-Mafabi is well known for being the former Chairperson of the Committee on Public Accounts (Commissions, Statutory Authorities and State Enterprises). That is where he cut his teeth. *(Laughter)*

What is baffling me is Hon. Nandala-Mafabi trying to avoid the very committee he stood for on this Floor of Parliament and he knows the vehicle is the Public Accounts Committee -

THE SPEAKER: Hon. Ssekikubo, he is not avoiding this report. The committee has recommended that this report should be taken for a forensic audit. Remember, accountability committees look at reports from the Auditor-General. This was not from the Auditor-General. We are going to get a report from the Auditor-General where they have done a forensic audit. *(Members rose_)*

Members, we are not continuing with this. Can we debate the report?

MR NANDALA-MAFABI: Thank you, Madam Speaker. I will propose a recommendation at the end; I know the committee was shy.

One, on fuel cards, Madam Speaker, if you remember the story of the International Credit Bank – *(Member rose)*

THE SPEAKER: You are speaking next so sit down.

MR NANDALA-MAFABI: One of the problems we had was the fuel cards. If a fuel card can have more than Shs 100,000,000 for a month, that is very dangerous. In fact, it is a criminal act.

Therefore, one of my recommendations is that Total Energies should be held liable for authorising cash withdraws of more than Shs

360,000,000 on only three cards in a short period. On this, I am speaking with authority because I deal in fuel and fuel cards.

THE SPEAKER: Is that the amendment you are proposing?

MR NANDALA-MAFABI: That is the amendment I am proposing.

The second one is that on 15 June 2022 - that was the last day they closed their accounts - the accounting officer spent Shs 1.196 billion. It never went through the procurement process.

Madam Speaker, this is theft -

THE SPEAKER: The money for furniture was paid 100 per cent during the procurement process but the furniture has never been delivered to date.

MR NANDALA-MAFABI: Madam Speaker, that is theft as no goods were received. The Shs 1.196 billion was just below the balance sheet. They were transferring money and most likely, the accounting officer followed the money. So, the accounting officer stole Shs 1.196 billion on 15 June 2022.

This is a criminal act and so, I recommend that the Head of Public Service should immediately interdict the permanent secretary. *(Applause)*

Madam Speaker, board of survey is always done by the Accountant-General who does not charge money for carrying out this role. If there was money spent on board of survey and people took it, they should be arrested immediately for stealing money since that is the function of the Accountant-General.

On the excess of 6.2 billion and 4.5 billion, Madam Speaker, there is no way an accounting officer can spend money that is not in our budget. If you spent money -

THE SPEAKER: There is a procedural matter. Honourable members, why are you raising a point of procedure when someone is making a submission?

MR SILWANY: Thank you, Madam Speaker. The procedural matter I am raising is very important. We have heard the committee report from the Chairperson of the Committee on Tourism, Trade and Industry.

I would like to seek your indulgence - Members, listen to me. Madam Speaker, the minister who is representing the Executive has come to the Floor of Parliament and conceded by saying that everything in the report represents what is happening in the ministry.

Madam Speaker, this is a matter which is at the level of execution and implementation. Why don't we take decisions as Parliament since the Executive has agreed with the committee? What are we debating? Debate ensues in a situation where there is a disagreement.

THE SPEAKER: Honourable members, I am about to ask Hon. Silwany whether he is a shareholder in the company. We are making amendments to the recommendations. Someone has said mercenaries –*(Laughter)*

MR NANDALA-MAFABI: Madam Speaker, I would like to raise two more points. There was an approval of Shs 6.2 billion versus Shs 4.5 billion. There is no way an accounting officer can spend money which was not approved by Parliament and you cannot commit the Government outside the approved budget.

This is criminal and it means the accounting officer became the PS, Parliament and at the same time the Minister of Finance, Planning and Economic Development and this is contrary to the regulations.

Under Section 79 of the Public Finance Management Act (PFMA), this is a criminal act and calls for the accounting officer to be held liable for the excesses and for having done work that does not belong to her.

Finally, Madam Speaker, there was Shs 1.8 billion and also the person who was put on the eGP, the one of -

THE SPEAKER: Opio.

MR NANDALA-MAFABI: You cannot say Mr Opio should be held when the person who authorised is the accounting officer. The first person to be held is the accounting officer who assigned Opio the right to be on the system.

Therefore, the accounting officer is the one who caused the problem and should be the one liable because Opio could not go against the accounting officer. Personally, I would believe that the accounting officer should be held for:

1. For having put Opio on the system against the PPDA Act and against the Accountant-General's authority,
2. For transferring Shs 1.8 billion to UDC, which never arrived.

Madam Speaker, recommendations:

1. The accounting officer should immediately be interdicted and handed over to the police;
2. The accounting officer should -

This is very dangerous for the country and this is what we should recommend. Thank you, Madam Speaker.

5.17

MS ESTHER AFOYOCHAN (NRM, Woman Representative, Zombo): Thank you, Madam Speaker.

THE SPEAKER: Honourable members, all of you are going to speak on this matter. Two minutes each.

MS AFOYOCHAN: Thank you, Madam Speaker, for giving me this opportunity. I listened to this report very well because procurement is a field that I studied and learned very well. It goes without saying that whatever happened in this ministry was not by mistake; they knew what they were doing and what they wanted to achieve. However, my concern here is that procurement is a process and whatever

happened was a process. Where was the minister when all this was happening?

THE SPEAKER: Hon. Esther Afoyochan, I want you to know that the minister is a political head. The technical head of an institution is the Permanent Secretary. Keep off our politicians. Politicians are not a party to it.

MS AFOYOCHAN: Madam Speaker, I am not trying to exonerate the PS from this. However, I am saying that this particular PS has been a problem in all the ministries she has been taken to and I think we should stop recycling problems. Why don't we, as a House, recommend that the Public Service retire her in public interest and we all relax and know that the problem is solved?

5.20

MS SUSAN AMERO (Independent, Woman Representative, Amuria): Thank you, Madam Speaker. I stand to support -

THE SPEAKER: Honourable members, can you listen?

MS AMERO: I stand to support the report of the committee in its entirety. I have heard you say that people are coming to report that the committees of Parliament are extorting money and getting compromised.

I also want to seek your indulgence that you protect the committees of Parliament. In this scenario, the Permanent Secretary we are talking about here, Ms Geraldine, from the word "go", decided to go on the radio and talk very badly about the Committee of Trade because we saw that lacuna. When I was still on that committee, we, at one time, asked questions and she did not give us the information but opted to go on the radio. How shall we be protected, as committees of Parliament?

Madam Speaker, I think the PS should – (*Interjection*)– not retire but should be sacked with immediate effect so that she does not compromise or interfere with further investigations that are supposed to be carried out.

These are very glaring mistakes and I am surprised that some issues like the purchase of vehicles for the ministers have not yet come out. I do not know whether it is coming in a different report. The PS has opted to do everything by herself and not follow the laws of this country. I beg to submit.

THE SPEAKER: Honourable members, before you sack, you interdict to allow investigation. You do not go to the extreme. Maybe use another word.

5.21

MR MUHAMMAD NSEREKO (Independent, Kampala Central Division, Kampala City): Thank you, Madam Speaker. Having heard the submission of the chairperson of the committee and the benevolent concurrence by the minister, I think there is nothing defensible here.

There is nothing to defend, even if you are a good defender, you would end up scoring in your own net all the time because the key principles in management have all been flouted; virement without authority, embarrassing procurement - What else would we talk about? This was a contract for infrastructure development and then you have procurement of supplies like laptops. Who would you explain this to? Furniture is being paid for 100 per cent and yet it is not available. There is everything to talk about.

This is a message to public officers. When you realise that below your belt there is such dirt, the best thing to do is to say, I will step down and protect the image of the nation. For example, part of our budgeting is sustained by funders. As funders listen to this, there is nothing explainable within this. The conduct of the minister here today hits the last nail in the coffin of those that he supervises because he clearly stated that he cannot superintend over corruption and abuse of office. The report is glaringly clear and the mistakes are there.

Our advice to the officers there is that they should not drag this very far because the

mistakes are glaring. That is my submission, Madam Speaker.

THE SPEAKER: Thank you. Hon. Afande Kavuma, do you want to say something? *(Laughter)*

5.23

MR BARNABAS TINKASIMIRE (NRM, Buyaga West County, Kagadi): Madam Speaker, I want to thank you so much for this opportunity -

THE SPEAKER: Honourable members, listen to your colleagues.

MR TINKASIMIRE: We are here debating but at the same time, wasting a lot of our time. I am sorry to use that strong word. The chairperson has read a comprehensive report with very good recommendations. The minister responsible, who I expected to say, "We are not guilty", said, "We are guilty." Even when you have a few things to highlight, you just give up. For instance -

THE SPEAKER: Do you have an amendment?

MR TINKASIMIRE: I wanted to commend this lady, Geraldine, for saying that we should stop renting and rehabilitate the offices because each year, we were spending Shs 3 billion. That was a credit to her and every accounting officer should be thinking like that for this Government. However, she erred when she used this opportunity to be seen to benefit herself. I want -

THE SPEAKER: Honourable members, listen to Hon. Tinkasimire.

MR TINKASIMIRE: My honourable colleague, Hon. Ssekikubo, raised a very critical point. Whereas I agree that the sectoral committee can do a good job, like they have done – If this report went to court where they would be subjected to serious questions -

THE SPEAKER: Hon. Tinkasimire, we do not stop anybody from going to court. We should not use the court to cover dirt. If they want to

go to court, they can go, even today but we will not stop doing what is supposed to be done by this Parliament in the name of court. And you will be the one to represent Parliament.

MR TINKASIMIRE: Much obliged, Rt Hon. Speaker. The only point that I want to make - *(Interruption)*

MR NANDALA-MAFABI: Madam Speaker, we pass budgets here and it is Members of Parliament who see these figures. Shs 6.2 billion is more than Shs 4.5 billion. Do you need an auditor to tell you that Shs 4.5 billion is more than Shs 6.2 billion or you can also see?

Is Hon. Tinkasimire in order to come and abuse Members of Parliament that they should not do their work of oversight because they are scared of court?

THE SPEAKER: Honourable members, I am only allowing amendments. Hon. Tinkasimire, I am only allowing amendments to the recommendations. Can I have Hon. Rose?

MR TINKASIMIRE: I want to amend -

THE SPEAKER: No, you will come back and amend.

MR TINKASIMIRE: Much obliged.

5.29

MS ROSE OBIGAH (NRM, Woman Representative, Terego): Thank you, Rt Hon. Speaker. If we are this playful, I think this is not the time to play and joke around when the country -

THE SPEAKER: Chairman, Bugisu Cooperative Union, can you listen to Hon. Rose.

MS OBIGAH: Thank you, Madam Speaker. This is a time when the country is bleeding and I remember the 11th Parliament saying that they are going to put an end to corruption or at least do their best and I expect all Members to be keen and always fight corruption.

There has been a consent judgement in this and the minister said that he is flowing in the same water with the chairman of the committee.

For anyone to shout, “No” like a new Member of Parliament is a shame. Let us hold ourselves in dignity and love this country. Let our conscience judge us. It is by our conscience that we will be able to do the right thing for this country. Let us not act like we are shameless and cannot see the truth. We have decided to close our eyes.

I want to thank the committee for what they have done. I will suggest that immediately, the IGG and DPP swing into action and get these people to pay back the monies in addition to other penalties that should be instituted on them. Thank you.

THE SPEAKER: Thank you. Honourable members, I do not want those games; stop playing in the House.

MR MUSINGUZI: Those Members who have eaten money, eat your money silently and let us debate.

THE SPEAKER: Hon. Yona Musimnguzi, nobody has eaten money. It should be withdrawn from the record.

MR MUSINGUZI: I withdraw the statement.

THE SPEAKER: What do you withdraw?

MR MUSINGUZI: For having thought that some people are disturbing us because there is exchange but I withdraw.

THE SPEAKER: Okay.

5.31

MR YONA MUSINGUZI (NRM, Ntungamo Municipality, Ntungamo): Madam Speaker, I have been following the person we are talking about since 2010 when I joined this Parliament. Her appointment was a reward of indiscipline because in 2011, she was working as a secretary at the Directorate of Management in Her Majesty’s Treasury in the United Kingdom

where she is wanted for embezzlement of £50,000.

While a Deputy Managing Director of National Security Social Fund (NSSF) in 2017, Hon. Matia Kasaija, our beloved Minister of Finance then and today, refused to renew her contract and the reasons which were cited by the board then were many but in summary, the board said, “less than satisfactory performance and therefore, dismissed”.

Appointing her to be the accounting officer of the Ministry of Trade, when we hope to commercialise and industrialise this country, was a big mistake by the appointing authority in 2021.

I do not want to go into the nitty-gritty of the report because my beloved friend whom I like so much, Hon. Mpaka, and his committee have elaborated everything.

As we talk of zero tolerance to corruption, the country is bleeding and the *mafias* are watching and waiting for you to allocate money to the ministries so that they can take it. We should not think of the IGG today. Let her be arrested so that the IGG and whichever office will find her in the cells.

THE SPEAKER: Can you finish?

MR MUSINGUZI: We should make corruption a very difficult activity for everyone and I want to thank this Parliament. We may recommend and you know what happens with our recommendations but I want to stand with the Speaker and this House that regarding this recommendation, if it not taken into consideration like they have always let us down, we should never budget for that ministry again. I beg to move. *(Applause)*

5.35

MR JAMES BABA (NRM, Koboko County, Koboko): Thank you, Madam Speaker. The report of the committee clearly shows systemic failure of a Government ministry and that could easily apply across the Government. *(Applause)* What does that mean? It means we

must go back to the drawing board concerning Government procedures, processes, regulations and so forth.

Madam Speaker, my specific recommendation is to the Rt Hon. Prime Minister that the Government should go back and sensitise public servants on how to manage Government systems properly.

Madam Speaker, the Bible in civil service is the Uganda Public Service Standing Orders. From this report, every Standing Order regulation has been flouted. *(Applause)* I was a public servant for 33 years; I retired in 2001 –

THE SPEAKER: Honourable members, listen to the ambassador. He is very clear that the Bible in all this is the Standing Orders. The Standing Orders must be followed to the letter. If they have been flouted, take action.

MR BABA: Madam Speaker, you have really summarised my point. *(Laughter)* Let us go back to the Standing Orders and implement them. During my time, we had no supplementaries coming here every month. During my time, the Board of Survey was not paid any allowance. During my time, a clear per diem was stipulated on how much you would get. Now, you get any amount. How can the Government operate like this?

THE SPEAKER: Thank you, elder.

5.38

MR SETH WAMBEDE (NRM, Northern Division, Mbale City): Thank you, Madam Speaker. Let me thank the chairman and his committee for a wonderful job done. *(Applause)* In the service of Uganda, by the time one is appointed a Permanent Secretary, he or she must be well versed with the Public Service Standing Orders, accounting systems, the procurement laws and everything.

However, when you look at the report, everything was flouted by the accounting officer, Ms Geraldine Ssali. That means there was intentional theft. Do not talk about Mary who initiated the procurement –*(Interjection)* Yes,

you can initiate procurement, but ultimately, it is the accounting officer to approve that the money you have initiated is available. For that matter, the lady who initiated the procurement has no problem –*(Interjection)*– they said it was a lady. Anyway, whoever initiated it has no problem.

Madam Speaker, we should not debate about Ms Geraldine Ssali here; I think she should be in prison by now. *(Applause)* We cannot hide facts; Ms Geraldine Ssali must be in prison.

Two, the Ministry of Finance, Planning and Economic Development knew the budget which was available for renovation. How could they approve money beyond what was –

THE SPEAKER: The report says there was no warranty from the finance ministry.

MR WAMBEDE: That is beautiful. If there was no warranty, then why would you bother with Ms Geraldine Ssali? She is an outright thief.

Lastly, Madam Speaker –*(Interjections)* – I am saying “lastly” – the person from the Attorney-General’s (AG) office, who gave the advice, should not be spared either because she advised on illegalities. She should be brought into the net.

THE SPEAKER: Actually, I did not see a recommendation on the person from the AG’s office.

MR WAMBEDE: That one should also be prosecuted.

THE SPEAKER: We need a recommendation on the person from the Solicitor-General’s office.

MR WAMBEDE: Thank you, Madam Speaker.

5.41

MR JAMES NSABA BUTURO (NRM, Bufumbira County East, Kisoro): Madam Speaker, I would like to congratulate the

chairperson and his committee for a very effective report.

However, I cannot help but think that our country is under a real siege. Just a short while ago, in your remarks, you talked about the conduct of some of our colleagues here. I am not surprised. It is as if it was planned.

We now see this report giving us details that leave us completely amazed. I wonder where our help, as a country, will come from because what we are seeing now is a situation where, clearly, lawlessness is obtaining.

It is not the trade ministry only. I can suggest, Madam Speaker, that what we are listening to here is obtaining in other institutions. What has ominously gone wrong is, even when we know things are getting out of hand, we have no one to effectively address this matter.

May I suggest, Madam Speaker, that we use this report, which is unanimously supported, as an opportunity to make a statement that enough is enough? We have got to do away with this nonsense. I submit. *(Applause)*

5.42

MS SARAH OPENDI (NRM, Woman Representative, Tororo): Thank you very much, Madam Speaker. It is extremely sad when you see us struggling to provide services to Ugandans and then you find money being allocated to a sector and it is misused in this way.

You see the Ministry of Finance, Planning and Economic Development coming on the Floor of this House to borrow funds to try and meet some of the expenditures in the budget, yet the money is actually being squandered. We actually have enough money in this country but it is being syphoned by a few individuals.

It is a shame that this is somebody who was at the level of a deputy managing director and fought that she was unfairly removed from NSSF. The President was convinced that maybe, she was unfairly removed and gave her this position of Permanent Secretary. Now you

see all this dirt in the Ministry of Trade. There is even more; this is just a tip.

I do not want to talk about other reports that we are handling under the Public Accounts Committee. However, there is a problem, Madam Speaker. How can –

THE SPEAKER: What amendment are you making?

MS OPENDI: Madam Speaker, looking at what has happened, it is not only the Ministry of Trade, Industry and Cooperatives - The Solicitor-General's office was also an accomplice in this fraud. *(Applause)* All these people must be interdicted.

I am not happy with the IGG's office. Madam Speaker, we have referred reports to the IGG's office and given them 60 days to report back. However, they have never reported back. There was one of the famous rats. *(Laughter)* There was a timeline given but the report has never come back.

I do not know where we are going to go, if an institution of Government that is supposed to deal with corruption has become something else and does not handle these matters urgently.

Therefore, the amendment that I want to make is, let all these people be interdicted and let the CID, other than the IGG's office, handle this report because I have seen the IGG's office messing up in matters of corruption.

5.45

MS LAURA KANUSHU (NRM, PWD Representative): Thank you very much, Madam Speaker. I am very saddened by the fact that this Parliament makes very good reports. If we look at history, have the reports been implemented?

Personally, I have been on ad-hoc committees on investigation and it breaks my heart to see that the people who do this work spend sleepless nights and come out with all the information that the chairperson has come up with but at the end of the day, there is nothing done.

We can get excited here, debate and say “Interdict” but tell me one recommendation that this Parliament has made that has been implemented.

Madam Speaker, I wish the Rt Hon. Deputy Prime Minister was not distracting you because it is as if the thieves in this country know that our recommendations are not –

THE SPEAKER: Honourable, whatever you are saying is recorded.

MS KANUSHU: Thank you. We have made very good recommendations in this Parliament. I was just being whispered to by a person who was in the 9th Parliament that there was a recommendation about this same person; that she should never be appointed. What happened to that recommendation?

What can we use in Parliament as our power? It does not matter how excited we are; all those recommendations are not going to be implemented. I can bet on that. The only thing we can do, as Parliament, is to use our powers of appropriation.

At the time when we are giving money, if we have singled you out and written a report about you, whether you are appointed or elected, once you go to a specific institution, we should not give that institution money. If you tell the Inspectorate of Government (IGG) to do something, we should not give the IGG money.

THE SPEAKER: We cannot make the whole ministry suffer because of one individual. You have the powers, as Parliament, to have that individual out of that ministry. Therefore, you rather do away with the person but the ministry must get money.

5.48

MS JANE PACUTO AVUR (NRM, Woman Representative Pakwach): Thank you, Madam Speaker. I want to commend the Chairperson and the Committee on Tourism, Trade and Industry for bringing out this rot in the ministry.

I want to address my mind to Mr Opio who was recommended by the Permanent Secretary to be on the Electronic Government Procurement (eGP). This means that as Parliament, we need to look into the Public Procurement and Disposal of Public Assets Act because the law spells out that it is the Permanent Secretary to recommend to the Permanent Secretary/Secretary to the Treasury (PS/ST) who should be there.

I think it is not enough to recommend a name without giving the details of that person. How on earth could we have an office attendant -

THE SPEAKER: Hon. Jane, maybe we need to find out; did you get a letter that was recommending Mr Opio, office attendant, to be put in the eGP?

MR MWINE MPAKA: Thank you, Madam Speaker. According to the Accountant-General, the only way for you to get on to the system is by a request by the Accounting Officer, who is the Permanent Secretary (PS). We also did a forensic audit on Opio’s mobile phone in Kibuli and from the WhatsApp messages between him and the Permanent Secretary, you see him even recommending who gets fired, who leaves the next day. The forensic audit is attached to the report. He is called Tom Opio, office attendant.

MS AVUR: To conclude, I think there is need to review that bit where the Permanent Secretary has to recommend who should be on the Electronic Government Procurement. Whereas we are investing money in electronic procurement, we may end up losing more as a country, given this scenario that we have seen in place. Thank you.

5.50

MS SYLVIA AWAS (NRM, Woman Representative, Nabilatuk): Thank you, Madam Speaker. I want to commend the Committee on Tourism, Trade and Industry for the report.

My observation is that the Permanent Secretary hijacked the whole procurement process. She

became everything in the ministry; she was the one preparing the Bill of Quantities (BoQs) and doing everything in the ministry.

I will recommend that the contract for renovation be terminated immediately so as to allow investigations to go on. Furthermore, let us include, in the recommendations, that the contract for supply of furniture be terminated, the money be recovered and returned to the Treasury.

There were payments made, hence reason for termination of the contract. This company was given money up front which is a sign of corruption. They wanted this money to be used and there is nothing left to be paid. Therefore, let the contract be terminated. Thank you.

5.52

MR DENIS OGUZU (FDC, Maracha County, Maracha): Madam Speaker, I have listened to the arguments presented here and I want to agree with the saying in the world of Information Technology that, when you put garbage in, you should expect garbage out.

The history of people who are in charge of what we are talking about is well documented. I have been asking myself how they got onto the system and I want to believe that the report of this committee is an indictment on our Appointments Committee. How do we clear these people without doing a background check on them?

Madam Speaker, there is syndicated corruption which has been proven and the Ministry of Finance, Planning and Economic Development and the Permanent Secretary must be investigated. I have been asking myself how money got spent without a warrant and yet this money is paid from the Bank of Uganda through the Integrated Financial Management System. How was that money paid and who made the clearance?

The Office of Attorney-General, having looked at all these, who is the person that cleared that contract? Is it a person in the Ministry of

Finance, Planning and Economic Development or in the Attorney-General's chambers? These two must be investigated.

Ideally, expenditure is based on new work plans. Who approved the new work plan and what was the basis? This money should have come to Parliament. We should have complied with Section 22 of the Public Finance Management Act to reallocate this money through a formal process. That did not happen.

Therefore, I recommend that the Ministry of Finance, Planning and Economic Development, the Attorney-General's office and the people there must be part of the investigation. Thank you.

5.54

MS SANTA ALUM (UPC, Woman Representative, Oyam): Thank you, Madam Speaker. Allow me to join my colleagues to thank the committee.

When I was serving on the sectoral Committee on Public Service and Local Government, we had a similar issue with the Permanent Secretary –

THE SPEAKER: The same Permanent Secretary?

MS ALUM: Not the same, another Permanent Secretary. As a committee, we had to make our recommendation to Parliament and the Permanent Secretary was arrested and remanded to Luzira. Therefore, my first recommendation is that the Permanent Secretary, not even the initiator of this scam, must be arrested and leave office.

When we say that we are going to take it -

THE SPEAKER: Of course, if you are arrested you leave office.

MS ALUM: Not always, Madam Speaker. She must be arrested and interdicted. This is coming from the history that this Parliament made; we recommended the same.

I join my colleague from Mbale who said that the initiator of this has no issue. The Permanent Secretary was there. If someone initiates, does it mean that she or he is responsible for what happens later? The committee must come in place, but when you look at all the processes, they were all flawed.

Finally, Madam Speaker, I implore Parliament to stand firm and send a clear signal. Tomorrow, we want to see some of these people, starting with the permanent secretary, arrested and detained in Luzira.

5.56

DR ABED BWANIKA (NUP, Kimaanya-Kabonera Division, Masaka City): I would like to thank you, Madam Speaker. During our oversight visits as sectoral committees, we often come across such issues where there are corruption tendencies and we are bound by the rules. Every time we want to touch them, we are told that it is work of the accountability committee.

Today, we have received a very good report from a sectoral committee that reveals a classic example of corruption by an accounting officer in the Government. My recommendation is that the rules should be amended and where necessary, a sectoral committee can be involved in those investigations so that we can –

THE SPEAKER: The Rules and the Constitution are clear. Just propose an amendment to the recommendations. We are not amending the rules, unless you are telling me you have not revised your rules well.

DR BWANIKA: Madam Speaker, the reason I am saying that –

THE SPEAKER: Do not listen to what another Member said.

DR BWANIKA: This is a sectoral committee and it has produced a very good report. My recommendation is that sectoral committees should be empowered, where necessary, to investigate these corruption tendencies so that we can save this country.

THE SPEAKER: When you look at what the rules say, we have the powers.

5.58

MR ALLAN MAYANJA (NUP, Nakaseke Central County, Nakaseke): Thank you, Madam Speaker, for the opportunity. Under Article 230, regarding special powers of the inspectorate, I recommend that a lifestyle audit should be carried out on all the mentioned officers in this report.

I am wondering and asking myself: what is the responsibility of the minister who is the overall supervisor of the ministry? If we leave him out of this saga, what is he doing in that office? Should we leave it to the permanent secretary? Therefore, I recommend that since the minister is responsible for this saga, he should resign immediately. *(Laughter)*

THE SPEAKER: Honourable members, I would like us to differentiate between a technical head and a political head. Actually, I expected you to ask whether there is an internal audit in that institution because it is about compliance and internal controls. It is about the technical work, the audit work and compliance in the institution. It is basically that. Now, if you are going to talk about a politician –

6.00

MR STEPHEN SSERUBULA (NUP, Lugazi Municipality, Buikwe): Thank you, Madam Speaker. As we are deliberating, the former Permanent Secretary of Public Service, Jimmy Lwamafa has been released from prison by the President.

THE SPEAKER: It is a presidential pardon.

MR SSERUBULA: Yes, presidential pardon. As we give these people room - Someone goes to prison, spends about four years and comes back with his or her saved money. At the end of the day, we have people suffering in villages, paying taxes. The poor people hear us deliberating that people have eaten money and gone scot-free.

It is my humble appeal that we handle this theft. In several countries where such things happen, ministers resign because of shame. So, the minister is accountable. In fact, he is supposed to give an update about the performance of the ministry. Therefore, resigning would be very good and if it is done in good faith, we shall be proud of him because he would be a hero.

THE SPEAKER: My minister is not resigning. Let everyone carry his or her own cross.

6.01

MR JONATHAN EBWALU (Independent, Soroti West Division, Soroti City): Madam Speaker, Parliament, through the committees, check misuse, diversion, embezzlement of the public funds and assets, nepotism, awards and tenders.

I would like to thank my chairperson together with the committee for doing a commendable job. Your report is good and whatever the ministry did, you implicated them.

I would like to associate myself with your recommendation and agree with my senior, Hon. Nathan Nandala-Mafabi that these people must be interdicted. I saw a company called Ssali and the permanent secretary is called Ssali. Is it by coincidence that she is called Ssali and the company is called Ssali. What is happening? Did you inquire?

THE SPEAKER: Actually, one of the directors of the company is called Okurut. Let us have that corrected.

MR MWINE MPAKA: Madam Speaker, the company is Sarick Construction Ltd not Ssali and the director of Sarick Construction Ltd is Mr Samuel Okurut.

MR EBWALU: So, the company has only one director. Madam Speaker, this is economic sabotage. When the police –

THE SPEAKER: What should we do to the directors? You have jumped away from the directors.

MR EBWALU: This is a company that is doing business so, in future, such companies must be blacklisted so that they are never given any award from any Government ministry.

What is happening here is economic sabotage and is tantamount to nothing less than treason. These people should be charged and must go and rot in prison.

In conclusion, we have hospitals without drugs. We have bad roads where people are dying daily. We have a country that has failed to pay intern doctors. We have a country where we have watched our mothers die on hospital floors yet a few people are stealing our money.

As I conclude, the minister seems to be learning everything happening in this ministry today and from here. He is the minister responsible in this ministry and he has said he agrees with all the recommendations of the committee. Honourable minister, you should have resigned by now because a mess cannot happen in your ministry under your watch.

6.05

MS GORRETH NAMUGGA (NUP, Mawogola County South, Ssembabule): Thank you, Madam Speaker. I should proudly inform the House that I am a procurement professional and a member of the Chartered Institute of Procurement and Supply (MCIPS) so I think I should be listened to in silence. I am bleeding as a professional - (*Interjection*)- no, they should know.

THE SPEAKER: Honourable members, listen to a procurement specialist but just to inform you; they are many. When you talk about accountants; they are many. We are many lawyers -

MS NAMUGGA: Madam Speaker, I would like to update my colleagues that we had procurement reforms in 1997 to improve transparency, value for money, and many other things. When we look at such actions happening now, even when we have made so many laws under procurement in the interest of improving the efficiency and effectiveness of management of public funds -

Madam Speaker, I heard some of my colleagues saying that the recommendations were harsh. I thank Hon. Mpaka and the team and I think we should just add on to what they recommended in the report.

Procurement is a process and I recommend that whoever had responsibility in the whole process must be held accountable. My question is, do we have internal systems in these organisations?

We are talking about a transaction for the financial years 2021/2022 and 2022/2023. We have internal auditors; what have they been doing? We have the Public Procurement and Disposal of Public Assets Authority that conducts annual audits -

THE SPEAKER: You see, that is what professional accountants asked.

MS NAMUGGA: Madam Speaker, this brings me back to PPDA as an authority. I want to ask; what was the PPDA doing when such things were happening? PPDA should be brought on board as the procurement line supervisor of all these agencies. The Solicitor-General should be brought on board because they okayed the whole process. The reason why we have so many stakeholders in procurement is to have oversight at every step. The country spends over 65 per cent of its budget on procurement.

I want to question; people have been talking about ministers. The President told us that whoever becomes a whistle-blower should inform him. We are becoming whistle-blowers and informing him that this ministry has challenges and this is the time to act. We are showing him that the Ministry of Trade has issues.

Therefore, the fact that this has happened under his supervision, the President should also be held accountable because he assigns these people. Thank you, Madam Speaker.

THE SPEAKER: Hon. Andrew Oulanyah.

6.08

MR ANDREW OJOK (NRM, Omoro County, Omoro): Thank you, Madam Speaker. I thank the chairperson of the committee for the very well-documented report.

Madam Speaker, if you look at the report, pages 35 to 36, there is a component of the Electronic Document and Records Management System (EDRMS) where they mention a figure of Shs 155 million, just for profiling and many other things. I would like to recommend that in addition to what we have proposed here, we have a value-for-money audit of the system itself.

We have signed Shs 192 billion under the digital transformation programme but how are we using that money to actually transform the Government into an e-government? Otherwise, the report is very good. I just recommend that we add that one.

THE SPEAKER: The value for money audit. Yes, Eddie.

6.09

MR EDDIE KWIZERA (NRM, Bukimbiri County, Kisoro): Thank you, Madam Speaker. Colleagues, I thank the committee. Mine is a generic issue where every organisation here that fights corruption talks about corruption and it became a song but I do not know who listens.

The IGG fights corruption, Parliament is talking about corruption, the Police is talking about corruption and the corrupt are known. Why is it that the President cannot take action where he is supposed to take action and why should we be lamenting every time?

It is criminal that people who are appointed abuse offices. I would recommend that the way the appointments for the permanent secretaries are done be reviewed and we have a public hearing so that we do not appoint people -

THE SPEAKER: Honourable members, listen to what he is saying.

MR KWIZERA: Even when we know that they are not good people we keep quiet.

Honourable members, the fact that the President appoints the wrong people in offices and Ugandans see Members of Parliament keeping quiet does not mean that Ugandans are stupid. They actually think that Parliament is not doing its work. You appoint a thief, he goes to the office and you know this person is a thief. Therefore, what is the role of the Public Accounts Committee or -

THE SPEAKER: Honourable members, every year before we pass the budget, we must approve the accounting officers - This House approves accounting officers.

MR KWIZERA: The question of approval which is done by this House - This House is not given sufficient time. Approval is not only laying the names of the accounting officers. They are supposed to submit the names to Members who then give feedback to the Speaker who informs the Ministry of Finance. Otherwise, why would they bring names here for approval? What is approval?

THE SPEAKER: Please conclude.

MR KWIZERA: Thank you, Madam Speaker. I think that if we are going to fight corruption, the person responsible for this country is the President. He is the consumer of all information, both political and social but what has he done? That is why he should come - I would recommend that the President comes to address Parliament on the state of corruption in view of the World Bank's position to us. Thank you.

THE SPEAKER: Thank you. Hon. Martin

6.11

MR MARTIN MUGABI (NRM, Buzaaya County, Kamuli): Thank you, Madam Speaker. For some of us who sit on these accountability committees, this is something that is happening daily, year in and year out. You will see a ministry having the same issues today and in the next financial year and the next.

With all the mechanisms that the Government has put in place, corruption is simply increasing because reports come here, we discuss them and make our very good recommendations but we do not get the feedback nor does the public. Once this is done -

THE SPEAKER: On the matter of feedback, once we pass this report, honourable minister, we want action taken in two weeks. We want action taken, recommendation per recommendation, in two weeks' time.

MR MARTIN MUGABI: Thank you, Madam Speaker. This should not just be on this particular report because there are so many other reports that have come to this House.

THE SPEAKER: Let me first have it on this report as we wait for the Government Chief Whip to bring for us all the actions on the other reports.

MR MARTIN MUGABI: Okay. Thank you, Madam Speaker.

6.13

MR AMOS OKOT (NRM, Agago North County, Agago): Thank you, Madam Speaker. The whole country is watching us. The corruption and stealing that is taking place in this country is not with Parliament or any other person but with our civil servants who handle money. Because of that, this is a system where most of these people -

THE SPEAKER: Hon. Ssekikuubo and Hon. Tinkasimire - By the way, Hon. Nsereko left you. Hon. Tinkasimire, can we finish this report and the sanctions? Hon. Nathan, handle those people for me.

MR AMOS OKOT: Thank you. I know why they are trying to raise those issues - they even know the answers. Parliament called - It was a penalty but of course, the referee did not award us a mark. For that matter, you cannot just raise your eyebrows to Parliament.

My point here is that in the 9th Parliament, we lost some big amounts of money on the PRDP

project and the old style is not very far from this one here. There was a system that was controlled electronically and only one or two persons were responsible for making sure that the money was approved. To our dismay, when Parliament debated the matter, no proper action was taken on those people.

THE SPEAKER: Can we have an amendment to this?

MR AMOS OKOT: With all that took place; inflating prices, not following the Public Finance Management Act, not doing the right things, I think everybody, including the ministers - because if I was the minister, I would have to resign.

What is my role as a minister heading an entire unit? I have to take action and always hold meetings. In your ministry, what do you discuss if you do not discuss finance and money?

Madam Speaker, everybody that has been named in this should take responsibility and step down. Secondly, Parliament has the power of the High Court and these people should be arrested - *(Member timed out.)*

THE SPEAKER: Yes, Hon. Angura.

6.16

MR FREDRICK ANGURA (NRM, Tororo South County, Tororo): Thank you, Madam Speaker. I want to join the rest of my colleagues to thank the committee for the report that they have presented. Among our key obligations here is appropriation and when the Appropriation Bill comes -

THE SPEAKER: Give me the amendment, we have heard it all.

MR ANGURA: I am summarising, Madam Speaker.

THE SPEAKER: No, is there an amendment you want to bring?

MR ANGURA: Yes.

THE SPEAKER: Bring the amendment.

MR ANGURA: On appropriation, we look at the work plan, procurement plan and recruitment plan as key and this also goes back to 189(f) of our Rules of Procedure. That is exactly what the committee did; monitoring Government compliance with approved plans and programmes. On that note -

THE SPEAKER: Hon. Angura, you are not going to repeat my ruling.

MR ANGURA: Amendment one, it is our responsibility to approve accounting officers. We need to call for public hearings as far as these leaders are concerned. Two, the Public Finance Management Act, 2015 must be adhered to, to the letter because we have seen gaps many times. Where amendments should come in, we should -

THE SPEAKER: That is a sweeping statement. I want a particular -

MR ANGURA: We shall highlight the sections of the Public Finance Management Act that need to be amended because when you look at accountability in general, we have gaps where many times we - *(Member timed out.)*

6.18

MR SANON BWIIRE (NRM, Bulamogi County, Kaliro): Thank you, Madam Speaker. I want to amend the recommendations. Because all these transactions of big monies involved the internal auditor of the ministry, the Internal Audit office should be included among those to be held accountable for their negligence and this big loss. They slept on the job.

THE SPEAKER: Yes, the chairperson has something to say.

MR MWINE MPAKA: Madam Speaker, we interacted with the internal auditor and she had raised all these concerns in writing but no action was taken in that regard. However, this is what informed the Permanent Secretary/Secretary to Treasury to write to the Permanent Secretary, Ms Geraldine Ssali, warning her on her performance.

Hon. Tinkasimire and Hon. Ssekikubo kept on raising the issue of the Auditor-General. We looked at the management reports of the Auditor-General and this matter was raised and dropped miraculously in the management reports -

THE SPEAKER: Honourable, that is what now takes us to the Auditor-General. When you are in an accountability committee and you are looking at these institutions, interest yourself in the management report. What is dropped will be the most interesting one. Now he is saying that it was dropped. Why was it dropped?

MR NANDALA-MAFABI: Madam Speaker, that brings us to another point. The internal auditor is entitled to make quarterly reports and these quarterly reports are supposed to be submitted. Did you get a copy to show that the internal auditor made that quarterly report to the PS/ST?

If the Auditor-General dropped the matter - because the year we are talking about is already audited - and if the external auditor also dropped it, there must be a reason and if there is no reason - Under the National Audit Act, if you catch an external auditor committing a crime, he is supposed to go in for 12 years. Those ones are not allowed any payment so this could also be an interesting -

THE SPEAKER: Hon. Nathan, there is always a reason. Our two colleagues are dropping this issue saying that what was being done was correct. Haven't you seen somebody saying that whatever was done was correct?
(Laughter)

MR NANDALA-MAFABI: Madam Speaker, I think that is what we want to say -

THE SPEAKER: I have not mentioned a name. *(Laughter)*

MR NANDALA-MAFABI: No, you have not mentioned a name.

THE SPEAKER: Honourable members, I put the question that the report of the Committee on Tourism, Trade and Industry on investigations into the utilisation of a supplementary budget for the Financial Year 2021/2022 by the Ministry of Trade, Industry and Cooperatives for rent for the new office premises be adopted by this House with amendments.

(Question put and agreed to.)

(Report adopted.)

THE SPEAKER: The ayes have it. I adjourn the House to 2.00 p.m. tomorrow.

(The House rose at 6.22 p.m. and adjourned until Wednesday, 30 August 2023 at 2.00 p.m.)