



PARLIAMENT OF UGANDA

PARLIAMENTARY DEBATES

(HANSARD)

OFFICIAL REPORT

SECOND SESSION - FIRST MEETING

WEDNESDAY, 14 SEPTEMBER 2022



IN THE PARLIAMENT OF UGANDA

Official Report of the Proceedings of Parliament

SECOND SESSION - 29TH SITTING - FIRST MEETING

Wednesday, 14 September 2022

Parliament met at 4.38 p.m. in Parliament House, Kampala.

PRAYERS

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

The House was called to order.

COMMUNICATION FROM THE CHAIR

THE DEPUTY SPEAKER: Thank you, honourable colleagues. I welcome you to the second session today. Maybe I should explain to colleagues. The first was a special sitting; we were paying tribute, so, we could not mix it with anything. That is why we issued two Order Papers. Some colleagues were asking why I didn't suspend the House. It would be wrong for a session for paying tribute of this nature to be mixed with other business. That is the end of my communication. Next item.

MR OPIO: Thank you, Mr Speaker. The procedural matter I am raising is that last week, there was an issue of national importance raised in regard to the wage shortfalls this month for the different districts. The Prime Minister had given directive that funds needed to be released to those districts. She indicated that on Wednesday, which is today, a response would be given.

Secondly, there was another matter of national importance raised last week in regard to the hike

in school fees. Again, the Speaker had directed that a statement be given by the minister today.

So, wouldn't it be procedurally right to make provisions for them, possibly tomorrow or at an appropriate time? Thank you.

THE DEPUTY SPEAKER: Honourable, I am still considering the Order Paper. You will receive tomorrow's Order Paper. Next item.

MINISTERIAL STATEMENT ON SUPPLY OF COFFEE AND TEA SEEDLINGS

THE DEPUTY SPEAKER: Honourable minister, please, take a few minutes as possible because it should be a direct statement.

4.42

THE MINISTER OF STATE FOR AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES (MS Hellen Adoa):

Thank you, Mr Speaker. This statement is in response to the directive by the Speaker of Parliament to the Ministry of Agriculture, Animal Industry and Fisheries on the 7th of September.

Mr Speaker, as you may be aware, the Government is currently implementing the Parish Development Model (PDM), whose adoption brought along a policy shift from the then distribution of inputs to the farmers to now acquiring inputs on their own with the support of loans obtained from the parish-based SACCOs, financed by a Government grant.

The strategy under PDM is to push funds into parish-based SACCOs from where farmers can borrow and acquire inputs of selected enterprises. This approach, however, led to the withdrawal of budgets for inputs held by MDAs such as NAADS and Uganda Coffee Development Authority (UCDA) that used to support distribution of seedlings to the farmers.

However, there has been an outcry from different tea and coffee nursery operators, who had planted with the expectation that the Government, through NAADS and UCDA, would procure and distribute the seedlings, leaving them stuck with mature seedlings.

His Excellency the President directed the Vice-President and the Prime Minister to work out modalities through which nursery operators could supply the available seeds to farmers and then the Government pays for the seedlings later.

Therefore, Mr Speaker, the Vice-President and the Prime Minister are looking at the modalities, through which these nursery bed operators can supply seedlings on credit and then the Government pays them later since the seedlings are already mature. Thank you.

THE DEPUTY SPEAKER: Thank you. Honourable minister, I do not want to open up this because I do not know what statement we shall make that is different from what we have made – No, colleagues. I have been very passionate about this. Sometimes, when we repeat ourselves, it does not look well.

Honourable minister, our concern is about the season.

Colleagues, the Prime Minister had shared with me earlier that they had written to UCDA to provide a list – because your people must have registered if they needed coffee seedlings. They need to know the nursery bed operators and estimates of the seedlings that are in nursery beds.

However, for tea, this has not been clearly explained.

Honourable minister, I do not usually like lamenting and I do not want the House to lament. So, please, go and work on this. I will personally call the Vice-President. I am also going to call the Prime Minister on the same. On Tuesday, come back and tell us whether you have allowed farmers to pick seedlings or not. *(Applause)*

MS ADOA: Most obliged, Mr Speaker.

THE DEPUTY SPEAKER: Colleagues, I promise you that I am personally going to intervene and follow up on this. Procedure, Hon. Maurice?

MR KIBALYA: Thank you, Mr Speaker. Some time ago, I visited your office and registered the cry of the people from my area as far as coffee seedlings are concerned, more especially over the communication by UCDA, where they needed them to use seeds only.

THE DEPUTY SPEAKER: We shall see the justification for all that. It must be backed by very serious researched information. We will present it, honourable. Let us present the honourable member's view and then wait to see whether it can apply.

DR MOSES ALEPER: Thank you, Mr Speaker. The point of procedure I want to raise is that, some time back we raised a complaint about the recruitment of Ugandans into the forces: UPDF, police and prisons.

The matter was that in some of these regions – and I am talking about Karamoja in particular – we were failing to be taken up into the forces. Today, a list came out for people who had been recruited into Uganda Prisons Service. However, in the 99 per cent of the districts of Karamoja, there are no Karimojong on the list –

THE DEPUTY SPEAKER: Honourable, can I help you?

DR MOSES ALEPER: Yes, please.

THE DEPUTY SPEAKER: A point of procedure is to do with issues on the Order Paper and what is going on. So, this is a matter you should raise tomorrow to the Prime Minister during the Prime Minister's Time. I will give you space and you raise it to the Prime Minister.

DR MOSES ALEPER: Most obliged, Mr Speaker.

THE DEPUTY SPEAKER: Thank you. There is no one on the Floor; clarification is applied to someone on the Floor. You want a clarification from the Speaker? No, I do not hold any opinion on these matters. *(Laughter)* Next item?

STATEMENT BY THE LEADER OF THE
OPPOSITION ON THE INABILITY OF
GOVERNMENT TO CLEAR CRITICAL
STATUTORY OBLIGATIONS

4.49

MR MUHAMMAD MUWANGAKIVUMBI (NUP, Butambala County, Butambala): Mr Speaker, I thank you for this opportunity.

On 8 July 2022, the Permanent Secretary/Secretary to the Treasury, communicated the expenditure limits for Quarter One for this Financial Year 2022/2023, amounting to Shs 10.45 trillion, for the period of July to September. Government of Uganda financing amounted to Shs 8.43 trillion while external funding amounted to Shs 2.02 trillion.

Out of the total expenditure limits of Shs 10.4 trillion, wages amounted to Shs 1.62 trillion. This translates to 15 per cent. These were broken down into Shs 1.36 trillion for salaries, Shs 69.7 billion for statutory wages and Shs 189.77 billion for contract wages.

Ideally, expenditure limits are expected to be translated into releases. Unfortunately, it is not possible to determine how much so far has been released against the expenditure limits.

Salary Shortfalls

Nevertheless, what has so far been established is that several local governments are reporting shortfalls in funding for salary expenditures for September. For instance, districts of Sironko and Wakiso, have urged their officers to – due to lack of releases for September salaries.

This is an indication that Government is challenged in funding statutory expenditures that have a first call on the budget. This is, of course, a concern given that Government is unable to fund its affairs.

Mr Speaker, I beg to lay two letters: One is an Internal Memo for the district of Sironko entitled, *“Insufficient Funds to cater for salary for the month of September”*. I beg to lay.

This is a letter written by Wakiso District Local Government to all staff entitled: *“Delay in payment of salaries for September 2022.”*

Mr Speaker, I think it is high time this Parliament looked into a constitutional obligation for autonomous local governments. Districts are like departments of Government at the mercy of releases by the Permanent Secretary and the Treasury yet they are supposed to be autonomous. Going forward, we may have to look through that one.

Failure to remit local revenues

On 8 September 2021, Parliament passed a motion for a resolution of Parliament to urge Government to reverse the directive requiring local governments to remit all local revenues to the Consolidated Fund.

It has been established that local revenues are yet to be remitted back to local governments. Apart from being in contempt of Parliament, Government action has adversely affected delivery of public services such as waste management, construction and maintenance of water sources, education and health, among others.

Excessive borrowing from Bank of Uganda

It has been established that due to revenue constraints, Government borrowed Shs 8 trillion from Bank of Uganda. Unfortunately, this exceeded the statutory limit provided for under Section 36 of the Public Finance Management Act, as amended. The provision permits Government to raise a loan from Bank of Uganda provided it does not exceed 10 per cent of domestic revenue.

In the budget of the Financial Year 2022/2023, Shs 25.68 trillion was supposed to be provided as domestic revenue. Hence, Government, under the law, can only borrow from Bank of Uganda Shs 2.57 trillion. That is all it can borrow, but it has borrowed up to Shs 10 trillion.

The implication

The International Monetary Fund (IMF) and World Bank have now stopped any lending to this Government until we have paid back money to Bank of Uganda. This is going to affect service delivery in the country.

Mr Speaker, the provision further demands that funds should be repaid from Uganda Revenue Authority (URA) collection within the financial year in which it has been borrowed. However, Government has failed to repay funds that were borrowed in the past financial year.

Additionally, section 33 of the Bank of Uganda Act restricts temporary advances to Government in the event of deficiencies of recurrent revenue not to exceed 18 per cent. These would amount to Shs 4.8 trillion of the annual revenue target of Shs 25.78 trillion. It is however of concern that Government has failed to pay even its advances. We must be very concerned.

Inability to repay Bank of Uganda

It is critical to note that in February 2022, Government reported to having outstanding advances for Bank of Uganda amounting to Shs 3.03 trillion in the last financial year.

Therefore, the latest borrowing compounds the outstanding debt to Bank of Uganda to over Shs 11 trillion.

Despite the inability to repay back advances from Bank of Uganda, it should be noted that Government, on 18 February 2022, signed an addendum to the Service Level Agreement (SLA) with Bank of Uganda, to include debt provision. This conflicts with the mandate of Bank of Uganda as provided for in the Bank of Uganda Act.

No wonder, creditors, particularly in the International Monetary Fund, have conditioned that before Government repays advances from Bank of Uganda, there will be no further external financing releases to Uganda. This has compromised the availability of discretionary resources for running affairs of Government. Besides, it is uncertain how much revenue Uganda Revenue Authority has collected so far.

Our prayers

In light of the above, Government should brief Parliament on:

- a) How much revenue has so far been collected by URA against its target for this quarter?
- b) How much releases have so far been – we are speaking about releases, not cash limits made to each of the votes against the expenditure limits in Quarter One. This explains why we have issues with NAADS. We budgeted for Shs 30 billion here for NAADS; for seedlings, you are now begging, “Finance, give us this”, but we passed the money.
- c) Its ability to meet statutory expenses particularly salaries in Quarter One.
- d) When local government revenues will be remitted back to local governments.
- e) Repayment plan for outstanding balances for Bank of Uganda.

- f) Level of implementation of the addendum of the Service Level Agreement with Bank of Uganda that was expanded to include a debt provision. I beg to submit.

THE DEPUTY SPEAKER: Thank you. When the Leader of the Opposition came to me with this statement, I used my authority under Rule 25; because the issues here are very credible and very critical, especially for our oversight role, as a Parliament. In line with subrule (2) of rule 53, I would allow a debate on this statement. But considering the fact that these are very critical issues, where we need a clearly worked out response from the Minister of Finance, Planning and Economic Development, I give the Minister of Finance one week to come back to this House with a comprehensive response to these issues.

5.00

THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PRIVATISATION AND INVESTMENT) (Ms Evelyn Anite): Mr Speaker, the issues raised by the shadow minister of finance are pertinent issues. They are issues of concern to us as a country. My colleagues in the finance ministry and I, are looking into this issue. We take the one-week that you have given us. As you all know, and we all do know that we are just recovering from COVID. Therefore, we are having challenges with resource mobilisation. We will come here in that one-week, and submit a detailed report in line with what you have asked us to do. Thank you.

THE DEPUTY SPEAKER: Thank you. Next item.

I do not have anyone on the Floor to call to order. I can see some were commenting about it - but for us we are appreciating.

LAYING OF PAPERS

FORENSIC INVESTIGATION REPORT BY THE AUDITOR-GENERAL INTO THE ALLEGED MISMANAGEMENT OF GULU UNIVERSITY

5.01

MR MUHAMMAD MUWANGAKIVUMBI (NUP, Butambala County, Butambala): Mr Speaker, I beg to lay a report entitled, "Forensic Investigation Report into the Alleged Mismanagement of Gulu University". I beg to lay.

THE DEPUTY SPEAKER: Thank you. I refer the report to PAC Central Government, to process it in line with our Rules of Procedure and report back to the House. Thank you.

BILLS

SECOND READING

THE MUSEUMS AND MONUMENTS BILL, 2022

MS AISHA KABANDA: Thank you, Mr Speaker. Is it procedurally right for someone to take away our enjoyment? We are enjoying the thighs and she is covering them. Can she uncover them and we enjoy, since it is for our enjoyment?

THE DEPUTY SPEAKER: Thank you. Honourable member, it is not in order for a female to admire a female in this country – (*Laughter*). If it had been Hon. Ecweru, I would have - (*Laughter*)

MR ECWERU: Mr Speaker, thank you so much for wishing me well. But you know, I have very good options at home – (*Laughter*)

MS OPENDI: Thank you, Mr Speaker. We have rules that govern this House. These are new rules that we just recently passed, on the dress code. Rule 82 (1) says, "A member shall dress in a dignified manner..." as stipulated. Mr Speaker, what is dignified? If we are going to entertain people for optical nutrition, then we shall have all manner of dressing here. I do not

want to go against your ruling, you can have optical nutrition, but outside this Parliament. We are sending a wrong message to the young people out there.

THE DEPUTY SPEAKER: No, on a point of procedure, I do not allow information. Please.

MS OPENDI: Mr Speaker, is it procedurally right for us to, you know, gloss over this matter? The Members were raising these concerns. The order you were hearing, Mr Speaker, was in relation to that. Is it procedurally right, for us to dress in whatever manner that we wish yet we have clear Rules of Procedure on how we should be dressing particularly as mothers of this nation?

THE DEPUTY SPEAKER: Thank you. Honourable colleagues. I have serious business to do in this House. Rule 82(1)(b)(iii) says, “*A member shall dress in a dignified manner stipulated as follows – (b) For female Members ... (iii) blouse and skirt or blouse and skirt with jacket.*” Hon. Anite has not only a blouse and a skirt, but also a jacket. I do not know if she wanted to announce her presence in the House. To me, Hon. Anite is smartly dressed. And I am admiring her.–

Honourable colleagues, the minister is moving a motion on second reading of the Bill-

5.06

THE MINISTER OF TOURISM, WILDLIFE AND ANTIQUITIES (Col (Rtd) Tom Butime): Mr Speaker, I beg to move that the Museums and Monuments Bill, 2022 be read -

THE DEPUTY SPEAKER: Honourable minister, sorry. Colleagues, can I have order in the House? I know most of you who are talking. I know how you behave and what you do; and what you are talking about. But now you are behaving as if you are the top moralists in this country. I even know where some of you are coming from now –(Laughter)- let me save that.

Is the motion seconded? It is seconded by Hon. Peter Ogwang, Hon. Anite, Hon. Bwanika, Hon. Kakembo, Hon. Kisa, and majority of the House. Is the chairperson for trade here? The minister took us through the Bill last time. Let us not waste time.

5.07

THE CHAIRPERSON, COMMITTEE ON TOURISM, TRADE AND INDUSTRY (Mr Mpaka Mwine): Thank you, Mr Speaker. I beg to lay the report and minutes of the Committee on Tourism, Trade and Industry on the Museums and Monuments Bill, 2022.

The report of the Committee on Tourism, Trade and Industry on the Museums and Monuments Bill, 2022.

Introduction

The Museum and Monuments Bill, 2002, was read for the first time on July 12, 2022 and was referred to the Committee on Tourism, Trade and Industry for consideration in accordance with Rule 128 of the Rules of Procedure of Parliament. The committee has considered the Bill in accordance with Rules 128, 129 and 189(c) of the Rules of Procedure and hereby reports as follows:

Honourable members, the background is indicated there. Some of these sites are manmade while others are natural.

These sites, monuments and antiquities, are important for social, cultural and educational purposes. They promote tourism and consequently, create employment for the people.

To ensure that this heritage is preserved, Government, in 1967 elaborated the Historical Monuments Act that was enforced under Statutory Instrument No.72 of 1968. The Historical Monuments Act, CAP 46, commenced on the 15th of May 1968, as an Act to provide for the preservation and protection of historical monuments and objects, archaeological, paleontological,

ethnographical and traditional interests and for other matters connected therewith.

However, there have been various developments - moreover, there are also other developments nationally, regionally and internationally that have necessitated reviews in the policy, legal and institutional frameworks, conventions and protocols that are no longer supported by the current Act, rendering some of its tenets obsolete.

Honourable members, in the interest of time, read the definition of Uganda's cultural heritage on pages 4 and 5. The law relating to cultural and natural heritage provides for the development, management and maintenance of museums and monuments.

It is to provide for the full formalisation, control and protection of tangible and associated intangible cultural heritage, works of art, and collections, to repeal and replace the Historical Monuments Act, CAP 46 and for related matters. Honourable members, the mandate of the committee is on page 6.

Methodology

While scrutinising the Bill, the committee applied the following:

- (i) We had meetings with several stakeholders
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THE DEPUTY SPEAKER: Honourable member, please go to observations and recommendations. The whole report will be captured on the *Hansard*.

(The report is hereby appended.)

MR MWINE: Thank you, Mr Speaker.

Findings, observations and recommendations

Comparative analysis of museums and monuments in other countries

On the 26th of August 2022, Members of Parliament of the Tourism, Trade and Industry

committee carried out a benchmarking activity at the National Museum of Kenya.

The purpose of this benchmark was to enrich the process of scrutinising the Museums and Monuments Bill, 2022. The areas of focus included governance and administration of the museums and monuments.

Key findings of the benchmarking exercise

It was established that the Kenya National Museum is established under the National Museums Act of Kenya and is an independent body corporate with perpetual succession and powers to sue and be sued in its own corporate name.

The corporate entity is anchored to the Ministry of Sports and Culture, specifically under the Department of Culture and the Department of Library.

Observations of the committee

The committee observes that the administration and regulation of heritages, natural and cultural, tangible and intangible, should ideally be done under one ministry or department so as to facilitate the concurrent and balanced developments for both tangible and intangible heritages.

Honourable members, as we speak, the tangible is with the Ministry of Tourism; if we were in a museum, the artefacts and the cars, would be tangible, and intangible would be the stories you are telling and those are under the Ministry of Gender. So, the committee observed that it would have been in the best interest if they were in one ministry.

The committee further observes that the administration, regulation and development of tangible and intangible heritage under the two different ministries disadvantages the tourism sector.

Culture is a very important aspect of heritage and museums exhibit both tangible and intangible heritages, being that the two cannot be independent of each other.

The committee, however, notes that the Bill puts the management of tangible and intangible cultural heritage under different ministries and departments.

Whereas the Ministry of Tourism, Wildlife and Antiquities and the Ministry of Gender, Labour and Social Development, agree to this, they state that it is possible to supervise the various aspects of heritage from the different ministries.

The committee is of the considered opinion that such arrangements compromise the effective supervision and management of the heritage and monuments sites.

The committee recommends that both tangible and intangible cultural heritage be regulated and administered under one ministry or department to ensure that both aspects of heritage are sustainably preserved and developed for future generations.

The committee further recommends that the Government of Uganda should establish an independent ministry responsible for culture to be in charge of Uganda's heritage and to promote the recognition, development and adherence to the cultural values and standards of the Ugandan society.

In the event that the above recommendation cannot be achieved under the current regulatory framework, then the committee recommends that, in the interim, the function of the culture, currently under the Ministry responsible for Gender, Labour and Social Development, be transferred to the Minister responsible for museums and monuments for effectiveness.

Declaration, preservation and protection of monument sites

Clause 28 of the Bill provides for the process of declaration of monuments as follows: "The Minister may, on the recommendation of the department by Statutory Instrument, declare a cultural object, area or site as a heritage for preservation under this Act, and the Minister may compulsorily acquire the object, area or

site in accordance with Article 26(2)(b) of the Constitution."

On the other hand, however, clause 35 of the Bill provides *inter alia* thus: "...national heritage includes protected heritage resources that have been declared by Minister as of significant value to Uganda, as specified in the Second Schedule of this Act."

The provision is interpreted to me that the declaration under the Bill is premised on a recommendation by the department set up under the Act by the Statutory Instrument made by the minister.

Observations of the committee

a) Compensation prior to declaring the property as a historical building

Mr Speaker, at the back of that Bill, there is a schedule that has so many sites that are going to be declared.

The committee observes that Clause 28(2) of the Bill and Article 26(2)(b) of the 1995 Constitution provide for compensation where a site is declared as a heritage for preservation.

Article 26 of the Constitution states – honourable members, you read that. The committee observes that clause 35 and the Second Schedule of the Bill are in sharp contrast to the above provisions of the Constitution and the proposed clause 28 of the Bill.

Whereas the Second Schedule to the Bill has several monument areas, buildings and sites declared as heritage, it is not clear what process was followed to declare the new monuments under the current Bill, which are not declared before the Bill as historical monuments.

a) Notice to affected persons and opportunity for objections

The committee observes that the declarations made under the Second Schedule of the Bill as proposed were made without giving an opportunity for objections or the right to be

heard before the property is declared a national monument.

Article 26 of the Constitution after the Bill has been passed into law by Parliament.

The right to a hearing is a well-protected right under the Constitution under Article 28 and is also the cornerstone of the rule of law.

- 2. In consultation with traditional leaders, all coronation sites of all traditional institutions be included in the list of the historical sites to be declared under the Act as passed for their recognition, protection and conservation for further generations.

b) Selective and discriminatory nature of declarations

For example, most of the buildings in old Kampala have already been put down and changed usage. As such, declaring an isolated site like the Watoto building in the area as the only old building defeats the historical purpose, preserving one old building out of the many and hindering the development of an existing establishment. What this will mean is that if they declare “Watoto Building” as a site in the Second Schedule, the owner of that building does not have the right to change its structural appearance.

- 3. Investigations into the proposed sites and monuments to be declared under the Act be carried out prior to the recommendation by the department to determine whether they still serve a historical purpose or they have been overtaken by events.

- 4. There should be exact description of any site, building or object being gazetted for ease of classification and identification.

Ratification and domestication of international conventions relating to museums and heritage

d) Ambiguity of the declarations

Observations

For example, if you declared “Makerere University”, it would imply that the entire university is gazetted as a historical site and not specific buildings. The same applies to declarations such as “Mwiri”. Additionally, another building being declared in the Bill is termed as “Watoto” located in “Kampala”.

The committee observes that UNESCO’s cultural conventions and recommendations provide policymakers with the tools to rise to contemporary challenges, and unlock the full potential of the museums as places to celebrate heritage.

e) Criteria for declarations

The committee observes that the Bill seeks to give effect to the 1972 UNESCO Convention on the Protection of Culture and Heritage, but does not take into consideration any of the other conventions and recommendations as enumerated.

The committee observes that the criteria laid down for such declarations by the Bill is not yet in force yet the schedule lists them as such.

f) Omissions of some key sites

We have several sites that have not been included in this schedule.

Uganda has domesticated only three UNESCO conventions of 1970, 2003 and 2007. Ratification and domestication of the conventions would give Uganda an advantage in negotiation on the global scope, especially in regards to Uganda’s cultural heritage artefacts that are under the control of other jurisdictions.

Committee recommendations

The committee recommends that:

- 1. The schedule of the Bill be deleted to allow for legitimate identification and declaration of national heritage in accordance with

Recommendations of the committee

The committee recommends that:

1. Government of Uganda prioritises ratification, domestication and implementation of UNESCO conventions and recommendations for purposes of sustainable development of Uganda's cultural and natural heritage.
2. The object of giving effect to these conventions and recommendations be included in the object of the Bill as a measure of drawing the attention of Uganda, as a member state of UNESCO, to the importance of the protection and promotion of museums and works of art collections so that they are partners in sustainable development through preservation and protection of heritage, the protection and promotion of culture diversity, the transmission of scientific knowledge, the development of educational policy, lifelong learning and social cohesion and the development of the creative and the tourism industry.

6.0 Museums and Monuments Bill's compliance with cross-cutting issues

Mr Speaker, in the interest of time, allow me to go straight to the conclusion.

The need to update, reform and consolidate the law relating to the cultural and natural heritage is imminent since the existing Historical Monuments Act, Cap. 46 was enacted in 1967 and has become obsolete.

General recommendations

The committee recommends that the Museums and Monuments Bill, 2022 be passed into law subject to the attached proposed amendments. I beg to submit.

THE DEPUTY SPEAKER: Thank you, honourable chairperson. Honourable colleagues, we shall be going clause by clause. We shall have enough time to look at each

clause. I am going to allow a short debate of 20 minutes so that we move to the next stage.

MR IDDI ISABIRYE: Thank you, Mr Speaker. The procedural issue I am moving is that having heard the report, which seems to be important and huge – and as you have ruled that we are going clause by clause and given the time – wouldn't it be procedurally right to go straight, clause by clause, and we limit debate?

THE DEPUTY SPEAKER: Let me allow just a few. We are going to do it quickly. We can use a minute each, according to the proposal by Hon. Gilbert Olanya.

5.24

MR SILAS AOGON (Independent, Kumi Municipality, Kumi): Mr Speaker, you gave me the microphone and I want to thank you for that.

First, I want to discourage Members from rushing this process of making laws. There is a reason we go for debate. We must debate the principles. That is the time when you get to know whether this should be admitted or rejected. Otherwise, we will make – (*Interjection*)- that is the point.

Therefore, the right to a fair hearing is very critical. We must process Bills with that eye for the rights of human beings because it is constitutionally granted. Therefore, I agree with the committee that before any site is declared for this purpose, the owners must be given a fair hearing.

Secondly, on the issue of compensations, I would prefer that those who deserve to be compensated also get a percentage from the revenues that accrue from these monuments for life – like it happens in the oil sector. For me, that is the way to go – (*Member timed out.*)

5.25

MR PETER OKEYOH (NRM, Bukooli Island County, Namayingo): Thank you, Mr Speaker –

THE DEPUTY SPEAKER: First wait, Hon. Okeyoh. I was trying to look at what Hon. Silas has brought and the reality. Honourable colleagues, you need to differentiate between “declaration” and “acquisition”. That is very important.

The Constitution emphasises “acquisition”. When you are, for example, in a wetland, you can come and argue: “Before you declare my area a wetland, compensate me.” However, in whose interest is it being declared? It is for nature.

I was at Uganda House in Canada - the residence of the ambassador. I remember that we wanted to renovate it, but for over 10 years, we could not get a permit. Why? It is a national heritage site because the first Prime Minister of Canada stayed in it.

Therefore, “declaration” is not stopping you from doing your work, but it is saying: “Do it responsibly.”

I was in Milan and found a new tube there. For around 15 years, the Government could not get permission to build it because there were cultural and heritage sites under it.

When it comes to “acquisition”, no one should acquire without compensation. When you read clause 30(1) of the Bill, it talks about “declaration”. When you read the one which talks about “acquisition”, the minister should not acquire anything without compensation.

However, if you know you have a cultural heritage site in your compound, in the interest of the nation, we shall say: “Protect it.” You cannot go, for example, to Akokoro and dig the grave of our first Prime Minister, Obote, and say: “I am taking away the bones because it is family property.”

That is what I want you to get – the difference between “acquisition” and “declaration”.

MR AOGON: I take your guidance, Sir, and I would love to add that this Bill should not

forget about our heritage abroad. For instance, we lost the late Amin Dada; why should Saudi Arabia or another country keep his remains, and yet those are remains of value that would earn a lot of money for this country.

THE DEPUTY SPEAKER: Yes, that is a very serious one.

You see, Rule 77 prohibits me from debating. However, where I see that the debate is going the other side, I am supposed to guide.

5.29

MR PETER OKEYOH (NRM, Bukooli Island County, Namayingo): Thank you, Mr Speaker, for your guidance. I also want to support the committee report. For example, in Jinja, there is a house where the late Queen slept when she came to open the Owen Falls Dam; these are some of the historical monuments that we need to cherish and protect.

The committee observes that there should be a creation of an independent ministry of culture. This is the time when we are rationalising ministries, departments and agencies. I do not want to agree with the committee and I think these monuments should be domiciled in the Ministry of Gender, Labour and Social Development.

The committee also observes, like, for example, gazetting Makerere University as a monument; this omnibus gazetting, for example, for us in Namayingo-

THE DEPUTY SPEAKER: Are you on the microphone?

MR OKEYOH: For example, at the district headquarters is where they rested the body of Bishop Hannington; gazetting this whole place would endanger the people and disadvantage the community.

Therefore, it is my guided opinion that some of these historical sites should be protected because they can be a source of revenue.

5.31

MR GEOFFREY EKANYA (FDC, Tororo North County, Tororo): Thank you, Mr Speaker. This Bill is overdue. We all move around the world, and see what we go to see. In Uganda, many sites are getting destroyed. This is a strategic sector that will bring revenue to the country.

We made the law under the Public Finance Act for a single treasury operation. However, I have seen weaknesses; we may need to allow this institution to retain some of the revenue to develop this site.

Mr Speaker, in Tororo, we are very happy that we have a war memorial site under World War II. All the soldiers who went to fight in Burma, Europe and so forth, gathered in Tororo and then were transported, but their remains were brought back.

Therefore, when we talk about “compensation”, it is not mandatory that all sites belong to the public; we need to handle that clause, because some of these sites are for the Government. We might allow people to now take control of Government sites and claim for money; that clause needs to be handled properly. For example, Tororo Rock, that is public property; we want it to be declared so and many other sites in the country.

I am going to preserve the structure of my grandfather and the graves of my great grandfather because my grandfather was among the first richest men in Tororo to own cars; so these are the sites that we need to preserve for the next generation.

THE SPEAKER: Thank you. Hon. Kakembo? And Hon. Fox Odoi, you will confirm for us whether *-(Laughter)*

5.33

MR MICHAEL KAKEMBO (NUP, Entebbe Municipality, Wakiso): Thank you, Mr Speaker. For the record, I am Ssalongo Kakembo Michael Mbwatekamwa; I have more than three sets of twins for your information.

Mr Speaker, you guided very well as far as gazetting and acquisition of tourist sites are concerned.

In Entebbe, we have a very important historical site; *Entebbe zamugula*, where “Entebbe” depicts the name of the place “Entebbe”. As we speak now, the Uganda Civil Aviation Authority extension took part of it, and the UPDF has closed accessibility to this site.

Mr Speaker, as if that is not enough, we also have another site - very historical for the Catholics, where Fr Mapeera and Bro. Amans first stepped in - Entebbe Mapeera Church. As we speak now, Government has given away land titles to the neighbouring plot and the site is on the verge of extinction.

Mr Speaker, I need to inform this House that it is very important to protect these powerful historical sites, to consider *Entebbe zamugula* in Entebbe - where Entebbe derives its name; and the first place where Fr Mapeera and Bro. Amans first stepped - historical for our Catholic faith. These should be protected. I beg to move.

THE DEPUTY SPEAKER: Thank you. Colleagues, when we are debating the report, the debate is always on the principles and objectives of the Bill. The debate is not about what is not or what is in your constituency; I just want to guide. *(Laughter)*

5.35

MS RACHAEL MAGOOLA (NRM, Woman Representative, Bugweri): Thank you, Mr Speaker. I would like to commend the committee for the work they have done in putting this report together. The one thing that stands out for me is when they mention the need for a ministry of culture and creative industry.

We see that our culture is eroded now; a lot of monuments are being destroyed because the Ministry of Gender has got six dockets that it takes care of.

Culture is a huge function of the development of any country. Uganda is the only country

in the world that does not have a ministry of culture. Therefore, when he says that we need a ministry of culture, this needs to be done. It is not one of the authorities or bodies that have been created and are being merged, like my colleague mentioned.

We need the ministry to take care of the fundamentals of culture. That is why we see that there is a lot of corruption in the country. These are values that are rooted in our cultural values. There is no ministry which will ever take care of corruption. It is culture that is going to take care of people's values. For them to recognise that to be honest is a cultural value; to be respectful is a cultural value. I thank the committee for bringing that up.

A report was made by our own research; they went around the country-

THE DEPUTY SPEAKER: Colleagues, I now put the question that the Museums and Monuments Bill, 2022 be read the second time.

(Question put and agreed to.)

BILLS
COMMITTEE STAGE

THE MUSEUMS AND MONUMENTS
BILL, 2022

Clause 1

THE CHAIRPERSON, COMMITTEE ON TOURISM, TRADE AND INDUSTRY (Mr Mwine Mpaka): Clause 1, the Title. Mr Chair, we propose that clause 1 be deleted.

Justification

The clause is not necessary since there is already provided a short title to the Bill in compliance with the Acts of Parliament, Act Cap. 1

THE DEPUTY CHAIRPERSON: Honourable minister, do you want to comment?

MR MUGARRA: No. Agreed.

THE DEPUTY CHAIRPERSON: I now put the question that clause 1 be deleted as proposed.

(Question put and agreed to.)

Clause 1 deleted.

Clause 2

THE DEPUTY CHAIRPERSON: Chairperson - Clause 2, there is no amendment, colleagues. I put the question that clause 2 stands part of the Bill. *(Hon. Masaba rose_)*

Yes, Hon. Masaba?

MR MASABA: Thank you very much. I propose an amendment to clause 2, to include promotion. This Act applies to all activities, operations and transactions related to conservation, prevention, protection, promotion and management.

THE DEPUTY CHAIRPERSON: Honourable minister -

MR MUGARRA: It is okay. We can add "promotion" as well.

THE DEPUTY CHAIRPERSON: Thank you. But colleagues, you know, if you have any amendments to the Bill, you should always submit them to the Office of the Clerk in time so that we have ample time to look at them.

So, honourable colleague, I sympathise with your submission – did you submit it?

MR MASABA: Thank you, Mr Chairperson. I made a contribution to the committee and I was told they had been captured. Unfortunately, some of them were not. That is why I am bringing them up right now. But the chairperson had said he had captured them under the Committee on Tourism, Trade and Industry.

THE DEPUTY CHAIRPERSON: This is a report of the committee and I do not have a Minority Report from the committee. So, since you are a member of the committee –

MR MASABA: Chairperson, I am not a member of the committee, but I am the Shadow Minister of Tourism and Wildlife.

THE DEPUTY CHAIRPERSON:

Colleagues, what I am trying to avoid is a situation where you are going to start ambushing me here with amendments and all that.

Chairperson, what is your comment on that?

MR MWINE: The committee has no amendment. All the stakeholders interfaced with the committee and it is in the best interest of the committee that we have no amendment to clause 2.

THE DEPUTY CHAIRPERSON: Yes, Hon. Silas?

MR AOGON: I would like to support the honourable member who has proposed that amendment. I do not see it carrying a very big implication that will derail the Bill. Therefore, I find it befitting for the House to back him up and give the amendment support.

THE DEPUTY CHAIRPERSON:

Honourable colleague, I get you, but there is a way we process business in this House and that has to be respected. So, I will not go back to that. Otherwise, we are going to open a Pandora's Box; we will never process business in this House.

So, I now put the question that clause 2 stands part of the Bill.

(Question put and agreed to.)

Clause 2, agreed to.

Clause 3

THE DEPUTY CHAIRPERSON: Hon. Mwijukye, you are a senior Member of this House; proposed amendments are submitted in writing to the Clerk and circulated.

MR MWIJUKYE: Mr Chairperson, my concern is that when we go to Committee Stage and we cannot make amendments, then what is the essence of this stage?

THE DEPUTY CHAIRPERSON: You see, the essence of this stage, we do have views: either the committee is moving away from the position of the minister, and the minister is saying, "Yes, I agree" or "I do not agree" and we are debating at this stage.

Now, as a Member, you are also allowed to propose amendments, but we want to appreciate those amendments and you have done Bills this way over years. This is the practice in this House. I am not reinventing anything new.

MR AOGON: Mr Chairman, I really want to appreciate that guidance and I know the reason you are guiding that way. If we do not have a provision adequately considered, anything wrong can take place.

At the same time, our Rules of Procedure, allow minor adjustments. And if you check the rules, you will find that it is indeed true. So, there should be some gap, but not at all times. It should only be minor adjustments.

Sometimes, you may find that the chairperson and the minister have made a very big omission, but the Members here will be able to see that there was a gap. Therefore, it becomes very important that the Member's voices also come on board. Both ideas are okay, but I would beg that we do what we can do.

THE DEPUTY CHAIRPERSON: Hon. Silas, you know I am the most flexible person. You know me very well. This, I do not consider minor. What we consider minor, is usually – typology, a few missing words – but when it is an amendment – yes, my Clerk here is also helping me.

Rule 134(4) says, "*The Committee of the Whole House shall consider proposed amendments by the Committee to which the Bill was referred and may consider proposed amendments, on*

notice, where the amendments were presented, but rejected by the relevant Committee or where, for reasonable cause, the amendments were not presented before the relevant Committee.”

“On notice” – so, these are your rules, colleagues. I am not going to allow conversations. Honourable minister, did you want to say something?

COL (RTD) BUTIME: Mr Chairperson, I wanted to say that the committee had a thorough, very exhaustive discussion of this Bill and we were satisfied. Therefore, I really request honourable members, that amendments now, which can easily distort the intent of the Bill, could bring us problems.

Therefore, Mr Chairperson, I request that we now officially reject the proposal of the word “promotion.” I thank you, Mr Chairperson.

THE DEPUTY CHAIRPERSON: Please, get this; when you make a presentation to the committee, it does not mean the committee must accept your position. What you present to the committee is a proposal. So, Hon. Masaba, you made proposals to the committee. The committee looked into your proposals and did not find them – you get it?

Hon. Fox Odoi?

MR ODOI: Mr Chairperson, the rules confer upon you the discretion to accept or reject any amendment proposed without notice. I make reference to rule 134 (5): “*The Chairperson...*” – and that chairperson is in reference to the Chairperson of the Committee of the Whole House – “...*may accept for consideration minor amendments proposed on the floor without notice and may refuse to propose the question upon any amendment of which less than one day’s notice has been given.*”

So, honourable colleagues, I plead with you; once the Chairperson exercises his discretion, let us move. That is the power of the Chairperson.

THE DEPUTY CHAIRPERSON: Thank you, colleagues. Let us move. Clerk -

Clause 3

THE DEPUTY CHAIRPERSON: Chairperson -

MR MWINE: Clause 3 is amended by -

(a) Inserting immediately after paragraph b the following new paragraphs -

“to give effects to the Convention on the means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970”;

“to give effect to the Convention for the Safeguarding of Intangible Cultural Heritage 2003”;

“to give effect to the Convention on the Protection and Promotion of the Diversity of Cultural Expression 2006.”

(b) In paragraph (d), by -

(i) Deleting the word “subsector” appearing immediately after the word “monument.”

(ii) Deleting the words “of subsector” appearing at the end of the provision.

(c) In paragraph (i), by substituting the words “research and development of” with the words “the collection and documentation of information concerning”

The justification is that the inclusion of the Conventions to give effect to the Conventions since they have been ratified by Uganda.

Secondly, the deletion of the word “subsector” is to give the provision a better meaning.

And lastly, the substitution in paragraph (i) is to give the provision better meaning. I beg to submit.

THE DEPUTY CHAIRPERSON: Thank you. Yes, honourable minister -

(Question put and agreed to.)

MR MUGARRA: We are in agreement, Chairperson.

Clause 3, as amended, agreed to.

THE DEPUTY CHAIRPERSON: Thank you. I put the question that clause 3 be amended as proposed.

Clause 4

MR MWINE: Clause 4 is about the interpretation. We propose to amend clause 4 as follows:

(Question put and agreed to.)

MR KAFUZI: Thank you, Chairperson. He read all from (a) to (d), but my concern is on (d) where it is proposed that they delete the word “subsector” appearing immediately after the word “monument” and by deleting the words “of the subsector” appearing at the end of the provision. Our take on that is that we do not agree. Our justification is that these are terminologies derived from the National Development Plan, Vision 2024, and the ministry’s strategic plan. Then in respect of (b), that is in (i) where he proposes the substitution of the words “research and development” with the words, “the collection and documentation information concerning...” we do not agree.

(a) In the definition of “archeological” by substituting the word, “archaeological” appearing at the end of the provision with the word, “archaeologists.”

(b) By submitting for the definition of “museums” the following -

“museums means a not-for-profit, permanent institution in the service of society that researches, collects, conserves, interprets and exhibits tangible and intangible heritage, which is open to the public, accessible and inclusive and fostering diversity and sustainability, operating and communicating ethically, professionally and with the participation of communities and offering varied experiences for education, enjoyment, reflection and knowledge sharing.”

MR MUWANGA KIVUMBI: Mr Chairperson, we are at a loss on how to proceed. We have a minister in charge of this Bill or the sector, who agrees with the position of the chairperson of the committee. However, there is the Attorney-General on the other hand, who disagrees. Now, who is who? As the Chairperson, whom are you going to follow?

The justification is that this is to ensure clarity through the use of an appropriate phrase, as opposed to the repetition of the word “define.”

THE VICE CHAIRPERSON: Let me give guidance. Yesterday, I called the Government Chief Chip for a meeting with the chairperson of the committee, the minister and the Attorney-General, to look through the areas of contention between the committee report and the minister’s position. In that meeting, we wanted the guidance of the Attorney-General. The Attorney-General chose not to come. So, Attorney-General, please, do not take us back.

Secondly, the amendment of the definition of “museum” is to adopt the International Council of Museum’s decision of the Extraordinary General Assembly of 24 August 2020, on the definition of “museum” and to provide for a more encompassing and applicable definition in Ugandan society and to emphasise ethics and professionalism. I beg to submit.

I put the question that clause 3 be amended as proposed by the committee.

MR MUGARRA: Agreed, but we also propose that the definition of the word “minister” to include “Minister means Minister responsible for museums, monuments, and the minister responsible for culture in regards to matters associated with intangible cultural heritage,” under 4.

THE DEPUTY CHAIRPERSON: (*Hon. Aogon rose*). They have not allowed you. Yes, committee chairperson.

MR MWINE: We concede.

MR AOGON: I know, there are Members who are not happy that I am trying to say something, but it is very important that -

THE DEPUTY CHAIRPERSON: No, it is your right.

MR AOGON: Yes, it is my right and it is very important. My opinion is that we should put these things under one ministry and not to scatter them. I thought at first that the committee, in their report, submitted that we put both intangible and tangible under one ministry. What happened again, along the way, because I thought that is what makes sense? Are you divided along the road between the minister and the chairperson and the Attorney-General? What is happening?

THE DEPUTY CHAIRPERSON: Let me first allow the minister.

COL (RTD) BUTIME: Mr Chairperson, the Chief Executive; the President, can create a ministry called the Ministry of Defense, Veteran Affairs and Sports. That is the prerogative of the President.

The Department of Culture is in the Ministry of Gender, Labour and Social Development. That was the decision of the Head of State. The Ministry of Tourism, Wildlife and Antiquities is given responsibility for tangible heritage, meaning physical, cultural places and objects that can be touched, seen, and considered to have significant values to the communities or the nation. That is tangible.

Mr Chairperson, intangible, which today falls in the Ministry of Culture, means the practices, representation, expressions, knowledge and skills or cultural spaces associated with communities, transmitted from generation to generation, or recreated in relation to the environment. That is the intangible.

The President decided for the intangible, Ministry of Culture and for tangible, Ministry of Tourism, Wildlife and Antiquities. It is not me. So, let us, chairperson, consider this Bill, in that spirit. I thank you.

THE DEPUTY CHAIRPERSON: I get you, honourable minister, because the structural organisation of Government is for the Executive; it is not for us. Also when we are doing our work, we cannot do our work in anticipation that, maybe, a certain ministry will be created. That would be against Rule 8 of the Rules of Procedure.

If we define that, honourable minister, we shall get to the regulations – I am sorry for taking you quickly. Under clause 97 – where you say “the minister may, on the recommendation of the department, by statutory instrument, make regulations for the better carrying into effect the provisions of this Act” – which minister will it be?

Maybe you could be thinking around it so that when we reach there, we are able to clearly define.

MR AOGON: Mr Chairperson, let me ask the second question so that they answer at once. “Which minister” is the first one. The second issue is, if you decide to subdivide this – because you are saying “the President said”. I would like to remind the House that the duty of legislation lies on our heads. There is a process through which the President will return, if he disagrees with our position.

Therefore, this issue of saying that “the President said” is not a matter of the House. Let us take a decision. If we think we should separate, let us separate. If we are combining - When the President rejects, he the will return the Bill and then, we reconsider it.

THE DEPUTY CHAIRPERSON: Please, you do not have that power. I would like you to know that your power stops somewhere. Honourable minister, I think you were safer by not tampering. The way the committee had put it was much safer because it would also move

safely within the regulations. If you try, now, to customise under the interpretation clauses, then, when you come to the regulations, you will have ambiguity and this is how fights start.

MR MUWANGA KIVUMBI: For clarity, at various points, the President may assign duties. If he does so, do you need to come and amend the law?

If you strictly say “minister in charge of this” and define “minister” that way, it means that once you have restructured Government, you will have to come back and amend the law, which makes it lack flexibility. So, leave it the way the chairperson had put it.

THE DEPUTY CHAIRPERSON: Let us leave you with your blank cheque as the Executive. Do your work the way you want it. I put the question that clause 4 be amended as proposed.

(Question put and agreed to.)

Clause 4, as amended, agreed to.

Clause 5, agreed to.

Clause 6, agreed to.

Clause 7

MR MWINE: Clause 7: Functions of the minister

Clause 7 is amended in paragraph (a) by inserting the words “in collaboration with local governments, communities and other relevant stakeholders” immediately after the word “operation”.

The justification is that this is to provide collaboration with the relevant stakeholders.

THE DEPUTY CHAIRPERSON: Honourable minister -

MR MUGARRA: Mr Chairperson, we are not agreeing with the committee on the proposal to amend clause 7 in paragraph (a) by inserting

the words “in collaboration with the local governments, communities and other relevant stakeholders” immediately after the word “operation”.

The justification is that this proposal is already covered in clause 15 of the Bill, which provides for consultation with the district or city leadership.

MR EKANYA: Mr Chairperson, I thought that the minister would be very appreciative of the amendment proposed by the committee because they are including other Government ministries, departments and agencies, but leaving out very important stakeholders. You will not go to Tororo, Jinja or Bushenyi to do things without these very important stakeholders.

So, the committee chairperson is helping us. I beg that you reconsider your position, honourable minister.

MR OLANYA: Mr Chairperson, I feel that the proposal by the committee is very powerful. We have ever witnessed, in many instances, where the minister worked alone without collaborating with the local governments.

These sites are in the districts. It is very important for the minister to collaborate and work together with the local governments. We have ever witnessed the decision of the minister being overturned and denied by the districts.

So, I think the committee’s proposal is to encourage working together and coexistence.

THE DEPUTY CHAIRPERSON: Colleagues, this is policy – it talks about providing policy guidance. You are not talking about critical decisions. Also, the minister will only give that policy guidance in consultation with the Cabinet and Head of the Executive.

So, in a situation where the minister provides policy and local governments come and say “you did not consult us” or “we gave our views and you did not include them”, what is going to happen? This is because the minister will

be implementing a decision of Cabinet, where policy is derived from. Aren't we making it difficult for the minister to execute his work?

MR ARIKO: Mr Chairperson, first of all, how do we arrive at policy? By the time the minister proposes a policy in Cabinet, the presumption is that technical work shall have been done. Usually, a policy paper is derived from feasibility studies, consultations, research and a lot of analyses, which involve all these stakeholders.

Unless we want to describe the process of arriving at policy. However, indeed, articulation of policy, at the end of the day, is the duty of the minister responsible for this particular sector.

I would like to agree with the ministry that this proposal makes it practically impossible for the minister to do his or her work.

I thank you, Mr Chairman.

MR AOGON: Mr Chairman, I would like the minister to tell us: if we took the position of the committee, what would be the detriment? Please, justify your position properly so that we are convinced.

THE DEPUTY CHAIRPERSON: Let me call the senior minister, who has been at the helm of policy for long.

COL (RTD) BUTIME: Actually, before the minister gives that policy guidance, local governments – technical officers and all of them – would have already put in their input. The minister, therefore, cannot “work in consultation” because that consultation will have been administrative.

THE DEPUTY CHAIRPERSON: Thank you. That is enough, honourable minister. Committee chairperson, would you like to concede on this, grudgingly? *(Laughter)*

MR MWINE: Mr Chairperson, we concede. *(Applause)*

THE DEPUTY CHAIRPERSON: Thank you. Now, I put the question that clause 7 stands as part of Bill.

(Question put and agreed to.)

Clause 7, agreed to.

Clause 8

THE DEPUTY CHAIRPERSON: I put the question that clause 8 stands – *(Ms Amongi rose)* – Honourable minister –

MS AMONGI: No, we have agreed that –

THE DEPUTY CHAIRPERSON: Honourable minister, that would be an amendment, which we cannot accept here.

MS AMONGI: It is something little. Let me just say it.

THE DEPUTY CHAIRPERSON: Colleagues, let her present and we consider whether it is minor or very critical.

MS AMONGI: We had agreed in the Executive earlier on the interpretation of the minister, but you ruled that we go with the one of the chairperson and not what the Executive had agreed on –

THE DEPUTY CHAIRPERSON: No, I did not rule; the House did. You are putting it to me, yet, I am not making the law; it is the House.

MS AMONGI: It is okay, Mr Chairperson. In clause 8, it is the function of the minister responsible for culture.

THE DEPUTY CHAIRPERSON: Hon. Silas, allow her to present.

MR AOGON: Procedure.

THE DEPUTY CHAIRPERSON: Hon. Silas, you are accessing the microphone without my permission. Please, stop that.

MS AMONGI: Mr Chairperson, clause 8 is “Function of the minister responsible for culture.” We wanted to capture, “Provide policy guidance and regulation,” because it is defining the function of the minister of culture. There are many regulations that will be required to be made in respect to issues of intangible cultural heritage. If we leave only “policy,” then you will not have “regulation in respect to intangible.”

I wanted us to say, “The minister responsible for culture shall provide policy guidance and regulation on matters relating to associated intangible cultural heritage.”

THE DEPUTY CHAIRPERSON: But subclause (2) says, “The minister responsible for culture shall make regulation relating to associated intangible cultural heritage.”

MS AMONGI: It is okay. I concede.

THE DEPUTY CHAIRPERSON: Honourable minister, my chairperson and the committee have done a tremendous job. We went through this report today; so, all is fine.

I put the question that clause 8 stands part of the Bill.

(Question put and agreed to.)

Clause 8, agreed to.

Clause 9, agreed to.

Clause 10, agreed to.

Clause 11

MR MWINE: Clause 11: Role of institution of traditional or cultural leader.

Clause 11 is amended by inserting immediately after paragraph (b), the following -

“(c) Participate in and contribute to the management, development, regulation and promotion of culture, museums and monuments in their area of jurisdiction.”

The justification is to provide for the participation of cultural or traditional leaders in the regulation, management and development of culture, museums and monuments.

MR MUGARRA: Not agreed. The justification is that by deleting the word “and” appearing within paragraph (a) and (b) and inserting a new paragraph (c) as he has read; “actively participate in and contribute to the management, development, regulation, promotion of culture, museums and monuments in their area of jurisdiction.”

The reason we are not agreeing is that the proposal is redundant because (a) and (b) cater for the roles of traditional institutions in addition to the institution of traditional and cultural leaders, that has been said in clause 11 already. So, it would be a repetition.

THE DEPUTY CHAIRPERSON: My concern is the role of regulation, which you are giving. That is the role of Government.

MR AOGON: Mr Chairperson, what you have just said is one of them.

THE DEPUTY CHAIRPERSON: Honourable minister, I am talking about the proposed amendment by the committee, which is saying cultural leaders can regulate. You cannot legislate that regulation. That would be against the Constitution.

MR AOGON: Mr Chairperson, in the same spirit, when they talk of development and management, we ask questions: Are you going to be transferring resources - money - to those cultural institutions? You cannot develop or manage without finances. I thought that is purely a function of the Executive.

Therefore, it would not be good to assign the cultural institutions aspects that they cannot financially be able to foot. I want to agree with your position.

THE DEPUTY CHAIRPERSON: No, I do not have a position. Rule 77 prohibits me from taking a position.

Honourable colleagues, clause 11(b) says; “Protect and preserve royal regalia and other artefacts as they relate to their cultural heritage.” The proposed amendment is giving them powers beyond the royal regalia and what belongs to them. I just want to hear from the chairperson listening to these concerns.

MR MWINE: Mr Chairperson, we concede.

THE DEPUTY CHAIRPERSON: Thank you. I now put the question that clause 11 stands part of the Bill.

(Question put and agreed to.)

Clause 11, agreed to.

Clause 12, agreed to.

Clause 13

MR MASABA: Mr Chairperson, I am proposing an amendment to clause 13. Instead of the word “establishment”, we use the word “operation”.

When you look at clause 13(1), “a person shall not establish or develop a museum in Uganda.” Why I am suggesting “operation” not “establishing” is that someone will need a licence to go and buy cement to begin building probably something like a museum, which I believe is not right. We should limit it to operation. After setting it up, then they will need the licensing to operate not to set up from the start. So, it should read: “a person shall not ‘operate’...”

THE DEPUTY CHAIRPERSON: Really, honourable colleague? I do not think there is any building Government can stop you from putting up. I can decide to turn my bedroom into a museum. Hon. Mujungu, did you want to say something?

MR THEMBO MUJUNGU: Mr Chairperson, I want to agree with you that his amendment is not necessary. We keep the word “established” here.

MR MASABA: Mr Chairperson, it is about you being in need of a licence. I do not know if you have read the entire clause. You need a licence before you begin setting up. That is the meaning of that.

MR MUSHEMEZA: Thank you, Mr Chairperson. I am just going to make clarification because I am a member of the committee -

THE DEPUTY CHAIRPERSON: So, you are supporting the chairperson?

MR MUSHEMEZA: Yes, that we maintain the word “establishment”. We have defined a “museum” - Not everything is a museum. So you cannot just operate - If you are talking of a crafts shop, that is when you talk of “operation”, but when we are talking of a museum as defined, it has to be established.

THE DEPUTY CHAIRPERSON: There is what I wanted to share with Hon. Masaba. A museum is a business to some people. I might need a loan from a bank to establish a museum, which establishment includes putting up a building. If I do not have a licence for a museum, what business case will I present to a bank?

When you say, “operate”, these people can say, “We can only give you an operation licence if you have premises.” To operate, you should be ready. From the business perspective, even when I am not yet ready, a concept can be financed. If you say, “operate”, you will have stopped the other people who would need to do concepts and go and get financing.

MR MASABA: Mr Chairperson, I concede.

THE DEPUTY CHAIRPERSON: Thank you.

MR AOGON: I would like to know whether a private person cannot be allowed to establish their own museum. For instance, if in our family I have what I consider good enough to form a museum, must I have a licence?

HONOURABLE MEMBERS: Yes.

MR AOGON: For what reason? Can you justify properly - the chairperson and the ministers? If I have an old car, which I consider a museum –

THE DEPUTY CHAIRPERSON: Honourable member, do you have a copy of the Bill?

MR AOGON: I have it.

THE DEPUTY CHAIRPERSON: Can you read the definition of “Museums”?

MR AOGON: I think the Chairperson knows it. *(Laughter)*

THE DEPUTY CHAIRPERSON: No, no. We gave you a copy of the Bill as a Member; so, when you are submitting, I want you to read from your copy of the Bill. When you read the definition of “museum”, you will find the reason as to why you would need to be licensed.

Colleagues, I put the question that clause 13 stands part of the Bill.

(Question put and agreed to.)

Clause 13, agreed to.

Clause 14, agreed to.

Clause 15

MR MWINE: Regional District or city museums

Clause 15 is amended in subclause (3) by substituting the words “leadership” with the words “council”.

Justification

The amendment is to remove the ambiguity caused by the use of the word “leadership” which is not clear and replace it with a district or city council, which is clearly prescribed under the Local Government Act of Uganda.

THE DEPUTY CHAIRPERSON: Honourable minister -

MR MUGARRA: Unfortunately, I do not agree with my chairperson. Clause 15, by substituting the words “leadership” for the word “council” the reason we are not agreeing is that the proposal is restrictive and a bit bureaucratic. With the Central Government function, the ministry deals directly with the leaders in the local governments, including Chief Administrative Officers (CAO).

THE DEPUTY CHAIRPERSON: So, Honourable Minister of Tourism, you were once a Minister of Local Government. Can you enlighten us a little about this? I know you are speaking as a ministry, but we want to tap into your experience, as a former Minister of Local Government; is it that injurious? So, can’t council fall under leadership? Of course, council is more specific. But can the district executive, for example sit and-

MR KARUBANGA: Mr Chairperson, council is so restrictive. Leadership is better because the CAO would not qualify under the council. Thank you.

THE DEPUTY CHAIRPERSON: Okay.

MR OLANYA: Thank you, Mr Chairperson. I thought when the committee is processing a Bill, it normally invites the honourable minister, they sit together, harmonise and then, you come to the Floor of Parliament.

Right now, we are seeing divergent views. The minister is against what the committee chairperson is saying. What is the role of the committee in processing the Bill together with the minister?

THE DEPUTY CHAIRPERSON: No, Hon. Gilbert Olanya, a minister brings to the committee proposals. The final recommendations on this Floor are from the committee. Therefore, the committee assesses the proposals by the minister and makes recommendations.

DR BATUWA: Mr Chairperson, the considered view here is that laws speak to each other. The word “leaders” is not so much provided for in the law. When we use “council”, these are leaders who speak on behalf of the electorate. In the council, we can get all the people we are targeting when we use the word “leaders.” So, let us use council - it has many other laws that speak about council, guide about council and let this law speak to other laws. Thank you.

MR ARIKO: Thank you, Chairperson. I just wanted to say that I agree with the position of the ministry because the concern of my colleagues, as far as defining leadership is concerned, is catered for when we mention with the district or city leadership.

Now, district or city leadership means that we restrict the process of making strategic decisions to the apex. Because if we open it up to council, are we going to call subcounty councils? It will become more bureaucratic and difficult.

I believe that the process of the CAO, RCC or RDC participating is clearly taken care of the moment we mention the words “district or city leadership.” And why do we talk about leadership? Now, we are looking at the strategic level of decision-making.

MR KYOOMA: Thank you, Mr Chairperson. When we talk of the district council, actually, it is more emphatic because a district council is a body corporate; we are not talking about individuals. In this case, you are including the executive; the councillors together with the speaker, the technical management and all those others. Therefore, I would think that the district council is more elaborate and more inclusive. Thank you.

THE DEPUTY CHAIRPERSON: Honourable minister, come and give your guidance as a former Minister of Local Government. But this is consultation for purposes of making a statutory instrument. This is not ordinary consultations.

COL (RTD) BUTIME: Thank you, Mr Chairperson. If we use the word “council”, you are excluding administration. “Administration” means the CAO, all Town Clerks and even the councilors, but if you use the word “council”, you are excluding the others.

Therefore, I would advise, as Minister of Local Government emeritus that we use the word “leadership” instead of “council” which will totally restrict us. In addition, it may actually take a long time to get an answer, if you are expecting an answer from the council.

THE DEPUTY CHAIRPERSON: Now, as I call Hon. Kivumbi and the Attorney-General to guide us, I again pose these questions so that we are able to refocus.

You see, the role of the district leadership under this provision or why they are consulted, under 15(3) which says, “to specify a responsible body for the management, maintenance and control of the regional, district or city museums”; that is why it is limited - only to identify or to specify.

Therefore, within the district, the minister will need to consult so that under the statutory instrument, the district leadership can guide the minister to specify a responsible body within that local government.

So, the question is, do you need the council or do you need district leadership? I am leaving it to you. (*Members rose*) I am going to allow you, colleagues.

MR MUWANGA KIVUMBI: Mr Chairperson, you have spoken to my concern. The work to do is defined and we had better make a law that is clear. When you say “the minister shall in consultation with the district or city leadership - to specify the responsible body -”; the decisions here are taken by the council - in the district. Who takes the decision in the council?

The clerks and administrators implement decisions taken by the council. That is what

they do. Now, this business of looping the council and you go to deal with the technical people, you cause a lot of problems.

So, when we are making a law for clarity, we better say, “The District leadership shall process this decision through the council” and specify a responsible body. So, there is a decision to take and to be taken by the council.

THE DEPUTY CHAIRPERSON:

Honourable colleagues, this is a statutory instrument. The process of a statutory instrument is highly consultative. Anything to do with a district - honourable minister, where are you providing that you will consult the council? A statutory instrument is not rushed; it is highly consultative. It is administrative, but highly consultative because it is a law more or less. Why wouldn't you consult the council?

Let us first hear from Hon. Okupa and then Attorney-General.

MR OKUPA: Thank you, Mr Chairperson. Is leadership a body or it is not? If it is not, what about the council? The council is a body. So, if we are to go with this, we have to go with the word, “council” not “leadership.”

I was just looking at those words. Here it says, “Subject to subsection 1, the minister shall, in consultation with the district or city leadership, specify a responsible body for the management.” Leadership is not -

THE DEPUTY CHAIRPERSON: Attorney-General, allow me to first pick two more people.

MR OKUPA: The way I understand, leadership is not a body. If we are to use the word “leadership” then, we shall remove the word “body.”

Also, when we talk about the council, it is like - if I may talk about the work of Parliament here; we work with the Clerk or the technical staff. So, when you say, “the council” it presumes those people who help them.

THE DEPUTY CHAIRPERSON: Yes, Hon. Opio.

MR OPIO: Thank you, Mr Chairperson. I propose to address this impasse by adding the last statement to say, “For the avoidance of doubt, district and city leadership shall include the District Council and the City Council.” That means the district council is there plus all the other units of support.

THE DEPUTY CHAIRPERSON: Now you are repeating yourself. Yes, Hon. Museveni.

MR MUSEVENI: Thank you, Mr Chairperson. I am in agreement with the use of the word “council” because, in the district, these are the policymakers. In most cases, while we make laws; they make ordinances to operationalise our laws. You find that they are responsible. So, I suggest that we use the word “council.”

THE DEPUTY CHAIRPERSON: Yes, but here, you see, under clause 15, we are saying, “The minister may declare a museum in a city, district or region.” But also, we are saying that the body to manage it shall be determined in consultation with - now, while the minister says we use the word “leadership” the committee is saying we use the word “council.”

MR IDDI ISABIRYE: Mr Chairperson, my take on this is like when you call Parliament, you are excluding the civil servants in Parliament because when you say that Parliament took a decision, it means Members of Parliament took a decision. So, when you talk about the council, you are meaning the councillors because there is the leadership of the council.

However, when you talk about the leadership of the district - the CAO is part of the district leadership and the minister may choose to, in consultation with the CAO or a city clerk - if he wants to declare a museum - in consultation with the CAO not the district council.

THE DEPUTY CHAIRPERSON: But the minister should not have that discretion. If it is the district leadership, it is the district leadership. You have to be very clear - either

you leave it to district leadership - and you know you are going, maybe, to the Executive and CAO or, when you say, council – the moment the council makes a resolution, then the CAO cannot question that resolution.

MR KATABAZI: Thank you, Mr Chairperson. This is very easy. Like my brother said, when Parliament passes a law – of course, our colleagues, the clerks, and all the other people, will be involved, but they are not captured on the *Hansard* - because if you say like that, you will find that the Resident District Commissioners (RDCs) will also be involved. It is supposed to be council because if it is Parliament, it is Parliament.

THE DEPUTY CHAIRPERSON: Hon. Ekanya, then Attorney-General.

MR EKANYA: Thank you very much, Mr Chairperson. I want to plead with you; I am coming from a totally different angle. We need to make a law that will allow business to flow. If you create too much bureaucracy, it will spill into a crisis. For example, in Tororo, to allow a project to take place – one time, it took more than six years because the council had to sit and make a decision. Money was budgeted - and this will happen in many districts - you have an investor, you want a place declared - you are creating too much bureaucracy.

Therefore, I really request you, Mr Chairperson, you will have – like for us in Tororo, the Jopadhola will refuse, we the elders will refuse and there will be a standstill! The same may happen in Bushenyi and other places.

Therefore, Mr Chairperson, this law is under tourism for purpose of promoting business. Let us make a law that will facilitate business to enable the country to move forward.

THE DEPUTY CHAIRPERSON: Thank you. From your submission, it seems Tororo is not providing a good example. (*Laughter*) Yes, Attorney-General.

MR KAFUZI: Thank you very much, Mr Chairperson. My understanding of the

proposed clause is that the minister responsible will appoint a body to manage the museum in consultation - now, we are haggling about, who is to be consulted. If we restrict ourselves to the district council, what happens to the person who is in charge of physical infrastructure development in the district? Depending on what kind of museum it is about, what about the person in charge environment depending on what the museum envisages?

If we use the word “Leadership” we shall be a bit ambiguous. The mayor will say, “This is leadership; I am a representative of Kampala.” And the RDC will say, “Leadership.” I would go further and say, “Leaders.” If we say, “leaders” then the minister is obliged to go beyond the council and include - (*Interruption*) – no, let us be specific. Unless you are going to say, “Leaders and district administrators” which will be wide and vague –(*Interruption*)– protect me; I want to finish.

THE DEPUTY CHAIRPERSON: Colleagues, leave the Attorney-General to submit. I have given you opportunity; please, allow the Attorney-General to conclude.

MR KAFUZI: This is not semantics; we are dealing with English, and we are going to leave room for the word either to be misused, abused, or reused correctly. If the minister is working in good faith, he will invite the whole district leadership. If the minister is not working in good faith, he will do his consultation with the mayor and it will be done and he will have consulted the leadership.

THE DEPUTY CHAIRPERSON: I will allow Hon. Fox Odoi, but before that, the question is: how is business to council generated? Where does it come from? Are you getting me? Does it fall from heaven and drop into council? (*Laughter*)

MR FOX ODOI: Thank you, Mr Chairman. I have listened very attentively to my colleagues and I have come up with a summation of the issues.

The summation is as follows:

The Members argue that there is a set and the set is designated by the word “leadership”. Then, there is a subset and the subset is designated by the word “council”.

The question is: do we go with the set or subset? –(Interjections)- Mr Chairman, please, protect me. Do we go with the set-

THE DEPUTY CHAIRPERSON: Why are you people understanding for Hon. Fox? He has understood it his way. Now, you are saying: “No, you have misunderstood it.” (Laughter) Please.

MR FOX ODOI: Mr Chairman, I am a very modest person, but I wanted to state that the way I have understood it is the best. (Applause)

Mr Chairman, you guided, correctly, that the function we are looking at here is contained in the clause. The function is to specify a responsible body for the management, maintenance and control of regional, district or city museums.

This consultative process cannot be with the entire world. You cannot promote business that way. The business of council - you asked: how is the business of counsel generated? The business of council is generated through a consultative process.

Mr Chairman, I plead that we go with the position of the committee so that we promote business expeditiously. Let us go with the subset: council. (Applause)

MR MWINE: Thank you, Mr Chairman. The view of the committee was that when you look at leadership, even a mayor can be the “leadership”. Even the LC 5 chairman can be “leadership”. So, we were looking for something that is prescribed under the Local Governments Act. If you take the Attorney-General’s opinion of “leaders”, you still do not know who – (Interruption in recording) - That is why we were of the considered opinion that we amend and consider “council”. (Applause)

THE DEPUTY CHAIRPERSON: I put the question that clause 15 be amended as – (Member rose) - No, honourable minister. When Members vote “no”, then, we shall go to your position. It is not a problem for me.

I put the question that clause 15 be amended as proposed by the committee.

(Question put and agreed to.)

Clause 15, as amended, agreed to.

Clause 16, agreed to.

Clause 17, agreed to.

Clause 18

MR MWINE: Clause 18: Private museums

Clause 18 is amended in subclause (1) by substituting for “made under this Act” the words “prescribed by regulations”.

The justification is to provide for regulation of private museums.

THE DEPUTY CHAIRPERSON: Honourable minister?

MR MUGARRA: We are in agreement.

THE DEPUTY CHAIRPERSON: I put the question that clause 18 be amended as proposed.

(Question put and agreed to.)

Clause 18, as amended, agreed to.

Clause 19

MR MASABA: Thank you, Mr Chairman. I propose that in clause 19, we delete “in accordance with sections 15 and 16” because it is limited to only the regional, district, city and community museums. I propose that clause 19(1) should read: “Every responsible body managing museums shall promote museums through communication and education.” This

is so that we do not limit, but leave it open even to the private sector because subclause (2) has the private sector.

THE DEPUTY CHAIRPERSON: Isn't it covered under subclause (2)?

MR MASABA: Subclause (1) is already limiting by saying "in accordance with sections 15 and 16", which -

THE DEPUTY CHAIRPERSON: Yes, but subclause (2) says: "Notwithstanding..." This is legislative drafting language. "Notwithstanding" means whatever is in subclause (1)... Okay? So, Hon. Masaba, do you concede?

MR MASABA: I concede, Mr Chairman.

THE DEPUTY CHAIRPERSON: Thank you. I put the question that clause 19 stands part of the Bill.

(Question put and agreed to.)

Clause 19, agreed to.

Clause 20

MR MWINE: Clause 20: Register of museums

Clause 20 is amended by deleting subclause (2).

The justification is that subclause (2) is already provided for under subclause (1).

THE DEPUTY CHAIRPERSON: Minister?

MR MUGARRA: We agree, Mr Chairman.

THE DEPUTY CHAIRPERSON: Thank you. I put the question that clause 20 be amended as proposed.

(Question put and agreed to.)

Clause 20, as amended, agreed to.

Clause 21

MR MWINE: Clause 21: Duty to protect sites and monuments

Clause 21 is amended in paragraph (3) by inserting immediately after the words "minister may" the words "in consultation with the relevant stakeholders".

The justification is to require the minister to make consultations with the relevant stakeholders.

THE DEPUTY CHAIRPERSON: Honourable minister?

MR MUGARRA: Unfortunately, we do not agree.

THE DEPUTY CHAIRPERSON: Don't you want to consult? *(Laughter)*

MR MUGARRA: This is the justification, Mr Chairman. On clause 21, the suggestion of the committee is that we amend it by inserting after the words "minister may" the words "in consultation with relevant stakeholders". The reason we are not in agreement is that stakeholders or users of the monuments used for religious observances are not conservators, which is the role of the ministry or the department.

THE DEPUTY CHAIRPERSON: Colleagues, on issues of duty – you know, you cannot go and consult a monkey on the fate of the forest. *(Laughter)* If the minister, for example, has a duty to arrest you for destroying a critical artifact, will you say: "First consult me before you arrest me?" *(Laughter)*

MR MASABA: Thank you, Mr Chairman. I think I made that proposal to the committee. In my proposal, it was to be in consultation with the religious leaders. I wanted clause 21(3) to read: "Where a monument or any part of the monument is used periodically for religious observances, the minister may, in consultation with religious leaders..."

That was my proposal – instead of “stakeholders”. This clause talks about religion and that is why I had suggested limiting it to religious leaders instead of “stakeholders”.

THE DEPUTY CHAIRPERSON: What if it is a religious monument that is a danger to the community – like Kibwetere’s church.

Colleagues, there are things where we do not need much debate. The issues of duty are straightforward. I do not know why you want us to sleep here on issues of duty.

MR AOGON: Mr Chairman, I want to agree with the committee. Let us use the word “relevant” because situations change. You do not know what will happen tomorrow. When we are safely there with the word “relevant”, you can go to the relevant people to be consulted. Therefore, I stand with the committee.

THE DEPUTY CHAIRPERSON: I asked a very simple question on the duty to protect.

MR OKUPA: Mr Chairperson, the committee has a point and you also have a point. I am just looking at Namugongo Martyrs’ Shrine. If there was an issue there, wouldn’t you consult the Church? If it is the case with the Kibwetere cult, you do not need to.

So, we must find a way where that can be accommodated because we are talking about relevance - if it was stated as a crack at Namugongo, you have to go through the Church and say, “No, professionally, I have found there is a problem; we need to have this thing off.”

I think that is where the committee is coming from, unless I am mistaken; the chairperson can clarify.

THE DEPUTY CHAIRPERSON: When you look at Clause 21(3): *“Where a monument or any part of the monument is used periodically, for religious observances, the minister may issue guidelines in the usage of the monument for purposes of protecting the monument from pollution or desecration.”*

It is very clear and if you can get me clause 32 - because I want colleagues to see it.

“Protection of faith-based sites: A place of worship declared to be a preserved and protected object shall not be used for any purposes, inconsistent with its character.”

So, the minister has to ensure that all this is in line with provisions of the law. But someone might use it, like the Kibwetere thing - they were using it to do things - and then you consult and they say, “No.” Then they say, “Under the law, you are supposed consult us; you consulted, but we said, ‘No.’” How have you gone ahead to give such a guideline?

To me, colleagues, this is -

MR MUWANGA KIVUMBI: Mr Chairperson, I appreciate where you are coming from, but I am giving you a very specific example. Where you have a fanatic.

THE DEPUTY CHAIRPERSON: Are you doing it without prejudice?

MR MUWANGA KIVUMBI: Yes, where you have a fanatic cult who is a minister and wants to make a regulation on another sector. You have a very charismatic Muslim and he is a minister who wants to put regulation on a Christian shrine. And since he is the responsible minister, he can really be hard on that shrine without due consultation.

Where this provision comes from, an element of consultation with the stakeholders is very critical since you are going to pass a regulation that affects me - to even avoid conflict.

THE DEPUTY CHAIRPERSON: Honourable Attorney-General, if I may, on behalf of the House, seek your guidance: would the result of the consultation be binding or not?

MR KAFUZI: The problem is that once we use the word “consultation”, we have given the other party the right to say “Yes” or “No”. In which case, the powers of the minister to regulate would have been stopped.

THE DEPUTY CHAIRPERSON: Hon. Mutembuli, our Vice-Chairperson of the Committee on Legal and Parliamentary Affairs; in a situation where we are being limited to only - the minister's guidelines are only limited to pollution or desecration.

MR MUTEMBULI: Thank you, Mr Chairperson. It is something very simple; the minister's powers are not being limited. If I heard very well, you said, "may consult"; are we not using the word "may"? If the word is "may", then it is discretionary. You can either consult or not.

THE DEPUTY CHAIRPERSON: No, it was not "may consult".

MR MUTEMBULI: What is it?

THE DEPUTY CHAIRPERSON: "May issue guidelines on the usage of the monument for purpose of-"

MR MUTEMBULI: As long as you are saying "may" then it is at the discretion of the minister. If we want those guidelines to be in place, then we say, "Shall issue them".

THE DEPUTY CHAIRPERSON: No, Hon. Mutembuli, I need you to guide us properly. We are saying the proposed legislation is saying, he may issue guidelines. But now the committee is saying that in order to issue those guidelines, he needs to first consult the relevant stakeholders.

MR MUTEMBULI: I think if in the wisdom of the minister he feels that the guidelines must be issued, let us leave it to the discretion of the Minister.

However, if the House is interested in consultation, then let us avoid "may" and say "shall consult". But my view is that we leave it to the discretion of the Minister.

THE DEPUTY CHAIRPERSON: Okay. Thank you.

MR ONZIMA: Thank you, Mr Chairperson. My understanding of this situation is that consultation - I do not think will give opportunity for whoever is consulted to refuse. Consultation may also mean informing the person and in that case. I do not think it will take away the powers of the minister to act.

Take a situation in which the minister does not understand; then he is going to issue a guideline on what he has not understood. Isn't it right for him to consult and understand the situation, then proceed? Thank you.

THE DEPUTY CHAIRPERSON: Colleagues, let us go back. Again, read for me subclause (3) in full, because I want us to have a guided discussion. They are not talking about values or norms; they are talking about pollution or desecration.

Tell me anyone who has been polluting - whether you can go to them and consult: "Can I make a guideline to stop you from polluting?" And that person will agree - *(Laughter)*

MR AOGON: Mr Chairperson, that is why we elected you as Deputy Speaker; now I see the wisdom. Initially, I thought the consultation should be allowed, but we must go back and see it properly. Guidelines and regulations are part of legislation. It is like a delegated task by this House to the minister.

Therefore, it is only proper that we leave it at the minister's level; it is the discretion of the minister. It is improper. I now see what you are talking about. When you talk about asking somebody who is polluting whether you should draw for them the borders, I do not think the person will answer in the affirmative.

Let us agree with what the Speaker - we elected somebody who knows what he is doing. Thank you.

MR OLANYA: Thank you, Mr Chairman. We should not make the work of the minister very difficult. If the minister is to consult in each and every situation, the minister will never do his

work, depending on the situation. Therefore, let us go with the word “may”; let the power be given to the minister. That is what I wanted to say.

THE DEPUTY CHAIRPERSON: Thank you. Colleagues, when doing all this work, we keep referring to the objectives and principles of the Bill. If you check the policy and principles, one of the objectives of this Bill is control and protection of tangible and associated intangible cultural heritage.

When you pass clauses that are not in line with the principles and objectives, then the law itself is contradictory to its purpose.

MR MWINE: Honourable Chairperson, we concede.

THE DEPUTY CHAIRPERSON: Thank you. Colleagues, I now put the question that clause 21 stands as part of the Bill.

(Question put and agreed to.)

Clause 21, agreed to.

Clause 22, agreed to.

Clause 23, agreed to.

Clause 24, agreed to.

Clause 25, agreed to.

Clause 26, agreed to.

Clause 27, agreed to.

Clause 28

MR MWINE: Declaration of preserved cultural and natural objects, areas or sites

“Clause 28 is amended in subclause (i) by inserting immediately after the word “Department”, the words “in consultation with the owner”.

Justification

The amendment is for purposes of providing for consultation with the owners.

THE DEPUTY CHAIRPERSON: Honourable minister.

MR MUGARRA: I thought the chairperson would have changed his position, which is similar to what we have been saying and disagreed. The justification is to protect the authority of the regulating body.

THE DEPUTY CHAIRPERSON: This is what we talked about from the beginning. Article 26 of the Constitution is in line with this clause. My guidance is that we have to be very cautious. We have to differentiate between declaration and acquisition.

Under subsection (1), you are declaring because Government has seen something of value in your land. You cannot say, “This is my land.” You first compensate me. If you are even clever, you benefit from it because you can establish a private museum and start charging people for coming to visit your land and make business out of it.

Under subclause (2), they would need to acquire and must follow what is provided for under Article 26 of the Constitution, which is “Adequate compensation, prompt and adequate consultation.” However, if I may use an example: the late former President of this country – Milton Obote - is buried in Akokoro in a private place. Should the family now just go, dig and throw out the bones and say, “We are selling land?”

Declaration does not only mean, “We have taken property,” but even in case you want to shift it, you need to have the guidance of Government, which must protect the bones. That is what we are going to see in other museums across the world. You have been going to see bones, plates - very small things.

Therefore, that is why I wanted to give this guidance.

DR BATUWA: Thank you, Mr Chairperson. I have enjoyed your wisdom, absorbed and consumed it to a level that I have come to notice that clause 28 excludes adjoining areas. Yet, when you are looking at heritage through the lens of tourism, you look at it as something that is going to be high volume and you would need these adjoining areas to also be declared and can be used for purposes of accessing and exiting these areas.

Besides, we also have heritage sites that are surrounded by structures that do not really give the heritage site a good sight. Therefore, if the minister can also, under this declaration in clause 28, have the power to have declaration on adjoining areas to these national monuments or heritage sites, it would be something very good. Thank you.

MR MUTEMBULI: Thank you, Mr Chairperson. I just wanted to support your argument that the Land Acquisition Act is very clear. The minister can declare a particular piece of land for public use. After declaration that is when you follow the process of compensation.

I agree with you that at that stage of declaration, you may not so much talk about compensation. It is after he has declared a particular area that we can talk about the acquisition and the compensation issues. That is what I wanted to emphasise. Thank you.

THE DEPUTY CHAIRPERSON: Hon. Kivumbi wants to get clarification from Hon. Mutembuli.

MR MUWANGA KIVUMBI: Hon. Mutembuli is a lawyer. I would invite him to read subsection (2) because when you read subsection (1) and not subsection (2), you may not clearly internalise the issue at hand.

Under subsection (2), they say, “Subject to subsection (1), the minister may compulsorily acquire.” Therefore, I want you to clarify the full import of (2) without my due consultation.

MR MUTEMBULI: Read for me (a). It is there –

THE DEPUTY CHAIRPERSON: Honourable colleagues, let us not take that way.

MR MUTEMBULI: If you are subjecting it to (a), that means that whatever is going to be done under (b) must be subject to what has been done under (a). Therefore, you have to read both, as you have said. You cannot read subsection (1) in isolation.

THE DEPUTY CHAIRPERSON: Colleagues, the minister may acquire, but Hon. Kivumbi’s fear is clearly addressed under Article 26 because under subclause (2) we are saying, “May compulsorily acquire the object area or site in accordance with Article 26(2)(b).”

Hon. Kivumbi has conceded on that. I hope, Attorney-General, you do not open discussion. You might make him change again.

MR KAFUZI: Not really, except that maybe I am making an observation and the drafts people may help us. Subclause (1) says a declaration can be made, but subclause (2) says the minister may go ahead and acquire. The word “may” gives the minister an option. It means that the minister can make a declaration and still go ahead not to acquire.

Once that declaration is made, the user rights change. How then do we protect the owner? Assuming I have a car, which was driven by Lugard and the minister wakes up one day and declares it a “national heritage” yet I wanted to pimp it and put in a television; the user rights change.

I would want the drafts people to look at this “may” and then see how best - should we always say “shall?” If we say “shall,” then in other cases, the owners will be very protective.

THE DEPUTY CHAIRPERSON: Attorney-General, this is your law. Read clause 29. The minister may make an agreement with the owner.

MR KAFUZI: Okay, that is what I wanted. I needed to know that.

THE DEPUTY CHAIRPERSON: Let us move, colleagues, otherwise we are going to sleep here. Chairperson of the committee.

Clause 35, agreed to.

Clause 36, agreed to.

MR MWINE: Mr Chairperson, we concede.

Clause 37, agreed to.

THE DEPUTY CHAIRPERSON: Thank you, Chairperson. I put the question that clause 28 stands part of the Bill.

Clause 38, agreed to.

Clause 39, agreed to.

(Question put and agreed to.)

Clause 40

Clause 28, agreed to.

MR MWINE: This clause is about the rights and duties of the holder of an excavation license.

Clause 29, agreed to.

Clause 30

The committee proposes to amend clause 40, in subclause (4), by substituting the word “mine” with the word “site” wherever it appears in the Bill.

MR MWINE: Provisional protection of cultural and natural heritage.

Clause 30 is amended by substituting for subclause (5), the following:

The justification is for specificity to sites regulated under the proposed law.

“(5) For the purpose of this section, ‘national heritage’ includes protection of heritage resources that have been declared by the minister by statutory instrument as heritage resources of significant value to Uganda.”

THE DEPUTY CHAIRPERSON: Honourable minister.

Justification

MR MUGARRA: We are not in agreement, Mr Chairperson and the justification is that the terms that have been used appropriately in the context to describe the area.

To empower the minister to declare, by statutory instrument, a national heritage resource as of heritage resources of significant value to Uganda.

THE DEPUTY CHAIRPERSON: Sorry!

MR MUGARRA: The justification for disagreement is that the terms have been used appropriately in the context to describe the area.

THE DEPUTY CHAIRPERSON: I put the question that clause 30 be amended as proposed.

THE DEPUTY CHAIRPERSON: So?

(Question put and agreed to.)

MR AOGON: Probably, the Chairperson should come back to the microphone, so that the minister and I get to understand exactly what he meant because it seems even the minister is not sure of what you are talking about.

Clause 30, as amended, agreed to.

Clause 31, agreed to.

Clause 32, agreed to.

THE DEPUTY CHAIRPERSON: Chairperson of the committee, can you explain very well to the minister?

Clause 33, agreed to.

MR MWINE: What we are proposing in clause 40 is to amend subclause (4) by substituting the word “mine” with the word “site” wherever it appears. This is because “site” is broad and wider than “mine.”

THE DEPUTY CHAIRPERSON: Honourable minister, what I am picking from this - when you use the word “mine” - and I am getting from both of you, then “mine” is defined by the Ministry of Energy and Mineral Development under the law; it is clearly defined.

However, when you use the word “site” it would make it easy for the minister to say, “This is a mine” and it is already defined. Again, it also ties him because there are other areas that can be excavated, for example, the sand mines, because sand mines are not defined as minerals. Sand is not defined as a mineral under the law, but they do mining there. It will be difficult for you. Therefore, it would give you more leverage; it would include mines and others not defined as mines, for you to come in and protect; this is good for you.

MR MUGARRA: You know, I had thought because it is an excavation license, then definitely, it would be a mine, but I concede.

THE DEPUTY CHAIRPERSON: What about archaeological sites? They are not mines; so they are sites. Therefore, the committee has done you a great job, honourable minister.

I put the question that clause 40 be amended as proposed.

(Question put and agreed to.)

Clause 40, as amended, agreed to.

Clause 41, agreed to.

Clause 42, agreed to.

Clause 43, agreed to.

Clause 44, agreed to.

Clause 45

MR MWNE: This clause is on prohibition of the export of palaeontological or archaeological objects.

Clause 45 is amended in subclause (2) by deleting the word, “of” appearing after the word, “five” and substituting the word “five” with the word “ten.”

The justification is to provide for a more deterrent penalty.

THE DEPUTY CHAIRPERSON: Honourable minister.

MR MUGURRA: We agree, Mr Chairperson.

THE DEPUTY CHAIRPERSON: I put the question that clause 45 be amended as proposed.

(Question put and agreed to.)

Clause 45, as amended, agreed to.

Clause 46, agreed to.

Clause 47, agreed to.

Clause 48, agreed to.

Clause 49, agreed to.

Clause 50, agreed to.

Clause 51, agreed to.

Clause 52, agreed to.

Clause 53, agreed to.

Clause 54, agreed to.

Clause 55, agreed to.

Clause 56, agreed to.

Clause 57, agreed to.

Clause 58, agreed to.

Clause 59, agreed to.

Clause 60, agreed to.

Clause 61, agreed to.

Clause 62, agreed to.

Clause 63, agreed to.

Clause 64, agreed to.

Clause 65, agreed to.

Clause 66, agreed to.

Clause 67, agreed to.

Clause 68, agreed to.

Clause 69, agreed to.

Clause 70, agreed to.

Clause 71, agreed to.

Clause 72, agreed to.

Clause 73, agreed to.

Clause 74, agreed to.

Clause 75, agreed to.

Clause 76, agreed to.

Clause 77, agreed to.

Clause 78, agreed to.

Clause 79, agreed to.

Clause 80, agreed to.

Clause 81, agreed to.

Clause 82, agreed to.

Clause 83, agreed to.

Clause 84, agreed to.

Clause 85, agreed to.

Clause 86, agreed to.

Clause 87, agreed to.

Clause 88, agreed to.

Clause 89, agreed to.

Clause 90, agreed to.

Clause 91, agreed to.

Clause 92, agreed to.

Clause 93, agreed to.

Clause 94, agreed to.

Clause 95, agreed to.

Clause 96

THE DEPUTY CHAIRPERSON:
Committee chairperson?

MR MWINE: Clause 96: Radioactive materials

Clause 96 is amended in subclause (4) by inserting the words “or nearest police station” immediately after the word “council”.

Justification

This is to provide a reporting mechanism that is easily and readily accessible by the public.

THE DEPUTY CHAIRPERSON:
Honourable minister?

MR MUGARRA: We agree.

THE DEPUTY CHAIRPERSON: I put the question that clause 96 be amended as proposed by the committee.

(Question put and agreed to.)

Clause 96, as amended, agreed to.

Clause 97, agreed to.

MR MWINE: Mr Chairperson, clause 97.

THE DEPUTY CHAIRPERSON: Do you want to recommit it?

MR MWINE: Yes.

MR MWINE: Clause 97 is amended by inserting immediately after clause 2 the following -

THE DEPUTY CHAIRPERSON: We have already passed the clause. So, you will have to recommit it. Let us go on as you prepare yourself for that.

Clause 98

THE DEPUTY CHAIRPERSON: I put the question that clause 98 stands part of the Bill.

(Question put and agreed to.)

Clause 98, agreed to.

Clause 99, agreed to.

The First Schedule

THE DEPUTY CHAIRPERSON: Committee chairperson, did you amend the schedule?

MR MWINE: Mr Chairman, when we passed clause 30 - clause 30 is amended by substituting for subclause (5) -

THE DEPUTY CHAIRPERSON: No, committee chairperson. We passed clause 30.

MR MWINE: Yes. I am just reading. Clause 30 is amended by substituting for subclause (5) the following: "For purposes of this section, 'national heritage' includes protected heritage resources that have been declared by the minister, by statutory instrument..."

When you compare what was there with what we have passed, we are now asking the minister to declare them by statutory instrument. So, we have substituted the schedule and we have requested the minister to bring a statutory instrument – in clause 30 that we passed.

THE DEPUTY CHAIRPERSON: No, that is totally different. A schedule is totally different from a statutory instrument. Hon. Fox Odoi, would you want to guide on this?

MR MWINE: Mr Chairman, can I just elaborate more? When you look at clause 28(1), it says: "The minister may, on the recommendation of the department, by statutory instrument, declare a cultural object, area or site as a heritage for preservation under this Act."

Now, they have declared a schedule, which we are going to consider, before they have declared the statutory instrument.

THE DEPUTY CHAIRPERSON: No, honourable chairperson. The First Schedule is on currency points. Read your Bill. You are in a hurry to go to the Second Schedule. *(Laughter)*

MR MWINE: I concede.

THE DEPUTY CHAIRPERSON: I put the question that the First Schedule stands part of the Bill.

(Question put and agreed to.)

The First Schedule, agreed to.

The Second Schedule

MR MWINE: Mr Chairman, for the Second Schedule, when you look at what we considered in clause 30 - and we had our fears as a committee. The Second Schedule is a list of sites that have been submitted – some by Members of Parliament.

However, the ministry has not done due diligence on these sites; where they are and who is in possession of them. Considering

these sites, in this Bill, would mean that we have already declared them “protected areas”. This is why clause 30 was amended by the committee and passed by this House.

It states, “For purposes of this section, ‘national heritage’ includes protected heritage resources that have been declared by the minister, by statutory instrument...” So, what we are saying is, let the minister go back, bring a statutory instrument to this House and it gets passed. It will be considered within 30 days.

THE DEPUTY CHAIRPERSON: I want to ask you, committee chairperson: what is this law about? You already have the museums and sites and the law is protecting them. The statutory instrument, or whatever you would want, is for the future. So, the schedule can coexist together with what the statutory instrument would bring. Otherwise, it is as if there is nothing.

Hon. Mushemeza?

MR MUSHEMEZA: Mr Chairman, the argument was made in our report and the report was adopted before we went to Committee Stage. This is because we brought it out very clearly that the schedule is not exhaustive. That is why the minister even wrote to the House, that Members should bring in more names of those sites. Even when considering it in the committee, we agreed that at this stage, more names can be brought; but you can see it is not possible at this stage to exhaust this list.

That is why it is important that this schedule is put aside, so that there is time for more sites to be brought in. *(Interjection)*- Let me finish.

Secondly, there is also the fear of declaring a site where I have an interest without exhausting the consultations. For example, we talked of a building like Watoto Church; what about other buildings, which may also be brought in? So, that is why it is important to give time so that we can have an exhaustive list.

THE DEPUTY CHAIRPERSON: Honourable member, please take your seat. I

want to clarify first: we never put any question to adopt the committee report; the question, which was put, was on a motion for second reading. I was in the Chair.

Secondly, you have passed clause 28, which was on declaration of preserved cultural and natural objects, areas or sites. You have also passed clause 29, which protects - in case you declare someone’s private property a heritage site. Even clause 30 has been passed.

However, when you say you do not have any schedule, yet in your principles and objectives, you are showing what you are protecting, then you have a mismatch between the principles, objectives and what we have been doing. It means that we have been doing nothing.

These are protected sites that are existing at the time of enactment. Then under the statutory instrument, the minister can keep adding them on. That is simple.

MR MUGARURA: Thank you, Mr Chairperson. Actually, let me consult a bit, but I stood up to show interest that we had suggested to recommit clause 30.

THE DEPUTY CHAIRPERSON: We do not need the schedule; as long as it is in the law, it is clear. You do not need to put it under any other clause; it can stand alone.

MR MUWANGA KIVUMBI: The chairperson’s argument is that these sites which we are adopting are not properly verified. For example, they want to declare Villa Maria the first brick house; the district where it is located is said to be Masaka, but it is in Kalungu - and we are adopting a schedule.

The only argument that can be carried is that this list was solicited, but adequate verification has not yet been done. If we adopt it as it is, where do we go from here? That is why, if the minister is given time to come up with a verified schedule to be adopted, it may carry water.

THE DEPUTY CHAIRPERSON: Thank you. What is primary and what is secondary? For example, a mistake on the name of a district, is secondary.

Secondly, the principle here is control and protection. What are we protecting? If we cannot list it here? It is anonymous. What were we doing here?

MR AKAMBA: Thank you, Mr Chairperson. I would like to agree with your guidance because at the point of enacting the law, at least we are certain that certain sites exist. It would be fatal of this Parliament to close its eyes on that fact. We adopt the schedule and then, since we are giving the minister powers to come up with an SI in case there are other sites that have been discovered or agreed upon that there should be sites for that matter. I would like to submit that the schedule be adopted. This Parliament shall always await any SI that brings in more.

THE DEPUTY CHAIRPERSON: Thank you. Colleagues, I put the question that the second schedule stands part of the Bill.

(Question put and agreed to.)

The Second Schedule, agreed to.

Title

MR AOGON: Mr Chairperson, motion for recommittal. There is an expired law.

THE DEPUTY CHAIRPERSON: Honourable colleague, recommittal is done before we go for the third reading. We have not reached there; we are still in the middle of the committee stage. This is defined within your own rules. I am not going outside the rules. Allow me to play within the rules. *(Laughter)*

Title

THE DEPUTY CHAIRPERSON: I put the question that the Title stands part of the Bill.

(Question put and agreed to.)

The Title, agreed to.

MOTION FOR THE HOUSE TO RESUME

7.33

THE MINISTER OF TOURISM, WILDLIFE AND ANTIQUITIES (Col (Rtd) Tom Butime): Mr Chairperson, I beg to move that the House do resume and the Committee of the Whole House do report thereto.

THE DEPUTY CHAIRPERSON: I put the question that the House does resume and the Committee of the whole House reports thereto.

(Question put and agreed to.)

(The House resumed, the Deputy Speaker presiding.)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

7.34

THE MINISTER OF TOURISM, WILDLIFE AND ANTIQUITIES (Col (Rtd) Tom Butime): Mr Speaker, honourable members, I beg to report that the Committee of the Whole House has considered the Bill entitled, "The Museums and Monuments Bill, 2022" and passed it with amendments.

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

7.34

THE MINISTER OF TOURISM, WILDLIFE AND ANTIQUITIES (Col (Rtd) Tom Butime): Mr Speaker, I beg to move that the report of the Committee of the whole House be adopted.

THE DEPUTY SPEAKER: I put the question that the House adopts the report of the Committee of the Whole House.

(Question put and agreed to.)

Report adopted.

BILLS
THIRD READING

THE MUSEUMS AND MONUMENTS
BILL, 2022

7.35

THE MINISTER OF TOURISM, WILDLIFE AND ANTIQUITIES (Col (Rtd) Tom Butime): Mr Speaker, I beg to move that the Bill entitled, “The Museums and Monuments Bill, 2022” be read for the third time and do pass into law.

THE DEPUTY SPEAKER: I put the question that the Museums and Monuments Bill, 2022 be read the third time and do pass.

(Question put and agreed to.)

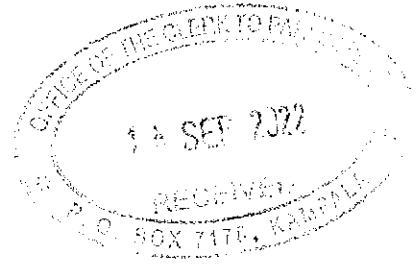
A BILL FOR AN ACT ENTITLED, “THE
MUSEUMS AND MONUMENTS ACT,
2022”

THE DEPUTY SPEAKER: Bill passed and Title settled. *(Applause)*

I take this opportunity to thank you, honourable members, the chairperson, the honourable minister, the Government Chief Whip, the Attorney-General, the LOP and the honourable Shadow Minister; honourable Minister of State for Tourism and all of you, honourable colleagues, who have remained here until now. I think I have given you enough time to debate comprehensively; we have been very active in terms of engagement and listening to each other. So, I want to appreciate you for the work you have done.

With that – it is late colleagues; we also need to go home. I am sure there is no traffic jam. Thank you for sitting for this long. I adjourn the House to tomorrow at 2 o’clock.

(The House rose at 7.37 p.m. and adjourned until Thursday, 15 September 2022 at 2.00 p.m.)



PARLIAMENT OF UGANDA

REPORT OF THE COMMITTEE ON TOURISM, TRADE & INDUSTRY ON THE
MUSEUMS AND MONUMENTS BILL, 2022

Parliament Buildings

Kampala

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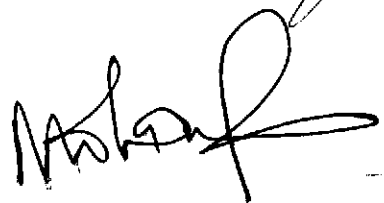
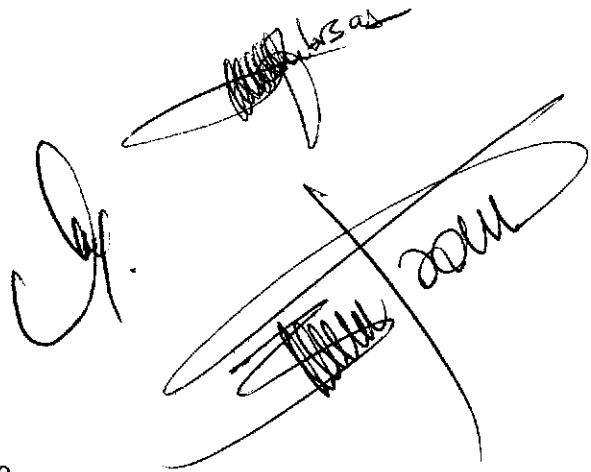
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LIST OF ABBREVIATIONS

- MDAs Ministries Departments and Agencies
- TT&I Tourism Trade and Industries
- UNESCO United Nations Educational, Scientific and Cultural Organization
- MTWA Ministry of Tourism, Wildlife and Antiquities
- MGLSD Ministry of Gender, Labour and Social Development
- CHAU Cultural Heritage Association of Uganda
- UCMA Uganda Community Museum Association
- MEMD Ministry of Energy and Mineral Development
- ULS Uganda Law Society
- UTA Uganda Tourism Association
- CCFU Cross-Cultural Foundation of Uganda
- ICOM International Council for Museums
- KNM Kenya National Museum
- ICOMOS International Council on Monuments and Sites

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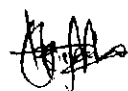


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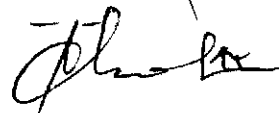
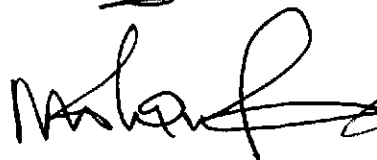
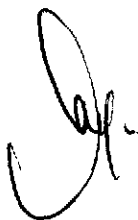
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1.0 INTRODUCTION

The Museum and Monuments Bill, 2022 was read for the first time on July 12th 2022 and referred to the Committee on Tourism, Trade & Industry for consideration, in accordance with Rule 128 of the Rules of Procedure of Parliament. The Committee considered the Bill in accordance with Rules 129 and 189(c) of the Rules of Procedure of Parliament, and hereby reports as follows.

2.0 BACKGROUND

2.1 The Historical Monuments Act, Cap 46.

Uganda is richly endowed with cultural, historical and traditional heritage. Some of these are man-made while others are natural. These sites, monuments and antiquities are important for socio-cultural and educational purposes. They promote tourism and consequently create employment for people. To ensure that this heritage is preserved, Government in 1967 elaborated a Historical Monuments Act that was enforced under Statutory Instrument No .72 of 1968. The Historical Monuments Act, Cap 46, commenced on 15th May 1968 as an Act to provide for the preservation and protection of historical

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monuments and objects of archaeological, paleontological, ethnographical and traditional interest and for other matters connected therewith¹.

However, there has been various developments that has happened over the years, some of which has been detrimental to this heritage like wars encroachment, rapid demolition of heritage sites and historical buildings and leading to loss of cultural heritage across the country. Moreover, there are also other developments, nationally, regionally and internationally that have necessitated reviews in the policy, legal and institutional frameworks, conventions and protocol (which to some Uganda is signatory to) but no longer supported by the current Act, rendering some of its tenets obsolete².

For instance, the definition of museums has now been widened to include private museums, district museums, regional museums which require protection and regulation. Furthermore, in August 2022, the International Council for Museums (ICOM) met in Prague, Italy and agreed on a new definition for museums. This is the first time in 50 years that this definition has changed to include phrases like "inclusivity", "accessibility", "sustainability" and "ethics"³.

The new definition, in full, reads as follows:

"A museum is a not-for-profit, permanent institution in the service of society that researches, collects, conserves, interprets and exhibits tangible and intangible heritage. Open to the public, accessible and inclusive, museums foster diversity and sustainability. They operate and communicate ethically, professionally and with the participation of communities, offering varied experiences for education, enjoyment, reflection and knowledge sharing"

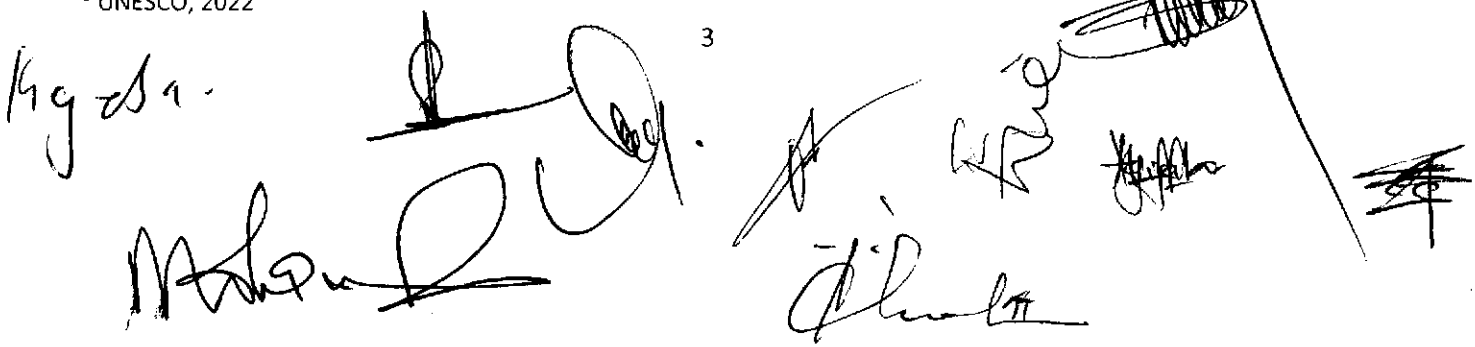
¹ The Historical Monuments Act, Cap 46

² Regulatory Impact Assessment (RIA) Report on museums and monuments, MTWA 2020

³ UNESCO, 2022

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Furthermore, after the introduction of the 1995 Constitution, various institutions of Government have elaborated Acts of Parliament with roles and responsibilities that contradict or are no-longer in tandem with the 1967 Historical Monuments Act and hence the need for its review.

2.2 Uganda's Cultural Heritage.

Culture may be defined as the complex whole of knowledge, wisdom, values, attitudes, customs and multiple resources which a person and community have inherited, adopted or created in order to flourish in the context of their social and natural environment⁴. The cultural heritage of Uganda includes artistic and cultural expressions. These are; language and literary arts, performing arts, visual arts and handicrafts, indigenous knowledge, cultural beliefs, traditions and values, cultural sites monuments and antiquities⁵.

Cultural heritage is an important aspect of our identity, history and aspirations. In Uganda, a beautiful collage of 65 culturally diverse ethnic groups presents unique cultures reflected in varied traditional institutions, languages, indigenous knowledge and skills, the creative and performing arts, crafts, dress and food. The country's natural, cultural and historical landscapes and archaeological sites also showcase our cultural heritage⁶.

In Uganda, Museums are not merely places where our common heritage is preserved – they are also key spaces of education, inspiration and dialogue. They play an essential role in social cohesion and sharing collective references. Additionally, they hold up a mirror to society, introduce visitors to alternative visions of the world and they provide opportunities to foster creativity, imagination and respect for self and others. As the economic hub for an industry and diverse professions in architecture, urban planning, cultural

⁴ Cross culture foundation of Uganda

⁵ The Uganda National Culture Policy 2019

⁶ Cross-culture foundation of Uganda

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kg etc.

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mediation and tourism, they are also spaces that perfectly embody the link between culture and sustainable development.

It should be noted that our cultural heritage is faced with a number of challenges arising from a lack of awareness of the importance of cultural heritage, limited political will and resources to develop and promote heritage and a lack of relevant and updated legal instruments to protect cultural heritage. This, coupled with negative perceptions of culture as backward, and the increasing challenges that modern development and globalisation present, calls for a deliberate effort to save our quickly vanishing heritage. This Bill therefore has come at a time when the country is in dire need to transform, develop, protect and preserve our cultural heritage.

2.2 OBJECT OF THE MUSEUMS AND MONUMENTS BILL, 2022

The objective of this Bill is to consolidate and reform the law relating to cultural and natural heritage; to strengthen the administrative structures for the effective management of the cultural and natural heritage subsector; to provide for the classification of museums; to provide for the development, management and maintenance of museums and monuments; to provide for formalisation, control and protection of tangible and associated intangible cultural heritage, works of art collection; to repeal and replace the Historical Monuments Act, Cap. 46 and for related matters

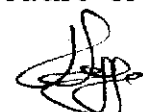
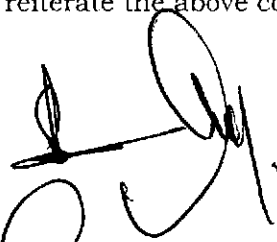
3.0 MANDATE OF THE COMMITTEE IN REFERENCE TO THE BILL

The Sectoral Committee on Tourism, Trade and Industry derives its mandate from Article 90 of the Constitution of the Republic of Uganda⁷, and accordingly, Rules 156⁸, 159⁹, 187¹⁰ and 189¹¹ of the Rules of Procedure of Parliament.

⁷ **Article 90(1)** provides that Parliament shall appoint committees necessary for the efficient discharge of its functions. In **90(2)**, Parliament shall, by its rules of procedure, prescribe the powers, composition and functions of its committees.

⁸ **Rules 156(1) & (2)** reiterate the above constitutional provisions.

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These provisions enjoin the Committee with the authority and power to, among others, discuss and make recommendations on bills laid before Parliament.

In effect, on July 12th 2022, the Museums and Monuments bill, 2022 was referred to the Committee on Tourism, Trade & Industry for consideration by the Rt. Hon. Speaker of the Parliament of Uganda, in accordance with Rule 128 of the Rules of Procedure of Parliament. The Committee executed her mandate by carefully and critically analysing the provisions of the Bill and making recommendations for the consideration of Parliament.

4.0 METHODOLOGY

While scrutinising the Bill, the Committee applied the following methods:

4.1 Meetings

The Committee held meetings and received memoranda from the following Stakeholders:

- Uganda National Commission for United Nations Educational, Scientific and Cultural Organization
- Ministry of Tourism, Wildlife and Antiquities
- Ministry of Gender, Labour and Social Development
- The Shadow Minister for Tourism, Wildlife and Antiquities
- Cultural Heritage Association of Uganda



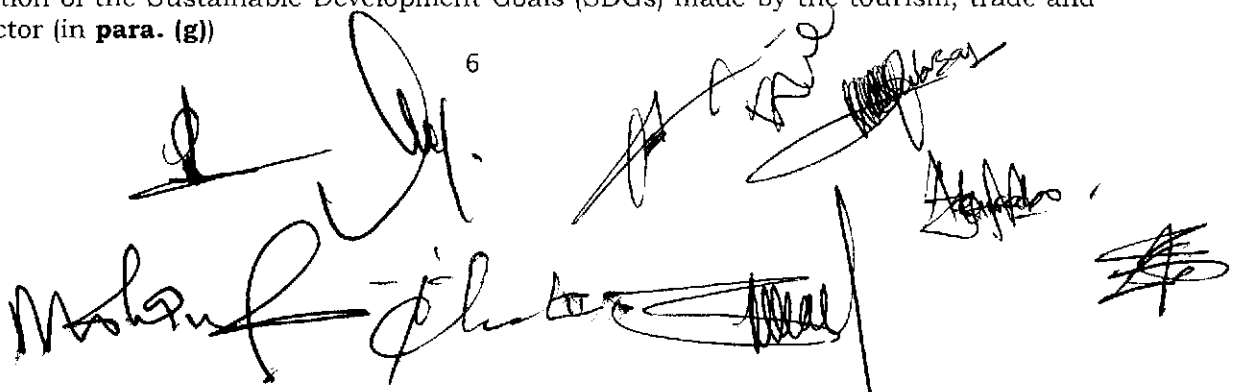
⁹ As all other committees, its general functions, according to **rule 159** include: assessing and evaluating activities of Government and other bodies (in **para. (c)**); carrying out relevant research in the committee's respective field (in **para. (d)**); and reporting to Parliament on its functions (in **para. (e)**).

¹⁰ **Rule 187(1)** provides for the existence of Sectoral Committees of the House, and in **sub-rule (2)(b)**, there shall be a Sectoral Committee on the Tourism, Trade and Industry sector.

¹¹ Specifically, as a Sectoral committee, **rule 189** charges it with functions that include: to examine and comment on policy matters affecting the Ministry of Trade, Industry and Cooperatives and the Ministry of Tourism, Wildlife and Antiquities (in **para. (a)**); to initiate or **evaluate action programmes of the said ministries and their sectors and to make appropriate** recommendations on them (in **para. (b)**); to monitor the performance of Ministries, Departments and Agencies (MDAs) (in **para. (e)**); to monitor Government compliance with approved plans and programmes (in **para. (f)**); and to monitor the progress on implementation of the Sustainable Development Goals (SDGs) made by the tourism, trade and industry sector (in **para. (g)**)

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- Uganda Community Museums Association
- Ministry of Energy and Mineral Development
- Uganda Law Society
- Uganda Tourism Association
- Association of Tour Operators in Uganda
- The Cross-Cultural Foundation of Uganda
- Uganda National Cultural Centre
- Bahinza Cultural Heritage Foundation
- Uganda Tourism Board
- Uganda Law Reform Commission
- Madi Okollo District Local Government
- Kisoro Tourism and Conservation Association
- National Culture Forum
- Bugwere Cultural Institution

4.2 Benchmarking Study in the National Museum of Kenya

The Committee undertook a bench marking study in the National Museum of Kenya for purposes of comparative analysis.

4.3 Visit to the Uganda Museum

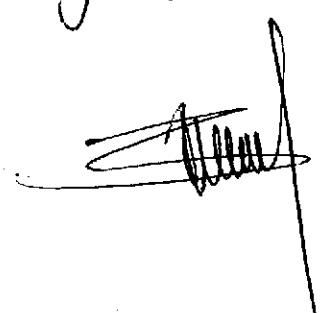

The Committee undertook a field visit to the Uganda Museum in Kampala for purposes of ascertaining the status quo at the Museum.

4.3 Document Review

The Committee reviewed and made reference to the following documents:

- ❖ The 1995 Constitution of Uganda
- ❖ The Historical Monuments Act, Cap 46
- ❖ Uganda National Culture Policy, 2019
- ❖ National guidelines for establishment and management of museums and collections in Uganda

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- ❖ National Museums and Monuments Policy, 2015
- ❖ Rules of Procedure of the Parliament of Uganda
- ❖ The Tourism Act, 2008.
- ❖ The Land Act, 1998.
- ❖ The Traditional Rulers Act (restitution of assets and properties), 1993.
- ❖ The Institution of Traditional or Cultural Leaders Act, 2011.
- ❖ The Local Government Act, Cap 243.
- ❖ Mining and Minerals Act, 2003.

5.0 COMMITTEE FINDINGS, OBSERVATIONS AND RECOMMENDATIONS

5.1 Comparative analysis of museums and monuments in other countries

On the 26th of August, 2022, Members of Parliament on Tourism, Trade and Industry Committee carried out a benchmarking activity at the National Museum of Kenya. The purpose of this benchmark was enrich the process of scuritizing the Museum and Monuments Bill, 2022.

The areas of focus included: governance and administration of museums and Monuments; establishment/ licensing and regulation of community/ private museums; financing museums; guidelines that govern research, entrance fees, loaning of artefacts and antiquities; sharing responsibilities between ministries responsible for tourism on one hand and culture on the other and minimising possible conflict; cross cutting issues with other legislations and the role of ICT in easing transactions in managing museums.

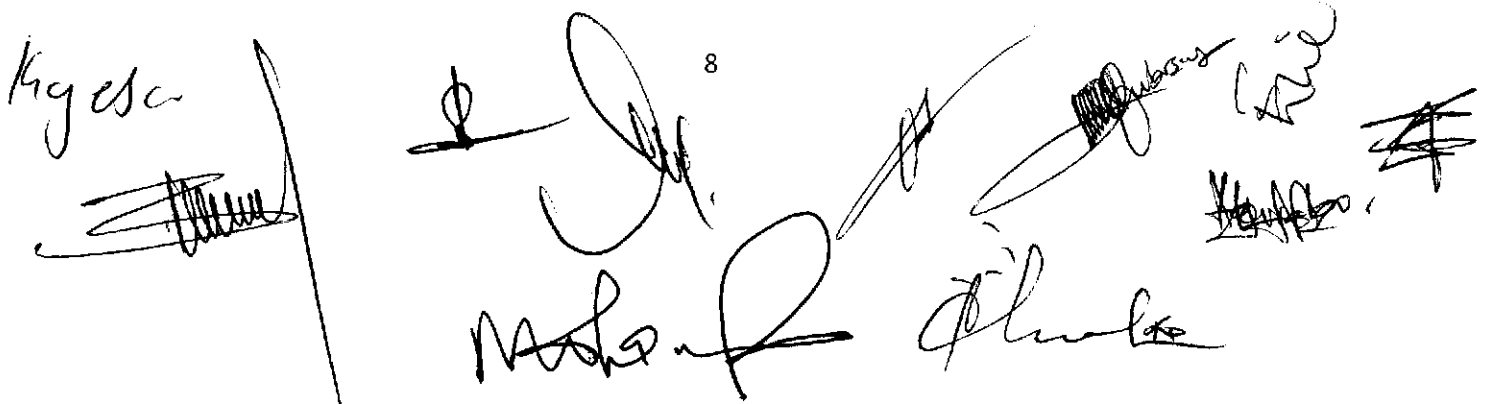
5.1.1 Key findings of the benchmarking exercise



It was established that Kenya National Museums (KNM) is a established under the National Museums Act of Kenya as an independent body Corporate with perpetual succession and power to sue and be sued in its own Corporate name. The corporate entity is anchored to the Ministry of sports and culture;

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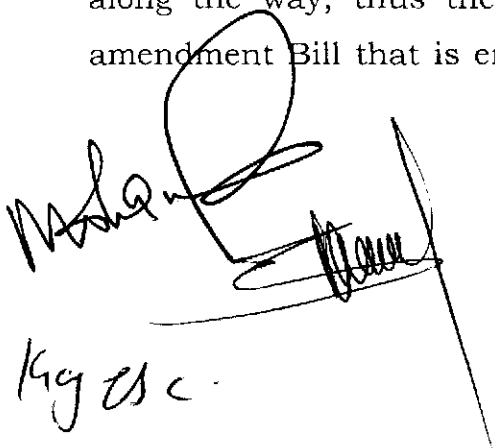


specifically, under the department of culture and department of Library. It also partners closely with the Presidential Commission and Kenya National Cultural Centre. Kenya National Museum focuses on research and knowledge sharing and currently hosts over 260 Academic Researchers focused in the areas of culture and heritage.

Currently, Kenya is considering an amendment to the National Museums Act of Kenya based on dynamism and new policies that came into existence in Kenya and necessitating the amendment of the law. The committee was informed that there are a lot of emerging issues in the management of museums, and this has partly required amendment of the law. Furthermore, Kenyan Museums and Monuments regulatory framework allows for the establishment of private museums, which must maintain the standards and observe the regulations and guidelines as stipulated.

The National Museums of Kenya supports the establishment of private and community museums through memorandum of Understanding. Kenya National Museum spends at source for operations, maintenance and preservation which is rather expensive; however, salaries are paid by Government which recently is advocating for entrepreneurship for sustainable development. The Committee was informed that preservation of best practices of museums is very expensive and as such, the National Museum of Kenya focuses on public private partnerships for development in the sector.

The Committee was further informed that community museums have not stood the test of time as many have failed to manage the preservation requirements which have a high monetary implication; so, requiring them to seek permits before operations could prove prohibitive as even managing on their own. Furthermore, experience has shown that so many challenges have come up along the way, thus the short-lived existence being experienced. The draft amendment Bill that is ensuing recommends museums to be managed at the


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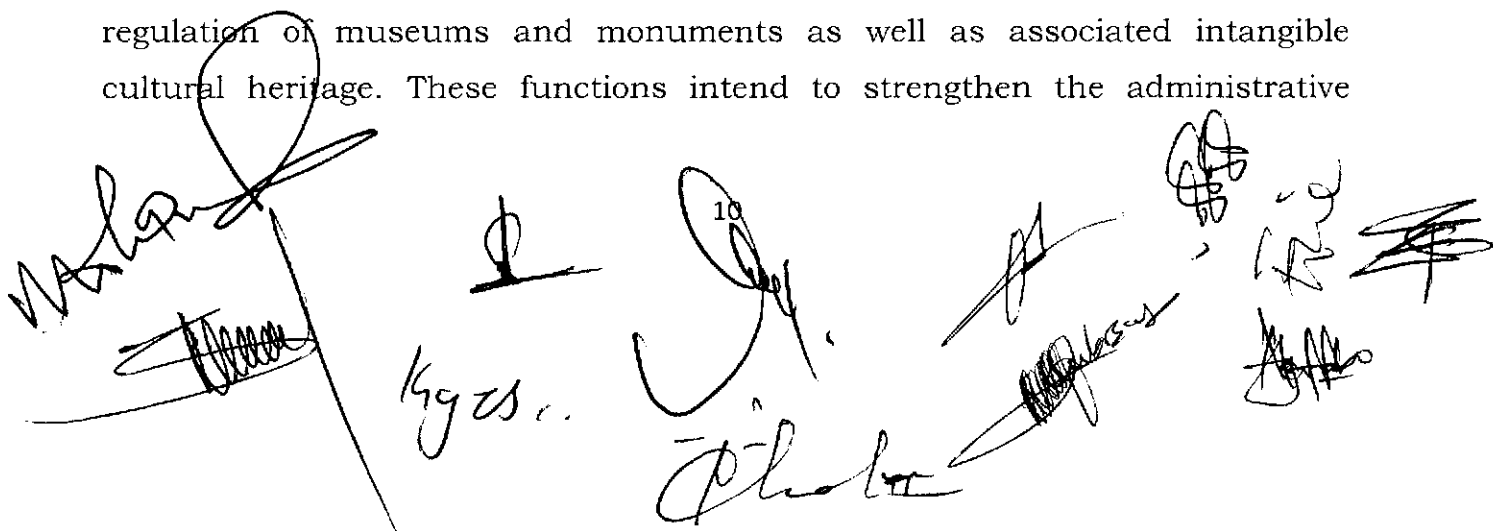

county level but regulated by the regional Government; also no permits and licenses will be required to set up community museums. However, collections of items with national importance will call for Government attention; thus this needs a permit. This will also depend on the level of museum artifacts.

On the issues of repatriation, the committee was informed that artifacts are classified; there are those which the leaders of long ago could have signed agreements and MoUs, forcing them to return them would tantamount to breach of contract. Therefore, there was a suggestion that if repatriation is to succeed, it should be a joint venture, for instance through bodies like African Union. It was however noted that repatriation of artefacts is very expensive in terms of space, transportation and technology for preservation. A case in point is our neighbor Tanzania that has failed to bring back its dinosaur fossil from Berlin in Germany where it is being displayed in the Natural History Museum of Berlin due to the logistical requirements involved. However, Tanzania is in talks with Germany to establish a museum in the area where the fossils were obtained as a way of developing and promoting the area. Furthermore, it was revealed that the United Republic of Tanzania devised a money minting strategy that has benefited the citizens through a MoU that permits funds that are raised from the monies paid to view to be sent to Tanzania and used to train the citizens.

5.2 EMERGING ISSUES ARISING FROM THE BILL

5.2.1 ADMINISTRATION AND REGULATION MUSEUMS AND MONUMENTS

The Bill as proposed seeks for the administration and regulation of tangible heritage independently from its associated intangible heritage. Clause 6 of the Bill seeks to provide for the administration, management, development and regulation of museums and monuments as well as associated intangible cultural heritage. These functions intend to strengthen the administrative



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structures for the effective management of the cultural and natural heritage subsector.

According to proposed law, the administration, management, regulation and development of museums and monuments shall be undertaken by the Department of Museums and Monuments subject to the overall policy guidance of the Minister responsible for Museums, Monuments and antiquities while the administration, management and regulation of associated intangible cultural heritage shall be undertaken by the Ministry responsible for culture who shall provide policy guidance on matters relating to associated intangible cultural heritage.

Findings of the Committee

Heritage includes anything tangible or intangible, natural or cultural, which has intangible heritage values attached to it.

Cultural heritage means an expression of the ways of living developed by a community and passed on from generation to generation, including customs, practices, places and objects, artistic expressions and values and often expressed either as intangible or tangible cultural heritage.

Museum means a not-for-profit, permanent institution in the service of Society that researches, collects, conserves, interprets and **exhibits both tangible and intangible heritage** which is open to the public, accessible and inclusive and fostering diversity and sustainability; operating and communicating ethically, professionally and with the participation of communities and offering varied experiences for education, enjoyment, reflection and knowledge sharing.”

Culture means the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, that encompasses, not only works of art and literature, but lifestyles, ways of living together, value

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systems, traditions and beliefs and includes museums, monuments and antiquities;"

The Committee finds that tangible heritage is administered under the Ministry responsible for Tourism, Wildlife and Antiquities while its associated intangible heritage is administered under the Ministry responsible for Gender, Labour and Social Development.

Observations of the Committee

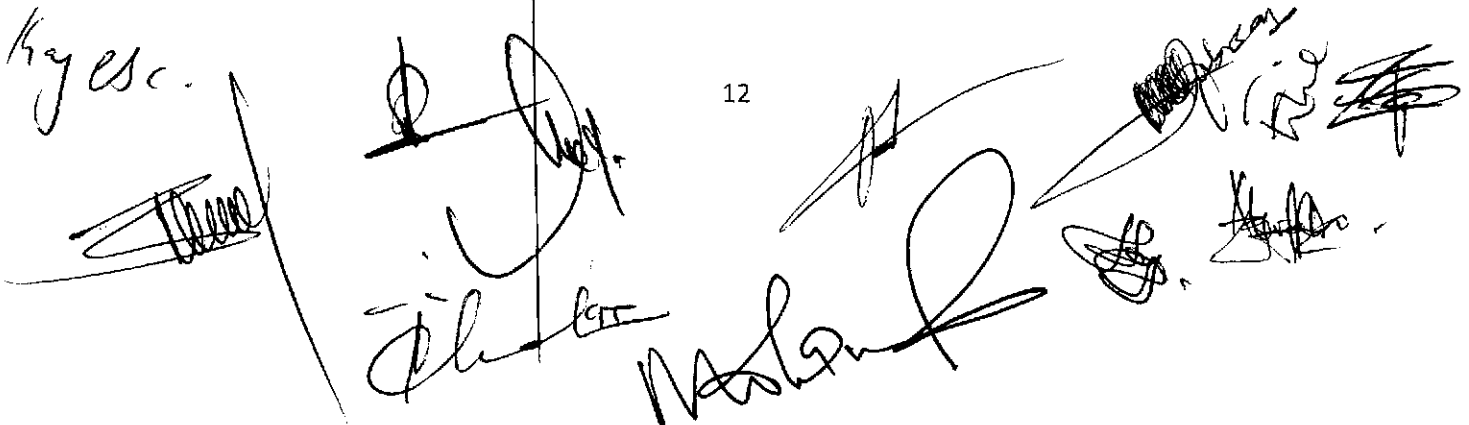
The Committee observes that the administration and regulation of heritage, both natural and cultural, tangible and intangible should ideally be done under one Ministry or Department so as to facilitate the concurrent and balanced development of both tangible and intangible heritage.

The Committee is of the considered view that intangible heritage is the value without which tangible heritage cannot be sustained.

The Committee observes that the administration, regulation and development of tangible and intangible heritage under two different ministries disadvantages the tourism sector. Culture is a very important aspect of heritage and museums exhibit both tangible and intangible heritage being that the two cannot be independent of each other.

The committee however notes that the Bill puts the management of tangible and intangible cultural heritage under different ministries and departments. Whereas both the Ministry of Tourism, Wildlife and Antiquities and the Ministry of Gender, Labour and Social Development agree to this and state that it is possible to supervise the various aspects of heritage from their different ministries, the Committee is of the considered opinion that such arrangements compromises effective supervision and management of the heritage and monument sites.

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Committee Recommendation

The Committee recommends that both tangible and intangible cultural heritage be regulated and administered under one Ministry or Department to ensure that both aspects of heritage are sustainably preserved and developed for future generations.

The Committee further recommends that Government of Uganda should establish an independent Ministry responsible for culture to be in charge of Uganda’s heritage and to promote the recognition, development and adherence to the cultural values and standards of the Ugandan Society.

In the event that the above recommendation cannot be achieved under the current regulatory framework, then the Committee recommends that in the interim, the function of Culture currently under the Ministry responsible for Gender, Labour and Social Development be transferred to the Ministry responsible for Museums and Monuments for effectiveness.

5.2.2 DECLARATIONS, PRESERVATIONS AND PROTECTION OF MONUMENTS AND SITES

Clause 28 of the Bill provides for the process of Declaration of Monuments, as follows;

“The Minister may, on the recommendation of the Department, by statutory instrument, declare a cultural object, area or site as a heritage for preservation under this Act” and The Minister may, compulsorily acquire the object, area or site in accordance with article 26(2)(b) of the Constitution.

On the other hand, however, clause 30(5) of the Bill provides inter alia that;

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“.....national heritage includes protected heritage resources that have been declared by Minister as of significant value to Uganda, as specified in schedule 2 to this Act.”

This provision is interpreted to mean that the declaration under the Bill is premised on a recommendation by the Department set up under the Act and by statutory instrument made by the Minister.

Observations of the Committee

a) Compensation prior to declaring property as a historical building.

The committee observes that clause 28(2) of the Bill and Article 26(2)(b) of the 1995 Constitution provide for compensation where a site is declared as a heritage for preservation.

Article 26 of the 1995 Constitution states;

“26. Protection from deprivation of property.

(1) Every person has a right to own property either individually or in association with others.

(2) No person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied—

(a) The taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health; and

(b) The compulsory taking of possession or acquisition of property is made under a law which makes provision for—

(i) Prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property; and

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(ii) A right of access to a court of law by any person who has an interest or right over the property.”

The Committee observes further that clause 30(5) and schedule 2 of the Bill are in sharp contrast to the above provisions of the Constitution and the proposed clause 28 of the Bill. Whereas the second schedule to the Bill has several monuments, areas, buildings and sites declared as heritage, it is not clear what process was followed to declare the new monuments under the current Bill which were not declared before the Bill as historical monuments.

b) Notice to affected persons and Opportunity for Objections

The Committee observes that the declarations made under the second schedule of the Bill, as proposed, were made without giving opportunity for objections or the right to be heard before property is declared as a National Monument. The right to a hearing is a well-protected right in the Constitution under Article 28 and is also the cornerstone of the rule of law.

Some of the properties being declared under the second schedule as monuments under the Bill are currently held by private persons and the property was bought at a time when they were not declared as historical monuments. The retrospective nature of the Bill affects legitimate justified expectations and in this case, it fundamentally and negatively affects the rights of the affected property owners. This may include but cannot be limited to disruption to planning resulting in high compliance costs and unintended consequences. The Committee observes that some private owners of several areas to be gazetted have never been notified that their property is subject for declaration as historical places except by the Bill.

c) Selective and discriminatory nature of declarations

The Committee observes that some of the declarations being made are selective and discriminatory in nature. For example in Old Kampala, most of the buildings

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have already been put down and changed usage, as such, declaring an isolated site – “the Watoto building” in the area as the only old building defeats its historical purpose. Preserving one old building out of the many that could have been preserved would be discriminatory in nature and hinder the development of an existing establishment. This form of isolated declaration could hinder a building’s ability to adequately compete with the times and its neighbours. Additionally, several of the newly declared monuments have already been subject to various renovations and the historical nature of the building has been overtaken by events and can no longer be considered or declared as a historical monument.

d) Ambiguity of the declarations

The Committee observes that the Monuments declared are not specific in nature and are, in effect, ambiguous. For example, “Makerere University”. This would imply that the entire university is gazetted as a historical site and not specific buildings, the same applies to declarations like “Mwiri”. Additionally, another building being declared in the Bill is termed as “Watoto” located in “Kampala”. This is ambiguous and it could be any Watoto building in Kampala and not specified to a specific building and this could create an unclassifiable declaration putting all Watoto buildings into the realm of the Museums and Monuments Act.

e) Criteria for Declarations

Historical sites that qualify as monuments have to attain certain criteria before they are declared national monuments. For any such monument to be identified and declared a national monument, it must pass through a thorough process of identification and documentation. The documentation ought to be pictorial, descriptive and justified as meeting the set criteria. The Committee observes that the criteria laid down for such declarations by the Bill is not yet in force and yet the schedule lists them as such.

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The Committee observes that most of the old buildings or historical sites being declared have no historical importance that would warrant their declaration as historical monuments as they were taken over by events for example, Watoto has no historical event that would require its preservation. The building originally had a cinema known as "Norman Cinema"; however, over the years, the building has changed usage and is currently hosting a church. The building cannot be declared as a national monument without any historical heritage attached to it.

f) Omission of some key sites

The Committee observes that whereas the Bill in Part V provides for the Declaration, Preservation and Protection of Cultural Sites which are listed in Part III of the Second Schedule, the said Schedule omits Naggalabi-Buddo in Wakiso District where the coronation of successive Traditional Rulers of Buganda Kingdom are installed, yet Naggalabi fits well within the definitions of a Cultural Heritage and Cultural Significance within Clause 4 of the Bill (interpretation Clause). This omission is contrary to International conventions to which Uganda is a signatory, including but not limited to the World Heritage Convention, Convention for the Protection of the World Cultural and Natural Heritage and African Charter on Human and Peoples' Rights (Banjul Charter).

Several other stakeholders have petitioned the Committee over sites and areas that have been omitted in the second schedule of the Bill.

Committee Recommendations

The Committee recommends that the second schedule to the Bill be deleted to allow for legitimate identification and declaration of national heritage in accordance with article 26 of the 1995 Constitution after the Bill has been passed into law by Parliament.

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The Committee further recommends that, in consultation with traditional leaders, all coronation sites of all Traditional Institutions be included in the list of historical sites to be declared after Act is passed for their recognition, protection and conservation for the future generations.

The Committee further recommends that investigations into the proposed sites and monuments to be declared under the Act be carried out prior to recommendation by the Department to determine whether they still serve a historical purpose or they have been overtaken by events.

The Committee recommends further that there should be exact description of any sites, buildings or objects being gazetted for ease of classification and identification.

5.2.3 RATIFICATION AND DOMESTICATION OF INTERNATIONAL CONVENTIONS RELATING TO MUSEUMS AND HERITAGE

Uganda became a member of UNESCO in November 1962. UNESCO has adopted several instruments dedicated to preserving and managing museums and recognizing the essential role that museums play in education and shared the cultural diversity.

These include;

- The Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954;
- The Convention on the means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970;
- The Convention for the Safeguarding of Intangible Cultural Heritage 2003;
- The Convention on the Protection and Promotion of the Diversity of Cultural Expression, 2007;
- The 1960 Recommendation concerning the Most Effective Means of Rendering Museums Accessible to all persons;

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- The 2015 Recommendation concerning the Protection and promotion of Museums and Collections, their diversity and their Role in Society;”

Observations of the Committee

The Committee observes that UNESCO’S Cultural Conventions and Recommendations provide policy makers with the tools to rise to contemporary challenges and unlock the full potential of museums as places to celebrate heritage.

The Committee observes that the Bill seeks to give effect to the 1972 UNESCO Convention on the protection of Cultural and Natural Heritage but does not take into consideration any of the other Conventions and recommendations as enumerated.

The Committee further observes that Uganda has only domesticated three UNESCO Conventions of 1972, 2003 and 2007. The Committee observes that ratification and domestication of UNESCO Conventions would give Uganda an advantage of negotiation on the global scope especially in regards to Uganda cultural heritage artifacts that are under the control of other jurisdictions.

Recommendation

The Committee recommends that the Government of Uganda prioritises the ratification, domestication and implementation of UNESCO Conventions and recommendations for purposes of sustainable development of Uganda’s Cultural and natural Heritage.

The Committee further recommends that the object of giving effect to these Conventions and Recommendations be included in the object of the Bill as measure of drawing the attention of Uganda as a Member State of UNESCO to the importance of the protection and promotion of museums and works of Art collections, so that they are partners in sustainable development through preservation and protection of heritage, the protection and promotion of cultural diversity, the transmission of scientific knowledge, the development

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educational policy, lifelong learning and social cohesion, and the development of the creative and the tourism industry.

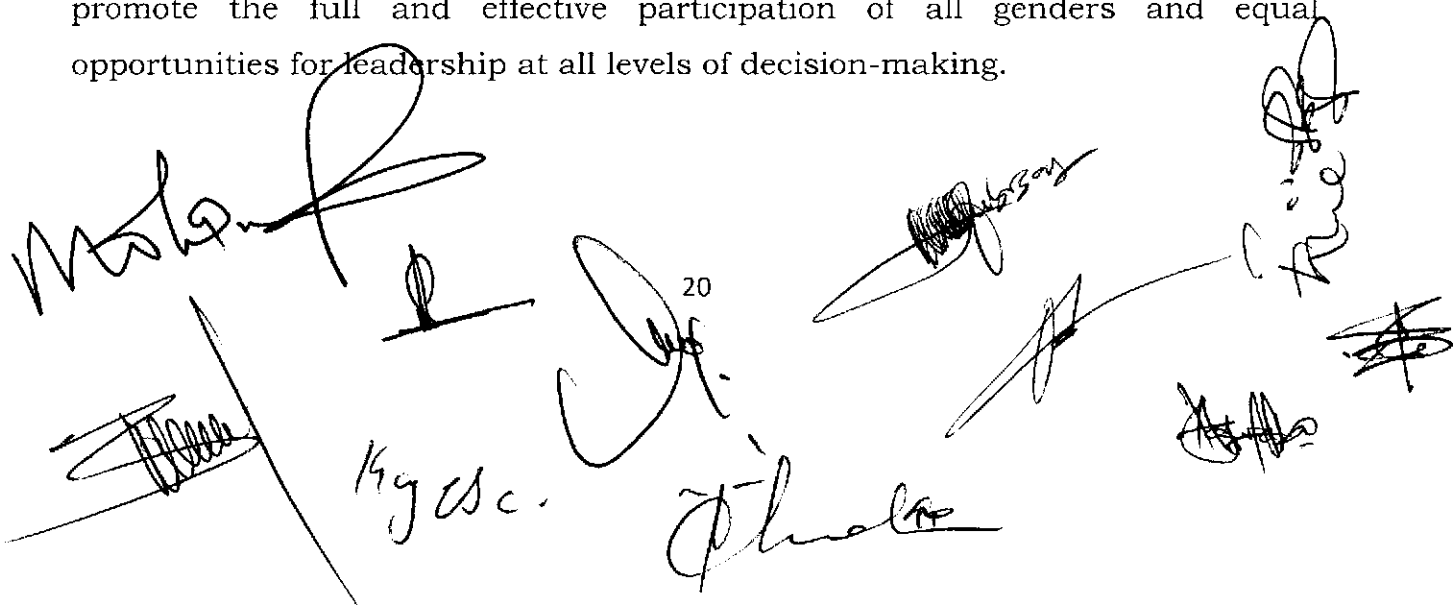
6.0 MUSEUMS AND MONUMENTS BILL'S COMPLIANCE WITH CROSS-CUTTING ISSUES

6.1 Sustainable Development Goals

The SDG goal 11, specifically target number 11.4 focuses explicitly on heritage. This indicator is concerned with developing a global picture of financial actions to safeguard cultural and natural heritage made by organisations in the private sector and public authorities at local and national levels. The Museum and Monuments Bill 2022 is an engine for streamlining the operations of both private and public museums that preserve both our tangible and intangible heritage. In this regard, museums help protect and safeguard collections and, through the effective and sustainable use of their collections for education and research, and the exhibitions, events and other programmes they stage, they contribute to the protection and safeguarding of cultural and natural heritage.

6.2 Gender & Equity

Article 33 and 35 of the Constitution of the republic of Uganda provides for the rights of women and the rights of persons with disabilities. Heritage plays an important role in the creation, dissemination, and transformation of gender-related norms and values. Through heritage, the fundamental and public roles played by women and men in different periods of history can be highlighted to support the eradication of recurrent negative stereotypes of women, and to empower both women and men. Additionally, cultural heritage institutions promote the full and effective participation of all genders and equal opportunities for leadership at all levels of decision-making.



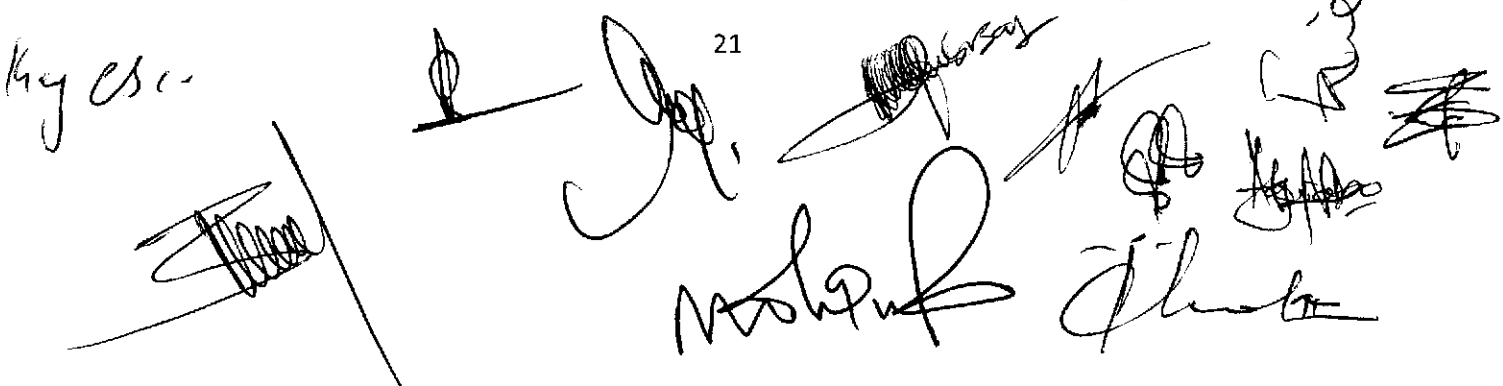
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6.3 Human Rights

Article 37 of the Constitution of the republic of Uganda provides for the right to culture and similar rights. It states that *“Every person has a right as applicable, to belong to, enjoy, practise, profess, maintain and promote any culture, cultural institution, language, tradition, creed or religion in community with others”* similarly, culture is enshrined in Article 27 of the Universal Declaration of Human Rights: *“everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits”* The right to participate in cultural activity is therefore a human right: to defend the right to cultural participation is to defend human rights, and to deny the right to cultural participation is to deny human rights. This Bill in its entirety ensures that citizens have the right *“to know, understand, visit, make use of, maintain, exchange and develop cultural heritage and cultural expressions, as well as to benefit from the cultural heritage and cultural expressions of others”*

6.4 Compliance with International Conventions

The UNESCO Convention for the Protection of the World Cultural and Natural Heritage, 1972 encourages the state parties to protect objects of cultural and natural heritage, which are of outstanding universal value to the present and future generations. The Convention urges state parties to integrate the protection and conservation of natural and cultural heritage into national planning development programs. Furthermore, the UNESCO Convention for Safeguarding of Intangible Cultural Heritage, 2003 recognise the importance of intangible cultural heritage as a mainspring of humanity and a guarantee for sustainable development. The communities, cultural groups, individuals play an important role in the production, safeguarding, maintenance and recreation of the intangible heritage thus helping to enrich cultural diversity and human creativity. The Bill seeks not only to ensure the protection of cultural and natural heritage resources and the environment, but also strengthen the legal



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and regulatory framework for the conservation, preservation, protection and management of cultural and natural heritage resources.

Therefore, the enactment of the Museum and Monuments Bill, 2022 is a step towards the achievement of the aspirations of the UNESCO Conventions enshrined in the targets above.

7.0 CONCLUSION

The need to update, reform and consolidate the law relating to cultural and natural heritage is eminent since the existing Historical Monuments Act, Cap. 46 was enacted in 1967 and has become obsolete.

8.0 GENERAL RECOMMENDATION

The Committee recommends that the Museums and Monuments Bill, 2022 be passed into law subject to the attached proposed amendments.

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**PROPOSED AMENDMENTS TO THE MUSEUMS AND MONUMENTS BILL,
2022**

CLAUSE 1: TITLE

Clause 1 is deleted.

Justification

The clause is not necessary since there is already provided a short title to the Bill in compliance with the Acts of Parliament Act, Cap. 2.

CLAUSE 3: Object of the Act

Clause 3 is amended by —

(a) inserting immediately after paragraph (b) the following new paragraphs

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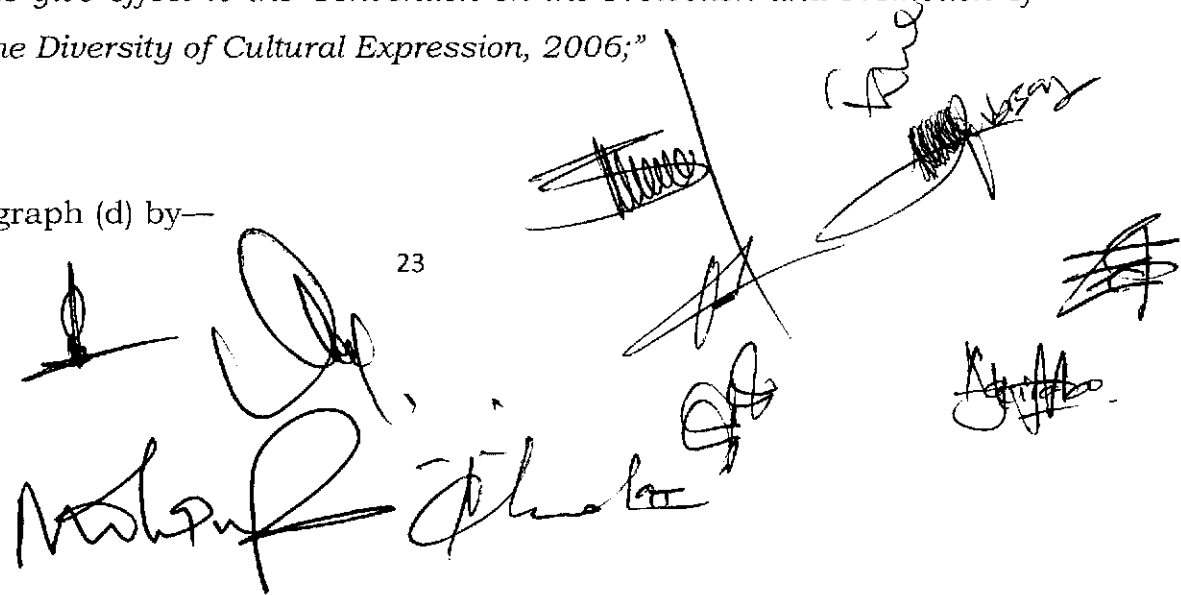
“to give effect to the Convention on the means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970;”

“to give effect to the Convention for the Safeguarding of Intangible Cultural Heritage 2003;”

“to give effect to the Convention on the Protection and Promotion of the Diversity of Cultural Expression, 2006;”

ky cr.

(b) in paragraph (d) by—



- (i) deleting the words **“subsector”** appearing immediately after the word **“monument”**
 - (ii) deleting the words **“of the subsector”** appearing at the end of the provision.
- (c) in paragraph (i) by substituting for the words **“research and development of ”** the words **“the collection and documentation of information concerning ”**.

Justification

- *The inclusion of the Conventions is to give effect to the Conventions since they have been ratified by Uganda.*
- *The deletion of the word subsector is to give the provision better meaning.*
- *The substitution in paragraph (i) is to give the provision better meaning.*

CLAUSE 4: INTERPRETATION

Clause 4 is amended—

(a) in the definition of **“archaeological”**, by substituting for the words, **“archaeological”** at the end of the provision, the word **“archaeologists; ”**

(b) by substituting for the definition of **“Museums”**, the following—

“Museum” means a not-for-profit, permanent institution in the service of Society that researches, collects, conserves, interprets and exhibits tangible and intangible heritage which is open to the public, accessible and inclusive and

ky. Dr.

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Clause 11 is amended by inserting immediately after paragraph (b) the following—

“(c) participate in and contribute to the management, development, regulation and promotion of culture, museums and monuments in their area of jurisdiction .”

Justification

To provide for the participation of cultural or traditional leaders in the regulation, management and development of culture, museums and monuments.

CLAUSE 15: REGIONAL, DISTRICT OR CITY MUSEUMS

Clause 15 is amended in sub-clause (3) by substituting for the words “leadership” the words **“Council”**

Justification

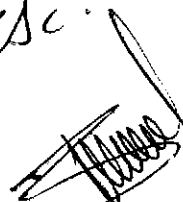
- The amendment is to remove the ambiguity caused through the use of the word “leadership” which is not clear and replacing it with a District or City Council which is clearly prescribed under the Local Governments Act of Uganda.*

CLAUSE 18: PRIVATE MUSEUMS

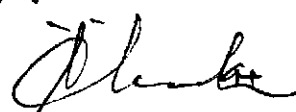
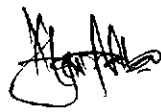
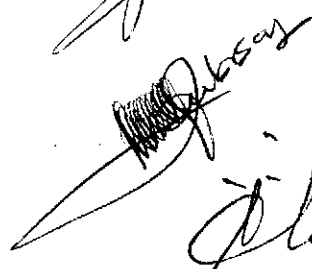
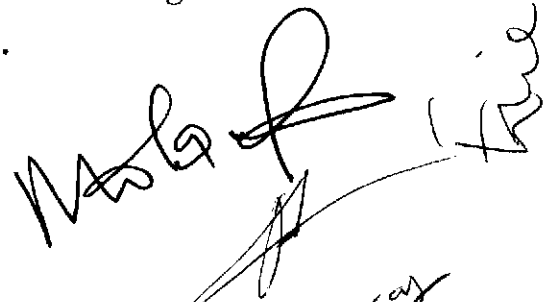
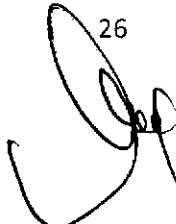
Clause 18 is amended in sub-clause (1) by substituting for **“made under this Act”** the words **“prescribed by regulations”**.

Justification

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To provide for regulation of private museums.

CLAUSE 20: REGISTER OF MUSEUMS

Clause 20 is amended—

(a) by deleting sub-clause (2).

Justification

- *Sub-clause (2) is already provided for under sub-clause(1).*

CLAUSE 21: DUTY TO PROTECT SITES AND MONUMENTS

Clause 21 is amended in paragraph (3) by inserting immediately after the words “**Minister may**”, the words “**in consultation with the relevant stakeholders**”.

Justification

To require the Minister to make consultation with relevant stakeholders.

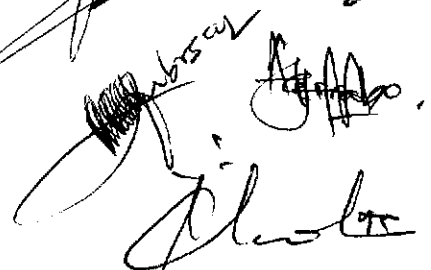
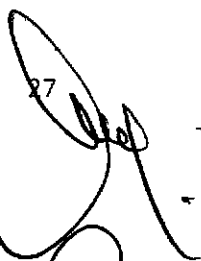
CLAUSE 28: DECLARATION OF PRESERVED CULTURAL AND NATURAL OBJECTS, AREAS OR SITES

Clause 28 is amended in sub-clause (1) by inserting immediately after the word “Department”, the words “**in consultation with the owner**”

Justification

- *The amendment is for purposes of providing for consultation with the owner.*

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CLAUSE 30: PROVISIONAL PROTECTION OF CULTURAL AND NATURAL HERITAGE.

Clause 30 is amended by substituting for sub-clause (5), the following-

“(5) For the purposes of this section, “national heritage” includes protected heritage resources that have been declared by the Minister, by statutory instrument, as heritage resources of significant value to Uganda.”

Justification

- *To empower the Minister to declare, by statutory instrument, a national heritage resource as of heritage resources of significant value to Uganda*

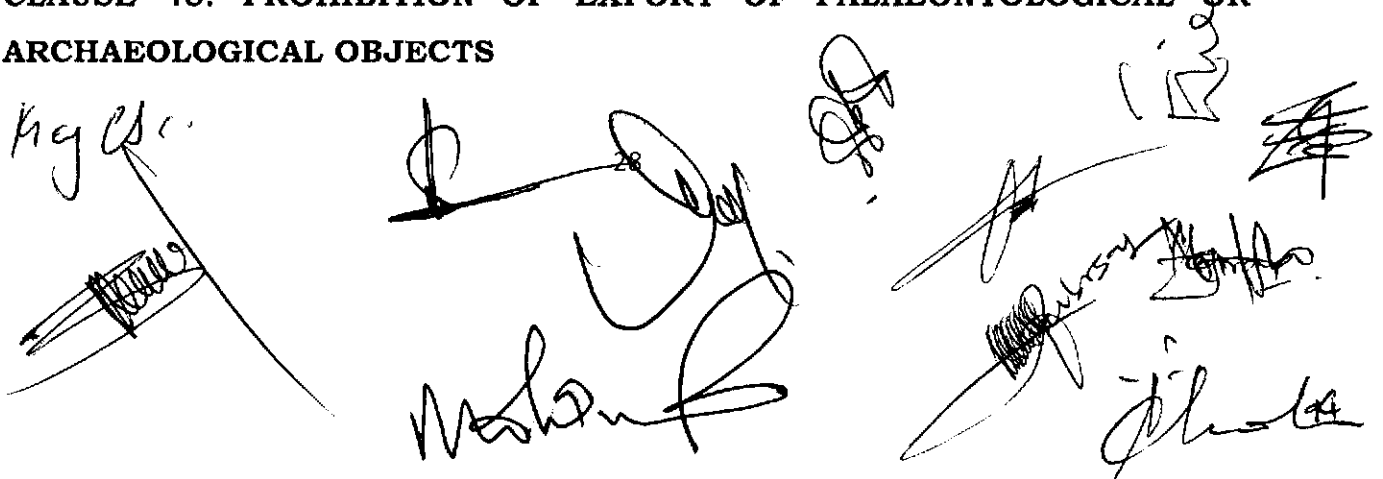
CLAUSE 40: RIGHTS AND DUTIES OF HOLDER OF AN EXCAVATION LICENCE

Clause 40 is amended in sub-clause (4) by substituting for the word “mine” the word “site” and wherever it appears in the Bill.

Justification

For specificity to sites regulated under the proposed law.

CLAUSE 45: PROHIBITION OF EXPORT OF PALAEOLOGICAL OR ARCHAEOLOGICAL OBJECTS



Handwritten signatures and initials in black ink, including 'Kigali', 'Muhana', and 'J. Kigali'.

Clause 45 is amended in sub-clause (2) by deleting the word “of” appearing after the word “fine” and substituting for the word “five”, the word “ten”.

Justification

To provide for a more deterrent penalty.

CLAUSE 96: RADIOACTIVE MATERIALS

Clause 96 is amended in sub-clause (4) by inserting the words “**or nearest police station**” immediately after the word “**council**”.

Justification

To provide a reporting a reporting mechanism that is readily accessible by the public.

CLAUSE 97: REGULATIONS

Clause 97 is amended by inserting immediately after clause 2, the following –

“Regulations under this Act shall be laid before Parliament;”

“Parliament may by resolution revoke the regulations or a particular provision of the regulations within 30 days from the date the regulations are laid;”

“Regulations where not revoked by Parliament, shall take effect after the lapse of 30 days from the date the regulations are laid.”

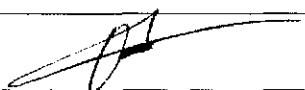
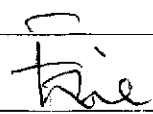
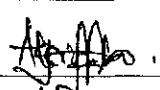

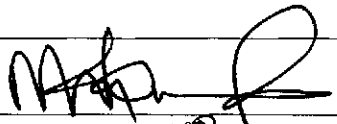

Justification


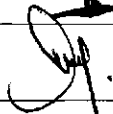
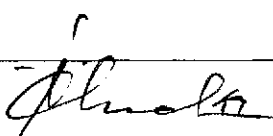
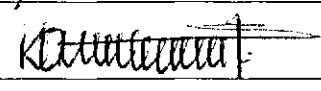
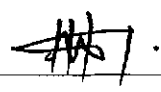

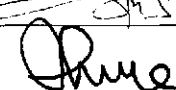
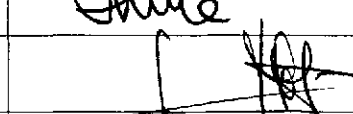

To give Parliament an opportunity to consider and review regulations where necessary.

To ensure that regulations under this law are made by the concerned ministry because regulations under the 1967 Historical Monuments Act were never made.

Kgesr.
Mohd
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Sharma
Sharma
Sharma

**REPORT OF THE COMMITTEE ON TOURISM TRADE AND INDUSTRY ON
THE MUSEUMS AND MONUMENTS BILL, 2022**

No	NAME	SIGNATURE
1.	Hon. Mwine Mpaka Rwamirama	
2.	Hon. Lamwaka Catherine	
3.	Hon. Mbwatekamwa Gaffa	
4.	Hon. Mugole Mauku David	
5.	Hon. Michael Timuzigu Kamugisha	
6.	Hon. Afidra Olema Ronald	
7.	Hon. Kemirembe Kyaka Pauline	
8.	Hon. Aleper Margret Achilla	
9.	Hon. Amooti Bright Tom	
10.	Hon. Awor Betty Engola	
11.	Hon. Harriet Businge Mugenyi	
12.	Hon. Edakasi Alfred Elalu	
13.	Hon. Nayebale Sylvia	
14.	Hon. Agnes Kirabo	
15.	Hon. Koyekyenga Olive	
16.	Hon. Osoru Mourine	
17.	Hon. Ssentayi Muhammad	
18.	Hon. Gaffabusa Richard Muhumuza	
19.	Hon. Wanyama Michael	

20.	Hon. Ssimbwa Fred	
21.	Hon. Kalwanga David Lukyamuzi	
22.	Hon. Kayemba Geoffrey Ssolo	Ky G. S.
23.	Hon. Ogwal Cecilia Atim	
24.	Hon. Isabirye David Ag	
25.	Hon. Okello Geoffrey Charles	
26.	Hon. Koluo Joseph Andrew	
27.	Hon. Atukwasa Rita Bwahika	
28.	Hon. Were Godfrey Odero	
29.	Hon. Mushemeza Elijah Dickens	
30.	Hon. Amero Susan	
31.	Hon. Francis Mwijukye	
32.	Hon. Katoto Muhammad	
33.	Hon. Wakayima Hannington Musoke	
34.	Hon. Lutaaya Geoffrey	