



Received at
3:09PM

**OFFICE OF THE PRESIDENT
MINISTRY OF SECURITY**

PARLIAMENTARY BUILDING, P.O BOX 7168, KAMPALA. TELEPHONE +256 414 340 693. FAX. +256 414 345 924.
Email: minister@security.go.ug. Website: www.security.go.ug

29 September, 2021

The Rt. Hon. Speaker
Parliament of Uganda
KAMPALA

**PARLIAMENTARY STATEMENT MADE BY THE
HON.MINISTER FOR SECURITY ON THE COMPULSORY
INSTALLATION OF ELECTRONIC TRACKING DEVICES ON
MOTOR VEHICLES AND CYCLES, WEDNESDAY 29TH
SEPTEMBER, 2021**

The Rt. Hon. Speaker of Parliament
Hon. Hon Members of Parliament

This Ministerial Statement arises from the Statement by the Hon. Kiwanuka Abdallah, Member of Parliament for Mukono North and Shadow Minister for Internal Affairs on the implementation of the Intelligent Transport Monitoring System (ITMS).

The following are the issues raised;

1. The nature of the contract and its alleged non-adherence to Sections 21-22 and Sections 31-34 of the Public Private Partnership (PPP) Act, 2015;

2. Lack of an enabling legal framework for the implementation of the ITMS;
3. Making owners of already registered vehicles incur the costs of replacement of license plates;
4. The alleged intrusion of right to privacy contrary to Article 27 of Constitution and violation of the Data Protection and Privacy Act; and
5. Alleged abuse of the personal by security officials.

It is for above, that I stand to present a response to the Statement of the Shadow Minister of Internal Affairs to this August House.

1.0 INTRODUCTION:

Rt. Hon Speaker, I wish to start by making a clarification on the statement that I disassociated myself from the projects' due diligence flaws or the project for that matter.

Rt. Hon Speaker, the point I made is that the project was conceived by the Government in 2018, during the reign of my predecessor Gen Elly Tumwine, I was simply correcting the narrative that I personally handpicked Joint Stock Company Global Security to undertake the project.

Rt. Hon Speaker and Members, over the last number of years, Uganda has witnessed a series of shocking and gruesome crimes committed by criminals moving by motor vehicles and motorcycles. We were all shocked by those gruesome crimes, with the last attempt being on the life of Hon Minister of Works and Transport,

which unfortunately resulted in death of his daughter and driver. However, in 2018, H.E the President directed relevant Government Agencies to beef up security in Uganda by establishing a Smart Tracking System for motor vehicles and motorcycles countrywide. The overall goal was to improve security and reduce crime committed against innocent Ugandans by rogues, who had made it a habit of shooting our people and getting away, mainly on motorcycles.

Consequently, on 23rd July 2021, the Government of Uganda represented by: The Office of the President; Ministry of Works & Transport on one hand; and M/s Joint Stock Company Global Security, on the other; entered into an agreement to implement the Intelligent Transport Monitoring System (ITMS).

The specific objectives of the ITMS are:

- 1.1. Crime management through detection, tracking, identification and recognition of all vehicles and motorcycles operating in the Country;
- 1.2. Provide for additional benefits like: Improved revenue collection (by URA); improved traffic management (by Uganda Police Force being able to track and apprehend traffic rule violators); and reduction or elimination of duplicate registrations of vehicles / motorcycles as the case has been of late.

2.0. DETAILED EXPLANATION OF THE ISSUES RAISED BY THE HON. SHADOW MINISTER FOR INTERNAL AFFAIRS

Rt. Hon. Speaker and Hon Members, the overall benefits of the ITMS are noble and extend beyond the aspirations of reducing

crime. Regrettably sections of the public and media have cast this project as one fashioned with objectionable outcomes, which I intend to explain to the August House:

2.1 The nature of the contract and its alleged non-adherence to Sections 21-22 and Sections 31-34 of the Public Private Partnership (PPP) Act, 2015;

Rt Hon Speaker, this contract was executed under the Public Private Partnership arrangement.

On 18th November 2019, H.E the President directed the Rt. Hon. Prime Minister to *inter alia* implement the ITMS as a classified procurement, under the Ministry of Security.

Pursuant to the above directive, a Memorandum of understanding for carrying out a feasibility study on creating an ITMS was executed between the GOU and M/s Joint Stock Company Global Security on 22nd March 2019.

Thereafter, a feasibility study was conducted and the contracting authority identified the Public Private Partnership as the suitable arrangement to engage with M/s Joint Stock Company Global Security.

On 23rd July 2021, a PPP Agreement was executed between GOU represented by the Office of the President and the Ministry of Works and Transport with M/s Joint Stock Company Global Security.

Section 33 of the Act gives the option of a noncompetitive bidding method called Direct Procurement. This method of procurement is a sole source procurement method used where the circumstances

do not allow the use of competition especially where the subject is specialized and in this case even of a security nature. However, procurement of a private party under this method shall be approved by Cabinet.

Rt. Hon Speaker, the Agreement executed between the parties, is a build, own, operate and transfer type of Agreement. It obliges the private party to finance, build, own and operate an infrastructure for specified period and transfer the infrastructure to the contracting authority at the end of that period.

Rt. Hon Speaker, Procurement of Security equipment is a sensitive and delicate matter which cannot be subjected to open competitive methods / public expression of interest as required under Section 31 of the PPP Act, 2015. It should also be noted that the company we have engaged is an innovator (owner) of this particular system that we want to set up.

As such, the Contractor for ITMS was procured in line with Section 33 of the PPP Act, 2015 which permits the sole sourcing procurement method where circumstances do not allow the use of competitive means. Section 33(3) of the PPP Act, 2015 requires Cabinet approval where a contractor has been procured directly. This requirement was met.

Regarding a due diligence on the firm's capacity, a Technical Team / Committee visited the Company in Moscow and tendered a report. On the basis the said report, Government entered into a Memorandum of Understanding to operationalize the ITMS and became the platform for further engagement of the firm.

I wish to add that H.E the President was alive to the security concerns, which is why he directed that the project should be

undertaken as a classified project. Nonetheless, we decided to inform the country of what we were doing to address the criminality that is being perpetuated using motor vehicles and motorcycles.

Rt. Hon Speaker and Members, it is therefore not factual that the directive of H.E the President is unlawful. The direct procurement process is provided for in the law. The duty of the Government officials is to comply with the directive of H.E the President in accordance with the law.

2.2 Lack of an enabling legal framework for the implementation of the ITMS;

Rt. Hon Speaker, the Shadow Minister of Internal Affairs informed this House that the Traffic and Road Safety (Vehicle Registration, Licensing and Third Party Insurance) Regulations do not provide for installation of electronic tracking devices on transportation equipment.

It should be noted that Section 3A (g) and (h) of the Traffic and Road Safety Act 1998, (Amendment) Act, 2020, empowers the Chief Licensing Officer to issue motor vehicles with registration plates and cancel or suspend the registration of any vehicle for breach of this Act. This means that the registration plates on vehicles and motorcycles are the property of the Government of Uganda which has a right to determine the features of the registration plates.

Secondly, Rt. Hon Speaker, the Government is alive to the fact that it must act within the law at all times. Accordingly, I wish to give

confidence to the Hon. Members that this system is going to be used in compliance with the law.

The installation of this system is within the law as far as fighting crime is concerned. The Uganda Police Force is mandated under Article 212 (c) of the Constitution of the Republic of Uganda to prevent and detect crime and the same provision is reproduced in section 4 of the Police Act. Therefore, in performing their mandate under the law, the Uganda Police Force will only use the data collected when one is suspected by the Police of having committed a crime. The apprehension that the Police will know where one is, if he/she has not committed a crime is without basis. The technology to be deployed, just like the CCTV cameras is meant to equip and aid the Police in performing its mandate under the law.

Rt. Hon Speaker, the Agreement for the ITMS provides for the obligations of the Government to adopt legislation necessary for the operation of the system. In that regard, the Government shall make the necessary amendments to the Traffic and Road Safety (Vehicle Registration, Licensing and Third-Party Insurance) Regulation for the operationalization of the system. Currently, the system is at the development stage. I assure this August House and the country that by the time the system comes into operations, it shall be implement within the law.

2.3. Installation costs of the devices

The Shadow Minister of Internal Affairs raised a concern in this House about the public meeting the cost of installation of the system.

Rt. Hon. Speaker and Hon Members, it is in the interest of all of us to fight crime and weed out criminals within our society, to the extent possible. We should not lose the main focus of this system.

Secondly, the device is going to be installed in the number plates and issued during vehicle and motorcycle registration. Citizens are going to be paying for the number plates, the same way they are paying for them today, except that cost of the number plates may be slightly higher than the current cost. The payment of the number plate shall be premised on a legal framework.

Hon Members, the assurance I wish to give you is that the cost of the number plate shall not be exorbitant as alleged. Global Security is not going to charge the said costs arbitrarily. A Technical team of Government shall assess the cost of the plates before the actual figure is firmed and implemented.

2.3 The alleged intrusion of right to privacy contrary to Article 27 of Constitution and violation of the Data Protection and Privacy Act;

The Hon Member raised a concern of intrusion of privacy in violation of the right under Article 27 of our Constitution and violation of the Data Protection and Privacy Act;

Rt Hon Speaker, there has been a lot of debate that the system is going to intrude on people's privacy in violation of the Constitution. The Government is alive to the right to privacy in the Constitution.

However, Article 43 of the same Constitution provides that the enjoyment of rights and freedoms, should not prejudice the rights and freedoms of others and public interest.

The Government is aware that it is supposed to promote rights and freedoms and that any limitation of the enjoyment of rights and freedoms must be what is acceptable and demonstrably justifiable in a free and democratic society.

Rt. Hon. Speaker, the question is whether ITMS is demonstrably justifiable in a free and democratic society under Article 43 of the Constitution.

The Uganda Police Force is mandated under Article 212 (c) of the Constitution of the Republic of Uganda to prevent and detect crime and the same provision is reproduced in section 4 of the Police Act. Therefore, in performing their mandate under the law, the Uganda Police Force will only use the data collected when one is suspected by the Police of having committed a crime. The technology to be deployed, just like the CCTV cameras is meant to equip and aid the Police in performing their mandate under the law.

Additionally, the right to privacy is not one of the rights that are non derogable. The Non derogable rights include (a) freedom from torture, and cruel, inhuman or degrading treatment or punishment;(b) freedom from slavery or servitude; (c) the right to fair hearing encapsulated in article 28 and (d) the right to an order of habeas corpus.

Rt Hon Speaker, suffice to note that the rational of the ITMS is to facilitate Government through the Uganda Police Force, to easily identify and track any motor vehicle or motorcycle that may be used by any person in the commission of a criminal offence including traffic offences prescribed under the Traffic and Road Safety Act. This is in public interest, acceptable and demonstrably

justifiable in a free and democratic society as prescribed in article 43 (2) (c) of the Constitution.

The intelligent transport monitoring system is only a tool deployed by Government to facilitate the execution of the constitutional mandate of the Uganda Police Force in preventing and detecting crime in public interest as envisaged in Article 43 of the Constitution.

Rt. Hon Speaker, on data protection and privacy, the Government is alive to this law. Personal data and information collected, processed and stored through the intelligent transport monitoring system shall be subject to the data protection principles provided for in the Data Protection and Privacy Act, 2019 that clearly safeguards the privacy of the data subject and penalizes any violation against abuse of personal data and privacy. Further, provisions on confidentiality is in the agreement between Government and Global Security Joint Stock Company. The agreement has a specific provision providing that the data collected, processed or stored shall be subject to the data protection and privacy law. This applies to Global Security as well and the data is supposed to be stored in Uganda.

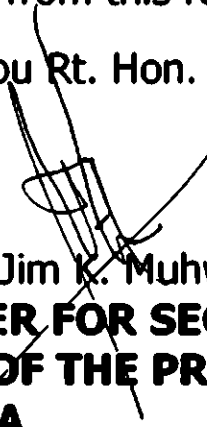
The penalties provided for in the law shall apply to this project in the same way it applies to any other data collected in Uganda such as telecommunication data. Access to the side data is regulated by the law.

Rt. Hon Speaker, the Shadow Minister of Internal Affairs is suspicious that the system is intended to curtail movement of opposition leaders and prevent dissenting opinions against

Government. I wish to categorically state, that the suspicious is unwarranted because the system is purely to fight crime and has nothing with opposition leaders or supporters for that matter.

In conclusion Rt. Hon Speaker, the gruesome criminal acts that have happened in this country in recent times should bring us together as a country to fight criminality. I want to assure the House and the country that the primary obligation of the Government is to protect its citizens and their property. We cannot shy away from this responsibility.

I thank you Rt. Hon. Speaker.



Maj Gen Jim K. Muhwezi, MP
MINISTER FOR SECURITY
OFFICE OF THE PRESIDENT
KAMPALA

c.c. Rt. Hon. Deputy Speaker

c.c. Rt. Hon. Prime Minister/Leader of Gov't Business

c.c. Hon. Leader of the Opposition in Parliament

c.c. Hon. Government Chief Whip

c.c. Hon. Chief Opposition Whip

c.c. Clerk to Parliament

c.c. Secretary, Office of the President