



UGANDA LAW SOCIETY

STATEMENT ON "SERVICE AWARD" EMOLUMENTS PAID TO A SECTION OF MEMBERS OF PARLIAMENT AND OTHER CONTROVERSIAL PARLIAMENTARY EMOLUMENTS

Press reports have revealed that on 6h May 2022, the Uganda Parliamentary Commission resolved to reward a former Leader of Opposition and backbencher Commissioners with one-time, personal-to-holder "Service Award" emoluments of UGX500m and UGX400m respectively.

General misgivings have been expressed by the public as to the morality and legality of the above "Service Award" emoluments in light of the high levels of misappropriation of public funds, large pay disparities, and conflicts of interest in the determination by Government officials of their emoluments.

In fulfillment of its statutory duty to protect and assist the public and Government in all matters relating to law and legislation in Uganda, the Uganda Law Society deems it imperative to guide on the legality of the above and similar emoluments, gratuities, allowances, or payments to Members of Parliament.

Who determines the emoluments (including gratuities, allowances, pensions, etc.) of MPs?

Article 85(1) of Uganda's 1995 Constitution empowers Parliament to determine the emoluments (including gratuity, pension, and allowances) of Members of Parliament.

However, in accordance with Article 93, the introduction of any new emoluments or upward alteration of existing ones must be by way of a Bill or motion introduced in

Parliament on behalf of the Government (that is to say, the Executive arm) upon which

Parliament becomes empowered to consider the same and determine such emoluments.

Therefore, to the extent that there was no Bill or motion presented on behalf of the

Executive in relation to the impugned "Service Award" emoluments, they constitute an illegal charge on the Consolidated Fund of Uganda and ought to be thoroughly investigated.

The Supreme Court has confirmed the above position in Parliamentary Commission vs Mwesigye Wilson, Constitutional Appeal No. 8 of 2016, wherein it determined that the emoluments of Members of Parliament can only be altered (other than by reduction) upon a Bill or motion introduced on behalf of the Executive. The Court further held that the Parliamentary Commission is bound by this procedure of determination of emoluments of Members of Parliament.

ULS thus urges Parliament to abide by the Constitutional and statutory laws governing the determination of their emoluments (including salaries, gratuities, pension, and other benefits) and to lead by example in demonstrating proper and economical use of public funds.

To remedy the perennial problem of payment disparities and conflicts of interest in the determination of the emoluments of Members of Parliament, ULS urges the creation of an independent Salaries and Remuneration Commission to determine the remuneration of all Government employees and officials including Members of Parliament. This would necessitate constitutional as well as statutory amendments but is necessary to deal with the problem and provide an inclusive and lasting solution.

In the premises, ULS:

1. calls upon the Parliament of Uganda and the Parliamentary Commission to publicly address the above issues and demonstrate commitment to the binding laws governing the remuneration of Members of Parliament; and
2. calls upon the Government and all public servants to uphold the principles of accountability, transparency, and adherence to the rule of law in all matters related to the administration of public funds and the remuneration of public officials to create and maintain public trust and ensure the responsible use of taxpayers' money.

ULS remains committed to the execution of its mandate of enhancing the promotion of the Rule of Law, Human Rights, and Good Governance in Uganda.

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