



PARLIAMENT OF UGANDA

**REPORT OF THE COMMITTEE ON AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES ON THE NATIONAL COFFEE BILL, 2018**

*Anthony G. G. G.* *William Loo* *He*

**Office of the Clerk to Parliament,  
February 2021**

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## 1.0 INTRODUCTION:

Parliament of Uganda passed the National Coffee Bill, 2018, on 5<sup>th</sup> August 2020 with amendments and submitted it to H.E, the President for assent.

The President did not assent to the Bill and in a letter dated 10<sup>th</sup> December, 2020, he returned it to Parliament for reconsideration in accordance with Article 91(3)((b) of the Constitution of the Republic of Uganda.

*The letter addressed to the Rt. Hon. Speaker is attached and marked "A"*

The President's letter was laid on Table on 11<sup>th</sup> February 2021 and subsequently the Rt. Hon. Speaker, referred it to the Committee on Agriculture, Animal Industry and Fisheries for consideration and thereafter report back to Parliament within two weeks.

## 2.0 Issues raised by H.E, the President that called for reconsideration were:

1. The appointment of the Board of the Authority under Clause 14(5) is by the Minister and approved by Parliament. Boards of all government agencies are proposed by the Minister and approved by Cabinet. This is an Executive and not a legislative role.
2. Appointment of the Board Chairperson: appointment of other Board Members under Clause 14(4) is by invitation of nominations, save for the Chairperson. Another clause should be inserted to read as follows:-

Clause 14(3) 'The Chairperson of the Board shall be appointed by the Minister'.

3. Managing Director, under Clause 22(1) shall be appointed by the Minister on the recommendation of the Board. Under Clause 22(4), the Managing Director is answerable to the Board. The appointment of the Managing Director by the Minister undermines the principle of separation of powers in that, the Minister is the appointing authority of the Board. More so, it is likely to undermine the powers of the Board which will not have the authority to control the Managing Director who is an appointing authority than to where he reports to.
4. Registration of the coffee farmers; Clause 26(3) stipulates that, where a person registered as a coffee farmer in Clause 26(1) is married, the registration of that person shall be extended to his or her family. This is in

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**PROPOSED AMENDMENTS TO THE RETURNED NATIONAL COFFEE BILL, 2018.**

**1. Clause 14. Board of the Authority.**

Amend the provision as follows-

- a. By inserting a new provision immediately after sub clause (3) to read as follows-

**“The members of the Board, except the Managing Director shall be appointed by the Minister.**

**Justification:** Boards of all Government agencies are proposed by the Minister and approved by cabinet, and not by Parliament as was adopted by the House.

- b. Amend sub clause (4) to read as follows-

**“The Minister shall in appointing members of the Board referred to in paragraphs (b) to (i), invite nominations from the respective institutions or organizations from whom the appointment shall be made.”**

**Justification:** Appointment of other board members under this provision is by invitation of nominations, save for the board Chair person.

- c. Delete sub clause (5).

**Justification:** It's already captured under the proposed sub clause (3) above.

**Redraft the provision to read as follows-**

**“14. Board of the Authority.**

- (1) The Authority shall have a Board of Directors, which shall be the governing body of the Authority.

- (2) The Board shall consist of-

- (a) a chairperson;  
(b) a representative from the Ministry responsible for finance;  
(c) a representative from the Ministry responsible for agriculture;  
(d) a representative from the Ministry responsible for trade;

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- Bottom right: A signature that appears to be "F. Ahmed".  
- Bottom center: A signature that appears to be "Amirul Hossain".  
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- (e) a representative of the coffee farmers;
- (f) a representative of coffee processors;
- (g) a representative of coffee exporters;
- (h) a representative of coffee roasters;;
- (i) a representative of the national Agricultural Research organization;  
and
- (j) the managing director, who shall be an ex-officio member.

(3) At least one-third of the members of the Board shall be women, one of whom shall be a representative from the value chain actors referred to in paragraphs (e), (f), (g) or (h) of subsection (2).

(4) The members of the Board, except the Managing Director shall be appointed by the Minister.

(5) The Minister shall, in appointing the members of the Board referred to in paragraphs (b) to (i) of subsection (2), invite nominations from the respective institutions and organizations from whom the appointments shall be made.”

**2. Clause 22. Managing Director.**

Amend the provision-

a. By redrafting sub clause (1) as follows-

**“There shall be a Managing Director of the Authority who shall be appointed by the Board, on such terms and conditions as the Board may determine.”**

**Justification:** The appointment of the Managing Director by the Minister undermines the principle of separation of powers because the Minister is the appointing authority of the Board. The Managing Director is likely to owe allegiance to the appointing authority other than where he or she reports.

b. Substitute paragraph (d) of sub clause (4) as follows-

**“(d) is removed from office by the Board”**

**Justification:** Consequential.

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**3. Clause 26. Registration of coffee farmers.**

**Delete sub clause (3)**

**Justification:** This is in conflict with article 26 of the Constitution. And more so there are several laws in place in relation to the how one can own property.

**4. Clause 29. Registration of coffee nursery operators and coffee seed garden.**

Amend the provision as follows-

**a. Delete sub clause (3).**

**Justification:** It is catered for under clause 28(3).

b. Transfer sub clause (4) to clause 28, and should appear immediately after sub clause (3) as follows-

**“28 (4) A certificate issued under this section shall be renewed annually.”**

**Justification:** This is to avoid having similar provisions on the issuance and renewal of a certificate.

*Amendments to*  
*Article 28*

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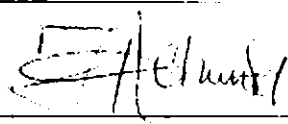
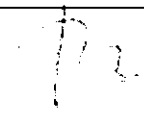
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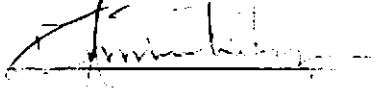

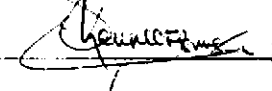
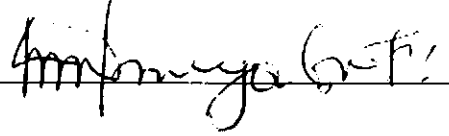
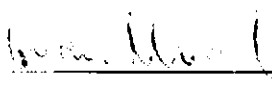

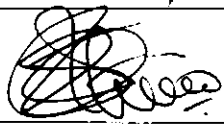
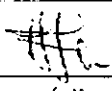
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**REPORT OF THE SECTORAL COMMITTEE ON AGRICULTURE, ANIMAL  
INDUSTRY AND FISHERIES ON THE NATIONAL COFFEE BILL, 2018**

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3	Hon. Bintu Jalia	DWR Masindi	NRM	
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24	Hon. Kipterit Christopher Akorikimoi	UPE County	INDEP	
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27	Hon. Othieno Okoth	Tororo West Budama	NRM	
28	Hon. Adong Lilly	DWR Nwoya	Indpt	
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30	Hon. Kitatta Aboud	Bukoto West	NRM	