



PARLIAMENT OF UGANDA

REPORT OF THE SECTORAL COMMITTEE ON LEGAL AND PARLIAMENTARY AFFAIRS ON THE INSTITUTE OF PARLIAMENTARY STUDIES BILL, 2019

OFFICE OF THE CLERK TO PARLIAMENT

PARLIAMENT BUILDINGS, KAMPALA

JULY, 2019

1 | Page

Jameson J. K.
J. K. Bala

John D.
John A.

John D.
John A.

John D.
John A.

1.0. INTRODUCTION

On the 30th of January 2019, Hon. Cecilia Atim Barbara Ogwal (Dokolo District) moved under Rule 120 of the Rules of Procedure to introduce the Institute of Parliamentary Studies Bill, 2019 to Parliament. The Bill was accordingly referred to the Committee on Legal and Parliamentary Affairs pursuant to Rule 128 of the Rules of Procedure of Parliament.

2.0. OBJECT OF THE BILL

The object of the Bill is to establish the Institute of Parliamentary Studies as a one stop specialized resource center for the training and capacity development of both Members and Staff of Parliament of Uganda, Local Councils and other Legislatures within the region, to create an institutional mechanism for delivery of capacity building interventions for Members and Staff of Parliament as well as stakeholders, to create a formal framework of engagement between Parliament and Local Councils throughout the country and other related matters.

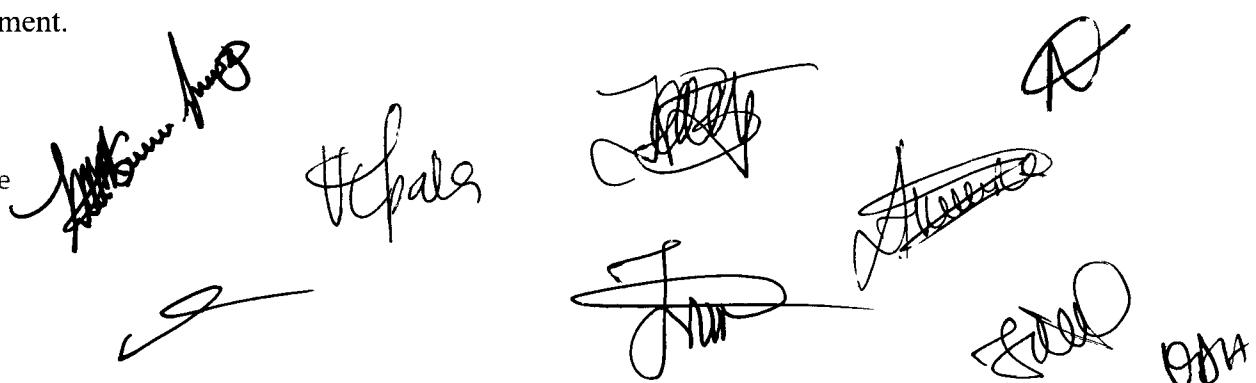
3.0. METHODOLOGY

In considering the Bill, the Committee was guided by Rule 128 (2) of the Rules of Procedure of Parliament and therefore met and received memoranda from the following notable stakeholders;

1. Hon. Cecilia Atim Barbara Ogwal, Mover of the Bill
2. Technocrats from the Institute of Parliamentary Studies, Parliament of Uganda
3. Benchmarked on best practices from the Institute of Parliamentary Studies and Training, National Assembly of Kenya.

4.0 BACKGROUND

The Institute of Parliamentary Studies is one of the departments in the Parliamentary Service created under the Administration of Parliament Act, Cap 257. The aim of this Institute is to build a strong institutional mechanism for delivery of capacity building initiatives for Members and Staff of Parliament.



The Institute of Parliamentary Studies formally started operations in 2008 when the Parliamentary Commission (PC) signed a Memorandum of Understanding with Westminster Foundation of Democracy to, among others, set up and institutionalize a training infrastructure for Members and Staff of Parliament as well as other stakeholders. In November 2011, the Parliamentary Commission, through Commission Minute 43/11 approved the Business Plan for the establishment of the IPS. In September 2012, the Rt. Hon. Speaker of the Parliament of Uganda officially launched the implementation of the IPS Business Plan with an overall mandate of training Members and Staff of Parliament as well as other stakeholders.

The Business Plan of the Institute defines responsibilities and key positions of the Institute as well as its mandate which includes among others;:-

- (a) Training of Members of Parliament and Staff of Parliamentary Service;
- (b) Inbound courses for MPs and Staff of other Parliaments in the region based on standard programs;
- (c) Training of local government councilors with a view of strengthening the linkages between the national Parliament and Local Government Councils;
- (d) Managing twining arrangements between Parliament of Uganda and other Parliaments.

Currently, the Institute of Parliamentary studies is organized and administered as a directorate within the Parliamentary Service. It is headed by a Director, who, as well as the other staff of the Institute, are appointed by the Parliamentary Commission on contract and others on permanent and pensionable terms.

Suffice to note that over the years, the Commission has widened the mandate of the Institute to differ from the ordinary directorates or departments of the Parliamentary Service by giving it a quasi-autonomous set up. Indeed, the Institute of Parliamentary Studies currently receives its fund appropriated by Parliament in its own account and is audited separately from the Parliament by the Auditor General.

The semi-autonomous status of the Institute of Parliamentary Studies is however not backed up by an enabling law, which limits its ability to initiate and raise funds for its activities and enable for a sound and proper administration.

5. 0. NEED FOR THE LAW

In scrutinizing the Bill, the following reasons were advanced for the need of the law:-

- (a) To give the Institute of Parliamentary Studies a legal status. As already noted, the Institute of Parliamentary Studies is organized and managed as any other department in the Parliamentary Service. This structure has its short comings, including limiting its mandate to only training staff and Members of Parliament yet there is need to train other persons, like Local Governments councilors, staff as well as other employees of Government on Parliamentary practices and processes. It should be noted that if the Institute does not do so, there is currently no institution in Uganda which trains Ugandans on such specialized aspects like Parliamentary practices and processes.
- (b) Furthermore, the lack of a legal status by the Institute makes the mobilization of funds difficult since development partners prefer engaging with legally constituted bodies and entities. For instance, the Committee was informed, during its bench marking trip to the Institute of Parliamentary Studies of Kenya that the institute failed to access about USD 40 Million in donor funding because it lacks legal personality.
- (c) It is an international best practice for Parliamentary Training institutions to have a legal status either through an Act of Parliament or through subsidiary legislation. The Committee notes that most institutions are created through legislation, have legal personality, are self-accounting and operate autonomously or semi autonomously from the mother Parliament. For instance, the Parliamentary training institutes in countries like Kenya, Nigeria, India, Thailand, Pakistan are all established by some form of legal instrument and are operated as semi-autonomous training institutions.
- (d) Other specialized training institutions in Uganda, such as the Judicial Studies Institute, Law Development Centre and the Civil Service College all have some form of constituting legislation.

On this basis, the Committee observed that there is need to create the Institute of Parliamentary Studies through an Act of Parliament as proposed in the Bill and structure it in a manner that enables it to operate with little financial burden to Parliament.

6.0 ANALYSIS OF THE INSTITUTE OF PARLIAMENTARY STUDIES BILL

The Committee, in complying with the Command of Rule 128 of the Rules of Procedure of Parliament, has made the following observations, findings and recommendations.

6.1 Establishment and structure of the Institute

The Committee observed that the Bill, in clause 2, proposes that the Institute of Parliamentary Studies (IPS) is established as a body corporate with perpetual succession; a common seal with the capacity to sue or be sued in its corporate name and, do or suffer any other thing a body corporate may lawfully do or suffer. The Bill further provides that the Institute shall be an agency of Government and shall be under the general supervision of the Parliamentary Commission.

On the management of the institute, the Bill proposes in clause 5 of the Bill, that the Commission is to be the overall policy body of the institute and shall be responsible for the strategic direction of the institute. The Bill also establishes a Steering Committee appointed by the Clerk with the approval of the Commission which is to be responsible for general running of the institute.

The steering Committee is to be composed of the Deputy Clerk in charge of Parliamentary Affairs or his/ her appointed representative, the Deputy Clerk in charge of Corporate Affairs or his/her appointed representative, a lecturer at a recognized university who is at the level of senior lecturer or above and who possesses knowledge and experience in capacity building, training or research in the legislative sector, a representative from the Ministry of Local Government not below the rank of Commissioner, the Director who shall be secretary to the Steering Committee, a legal counsel not below the rank of principal and two other persons nominated by the Clerk, one of whom shall be a certified trainer of the Institute.

The Bill further proposes that members of the steering committee are to serve a term of two and a half years, which may be renewable, and shall be paid such honoraria or allowance as determined by the Commission.

The Bill further proposes that the Institute is to be headed by a Director who shall be appointed by the Parliamentary Commission. It is also proposed that the institute shall have other staff who are to be appointed by the Parliamentary Commission.

The Committee observes as follows-

(a) On granting the institute corporate personality and being managed as a government agency, supervised by the Parliamentary Commission, the Committee is agreeable to this arrangement since it enables the Institute to operate as a body corporate but under the supervision of the Parliamentary Commission. This means that although the Institute will be a corporate person and will enjoy all the benefits of being a legal entity, it will keep contact with the Parliamentary Commission. The Committee finds that this is the best structure for the Institute owing to the fact that it will make it more responsive to the needs of Parliament due to its close contact with the Parliamentary Commission. It will further offer credibility to Members, Staff of Parliament and other persons it is training of the content of training, its legality and will react well to new innovations and changes to Parliamentary practice.

The Committee finds that the structure adopted in the Bill for the institute is the more preferred structure the world over and is an international best practice adopted in other countries such as Bangladesh, the Czech Republic, India, Pakistan and Thailand.

(b) On the establishment of a steering committee, the Committee finds that this arrangement, as already noted above, is the most preferred structure. The Steering Committee will be in charge of the day to day running of the Institute. The Committee observes that this will help in quick decision making and also reduce on bureaucracy.

(c) The structure will also enhance accountability and transparency since decisions are not made by an individual as it is currently but by the steering Committee and ratified by the Parliamentary Commission.

The Committee however notes that the following shortcomings needs to be rectified;

(a) The name of the Steering Committee should be changed to management committee.

This is because steering committees are temporary in nature and are put in place for

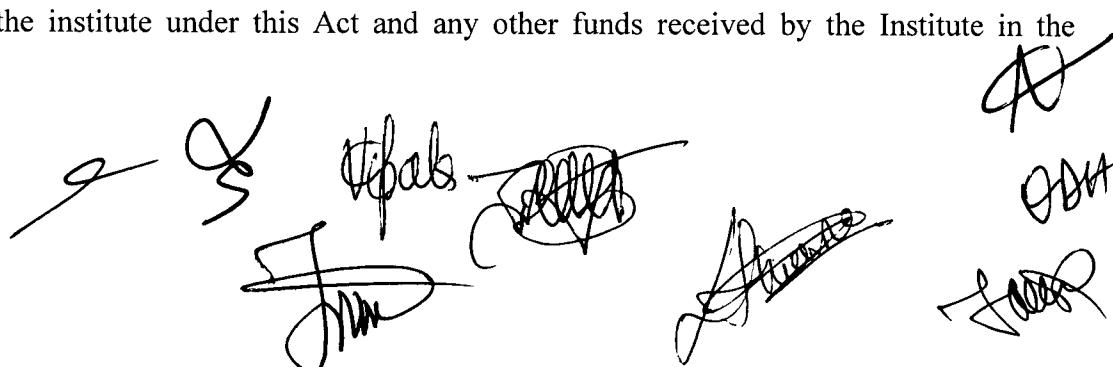
A cluster of handwritten signatures in black ink, including 'S. S. Chakraborty', 'A. D. Bhattacharya', 'A. D. Bhattacharya', 'A. D. Bhattacharya', 'A. D. Bhattacharya', and 'A. D. Bhattacharya'.

purposes of achieving a particular objective and after they are disbanded. The Committee finds that since the proposed steering committee is established as the governing body of the Institute and therefore, not temporary, calling such a committee “steering” will create confusion. In that regard therefore the name of the committee should be changed from “steering committee” to “Management Committee”

- (b) Whereas the Bill proposes that the Clerk appoints members of the Steering Committee with the approval of the Parliamentary Commission, the Bill goes ahead in clause 5 (3) to list the offices from which the members are to be drawn. This makes the appointment of the Clerk superfluous since the law will have already designated them. Furthermore, the Bill assumes that the Clerk to Parliament has the power to appoint persons drawn from outside Parliament, such as those drawn from the Ministry of Local Government and Universities.
- (c) The Bill also does not guide the Clerk from whom the two members on the steering committee will be drawn from and their modalities of appointment., one being a certified trainer,
- (d) The Committee further observes that the Institute’s functions are limited in scope when compared to functions of similar institutions. The Committee observes that in most of other jurisdictions like Kenya and Nigeria, the functions of the Institute extends to people outside Parliament, including the media that report on Parliament, and this goes beyond just training to include holding and conducting seminars, conferences, workshops and symposiums; organising or coordinating international orientations, attachments, study visits or study tours for members and staff of Parliament. In Kenya for instance, members of staff cannot be promoted until they have attended specific mandatory trainings at the Institute that are used as a perquisite for promotion.

6.2 Finance of the Institute

The Bill proposes to have the funds of the Institute to include money appropriated by Parliament for purposes of the Institute, grants, gifts or donations from the Government or other sources made with the approval of the Commission, externally mobilized grants and revenue earned from activities of the institute under this Act and any other funds received by the Institute in the



A cluster of handwritten signatures and initials, including 'S', 'Tibab', 'ODA', 'JMN', 'A', and 'LAW'.

performance of its functions under this Act. The Bill proposes that all non-tax revenue raised by the institute is to be remitted to the consolidated fund.

The Bill also proposes to grant the Institute power to open bank accounts, a duty to operate on sound financial principles and obligate the Director to prepare a budget of the institute to the Steering Committee which then submits the same to the Commission. The Institute is proposed to be audited by the Auditor General.

The Committee observes that the above provisions are all intended to ensure that the institute can raise finances to ensure it can operate efficiently. The Committee notes that the Certificate of Financial Implication issued for the Bill indicates that the Bill has no financial burden on Government since the expenditure will be accommodated within the existing budgetary confines of the Parliamentary Commission.

The Committee notes that if the finances of the Institute are designed properly, the financial burden on Parliament will lessen. For instance, the Committee was informed that the Institute of Parliamentary studies in Kenya is allocated Kenya Shillings 40 Million on average by Parliament but it usually raises more than double that money in a financial year. The Committee was informed that this additional revenue is then put to the disposal of the Parliamentary Service to finance some of its other activities.

The Committee however observes that although part of the finances of the Institute includes revenues earned from its activities, the Bill does not specify how the institute will raise this revenue. This begs the question as to whether the Institute will be able to charge fees for its services and if so, how will the fees and charges be determined?

The Committee also notes that internally generated funds will be deposited on the consolidated fund without the institute retaining a portion. It is recommended that the financial status of the Institute needs to be strengthened by allowing it to retain a portion of the non-tax revenue collected to finance its activities.

By this proposal, the Committee is aware that section 29 (3) of the Public Finance Management Act, 2015, empowers a vote to retain revenue collected or received, where the revenue is in the

form of levies, licences, fees or fines and the vote is authorized through appropriation by Parliament to retain it.

In order to secure the finances of the institute, there is need to specifically grant it the mandate to levy fees and other charges and to allow it retain a percentage of the revenue generated.

Name of the Institute

The committee is aware that on 29th May, 2019 Parliament, passed a resolution for the title of the Bill to be changed to the *Rebecca Alitwala Kadaga Institute of Parliamentary Studies Bill, 2019*. However it is the considered opinion of the Committee that the Bill be passed as it is and the Parliamentary Commission will rename the Institute administratively to reflect the motion that was adopted by this House.

7 RECOMMENDATIONS

The Committee, having scrutinised the Bill proposes that the Bill be read for a second time and recommends as follows-

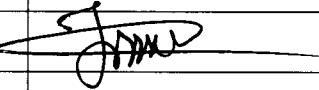
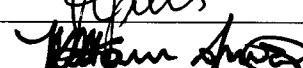
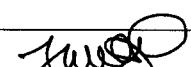
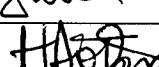
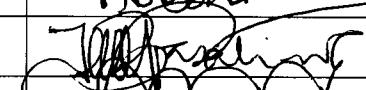
- (a) The Institute should be granted legal personality as proposed in the Bill;
- (b) The Parliamentary Commission to be responsible for the general supervision of the Institute;
- (c) The phrase “steering committee” should be substituted with the phrase “management committee”
- (d) For completeness, the functions of the institute should be expanded;
- (e) Instead of appointing the Members of the steering committee drawn from Parliament, the offices from which they are supposed to be drawn should instead be specified.
- (f) The other members of the steering committee are to be nominated by the body or institute designating them and appointed by the Parliamentary Commission;
- (g) The Members of the Management Committee not drawn from Parliament or Local Government should be appointed by the Parliamentary Commission, through a competitive process as in other jurisdictions the committee visited;

(h) The Institute should be allowed to retain and spend at least 10% of the internally generated funds to defray its expenses;

(i) The institute should be able to charge fees and to impose other charges as may be determined by the Parliamentary Commission.

I beg to move.

SIGNATURE OF MEMBERS OF THE COMMITTEE ENDORSING THE REPORT

SN	NAME	CONSTITUENCY	SIGNATURE
1.	Oboth Jacob Marksons (Chair)	West Budama South	
2.	Hon. Bitangaro Sam Kwezira	Bufumbira South	
3.	Hon. Kasozi M. Jackson	Bukoto County M-West	
4.	Hon. Isala Eragu Veronica	Kaberamaido County	
5.	Hon. Kafuuzi Jackson K	Kyaka South	
6.	Hon. Kajara Aston	Mwenge South	
7.	Hon. Mwiru Paul	Jinja East County	
8.	Hon. Obua Denis Hamson	Ajuri County	
9.	Hon. Basalirwa Asuman	Bugiri Municipality	
10	Hon. Gureme R. Rwakoojo	Gomba West	
11	Hon. Ongalo Kenneth Obote	Kalaki County	
12	Hon. Agaba Abbas Mugisha	Kitagwenda County	
13	Hon. Azairwe Dorothy. K	DWR Kamwenge	
14	Hon. Mugoya Kyawa Gaster	Bukooli North	
15	Hon. Akamba Paul	Busiki County	
16	Hon. Otto Edward Makmot	Agago County	
17	Hon. Adeke Anna Ebaju	NFY MP	
18	Hon. Nsereko Muhammed	Kampala Central Division	
19	Hon. Wilfred Niwagaba	Ndorwa East	
20	Hon. Abdu Katuntu	Bugweri County	
21	Hon. Ssemujju Ibrahim	Kira Municipality	
22	Hon. Medard Ssegona Lubega	Busiro East	
23	Hon. Mathias Mpuuga	Masaka Municipality	
24	Hon. Byarugaba Alex	Isingiro County South	
25	Hon. Akello Rose Lilly	DWR, Kabong	
26	Hon. Akampulira Prosy	DWR Rubanda	
27	Hon. Suubi Brenda Asinde	DWR Iganga	

PROPOSED AMENDMENTS TO THE INSTITUTE OF PARLIAMENTARY STUDIES BILL, 2019

CLAUSE 2: ESTABLISHMENT OF THE INSTITUTE

- Replace sub clause (1) with the following-

“(1) There is established an Institute to be known as “the Institute of Parliamentary Studies”

Justification:

- *For clarity and better drafting*

CLAUSE 4: FUNCTIONS OF THE INSTITUTE

- Insert immediately paragraph (b), the following and re number accordingly-

“(c) to conduct training for Members of Parliament and Staff of Parliament on the procedures and practices of Regional Parliaments and Regional Assemblies

(d) to conduct training for public officers employed in Ministries, Departments, Agencies of Government and Local Governments on Parliamentary procedures and processes;

(e) to organize and conduct orientation programs, lectures and seminars for Members of Parliament and staff of Parliament;

(f) to organise or coordinate international trainings, attachments, study visits or study tours for Members of Parliament and Staff of Parliament;

(g) to conduct training and seminars for accredited media personnel and any other person accredited by Parliament;

(h) to arrange and conduct seminars, conferences, workshops and symposiums for Members of Parliament and staff of Parliament on the efficient discharge of Parliament’s functions;

- (i) to determine syllabus for research, training, studies and for any such subject in respect of research and training provided by the Institute under this Act;
- (j) to award certificates and other qualifications to Members of Parliament, Staff of Parliament and other persons trained by the Institute;

- **In paragraph (c),** insert the following words immediately after the word “Parliaments”-
“National Assemblies or Regional Assemblies.”
- **Replace paragraph (d) as follows-**
“(d) to offer in-house courses for Members of Parliament and Staff of Parliament;
- **In Paragraph (f),** replace the word “business” with the word “function”.

Justification:

- *For clarity and better drafting*
- *For completeness, to enumerate the functions of the Institute as performed by similar training institutes like in Kenya, Bangladesh, India and Pakistan.*

CLAUSE 5: MANAGEMENT OF THE INSTITUTE

- Replace clause 5 as follows-

“5. **Management of the Institute**

- (1) The Commission shall be the overall policy body of the Institute and shall be responsible for the strategic direction of the Institute.
- (2) Notwithstanding subsection (1), there is established a Management Committee which shall be responsible for the management and administration of the Institute.
- (3) The Management Committee shall be designated by the Parliamentary Commission and shall comprise of-
 - (a) the Clerk to Parliament, who shall be the chairperson
 - (b) the Deputy Clerk in charge of Parliamentary Affairs or his or her appointed representative;
 - (c) the Deputy Clerk in charge of Corporate Affairs or his or her appointed representative;
 - (d) a lecturer at a recognised university who is at the level of senior lecturer or above and who possesses knowledge and experience in capacity building, training or research in Parliamentary functions;
 - (e) representative from the Ministry of Local Government not below the rank of Commissioner;
 - (f) the Director, who shall be the secretary; and
 - (g) three persons nominated by the Clerk, two of whom shall be skilled in law and human resources provided that at least one of the nominated persons shall be an accredited trainer of the Institute.
- (4) The member of the Management Committee referred to in-
 - (a) paragraph (d) shall be appointed by the Parliamentary Commission through a competitive process; and
 - (b) paragraph (e) shall be nominated by the Minister responsible for Local Government.

- (5) The Clerk shall ensure that at least two members of the Management Committee referred to in paragraph (g) are drawn from members of staff of Parliament.
- (6) Save for members referred to in subsection (3) (a), (b), (c) and (f), the other members of the Management Committee shall serve for a term of two and half years, which may be renewed.
- (7) The members of the Management Committee shall be paid such honoraria or allowances as determined by the Commission.
- (8) The Commission may, at any time suspend or terminate the appointment of a member of the Management Committee for-
 - (a) abuse of office;
 - (b) corruption;
 - (c) incompetence;
 - (d) any physical or mental incapacity that renders a person incapable of performing the duties of that office;
 - (e) failure to attend three consecutive Management Committee meetings without reasonable grounds; or
 - (f) being adjudged bankrupt by a court of law.
- (9) Notwithstanding subsection (6), a member of the Management Committee may, at any time-
 - (a) resign from that office; or
 - (b) be removed from that office if that member ceases-
 - (i) to be a staff in the Parliamentary Service;
 - (ii) to occupy the office in the Parliamentary Service entitling the member for appointment on the Management Committee, or

(iii) to be a staff of the Ministry nominating him or her for appointment to the Management Committee.

(10) Subject to the powers of the Commission and without prejudice to the generality of subsection (2), the Committee shall have power to-

- (a) recommend for approval by the Commission, programs of the Institute;
- (b) administer the property and funds of the Institute;
- (c) receive, on behalf of the Institute or Parliament, gifts, donations or grants meant for the Institute; or
- (d) exercise any other power that may be grant to the Institute by the Commission.

Justification;

- *to include the clerk to Parliament in the membership of the Steering Committee in recognition of the Clerk's role and centrality in the management of the Parliamentary;*
- *to ensure the members of the Committee are designated by the Parliamentary Commission*
- *To substitute for the word "steering Committee" the word "management Committee"*
- *To separate the tenure of members of the management committee designated from outside Parliament from those occupying certain offices in Parliament whose tenure ends when they vacate the offices they occupy;*

INSERTION OF NEW CLAUSE IMMEDIATELY AFTER CLAUSE 5

Immediately after clause 5, insert the following new clause

“Meeting of the Committee

- (1) The Management Committee shall determine its own procedure.

- (2) Meetings of the Management Committee shall be held at such time and place as determined by the chairperson and shall be presided over by the chairperson and, in the absence of the chairperson, any other member as may be designated by the chairperson or agreed upon by the members.
- (3) The quorum of the Management Committee shall be one third.
- (4) A member of the Committee shall have one vote save for the chairperson who shall have a casting vote.
- (5) Proceedings of the Management Committee not be invalidated only because there is a vacancy in its membership or because of any fault in constituting its members.

Justification

- *to provide for meetings of the institute.*
- *To protect the proceedings of the Committee from unnecessary invalidation.*

CLAUSE 6: DIRECTOR

- Replace sub clause (2) as follows-

“(2) The Director may participate in meetings of the Management Committee except that the Director shall not have a right to vote in decisions of the Management Committee.

Justification:

- *For clarity and better drafting considering that the Director is already designated clause 5 as the secretary to the Management Committee, thereby making sub clause (2) redundant in its current form.*

CLAUSE 7: FUNCTIONS OF THE DIRECTOR

- In sub clause (2),-

- (a) Substitute for the word “Steering Committee” the words “Management Committee” appearing in paragraph (a) and (j);
- (b) in paragraph (c), replace the word “control” with the word “management”;
- (c) in paragraph (g), replace the word “proposing” with the word “developing”

Justification:

- *A consequential amendment arising from the amendment of clause 5 of the Bill, wherein, the words steering Committee have been substituted for the words management Committee.*
- *For consistency and better drafting*

CLAUSE 9: FUNDS AND SOURCES OF REVENUE OF THE INSTITUTE

Replace sub clause (2) with the following-

“(2) The Institute shall retain ten percent of the total non-tax revenue for purpose of defraying its expenses.

Justification:

- *To allow the institute to retain a percentage of the non-tax revenue it generates for purposes of defraying its expenses. This will improve the financial standing of the Institute.*

INSERTION OF NEW CLAUSE IMMEDIATELY AFTER CLAUSE 9

Immediately after clause 9, insert the following new clause

“Charging of fees

The Institute may charge fees for the provision of services as may be determined by the Parliamentary Commission in consultation with the Management Committee.”

Justification:

- *To empower the Institute to charge fees for services it provides.*
- *To empower the Parliamentary Commission to determine the fees charged by the institute in consultation of the Parliamentary Commission.*

CLAUSE 12: ESTIMATES

- In sub clauses (1) and (2), substitute for the word “Steering Committee” wherever it appears in the provision, the word “Management Committee”

Justification:

- *A consequential amendment*
- *For consistency*

CLAUSE 14: ACCOUNTS AND AUDIT

In sub clause (4), substitute for the words “public finance management Act, 2015” the words “The National Audit Act, 2008”

Justification:

- *The submission of audited accounts to Parliament is prescribed in the National Audit Act, 2008*

CLAUSE 15: ANNUAL AND OTHER REPORTS

- In sub clauses (1) and (2), delete the word “Steering” wherever it appears in the provision
- In sub clause (2), delete the word “also”.

Justification:

- *A consequential amendment arising from the amendment of clause 1 of the Bill, wherein, the word Committee is defined.*
- *To remove a redundant word*
- *For consistency and better drafting*