



THE REPUBLIC OF UGANDA

THE CABINET HANDBOOK

**Cabinet Secretariat
Office of the President
Government of Uganda**

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FOREWORD

I am pleased to introduce the Cabinet Handbook which provides clear and comprehensive policy management guidelines for the Cabinet and other organs of Government involved in the policy management process. The Handbook also outlines the organization and functions of the Executive as well as the management of transitions.

Cabinet is the highest policy making organ of Government and is therefore responsible for determining, formulating and implementing the policy of Government. Cabinet collectively, and Ministers individually, have a primary duty to ensure that Government policy best serves the public interest.

This *Cabinet Handbook* outlines the principles that guide Cabinet operations. It also sets out the procedures laid down to facilitate Cabinet's realization of its central role of determining Government policy and supporting Ministers in meeting their individual and collective responsibilities and facilitating coordinated and strategic policy development.

This *Cabinet Handbook* is primarily intended for Cabinet Ministers and Ministers of State. However, it must be read by all officers that are in various ways associated with the policy process, so that they are guided to make a better contribution to Cabinet's efficient functioning. The Secretary to Cabinet, the Deputy Secretary to Cabinet and the Cabinet Secretariat are available to offer advice and assistance.

This *Cabinet Handbook* is only one document in a set of guidelines developed and published by the Cabinet Secretariat. Other documents provide detailed technical guidance on Policy Development in general. It is of utmost importance that members of Cabinet internalize these Guidelines and use them in the interest of transforming our systems to serve the public good.

John Mitala

HEAD OF PUBLIC SERVICE AND SECRETARY TO CABINET

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CHAPTER ONE

1.0 ORGANIZATION AND FUNCTIONS OF THE GOVERNMENT

1.1 Introduction

This chapter explains the organization and functions of the Government and describes the three Arms of State and how they relate to each other.

The Government of the Republic of Uganda, in conformity with the principles of democratic governance, exercises its powers through the three (3) arms of Government – the Executive, the Legislature and the Judiciary.

The three organs derive their powers from the 1995 Constitution of the Republic of Uganda, which is the Supreme Law of the land.

1.2 Cabinet

The Executive Authority of the Republic of Uganda is vested in the President who is the Head of State, Head of Government and Commander-in-Chief of the Uganda People's Defence Forces and the Fountain of Honour. (Refer to Articles 98 and 99 of the Constitution)

The President exercises executive authority in accordance with the Constitution and the laws of Uganda either directly or indirectly through subordinate officers (Article 98 of the Constitution). The President is directly elected by the voters. Article 111 of the Constitution provides for a Cabinet which is composed of the President, Vice President, Prime Minister and such number of Ministers as may appear to the President to be reasonably necessary for the efficient running of the State. The functions of the Cabinet are to determine, formulate and implement the policy of Government and to perform such other functions as may be conferred by the Constitution or any other law.

Ministers are appointed by the President, with the approval of Parliament, from among members of Parliament or persons qualified to be elected members of Parliament and have responsibility for such functions of Government as the President may, from time to time, assign to him or her.

1.3 The Legislature

The legislative power of the Republic of Uganda is vested in the Parliament of Uganda, the Members of which are, elected in accordance with the Constitution and the Presidential and Parliamentary Elections Acts.

Parliament consists of:

- (i) Members directly elected to represent constituencies.
- (ii) One Woman representative for every district.
- (iii) Such members of representatives of the army, youth, workers, persons with disabilities and other groups as Parliament may determine.
- (iv) Ex-officio Members: The Vice President, Prime Minister and Ministers who, if not already elected Members of Parliament, shall be ex-officio Members of Parliament, but without the right to vote on any issue requiring a vote in Parliament (Article 78).

The Parliament is presided over by the Speaker, and in his/her absence, by the Deputy Speaker both of whom are elected by Members of Parliament from among their number. (Refer to Article 82 (1) and (2) of the Constitution).

The Constitution provides for Parliament to have full powers to make/enact laws on any matter for the peace, order, development and good governance of Uganda. This is exercised through Bills passed by Parliament and accented to by the President.

The Parliament is in addition mandated to oversee Government administration and in exercising this function, acts as a check on the Executive.

1.4 The Judiciary

The administration of justice is vested in the Judiciary. In accordance with Article 126 (1) of the Constitution, judicial power is derived from the people and is exercised by the Courts in the name of the people and in conformity with the law, values, norms and aspirations of the people.

The Chief Justice is the Head of the Judiciary and is responsible for the administration and supervision of all Courts in Uganda. (Refer to Article 133 (1) (a) of the Constitution). The Chief Justice is assisted by the Deputy Chief Justice in the discharge of his or her duties and responsibilities.

The Courts of the Judicature consist of:

- (i). The Supreme Court of Uganda
- (ii). Court of Appeal of Uganda, which also sits as the Constitutional Court for purposes of interpretation of the Constitution (Article 137).
- (iii). High Court of Uganda
- (iv). Such Subordinate Courts as Parliament may by law establish, including Qadhis' Courts. (Article 129).
- (v). Local Government Courts and such lower courts as may be prescribed by an Act of Parliament.

The Judiciary is mandated to interpret laws enacted by the Legislature and adjudicate cases.

In accordance with the principle of separation of Powers, the Courts are independent in the exercise of judicial power and are not to be subject to the control or direction of any person or authority. The composition and functions of the various Courts are provided for in the Constitution.

CHAPTER TWO

2.0 THE ORGANISATION AND FUNCTIONS OF THE EXECUTIVE

(Appointments, Roles and Responsibilities)

2.1 Introduction

This chapter describes in detail, the organization, functions, roles and responsibilities of the Executive. It also explains the relationship between the Public Service and the Executive Arm of Government

2.2 The Executive

The Executive is headed by the President and includes the Vice President, the Prime Minister, Ministers, the Attorney General, the Deputy Attorney General and Ministers of State.

2.2.1 The President

Article 99 of the Constitution of Uganda provides for an Executive President. The President appoints Members of the Executive from amongst Members of Parliament or persons qualified to be elected Members of Parliament.

The President has the discretion to appoint any citizen of Uganda a Vice President, a Prime Minister, a Minister, an Attorney General, Deputy Attorney General or Minister of State and anybody appointed in such a capacity is accountable to the President for the day to day management of their respective Ministries as the President may assign.

2.2.2 The Vice President

Article 108 of the Constitution provides for the appointment of the Vice President by the President, with the approval of Parliament by a simple majority.

The functions of the Vice President shall be to:

- (i) deputize for the President as and when the need arises;
- (ii) Perform such other functions as may be assigned to him/her by the President or as may be conferred to him/her by the Constitution.

The Vice President shall, before commencing to perform the functions of Vice President, take and subscribe the oath of allegiance and the oath of Vice President, specified in the Fourth Schedule of the Constitution.

2.2.3 The Prime Minister

Article 108 (A) of the Constitution provides for the appointment of the Prime Minister by the President, with the approval of Parliament by a simple majority from among Members of Parliament or persons qualified to be elected Members of Parliament.

The functions of the Prime Minister are to:

- (i) Be the Leader of Government Business in Parliament and be responsible for the coordination and implementation of Government policies across Ministries, Departments and other public institutions.
- (ii) Perform such other functions as may be assigned to him/her by the President or as may be conferred on him/her by the Constitution or by law.

In the performance of his/her functions, the Prime Minister is to be individually accountable to the President and collectively responsible for any decision made by the Cabinet.

Before commencing to perform the functions of his/her office, the Prime Minister has to take and subscribe the oath of Prime Minister as specified in the Constitution.

2.3 The Cabinet

Cabinet is the highest policy making organ of the Executive and under Article 111 of the Constitution, Cabinet consists of the President, the Vice President, the Prime Minister, the Attorney General and such number of Ministers as may appear to the President to be reasonably necessary for the efficient running of the State.

The function of Cabinet is to, determine, formulate and implement the policy of Government and to perform such functions as may be conferred by the Constitution or any other law of the land. The Cabinet generally has the following functions:

- (i) Providing central leadership in the management of financial, human and physical resources;
- (ii) Establishing the Government's overall strategic direction and key priorities
- (iii) Ensuring that Ministerial proposals are consistent with the Government's strategic direction and priorities;

- (iv) Establishing the Government's medium to long-term policy and legislative priorities and agenda; and
- (v) Monitoring the implementation of its decisions.

2.3.1 Cabinet Ministers

Article 111 of the Constitution provides for the appointment of Cabinet Ministers who shall be appointed by the President from amongst Members of Parliament or any other persons qualified to be elected Members of Parliament.

2.3.2 Ministers of State

Article 114 of the Constitution provides that the President may, with the approval of Parliament appoint other Ministers to assist Cabinet Ministers in the performance of their functions. Ministers of State are also appointed from among Members of Parliament or persons qualified to be elected Members of Parliament.

2.3.2.1 Accountability of Ministers

Cabinet Ministers are accountable to the President and to Parliament for the exercise of two fundamental responsibilities:

- (i) Individual performance related to their portfolio within the Government; and
- (ii) Collective performance of the Government

2.3.2.2 Individual Responsibility

Ministers are:

- (i) Sworn to carry out the powers, duties and functions of their portfolios;
- (ii) Responsible for the policies, programs and administration of their Ministries/Departments;
- (iii) The source of policy and program initiatives;
- (iv) Vested with Departmental powers, duties and functions through various Acts of Parliament;

- (v) Individually responsible to Parliament for their actions; the policies and practices of their Departments including the actions of all Departmental officials under their management and direction; and the policies and practices of any non-departmental bodies such as agencies, Boards and Commissions within the Minister's portfolio.

2.3.2.3 Collective responsibility

Ministers are:

- (i) Appointed by the President to serve at his/her pleasure;
- (ii) Expected to participate fully in Cabinet decision making including appropriate Cabinet Committees; and
- (iii) Expected to defend the Government's actions and policies.

2.3.3 The Attorney General

Article 119 provides for the appointment of the Attorney General who shall:

- (i) be a Cabinet Minister;
- (ii) be the Principal Legal Adviser of the Government;
- (iii) draw and peruse agreements, contracts, treaties and conventions and documents by whatever name called, to which the Government is a party or in respect of which the Government has an interest;
- (iv) represent the Government in Courts or any other legal proceedings to which Government is a party
- (v) Perform such other functions as may be assigned to him/her by the President or by law.

2.3.4 Deputy Attorney General

Article 119A of the Constitution provides for the appointment of the Deputy Attorney General who shall be a Minister appointed by the President with the approval of Parliament

A person shall not be qualified to be appointed Deputy Attorney General unless he/she is qualified to practice as an Advocate of the High Court and has so practiced or gained the necessary experience of not less than seven years

The Deputy Attorney General shall deputize the Attorney General.

2.4 Cabinet Meetings

Regular Cabinet meetings are held every Wednesday. However, the President has discretion to convene Special Cabinet Meetings as and when he deems appropriate.

Cabinet meetings take precedence over all other business, although Ministers may occasionally be absent from Cabinet to attend to Parliamentary Business. Requests by Ministers to be absent from Cabinet Meetings shall be made at the earliest opportunity and in writing to the Prime Minister, copied to the Secretary to Cabinet.

Cabinet meetings shall take precedence over all other Government business save for the following:

- (i) audience with H. E. the President;
- (ii) when express permission has been granted to a Minister to be absent by the President, Vice President or Prime Minister;
- (iii) when a matter of legislation before Parliament is critical;
- (iv) When the President is addressing Parliament. (See Rule 2 of the Rules to Guide Cabinet at its meeting).

2.4.1 Chairs of Cabinet Meetings

Cabinet meetings shall be summoned and presided over by the President and in his absence, by the Vice President, in the absence of the latter, by the Prime Minister and in the absence of the Prime Minister, by the Deputy Prime Ministers and in the absence of all of them, by a Minister designated in writing by the President. (See Article 112(1) of the Constitution and Rule 1 of the Rules to Guide Cabinet at its meetings).

2.4.2 Venue of Cabinet Meetings and Meeting Times

The usual meetings of Cabinet are held in the Cabinet Room, West Wing of Parliamentary Buildings every Wednesday at 9:00 a. m However, Special Cabinet meetings may be held at other times and other venues whenever necessary. (See Rule 3 of the Rules to Guide Cabinet at its meeting).

2.4.3 Attendance of Cabinet Meetings

Members of Cabinet must be punctual and any likely lateness should be reported to the Chairperson in advance. (See Rule 4 of the Rules to Guide Cabinet at its meetings).

The presenter of the Paper on the agenda shall be given 10 minutes in which to present his or her Paper. (See Rule 5 of the Rules to Guide Cabinet at its meetings).

Each contributor shall be given 5 minutes in which to contribute. (See Rule 6 of the Rules to Guide Cabinet at its meetings).

Points covered in the Papers shall not be repeated. (See Rule 7 of the Rules to Guide Cabinet at its meetings).

Members of Cabinet shall adhere to the subject under discussion and shall not add any other matters which are not relevant to that discussion. (See Rule 8 of the Rules to Guide Cabinet at its meetings).

Members of Cabinet shall not leave meetings without permission from the Chairperson (See Rule 9 of the Rules to Guide Cabinet at its meetings).

In discussing papers, Cabinet shall strictly follow the order on the agenda, but the Chairperson shall have the prerogative to vary the order of the agenda. (See Rule 15 of the Rules to Guide Cabinet at its meetings).

At every end of discussion on each topic, the Chairperson shall summarize the points agreed upon. (See Rule 20 of the Rules to Guide Cabinet at its meetings).

2.4.4 Quorum

There is no quorum for Cabinet meetings. (See Rule 27 of the Rules to Guide Cabinet at its meetings)

2.4.5 Ministers' holding the portfolio in the absence of the substantive Minister

Ministers of State do act as alternate Ministers and may act in the absence of the Senior Minister as the portfolio Minister.

2.4.6 Attendance of officials in Cabinet or Committee meetings

When a Minister is presenting a Cabinet paper of a technical nature, the relevant technical officers may attend the meeting at the request of the Minister and the permission of the Chairperson.

2.4.7 Security and retention procedures for Cabinet documents

The right to retain Cabinet papers continues only for a Minister's lifetime in office after which, they should be returned to the Cabinet Secretariat.

Ministerial papers and files should also be returned to the Cabinet Secretariat.

All files and papers that are internal departmental materials should be returned to the originating department when Ministers leave office.

The Government holds a large quantity of information of all kinds. All Government information should be treated with care and protected from unauthorized release.

2.4.8 Statutory decisions

Ministers are also empowered with administrative powers from statutes. Ministers may make decisions concerning their mandates without referring those decisions to Cabinet.

However, where a statutory decision or action would affect the collective interest of the Government, the Minister should not take the relevant action without consulting relevant colleagues at an early stage and submitting a paper to Cabinet. The paper should include the Minister's recommended action or decision and preferably, analysis of other options that may commend themselves to Cabinet.

Matters that should not as a general rule be brought to Cabinet include:

- (i) Matters concerning the day-to-day management of portfolio that have been delegated to the department;
- (ii) Operational (non-policy) statutory functions; and
- (iii) The exercise of statutory decision making powers within existing policy parameters.

2.5 Cabinet Committees

Cabinet has powers to establish standing and ad hoc committees. Standing committees are permanent and they are given specific terms of reference while the ad hoc committees are established from time to time to handle specific subjects assigned to them.

2.6 Secretary to Cabinet

Article 111 (3) of the Constitution provides for the appointment of a Secretary to Cabinet who is appointed by the President in consultation with the Public Service Commission.

The Secretary to Cabinet shall:

- (i) take charge of the Cabinet office, keep all Cabinet minutes and convey Cabinet decisions to the appropriate persons or authority;
- (ii) Perform such other functions as the President may direct.

2.7 The Cabinet Secretariat

The Cabinet Office commonly known as the Cabinet Secretariat is the main Secretariat of Government. The Permanent Secretary/Deputy Secretary to Cabinet is responsible for the day to day running of the Secretariat.

2.7.1 Functions of the Cabinet Secretariat

- (i) Providing secretariat support to Cabinet and its Committees, including gate-keeping and challenge function
- (ii) Supporting the development of policy capacity across Government
- (iii) Supporting Government Ministries in developing capacity for policy analysis
- (iv) Preparing the public service to manage transitions in Government;
- (v) Supporting the political leadership in the translation of its election manifesto into policies and programs for implementation;
- (vi) Supporting Cabinet in monitoring the implementation of its decisions

2.8 Ministries

Ministries are the focal organs through which Government develops and executes its policies and programs on a day to day basis and each Ministry is headed by a Minister and assisted by other Ministers of State as the President may deem fit and one Permanent Secretary.

2.9 The Permanent Secretary

Article 174 of the Constitution provides that each Ministry shall be under the supervision of a Permanent Secretary whose office is a public office. The Permanent Secretary is appointed by the President on the advice of the Public Service Commission and his/her duties as spelt out in Article 174 of the Constitution are:

- (i) The organization and operation of the Ministry;
- (ii) Tendering advice to the responsible Minister in respect to the business of the Ministry and in that capacity, the Permanent Secretary is the principal policy advisor to the Minister;
- (iii) Implementation of the policies of Government;
- (iv) Responsibility for the proper expenditure of public funds by or in connection with the Ministry;

2.10 Relationship between the Permanent Secretary and the Minister

The relationship between Ministers and Permanent Secretaries is of paramount importance in the successful development and implementation of Government policy and for the effective service delivery by the Public Service.

The relationship between Ministers and Permanent Secretaries is underpinned by the following principles:

- (i) that Ministers are responsible for policies under their Ministries/Departments;
- (ii) that Permanent Secretaries are responsible for advising Ministers, professionally and impartially, on how these policies can best be implemented and for ensuring that the Ministry's/Department's business is conducted efficiently and cost-effectively. In that regard, the Permanent Secretary is responsible for the day-to-day function of the Ministry/Department and is also the Accounting Officer.

2.11 Personal Assistants

As part of the staffing support available to a Minister, each Minister is provided with a Personal Assistant whose role is to support the smooth functioning of the Minister by performing a wide variety of office support and administrative duties under minimal supervision.

Personal Assistants are in most cases Administrative Officers at the rank of Senior Assistant Secretaries appointed by the Public Service Commission and they perform the duties of Personal Assistants to Ministers only on assignment.

Their specific functions include:

- (i) preparing draft replies or correspondences for the Minister's endorsement;
- (ii) taking immediate action on in-coming mails which do not require the personal attention of the Minister, including replying to correspondences on behalf of the Minister on matters of routine nature;
- (iii) recording minutes and other decisions during meetings involving the Minister and persons/delegations external to the Ministry;
- (iv) liaising with the Permanent Secretary in preparation of speeches, reports and memoranda to be delivered by the Minister and in preparing budget estimates for the Minister's office
- (v) maintaining copies of relevant policy and legislative publications necessary for reference purposes or relating to the responsibilities of the Minister;
- (vi) preparing briefs for the Minister on policy and administrative matters affecting the Minister, including media and legislative questions;
- (vii) tracking the diary and execution of appointments with the Minister;
- (viii) any other business assigned to him/her by the Minister.

2.12 The Public Service

The Constitutional and practical role of the Public Service is to honestly, impartially and objectively support the duly constituted Government of whatever political ideology in formulating policies of Government, carrying out decisions of Government and in administering public services for which the Government is responsible.

CHAPTER THREE

3.0 CABINET DECISION MAKING

(Principles and procedures)

3.1 Introduction

This chapter explains the main principles and procedures governing Cabinet decision making. The items covered include the role, powers and membership of Cabinet, the role and benefits of the Cabinet Committee System, the main principles and procedures governing Cabinet and ministerial decision making procedures, issues which should be considered by Cabinet, and the role of the Cabinet office and the Secretary of Cabinet.

3.2 Cabinet Committees: Roles, Powers and Membership

Cabinet Committees provide a forum for more detailed consideration and discussion of issues before reference to a full meeting of Cabinet, and are attended by Ministry officials to assist Ministers if the committee wishes.

The benefits of the committee system are to increase efficiency in the performance of Cabinet by reducing the volume of work that goes directly to Cabinet; to improve the quality of Cabinet submissions and to improve the quality of discussion and debate in Cabinet, among others.

The Cabinet Committee system is a common practice in many Cabinet systems around the world like Canada, New Zealand, United Kingdom, Zambia, South Africa, Tanzania, Singapore and Malaysia.

Most Cabinet committees are established around a subject area such as social policy, while others are concerned with Government functions like expenditure control.

Currently, the Cabinet system in Uganda does not consist of permanent committees and most committees created are ad hoc and have a short lifespan.

Cabinet committees derive their powers from Cabinet and all committee decisions are reported to Cabinet for confirmation and Cabinet retains the ultimate power of decision. Ministries and departments must not act on Cabinet Committee decisions until they have been confirmed .

Determining the structure of Cabinet committees and the membership, chair and terms of reference of each Cabinet committee is usually the prerogative of the President or Prime Minister, as the case may be, depending on the set up of the particular country. The Cabinet

office then issues a circular from time to time, setting out the current membership and terms of reference of Cabinet Committees.

The Cabinet Secretariat provides secretariat services to the committees

3.3 Principles of Cabinet decision making

3.3.1 Collective responsibility

The principle of collective responsibility underpins the system of Cabinet government. It reflects democratic principle: the House expresses its confidence in the collective whole of Government rather than in individual Ministers. Therefore, in all areas of their work, Ministers represent and implement government policy (see Article 117 of the Constitution).

Acceptance of Ministerial office requires acceptance of collective responsibility and once Cabinet makes a decision, Ministers must support it regardless of their personal views and whether or not they were at the meeting concerned. A Minister is not expected to express a differing opinion in public contrary to the one adopted by Cabinet. In several jurisdictions doing so may lead to the resignation or even dismissal of such a Minister.

3.3.2 Confidentiality

Discussion at Cabinet and Cabinet Committee meetings is confidential and Ministers and officials should not disclose proposals likely to be considered at any Cabinet meetings outside Cabinet approved consultation procedures nor should they disclose the nature or content of the discussions or the views of individual Ministers or officials expressed at the meeting itself. (See Article 115 of the Constitution and fourth schedule)

3.3.3 Consultation

Ministers should also be aware of the need for consultation where the subject matter of a submission affects the portfolio interests of another Minister and or Ministries.

Almost all policy proposals have implications for other government agencies. The onus is on the initiating department and the portfolio Minister to ensure that all other organizations affected by a proposal are consulted at the earliest possible stage, and that their views are accurately reflected in the paper. (See the Policy Development Guide and Management in Uganda for further guidance on the consultation process).

3.3.4 Declaration of interest

Ministers need to be aware at all times that their primary role is the promotion and protection of the public interest. Ministers must therefore declare any private interest, pecuniary or non pecuniary, held by themselves or members of their immediate families in matters under discussion in Cabinet or Cabinet committee meetings, where those interests may conflict with their public duty as Ministers.

If Ministers have any concern about a conflict of interest in any area of their responsibilities or in any matter to be discussed in a Cabinet or Cabinet committee meeting, they should inform the Chair of the meeting before the matter is discussed.

3.4 Issues for consideration by Cabinet

Issues for consideration by Cabinet are those items that require consideration and approval by Cabinet before they can be implemented. They also include oral items raised during a meeting under Any Other Business and items submitted for information by Cabinet.

Ministers are responsible to the President for the overall administration and management of their respective Ministries and to Parliament for the discharge of statutory powers of their portfolios. Ministers can therefore, make decisions of a routine nature regarding their ministerial mandates without reference to Cabinet.

As a general guide however, a matter will be brought to Cabinet only under the following considerations:

- (i) when it represents new Government policy;
- (ii) when it represents a change in existing policy approved in a previous Cabinet decision;
- (iii) when it has significant financial implications for the Government;
- (iv) when it has significant implications for other Ministries;
- (v) when it requires a new legislation
- (vi) when it is a response to a report of a Committee of Parliament;
- (vii) when it is deemed to be an especially politically sensitive matter; or
- (viii) matters relating to the appointment to Boards of statutory bodies

3.5 Referral to Cabinet of decisions taken outside the Cabinet process.

Directives from the President or proposals to implement policies arising from manifesto commitments need to be referred through the Cabinet process if they concern matters that would usually be considered by Cabinet to ensure that the proper consultation process is followed.

3.6 Cabinet procedures

3.6.1 Preparing and submitting Cabinet Papers

There are several categories of Cabinet Memoranda/submissions. The submissions include those seeking:

- Ratification of Protocols, Treaties, Conventions, Agreements, etc;
- Approval of Draft Bills;
- Approval of Principles for new laws (Bills);
- Approval of national and sector policy proposals (those that may not result into or require legislation);
- To Inform Cabinet (Information Papers);
- Approval of Statutory Appointments;

For further details please refer to the Guide to Policy Development and Management in Uganda.

3.6.2 Agenda

The Cabinet Secretariat draws up the agenda for Cabinet on behalf of the Chair of Cabinet.

The Secretary to the Cabinet will usually ensure that only proposals requiring urgent consideration are placed on the Cabinet Agenda.

The Secretary to the Cabinet shall issue the agenda for Cabinet meetings after clearance with the Chairperson or a Minister designated in writing by the Chairperson. (See Rule 28 of the Rules to Guide Cabinet at its meetings).

The Agenda shall be circulated and received at least 48 hours before the meeting and shall be signed for by Ministers' personal secretaries. (see Rule 10 of the Rules to Guide Cabinet at its meetings).

3.6.3 Deadline for submission of Cabinet Papers

The principle for Cabinet decision making is based on the assumption that all the Ministers at the Cabinet table have had access to the same level of information needed to make a particular decision. It is therefore not fair for a Minister to push an issue on the Cabinet table when not every member has had the same level of information on it. It is also important that Ministers have opportunity to consult their technical officials on a new policy proposal being submitted to Cabinet to enable him/her make an informed contribution during debate in Cabinet. Cabinet Papers must be submitted to the Cabinet Secretariat in good time before the relevant deadline (usually a month before the relevant meeting). The practice has been for a new Cabinet submission to be circulated to all members and then kept on pending business to enable Ministers to internalize and if need be, consult their technical officials on the proposals that are being brought before Cabinet. This principle has, however, often been observed more in its breach and it is common for Cabinet Papers/Memoranda to be distributed and discussed in the same meeting, a practice which does not allow for thorough and informed discussion of the subject matter.

The agenda and the accompanying Cabinet Papers are required to be distributed and received in the Ministers' offices 48 hours before the scheduled meeting.

Members of Cabinet must read Cabinet papers in advance and should carry their relevant Cabinet files to the meetings (See rule 11 of the rules to guide Cabinet at its meetings).

Papers distributed on the day of Cabinet meetings shall not be discussed except in cases of emergency as determined by the Chairperson (See rule 17 of the rules to guide Cabinet at its meetings).

Matters of an emergency nature may be considered at any Cabinet meeting, provided that the sponsoring member shall have obtained prior permission from the Chairperson, to raise such matters (See Rule 22 of the Rules to Guide Cabinet at its meetings).

Notwithstanding Rule no. 22, matters of an emergency nature must have a Cabinet Memorandum and verbal and non-written presentations on substantive policy matters shall not be allowed (See Rule 23 of the Rules to Guide Cabinet at its meetings).

In cases of great urgency or particular confidentiality, or to test preliminary support for a proposal, a Minister may wish to raise an oral item at a Cabinet meeting.

The Chairperson shall, on request from any member, allow time at any meeting for the discussion of the oral item as "Any Other Business" (See Rule 16 of the Rules to Guide Cabinet at its meetings).

3.6.4 Amendment to Papers

Amendments to Cabinet Papers already submitted to the Cabinet Secretariat will not be accepted unless the change is not substantive. If the amendments proposed are substantive, the usual practice is to withdraw the original Paper and submit a new one.

3.6.5 Withdrawal of papers

Once the Cabinet Secretariat has issued an Agenda, a Paper can only be withdrawn or deferred at the meeting for which it was to be discussed. The Minister responsible for the Paper should provide notice of withdrawal as soon as possible, so that the Chair can be informed.

3.6.6 Minutes

The Secretary to Cabinet shall summarize the points raised during Cabinet discussions for the production of Cabinet minutes covering the following:

- (i) the subject of the memorandum;
- (ii) memorandum number;
- (iii) summary of the requests made by the sponsoring Minister;
- (iv) summary of major points made during discussion;
- (v) decisions of Cabinet summarized by the Chairperson;

Cabinet should not spend more than 10 minutes at every meeting on confirmation of minutes of the previous meeting(s) (See Rule 12 of the Rules to Guide Cabinet at its meetings).

The decisions of the previous approved minutes shall be presented as Matters Arising every six weeks (See Rule 13 of the Rules to Guide Cabinet at its meetings).

Discussion of Matters Arising shall be confined to issues decided upon by the Cabinet (See Rule 14 of the Rules to Guide Cabinet at its meetings).

3.7 The role of the Cabinet Office and the Secretary to Cabinet

The Cabinet Office is created by the Constitution (Article 111 (4)) and is headed by the Secretary to Cabinet (Article 111 (3)). In his/her duties as Secretary to Cabinet, he/she is

deputized by a Deputy Secretary to Cabinet who is the Permanent Secretary responsible for the day to day operations of the Cabinet Office (the Secretariat).

3.7.1 Mission

The mission of the Cabinet Office is to provide efficient and effective support to Cabinet in the discharge of its Constitutional Mandate of determining, formulating and implementing Government Policy.

3.7.2 Mandate and Function

The Cabinet Secretariat is mandated to coordinate the policy making and management process in Government and the implementation of Cabinet decisions and in doing so performs the following functions:

- (i) Championing the development of policy capacity across Government
- (ii) Assists Line Ministries in the development of Cabinet Memoranda and the management of policy work;
- (iii) Provides advice to the President, Vice President, Prime Minister and Ministers to facilitate the implementation of Cabinet decisions;
- (iv) Provides secretariat services to Cabinet and its Committees;
- (v) Monitors the implementation of Cabinet decisions;
- (vi) Is the key agency in the institutionalization of Regulatory Best Practices in Government to facilitate better policy and law making;
- (vii) Planning and managing the transition process between political administrations;
- (viii) Facilitating the translation of winning election manifestos into government policies and programs;
- (ix) Organizing and facilitating Annual Cabinet Retreats;
- (x) Organizing and facilitating policy workshops for Top and Senior Government managers;
- (xi) Preserving and maintaining the records of successive Cabinets.

3.7.3 Statement of Objectives/Strategies

The Cabinet Office operates under the following strategic objectives:

- (i) To support the Presidency in its role of provision of overall leadership in public policy management and the promotion of good governance in public institutions;
- (ii) To provide efficient and effective support to Cabinet in the discharge of its Constitutional mandate of formulating, determining and implementing Government policy;
- (iii) To facilitate the policy making process and coordinate the implementation of Government policies and programmes.

3.8 Standards of Conduct for Ministers, Staff and Officials

Elected officials and the Public Servants who work for them must maintain the highest ethical standards. The following list sets out some key principles of ethical conduct:

- (i) Ethical standards

Those in public office must conduct themselves in the most ethical manner possible; in order to enhance public trust in the Government's integrity, objectivity and impartiality.

- (ii) Public scrutiny

Public office holders have a duty to perform their public duties to the best of their ability.

- (iii) Decision making

Public office holders should make decisions in the public interest and with regard to the merits of each case.

- (iv) Private interest

Public office holders should not benefit privately from their actions in the public capacity. Public office holders should not have private interests that would be significantly or particularly affected by government activities in which they participate.

- (v) Public interest

Public office holders should arrange their private affairs in a manner that will prevent real, potential or apparent conflicts of interest from arising i.e. financial conflict. In the

event such a conflict, financial or otherwise does arise between the private interests of a public office holder and his or her official duties, then the conflict shall be resolved in favour of the public interest.

(vi) Gifts and benefits
(Refer to provisions under the Leadership Code Act)

(vii) Preferential treatment

Public office holders may not step out of their official role to assist private entities or persons in their dealings with the government. Their conduct should not result in the preferential treatment of one person.

(viii) Insider information

Public office holders ought not to knowingly take personal advantage of information obtained in their official duties that is not available to the general public.

(ix) Government property

Public office holders shall not use government property for anything other than officially approved activities.

(x) Post employment

Upon leaving public office, individuals shall not act in such a manner as to take improper advantage of their previous office.

3.8.1 Principles of Ministerial conduct

(Refer to section 2 of the Ministers' code of conduct)

(i) **Selflessness**

Ministers should act solely in the public interest. They should not act in any way to gain financial or other material benefits for themselves, their families or their friends.

(ii) **Integrity**

Ministers are also expected to uphold high standards of ethical behavior. They should not place themselves under any financial or other obligation to individuals or organizations that might influence them in the performance of their official duties. They should avoid accepting gifts or hospitality which might reasonably appear to compromise their judgment or place them under an improper obligation.

(iii) Objectivity

In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, Ministers should make choices on merit taking into account skills, qualifications, experience and any special qualities required of the person to be appointed, without discrimination on grounds of ethnicity, gender, religion or origin other than when acting in furtherance of objectives laid out in the Constitution.

(iv) Accountability

Ministers are accountable for their decisions and actions to the public and must submit themselves to scrutiny by the public and Parliament. Ministers have a duty to Parliament to account, and be held accountable for the policies, decisions and actions of their Ministries. Ministers must give accurate information to Parliament, correcting any error or misconception at the earliest opportunity.

(v) Transparency

Ministers should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions only when the wider public interest clearly demands it and should do so in accordance with the Access to Information Act and any other relevant Statutes.

Similarly, Ministers should require that Public Servants who give evidence before Parliamentary Committees on their behalf and under their direction be as helpful as possible in providing accurate, information in accordance with the Public Service Standing Orders.

(vi) Honesty

Ministers should at all times act with honesty, whether in public or privately, and uphold the highest ethical standards so that the public confidence and trust in the integrity and impartiality of government is enhanced and preserved.

Ministers are duty bound to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. There should be no conflict between their private interests and public duties, and they should not abuse their power or use official information, to obtain any improper benefit for themselves or others.

(vii) **Prudence**

Ministers are provided with facilities at public expense to assist them in the discharge of public duties. They should utilize government resources in a prudent, efficient, effective, economical, lawful and authorized manner and avoid wastefulness and extravagance.

(viii) **Collective Responsibility**

Ministers must uphold the principle of collective responsibility. This requires that Ministers should be able to maintain a united front once Cabinet decisions have been reached. Ministers should not disagree in public or criticize other Government organs.

(ix) **Political Impartiality**

In discharging their duties, Ministers must be mindful of the political impartiality of the Public Servants and not ask Public Servants to act in any way which would contravene the provisions of the Public Service Standing Orders and the Public Service Code of Ethics. They must not use government resources for party or political purposes.

(x) **Leadership**

Ministers should lead by example.

3.9 The Budget Cycle

The Budget

Article 155(1) of the Constitution provides that the President shall cause the preparation and laying before Parliament estimates of revenue and expenditure for each financial year. This is a statement of the revenues that Government expects to collect in the Financial Year and how it plans to allocate these revenues as it pursues its vision for the economic and social transformation of Uganda.

According to the Public Finance and Accountability Act, 2003, the Minister (*of Finance, Planning & Economic Development*) shall prepare estimates of the expenditure which shall include for each expenditure vote:

- (i) A statement of the purposes for which the vote is to be used;
- (ii) A statement of the classes of outputs expected to be provided from that vote during the year and the performance criteria to be met in providing those outputs;..." *Section 15*

The Budget process

The budget process is a cycle that runs through the entire financial year. It begins with the review and update of the Medium Term Expenditure Framework (MTEF), and a country Portfolio Performance Review between July and August each year. This is followed by the first Budget consultative workshop that takes place between October and November. After this, all Sector Working Groups and Local Governments begin preparation of Budget Framework Papers (BFPs) and this is followed by Sector BFP Ministerial Consultations, which lead to the preparation of the draft National BFP. Once Cabinet approves the BFP, it is presented to all stakeholders in a national budget workshop called the Public Expenditure Review Meeting.

The final BFP is submitted to Parliament by April 1, of each year. This is then followed by the development of the Background to the Budget and the detailed development of budget estimates by each Ministry and institution. The Ministry compiles these into the draft estimates of revenue and expenditure with consultation with the Parliamentary Budget Committee, and starts preparation of the Budget Speech, which must be presented, to Parliament by the 15th day of June of each year.

3.10 Supplementary Expenditure

Where additional appropriations are needed during the course of the year, a supplementary estimate showing the amount required shall be laid before Parliament and the expenditure votes shall be included in a Supplementary Appropriation Bill to be introduced in Parliament to provide for their appropriation (See Article 156 (3) of the Constitution and section 16 (1) of the Public Finance and Accountability Act).

The total supplementary expenditure that requires additional resources over and above what is appropriated by Parliament shall not exceed 3% of the total approved budget for that financial year without prior approval of Parliament.

Where funds have been expended as above, supplementary estimates showing sums spent shall be laid before Parliament within four months after the money is spent.

Any reallocation of funds shall be made in consultation with all affected Ministries, Departments, Institutions or Organizations (See section 12(1) (2) and (3) of the Budget Act)

Parliament shall analyze programs and policy issues that affect the national budget and economy and where necessary recommend alternative approaches to Government (See section 11 of the Budget Act).

3.11 Macro-economic plan and framework

The President shall, not later than the 1st day of April in each financial year, cause to be submitted and laid before Parliament, a three years' macro-economic plan and program for economic and social development (See section 4 of the Budget Act).

3.12 Submission of estimates of Departments

The Head of any Government Department, Self Accounting Department, Institution, Organization, or Commission shall submit to the President preliminary estimates of revenue and expenditure of that department, institution, organization or commission for the following financial year by the 15th day of February in each year (See Section 5(1) of the Budget Act)

3.13 Policy Statements of Ministries on estimates

Each Minister shall cause to be prepared and submitted to Parliament a policy statement of the relevant Ministry on the preliminary estimates submitted under sections 3 and 4 of the Budget Act by the 30th day of June in each year (See section 6 (1) of the Budget Act).

3.14 Cost estimates for Bills

Every Bill introduced in Parliament shall be accompanied by its indicative financial implications if any, on revenue and expenditure over the period of not less than two years after its coming into effect (See section 10 of the Budget Act)

CHAPTER FOUR

4.0 ELECTION TRANSITION

4.1 Elections

Article 60 of the Constitution provides that there shall be an Electoral Commission that ensures regular, free and fair elections. The Electoral Commission having conducted elections declares the results and also gazettes the results and the elected Members of Parliament in the official Gazette.

Members of the current Parliament cease to be Members of the Parliament at the expiry of the term of Parliament. The election of Members of Parliament is held thirty days before the expiry of the term of Parliament.

In a multi-party political system, parties front their ideas for leadership through their political manifestos. The political party that attracts the attention of a big section of the voters is voted and forms the new government. The new Government is assisted by the Public Service to fulfill the promises made in the manifesto.

4.2 Swearing-in of new Administration

4.2.1 The President-Elect

The Uganda Constitution provides under Article 98 (3) that a person elected President before assuming the duties of the Office of the President, shall take and subscribe the Oath of Allegiance and the Presidential Oath specified in the Constitution.

Key players in the swearing-in ceremony

- (i) The President-elect
- (ii) The Chief Justice
- (iii) The Chairperson of the Electoral Commission
- (iv) The Deputy Chairperson of the Electoral Commission
- (v) The Head of Public Service and Secretary to Cabinet

- (vi) The Chief Registrar

The Chief Justice administers the Oath of Allegiance and the Oath of President to the President-elect. The Chief Justice also hands over the instruments of power of the Republic of Uganda to the President-elect one by one, which are:

- (i) The Constitution;
- (ii) The National Flag;
- (iii) The Presidential Standard (flag);
- (iv) The National Anthem;
- (v) The Coat of Arms; and
- (vi) The Republic Seal.

The Secretary to Cabinet receives, one by one, the Instruments of Power of the Republic of Uganda from H. E. the President for custody. The President is thereafter expected to assume office within 24 hours.

The existing Government is expected to lapse as soon as the incoming President assumes office.

4.2.2 Instruments of Appointment

The Secretary to Cabinet oversees the preparations for the swearing in of the new administration. Each Minister takes an Oath of Secrecy and an Oath of Minister.

Instruments of Appointment are prepared in triplicate by the Secretary to Cabinet and signed by the President and thereafter issued to Ministers in the second week of their appointment.

One copy of the Instruments is retained by the President, one issued to the Minister and the third retained by the Cabinet Office as a record.

4.3 Briefing for incoming Ministers

When a new Minister is appointed, the Permanent Secretary of the Ministry concerned is expected to ensure that as soon as the Minister takes up office he/she receives:

- (a) a written brief covering the Ministry and responsibilities of the departments and other agencies concerned;

- (b) an account of major outstanding policy issues;
- (c) Details of pending decisions or actions that will be required by the Minister, including recommendations for draft legislation.

The amount of detail in the briefing notes will depend on whether the Minister has previously been involved with the Ministry or not and as to whether there have been any new guidelines to brief Ministers from the Head of Public Service.

4.4 Outgoing Ministers

Outgoing Ministers are supposed to return all Cabinet documents they have been handling to the Cabinet Office. In this regard, the outgoing Minister would hand over all government property including all Cabinet documents to the Permanent Secretary who in turn hands over the Cabinet documents to the Cabinet Office. In addition the outgoing Minister should write a handover report and hand it to the Permanent Secretary.

CHAPTER FIVE

5.0 LEGISLATION AND THE EXECUTIVE

5.1 Introduction

This chapter provides an overview of the main principles and procedures concerning the development of legislation (Acts of Parliament) at the executive level. It discusses Parliamentary Committees, Caucus and Caucus Committees, and how Ministers and officials should deal with them.

5.2 State of the Nation Address

The first formal opportunity for the Government to outline its public policy and legislative agenda is the delivery of the State of the Nation Address at the beginning of the Parliamentary Calendar/session.

This is a constitutional obligation of the Executive where Government policy and legislative proposals on the principal issues of the day are relayed and is delivered by the President to Parliament in line with Article 101 of the Constitution. It is a public speech addressing the situation of the country delivered by the President to the House. Article 101 of the Constitution also allows the President in consultation with the Speaker of Parliament to address Parliament from time to time on matters of national importance.

Consequently, as a follow up on the content of the State of Nation address, Members of Parliament remind the Leader of Government Business on the Executive's obligations to address issues that were contained in the State of Nation Address for purposes of oversight on implementation of Bills and programs of Government.

5.3 Government Legislative Program

The legislative program provides an annual framework within which priorities are established for preparing, and managing the processes of the government's proposed legislation.

Legislation is the process of making laws. Legislation is a key role of Parliament that is exercised when Parliament debates and passes Bills tabled before it by the Executive and Bills originating from within Parliament. There are three types of Bills and these are:

- Government Bills
- Private Members' Bills which should conform to Article 93 of the Constitution;
- Bills introduced by Committees under the Rules of Procedure of Parliament.

5.4 Existing or proposed Bills

An existing Government Bill is a bill which has been with the Legislature and which has been laid on the Table. It is the property of Parliament. Withdrawal of the Bill calls for moving a motion in order to stay action or suspend debate of that Bill. This could happen on grounds of the need for further consultations on the Bill.

Proposed Bills are Bills intended to be brought to Parliament.

5.4.1 Drafting legislation

The First Parliamentary Counsel is responsible for preparing all legislation. Approval must be sought from the Cabinet before instructions for drafting are given to the First Parliamentary Counsel.

Drafting instructions provide the basis on which Bills are drafted. Ministers and Departments initiating legislation are responsible for ensuring that drafting instructions, and Bills when drafted, fully and correctly reflect Government policy. The following describes what Ministries do when preparing Bills:

- The Ministry initiating a Bill prepares the Principles of the Bill for approval by Cabinet.
- Cabinet approves the principles and authorizes the sponsoring Ministry to issue Drafting Instructions to the First Parliamentary Counsel.
- Drafting Instructions should comprise a clear and comprehensive statement of the nature of the problem by providing background information, the purposes of the proposed legislation, the means by which those purposes are to be achieved and the impact of the proposals on existing circumstances and law. They should include the Cabinet Minute and the Cabinet Memorandum relating to the Cabinet Policy on the drafting of the Bill.
- The Minister then submits the Bill to Cabinet for approval with a covering Cabinet memorandum. The Bill should be accompanied with a certificate issued by the First Parliamentary Counsel addressed to the Secretary to Cabinet stating that the Bill is consistent with the principles approved by Cabinet.

- In exceptional circumstances, the Attorney General or in his or her absence the Solicitor General may waive the requirement of prior approval by Cabinet of the principles of a Bill to allow a Ministry to have a Bill drafted for submission to Cabinet. The request for waiver should be made in writing by the Minister concerned and the Bill when being submitted to Cabinet should be accompanied by a certificate issued by the First Parliamentary Counsel addressed to the Secretary to Cabinet stating that the Bill was drafted on the basis of approval by the Attorney General or Solicitor General waiving the initial requirement of prior Cabinet approval of principles.
- The Minister obtains authorization to have the Bill gazetted and introduced in Parliament. Attached to the Bill should be a letter from the Attorney General confirming that the Bill has been drafted according to the principles approved by Cabinet and that it complies with the Law. The Certificate of Financial Implications from the Ministry of Finance, Planning and Economic Development should also be attached to the Bill.
- Then the First Parliamentary Counsel will instruct the Government Printer to publish the Bill in the Gazette on receipt of the Cabinet Minute authorizing publication.
- When the First Parliamentary Counsel issues instructions to the Government Printer to print the Bill for publication in the Gazette, the Government Printer will provide to the Ministry concerned a cost estimate for the printing and publication of the Bill and the Ministry concerned will have to issue to the Government Printer a Local Purchase Order (LPO) to cover the printing of the Bill and the copies to be supplied for delivery to Parliament. It has to be borne in mind that the Government Printer will not print or publish the Bill in the Gazette if the LPO is not produced.
- According to Rule 94(1) of the Rules of Procedure of Parliament, where the House determines upon the recommendation of the appropriate Committee of the House appointed for the purpose that a particular Bill is of an urgent nature, that Bill may be introduced without publication.
- After the Bill has been published in the Gazette, the First Parliamentary Counsel will assist the Ministry to procure the required number of copies of the Bill for transmission to the Clerk to Parliament with a request from the Ministry concerned that the Bill be put on the Order Paper to be given first reading by Parliament.

5.5 Development and approval of Bills

First Reading

A Member moves that the Bill be read the first time and no question shall be put. The Clerk reads aloud the short title of the Bill, and then the Bill is taken as read the first time. The Bill is then referred to the appropriate Committee appointed under the provisions of Article 90 of the Constitution.

The Committee examines the Bill in detail to ensure that all enquiries to it are complete and reports to the House within two months from the date the Bill is referred to the Committee.

Second Reading

The Committee then writes a report with any proposed amendments attached which is then brought to the full House, where the Minister moves a motion for the second reading of the Bill.

The Committee report is presented to the House by the Chairperson or Vice Chairperson of the Committee and the Speaker or Deputy Speaker chairs Parliament. General debate ensues, where as many Members of Parliament as possible debate.

If the motion is carried, the Clerk shall read aloud the short title of the Bill and the Bill shall then be taken to have been read the second time. The second reading of the Bill shall not be taken earlier than the fourteenth day after the publication of the Bill in the Gazette.

Committee stage

If the motion for the second reading is carried, the Bill shall stand committed immediately or on a date to be fixed to the Committee of the whole House unless the House on motion commits it to a Select Committee which shall be nominated by the Speaker. The House shall then dissolve itself into a Committee of the whole House, a process which leads to Committee Stage, where the Bill is discussed Clause by Clause.

The Committee Stage is a build-up into the Third Reading of the Bill. A report is made after the Committee Stage (Committee of the whole House) and the Speaker shall appoint the time for the consideration of the report where after, the Minister shall present the report to the House.

NB. During the Committee Stage, the Speaker is referred to as Chairperson.

Third Reading

Immediately a Committee of the whole House has reported, the House may proceed to the third reading of any Bill reported.

The Minister then moves a motion for the Third Reading and passing of the Bill. The Speaker presents the motion to the House.

Presidential Assent

If passed, the Clerk to Parliament compiles an Assent copy of the Bill which reflects the amendments made during debate of the Bill as a true record of the Bill.

The Assent copy of the Bill is sent to the Government Printer for printing. The printed Assent copies are then forwarded to the President for his signature within thirty days.

The moment the President signs copies of the Assent Bill, the Bill becomes an Act of Parliament. The Act has a stipulated effective date of operation or the Minister responsible may have the mandate to decide the effective date of operation of the Act.

In the event that the President's consent on the Bill is not got, a Constitutional procedure is followed (refer to Article 99 of the Constitution – Exercise of Legislative Powers)

NB: In the process of shepherding a Bill that turns out to be contentious, the Minister may withdraw the Bill for further consultation.

5.6 Government Responses to Reports of Parliamentary Committees

There are several reports of Parliamentary Committees and these include the statutory reports, reports on Ministerial Statements on the Budget and Select Committee reports.

The responsible Ministers are required to respond to the reports from the relevant committee and most of the reaction is through response on the floor of Parliament.

5.7 Parliamentary Caucus

A party caucus is the full group of all of the Members of Parliament belonging to a particular party.

Ministers may from time to time brief a government caucus or a caucus committee on a current issue or on proposed legislation. A caucus committee may also, on occasion, ask for officials to attend a meeting to provide a briefing on a particular policy issue or activity.

Under the Multiparty System of governance, parties have to take positions on particular items like on proposed Bills or Government programs. It is expected that the Members of a particular party adhere to a position taken.

5.8 Ministerial Statement

Ministerial Statements are statements that Ministers make on the Floor of Parliament explaining Government policy or action upon any matter.

The Minister presents the Government position on the matter and usually issues of urgency are addressed. Any Ministerial Statement in Parliament must be debated (Refer to Rule 35, Rules of Procedure of the Parliament of Uganda).

CHAPTER SIX

6.0 OFFICIAL INFORMATION: (Protection, availability and disclosure)

6.1 Introduction

This chapter details the classification, protection, availability and disclosure of official information. It provides guidance on some aspects of the Access to Information Act, 2005, focusing on areas which relate to Ministers and Cabinet.

6.2 Protection and classification of official information

The government holds a large quantity of information of all kinds. All government information should be treated with care and protected from unauthorized release. Information should be protected to the extent consistent with the public interest and the preservation of personal privacy.

Cabinet documents are diverse in their form and may broadly be defined as documents which if disclosed, would reveal any consideration or deliberation of Cabinet, or otherwise prejudice the confidentiality of Cabinet considerations, deliberations. Cabinet documents may include but are not limited to the following;

- (i) Information under the Access to Information Act which includes written, visual, oral and electronic information. (See Section 4 of the Access to Information Act, 2005).
- (ii) Submissions submitted or proposed to be submitted to Cabinet.
- (iii) Cabinet Agenda, notice of meetings and business lists for meetings.
- (iv) Briefing Papers for use by Ministers or Permanent Secretaries in relation to matters submitted or proposed to be submitted to Cabinet.
- (v) Documentation and Minutes of Cabinet Committee Meetings.
- (vi) Reports generated by the Cabinet Secretariat or Agencies which show Cabinet submissions or proposed Cabinet submissions.
- (vii) Corrigenda (printing) to Cabinet submissions.

- (viii) Reports and attachments to submissions that have been brought into existence for the purpose of submission to Cabinet.
- (ix) Legislative proposals, Bills, Explanatory notes etc.
- (x) Correspondence between Ministers and H. E. the President that is submitted to Cabinet or that proposes matters to be raised in Cabinet.
- (xi) Consultation comments on first lodgment and final Cabinet documents.
- (xii) Reports or studies within or for the Government that are intended to form a basis for a Cabinet document or an attachment to a Cabinet document.
- (xiii) All other minutes, correspondence between Ministers and other material that relate to Cabinet matters such as, letters seeking waiver of all or part of the Cabinet process or minutes seeking comments on submissions.
- (xiv) Drafts, copies, or extracts of any of the above.
- (xv) All formats of the above including hard copy, electronic, or microfilm formats.

Sections 26, 27, 28, 29, 30, 31, 32 and 33 explain in detail exemptions from Access to official information (see Access to Information Act, 2005).

6.2.1 Security classifications of Information

The following are the classifications of official information.

A. Information requiring protection for public interest or personal privacy reasons.

- (i) **Sensitive:** Compromise of sensitive information that would likely damage the interests of the Government or endanger the safety of its citizens.
- (ii) **In- Confidence:** Compromise of such information that would prejudice the maintenance of Law and Order, impede the effective conduct of Government or affect adversely the privacy of its citizens.

B. Information requiring protection for National Security reasons

- (iii) **Top Secret:** Compromise of Top Secret information that would damage National interest in an exceptionally grave manner.
- (iv) **Secret:** Compromise of secret information that would damage National interests in a serious manner.
- (v) **Confidential:** Compromise of confidential information that would damage National interests in a significant manner.
- (vi) **Restricted:** Compromise of restricted information that would damage National interests in an adverse manner.

6.2.2 Endorsement markings

A range of endorsement markings may also be used with security classifications to describe the nature of the information being protected. Examples of endorsement markings often used for Cabinet papers are as follows;

- (i) **Budget-** proposed or actual measures for the budget prior to their announcement.
- (ii) **Commercial-** sensitive commercial processes, negotiations or affairs.
- (iii) **Staff-** reference to named or identifiable staff.
- (iv) **Legally Privileged-** legal advice or legal proceedings.

These endorsements when combined with a security classification result in the following examples;

- (i) Budget – Sensitive Information.
- (ii) Commercial – Sensitive Information.
- (iii) Commercial – In- Confidence Information.
- (iv) Staff – In- Confidence Information.
- (v) Legally privileged In- Confidence.

A security classification in itself does not provide good reason for withholding a government document unless it is taken within the criteria of the Access to Information Act.

The security classification determines how a document is handled within the government system and may provide a useful “flag” indicating that there may be good reason for withholding the document.

6.3 Cabinet Minutes and those of its Committees

Under the Access to Information Act, 2005, Cabinet minutes and those of its Committees shall not be accessible to any person other than an authorized public officer. (See Section 25 (1) of the Access to Information Act, 2005)

6.4 Annual Report

Each Minister shall submit an annual report to Parliament on requests for access to records or information made to public bodies under his/her Ministry in relation to the relevant year, and shall indicate whether access was given or not, and if access was not given, state the reasons for denial. (See Section 43 (1) of the Access to Information Act, 2005)

6.5 Access and Forms of Access

Ministers are entitled to consult Cabinet records on the basis that the confidentiality of the papers is respected. See Section 20 of the Access to Information Act, 2005, for further guidance on forms of Access to Official Information, 2005.

6.6 Guidelines for handling papers on leaving Ministerial office

On leaving office, the following are the procedures of storing or disposing of papers in the possession of Ministers:

6.6.1 Cabinet and Committee Papers

The right to retain Cabinet Papers continues only for a Minister’s lifetime, after which they should be returned to the Cabinet Office.

Ministers should bear in mind that they should not take copies of Cabinet records with them when they leave office.

6.6.2 Ministerial papers and files

As with Cabinet documents, official Ministerial papers and files (correspondence, briefing notes, speeches and so on) are not the personal property of the Minister, and must be returned to the Cabinet Office or to the archives.

6.6.3 Departmental papers and files

All files and papers that are internal departmental material should be returned to the originating department when Ministers leave office. No copies should be taken; and all files that concern or comment on individuals should be treated with particular care, and must be returned promptly to the department concerned.

6.6.4 Correspondence from constituents

Ministers hold constituency material in their personal capacity as Members of Parliament rather than Ministers.

6.7 Writing Memoirs

Standards help provide and preserve a confidential working environment for Ministers and the officials who advise them. This enables diverse opinions to be freely canvassed and expressed without restraint that would accompany the expectation of disclosure.

The following standards should be adhered to by former Ministers contemplating the publication of memoirs, or other materials arising from their experience as Ministers:

- Any Cabinet records drawn on for possible publication must be used with care, unless the information they contain has already been made public. Disclosure should preferably be checked with the relevant department (through the Cabinet Secretariat) so that the material can be assessed in terms of the Access to Information Act, 2005.
- The views expressed by other Ministers or the process by which a decision has been arrived at should not be disclosed without first consulting those colleagues.
- Comments from officials or others whose duty it has been to tender advice or opinions should not be released without prior consultation, and any reference should be made only in general terms, without attribution to identifiable persons.

- Former Ministers should consider carefully, before making public assessments or criticisms of those who have served them or of whose competence or suitability they have had to make judgments, the fact that in most cases, the individuals concerned will not be in a position to respond.
- Former Ministers should not disclose the content of any discussion held during a Cabinet meeting. On appointment to office, all Ministers swear an Oath of Allegiance and Oath of Minister (see 4th Schedule of the Constitution) not to directly or indirectly reveal any matter that may come to their knowledge in the discharge of their duties and committed to their secrecy.

6.8 Exploitation of official information for private gain

Public officials shall not use official knowledge for private gain or for the benefit of others.

Under Section 14 clause 1 of the Leadership Code Act, 2002, without deviating from any other written law, a leader shall not directly or indirectly use or allow any person under his or her control to use, for furthering any private interest, whether financial or otherwise, any information obtained through or in connection with the office of the leader and not yet made available to the public.

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