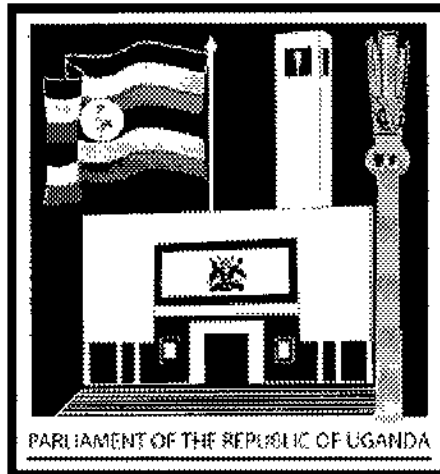


REPUBLIC OF UGANDA



Laid on the Table on
Wed. 05/04/15 By
Hon. JOHN MULLIMBA.
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DR KUSIIMA,
C-A.

**REPORT OF THE SESSIONAL COMMITTEE ON TOURISM, TRADE AND INDUSTRY ON THE
WORKSHOP HELD TO CONSIDER THE HTOEL AND TOURISM TRAINING INSTITUTE BILL,
2013; THE UGANDA WILDLIFE EDUCATION CENTRE BILL, 2013; AND THE UGANDA
WILDLIFE RESEARCH AND TRAINING INSTITUTE BILL, 2013**

UGANDA WILDLIFE EDUCATION CENTRE, ENTEBBE

10TH - 12TH APRIL 2014

OFFICE OF THE CLERK TO PARLIAMENT
PARLIAMENT BUILDING
KAMPALA-UGANDA

APRIL 2014

REPORT OF THE SESSIONAL COMMITTEE ON TOURISM, TRADE AND INDUSTRY ON THE WORKSHOP HELD TO CONSIDER THE HOTEL AND TOURISM TRAINING INSTITUTE BILL, 2013; THE UGANDA WILDLIFE EDUCATION CENTRE BILL, 2013; AND THE UGANDA WILDLIFE RESEARCH AND TRAINING INSTITUTE BILL, 2013 HELD AT UGANDA WILDLIFE EDUCATION CENTRE, ENTEBBE (10TH - 12TH APRIL 2014)

1.0 INTRODUCTION

The Committee on Tourism, Trade & Industry is established by the Rules of Procedure under Rule 175 (2)(b). The Committee held a workshop organised by the Ministry of Tourism, Wildlife & Antiquities to consider:

- a) The Hotel And Tourism Training Institute Bill, 2013
- b) The Uganda Wildlife Education Centre Bill, 2013
- c) The Uganda Wildlife Research And Training Institute Bill, 2013

The above mentioned Bills were read for the first time in Parliament on Thursday, 6th March 2014 and referred to the Committee on Tourism, Trade & Industry.

2.0 METHODOLOGY

2.1 In consideration of the proposals made on the bills, the Committee held a workshop with the following:

- a) Ministry of Tourism, Wildlife and Antiquities
- b) Uganda Wildlife Authority
- c) Uganda Wildlife Education Centre

2.2 interacted with the above-mentioned on the proposed amendments to the bills.

3.0 THE HOTEL AND TOURISM TRAINING INSTITUTE BILL, 2013

3.1 BACKGROUND

The Uganda Hotel and Tourism Training Institute (HTTI) started in 1994 following enactment of the Hotel and Tourism Training Institute Act, 1994. In 1998, the HTTI together with other departmental tertiary institutions was transferred from the then Ministry of Tourism, Trade and Industry (MTTI) to the Ministry of Education and Sports (MoES).

In 2001, the Government enacted the Universities and other Tertiary Institutions Act, 2001 to provide for the governance and management of tertiary education in Uganda including HTTI. This Act repealed the Hotel and Tourism Training Institute Act, 1994.

In 2008, following the recommendation of the Presidential Investors Round Table (PIRT) and subsequent directive of the Prime Minister, the HTTI along other Institutions was returned from the MoES to the then MTTI. This return needed the necessary legal framework to provide for the legal re-establishment of the Institute under Ministry of Tourism, Wildlife and Antiquities (MTWA).

3.2 OBJECTIVE OF THE BILL

- a) The Bill seeks to provide a legal framework for establishment and management of Hotel Tourism and Training Institute (HTTI) under Ministry of Tourism, Wildlife and Antiquities (MTWA).
- b) The Bill seeks to re-orient the current HTTI into a modern institution based on specialized and well-focused professional capacity, to undertake tourism and hospitality training and ensure effective development of the tourism sector's human resource.
- c) The Bill seeks to improve competitiveness of Ugandans for jobs in the hotel and hospitality sector especially under East African Community Common Market Protocol. Hence effectively and sustainably playing a key role in the growth and development of the National economy and social transformation.

3.3 SALIENT PROVISIONS IN THE BILL:

- a) Clauses 4-5 deal with the establishment of the Institute as a body corporate with perpetual succession and a common seal, objectives and functions.
- b) Clauses 6-8 deal with establishment of the Board of Directors as a governing body of the Institute, its membership, functions and meetings.

- c) Clauses 10-11 deal with establishment and functions of the Academic Board of the Institute which shall be responsible for appropriate academic content and standards.
- d) Clauses 13-18 provide for the Principal as the chief executive of the Institute , other officers of the Institute.
- e) Clauses 19- 25 provide for how the Institute shall generate, use and account for funds.

3.4 PROPOSED AMENDMENTS TO THE HOTEL AND TOURISM TRAINING INSTITUTE BILL, 2013

Bill Title

Propose to amend the Bill title by inserting the word "Uganda" after the word "The" and to accordingly amend all clauses where the bill title appears.

Justification: to cater for the national character of the Institute.

Propose to insert a new clause 1 to provide for the commencement of the Act as follows:

Clause 1: Commencement

"This Act shall come into force on a date appointed by the Minister by statutory Instrument"; and re-number the subsequent clauses accordingly.

Justification: to provide for the commencement of the Act and to empower the Minister to make a statutory Instrument appointing the date of commencement of the Act.

Clause 2: Interpretation

Propose to amend clause (2) by:

Inserting a new paragraph to provide for the interpretation of currency point to provide as:

"currency point" has the value assigned to it in the First Schedule to this Act.

Justification: to provide for the interpretation of currency point.

Clause 4: Objects of the Institute

Propose to amend clause (4) by deleting paragraph (g)

Justification: to confine the objects of the Bill to provide for only the mandate of the Institute.

Clause 5: Functions of the Institute

Propose to amend clause (5):

- i) In sub-clause (1), paragraph (a) by substituting for the word "applied" on line 2, the phrase "hotel and tourism", and,
- ii) By deleting the phrase "as the Minister may direct" appearing at the end of paragraph (a)

Justification: for clarity.

In paragraph (b) deleting the entire paragraph

Justification: to limit the scope of the functions of the Institute.

In paragraph (c) by deleting the word "national" appearing on line 2.

Justification: to enable the Institute award any other awards other than national.

Clause 6: Establishment and composition of the Board

Propose to amend clause (6) by:

- i) deleting the phrase "consisting of" appearing at the end of sub clause (1);

Justification: to provide for the establishment of the Board separately from its composition.

- ii) Inserting a new sub-clause (2) to provide as: "the Board of Directors of the Institute shall consist of-"

Justification: to provide for the composition of the Board.

- iii) Deleting paragraph (a) and re-numbering the subsequent paragraphs accordingly;

Justification: to provide for the appointment of Members of the Board before the appointment of the Chairperson.

- iv) Substituting for the phrase "Association of Uganda" appearing at the end of paragraph (j), the word "professionals";

Justification: for clarity.

- v) Inserting a new paragraph (j) to provide as: "a representative of the Uganda Wildlife Authority";

Justification: to provide for appointment of a representative of the Uganda Wildlife Authority;

- vi) Inserting a new paragraph (k) to provide as: "a representative of the Uganda Tourists Association"

Justification: to provide for appointment of a representative of the Uganda Tourists Association;

- vii) Inserting a new sub-clause (2), to provide as: "The members mentioned in paragraphs (d) to (k) shall be appointed by the respective heads of institutions.

Justification: to provide the appointing authority for members of representing institutions.

- viii) Inserting a new sub-clause (3) to provide as "The Minister shall designate from the members of the Board, a person with expertise and experience in hotel or tourism management as chairperson of the Board"

Justification: to provide for the appointment of the Chairperson of the Board.

- ix) Inserting the phrase "an ex officio member and" between the words "be" and "the" in sub-clause (2) and Re-numbering it as sub-clause (4);

Justification: to provide for the ex-officio status of the Chairperson of the Board.

- x) Deleting sub-clauses (4) and (5).

Justification: to delete provisions on vacation of office from establishment and composition of the Board.

- xi) Inserting a new sub-clause (5) to provide as:

"At least one third of all the members of the Board shall be women".

Justification: to cater for affirmative action in favour of women, in line with Article 33(5).

Introduce a new clause (7) to provide as:

7. Vacation of office by chairperson or member of the Board

- i) The chairperson of the Board may vacate office, by resigning in writing addressed to the Minister.
- ii) A member of the Board may vacate office, by resigning in writing addressed to the secretary to the Board.
- iii) Where an elected or appointed member of the Board ceases to be a member other than by effluxion of time, the appointing authority shall appoint or elect another person in that place and the elected person shall hold office for the remaining period of the person in whose place that person is appointed or elected.
- iv) Re-number the subsequent clauses accordingly.

Justification: To provide for vacation of office by chairperson or members of the Board.

Clause 7: Functions of the Board

Propose to amend clause (7):

- i) In paragraph (h) by substituting for the clause "enter into any association" with the word "collaborate";

Justification: for clarity.

- ii) In paragraph (i) by deleting the phrase "in consultation with the academic Board and the staff welfare committee" appearing at the end of the paragraph;

Justification:

- iii) Insert a new paragraph (k) to provide as:

1) "To recruit, remunerate and discipline all staff of the Institute"

Justification: to empower the Board to recruit, remunerate and discipline all staff of the Institute.

- iv) Re-number the subsequent clauses accordingly.

Justification: for consistency.

- v) Insert a new sub-clause (2) to provide as: the Minister shall provide policy direction to the Board in the performance of its duties.

Justification: to empower the Minister to give policy direction to the Board.

- vi) Insert a new sub-clause (3) to provide as: “in the absence of the Board, the Minister may perform the functions of the Board for a period not exceeding three months”
Justification: to empower the Minister to perform the functions of the Board for limited time in the absence of the Board.

Clause 8: Meetings of the Board

Propose to amend clause (8):

- i) Insert the figure “II” in between the words “schedule” and “to” on line one.
Justification: to provide for the new re-numbering of schedules after the insertion of a new schedule I.
- ii) Insert a new sub-clause (2) to provide as: “the Chairperson of the Board may make decisions on emergency issues affecting the Institute, and report to the Board within fourteen days from the date of such decision.”
Justification: to empower the Chairperson of the Board to take decisions on emergency issues, and report to the Board within limited time.

Insert a new clause (9) to provide for then committees of the Board as follows:

9. Committees of the Board

- 1) The Board may appoint committees from among their members for the effective discharge of its functions
- 2) The Board may assign to a committee appointed under this section functions of the Board as the Board may delegate.
- 3) The Board may prescribe the procedure for the meetings of its committees.

Justification: to empower the Board to constitute committees of the Board.

Clause 9. Establishment of the academic Board.

Propose to re-number the clause as (10), and to amend it:

- 1) By deleting paragraph (c)
- 2) By deleting paragraph (d)
- 3) In paragraph (f) by inserting the word “public” between the word “of” and “universities”

4) By re-numbering paragraphs (e)-(g) as (c)-(g) respectively.

Justification: for chronological flow of provisions.

Clause 10. Functions of the academic Board

Propose to amend clause (10):

- 1) In paragraph (f) by inserting the word "of" between the words "appointment" and "examiners" on line one.
- 2) In paragraph (j) by substituting for the word "initiate" on line one, the word "make";
- 3) In paragraph (j) by substituting for the phrase "management of national" appearing on line one, the phrase "formulation of the Institute".

Justification: for clarity.

Clause 11. Committees of the Academic Board.

Propose to amend clause (11):

- 1) By substituting for the word "propose", on line one, the word "establish";
- 2) By inserting a new sub-clause (2), to provide as follows: "The academic Board shall regulate its own meetings".

Justification: to empower the academic board to regulate the procedure of its own meetings.

Clause 13. Office of Principal.

Propose to amend clause (13):

- 1) By inserting a new sub-clause (2), to provide as follows:
"The Board shall recommend three names of persons to be submitted to the Minister for appointment of one person to the office of the Principal."

Justification: to provide the Minister with variety of names from which to chose a person for appointment as Principal.

- 2) In sub clause (2) by deleting the phrase "for only one consecutive term" appearing on line two.

Justification: to open the term limit of a principal being a technical person.

Clause 14. Office of Deputy Principal.

Propose to amend clause (14);

- 1) In sub-clause (1), by substituting for the word "Board", the word "Minister" paragraph (a).

Justification: for clarity.

- 3) By inserting a new sub-clause (2), to provide as follows:

"The Board shall recommend three names of persons to be submitted to the Minister for appointment of one person to the office of the Deputy Principal."

Justification: to provide the Minister with variety names from which to choose a person for appointment as Deputy Principal.

Clause 15. The Academic Registrar's Office.

Propose to amend clause (15);

By inserting new sub-clauses (2) and (3), to provide as follows:

- 2) The Academic Registrar shall be responsible to the Principal.
- 3) The Academic Registrar shall assist the Principal in the administration and organization of all academic matters including admissions, examinations, research and publications.

Justification: to provide for the functions of the Academic Registrar.

Clause 16. Other staff

Propose to amend clause (16);

- 1) By deleting the phrase "officers and" appearing on line one;

Justification: the phrase is redundant.

- 2) By deleting the phrase "officers and other" appearing on line two.

Justification: the phrase is redundant.

Clause 17. Staff responsible to the Board

Propose to amend clause (17);

By deleting sub-clause (2).

Justification: it can be taken care of in the transitional provision.

Propose to substitute for clause 18 a new clause to provide for disciplinary procedure as follows:

Clause 18. Disciplinary procedure

The Board may make regulations for the discipline of the employees and students of the Institute as it may deem fit.

Justification: to empower the Board to make regulations for the discipline of the employees and students of the Institute.

Propose to insert a new clause 19 to provide for Award and recognition of certificates of the Institute as follows:

Clause 19. Awards and recognition of certificates of the Institute.

- 1) The Institute shall award certificates and diplomas for courses conducted by the Institute.
- 2) The certificates and diplomas to be awarded by the Institute shall be approved by the National Council of Higher Education.

Justification: to empower the Institute to award certificates of the Institute.

Clause 21. Investment.

Propose to amend clause (21);

By substituting for the entire clause the following provision:

“The funds of the Institute not immediately required for any purpose under this Act shall be invested in a manner as the Board may with the approval of the Minister determine.”

Justification: to empower the Institute to invest with the approval the Board.

Clause 22. Borrowing Powers.

Propose to amend clause (22);

By substituting for the entire clause the following provision:

“The Board may in consultation with the Minister and on the approval of the Minister responsible for Finance, obtain loans and other credit facilities as may be required for meeting its obligations and for carrying out its functions under this Act”

Justification: to require the Board to consult the Minister on loans and other credit facilities.

Clause 24. Estimates

Propose to amend clause (24);

- 1) In sub-clause (2) by deleting the phrase “and shall include” appearing on line two;
- 2) By deleting paragraphs (a)-(e).

Justification: for clarity.

Clause 25. Accounts and Audits

Propose to amend clause (25);

- 1) In sub-clause (1) by substituting for the phrase “the 31st day of March in the following year” appearing on line three the phrase “three months after the end of the preceeding financial year”

Justification: for clarity.

- 2) In sub-clause (3) by substituting for the word “four”, appearing on line one the word “three”;

Justification: to require the auditing to be done within the statutory period.

- 3) In sub-clause (3) by deleting the phrase “for auditing” appearing on line three.

Justification: for clarity.

- 4) By deleting sub-clause (7)

Justification: it is redundant.

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Clause 27. Exemption from tax

Propose to delete the entire clause (27)

Justification: there is no need for statutory exemption, as this can be done on case by case basis.

Clause 28. Service of documents

Propose to amend clause (28);

- 1) By inserting the phrase "of the principal" between the words "office" and "or" on line two.
- 2) By inserting the phrase "addressed to the principal" after the word "mail" on line three.

Justification: for clarity.

Clause 29. Annual Report

Propose to amend clause (29);

By substituting the word "financial" for the word "calendar" on line one.

Justification: to provide for a financial year

Clause 30. Minister's powers of direction

Propose to amend clause (30);

- 1) By inserting the word "policy" between the words "give" and "directions" on line one;

Justification: To restrict the directives of the Minister to policy.

- 2) By deleting the phrase "of a general nature on policy matters" appearing on line one.

Justification: they are redundant.

Clause 31. Institute to work with organisations.

Propose to amend clause (31);

By substituting the word "any" for the phrase "non-governmental" on line one.

Justification: to empower the Institute to work with any organization.

Clause 32. Bylaws

Propose to amend clause (32);

In sub-clause (2)

1) By deleting paragraph (b);

Justification: to be handled by the Regulations by the Minister.

2) By deleting paragraph (c);

Justification: to be handled by the Regulations by the Minister.

3) By deleting paragraph (h).

Justification: to be handled by the Regulations by the Minister.

Clause 33. Regulations

Propose to amend clause (33);

In sub-clause (2)

1) In paragraph (a) by deleting the word "national" appearing on line two;

2) In paragraph (b) by deleting paragraph "national" appearing on line one;

3) In paragraph (c) by deleting paragraph "national" appearing on line two;

Justification: to provide for regulations in respect of awards and examinations generally.

Propose to insert a new clause (34) to provide for Offences and penalties as follows:

Any person who-

a) Makes use of any certificate or diploma of the Institute to which he or she is not entitled;

b) Alters or defaces a certificate or diploma issued under this Act, or makes a copy of with intent to deceive or defraud;

c) Reveals or discloses examination or test paper information to an unauthorized person;

d) Sells, buys, or steals a certificate or diploma issued under this Act with intent to personate,

Commits an offence and is liable on conviction to a fine not exceeding seventy two currency points or imprisonment not exceeding three years or both.

Justification: to create Offences and penalties commensurate with those provided for general punishment for forgery, under the Penal Code Act.

Clause 34. Repeal and Savings

Propose to delete the entire clause 34.

Justification: the provisions can be provided as a transitional provision in clause 35.

Propose to insert a new clause (35) to provide for Transitional provision

Clause 35. Transitional provision

- 1) All property movable or immovable held by or on behalf of the Hotel and Tourism Institute shall from the commencement of this Act be vested in the Institute.
- 2) Upon the commencement of this Act, the rights, interests, obligations and liabilities of the Hotel and Tourism Institute existing before the commencement of this Act under any contract or instrument, or at law or in equity, shall by virtue of this Act be assigned and transferred to the Institute.
- 3) Any contract or instrument made in favor or against the Hotel and Tourism Institute shall be of the same force and effect against or in favour of the Institute established under this Act.

Justification: to provide the Transitional provision to the Act.

Propose to insert a new schedule to the Bill as schedule I as follows:

SCHEDULE I

Currency point Section 2.

One currency point is equivalent to twenty thousand shillings.

Justification: to provide the value of a currency point in line with the interpretation clause.

Propose to re-number the schedule as schedule II;

Justification: to flow chronologically from the newly introduced schedule I.

Propose to amend paragraph (2) by:

- 1) substituting the word "seven" for the word "fourteen" on line two;
- 2) Substituting the phrase "at least one third of" for the word "five" on line three.

Justification: to reduce the number of days required for convening special meetings of the Board.

Propose to amend paragraph (4) by:

Inserting the phrase “the vice chairperson, and in the absence of both of them, then” between the words “absence” and “the” on line two.

Justification: to empower the Vice Chairperson to preside over meetings in the absence of the Chairperson.

Propose to insert a new paragraph (5) to provide as:

“the chairperson may take emergency decisions on behalf of the board and shall report to the Board in the subsequent Board meeting for adoption.

Justification: to empower the chairperson to take emergency decisions when the Board cannot convene a meeting, and to accordingly report back to the Board.

Propose to amend paragraph (3) in sub paragraph (2) by:

Deleting the phrase “present at the later meeting” appearing in line four.

Justification: it is redundant.

4.0 THE UGANDA WILDLIFE EDUCATION CENTRE BILL, 2013

4.1 BACKGROUND

The 1995 Constitution under National Objectives and Directive Principles of State Policy XXVII, obligates Government to promote public awareness of the need to manage natural resources sustainably.

The Uganda Wildlife Policy and National Development Plan provides for establishment of UWEC as a statutory body to educate Ugandans about the benefit of conserving the wildlife of the country.

UWEC was established in 1994 by a Trust Deed following years of neglect of the former Entebbe Zoo that resulted into serious breakdown of infrastructure and loss of valuable animals for public awareness and conservation education.

The Trust Deed of 1994 established the Uganda Wildlife Education Centre Trust with mandate to *“Provide Conservation education to Ugandans, rescue and rehabilitation of injured and confiscated wildlife, Captive breeding of endangered species and educational tourism.”*

UWEC currently functions as a rescue and rehabilitation Center for injured and or confiscated wildlife; undertakes breeding of endangered wildlife species and is a quarantine Center for wildlife being re-introduced or imported into the country.

UWEC has programmes that span the range of conservation education, valuable internship opportunities to Ugandans and foreigners in Conservation Education and wild animal care. As a member of numerous international organizations, UWEC also participates in knowledge building through contributing to scientific researches and knowledge databases.

UWEC has over a quarter of a million visitors going through its gates every year at Entebbe including over 100,000 students, of school age to tertiary institutions, and local and international researchers

4.2 WHY TRANSFORM INTO A STATUTORY BODY?

Whereas UWEC holds and manages public resources (including land, wildlife, housing, vehicles and other utilities), the Trust Deed established it as a non-government entity.

UWEC currently is used by government as: a rescue and rehabilitation center for injured and or confiscated wildlife; to breed endangered wildlife species and; as a quarantine Center for wildlife being re-introduced or imported into the country. However this is not adequately supported by the existing Trust Deed.

UWEC is not legally in position to receive direct and sufficient public funding and support for its programs and activities given that it is not a Statutory Agency. Institutional set-up of UWEC also makes it hard for it to receive direct donor financing through international organizations, which have to be approved through the Parliament, even though there may be such interest.

The programs and activities of the Centre have been concentrated at Entebbe and the surrounding areas leaving out the vital outreach and extension functions meant to cover other areas of the country. The Minister responsible for Wildlife Conservation is not given powers to appoint the Board and to exercise oversight function over programs and activities of UWEC as an Institution under the wildlife sector. This means that Government supervision of the activities of the Centre and public accountability of Centre activities is greatly hampered.

4.3 OBJECTIVE OF THE BILL

- a) To establish the Uganda Wildlife Education Centre as a statutory body;
- b) To provide for a Board of Trustees of the Uganda Wildlife Education Centre;
- c) To facilitate the promotion of the conservation of Uganda's unique wildlife resources through conservation education;

- d) Establish and maintain conservation education facilities and programmes, both on site and through extension services;
- e) To provide for show casing Uganda's unique wildlife heritage and ecosystems through the Centre;
- f) To provide for establishment and management of Wildlife Conservation Sector Veterinary Support Services Unit;
- g) To provide for establishment and management of a wildlife bio bank at the Centre;
- h) To promote the rescue, rehabilitation and release of wildlife;
- i) To promote wildlife breeding, with a focus on rare, endangered and endemic species, as well as for Commercial needs;
- j) To provide for establishment and maintenance of hospitality and recreation facilities and services support for the centre;
- k) To provide for establishment and management of Wildlife Conservation Sector Veterinary Support Services Unit;
- l) To provide for establishment and management of a wildlife bio bank at the Centre;
- m) To promote the rescue, rehabilitation and release of wildlife;
- n) To promote wildlife breeding, with a focus on rare, endangered and endemic species, as well as for Commercial needs;
- o) To provide for establishment and maintenance of hospitality and recreation facilities and services support for the centre.
- p)

4.4 SALIENT PROVISIONS OF THE BILL

- a) Clauses 4-5 establishes the Uganda Wildlife Education Centre as a body corporate and outlines the functions of the Centre.
- b) Clause 6 outlines supervision powers of the Minister.
- c) Clauses 7-13 provides for appointment by the Minister, of the highest decision making organ of the centre as the Board of Trustees.
- d) Clauses 14-16 outlines for appointment of ED and staff, powers and tenure of the ED.
- e) Clauses 18-26 outlines finance management and accountability matters.

4.5 PROPOSED AMENDMENTS TO THE UGANDA WILDLIFE EDUCATION CENTRE BILL, 2013

Bill Title

Proposal to amend the Bill title:

By inserting the word "Conservation" between the words "Wildlife" and "Education" and accordingly amend all clauses where the Center name appears.

Justification: to cater for the aspect of conservation in the wildlife education.

Clause 5: Functions of the Centre

Proposal to amend by inserting a new paragraph (j) to provide as follows:

j) to collaborate with other institutions in the execution of the mandate of the Centre.

Justification: to mandate the Institute to collaborate with other institutions.

Clause 7: The Board

Proposal to amend clause (7):

i) by inserting a **new sub-clause (1)** to provide for the establishment of the Board as follows:

"There is established a Board of Trustees which shall be the governing body of the Centre".

Justification: to provide for the establishment of the Board of trustees before providing for its composition.

ii) In sub-clause (2):

In paragraph (a) by substituting the phrase "three persons appointed by the Minister" for the phrase "a representative of the business community or civil society related to tourism and wildlife"

Justification: to empower the Minister to appoint any three persons to the Board, basing on their suitability.

iii) Proposal to delete paragraph (b)

Justification: it is a duplication of paragraph (d)

iv) Proposal to amend paragraph (g) by substituting for the phrase “a non-voting member” the phrase “Secretary to the Board”

Justification: to designate the Secretary to the Board.

v) Proposal to insert a new sub clause (7) to provide as follows:

“(7) The Minister shall in the absence of the Board perform the duties of the Board for a period not exceeding three months”.

Justification: to empower the Minister to perform the duties of the Board for a limited time in the absence of the Board.

Clause 9: Functions of the Board

Proposal to amend clause (9):

i) In paragraph (b) by inserting the word “internal” between the words “the” and “policy”;

Justification: to restrict the policy making powers of the Board.

ii) In paragraph (e) by:

- inserting the phrase “wildlife conservation” between the word “promote” and “education”;
- Deleting the word “training” appearing on line one;
- Substituting the word “Uganda” for the phrase “the Centre” appearing on line two.

Justification: for clarity.

iii) In paragraph (g) by substituting for the entire paragraph the following: “To recruit, remunerate and discipline all staff of the Centre”

Justification: for clarity.

Clause 10: Tenure of the Board

Proposal to amend clause (10):

i) In sub-clause (1):

- a) By substituting the word “may” for the word “shall” on line two;

b) By substituting the phrase "only one consecutive" for the phrase "one more" on line three.

Justification: for clarity

ii) In sub-clause (2):

By inserting the phrase "upon giving three months' notice" between the words "office" and the word "in" on line two.

iii) In sub-clause (3):

By inserting a new paragraph (g) to provide as:

(g) Failure to declare a conflict of interest in the execution of his or her duties.

Justification: to require disclosure of conflict of interest by members of the Board.

Clause 15: Functions of the Executive Director

Proposal to amend clause (15):

i) In sub-clause (2):

In paragraph (b) substituting the word "procurement" for the word "tendering".

Justification: to harmonize the provision with the Public Procurement Laws.

Clause 16: Tenure of office of the Executive Director

Proposal to amend clause (16):

i) In sub-clause (2):

a) In paragraph (b) by deleting the phrase "or becomes" appearing on line one.

Justification: it is redundant

b) By deleting the word "insolvent" appearing on line one.

Justification: it is redundant

c) By substituting the phrase "any assignment or" for the word "an" appearing on line two.

Justification: for clarity

Clause 17: Other officers and staff of the Centre

Propose to amend clause (17):

- 1) In the head-note by deleting the phrase "officers and"
- 2) In sub-clause (1) by deleting the phrase "officers and"

Justification: it is redundant.

Clause 20: Borrowing powers

Propose to amend clause (20):

By deleting sub-clause (2)

Justification: it is redundant.

Clause 21: Estimates

Propose to amend clause (21):

In the head-note by inserting the phrase "of income and expenditure" after the word "estimates"

Clause 27: Annual and other reports

Proposal to amend clause (27):

In sub-clause (4) by deleting the phrase "not later than six months" appearing on line one.

Justification: it is redundant.

Clause 30: Regulations

Propose to amend clause (20):

i) In sub-clause (1):

- a) In paragraph (d) by inserting the word "the" just before the word "rescue";

Justification: for clarity

b) In paragraph (e) by substituting the word "the" for the word "for";
Justification: for clarity

c) In paragraph (f) by substituting the word "matters" for the word "area" appearing on line one.
Justification: for clarity

ii) In sub-clause (2):

a) By inserting a new paragraph (b) to provide as:
"(b) Higher penalties for repeated offences"

Justification: to require higher penalties for repeated offences

b) By re-numbering paragraph (b) as (c)

Justification: for proper chronological flow.

Clause 31: Power of the Minister to amend Schedule.

Proposal to amend clause (31):

In sub-clause (1):

By deleting the phrase "with the approval of Cabinet"

Justification: it is redundant.

5.0 THE UGANDA WILDLIFE RESEARCH AND TRAINING INSTITUTE BILL, 2013

5.1 BACKGROUND

Uganda Wildlife Training Institute (UWTI) started in 1996 following enactment of the Uganda Wildlife Training Institute Act, 1996. In 1998, the UWTI together with other departmental tertiary institutions was transferred from the then Ministry of TTI to the Ministry of Education & Sports (MoES). In 2001 the Government enacted the Universities and Other Tertiary Institutions Act, 2001 to provide for the governance and management of tertiary education in Uganda including the Uganda Wildlife Training Institute. This Act repealed the Uganda Wildlife Training Institute Act.

In 2008, following the recommendation of the Presidential Investors Round Table (PIRT) and subsequent directive of the Prime Minister, the UWTI along other Institutions was returned from the MoES to then MTTIT. This return needs the necessary legal framework to provide for the legal re-establishment of the Institute

under MTWA. In addition, the Bill is seeking to expand the mandate to cover wildlife related research which hitherto was provided by the defunct UIE.

UIE was the research arm of UNP prior to the merger of UNP with Game department to form UWA in 1996. The merger unfortunately completely left UIE and thus UIE collapsed. The "dissolution" of the UIE left the current wildlife sector institutional framework "devoid" of the following:

- a) Specific detailed scientific information on Uganda's exceptional endowment with wildlife resources.
- b) Adequate technical basis to guide management and policy development.
- c) Proper and adequately focused research program planning and priority setting for the wildlife sector: where existent, is mostly driven by donor and or academic interests.
- d) Adequate capacity to undertake analysis of bio samples which therefore must be taken abroad making Uganda prone to bio piracy which jeopardizes National interests in natural resources management.
- e) Adequate government capacity to address the complex issues associated with crop and livestock raiding, threats to human life, wildlife population monitoring, encroachment, poaching and disease outbreaks and transmission.

It is proposed that UWTI be transformed into a semi-autonomous institution with capacity to host students and researchers and undertake consultancy services in order to build the capacity of staff and students to plan for the management of Uganda's wildlife resources and to also broaden its finance resource base. This is in line with the Uganda Wildlife Policy 2014, Vision 2040 and the NDP.

5.2 OBJECTIVES OF THE BILL

- a) Re-orient the current UWTI Institute into a modern institution based on specialized and well-focused professional capacity to undertake research to ensure effective development of the wildlife sector.
- b) Avail reliable and adequate data on the complex issues associated with crop and livestock raiding, the threat to human life, wildlife population monitoring encroachment, ecological dynamics, poaching and disease outbreaks and transmission.
- c) Base wildlife sector program development process on well informed and effectively guided options for management and policy development.
- d) Guide the exploitation of Uganda's wildlife resource potential to ensure value addition and job creation for improvement of peoples' livelihoods and growth and development of the national economy.

- e) Effective and sustainable contribution of the Wildlife sector to the growth and development of the National economy and social transformation

5.3 SALIENT PROVISIONS IN THE BILL

- a) Clauses 3-5 deal with the establishment of the Institute as a body corporate with perpetual succession and a common seal, objectives and functions.
- b) Clauses 6-10 deal with establishment of the Governing Council as a governing body of the Institute, its membership, functions, meetings and Committees.
- c) Clauses 11-14 deal with establishment of the Academic Board of the Institute which shall be responsible for the academic and research programmes of the Institute, its functions and meetings.
- d) Clauses 15-19 provide for the Principal as the chief executive of the Institute, other officers of the Institute, disciplinary procedures, and awards of the Institute.
- e) Clauses 20- 26 provide for how the Institute shall generate, use and account for funds

5.4 PROPOSED AMENDMENTS IN THE UGANDA WILDLIFE RESEARCH AND TRAINING INSTITUTE BILL, 2013

Clause 6. Governing Council for the Institute:

Propose to amend clause (6):

In sub-clause (2):

1) In paragraph (g) by

- i) substituting the phrase "the District Environment Officer" for the phrase "a representative" appearing on line one;

Justification: for clarity

- ii) by deleting the phrase "council by the District Environment Officer"

Justification: for clarity

In sub-clause (3):

By inserting the phrase "other than members nominated under paragraphs (h) and (i)" between the words "council" and "shall" on line two.

Justification: the two members are specific appointees to the Council.

In sub-clause (5):

1) By substituting the word "four" for the word "three" appearing on line two.

Justification: to fix the tenure of office of the members of the Council to four years.

2) By inserting the phrase "for only one other consecutive term" after the word "re-appointment" appearing on line two.

Justification: for clarity.

Propose to insert a new sub-clause (7) to provide for affirmative action in favour of women as follows:

"(7) At least one third of the composition of the Council shall be women"

Justification: in line with the Constitutional requirement for affirmative action.

Clause 7: Functions of the Council.

Propose to amend clause (7):

By inserting a new sub-clause (3) to provide for absence of the council as follows:

3) "The Minister may in the absence of the Council perform the duties of the Council for a period not exceeding three months".

Justification: to enable the Minister to act in the absence of the Council.

Clause 8: Meetings of the Council and related matters.

Propose to amend clause (8):

In sub-clause (3):

By inserting the phrase "the Vice-Chairperson, and in the absence of both the Chairperson and the Vice Chairperson" between the words "chairperson" and "the" on line two.

Justification: to authorise the Vice-Chairperson to preside in the absence of the Chairperson.

Clause 10. Removal of council member from office.

Propose to amend clause (10):

In the head-note:

By substituting for the entire head-note the phrase:

“Vacation of office by council member”

Justification: to cater for situation other than removal from office.

In sub-clause (1):

Paragraph (b):

By substituting the phrase “if that person ceases to be a representative of” for the phrase “is removed from or by” appearing on line two.

Justification: to cater for situations other than removal from office.

Paragraph (c)

By inserting a new sub-paragraph (vii) as:

“death”

Justification: to provide for death as a cause for vacating office.

Clause 11 Academic Board

Propose to amend clause (11):

In sub-clause (4):

Paragraph (f)

By inserting the phrase “to the council” between the words “submit” and “academic” on line one.

Justification: for clarity.

Clause 12 Meetings of the Academic Board.

Propose to amend clause (12):

In sub-clause (2):

By substituting the phrase "at least two thirds" for the word "behalf" appearing on line four.

Justification: for clarity.

Clause 13 Tenure of office of members of the Board.

Propose to amend clause (13):

In sub-clause (2):

Propose to delete the entire sub-clause (2)

Justification: term limits are not necessary for an internal board.

14. Removal of Board members.

Propose to amend clause (14):

In the head-note:

By substituting for the entire head-note the phrase

"Vacation of office of Board member"

Justification: to cater for situations other than the one of actual removal from office.

In sub-clause (1):

Paragraph (a)

By substituting the phrase "ceases to be a member of" for the phrase "removed from or by" appearing on line two.

Paragraph (b):

1) By inserting the phrase "dies or" between the words "person" and "is" on line one.

Justification: to cater for situations other than the one of actual removal from office.

2) By substituting the word "Council" for the word "minister" appearing on line one.

Justification: to empower the council to remove a member of the board from office.

In sub-clause (2):

1) By substituting the word "Council" for the word "Minister" appearing on line one.

Justification: to empower the council to remove a member of the board from office.

2) By substituting the word "Council" for the word "Minister" appearing on line two.

Justification: to empower the council to remove a member of the board from office.

3) By deleting the phrase "of that member" appearing at the end of sub-clause (2).

Justification: the phrase is redundant.

Clause 15: Principal.

Propose to amend clause (15)

1) By inserting a new sub-clause (2) to provide for the terms of service of the Principal and Deputy Principal as follows:

"the Principal and Deputy Principal shall be appointed on such terms and conditions as the Minister may from time to time determine on the recommendation of the Council"

Justification: to provide for the terms of service of the two officers.

2) **In sub-clause (3)** by inserting the phrase "and Deputy Principal" between the words ""principal" and "shall".

Justification: to provide for the terms of service of the Deputy Principal.

3) **In sub-clause (4)** by deleting the entire sub-clause

Justification: the sub-clause is redundant.

Clause 17. Appointment of other officers.

Propose to amend clause (17):

1) In the head-note:

By substituting for the word "officers" on the head-note, the phrase "staff of the Institute"

Justification: for clarity

2) By deleting the word "senior" appearing on line one;

Justification: for clarity

3) By deleting the word "staff" appearing on line one.

Justification: for clarity

Clause 20. Funds of the Institute.

Propose to amend clause (20):

In sub-section (4) by:

1) deleting the phrase "the Minister in consultation with" appearing on line two;

Justification: consultation with the Minister is not necessary.

2) Inserting the phrase "with approval of the Minister" after the word "Council" in line two.

Justification: to require the approval of the Minister.

Clause 21. Borrowing powers

Propose to amend clause (21):

By substituting the phrase "in consultation with" for the phrase "with the approval of" on line one;

Justification: to require consultation with the Minister.

By substituting the phrase "on the approval of" for the phrase "after consultation with" on lines two;

Justification: to require approval of the Minister responsible for finance.

Clause 22. Estimates

Propose to amend clause (22):

In sub-clause (2)

1) By deleting the phrase "and shall include" appearing at the end of the opening part of sub-clause (2)

Justification: this is unnecessary detail.

2) By deleting paragraphs (a) to (e) of sub-clause (2)

Justification: they are unnecessary detail.

Clause 24. Accounts

Propose to amend clause (24):

In sub-clause (2)

1) By deleting the phrase "subject to any direction given by the Minister" on line one;

Justification: the phrase is redundant

2) By inserting the word "financial" between the word "a" and "statement" on line three;

Justification: to specify the nature of statement required.

3) By deleting the phrase "a report on the performance of the Institute during that financial year" appearing on line four.

Justification: not in its right place.

In sub-clause (3):

By deleting the phrase "the statement referred to in sub-section (2) shall comprise"

Justification: this is unnecessary detail.

Clause 25. Audit

Propose to amend clause (25):

In sub-clause (2)

By substituting the word "three" for the word "four" appearing on line one;

Justification:

In sub-clause (4)

By substituting the word "three" for the word "two" appearing on line one;

Justification:

Clause 30. Offences and Penalties.

Propose to amend clause (30):

In the last paragraph;

1) By substituting the phrase "seventy two" for the phrase "forty- eight" on line two;

Justification:

2) By substituting the word "three" for the word "two" on line two.

Justification:

22(2) (e) Delete the word "future" on line 1 as it is repetitive of contingent liabilities.

Justification:

Clause 32. Transitional provision

32(2) Substitute for the word "are" between the word "equity" and "by" on line 4.

Schedule 2

Meetings of the Council.

Propose to amend paragraph (1) by:

Item (1) substituting for the phrase "once every three months" for the phrase "four time a year" appearing on line two.

Justification:

Item (2) Re-phrasing the provision as:

"The chairperson shall, summon a special meeting of the council if requested in writing to do so by not less than one-third of the members of the council"

Item (3) Deleting the entire item.

Justification:

Item (4) substituting for the phrase "two thirds" for the phrase "five members" appearing on line one.

Justification:

Item (5) amending the item by:

Inserting the phrase "the vice chairperson, and in the absence of both the chairperson and the vice chairperson, then" between the words "absence" and "the" on line two.

Justification: to empower the Vice Chairperson to preside over the Council meetings in the absence of the Chairperson.

Item (6) Propose to amend item (6) by:

Deleting the phrase "a second or" appearing on line two"

Justification: it is redundant.

Propose to insert a new item (8) to provide as:

"The chairperson may take emergency decisions on behalf of the Council and shall report to the Council in the subsequent Council meeting for adoption.

Justification: to empower the chairperson to take emergency decisions when the Council cannot convene a meeting, and to accordingly report back to the Council.

Propose to amend paragraph (3) by:

Item (1) by substituting the word "secretary" for the word "chairperson" appearing on line one.

Justification: to require the secretary to keep the minutes of board meetings.