

UGANDA



Looking ahead to the 64th Commonwealth Parliamentary Conference in Uganda



PLUS ▶

Engendering
Parliamentary
Processes in Uganda

PAGE 3

Institutionalisation
of Political Parties'
Participation

PAGE 16

The Role of the
Uganda Parliament in
the Budget Process

PAGE 31

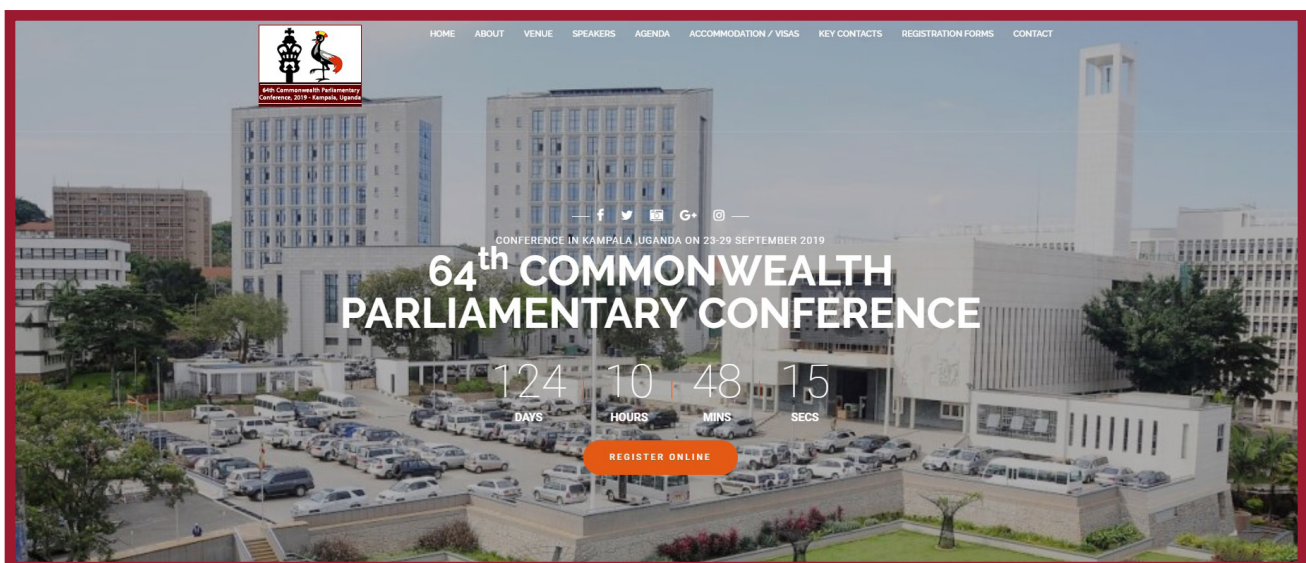
Role of Parliament
in Climate Change
Mitigation in Uganda

PAGE 34



64th COMMONWEALTH PARLIAMENTARY CONFERENCE KAMPALA, UGANDA 22 to 29 SEPTEMBER 2019 (inclusive of arrival and departure dates)

CONFERENCE THEME: 'ADAPTATION, ENGAGEMENT AND EVOLUTION OF PARLIAMENTS IN A RAPIDLY CHANGING COMMONWEALTH'.



- One of the largest annual gatherings of Commonwealth Parliamentarians. Hosted by the CPA Uganda Branch and the Parliament of Uganda.
- Over 500 Parliamentarians, parliamentary staff and decision makers from across the Commonwealth for this unique conference and networking opportunity.
- CPA's global membership addressing the critical issues facing today's modern Parliaments and Legislatures.
- Benefit from professional development, supportive learning and the sharing of best practice with colleagues from Commonwealth Parliaments together with the participation of leading international organisations.

During the 64th Commonwealth Parliamentary Conference, there will also be a number of additional conferences and meetings including: 37th CPA Small Branches Conference; 6th triennial Commonwealth Women Parliamentarians (CWP) Conference; 64th CPA General Assembly; meetings of the CPA Executive Committee; and the Society of Clerks at the Table (SOCATT) meetings. This year, the conference will hold elections for the Chairperson of the Commonwealth Women Parliamentarians (CWP), the CPA Treasurer and the CPA Small Branches Chairperson for new three-year terms.

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UGANDA: Host of the 64th Commonwealth Parliamentary Conference

Welcome from the Parliament of Uganda and CPA Uganda Branch

Rt Hon. Rebecca A. Kadaga, MP, Speaker of the Parliament of Uganda and CPA President.
Page 2

Engendering Parliamentary Processes: The Ugandan Experience

Rt Hon. Rebecca A. Kadaga, MP, Speaker of the Parliament of Uganda and CPA President.
Page 3

The Pursuit of Inclusivity through Representation: The Uganda Experience

Rt Hon. Jacob L'Okori Oulanyah, MP, Deputy Speaker of the Parliament of Uganda.
Page 6

The Judiciary and the Legal System in Uganda

Hon. William Byaruhanga, Attorney-General of Uganda.
Page 9

Investment Opportunities in Uganda

Hon. Matia Kasaija, MP, Minister of Finance, Planning and Economic Development.
Page 12

Office of the Leader of Government Business in Uganda

Hon. Ruth Nankabirwa, MP, Government Chief Whip.
Page 14

Institutionalisation and Enhancement of Political Parties' Participation in the Uganda Parliament

Hon. Aol Betty Ochan, MP, Leader of the Opposition.
Page 16

Uganda: Gifted by Nature

Hon. Dr Ephraim Kamuntu, MP, Minister of Tourism, Wildlife and Antiquities.
Page 19

Exploring In-House Initiatives for Capacity Building in Parliamentary Business & Processes: Lessons from the Uganda Institute of Parliamentary Studies (IPU-U)

Hon. Atim Ogwal Cecilia Barbara, MP.
Page 22

Front cover image: The Parliament of Uganda's foundation stone was laid on 18th December 1956. Construction of the main building commenced in 1958 and on 5th October 1962, the then Prime Minister Apollo Milton Obote laid the foundation stone for the independence arch, at the entrance to the Parliamentary Building. *Image copyright: Uganda Parliament.*



Offsetting the backlog of Accountability Committees in Uganda: The Case of the Public Accounts Committee-Local Government (PAC-LG) Committee

Hon. Reagan Ronald Okumu, MP.
Page 26

Inclusion of Disability Issues in the business of Commonwealth Parliaments

Hon. Safia Nalule Juuko, MP, National Woman's Representative for Persons with Disabilities (PWDs).
Page 29

The Role of Parliament in the Budget Process

Hon. Amos Lugolobi, MP.
Page 31

The Role of Parliament in Climate Change Mitigation and Adaptation in Uganda

Hon. Lawrence Songa Biyika, MP.
Page 34

Uganda: Key Facts

Page 38

CPA Uganda Branch and the Commonwealth Parliamentary Association

Page 40





WELCOME FROM THE CPA PRESIDENT AND SPEAKER OF THE PARLIAMENT OF UGANDA

The CPA President and the Speaker of the Parliament of Uganda looks forward to the 64th Commonwealth Parliamentary Conference in Kampala, Uganda and welcomes delegates.



**Rt Hon. Rebecca A. Kadaga,
MP, Speaker of Parliament of
Uganda and CPA President
(2018 - 2019)**

As we look forward to the 64th Commonwealth Parliamentary Conference (CPC), the Parliament of Uganda and CPA Uganda Branch extends a very warm welcome to all the Honourable Speakers, Presiding Officers, Members of Parliament and accompanying persons to Uganda at the upcoming 64th Commonwealth Parliamentary Conference scheduled to be held in Kampala in September 2019.

The Parliament of Uganda joined the Commonwealth

in 1962 and has, save for the interruption of a few years, actively participated in promoting democratic values in the Commonwealth. It is an honour for the Parliament of Uganda to host the 64th Commonwealth Parliamentary Conference, having last hosted a similar event in October 1967. The theme of this conference is 'Adaption, engagement and evolution of Parliaments in a rapidly changing Commonwealth.'

The beauty of the Commonwealth is that different nations and Parliaments with their unique history, culture, diversity and level of development freely associate within the fraternity for the attainment of common goals and aspirations. Parliamentary democracy in Uganda is thriving and the government is committed to promoting good governance, rule of law and constitutionalism. General elections have been held regularly every five years since 1996, after adoption of a new constitution.

The National Resistance Movement Government under the leadership of the President of the Republic of Uganda, His Excellency Yoweri Kagura Museveni and the Tenth Parliament are committed to transform Uganda from a peasant economy to a modern and prosperous country within 30 years as set out in the *Vision 2040*.

The ascendancy of globalisation in a rapidly changing Commonwealth presents us with serious challenges as Legislators and policymakers, which in turn require adaption, engagement and evolution of new ideas, strategies and perspectives.

The 2019 CPC in Uganda will provide a distinct opportunity to Honourable Members of Parliament to have useful interactions and network in pursuing common goals, enrichment through comparative analysis of parliamentary practice and procedure to contribute to the strengthening of parliamentary democracy by identifying emerging challenges, seeking remedies to mitigate them and charting the way forward.

I urge you all to take up the challenge and allow for the exchange of perspectives and views from diverse regions, countries and continents and collectively harmonise them for the good of us all. It is my firm belief that by working together as a team with unity of purpose, we can make a positive change to our nations and the people we represent.

It is my conviction that the upcoming 64th Commonwealth Parliamentary Conference will provide a benchmark in promoting our joint effort for avenues for peace, happiness, prosperity and development for all our people.

Welcome to Uganda – the Pearl of Africa!





ENGENDERING PARLIAMENTARY PROCESSES: THE UGANDAN EXPERIENCE



Rt Hon. Rebecca A. Kadaga, MP

CPA President (2018-2019);
First woman Speaker of
Parliament of Uganda (2011
– to date); President, IPU
Africa Region (2016-2017);
Commonwealth Women
Parliamentarians (CWP)
Chairperson (2014 -2016);
Vice-Chairperson, CWP
(2009-2014); Member of
Parliament representing
Kamuli District since 1989 as
National Resistance Council
Member; Deputy Speaker
of Parliament of Uganda
(2001-2011). Has held various
Ministerial portfolios (1996-
1999); Advocate of the Courts
of Judicature since 1982; First
woman to establish a Law
Firm in Uganda - Kadaga &
Co. Advocates (1984-1989);
Member of Parliament/
National Resistance Council
(1989- 1996); 2nd Deputy
National Vice-Chairperson
and Member of the Central
Executive Committee of
the National Resistance
Movement (ruling party);
FIDA, Uganda President
(1986-1989) and established
the first legal aid service in
Uganda.



‘Adaption, engagement and evolution
of Parliaments in a rapidly
changing Commonwealth.’



Literally, the term ‘engender’ means to cause or bring about a situation or condition. Parliaments have, however, used it to refer to efforts to increase the equal recognition and participation of women, men and young people in their socio-economic and political space. Men and women, no matter their status, are equal partners in the development and democratic governance of any nation. Engendered parliamentary processes, therefore, helps to fulfil these aspirations. The Parliament of Uganda has been privileged, but also deliberate and innovative in engendering its processes over the years.

Parliamentary processes include activities through which Parliaments perform their mandate of legislation, representation and oversight over Government. This includes the functions of budget scrutiny, approval and appropriation. These functions are performed through plenary sittings, Committee meetings and field activities, as well as through investigations and/or inquiries.

A gender-sensitive Constitution enacted in 1995, gave the Parliament of Uganda the starting point to narrow the gender gap in politics and other aspects of society. Uganda’s Constitution recognises

women’s full and equal dignity of the person with men [Article 33(1)] and mandates the State to ‘provide the facilities and opportunities necessary to enhance the welfare of women to enable them realise their full potential and advancement’. It stipulates that women shall have right to affirmative action for redressing imbalances created by history, tradition or custom.

Further, Article 78(1) of the Constitution of the Republic of Uganda stipulates that the composition of Parliament must include a female representative for every district and at least one female representative for the youth, the workers and persons with disabilities (PWDs). The membership of the Tenth Parliament is, therefore, engendered as shown in Table 1 on page 4.

There was only one female legislator, Ms Teddy Odongo Oduku, in the Fourth post-independence Parliament from 1980 to 1985. In 1989, when the first district women representatives were elected, the number of women in Parliament rose steadily, as shown in Table 1 on page 4. Currently, out of the 459 representatives, 299 (65%) are male, while 160 (35%) are female.

Legislation is a major parliamentary process through which gender parity is achieved¹.

The Constitution mandates the Parliament of Uganda to make laws for the peace, order, development and good governance of Uganda (Article 79). Article 1 of the Constitution gives sovereignty to the people in their own governance. Therefore, participation of all members of society is crucial. Thus, Parliament has passed laws that address gender gaps, including the *Local Government Act, 1997* to give effect to Article 180(b) of the Constitution requiring that one third of each Local Government Council be composed of women.

Parliament also enacted critical laws to deal with violence and cultural practices that affect the dignity, health and status of women. These include: *The Domestic Violence Act, 2010*, which provides for the protection and relief of victims of domestic violence (both male and female); *The Prohibition of Female Genital Mutilation Act, 2010* to combat the harmful practice of female circumcision and provide protection for victims under threat; and *The Prevention of Trafficking in Persons Act, 2010* to combat trafficking, a vice that mainly affects women.

There have been amendments to gender-blind laws to eliminate imbalances created by custom and



ENGENDERING PARLIAMENTARY PROCESSES: THE UGANDAN EXPERIENCE

Representation	Male		Female		Total	
	No.	%	No.	%	No.	%
Constituency (Direct)	276	93%	20	7%	296	100%
District Women	0	n/a	122	100%	122	100%
UPDF	7	70%	3	30%	10	100%
Youth	3	60%	2	40%	5	100%
Workers	3	60%	2	40%	5	100%
PWDs	3	60%	2	40%	5	100%
Ex-Officio	7	44%	9	66%	16	100%
Total	299	65.1%	160	34.9%	459	100%

TABLE 1: Gender composition of the Tenth Parliament of Uganda (by constituency). Source: Dept of Research Services Factsheet.

traditions. For instance, the *Land Act* and the *Mortgage Act* were amended to give spouses and children a voice on land transactions, especially on matrimonial property. The *Penal Code Act* was also amended to provide for stronger punishment for defilement of children, including boys. The amendment also removed a biased section that criminalised adultery, as the greatest burden was on women. There is also continuous advocacy for delayed Bills, such as the Marriage and Divorce Bill that gives women equitable

rights in marriage. The Sexual Offences Bill, which is to be re-tabled in Parliament, seeks to consolidate laws relating to sexual offences, provides procedural and evidential requirements, during trial of sexual offences, and proposes several measures to check sexual violence among others.

Engendering also happens through the Legislature's oversight function. This audit mechanism fosters adherence to gender-equity requirements. The Parliamentary Committee system is the most effective instrument of oversight; it is the 'engine room' of the Legislature, where in-depth and more technical debate can take place. For instance, the Committee on Gender, Labour

and Social Development, ensures that Government programmes target vulnerable groups such as women, youth, persons with disabilities and children, to ensure equality of all persons. This Committee has influenced Government to create a maternal health vote and increase funding for maternal health.

The Committee on Equal Opportunities monitors and promotes measures designed to enhance the equalisation of opportunities and improved quality of life and status of all people. Similarly, all other sectoral Committees get to examine and comment on policy and performance of line Ministries, departments and agencies, and make appropriate recommendations. They examine Bills brought before the House and Government budget estimates, including checking for gender responsiveness and making recommendations on the same.

Below: Rt. Hon. Rebecca A. Kadaga, MP, Speaker of the Parliament of Uganda (centre) together with Members of Parliament after meeting with persons with albinism.

“Engendering also happens through the Legislature’s oversight function. This audit mechanism fosters adherence to gender-equity requirements.”





In its representation, legislation and oversight functions, Parliament creates links and engages individuals and organisations from civil society and academia that give their standpoints on various concerns, including gender, for the good of the citizens. The construction of a dedicated women and neonatal unit in the National Referral Hospital at Mulago, for instance, can be attributed to the determined lobbying, advocacy and budget advisory by legislators and their networks, and specifically the Speaker of Parliament over the years.

Besides the above, some success stories have come through the activism of the Uganda Women Parliamentary Association (UWOPA), established in the 1990s and open to male Members too. It aims at engendering the legislative process, creating awareness, lobbying, advocating and networking for the cause. UWOPA Members often bring ignored or forgotten policy issues to the attention of the House, Committees and the Executive. For example, with frequent media reports of sexual violence in educational institutions, the National Female Youth Representative,

Hon. Annalee Beau, presented a motion in the House and in response, Parliament set up a Select Committee to investigate the vice and make recommendations to compel the concerned ministry to act. UWOPA also mentors women leaders in Parliament, and at the grassroots/district level, to encourage more women to taken leadership positions.

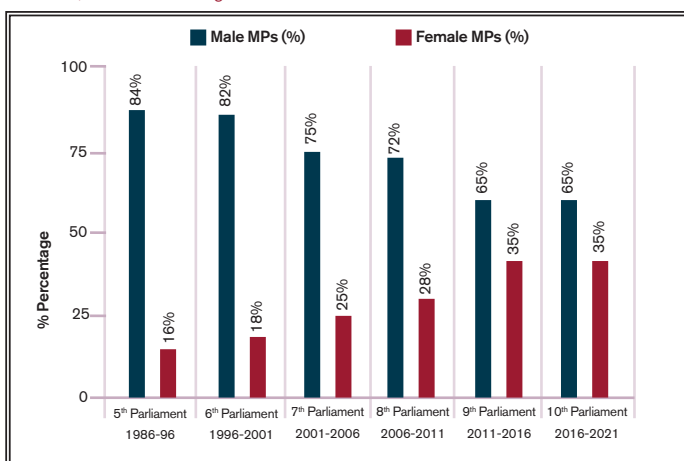
There have been milestones in the administration of the Parliamentary Service too, where feminine perspectives in the institutional processes are valued. For instance, 37% of staff are female, while 63% are male. The administrative head (Clerk to Parliament), the political head (Speaker of Parliament), the Leader of the Opposition and the Government Chief Whip are all female. Apart from the statutory maternity leave benefits, a baby day-care centre was opened, which enables women Members and breast-feeding parliamentary staff to perform their duties with less anxiety.

Limitations in the process do exist though. Some voices argue that affirmative action seats in Parliament have stifled the capacity of women to compete



Above: Female pilots with Uganda Airlines being introduced to the President of Uganda, Yoweri K. Museveni by the Minister of Works and Transport in April 2019.

Figure 1: Gender composition of the Parliament of Uganda since 1986. Source: Dept of Research Services, Parliament of Uganda.



against male candidates. But interestingly, nothing adverse is said about men who are nominated continuously for Ministerial posts while women contest for elections. Others believe that women in high positions are not doing enough to raise the status of less-advantaged women. The gender responsiveness ambitions are not always met; and analyses often reveal that women remain disadvantaged. In addition, Committees struggle to compel Ministries to ensure the allocation of resources for activities related to improvement of the rights of women and other marginalised groups.

The gains, however small, have not been in vain. An assessment by the Equal Opportunities Commission in January 2018, reported that the Legislature (Parliament) had improved gender and equity compliance levels from 63% in the year 2017/18 to 68% in the year 2018/19.²

Conclusion

Uganda's experience shows that deliberate efforts to engender

parliamentary processes do influence gender equity in the governance and socio-economic spheres of a nation. This manifests through increasing gender-sensitive laws and budgets, as well as greater participation of all citizens in their own governance.

The challenges can be tackled by encouraging leadership initiatives among women, both within and outside Parliament. Besides, there is still room for more women to be elected to Parliament, to reflect the true gender representation in society.

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¹ Uganda Women Parliamentary Association, *Strategic Plan 2016-2021: Promoting Gender Parity in Policies and Development*, available at: <http://uwopa.or.ug/sites/default/files/Publications/uwopa%20strategic%20plan%20final%202016-2021.pdf>

² Parliament of Uganda, Report on the Annual Legislature Sector Review for Financial Year 2017/18.



THE PURSUIT OF INCLUSIVITY THROUGH REPRESENTATION: THE UGANDAN EXPERIENCE



Rt Hon. Jacob L'Okori Oulanyah, MP is the Deputy Speaker of the Parliament of Uganda since 2011; Consultant for the Government of South Sudan (2006-2010); Member of Parliament for Omoro County (2001-2006) and served as Chairperson, Committee on Legal and Parliamentary Affairs; Lecturer, Law Development Centre (1997-2001); Advocate of the Courts of Judicature; Legal Officer at the Uganda Law Reform Commission; Advocate of Courts of Judicature and Senior Partner at J.L. Oulanyah & Co. Advocates.

Development discourse has been rife with concerns over the exacerbation of inequality by capitalism; the most dominant globally politico-economic paradigm. (Hodgson, 2016). Glaring statistics have been touted, depicting, for instance, how the richest one percent took 82% of the wealth generated in 2017¹; eight people own as much wealth as 50% of the global population of 7.4 billion; and in the USA, the richest one percent own 34% of the wealth and the richest 10% own 74% of the wealth (Hodgson, 2016).

At the local level, statistics abound about marginalisation of ethnic minorities, women, children, the youth, some regions, to mention few. Inequality is as rife at the local level as it is globally. In Uganda, the loss in human development due to inequality is estimated at 30.9% higher than the loss in other countries within the region, for example in Tanzania. The elements of inequality that drive this loss in human development are inequality in income (27%), and inequality in education (29%). This implies that without the challenge of inequality, Uganda would have a higher human development status. Inequality, therefore, undermines progress in human development and achievement of sustainable development.²

Proponents of a fairer world have advanced various interventions to guide human development, notably, the universalisation of subsidised or free education, healthcare, housing and environmental sustainability. The realisation of many such interventions is hinged on policy and legislative reform. It is against this background that this paper seeks to explore the role of the Legislature in the pursuit of equity and inclusivity in the Ugandan context.

An evaluation of the most diverse economic strata of Uganda's population is a prudent gateway in appreciating matters of equity.

According to the Uganda Bureau of Statistics (UBOS), Uganda's population is about 37.7 million people, of which 52% are female and 48% are male (UBOS – UNHS, 2016/17). This figure is comparable to the projected 38 million people for the year 2018. The sex ratio (proportion of males to females) is 95 - this measures the extent of equity between male and female in the population, and the ratio shows more females than males exist in the country (i.e. 100 women for every 95 men).³ About 72% of young people or youth aged between 15 – 29 years, are resident in rural areas.⁴

There is a fairly balanced

distribution of the young people across regions, and about 39% are married. Six percent never went to school (520,000 youths), and 51% leave school before graduation. The female young people are twice as likely not to go to school than their male counterparts. Females are also more likely to leave school before graduation (55%) than the males (47%).⁵

In addition, Uganda experiences high loss in human development due to inequality between female and male achievements. This is mainly attributed to poor reproductive health indicators, a relatively low level of women empowerment including education compared to men, and a low level of female participation in the labour market.

From the foregoing, it goes without saying that the pursuit of equity and inclusivity is a clarion call. The Legislature, as the country's lawmaker, has had an integral role in using its mandate to ensure greater inclusivity.

As one enters the precincts of the Uganda Parliament, there is an arcane yet important feature that is engraved within the huge metal gates of this sacred institution – the names of the major sub-regions of Uganda at independence in 1962. This certainly carries significant implications, but most of all, it depicts the heterogeneous nature and



Left: Youth engagement in action: a Youth Parliament event takes place in the Parliament of Uganda.

diversity of the Ugandan nation. The founding fathers of the nation recognised the importance of inclusivity in representation and decision-making from the onset, as Uganda gained her independence. This inclusivity is more pronounced within the perspective of parliamentary representation.

The pursuit of inclusivity through representation is an approach that Uganda has embraced to accommodate the diversity of the Ugandan society. When the National Resistance Movement (NRM) first came to power in 1986, it established a broad-based

movement representing the interests of all, and to promote itself as a movement opposed to sectarianism. This was embedded in the ten-point programme. Looking at the origins of special interest representation in Uganda, a 2010 paper titled: *'The Youth, Politics of Interest Groups and Influencing National Policy Processes in Uganda'*, indicated that such groups were introduced by the Progovernment to "respond to special needs of some social groupings."

In any democracy, it is vital to ensure that interests of groups are taken care of and there is no better way than through provision

of representation to special interest groups. *Article 21* of the 1995 Constitution states that, "Without prejudice to clause (1) of this article, a person shall not be discriminated against on the ground of surface, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability."

The aspect of the pursuit of inclusivity through representation in Uganda was concretized under *Article 78* of the Constitution. Specifically, *Clause 1* states that "Parliament shall consist of Members directly elected to represent constituencies; one woman representative for every district; such numbers of representatives of the army, youth, workers, persons with disabilities and other groups as Parliament may determine..."

The aspect of inclusivity is a crucial aspect for Ugandan nation-building as it focuses on addressing the peculiar challenges

faced by each special interest group. The framers of the Constitution envisaged the imperative significance of having representatives of special interest groups as part of the composition of Parliament with a view of emboldening representative democracy. As already alluded to in this article, there are five categories of special interest groups represented in Parliament. This has been the case since 1996. Uganda's pursuit for inclusivity bodes well with international practice, more specifically about women as one of the special interest groups. The endorsement of gender equality is at the top of many international institution's agendas following a decade of democratization in Africa. The *Beijing Platform for Action, 1995*, later revised at the 23rd Special Session of the United Nations General Assembly held in June 2000, encouraged governments to "set and encourage the use of explicit short and long-term time-bound targets or measurable goals, including where appropriate, quotas to promote progress towards gender balance, including women's equal access to and full participation on the basis of equality with men in all areas and at all levels of public life, especially in decision making positions, in political parties and political activities."

It is important to state, however, that in the case of women, their inclusivity through representation dates way back before 1996. Florence Alice Lubega (born 5th November 1917), is the first female Ugandan to join Parliament in the independent Uganda in May 1962. She was a Member of the Legislative Council (LEGCO).



Left: The Deputy Speaker meets participants during the commencement of Parliament Health Week 2019.



THE PURSUIT OF INCLUSIVITY THROUGH REPRESENTATION: THE UGANDAN EXPERIENCE



Left: Hon. Florence Alice Lubega; the first female Ugandan to join Parliament in the independent Uganda in May 1962.

She was also a Member of the first Ugandan Parliament, and Deputy Minister for Community Development and Labour. Today, she is 101 years old and we still celebrate her.

Lubega's example was followed by other women leaders in Parliament throughout the course of subsequent Parliaments to date. Most notably, the current Speaker of the House, Rt Hon. Rebecca

Below: The current Speaker of the House in the Parliament of Uganda, Rt Hon. Rebecca Kadaga, MP.

Kadaga, is a woman and so are the current Leader of the Opposition and Government-Chief Whip, respectively. Statistics since 1986 when the NRM Government came to power, indicate a steady rise in female political participation in elective offices. Elections for women can be traced back to the establishment of the National Resistance Council (NRC) in 1989. In this election, affirmative action measures for women were introduced, and 34 women were elected to 'women's seats'. Some women were also elected on the

'regular' seats and in total, women constituted 17% of the NRC (41 seats).

Inclusivity through representation is hugely advantageous. There is evidence of the concrete benefits that could be brought by interest groups' influence on decision-making. In general, interest groups may improve policymaking by providing valuable knowledge and insight data on specific issues. They also represent interests which may be negatively and involuntarily impacted by a poorly deliberated public policy (OECD, 2009).

Moreover, as such groups keep track of legislative and regulatory processes, they also have an important role in holding government accountable (OECD, 2009). In addition, Campos and Giovanni (2008) have shown that in transition countries, interest group influence through lobbying is found to be an alternative instrument of political influence vis-à-vis corruption. In this

context, their findings are that lobbying, if adequately regulated, is a much more effective instrument than corruption for exerting political influence, and that lobbying is also a much stronger explanatory factor than corruption for firm performance.

By pursuing inclusivity through representation, Uganda is following a positive global trend. Governments are increasingly concerned about the importance of diversity in public institutions, to ensure that the needs, aspirations and experiences of a diverse range of citizens are reflected in the decision-making process. A more inclusive representative Parliament can better access previously overlooked knowledge, networks and perspectives for improved policy development and implementation.

As the Parliament of Uganda gears towards hosting the 64th Commonwealth Parliamentary Conference in September this year, this presents an even bigger platform for representatives of all special interests' groups from across the entire Commonwealth to deliberate on issues that touch the plight of the categories they represent on a global arena.

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- ² State of Uganda's Population Report, 2018, Population Secretariat: <http://npcsec.go.ug/wp-content/uploads/2013/06/SUPRE-2018-.pdf>
- ³ State of Uganda's Population Report, 2018, Population Secretariat: <http://npcsec.go.ug/wp-content/uploads/2013/06/SUPRE-2018-.pdf>
- ⁴ Ibid, Population Secretariat
- ⁵ Ibid, Population Secretariat





THE JUDICIARY AND LEGAL SYSTEM IN UGANDA



'Adaption, engagement and evolution of Parliaments in a rapidly changing Commonwealth.'



Hon. William Byaruhanga, MP is the Attorney-General of Uganda (2016 to date). He has served as Chairperson to several parastatals and private Boards and is a senior Partner in Kasirye Byaruhanga & Co. Advocates since 1991. He began legal practise as an advocate of the courts of Judicature in 1985

Introduction

Uganda's legal system was borne out of the English legal system that was introduced in Uganda during British colonial rule. Prior to this, each ethnic group in Uganda had its own body of customary laws that were unwritten. In the centralised kingdoms such as Buganda in the Central region, Busoga in the East region, and Bunyoro and Toro in the West region, there existed formal courts presided over by chiefs who administered justice according to the respective customary laws. Besides the formal courts, the family and clan heads also played a role in resolution of disputes. In the non-Kingdom states, the administration of justice was handled by family members, village elders and clan chiefs. They oversaw settling disputes that would arise in their communities.

British rule introduced English Law and the English legal system, although the new system did not completely replace the traditional legal systems. The two systems existed side by side with each operating within their own sphere of jurisdiction. The British colonialists set up a consular court that applied English written law as well as other principles of English Law. These principles were derived from Common Law and the Doctrines of Equity. English courts also applied

the principles of natural justice in the resolution of disputes. However, the traditional ways of settling disputes in the local communities are still applied to date.

Sources of Law in Uganda

- **The Constitution:** The 1995 Constitution of the Republic of Uganda is the supreme law of the land and all other laws must conform to the Constitution. If any law is inconsistent with the Constitution, the Constitution takes precedence.
- **Acts of Parliament:** Legislation is written law made by a law-making body. In Uganda, Parliament is charged with the authority to make laws. All legislation enacted by the Parliament is referred to as Acts of Parliament.
- **Case Law:** Another source of law in Uganda is Case Law. The courts of Uganda apply the doctrine of precedent, whereby while deciding a new case with facts like those of an earlier decided case, the principles of law set out in the earlier decision are applied. The precedents referred to are those of the three highest courts, namely: The Supreme Court, the Court of Appeal and the High Court.
- **Common Law and Doctrines of Equity:** Common Law, another source of law in Uganda, is based on the English legal system. Common Law arose from decisions that were made by British Judges based on the customs of the English people. While the Doctrines of Equity are principles that were developed by British Judges to address the unfairness and limitations of Common Law. Equity means fairness. Common Law and the Doctrines of Equity are applied in Uganda where the written law does not provide a remedy to a given legal problem. They can, however, only be applied if they are not contrary to Uganda's written law.
- **Customary Law:** Customary Law refers to the rules of conduct applied by various ethnic groups in Uganda and it is unwritten. For a custom to be applied as law in the courts of Uganda, it must have certain qualities. For instance, it must not be contrary to the Constitution and any other written law. The Constitution, however, outlawed criminal customary law.



The vision of the Ministry of Justice and Constitutional Affairs is: 'Building a Nation that upholds the Rule of Law, Good Governance and Due Process for All.'

The mission of the Ministry is: 'To provide legal advice and legal services as well as supporting the machinery that provides the legal framework for good governance.'

Categories of law in Uganda

Ugandan Law is divided into two major categories, namely: Civil Law and Criminal Law. Some conduct may, however, be both of a civil and criminal nature. For instance, assault and adultery can give rise to both criminal and civil cases.

Criminal Law is that branch of law that stipulates what conduct amounts to a crime and lays down the punishment for offenders. This law is meant to protect the public against offenders. Most offences are stipulated in the *Penal Code Act* and they include: assault, theft, forgery, defilement, rape, murder and treason. There are several other Acts of Parliament and written laws that define offences. For example, the *Prevention of Corruption Act* defines offences related to corrupt conduct such as soliciting or giving bribes. There are also byelaws made by bodies such as Local Governments, which define offences. For example, Kampala Capital City Authority byelaws forbid animals from loitering in the city.

Civil Law is the law that defines and protects rights of individuals in their private capacity as legal persons. Examples of Civil Law include:

the law governing the formation and enforcement of contracts, the law of marriages and the law of succession.

Administration of Justice

Administration of Justice is the upholding of legal rights and the punishment of offenders by the law enforcement institutions and the courts of law. It is the management and control of the enforcement of laws and dispensation of justice. There are various methods of resolving disputes, such as, litigation, mediation, arbitration and negotiation. Uganda has a law on Alternative Dispute Resolution (ADR) i.e. the *Arbitration and Conciliation Act*.

Uganda has various institutions handling law and the administration of Justice. These include various government institutions, thirteen of which are under the umbrella of the Justice, Law and Order Sector (J/LOS) in order to promote coordination, communication and co-operation amongst themselves. Ten of the thirteen institutions are the core J/LOS institutions and three are associate institutions. The core

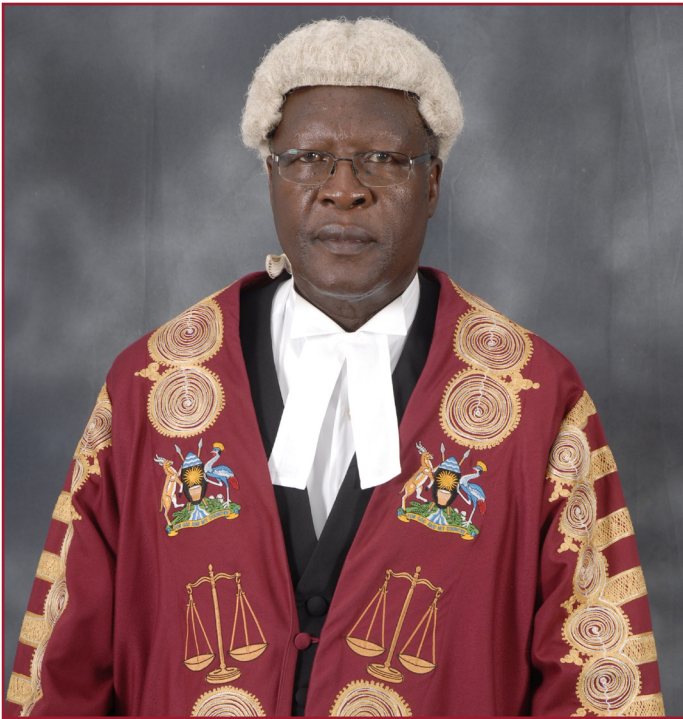
J/LOS institutions are: Judicial Service Commission, Ministry of Justice and Constitutional Affairs, Uganda Police Force, Judiciary, Directorate of Public Prosecutions, Uganda Prisons Service, Ministry of Internal Affairs, Uganda Law Reform Commission, Ministry of Local Government (Local Council Courts) and Ministry of Gender, Labour and Social Development (Probationary Services rendered by the Department of Youth and Children Affairs) and the Uganda Human Rights Commission. The associate/LOS institutions include: Law Development Centre, Tax Appeals Tribunal, Uganda Law Society, and Centre for Arbitration & Dispute Resolution.

The J/LOS institutions have a Secretariat that co-ordinates reform activities under the sector-wide approach to administration of justice and maintenance of law and order. It is housed in the Ministry of Justice and Constitutional Affairs. In addition, there are other bodies that are involved in the administration of justice.

These include courts that adjudicate special types of

Below: Members of the Justice Law and Order Sector (J/LOS) during their semi-annual review meeting to draft the J/LOS Workplan for the 2018/2019 financial year in April 2019.





Above: His Lordship Justice Bart M. Katureebe, Chief Justice of the Republic of Uganda.

disputes such as the Court Martial, the Industrial Court, the Uganda Communications Tribunal and the Electricity Disputes Tribunal. Furthermore, professional bodies like the Uganda Law Society also exercise quasi-judicial powers when making decisions that affect the rights of their members which have a bearing on the administration of justice. Finally, members of the public are key actors in the administration of justice.

The Attorney-General's Chambers is a central office in the administration of justice in Uganda. The Attorney-General's Office was established by the *1995 Constitution of the Republic of Uganda* under *Article 119*, as the chief legal advisory to Government. This office is based in the Ministry of Justice and Constitutional Affairs and is supervised by the Minister of Justice and Constitutional Affairs. The Deputy Attorney-General deputises both the Minister

and the Attorney-General and supervises the Solicitor-General and the attorneys.

The vision of the Ministry of Justice and Constitutional Affairs is: *'Building a Nation that upholds the Rule of Law, Good Governance and Due Process for All'*.

The mission of the Ministry is: *'To provide legal advice and legal services as well as supporting the machinery that provides the legal framework for good governance'*.

The role of the Attorney-General is to: advise the Government upon all matters of law concerned with legislative enactments, and upon all matters of law referred to him or her by the government; advise the government on all matters of a legislative nature and superintend all government measures of a legislative nature; advise the heads of Ministries and government agencies on all matters of law connected with such Ministries and agencies; conduct and regulate all litigation for and against the Crown or any Ministry or government agency in respect of any subject within the authority or jurisdiction of the Legislature; and superintend all matters connected with judicial offices.

The mandate of the Ministry of Justice and Constitutional Affairs is: To represent the Government in civil suits for and against the Government; carryout legal advisory services such as drafting, perusal

and clearance of contracts and treaties; provision of legal opinion on Government borrowing; to draft Bills and statutory instruments; to regulate the legal profession and legal education; to administer estates of deceased, unsound and missing persons; and to collect non-tax revenue. This mandate is performed by the various directorates and departments of the Ministry, which include: the directorates of Civil Litigation, Legal Advisory Services and First Parliamentary Counsel. The departments include the Department of the Administrator General and the Department of the Law Council.

The First Parliamentary Counsel supports both the Cabinet (the Executive) and Parliament (the Legislature) in the legislative process. The directorate drafts laws and carries out research to ensure that the laws passed by Parliament are constitutional. This role also extends to ensuring that the laws meet the aspirations of the people of Uganda, leads to prosperity of the population, and above all are investor-friendly and lead to the overall development of Uganda as envisioned by the National Resistance Movement (NRM) Government.



Right: The Supreme Court of Uganda in session.



INVESTMENT OPPORTUNITIES IN UGANDA



Hon. Matai Kasia, MP is the Minister of Finance, Planning and Economic Development (2015 - to date); he has held various Ministerial portfolios since 2006. He was Deputy Director, Mass Mobilisation, National Resistance Movement (NRM - the Ruling Party); he served as Executive Director, Departed Asian Custodian Board (1987 -1990); Manager, Shell and BP (1969 -1977).

Introduction

Uganda's economic development policy envisages an integrated and competitive private sector-led economy for inclusive and sustainable structural change. The success of this policy agenda depends on several factors. Key among them is fostering a stable and predictable economic environment to ensure investor confidence and create a friendly business environment, which promotes Uganda as a competitive investment destination in the region and beyond.

Uganda's land-linked status within the Great Lakes region naturally positions the country as a unique and strategic logistical base for steering regional trade and investment. This, among other factors discussed here, distinguishes Uganda as an investment destination.

Investment performance in Uganda

Investment promotion is one of the major strategies Government is employing to hasten employment creation and structural transformation of the economy. Government efforts in this regard under the National Development Plan (NDP) II have borne concrete results.

First, the share of investment in Gross Development Product (GDP) registered an upturn in financial year 2017/18,

rising from 23.1% in financial year 2016/2017 to 24.1% in financial year 2017/18 with private investment accounting for 20.9% of GDP.

Secondly, Foreign Direct Investment (FDI) inflows rebounded in 2017 with an annual growth rate of 11.8% (from US\$625.7 million in 2016 to US\$700 million in 2017) compared to a global and regional (East African Community (EAC)) decline of 23.4% and 3.3% respectively. Though still below the peak level of US\$1.2 billion in 2012, indications are that the upward trend will continue in the medium-term account of renewed business and investor confidence in the economy witnessed in financial years 2017/2018 and 2018/2019. Uganda attracted 14 FDI projects in 2017, up from nine in 2016.¹

The growth in FDI inflows is partly attributed to an increase in equity capital.² Net inflows of equity capital increased to US\$395.7 million during 2016, compared to US\$352.7 million recorded in 2015. Equity has a catalytic effect on crowding in private capital making it is an alternative source of financing.

Return on Investment (ROI) in Uganda is projected to increase to about 7% from 5% due to ongoing and planned investments. This compares favourably to other African

economies considering that return on investment in Africa dropped from 12.3% in 2012 to 6.3% in 2017 (*World Investment Report, 2018*).

The grossed-up distributed return on investment (dividends) paid to foreign direct investors increased to US\$213.6 million from US\$185.5 million reported for 2016 and 2015, respectively (*Private Sector Investment Survey, 2017 Report*).

Investment promotion in Uganda

To build on the above gains, the Uganda Government has instituted arrange of legal, institutional and administrative reforms. The Government has:

- i. Updated the policy and legal regime for investment with the coming into force of the *Investment Code Act, 2019*. Tax Bills passed by Parliament for the financial year 2019/2020 including: VAT, Excise Duty and Stamp Duty and the National Investment Policy, are all in advanced stages of drafting.
- ii. Upgraded Uganda's investment incentive regime for both tax and non-tax incentives and embedded them into law. Tax incentives include exemption from income tax for a period of 5 years for a business run by a foreigner or a Ugandan investor with minimum investment of US\$15 million or US\$5 million,



Above: Oil production - an emerging industry in Uganda

respectively. In addition, the business is also exempted from Excise Duty and Value-Added Tax (VAT) if the investment capital is at least US\$15 million and US\$10 million for foreign and domestic investors, respectively; if 70% of employees are Ugandans; and/or if 60% or higher of locally sourced raw materials are used.

iii. Non-tax incentives on their part include access to free land within industrial parks which are serviced with electricity, roads and water; provision of subsidised electricity at US\$0.08 cents per kw/hr during peak hours and US\$0.05 cents per kw/hr during off-peak hours for large industries; facilitation of investors to access alternative financing for their investments through implementation of a Capital Markets Development Master Plan that was launched in 2017; and extension of cheaper credit

to investors through Uganda Development Bank (UDB) and the Agriculture Credit Fund (ACF).

iv. Expanded access for Ugandan made products in local, regional and international markets to take advantage of Uganda's growing population and the Africa Continental Free Trade Area (ACTA) that Uganda has ratified. The 'Buy Uganda Build Uganda' Policy (2017), and the *Local Content Bill, 2019* are among the instruments guiding efforts in this direction. In addition, the Government conducts regular reviews of its Double Taxation Agreements (DTAs) and Bilateral Investment Treaties (BIT) in support of investment and trade in the country. Dataspace on the profit margins of investors in Uganda while BITs expand market opportunities for domestically produced goods.

v. Sustained interventions to reduce the cost of doing business. A One-Stop-Centre (OSC) for business registration and licensing has been

established at the Uganda Investment Authority (UIA, 2015). The OSC also assists in tax advice and registration, immigration and work permit issues, land acquisition and verification, as well as environmental compliance and approvals. Access to all these services under one roof saves the investor both time and money to have their projects licensed and implemented expeditiously.

vi. Prepared a 5-year National Strategy for Private Sector Development (2017/2018 to 2021/2022) to tackle outstanding constraints facing the private sector. The strategy facilitates coordinated interventions within the public-sector for private sector development at enterprise, industry and economy-wide levels.

Investment Opportunities

Details on bankable investment opportunities and projects in Uganda are contained in the booklet, *A Brief Guide to Investing in Uganda* compiled by the Uganda Investment Authority.

The following are the priority investment sectors for Uganda's economy in the medium-term:

1. Oil and Gas Industry - to take advantage of Uganda's commercial oil reserves. This includes the wider petrochemical industry
2. Agriculture, Agri-business and Argo-industry
3. Automotive Industry
4. Textile and Leather Industry
5. Pharmaceutical Industry
6. Tourism and Hospitality
7. Electronics and ICT Consumables

Conclusion

With one of the fastest growing middle-classes in the region, coupled with a regionally synchronised public infrastructure investment programme, Uganda stands out as one of the few countries in the region with a credible market potential outlook. The Uganda Government welcomes investors to seize this market potential by harnessing investment opportunities in the above sectors. The Uganda Investment Authority is adequately prepared to facilitate investors to this end.

References:

- ¹ Turning tides EY Attractiveness Programme Africa, October 2018.
- ² Private Sector Investment Survey Report.

Right: The Karuma Hydroelectric Power Station - under construction in Uganda - will generate 600 MW of additional power to the National Grid.





OFFICE OF THE LEADER OF GOVERNMENT BUSINESS IN THE PARLIAMENT OF UGANDA



Hon. Ruth Nankabirwa, MP is the Government Chief Whip (2015 – to date); a Member of Parliament since 2001; she has served in various portfolios as Minister of State; and as a Delegate to the Constituent Assembly (1993 - 1995).

The key role of the Office of the Leader of Government Business (OLGB) in most Commonwealth Parliaments, is to coordinate Government business in their respective Parliaments. The Leader of Government Business (LoGB) promotes the fulfilment of Parliament’s mandate through expediting and tracking of Government business and promotes collaboration between the Legislature and the Executive.

The Constitution of Uganda, as amended in 2005, provided under *Article 108A (2)(a)* states that the Prime Minister shall be the Leader of Government Business in Parliament and be responsible for the coordination and implementation of Government policies across Ministries, departments and other public institutions.

In 2006, the Uganda Parliament amended the *Administration of Parliament Act* to reflect the new constitutional position and included roles for the Government and Opposition Chief Whips to among others, support the respective party leaderships. The Government Chief Whip was, therefore, assigned the role of designation of Members to Committees; ensuring they attend Plenary, and that they vote accordingly; as well as to ensure discipline of party Members, and to handle other caucus issues. The Leader

of Government Business assists in managing the calendar of business in Parliament, and specifically ensures that the Cabinet position succeeds, while ensuring that there are reasonable concessions with the Opposition where necessary.

The genesis of a dedicated office for the Leader of Government Business

The need for a dedicated office for the Leader of Government Business (LoGB) in the Parliament of Uganda became apparent as the demand for quality and expediency in handling Government business increased. There was need for a well-facilitated technical team to address late submissions of reports or delays in responses to the House on matters of national importance. Consequently, in 2016, a Liaison Office was set-up in Parliament to support the work of the LoGB.

In 2017, a review of the OLGB by the Parliamentary Commission, approved a merger of the Liaison Office with the Office of the Government Chief Whip to create the OLGB. Additional technical staff and a substantive director were consequently recruited to manage the office. Today, the office is independent and well equipped, with staff who are remunerated and facilitated to

provide the needed technical support. The team of 21 comprises: Policy analysts; liaison officers and administrative staff. The professional skills mix includes economists, social scientists, and education experts, among others.

The outcomes of setting up the Office of the Leader of Government Business (OLGB)

Since its establishment in 2018, the staff in the OLGB have provided timely and relevant information, conducted research, and given advice on policy issues, as well as providing administrative support, all of which are tailored to bolster the Government position on different matters. The office has also made it easier for the Prime Minister to respond to queries and spontaneous issues raised during Question Time. The office, therefore, keeps the Prime Minister abreast of topical issues at any one time. Hence, OLGB has

Ms Ruth Nankabirwa, the Government Chief Whip, observes that, “Now Government’s impact in Parliament is felt, because of this office.”



Right: The Parliament of Uganda



evolved into a rapid response unit. In Committees, the OLGB team facilitates research and provides advice on policy issues in respect to Government's position, as well as clarifying on issues of legislation. The office has also developed a performance monitoring tool for Chairpersons of Parliamentary Committees designated by the ruling party. It has, in addition, undertaken oversight activities in districts to establish efficiency gaps in the implementation of Government programmes.

The performance of the OLGB has improved in terms of responses to questions; Ministerial statements, implementation of resolutions of Parliament, and of a number of Bills processed by the Legislature. During the third Session of the Tenth Parliament, out of 27 Bills tabled by the Government, 24 were enacted into law, and 100 out of 107 resolutions of Parliament that needed Government action were implemented.

Great potential to be tapped

The OLGB has great potential and opportunities in the foreseeable future to ensure that there is quality control of what gets onto the House

agenda from the Government side. For example, business from Government will be generated, confirmed and verified by the Office, before being forwarded to the Clerk to Parliament for inclusion on the Order Paper.

The office will, in addition, offer institutional memory through the transitions following every election cycle, when some of the experienced lawmakers are not re-elected. Thus, Parliament will tap into the rich experience in legislative expertise, debate and provide advocacy skills of the old Members of Parliament.

The OLGB is, therefore, building its potential to orientate new Members into Parliament through consultations with the old and more experienced Members.

This Office is further developing its potential to promote harmony across the political divide. The late Professor Apollo Nibbi, a former (and the longest serving) Prime Minister in this respect observed that: *"Managing a young multi-party system is a give-and-take exercise in the interest of nation-building. It requires the elites in Government and the elites in the Opposition*

to make political concessions to each other so that good governance may be enhanced."

Ultimately, the OLGB has enhanced the Prime Minister's ability to move Government towards a public service delivery, with better governance and security for the good of the citizens of Uganda.

References:

¹ Apolo Nsibambi, *'Role of leader of government business in party system'* - speech delivered to NRM MPs-elect to the 8th Parliament on 10 May 2006.



Far left: Rt Hon. Dr Ruhakana Rugunda, MP, Prime Minister of Uganda and Leader of Government Business in Parliament

Left: Hon. General (Rtd.) Moses Ali, MP, 1st Deputy Prime Minister and Deputy Leader of Government Business in Parliament.



INSTITUTIONALISATION AND ENHANCEMENT OF POLITICAL PARTIES' PARTICIPATION IN THE UGANDA PARLIAMENT



Hon. Aol Betty Ocan, MP is the Leader of the Opposition in the Tenth Parliament (July 2018 - June 2021); she has been a Member of Parliament since 2006.

Multiparty politics was introduced in Uganda during the transition from colonial rule to independence. However, with the promulgation of the new Constitution in 1995, Uganda was declared a no-party state in a bid to curb sectarian tendencies that were associated with multiparty politics. During this time, political parties, particularly Uganda People's Congress (UPC) and Democratic Party (DP), existed, but were not allowed to campaign or engage in political party activities. This, in a way limited political participation and choice.

Through a national referendum held in 2005, there was a rebirth of multiparty politics in Uganda. In the same year, the multiparty political system was legitimised through the *Political Parties and Organisations Act, 2005*. It is on this basis that the number of political parties are registered in Uganda. However, not all the registered parties are represented in Parliament.

Representation of the Opposition in Parliament

As of 29 March 2019, political parties were registered by the Electoral Commission. Out of these, only five of them are represented in Parliament (at present, the ruling party, the National Resistance Movement (NRM) and four Opposition political parties including: The Forum

for Democratic Change (FDC), the Democratic Party (DP), the Uganda People's Congress (UPC) and the Justice Forum (JEEMA).

Since the rebirth of multiparty politics in the Eighth Parliament, representation of Opposition political parties in Parliament has been largely stable but varying in numbers. The FDC, DP, UPC and JEEMA have been consistently represented in the Eighth, Ninth and Tenth Parliaments. The Conservative Party (CP) was represented in the Eighth and Ninth Parliaments but is not represented in the Tenth Parliament. Suffice to note that in all the three Parliaments, the percentage representation of the Opposition as compared to the ruling party has been declining from 27% in the Eighth Parliament to 20% in the current Tenth Parliament, while the number of Independent Members of Parliament has been gradually rising and exceeds that of the largest Opposition political party in Parliament.

The Opposition Leadership in Parliament

The leadership of the Opposition in Parliament was re-institutionalised following constitutional amendments that led to the establishment of the Office of the Leader of the Opposition (LOP) in Parliament. The amendment of

the *Constitution of the Republic of Uganda in 2005 (Article 82A)*, and the *Administration of Parliament (Amendment) Act, 2006 (Section 6A-6G, 6I-6J)*, led to the creation of the offices of: the Leader of the Opposition (LOP), the Shadow Cabinet, the Chief Opposition Whip and the Opposition Party Whips in the Parliament of Uganda.

The prevailing legal framework empowers the Opposition in Parliament, led by the LOP with the principal role of keeping the Government in check and articulating alternatives to Government policies or positions. This is achieved, among others, through technical support from staff employed in the Office of the Leader of the Opposition (LOP), and the Rules of Procedure of Parliament.

Establishment of the Office of the Leader of the Opposition (LOP)

The Office of the Leader of the Opposition (LOP) was established in Parliament at the inception of the Eighth Parliament (2006-2011). The Office draws its existence from *Article 82A(1)*, which states that, "Under the multi-organisations or multiparty form of democracy, there shall be, in Parliament, a Leader of the Opposition," and *Part IIA* of the *Administration of the Parliament (Amendment) Act, 2006*, which



established the LOP in Parliament.

The Office is mandated to provide administrative support services to the LOP, Opposition Chief Whip, Party Whips, Shadow Cabinet and Opposition Members of Parliament.

The Office acquired departmental status in the financial year 2016/2017, and has a professional technical team headed by a Director. The Office comprises: the Policy Analysis Unit (10 staff), three Executive Secretaries and a Personal Assistant to the LOP. There are also officers deployed from other departments such as a Public Affairs Officer, three drivers and two Administrative Assistants. These provide technical, administrative and publicity support to Members of the Opposition in Parliament.

All staff are apolitical as provided in the *Code of Conduct and Ethics for the Uganda Public Service*. However, over the years, there have been varying opinions amongst political leaders as to whether this is the most effective arrangement or whether amendment of the regulations is warranted so as to hire partisan staff.



Functions of the Office of the Leader of the Opposition (LOP)

The functions of the Office of the Leader of the Opposition (LOP) include: supporting the operations of the Leader of the Opposition; facilitating development of strategies and mechanisms for the achievement of the programmes and policies of the Opposition; facilitating oversight, monitoring, evaluation and reviewing use of resources allocated to various Government

Ministries, departments and agencies; and facilitating networking with local authorities, civil society organisations, political parties, international organisations, development partners and nongovernmental organisations, in order to facilitate the Opposition achieving its objectives. These include facilitating meetings for the Shadow Cabinet; facilitating research and preparing alternative policy proposals for the country; initiating or easing communication

Above: The former Leader of the Opposition, Hon. Winnie Kiiza, MP (above left) handing over office to the current Leader of the Opposition, Hon. Aol Betty Ocan, MP (above right).

channels with the citizens and outside world; and facilitating and supporting regional and international collaboration with respective governance institutions and organisations.

The core outputs of the Office of LOP include production of alternative policy statements, Bill analysis reports, issuing briefs, minority reports, sectoral briefs, analytical reports, statements, motions, oversight reports, accountability reports and questions. These outputs are anchored in the provisions made in the Rules of Procedure that empower Opposition Members of Parliament to advance their views. They are utilised by the Opposition Members in the Shadow Cabinet meetings, Parliamentary



Left: The Leader of the Opposition in the Uganda Parliament, Hon. Aol Betty Ocan, MP, during an oversight visit to Luzira Prison in Kampala.



**The Office of the
Leader of the
Opposition (LOP)
coupled with
legal instruments
such as the
Constitution,
Administration
of Parliament Act
and the Rules
of Procedure
of Parliament,
are crucial for
enhancing
participation of
the Opposition
Members in
Parliament.**

Below: The Opposition Chief Whip, Hon. Ibrahim Nganda Ssemujju (below left) addressing a press conference in Parliament together with other Members of the Opposition.

Committee meetings, during Plenary sessions, oversight visits, in conferences and at press briefings.

Achievements of the Office

In keeping Government in check and the scrutinising of Government policies, the Office has facilitated Opposition Members of Parliament to deliver the following:

- i. Analytical reports used by the Opposition in the advocacy for more legislative space in the *Rules of Procedure of the Parliament of Uganda (2017)*.
- ii. Bill analysis reports used to inform and influence the rejection of Constitutional Amendment Bills that sought to empower Government to compulsorily acquire land in the public interest without prior compensation.
- iii. Minority reports on National Budget Framework Papers and Annual Budget estimates that Opposition Members used to expose poor budget prioritisation, implementation challenges and wasteful allocations while advancing appropriate recommendations.
- iv. Issue briefs prepared for Opposition Members that informed the amendment of the *Public Finance Management Regulations, 2018* so as to articulate practical benchmarks of supplementary budgets i.e. unforeseeable and unavoidable.

**Rules of Procedure in
facilitating the Opposition in
Parliament**

During the amendment of the *Rules of Procedure of the Parliament of Uganda* in 2017, the Leader of the Opposition was able to persuade the House that the Opposition required more space in the Rules. The submissions generated by the Office led to the creation of entry points in the Rules that would enhance the performance of the Opposition in the legislative processes. The articles of the *Rules of Procedure of Parliament* that support the Opposition include:

- i. *Rule 25(2)(k)* and *(l)* that provide for statements by the Leader of the Opposition and Shadow Ministers in the Order of Business of Parliament.
- ii. *Rule 146* makes provision for Shadow Ministers to submit Alternative Policy Statements to Parliament.
- iii. *Rule 14* stipulates the role and the functions of the Leader of the Opposition
 - a. keeping the Government in check
 - b. appointing the Shadow Cabinet
 - c. being a Member of the Appointments Committee
 - d. articulation of alternative positions to Government policies.
- iv. *Rule 35(1)* provides for

the Leader of the Opposition to conduct studies for parliamentary purposes and table reports for debates.

v. *Rule 41(5)* provides for the right of the Leader of the Opposition to comment or give reply to the Prime Minister's responses during Prime Minister's Question Time.

vi. *Rule 52(1)* empowers the Leader of the Opposition to make statements in reply to the State-of-the-Nation Address, Budget Framework Paper, Budget proposals, alternative policy or action upon any matter that may be debated by the House for a period not exceeding an hour.

vii. *Rule 157(7)* stipulates that the official Opposition party (with the largest numerical strength) appoints the Chairpersons and Deputies of Accountability Committees.

Conclusion

The Office of the Leader of the Opposition (LOP) coupled with legal instruments such as the Constitution, *Administration of Parliament Act* and the *Rules of Procedure of Parliament*, are crucial for enhancing participation of the Opposition Members in Parliament. These ensure entrenchment of multiparty practices, which in turn contribute to the consolidation of democracy, building and strengthening of political pluralism.





UGANDA: GIFTED BY NATURE



'Adaption, engagement and evolution of Parliaments in a rapidly changing Commonwealth.'



Hon. Dr Ephraim Kamuntu, MP is the Minister of Wildlife, Tourism and Antiquities (2016 - to date); Held various ministerial portfolios since 2006; National Coordinator, Government of Uganda/ UNDP 2001; Chairman/ Managing Director, Nile Bank, 1992 - 1996; Regional Policy Advisor, World Bank, 1988- 1992; Head of Department, Faculty of Commerce 1986 -1988; Ambassador Extraordinary and Plenipotentiary 1980 – 1985.

Uganda is a wonderful new world and home to a plethora of sites of natural, historical and geographical interest, Uganda is one of Africa's must-see locations. Uganda's welcoming people and stunning natural heritage have charmed people from all over the world for centuries.

It was British Prime Minister, Sir Winston Churchill who immortalised Uganda as the 'Pearl of Africa'. When he travelled to Africa in 1907, then a young Member of Parliament in the United Kingdom, Uganda was a paradise that left a permanent mark on him: *"The kingdom of Uganda is a fairy tale"*, he wrote in his 1908 book, *My African Journey*. *"You climb up... and at the end there is a wonderful, new world. The scenery is different, the vegetation is different, the climates different, and, most of all, the people are different from anything elsewhere to be seen in the whole range of Africa. For magnificence, for variety of form and colour, for profusion of brilliant life... Uganda is truly the Pearl of Africa."*

Mountain Gorilla Tracking in the Highlands

One of Uganda's major natural attractions and one of its biggest draws for visitors is the incredible

sighting of mountain gorillas in the wild. These gorillas are only found in the Bwindi Impenetrable National Park and Mgahinga Gorillas National Park. Of the less than 900 mountain gorillas existing in Uganda, Rwanda and The Democratic Republic of the Congo, over 50% of these call Uganda home. In the Bwindi Impenetrable National Park, 10 habituated (used to human contact) groups of gorillas are visited every day for only one hour per group. The majestic apes in these areas live in groups of around 10 individuals which are each led by the most powerful silverback (dominant male), with the rest comprising females and younger males. The silverback makes important decisions for the group and protects them from intruders.

National Park Safaris

Uganda has more than ten national parks and reserves that between them feature all the 'big five' largest animals in the wild - lion, elephant, rhino, leopard and buffalo. Uniquely, Uganda can also add two rare large animals to its list - the gentle mountain gorillas of Bwindi and Mgahinga; and the chimpanzees found around the country. Each of the parks and national reserves are unique and differ from one another in habitat and species.

Bwindi, a world heritage site, is mountainous and cold. This greatly differs from the wild Kidepo Valley National Park in the Northeast. Kidepo Valley National

Below: Mountain gorillas in the impenetrable Bwindi National Park in Uganda.





UGANDA: GIFTED BY NATURE



Park was voted the third best national park in Africa by readers of *CNN Travel* in 2013. Kidepo is so unspoilt that going on safari there is like a solitary drive into the wilderness. The Murchison Falls, Queen Elizabeth, Bwindi and Mgahinga national parks are all held in particularly high regard on the global travel agenda. The parks offer remarkable views and activities to add to your itinerary while on safari. From boat cruises, tracking gorillas, sportfishing in the mighty Nile; to balloon safaris, birding and rhino tracking – you can have it all in this Pearl of Africa. Uganda is the ultimate safari destination without the crowds.

Hiking the Rwenzori Mountains

Hiking up these mystic Mountains of the Moon (as the ancient Greeks called them), is a unique and worthwhile experience. As Africa's highest mountain range straddling the Equator, Rwenzori offers beautiful glaciers and a medley of over nine lakes. The variety of fauna and flora is quite vast as one ascends through the different vegetation from savannah, to tropical, through to montane forest. The Rwenzori Mountains are a World Heritage site and offer one of the most beautiful mountain hikes in the world.

The Nile

Jinja is East Africa's adventure capital and is the source of the White Nile and home to some of the world's best and wildest white-water rafting. The Nile boasts rapids ranging from class 1 to 6, making rafting an ideal activity for all levels - first-time rafters, families, and extreme adrenaline junkies. The area attracts outdoor tourists, as well as those looking for a thrill and involvement in all activities while having fun. Here you can get your taste of kayaking, white-water rafting, quad biking, mountain biking and horseback riding - all in a town with a gorgeous natural setting and some pre-

Above: Tourists in the Kidepo National Park, Eastern Uganda.

independence architecture. Once in Jinja, you will discover that Uganda is truly both the Pearl of Africa and the place for adventure.

Kampala City

This is the capital city of the Pearl of Africa. The first sight one gets of Uganda, is a city that never sleeps as it is dynamic and invigorating. This city is filled with attractions and sites that offer a taste of what's to come from the country's offerings. Kampala is a mix of cultures from in and out of the country. Attractions like the Kabaka's Palace, Uganda Martyrs Shrine Namugongo, Kasubi tombs, Uganda Museum and many others, keep one with the urge to linger in the capital city. Kampala has a wide range of accommodation facilities to suit tourists with any budget and offers the best in premium nightlife adventures in East Africa.

Premier Bird Habitat

Uganda is home to over 10% of the world's birds and 50% of Africa's birds - harbouring over 1,000 different species including



Left: A lion climbing in the Queen Elizabeth National Park in Uganda.



some of the rarest birds. This makes the country a premium bird watching destination. The country's parks and sites such as Kibale, Mabamba, Entebbe Botanical Gardens Beach, Mabira, and Bwindi Impenetrable Forest, have the largest concentration of rare bird species in the world. These sites are easily accessible and tourists to these areas have several activities to indulge in, with bird watching sites that make a trip there worthwhile. Bird species that are a common sight include white-naped pigeons, green-breasted pitta, grey-headed olive back, and the joyful greenbul, among others.

Uganda Martyrs Shrine Namugongo

Three Popes, including Pope Francis, have made their personal pilgrimage to this site. A beautiful Basilica and Museum at the Catholic and Anglican shrines respectively, are a must see for any visitor to Kampala City. The Uganda Martyrs were among the first converts to Christianity in Uganda. Between 1885 and 1887, twenty-two Catholics and twenty-three Anglican believers were executed after refusing to denounce their faith. The youngest was 16 and a relation of one of the executioners. Today, every 3rd June over two million faithful from Uganda and the rest of the world make the pilgrimage to Namugongo, about 10 km from the city centre, to the site where most of the martyrs were executed.

People and Culture

Recently named as the most ethnically diverse countries on earth by the *Daily Mail*, one should not be surprised that Uganda's people and their culture are an attraction for many tourists. With over fifty-five indigenous tribes that have all maintained their ethnic heterogeneity, Uganda has also been named as the "world's most welcoming country to raise a family" by the UK *Business Insider* (2017). It is without a doubt that



Above: Tourists rafting on the River Nile in Uganda.

Uganda receives tourists with a warm welcome upon arrival. Home to over forty indigenous ethnic groups, you will immerse yourself in a variety of cultural norms, foods and a way of life from Africa to the rest of the world. And yet in spite of this cultural diversity, one bond closely knits all Ugandans - warmth and friendliness.

Ziwa Rhino Sanctuary

Many years ago, Uganda was home to thousands of rhinos. The wars of the 1970s, along with extreme poaching, resulted in the rhino nearing extinction by 1983. In 2005, *The Rhino Fund Uganda* reintroduced the southern white rhinos into Uganda. The rhino sanctuary is 168km via the Masindi-Kampala Road, northwest of Kampala City. There is good lodging at the sanctuary with extensive local and intercontinental culinary dishes. The sanctuary has also proven to be a good habitat for bird life where one can freely walk as if on a bird watching excursion. It also has an abundance of bushbucks and reed bucks that are habituated on the sanctuary. Viewing these amazing creatures in their natural environment should be an addition to everyone's bucket list.

White sand beaches of Ssesse

This is probably one of Uganda's greatest secrets and a surprise to many travellers. The white

sands, the uncrowded beaches and the tranquillity create a perfect never-ending honeymoon experience. Ssesse Islands are located in Uganda's portion of Lake Victoria, the world's second largest freshwater lake. Ssesse is approximately 60 kilometres (37 miles) over the water, southwest of Entebbe. The islands' main attractions are the beaches, beautiful scenery, great nature walks, sport fishing and of course, the gorgeous sunsets.

Semuliki National Park: a warm adventure in South-Western Uganda

In a remote part of the Bundibugyo District, Bwamba County in South-Western Uganda lies a spectacular attraction, the Semuliki National Park.

While visiting the national park is an adventure in itself, the hot springs therein are a major attraction too. The Semuliki National Park covering an area of 220 square kms is one of Uganda's protected parks and has diverse flora and fauna.

The park is one of Africa's most ancient and bio-diverse forests; one of the few to survive the last ice age, 12,000-18,000 years ago, and is one of Uganda's newest national parks, covering 194 km² of East Africa's only lowland tropical rainforest.

While Semuliki's species have been accumulating over

the last 25,000 years, the park contains evidence of even older processes; the hot springs that bubble up from the depths of the earth to demonstrate the powerful subterranean forces that have been shaping the rift valley during the last 14 million years. These amazing springs have high temperatures in excess of 100 degrees Celsius. The force, strength and heat of these springs show the strength of the geographical forces underground.

Semuliki is a dense forest and forms part of the great Ituri forest that stretches into the Congo. Animals found here include leopards, elephants, civet, chimps, pygmy antelopes, buffalo, bush baby and the scaly tailed flying squirrel. The park has got eight primate species too, and about 400 species of birds plus 300 butterfly species. Tourists at the park use set trails to visit the hot springs and prepared walks to various areas of the park. There's so much to see when one gets to the Semuliki.

It is certain, therefore, that across the breadth of Africa and the world, there is no place like Uganda – the *Pearl of Africa*.

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¹ *My African Journey* by Winston Churchill, Hodder and Stoughton, 1908.



EXPLORING IN-HOUSE INITIATIVES FOR CAPACITY BUILDING IN PARLIAMENTARY BUSINESS AND PROCESSES: LESSONS FROM UGANDA INSTITUTE OF PARLIAMENTARY STUDIES



Hon. Atim Ogwal Cecilia Barbara, MP has been a Member of Parliament since 1996. She was a delegate in the Constituent Assembly (1993-1995); a former Parliamentary Commissioner (June 2016 -May 2019). She has also been a member and Chairperson of several boards including a Member of the Parliamentary Pension Board.

Uganda is one of the countries in Sub-Saharan Africa with a robust Constitution that bestows on Parliament the powers to make laws on any matter for the peace, order, development and good governance of Uganda. The Parliament of Uganda is central in enacting appropriate laws, making sure that the Executive arm of the Government is effective, and allocating finances in an optimum manner. Unfortunately, only a few individuals have been able to develop expertise in this area despite the existence of Parliament since 1962. When these roles of Parliament are played effectively, Parliament can contribute to the effective governance elements, namely: state capability, accountability and responsiveness.

In practice, however, the Parliament of Uganda like many other Parliaments in developing countries, is faced with capacity challenges which rotate around the following:

- inadequate funding available for training;
- high work demands that do not allow ample time for training staff and Members of Parliament;
- shortage of experienced trainers in the field of Parliamentary Practice and Procedure;
- high turnover of Members of Parliament;
- highly trained staff

being attracted by other governmental organisations and the private sector;

- lack of structured system to facilitate self-sustaining training capacity within Parliament; and
- inadequate systems for post-training follow-up records management for future referrals.

Over time, the Parliament of Uganda has been concerned that, despite a lot of resources being sunk into training of both MPs and the staff of Parliament, minimal tangible outputs and actions have been realised. In addition, development partners expressed fear that there were no sustainable institutional mechanisms within the Parliament of Uganda's structures to lead, initiate, coordinate, guide, monitor and evaluate training and capacity building activities.

Arising from the above listed pitfalls, the parliamentary strengthening program/initiatives have been at the centre stage of Commonwealth countries.

Following an initiative by all of the political parties at the Parliament of the United Kingdom, to deliver UK democracy assistance in a transparent way and at arm's length from Government, the Westminster Foundation for Democracy (WFD) was established in 1992 and today WFD is supporting over 30 countries in developing countries to consolidate democratic institutions.

Between 2008 and 2013, WFD led a partnership including: the UK Parliament, the UK National Audit Office (NAO), the CPA UK Branch and the Thomson Reuters Foundation, which helped establish Parliamentary Study Centres in Lebanon, Uganda and Mozambique. Consequently, in 2011, the Institute of Parliamentary Studies Uganda emerged from this programme.

This article provides an in-depth insight into parliamentary institutes as an answer to the puzzle of the incapacity of Legislatures, with specific reference to the Institute of Parliamentary Studies Uganda.

Structure of the Institute of Parliamentary Studies Uganda (IPS-U)

In terms of the structure, the Parliamentary Commission is the final policy organ of the Institute responsible for policy formulation and strategic guidance. A seven-person Steering Committee is responsible for overseeing the management of IPS-U and a Secretariat headed by a director is responsible for day-to-day management and running of the IPS-U. A team of trainers who are mainly current and former staff and Members of Parliament comprise the backbone of the institute. This is illustrated in Figure 1 (right).



Overall Mandate

The Institute of Parliamentary Studies-Uganda (IPS-U) is a dedicated capacity building unit that was created by the Parliamentary Commission with the mandate of initiating, harmonising, integrating, rationalising, programming, monitoring and evaluating training and capacity building initiatives offered to Members of Parliament (MPs), Parliamentary staff and functional/business units charged with the mandate of helping Parliament and local councils to achieve their mandate.

The IPS-U seeks to enhance the capacity of the Parliament of Uganda and that of the local councils to effectively perform their functions (oversight, representation and law making) so as to better contribute to open, collaborative, integrated and participative development of the country. The three approaches to capacity building by the Institute include:

- Individual (Members of Parliament and professional parliamentary staff)
- Institutional (whole-of-institution / parliamentary administration/ Committees / business units)
- Through regional and global networks of like-minded MPs and Committees with similar aspirations.



Above: The Speaker of the Parliament of Uganda, Rt Hon. Rebecca A. Kadaga, MP (centre) at the inauguration of the Uganda Institute of Parliamentary Studies in 2012.

Experience has shown that a strategy that combines all three approaches is adaptive to changing circumstances and needs.

Mandate of the Institute to Members of Parliament

Under *Article 80(1c)* of the *Constitution of the Republic of Uganda*, Members of Parliament are required to have a minimum level qualification of the Uganda Advanced Certificate of Education (UACE) or its equivalent. Owing to the nature of parliamentary work, there is no specific experience that can be required. Members of Parliament are expected to represent their people,

enact legislation and carry out oversight on various Government departments with different mandates. The performance of Parliament is further affected by the lack of a policy in the Parties on designating Members to the Committees where they are most qualified.

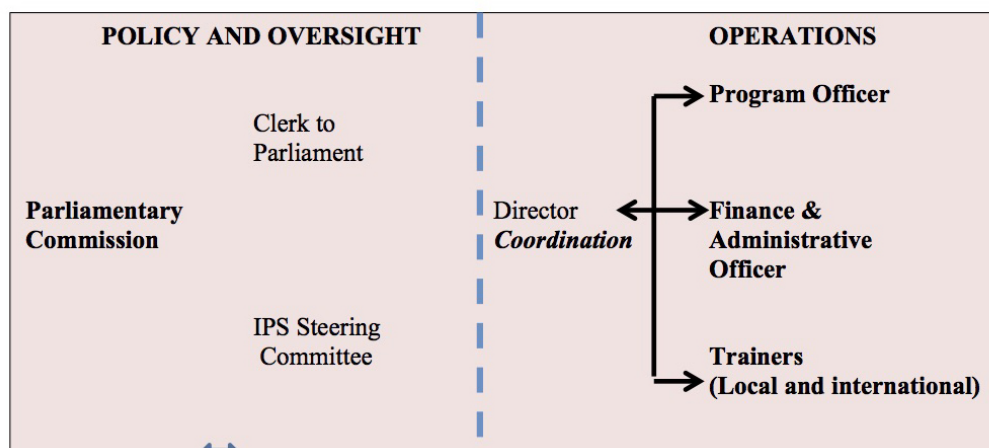
Another case in point that undermines capacity building and the performance of Members is the high turnover at elections. While over time, the Members have tried to enhance their academic qualifications, experience and overall competences, the majority are usually not re-elected to the next Parliament.

Legislators, just like other professionals, need continuing education programmes and professional development to keep them updated on emerging democracy and governance trends. Equally important is the need to properly train new and/or incoming legislators on the constitutional rights and obligations of Parliament; internal procedures and order of business; and ethics, among others. This is at the centre stage of the IPS-U.

Mandate of the Institute to Committees of Parliament and their Leadership

The Tenth Parliament has 459 Members who perform their duties of analysis, scrutiny and oversight through the Committee system. On average, there are thirty Members in every Committee. Due to the growth of Parliament, coupled with heightened pressure by constituents for the Members to deliver on their constitutional mandate of holding Government accountable, divisibility of the work of Parliament has increased

Figure 1. Structure of the Institute of Parliamentary Studies-Uganda



Source: Parliamentary Commission, 2019



EXPLORING IN-HOUSE INITIATIVES FOR CAPACITY BUILDING IN PARLIAMENTARY BUSINESS AND PROCESSES

tremendously. Training and capacity building for Committees is key to meeting this challenge.

The *Rules of Procedure of the Parliament of Uganda* mandates the Government Chief Whip and Chief Opposition Whip with powers to determine the leadership and membership of Parliamentary Committees, based on numerical strength and interest, without necessarily considering what qualifications they possess. In effect, the Institute has to design specific leadership programmes to improve the capacity, ability and competence of Chairpersons to effectively manage Committee business.

Mandate of the Institute to Parliamentary Staff

The *Administration of Parliament Act Cap. 257* established the Parliamentary Service and gave the mandate to recruit, discipline, promote and develop the staff for this service to the Parliamentary Commission. There are approximately 500 staff deployed in various departments of the Service.

It is important to note that a Legislature is a unique institution with distinctive functions such as legislative drafting, Bills analysis, policy analysis, parliamentary practices, budget analysis, diplomacy and international relations. This has called for the IPS-U to develop tailor-made programmes to address these areas. Furthermore, the Parliament is charged with overseeing the Executive arm of Government, which is composed of sectors with a broad range of disciplines such as: Energy, ICT, Oil and Gas, Gender, Engineering, Medicine, Agriculture, Mining, Water, Social Services, Finance, Accounting and Local Government to mention but a few. The IPS-U is, therefore, mandated to equip staff with the necessary knowledge and skills to help Members of Parliament discharge their mandate of oversight.

Mandate of the Institute to Local Councils

Among the targeted beneficiaries of the activities of the IPS-U are the Local Councils. *Section*

10 of the Local Government Act Cap. 243 establishes the district councils. Currently, in Uganda, there are 127 districts. On average, a district council has a membership of 22 Councillors who comprise of both directly elected Councillors from sub-counties, women Councillors and representatives of special interest groups.

District councils have legislative powers to pass bye-laws, influence budgeting and oversee service delivery at local levels. These make them an extension of the national Parliament by function. The qualifications for a person to be elected as a Councillor are provided under section 116 of the *Local Government Act*. Whereas there are no academic qualifications required of the Councillors, their mandate seems to suggest that a Councillor should be an educated person. The IPS-U is mandated to design and deliver training programmes to address this gap.

In order to further strengthen the linkage between Parliament and local governments, the

Parliament of Uganda, through the IPS-U, undertook to implement an 18-month capacity development project for District Local Councils.

Mandate of the Institute to Regional Parliaments

Uganda is a member of the East African Community, which is comprised of Tanzania, Kenya, Rwanda and Burundi. Currently, the National Assembly of Kenya houses the Centre for Parliamentary Studies and the East African Legislative Assembly established the East African Parliamentary Institute (EAPI). The IPS-U works hand-in-hand with the existing institutes in the region to deliver specialised training to the Legislatures. The IPS-U is a key entry point for other Parliaments in the region to learn best practices in parliamentary systems and processes.

Below: Members of staff of the Parliament of Uganda undergoing training under the auspices of the Uganda Institute of Parliamentary Studies.





Lessons Learnt

Arising from the discussions in this article, the following lessons have been noted:

- **Convenience:** The provision of in-house training/capacity building services through the IPS-U approach is convenient due to the ability to arrange programmes that fit a group schedule in time, duration and location.
- **Customisation:** It allows for customisation of capacity-building programmes, as modules can be modified to fit exact requirements, or better still a module is developed from scratch to fit parliamentary/stakeholder requirements.
- **Cost-saving:** In-house training is cost-saving, as there are no costs of accommodation and travel involved and, there is minimal time lost during planning and actual implementation of training programmes.

Conclusion

The existence of the IPS-U since 2012, puts Uganda at the forefront of Parliaments in developing countries, clearly asserting Parliament's ownership over its destiny and over the use of resources provided for parliamentary strengthening.

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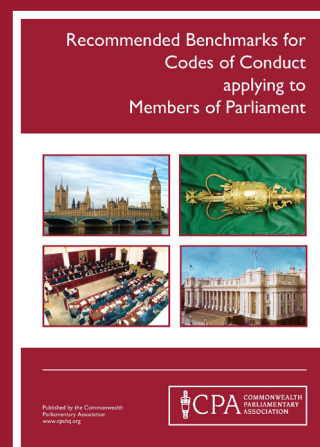
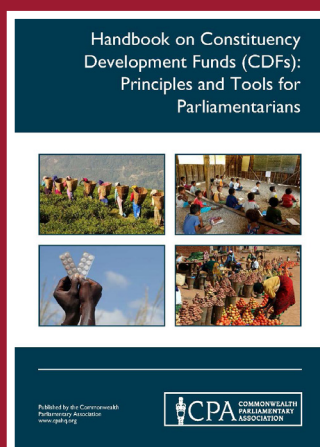
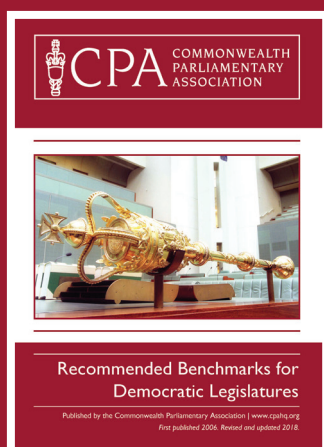
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Services offered by the Institute of Parliamentary Studies Uganda (IPS-U) to:

- **Members of Parliament:** Provision of knowledge and skills in a wide range of issues pertinent to and relating to legislation, oversight and representation.
- **Parliamentary staff:** Conducted based on training needs assessments.
- **Local Government Councils:** Designed in a demand-driven manner with a view to strengthening the linkages between the national Parliament and Local Government Councils.
- **Other Parliaments:** Training based on standard programmes professionally developed in the field of parliamentary processes.
- **Twinning arrangements between Parliaments:** Facilitates benchmarking and sharing of experiences from different contexts.
- **Short-term Training with Parliamentary stakeholders:** Including the media, NGOs, businesses and Government officials. Provides stakeholders with a better understanding of the workings and procedures of Parliament and enhances stakeholder synergies.
- **Conducting research:** To improve on the content and delivery of capacity-building programmes.
- **Internship opportunities:** To build the interest of university students in Parliamentary systems and processes.

Source: IPS-U, 2019

The Commonwealth Parliamentary Association (CPA) produces a number of guides and toolkits for Commonwealth Parliamentarians and Parliamentary staff including the *CPA Recommended Benchmarks for Democratic Legislatures*; the *Recommended Benchmarks for Codes of Conduct for Members of Parliament* and the *Handbook on Constituency Development Funds (CDFs): Principles and Tools for Parliamentarians*.



Please contact hq.sec@cpahq.org to request a copy or visit www.cpahq.org/cpahq/resources to download an e-version.



OFFSETTING BACKLOG OF FINANCIAL ACCOUNTABILITY COMMITTEES IN UGANDA: THE CASE OF THE PUBLIC ACCOUNTS COMMITTEE – LOCAL GOVERNMENT (PAC-LG)



Hon. Reagan Okumu, MP has been a Member of Parliament since 1996, MP for Aswa County; He was Chairperson of the PAC-LG (June 2016 – May 2019); Former Parliamentary Commissioner (June 2014 - May 2016); Investigation Officer, Inspectorate of Government Ombudsman, 1995 -1996; Research Coordinator, UNCHR.

The accumulation of reports of the Auditor-General that are tabled in Parliament but remain unconsidered usually beyond the legally prescribed timelines, is a reality that confronts the Parliamentary Public Accounts Committees in Uganda. Usually referred to as 'backlog', such reports remain outstanding for consideration by Parliament, at the expiry of the six months period prescribed by the *Constitution of the Republic of Uganda*.

The Financial Accountability Committees of the Parliament of Uganda, namely - the Public Accounts Committee - Local Government (PAC-LG); Local Government Accounts Committee; the Central Government Committee; and the Commissions, Statutory Authorities and State Enterprises (COSASE) Committee - have at different points in time had to deal with the challenge of backlog albeit with varied outcomes.

The quest to offset backlog is predicated on the need for Committees to check the actions and inactions of Government, and in this case specifically in the utilisation of public resources. The ultimate goal is to ensure that public resources attain their desired intentions and make a difference in the lives of the masses. This is a cardinal role in

the public finance management and accountability value-chain.

The PAC-LG whose tenure stretched from July 2016 to December 2018 succeeded in attaining the feat of offsetting a long-standing backlog within the two and half years of its tenure. This article will trace the modalities that aided that feat. At the start of its tenure, the 35-Member Committee had a backlog dating as far back as 2005/2006. Drawing from the previous failed attempts to offset the backlog, the Committee under my stewardship began by laying strategies on how best to expedite and accomplish the task before it. This was followed by quantifying the magnitude of work. This ranged from 36 District Local Governments in the financial year 2005/2006 to 111 District Local Governments, and 22 Municipal Councils in the financial year 2014/2015. The Committee consequently developed an ambitious workplan to offset the backlog within two and a half years.

Strategy used to offset the backlog

The strategy for attaining the ambitious plan to offset the backlog entailed the following actions. Reports dating from more than five years were deemed to have been overtaken

by events. The assumption was that the high-risk entities and their attendant queries in this category of reports would recur in subsequent audit reports and the Committee would still consider them. The Committee, therefore, concentrated on reports spanning the period 2010/2011 to 2014/2015. But of these, the Committee prioritised the most recently compiled annual report for the financial year 2014/2015. The reports for the financial years 2010/2011 to 2013/2014 were examined by the Committee Secretariat and had the attendant audit queries clustered. Those that were considered immaterial were disregarded. It was on the basis of the retained queries that the Committee interfaced with witnesses and prepared its report. Besides the backlog, the Committee ensured it considered each new report, both annual and value-for-money, that was laid before Parliament during its tenure. In that way, it ensured no recurrence of backlog.

Mode of operation of the Committee in disposing its assignments

With a membership of 35 Members of Parliament, the Committee apportioned itself into two Subcommittees; one



Subcommittee chaired by the Chairperson and the other by the Deputy Chairperson. In the event that one of the Chairpersons was absent, any other Member of the Opposition would chair a Subcommittee. This was meant to ensure that the Subcommittees mirrored the main Committee as much as possible. The Subcommittees simultaneously handled different entities to double the traction of the main Committee at any one time.

When the value-for-money report was presented to Parliament at about the same time as the annual report for the financial year 2016/2017, the Committee decided to consider the two reports concurrently.

This meant that when the relevant accounting officer appeared before the Committee, he/she was tasked to respond to queries in both reports. This saved time by reducing the number of meetings held with the same entity. With the above strategies and methods of work, the Committee was able to clear the entire backlog and at the same time dispose of the reports that were tabled during its tenure. It is important to note, however, that this success could



not have been achieved without commitment from Members, who always prioritised the meetings of the Committee amidst their very demanding schedules. This is particularly noteworthy given the fact that the volume of work before the Committee demanded a disproportionately high portion of the time available to the Members of Parliament. A committed staff was also a key enabling factor that cannot be

underscored in the Committee's attainment of success. The Parliamentary Commission facilitated the Committee with the relevant personnel, including: Clerk assistants, legal officers, researchers and economists among others.

In addition, the speedy delivery of the Committee's outputs was partly attributed to the fact that there was cooperation from other

Above: The Public Accounts Committee-Local Government meeting with accounting officers at the Lira Municipal Council Hall in northern Uganda.

Government departments who ensured that their personnel were readily available to work with the Committee and make quick clarifications on matters pertaining to the issues at hand. In addition to the staffing, the Committee enjoyed enormous cooperation from the Parliamentary Commission in terms of moral, material and financial support among others. The Speaker of Parliament, Rt Hon. Rebecca A. Kadaga and the Deputy Speaker, Rt Hon. Jacob L'Okori Oulanyah, granted the Committee leave to conduct its activities, which on many occasions required the Members to be excused from other parliamentary activities.

It is important to note, however, that backlog is a



Left: The Public Accounts Committee-Local Government receives considerable interest at a meeting at the Lira Municipal Council Hall in northern Uganda.



OFFSETTING BACKLOG OF FINANCIAL ACCOUNTABILITY COMMITTEES IN UGANDA

“Parliament should sufficiently facilitate the Financial Accountability Committees in as far as it is possible to enable them to deliver on their mandate.”

reality. Though it may have been cleared today, it is likely to re-occur because of the current situation that includes, but is not limited to, the big workload before the Committee. The biggest generator of backlog is the fact that in Uganda, the Auditor-General's annual report in accordance with the *Public Finance Management Act, 2015* is presented to Parliament by 31st December each year. It should, therefore, be disposed

of by Parliament by 30th June of the next year. However, three and a half months within the same period is dedicated to the Budget. This, therefore, leaves only two and a half months for the Committee to consider work that should have been handled in slightly below six months.

In the past, backlog arose from Committees leaving behind draft reports at the expiry of their tenure. Very often, the new Committees cannot own the work of their predecessors because they cannot append signatures to deliberations, that they were not party to. Work on entire financial years has been lost this way. For example, where the second Public Accounts Committee - Local Government (PAC-LG), left five reports in draft form for the financial years 2005/2006, 2006/2007 and 2007/2008, and two special audit reports. The reports were not tabled by the subsequent Committee, thus creating a substantial amount of backlog.

Similarly, the fifth Public Accounts Committee - Local Government (PAC-LG) declined

to own some reports from the Committee before it. Another cause for a build-up of backlog is unavailability of funding to enable the Committees to carry out their work, especially in situations when oversight visits are required. In such circumstances, the Committees may have no choice but to hold on to the reports until they are able to fully conclude on all matters therein. The picture below shows one such oversight activity, where the PAC-LG had confirmed that certain defects on the road had indeed been rectified.

Way forward

In order to dispose of backlog, therefore:

- i. It is important to give a practical timeframe within which Parliament should dispose of the Auditor-General's reports;
- ii. Parliament should ensure that the Financial Accountability Committees table all the reports they have considered before the end of their tenure;
- iii. Parliament should sufficiently facilitate the Financial Accountability Committees in as far as it is possible to enable

- them to deliver on their mandate;
- iv. The Financial Accountability Committees should adopt a mode of operation that will enable them to cover as much work as possible within the available time; and
- v. There should be a periodic assessment of the performance of Financial Accountability Committees and the results publicised.

Conclusion

It is noteworthy that the enabling factors for the clearance of a Committee's backlog are in many ways the general precondition for the success of the Committees. These include pragmatic leadership, strategic planning, commitment, diligence and a competent, motivated and dedicated staff.

Below: Members of the Public Accounts Committee-Local Government inspect Gulu Municipal Council roads financed through the World Bank in June 2018.





INCLUSION OF DISABILITY ISSUES IN THE BUSINESS OF COMMONWEALTH PARLIAMENTS



Hon. Safia Nalule Juuko, MP has been a Member of Parliament since 2006; MP for Persons with Disabilities (National); Deputy Chairperson, Committee on Equal Opportunities (2016-to date); Deputy Chairperson, Committee on Human Rights; Commissioner, Constitutional Review Commission (2005 -2006); Councillor, Kampala City Council (1997 - 2006); Member to various Boards of Persons with Disabilities and Women Associations/Organisations.

Introduction

It was a very exciting moment when Commonwealth Parliamentarians with Disabilities met for the first time in Nova Scotia, Canada from 30 August to 2 September 2017. Appreciation goes to the Commonwealth Parliamentary Association (CPA), which in partnership with the Nova Scotia House of Assembly organised the conference.

The conference, among others, recommended the formation of the Commonwealth Parliamentarians with Disabilities (CPWDs) Network. The Network is expected to provide better outreach, promotion and research for increasing the representation of Persons with Disabilities (PWDs) in Commonwealth Parliaments, among others. The mentoring session for PWDs in the 64th Commonwealth Parliamentary Conference (CPC) is one of the outcomes of the Nova Scotia Conference. The theme for the session is: *'The Role of Parliament in facilitating persons with disabilities (PWDs) as electors, candidates and legislators'*.

As a Parliamentarian with a disability, I share my experiences, challenges, and how to improve upon the participation of Legislators with disabilities in Commonwealth Parliaments.

The creation of affirmative

action in national Constitutions is not uniform across countries. In Uganda, *Article 32* of the Constitution provides for affirmative action in favour of marginalised groups on the basis of gender, age, disability or any other reason. As such *Article 78* of the Constitution states that Parliament shall consist of such numbers of representatives of the army, youth, workers and PWDs. The candidates seeking to represent PWDs are subjected to two elections - the political party primary and national elections. The candidates have to traverse the whole country looking for votes because they are elected by a national electoral college.

It is assumed by many that the constituency of PWDs is a homogeneous group. However, PWDs are a diverse group with various needs and hence different demands are placed on the Parliamentarians representing them. This kind of thinking has led to political parties and national Constitutions providing for few Parliamentarians to represent PWDs. In Uganda, the Constitution provides for five Members of Parliament to represent PWDs, out of a total of 459 Members.

This is notwithstanding the fact that one billion people, or 15% of the world's population, experience some form of

disability, and disability prevalence is higher in developing countries. One-fifth of the estimated global total, of between 110 million and 190 million people, experience significant disabilities. In Uganda, the number of PWDs was estimated at 6 million in 2019.

Challenges facing Parliamentarians representing persons with disabilities

- **Limited information on disability:** There is limited disaggregated information by gender, disability category, location and socio-economic status, among others. In politics, statistics are so critical since they influence decision-making, legislation and budget allocation. The Legislators with disabilities are generally challenged in situations where information on disability is not readily accessible.
- **Low representation of PWDs in Parliament:** Persons with disabilities have diverse needs and the representative role becomes so demanding for one to be effective. The constituencies of persons with disabilities are large and expensive for one to effectively carry out his/her constitutional mandate of representation, legislation and oversight.



INCLUSION OF DISABILITY ISSUES IN THE BUSINESS OF COMMONWEALTH PARLIAMENTS

Right: Members of the Uganda Parliament at the Workshop on the inclusion of persons with disabilities (PWDs) in the Development Agenda in July 2018.

- **Disability needs cut across all sectors and most parliamentary business is conducted in Committees.** The few Members representing PWDs cannot belong to all Parliamentary Committees. There is a tendency to think that all disability issues are under the social services sector and the majority of Members for PWDs are designated to Social Service Committees. The disability issues are cross-cutting and call for the Members representing PWDs to work with all sectors, which is very challenging.
- **Poor implementation of disability-friendly laws:** Most of the nations in the Commonwealth have ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and have also domesticated it by enacting legislation on disability. For example, Uganda enacted *The Persons with Disabilities (Amendment) Act, 2006*, and have disability-friendly provisions in a number of laws including: *The Building Control Act*; *The Domestic Violence Act*; and *The Public Finance Management Act, 2015* (Gender and Equity Budgeting), among others. However, the implementation of these disability-friendly laws is still a big challenge due to limited allocation of resources.

Proposed recommendations:*

- **Accurate information on persons with disabilities (PWDs):** The CPA and CPWD network should support national governments to undertake surveys to get accurate information on PWDs. This will enable effective decision-making, planning, and budgeting for PWDs. There



should be a one-stop centre in all Commonwealth countries where information on disability can be easily accessed. The CPWDs network, with the support of the CPA, should develop a specific website for information sharing and design strategies for realising effective representation of PWDs.

- **Budget allocation:** The Parliaments in Commonwealth countries should ensure adequate budgeting for disability and gender related needs using the Ugandan model of the requirement for a certificate of gender and equity budgeting in the *Public Finance Management Act, 2015* (an innovation introduced by Hon. Safia Nalule Juuko). There should be affirmative action in all budget allocation to disability needs across all sectors. This may call for conditioning of donor support to be disability compliant. The CPA and CPWDs network should, using the gender and equity model, support the advocacy for an equalisation fund to Parliamentarians with disabilities to enable them effectively to participate in all legislative processes.

- **Increased representation of persons with disabilities (PWDs):** The CPA should advocate for increased representation of PWDs in Parliaments. For sustainability and certainty, the structures through which PWDs elect their leaders must be legally provided for in political parties and national Constitutions.
- **Sensitisation of Parliaments:** The Commonwealth Parliamentarians with Disabilities (CPWD) network, together with the CPA, must continue to mobilise and sensitise all Parliaments on disability matters at the beginning of their sessions, and later follow up with Ministries, departments, agencies and local governments which are the implementing arms of Government. There is also a need to develop a checklist of disability needs across all sectors in relation to the CRPD, SDGs, CPA and National Development Plans (NDPs). The checklist could be used by Parliaments, and Government Ministries, departments and agencies, when carrying out their mandate. The CPA, CPWDs network and the Commonwealth Women Parliamentarians (CWP)

should also consider the peculiar concerns of women and girls with disabilities and the multiple challenges they face such as poverty, denial of education, cruel cultural practices, and denial by family members, among others.

- **Annual reports on disability:** The CPA, together with the CPWDs network, should demand annual performance reports from Governments and Parliaments in relation to the needs of PWDs.

Appreciation

I take this opportunity to thank the Speaker of the Parliament of Uganda, Rt Hon. Rebecca A. Kadaga; the Deputy Speaker, Rt Hon. Jacob L'Okori Oulanyah; the Clerk to Parliament and the entire administration of Parliament of Uganda, for their sensitivity to disability issues. The Parliament of Uganda has parking spaces reserved for Members with disabilities, lifts with talking modes, ramps, toilets with wide doors and rails, among others. I would also thank the Secretary-General of the Commonwealth Parliamentary Association, Mr Akbar Khan, for being sensitive to disability issues. I wish all delegates a successful 64th Commonwealth Parliamentary Conference in Kampala, Uganda.

*The proposed recommendations listed in this article are not officially endorsed by the Commonwealth Parliamentary Association (CPA) Headquarters Secretariat.



THE ROLE OF THE UGANDA PARLIAMENT IN THE BUDGET PROCESS



'Adaption, engagement and evolution
of Parliaments in a rapidly
changing Commonwealth.'



Hon. Amos Lugoloobi, MP
has been a Member of Parliament since 2011, MP for Ntenjeru North; Chairperson, Budget Committee (2013 - to date); Acting Executive Director, National Planning Authority (June 2009 - 2010); Deputy Executive Director, National Planning Authority (2005 - 2009); Director, Investment Promotion, Uganda Investment Authority (1991 - 2004); Executive Officer, Uganda Development Corporation (1986 -1991).

The Budget process can be characterised as a system of formal rules and regulations shaping decision-making for the formulation of the Budget by the Executive, its passage through the Legislature and its implementation.¹

Effective parliamentary oversight of public budgets is central to good governance, democratisation and improved budget management. It also ensures that there are checks and balances that are crucial for a transparent and accountable Government, and hence, ensures there is efficient and effective delivery of goods and services to citizens. Parliament has a role to ensure that the nation's priorities are adequately reflected in the nation's major fiscal plan, the Budget.²

Parliament also has an oversight function. While the Executive has responsibility for drafting and implementing the Budget, the role of Parliament is to check that this responsibility is successfully fulfilled.³

In recent years, many Legislatures have played an active role in budget matters.⁴ Other roles include representation and law-making.

Legal Framework for Parliament's role in the Budget Process

The role of Parliament in the budget process is derived from various Constitutional provisions. According to *Wehner (2002)*, Constitutions normally contain provisions that frame the Government's activities of raising revenue and spending. A number of Constitutions contain finance chapters for this purpose and other parts of a Constitution may also contain clauses pertaining to the budgetary process.

It should also be noted that in modern budgetary processes, the budget-making process is divided into four distinct phases: drafting, legislating, implementation and auditing. The various Constitutions assign responsibility for these tasks and they provide a timeframe within which they are to be executed, as well as establish key standards and procedures that will have to be adhered to during the process.

Most African countries' Constitutions assign the drafting stage to the Executive, while the legislative stage is exclusively assigned to Parliament. For example, the *1995 Constitution of the Republic of Uganda* gives this duty to the President or to the Head of Government, and the same applies in Ghana.

This function is assigned to the Minister of Finance in Kenya, Madagascar, Zambia and Zimbabwe.

Uganda in comparison with other countries

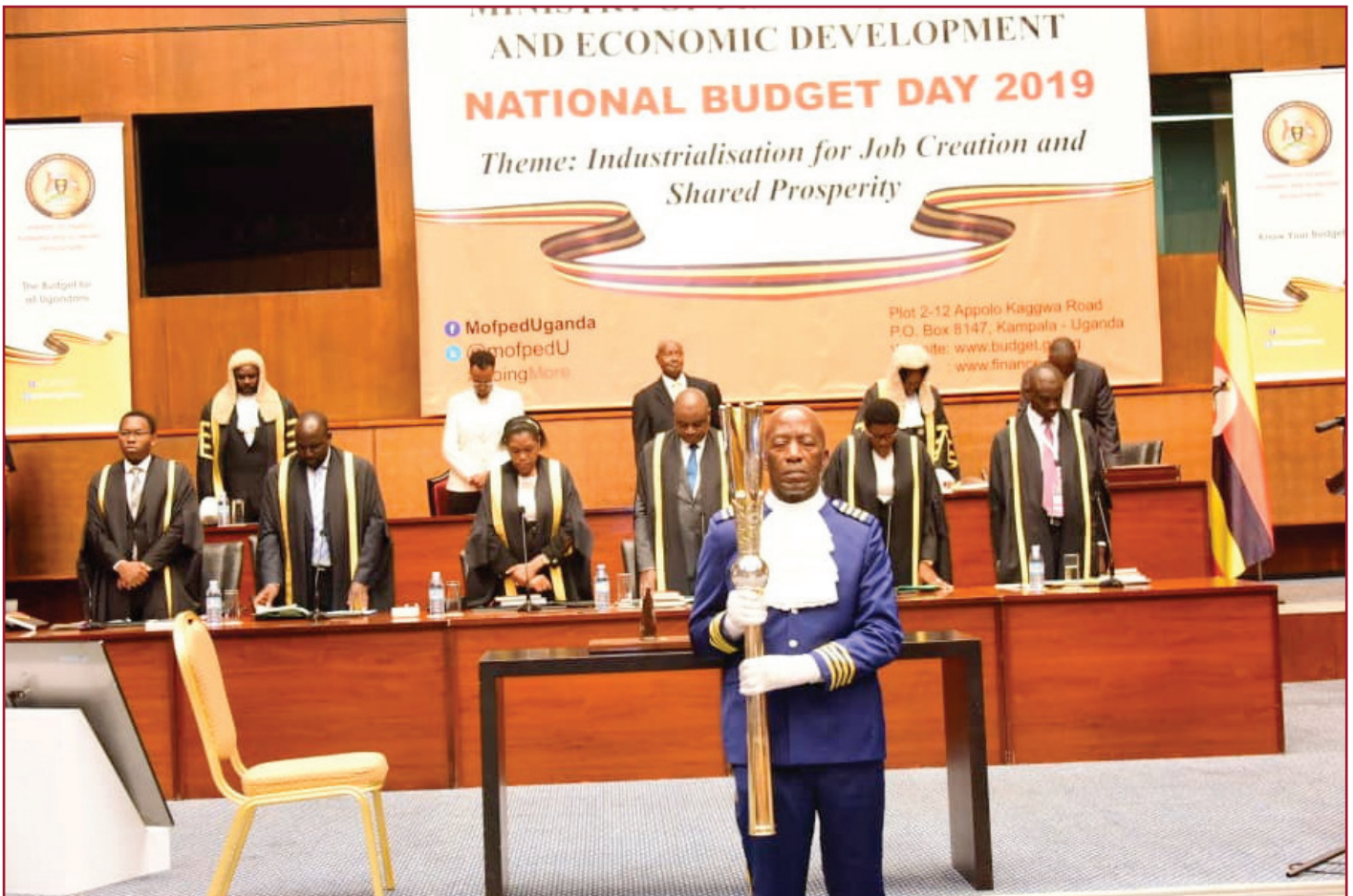
In Uganda, apart from the Constitution, the role of Parliament in the budget-making process is anchored in various key subsidiary legislations. For example, the amended *Public Finance Management Act, 2015; Budget Act, 2001* and Parliamentary Rules of Procedure. Specifically, the 1995 Constitution (as amended) mandates Parliament to authorise the collection of all Government revenue (taxes, grants and borrowing), and the auditing and monitoring of all Government expenditures.

The specific provisions are as follows:

- **Authority for revenue collection:** *Article 152(1)* of the Constitution provides that no tax shall be imposed except under the authority of an Act of Parliament. *Article 159(2)* provides that Government shall not borrow, guarantee, or raise loan on behalf of itself or any other public institution, authority or person except as authorised by or under an



THE ROLE OF THE UGANDA PARLIAMENT IN THE BUDGET PROCESS



Above: The President of Uganda, His Excellency Yoweri Museveni, together with Parliamentary Presiding Officers and officials, oversees the presentation of the Budget Speech for the 2019/2020 financial year.

Act of Parliament. Parliament is, therefore, mandated to authorise revenue collection required to finance the national Budget.

- **Authority for Government Expenditure:** *Article 154(1a)* provides that no monies shall be withdrawn from the Consolidated Fund - except to meet expenditure charged on the fund by this Constitution or by an Act of Parliament. *Article 154(3)* provides that no monies shall be withdrawn from the Consolidated Fund unless the Auditor-General has approved the withdrawal, and in the manner prescribed by Parliament. Parliament is mandated to authorise Government expenditure to cater for provision of public services and investments.
- **Auditing Government Expenditure:** *Article 163(1)* provides for the

Auditor-General who shall be appointed by the President with the approval of Parliament and whose office shall be a public office. Another country like Nigeria⁵, reports that, *"The legal basis for Parliament's ex-post factor view of Government financial administration is further strengthened by the wide investigative powers granted by the Constitution to both houses of the National Assembly. Among others, they may investigate matters relating to the disbursement or administration of appropriated monies."* For such purposes, Parliament, or a Committee appointed by it, has the powers to collect all necessary evidence, and summon any person to give evidence. These are strong investigative powers that are unmatched in

other Constitutions on the continent. Also, the Constitution of Uganda under *Article 163(5)* provides that Parliament shall, within six months after submission of the report referred to in *clause (4)* of this article, debate and consider the report and take appropriate action. Parliament is mandated to provide for auditing of all public expenditure in order to ensure accountability and transparency.

- *Article 164(3)* provides for Parliament to monitor all expenditure of public funds. Therefore, parliamentary oversights are one of the traditional roles of Parliaments globally.⁶ This legislative oversight role and

authorisation of the Executive to raise revenue and spend money is also recognised by the Inter-Parliamentary Union.⁷

The oversight function is a cornerstone of democracy and essential for good governance. It entails holding the Executive accountable for its actions, through robust monitoring. This does not only ensure accountability and transparency, but also enables Parliament to check on the powers of the Executive by asserting its role as the defender of people's rights. This is usually undertaken through robust monitoring using a variety of tools and approaches. These include the use of Parliamentary Committees, interpellations, parliamentary questions and hearings.



It has been highlighted that a budget is more than estimates of revenue and expenditure³, but encompasses reports regarding how Government managed affairs in the previous years, the condition of the public treasury, the programme of works for years to come and how such work should be financed.

In the context of Uganda, it should be noted that *Articles 155 & 156* of the Constitution are operationalised through the *Budget Act, 2001* and the *Public Finance Management Act, 2015*. The Parliamentary Budget Office set up under the *Budget Act, 2001* is mandated to support Parliament in its Constitutional roles and other subsidiary legislative roles. The Parliamentary Budget Office ensures that Parliament efficiently delivers on its roles provided for under the Constitution and *Public Finance Management Act, 2015* as follows:

a. Parliament reviews and approves the Budget Framework Paper by 1st February of the financial year proceeding the financial year to which the Budget Framework Paper relates in line with *section 9(8)*.

b. Parliament analyses policies and programmes that affect the economy and the annual Budget and where necessary, makes recommendations to the Minister of Finance, Planning and Economic Development on alternative approaches to the policy or programme in line with *Section 12(1)*.

c. Parliament holds and ensures that Government utilises public resources in a transparent, accountable, efficient, effective and sustainable manner, and in accordance with the Charter for Fiscal Responsibility and the Budget Framework Paper in line with *Section 12(2)*.

d. Parliament considers and approves the annual Budget and workplan of Government for the next financial year, the Appropriation Bill and any other Bills that may be necessary to implement the annual budget by



the 31st May each financial year in line with *Section 14(1)*.

e. Parliament may, in the annual Budget, authorise a vote to make a multi-year expenditure commitment, and where Parliament authorises; the annual Budget shall indicate the commitment approved for the financial year and the approved multi-year commitments in line with *Section 23(2)*.

f. Parliament appropriates all expenditures to be incurred by the Government on projects which are externally financed (loans & grants), in a financial year in-line with *Section 43(1)*.

In conclusion, it is evident that the Ugandan Constitution and other subsidiary laws give strong powers to Parliament with regard to budgetary matters. Parliament has been provided with an early entry into the budget-making process through to approval and oversight. However, there are still gaps relating to parliamentary

exercise of this power that need to be filled to ensure effective budgetary scrutiny.

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THE ROLE OF PARLIAMENT IN CLIMATE CHANGE MITIGATION AND ADAPTATION IN UGANDA



Hon. Lawrence Songa Biyika, MP

has been a Member of Parliament since 2016 for Ora County; Deputy Chairperson, Natural Resources Committee (2018-2019); Chairperson, Parliamentary Forum on Climatic Change; Technical Advisor, Rural Development Agency/PADTEC, South East Asia (2014 - 2015); Sustainable Environment Advisor on CIIR, Horn of Africa/Middle East (2011 - 2014); Programme Director, Green Alternatives and Peace Movements, 2008 -2011; Consultant and Facilitator in Environment sector; Chairperson and Member of various NGOs and community based organisations.



Uganda's spectacular natural environment and landscape prompted Sir Winston Churchill to name Uganda the 'Pearl of Africa' in 1907. However, the reality of climate change poses arguably the biggest single threat to the spectacular natural endowments that Uganda boasts of.

Whether one is a climate change sceptic or not, the sad reality is that the earth's climate is not as stable as it was in the pre-industrial times. Evidence shows that the 20th century was the warmest the world has seen in 1,000 years. Average global temperatures are on the rise, corresponding with the increasing levels of greenhouse gas emissions into the atmosphere. If this trend continues, climate scientists warn that climate change will wreak havoc on both human and natural systems, resulting in extreme weather events, decreasing productivity from farmlands, migrations and conflicts. After years of research, scientists are certain, more than ever before, that the climate is changing.¹

In Uganda, changes in climatic conditions such as in rainfall patterns and temperature, have been mainly occasioned by the nature of socio-economic activity. With over 80% of the population relying on wood fuel for cooking

energy, reckless drainage and backfilling of wetlands, destructive bush burning and some negative cultivation practices, climate change has been exacerbated.

Uganda's climate is naturally variable and susceptible to floods and drought that have had a negative socio-economic impact in the past. For example, changes in lake levels reducing the waterflow available for power generation; and high energy costs and energy, poverty with knock-on implications for charcoal use, deforestation and land degradation.

There is no doubt that governments and citizens will have to be proactive in tackling climate change. In this regard, the Government of Uganda has made some efforts to tackle mitigation and adaptation, and the Parliament of Uganda has backed these efforts, through its mandate of legislation, oversight and representation.

Uganda has made some policy, legal and institutional reforms aimed at combatting climate change and promoting sustainable development. Major reforms include the formulation of the Uganda National Climate Change Policy, 2011; National Forestry Policy, 2001; National Forestry and Tree Planting Act, 2003; and the National Adaptation Programme of

Action (NAPA). New institutional arrangements include: a climate change department in the Ministry of Water and Environment; the Uganda National Meteorology Authority (UNMA), and the Environmental Protection Police Unit of the Uganda Police.

Uganda's Experience

Uganda has not been immune to the effects of a changing climate; it is among the countries that are most vulnerable to the effects of climate change globally, despite having low greenhouse gas emissions. Global rankings grade Uganda as the 14th most vulnerable (out of 181 countries) and 48th least prepared to tackle climate change and its effects (out of 191 countries). Yet in terms of per capita emissions, Uganda ranks 176 out of 188 countries, contributing only 0.07% to global greenhouse gas emissions.² The country's high vulnerability to climate change is attributed to the low rural income levels, lack of diversity in income sources, high reliance on rain-fed agriculture (over 75% of Ugandans are engaged in agriculture) and increasing poverty levels (from 19.7% in 2013 to 21.4% in 2017).³

Effects of climate change in Uganda are most evident in the rise in average temperatures

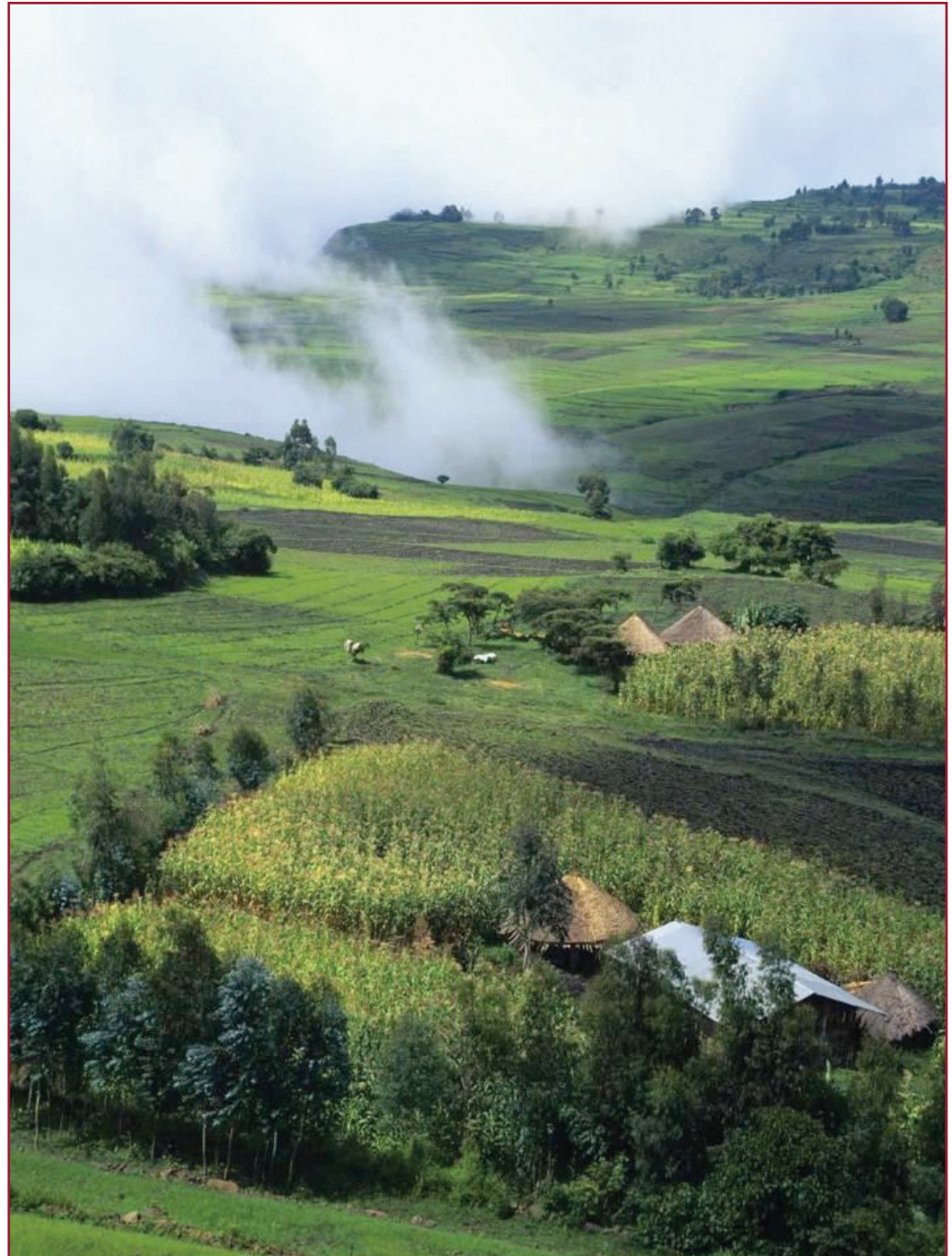


and change in rainfall amounts and patterns. The erratic rainfall patterns contribute to water scarcity in some instances, thus affecting planting seasons. In fact, Uganda has lost 20^{ml} of rainfall, based on an analysis of average yearly rainfall over the last 16 years. Besides, rains are heavy in subsequent seasons, causing flooding, which impacts on housing, property, transport and social services.

There has also been a marked increase in the frequency of floods in Uganda in the past 15 years. For instance, in 2007, heavy rains and floods cut off many districts in Eastern Uganda as bridges collapsed and roads were submerged. The Bududa District in Eastern Uganda faced devastating landslides triggered by heavy rains. The worst incident happened in 2010, when about 100 people died, scores were injured, and properties destroyed. In Western Uganda, Kasese District suffered floods after rivers burst their banks, notably in 2013 and in 2018.

Then again, there is a noticeable rise in the occurrence of droughts per decade in Uganda, with a significant increase registered between 1991 and 2000. This is consistent with scientists' prediction on climate change impacts in Uganda. Frequent and prolonged droughts have led to famine, malnutrition and low agricultural productivity. The general level of food insecurity in the country has begun to rise, especially in the pastoral communities of Karamoja in North-Eastern Uganda, which face hunger occasionally.

Scientists state that the country's outlook is dire: Uganda's highest mountain, Mountain Rwenzori is losing its ice caps at an alarming rate and they could disappear as early as 2025 due to warmer temperatures.⁴ This spells doom for the tourism industry but will also have a grim effect on the



microclimate in the region, affect water sources and biodiversity in general. Climate change has affected Uganda's development and is likely to limit achievement of the Sustainable Development Goals (SDGs).

Parliament's role in mitigation and adaptation

The Parliament of Uganda has played a significant role in ensuring that the country

is on track to achieve the goal of combating climate change. Besides passing relevant laws on environment, energy and natural resources, Parliament has passed motions on: Mainstreaming climate change and mitigating global warming with effect from 2010; developing irrigation capacity and smallholder water harvesting systems to mitigate the impact of droughts in 2000; promoting

Above: The co-existence of humans and nature in the countryside in western Uganda.

agro-forestry as a prerequisite for agricultural practices in 2004; and equipping UNMA with facilities and personnel to monitor and forecast changes in the weather and climate to enable effective utilisation of climate information, in 2006, among others.



THE ROLE OF PARLIAMENT IN CLIMATE CHANGE MITIGATION AND ADAPTATION IN UGANDA

Parliament's oversight role involves scrutinising the work of the Executive, including budgetary scrutiny and appropriate resource allocations every year. This is an opportunity to hold accountable Government agencies with mandates related to climate change.

However, Parliament also complements the Executive's efforts through its Corporate Social Responsibility (CSR) programmes and has participated in activities geared towards combating climate change, such as tree planting on Mount Moroto in North-Eastern Uganda. This particular project was spearheaded by the Speaker of the Uganda Parliament, Rt Hon. Rebecca Kadaga to promote afforestation in the semi-arid region. Other CSR campaigns include provision of relief items to victims of landslides in Bududa and famine in Karamoja, among others.

The Parliament of Uganda, in its Strategic Plan for the period 2016/2017 to 2019/2020, established strategic priorities to promote a sustainable work environment through interventions such as the 'Green Parliament' project. Parliament procured iPads for all legislators, to reduce wastage of paper and costs of printing, which potentially reduces the pressure to cut down trees for paper production. There are also plans to use solar energy and energy efficient lighting systems in the parliamentary buildings to reduce the environmental impact.

Members of Parliament are able to cooperate across the all-party divide on particular areas of interest. In this regard, the Parliamentary Forum on Climate Change has been instrumental in creating awareness among legislators and the general public on climate change issues.

Legislators are also well placed to catalyse action and



Above: Rt Hon. Jacob L'Okori Oulanyah, MP, Deputy Speaker of the Parliament of Uganda engaging in tree planting at a community project.

influence policy around climate change in their individual capacities. A case in point was in April 2007, when Hon. Beatrice Anywar, Woman Representative for Kitgum District, provided political leadership to protestors against the Government's plan to give part of the country's largest rainforest (Mabira Forest) to a sugar manufacturer. Ecologists caution against the degazettement of this forest as it would cause environmental calamity in Uganda. Due to this activism, Hon. Anywar earned herself the title, 'Mama Mabira' and her efforts certainly helped safeguard it from destruction.

Obstacles remain

Despite the above efforts, the level of deforestation in the country is alarming. Uganda loses its forest cover at an alarming rate of about 200,000 hectares per year, mainly due to population pressures given the population growth rate of 3.2% annually. This means there is an insatiable demand for timber and wood fuel, putting pressure on the available forest resources. This, coupled with illegal commercial logging, is

now a major problem. In fact, the forestry sector regulator – the National Forestry Authority – recently admitted to its failure to adequately protect the country's forest reserves. If these trends continue, Uganda will be bare in the next 83 years. Hence, the need for concerted efforts to curb deforestation. It is important to note though that, Uganda's capacity to mitigate climate change via alterations in energy use is very inadequate. However, the country can contribute to the reduction of greenhouse gas emissions through maintaining forest reserves and re-afforestation.

The quality and effectiveness of parliamentary oversight depends a lot on Parliament's ability to participate in the budget-making process. However, the Executive now and again tends to regard Parliament as simply an advisory body whose recommendations can be ignored.⁵ Severally, Parliament has recommended giving penalties to illegal loggers, but

the status quo has not changed.

Similarly, wetland encroachment has continued unabated, further exacerbating the country's vulnerability to the effects of climate change. Wetlands surrounding Lake Victoria in Kampala City and Wakiso District have been the most affected. This is attributed to increased settlements in wetlands, agricultural activities, as well as sand mining. Unfortunately, Parliament has not been effective in making the Executive accountable for the rampant environmental degradation in the country.

A major challenge that Parliamentarians face is insufficient technical skills to effectively participate in the budget process, including examining budget documents. Further, information for appropriate analysis of policy issues surrounding the budget process is also insufficient. Time is another limiting factor, as Parliamentarians are often flooded with information at the



eleventh hour, with little time to digest important policy matters including those on climate change.

Responses by the Legislature

In a bid to scale-up scrutiny and follow-up of matters of climate change with the relevant Government Ministries, departments and agencies, the Parliament of Uganda has established a dedicated Standing Committee on Climate Change.

Parliamentarians passionate about climate change adaptation have also established the Parliamentary Forum on Climate Change as a collaborative platform for lobbying, capacity building, information sharing and coordination on matters of climate change. A key strategy of climate change mitigation and adaptation is widespread and effective communication. Information can help shape people's response to climate change.

Furthermore, Parliamentarians either acting individually or through Committees and the Parliament have variedly mobilised the masses and engineered the formulation of policies for alternative and affordable sources of energy, in addition to other adaptation methods, such as promoting irrigation and water harvesting; developing drought-resistant crop varieties, maintaining soil fertility, and diversification of agricultural practices.

Conclusion

Uganda, like most developing countries, faces challenges in balancing the three pillars of sustainable development and, therefore, adding climate change to this burden only weakens the country's readiness to combat climate change. To improve its resilience to climate change in part requires strong political

support at the national level. Parliament is in position to hold the Executive accountable for its actions regarding climate change, as well as making sure that relevant policies are enforced according to the existing laws and budgets passed by the Legislature. Parliament's independence is a crucial factor in performing its oversight role. Further, its institutional framework ought to support Parliamentarians to make effective use of their powers of oversight. Only when the Legislature is able to independently perform its oversight role can the relevant Government agencies be held accountable for their actions. This is a critical factor in ensuring that efforts and interventions geared towards combating climate change can be achieved.

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Uganda: Key Facts

1. Introduction

Uganda is located in East Africa and lies across the Equator, about 800 kilometres inland from the Indian Ocean. It lies between 10 29' South and 40 12' North latitude, 290 34' East and 350 0' East longitude. The country is landlocked, bordered by Kenya in the East; South Sudan in the North; the Democratic Republic of Congo in the West; Tanzania in the South; and Rwanda in the South West. It has a total area of 241,551 square kilometres, of which the land area covers 200,523 square kilometres.

2. Geography

The country enjoys equatorial climate with plenty of rain and sunshine moderated by the relatively high altitude. In most parts of the country, the mean annual temperatures range from 16°C to 30°C.

3. People

The total population of Uganda is currently projected at approximately 43 million people - women account for about 51% of the population while men account for 49%. This population is made up of over sixty-five different indigenous ethnic groups, other non-indigenous Ugandans and non-Ugandans.

3.1 Culture

Uganda has a diverse culture. It encompasses religion, tribe, traditions and beliefs, value systems and language among others. Uganda's population is made up of different ethnic groups with unique customs and norms.

3.2 Language

Language is one of the uniting factors in any society. In

Uganda, while English is the official language, there are about 50 other languages spoken. However, Swahili is being promoted in the spirit of regional integration within the East African Community (EAC).

3.3 Performing Arts

Performing arts include; dance, drama, music, theatre, motion pictures, opera, traditional sports and the marching arts such as brass bands.

3.4 Visual Arts and Handcrafts

Visual arts and handcrafts include among others; basketry, mats, ceramics, beads, pottery, handwoven textiles and products, toys, jewellery, bags and ornaments, leather products, batik, woodcarvings and paintings.

3.5 Indigenous Knowledge

These are traditional local knowledge practices existing within and developed around the specific conditions of a community indigenous to a particular geographical area.

3.6 Cultural and religious beliefs, traditions and values

One of the new attributes of Uganda at birth was its motto, *For God and My Country*. Uganda's Constitution (1995) allows freedom of worship. There are various religious groupings in the country. Catholics are the majority, comprising of 39.3%, followed by Anglicans and Muslims with about 32% and 17% of the total population respectively. Other religious practices also exist.

4. Government, Parliament and the Judiciary

The Government of the Republic



of Uganda is a democracy made up of three arms: The Executive, The Legislature, and The Judiciary. The Constitution is the supreme law of Uganda. The present Constitution (1995) was adopted on 8 October 1995. The President of Uganda is His Excellency Yoweri K. Museveni, who is also the Head of State, Head of Government and Commander-in-Chief of the Uganda Peoples' Defence Forces and the Fountain of Honour. The Vice-President is His Excellency Edward Kiwanuka Ssekandi. The Cabinet consists of the President, the Vice-President and such number of Ministers as may appear to the President to be reasonably necessary for the efficient running of the State.

The functions of the Cabinet are to determine, formulate and implement the policy of the Government and to perform such other functions as may be conferred by the Constitution or any other law.

There is a Parliament whose mandate is to make laws on any matter for the peace, order, development and good governance of Uganda. Parliament is headed by the Speaker, Rt Hon. Rebecca A. Kadaga, MP, who is deputised by Rt Hon. Jacob L'Okori

Oulanyah. The highest policy organ is the Parliamentary Commission which is a nine-member body chaired by the Speaker of Parliament.

The Parliamentary Service which provides administrative and technical support to the Speaker of Parliament, Members of Parliament, Committees and Parliament, is headed by the Clerk to Parliament, Mrs Jane L. Kibirige and is supported by various staff. The current Parliament is the Tenth Parliament (2016 – 2021) and has 459 members representing various constituencies, interests and groups.

Judicial power is derived from the people and is exercised by the courts as established under the Constitution in the name of the people and in conformity with law and with the values, norms and aspirations of the people.

The Courts of judicature in Uganda are: The Supreme Court; the Court of Appeal; the High Court; and such subordinate courts as Parliament may by law establish, including qadhis' courts for marriage, divorce, inheritance of property and guardianship, as may be prescribed by Parliament.



The Chief Justice of Uganda is His Lordship Justice Bart M. Katureebe, who is deputised by His Lordship, Justice Winy Dollo Alfonse.

5. Economy

The economy of Uganda has experienced steady macroeconomic growth, averaging 6% from 2005 to 2017. Despite being landlocked and resource scarce, Uganda is one of the fastest growing countries in Africa with a total Nominal GDP of USD\$26.25 billion as at end of June 2018. The agriculture sector is the most important source of employment and income, with 70% of the working population engaged in agriculture, forestry and fishing.

6. Agriculture

Agriculture is Uganda's main economic activity, employing nearly two thirds (64%) of the total population. The country is endowed with fertile soils suitable for production of cash and food crops.

7. Tourism

Tourism is one of Uganda's major Foreign Exchange Earners. Uganda's tourism earnings were estimated at US\$1.4 billion annually, which is 26% of total foreign exchange and 9.9% of the country's GDP.

8. Urbanisation

Despite being one of the most rapidly urbanising countries in Africa, Uganda is still one of

the least urbanised countries in Africa, with 83% of the population (or roughly 28.9 million people out of a total of 34.9 million in 2014) living in rural areas. Kampala is the capital city of Uganda with a population of approximately 1.5 million people.

9. Energy

The major source of energy in Uganda is hydro. Other sources being explored include oil and gas, geothermal, natural gas, biogas, wind, solar, and nuclear energy.

10. Oil and gas

As of June 2016, the discovered oil resources were estimated at 6.5 billion barrels of oil equivalent

in place and 500 billion cubic feet of on-associated gas. The oil and gas industry is a nascent industry in Uganda and it is projected that the first barrels of oil will be on the market in 2023.

11. Transport

Uganda is served by road, rail, inland water and air transport. Road is by far the dominant mode of transport in terms of scale of infrastructure and the volume of freight and movements of people.

12. Information, Communications and Technology (ICT)

The ICT sector is one of the fastest growing sectors in Uganda, and its socio-economic contribution is immense. Through the sector, Uganda has witnessed significant increase in ICT infrastructural coverage, access, tele-density, subscriber base (telephone and internet) and e-services which has increased the sectors' contribution to employment opportunities.

13. Education

According to UNESCO Uganda, the country has an adult literacy rate of 70.2% - while the male literacy rate is 79.12%, for females is 61.97%. There are 9 public universities in Uganda and the oldest of them all is Makerere University established in 1922. There are 43 private universities. Across the country, there are various technical and tertiary institutions.

Uganda: Key Facts - provided by the Research Department at the Parliament of Uganda.





CPA Uganda Branch and the Commonwealth Parliamentary Association

- The **CPA Uganda Branch** was formed in 1962.
- In October/November 1967, the CPA Uganda Branch hosted the **13th Commonwealth Parliamentary Conference** in Uganda. The conference was presided over by: **Hon. W. W. Kalema, MP, Minister of Commerce and Industry, Uganda** – Chairman of the General Council of the Commonwealth Parliamentary Association.

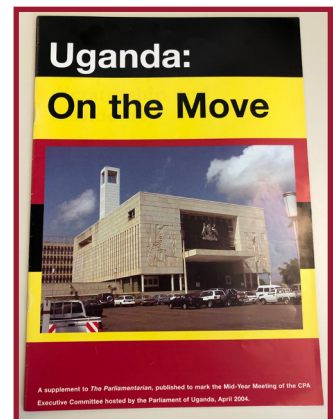


- The 13th Commonwealth Parliamentary Conference was opened on Thursday 26th October 1967 at the Committee Room Suite of Parliament House in Kampala, Uganda. The delegates were welcomed by Hon. W. W. Kalema, MP, Chairman of the CPA General Council and the conference was opened by **His Excellency The President of the Republic of Uganda, Hon. Dr A. M. Obote, MP**. The vote of thanks was given by **Hon. L. O. Pindling, MHA, Premier and Minister for Tourism and Development, The Bahamas**, Vice-Chairman of the General Council of the Commonwealth Parliamentary Association.
- In 2004, the CPA Uganda Branch hosted the **CPA International Executive Committee Mid-Year Meetings** in Uganda.
- In 2012, **Hon. Elijah Okupa, MP** from the Parliament of Uganda represented the CPA Africa Region on the CPA Executive Committee.

- In 2015, the CPA Uganda Branch hosted the **CPA Parliamentary Staff Development Workshop** for parliamentary staff from across the CPA Africa Region.
- The current Speaker of the Parliament of Uganda, **Rt Hon. Rebecca A. Kadaga, MP**, was the **Commonwealth Women Parliamentarians (CWP) Chairpers^on** between 2013 and 2016. She had previously been the CWP Vice-Chairperson and the CWP Africa Chairperson.
- In 2018, the Parliament of Uganda hosted the four-day **Commonwealth Women Parliamentarians (CWP) East Africa Regional Gender Sensitisation Workshop** for the East Africa region which focused on mainstreaming gender in parliamentary business. The Chairperson of the Commonwealth Women Parliamentarians (CWP) Africa Region, Hon. Thoko Didiza, MP (South Africa) gave a keynote address under the theme of *'Mainstreaming Gender in Parliamentary Business'*.
- In 2019, the CPA Uganda Branch and Parliament of Uganda host the **64th Commonwealth Parliamentary Conference**.



The CPA Uganda Branch hosted the Commonwealth Women Parliamentarians East Africa Regional Gender Sensitisation Workshop.



Supplement to *The Parliamentarian* on Uganda published in 2004 when the CPA Uganda Branch hosted the CPA International Executive Committee Mid-Year Meetings.



CPA COMMONWEALTH
PARLIAMENTARY
ASSOCIATION

Commonwealth Parliamentary Association (CPA)



Lake Bunyonyi in Uganda



The skyline of Kampala in Uganda

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