Appendix A: Transcript of Parliamentary Debate (Kampala, November 6 2003)

This is the official transcription of the debate held in Uganda's Parliament House on Novermber 6, 2003. MP Basaliza Araali's first intervention brings to parliamentary discussion the issue of gay rights and their advocacy.

Thursday, 6 November 2003

Parliament met at 2.32 p.m. in Parliament House, Kampala

PRAYERS

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

The House was called to Order.

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable members, my communication will take the form of introduction of our visitors in the Strangers' Gallery. We have students from Lake Side College, Luzira. We have students from Namisambya SDA Primary School, from Nawannende SDA Primary School and from Crane Primary School. We also have students from Uganda Martyrs' University and their lecturers. You are all welcome.

2.35
MR AGGREY AWORI: Thank you, Mr Speaker. I rise to follow up a matter, which was in your communication yesterday. This is pertaining to the impropriety on the part of Members of Parliament regarding corruption. I bring this matter very painfully to the Floor of the House for immediate action, if it is within the ambit of this august House.

Mr Speaker, not long ago a company called SWIPCO had an arrangement with this Government for certain services pertaining to procurement. At the material time when SWIPCO had an arrangement with this Government, a member of this august House, and by coincidence at that time also chairman of my Committee on Presidential and Foreign Affairs, was involved.

My chairman at the material time during the 6th Parliament travelled with the President of this country to Argentina. They made contacts through the host President of Argentina. Our President expressed concern about the problem of corruption in procurement. His host, the President of Argentina, suggested that he contacts a certain organisation that could help out with this scourge.

My colleague, who was travelling with the President, made it his business to follow it. He followed it up and this company came to this country. They got into contractual arrangements to do certain work, which I cannot go into details about for the moment, but somehow an agreement was reached that they would be paid a colossal sum of money.

Mr Speaker, this arrangement did not work out too well. The deal fell through for some strange reason. The other party could have gone to the courts of law for settlement, but they did not.

My colleague is not making an allegation. My colleague, who was now acting as the agent for the company locally, pressurised for his commission, amounting to more than Shs 1.4 billion. The amount in dispute is Shs 14 billion.

Mr Speaker, through unfortunate accidents, the then Managing Director of SWIPCO, the late Ms Katama – may her soul rest in eternal peace - made some payments. But she stopped the payments because the terms of reference were not being adhered to. This matter fell into abeyance for some time.

Then suddenly, Mr Speaker, not long ago the matter was revived through the pressure of certain individuals, including my former colleague and certain people in two ministries, to revive the payments. According to the budget we received from the ministry, this figure was not mentioned in Finance or in the Ministry of Justice as outstanding amount out of litigation.

Suddenly, last week the Ministry of Finance starts preparing vouchers amounting to Shs 14 billion. Mr Speaker, as I speak now, cheques amounting to Shs 14 billion are being transferred from the Ministry of Finance to the Ministry of Justice. At no given time did the Ministry of Justice feature in arrangement between SWIPCO and this Government. The only party in this Government that was mentioned was actually the Ministry of Finance.

Mr Speaker, as I said before in my introductory remarks, there has been no litigation in the courts of law for SWIPCO to recover the Shs 14 billion in foreign exchange. Suddenly, Ministry of Finance decides this money shall be paid through the Ministry of Justice. Ministry of Justice had no part in the agreement. Ministry of Justice was not fulfilling the normal conditions; if the Government loses a case in court, they have to pay the money, which they did not.

Mr Speaker, it was my former colleague who took SWIPCO to the Commercial Court asking for a commission of Shs 1.4 billion. However, I am told that according to the court case, he put a condition on his case that if SWIPCO is paid by the Government, his portion of Shs 1.4 billion shall be first in payment. My concern – *(Interruption*)

MR SEBULIBA MUTUMBA: Mr Speaker, I would like the honourable member holding the Floor to be very candid and tell us who the payees are, rather than skirting the whole topic. Tell us the names of the persons who are going to receive the money and all those who are involved, rather than giving us mirages and phantoms. Who was the chairperson?

MR AWORI: Mr Speaker, there is no difficulty in that. At the material time in the 6th Parliament, the chairman of the Committee on Presidential and Foreign Affairs was hon. Elly Karuhanga. I am not hiding his name, I am not skirting around the issue.

I said the President of this country, who has not changed for the last 17 years, is the one who went to Argentina. I do not have to say President Museveni. There has been one President for the last 17 years! *(Laughter)*

Secondly, I said this matter has come up. I do not think there is anything I am skirting. But of course, I need to clarify for the purpose of making sure that what I am stating as my concerns are genuine and deserve the attention of this august House.

Mr Speaker, to pick up where I left off, generally our conduct and the process of handling money of that nature must be included in the budget that we approve. In litigations that the Government

loses, the Ministry of Justice normally indicates that they have so much outstanding in terms of payment to those from whom we have received the goods or services.

If I recall correctly, Ministry of Justice has not indicated any amount exceeding Shs 2.0 billion. But Ministry of Justice has now received, or is in the process of receiving, cheques amounting to Shs 14 billion. That is money to pay to whom and what for?

There was no litigation between this Government and SWIPCO; SWIPCO never sued this Government. The award was between SWIPCO and hon. Elly Karuhanga. Hon. Elly Karuhanga was suing for his commission. He was not suing for Shs 14 billion to be paid to him or to be paid to SWIPCO. He may have been their agent, but he went to court to seek redress, in that, he had rendered a service to SWIPCO and he needs to be paid for his services.

Mr Speaker, my concerns are as follows, if I may repeat myself for emphasis: One, the Ministry of Justice is receiving money to pay to a company, which has not sued this Government. It is like a settlement out of court, and yet there was no litigation. Two, the Ministry of Finance is paying money when they are not a party to any dispute.

Mr Speaker, this causes concern. Why is the Ministry of Finance transferring money to the Ministry of Justice without showing the appropriation, the authority, the purpose, or even the cause for this?

We have procedure used for handling public resources, and one of the items is that, if you anticipate that you are going to pay so much, you come to this august House to get authority in form of a budget. There was no indication on the part of the Ministry of Justice that this Government owed another group or party of people, and therefore, causing us to make arrangements.

Mr Speaker, from my investigation in the two ministries, I am told they are trying to use an unorthodox method by calling it "appropriation". In other words, they do not need the authority of this august House. I get concerned that such huge sums of money are being transferred outside the authority of this august House, which is entitled constitutionally –*(Interruption).*

THE SPEAKER: Honourable member, don't you think the Minister is in a position to answer now?

MR KIRUNDA KIVEJINJA: Mr Speaker, in light of the gravity of the revelation of the honourable member, would it not be in order for him to table that case, so that it becomes property of the House? It could then be discussed, instead of talking to the House extempore. We have no reference and we cannot be able to ascertain what he is saying.

THE SPEAKER: Well, he calls it a matter of emergency. He is trying to arrest a situation; I think that is why he is bringing it in that way. But now the issue has been brought, it may be true or it may not be true, I do not know. It is now up to the Minister of Finance, who is not here, maybe to investigate tomorrow and then report as soon as possible to the House on this particular matter that has been stated by the honourable member.

MR AWORI: Mr Speaker, I would like to thank you for your ruling. As matter of fact, your advice to my honourable colleague on the front bench was most appropriate. I came to this House and brought this up as a matter of concern, as a matter of emergency. Once cheques have left the ministry and gone to various destinations, it will be very difficult to stop the process.

Mr Speaker, in this same august House, you recall there was some kind of connivance between two ministries and in the process this Government lost US$6 million. As a result, the President had taken an emergency step by interdicting two senior state attorneys because he was not aware.

That is why, Mr Speaker, I would like to thank you for giving me this opportunity, and instructing the Minister of Justice to come to this august House to explain the circumstances under which she or he got Shs 14 billion, and to whom the money is going.

MR WAGONDA MUGULI: Mr Speaker, I have listened to the presentation by hon. Awori and I appreciate your ruling that this is actually a matter of grave importance, which requires very rapid action.

There are ways of stopping government payment, and I think it would be in order for this House to issue instructions to the Minister of Finance to prevail on the Secretary to the Treasury to cease any processing of such payment until the matters under which that payment is being made is clarified to this House. Mr Speaker –*(Interruption).*

THE SPEAKER: But don't you really think the matter has been stated? It is on the record, and members of the front bench are here. They have heard that this is a serious matter for which they must take action now before the cheque is paid.

MR WAGONDA MUGULI: Mr Speaker, I appreciate that the front bench is here, but the front bench does not only pick information from the *Hansard.* The front bench must be formally informed by this House. I would request that your office does that as you have done on most occasions. I thank you, Sir.

MR BASALIZA ARAALI: Thank you Mr Speaker. I rise on a matter of public concern. Today in the *New Vision* newspaper, there was an article with the headline, *"Donors want Gay rights."* There was a revelation -*(Interruption).*

THE SPEAKER: Donors?

MR BASALIZA ARAALI: Yes, it said that donors wanted gay rights. This information was given by the Executive Director of Foundation for Human Rights Initiative, Mr Livingstone Sewanyana. He said that donors are currently pressurising Uganda to legalise homosexuality.

Mr Speaker, I do not have to read the whole article, but the same article continues to say that recently, Ugandan homosexuals submitted to donors a proposal of US$1 million for mass mobilisation.

Mr Speaker, we know very well that the religious people here have condemned homosexuality, and we know it is against our culture. Now I am calling upon this august House to condemn this act. (*Applause).* I call upon members to condemn it in the highest manner, and I am calling upon the Minister of State for Ethics and Integrity to make a statement condemning this act, in this august House.

Mr Speaker, this act is against our African culture. These people are trying to globalise and bring bad culture to Africa. They want us to sow bad culture and destroy our society. I think this is not the time to introduce such bad culture here. Any element of globalisation, which has got a bad connotation, should be condemned.

Mr Speaker, I think the minister concerned should look into this and condemn it, and this august House should condemn this act. We should join our religious leaders to condemn the introduction of homosexuality in Uganda. The homosexuals should be taken to a remand home to be counselled and not imprisoned, because they are sick. They should be counselled and then - *(Interruption)*

DR STEPHEN MALLINGA: Thank you much, Mr Speaker. As far as we know, in Uganda homosexuality is a criminal act. It is in the laws of this country. Anybody engaging in homosexuality is engaging in a criminal act - *(Interjection)*- I cannot really quote the Penal Code; I do not have it in my head, but we know that it is a criminal act to engage in homosexuality.

I hope that the Government will start enforcing the law, and that those trying to engage in homosexuality will be arrested and prosecuted in courts, just like they are doing with prostitutes. Thank you very much, Mr Speaker.

THE MINISTER OF STATE, ETHICS AND INTEGRITY (Mr Tim Lwanga): Thank you, Mr Speaker. I did read the paper myself and after reading that paper, I sent the machinery of the Department of Ethics and Integrity, under the Office of the President, into action.

What we have done so far is to try and investigate, through the Minister of Education and Sports, the facts that were given in that paper. But I have also sent people to *New Vision* this afternoon to try and get more facts. In other words, we are investigating. What the law says is what will be done. Thank you, Sir.

MRS MATEMBE: Mr Speaker, this issue of donors wanting to make these matters conditionalties is not just coming through the NGOs. At one time, if you remember, even our President was taxed about this issue. I want to tell you that this issue of homosexuality and lesbianism is going on in there. I made many attempts to get these people and close places where I was told things were happening, but underground these things are happening.

There was even at one time an attempt to register an organisation called "Integrity Uganda", which we made sure we prevented from registering, but somehow it is operating underground. Things are in there happening. But the stand of the Government is very clear, that we do not allow those things.

I remember even the donors themselves, the Netherlands and all these others, came to my office and I put my stand very clear before them. So, I do not know whether now with the Bishop in America, the move is coming up again. But the Government's stand is very clear.

Even if we do not stand up and condemn, as long as the Government puts its foot down and says, "We are not legalising this" and then we try to suffocate it. We should not go on to make it so loud that we are fighting, when in fact underground things are going on. We should be very careful and see where it is going on then we take action and counsel people. Government's stand is very clear; we can only call upon them to keep firm in that stand.

MRS DORA BYAMUKAMA: Mr Speaker, I would like to also bring to the Floor the fact that the draft Domestic Relations Bill explicitly forbids same sex marriages. I would therefore, like to urge the Ministry of Justice and Constitutional Affairs to bring this bill hastily to this House. Then we can make our stand clear to all the people of the world and thus uphold our motto, which states, "For God and my country." I thank you very much.

MR DOMBO LUMALA: Mr Speaker, I get concerned about the issue right now being tabled, and most especially when it relates to donors. A few weeks ago, the leadership of this country said that the people of Uganda were not willing to open up to parties, but the donors have been putting pressure on Government until it had to succumb.

Right now, we know that our budget is more than 48 percent funded by donors. When you look at recent developments in the Church of Uganda, especially at Namirembe, a number of projects have been stifled right now just because the taxpayers there, who are homosexuals, cannot keep on sending their money here for us to use on these issues.

I want to get clarification and confirmation from Government that we shall mobilise the people of Uganda and under no circumstances shall the donors intimidate us. They have done it in the past, but I want to get confirmation that under no circumstances shall we be intimidated by them, so that we uphold the values and culture of this country. I thank you.

THE SPEAKER: Honourable members, we wind up on this issue.

MR BASALIZA ARAALI: Mr Speaker, I would like to thank the hon. Minister of State for Ethics and Integrity for his contribution. I also thank my fellow colleagues for their contributions.

I know the Government does not support this. I know the religious leaders do not support the practice of homosexuality. That is why I have been calling upon this august House to join hands with the Government, to join hands with the religious leaders and we fight homosexuality here in Uganda. I thank you, Mr Speaker.

MR TIM LWANGA: Mr Speaker, I just felt that I should say one word or two in response to hon. Lumala's submission about the law. The law against homosexuality was made by this Parliament. If that law is to be changed, it will be changed by this Parliament.

So, when you are talking about changing the law, think about yourself, the representative of the people, and what you want. We do not want homosexuality and we will not change that law; at least that is what I know as Minister of State for Ethics and Integrity. The law will not be changed unless this House decides to change it. Thank you, Mr Speaker.

MS ALISEMERA: Thank you, Mr Speaker, I just wanted to give some information to this august House. As we fight AIDS, we know very well that AIDS spreads fast through homosexuality, through the anal canal. Even as Ugandans, as Africans, we have never promoted homosexuality. You would look at homosexuality like you look at a goat and a human being.

I want to tell you that in this era of AIDS, we should stop talking about homosexuality and we only concentrate on prevention of AIDS through the heterosexual route rather and not the anal route. Thank you.

MR PETER MUTULUUZA: I thank you, Mr Speaker. I beg that you allow us comment more on the issue raised by hon. Aggrey Awori. If we leave at that, it would look like speculation. I think hon. Aggrey Awori should produce evidence to that effect, so that we –*(Interruption).*

MR TIM LWANGA: Mr Speaker, after the allegation by hon. Aggrey Awori, the Minister in charge of the Presidency instructed me to go immediately and check on certain information regarding that very issue.

Government has already taken action. In fact, I came back here because of the homosexuality thing. I saw it on the screen and came right back. But after this, I will rush to carry out those instructions. So, we are handling it.

MR JOHN BYABAGAMBI: Thank you, Mr Speaker. I stand to also talk about an issue of national importance. In today's *New Vision,* on page 15 there is a very big headline that says, *"Shs 1.9 billion donor project funds spent on travel."*

This was a loan, which was secured from Africa Development Bank to support the micro-finance institutions in this country. The budget of Shs 1.9 billion was supposed to be a budget for five years, but it was spent by the officials of Prime Minister's Office within one year.

I am very privileged to say that I have got the actual report, which was quoted in the newspaper, with me now. Mr Speaker, within one year they used Shs 1.9 billion and they disbursed about Shs 1 billion to micro-finance institutions. They used twice as much in travel expenses, and they gave only half of that amount of money to micro-finance institutions.

Mr Speaker, because of the gravity of this matter, I beg to lay this document on the Table. The document is written by Africa Development Bank, the supervision mission that came here and did the investigations. I beg to lay it on Table.

The paper I am laying on the Table is entitled, "Republic of Uganda - Rural Micro-Finance Support Project (RMSP), Supervision Mission (17th to 29th March 2003) AIDE MEMOIRE."

Mr Speaker, to quote a few sentences, this mission was received by Prof. Mondo Kagonyera, Minister of General Duties. Also among the people who received them was the Permanent Secretary, Kassami, and another team –*(Interruption*).

THE SPEAKER: Well, honourable member, I think what you do is to lay it on Table and then I will make an order as to what happens to it.

MR BYABAGAMBI: It is signed by the head of the mission, Mr A.M. Yahie, Principal Social Economist. Thank you, Mr Speaker.

THE SPEAKER: Thank you very much. I will order the appropriate committee dealing with the ministry to study the report and what was reported in the newspaper, and give us a report for a meaningful debate.

MR KEN LUKYAMUZI: Thank you very much, Mr Speaker. Permit me to say something of public concern about our foreign policy. But before I vividly do so, I would like to quote a provision of the Constitution. The provision is part of the National Objectives and Directive Principles of State Policy, and that is XXVIII. It says:

"(i) The foreign policy of Uganda shall be based on the principles of –
(b) respect for international law and treaty obligations"

Part (iii) of that same provision says:

"The State shall promote regional and pan-African cultural, economic and political co-operation and integration".

The point now before us is, to what extent is the Uganda Government implementing the provisions I have just read?

On a number of occasions the Government of Uganda hardly honours the said constitutional obligations. And as I speak now, reliable information has reached me to the effect that the East African Legislative Assembly is about to approve the East African Customs Union Treaty in Arusha; they could even have approved it already.

Noting all that, I demand in very serious terms, Mr Speaker, that the Leader of Government Business tells this august House when we shall access that bill before it becomes law? Should the Treaty be approved, let alone become binding, without Parliament's contribution, this will be unconstitutional. So, I demand that the Leader of Government Business tells us the story otherwise we take action.

Mr Speaker, to conclude my remarks, in accordance with what has been going on in this country, if the Uganda Government was abiding by the directive policies in accordance with what I have raised –*(Interruption)*

MR MWANDHA: Mr Speaker, our rules do not permit a member to threaten anybody. Is hon. Lukyamuzi in order to threaten anybody by saying that he is going to take action, as if he is going to cause harm to the person he is referring to? Is he in order?

THE SPEAKER: Well, our rules are intended to facilitate persuasion rather than threats.

MR LUKYAMUZI: Thank you very much for your wise ruling, Mr Speaker. Let me end by quoting William Shakespeare. William Shakespeare said that there are many ways of skinning a cat; taking action does not necessarily mean being brutal, coercive or militant. I hope he knows that. Thank you.

THE SPEAKER: Honourable member, I think we do not know the details on this issue. He is talking about a treaty being concluded, which may affect the country, but I think there is procedure for dealing with treaties. The treaty will be concluded and if it requires ratification, it will move to the countries concerned.

I think it is better for us to get detailed facts about this issue and see what to do about it. But I do not think he should worry, because if it is a treaty affecting us and it requires our action as Parliament or the Executive, that will be done. It will not be effective until those conditions are fulfilled. So, I think let us get the facts and then we can deal with it.

MR LUKYAMUZI: But you see, Mr Speaker, with due humility, the members representing us in Arusha have certain obligations which they can handle themselves. There are certain deliberations where they can take decisions. This particular one, which commits Uganda to the East African Customs Union, requires Government to brief us as representatives of the people.

This is why I demanded that the Government of Uganda should have briefed us in writing, so that we know the details of the treaty, or else one would think that they do not know what they are doing.

MR KIRUNDA KIVEJINJA: Mr Speaker, we always go with division of labour. The Members of Parliament were elected by the population to come here and deliberate on their behalf. This

same Parliament sat here and elected people to deliberate on their behalf in the East African Legislative Assembly.

I do not know the obligations that can prevent one from transacting business without referring to the other. So, I wanted to find out whether it is an obligation for everything we discuss here to go to the electorate for consultation.

Secondly, I do not know whether those we send to the East African Assembly have to also come and tell us what they are doing as they transact business.

MINISTERIAL STATEMENT

3.16

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Ms Zoe Bakoko Bakoru): Mr Speaker and honourable members, I stand to give a statement to Parliament on the industrial unrest at Apparels Tri-Star (U) Ltd, the labour perspective.

Mr Speaker, there was a peaceful strike at Tri-Star starting Tuesday, 21 October 2003. Over 1,500 workers were involved. The peaceful strike continued up to Thursday, 23 October 2003. Their return to work was achieved after our intervention.

In labour matters, the issues of concern include, management of wages, working hours, leave including maternity leave, hours of rest, health and safety at work, provision of food, clean water, place of rest at the work place, skills development, et cetera.

Mr Speaker and honourable members, legitimate labour issues were raised as complaints by the workers on occupational safety and health in Tri-Star Bugolobi. The Ministry of Gender, Labour and Social Development intervened four times - in August 2002 while the girls were still undergoing training, in March, May and then July 2003.

In a tripartite manner, some of the labour concerns, especially sanitary and air pollution concerns were addressed by the management. Unfortunately, the sudden dismissal of one worker, Molly Nanteza, triggered off the strike irrespective of the fact that dialogue was in place.

Effects of the Strike.

• Mr Speaker, 3,600 man-days of production were lost.

• Uganda's international trade with the United States was threatened.

• 293 workers - they were not only girls, some were boys - were terminated and their terminal benefits paid off according to law.

• The amount of money that has been paid to the workers, according to records available in the Ministry of Gender and Social Development, is Shs 63,132,400 up to date.

Mr Speaker and honourable members, the situation is now back to normal. The investigations into the allegations, which were forwarded to us during the time of industrial unrest, will also be handled in a tripartite manner so that future situations like this can be averted. The tripartite team will include the Ministry, Federation of Uganda Employers, and the workers organisation, NOTU.

Method of Approach.

Mr Speaker, the problem that was in Tri-Star, Bugolobi, was an industrial relations problem - a dispute between workers and their employer. So, our effort as the ministry concerned was to address it as such.

Two methods were available. One, a bipartite approach, where workers and management sit down and settle the problem among themselves. One side would be the workers' representatives and the other side the employer's management representatives. Where there is no union in place, the practice is normally to engage a joint consultative council, which should deal with industrial relations at the enterprise level.

The second method is a tripartite approach where the management, the workers' leaders and Government together develop a solution to the problem. In that case, Government's role is that of a mediator, conciliator and an arbitrator.

Mr Speaker, both methods addressed the causes or complaints. What normally happens when you have an industrial unrest is that, when you use either of these methods it will take into account the legitimate interest of both antagonistic parties.

Honourable members, issues of labour unrest need a lot of patience, calm and cool headedness to handle. We have used these two methods available to us to good effect in the last two years. They have yielded industrial peace and harmony necessary for productivity. In fact, we only had two strikes since 2001. One was at Windsor Lake Victoria Hotel and the second one was at Kinyara Sugar Works, Masindi.

For the situation at Tri-Star, the latter method was used for all the efforts made. The reason being that, the employer's representatives (the Federation of Uganda Employers), the workers representatives (the National Organization of Trade Unions) and Government (the lead agency and participating agencies) have developed a tripartite charter within which such problems are handled. The core of this charter is the principle that workers do not withdraw their labour in return for decent conditions of work.

Efforts to resolve unrest in Tri-Star.

Government was very concerned about the industrial unrest in Tri-Star. My colleagues, hon. Rugumayo, hon. Sam Bitangaro, hon. Obbo Henry, hon. Tim Lwanga and hon. Namuyangu Jennifer held several meetings with the management and the girls.

Mr Speaker, I also take this opportunity to recognise and acknowledge with thanks the active participation of the leadership of the labour movement through the Workers' Members of Parliament, NOTU and Federation of Uganda Employers, in their effort to resolve this particular unrest.

The Rt Hon. Prime intervened and called two meetings of all stakeholders to address the situation. When I returned, I personally summoned the Managing Director of Tri-Star to my office. After that, I did go to Tri-Star on a fact-finding mission. I also came to Parliament to meet the girls who were affected. I meet them on the third floor and I talked to them.

Eventually, two options to resolve the dispute emerged, which were also discussed by Cabinet. One was a negotiated return to work for the workers. The second option was to pay off the concerned workers and end the employer-employee relationship according to law.

At this point, I would like to inform honourable members that the majority of the girls felt that after the bitter dispute, they preferred to leave Tri-Star and look for opportunities elsewhere. The expression some of those who decided to leave gave me when I met them twice, was, "when a marriage is very sour and irretrievable, it is better for you to go". When the other party continues to say, "*talaga, talaga, talaga*," you would rather go than stay and suffer.

While this was happening, some of the girls also still had hope that a negotiated return to Tri-Star could be effected so that they get back their jobs. To resolve this, their legal counsels were again called. Through the legal counsel of the girls and the legal counsel of Tri-Star, the girls agreed to withdraw their case, which they had filed. They accepted the settlement that their counsel and the Tri-Star counsel negotiated under the Ministry's supervision and guidance.

This settlement fully coincided with the position of Cabinet in the second option that had been recommended to Cabinet by the meetings, which were chaired earlier on by the Rt Hon. Prime Minister.

To-date, the affected girls have been paid, apart from 11 disputed cases, which my ministry is handling with Tri-Star.

Challenges.

Honourable members, the following have been identified as major challenges, besides occupational safety and health, in handling labour matters:

1. Administrative weaknesses:

Decentralisation has affected the efficiency of labour administration. Labour inspection is a decentralised activity. Bugolobi falls under Kampala District for labour administration. This district, however, is inadequate in manpower, with only four labour inspectors for the whole district, yet it is one of the most heavily industrialized districts in the entire country. It has close to 7,000 registered work places.

2. Funding inadequacies:

Labour inspection identifies problems in advance and enables them to be addressed. For effective inspections to take place regularly, the labour inspectors need to be facilitated to reach out to the work place and conduct inspection.

The budget ceilings that my ministry has experienced do not permit inspections neither do the few numbers of the labour inspectors address the problem. Honourable members, we passed Shs 14 million for the entire ministry, which is less than even what some districts get. It is important that adequate resources are availed for this very important activity.

3. The inadequate constitutional framework to deliver labour administration services within the workplace, because the issues raised by the workers as weaknesses and discussed with the management of Tri-Star were very legitimate labour issues.

Proposals for the way forward.

Mr Speaker and Members of Parliament, there is need to increase capacity at both national and district level for labour inspection, especially in highly industrialized districts like Kampala, Wakiso and Jinja, just to mention a few. This calls for increased funding and manpower.

The Ministry is currently conducting a restructuring exercise, and we hope that we will be addressing the capacity problem as we finalize with the restructuring.

The Ministry will also continue to interface with the management and workers at Tri-Star to address all pertinent issues that were raised, and which I called legitimate issues, so as to avert further occurrences of labour unrest.

This process has to promote bi-partism, that is, where employers and workers are fully involved, or tri-partism where the three social partners, the employers, the workers and the Government, are involved.

I call upon the social partners to urgently finalize and implement the bi-partite agreement and tri-partite charter, which will promote industrial peace and harmony necessary for productivity in this country.

Labour unrest is very disruptive to productivity and eventually to market opportunities. It retards our economic progress, workers lose their jobs and consequently their families suffer. It has social, economic and political connotations. All of us need collective responsibility to effectively deal with labour unrest in advance.

In addition, labour unrest has not been new to the Ministry. We have actually dealt with labour unrest before. Sometimes we have dealt with it in advance and effectively, because we have done it together with the social partners.

Mr Speaker and honourable Members of Parliament, I thank you.

THE SPEAKER: Thank you very much, honourable minister.

3.34

MR MARTIN WANDERA (Workers' Representative): Thank you very much, Mr Speaker. I would like to thank the hon. Minister of Labour, Gender and Social Development for her statement.

I would like to confirm, as mentioned by the honourable minister, that on Tuesday, 21 October 2003, 1,200 workers of Tri-Star Apparel undertook industrial action by laying down their tools. What must go on record is that during this action, no act of malicious damage to company property or violence was reported, contrary to allegations made by the management of this company.

The downing of tools was a whistle blowing exercise by the workers of Tri-Star Apparel, pursuant to Article 40(3)(c) of the Constitution of Uganda. They sought to and indeed they did let the world know that the conditions under which they are working are far below their expected standards and are contrary to the laws of Uganda, the Trade and Development Act, 2000 of the United States under which AGOA operates, and other international instruments and recognized practices.

They particularly had the following concerns that they wanted the world to know about:

1. Tri-Star Apparel has for a long time frustrated the right of the workers to join the Uganda Textile Leather and Allied Workers' Union, contrary to Articles 29(1)(e) and 40(3) of the Constitution of the Republic of Uganda, and Section 54 of the Trade Union Act.

2. The workers were also concerned about working for excessively long hours without over time payment. We have had the opportunity to look at some time cards that indicate that some workers work from 8.00 a.m. to 1.00 a.m. in a standing posture. So, they wanted the world to know this.

3. The workers also wanted the world to know that there are restrictions to visits to the washrooms. Every worker is restricted in visiting the washroom. To ensure this, the company has provided one card for every 70 employees. The workers can only visit the washroom after getting a chance to lay their hands on a "washroom card". This becomes very inconveniencing, especially to female workers who have to respond to their menstrual calls, which as I am informed, never warn.

Mr Speaker, the other problem that the workers have been facing for a long time is that sick workers are forced to work. There is no sick leave of any description in this company.

The workers are also often assaulted verbally and physically, and the verbal form takes the use of racist and derogatory remarks. The girls are always told that they came from villages, had never seen water cistern toilets, therefore they have no rights worth talking about.

The female workers also complained about sexual harassment by the management. Members of the management often seek for sex through threats.

The bad conditions of work are also characterized by arbitrary dismissals. The company lacks an established disciplinary procedure and, therefore, workers have no right to defend themselves. This causes a very high sense of job insecurity.

Another gender issue that workers raised, Mr Speaker, was that recently about 50 male workers were recruited and the female workers are extremely concerned about sharing toilets and showers with male workers. They feel this makes them possible targets for sexual abuse.

The workers also lack compassionate leave. They are denied the privilege to attend burials of their parents and other close family members. These are some of the issues that the workers wanted the world to know.

While whistle blowing may be a proper exercise in struggles, one question that may come to mind is whether the laying down of tools was the best approach. One may ask, "Wouldn't the workers have employed other means? Did they have to lay down their tools?" The answer is a very firm yes.

The reason is that, all previous efforts to address these workers' concerns were arrogantly and carelessly dealt with. For that matter, they were not successful.

It is important to make note of some of these previous efforts, because there have been serious allegations against the workers that they took strike action without attempting other dispute resolution approaches.

The workers first communicated their problems to their management through their supervisors, and there was no positive response.

They also sought assistance from their Resident District Commissioners (RDCs), who as you are aware had a hand in their recruitment.

They also complained to their Members of Parliament. On advice from the RDCs, Deputy RDCs and area Members of Parliament, the Workers' Members of Parliament took up this matter. They held a number of meetings with the company management. During that time, attention was drawn to the laws of Uganda and the need to adhere to them.

The Workers' Members of Parliament particularly advised the company to recognize the Textile Workers Union, to which most of the workers had already subscribed. They did this because of the considered view of the Workers Members of Parliament, that recognizing the Union would create effective channels of communication and grievance handling, and would facilitate quick resolution of conflicts. All this did not succeed.

The matter was drawn to the attention of the Ministry of Gender, Labour and Social Development. The Ministry undertook three investigations in March, May and July, all of which indicated that the conditions of work in the factory were deplorable. Mark you this was a technical evaluation of the conditions. Because all these failed, workers decided to go on strike.

So, on Tuesday 21 October 2003, when we learnt about the strike, hon. Teopista Ssentongo and I were detailed to make a visit to Tri-Star Apparel factory, to ensure three things: One, that the workers remain peaceful, which we did. Two, to get from the workers the problems they had to raise; and three, to quickly engage in dialogue with the management of Tri-Star.

This assignment was later to reveal a lot about the unfortunate state of the labour administration, the rule of law and courtesy in this country.

Hon. Ssentongo and I were denied access to the factory for three good hours, despite introducing ourselves as Workers' Representatives of Parliament. We were only allowed to enter the factory because of Mrs Suzan Muhwezi's courtesy. She said, "No, allow them in". So, we went in not because we were Members of Parliament, but because Suzan Muhwezi had spoken to these people. I think this is very unfortunate!

What is more disappointing is that the Labour Commissioner, who under the Employment Decree is charged with administration of labour, was also denied access. We wondered how a labour dispute would be resolved without the involvement of the Labour Commissioner yet under section 4 of the Employment Decree, he has the right to enter any factory upon introduction, and he had introduced himself!

What is even most hurting is that the Police, which is supposed to facilitate him in doing his work, instead stood on the wrong side of justice and were facilitating management to deny him the opportunity to do his work.

Members of the press were not spared either. They were not only denied access but also manhandled. A camera was confiscated from one of the journalists and it remains un-recovered till now.

Explanation is definitely in order for this draconian action. We would like to know of what security concern Tri-Star Apparel is, since security organisations moved in violently to stop people from taking photographs. I hope the ministers of Security and Information will advise us such that we become very careful in future.

As I told you, we managed to get into the factory but having dialogue became a problem just because Mr Kananathan's middle name is "arrogance". He refused to listen to anyone, so we went away. A meeting was later called in the afternoon by the Commissioner of Labour. In attendance were the Federation of Uganda Employers, the Management of Tri-Star and ourselves.

After three hours of deliberation, trying to move towards a decision, Mr Kananathan said the meeting was of no consequence and that he had taken a decision to dismiss the workers.

That was not the last meeting. Another meeting was held, and this one had very serious implications for what is happening in this country. A meeting was held in the office of the Minister of Trade, Tourism and Industry to consider this matter. In attendance was the honourable minister Sam Bitangaro, who was holding the portfolio of the Minister of Gender, Labour and Social Development.

During this meeting, it was agreed that the Prof. Edward Rugumayo and hon. Sam Bitangaro should address the workers and ask them to end the industrial action. Thy agreed that there should no victimization; that workers should return to work without any dismissal; and that all the workers' grievances be addressed by all parties.

Indeed, the above-mentioned ministers addressed the workers and asked them to end the strike. They particularly assured them that there would be no victimization. So, the workers decided to go to work, because this was an assurance from a minister.

However, no sooner had the ministers left than management started dismissing workers. This after management was party to a meeting where it had been resolved that there would be no victimization! So, we felt that this was betrayal on the part of management.

A total of 293 workers were summarily dismissed without any arrangement to pay them outstanding dues, or any arrangement for them to even pack their bags. This arbitrary action also came in the face of a court order, honourable members, restraining Tri-Star Apparel from terminating the services of the employees in the manner stated above.

What is more painful is that the Police violently barred hon. Bruno Pajobo and others from serving the management of Apparel Tri-Star with the said court injunction. One wonders whether it is not time for those with loose tear-bags to start crying for Uganda!

It is a shame that the Police, which is supposed to salute court orders and make sure that they are enforced, again stood on the wrong side of justice, yet the NRM Government came to make sure there is rule of law. We decided to use the law because that is the most peaceful means of dispute resolution. So, the workers were dismissed despite this order.

After the dismissal of these workers, they came to Parliament to put their case to us. We were extremely perturbed that such a large number of workers could be dismissed without any repatriation facility as required by law. We had thought that this was a straight legal and administrative issue. If you dismiss someone, the law is very clear - you can either re-instate him if there is mutual agreement, or you pay him.

While the honourable minister has said that the majority of the workers did not want to go back, most of them were willing to go back on condition that the management assured them they would address their concerns. But management refused to re-instate them.

The next option was payment of terminal dues, but this became a complex issue largely because most public officers became scared, especially after Mr Kananathan had ignored the Prime Minister of the Republic of Uganda, because he wanted to talk to him.

He had earlier on also assured ministers that he had no business with them except with His Excellency the President. Because of that, everyone was scared. A matter that would have otherwise been dealt with by the labour officer of Nakawa Division now had to involve a whole Prime Minister, and even Cabinet!

God forbid, but assuming all the workers in Uganda go on strike, if Tri-Star involved Cabinet would we now go to call for the assistance of the African Union? I think we have to get serious. We should allow institutions to work. The reason Cabinet got involved is because the officers who were supposed to perform these duties have been undermined and they fear to do their work.

Mr Speaker, this strike drew a lot of public debate. It is impossible to respond to all comments made. However, one that could definitely not miss our response is the one of His Excellency the President of the Republic of Uganda, Yoweri Kaguta Museveni.

In a statement published in the *New Vision* newspaper of Friday, 31 October 2003, the President stated that, *"Anybody who encourages strikes among workers at the very moment we are trying to break into external markets is worse than Kony"*.

To equate workers, who take to striking as a last resort, to Kony, is extremely unfortunate! A strike, as His Excellency has struggled and he should know, is just another means of negotiation. When all other means fail, as I have showed you above, the only option that remains for workers is to lay down their tools peacefully, as the workers of Tri-Star did.

Now the workers are willing to stop that action, but they have this to say:

If the President is serious about workers raising their complaints without resorting to strikes, he must ensure that the established dispute resolution mechanisms are adhered to. As long as labour administration, which is his responsibility as head of the Executive, remains ineffective, we are not going to see an end to industrial action soon.

The President's statements also showed his strong bias against workers. Whereas there were two parties to this conflict, the President only listened to the employers and rushed to vilify workers. We find this very unfair.

He went ahead to make false allegations about the workers of Sheraton by maligning their image in public, saying that they are thieves. He has never talked to them to explain to him why they used to go on strike. I want to set the record clear that the workers of Sheraton are not thieves, and they used to go on strike to fight for their rights. The information he has is false, biased and supplied by employers.

We have learnt a lot of lessons from this strike:

1. If you must solve a problem, you must talk about it. The rule of law is increasingly being undermined in Uganda. If laws were being implemented – if court decisions were implemented - we would not have these problems.

2. Political leadership has subtly encouraged employers to ignore labour legislation and standards in the name of encouraging investment. This must stop.

3. The Department of Labour has been greatly undermined and its authority is not respected by many employers. Matters are made worse when there is undue interference in labour issues by other organs of state, which grossly lack expertise in these matters.
Now that there is a strike at Tri-Star, you find ESO there. What external security concern is there?

4. The other thing is that, public administration unreasonably draws a lot from the mind of His Excellency the President. I realized that public officers would want to know the view of the President other than the law or policy before they take action. Even where they know the law, they want to know the President's view - "What will the President's view be on this one"?

So, we do not know whether it is the position of the President or just a weakness on the part of our public officers. But those who are responsible must come out and tell the public officers to do their work in accordance with policy and law.

The current situation, Mr Speaker, is such that most of the workers have received partial payment of the outstanding dues, and 11 of them remain deliberately unpaid. Even those who have been paid still have overtime dues or overtime claims to make, and we are trying to work with the relevant authorities to address this.

The hon. Minister has said that the case was withdrawn. The circumstances under which this case was withdrawn remain very unclear to us. But we would like to state that the decision by the lawyer to withdraw the case does not prejudice the right of any individual worker or group of workers to seek redress.

The National Organisation of Trade Unions, which was one of the parties to this cause, was also not aware of how the case was withdrawn. So, we shall be sitting as workers' leaders to see what steps to take.

Before I conclude, we would like to thank the Parliament of Uganda, the Office of the Prime Minister, and the Ministry of Gender, Labour and Social Development for all efforts invested towards the settlement of this problem.

Special thanks also go to the Sergeant-at-Arms and his staff -(*Applause*)- who took exceptional care of our 200 guests for six days in the precincts of Parliament. Special thanks to the management and staff of our canteen for the excellent meals, and all those Members of Parliament who supported us as individuals in ensuring that the welfare of our sisters and daughters was well kept.

In conclusion, honourable members, it should be understood that the Workers' Members of Parliament, the trade unionists and the AGOA workers are not struggling to kill the economic vision of Uganda or to undermine its investment strategies. On the contrary, we would like to promote investment in this country. What we are talking about is the observance of basic human rights of all Ugandans including those at Tri-Star.

Uganda is a party to several International Labour Organization conventions, which call for the protection of workers' rights all over the world. So, Uganda should not allow itself to turn into a laughing-stock. We do not want our country to be turned into human use by investors who have no respect for the leaders of our country and our sovereignty. Even beggars, Mr Speaker, have rights, and workers for that matter should also have rights.

We wish therefore, to make the following recommendations: That labour laws should be unconditionally enforced. If the Executive is not happy with any provision of the law, let them bring an amendment. I know law is not an embodiment of reason; it may not be rational all the time, but you better deal with law.

If the Executive does not want any provisions of the law, let them bring amendments here. As long as something is in the Statute books, it should be enforced to the letter.

We also propose, Mr Speaker, that Parliament takes special interest in this matter and possibly sets up a committee to investigate the conditions of work in Uganda. What is happening at Tri-Star is just a tip of the iceberg and an epitome of what is happening generally.

Mr Speaker, we would like to say that an injury to one is an injury to all. To the workers of Uganda, we would like to remind you that when you unite, you lose nothing but the chains around your necks. United we stand, divided we fall. *Alluta Continua.*

MR SEBULIBA MUTUMBA (Kawempe Division South, Kampala): Thank you very much, Mr Speaker. I would like also to thank the Minister -*(Interruption)*

THE SPEAKER: I take it that this statement largely represents the views of the workers. That is why I went to the other member. Okay, I will give you the opportunity to contribute.

4.01

MRS TEOPISTA SSENTONGO (Worker's Representative): Thank you very much, Mr Speaker. I want to express my appreciation to the Ministry of Gender, Labour and Social Development for the report made about Tri-Star.

Mr Speaker, allow me to further comment on the hours of work and a few other areas of our submission.

First of all, let me comment about the regulation of visiting washrooms. There is a vivid example of a lady who had to urinate on her dress just because of the prolonged denial of permission from the employer to go to the toilet. It is true, and it is vivid. We can always produce the person who had that problem.

Secondly, on the hours of work, when you look at what Tri-Star is paying in terms of over-time, leave alone the prolonged times of 18 hours and above, the rate of payment just amounts to cheating.

You find that people getting Shs 70,000 were being paid only Shs 500 for any hours that are put in overtime. Those who earn Shs 80,000 were paid Shs 750 per period, not even hourly. That was not calculated on hourly basis, and yet our labour laws are very explicit.

It is clear that anybody who puts in an extra hour has to be paid one and half times the hours worked as extra on top of the normal working hours. On a public day, it is two times the hours

one puts in. So, you can see the way that our investors cheat our people. It is a serious matter that we must address. If someone overworks himself, there is an economic problem, either mentally or physically. So, when we ask for rest for these people, it is really called for, and it is normal.

I am sorry the beginning of the strike was not properly elaborated. The physical torture, mental torture and the like had been going on for a long time. These people started to complain through their Members of Parliament from their respective areas of origin, who approached us and told us, "you go and see the conditions there".

Other types of torture included spitting at them. The one that prompted the strike was the time when someone was beaten. This was a girl who when she was beaten went crazy. They picked her from the floor and carried her to the vehicle.

When the Members of Parliament were called, my colleagues went there and found that the lady who had beaten her was left free. They argued that this lady should be taken to Police to make a statement explaining why she beat the girl. I think that is not an un-called for condition of work.

By the time the Members of Parliament left the factory and went into the courtyard, they found that security officers with guns had forced the girl into a vehicle until the girl came back to her senses. She had sort of run crazy due to fatigue and all those kinds of things, as you can imagine.

They found out that when these people were taken to Police, Kananathan and his management bribed the girl by paying her Shs 10,000 to change the statement. They fed her with information. We can produce the girl to give evidence on this. They told her to say, "I normally suffer from cerebral malaria, so maybe I had an attack". You can imagine the situation our workers go through!

This must be one example of every investor in this country. Workers are complaining, and they are really suffering just because we want to protect investors. Overprotection of investors will not earn us much, because they use human beings and there is no economy that can grow without labour. Much as one has capital, if you do not have labour you cannot grow. We appreciate that there is automation, but automation also has a limit; it has to be operated by human beings.

When you come to the issue of safety, it is never on the agenda of Tri-Star. Health and safety is not at all a phenomenon in their understanding. If you went down there, you would see this. As Workers, Representatives, several times, as my colleague has mentioned, we had the opportunity to go round the factory where they denied the labour officials entry.

When we went there, we really saw with our own eyes that workers down there are breathing textile dust. As they cut the clothing, of course the dust flies all over the atmosphere, and we even started coughing ourselves. These girls have to improvise by putting their own hankies around their noses, and the majority of them are coughing. Some of them are falling sick from fever as a result of cough from taking in all that kind of dust.

I want to inform you that as workers, we go through different lectures and seminars. We are told –*(Interruption)*

MR LUKYAMUZI: That state of affairs has environmental connotations. The information I want to give is that the situation as described by the honourable member holding the Floor must be checked, because victims of such environmental decay could be affected by asthma.

MRS SSENTONGO: Thank you very much. There is also another disease that is normally dangerous to workers who are exposed in textile industries all over the world. It is known as Brown Lung disease. It is gradual; someone gets it but does know he or she has it. So, it is important that we look at the conditions of work, more so, the safety and health of workers.

These people are really exposed. Even if those ones are gone, at least there are others who are continuing to work and we must protect them. They are Ugandans and we need their lives. I think they are very productive to this nation and not only through Tri-Star.

Lastly, I would like to ask the Minister and the House to see how genuine we are as we make noise over the labour laws. The Labour Bill must be brought to Parliament for discussion. There are so many employers out there who are mistreating workers. If we look at the obsolete labour laws today, they are not even enforceable because of the under-facilitation of the Ministry and other resource personnel. We want the labour laws brought here so that we discuss them like any other bills that we pass.

On unionisation –*(Interruption)*

MRS BYAMUKAMA: I thank you for giving way, hon. Ssentongo. I would like to stand in solidarity with the recommendation about the labour laws and to inform the House that there has been a Labour Bill, which has been collecting dust since the year 2001. I think this is an opportune time for the Government to bring it to this House so that we can make sure it is enacted into law.

Most specifically, I would also like to note that the laws we have are very archaic. For example, we have the Employment Decree, the Workman's Compensations Act; all these are very inadequate. Therefore, it is important that this particular bill, which has been collecting dust, is brought to this House so that this issue is addressed. I thank you.

MRS SSENTONGO: Thank you for the information. I want to wind up, but before I do so, let me talk about unionisation. Section 104(f) of the AGOA law reads as follows:

"Protection of the internationally recognised workers' rights, including the right of association, the right to organise and bargain collectively, prohibition on the use of any form of forced or compulsory labour, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work and occupational health and safety."

I remember very well, one time when we were meeting at the Ministry's office under the chairmanship of the Labour Commissioner, Mr Kananathan explicitly told us that he is not ready to recognise a union. So, I think he is above the laws of this country, which I do not believe.

We must make sure as government that all these investors adhere to the labour laws of the country. Much as they are obsolete, let them be adhered to, to save the lives of these children of ours. I thank you for your attention.

4.12

MR SEBULIBA MUTUMBA (Kawempe Division South, Kampala): Thank you, Mr Speaker. Let me thank the Minister for trying to give us a report of what happened at Tri-Star, but to me it does not capture enough. If anything, I would rather go with the one of my colleague, the Workers' Representative, because it is more objective, scientific and presentable.

Mr Speaker, when you look through what the Minister has given us, she talks about the situation only. She does not tell us about the causative factors, she goes on to the effects, the method of approach, the efforts to solve the unrest and then the way forward and challenges.

What we thought was that the Minister would come out candidly and amicably to tell us what was on side A and what was on side B. What was Kananathan trying to do, what was the reaction and what was the feedback from the workers? All these are missing in this one.

Therefore, to me it does not capture enough of the information we would have liked to have. That is why I thank the Workers' Representative for having brought out something very candid, amicable, comprehensive and scientific.

When you hear situations where the Prime Minister is rebuffed, the Members of Parliament are rebuffed and the Commissioner of Labour is rebuffed, we wonder what role the Office of the President has got in the whole saga.

I think it is high time, Mr Speaker, that the Office of the President and the President himself are removed from dealing with things to do with investment and business *(Interruption)*

MR LATIF SEBAGGALA: Thank you very much honourable colleague from Kawempe South. You have heard from the Workers Representative that they tried their level best to talk to Kananathan, and even the Prime Minister and other people who are concerned tried, and they did not get any positive response.

The information I want to give is that, if they expected any positive response from Kananathan when he said that he would only hear or respect the President, they were expecting a lot from him.

The President said some time back that out of the 24 million Ugandans, he was the only person with the vision of this country. So, everybody has no vision. That is why even the investors cannot take anybody seriously, including the Vice President and the Prime Minister, because he is the custodian of Uganda's vision. Thank you very much.

MR LUKYAMUZI: Mr Speaker, in a situation where that *Muyindi* ignores a whole Prime Minister of this country, he ignores a Sri Lankan, he ignores a court order, do we just keep quiet? This is a challenge to all of us.

The Leader of Government Business should not leave these chambers without stating the action he should take against this man. Otherwise, the man is contradicting the sovereignty of this country and he is a *persona non grata*.

MR MUTUMBA: Thank you very much, honourable members, for all that information. Mr Speaker, it is high time the President is relieved of such duties to do with investment and they go back to the relevant ministries. That is when the Office of the Presidency will be exonerated from such embarrassment.

Mr Speaker, I know that the labour market in Uganda is saturated, but Ugandans have got their rights to be protected. I think this company has been here for barely two years and you can look at the labour turnover - 200 plus. There must be something wrong somewhere in the management of that industry.

On top of that, we are signatories to many conventions internationally, and we have also got our own agreements here. If you look at Chapter Four of the Constitution, and I think Article 24 and 40, they talk about the rights of workers. Even when you look at these young ladies - I know the majority of these workers were young ladies - Uganda is a signatory to the convention against any discrimination against women or the girl-child.

You can imagine, when we are also trying to bring out the gender issue, this Sri Lankan is here coming to trade in sex with our young girls who are the future custodians of our rules and our country. Mr Speaker, this should not go unpunished, and the war should not end here.

Further, Mr Speaker, it is also high time that the agreements that are signed between these investors and Government are brought to Parliament. Even right now as I speak, I do not know what is in that agreement. I even doubt whether most of the members know what is there. That is why I think it is pertinent that these agreements are brought on the Floor of Parliament and we deliberate on them thoroughly, and then we send them to the relevant ministries to handle.

There are so many other issues, which will come up, like the one that was raised earlier on the Floor by hon. Aggrey Awori. You may find that we are dealing with a conman whom we call an investor, and he is talking to the President because the President may not be well advised and he calls him an investor.

I also think the Minister should come out and tell us who the investors are. We may be coming up with people who are selling *mandazi* in Sri Lanka and they come and pose here as investors, and that is why they are treading on our people.

Therefore, Mr Speaker, I wish the hon. Minister would go back and give us a comprehensive report, which can be called an official document, regarding the agreement, the version of Kananathan on how he came here, how he went for this business and even the grievances of these ladies. On top of that, you should mention those who have been paid and where the money came from.

Some of us have been getting news that this money is taxpayers' money. Why are you paying some? What *modus operandi* are you using to pay some and witch-hunt others?

I think the hon. Minister should go back. We want a detailed report to debate on this issue. We would like to debate it conclusively such that our daughters and brothers are not left in the cold. This will set a precedent for other investors, who think the labour market is saturated and Africans are fools, so that they take heed. Otherwise, this is the only eye-opener we are going to use to punish those who are going against our Constitution. I thank you.

THE SPEAKER: For your information, yesterday we tackled the same matter when the Minister of State for Trade gave a statement. We said we will combine this statement with a report, which is being handled by the Committee on Finance, which will bring the documents you are asking for from the Minister of Labour. They will be coming through the Committee on Finance.

4.20

DR FRANK NABWISO (Kagoma county, Jinja): Thank you, Mr Speaker. I would like to ask for clarification on the challenges that the Minister of Labour has outlined.

One of the problems I see is that Tri-Star is not prepared to accept the Constitution of Uganda as being the supreme law of this country. If we have such people, what action do we take as

Parliament and the Government of Uganda? Yesterday I talked about political impotence in this country within the Cabinet; is this not another example of what I tried to state?

Another question I would like the Minister to answer is, does this Government have an employment policy? If not, when does the Minister propose to bring an employment policy to this House for discussion?

The Minister did not talk about the challenge, which the President has given us, that those who support strikes or encourage strikes are worse than Kony. My question is, do all the six ministers in this ministry support their boss' stand or they would fear to be sacked?

There is other clarification I would like to seek. It is clear that these Asian investors with close connections to State House consider themselves to be above the law of this country. Does it mean that this country is going to be governed by these Asian investors who have close connections with State House?

Another thing is that, it has become a habit that when people want to go on strike, they end up camping in Parliament. I highly appreciate the action that was taken by the Sergeant-at-Arms, but are we creating a precedent in this country that strikers should come and sleep here in Parliament? Should the Parliamentary Commission start purchasing mattresses and blankets for future strikers? *(Interruption)*

MR WANDERA: Thank you very much for giving way. I would like to inform my colleague that the nature of employment of these workers was unique. Government selectively recruited them, and when they were dumped on the streets they had nowhere to go. The RDCs were nowhere to be seen; the only people who were available were the Members of Parliament. I thank you.

MAJ. RWAMIRAMA: Thank you, Mr Speaker. We were informed by the Workers' Representative that the Police failed to protect the citizens of this republic; they went on the other side of the law. Hon. Nabwiso, where would you have expected them to go if the other arms of government denied them?

MR PAJOBO: I want to inform my brother, Dr Nabwiso, that those were my special guests. As you receive guests here, those were my guests. Thank you.

MRS ZZIWA: The information I wanted to give hon. Nabwiso is that the representatives of the people are in this august House. If they are aggrieved anywhere, they will come here and we should be ready and prepared to receive them.

MR MUTULUUZA: Mr Speaker, we have had several groups of people camping near or on the compound of Parliament. We had the Luwero group and others. Personally, I wondered why these young girls were given special treatment. *(Laughter)*

MR PAJOBO: Mr Speaker, we have already explained the circumstances under which these people came here. I have just said that those were my guests. When his guests come here, he sits with them, they drink something up there and nobody complains. In the same way, if my visitors come, I accommodate them. Am I really spoiling this place? Are we not receiving visitors here? Therefore, is the member in order?

THE SPEAKER: I think this is playing about with words. First of all, one member said these were special guests and then the other one said it was special treatment. I think he is just re-echoing what was said by another.

MAJ. RWAMIRAMA: Mr Speaker, we have heard a report from both the Minister and the Workers' Representative, and we are discussing a matter of national importance that touches on the lives of Ugandans and the economy of this country.

This AGOA is not an arrangement that we can sit here and talk about carelessly like this. Is it in order for a member to stand here and say that the girls were here as guests when we are actually dealing with a case that deserved a ministerial statement?

THE SPEAKER: Well, the issue is that, the person who said they were special guests is a member representing the workers, and I think he might be the one who said let us take this route. But let us go on with the contribution.

MR MUTULUUZA: Mr Speaker, I want to make my point clear. This Parliament belongs to the people of Uganda. When those people were here, they even had access to private rooms here at Parliament. That is why I am wondering why these others were not treated that way.

THE SPEAKER: Well, let me explain. I think this is the first case where a group of that nature has come to the parliamentary premises. The other people you are talking about were near Parliament but were not within. That case should be distinguished from this one.

His complaint is that they could access our washrooms and so forth yet the others were not. The others were not within Parliament, but these ones were within Parliament. But let us go on with substance, really.

DR NABWISO: Mr Speaker, the point I wanted to bring to members' attention is that things are getting out of control. The Government of Uganda, as you know, cannot even solve a small problem like that today. This is the message that the honourable Workers' MP emphasised.

A small matter, which would have been solved by the LC I in Bugolobi, had to bring in all these people and insults that were made by Mr Kananathan and his group. To this effect, I support the recommendation of the Workers' MP that a select committee of Parliament be instituted to inquire into the whole matter and a report be made.

4.30

MR WAGONDA MUGULI (Buikwe County North, Mukono): Thank you very much, Mr Speaker. I wish to associate myself with the remarks of the Workers' Representative because I think he has said it all.

One time when hon. Obbo made a statement to this House about certain aspects of labour in this country, I raised the issues concerning the conditions of workers. By then I was of the view that Government was not yet about to set a minimum wage for workers.

Today we have heard that these workers work for as little as Shs 750. We have been told that those who are in absolute poverty are the ones who live off less than a dollar a day, and a dollar is Shs 2000. This is happening and yet everyday we are telling our people that investors are coming here to give them employment in order to reduce poverty in this country. How will those people earning Shs 750 ever leave the poverty bracket?

Mr Speaker, it is one thing to divest our industries and invite investors to this country, but for the investors to even take over the government machinery, to take over security agencies to the extent that Police can stop the serving of court processes, I think is something else.

I was surprised that the Minister of Labour in her statement did not mention the fact that her Commissioner in charge of labour affairs was denied entry to the factory in order to carry out his lawful duties. If the political leaders cannot support the civil servants, then how can the civil servants deal with people who are contravening the law of this country with the support of other big politicians? I think we are causing paralysis to our own operations. *(Interruption)*

MRS MATEMBE: A man by the name of Kananathan is involved in fraudulent activities, he is arrested by the Police and put in Luzira for a number of days, but through some collusion in higher offices, he is out and he ends up as a special investor with a special relationship to the powers-that-be.

When he listens and reads a statement that in this country there is only one person with the vision to lead this nation and work for it, how do you expect that man to behave? How do you expect other institutions to come in and take decisions? *(Laughter)*

THE MINISTER OF STATE, SECURITY (Ms Betty Akech): Thank you, Mr Speaker. I have risen on the point of collusion with people in high authority. But I have also risen in respect to what was said yesterday by the same speaker about the role of security agencies in releasing Mr Kananathan from prison.

I want to put it on record that we have a file on this man Kananathan. In April 1999, there were 12 Sri Lankan citizens who were staying here illegally, and they were tried and deported by our country. They claimed that they were induced by Kananathan to come to Uganda where they would find jobs at a cost; they had to pay some money. These Sri Lankans therefore petitioned Government to investigate Kananathan in that respect, and for impersonating the High Commissioner of Sri Lanka.

He was therefore taken to courts of law, to Mengo Court, but there were no key witnesses. The witnesses should have been the Sri Lankans who had brought the case forward, but none of them could come up, so the magistrate dismissed the case –*(Interjections)* This is really what is on the file. The case was dismissed by a magistrate of a court of this country because there were no key witness who could come up to pin down this man.

I find it, therefore, difficult to continue sitting here and listening to insinuations that involve people high up in Government getting involved in this. This is the information I wanted to give. Thank you so much.

MR WAGONDA-MUGULI: Mr Speaker, I wish to thank all my colleagues who have given me information to enrich the debate on this very important issue.

Mr Speaker, we have laws in this country that allow workers to form unions and to belong to unions. Apparently, after passing this law Government seems to have changed its mind and now prefers workers to have bilateral negotiations with employers. Can they bring a law repealing the union laws in this country so that we know that there are no more unions required in this country? *(Interruption)*

MR OKUPA: Thank you hon. Muguli. The information I want to give you as regards allowing workers to form unions is also contained in the AGOA Act, which I have here. Let me take this opportunity to read it to you. Section 104 talks about the eligibility requirements, and it reads as follows:

"(a) *IN GENERAL - The President is authorised to designate a sub-saharan African country as an eligible sub-saharan African country if the President determines that the country –*

(1) has established, or is making continual progress toward establishing-

(F) *protection of internationally recognised worker rights, including the right of association, the right to organise and bargain collectively, prohibition on the use of any form of forced or compulsory labour, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health."* Thank you.

MR WAGONDA MUGULI: I thank you, my colleague.

I would like to pose a question; why should it be that some sections of the workforce of Uganda can have the benefits of unionising and yet at the same time there is a parallel government policy of allowing employers to exclude their workers from any form of unions? This means that some workers by virtue of working for certain investors actually lose their rights as Ugandans to form unions.

I do not think the intention of inviting investors is to denude Ugandans of their legal rights as provided for in the laws of Uganda, which were passed by this august House. I, therefore, beg the honourable Minister of Labour not only to talk the language of the investor but also to talk the language of Government, which is in charge of the people of Uganda.

Indeed, some people have asked, if this particular investor can actually ignore instructions from the Prime Minister, is he the second Vice President of this country? Is he? If so, why are we not informed that now we have a second Vice President in the names of Kananathan?

We are protecting investors, but we are told that Kananathan is not the owner; there is a Kumar. Who is this Kumar whom you said is God-sent to rescue the AGOA operation? Is he the same Kumar who was involved with "*mavi ya kuku?"* Is he the same Kumar who was involved in supplying junk food to the Army? Who is he? We want to know.

Let us lift the veil and see who this Kumar is, whom the Government of Uganda through the Minister of Labour is protecting against Ugandans.

We would like to be assisted because they already know him better than me. So, why don't I utilise information since I am also allowed to have access to information, which the Government already has on these very important –*(Interruption)*

MR BAKKABULINDI: I just want to give some clarification that there is a difference between Kumar and Kuma. You may end up interpreting things differently.

MR WAGONDA MUGULI: So, why don't you assist me and tell me which is which. Is he Kumar or Kuma? But I know that there is an owner by the name of Kumar.

Mr Speaker, I am glad that the Parliament took care of our girls. They are of tender age, and indeed Parliament played its rightful role as a sanctuary for those who are afflicted, for those who are under persecution by their employers, for those whom Government has failed to take care of.

As people's representatives, we can be in a better position to give solace to our constituents who are under siege, who are under prosecution or who have failed to get retrieve from those under whom they should have received it. History will judge them harshly.

The fact that Kananathan is not able to listen to anybody means that there is an institutional failure. It means that organs of government, which should have taken decisions, are afraid to take decisions because of dire repercussions.

It will be recalled that what caused Hitler's collapse in the Second World War was an over centralised system. Every commander had to refer to Hitler personally to get permission before an attack. I would not like this to be the same for the Government of Uganda. I thank you, Mr Speaker.

THE SPEAKER: As you can see, many of you want to contribute so I think we should restrict ourselves so that as many members can contribute.

4.44

MR JAMES MWANDHA (Representative of Persons With Disability): Thank you very much, Mr Speaker. I want to thank the minister for her paper and I also thank our colleague, hon. Martin Wandera, for the very exhaustive statement that he has given. I would like to request him, if it were possible, to give us a copy because I think it is something that all of us should have.

Mr Speaker, I am concerned with the statement made by the Minister. The statement is hanging. It raises more questions than it provides answers. It is unfortunate, because we had a very difficult situation on our hands and we expected a statement that would give us answers to these very critical issues.

The Minister says that the girls had a peaceful strike. The Minister is aware that in spite of the fact that the strike was peaceful, the Police intervened, they stopped Members of Parliament from entering to talk to management, they stopped some ministers from going there and they even beat up pressmen.

I would have thought that the Minister responsible for labour would have told this Parliament why in this 21st Century people who have a right to demonstrate peacefully were actually harassed by our own Police. This question is not answered.

She then talks about the various occasions when the ministers intervened in Tri-Star. She does not say what the problem was in August 2002, in March, in May or in July. How did they resolve these problems and what have they done? This is lacking from her paper.

She then goes on to say, *"Unfortunately, the sudden dismissal of one worker, Molly Nanteza, triggered off the strike irrespective of the fact that dialogue was in place."*

Here is the Minister responsible for labour; how do you actually allow an employer to simply dismiss a person when dialogue is continuing? You do not tell us what you did to intervene in a situation where there is dialogue. You simply say, "unfortunately this caused the problem", and you look so helpless.

Mr Speaker, she then talks about 293 workers who were terminated and whose benefits were paid. We now know that they were underpaid, and that the law provides a different formula for paying people who are terminated. The Minister allowed these people to be underpaid when in fact her role was to protect these workers. This matter is not sorted out.

Mr Speaker, there is a statement on page 3, which says, "*The situation is now back to normal and investigations into the allegations will be handled in a tripartite manner for the future of the establishment."* That statement says nothing. What future of the establishment?

Mr Speaker, she then says that two methods were available, and then under bullet 1 she says, "*Where there is no union, the practice is to engage a joint consultative council to deal with industrial relations at the enterprise level".*

The question is, why is there no union? By the way, this is a very important question. There is an honourable member who read from the protocol of AGOA. One of the conditions for Uganda to access the AGOA American markets is that we must behave the way other industrial countries behave. There must be organised labour, and labour must be recognised.

The Minister then helplessly tells us that there is no union and because there is no union, she has devised some other methods. Is this going to help our participation in AGOA? Are we not in breach of one of the protocols we are supposed to observe? It says that when we are exporting to this market, we must have democratic systems in place, which actually require workers to be organized and have a voice to talk and have their rights protected.

The Minister of Labour comes to this Parliament and tells us that there is no union; she has not told us why she has not taken action to ensure that these people have a union so that we can continue to enjoy our participation in the AGOA market. Is it not a shame, Mr Speaker?

Mr Speaker, there were all sorts things said under the efforts made to resolve the unrest. This character called Kananathan could not accept Members of Parliament to access his premises. He did not let in the Commissioner of Labour, who by law has a right at any time of the day to access a working place where there are problems.

Kananathan did not even respect our own Prime Minister! He insisted that he talks to nobody other than the President. We now know that the man is a crook. The man is not fit to be at large; he should be behind bars. He just escaped being imprisoned because these Sri Lankans could not come from Sri Lanka to give evidence. So, the man avoids responsibility by default. The Government is aware but does nothing about it. What a real shame!

Mr Speaker, you also see here that these poor girls were forced to withdraw the case. I am glad that my colleague is considering re-instating this case. I am prepared to support my colleague so that this case is re-instated.

We cannot have Ugandans being mistreated and exploited in the way they are being mistreated and the Minister looks on. I think we must see to it that this case is re-instated, and the courts of this country must go to the bottom of this case.

Mr Speaker, then she says, *"To date, the affected girls have been paid apart from the 11 disputed cases, which are being handled by my ministry."* Why? How did these girls go back if they were not paid and they were living in the factory?

They did not have any money and you are simply saying, "they are being handled"! This gives an indefinite arrangement in handling this problem. We do not know whether it is going to take one month or one year –*(Interruption)*.

MR WANDERA: We have information to the effect that the management is deliberately refusing to pay some of these workers because they consider them to have been some of the ringleaders.

MR PAJOBO: When these girls were here, there were certain groups of people who would come here, allegedly from President's Office. They told the girls that the ringleaders would not be paid.

DR KAPKWOMU: Mr Speaker, soon after the other girls were paid and sent away, there is a parent who went back to Tri-Star to find out the situation of his daughter. His daughter told him they had been told that part of their salary would be slashed to cater for the losses the factory had undergone. So, while it was a loss to the company, it is going to be a loss to these poor girls.

MR MWANDHA: Mr Speaker, do we have a minister in charge of labour who has interest in the welfare of the people who toil in this country? Do we really have one?

If she is going to allow vulnerable girls to be left without a penny, who knows whether they are not on the streets of Kampala now trying to earn a living as prostitutes because they cannot do so otherwise. This, Mr Speaker, is most abominable. Any right thinking person must condemn it.

Mr Speaker, the Minister then laments about administrative weaknesses. Why has she not come to this House before and said that decentralization is causing us problems. Why hasn't she asked this House to change, if she wants to perform better, by removing decentralization? Decentralization is a process of Government, why has she not come here before? Now she is in a mess, she is hanging on some flimsy grounds, and she talks of decentralization and so forth.

Mr Speaker, I have two major worries. The first worry is that we have violated the conditions for our participation in AGOA. This debate, by the way, will not stop in this Chamber. The press will pick it up, other people will pick it up and it will go onto the Internet. I can assure you unless Government takes action, our future in AGOA is doomed.

My advice would be that, Tri-Star is a liability to Government and the earlier Government disassociates itself with Tri-Star the better for us. So that we can go with people who are prepared to observe the protocol for AGOA. This is the truth. You must be prepared to pull out of AGOA. If you want to stay in AGOA, for heaven's sake, do something about Tri-Star. That is my advice.

Unfortunately, Mr Speaker, we have a big problem with Tri-Star. Of course we shall be coming up with a report on Tri-Star. We shall tell this House and this country how Government has been taken for a ride by Tri-Star, and how Government is going to lose colossal sums of poor Ugandans' money. It is very unfortunate. The man who has one *kanzu*, the woman who has one *gomesi*, the couple who uses the wife's *gomesi* to cover themselves at night; their resources are now being wasted by a wrong decision.

I will quote a little bit of what I have read on the Internet; anyone of you can go in the Internet. The heading of the article is, "*Loss-making Tri-Star disposes of eight of its 30 factories."* It goes on to say, *"Tri-Star, the struggling garment exporter, has denied reports that it plans to close any one of the 22 factories that it says are doing well and performing non-quota orders".*

There is a lot more, but the paragraphs towards the end say, *"The company said it was compelled to temporarily cease operations in eight of the 30 factories three months ago with the approval of the labour commissioner* - that is in Sri Lanka - *Employees were paid 50 percent of their wages though not working, and their EPF and ETF* – these must be terms used in Sri Lanka - *contributions too paid up, according to the agreement.*

The company was forced to take this course of action as it had no other alternative in the face of intense pressure from the banks to close down these loss-making factories and dispose of them to settle the dues of the bank".

Then lastly, *"Tri-Star said its interests in Uganda and Botswana have no relation to the situation of its factories in Sri Lanka because* - and mark this - *in those countries, the group had invested only in the provision of technical know-how and training while the governments in those countries provided the manpower and infrastructure, including payment of wages to employees."*

In other words, Mr Speaker, we have an investor who has not invested! We have an investor who has not brought a single shilling to this country. All he is trading in here is the so-called "technical know-how and training". That is the investment that they are enjoying.

When you look at the agreement, which we cannot discuss now, Government undertook to make sure that this investment is protected under the usual meagre World Bank arrangement. Can you imagine!

Mr Speaker, I think we have a scandal on our hands here. We have fraud, and we are bound to lose a lot of money. I think the earlier Government takes action the better for all of us. Thank you, Mr Speaker.

5.04

DR KASIRIVU ATWOOKI (Bugangaizi County, Kibaale): Thank you Mr Speaker. Having listened to members' contributions, I would have expected the Minister of Labour – maybe she is about to – to take the microphone and say sorry. If she cannot, then we are in trouble.

Mr Speaker, as you have heard, the statement from the Minister and the statement given by the Workers' Member of Parliament are very far apart. Today we were supposed to be debating the Tri-Star girls' strike - what were the causes, what happened, and the way forward. All these are not contained in the Minister's statement.

Mr Speaker, I have always been perturbed that ministers have made statements and chairpersons of the committees overseeing these ministries have come up with better statements. I always try to imagine, is it by design that Government does not come out with clear information?

Mr Speaker, if something wrong has happened and you feel really ashamed, you should say sorry. There is nothing wrong with Government saying, "We are sorry". To me, that is being genuine, and I am waiting for the Minister of Labour to do that as a conclusion to this debate.

The AGOA girls, as they are popularly known, were recruited from every corner of this country. The other day about 200 went back in tears. Politically, what is the Executive thinking? Anything negative spreads very fast.

The girls went back the other day, and I am sure every inch of their villages now knows that Government, which recruited them, has mistreated them. I am not sure whether the RDCs now are mobilizing rallies to explain. In some areas, like Kibaale, the RDC cannot call a meeting and people come. So, who is going to explain?

Mr Speaker, it is even more unfortunate that the girls from Kibaale have a land problem. They came to get employment and they are chased away. Now, where do you expect the people of Kibaale to go? Where?

Mr Speaker, hon. Okupa referred to the Trade and Enrolment Act of USA and the conditions therein. Hon. Mwandha has explicitly expressed his concerns. We might be lucky that the President is in the USA and he might engage in some diplomacy, and try to explain and do damage control. Otherwise, somebody somewhere in the Senate and Congress will actually pick up this information.

Nobody, Mr Speaker, not even the Minister of Internal Affairs, has come here and said, "We are sorry for the Police's action" Nobody! What is all this? When we question them, they say that we are being – No, these are genuine concerns. Somebody somewhere must come up with a serious explanation and an apology because there is nothing to defend as of now; there is nothing!

Mr Speaker, the report from the Workers' Member of Parliament indicated that the girls were being denied frequent access to the toilets. If you continuously hold urine when your bladder is full, the urethral sphincter, which is supposed to control the outflow of urine, keeps loosening. The elasticity keeps loosening up to a point when the sphincter gives way.

Mr Speaker, these are young girls and once their sphincters give way, then they will get what they call urinary incontinence - urine flows freely. Now, who wants to marry a woman who has got urinary incontinence? If this urinary incontinence has been caused by negligence of some government official, are we really serious *(Interruption)*

MRS MATEMBE: Thank you, honourable member. The information I want to give is that when that damage occurs, the crucial matter is not just marriage. We are looking at the rights of the human being, the dignity of this very woman. We have already heard, incidentally, that one of them involuntarily wet her clothes. We do not even know whether she is already damaged. We need a real explanation on these matters. Thank you**.**

MR BYABAGAMBI: Thank you very much. In that factory if a lady wants to go to the toilet, she must be given a card, like the ones given to visitors who come to Parliament. You have to carry it like a tag and then you go to the toilet. Thank you.

DR KASIRIVU: Thank you Mr Speaker, and I thank the honourable members for the information. You can see the problem we are having. Let us imagine that one of the girls was the daughter of the Minister, how would you feel if your daughter was treated the way Kananathan has treated people's daughters? How?

Mr Speaker, I got even more disturbed when Kananathan ignored that court injunction. I have known that the President of this country has always respected court. Besigye took him to court and he obliged. The other day he swore an affidavit on Kakooza Mutale's case. Yet Kananathan, who says that he will talk only to the President, is defying court. I am waiting to see the action Government will take on Kananathan and why he does not respect our institutions.

Lastly, Mr Speaker, basing on the information given by hon. Mwandha, is it Kananathan who has refused to pay the 11 girls who have not been paid? Information is now coming out that actually, it might be Government that accepted to pay the girls. I want the Minister to tell us why Government has not paid these 11 girls.

Mr Speaker, this is a politically explosive situation. We may brush it off now, but when we begin looking for votes we shall encounter this problem. I thank you.

5.12

MRS MARGARET ZZIWA (Woman Representative, Kampala): Thank you very much, Mr Speaker. I want to thank the hon. Minister for the statement. Certainly, like many of my colleagues have said, we would have been happier if this statement was more detailed, explaining exactly what the deeper causes were.

I want to also thank the Member of Parliament representing workers. He has given us an opportunity to understand in detail many of the bad situations, which have been occurring in Tri-Star.

Mr Speaker, I had an opportunity sometime back to get to know the pains that the Tri-Star girls were undergoing. Tri-Star being in Kampala, I have had my ears on the ground and we have tried to seek a remedy to many of the problems through dialogue. But like the Member of Parliament for workers said, we have always been frustrated.

I want to put on record one very painful situation; I got a phone to talk to Mr Kananathan, and he gave me an appointment for 9.00 O'clock in his office. I drove there because I had received several complaints amongst which included not providing a glass of water in the work place, which I thought definitely should be a right. I went to the work place, and I was there at 9.00 a.m. I left at 11.30 a.m. and Mr Kananathan had not appeared. He had not even called to say that he would come later or otherwise.

As I walked out, I had an opportunity to meet one or two girls who told me that things were worsening. I had an opportunity to receive about eight letters from the parents of these children, some of which I had an opportunity to share with my colleagues, the Members of Parliament representing workers.

One mother who lives in Nakawa actually thought that it was difficult for us to listen to these issues. We went and met the wife of one of the Judges, who I will not mention. The wife of the Judge assured this lady that this issue is not private because among the issues that were being listed was sexual harassment.

One of the girls who was actually in her menstrual periods had been approached, and she had rejected the approach. She was able to rebuke the person, who was one of the middle managers. The following day, she was summoned to the office and issued with a warning letter. Actually at that time, it seemed that the next time she would be seen either trying to go to the toilet or standing up to stretch, she would be dismissed.

Of course, the mother being a poor woman could not really stand her daughter being dismissed. So, she ran back to the wife of the Judge who had said that these were issues of industrial law and they should be addressed.

Mr Speaker, I want to mention also that other than sexual harassment, there has been a lot of malaria in Tri-Star. At one time the girls were requested to carry mosquito nets and some of them actually tried to buy them, but due to the location of the industry, definitely it has not been very easy. Many of them have been getting continuous attacks.

The Minister has mentioned that at least the situation now is normal, or towards normal, and I want to find out –(*Interruption).*

MR BAKKABULINDI: Thank you very much, honourable member. On the issue of malaria, the few times that we managed to meet some of the management they confessed to us that they did not know the procedure.

They had told me that the problem was because Kampala City Council does not go there and yet there was stagnant water around. I promised to give them cards of some fumigators who could spray around and kill those mosquitoes. They appreciated, but they did not do it. Several were on their beds as we toured the place.

Coming to the point of bouncing, I think that is a common game with Kananathan. Several times we went there, including with the RDC whom I thought he would fear, and we bounced in the same office.

I went with the Commissioner of Labour and we sat there for several hours. In the end, he just told us, "Maybe your watches were behind. I am in another meeting". So, we were not surprised because this is how he behaves. Even the ministers who were seated there have ever bounced but they have just not mentioned it.

MRS ZZIWA: You can see the kind of problem we have on our hands.

Mr Speaker, I was not in this country at that time the strike started, but prior to that I had learnt that the situation on sexual harassment was growing intense. Mr Kananathan was bringing in male workers, I think from Jinja or Sri-Lanka, and he was putting them in the factory. They were sleeping in the same dormitories with the girls and sharing the same toilets.

I think I should bring this confession out here on the Floor. At one time I tried to share this with Mrs Muhwezi because I thought it was too much. I even sought an appointment with her, but unfortunately, we could not touch base. I was not able to meet her in person, but I told her about these issues. When the strike started, boys or men had been brought into the same dormitories with the girls, and that is violation of people's rights.

The other issue I should bring up –*(Interruption)*

MR BAKKABULINDI: I think I need to elaborate on that. Some time back you must have heard another rumour that involved my name. It was said that I forced myself into the women's dormitory to force the arrest of the Sri-Lankan woman who had beaten up the girl.

If that was a women's dormitory, I was led there by a Sri-Lankan man whom I found almost naked, just with a *lesu*. He picked that lady to come and be taken to the Police to give a statement. Now, if it was a female dormitory, why is it that a man, who was a Sri-Lankan, was in that dorm? That was the confusion.

A picture was created in one of the newspapers that I forced myself and dragged that woman out of the women's dormitory. But the man who led me, and who called that lady from the dormitory, was a Sri-Lankan just wearing something like a *suuka.* It was as if he had been sleeping for some hours.

MRS ZZIWA: Mr Speaker, the issue of safety and health cannot be under-looked here. I had the opportunity to go inside the factory and I asked the supervisor what it would cost if each of these girls could be made a small napkin-like mask to cover their noses. She said that would not be at their cost, it would be at Government's cost.

She said they are responsible for those girls as far as training is concerned. But as far as welfare, their feeding and I think accommodation is concerned, it is the duty of the Uganda Government. She was able to tell me this, and at that juncture I had the opportunity to talk to Mr Onegi Obel who I did not meet officially, but unofficially.

I Mr Onegi Obel, "what exactly is the situation? How are we supposed to deal with this problem? Where do we go?" He said, "We have finished with the training. We have handed over the girls to Labour." I think one time I met one of the ministers in the corridor and I tried to share this problem with them, but as it were, I did not expect much because the problem was so grave. These issues were just the tip of the iceberg.

I want to end with a request to the hon. Minister of Labour. In this country there is a long record of poor labour relations in Asian-based industries, companies and businesses. Talk about any place where an Asian is employing any person, they are abused as dogs, rats, to being called anything *-(Interruption)*

MR ALINTUMA: Mr Speaker, to add on to that, some of these guys come to the point of forcing their housekeepers, who are usually girls, to sleep with dogs. It has happened in Uganda, in Kampala.

MR PAJOBO: I would like to inform the honourable member that many of these Asians have said openly that they are paying them back for what Amin did to them. Thank you.

MRS ZZIWA: Mr Speaker, you have heard from the honourable members. It is a very painful situation. Everyday you meet a case, which is very frustrating and very demeaning to human dignity. In some cases, pain is being inflicted on them.

The hon. Minister has recognized that there is a lot of inadequacy, like an insufficient budget in her ministry. What does she intend to do when the Government policy today is private-driven? Will Government be able to cope with the level of investors who are coming into this country with no standards? Isn't it the minister responsible to be the custodian of the values of our people in this country? I think we need some assurances here, and I think we have been let down.

The hon. Minister has said that the situation is normal, but I do not know. What assurance do we have? Because the minister has sent all her officers to that place and nothing seems to be improving.

In fact, when hon. Wandera was contributing, he posed a question as to whether a strike was the last alternative and he answered in affirmative. I think the girls were pushed to the limit and they could not do otherwise.

Today I do not see any hope. Even for some of those who accepted to go back, they did so because of poverty. They say, "Where do we go; what do we do?" Out of vulnerability they went back, but there is no hope. I want the hon. Minister to assure me about what is in place for those girls.

My last point is certainly the political aspect, and hon. Kasirivu has talked about it. I am at pains as to how I am going to explain to the many people in Kampala that the Government has been part and parcel of enslaving our own people in their own country. This puts us at such a disadvantage as the Movement Government; we cannot move in to make our weight bear on the situation.

It is said that a beggar has no choice, but in these circumstances we are not beggars. We have put in everything - the industry is ours, everything is ours - why are we beggars? I want the Minister to help us so that we can have answers when 2006 comes. It is a very painful situation. Thank you.

THE SPEAKER: I have heard many contributions and you are giving narrations of what is happening. My question is, how do you want to end this debate, because this debate will have to end. Narrating the incidents – *(Interjections)*- hold on, please. What do we want done? That is how we should conclude this.

MAJ. RWAMIRAMA: Mr Speaker, I have heard and listened to the report and contributions mainly from the Workers' Representatives. As a people's representative of Isingiro North, I had time to interact with the girls and one of the things that shocked me, which has not featured in the Minister's report, is that about six or seven people died of malaria as a result of untimely resort to the hospitals.

We all expected solutions in this report from the Minister, but there is no solution in this report. Should we not reject this report so that the Minister makes another comprehensive report, which we can adequately debate? We have no promise -*(Interruption)*

THE SPEAKER: Let us assume that this is an inadequate report, as you have said, but you have gone on to make contributions telling us what happened. Don't you think this House could make a contribution by suggesting what we should do to remedy the situation?

What I am hearing are stories of what happened, and we have gone on from one to another. We have to conclude this debate; we should be narrowing it down to suggesting solutions.

MR MPONGO ISIKO (Busiki County, Iganga): I thank you, Mr Speaker. I want to support hon. Wandera, but particularly I would like to comment further on the issue of sexual harassment in Tri-Star.

We are talking about this issue of sexual harassment as if AIDS does not exist. I recall a submission yesterday when somebody said that these people do not use condoms at all. It rings in my mind that they maybe spreading AIDS or another peculiar –*(Interruption)*

MR BESISIRA: Mr Speaker, I have been listening to this for a number of hours now. On the Order Paper we have a ministerial statement, which was presented, but whoever comes up is supporting the statement by the Workers' Representatives. Which statement are we debating? Have we thrown out the one of the Minister? Are we debating the one of the Workers'

Representatives? I need to be guided because everyone who comes up is referring to the workers' representatives. I need to know which one I have got to contribute to.

THE SPEAKER: The Minister made a statement, which was stated on the Order Paper. But the workers anticipated it and made a joint contribution too. So, the workers were reacting to the statement by giving their account.

But what matters now is that we use this opportunity to suggest solutions to the problem. If you say that we throw away the statement and the Minister goes and makes another one, how soon is she going to come back with another one? Give suggestions about possible solutions and we follow those. That is my view.

MR BESISIRA: Mr Speaker, that is why I was seeking guidance. Does the Minister's report give us a way forward? We could be debating that way forward to see how best to get out of the mess in which we are –*(Interruption)*

THE SPEAKER: If she is not giving a way forward, then you suggest a way forward because it is lacking. Otherwise, what are we going to do?

MRS BYAMUKAMA: Mr Speaker, I have also been sitting here listening carefully. Let me give you a few examples. Look at the second paragraph of Page 2 of the Minister's statement. The Minister states certain issues but among these sexual harassment is missing.

In the second paragraph she states that sanitary concerns and air pollution were the only issues, which have been addressed so far, yet she says that others are also legitimate labour issues. When you go on to look at the effects of the strike, she is talking about 3,600 man-days in spite of the fact that these are working hours and the majority are women.

She goes on to say that 293 girls were terminated. Were the girls terminated or was it their services that were terminated? This should not go on record otherwise they will think they were killed. *(Laughter)* I am just giving an example, Mr Speaker. I do not want to go on. If I go on I will be repeating what has been stated. I have just given you a sample from the very first page of the statement.

Mr Speaker, I would like to suggest the way forward as follows. Let the Minister go back quietly, sit down and write a statement, which will address the issues that have been raised on the Floor of the House comprehensively and with recommendations. Short of that, we could go on talking.

I think it is in the interest of this nation and this Parliament that we get a comprehensive statement in view of what we have heard. I propose this as the way forward, Sir.

THE SPEAKER: Let us hear from the owner of the statement.

5.37

THE MINISTER OF GENDER, LABOUR AND SOCIAL DEVELOPMENT (Mrs Bakoko Bakoru): Mr Speaker, when we are discussing and debating issues of labour unrest, we have to be cool. This language, which I have used here, is the truth because -*(Interjection)*- yes, because that is the labour language. The girls' services were terminated and –*(Interjection)*- yes, but we do not have to write it there. *(Laughter)*. Yes, we know it. This is a fact.

The other thing I want to talk about is what members have said, that I did not give a way forward. When I was talking about bi-partism and tri-partism, I clearly said that these issues are going to be handled in a tripartite or a bi-partite manner.

When you are talking about bi-partism, you are talking about the two parties, the workers and employers. When you talk of tri-partism it is the two parties plus Government, which must come together to resolve that issue. It does not mean that what I am talking about here was only about labour unrest that started on 21st and ended on 23rd. It does not mean that beyond that there is no action to be taken.

I think I am not being treated fairly. I have indicated this, and I discussed this report with the Workers' MPs before I brought it here and I also accepted that they bring out the other issues.

When I talk of legitimate labour concerns, I mean what they are talking about. Maybe I did not list them here, but those are the legitimate labour concerns, which we are talking about. I think they are in my report. So, it is not fair for members to tell me that I did not raise these issues and that we were not concerned.

When I came back from abroad, I came to this Parliament and I went to that factory for three days and nights until we resolved that problem. I think it is not the first time that I have worked hard to resolve a conflict in this country; not only of a labour nature, but even conflicts in my district and in my region when rebels came home.

So, people should appreciate what other people do once in a while, instead of standing up one after another to say that we have done nothing, when for two years there has been no strike in this country.

We should appreciate what my ministry has done. We have said we will go forward in a bi-partite and tri-partite manner to continue to ensure that we have labour productivity. We can only have labour productivity if we all work collectively. *(Interjections)*

THE SPEAKER: Honourable members, my assessment of the situation is that apart from what happened at that particular place, there are general issues on workers' conditions and employment systems. Therefore, we should use this opportunity to find a solution not only to the problems at Tri-Star to improve the conditions, but generally to guide us on what would happen to other situations that might have not erupted but exist. That is why I am asking you for a way forward.

This is part of us. The Ministry is part of us, and we need to find a solution for the good of our country and for the good of our economy.

5.40

MRS DORA BYAMUKAMA (Mwenge County South, Kyenjojo): Mr Speaker, I rise to move that the House considers the following motion without notice, under rule 40(1)(c), which states:
"The following motions may be moved without notice-
(c) Any motion for the adjournment of a debate."

The reason for this is that as already stated, it is my feeling and the feeling of others I have heard, that we need more information from the Minister on the status of issues at this particular time. We need more information from the Minister on the recommended way forward.

We feel at this point that it would be in the interests of this House and this nation for her to take some time and address some of the concerns raised, as well as receive other concerns that may be raised by the committee and members of this House. I beg to move.

5.42

MR MWANDHA: I want to react to the motion moved by my colleague hon. Byamukama. You see, if we ask the Minister yet again to produce a document, we shall go back and have a debate like we are having.

Sir, your advice is that we should have the opportunity to look into this matter so that we also anticipate what could happen in similar situations. I think the way forward, while we adjourn this debate, will be for us to set up a select committee -*(Applause)*- to actually investigate the problems relating to labour relations in the country, with special reference to Tri-Star.

There are lots of questions, Mr Speaker, which I put forward but which have not been answered. The Minister said they have been going to Tri-Star several times but we do not know whether the girls' compensation was within the law, and we do not know what actually happened. A lot of these issues have got to be looked into. But you cannot do this if the Minister is going to provide a statement.

THE SPEAKER: Honourable member, so you agree with her motion to adjourn but you are improving on it.

MR MWANDHA: Exactly, Sir. I support the motion.

THE SPEAKER: Okay, so there is a motion moved –*(Interruption*)

MRS JANAT MUKWAYA: Mr Speaker, I seek clarification. Yesterday in the House when this debating was going on, a colleague raised concern that the Finance Committee is looking into this matter. That is a committee of this House. I am wondering whether it will not be duplication if we set up a select committee to look -*(Interjection)*- yes, give me a chance.

Will it not be duplication to listen to this Committee on Finance handling this issue, and will it not be proper to use that committee? Why don't we use the relevant committee of the House, which is the Social Services Committee?

THE SPEAKER: No, there will be no duplication because the Committee on Finance was told to handle the issue of AGOA. The issue of AGOA is wider than these problems. She is just handling the policy programme of AGOA but the Committee on Finance came in to see what kind of money has been injected into promoting this programme.

However, this one is dealing with industrial unrest as exhibited by what happened in industrial area. So, they will be dealing with that subject rather than AGOA. That is the motion. So, honourable members, you have heard the motion, which is that we should adjourn this debate and we do as amended, so that a few people look into this matter and report to us with recommendations.

MR ALINTUMA NSAMBU: Mr Speaker, when you look at the Africa Growth and Opportunities Act enacted by the Unites States Congress, it states very clearly what a government needs to do in order to enjoy this privilege given to developing countries.

First of all, the US Congress clarified very clearly in this Act that any country, which exports products to the United States at the expense of the workers - which have been clearly mentioned here by all the members - would automatically be disqualified.

We are dealing with a situation where we are losing our chances back in the United States and we are losing our chances here. The workers, who were recruited by our Resident District Commissioners, are losing trust in us.

Mr Speaker, assuming the Minister of Labour deals with the issue of workers' rights, and the Minister in charge of Finance and the other committee deals with that independent of each other, how are we going to join the two forces to appease the Act back in the United States?

So, I suggest the two committees work together if we want to continue with the policies of the United States. That is why the select committee has to get the members from both parties.

THE SPEAKER: First of all, I do not think anybody is interested in Uganda losing that market. Therefore, the efforts, which we are taking if we have a select committee, will be to seriously look into the matters of industrial relations that would impair it.

The other committee is dealing with how we are effectively carrying out this; there is no contradiction. I think we are capable of having two committees concurrently dealing with the situation. They will report as promptly as possible so that the damage is stopped.

MR MUZOORA: Thank you very much, Mr Speaker. I definitely agree with hon. Dora Byamukama on that motion, but there must be an immediate remedy. This is a case where we have got 293 people whose services have been terminated, and on the other side we have Mr Kumar, the owner of the factory, who has not been mentioned badly.

But there is Mr Kananathan, who is in conflict with the workers. I can see he has been left scot-free. I think that the immediate remedy is that the owner of the factory, Mr Kumar, should be advised by Government to terminate the services of Kananathan temporarily while the investigations are going on.

THE SPEAKER: In law you cannot do that, however powerful Parliament or Government may be. This is a private arrangement. Let us do these things in an orderly way. Whether it may take a day or two, we should find the right solution by the right means. Should I put the question to the motion that we adjourn the debate?

MRS ZZIWA: The clarification I wish to seek is with regard to the 14 girls who have not yet been paid.

THE SPEAKER: That will be one of the issues that they will handle in the report, so that we find a solution. So, I put the question to the motion by hon. Dora Byamukama as amended by hon. James Mwandha.

(Question put and agreed to.)

THE SPEAKER: Thank you very much. Therefore, this means that the debate on this issue ends. We expect a report from hon. Bright Rwamirama's committee, but at the same time we are going to set up a select committee to deal with industrial relations. They will focus on this one in

particular but generally they will focus on how to improve the situation so that we do not have further incidences of this nature.

With this we come to the end of today's business. Before we break off, I have got an announcement to make.

The training at Lugogo for Members of Parliament, in preparation for the Arusha matches, is entering its fifth day. After the sixth day, it will be hard to accept new players for the Arusha matches. Please, join the training tomorrow at 7.00 a.m. at Lugogo. With this we come to the end of today's business. The House is adjourned until Tuesday, 2.00 p.m.

(The House rose at 5.52 p.m. and adjourned until Tuesday, 11 November 2003, at 2.00 p.m.)