

PARLIAMENT OF UGANDA

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

**Parliament Buildings**

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**September 2022**

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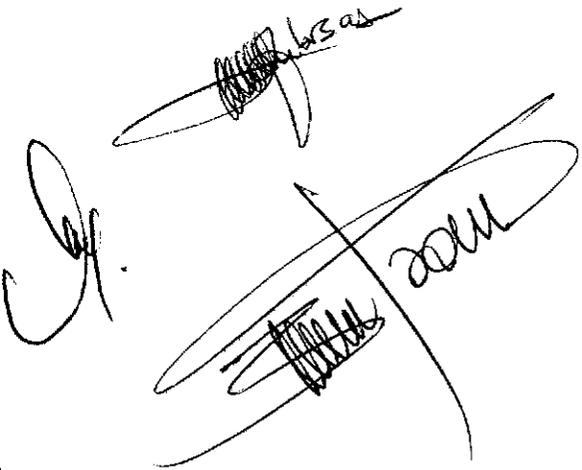
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**LIST OF ABBREVIATIONS**

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

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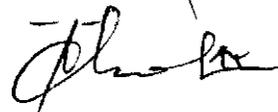
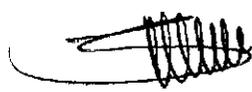
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**1.0 INTRODUCTION**

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

**2.0 BACKGROUND**

**2.1 The Historical Monuments Act, Cap 46.**

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

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monuments and objects of archaeological, paleontological, ethnographical and traditional interest and for other matters connected therewith<sup>1</sup>.

However, there has been various developments that has happened over the years, some of which has been detrimental to this heritage like wars encroachment, rapid demolition of heritage sites and historical buildings and leading to loss of cultural heritage across the country. Moreover, there are also other developments, nationally, regionally and internationally that have necessitated reviews in the policy, legal and institutional frameworks, conventions and protocol (which to some Uganda is signatory to) but no longer supported by the current Act, rendering some of its tenets obsolete<sup>2</sup>.

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

The new definition, in full, reads as follows:

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

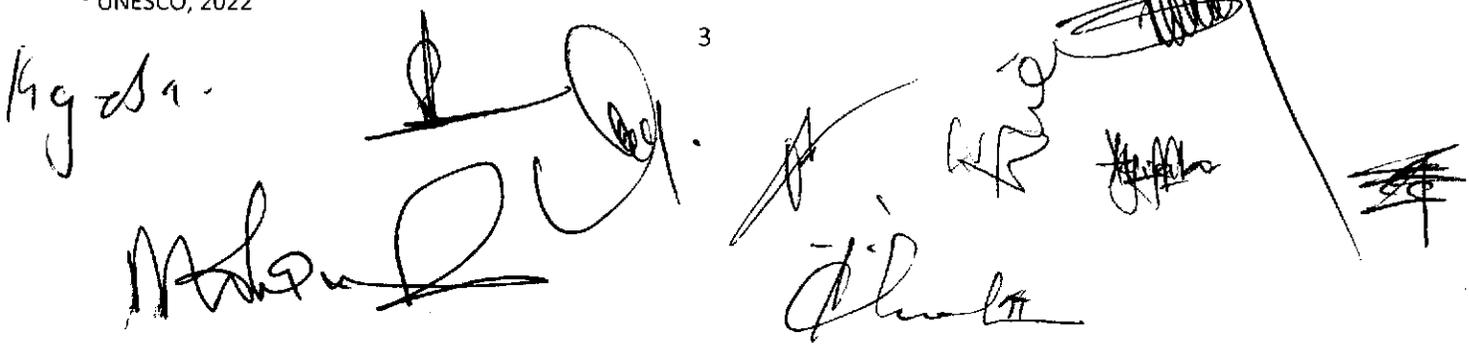
<sup>1</sup> The Historical Monuments Act, Cap 46

<sup>2</sup> Regulatory Impact Assessment (RIA) Report on museums and monuments, MTWA 2020

<sup>3</sup> UNESCO, 2022

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

## 2.2 Uganda's Cultural Heritage.

Culture may be defined as the complex whole of knowledge, wisdom, values, attitudes, customs and multiple resources which a person and community have inherited, adopted or created in order to flourish in the context of their social and natural environment<sup>4</sup>. The cultural heritage of Uganda includes artistic and cultural expressions. These are; language and literary arts, performing arts, visual arts and handicrafts, indigenous knowledge, cultural beliefs, traditions and values, cultural sites monuments and antiquities<sup>5</sup>.

Cultural heritage is an important aspect of our identity, history and aspirations. In Uganda, a beautiful collage of 65 culturally diverse ethnic groups presents unique cultures reflected in varied traditional institutions, languages, indigenous knowledge and skills, the creative and performing arts, crafts, dress and food. The country's natural, cultural and historical landscapes and archaeological sites also showcase our cultural heritage<sup>6</sup>.

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

<sup>4</sup> Cross culture foundation of Uganda

<sup>5</sup> The Uganda National Culture Policy 2019

<sup>6</sup> Cross-culture foundation of Uganda

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

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

## **2.2 OBJECT OF THE MUSEUMS AND MONUMENTS BILL, 2022**

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

## **3.0 MANDATE OF THE COMMITTEE IN REFERENCE TO THE BILL**

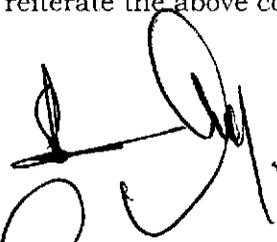
The Sectoral Committee on Tourism, Trade and Industry derives its mandate from Article 90 of the Constitution of the Republic of Uganda<sup>7</sup>, and accordingly, Rules 156<sup>8</sup>, 159<sup>9</sup>, 187<sup>10</sup> and 189<sup>11</sup> of the Rules of Procedure of Parliament.

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

<sup>8</sup> **Rules 156(1) & (2)** reiterate the above constitutional provisions.

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

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

#### 4.0 METHODOLOGY

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

##### 4.1 Meetings

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

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



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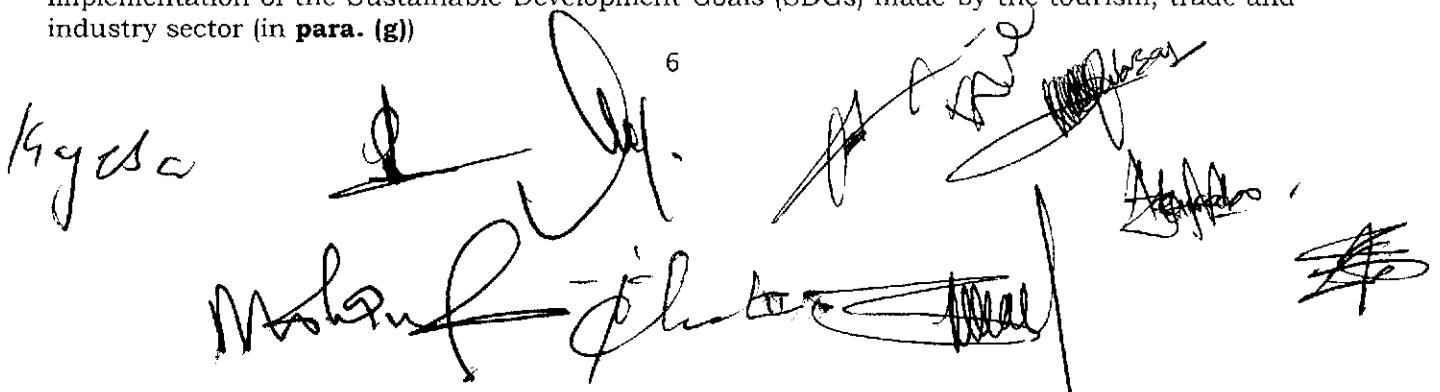
<sup>9</sup> As all other committees, its general functions, according to **rule 159** include: assessing and evaluating activities of Government and other bodies (in **para. (c)**); carrying out relevant research in the committee's respective field (in **para. (d)**); and reporting to Parliament on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

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

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

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

#### **4.2 Benchmarking Study in the National Museum of Kenya**

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

#### **4.3 Visit to the Uganda Museum**

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

#### **4.3 Document Review**

The Committee reviewed and made reference to the following documents:

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

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

## 5.0 COMMITTEE FINDINGS, OBSERVATIONS AND RECOMMENDATIONS

### 5.1 Comparative analysis of museums and monuments in other countries

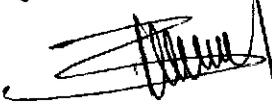
On the 26th of August, 2022, Members of Parliament on Tourism, Trade and Industry Committee carried out a benchmarking activity at the National Museum of Kenya. The purpose of this benchmark was enrich the process of scuritizing the Museum and Monuments Bill, 2022.

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

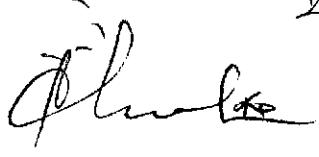
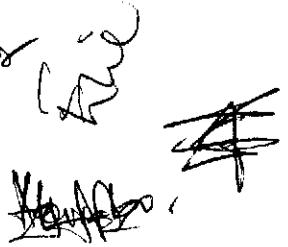
#### 5.1.1 Key findings of the benchmarking exercise



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

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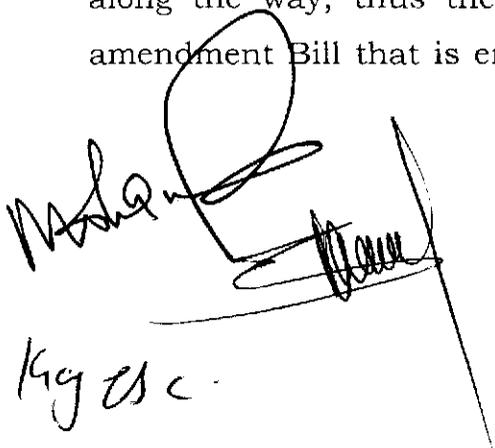

  
  


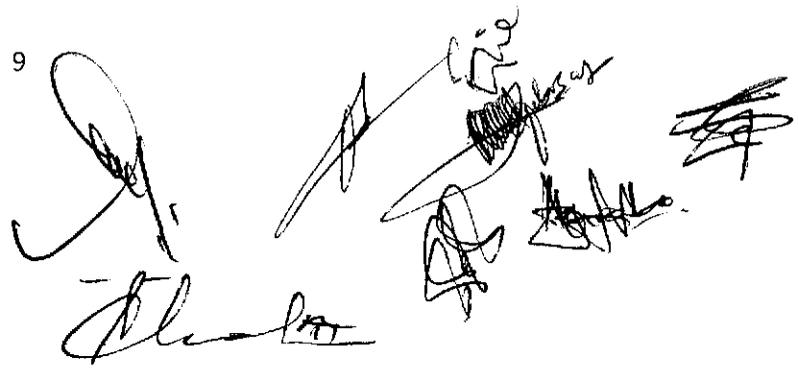
specifically, under the department of culture and department of Library. It also partners closely with the Presidential Commission and Kenya National Cultural Centre. Kenya National Museum focuses on research and knowledge sharing and currently hosts over 260 Academic Researchers focused in the areas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

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

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

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

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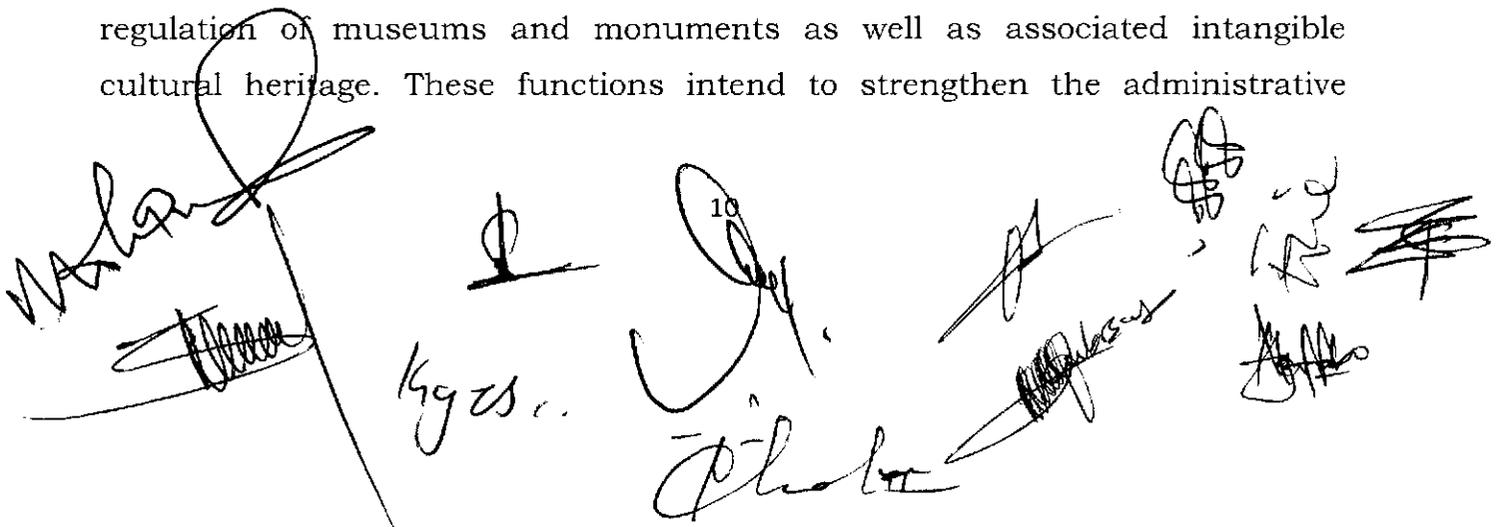
county level but regulated by the regional Government; also no permits and licenses will be required to set up community museums. However, collections of items with national importance will call for Government attention; thus this needs a permit. This will also depend on the level of museum artifacts.

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

## **5.2 EMERGING ISSUES ARISING FROM THE BILL**

### **5.2.1 ADMINISTRATION AND REGULATION MUSEUMS AND MONUMENTS**

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



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

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

### **Findings of the Committee**

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

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

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

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

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

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

**Observations of the Committee**

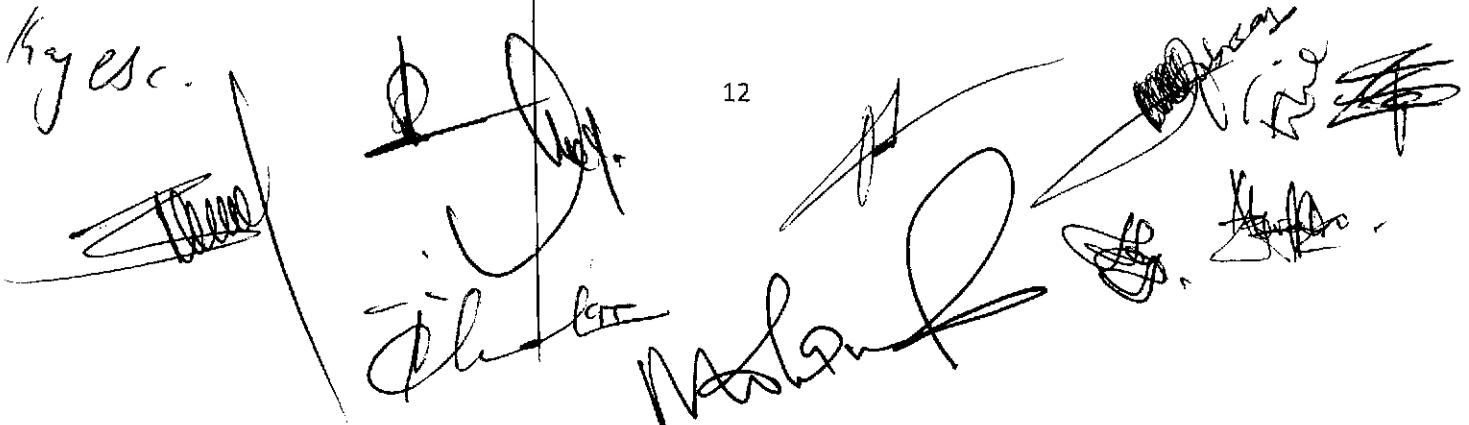
The Committee observes that the administration and regulation of heritage, both natural and cultural, tangible and intangible should ideally be done under one Ministry or Department so as to facilitate the concurrent and balanced development of both tangible and intangible heritage.

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

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

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

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## Committee Recommendation

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

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

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

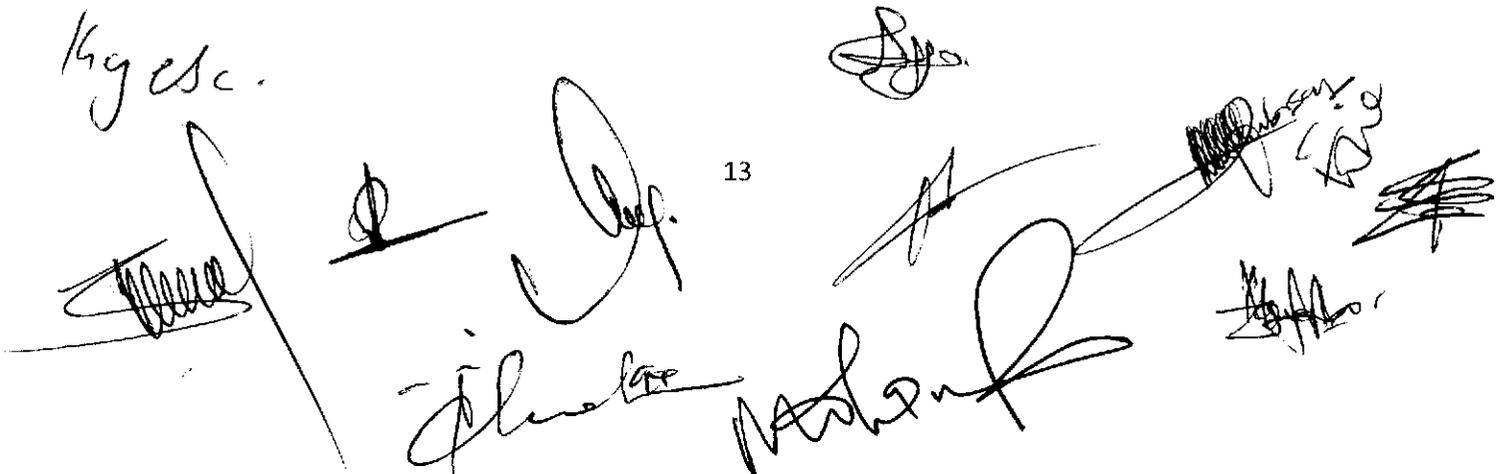
### 5.2.2 DECLARATIONS, PRESERVATIONS AND PROTECTION OF MONUMENTS AND SITES

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

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

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

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

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

### **Observations of the Committee**

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

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

Article 26 of the 1995 Constitution states;

*“26. Protection from deprivation of property.*

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

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

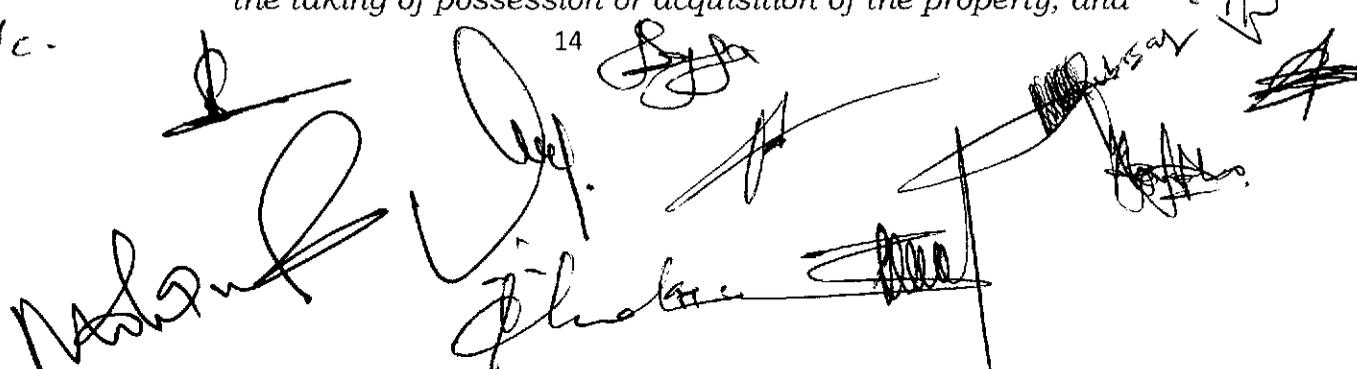
*(a) The taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health; and*

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

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

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

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

**b) Notice to affected persons and Opportunity for Objections**

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

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

**c) Selective and discriminatory nature of declarations**

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

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

**d) Ambiguity of the declarations**

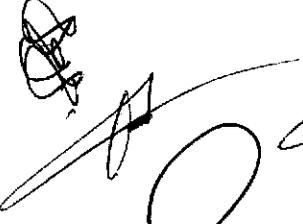
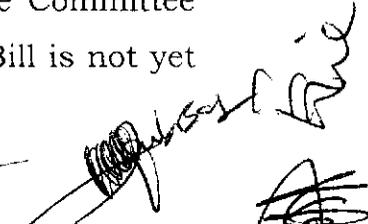
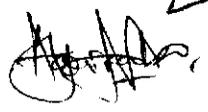
The Committee observes that the Monuments declared are not specific in nature and are, in effect, ambiguous. For example, “Makerere University”. This would imply that the entire university is gazetted as a historical site and not specific buildings, the same applies to declarations like “Mwiri”. Additionally,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

**e) Criteria for Declarations**

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

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

f) **Omission of some key sites**

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

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

**Committee Recommendations**

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

17

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

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

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

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

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

These include;

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

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*Mohamud*  
*Philo*  
*UBSSU*  
*Wai*

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

### **Observations of the Committee**

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

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

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

### **Recommendation**

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

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

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

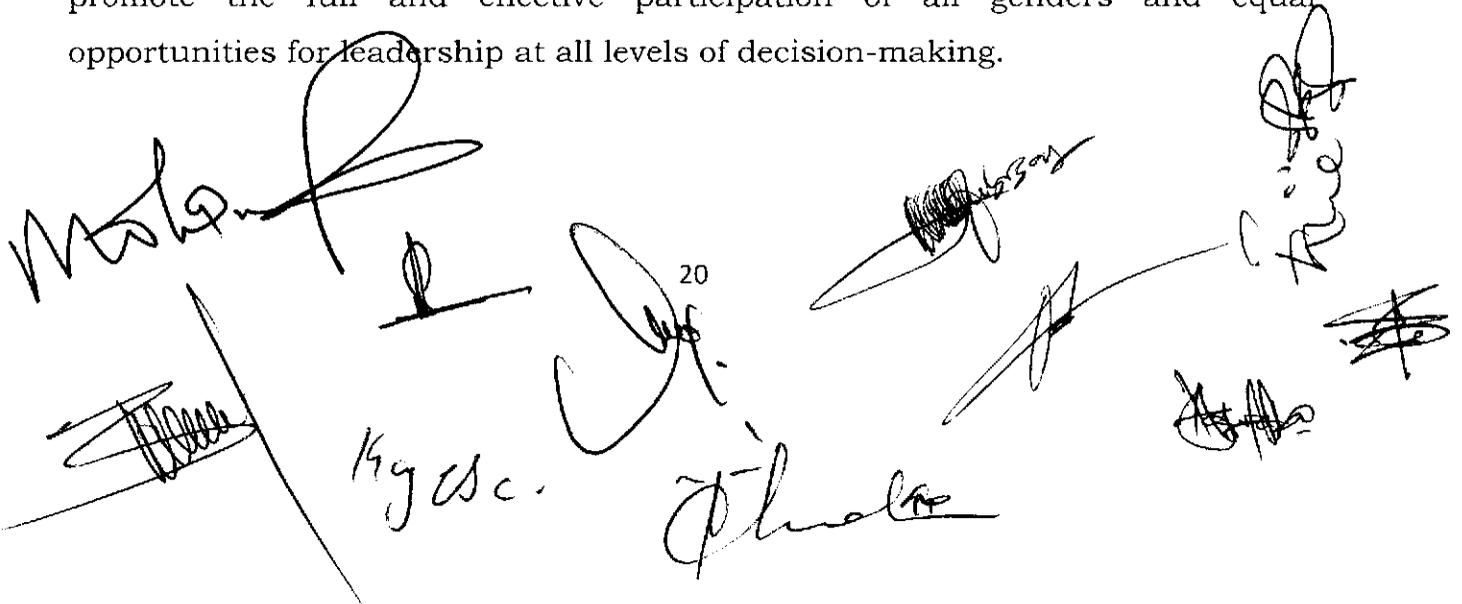
## **6.0 MUSEUMS AND MONUMENTS BILL'S COMPLIANCE WITH CROSS-CUTTING ISSUES**

### **6.1 Sustainable Development Goals**

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

### **6.2 Gender & Equity**

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



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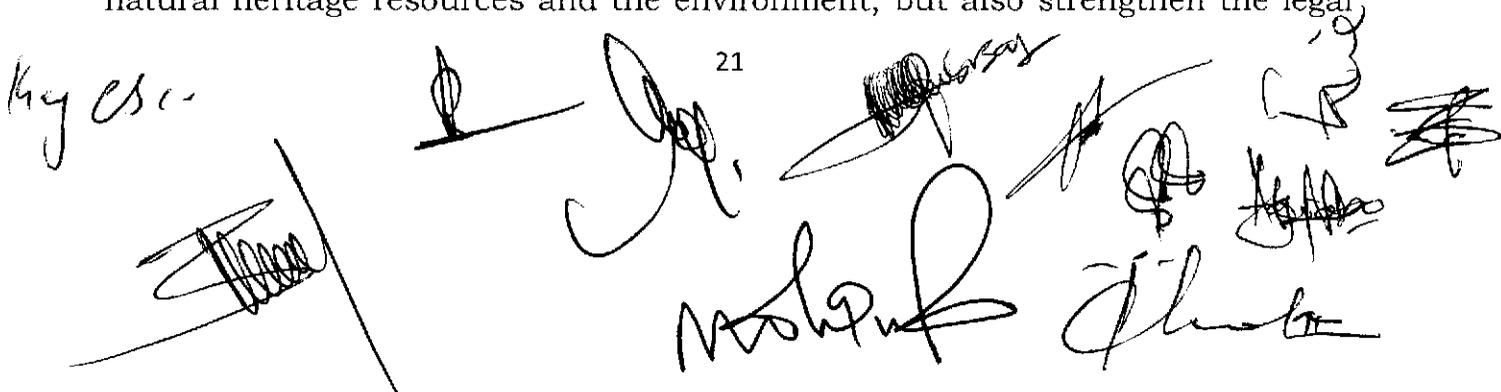
- Mark
- Kyasec.
- 20
- Theresa
- Richard
- Other illegible signatures and initials.

### 6.3 Human Rights

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

### 6.4 Compliance with International Conventions

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

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

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

### 7.0 CONCLUSION

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

### 8.0 GENERAL RECOMMENDATION

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

*kgcsc*

~~*[Signature]*~~

~~*[Signature]*~~

*[Signature]*

**I beg to report**

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

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

**CLAUSE 1: TITLE**

Clause 1 is deleted.

**Justification**

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

**CLAUSE 3: Object of the Act**

Clause 3 is amended by —

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

—

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

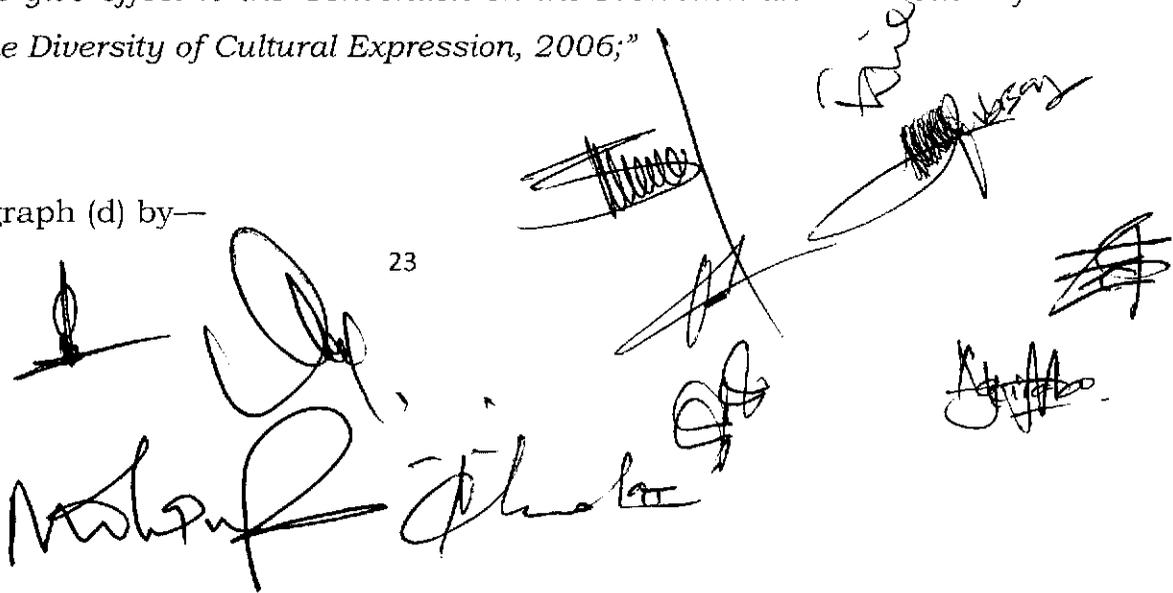
*“to give effect to the Convention for the Safeguarding of Intangible Cultural Heritage 2003;”*

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

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- (b) in paragraph (d) by—

23



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

**Justification**

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

**CLAUSE 4: INTERPRETATION**

Clause 4 is amended—

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

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

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

*ky. Dr.*

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

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

***Justification***

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

**CLAUSE 15: REGIONAL, DISTRICT OR CITY MUSEUMS**

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

***Justification***

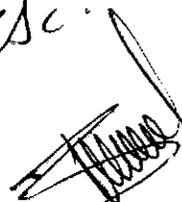
- The amendment is to remove the ambiguity caused through the use of the word “leadership” which is not clear and replacing it with a District or City Council which is clearly prescribed under the Local Governments Act of Uganda.*

**CLAUSE 18: PRIVATE MUSEUMS**

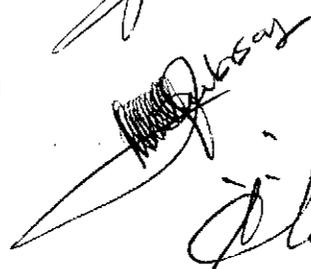
Clause 18 is amended in sub-clause (1) by substituting for **“made under this Act”** the words **“prescribed by regulations”**.

***Justification***

Kyese



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*To provide for regulation of private museums.*

**CLAUSE 20: REGISTER OF MUSEUMS**

Clause 20 is amended—

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

***Justification***

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

**CLAUSE 21: DUTY TO PROTECT SITES AND MONUMENTS**

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

***Justification***

*To require the Minister to make consultation with relevant stakeholders.*

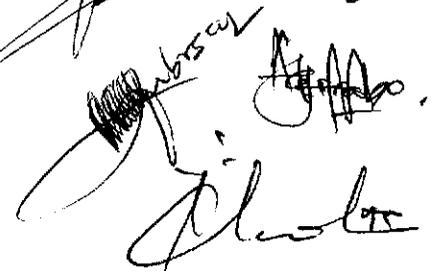
**CLAUSE 28: DECLARATION OF PRESERVED CULTURAL AND NATURAL OBJECTS, AREAS OR SITES**

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

**Justification**

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

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**CLAUSE 30: PROVISIONAL PROTECTION OF CULTURAL AND NATURAL HERITAGE.**

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

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

***Justification***

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

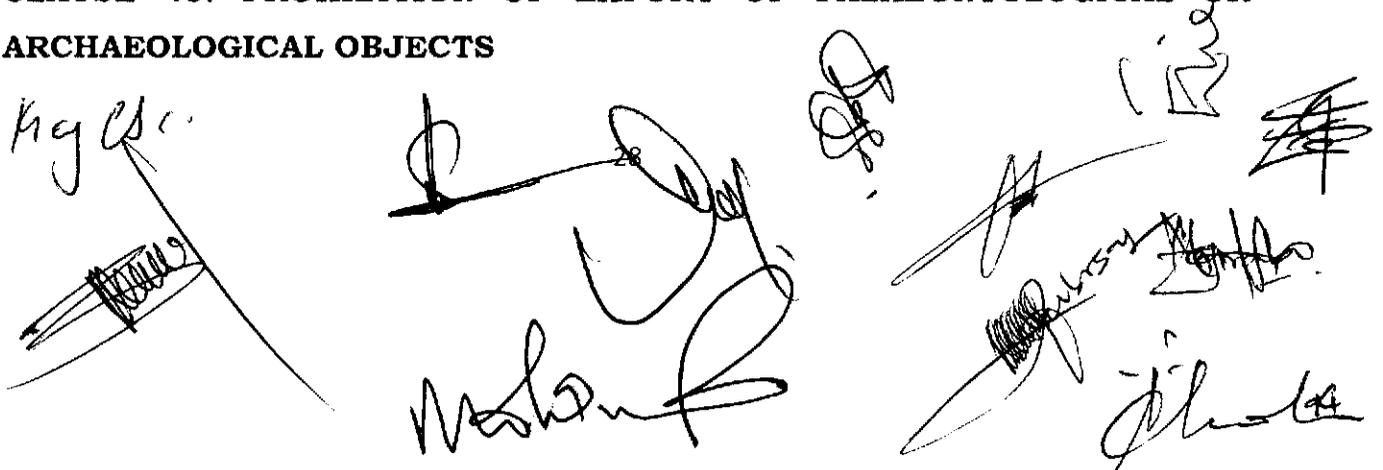
**CLAUSE 40: RIGHTS AND DUTIES OF HOLDER OF AN EXCAVATION LICENCE**

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

***Justification***

*For specificity to sites regulated under the proposed law.*

**CLAUSE 45: PROHIBITION OF EXPORT OF PALAEOANTHROPOLOGICAL OR ARCHAEOLOGICAL OBJECTS**



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

**Justification**

*To provide for a more deterrent penalty.*

**CLAUSE 96: RADIOACTIVE MATERIALS**

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

**Justification**

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

**CLAUSE 97: REGULATIONS**

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

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

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

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

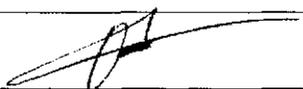
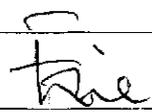
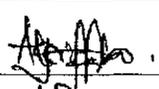
**Justification**

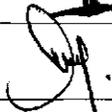
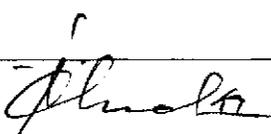
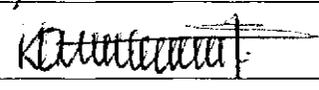
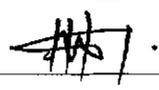
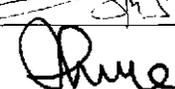
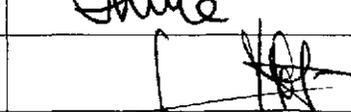
*To give Parliament an opportunity to consider and review regulations where necessary.*

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

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

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

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