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ENDORSEMENT OF THE REPORT OF THE COMMITTEE ON RULES, PRIVILEGES AND DISCIPLINE, ON AMENDMENTS TO THE RULES OF PROCEDURE OF PARLIAMENT, JANUARY 2019.....

1 INTRODUCTION

Rt. Hon. Speaker,

The Committee on Rules, Privileges and Discipline undertook an exercise to review the Rules of Procedure of the Parliament of Uganda, and now reports to the House.

1.1 BACKGROUND

Article 94(1) of the Constitution states: *"Subject to the provisions of this Constitution, Parliament may make rules to regulate its own procedure, including the procedure of its committees".* While the Rules of Procedure of the Parliament of Uganda came into force on 10th November 2017, they are subject to an *almost* continuous process of amendment that is necessitated by **Rule 172(1)(c)**, which tasks the Committee on Rules, Privileges and Discipline to *"review these rules from time to time and to make such recommendations to the House for amendment, as the committee considers necessary for the satisfactory functioning and efficient transaction of the business of the House and its committees".* Additionally, the committee is required to *"examine and advise the House on amendments proposed to the rules, by Members or other committees of the House"* [r.172(1)(d)].

The Committee on Rules, Privileges and Discipline was directed to review the Rules of Procedure of Parliament, in view of particular proposals, as hereunder:

1.1.1 Proposal to Create a Committee on Sustainable Development Goals (SDGs)

At the 18th Sitting of the 2nd Meeting of the 2nd Session of the 10th Parliament, held on Thursday 14th December 2017, a Report of the delegation to the World Parliamentary Forum on Sustainable Development Goals: Achieving the 2030 Agenda through Inclusive Development, Bali – Indonesia, 6th – 7th September 2017, was laid on the Table. Hon. Beatrice Atim Anywar (Kitgum Municipality, INDEP) informed Parliament that she had made a proposal to the Committee on Rules, Privileges and Discipline to consider the creation of a Committee on Climate Change that would help to fast track mitigation and adaptation to climate change.

1.1.2 Proposal to provide for Electronic Tabling of Documents

She informed the House that the Parliamentary Commission wished to see a paperless Parliament by the end of the 2nd Session, in May 2018. Thus, progressively, the MPs would be expected to use only their iPads in the Chamber. Furthermore, that Parliament would be able to facilitate the public to contribute to the Bills and policies online.

1.1.3 Proposal to Revise Rule 144, on Consideration of the Budget Framework Paper (BFP)

Procedural issues were raised, particularly under rule 144. The Speaker referred the matter to the committee for rules, for review, with a focus on the following issues:

whether the sectoral committees should present their reports to the House for consideration, whereupon the Budget committee would consolidate their

- views; and thereafter report to the House for approval of the BFP as per Section 9(8) of the Public Finance Management Act (2015);
- whether the sectoral committees should submit oral or written reports to the Budget Committee;
 - whether a sectoral committee report submitted to the Budget Committee should be signed in accordance with rule 201(1);
 - whether all the Members of a sectoral committee were expected to appear before the Budget Committee to present their report for consideration.

1.1.4 Proposal to Suspend Participation of a Chairperson in His/Her Second Committee

At the 9th Sitting of the First Meeting of the 3rd Session of the 10th Parliament, held on Tuesday 24th July 2018, the House constituted sectoral committees in accordance with Rules 183 and 184.

The Rt. Hon. Speaker noted that Members who were Chairpersons or Deputy Chairpersons to Committees registered low attendance in the other committees to which they belonged, primarily because they had to chair meetings in the committees where they perform leadership roles.

The Speaker directed the committee for rules to explore the possibility of reviewing the Rules of Procedure to suspend the participation of Chairpersons and Deputy Chairpersons in the other committees to which they are designated – for the duration of the time that they are chairing a committee. She was of the view that this would allow them to concentrate on performing their leadership roles as committee chairs.

1.1.5 Proposal to Sanction Committees for failure or refusal to report on assignments:

At the 14th Sitting of the Second Meeting of the 3rd Session of the 10th Parliament, held on Wednesday 5th December 2018, the Rt. Hon. Speaker observed, with concern, that there was much work pending in committees; the bulk of which had exceeded the time provided in the Rules or by the House, for consideration by committees. She further observed that committees that delayed with work hardly

returned to the House to seek leave for extension of time within which to consider their assignments and report back to the House.

The Speaker directed the committee on Rules, Privileges and Discipline to propose amendments to the Rules of Procedure, providing for sanctions to committees that refuse and or fail to undertake assignments within 45 (forty five) days, or other stipulated or requisite time and yet do not seek extension of time.

1.1.6 Proposal to Review Rule 11 on Parliamentary Commissioners

During the 16th Sitting of the 2nd Meeting of the 3rd Session of the 10th Parliament, held on Tuesday 11th December 2018, Hon. Medard Sseggon (Busiro East, DP) raised concern over the procedure for nomination and election of the backbench Parliamentary Commissioners as provided in rule 11 of the Rules of Procedure of Parliament, vis-à-vis the provisions in section 2 of the Administration of Parliament (Amendment) Act, No. 22 of 2006. The Speaker deferred ruling on this matter to a subsequent Sitting.

During the 18th Sitting held on Tuesday 18th December 2018, the Rt. Hon. Speaker made a ruling to the effect that:

- while Section 2(2b) of the Administration of Parliament Act (as amended) requires "nomination of the candidates for election" as backbench Commissioners, the provisions of rule 11(4) and (5) of the Rules of Procedure provide for "designation" and "re-designation" respectively –an oversight on the part of Parliament– thereby putting the Rules in direct contradiction to the Act, which was mandated under Article 87A of the Constitution to make that law. That nonetheless, to avoid ambiguity, the House would read the word "designation" to mean "nomination".

rule 97(a) of the Rules of Procedure of Parliament provides for secret voting in the House in respect of the election or removal of a person holding office under the Constitution or under a law made under the Constitution. That in this case, the Parliamentary Commission is created by the Constitution (under article 87A), and is indeed operationalized by the Administration of Parliament Act.

the tenure of Members elected to the Commission under the command of the Administration of Parliament Act is two and a half years.

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The Speaker concluded her ruling by stating:

"... by the command of the law, Members elected to serve on the Commission are nominated by the Government and the Opposition sides of the House. They are elected by secret vote in the House and serve for two and a half years."

She directed that the Committee on Rules, Privileges and Discipline align the Rules to the Constitution and the Administration of Parliament Act.

1.2 SCOPE

The Committee set out to review the Rules of Procedure based on the following proposals, by Order of the House:

- (a) To create a committee on Sustainable Development Goals (SDGs);
- (b) To provide for electronic tabling of documents;
- (c) To revise rule 144, on consideration of the Budget Framework Paper;
- (d) To suspend the participation of a chairperson in the second committee to which he or she is designated;
- (e) To provide for sanctions to committees for failure or refusal to report on assignments;
- (f) Proposal to align the Rules with the Constitution and the Administration of Parliament Act, with regard to Nomination and Election of the Backbench Commissioners of the Parliamentary Commission

1.3 METHODOLOGY

The Committee enlisted the following methods of work:

1.3.1 Meetings with Key Stakeholders

The Committee invited key stakeholders to appear before it and/or submit written memoranda presenting their views on the proposed amendments. The Committee

received written evidence from a diverse range of stakeholders and heard from witnesses across various oral evidence sessions. Witnesses included the following:

(i) **The Government Focal Person on SDGs**, The Hon. Minister for General Duties in the Office of the Prime Minister, Hon. Mary Karoro Okurut;

(ii) **Party Whips:**

- The Government Chief Whip, Hon. Ruth Nankabirwa;
- The Chief Opposition Whip, Hon. Ibrahim Ssemujju;

(iii) The Chairperson (Hon. Hellen Grace Asamo) and Members of the Parliamentary Committee on Equal Opportunities.

(iv) **Chairpersons and Deputy Chairpersons of Parliamentary Committees:**

- Hon. Keefa Kiwanuka, Chair, Natural Resources;
- Hon. Jovah K. Kamateeka, Chair, Human Rights;
- Hon. Agnes Amede, D/Chair, EAC Affairs;
- Hon. George Ouma Abbot, Chair, EAC Affairs;
- Hon. John Twesigye Ntamuhiira, D/Chair, Education & Sports;
- Hon. Sam Kwizera Bitangaro, D/Chair, Legal & Parliamentary Affairs;
- Hon. Paul Amoru, D/Chair, ICT and National Guidance;
- Hon. Alex Ndeezi, Chair, Gender, Labor and Social Development;
- Hon. Hood Katuramu, Chair, Foreign Affairs;
- Hon. Fred Kumama Nsamba, D/Chair, Physical Infrastructure;
- Hon. Violet Akurut Adome, D/Chair, Foreign Affairs;
- Hon. Jacob Marksons Oboth, Chair, Legal & Parliamentary Affairs;
- Hon. Jane Pacuto Avur, D/Chair, Finance, Planning & Economic Development.;
- Hon. Gerald K. Karuhanga, D/Chair, PAC – Central Government.

(v) **The following Members of Parliament:**

- Hon Atim Beatrice Anywar (*Kitgum Municipality, INDEP*);
- Hon. Okoth Othieno (*West Budama North, NRM*) and member of the Committee on Budget:¹
- Hon. Lyandro Komakech (*Gulu Munic., DP*);
- Hon. James Kakooza (*Kabula County, INDEP*);

¹ The Committee notes that while it extended an invitation to the Committee on Budget (including its ex-officios, only one of its members and some ex-officios entered appearance.

- Hon. Ismael Orot (*Kanyum County, NRM*);
- Hon. Lawrence Bategeka Nkooto (*Hoima Munic., NRM*);
 - Hon. Connie Nakayenze Galiwango (*Mbale District, NRM*);
 - Hon. David Ronnie Mutebi (*Buikwe South, NRM*);
 - Hon. Rukia Kulany Chekamondo (*Kapchorwa District, NRM*);
 - Hon. Elijah Okupa (*Kasilo County, FDC*);
 - Hon. John Twesigye Ntamuhira (*Bunyaruguru County, NRM*);
 - Hon. Muwanga Kivumbi (*Butambala County, DP*).
- (vi) **Parliamentary Forums:**
 - The Chairperson (Hon. Barnabas Tinkasiimire) and members of the Parliamentary Forum on Sustainable Development Goals;
 - The Chairperson (Hon. Lawrence Songa Biyika) and members of the Parliamentary Forum on Climate Change (PFCC);
- (vii) Advocates Coalition for Development and Environment (ACODE), a Civil Society Organization.

1.3.2 Memoranda

The committee received written memoranda from the following Members:

- (i) Hon. Alum Santa Sandra Ogwang (UPC Whip); and
- (ii) Hon. Waira Kyewalabye Majegere (*Bunya East, INDEP*).

1.3.3 Benchmarking/Study Visits

- (i) A delegation of the committee visited the National Assembly of Zambia on 21st and 22nd November 2018;
- (ii) A delegation of the committee visited the Parliament of India (Lok Sabha and Rajya Sabha) on 12th and 13th December 2018.

1.3.4 Desk Research

The Committee undertook desk research, particularly regarding how other Parliaments have handled matters similar to those under review by the Committee.

2 STAKEHOLDERS' VIEWS

2.1 Proposal to Create a Committee on Sustainable Development Goals (SDGs)

2.1.1 Arguments in support of creation of a Committee on SDGs:

The Cabinet SDGs Focal Person, the Minister in Charge of General Duties in the Office of the Prime Minister, Hon. Mary Karoro Okurut, advocated the proposal to form a committee on SDGs. In her view, it would strengthen and expedite implementation of the SDGs through linking with the Coordination Framework and the sectors to ensure coordination and alignment of policy, planning, budgeting, and prioritization processes across MDAs for sustainable development.

2.1.2 Arguments against creation of a Committee on SDGs

All other stakeholders who made submissions on the matter, including individual MPs, the Standing Committee on Equal Opportunities and the Standing Committee on Human Rights – strongly rejected the proposal to create a committee on SDGs. Their main concern was that its mandate would clash with those of all sectoral committees, and some standing committees, as the sectoral committees are well positioned to carry out strategic oversight and monitor each SDG and target under their jurisdiction. They also argued that it would be a waste of funds, particularly where the new committee was anticipated to duplicate the work of several other committees. Additionally, that the SDGs are a UN agenda that ends in 2030. They questioned what would happen to the Committee if and when the UN moved away from the SDGs.

The Parliamentary Forum on Sustainable Development Goals and the Parliamentary Forum on Climate Change, also strongly rejected the proposal, submitting that should a committee on SDGs be created, then *all* Members of Parliament should be members of that committee, so that it would operate like the Committee of the Whole House. Others proposed that the Chairpersons report on implementation of the SDGs in their committees through the Business Committee and or the Budget Committee, where they are all *ex-officio* members.

2.1.3 Creation of a Parliamentary Committee on Climate Change:

2.1.3.1 Arguments in Support of creation of a committee on climate change:

Hon. Beatrice Anywar (Kitgum Munic., INDEP), citing international conventions on climate change, highlighted the importance of the SDGs. She was specifically more concerned with Goal 13 that focuses on climate action. She noted, with concern, the current and likely devastating future impact of climate change on Uganda, if not sufficiently tackled. She stressed that Uganda needed stronger policy action by Parliament on climate change, because it lacked coping mechanisms to global climate change threats. She proposed that Parliament establishes a Standing Committee on Climate Change, whose main goal would be to ensure that all policies, budgets, Bills, and development plans of the Executive are responsive to the need for climate change mitigation and adaptation practices and policies. She proposed that alternatively, the name of the committee could be "Committee on Climate Change and Environment". Hon. Anywar further acknowledged the Parliamentary Forum on Climate Change, and expressed the view that the proposed committee on climate change could co-exist with the Forum on Climate Change; as the forum would not necessarily destabilize the committee; since the forum did not have locus to stand on the Floor of Parliament to report on any matter.

The **Advocates Coalition for Development and Environment (ACODE)** similarly strongly advocated the need for a parliamentary committee specifically on climate change, making arguments similar to those of Hon. Anywar.

The **Parliamentary Forum on Climate Change (PFCC)** considered the advantages of having a stand-alone committee on Climate Change; which were mostly similar to Hon. Anywar's reasons.

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2.1.3.2 Arguments against creation of a committee on climate change:

The **Parliamentary Forum on Climate Change** identified the institutional issues associated with having a stand-alone Committee on Climate Change, which were mostly concerns regarding the sustainability of the Forum vis-à-vis the proposed committee, e.g. potential competition for donor funds between the two. They were also concerned about the mandate of the proposed committee on climate change vis-à-vis that of the Committee on Natural Resources.

2.1.4 Emphasis on Climate Change under the Committee on Natural Resources:

2.1.4.1 Views in Support of emphasizing climate change under Natural Resources committee:

The Parliamentary Forum on Climate Change (PFCC) proposed that while probably little about climate change issues is tackled by the Committee on Natural Resources, there should be a shift to give climate change special emphasis under the Natural Resources Committee. They proposed the following strategies either singly or jointly:

- (i) Increased technical staff specialists to handle climate change within the existing Committee on Natural Resources.
- (ii) Voluntary subcommittees on climate change established and recognized within the Natural Resources Committee.
- (iii) Modify the Natural Resources Committee to become: "Environment and Natural Resources Committee".
- (iv) Split the Natural Resources Committee to extensively handle climate change by establishing a subcommittee on: Environment (to cover climate change as well); and Natural Resources (to cover water, forests, land, minerals, and petroleum).
- (v) Split the Natural Resources Committee to create two Committees on: Water and Environment; and Energy and Minerals.

the existing Committee on Natural Resources:

- (ii) Voluntary subcommittees on climate change established and recognized within the Natural Resources Committee.
- (iii) Modify the Natural Resources Committee to become: "Environment and Natural Resources Committee".
- (iv) Split the Natural Resources Committee to extensively handle climate change by establishing a subcommittee on: Environment (to cover climate change as well); and Natural Resources (to cover water, forests, land, minerals, and petroleum).
- (v) Split the Natural Resources Committee to create two Committees on: Water and Environment; and Energy and Minerals.

It is to be noted that the **Parliamentary Forum on SDGs** also proposed that the Committee on Natural Resources be split into two committees, because it was ineffectively overseeing a large mandate.

Hon. Anywar was of the view that the very important and specialized roles she had envisaged for the committee on climate change could not be performed efficiently by the Natural Resources Committee that had a very wide mandate, and because climate change was a cross cutting issue affecting all sectors.

The **Chairperson of the Committee on Natural Resources** strongly rejected the proposal to split up the Committee on Natural Resources, arguing that there was no justification for it.

Members of Parliament proposed that the capacity of sectoral committees to oversee the SDGs under their sectors should be strengthened – as several MPs were not knowledgeable on SDGs.

2.2 Electronic Tabling of Documents

The MPs, while wishing to embrace this idea in line with the trend towards a paperless Parliament and digitization of information, received it with mixed feelings. Most Members expressed discomfort with the idea of solely laying documents electronically on an e-platform, without doing it physically in hard copy. They appeared to trust written documents more, particularly for record purposes, and in view of the forgeries associated with electronic documents. Additionally, Members argued that electronic devices, such as computers, laptops and iPads are not reliable in Uganda, as they tend to get affected by outages in power supply, and unreliable network connections. Therefore, most Members seemed quite happy with the status quo, where Members laid documents on the Table in the House.

2.3 Consideration of the Budget Framework Paper (BFP)

- (a) **Whether the sectoral committees should present their reports to the House for consideration, whereupon the Budget committee would consolidate their views; and thereafter report to the House for approval of the BFP as per Section 9(8) of the Public Finance Management Act (2015).** The majority of MPs who appeared before the Committee found the process stipulated under rule 144 to be satisfactory; whereby each sectoral committee is required to submit its report on the BFP to the Budget Committee, which would thereafter scrutinize both the BFP and the reports of the sectoral committees and report to the House for approval of the BFP. They were generally of the view that it would be time consuming and a duplication of work, for Sectoral Committees to report directly to the House.
- (b) **Whether the sectoral committees should submit oral or written reports to the Budget Committee.** All the MPs who made submissions on this matter were of the view that a report of a sectoral committee on the BFP should be written, for purposes of the record, evidence, reference, and certainty as to what is contained in the report.
- (c) **Whether a sectoral committee report submitted to the Budget Committee should be signed in accordance with rule 201(1).** There was a unanimous view that the report of a sectoral committee on the BFP should be signed and initialed in accordance with rule 201(1), by at least one third of all the members of the committee – in order to encourage ownership.
- (d) **Whether all the Members of a sectoral committee were expected to appear before the Budget Committee to present their report for consideration.** Most MPs were of the view that once the report of the sectoral committee was signed in accordance with the Rules, there was no need for all the sectoral committee members to appear before the Budget Committee, based on the assurance that their views would have already been presented in the committee report. Additionally, that the Chairperson

(d) **Whether all the Members of a sectoral committee were expected to appear before the Budget Committee to present their report for consideration.** Most MPs were of the view that once the report of the sectoral committee was signed in accordance with the Rules, there was no need for all the sectoral committee members to appear before the Budget Committee, based on the assurance that their views would have already been presented in the committee report. Additionally, that the Chairperson

or Deputy Chairperson was well in position to follow-up any matters with the Budget Committee, particularly because, under rule 170(2), they are *ex-officio* members of the same.

However, some Members expressed concern regarding the fact that while Chairpersons of Standing and Sectoral Committees are *ex-officio* Members of the Budget Committee, they are hardly invited to meetings of the Budget Committee, save for when they are specifically required to make a presentation, such as at the time of reporting on the BFP or Ministerial Policy Statements, or when the Budget Committee was "harmonizing" reports of sectoral committees on the same. Indeed, some Members questioned the relevance of rule 170(2), and its impact, in view of the fact that rule 203 allows any Member to take part in the public proceedings of any committee, without a right to vote.

2.4 Suspension of Chairpersons from their 2nd Committees

The Government Chief Whip and the Chief Opposition Whip were both in support of the proposal to suspend the participation of chairpersons and deputy chairpersons in the second committees to which they are designated, mainly for the reason that they were overloaded by their role as committee leaders, in addition to being *ex-officio* members of the Business Committee and the Budget Committee.

The Whips acknowledged that ordinary committee members equally registered low participation in committees, primarily owing to the fact that there were often clashes between meetings of sectoral committees and those of standing committees, hence – jeopardizing the quality of work in committees. They both proposed that each MP should be a member of only one committee, either a standing committee or a sectoral committee, although the chairpersons would additionally remain *ex-officio* members of the business and budget committees. The committees would be re-constituted on a yearly basis.

However, all MPs (including chairpersons) who made submissions on this matter advocated that the status quo be maintained. They principally cited the need for

each member to at all times belong to a sectoral committee, where matters of policy and budget are handled.

As a solution to the dilemma of clash between activities of sectoral committees and those of standing committees, most MPs proposed that a rota be developed to allocate separate times or days for the two types of committees. While some proposed that this arrangement could be included in the Rules, others looked to the Clerks and or the Business committee to synchronize the schedules of committees across the board.

2.5 Sanctions for Failure to Report on Assignments

The Committee did not seek stakeholders' views on this proposal. By the time the directive to consider this proposal was made, the Committee had already concluded hearings on amendments to the Rules.

2.6 Proposal to Review Rule 11 on Parliamentary Commissioners

As previously noted, on 18th December 2018, the Rt. Hon. Speaker ruled on the matter of nomination and election of Parliamentary Commissioners, as opposed to their mere designation. She directed the Committee on Rules to align the Rules of Procedure with the Constitution and the Administration of Parliament Act, in this regard.

Therefore, the Committee was required to put the ruling of the Speaker into effect. This did not necessitate receipt of stakeholders' views.

2.7 Other Proposals for Amendment of the Rules of Procedure

Apart from the proposals for amendment that emanated from the House, individual Members of Parliament approached the Committee with proposals for amendment of the Rules. The bulk of these proposals were received in the course of hearing the views of Members on the proposals for amendment that originated from the House.

- (a) Proposal for Members of Sectoral and Standing Committees to elect their Leaders, as opposed to leaders being designated by the Party or Organization in Government and the Official Opposition Party or Organization. This would mean amendment of **Rules 157 (6), (7) and (8) and Rule 184 (6) and (7)**.²
- (b) Proposal for Parliament to elect its representatives to the Pan African Parliament. This would call for amendment and or implementation of **Rule 13**.³
- (c) A proposal to open up to the public, the meetings of the Appointments Committee. This would necessitate amendment of **Rule 162(2)**.⁴
- (d) A proposal for the reports of the Appointments Committee to be debated by the House. This would need amendment of **Rule 167**.⁵
- (e) A proposal for the vetting of appointments, which is currently performed by the Appointments Committee, to be decentralized to relevant sectoral committees. This would require amendments to **Rules 160 – 169**, among others.⁶
- (f) Proposal to amend **Rule 171** on the composition and functions of the Committee on Public Accounts (Central Government) – so that membership is reduced to a maximum of 25; and the functions include consideration of all other relevant reports that may not have emanated from the Auditor General.⁷
- (g) Proposal to define/interpret the terms "opposition" and "Party in Opposition".⁸
- (h) Proposal to amend **Rule 157(7)** which is to the effect that the accountability committees shall be led by Members designated by the Official Opposition

² Proposal by majority of the Members who appeared before the Committee.

³ Proposal by several of the Members who appeared before the Committee.

⁴ Proposal by Hon. Muwanga Kivumbi (*Butambala County*, DP), Hon. Gerald Karuhanga (*Ntungamo Municipality*, INDEP), and Hon. Waira Kyewalabye Majegere (*Bunya East*, INDEP).

⁵ Proposal by Hon. Karuhanga.

⁶ Proposal by Hon. Muwanga Kivumbi.

⁷ Proposal by Hon. Karuhanga.

⁸ Proposal by Hon. Santa Sambo Alim Ogwang (*Oyam District*, UPC), and UPC Whip.

Party – to provide a clear and inclusive procedure catering for all the parties in the Opposition.⁹

- (i) A proposal for amendment of the Prayer in the Rules of Procedure (**Appendix A**), to replace the word "manner" with the word "way".¹⁰
- (j) Proposal to amend **Rule 221** to expound on the concept of Contempt of Parliament.
- (k) Proposal to define "Parliamentary Privilege."
- (l) Proposal to provide more comprehensive provisions on sanctions for breach of the Rules of Procedure.

⁹ Proposal by Hon. Santa

¹⁰ Proposal by Hon. Masegere

3 OBSERVATIONS

3.1 PROPOSAL TO CREATE A COMMITTEE ON SUSTAINABLE DEVELOPMENT GOALS (SDGS)

3.1.1 Power of Parliament to Create/Appoint Committees

The proposal referred to the Committee was for the creation of a committee on Sustainable Development Goals (SDGs) that would also oversee matters of climate change.

Article 90 of the Constitution provides for committees of Parliament. It states:

"90. Committees of Parliament.

- (1) *Parliament shall appoint committees necessary for the efficient discharge of its functions.*
- (2) *Parliament shall, by its rules of procedure, prescribe the powers, composition and functions of its committees."*

Pursuant to the Constitution, **rule 153 of the Rules of Procedure** provides for committees of Parliament. It states:

"153. Committees of Parliament

- (1) *In accordance with article 90 of the Constitution, the House shall appoint Committees of Parliament necessary for the efficient discharge of its functions.*
- (2) *For the avoidance of doubt, these Rules of Procedure shall prescribe the powers, composition and functions of Committees."*

3.1.2 The Sustainable Development Goals (SDGs)

In September 2015, 193 Member States attending the United Nations Sustainable Development Summit in New York adopted a new global development framework: 'Transforming our World: the 2030 Agenda for Sustainable Development' – it was hoped that this would bring about sustainable development in a more holistic way.¹¹

¹¹ Going far beyond finishing the job of the MDGs, the SDGs are an attempt to set a new agenda for the whole world, to redefine global norms, and to reinvigorate international cooperation. Whereas the MDGs

The Agenda consists of 17 Sustainable Development Goals (SDGs) (or 'Global Goals' as they are popularly known) and 169 targets (with 232 indicators), which commit all signatory countries to tackle issues as diverse and deep-rooted as gender inequality, climate change, access to quality education and the promotion of peaceful and inclusive societies (ensuring that no one is left behind). The SDGs officially came into force on 1st January 2016.

SUSTAINABLE DEVELOPMENT GOALS



A new framework for action

The SDGs define global, long-term development objectives to establish more sustainable means of economic, environmental and social development in all countries. Member states voluntarily committed to implementing SDGs in their nations. On Uganda's part, the government, through the second National Development Plan 2015/16-2019/20 (NDP II) integrated the relevant SDGs and tasked the arms of government with specific targets towards achieving the SDGs.

concentrated on specific challenges faced by developing countries, the SDGs aim to solve common problems and secure economic, social and environmental gains for everyone. They reflect shared objectives.

3.1.3 Parliamentary engagement with SDGs: IPU and UN Recommendations

Effective scrutiny of Government's progress against the SDGs will be essential to ensure that they are implemented. The Agenda 2030 Declaration, acknowledges the "essential role of National parliaments through their enactment of legislation and adoption of budgets and their role in ensuring accountability for the effective implementation of our commitments." Additionally, the Bali Declaration¹² "Urged governments to work closely with the Parliaments in the development of global accountability and to promote parliamentary perspectives in global dialogues and meetings on SDGs, in particular the UN High Level Political Forum (HLPF) on sustainable development and Parliamentary involvement on relevant national reports."¹³

It is acknowledged that each Parliament can organise its own response to the SDGs according to local needs.¹⁴ Some recommended actions include: (i) improving coordination between committees; (ii) setting up a parliamentary caucus/forum or a specialised SDGs committee; (iii) ensuring that a national plan for the SDGs is drawn up and a progress report presented to parliament; and (iv) reviewing all legislation to bring them in line with the SDGs.

3.1.4 Current responses by the Parliament of Uganda

The Parliament of Uganda passed a Resolution on September 22nd 2016 to reaffirm the role of Parliament in the implementation of the SDGs. Parliament is also committed to engaging the government, Ugandans and other stakeholders on Agenda 2030 and its Strategic Plan 2016/17-2019/20 aligns itself with NDP II and the SDGs. Indeed, Parliament is at the centre of the budget process through which resources are allocated for sustainable development, as well as oversight through which government is held accountable.

¹² Made on 6-7th September 2017, during the World Parliamentary Forum on Sustainable Development.

¹³ Section 7 of the Declaration on Leaving No One Behind.

¹⁴ The Inter-Parliamentary Union provided, with support of United Nations Development Programme, a SDGs Self-Assessment Toolkit for Parliaments to help them identify how the existing structures can be used to advance engagement on the SDGs and whether new ones need to be put in place. (See: Parliaments and the Sustainable Development Goals: A self-assessment toolkit, Inter-Parliamentary Union, 2016.)

However, while the parliamentary committees, particularly the sectoral committees, are *ideally* well placed to follow-up on Government's implementation of the SDGs, there is currently no effective strategy for this. This is complicated by the fact that monitoring SDGs is based on targets and indicators that are structured in such a way that there is no committee of Parliament that is *solely* expected to report on a specific target; instead, different committees have to contribute to reporting on each target.

On the other hand, there is a Uganda Parliamentary Forum on Sustainable Development Goals, whose vision is to see a Uganda that has achieved all the Sustainable Development Goals.¹⁵ This forum brings together hundreds of MPs from across different committees, who have an interest in matters regarding SDGs.

3.1.5 Creating a Committee on SDGs *versus* Improving coordination within existing Committees

The option of forming a committee, as is the case in some countries¹⁶, could be one way to ensure that follow up on the SDGs is more deliberate and sustained by a specific responsibility centre, as advocated by the Cabinet SDGs Focal Person, Hon. Mary Karoro Okurut. However, the key limitation envisaged, as highlighted by most MPs who interacted with the committee, is the duplication of roles arising out of clashes with the mandates of *all* sectoral committees and *some* standing committees.

The Committee observes that Uganda could, like some countries¹⁷, decide to use the existing committees to engage more with the government agencies in holding them

¹⁵ The 8th Parliament, in 2007, formed a Forum on Millennium Development Goals (MDGs), whose mission was to ensure that parliament played a central role in achievement of those goals. For the SDGs, this same forum simply became the Uganda Parliamentary Forum on SDGs. **Zambian** MPs also formed an SDGs caucus to ensure that national policies and legislation on SDGs are implemented and advocate for adequate national resource allocation for SDGs. The caucus also monitors implementation at local government and community level.

¹⁶ **Nigeria's House of Representatives and Senate** both have a Standing Committee on SDGs; **Kenya** set up select committees on SDGs which became a Parliamentary Caucus on SDGs; **Trinidad and Tobago** has a Joint Select Committee on Human Rights, Equality and Diversity; **Thailand** created a Sub-committee on Monitoring the Implementation of SDGs; **Zimbabwe** has a Parliamentary Thematic Committee on SDGs; and **the United Kingdom** has a select committee to fast-track progress on SDGs in the UK. However, **Sri Lanka's** select committee on SDGs was unsuccessful owing to lack of a specific line ministry.

¹⁷ For example, **Romania's** parliament reviewed the mandates of its standing committees to mainstream SDGs; while **Belgium** established an SDGs Group of Friends and would integrate relevant SDGs into the

accountable and by increasing budget allocations for areas where the SDGs need to be achieved. This would also conserve scarce resources and utilise the competencies already existing in Parliament.

Furthermore, the Committee discovered that Government's response to the SDGs includes almost all Ministries, Departments and Agencies (MDAs). Additionally, that the SDGs are universal and interlinked, and to assess progress requires a multi-sectoral approach.

The Committee concludes that Parliamentary scrutiny of SDGs would therefore better involve the whole range of Parliamentary committees, particularly the sectoral committees.

3.1.6 Creation of a Parliamentary Committee on Climate Change

The above notwithstanding, the Committee acknowledges that climate change, which is highlighted in SDG No.13 on "Climate Action", among others, has increasingly become a serious matter of global and national concern. The Committee notes that the Bali Declaration urged Parliamentarians to: enact climate change and environmentally-sound legislations; adopt budgets to programs; implement the NDC and other commitments under the Paris agreement; and strengthen accountability. The Committee thus found it worth considering the creation of a committee dedicated to tackling matters of climate change, as is the case in some other Parliaments.¹⁸

Uganda is a signatory to the Paris Agreement and therefore participates in the global efforts to address climate change by adopting progressively more ambitious Nationally Determined Contributions (NDCs). Government has developed a Climate

work of its committees. **Denmark** also has a cross-party network bringing together members of standing committees relevant to the SDGs.

¹⁸ **The Danish Parliament** has a standing committee on Energy, Utilities and Climate; **Ireland's Parliament, the Oireachtas**, has a Committee on Communication and Climate Action and Environment; **Australia's House of Representatives** has a Standing Committee on Climate Change, Water and Environment and the Arts, which is established by a resolution of the House for each Parliament. **The United States House of Congress** had a House Select Committee on Energy Independence and Global Warming from 2007 to 2011, whose mandate was not renewed when the Republican Party gained majority seats in the House; however the Democratic Party regained majority in November 2018 and established a Committee on Climate Crisis in December 2018. Additionally, **the UK's House of Commons** had a Select Committee on Energy and Climate Change from 1st January 2009; and **The European Parliament** from 25th April 2007 had a Temporary Committee on Climate Change for 12 months.

Change Policy and its costed implementation strategy; and the Climate Change Bill awaits presentation and approval by Cabinet. Government has also initiated the development of the National Reduction of Emissions from Deforestation and Forest Degradation in a bid to reduce emissions and to also grow carbon stocks and promote carbon market oriented conservation. An effort has also been made to create enduring institutional arrangements for climate change governance, such as the Climate Change Department within the Ministry of Water and Environment¹⁹ and the Disaster Response Unit within the Office of the Prime Minister.

The Committee recognises the existence of the Parliamentary Forum on Climate Change, which advocates matters regarding climate change. However, the Forum on Climate Change cannot provide the requisite parliamentary oversight; it is neither funded by nor answerable to Parliament; it has no power to summon a Minister or Accounting Officer of any MDA to answer to matters of climate change governance and management; and it has no locus to stand on the Floor of Parliament and report on matters of climate change.

On the other hand, the Committee on Natural Resources, under whose portfolio matters of climate change sit, has a wide mandate²⁰ that it may not be in position to give matters of climate change the priority that they deserve. The Committee considered the option of splitting this committee into two, namely: (i) Committee on Water, Environment and Climate Change; and (ii) Committee on Energy, Petroleum, and Minerals. However, the Committee concluded that splitting the committee on natural resources into smaller components may still not give matters of climate change the prominence that they deserve. This is because the cross-cutting and multi-sectoral nature of climate change (across all sectors of development) calls for establishment of a separate committee whose mandate and powers are not sector-specific.

Thus, the committee is of the view that a standing committee will be better suited to handle matters of climate change, than a sectoral committee.

¹⁹ This is a stand-alone department; not based on or answerable to any Directorate in the Ministry of Water and Environment.

²⁰ The Committee on Natural Resources oversees matters of: environment, natural resources, wetland management, forestry, minerals, energy, petroleum, oil and gas.

3.1.7 Amending the name of the Committee on Natural Resources

The Committee observed that the Committee on Natural Resources also handles matters regarding the environment; however, environment is not a natural resource. Therefore, it would be necessary to change the name of the Committee on Natural Resources to highlight the aspect of "environment".²¹

3.2 ELECTRONIC TABLING OF DOCUMENTS

3.2.1 Tabling or Laying of documents in the Parliament of Uganda

Rule 2 of the Rules of Procedure defines "tabling" to mean "*the laying of an official document on the Table and laying before Parliament shall be construed accordingly*". Therefore, tabling and laying of official documents, before Parliament, have the same meaning. The Rules further define "Table" to mean "*the Clerk's Table*".

Therefore, tabling or laying of documents on Table (or before the House) is the procedure by which documents are formally recognized as being made available for the members of the House to read and later deliberate on. The practice of laying papers on the Table is the logical corollary of Parliament's inherent right to information as well as enforcing executive accountability to it. Authority to table any document emanates from an Act of Parliament, the Rules of Procedure, or is given by the House, through the Speaker, on a case by case basis.

Tabled documents automatically become public, because they are part of the records of Parliament. The Clerk to Parliament, through the Clerk-At-Table, is responsible for the custody of all tabled documents. This responsibility includes recording, indexing and archiving. Copies of these documents are available to the public, on request.

According to **Rule 2**, "any document in any form that may be laid on the Table" is referred to as a "*paper*". Indeed, a wide variety of papers are laid on the Table of the

²¹ The Committee notes the structure of other natural resources committees across the East African region as follows: **The Kenya Senate** has a Committee on Agriculture, Land and Natural Resources; the **Kenya National Assembly** has a Committee on Environment and Natural Resources; while the **Tanzania National Assembly** has a Committee on Land, Natural Resources and Tourism.

House. **Part VI of the Rules** provides for "papers", and **rule 31** in particular provides that *"A paper shall be laid on the table in the House by a Member."* Therefore, tabling or laying of documents is envisaged by way of physically presenting the document in the House.

3.2.2 Advantages of traditional Tabling of documents

The Committee notes that there are several advantages of physical tabling of documents, as is currently practiced in Uganda.

The Committee observes that the system of laying/tabling documents currently in usage by the Parliament of Uganda, appears sufficient for its current tabling requirements, under the circumstances. This is particularly because it entails having the document both in electronic form, or scan copy, and in physical form. Documents are often scanned and uploaded on the Alfresco System for access by Members on their iPads, which is convenient and efficient as a Member can quickly access a given document by the click of a button, from whichever location they are in the world; and it is also environmentally friendly as it reduces or removes the need to print out several copies of the document;

The fact that the document is laid on the Table by an authorized person, during a Plenary Sitting means that the document is laid in the presence of the whole House, and the Members and the public are witnesses to this activity.

The Clerk-at-Table who receives the document is ideally in position to immediately, or at a later time, verify that the document meets the requisite standards of a document of that kind, e.g. that a Ministerial Policy Statement is exactly what it is expected to be, and not a mere "dummy" document.

The fact that the document is labeled, registered and stored or eventually archived in the library means that it is readily available for retrieval anytime in the future.

3.2.3 Lessons from the Benchmarking Visit to the Parliament of India

In seeking to learn from best practices in laying documents on the Table, the Committee visited the **Parliament of India**, because India is quite ahead in utilization of Information Communication Technologies (ICTs). However, the Committee established that whereas there are dedicated IT helpdesk user support

resources and e-methodologies (internet services, emails, blogs and portals) in place to facilitate Members of Parliament to discharge their functions, there are no provisions in the rules of procedure of the Lok Sabha or Rajya Sabha, or any general practices for e-tabling of documents in both Houses. It is a requirement that Members of the Parliament of India should physically be present in the House at the time they intend to lay documents on the Table.

The Committee further discovered that in the committee structure of the Rajya Sabha (Council of States) and of the Lok Sabha, there is provision under **rules 212H and 305A, respectively, of the Rules of Procedure and Conduct of Business**, for a Committee responsible for Papers Laid on Table in each House, with a specific mandate of considering all matters of papers laid on the Table, such as: delay in laying a paper; whether there has been compliance of the statutory provisions for laying the paper; or whether papers required to be laid on the Table had actually been laid, and in the requisite languages.

3.2.4 Parliaments where Tabling is permitted outside the Plenary

The Committee observes that in some other Parliaments, there are cases whereby the restrictive nature of physical tabling of documents before the House has been changed to allow some flexibility. Indeed, some countries updated their authorizing statutes and rules of procedure to provide for different modes by which a document can be recognized as having been tabled.

In **Scotland**, where a document is required or authorized to be laid before the Parliament, the lodging of a copy of that report or document with the Clerk is treated for all purposes as being the laying of it before the Parliament. The rules allow for the said document to be laid at any time when the office of the Clerk is open. The Clerk then ensures that notice of any report or document laid before the Parliament is published in the Business Bulletin.

In the **Canadian House of Commons**, it is acceptable for a minister to deposit papers required to be tabled with the Clerk of the House on any sitting day, and this is known as "back door" tabling. And when the House has adjourned, Ministers can deposit documents required to be laid before the House with the Clerk on a specified day.

Australia's Legislative Council will not accept electronic versions for tabling in circumstances where there is a statutory requirement for the report or paper to be laid before the House. The insistence of hard copies is for the purpose of maintaining parliamentary archives. But other documents can be electronically tabled. However, the Parliament of Australia acknowledges the "potential for a significant move towards electronic tabling, perhaps better described as online publication of government documents that are tabled."

3.2.5 The need to accommodate digital-first approaches

The Committee acknowledges the necessity for consideration of the extent to which the Parliament currently accommodates, and takes advantage of the effectiveness and opportunities offered by an increasingly digital-friendly environment. This broader issue relates both to the costs of producing paper documents and value for money; and the handling, storage and accessibility of tabled papers.

The Committee notes that in this age of "digital first" or "digital by default", there is a shift in organizational culture away from favoring traditional channels to prioritizing digital ones. A "digital-first" decision occurs when a publisher chooses to distribute information online in preference to or at the expense of traditional media like print publishing. The Committee further notes that digital first and digital by default do not suggest replacing traditional channels with digital ones. Instead, they are seeking to redress a bias towards conventional channels and behavior.

While the Parliament of Uganda has not yet embraced digital first approaches, the Committee acknowledges that there is generally a positive shift in the direction of utilizing ICTs in Uganda in general and in the Parliament in particular. For instance, **Section 5 of the Electronic Transactions Act, 2011**, provides that a document shall not be denied legal effect solely on the ground that it is a data message.

The Committee observes that since the introduction of iPads to Members of Parliament, soft copies (often scan copies) of tabled documents are uploaded on the Alfresco System and thereby made available to Parliamentarians before or upon being tabled in the House. This has significantly reduced the need to have large numbers of hard copies to be held by the Office of the Clerk, for potential demand by MPs to examine and refer to in debates in the House. Additionally, Members have the opportunity to read House documents off their

[Handwritten signatures and initials are present at the bottom of the page, including names like "M. S. S.", "B. S.", "A. S.", "H. S.", "J. S.", "K. S.", "L. S.", "M. S.", "N. S.", "O. S.", "P. S.", "Q. S.", "R. S.", "S. S.", "T. S.", "U. S.", "V. S.", "W. S.", "X. S.", "Y. S.", "Z. S."]

iPads, phones, or any other computer, at a place or time of their convenience. Since, as a matter of practice, most documents for use in the House are uploaded before the Sitting, Members are enabled with time to peruse the documents so that they are ready to delve into debate from an informed point of view, the moment the item is called for consideration. Furthermore, it is possible to immediately upload a document that becomes ready at the time of the Sitting, so that Members can instantaneously download it for their reference.

However, the committee observes that at committee level, Members do not seem to have embraced the habit of utilizing their iPads, thereby failing to harness such conveniences as experienced in the House, at committee level.

The Committee further acknowledges the progress Parliament has made in recent years in relation to the online publication of its work. This has been a fitting response to the increasingly online environment in which the Parliament operates, and a clear demonstration of how digital approaches enhance scrutiny and accountability and drive productivity and efficiency gains through greater accessibility, portability and timeliness of Parliamentary information.

The committee considers that the presentation of documents to the Parliament from ministries, departments and agencies is a critical accountability process, and the technical capacity of the Parliament to receive such documents in a digital form, supported by appropriate administrative processes and requirements, is key to harnessing the benefits and efficiencies offered by the digital-first environment. Indeed, in the future, a mandatory requirement for the provision of digital documents to Parliament prior to tabling may be necessary to ensure the effectiveness of the digital delivery system.

The above notwithstanding, the Committee observes that it is important to approach the move towards electronic tabling of documents with caution. Indeed, most Members who interacted with the committee had reservations about the proposal, particularly skeptical about the safety of electronic documents.

3.2.6 Conclusion

The Committee appreciates the need and importance of paperless technologies, being mindful of cost implications associated with the use of consumptive budgetary items like stationery and because of the efficiency advantages of e-technologies. However, matters of authenticity and security of e-documents/e-evidence and reliability of e-technologies need to be taken into account.

The Committee further observes that while there is need to enhance the usage of e-technologies in Parliament, they should be an addition and not a substitute to the requirement for physical tabling of hardcopy documents.

3.3 CONSIDERATION OF THE BUDGET FRAMEWORK PAPER (BFP)

3.3.1 Role of Parliament in the Budget Process

Before the coming into force of the Public Finance Management (PFM) Act 2015, there was no requirement for Parliament to debate, consider and approve the BFP. Instead, under Section 7(2) of the Budget Act 2001, Sectoral Committees were required to consider that part of the BFP that fell under their jurisdictions and report to the Budget Committee. Under Section 7(3), The Budget Committee would review and scrutinize both the BFP and the reports submitted by each sectoral committee and make recommendations. It would submit its report to the Speaker, for onward submission to the President by the 15th of May. The President would respond to the proposals contained in the report of the Budget Committee by giving the actions taken and or reasons why action would not be taken – this was not a legal requirement.

With the coming into force of the Budget Act 2001, Uganda embraced budget making as consultative process. This was strengthened by the enactment of the PFMA, which introduced the requirement for Parliament to approve the BFP. Section 9(8) of the PFMA enjoins Parliament to review and approve the BFP by 1st February of the financial year preceding the FY to which the BFP relates. Hence,

the PFMA gives Parliament absolute power to approve the BFP rather than advisory recommendations as the case was under the Budget Act. This means that Parliament *must* undertake thorough scrutiny and review of the BFP.

In fulfillment of this task, Rule 144 specifies the role of the Budget Committee and the Sectoral Committees in as far as processing of the report on the National Budget Framework Paper (NBFP) is concerned; and stipulates the timelines for consideration, review and approval of the BFP consistent with Section 9(8) of the PFM Act. The committee observes that despite the existing legal framework, there are still challenges; the problems seem to emanate from poor management of the process both by Parliament, and by the Executive (MFPED).

3.3.2 Who should report to the House on the BFP: Budget Committee or Sectoral Committees?

The key issue is whether the sectoral committees should present their reports to the House for consideration, whereupon the Budget committee would consolidate their views; and thereafter report to the House for approval of the BFP as per Section 9(8) of the Public Finance Management Act (2015).

Rule 170(3) provides that *"The functions of the Budget Committee shall be to – ... (d) examine the Budget Framework Paper and report to the House."* Under Rule 144(1), the Speaker is required to commit the BFP to the Budget Committee. This is consistent with **Section 9(7) of the PFM Act**. However, under Rule 144(1), the Speaker also commits to the Sectoral Committees that part of the BFP that relates to their jurisdiction.

The Committee notes that **Section 9(4) of the PFMA** prescribes the format for the BFP to be submitted to Parliament by the Minister under **Section 9(5)**. The Format contained in **Schedule 3 of the PFMA** has eight (8) components; and the overall aim of consideration of the BFP is to have Parliament approve *all* the 8 (eight) components of the BFP outlined therein.

The Committee notes that the part of the BFP that relates to the Sector Committees is **ONLY** component (7), which relates to the Medium-Term Expenditure Framework (MTEF) indicating the projections of government expenditure (both recurrent and

development) in respect of each vote for the financial year and the next financial year. Component (7) accounts for only 13% of the entire BFP.

The Committee observes that the argument that Sectoral Committees ought to be reporting to Plenary and then the report committed to the Budget Committee seems to stem from a misunderstanding that the BFP relates to the MTEF only.

Thus, the Committee notes that the MTEF is not independent of the other components of the BFP, which MUST be reviewed by the Budget Committee and overall conclusions drawn as a whole before Parliament can approve any recommendations on the BFP. Thus, the Budget Committee reviews 87% of the BFP; and the reports of the Sectoral Committees form *part* of the input into the final report on the BFP.

For the above reasons, the Committee concludes that the reports of the Sectoral Committees (which are largely on the MTEF) ought to be synchronized with the outcome of the review and scrutiny of the larger part of the BFP by the Budget Committee, and thereafter, a single report submitted to plenary for debate and final approval as required under Section 9(8).

3.3.3 To sign or not to sign the report of the Sectoral Committee?

The key issue is whether a sectoral committee report submitted to the Budget Committee should be signed in accordance with Rule 201(1).

Rule 201(1) states that:

"A report of a Committee shall be signed and initialed by at least one third of all the Members of the Committee, and shall be laid on the Table."

The Committee is of the view that this rule applies to a report of a sectoral committee on the BFP, as it does to all other reports; notwithstanding that most reports of Committees are ordinarily destined for presentation to the House. Indeed, the Committee finds that there is no justification for distinguishing reports on the BFP from other types of reports in this regard.

The requirement for Members to sign the report in accordance with the Rules would encourage (i) thorough scrutiny and (ii) ownership of the report – by the

Chairpersons and Members of the Committee, as a fit and proper report of the Committee. It is therefore good practice to have Committee members attend meetings on the BFP in large numbers, participate keenly, and conclude the process by reviewing the draft report/s, adopting the final report, and finally appending their signatures onto the report of the Committee, before it is submitted to the Budget Committee.

Indeed, the requirement to sign the report in accordance with rule 201(1) carries with it the attendant right (and responsibility) for a Member of a sectoral committee who dissents from the opinion of the majority of a Committee, to sign a minority report on the BFP, in accordance with rule 202. The Member would then submit this report to the Budget Committee.

Furthermore, the report of a sectoral committee on the BFP should be laid on the Table, in accordance with rule 201(1), and rule 144. The Committee observes that there is a mistaken belief held by some Members, that the "Table" referred to in rule 201(1) is *strictly* the Table in the House. The Committee wishes to emphasize that the term "Table" is defined in rule 2, to mean "*the Clerk's Table*". The term "Clerk" is also defined in rule 2, to mean "*the Clerk to Parliament, a Deputy Clerk, or any Clerk Assistant*". Therefore, wherever any Committee of Parliament convenes for a formal meeting of the Committee, there is a "Clerk's Table", where documents submitted by witnesses are expected to be laid. **Part XXVIII of the Rules** concerns operation of committees generally. **Rule 189** provides that: "*This part applies to Committees generally unless express provision is made to the contrary in these Rules.*" Similarly, **Rule 190 (1)**, provides that: "*In Committees, these Rules shall be observed so far as may be applicable.*" The Committee notes that it is this very part of the Rules (concerning operation of committees generally), in which Rule 201 falls.

Therefore, the committee concludes that based on rule 201(1) and rule 144(2), the report of a sectoral committee on the BFP should be signed and initialed by at least one third of all the Members of the Committee, and laid on the Table of the Budget Committee. This report would then form an annexure to the minutes of that meeting of the sectoral committee with the Budget Committee.

In the same spirit, based on rule 201(1) and rule 144(3), the report of the Budget Committee on the BFP should be presented to the House, and laid on the Table of the House. It follows that the reports of the various sectoral

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committees on the BFP would find their way to the Table of the House, as they would be laid as annexures to the minutes accompanying the report of the Budget Committee, in accordance with Rule 216²².

3.3.4 Submission of Sectoral Committee reports to the Budget Committee

The issue is whether all the Members of a sectoral committee are expected to appear before the Budget Committee to present their report for consideration.

The Committee is of the opinion that since the report of the sectoral committee should be signed in accordance with **rule 201(1)**, the report, like any other good document, should ideally be written in such a way as to have the capacity to speak for itself – so much so that even if it was merely “submitted” without “presentation”, the Budget Committee would comfortably put it to good use.

Therefore, the Committee is of the view that it is sufficient that the Chairperson, Deputy Chairperson, or a member nominated by the Committee submits and or presents the report of the Sectoral Committee on the BFP, on behalf of the Committee.

The above notwithstanding, any member of the sectoral committee would not be precluded from attending the meeting of the Budget Committee, in accordance with rule 203.

3.3.5 General Observations on Consideration of the BFP

The Committee makes a general observation that while the reference to the Rules Committee was with regard to the foregoing issues (i.e. signing and submitting the report of the sectoral committee to the Budget Committee and presentation of the report on the BFP to the House), the Committee finds, through its review of the proceedings of the House of Tuesday 30th and Wednesday 31st January 2018, and subsequent receipt of submissions from stakeholders – that there are *other procedural issues* that compromise the efficiency and effectiveness of Parliament's participation in the budget process. The Committee therefore, in the interest of

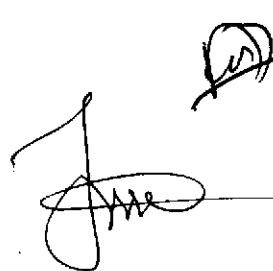
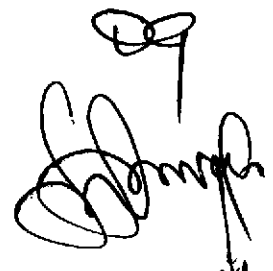
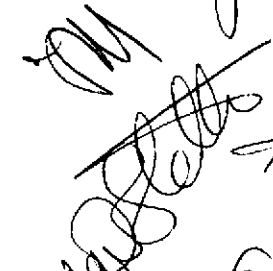
²² Rule 216 provides that: “The minutes of the Proceedings of a Committee shall be brought up and laid on the Table of the House, together with the report of the Committee, by the Chairperson or Deputy Chairperson or any Member of the Committee nominated by the Committee, when reporting to the House.”

properly advising the House, takes the liberty to share its observations on the following procedural matters.





3.3.5.1 Mismanagement of Timelines by Parliament and the Executive

Section 9(5) of the PFMA requires the Minister of Finance, Planning and Economic Development (MFPED) to submit the Budget Framework Paper (BFP) to Parliament by the 31st of December of the financial year preceding the FY to which the BFP relates. Section 9(8) enjoins Parliament to review and approve the BFP by 1st February.

The PFMA amended the budget calendar by ensuring that the budget is approved before the commencement of the new financial year. This was not the case under the Budget Act, 2001. This means that the time available for consideration of the Budget estimates was shortened. Consequently, Parliament currently has strictly four (4) weeks within which to consider the BFP, compared to six (6) weeks previously under the Budget Act. In addition, consideration of the annual budget and Ministerial Policy Statements (MPSs) and Annual Estimates takes two (2) and a half (1/2) months under the PFMA compared to three (3) months that was allowable under the Budget Act.

   The Committee observes that whereas, on the part of the Executive, efforts are made to ensure that the timelines set-out under the PFMA are respected, this has been achieved while compromising on the expected standards in terms of accuracy and quality in general. Often times, documents with inaccurate or incomplete information (i.e. "dummies" or "bogus" documents) have been laid on the Floor of Parliament. They are either subsequently substituted or Parliamentary Committees have had to demand submission of the missing information – all this, long after the timelines set-out in law, which affects reporting deadlines set-out in the Rules of Procedure. The Committee believes that this partly explains why the sectoral committees are often not ready for submission of their reports to the Budget Committee by 20th January.

The Committee further observes that whereas the review and approval of the BFP is key and marks the success of the budget making process, Committees have often not managed the timeframe allowed for



consideration of the BFP efficiently. Committees have, *almost* always, had to negotiate dates deemed convenient to the Hon. Ministers and or officials from Ministries, Departments and Agencies (MDAs) of Government, at the expense of time. This, yet the MDAs are aware of the legal budget timelines and the practical need by the relevant committees of Parliament to meet with the MDAs in time. In the end, there is a rush which compromises on the quality of reports submitted by Sectoral committees to the Budget Committee. And in the worst case scenario, it has happened that a committee is completely unable to submit a report to the Budget Committee, because of time constraints.

3.3.5.2 When MFPED revises the figures approved by Parliament

It is envisaged that the approved BFP would form the basis for the preparation of the annual budget, dictate the ceiling for expenditure in the FY, approve the minimum investment of Government in the FY as well as the ceiling of the total budget funding from the petroleum revenue holding account for the FY.

The Committee observes that however, in practice, the Minister of Finance, Planning and Economic Development is left with flexibility to *ignore* the decisions of Parliament by *revising* the approved Macroeconomic Framework, Fiscal Framework, Fiscal Forecasts and indeed, the total resources available to finance the Budget. Consequently, soon after Parliament's approval of the BFP, new figures emerge, resulting into a series of Corrigenda, which render the work of Parliament in the entire process that leads to approval of the BFP irrelevant.

The Committee further observes that there is no requirement both under the Parliamentary Rules of Procedure and the PFMA compelling the Minister for Finance, Planning and Economic Development to prepare and submit to Parliament the approved BFP.

[Handwritten signatures and initials are present throughout the bottom half of the page, including names like John, Dep, and others.]

3.4 SUSPENSION OF CHAIRPERSONS FROM THEIR 2ND COMMITTEES

Rule 154(3) provides that a Member shall not belong to more than two committees, except as provided by the Rules in respect to the Business Committee, Appointments Committee, and the Budget Committee. Chairpersons of Committees are also *ex-officio* members of the Business Committee (rule 173(2))²³ and the Budget Committee (rule 170(2))²⁴. A Member may also be appointed to serve on a Select committees under rule 186.

3.4.1 Workload for Committee Chairpersons

Generally, Chairpersons and Deputy Chairpersons of committees have, by virtue of their offices, a much greater load of committee work than ordinary members. They: are instrumental in planning committee activities; preside over committee meetings; scrutinize draft reports; present committee reports on the Floor; and are expected to attend both the Business Committee and the Budget committee as *ex-officios*. Eventually, they tend to spread themselves thin in the various committees they are mandated to participate in, or attend to some committees at the expense of others.

One of the major challenges faced by committees in the discharge of their functions is low attendance/participation of members in committees' activities.

While the attendance of Chairpersons is generally much better in the committees where they perform leadership roles than where they participate as ordinary members, their attendance as ordinary members is generally *not* significantly worse than that of other ordinary members, *except in a few cases*. Therefore, Chairpersons may more-or-less be treated the same as ordinary members.

3.4.2 The Dynamics of Sitting on two Committees

Low participation of Members in committees is primarily attributed to the fact that each Member belongs to both a sectoral committee and a standing

²³ Rule 173(2) provides that the chairpersons of committees shall be *ex-officio* members of the Business Committee, with no right to vote.

²⁴ Rule 170(2) provides that the chairpersons of Standing and Sectoral committees shall be *ex-officio* members of the Budget Committee.

committee; and yet there are often clashes between the activities of sectoral committees and those of standing committees. Overall, this is seen to jeopardize the quality of work in committees because members either attend meetings of one committee at the expense of another, or they give divided attention to committees, thereby spreading thin and having little impact in either committee.

3.4.3 The option of One-MP, One-Committee

The option for all Members of Parliament to belong to one committee each – either a standing or sectoral committee²⁵ was proposed by both the Government Chief Whip and the Chief Opposition Whip. Under this arrangement, chairpersons and ordinary Members would be members on a rotational basis of one year to one committee at a time, thereby switching between standing and sectoral committees with each successive session of Parliament²⁶.

This proposal was conceived to be the solution to the persistent challenge of clash of activities of the Sectoral committee to which a Member belongs with those of the Standing committee. It was also envisaged that it would enhance specialization and its benefits; whereby Parliament could leverage by having Members focus on the areas in which they have –and would utilize– their best competencies. Additionally, it was expected that fewer numbers of members on each committee would enhance quality of participation.²⁷ Furthermore, there is a possibility of all Members being placed in committees without the need to increase the number of committees or the maximum number of Members on each committee²⁸.

3.4.4 Maintaining the Status Quo

The foregoing notwithstanding, the Committee observes that Members of Parliament were largely desirous of maintaining the status quo, where each Member belongs to two committees, one standing and one sectoral. They generally argued that since policy and budget matters are handled in sectoral committees, it was important that each Member belonged to a sectoral committee throughout their stay in Parliament. Further, that restricting the Chairs and Deputy

²⁵ Except the Business and Budget Committees, where Chairpersons would remain as *ex-officio* Members.

²⁶ This was only but one example of the array of structural possibilities for membership to committees.

²⁷ If every Member sat on one committee each, the number of Members on each committee would reduce.

²⁸ The maximum number of members for a standing committee (apart from the committees on business, budget and appointments) is 35 (r.158), while that for a sectoral committee is 30 (Rule 184 (1)).

Chairs to belong to only the committee where they hold a leadership role, would defeat the spirit of delegation, power sharing and grooming leaders within a committee. Additionally, that it would disadvantage the chairpersons and deputy chairpersons, in comparison to their counterparts, in that the exposure of committee leaders would be limited to one area, while ordinary Members of committees would have the double benefit of sharing experiences from two committees. Indeed, across the Commonwealth, parliamentary practice seems to align itself to the current arrangement of Members sitting on more than one committee.

The Committee considered the option of synchronizing the activities (particularly meetings) of sectoral and standing committees, to avoid a clash of programs. For instance, that one type of committee could sit from 8:00 am to 10:30 am (of the sitting days, usually, Tuesdays, Wednesdays and Thursdays), while the other type of committee would sit from 10:30 am to 1:00 pm. However, this may be difficult to implement because of challenges in keeping time strictly. Alternatively, that sectoral committees could sit two days a week and standing committees on another two days. However, such an arrangement would inevitably require that one type of committee would be scheduled to sit on either Monday or Friday – days on which Members are generally expected to be traveling to or from their constituencies. Additionally, some Committees prefer to sit as often as possible so as to try to meet deadlines e.g. the 45-day rule; the statutory limit of six months for consideration of accountability reports; or to simply handle urgent or special business. The synchronization of activities across sectoral and standing committees is further complicated by the fact that each of the members who comprise any Sectoral committee generally sits on a different Standing committee from the other members with whom she/he sits on the Sectoral committee.²⁹ The Committee therefore finds that the requirement for each member to belong both to a sectoral committee and a standing committee may remain a "necessary evil".

The Committee observes that the Rules have in-built mechanisms to keep committee work alive and active to a certain extent, even in the event of absence of a Chairperson or Deputy Chairperson. For instance, meetings of

²⁹ The Committee learnt that in both Houses of the Parliament of India, there are no limits on the number of committees to which a Member can belong. However, chairmen of committees hold regular consultative meetings to discuss committee programs with a view of harmonizing committee activities to ensure that there are no clashes.

committees may be convened³⁰ and chaired³¹ and reports of committees may be presented in the House³² in the absence of a chairperson or deputy Chair. Thus, a situation where the Chairperson and or Deputy Chairperson of a committee are each engaged with activities in their second committees is ideally not sufficient to paralyze the work of the former committee.

The Committee recognizes that there are other factors that contribute to poor participation of Members in committees, aside from the divided loyalties between sectoral and standing committees. Hon. Members are particularly engaged by other commitments both within³³ and outside Parliament.³⁴ It was also argued that there are cases where Members have little or no motivation to participate in committee activities.³⁵ The fact that Members' poor participation in committees cannot *solely* be attributed to their substantive membership on two committees – can be evidenced by the fact that often times, notwithstanding a clash of activities, a Member is absent from both the Sectoral committee and the Standing committee to which she or he is designated. Additionally, it is not unusual for plenary sittings to register low attendance of members; and yet committee meetings are hardly convened at the same time as plenary Sittings. **Therefore, it is not true that the restriction of a Member to sit on only one committee would guarantee their active participation in that single committee.**

3.4.5 Conclusion

Based on the above observations, the Committee concludes that effective participation of Members in committee activities may have to be enhanced through invoking more effective measures to deter and punish absenteeism.

Indeed, the rules provide for sanctions for Members who do not attend committee meetings. In **rule 112(2)**, the chairperson of a committee shall report to the Speaker

³⁰ In **Rule 200(3)**, meetings may be called at the request of not less than one third of the Members of the Committee.

³¹ In **rule 200(5)**, meetings shall be presided over by the Chairperson of the committee and in his or her absence by the Deputy Chairperson or, in the absence of both of them by a Member of the Committee elected by the Members present and voting.

³² E.g. under **Rule 201(2)**.

³³ For instance attending other Parliamentary Forums.

³⁴ E.g. commitments in constituencies, plying their trades, and attending caucus meetings.

³⁵ E.g. Where a Member is designated to a committee that was not of their choice; and committees allegedly lacking sufficient resources to accommodate all members to participate in some activities.

any Member who misses fifteen consecutive meetings of the committee without permission. In **rule 112(3)**, if after a warning from the Speaker, a Member continues to be absent from the meetings of the Committee, the Speaker shall suspend the Member from the Committee.

However, the Committee observes that rule 112 lacks both punitive and deterrent effect, as it is reactive and essentially relieves an offending member of the duty to participate in committee activities.

3.5 SANCTIONS FOR FAILURE TO REPORT ON ASSIGNMENTS

The proposal is for amendment of the Rules of Procedure to provide for sanctions to committees that fail to undertake assignments within 45 (forty five) days or within any other time required or stipulated by the Rules or the House, and yet do not report back to the House to seek extension of time.

3.5.1 Provisions already existing in the Rules

The Committee observes that the Rules have laid out procedures on the time within which business in committees should be considered, as hereunder:

Rule 215 provides for the timeframe within which committees should report on their assignments. It states:

"215. Time frame for Committees to report

(1) Every committee, except committees where specific assignments are made, to which a matter is referred, shall report to the House within forty five days.

(2) If a committee finds itself unable to complete any investigations, inquiry or other matter referred to it within the period provided in sub-rule (1), the committee may seek extra time from Parliament.

(3) Where extra time is not granted or upon expiry of the extra time granted under sub-rule (2), the House shall proceed to deal with the matter in question without any further delay."

Rule 128 provides for reference of a Bill to a Committee. It states:

"128. Reference of a Bill to a Committee

- (1) *Whenever a Bill is read the First Time in the House, it shall be referred to the appropriate committee appointed under the provisions of these Rules.*
- (2) *The committee shall examine the Bill in detail and make all such inquiries in relation to it as the Committee considers expedient or necessary and report to the House within forty five days from the date the Bill is referred to the Committee.*
- (3) *....."*

Further, rule 140 provides a procedure for handling delays with Bills, as follows:

"140. Delays with Bills

- (1) *Subject to the Constitution, no Bill introduced in the House shall be with the Committee for consideration for more than forty-five days.*
- (2) *If a committee finds itself unable to complete consideration of any Bill referred to it in sub-rule (1), the Committee may seek extra time from Parliament.*
- (3) *Where extra time is not granted or upon expiry of the extra time granted under sub-rule (2), the House shall proceed to deal with the Bill without any further delay."*

Handling unfinished business upon prorogation or dissolution of the House

Furthermore, the rules provide mechanisms to save unfinished parliamentary business. **Rule 231** is to the effect that upon prorogation or dissolution of the House, or expiration of the term of a committee, business should not necessarily lapse. A committee may report to the House that it has been unable to complete its work, and any preliminary report, memorandum, etc. that the committee may have taken shall be made available to the new committee, which would then continue the task to completion. In the same spirit, **rule 232** provides that while parliamentary business such as bills, petitions, motions or other business before the House or any

committee lapse upon dissolution of Parliament, they can be reinstated in the next Parliament by a resolution of parliament.

3.5.2 Observations

The Committee observes that there are already measures in place to address a situation where a committee fails to report on an assignment and to seek extension of time for the same. The committee is of the view that it is punitive enough for the substantive committee charged with handling a matter – for the House to decide to proceed and handle the matter otherwise, without the report of the committee.

However, the Committee observes that the House has rarely enforced the provisions under **rules 140(3) and 215(3)** that empower it to proceed with a matter, where the responsible committee has failed to report on the same within the requisite time.

3.5.3 Conclusion

The Committee is of *the view* that the House has rarely enforced the provisions under rules 140(3) and 215(3) because it would ordinarily be an onerous, tedious or time consuming task, and in some cases almost impracticable – for the House to proceed to deal with a Bill or most other matters, in the absence of a report of a relevant committee. The Committee observes the need to remedy this position.

3.6 PROPOSAL TO REVIEW RULE 11 ON PARLIAMENTARY COMMISSIONERS

3.6.1 Designation, Nomination, or Election

Article 87A of the Constitution³⁶ provides for the Parliamentary Commission, whose composition and functions should be prescribed by an Act of Parliament.

³⁶ Article 87A states, "There shall be a commission called the Parliamentary Commission whose composition and functions shall be prescribed by Parliament by law."

Thus, **Section 2 of the Administration of Parliament Act (as amended)**³⁷ provides for the composition and functions of the Parliamentary Commission. It states:

"2. Establishment of the commission.

- (1) There shall be a commission called the Parliamentary Commission.
- (2) The Commission shall be composed of the Speaker, the Leader of Government Business or his or her nominee, the Leader of the Opposition or his or her nominee, the Minister responsible for finance and four members of Parliament one of whom shall come from the opposition and none of whom shall be a Minister.
- (2a) Without prejudice to subsection (2), one of the four Members of Parliament referred to in that subsection shall be a woman.
- (2b) Nomination of the candidates for election to the Commission of the four members of Parliament referred to in subsection (2) shall be made by the Government and opposition sides.
- (2c) The four Members of Parliament referred to in subsection (2) shall hold office as members of the Commission for two and a half years."

[Emphasis added]

However, **Rule 11 of the Rules of Procedure**, which provides for Parliamentary Commissioners, states:

11. Parliamentary Commissioners

- (1) The Parliamentary Commission, established by the Constitution and the Administration of Parliament Act, shall be composed of—
 - (a) the Speaker, who shall be the Chairperson;
 - (b) the Deputy Speaker;
 - (c) the Leader of Government Business or his or her nominee;
 - (d) the Minister holding the portfolio of Finance;
 - (e) the Leader of Opposition or his or her nominee; and

³⁷ Cap 257, as amended by The Administration of Parliament (Amendment) Act, No. 22 of 2006.

f) four Members of Parliament, one of whom shall come from the opposition and none of whom shall be a Minister."

(2) In the absence of the Speaker, the Deputy Speaker shall chair the meetings of the Commission.

(3) At least one of the four members referred to in sub rule (1) (f) shall be a woman.

(4) The four Members referred to in sub rule 1(f) shall be designated by their party whips.

(5) The constitution of the Commission under this rule shall be done during the first session of a new Parliament and tenure of service of the four backbench Members shall be for two and a half years, subject to re-designation." [Emphasis added]

The Committee notes the holding in the Rt. Hon. Speaker's ruling, to the effect that rule 11 sub-rules (4) and (5) of the Rules of Procedure, which provide for "designation"³⁸ and "re-designation"³⁹ respectively, contradict section 2(2b) of the Administration of Parliament Act that provides for "nomination" of candidates for "election"⁴⁰ with respect to the backbench Commissioners⁴¹.

The Committee further notes the Speaker's holding to the effect that in order to avoid ambiguity, the word "designation"⁴² would be read to mean "nomination"⁴³, in rule 11 sub-rules (4) and (5).

³⁸ Rule 11(4) states: "The four Members ... shall be designated by their party whips".

³⁹ Rule 11(5) states, "...tenure of service of the four backbench Members shall be for two and a half years, subject to re-designation."

⁴⁰ The Speaker's ruling quoted the case of *Prof. Peter Anyang' Nyong'o and Ors. v. Attorney General of Kenya, Clerk of the East Africa Legislative Assembly, the Secretary General of the East African Community and Ors.*⁴⁰ in which the Court held that it was common ground that the ordinary meaning of the word "election" and "to elect" is to make a choice or to choose.

⁴¹ S.2(2b) states, "Nomination of the candidates for election to the Commission of the four members of Parliament ...".

⁴² The Committee notes that to "designate" somebody (as) something means: to choose or name somebody for a particular job or position. See: Oxford Advanced Learner's Dictionary. International Student's Edition. Oxford University Press. E.g. "The director is allowed to designate his/her successor." "Who has she designated (as) her deputy?" "The man designated to succeed the president."

⁴³ To "nominate" somebody (for/as something) means: to formally suggest that somebody should be chosen for an important role, prize, position, etc. See: Oxford Advanced Learner's Dictionary. International Student's Edition. Oxford University Press. E.g. "She has been nominated for the presidency."

3.6.2 Nomination of the Candidates

The Committee notes that Section 2(2b) of the Act only provides that the nomination of the candidates for election shall be made by the Government and Opposition sides. Indeed, it is silent as to *how* these nominations shall be arrived at.

The Committee interprets section 2(2b) of the Act to mean that *how* the nominations are carried out and *who* is nominated – is entirely the business of the Government and Opposition sides. The only requirement is that the final outcome of the election is a set of four backbench Commissioners whose composition meets the parameters set out in Sections 2(2) and 2(2a) of the Administration of Parliament Act (as amended).⁴⁴

3.6.3 Tenure of Service

The Committee observes that while **Section 2(2c) of the Act**⁴⁵ specifically provides that the tenure of service of the backbench Commissioners is two and a half years, the Act does not expressly prohibit the re-nomination for re-election of a backbench Commissioner.

The Committee interprets Section 2(2c) of the Act to mean that it is allowed or in order for a former backbench Member to be re-nominated for re-election to Office within the same Parliament; i.e. a backbench Commissioner may, if re-elected, serve for two terms.

The Committee notes that rule 11(5)⁴⁶ provides for constitution of the Commission during the First session of a new Parliament.

The committee observes that rule 11(5) remains ambiguous as to how soon the constitution of the Commission should be done, considering that the First session consists of three *Meetings* of Parliament, separated by recess periods.

⁴⁴ "...four Members of Parliament "one of whom shall come from the opposition (Section 2(2) and rule 11(1)(f)); "... one ... shall be a woman (Section 2(2a)) or "At least one of the four Members ... shall be a woman (Rule 11(3)); and "none of whom shall be a Minister (Section 2(2) and rule 11(1)(f))."

⁴⁵ **Section 2(2c) of the Act** states: "The four Members of Parliament referred to in subsection (2) shall hold office as members of the Commission for two and a half years".

⁴⁶ **Rule 11(5)** states: "The constitution of the Commission under this rule shall be done during the first session of a new Parliament and tenure of service of the four backbench Members shall be for two and a half years subject to re-designation."

3.7 OTHER PROPOSALS FOR AMENDMENT OF THE RULES OF PROCEDURE

The committee notes that rule 172 requires the Committee on Rules, Privileges and Discipline, to review the Rules for amendment, by Order of the House.

The Committee further notes that rule 68 provides for motions to amend rules, as follows:

"68. Motions to amend Rules

- (1) A Member may move that any of these rules be amended by giving not less than five days' notice.
- (2) The notice of any motions for the amendment of any of these rules shall be accompanied by a draft of the proposed amendment.
- (3) When the motion has been proposed and seconded, it shall stand referred to the Committee on Rules, Privileges and Discipline, and no further proceedings shall be taken on it until that committee has reported on it."

The Committee observes that while rule 172 restricts the committee for rules to consider amendments *only* by order of the House, rule 68 provides the procedure through which Members may bring motions to amend the rules.



4 RECOMMENDATIONS

4.1 Proposal to Create a Committee on Sustainable Development Goals (SDGs)

- (a) The Committee recommends using the established mechanisms already in place to scrutinise the Government's implementation of the SDGs and that an additional committee would be a weaker, rather than stronger, instrument of scrutiny. Thus, in order to harmonize the coordination of SDGs implementation in Parliament, the assessment of progress on the implementation of SDGs needs to be handled by *all* sectoral committees. Specifically, the Committee recommends review of the Rules of Procedure to assign responsibility for the assessment of progress on SDGs to the various Parliamentary committees, particularly the sectoral committees.
- (b) The Committee recommends amendment of the Rules of Procedure, to provide for a Standing Committee on Climate Change, which will provide oversight regarding responsiveness to matters of climate change, its mitigation and adaptation.
- (c) The Focal Person on SDGs, currently, the Minister in charge of General Duties under the Office of the Prime Minister, should develop a customized checklist on SDGs, for use by the relevant sectoral and/or standing committees of Parliament, in monitoring and reporting on compliance to the SDGs. The focal person would also hold all relevant committees of Parliament accountable to report on matters of SDGs.
- (d) The Focal Person on SDGs should present a status report to Parliament on the progress of implementation of the SDGs by 1st April every year.
- (e) Parliament should be involved in development of the next NDP with clear guidelines of what the Committees should do in the approval process. This shall ensure that all Agendas, particularly the SDGs, are integrated in NDP III starting FY 2020/21.

- (f) Parliament should implement the Resolution that it passed on 22nd September 2016, to reaffirm the role of Parliament in the Implementation of the SDGs.
- (g) Ensure training of Members of Parliament, committee secretariats, and staff in relevant departments such as research and budget, on the SDGs.

4.2 Electronic Tabling of Documents


- (a) The Committee recommends that the rules are amended to include a provision to the effect that once a report on a Bill has been uploaded on the Parliamentary information system and a notification sent out to all Members informing them of the need to read the uploaded document, debate should ensue once the report is, at least 3 days later, laid on Table.
- (b) Furthermore, Parliament should make use of its ICT systems to ensure that tabled documents are available online immediately. This may provide a substantial foundation for moving towards digital tabling of documents (that is, without the need for provision of a hard copy for tabling).
- (c) The Committee recommends that in a bid to progressively go paperless, Members and staff of Parliament should take up measures to restrict the amount of paper used in Parliament, in favor of e-technologies. Thus, documents should be printed out only if a hard copy is absolutely necessary.


4.3 Consideration of the Budget Framework Paper (BFP)

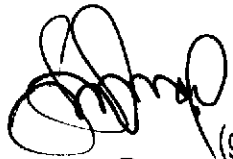
- (a) The Committee recommends that Parliament follows the procedure outlined in rule 144 of the Rules of Procedure, in consideration of the Budget Framework Paper, which is also the current practice. In accordance with rule 144(2), the Sectoral committees should present their reports to the Budget Committee. Thereafter, in accordance with rule 144(3), the Budget Committee would synchronize and consolidate the reports of the sectoral committees in a holistic process of scrutinizing the BFP by the Budget


Committee. Finally, the Budget Committee would present a report to the House for approval of the BFP, per section 9(8) of the PFMA.

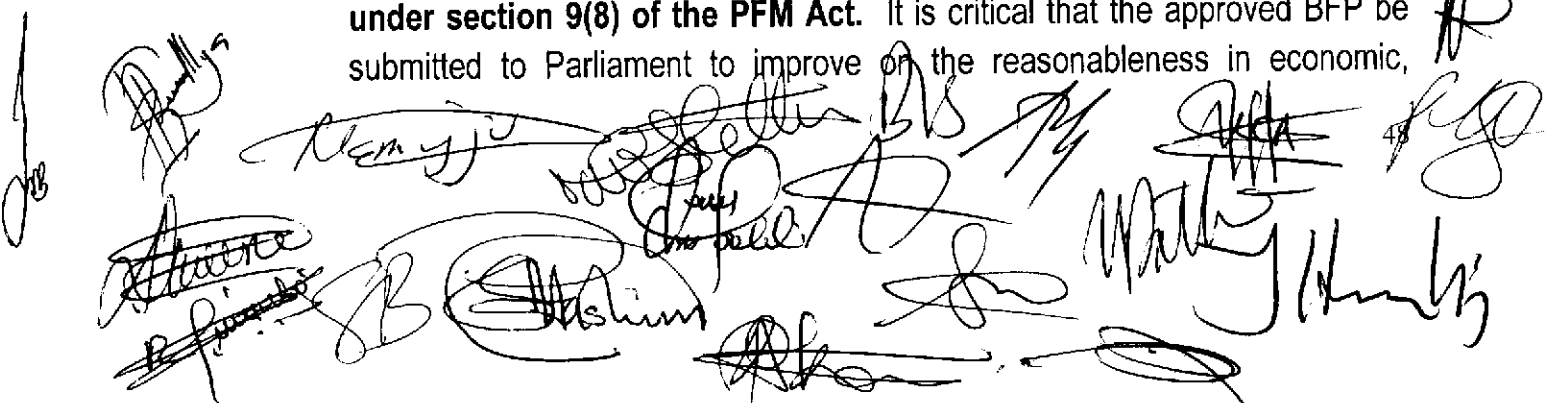
- (b) The report of a sectoral committee on the BFP should be written (not oral) and signed and initialed in accordance with rule 201(1), that is, by at least one third of all the Members of the committee. Furthermore, rule 202, on minority reports, applies to a report of a sectoral committee on the BFP.
- (c) The report of a sectoral committee on the BFP should be laid on the Table, before the Committee on Budget, in accordance with rule 201(1), and rule 144.
- (d) Presentation of a report of a sectoral committee to the Committee on Budget would be by the Chairperson, Deputy Chairperson, or any other Member designated by the Committee for the purpose. However, any other member of a sectoral committee would not be precluded from attending that meeting of the budget committee, in accordance with rule 203.

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- (e) Following rule 144(2), it is the budget committee that would be required to lay on the Table, before the House, the reports of the sectoral committees on the BFP, as annexures to its report and minutes.

- 
- (f) Parliament should desist from accepting documents that do not conform to the prescribed formats, and should ensure that budget information submitted is accurate, comprehensive and complete. This applies to the Budget Framework Paper, Ministerial Policy Statements, and others.

- 
- (g) Parliament should not accept any new changes in the resource envelope that are outside the levels approved by Parliament, without a substantive motion.

- 
- (h) **The Public Finance Management Act (PFMA) should be amended to include a rule necessitating the submission of the approved BFP taking into account the amendments to the BFP approved on 1st February under section 9(8) of the PFM Act. It is critical that the approved BFP be submitted to Parliament to improve on the reasonableness in economic,**



revenue and expenditure forecasts as well as transparency on the part of the Executive.

- (i) The Budget Committee is urged to take improved measures to implement **rule 170(2)**, which provides that chairpersons of Standing and Sectoral committees are *ex-officio* members of the Budget Committee. For instance, the chairpersons ought to be invited to *all* meetings of the Budget committee.
- (j) Finally, the Committee recommends capacity building for Members to have a comprehensive appreciation of the structure of the BFP, its aim and purpose, as well as the role of Parliament in the Budget making process.

4.4 Suspension of Chairpersons from their 2nd Committees

- (a) The Committee recommends that the status quo be maintained as provided in rule 154(3), whereby each Member belongs to not more than two committees; and the practice being that one is a sectoral committee and the other a standing committee. Additionally, Chairpersons and Deputy Chairpersons remain *ex-officio* members of the Business committee (rule 173(2)) and Budget committee (rule 170(2)).
- (b) Amend the Rules of Procedure to provide for more effective measures to deter and punish absenteeism from committees. In so doing, provide a means to treat a Chairperson or Deputy Chairperson with leniency if she or he is absent from the activities of his or her second committee.
- (c) The Committee reiterates the Rt. Hon. Speaker's ruling to the effect that Parliamentary forums should not convene meetings at the same time that committees are expected to be meeting.

4.5 Sanctions for Failure to Report on Assignments

The Committee recommends amendment of the rules that mandate the House to proceed with handling matters that the responsible committees have failed to complete, to provide an option for the matter to be referred to a select committee, in order to enable the House be facilitated by a report.

4.6 Proposal to Review Rule 11 on Parliamentary Commissioners

(a) The Committee recommends amendment of the Rules of Procedure, in the following respects:

(i) With regard to nomination of the candidates for election:

- to amend the provision in rule 11(4) so that it reads the same as that in section 2 (2b) of the Administration of Parliament (Amendment) Act, which clearly refers to nomination of candidates for election, which nomination is the responsibility of the Government and Opposition sides.
- To replace the reference to "re-designation" in rule 11(5) with "re-election".

(ii) With regard to the time of constitution of the Commission, the Rules should be amended to clarify that this should happen during the "first meeting" of the first session of a new Parliament.

4.7 Other Proposals for Amendment of the Rules of Procedure

Honorable Members with proposals for amendment of the Rules of Procedure with respect to matters that were not referred to the Committee on Rules by the House, are advised to proceed under rule 68 of the Rules of Procedure, to move a motion on notice for amendment of the rules, accompanied by a draft of the proposed amendment, so that the motion may be substantively referred to the committee on Rules, Privileges and Discipline.

Hon. Members, I beg to move.

5 PROPOSED AMENDMENTS

5.1 Rule 11: Parliamentary Commissioners

Replace sub rules (4) and (5) with the following:

- "(4) Nomination of the candidates for election to the Commission, of the four Members of Parliament referred to in (1)(f) shall be made by the Government and the Opposition sides.
- (5) The constitution of the Commission under this rule shall be done during the first meeting of the first session of a new Parliament."

Insert a new sub rule (6) as follows:

- "(6) The four Members referred to in (1)(f) shall hold office as members of the Commission for two and a half years and shall be eligible for re-election."

Justification:

To align the sub rules to Section 2 of the Administration of Parliament Act, Cap.257.

5.2 Rule 112: Leave of Absence in Committees

Replace the entire rule with the following:

"112. Leave of absence in Committees

- (1) A member shall attend the meetings of a committee to which he or she is designated, unless leave of absence has been granted to that member by the Chairperson.
- (2) Leave of absence in a committee shall only be granted to a member—
 - (a) who is away on parliamentary duties; or
 - (b) who provides sufficient cause justifying the member's absence from the committee.

- (3) Application for leave of absence from a committee may be in writing to the Chairperson.
- (4) The grant of leave of absence to a member shall be communicated by the Chairperson to members of the committee in the committee meeting immediately following the grant.
- (5) Where the application for leave of absence from a committee is made to the Speaker under rule 111(3)–
- (a) the applicant shall notify the Chairperson of the committee shall be notified of the application and decision made on it;
 - (b) a member shall not be required to make a further application for leave of absence from the committee to the Chairperson of the Committee.
- (6) In exceptional cases, the Whip may inform the Chairperson of a member's absence and the circumstances leading to such absence.
- (7) A member shall not, without satisfactory explanation, absent himself or herself for fifteen or more consecutive meetings of a committee.
- (8) The Chairperson shall give a written warning to a member who absents himself or herself for five consecutive meetings of the committee without having been granted leave of absence in accordance with this rule.
- (9) The warning referred to in sub-rule (8) shall be communicated by the Chairperson to members of the committee in the committee meeting immediately following the warning.
- (10) If after the warning under sub-rule (8), the Member continues to be absent without leave from the meetings of the committee for five consecutive meetings, the Chairperson of the committee shall report the matter to the Speaker, and the Speaker shall give a written warning to that member.

- (11) If after a warning under sub rule (10), the member continues to be absent without leave for five consecutive meetings of the committee, the Speaker shall refer the member to the Committee on Rules, Privileges and Discipline for investigation.
- (12) A member whose conduct is under investigation by the Committee on Rules, Privileges and Discipline under this rule is entitled to be heard in his or her own defense and to be represented by counsel of his or her own choice.
- (13) Where the Committee on Rules, Privileges and Discipline, upon investigation, finds the Member in breach of sub-rule (7) of this rule, the Committee may recommend to the House that the Member be suspended from the service of the House for a period not exceeding fifteen sittings of the House.
- (14) Sub-rule (1) shall not apply to a Member who is a chairperson or deputy chairperson of a committee.

Justification:

- To enforce the attendance of Members in committees.
- To provide a sanction for absenteeism from a committee.

5.3 Rule 215: Time frame for Committees to report

Replace sub rule (3) with the following:

"(3) Where extra time is not granted or upon expiry of the extra time granted under sub-rule (2) and the committee has not reported back to the House or otherwise completed consideration of the matter, the House may—

- (a) appoint a select committee to consider the matter and report to the House; or
- (b) proceed to deal with the matter in question without any further delay."

Justification:

To allow the House, in dealing with a matter, to be facilitated by a report of a select committee, notwithstanding that the original committee was unable to efficiently or effectively complete consideration of the matter.

5.4 Rule 140: Delays with Bills

Replace sub rule (3) with the following:

- "(3) Where extra time is not granted or upon expiry of the extra time granted under sub-rule (2) and the committee has not reported back to the House or otherwise completed consideration of the Bill, the House may—
- (a) appoint a select committee to consider the Bill and report to the House; or
 - (b) proceed to deal with the Bill without any further delay."

Justification:

To allow the House, in dealing with a Bill, to be facilitated by a report of a select committee, notwithstanding that the original committee was unable to efficiently or effectively complete consideration of the matter.

5.5 Rule 155: Standing Committees

In sub-rule (1), insert a new paragraph, (n), as follows:

"(n) the Committee on Climate Change."

Justification:

To create a Standing Committee on Climate Change.

5.6 Insertion of New Rule, 182A

"182A. Functions of the Committee on Climate Change

- (1) It shall be the function of the Committee on Climate Change to provide oversight regarding responsiveness to matters of climate change, its mitigation and adaptation.
- (2) The Committee on Climate Change shall, in particular, have the following functions—
 - (a) scrutinize all bills presented before Parliament for inclusion of aspects regarding climate change mitigation and adaptation;
 - (b) coordinate Parliamentary activities related to climate change and its mitigation and provide a link between Parliament and other institutions in combating the effects and impact of climate change;
 - (c) fast track the effects and impact of climate change and make recommendations to Parliament to address them;
 - (d) make recommendations to Parliament on legal and institutional mechanisms to address climate change.
 - (e) supervise implementation of climate smart practices in the public and private sectors;
 - (f) monitor technology transfers in order to mitigate effects on the environment.
- (3) The Committee shall report to Parliament at least twice a year.

Justification:

To provide for the functions of the standing Committee on Climate Change.

5.7 Rule 183: Sectoral Committees

In sub rule (2), paragraph (i), insert the words "Environment and" before the words "Natural Resources", so that it reads "Environment and Natural Resources".

Justification:

The Committee on Natural Resources also handles matters regarding the environment; however, environment is not a natural resource.

5.8 Rule 185: Functions of Sectoral Committees

Insert a new paragraph (g) as follows:

- "(g) to monitor and report to the House the progress made by the sectors covered by them on the sustainable development goals."

Justification:

To mandate the sectoral committees to monitor progress on implementation of SDGs.

5.9 Rule 201: Report to be signed by Chairperson and Members

Replace sub rule (2) and insert new sub rules immediately after sub rule (2) as follows;

(2) The report of the Committee on a bill shall-



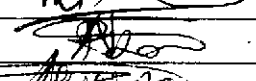
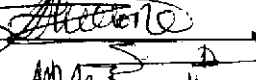
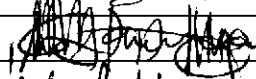
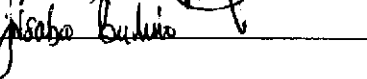
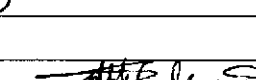
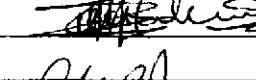
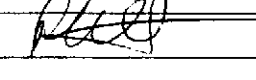
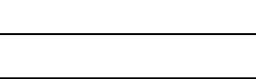
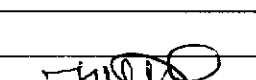
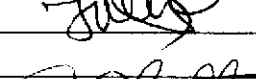
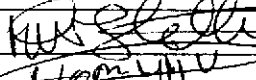
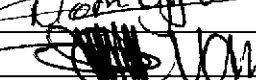
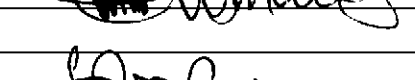
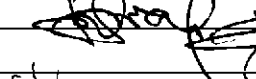
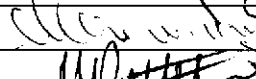
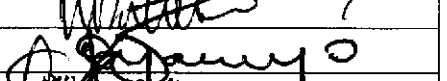
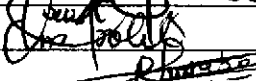
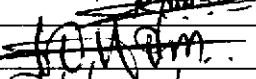
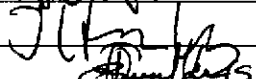


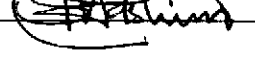





- (a) be uploaded on the Parliamentary Information System for the information of all members before it is laid on Table; and

- (b) only be debated after the expiry of at least three days from the day it was laid on the Table by the Chairperson or the Deputy Chairperson or a Member nominated by the Committee or by the Speaker.
- (2a) Notwithstanding sub rule (2), debate on the report may in the discretion of the Speaker ensue—
- (a) if three or more days have elapsed since the report of the committee was uploaded on the parliamentary information system and a notification of the existence of the report sent out to all members by the Clerk; and
- (b) after it has been laid on the Table by the Chairperson or the Deputy Chairperson or a Member nominated by the Committee or by the Speaker;

Justification:

- The three days are intended to allow time for Members of Parliament to read and internalize a report of a committee on a Bill, so as to enable them debate from an informed position.
- Therefore, once a report has been uploaded on the Parliamentary information system and a notification sent out to all Members informing them of the need to read the uploaded document, debate should ensue once the report is, at least 3 days later, laid on Table.

**Endorsement of the Report of the Committee on Rules, Privileges and Discipline, on
Amendments to the Rules of Procedure of Parliament, January 2019**

No.	Name	Party	Signature
1.	Hon. Ongalo-Obote Clement Kenneth	NRM	
2.	Hon. Agaba Abbas Mugisha	NRM	
3.	Hon. Acidri James	NRM	
4.	Hon. Akampulira Prossy Mbabazi	NRM	
5.	Hon. Akello Rose Lilly	NRM	
6.	Hon. Bitangaro Sam Kwizera	NRM	
7.	Hon. Biyika Lawrence Songa	NRM	
8.	Hon. Buturo James Nsaba	NRM	
9.	Hon. Kabaziguruka Michael	FDC	
10.	Hon. Kafeero Robert Ssekitoaleko	NRM	
11.	Hon. Kalemba Christopher	NRM	
12.	Hon. Katusabe Godfrey Atkins	FDC	
13.	Hon. Kuteesa Pecos (Maj. Gen.)	-	
14.	Hon. Lamwaka Margaret	NRM	
15.	Hon. Lokii Peter Abraham	NRM	
16.	Hon. Mugoya Kyawa Gaster	NRM	
17.	Hon. Mwiru Paul	FDC	
18.	Hon. Nabbanja Robinah	NRM	
19.	Hon. Namoe Stella Nyomera	NRM	
20.	Hon. Namujju Cissy Dionizia	NRM	
21.	Hon. Nandala-Mafabi Nathan	FDC	
22.	Hon. Ngabirano Charles	NRM	
23.	Hon. Niwagaba Wilfred	INDEP	
24.	Hon. Oboth Jacob Marksons	INDEP	
25.	Hon. Ogenga-Latigo Morris (Prof.)	FDC	
26.	Hon. Okabe Patrick	NRM	
27.	Hon. Onyango Gideon	INDEP	
28.	Hon. Opolot Jacob Richards	INDEP	
29.	Hon. Oseku Richard Oribo	NRM	
30.	Hon. Otto Edward Makmot	INDEP	
31.	Hon. Ouma George Abbot	NRM	
32.	Hon. Rwemulikya Ibanda	NRM	
33.	Hon. Ssemuli Anthony	NRM	
34.	Hon. Ssempala Emmanuel Kigozi	DP	
35.	Hon. Sulaiman Hashim	NRM	