

# PARLIAMENT OF UGANDA

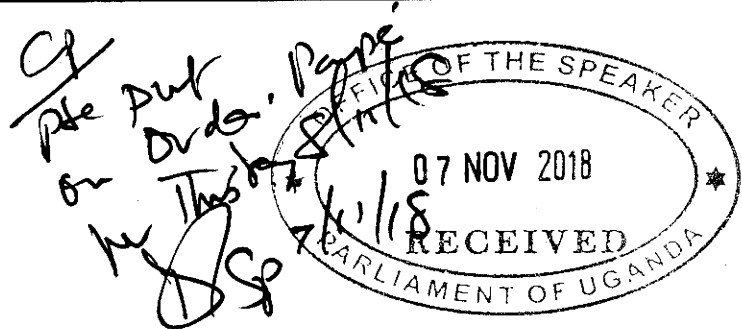
## THE PARLIAMENTARY COMMISSION

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Plot Nos. 16 - 18 Parliament Avenue

In any correspondence on **MP/24**  
this subject please quote No: .....

8<sup>th</sup> November, 2018

The Rt. Hon. Speaker  
Parliament of Uganda



### RE: MOTION TO INTRODUCE A PRIVATE MEMEBRS BILL ON INSTITUTE FOR PARLIAMENTARY STUDIES

I write to inform you that we are ready to move a motion to introduce a Private Members Bill intended to improve the capacity of the Institute of Parliamentary Studies by granting it a semi autonomous status and, professionalize service delivery to members of Parliament and staff, as well as create mechanism to link the legislatures with the local councils at various levels.

The Institute of Parliamentary Studies as an institution is operating under the Parliamentary Commission and is being funded by government through Commission budget. The proposed Bill therefore, has no financial implication on Government.

I attach herewith the proposed motion dully seconded by Hon. Byarugaba Alex Member of Parliament representing Isingiro South and Hon. Kakooza James representing Gabula County.

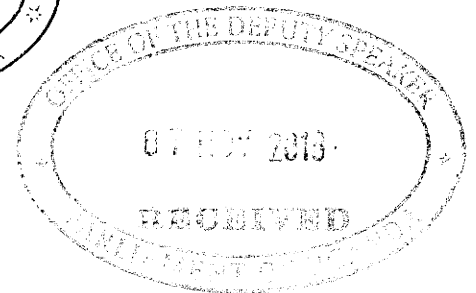
The proposed Bill entitled "The Institute for Parliamentary Studies Bill 2018" is attached.

I beg to request that the motion be scheduled for presentation tomorrow 8th November, 2018.

I beg to submit Rt. Hon. Speaker.

  
Atim Cecilia Barora (MP)  
**Commissioner**

c.c: The Rt. Hon. Deputy Speaker  
c.c: The Rt. Hon. Prime Minister  
c.c: The Leader of the Opposition  
c.c: Government Chief Whip  
c.c: Chief Opposition Whip





**PARLIAMENT OF THE REPUBLIC OF UGANDA**

**MOTION TO INTRODUCE A PRIVATE MEMBER'S BILL**

*(Moved under article 94 (4) (b) of the Constitution of the Republic of Uganda, 1995  
and Rules 120 and 121 of the Rules of Procedure of the Parliament of Uganda)*

**WHEREAS** article 94 of the Constitution of the Republic of Uganda, 1995 and rules 120 and 121 of the Rules of Procedure of Parliament recognize the right of a Member to move a Private Member's Bill;

**AND WHEREAS** Parliament, under article 79 of the Constitution, Parliament is given power to make law on any matter of peace, order, development and good governance;

**AND WHEREAS** in the 9<sup>th</sup> Parliament the Parliamentary Commission identified the need for a specialised institution to provide Parliamentarians, Parliamentary Staff, Local Councils and other forms of legislatures systematic trainings in various disciplines of parliamentary processes, hence the establishment of the Institute of Parliamentary Studies, which, the Rt. Hon. Speaker launched on 28<sup>th</sup> September 2012;

**AWARE** that the Institute of Parliamentary Studies has also for the past few years been coordinating the implementation of capacity building programs for external stakeholders including Local Government Councils and Regional Parliaments/ National Assemblies;

**AWARE THAT** there are a number of national organisations which are employing the philosophy and system of in-house service training but the best performing training services are those that exhibit autonomy in areas such as resource mobilisation and standard setting like the Uganda Revenue Authority Training Institute, the Judicial Training Institute and the Civil Service College;

**FURTHER AWARE** that the Institute in designing and conducting trainings of Members and staff of Parliament and Local Government Councillors aims at strengthening the linkages between the national Parliament and Local Government Councils and also managing the twining arrangements between the Parliament of Uganda and other Parliaments;

**FURTHER AWARE** that the Government of the Republic of Uganda has through Program 01-155151-264101 of the Parliamentary Commission Budget allocation been funding the budget of the Institute.

**NOW THEREFORE** move this Motion:

**THAT** this House accepts the introduction of a Private Member's Bill for an Act entitled the Institute of Parliamentary Studies Act, 2018

**AND** do order the publication of the said Bill in preparation for its First Reading.

**Mover:** Hon. Cecilia Barbara Atim Ogwal, MP

*Member of Parliament for ~~Dokolo~~ District and Parliamentary Commissioner*

**Seconder:**

Hon. ~~BYARUGABA ALEX~~  
*Member of Parliament for ~~ISINGIRO~~ South*

*— RALPH OGBA James (MP)  
KABULA County*

# THE INSTITUTE FOR PARLIAMENTARY STUDIES BILL, 2018

## MEMORANDUM

### 1. POLICY AND PRINCIPLES

The object

t of this Bill is to establish the Institute for Parliamentary Studies as a one stop specialised resource centre for the training and capacity development of both Members and staff of Parliament of Uganda, Local Councils and other Legislatures within the region. The Bill aims at creating an institutional mechanism for delivery of capacity building interventions for Members and staff of Parliament as well as stakeholders.

### 2. PROVISIONS OF THE LAW

The Bill consists of five parts.

#### **PART I – INTERPRETATION**

Part I of the Bill provides the interpretation and meanings of key words used within the meaning of the Bill.

#### **PART II - ESTABLISHMENT AND FUNCTIONS OF THE INSTITUTE**

Part II of the Bill provides for the establishment of the Institute for Parliamentary Studies while detailing its functions.

#### **PART III- MANAGEMENT AND ADMINISTRATION OF THE INSTITUTE**

Part III of the Bill deals with the management and general administration of the institute. It defines the Parliamentary Commission as the overall governing body of the Institute but also makes provision for a Steering Committee, which shall be responsible of the general running of the Institute. It also provides for the Director and other staff of the institute.

#### **PART IV—FINANCES**

Part IV of the Bill provides for financial matters of the Institute. It also provides for opening and management of bank accounts, the duty to keep proper books of accounts, audits, and the duty to operate on sound financial principles.

#### **PART V – MISCELLANEOUS**

Part V of the bill deals with miscellaneous matters such as annual and other reports. It also provides for the making of regulations and policies for the better implementation of the Act. It also makes provision permitting the use of the Parliamentary Service (Staff) Regulations and Policies where no specific regulations and policies are made in respect to the Institute.

**Hon: Cecilia Barbara Atim Ogwal, MP**

*Member of Parliament for Dokolo District and Parliamentary  
Commissioner*

# THE INSTITUTE FOR PARLIAMENTARY STUDIES BILL, 2018

## ARRANGEMENT OF CLAUSES

Clause

### PART I – INTERPRETATION

1. Interpretation

### PART II - ESTABLISHMENT AND FUNCTIONS OF THE INSTITUTE

2. Establishment of the institute
3. Objects of the Institute.
4. Functions of the Institute

### PART III- MANAGEMENT AND ADMINISTRATION OF THE INSTITUTE

5. Management of the Institute
6. Director
7. Functions of the Director
8. Other officers and staff of the Institute.

### PART IV—FINANCES

9. Funds and sources of revenue of the Institute.
10. Duty to operate on sound financial principles.
11. Power to open and operate bank accounts.
12. Estimates.
13. Financial year of Institute.
14. Accounts and audit.

### PART V – MISCELLANEOUS

15. Annual and other reports
16. Regulations and Policies

A Bill for an Act  
ENTITLED

**THE INSTITUTE FOR PARLIAMENTARY STUDIES ACT, 2018**

**An Act to provide for the establishment of the Institute for Parliamentary Studies and to provide for its objects, functions, composition, management and finances, and other related matters**

BE IT ENACTED by Parliament as follows-

**PART I – PRELIMINARY**

**1. Interpretation**

In this Act, unless the context otherwise requires-

“Clerk” means the Clerk to Parliament appointed under article 87 of the Constitution;

“Commission” means the Parliamentary Commission established under article 87A of the Constitution.

“Institute” means the Institute for Parliamentary Studies established under section 2 of the Act.

“Speaker” means the Speaker of Parliament elected under article 82 of the Constitution of Uganda.

**PART II-ESTABLISHMENT AND FUNCTIONS OF THE INSTITUTE**

**2. Establishment of the institute**

- (1) There is established an Institute for Parliamentary Studies.
- (2) The Institute shall be a body corporate with perpetual succession and a common seal, with the capacity to sue or be sued in its corporate name and, do or suffer any other thing a body corporate may lawfully do or suffer.
- (3) The Institute shall be an agency of Government and shall be under the general supervision of the Parliamentary Commission.

### **3. Objects of the Institute.**

The objects of the Institute are-

- (1) to conduct courses for the exposition and enhancement of the knowledge, skills and experience of Members and staff of Parliament, Local Councils and all other legislatures;
- (2) to contribute to the effective and efficient execution by Legislatures of their roles and functions in democratic governance; and
- (3) to participate in the preservation and transmission of parliamentary knowledge; and
- (4) to provide directly, or in collaboration with other institutions of higher learning, facilities for parliamentary research, studies and training.

### **4. Functions of the Institute**

The functions of the Institute are-

- (i) To conduct training of Members of Parliament and Staff of the Parliamentary Service;
- (ii) to conduct training of Local Government Councillors with a view of strengthening the linkages between the national Parliament and Local Government Assemblies;
- (iii) to manage twinning arrangements between Parliament of Uganda and other Parliaments;
- (iv) to offer in-bound courses for MPs and Staff of other Parliaments in the region;
- (v) to collaborate with other National Assemblies and centres or institutes executing similar mandates; and,
- (vi) to undertake any other business which is incidental to the performance of any of the foregoing functions.



### PART III – MANAGEMENT AND ADMINISTRATION OF THE INSTITUTE

#### 5. Management of the Institute

- (1) The Commission shall be the overall management body of the institute and shall be responsible for the policy direction of the institute.
- (2) Subject to sub section (1), there shall be a Steering Committee appointed by the Clerk with the approval of the Commission responsible for general running of the Institute.
- (3) The steering committee shall comprise of-
  - (a) the Deputy Clerk in charge of Parliamentary Affairs,
  - (b) a lecturer at a recognized university who is at the level of senior lecturer or above and who possesses knowledge and experience in capacity building, training or research in the legislature sector;
  - (c) the Director who shall be secretary to the Steering Committee;
  - (d) a legal counsel not below the rank of principal; and
  - (e) Two other persons nominated by the Clerk one of whom shall be a certified trainer of the institute.
- (4) A member of the steering committee shall serve a term of five years and shall be paid such honoraria or allowance as determined by the Commission.
- (5) The Clerk may, at any time suspend or terminate the appointment of a member of the Steering Committee for-
  - (a) abuse of office;
  - (b) corruption;
  - (c) incompetence
  - (d) any physical or mental incapacity that renders a person incapable of performing the duties of that office;
  - (e) failure to attend three consecutive Committee meeting's without reasonable grounds;
  - (f) conviction of an offence involving moral turpitude;□
  - (g) being adjudged bankrupt by a court of law;

- (h) any other reasonable ground.
- (6) Subject to the powers of the Commission and without prejudice to the generality of subsection (2) of this section, the Steering Committee shall have power to—
- (a) approve all programs of the Institute;
  - (b) administer the property and funds of the institute in such manner and for such purposes as shall promote the best interests of the institute and Parliament;
  - (c) receive, on behalf of the Institute or the Parliament, gifts, donations, or grants meant for the Institute;
  - (d) do such other thing as the Commission may from time to time direct.

#### **6. Director**

- (1) There shall be a public officer designated Director of the institute appointed by the Parliamentary Commission.
- (2) The Director shall be the Secretary to the Steering Committee, but shall have no right to vote at any meeting of the Steering Committee.

#### **7. Functions of the Director**

- (1) The Director is the accounting officer and is responsible for the day-to-day operations and administration of the Institute.
- (2) Subject to this Act and to the general supervision and control of the Commission, the Director is responsible for—
  - (a) the implementation of the policies and programmes of the Institute and reporting on them through the Steering Committee to the Commission;
  - (b) the proper management of the funds and property of the Institute;
  - (c) the organisation and control of the staff of the Institute;
  - (d) the development of an operating plan to guide the Institute in achieving its objectives;
  - (e) co-operation with other lead agencies and organisations in matters related to functions of the Institute;

- (f) the development of an economic, efficient and cost effective internal management structure;
- (g) proposing and implementing the strategic plan, business plan and annual plan of the Institute;
- (h) ensuring that the policies of the Institute are implemented and that the agreed objectives, targets and service standards are met;
- (i) providing advice as required on all matters within the Institute's responsibility; and
- (j) Performing any other duty necessary for the implementation of this Act as may be assigned to him or her by the Commission or Steering Committee.

**8. Other officers and staff of the Institute.**

- (1) The Parliamentary Commission may appoint other officers and staff of the Institute as may be necessary for the proper and efficient performance of the functions of the Institute.
- (2) The employees appointed under this section shall hold office on such terms and conditions as may be determined by the Parliamentary Commission and specified in their instruments of appointment.
- (3) The Parliamentary Commission shall regulate the manner of appointment, terms and conditions of service and the discipline of the staff appointed under this section.
- (4) The salary, emoluments and gratuity of the staff of Parliament shall be charged on the consolidated fund.

**PART IV—FINANCES**

**9. Funds and sources of revenue of the Institute.**

- (1) The funds and sources of revenue of the Institute shall consist of—
  - (a) money appropriated by Parliament for the purposes of the Institute;
  - (b) grants, gifts or donations from the Government or other sources made with the approval of the Parliamentary Commission;
  - (c) revenue earned from activities of the Institute under this Act; and

(d) any other funds received by the Institute in the performance of its functions under this Act.

(2) All non-tax revenue raised by the Institute shall be remitted to the consolidated fund.

**10. Duty to operate on sound financial principles.**

In the performance of its functions under this Act, the Institute shall have due regard to sound financial principles.

**11. Power to open and operate bank accounts.**

The Institute with the authority of the Accountant General shall open and maintain such accounts as are necessary for the performance of the functions of the authority.

**12. Estimates.**

- (1) The Director shall, within three months before the end of each financial year, cause to be prepared and submitted to the Steering Committee for its approval, estimates of the income and expenditure of the Institute for the next financial year.
- (2) The Steering Committee shall, within two months of receipt of the estimates referred to in subsection (1), cause to be submitted to the Parliamentary Commission for its approval, the estimates of income and expenditure as approved by the Steering Committee.

**13. Financial year of Institute.**

The financial year of the Institute shall be same as the financial year of Government.

**14. Accounts and audit.**

- (1) The Institute shall keep proper books of accounts and all records relating to the transactions and affairs of the Institute.
- (2) The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Institute.
- (3) The Auditor General or an auditor appointed by the Auditor General shall within three months after receipt of the accounts submit to Parliament a report on the audited accounts of the Institute.
- (4) The Auditor General shall submit the audited accounts of the Institute to Parliament in accordance with the Public Finance Management Act, 2015.

## BRIEF ON JUSTIFICATION FOR IPS LAW

For:

**Hon: Cecilia Barbara Atim Ogwal, MP**

*Member of Parliament for Dokolo District and Parliamentary Commissioner*

### 1. BACKGROUND

In 2008, the Parliamentary Commission signed a Memorandum of Understanding with Westminster Foundation of Democracy to, among other objectives, set up and institutionalize a training infrastructure for Members and Staff of Parliament, Local Councils as well as other stakeholders. The Commission, in November 2011, approved the Business Plan for the establishment of the Institute of Parliamentary Studies (IPS). The Business Plan spelt out the mandate of IPS to include:

- (a) Training of Members of Parliament and Staff of the Parliamentary Service;
- (b) Capacity building for Local Councils at District, Municipality and Sub-County levels with a view of sustaining a framework of engagement between the national Parliament and Local Councils;
- (c) Orientation of Parliament stakeholders including media, civil society, and Government institutions;
- (d) Provide directly, or in collaboration with other institutions of higher learning, facilities for parliamentary research, studies and training;
- (e) Provide inbound courses for MPs and Staff of other Parliaments in the region based on standard programs;
- (f) Collaboration with other National Assemblies and centres or institutes executing similar mandates;
- (g) Conduct research for purposes of enhancing content and delivery of capacity building programs; and,
- (h) Offer internship opportunities to interested university students

Overtime, the Commission has propped up the widening mandate of IPS by giving it a semi-autonomous set-up similar to the way the Parliamentary Pension Scheme is being supported.

Since the approval of the business plan, (i) the IPS got launched by the Rt. Hon. Speaker on 28<sup>th</sup> September 2012; (ii) the Commission provided the Institute with an operational budget and started mobilizing external resources to fund some of the Institute's unfunded priorities; (iii) recruited some staff to execute activities of the institute; and, (iv) set up a Steering Committee as a 2<sup>nd</sup> tier policy organ to the Commission to strategically steer the mandate of the Institute.

One of the reasons why the Commission gave a semi-autonomous status to IPS was to enable the Institute deal directly with Local Councils and other external stakeholders. The Constitution of the Republic of Uganda recognizes Local Councils as mini-parliaments to the extent that their work mirrors the work of the national Parliament. While the Executive Arm of Government is linked up to the parish level and the Judiciary Arm has credible presence at the district and, in some cases, up to sub-county level countrywide, the Legislature Arm at national level is hanging. There is no formal framework of engagement between the national Parliament and Local Councils and yet they do similar work. The Local Government Act provides for ex-officio membership of MPs to District Councils from their areas of jurisdiction for purposes of ensuring that the views and voices from the local leadership eventually filters to the national Parliament in order to influence policy, oversight, resource allocation and, accountability and legislation.

An examination of the current trends indicates that the existing Parliament/District Council relationship is weak and does not enlist intended results. The Commission noticed this and decided that there was need to initiate a formal framework of engagement between the national Parliament and Local Councils just like the two arms of Government possess.

## **2. GROUNDS FOR JUSTIFICATION OF THE LAW**

- (a) In order for the IPS to deal directly with external stakeholders on behalf of Parliament, it will require a legal status. External stakeholders are primarily the Local Councils with whom Parliament shares some roles albeit at lower levels. It is important to note that the human resource policies of the Parliamentary Commission are restricted to the internal operating environment of Parliament and yet, the IPS deals directly with outsiders, for example, when it comes to operating regional legislative training centres in future.
- (b) IPS will need to mobilize external resources to support unfunded priorities of the Institute. Development partners prefer engaging with legally constituted entities and considering that, in the foreseeable future, the majority of the IPS program activities will be donor funded, legal autonomy of the Institute will be mandatory;
- (c) It is international best practice for international parliamentary training institutes to have a legal status either through primary legislation (an Act of Parliament) or subsidiary legislation (Regulations); they are self-accounting and operate with autonomy within their parent Parliamentary Commissions. Examples include: the Centre for Parliamentary Studies and Training in Kenya; the East African Parliamentary Training Institute of EALA; the National Institute for Legislative and Democratic Studies of Nigeria; the Bureau of

Parliamentary Studies and Training of India; and, the Pakistan Institute for Parliamentary Services.

(d) Other local institutions in Uganda that build capacities of their parent organisations possess some form of legislation behind them such as the Judicial Studies Institute, Law Development Centre and the Civil Service College.

In conclusion, IPS should be established as an autonomous organ of Parliament if it is to execute its mandate. This can only be achieved through an Act of Parliament as observed with other parliamentary training institutes.

By:-

Charles Binwe

Institute of Parliamentary Studies