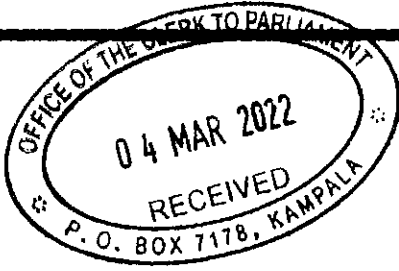


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PARLIAMENT OF UGANDA



11TH PARLIAMENT

**REPORT OF THE PUBLIC ACCOUNTS COMMITTEE - COMMISSIONS,
STATUTORY AUTHORITIES AND STATE ENTERPRISES (PAC-
COSASE) ON THE OPERATIONS OF THE UGANDA CIVIL AVIATION
AUTHORITY**

**OFFICE OF THE CLERK TO PARLIAMENT
PARLIAMENT BUILDING
KAMPALA-UGANDA**

MARCH 2022

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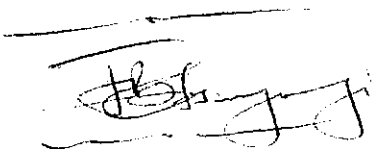
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ABBREVIATIONS / ACRONYMS

EIA	Entebbe International Airport
ESO	External Security Organisation
CCCC	China Communication Construction Company
GoU	Government of Uganda
ICAO	International Civil Aviation Organisation
ISO	Internal Security Organisation
NSSF	National Social Security Fund
OPM	Office of the Prime Minister
MoFPED	Ministry of Finance, Planning and Economic Development
MoWT	Ministry of Works and Transport
MoU	Memorandum of Understanding
PAC- COSASE	Public Accounts Committee – Commissions, Statutory Authorities and State Enterprises
PwDs	Persons with Disabilities
UCAA	Uganda Civil Aviation Authority
UPDF	Uganda People s Defence Forces

2



**REPORT OF THE PUBLIC ACCOUNTS COMMITTEE – COMMISSIONS,
STATUTORY AUTHORITIES AND STATE ENTERPRISES (PAC- COSASE) ON
THE OPERATIONS OF THE UGANDA CIVIL AVIATION AUTHORITY**

1.0 INTRODUCTION

The Public Accounts Committee – Commissions, Statutory Authorities and State Enterprises (PAC- COSASE) assessed and evaluated the operations of the Uganda Civil Aviation Authority (UCAA) pursuant to the powers vested in it under Rule 159 (c) of the Rules of Procedure of Parliament.


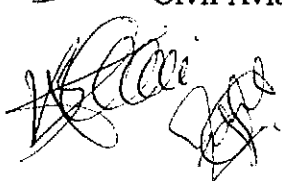


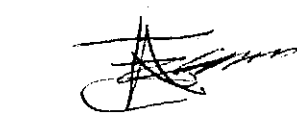



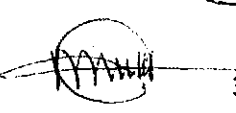
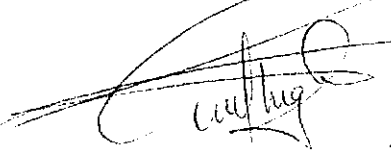
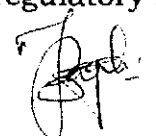
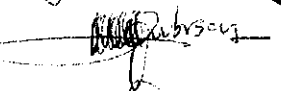
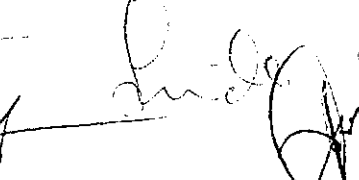
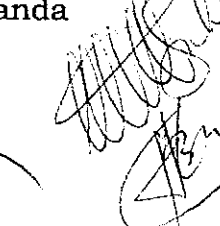
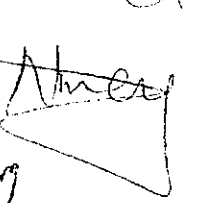

Further, on the 28th of October 2021, the House directed the Committee to investigate matters raised on the floor by Hon. Solomon Silwanyi – MP Bukooli Central. Basing on the information received from a whistle blower, the Member informed the House that there was;

- i. misuse and mismanagement of funds collected at the toll gate at Entebbe International Airport (EIA);
- ii. accumulation of unpaid leave allowances; and
- iii. non- remittance of NSSF deductions.

The above issues in addition to the other matters on UCAA were investigated by the Committee and now reports to the House in accordance 159 (e) and 218 of the Rules.

1.1 BACKGROUND

UCAA is a statutory organization whose mandate is derived from the Civil Aviation Authority Act Cap 354 as amended. The amendment to the law re-designated the name of the entity from Civil Aviation Authority (CAA) to Uganda Civil Aviation Authority (UCAA) and empowered its regulatory functions.

3

Other changes were aimed at ensuring harmonization of Uganda's regulations and practices with the Universal practice across the globe. The changes took immediate effect.

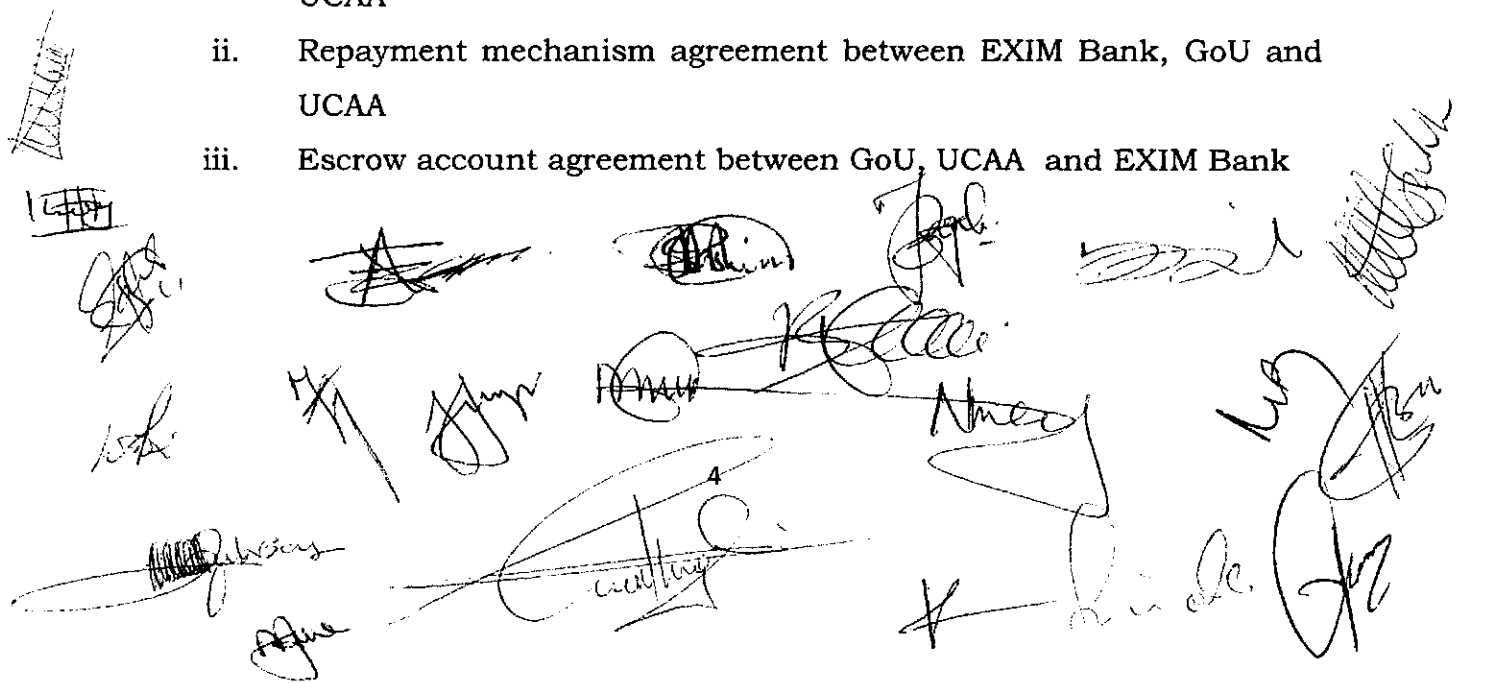
2.0 METHODOLOGY

In undertaking its task, the Committee;

- a) Held meetings with;
 - i. the Board and Management of UCAA,
 - ii. The Minister of Finance, Planning and Economic Development
 - iii. The Minister of Works and Transport,
 - iv. The Attorney General,
 - v. M/s Seyani Brothers (U) Limited,
 - vi. China Communications Construction Company (CCCC)
 - vii. Hon. Solomon Silwanyi , MP Bukooli Central.

- b) Carried out field visits to Entebbe International Airport and the Arua Aerodrome.

- c) Made reference to several documents including but not limited to;
 - i. On-lending agreement between the Government of Uganda and UCAA
 - ii. Repayment mechanism agreement between EXIM Bank, GoU and UCAA
 - iii. Escrow account agreement between GoU, UCAA and EXIM Bank



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3.0 FINDINGS AND RECOMMENDATIONS ON MATTERS ASSESSED AND EVALUATED

3.1 OVERALL PHYSICAL PROGRESS ON EXPANSION OF ENTEBBE INTERNATIONAL AIRPORT (EIA) PHASE 1 PROJECT

UCAA Management informed the Committee that the upgrade and expansion work for Entebbe International Airport (EIA) was set to be carried out in three phases until 2033 by China Communication Construction Company (CCCC). In order to finance the upgrade of EIA, Parliament in 2015 approved the proposal by government to borrow \$325 million from the Export-Import Bank of China of which \$200 million was for phase one.

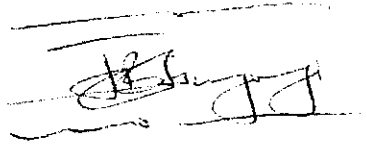
Phase 1 commenced in August 2015 and is scheduled to be completed by December 5th 2022. The construction of the new cargo building began in May 2016 as part of Phase one.

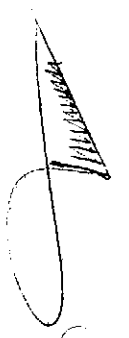
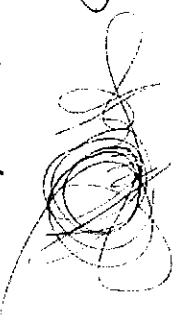

The Committee was informed that the upgrade of EIA project is being implemented by UCAA with CCCC as a contractor at a contract price of \$200 million and supervised by Dar Al-Handasah (Shair & Partners) consultants at a cost of USD 11,388,315.49.

Physical progress: The Committee was informed that the overall Physical Progress was at 75.11% as of September 2021. Certified works were at 64.22%. The specific progress of works for various components is as shown in the table below:

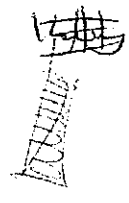

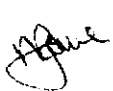

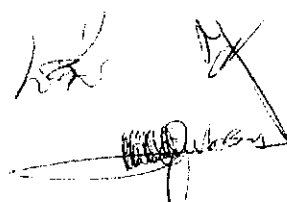
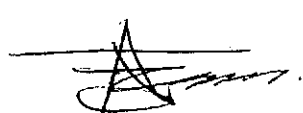

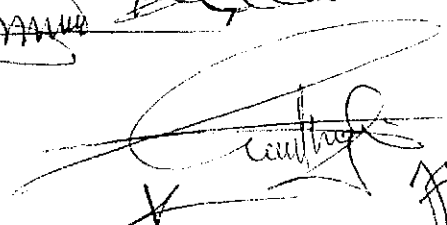
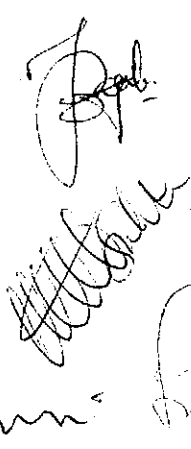
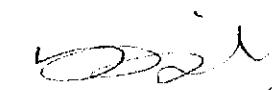


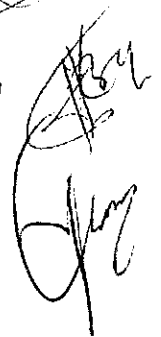
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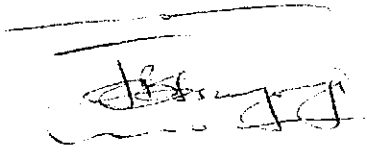
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contract CCCC because there was no evidence of competitive bidding, this flouts the procurement laws of the country.

2. The Committee also observed that the MoU was signed in July 2012, prior to the feasibility study on the project which was signed in December 2013 which was wrong.
 3. The MoU was irregular because it included the feasibility study as well as the scope of works.
 4. The Committee observed that for all intents and purposes, the MoU signed between the Ministry of Works and Transport and CCCC established a contract, identified a bidder, spelt out the type of contract as design and build on the project and determined the source of funding. The MoU did not create room for competitive bidding in the project.
 5. The Attorney General did not do due diligence and give appropriate advice as required to the Ministry of Works regarding the MoU.
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Recommendations

1. The responsible officers in the Ministry of Works and the Attorney General's office who were involved in this flawed MoU should be held responsible.
 2. All future MoUs should be critically scrutinized and executed in accordance with the laws of Uganda.
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2. Due diligence was not carried out by the negotiators on the government side.

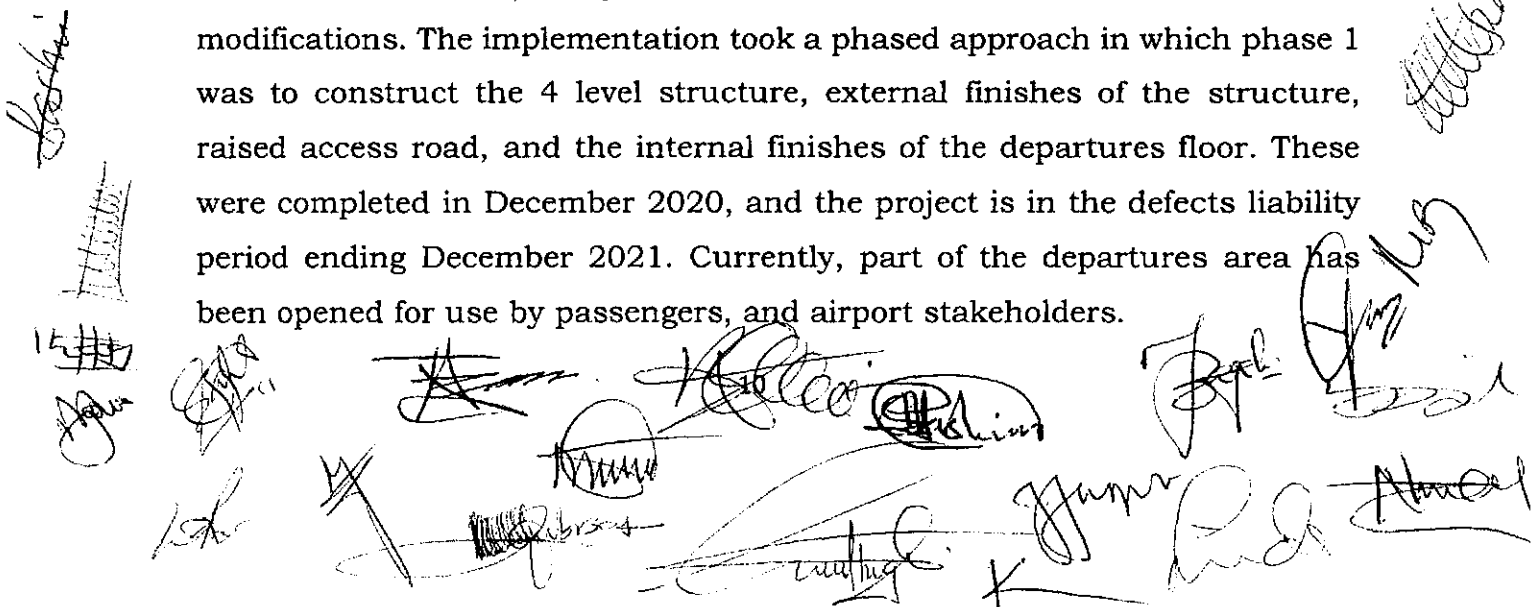
Recommendations

1. **The Minister of Finance, Planning and Economic Development should be cautioned and should apologise to the Nation for his role in this unfavorable loan agreement.**
2. **Due diligence on loan financing terms should always be made prior to signing loan agreements by the Government to avoid fatal clauses which become a liability to the tax payer /country.**

3.1.4 MODIFICATION OF THE PASSENGER TERMINAL BUILDING AT EIA

The Committee was informed that UCAA is undertaking implementation of the National Civil Aviation Master Plan that was launched in 2015. One of the projects for implementation was the Modification of the Passenger Terminal Building at Entebbe International Airport. The Project Scope comprises of remodeling of the existing Departures Area, conversion of the existing Trunk Road into a departure Check-In-Hall, construction of a 4-Storey new concession block, construction of a New 4-Lane Elevated Trunk Road and Connection Bridge to access the Departures on the First Floor of the Existing Terminal Building, external, drainage, and landscaping.

UCAA contracted M/s Seyani Brothers in 2016 to undertake the above modifications. The implementation took a phased approach in which phase 1 was to construct the 4 level structure, external finishes of the structure, raised access road, and the internal finishes of the departures floor. These were completed in December 2020, and the project is in the defects liability period ending December 2021. Currently, part of the departures area has been opened for use by passengers, and airport stakeholders.



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In terms of financial performance, the contractor had been paid all the certificates, including the 50% of retention. The 50% remaining retention would be paid when due (after the defects liability period).

Construction Works Supervising Consultant, Messrs. Ssentogo and Partners, Architects and Planning Consultants were appointed to facilitate implementation of the Construction Works.

The Committee was informed that review of the Designs with Airport stakeholders and documentation for the project was carried out and recommended that instead of two separate buildings; one building should be constructed combining Departures and Arrivals in line with the existing Terminal Building. This would effectively and efficiently address the issues of congestion, facilitation and security. The re-scoped project or new design would increase the cost by **UGX 6,404,264,004** from **UGX 42,695,016,700** to **UGX 49,099,280,704**.

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Observations

1) Fault in procurement of the Contractor

The Committee observed that the Evaluation Committee did not carry out due diligence in declaring Seyani Brothers as the best evaluated bidder. The latter did not submit a qualified surveyor for the project as required in the standard bidding document. Further there was no evidence that a qualified surveyor was used in the project implementation as well as the required staff and equipment. This deviation was material in the procurement process.

The Committee observed that undue favour was extended to the bidder as the contract was awarded without proof of a qualified surveyor and this reflected weak internal controls.

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2) Separation of domestic and international terminals:

The Committee observed that Parliament at the time of loan approval recommended that separate terminals be built for international and domestic traffic, according to the UCAA Master Plan. However, during implementation the above recommendation was ignored and instead only one building was constructed combining domestic and international terminals.

3) Provisions for PWDs at departure drop off road

The Committee observed that the departure drop-off road didn't have a ramp to ease the accessibility of Persons with Disabilities (PWDs) and also the rooms reserved for health checks were too small.

Recommendations

- 1. The Committee recommends that the departure drop-off road be redesigned with a ramp to ease accessibility of PwDs and accessibility to the health port be improved.**
- 2. UCAA should ensure that for future projects, all stakeholders are consulted, and comprehensive needs assessment undertaken at planning and tendering stage to avoid variations.**

3.1.5 RENTAL ARREARS AT ENTEBBE INTERNATIONAL AIRPORT (EIA)

The Committee learnt that Government entities were in rental arrears of **UGX 102,424,207,961**. Some of these figures relate to arrears outstanding since 2006.

The Committee was further informed that tenancy agreements were forwarded to all government entities at the airport for signing. However,

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some signed and returned the agreements while others did not. Concerted efforts had been made to have them signed but this had not yet been possible. For example, Directorate of Citizenship and Immigration claimed they were mandated to be at all borders including Entebbe International Airport.

At the time of the inquiry, the following government entities had signed tenancy agreements with UCAA

- Ministry of Defence and Veteran Affairs
- State House
- Uganda Revenue Authority
- Uganda Air Cargo
- Ministry of Foreign Affairs

The following government entities had not signed Tenancy Agreements with UCAA

- Ministry of Internal Affairs
(Uganda Police Force and Directorate of Citizenship and Immigration)
- Internal Security Organization (ISO)
- External Security Organisation (ESO)
- National Metrological Authority

Observations

The Committee observed as follows;

1. Some government entities are not paying rent at the EIA for the spaces they occupy despite signing tenancy agreements.
2. Some government entities renting space at the EIA have not signed tenancy agreements with UCAA.

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3. UCAA continues to incur costs on utilities yet the government entities are not paying which is draining its resources. This is causing UCAA financial distress as they are failing to meet some of their obligations.

Recommendations

The Committee makes the following recommendations;

1. Government entities occupying premises at the airport should pay all outstanding rental arrears.
2. Management of UCAA should come up with a policy to guide its business with Government entities and also draw up a recovery plan for these debts.
3. UCAA should endeavor to sign tenancy agreements with the government entities that have not signed.

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3.1.6 ARUA AERODROME

The Committee made an on-spot visit to the Arua Aerodrome to assess the situation there. The Committee was informed that the Arua Airport was among the 14 aerodromes owned and operated by the Uganda Civil Aviation Authority.

These include Entebbe International Airport as the main airport and others are; Gulu, Pakuba, Kasese, Kidepo, Kisoro, Mbarara, Moroto, Lira, Jinja, Masindi, Tororo and Soroti aerodromes. Arua Airport is one of the busiest regional/ domestic airports in the country with a monthly average of 170 air traffic movements and 940 passengers prior to the Covid 19 pandemic. Arua is the furthest major city from Kampala, 532 kilometers away.

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3.1.6.1 Revenue from Arua Aerodrome for the last 3 years is tabulated below.

ARUA AIRPORT REVENUE COLLECTION			
PERIOD	2018/2019	2019/2020	2020/2021
AMOUNT	491,596,400	323,349,640	127,493,384

Observation

The Committee observed that just like Arua, most of the aerodromes in the country are faced with a number of challenges, which include; lack of adequate land for expansion and upgrade and also issues of land compensation.

Recommendations

- 1. The Committee recommends that government should avail funding and prioritize the renovation and upgrade of all aerodromes in the country in order to make them economically viable as a matter of urgency.**
- 2. The aerodrome in Arua should be developed into an international airport considering that it serves as a hub for passengers from South Sudan and the Democratic Republic of Congo.**
- 3. The process of land compensation should be expedited in order to cater for future expansion of the affected aerodromes.**

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3.1.6.2 Procurement of Airport Furniture and Construction of the Perimeter wall

The Committee noted inconsistencies in the procurement of airport furniture and other supplies worth **UGX 243 million**. The Committee was informed that the procurement was for 60 seats

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configured into 4-seater and 5-seaters, as well as 40 baggage trolleys for Arua Airport new terminal building.

The Committee was informed that the seats were procured at the costs indicated because of their quality and durability; particularly that it is the type of seat used in international airports across the world. Further members were informed that taxes and clearance charges also added onto the cost of acquiring the airport furniture in question.

Further the Committee noted that the construction of the perimeter wall which included the fencing of the entire airport recently acquired was awarded to M/s Lodina Investment Limited at a hefty contract sum of **UGX. 687,928,079**. The contract was signed on 24th October 2018 and was due to be completed on 28th April 2019.

Observations

The Committee;

1. Noted that UCAA procured M/s Eclipse/Edilsoil JVC Ltd to supply the airport lounge seats and trolleys and yet the company had been embroiled in several court matters.
2. Noted that on average UCAA management procured the airport lounge seats and baggage trolleys at **UGX 2.4 million** each and the wire mesh fence at **UGX 687,928,079** which on the face of it appeared inflated.

Recommendations

The Committee recommends that such procurements in the future should be considerate of the tax payer so that less money is used without compromising quality and procurement regulations.

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3.1.6.3 Land Compensation

The Committee was informed that the land near the runways belongs to private individuals; however the land in question was due to be valued by the Government Valuer. The owners were willing to be compensated however the resources were not available.

The Committee was further informed that the major constraint to growth of the Airport was lack of funding to implement capital projects, noting that Government had not yet provided **UGX 529 billion** to implement its development plans.

Observations

1. The Committee noted that because of these delays, many planned activities do not progress and projects are not completed on time since they cannot meet their financial obligations to providers.
2. The delays encourage speculators which makes the land more expensive

Recommendation:

The Committee recommends that government prioritises the acquisition of the said land through compensation to allow for expansion of the aerodrome.

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3.1.7 APPOINTMENT OF THE DIRECTOR GENERAL

The UCCA Board spelt out the qualifications for a person to be appointed a Director General, in an advert it was required that the suitable candidate would be aged between 35 and 55 years among others.

The Committee received a complaint regarding the qualifications of the Director General and the discrepancies in his age.

The Committee interacted with Mr. Fred Bamwesigye and in his defence, he stated that the issue of the discrepancies in his date of birth is a subject of a court matter.

Observation

The Committee notes that the said matter is in Court and could not pronounce itself on it based on the subjudice rule.

3.2.0 ISSUES RAISED BY HON. SILWANYI SOLOMON

Hon. Solomon Silwanyi, MP Bukooli Central raised additional issues which were referred to the Committee on 28th October 2021 and the Committee findings are as follows;

3.2.1 Unpaid remittances of UGX 3.6 billion to NSSF

Management informed the Committee that due to the cash-flow challenges that the Authority experienced as a result of a slowdown in airport operations occasioned by the COVID-19 pandemic, it was deemed necessary to formally engage with NSSF and request for a deferment of the payments. A letter was written to them in May 2020 requesting that UCAA is given a grace period so as to remit the dues at a later time after the financial situation had stabilised.

Silwanyi

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The Authority had endeavoured to clear the arrears and the current liability of 3.6 billion shillings related to only 4 months of May, June, July and August 2021.

Observations

1. The Committee observed that there was a breach of statutory obligation by failing to remit NSSF deductions.
2. The UCAA workers are missing out on interest paid out annually by NSSF.
3. UCAA did not write to NSSF informing them of the circumstances pertaining at the time.
4. The failure to remit and failure to inform NSSF in accordance to the regulations is likely to cause a financial loss to government in form of penalties as prescribed under section.. of the National Social Security Fund Act.

Recommendations

1. UCAA should pay the NSSF remittance arrears together with the accrued interest thereof.
2. UCAA should report on the progress of the implementation of the Committee recommendations within three months from the adoption of this report.

3.2.2 Management of the toll gate

There are two designated parking spaces at the Entebbe International Airport, for short term and long-term parking. For the long term, every day each motor vehicle is charged UGX 10,000. The short-term parking however is charged at UGX 3000 shillings for the first hour and UGX 2000 for every additional hour.

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Hon. Silwany informed the Committee that a whistle blower alleged that the collections made were arbitrarily withdrawn from the collection point at night. There were no guidelines of its usage or evidence of banking the said money and forwarding it to the Consolidated Fund.

Management informed the Committee that UCAA operates a toll/ car parking management system called Entervo with Automatic Number Plate Recognition (ANPR) technology which captures and records the vehicle number plate, the date/time of entry and exit. This information is eventually used to compute the parking fee that is paid at any of the Auto pay machines, at the start of every shift which starts at midnight.

Further, the first revenue point is at the Airport entry point from where the start of the "time of stay" is recorded such that at the end of every shift, the auto pay machine reports are generated and printed for each machine. The report shows how much cash has been collected for the day and is due for banking.

The banking officer takes the daily collections for banking and a bank deposit slip is issued by the bank.

Recommendation

The Committee referred this matter to the Office of the Auditor General to carry out a Special Audit and report back within three months from the adoption of this report.

3.2.3 Payment of leave allowances.

The accumulated payments for leave for the staff of UCAA were in arrears of 8 months. UCAA only paid one month and claimed the rest was affected by the Covid situation.

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Management informed the Committee that since the outbreak of Covid 19, airport operations were significantly affected. To manage the crisis. Management and the Board decided to among other measures, continue with the payment of the staff salaries in full and deferment of the payment of allowances and other benefits.

Amidst the above, Management and the Board have continuously monitored the trends of the business recovery, such that among other decisions; leave allowance arrears for FY 2020/21 was paid in full in October 2021 and leave allowance for the FY 2021/2022 was paid in January 2022.

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Observations

•UCAA provided vouchers to the Committee indicating that the leave allowances had been paid.

Recommendation

UCAA Management should ensure that staff members take their leave within the calendar year thereby deterring their staff from having accumulated leave.

[Handwritten signature]

4.0 CONCLUSION

The Committee notes that UCAA has got great potential to perform better in its operations. It is therefore of the opinion of the Committee that the recommendations herein be acted upon within three months of the adoption of this report to enable the entity to serve the country better.

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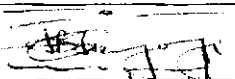

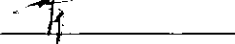


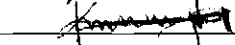
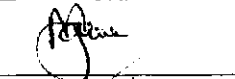
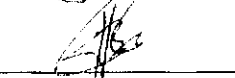

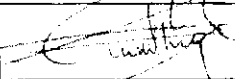


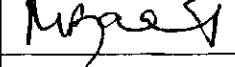


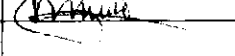
It is our prayer that the Committee report be adopted.


[Handwritten notes: Agree, I beg to move, etc.]

I beg to move

[Multiple handwritten signatures and initials]

**REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON COMMISSIONS,
STATUTORY AUTHORITIES AND STATE ENTERPRISES (PAC- COSASE) ON THE
OPERATIONS OF THE UGANDA CIVIL AVIATIONS AUTHORITY (UCAA)**

S/N	NAME	CONSTITUENCY	PARTY	SIGNATURE
1	Hon. Ssenyonyi Joel - C/Person	Nakawa West	NUP	
2	Hon. Akello Lucy - D/CP	DWR Amuru	FDC	
3	Hon. Lagen David	Agago County	NRM	
4	Hon, Mbwaterkamwa Gaffa	Igara West County	NRM	
5	Hon. Afoyochan Esther	DWR Zombo	NRM	
6	Hon. Anywar Ricky Richard	Agago West County	NRM	
7	Hon. Acan Joyce Okeny	PWD National	NRM	
8	Hon. Achan Judith Peace	DWR Nwoya	NRM	
9	Hon. Akampulira Prossy Mbabazi	DWR Rubanda	NRM	
10	Hon. Atwijukire Dan Kimosho	Kazo County	NRM	
11	Hon. Bakkabulindi Charles	Workers Rep	NRM	
12	Hon. Gafabusa Richard Muhumuza	Bwamba County	NRM	
13	Hon. Mugabi Muzaale Martin	Buzaaya County	NRM	
14	Hon. Ssekikuubo Theodore	Lwemiyaga County	NRM	
15	Hon. Abigaba Cuthbert Mirembe	Kibale County	NRM	
16	Hon, Okumu Gabriel	Okoro County	NRM	
17	Hon. Kibaaju Naome	Sheema North County	NRM	
18	Hon. Ruhunda Alex	Fort Portal Central	NRM	
19	Hon. Sekyanzi Benard Kirya	Budyebo County	NRM	
20	Hon. Wandwasi Robert	Bungokho South County	NRM	
21	Hon. Hashim Sulaiman	Nebi Municipality	NRM	
22	Hon. Maneno Zumura	DWR Obongi	NRM	
23	Hon. Nangoli Gerald	Elgon North County	NRM	
24	Hon. Ababiku Jessica	DWR Adjuman	NRM	
25	Hon. Wakabi Pius	Bugahya County	NRM	

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