

# LAW INFORMATION BRIEF

---

No. 1, June 2019

**Keynote Address Delivered By the Director, Legislative Support Services, Prof. M.T. Ladan at the Opening Session of the 5-Day Workshop Organized for a Delegation of Parliamentarians and Parliamentary Staff from Uganda. Held on Monday, 24<sup>th</sup> June, 2019, at the NILDS Training Room, Abuja.**

## PROTOCOL

Distinguished Parliamentarians, it is an honour to have you in our midst today all the way from the Republic of Uganda. More importantly, is that the workshop as packaged for you by NILDS, provides an opportunity for shared learning experience, the exchange of good practices and to network with your peers.

Permit me to assert that in constitutional democracies, Parliamentary Committees are the engine rooms of Parliaments because it is at the committee level that most thorny issues are resolved in detail for the benefit and guidance of the entire Parliament. But such is never always the case in practically all African Parliaments, as most committees are faced with the following common broad challenges that hinder PAC's optimal performance/achieving their jurisdictional mandate: inadequate human, financial, material and technical resources. So, resource constraints that hinder the progress of most African Parliaments also extend to, and affect work at the committee level;

- Poor management of relations between committees and government Ministries, Departments and Agencies (MDAs) they are overlooking. Resulting at times in Ministers or Heads of Agencies refusing to attend or respond to the Parliamentary Committee's invitation to investigative hearing or other inquiries;
- Time constraints: Committee work is constrained by time because parliamentary functions is not only limited to committee system but also plenary and other constituency representational demands and as such parliamentarians tend to try to balance these competing demands, thereby compromising committee work;
- Membership turn-over: New members tend to come with changing sessions of parliament, thus missing out the experience the previous team/committee had acquired.

Distinguished Audience, Permit me to emphasize one fact, that is, playing the role of opposition in Parliament is not synonymous with destructive Antagonism or militancy and lawlessness in Parliament that hinders smooth legislative process or shuts down government. Rather, it is more about exhibiting maturity in debate, articulation of balanced ideas and necessary cooperation with the majority in discharging your constitutional mandate in the best interest of the people, that you all represent.

Distinguished Parliamentarians, Parliamentary Staff, and invited guests, I would like to specifically underscore, at this juncture, why and how to measure the performance or success factors of Parliamentary Accountability Committees in any democratic setting.

1<sup>st</sup>, Parliamentary Accountability Committees (PACs) play a critical oversight role as SCRUTINY and PUBLIC ACCOUNTABILITY Mechanisms, by inquiring into public financial management, extent of budget implementation, service delivery to the people by MDAs and regulatory impact assessment.

This scrutiny role is premised on the fact that Parliament has the constitutional duty to provide an important check on corrupt practices and abuse of power/office in government and improve government's management of public resources to promote sustainable development effectively. In other words, the constitutional duty is to provide the necessary checks and balances on the activities of the Executive/MDAs on behalf of the citizens, especially by examining the financial performance of the Executive and report to parliament. Like the situations in Nigeria, Ghana, South Africa and Kenya, the PAC in Uganda draws its legal mandate from Articles 163(4) and (5) of the Constitution, 13 (f) of the National Audit Act and the Rules of Procedure of Parliament.

In actual practice, how do we know if PACs are succeeding (or how do we measure their performance)? There are six results oriented ways to measure or know:

- Recommendations Accepted by Parliament;
- Recommendations implemented;
- Legislations modified as proposed;
- Information generation and sharing improved (in terms of credibility and reliability);
- Legal Action taken against erring MDAs; and
- Disciplinary action taken against erring personnel of MDAs.

To conclude, the following key recommendations are proposed to address the common challenges facing parliamentary committees generally, and in particular, improve the performance of PACs in Uganda and other African Parliaments:

- i. To make a PAC vibrant, it is necessary that its capacity and competencies are enhanced through incremental rates of its financial, material, human and technical resources.
- ii. PAC membership should consist of persons of proven integrity, knowledgeable and competent in their jurisdictional mandate or oversight functions (on public accounts systems or finance/management/budgeting etc.).
- iii. PAC membership should provide for adequate participation by opposition MPs for transparency and inclusivity in the scrutiny process.
- iv. Experience and continuity are some of the critical factors for the success of a PAC.
- v. PACs need to establish a good working relations with the Auditor-General, closely review the audit report and pay attention to specific sections of the report that have been flagged by the Auditor-General.
- vi. PAC members must prepared to go with CLEAN HANDS for oversight and demand for accountability on public financial management by MDAs. (You cannot be probing corrupt government officials when your hands are deeply soiled in corrupt practices and abuse of office/power.