



MEASURING PARLIAMENTARY PERFORMANCE – THE AFRICAN PARLIAMENTARY INDEX (API)



A SUMMARY REPORT
OF THE API ROUND II
ASSESSMENTS IN SEVEN
AFRICAN COUNTRIES, 2012

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in Seven African Countries, 2012*

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Parliamentary Centre
Le Centre parlementaire

802-255 Albert Street
Ottawa, ON K1P 6A9
CANADA
parlcent@parl.gc.ca

No. 3 Wawa Street
La Bawaleshie/East Legon
Greater Accra Region,
GHANA
info@parlcentafrica.org

www.parlcent.org - www.parlcentafrica.org

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ACRONYMS

AG	Auditor General
API	African Parliamentary Index
APNAC	African Parliamentary Network Against Corruption
APRN	African Parliamentarians Poverty Reduction Network
APSP	African Parliamentary Strengthening Program
ARIC	Audit Report Implementation Committee
CAPAN	Committee for the Analysis of Development of the National Assembly
CDF	Constituency Development Fund
CIDA	Canadian International Development Agency
CoA	Court of Auditors
CSOs	Civil Society Organizations
GIFMIS	Ghana Integrated Financial Management Information System
ICA	Independent Country Assessor
MDAs	Ministries Department and Agencies
PAC	Public Accounts Committee
N/A	Non Applicable
UNACCEB	Committee for the Analysis, Control and Evaluation of the National Budget
WAEMU	West Africa Economic & Monetary Union

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Special thanks also go to the Canadian International Development Agency (CIDA), who is the funder of the African Parliamentary Strengthening Programme

(APSP) for Budget Oversight, under which the API has been implemented, and also a very close and supportive partner of our work over the years.

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THE PARLIAMENTARY CENTRE

Celebrating its 45th year of existence in 2013, the Parliamentary Centre is one of the leading and longest serving non-governmental non-partisan organizations dedicated to the strengthening of parliamentary democracy around the world.

Democratic systems and good governance rely on strong and vibrant legislatures that will voice the interests of the people and hold governments to account. The Parliamentary Centre's mission is to support legislatures in their lawmaking, oversight and representative roles to better serve the people they represent.

We believe that every citizen has the right to participate meaningfully in the decisions of government and to hold government to account for those decisions, and that effective, democratic legislatures which engage with civil society and represent citizens are crucial to democratic governance and sustainable development.

Since 2004, the Parliamentary Centre has established a Regional Africa Office based in Accra, Ghana, which serves as a training facility, a drop-in Resource Centre, a contact point for activities of the Africa Parliamentarians Poverty Reduction Network (APRN), a Secretariat for the Africa Parliamentary Network against Corruption (APNAC) and a host Centre for a number of projects. Since 1999, the Parliamentary Centre has worked with over 31 African Parliaments, implementing almost 50 projects that are as diverse as the continent itself.

FOREWORD

The African Parliamentary Strengthening Programme (APSP) for Budget Oversight is a five-year capacity strengthening programme for seven partner Parliaments: Benin, Ghana, Kenya, Senegal, Tanzania, Uganda, and Zambia. The programme, which is funded by the Canadian International Development Agency (CIDA) and implemented by the Africa Programme of the Parliamentary Centre, supports the seven partner Parliaments to develop and implement strategies to strengthen their overall role and engagement in the national budget process.

Budget analysis and review is at the heart of parliamentary activity for most national legislative institutions. As governments' budgets are about resource allocation that affects the lives of citizens who Parliamentarians in democratic states represent, it is important that Parliamentarians are supported to facilitate their role in this very important national process.

The first African Parliamentary Index (API) report produced by the Parliamentary Centre was published in 2010 and launched in Nairobi, Kenya in 2011. This report is the second round of the API. As compared to the first round, few adjustments were made to refine the tool but the essential elements of the API methodology, as a standard and simplified system for self-assessment of the performance of Parliaments in Africa especially the seven APSP select Parliaments, remains largely unchanged. Similarly, the process of assessment was facilitated by Independent Country Assessors and led by the APSP partner Parliaments. Key stakeholders,

including independent research institutions and groups of civil society organizations, met with the legislators to validate the findings with the goal of enhancing the legitimacy and country-ownership of the final report.

The overall findings of this second API assessment process show mild improvements in the performance of the APSP partner Parliaments. However, there still remain capacity gaps that partner Parliaments have to work steadily to address. It is hoped that partner Parliaments, having seen the value of regular self-assessment of their performance, will embed the findings in their parliamentary activities. In addition, it is our hope that partner Parliaments will continuously assess themselves and make resources available to address the gaps that may be found, in order to increase the effectiveness, efficiency and relevance of their institutions.

The APSP support initiative has deepened and enhanced parliamentary democracy in Africa and we acknowledge the financial support of CIDA, and the cooperation and support of partner Parliaments and their staff in this enterprise.



Dr. Rasheed Draman
Director of Africa Programs,
Parliamentary Centre

MESSAGE BY THE PRESIDENT AND CEO

Today, there is an overwhelming consensus that good governance is essential for a sustainable development and democratic development. For governance to be effective, it must be inclusive, transparent, accountable, equitable and meaningful. Legislatures are important players in the overall governance of a nation. The better governance is, the greater the chances are for political stability, thus contributing to a more predictable environment for investments in human resources and in creating wealth for the benefit of the people. Legislatures are essential in order to allow for public, open debates and a peaceful democratic decision-making process on issues that concern our citizens. The role of legislatures as the overseers of the actions of the Executive is therefore an essential part of good governance for a nation.

While the representative, legislative and oversight functions are the same, each legislature is unique. A one-fits-all approach does not work when it comes to supporting legislatures around the world. This is something the Parliamentary Centre strongly believes in and this translates into all of our work. Legislative strengthening is an internal process that needs to be driven from within and cannot be imposed from the outside. This means that it is very important for the Centre to work closely with our clients to help them identify their own needs and then provide tools and support that are directly tied to these needs.

The Parliamentary Centre has developed a diagnostic tool called the **African Parliamentary Index (API)**, which is aimed at measuring the performance of parliaments. This tool builds on the Centre's work to develop and refine parliamentary performance indicators over the past decade and other international best practice examples, and can easily be adopted for use in other regions.

This is the second round of API assessments and I would like to take this opportunity to thank and congratulate the Parliamentary Centre's team in our Regional office, based in Accra, Ghana for their high quality work. Together with our partner Parliaments and the independent country assessors, they have been crucial to this process and the resulting report.

It is encouraging that we can already see that the self-assessment methodology contributes to parliamentary empowerment and creates the necessary country ownership to take important steps to act on some of the recommendations that were done in the first round of API assessments. We hope that we will see similar action following this round of assessments.

The API has a lot of potential. It can serve as a tool to enhance the quality of governance in countries competing for long term investment which is certainly the case of the African continent where by 2050, according to the African Development Bank Africa, 250 million jobs will need to be created to keep the present levels of growth and employment. After working in Africa for the past twenty years, the Parliamentary Centre feels that it would be important to encourage parliaments and the private sector to improve their communications and work towards a legislative framework attractive to long term investments which will contribute to Africa's prosperity and security to be shared by as many citizens as possible.



Jean-Paul Ruszkowski,
President and CEO
Parliamentary Centre

THE AFRICAN PARLIAMENTARY INDEX 2012

Good governance, transparency and accountability are key elements in democratic societies. As the only elected and representative body, Legislatures play an important role in overseeing and holding the Executive to account on behalf of the people. Strong and well-functioning Parliaments are therefore essential for democratic and sustainable development.

Increasing Parliaments' oversight capacity can lead to more oversight effectiveness, more accountability, better democracy, less corruption, more socio-economic development and less poverty.

The Parliamentary Centre recognizes that each Legislature is unique and that each Parliament needs to identify the best way for it to become a more effective, efficient and representative institution in relation to its specific historical, cultural and political context. The Centre has therefore developed a diagnostic tool called the African Parliamentary Index (API).

The African Parliamentary Index

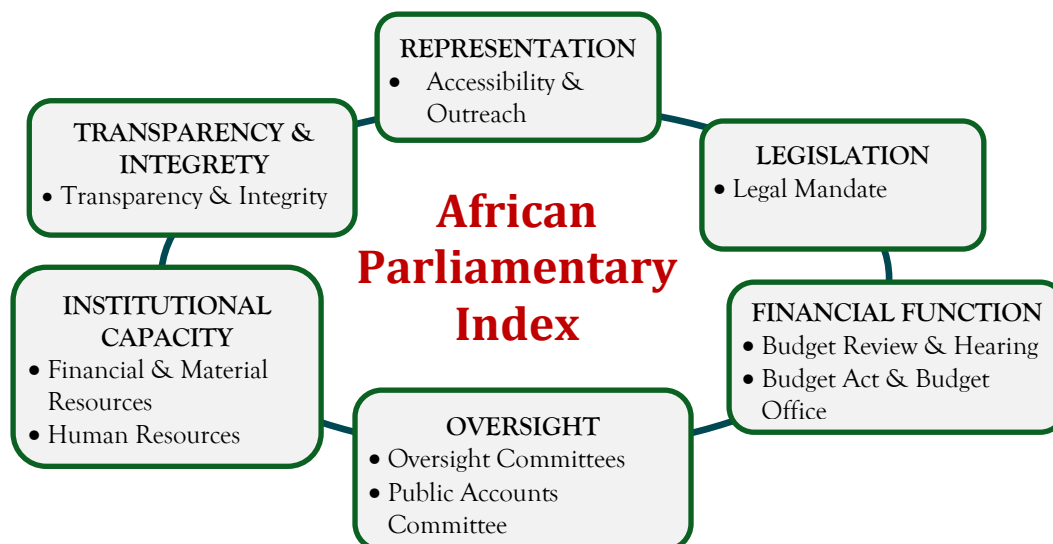
Parliamentary Performance Indicators can be useful to assist Parliaments engaged in reform and modernization efforts. The African Parliamentary Index (API) offers a standard and simplified system for assessing the performance of Parliaments, developed in line with international best practice and according to the Parliamentary Centre's long-term experience of working with Parliaments around the world.

The API is a set of indicators measuring parliamentary performance of select African Parliaments, in particular linked to their level of engagement in the budget process and the oversight of Government expenditures in their respective countries. The tool also aims to assess how Parliament engages with citizens and the media during this process.

The API covers the three core functions of representation, law making and oversight of public expenditure and finance according to the following categories:

- Representation
- Legislation
- Oversight
- Financial Function
- Institutional Capacity
- Institutional Transparency and Integrity

These categories are broken down further into eleven sub-thematic areas that directly affect Parliament's financial oversight roles, as illustrated below:



API – Key Concepts and Definitions

The following key concepts and definitions are used as part of the API assessment process at the thematic and sub thematic areas:

Representative Function: Refers to characteristics of a democratic parliament which ensures that it is socially and politically representative of the diversity of the people and ensures equal opportunity and protection for all its members. It also includes how accessible the Legislature is to the public and the efforts of the Legislature to get the public to understand its role.

Legislative Function: Refers to the core function of parliament to make new laws and change or improve old ones, as well as its mandate and enabling instruments from which parliament derives its powers.

Financial Function: Refers to the responsibility to control the resources/finances of the State as well as disburse such resources, i.e. the power to approve taxes and determine how those taxes are expended. It also consists of the legislative scrutiny of the Government's budget proposals in committees and through debates on the floor of the House to the passage of the appropriations act; as well as existence of a Law or set of Laws that define the roles of all actors in the budget process; defines the budget calendar; and prescribes an office in parliament charged with the responsibility of providing parliament with informed analysis of budget proposals. It also takes into account the opportunity for the public to engage with parliament during legislative procedures and process leading to the ex-ante approval and ex post review of the budget, as well as the ability to periodically review the budget.

Oversight Function: Refers to the parliamentary review, monitoring and supervision of Government and public agencies, including the implementation of policy and legislation to ensure public policy reflects and meets citizens' needs also that agreed policies are properly implemented and delivered to target citizens, looking specifically at parliamentary committees that are tasked to scrutinize implementation of the budget

across government departments, as well as Public Account Committees or equivalent tasked to scrutinize the budget ex post, audited government accounts and financial statements.

Institutional Capacity: Refers to the human as well as financial and material resources employed by parliament as a means of effective organization of its business in accordance with democratic values and the performance of parliament's legislative and oversight functions in a manner that serves the needs of the whole population.

Transparency and Integrity: Refers to the openness of parliament to the nation through different media and transparency in the conduct of its business.

API Methodology

While there are several different performance measurement tools available for Parliaments, the API is unique in its methodology. The API is a self-assessment tool that is implemented according to a participatory approach, deeply rooted in the local context.

The API self-assessment includes the involvement of the parliamentary leadership, MPs and parliamentary staff who are knowledgeable in the operations of parliamentary business. Efforts are made to include members from a cross-section of parliamentary committees and considerations are also made in terms of political affiliation and equal gender representation. With support from the Parliamentary Centre, Independent Country Assessors (ICA), who are local experts on governance and parliamentary issues, work closely with a team from the national Parliament in facilitating the assessment. The role of the ICA is to present the purpose, scope and requirements of the API tool, and to provide guidance and facilitate the discussions.

During the assessment, the participating MPs and parliamentary staff discuss and rate the parliament's performance in various realms in smaller focus groups. The tool also asks for the rating to be justified and for recommendations on how to address identified issues. The results are then presented and discussed in plenary between the different groups, during which a joint overall

rating is arrived at. During this process the justification for each score is carefully recorded, especially in cases where ratings have been challenged and possibly changed before being adopted by the majority.

Based on the assessment done by the respective Parliament, a draft report is prepared by the ICA. This report is shared and discussed with key stakeholders, such as CSOs, research institutions and academia focusing on parliamentary development and good governance, to get their input on the rating in order to ensure as much objectivity as possible. They also join MPs, parliamentary staff and the parliamentary leadership during a follow-up meeting where the results from the self-assessment are further validated to increase legitimacy and country ownership. Ratings can be challenged at this stage as well by individual MPs, staff and CSO representatives. If the majority agrees with the new suggested rating and justification, it is changed. In those rare cases where the Parliament and CSO representatives have not been able to reach a consensus, the majority view of the parliamentary representatives presented during the self-assessment will take priority. Finally a full report is prepared outlining the strengths and weaknesses of the Parliament based on its own rating and the input from the validation, as well as recommendations on how to move forward to strengthen institutional capacity.




Rating System

Indicators: Linked to the sub-thematic areas of the API tool are a number of questions or indicators that form the basis for the self-assessment. There are in total 61 indicators, which are qualitative in nature. A strong emphasis is therefore put on the provision of detailed descriptions and reasoning for the rating of a certain indicator. A six point scale is used for each indicator:

0 = Not Applicable	4 = Somewhat Agree
1 = Completely Disagree	5 = Agree
2 = Disagree	6 = Completely Agree
3 = Somewhat Disagree	

Not Applicable responses are not considered in the estimation of the score.

The colours green, yellow and red present the ratings visually, as follows:

	High-performing (5&6) - little or no improvement needed
	Moderate/Fair performance (3&4) - some improvement required
	Low-performing (1&2) - requiring major improvement

Thematic Areas: Unlike the indicators, rating the thematic areas follow a different method. The first step in rating a thematic area involves the estimation of its average score. This is obtained by finding the average score of all the indicators, not just based on the averages of the sub-thematic areas, linked to this specific thematic area. As for the indicators, the average rating for each thematic area is then presented visually according to the various colour codes.

Sub-thematic Areas: The weighted average for each sub-thematic area is estimated by dividing its average indicator rating, using all the indicators linked to the sub-theme, by the maximum possible average rating, i.e. 6, and multiplying the quotient by the weights.

The African Parliamentary Index (API) Score: The overall API score for a specific country is derived by dividing the sum of the weighted averages of all the sub-themes by the maximum weighted average possible for a given country, and expressing it as a percentage.

API Focus Countries

This report covers the self-assessments of the national Parliaments of **Benin, Ghana, Kenya, Senegal, Tanzania, Uganda** and **Zambia**. These Parliaments are working closely with the Parliamentary Centre under the *African Parliamentary Strengthening Program (APSP) for Budget Oversight*. This five-year program is financed by the Canadian International Development Agency (CIDA), and is implemented by the Parliamentary

Centre's Africa office based in Accra, Ghana. The program focuses on supporting these partner Parliaments to develop and implement strategies to strengthen their overall role and engagement in the national budget process. This report summarizes the second round of self-assessments done by these seven parliaments. The first round was conducted in 2010.

The API targets both Anglophone and Francophone countries. Therefore the tool is available in both French and English. Some indicators do not have direct equivalence in the Francophone political systems, or for all Anglophone countries, and have in those cases been rated as "non-applicable" accompanied with detailed reasoning and recommendations. As a tool the API can be used by all Parliaments to measure their performance in the budget process with a view to improving performance.

Value of API and Emerging Results

The API can serve to identify priorities and entry points for strengthening partner Parliaments to perform their role in the budget process. By evaluating the various facets of Parliaments' performance, information is generated that allows the individual Parliaments to achieve a better understanding of their needs and offers an opportunity to develop customized strategies for various stakeholders to help improve its institutional capacity.

The combination of a qualitative assessment model to collect and analyse data, and a self-assessment methodology suggests that results are not easily comparable between countries. One Parliament might give itself a low rating for a specific indicator, perhaps because it wants to further improve in this area, but it might in fact be at par or performing better than other Parliaments that have rated themselves higher. The baseline situation is different for each Parliament. The history, constitutional and legal mandate, as well as administrative structures and availability of skilled human resources will also influence how a certain Parliament can undertake its budgetary review and oversight functions. However, a country's parliamentary performance can be assessed over time.

While subjectivity is hard to rule out, the detailed descriptions and reasoning for a particular rating can help determine whether improvements have been made in relation to specific indicators.

Following the first round of assessments using the API, it has been possible to note some positive developments in strengthening the role and impact of some of the partner Parliaments in the budget process. While it is difficult to attribute this as a direct result of the API process, the changes that have taken place were in line with the recommendations from the API country reports.

During the first API process, Kenyan MPs had identified that a successful passage of the Public Finance Management Act in the Kenyan National Assembly would boost their role in the budget process. The very active participation by the Budget Committee in the debate of this Act and the overwhelming support of its passage has helped in improving the Parliament's role in the budget process.

Another example is the acknowledgement by Ghana MPs and other stakeholders that the creation of a Parliamentary Budget Office would enhance their effectiveness in the budget process. It had been observed how such an office can be instrumental in improving parliamentary oversight, from the API country report for Kenya and Uganda, where such offices exist and are very effective. Following the first round of API, Ghana has taken important steps to draft a Budget Office Bill and recommendations have been made to create such an office to support the Parliament's oversight role. This was also the case for Zambia, where a similar process is underway to enact the Budget Bill. There are also efforts by the Parliament to strengthen its capacity in the areas of financial and material support, human resource and openness to the public as a result of the API report findings and subsequent support by the Parliamentary Centre to facilitate direct knowledge exchanges between Ghana, Zambia and Kenya on the role and workings of a Parliamentary Budget Office.

Certain recommendations were common to most of the Parliaments. For instance, providing parliamentarians with offices featured prominently. Similarly, there was a call for improved logistical support - equipment and personnel - to both Members and staff of Parliament. A recommendation was also made for Parliament as an institution to be financially-independent and for the establishment of Constituency Development Funds. Members also called on the Executive to implement recommendations of oversight committees, such as the Public Accounts Committees, and that the Auditor-General should present his/her report to Parliament on time. Members also asked for more time in their review and debate of the budget before passing the Appropriations Bill.

THE AFRICAN PARLIAMENTARY INDEX (API) 2012



**SUMMARY COUNTRY REPORT
NATIONAL ASSEMBLY OF BENIN**

The overall API score for the National Assembly of Benin in 2012 was 64.01 percent compared to the Round One score of 60.80 percent. Since the first round of API which took place in 2010, the Benin National Assembly has addressed certain issues that are indicative of an improving Parliament. For instance, in 2012 the National Assembly fast-tracked the indictment procedure leading to the prosecution of two former Ministers in the 2009 “Affaire CEN-SAD”.¹

With respect to the six core or thematic areas, Financial Function, Institutional Capacity and Transparency and Integrity performed averagely and would require some form of changes and improvements. Representation, Legislative and Oversight Functions received the lowest average score and would require greater attention and improvement.

Moderate-Performing Areas

Financial Function: In performing their financial function, there is a Finance and Budget Committee (F&B Committee) whose mandate is to review the Finance Act. This role of the Legislature in the budget process is enshrined in the Constitution and there is enough time for the review of the budget. The F&B Committee does not hold its hearings in public and there are no mechanisms for public involvement in the budget process, though it holds hearings for a few organisations, including trade unions. The National Assembly of Benin needs to put in place special measures that will facilitate collaborative work between the Parliament and CSOs as this has the potential to improve the governance landscape. CSOs on their part may be required to take less adversarial posture when dealing with members of the National Assembly of Benin. Once trust is engendered between the two parties, it paves the way for more collaborative work.

The Budget Act and Budget Office fall under the broad indicator of Financial Function. The assessment results reveal that there is no law defining the roles of all actors in the budget process. Despite the fact that there is no

Budget Office, a moderate score was assigned to this indicator and the reason provided for this is that the Assembly receives technical support from bodies such as the Committee for the Analysis of Development Policies of the National Assembly (CAPAN) and Committee for the Analysis, Control and Evaluation of the National Budget (UNACCEB). Similarly, a score was provided for the indicator. “The Parliamentary Budget Office has qualified and competent officers and the office is equipped to efficiently assist Parliament with informed analysis”, arguing that both institutions have qualified and competent staff who make their services available to Parliament. However, other indicators, such as “The Budget office has power to call for information and documents from Government Departments and the private sector and in good time (Power of Subpoena)”, were deemed non-applicable.

Though budget review by the Parliament is provided for in Law, it is not strictly observed. This review is undertaken in certain circumstances, i.e. in times of national disaster or after change of Government. The participants concede that they have sufficient time to discuss the reviewed budget both at the plenary and at committee meetings. They noted however that sometimes the budget is brought late to Parliament for consideration.

Institutional Capacity: Institutional Capacity encompasses the human and material resources employed by Parliament as a means of effective organisation of its business in accordance with democratic values and the performance of Parliament’s legislative and oversight functions in a manner that serves the needs of the whole population. The assessment focus is on the financial and material resources which are critical to the business of Parliament. According to the findings of the assessment, the National Assembly of Benin prepares its own budget and this is guaranteed by the Constitution. It does not, however, have a constituency development fund. In addition, with the exception of Chair of Committees and Heads of Parliamentary Services, MPs do not have dedicated offices to perform parliamentary business.

¹ *Affaire CEN-SAD: During the preparation for the 10th Summit of States bordering the Sahara desert in Benin, the former Minister, Soule ManaLawani who was put in charge organizing the summit was indicted for misappropriating funds dedicated for the summit*

Regarding human resources, the legislature has a structured system for receiving technical and advisory assistance from external sources - from bodies such as CAPAN and UNACEB.

Transparency and Integrity: The legislature as a representative body of the public is expected to be transparent in its business and its members are expected to exhibit a high level of integrity which will ultimately be a reflection of the institution. In order to promote transparency and uphold the institutional integrity, Article 35 of the Rules of Procedure of the National Assembly of Benin includes provisions relating to financial sanctions against MPs who absent themselves from Parliament without valid reasons. The legislature has an enforceable code of conduct that guides the behaviour and action of MPs. Benin has an active National Chapter of APNAC (African Parliamentarians Network Against Corruption) and MPs face no encumbrance to participate in its activities. However, participants were of the view that there is no efficient and effective mechanism to detect and sanction corrupt practices.

Low-Performing Areas

Representation: The assessment results show that the National Assembly has a non-partisan media relations facility; however it was stated that the independence of the media is still not well established and this influences the relationship between the Maison de la Presse and the Assembly. There has been improvement in the Assembly's access to the citizen and the media with the creation of a parliamentary radio station; participation of the public and media in plenary works and the publication of parliamentary news magazines. The mechanisms for promoting public understanding of the work of the National Assembly, such as field visits, and Commissions of inquiry, are not enough and much needs to be done. Before the voting of the budget, the National Assembly holds briefings for various groups i.e. CSOs, trade unions and other non-state actors; however, this has not been extended to the larger public.

In addition, there is no formal relationship between Parliament and CSOs.




Legislative Function: The indicators assessed with respect to the legal mandate of parliament reveal that the mandate of the legislature regarding Budget-making and oversight, including the Appropriation Act, is grounded in law. Though the Assembly has power to amend the Appropriations Bill, it is limited by law since it is required to find corresponding compensatory resources if it decides to increase expenditure. There are no opportunities for public input in the legislative process. In addition, there is no mechanism to follow up on enacted laws.

Oversight Function: Oversight committees have strong investigative authority and are only divested of a matter when the court intervenes. However, oversight of State Enterprises is inadequate even though they face no obstruction with institutions or organisations to be overseen. They draw their power from Article 113 of the 1990 Benin Constitution. They also receive updates on actions taken by the Executive on committees' or Parliament's recommendations. The Finance and Budget Committee is headed by a member of the ruling party. The committee however has the power, grounded in law, to subpoena witnesses and documents and may initiate independent investigations in matters of public interest.

There is however delays in the submission of budget Audit Reports to the committee. Only budget Audits are sent by the Auditor-General (Court of Auditors) to the Assembly. Furthermore, due to the separation of powers, the National Assembly cannot request the Court of Auditors to conduct special investigations on its behalf. Though the Court of Auditors has legal authority to conduct audits without hindrance, it does not have enough resources to do so.

Below is a summary overview of the self-assessment by the National Assembly of Benin. For the full report, please visit the Parliamentary Centre website www.parlcent.org or the APSP project website www.parlcentafrica.org.






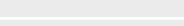
2012 API Self-Assessment by the National Assembly of Benin

	High-performing (5&6) - little or no improvement needed
	Moderate/Fair performance (3&4) - some improvement required
	Low-performing (1&2) - requiring major improvement


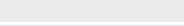


BN1.0: Thematic Areas - Summary Overview

Thematic Areas	Indicator
Representation	
Legislative Function	
Financial Function	
Oversight Function	
Institutional Capacity	
Transparency and Integrity	









BN1.1: Representation

Accessibility and Outreach	Indicator
The Legislature is open to citizens and the media.	
The Legislature has a non-partisan media relations facility.	
The Legislature has mechanisms to promote public understanding of its work.	
The Legislature provides timely information to the public on the budget.	
The Legislature promotes citizens' knowledge and understanding of the role of MPs in the budget Process.	
The Legislature fosters sound relationships between Parliament, CSOs and other related Institutions.	


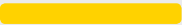
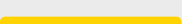

BN2.1: Legislative Function

Legal Mandate	Indicator
The Mandate of Legislature regarding Budget making and oversight including the Appropriations Act is properly grounded in Law.	
The Legislature has power to amend the Appropriations Bill.	
Adequate opportunities exist for public input into the Legislative Process.	
Adequate mechanisms exist to track legislations that have been enacted.	




BN3.1: Financial Function

Budget Review and Hearing	Indicator
The Legislature has enough time to review the Budget.	
The Legislature has a Budget/Estimates /Finance Committee with the sole mandate of reviewing the budget.	
The Budget/Estimate/Finance Committee and/or sector Committees hold public hearings on the budget where evidence from the Executive and the public is taken.	
The Legislature has an effective and well documented process for citizen participation in the Budget process which is known to the public.	
The Legislature has authority to amend the budget presented by the Executive including spending and revenue proposals	
The Legislature has the power to send back proposed Budget to the Executive for review.	
The Legislature is able to make binding amendments on spending and revenue proposals.	
The Appropriations Act approved by the Legislature has details on all allocations to MDAs.	

BN3.2: Financial Function

Budget Act and Budget Office	Indicator
There is a Budget Act that clearly defines a role for the Legislature in the budget process.	
The Legislature has a Budget Office that is established by law to assist Parliament undertake a thorough review of the draft budget.	
The Parliamentary Budget Office has qualified and competent Officers and the Office is equipped to efficiently and effectively assist Parliament with informed analysis.	
The Budget Office has power to call for information and documents from Government Departments and the private sector and in good time (Power of Subpoena).	N/A
The Legislature (or the appropriate committee) considers and approves the budget estimates for Defence and Intelligence Services and is given full disclosure on the budget estimates/figures.	

BN3.3: Financial Function

Periodic Review of the Budget	Indicator
The budget is reviewed by the Executive periodically during implementation (Number of reviews in a year and types).	
All reviews of the budget are presented to the Legislature and approved by the Legislature.	
Adequate time is allocated for the consideration of the reviewed budget both at plenary and at committees.	




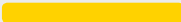
BN4.1: Oversight Function

Oversight Committees	Indicator
The budget oversight function of the Legislature is performed by all sector related committees and other special committees.	
Legislative Oversight Committees have strong investigative powers over budgetary issues.	
Legislative Oversight Committees exercise sufficient oversight of the expenditures of State Owned Enterprises	
Sufficient mechanisms exist for Oversight Committees to obtain information from the Executive during investigations.	
Oversight Committees have adequate powers in law to request and receive updates on actions taken by the Executive on the Committees'/Parliament's recommendations.	
Oversight Committees are adequately resourced to undertake their activities.	
Minority/Opposition parties play an effective role in Oversight Committees.	


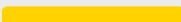


BN4.2: Oversight Function

Public Accounts Committee	Indicator
The Legislature has a Public Accounts Committee or equivalent that examines the expenditures of Government.	
The Public Accounts Committee is chaired by a member who does not belong to the party in Government.	
The PAC has power to subpoena witnesses and documents and this is backed by law.	
All who use public funds including Ministers are obliged to appear before the PAC when summoned.	
The PAC is required by law to hold its proceedings in public.	
The PAC reviews all reports of the Auditor General and in a timely manner.	
The PAC can initiate independent investigation into any matter of public interest.	
The Executive is bound by law to implement the recommendations of the PAC and this is strictly enforced.	
Adequate mechanisms exist for the PAC to track the implementation of its recommendations and this can be accessed and verified by the public.	
The PAC is adequately resourced to undertake its activities.	
The PAC collaborates freely with other anti-corruption institutions without let or hindrance.	



BN4.3: Oversight Function

Audit	Indicator
The Auditor General is an officer of Parliament.	N/A
All reports of the Auditor General are submitted to the Legislature.	
The Legislature receives regular and timely reports from the Auditor General.	
The reports of the Auditor General are deemed public immediately after they are issued by the Auditor General.	
The Legislature can request the Auditor General to conduct special audits on its behalf.	N/A
The Auditor General has adequate resources and legal authority to conduct audits without any hindrance.	






BN5.1: Institutional Capacity

Financial and Material Resources	Indicator
The Legislature is financially independent; it prepares its annual budget and the Executive cannot change it.	
The Legislature has adequate logistics including office space to enable it to perform its functions.	
MPs have a constituency development fund that is effectively managed.	
The Legislature has a structured system for receiving technical and advisory assistance from external sources.	

BN5.2: Institutional Capacity

Human Resources	Indicator
The Legislature is an equal opportunity employer.	
The Legislature has adequate and highly skilled research and staff support.	

BN6.1: Transparency and Integrity

Transparency and Integrity	Indicator
The Legislature has an enforceable code of conduct that guides the behaviour and actions of MPs.	
MPs maintain high standards of accountability, transparency and responsibility in the conduct of public and parliamentary work.	
Anti-corruption networks exist in Parliament and MPs are free and encouraged to participate in the activities of such networks.	
Efficient and effective mechanisms exist to detect and prevent corrupt practices among MPs and legislative Staff and to bring to justice any person engaged in such activities.	
MPs are required by law and the Rules of Procedure to declare their assets and business interests and this is strictly complied with.	

THE AFRICAN PARLIAMENTARY INDEX (API) 2012



**SUMMARY COUNTRY REPORT
PARLIAMENT OF GHANA**

The overall API score for the Parliament of Ghana in 2012 was 65.10, a drop of 2.6 per cents from the first round of API assessments in 2010, implying that little or no efforts at improving budget oversight had occurred during the period. The relatively stable API rating could be attributed to the inability of the parliament to implement some of the recommendations made in 2010, especially the passage of a Budget Act which would have led to the establishment of a Budget Office².

However, since 2010, some developments, not directly linked to the API but ones that could have a positive impact on the budget process, have been implemented. Notable among them are: the preparation of Budget Framework Papers to guide decisions for upcoming budget preparation; the introduction of Programme-Based Budgeting (PBB) and Fiscal Decentralisation; adoption of the Ghana Integrated Financial Management Information System (GIFMIS) for budget implementation; adoption of data-based systems to track the implementation of projects, among others.

With respect to the six core or thematic areas, Parliament performed well in the area of Representation. Legislative and Oversight Functions, and Transparency and Integrity performed averagely and would require some improvements. Financial Function and Institutional Capacity received the lowest average score and would require greater attention and improvement.

High-Performing Areas

Representation: Parliament's Representative function ranked highest in the 2012 API self-assessment. The improved accessibility by the public and media to the public gallery, televised parliamentary proceedings, calls for public input into Bills (through advertisements) and public vetting of presidential nominees, have boosted Parliament's representative function. However, Parliament needs to be more proactive in its communication with and outreach to the citizenry. It should find means of transmitting information directly to the people instead of merely correcting erroneous

reportage of its activities. Making its website interactive is another means of reaching the people and soliciting their contribution into the legislative process. The citizenry should also be reminded of the difference between the oversight role of Parliament as an institution, and the oversight work of a Member of Parliament in his or her constituency.

Moderate-Performing Areas

Parliament performed fairly well in its Legislative and Oversight functions, as well as in the Transparency and Integrity area, though these areas require some attention.

Legislative Function: Constitutional provisions exist that support the mandate of the legislature in its budget-making and oversight duties; however, this is limited by Article 179 (7) of the Constitution, which states that the legislature cannot increase budgetary proposals. Follow-ups on Bills enacted into law need to be conducted to determine their performance.

Oversight Function: In relation to the Oversight Function, oversight committees have powers to request information and be updated with the actions of the Executive, though this power is not strongly and fully exercised. However, in situations when requests are made, there is a long delay in receiving responses, and the responses sometimes do not reflect the information requested when they finally arrive. There is therefore a need for such important requests to be time-bound. Oversight committees should be sufficiently resourced to carry out their duties. Training programmes for committee chairpersons, ranking members and clerks will be necessary. One recommendation was to establish a committee that will provide a 'clearing house' function, something that has been successful in other countries, to accelerate processes and eliminate delays. This body receives and reviews the work-plans of the oversight committees and approves the cost estimates. Once these cost estimates are approved, the money will be released as required. Further releases would be based on the capacity to demonstrate that previous releases have been

² Consensus has been obtained between the Ministry of Finance and Parliament to use administrative procedures of human and material resources to support parliament's financial oversight activities until such a time that parliament will pass a legislation to back it. The Budget Act and Budget Office were assigned third highest weight by the Legislature and therefore its absence is the reason for the relatively low API score.

used as planned. The Public Accounts Committee (PAC), chaired by a member of the opposition, as required by law, sits on the Auditor-General's (A-G) report but does not have the power to initiate independent investigations. The committee reviews the A-G's report timely, however its recommendations are not strictly enforced as is required by law. The Audit Report Implementation Committees (ARICs) responsible for monitoring the implementation of audit reports have not functioned as expected. A committee of Parliament should be established to ensure enforcement of findings and follow-up actions for PAC recommendations. The A-G is a public servant and even though Parliament, as an institution, could request it to carry-out special audits, this is largely not done because Article 187 (7a&8) of the Constitution makes this the preserve of the President.

Transparency and Integrity: Parliament's Standing Orders and constitutional requirements guide Members' behaviour; the Parliamentary Service Act and CI 11 have provisions that guide such processes in the House. Besides, even though there is no specific code of conduct for Members, their conduct is open for public scrutiny. Accountability-tracking systems for monitoring funds given to Members for constituency-level work exist. However, it was suggested that the current state of the Asset Declaration Act makes it impossible to monitor compliance. Means of verification should therefore be established.

Low-Performing Areas

The Financial Function and the Institutional Capacity of Parliament were ranked the lowest and require more attention.

Financial Function: The absence of a Budget Act and, consequently, a Budget Office is the main reason for the poor performance under the financial function³.

Supplying the legislature with budget guidelines, as is given to MDAs, for review and analyses of budget proposals and with draft budgets for consideration and inputs will be helpful. The Finance Committee is limited by the Appropriations Bill, in its mandate to review the budget; hence an economic committee could be established to analyse the effect of the budget on various sectors of the economy⁴.

Institutional Capacity: The institutional capacity of parliament, though ranked low, performed much better on Human Resources than on Financial and Material Resources. The legislature should conduct a needs assessment especially on Financial and Material Resources to identify what it requires to be efficient. Ongoing projects include an Office Complex to be available to Members later in 2013. There is also an expressed readiness by Government to provide Constituency Offices⁵ and a Constituency Development Fund - separate from the District Assembly Common Fund, for constituency-level development. Though the Legislature is an equal opportunity employer, attention should be paid to gender-mainstreaming and it should look beyond the male-to-female ratio to examine the effectiveness of staff and the needs of Parliament⁶.

Working with non-governmental institutions to build the capacities of Research Assistants should be revisited.

Finally, there is the need to strengthen the Governing Board by reviewing the Parliamentary Service Act. This could include inviting people with expertise from outside of Parliament⁶.

Below is a summary overview of the self-assessment by the Parliament of Ghana. For the full report, please visit the Parliamentary Centre website www.parlcent.org or the APSP project website www.parlcentafrica.org.

3 See previous footnote

4 This would fall in the domain of the Budget Office, if it is established.

5 Note that all these had not been formally implemented and so scored low on the survey.

6 A suggestion of adding 3 other members, from private sector, senior staff and junior staff, was made. See full country report for details.

2012 API Self-Assessment by the Parliament of Ghana



High-performing (5&6) - little or no improvement needed



Moderate/Fair performance (3&4) - some improvement required



Low-performing (1&2) - requiring major improvement

GH1.0: Thematic Areas Summary Overview

Thematic Areas	Indicator
Representation	
Legislative Function	
Financial Function	
Oversight Function	
Institutional Capacity	
Transparency And Integrity	









GH1.1: Representation

Accessibility	Indicator
The legislature is open to citizens and the media.	
The Legislature has a non-partisan media relations facility.	
The Legislature has mechanisms to promote public understanding of its work.	
The Legislature provides timely information to the public on the budget.	
The Legislature promotes citizens' knowledge and understanding of the role of MPs in the budget Process.	
The Legislature fosters sound relationships between Parliament, CSOs and other related Institutions.	

GH2.1: Legislative: Legal Mandate

Legal Mandate	Indicator
The Mandate of Legislature regarding Budget making and oversight including the Appropriations Act is properly grounded in Law.	
The Legislature has power to amend the Appropriations Bill.	
Adequate opportunities exist for public input into the Legislative Process.	
Adequate mechanisms exist to track legislations that have been enacted.	



GH3.1: Financial Function

Budget Review and Hearing	Indicator
The Legislature has enough time to review the Budget.	
The Legislature has a Budget/Estimates /Finance Committee with the sole mandate of reviewing the budget.	
The Budget/Estimate/Finance Committee and/or sector Committees hold public hearings on the budget where evidence from the executive and the public is taken.	
The Legislature has an effective and well documented process for citizen participation in the Budget process which is known to the public.	
The Legislature has authority to amend the budget presented by the Executive including spending and revenue proposals.	
The Legislature has the power to send back proposed Budget to the Executive for review.	
The Legislature is able to make binding amendments on spending and revenue proposals.	
The Appropriations Act approved by the Legislature has details on all allocations to MDAs.	



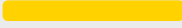




GH3.2: Financial Function

Budget Act and Budget Office	Indicator
There is a Budget Act that clearly defines a role for the Legislature in the budget process.	N/A
The Legislature has a Budget Office that is established by law to assist Parliament undertake a thorough review of the draft budget.	N/A
The Parliamentary Budget Office has qualified and competent Officers and the Office is equipped to efficiently and effectively assist Parliament with informed analysis.	N/A
The Budget Office has power to call for information and documents from Government Departments and the private sector and in good time (Power of Subpoena).	N/A
The Legislature (or the appropriate committee) considers and approves the budget estimates for Defence and Intelligence Services and is given full disclosure on the budget estimates/figures.	N/A







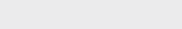



GH3.3: Financial Function

Periodic Review of the Budget	Indicator
The budget is reviewed by the Executive periodically during implementation (Number of reviews in a year and types).	N/A
All reviews of the budget are presented to the Legislature and approved by the Legislature.	
Adequate time is allocated for the consideration of the reviewed budget both at plenary and at committees	






Gh4.1: Oversight Function

Oversight Committees	Indicator
The budget oversight function of the Legislature is performed by all sector related committees and other special committees.	
Legislative Oversight Committees have strong investigative powers over budgetary issues.	
Legislative Oversight Committees exercise sufficient oversight of the expenditures of State Owned Enterprises.	
Sufficient mechanisms exist for Oversight Committees to obtain information from the Executive during investigations.	
Oversight Committees have adequate powers in law to request and receive updates on actions taken by the Executive on the Committees'/ Parliament's recommendations.	
Oversight Committees are adequately resourced to undertake their activities.	
Minority/ Opposition parties play an effective role in Oversight Committees.	





Gh4.2: Oversight Function

Public Accounts Committee	Indicator
The Legislature has a Public Accounts Committee that examines the expenditures of Government.	
The Public Accounts Committee is chaired by a member who does not belong to the party in Government.	
The PAC has power to subpoena witnesses and documents and this is backed by law.	
All who use public funds including Ministers are obliged to appear before the PAC when summoned.	
The PAC is required by law to hold its proceedings in public.	N/A
The PAC reviews all reports of the Auditor General and in a timely manner.	
The PAC can initiate independent investigation into any matter of public interest.	
The Executive is bound by law to implement the recommendations of the PAC and this is strictly enforced.	
Adequate mechanisms exist for the PAC to track the implementation of its recommendations and this can be accessed and verified by the public.	
The PAC is adequately resourced to undertake its activities.	
The PAC collaborates freely with other anti-corruption institutions without let or hindrance.	



GH4.3: Oversight Function

Audit	Indicator
The Auditor General is an officer of Parliament.	N/A
All reports of the Auditor General are submitted to the Legislature.	
The Legislature receives regular and timely reports from the Auditor General.	
The reports of the Auditor General are deemed public immediately after they are issued by the Auditor General.	
The Legislature can request the Auditor General to conduct special audits on its behalf.	
The Auditor General has adequate resources and legal authority to conduct audits without any hindrance.	





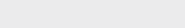
GH5.1: Institutional Capacity

Financial and Material Resources	Indicator
The Legislature is financially independent; it prepares its annual budget and the Executive cannot change it.	
The Legislature has adequate logistics including office space to enable it perform its functions.	
MPs have a constituency development fund that is effectively managed.	
The Legislature has a structured system for receiving technical and advisory assistance from external sources.	

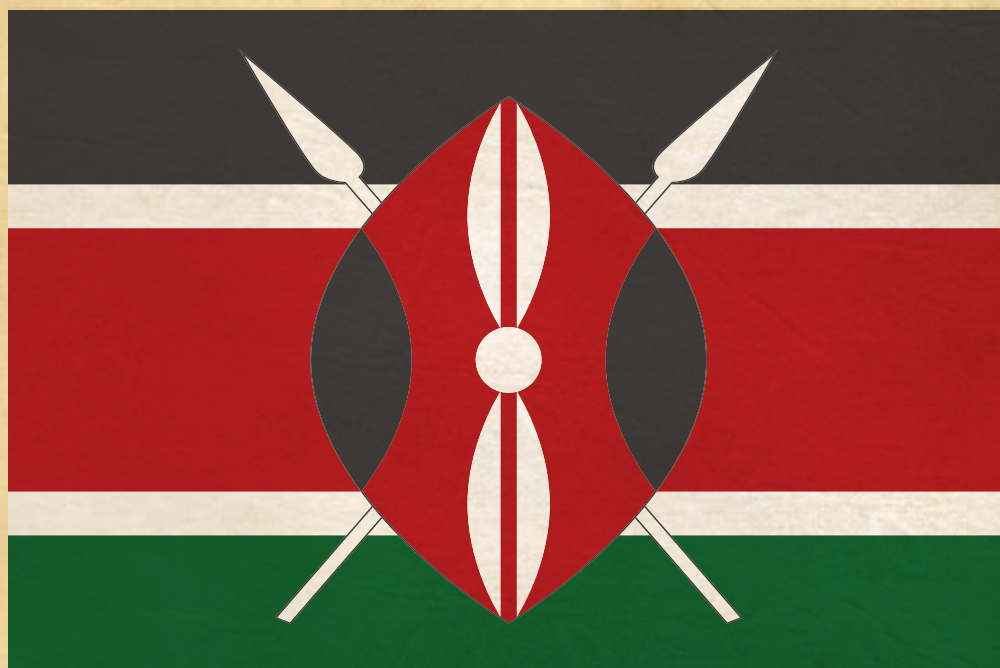
GH5.2: Institutional Capacity

Human Resources	Indicator
The Legislature is an equal opportunity employer.	
The Legislature has adequate and highly skilled research and staff support.	

GH6.1: Transparency and Integrity

Transparency and Integrity	Indicator
The Legislature has an enforceable code of conduct that guides the behaviour and actions of MPs.	
MPs maintain high standards of accountability, transparency and responsibility in the conduct of public and parliamentary work.	
Anti-corruption networks exist in Parliament and MPs are free and encouraged to participate in the activities of such networks.	
Efficient and effective mechanisms exist to detect and prevent corrupt practices among MPs and legislative Staff and to bring to justice any person engaged in such activities.	
MPs are required by law and the Rules of Procedure to declare their assets and business interests and this is strictly complied with.	

THE AFRICAN PARLIAMENTARY INDEX (API) 2012



SUMMARY COUNTRY REPORT
NATIONAL ASSEMBLY OF KENYA

The Round Two API score of 73.80 is an improvement over the previous score of 69.52. The API Round One results showed weaknesses in certain areas of budget oversight. Recommendations made in 2010 to address these weaknesses include deepening parliament's capacity to exercise its representation function; strengthening legislative capacity in the budget process; increasing parliamentary capacity for independent research; and resourcing of budget committee, budget office and institutional capacity of parliament.

The National Assembly of Kenya has witnessed significant developments over the period. For instance, with regards to strengthening legislative capacity in the budget process, the National Assembly enacted a comprehensive Public Financial Management Act, 2012 to fully operationalize the provisions of Public Finance Chapter of the Constitution. The Act provides for extended budget approval process and gives the legislature more powers in the budget process including changing the Executive's estimates. Concerning increasing Parliamentary capacity for independent research and resourcing of Budget Committee and the Budget Office, the Parliamentary Service Commission recruited eight additional analysts in October 2011.

With respect to the six core or thematic areas, Parliament performed well in the area of Oversight. Representation, Legislative, and Financial roles rated averagely and would require some form of change and improvement. Transparency and Integrity is an area that received the lowest average score and would require greater attention and improvement.

High-Performing Areas

Oversight Function: The findings of API Round Two indicate that the National Assembly performed strongly in its oversight mandate. The results underline the fact that Parliament has strong investigative powers, that oversight committees exercise sufficient oversight of the expenditures of state owned enterprises; it also has adequate powers, enshrined in law, to request and receive updates on actions taken by the Executive. However, there were such recommendations as sector-related committees getting involved at all stages of the

budget process. Just as the PAC has done, the Public Investment Committee should work to reduce the backlog of cases. Resourcing oversight committees should also be considered. It was considered that though the PAC was established through the Standing Orders, it should be re-established through an Act of Parliament. Finally, the law backing the implementation of approved PAC recommendations should be enforced.

Moderate-Performing Areas

Parliament's performance in the Representative, Legislative, and Financial functions and the Institutional Capacity of Parliament were averagely rated.

Representation: Respondents averred that though some forms of mechanisms – such as, MPs' outreach programme, the publication of Parliament's magazine, the current policy on making the public gallery more accessible, and the public relations office – exist to promote public understanding of the legislature, the desired result has not been achieved.

Legislative Function: With regards to the Legislative function of Parliament, the 2010 Constitution of Kenya allows the National Assembly to make charges to the Consolidated Fund through an Act of Parliament (Article 206(2a)); the Finance Management Act 2009 gives Parliament enhanced budget scrutiny and oversight powers; and the 2009 Standing Orders grant Parliament more powers in the budget process, leading to the amendment of the 2012 Appropriations Bill, based partly upon recommendations of the Budget Committee and partly on the output of public hearings organised in that year. However, adequate public input is hampered by limited resources: time, personnel and required facilities. There is the need to also review the mechanisms for tracking enacted legislations. For instance, the Parliamentary Committee on Implementation, mandated with the tracking of legislations that have been passed, has been dormant for some time.

Financial Function: The National Assembly's performance of their Financial Function⁷ was averagely rated. However, it was recommended that the necessary laws be reviewed to give the House enough time to review

the budget. To increase public participation in the budget process, it was suggested that the number of centres where these hearings are organised and the time available should be increased; in addition, clear guidelines regarding citizens' participation should be outlined and codified and an intensive civic education should be carried out by the necessary institution. The capacity of staff of the Parliamentary Budget Office should be continuously developed and the office should be well-resourced to enable it to provide the necessary help to Members. There is no legal requirement for reviewed budgets to be approved by Parliament; however, the PBO's analyses of them provide Members with enough information during interrogation of the Executive. With regards to the Institutional Capacity, the new Constitution gives the National Assembly the powers to determine its budget. However, operating from five different buildings makes seeking assistance on issues difficult. A centralisation of offices for Members would facilitate their work and promote efficiency. There is also the need to amend the Constituency Development Fund (CDF) legislation to be in line with the new Constitution. It was suggested that the process of recruitment be made more transparent. For instance, senior positions in Parliament could be filled

using professional Human Resource agencies and also such positions should be advertised. Finally, staff with the requisite skills should be employed.

Low-Performing Areas

Transparency and Integrity: The lowest rated area is Transparency and Integrity. Though Members are responsible in the House, same could not be said when they are in the public. It is important that requisite laws be passed to operationalize the Integrity of Public Officials chapter (Chapter Six) of the new Constitution. Also, aspiring Legislators should be vetted. Mechanisms, such as the Kenya Ethics and Anti-Corruption laws exist to deter and prevent corrupt practices, though they are generic, not rigorously enforced and not specific to Members. Finally, mechanisms for disclosing business interests by Members should be developed.

Below is a summary overview of the self-assessment by the National Assembly of Kenya. For the full report, please visit the Parliamentary Centre website www.parlcent.org or the APSP project website www.parlcentafrica.org.

7 During the collection of data, in May 2012, for the assessment, the Public Finance Management Act (2012) had not as yet been passed. The new PFM law provides a framework for the budget process at both the national and county level; the 2012/13 Budget Policy Statement therefore was a transition towards a devolved system of governance. The law also provides for extended budget approval process and gives the Parliament more powers in the budget process including changing the Executive's estimates. The new Constitution also led to the establishment of the Budget Committee, with technical support from the Budget Office. The consequence of this expanded role of the legislature is the amendment of the Appropriations Bill, for the first time, on June 28, 2012.

2012 API Self-Assessment by the National Assembly of Kenya



High-performing (5&6) - little or no improvement needed



Moderate/Fair performance (3&4) - some improvement required



Low-performing (1&2) - requiring major improvement

KY1.0: Thematic Areas - Summary Overview

Thematic Areas	Indicator
Representation	
Legislative Function	
Financial Function	
Oversight Function	
Institutional Capacity	
Transparency and Integrity	

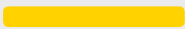


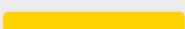




KY1.1: Representation

Accessibility and Outreach	Indicator
The legislature is open to citizens and the media.	
The Legislature has a non-partisan media relations facility.	
The Legislature has mechanisms to promote public understanding of its work.	
The Legislature provides timely information to the public on the budget.	
The Legislature promotes citizens' knowledge and understanding of the role of MPs in the budget Process.	
The Legislature fosters sound relationships between Parliament, CSOs and other related Institutions.	

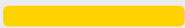




KY2.1: Legislative Function

Legal Mandate	Indicator
The Mandate of Legislature regarding Budget making and oversight including the Appropriations Act is properly grounded in Law.	
The Legislature has power to amend the Appropriations Bill.	
Adequate opportunities exist for public input into the Legislative Process.	
Adequate mechanisms exist to track legislations that have been enacted.	




KY3.1: Financial Function

Budget Review and Hearing	Indicator
The Legislature has enough time to review the Budget.	
The Legislature has a Budget/Estimates /Finance Committee with the sole mandate of reviewing the budget.	
The Budget/Estimate/Finance Committee and/or sector Committees hold public hearings on the budget where evidence from the Executive and the public is taken.	
The Legislature has an effective and well documented process for citizen participation in the Budget process which is known to the public.	
The Legislature has authority to amend the budget presented by the Executive including spending and revenue proposals.	
The Legislature has the power to send back the proposed Budget to the Executive for review.	
The Legislature is able to make binding amendments on spending and revenue proposals.	
The Appropriations Act approved by the Legislature has details on all allocations to MDAs.	



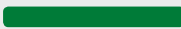



KY3.2: Financial Functional

Budget Act and Budget Office	Indicator
There is a Budget Act that clearly defines a role for the Legislature in the budget process.	
The Legislature has a Budget Office that is established by law to assist Parliament undertake a thorough review of the draft budget.	
The Parliamentary Budget Office has qualified and competent Officers and the Office is equipped to efficiently and effectively assist Parliament with informed analysis.	
The Budget Office has power to call for information and documents from Government Departments and the private sector and in good time (Power of Subpoena).	
The Legislature (or the appropriate committee) considers and approves the budget estimates for Defence and Intelligence Services and is given full disclosure on the budget estimates/figures.	


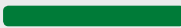






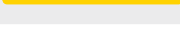

KY3.3. Financial Function

Periodic Review of the Budget	Indicator
The budget is reviewed by the Executive periodically during implementation (Number of reviews in a year and types).	
All reviews of the budget are presented to the Legislature and approved by the Legislature.	
Adequate time is allocated for the consideration of the reviewed budget both at plenary and at committees.	

KY4.1: Oversight Function






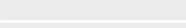
Oversight Committees	Indicator
The budget oversight function of the Legislature is performed by all sector related committees and other special committees.	
Legislative Oversight Committees have strong investigative powers over budgetary issues.	
Legislative Oversight Committees exercise sufficient oversight of the expenditures of State Owned Enterprises.	
Sufficient mechanisms exist for Oversight Committees to obtain information from the Executive during investigations.	
Oversight Committees have adequate powers in law to request and receive updates on actions taken by the Executive on the Committees'/ Parliament's recommendations.	
Oversight Committees are adequately resourced to undertake their activities.	
Minority/ Opposition parties play an effective role in Oversight Committees ⁸ .	N/A

KY4.2: Oversight Function


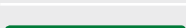
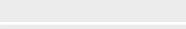
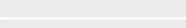
Public Accounts Committee	Indicator
The Legislature has a Public Accounts Committee that examines the expenditures of Government.	
The Public Accounts Committee is chaired by a member who does not belong to the party in Government.	N/A
The PAC has power to subpoena witnesses and documents and this is backed by law.	
All who use public funds including Ministers are obliged to appear before the PAC when summoned.	
The PAC is required by law to hold its proceedings in public.	
The PAC reviews all reports of the Auditor General and in a timely manner.	
The PAC can initiate independent investigation into any matter of public interest.	
The Executive is bound by law to implement the recommendations of the PAC and this is strictly enforced.	
Adequate mechanisms exist for the PAC to track the implementation of its recommendations and this can be accessed and verified by the public.	
The PAC is adequately resourced to undertake its activities.	
The PAC collaborates freely with other anti-corruption institutions without let or hindrance.	

8 The coalition government formed after the 2008 electoral crisis did not make room for an opposition party.


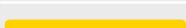
KY4.3: Oversight Function

Audit	Indicator
The Auditor General is an officer of Parliament.	
All reports of the Auditor General are submitted to the Legislature.	
The Legislature receives regular and timely reports from the Auditor General.	
The reports of the Auditor General are deemed public immediately after they are issued by the Auditor General.	
The Legislature can request the Auditor General to conduct special audits on its behalf.	
The Auditor General has adequate resources and legal authority to conduct audits without any hindrance.	


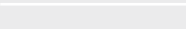
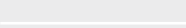


KY5.1: Institutional Capacity

Financial and Material Resources	Indicator
The Legislature is financially independent; it prepares its annual budget and the Executive cannot change it.	
The Legislature has adequate logistics including office space to enable it perform its functions.	
MPs have a constituency development fund that is effectively managed.	
The Legislature has a structured system for receiving technical and advisory assistance from external sources.	

KY5.2: Institutional Capacity

Human Resources	Indicator
The Legislature is an equal opportunity employer.	
The Legislature has adequate and highly skilled research and staff support.	

KY6.1: Transparency and Integrity

Transparency and Integrity	Indicator
The Legislature has an enforceable code of conduct that guides the behaviour and actions of MPs.	
MPs maintain high standards of accountability, transparency and responsibility in the conduct of public and parliamentary work.	
Anti-corruption networks exist in Parliament and MPs are free and encouraged to participate in the activities of such networks.	
Efficient and effective mechanisms exist to detect and prevent corrupt practices among MPs and legislative Staff and to bring to justice any person engaged in such activities.	
MPs are required by law and the Rules of Procedure to declare their assets and business interests and this is strictly complied with.	

THE AFRICAN PARLIAMENTARY INDEX (API) 2012



**SUMMARY COUNTRY REPORT
NATIONAL ASSEMBLY OF SENEGAL**

Senegal has undergone certain political transformations since the last African Parliamentary Index (API) in 2010. The presidential elections of 26th February 2012, followed by the second round on 25th March 2012, as well as the parliamentary elections on 1st July 2012, led to a change in government. In addition, the passage of the law on gender parity, which requires that political parties ensure that at least half of their candidates for local and national elections are women, ensured that 64 out of the 150 seats in the National Assembly, representing 46.2 percent, are now held by women.

The overall 2012 API score for the National Assembly of Senegal was 70.18. This is not much different from the Round I score of 71.48 percent. However, some reasons were espoused for this performance.

With respect to the six core or thematic areas, Parliament performed well in the area of Transparency and Integrity. Representation, Legislative, Financial and Oversight functions performed averagely and would require some efforts at improvements. The Institutional Capacity of Parliament is an area that received the lowest average score and would require greater attention and improvement.

High-Performing Areas

Transparency and Integrity: The Legislature has anti-corruption networks and it encourages its members to join. The Assembly has a Code of Conduct set out in the Rules of Procedure that guides the behaviour of MPs within and outside of parliament. However, there are no mechanisms to detect and prevent corrupt practices and no laws that require members to declare their assets.

Moderate-Performing Areas

Representation: Under this broad area, participants agreed that the National Assembly is open to citizens and the media with dedicated seats for accredited members of the press; its relation to the latter is non-partisan. It has no mechanism to promote public understanding of or for citizen to participate in its work. However, there is a plenary session where individuals could engage the MPs and representatives of the Executive in debates on budget issues. It was recommended that the National Assembly develop a formal relationship with Civil Society Organisations.

Legislative Function: The National Assembly's mandate regarding budget-making and oversight is enshrined in the Organic Act. However, the Assembly's power to amend the Finance Bill is restricted to decreasing expenditure or finding new avenues for generating revenues. The law requires that compensatory or corresponding revenue be provided if the Assembly wants to increase expenditure, thus restricting its powers to amend. There is the need to make the follow-up mechanisms for enacted laws functional to determine their efficiency or otherwise.

Financial Function: The Legislature has no documented processes for citizens' participation in the budget process, though some MPs hold meetings in their constituencies to gather opinions. Budget hearings are limited to the Executive and open to the public only during the plenary. Thus, there are no exclusive public hearings on the budget. The Assembly also complained of not having enough time to review the budget before approval. Though the right to carry out amendment is restricted by Article 82 of the Constitution, the power to send the budget for review exists but it is hardly exercised. With the exception of autonomous institutions such as the National Assembly, the Senate and the Economic and Social Council, the Finance Bill contains details of all allocations to MDAs and public institutions.

An Organic Law that determines the role of the National Assembly in the budget process has been in existence since 1975. This was revised to conform to the West African Economic and Monetary Union (WAEMU) requirements. This revision ensured that MPs are involved in the formulation, execution and monitoring stages of the Budget process. The National Assembly has no formal Budget Office. However, per the Rules of Procedures, it can recruit parliamentary assistants to provide MPs and committees with technical expertise.

The Organic Law stipulates the number of times the budget can be reviewed and reviewed budgets are submitted to Parliament. Supplementary budgets are given similar treatments as main budgets, though here the time for its review by the Assembly is always adequate.

Oversight Function: oversight committees exist that investigate matters that are of interest to the people and the Assembly. Ad hoc committees are sometimes formed but are disbanded upon the presentation of its report or no less than 6 months after the adoption of

the resolution for its formation. These committees have appropriate mechanisms to obtain information from the Executive during such investigations. In case of a refusal by a government official to respond to a request, the Speaker may refer the matter to the President. The Executive sends quarterly reports of budget execution to the National Assembly and they are made public. The National Assembly does not have an equivalent to a Public Accounts Committee, as it is the Legislature as a whole that performs this role, and especially the Budget Committee who is tasked to study the reports, which are then voted on by the Assembly as a whole. The National Assembly can request the Court of Auditors (CoA) to conduct any investigation it requires; however, the Assembly does not systematically use all reports submitted by CoA. It can also initiate independent investigations into matters of interest but the Executive is not bound by any law to implement its recommendations. However, like the Budget Committee, the Court of Auditors has insufficient resources to carry out its duties on time and effectively.

In performing its work, CoA can subpoena documents or people. Though CoA is not bound by law to regularly submit its report to the Assembly, it presents Bi-annual

Reports to the National Assembly, which then becomes public.

Low-Performing Areas

Institutional Capacity: According to the MPs and Staff who did the assessment, the Legislature is financially autonomous though the Executive, in practice, has an influence on its budgets. There is no provision for a Constituency Development Fund. The institution lacks adequate office space and logistics for both MPs and administrative staff. The respondents stated that there are political considerations in employment and thus the Legislature is not an equal opportunity employer.

Civil Society groups who participated in the validation of the API assessment report with selected representatives of the National Assembly of Senegal, by and large, agreed with the findings.

Below is a summary overview of the self-assessment by the National Assembly of Senegal. For the full report, please visit the Parliamentary Centre website www.parlcent.org or the APSP project website www.parlcentafrica.org.

2012 API Self-Assessment by the National Assembly of Senegal



High-performing (5&6) - little or no improvement needed



Moderate/Fair performance (3&4) - some improvement required



Low-performing (1&2) - requiring major improvement



SN1.0: Thematic Areas - Summary Overview

Thematic Areas	Indicator
Representation	
Legislative Function	
Financial Function	
Oversight Function	
Institutional Capacity	
Transparency and Integrity	








SN1.1: Representation

Accessibility and Outreach	Indicator
The legislature is open to citizens and the media.	
The Legislature has a non-partisan media relations facility.	
The Legislature has mechanisms to promote public understanding of the work of the Legislature.	N/A
The Legislature provides timely information to the public on the budget.	
The Legislature promotes citizens' knowledge and understanding of the role of MPs in the budget process.	
The Legislature fosters sound relationship between Parliament, CSOs and other related Institutions.	



SN2.1: Legislative Function

Legal Mandate	Indicator
The Mandate of Legislature regarding Budget making and oversight including the Appropriations Act is properly grounded in Law.	
The Legislature has power to amend the Appropriations Bill.	
Adequate opportunities exist for public input into the Legislative Process.	
Adequate mechanisms exist to track legislations that have been enacted.	N/A


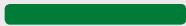

SN3.1: Financial Function

Budget Review and Hearing	Indicator
The Legislature has enough time to review the Budget.	
The Legislature has a Budget/Estimates /Finance Committee with the sole mandate of reviewing the budget.	
The Budget/Estimate/Finance Committee and/or sector Committees hold public hearings on the budget where evidence from the Executive and the public is taken.	
The Legislature has an effective and well documented process for citizen participation in the Budget process which is known to the public.	N/A
The Legislature has authority to amend the budget presented by the Executive including spending and revenue proposals	
The Legislature has the power to send back the proposed Budget to the Executive for review.	
The Legislature is able to make binding amendments on spending and revenue proposals.	
The Appropriations Act approved by the Legislature has details on all allocations to MDAs.	




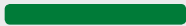

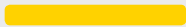

SN3.2: Financial Function

Budget Act and Budget Office	Indicator
There is a Budget Act that clearly defines a role for the Legislature in the budget process.	
The Legislature has a Budget Office that is established by law to assist Parliament undertake a thorough review of the draft budget.	N/A
The Parliamentary Budget Office has qualified and competent Officers and the Office is equipped to efficiently and effectively assist Parliament with informed analysis.	N/A
The Budget Office has power to call for information and documents from Government Departments and the private sector and in good time (Power of Subpoena).	N/A
The Legislature (or the appropriate committee) considers and approves the budget estimates for Defence and Intelligence Services and is given full disclosure on the budget estimates/figures.	








SN3.3: Financial Function

Periodic Review of the Budget	Indicator
The budget is reviewed by the Executive periodically during implementation (Number of reviews in a year and types).	
All reviews of the budget are presented to the Legislature and approved by the Legislature.	
Adequate time is allocated for the consideration of the reviewed budget both at plenary and at committees.	




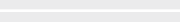

SN4.1: Oversight Function

Oversight Committees	Indicator
The budget oversight function of the Legislature is performed by all sector related committees and other special committees.	
Legislative Oversight Committees have strong investigative powers over budgetary issues.	
Legislative Oversight Committees exercise sufficient oversight of the expenditures of State Owned Enterprises.	
Sufficient mechanisms exist for Oversight Committees to obtain information from the Executive during investigations.	
Oversight Committees have adequate powers in law to request and receive updates on actions taken by the Executive on the Committees'/ Parliament's recommendations.	
Oversight Committees are adequately resourced to undertake their activities.	
Minority/ Opposition parties play an effective role in Oversight Committees.	

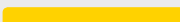
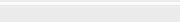

SN4.2: Oversight Function

Public Accounts Committee	Indicator
The Legislature has a Public Accounts Committee or equivalent that examines the expenditures of Government.	
The Public Accounts Committee is chaired by a member who does not belong to the party in Government.	
The PAC has power to subpoena witnesses and documents and this is backed by law.	
All who use public funds including Ministers are obliged to appear before the PAC when summoned.	
The PAC is required by law to hold its proceedings in public.	N/A
The PAC reviews all reports of the Auditor General and in a timely manner.	
The PAC can initiate independent investigation into any matter of public interest.	
The Executive is bound by law to implement the recommendations of the PAC and this is strictly enforced.	
Adequate mechanisms exist for the PAC to track the implementation of its recommendations and this can be accessed and verified by the public.	N/A
The PAC is adequately resourced to undertake its activities.	N/A
The PAC collaborates freely with other anti-corruption institutions without let or hindrance.	N/A



SN4.3: Oversight Function

Audit	Indicator
The Auditor General is an officer of Parliament.	N/A
All reports of the Auditor General are submitted to the Legislature.	
The Legislature receives regular and timely reports from the Auditor General.	
The reports of the Auditor General are deemed public immediately after they are issued by the Auditor General.	
The Legislature can request the Auditor General to conduct special audits on its behalf.	
The Auditor General has adequate resources and legal authority to conduct audits without any hindrance.	


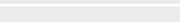
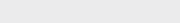
SN5.1: Institutional Capacity

Financial and Material Resources	Indicator
The Legislature is financially independent; it prepares its annual budget and the Executive cannot change it.	
The Legislature has adequate logistics including office space to enable it perform its functions.	
MPs have a constituency development fund that is effectively managed.	N/A
The Legislature has a structured system for receiving technical and advisory assistance from external sources.	

SN5.2: Institutional Capacity

Human Resources	Indicator
The Legislature is an equal opportunity employer.	
The Legislature has adequate and highly skilled research and staff support.	

SN6.1: Transparency and Integrity

Transparency and Integrity	Indicator
The Legislature has an enforceable code of conduct that guides the behaviour and actions of MPs.	
MPs maintain high standards of accountability, transparency and responsibility in the conduct of public and parliamentary work.	
Anti-corruption networks exist in Parliament and MPs are free and encouraged to participate in the activities of such networks.	
Efficient and effective mechanisms exist to detect and prevent corrupt practices among MPs and legislative Staff and to bring to justice any person engaged in such activities.	N/A
MPs are required by law and the Rules of Procedure to declare their assets and business interests and this is strictly complied with.	N/A

THE AFRICAN PARLIAMENTARY INDEX (API) 2012



**SUMMARY COUNTRY REPORT
PARLIAMENT OF TANZANIA**

The 2012 API self-assessment shows a seemingly unchanged parliamentary performance. The overall API assessment index score for the second round in 2012, is 71.30%, as against the 2010 API score of 74.1%. However, an analysis of the results indicates that not much has changed between the first and the current assessment.

Among the six thematic areas, Legislative and Oversight Functions, and Transparency and Integrity are high-performing areas. Representation is the only moderate-performing areas. Financial Function and Institutional Capacity are the low-performing areas, requiring significant improvement.

High-Performing Areas

The high performing thematic areas were the Legislative and Oversight Functions as well as Transparency and Integrity.

Legislative Function: It was observed that laws and acts exist for public participation in the legislative process, though citizens' participation is low and citizens' capacity should be built to ensure that they are able to contribute meaningfully to the process. Parliament should develop a mechanism that will help them track the performance of passed legislations.

Oversight Function: Oversight committees with strong investigative powers over budgetary issues exist. Although responses by the Executive to queries raised by these committees have not been prompt, mechanisms do exist for them to obtain information from the Executive. The power of the committees is limited to the provision of opinions, not prosecutions. Lack of financial and material resources has also affected efficiency of oversight committees. For instance, the Parliamentary Office does not have enough capacity to follow-up on recommendations. An increase in financial resources and logistical support, in terms of equipment and staff capacity, will help improve the efficiency. In spite of this, there is a well-functioning Public Accounts Committee, chaired by a member of the opposition or minority party, which can initiate independent investigation into any matter. Though mechanisms exist to track implementation of its recommendations, they are inadequate and the recommendations are not strictly enforced. The decision for PAC to hold its sittings in public, like all committees, is discretionary. There is always a lag of one or two years in the

submission of the Auditor-General's report to Parliament and only financial reports of ministries and institutions are submitted.

Transparency and Integrity: On Transparency and Integrity, there exists a Code of Conduct through the Powers, Privileges, and Immunity Act of 1988, which guides Members; however it gives expansive and discretionary powers to the Speaker to determine what constitutes a breach instead of referring to the written code. Mechanisms to detect corruption among Members and staff of Parliament exist, though there are weaknesses in them. For instance, though a Declaration of Asset Act exists, there are no means of verification.

Moderate-Performing Areas

Representation: The Representation function performed relatively well. Parliamentary activities are aired on television and radio; however, reports on parliamentary matters seem to be partisan, serving the needs of the owner of the media outlet, rather than informing the public in an objective manner, resulting in a suggestion that the Parliament should look into setting up its own media outlet, as is the case in the UK, in addition to strengthening the code of conduct for media. The Parliament is doing well in the promotion of public understanding of its work. However, this is only limited to live coverage during Parliamentary session and some few national events. To improve the situation, it was suggested that the promotion of awareness of work of the Parliament to the public can further be improved by strengthening civic education, which would be tasked to the Directorate of Civic Education. In addition, the involvement of relevant CSOs could also be used to educate the public on parliamentary work and to help improve transfer of information to the public.

Low-Performing Areas

The self-assessment showed that the Financial Function and the Institutional Capacity of Parliament required the most attention.

Financial Function: There is a Finance Committee, but it does not have the sole mandate of revising the budget as other standing committees are also part of budget review process. The lack of time to review the budget due to untimely

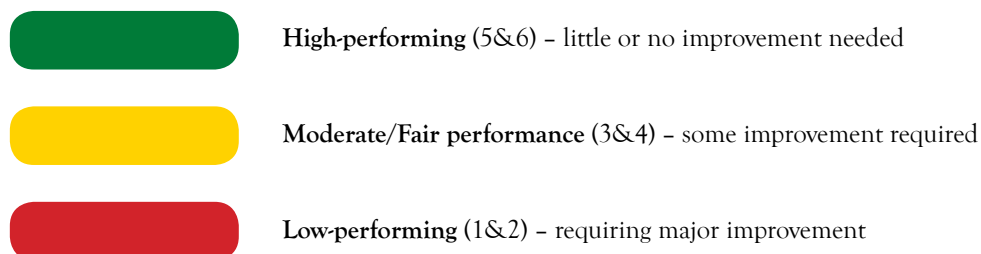
release of necessary budget documents also contribute to the inefficient and ineffective involvement of Parliament in the budget process. It was therefore recommended that a special Budget Committee be formed for a more effective and closer relationship with the Executive during the budget process, supported by a Budget Office, which would help improve Parliament's performance of its financial role.

Citizens' participation in the budget process at the national level is limited. However, the first round of API assessments showed that citizens are participating in the budget process at the local level through the Opportunity and Obstacle to Development processes, a programme developed by the Government to enhance community participation in development processes, but improvements are needed at the national level. Though the Parliament has the authority to amend the budget by laws, this right is hardly exercised. It must be noted however that, in 2012, the Finance and the Minerals and Energy budgets were sent back to the Executive for review.

Institutional Capacity: In terms of Institutional Capacity, this refers to both Financial and Material, and Human Resources. The budget of the House is limited by the ceiling provided by the Executive. There are adequate logistics for the Chamber and few offices for the Secretariat, though there is an inadequate office space for the House as a whole. Members also have a fund referred to as Development Catalyst Fund for constituency development. However, tracking its use for accountability purposes remains a challenge. Regarding Human Resources, the institution is an equal opportunity employer with few research staff who, in most cases, are not specialists and thus provide only basic information to Members.

Below is a summary overview of the self-assessment by the Parliament of Tanzania. For the full report, please visit the Parliamentary Centre website www.parlcent.org or the APSP project website www.parlcentafrica.org.

2012 API Self-Assessment by the Parliament of Tanzania



TZ1.0: Thematic Areas - Summary Overview

Thematic Areas	Indicator
Representative Function	
Legislative Function	
Financial Function	
Oversight	
Institutional Capacity	
Transparency and Integrity	


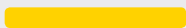




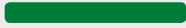
TZ1.1: Representation

Accessibility and Outreach	Indicator
The legislature is open to citizens and the media.	
The Legislature has a non-partisan media relations facility.	
The Legislature has mechanisms to promote public understanding of its work.	
The Legislature provides timely information to the public on the budget.	
The Legislature promotes citizens' knowledge and understanding of the role of MPs in the budget process.	
The Legislature fosters sound relationships between Parliament, CSOs and other related Institutions.	


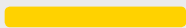
TZ2.1: Legislative Function

Legal Mandate	Indicator
The Mandate of Legislature regarding Budget making and oversight including the Appropriations Act is properly grounded in Law	
The Legislature has power to amend the Appropriations Bill.	
Adequate opportunities exist for public input into the Legislative Process.	
Adequate mechanisms exist to track legislations that have been enacted.	




TZ3.1: Financial Function

Budget Review and Hearing	Indicator
The Legislature has enough time to review the Budget.	
The Legislature has a Budget/Estimates /Finance Committee with the sole mandate of reviewing the budget.	
The Budget/Estimate/Finance Committee and/or sector Committees hold public hearings on the budget where evidence from the Executive and the public is taken.	
The Legislature has an effective and well documented process for citizen participation in the Budget process which is known to the public.	N/A
The Legislature has authority to amend the budget presented by the Executive including spending and revenue proposals.	
The Legislature has the power to send back the proposed Budget to the Executive for review.	
The Legislature is able to make binding amendments on spending and revenue proposals.	
The Appropriations Act approved by the Legislature has details on all allocations to MDAs.	

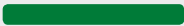

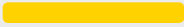




TZ3.2: Financial Function

Budget Act and Budget Office	Indicator
There is a Budget Act that clearly defines a role for the Legislature in the budget process.	
The Legislature has a Budget Office that is established by law to assist Parliament undertake a thorough review of the draft budget.	N/A
The Parliamentary Budget Office has qualified and competent Officers and the Office is equipped to efficiently and effectively assist Parliament with informed analysis.	N/A
The Budget Office has power to call for information and documents from Government Departments and the private sector and in good time (Power of Subpoena).	N/A
The Legislature (or the appropriate committee) considers and approves the budget estimates for Defence and Intelligence Services and is given full disclosure on the budget estimates/figures.	






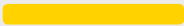


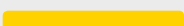


TZ3.3: Financial Function

Periodic Review of the Budget	Indicator
The budget is reviewed by the Executive periodically during implementation (Number of reviews in a year and types).	
All reviews of the budget are presented to the Legislature and approved by the Legislature.	
Adequate time is allocated for the consideration of the reviewed budget both at plenary and at committees.	

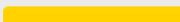




TZ4.1: Oversight Function

Oversight Committees	Indicator
The budget oversight function of the Legislature is performed by all sector related committees and other special committees.	
Legislative Oversight Committees have strong investigative powers over budgetary issues.	
Legislative Oversight Committees exercises sufficient oversight of the expenditures of State Owned Enterprises.	
Sufficient mechanisms exist for Oversight Committees to obtain information from the Executive during investigations.	
Oversight Committees have adequate powers in law to request and receive updates on actions taken by the Executive on the Committees'/ Parliament's recommendations.	
Oversight Committees are adequately resourced to undertake their activities.	
Minority/ Opposition parties play an effective role in Oversight Committees.	





TZ4.2: Oversight Function

Public Accounts Committee	Indicator
The Legislature has a Public Accounts Committee that examines the expenditures of Government.	
The Public Accounts Committee is chaired by a member who does not belong to the party in Government.	
The PAC has power to subpoena witnesses and documents and this is backed by law.	
All who use public funds including Ministers are obliged to appear before the PAC when summoned.	
The PAC is required by law to hold its proceedings in public.	
The PAC reviews all reports of the Auditor General and in a timely manner.	
The PAC can initiate independent investigation into any matter of public interest.	
The Executive is bound by law to implement the recommendations of the PAC and this is strictly enforced.	
Adequate mechanisms exist for the PAC to track the implementation of its recommendations and this can be accessed and verified by the public.	
The PAC is adequately resourced to undertake its activities.	
The PAC collaborates freely with other anti-corruption institutions without let or hindrance.	



TZ4.3: Oversight Function

Audit	Indicator
The Auditor General is an officer of Parliament.	N/A
All reports of the Auditor General are submitted to the Legislature.	
The Legislature receives regular and timely reports from the Auditor General.	
The reports of the Auditor General are deemed public immediately after they are issued by the Auditor General.	
The Legislature can request the Auditor General to conduct special audits on its behalf.	
The Auditor General has adequate resources and legal authority to conduct audits without any hindrance.	






TZ5.1: Institutional Capacity

Financial and Material Resources	Indicator
The Legislature is financially independent; it prepares its annual budget and the Executive cannot change it.	
The Legislature has adequate logistics including office space to enable it perform its functions.	
MPs have a constituency development fund that is effectively managed.	
The Legislature has a structured system for receiving technical and advisory assistance from external sources.	

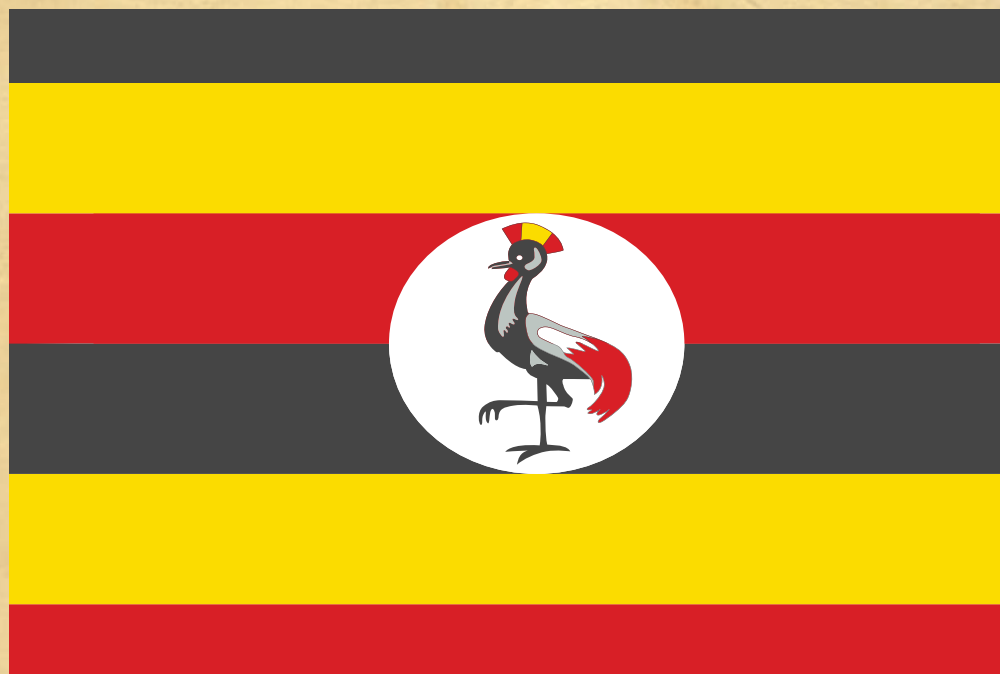
TZ5.2: Institutional Capacity

Human Resources	Indicator
The Legislature is an equal opportunity employer.	
The Legislature has adequate and highly skilled research and staff support.	

TZ6.1: Transparency and Integrity

Transparency and Integrity	Indicator
The Legislature has an enforceable code of conduct that guides the behaviour and actions of MPs.	
MPs maintain high standards of accountability, transparency and responsibility in the conduct of public and parliamentary work.	
Anti-corruption networks exist in Parliament and MPs are free and encouraged to participate in the activities of such networks.	
Efficient and effective mechanisms exist to detect and prevent corrupt practices among MPs and legislative Staff and to bring to justice any person engaged in such activities.	
MPs are required by law and the Rules of Procedure to declare their assets and business interests and this is strictly complied with.	

THE AFRICAN PARLIAMENTARY INDEX (API) 2012



SUMMARY COUNTRY REPORT
PARLIAMENT OF UGANDA

The overall API score in 2012 was 82.9, which is a slight improvement from the API Round One score of 80.4.

Among the six thematic areas, Legislative and Financial Functions are high-performing areas; Representation and Institutional Capacity are the moderate-performing areas requiring some improvements. Transparency and Integrity and Oversight are the low-performing areas, requiring significant improvement.

Uganda's high-performance, indicative of a strong parliament, results from the provisions and empowerment it receives from its 2001 Budget Act, which establishes a Parliamentary Budget Office and details the budget procedures. The Budget Office provides budget-related information to all Committees in relation to their jurisdiction; submit reports on economic forecasts, budget projections and options in reducing budget deficit; identify and recommend on Bills that provide an increase or decrease in revenue and the Budget; prepare analytic studies of specific subjects such as financial risks posed by Government sponsored enterprises and financial policy; and generally, give advice to Parliament and its Committees on Budget and National economy.

High-Performing Areas

Legislative Function: The Uganda Parliament has the power to amend the Appropriations Bill though it cannot cause extra charge to the consolidated fund. In calling for an amendment of Article 154 which is said to contradict Articles 79 and 156 of the 1995 Constitution, which give Parliament powers to enact laws, it was stated that the Executive should implement recommendations of the Legislature on the budget. An example was given that in May 2012, the Parliament rejected the Ministry of Education and Sports' budget proposals until the propositions agreed upon between the Executive and the Parliament in the 2011/12 budget were included. Moreover, the 2012/13 budget was not passed until about half of the sum required to recruit health workers was included in the budget. The need to improve the tracking of legislation through such means as establishing an online system and a parliamentary information

centre stocked with all Acts and amendments was also identified. It was also recommended to allow more time and public sensitisation on the powers of the public to discuss and contribute to issues related to the budget, as enshrined in the law.

Financial Function: The Uganda National Assembly discharges its financial role creditably resulting in such high rating. For instance there is a Budget Office which provides for early submission of budget proposals to Parliament's Appropriations and other Sessional Committees. The Budget Act gives the committees explicit authority to call ministers, other officials or private individuals to give evidence during budget hearings; however, because public hearings are not institutionalised they depend on the Chairperson and Members of the Appropriations Committee to decide, affecting citizens' ability to participate in the budget process. There was therefore a call for an institutionalisation of public hearings. According to Members, though there is currently a Budget Act⁸, there are proposals to repeal the Act. The Budget Office has power to call for information and documents from government departments and private sector and in good time. Though the Budget Office has qualified staff to carry out its duties, they are under-resourced and ill-equipped.

The budget is periodically reviewed by the Executive and adequate time is allocated for its consideration by the Legislature both at the committee level and at the plenary. However, not all reviews are sent to Parliament and some approvals are retrospective.

Moderate-Performing Areas

Representation: The Rules of Procedure of the Uganda Parliament allows the state and private media to conduct live broadcasts of parliamentary proceedings, except those conducted behind closed doors. It is recommended that Parliament actively disseminate information to the public by regularly updating its website and if possible acquire its own radio or television station dedicated to its activities. Again, even though

8 There is a Public Finance Management Bill before parliament, which will, if passed, revoke the Budget Act, 2001.

the relationship between Civil Society Organisations and the Legislature is good, the procedure for such interactions is not institutionalised and therefore discretionary. Institutionalising it will strengthen it and make the Legislature accessible to a wider public.

Institutional Capacity: Parliament lacks financial, material and human resources, which has a negative impact on its institutional capacity. Some members use private funds for constituency development projects; there is a lack of adequate office space for committee meetings and an absence of storage systems for official documents. The number of support staff is inadequate and their efficiency is also limited by the space available. However, because Parliament determines its own resources, according to the law, it should take the necessary steps to address these constraints.

Low-Performing Areas

Oversight Function: Committees for accountability (Public Accounts Committee, Local Government Accounts Committee, and Committee on Commissions, Statutory Authorities and State Enterprises) exist, and their powers are enshrined in law. However, the discretion, especially by the Executive, to decide which findings they implement affects the outcomes, leading to their ineffectiveness. Autonomous and semi-autonomous state institutions that are self-accountable also undermine the work of these committees. Laws that will make recommendations by the Auditor General and accountability committees binding should be enacted. The Auditor-General's office and other oversight

committees, such as the Public Accounts Committee, must be adequately resourced to enable it carry out its activities efficiently and effectively, including the early submission of reports to Parliament. Mechanisms that track the implementation of recommendations should be established. For example, it has been argued that red flags were raised by the Auditor-General regarding the corruption scandal that hit the Office of the Prime Minister in the latter part of 2012 leading to the suspension of aid to Uganda by several donors and aid agencies. In addition to getting the state institutions, such as the Inspector General of Government, to carry out their duties expeditiously and independently, the accountability committees must also act speedily and with priority on the Auditor General's reports. This is to ensure that the work of PAC and the A-G become preventive rather than being a post-facto analysis.

Transparency and Integrity: There are no mechanisms to effectively and efficiently detect and prevent corruption among Members and parliamentary staff, or to bring such offenders to justice. Another point of note is the weak compliance with the asset declaration requirement.

Below is a summary overview of the self-assessment by the Parliament of Uganda. For the full report, please visit the Parliamentary Centre website www.parlcent.org or the APSP project website www.parlcentafrica.org.

2012 API Self-Assessment by the Parliament of Uganda



High-performing (5&6) – little or no improvement needed



Moderate/Fair performance (3&4) – some improvement required



Low-performing (1&2) – requiring major improvement

UG1.0: Thematic Areas - Summary Overview

Thematic Areas	Indicator
Representative Function	
Legislative Function	
Financial Function	
Oversight	
Institutional Capacity	
Transparency And Integrity	

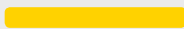


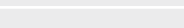
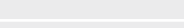



UG1.1: Representation

Accessibility and Outreach	Indicator
The legislature is open to citizens and the media.	
The Legislature has a non-partisan media relations facility.	
The Legislature has mechanisms to promote public understanding of the work of the Legislature.	
The Legislature provides timely information to the public on the budget.	
The Legislature promotes citizens' knowledge and understanding of the role of MPs in the budget process.	
The Legislature fosters sound relationships between Parliament, CSOs and other related Institutions.	



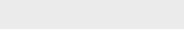
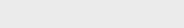

UG2.1: Legislative Function

Legal Mandate	Indicator
The Mandate of Legislature regarding Budget making and oversight including the Appropriations Act is properly grounded in Law.	
The Legislature has power to amend the Appropriations Bill.	
Adequate opportunities exist for public input into the Legislative Process.	
Adequate mechanisms exist to track legislations that have been enacted.	



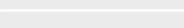
UG3.1: Financial Function

Budget Review and Hearing	Indicator
The Legislature has enough time to review the Budget.	
The Legislature has a Budget/Estimates /Finance Committee with the sole mandate of reviewing the budget.	
The Budget/Estimate/Finance Committee and/or sector Committees hold public hearings on the budget where evidence from the Executive and the public is taken.	
The Legislature has an effective and well documented process for citizen participation in the Budget process which is known to the public.	
The Legislature has authority to amend the budget presented by the Executive including spending and revenue proposals.	
The Legislature has the power to send back the proposed Budget to the Executive for review.	
The Legislature is able to make binding amendments on spending and revenue proposals.	
The Appropriations Act approved by the Legislature has details on all allocations to MDAs.	


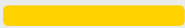

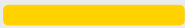

UG3.2: Financial Function

Budget Act and Budget Office	Indicator
There is a Budget Act that clearly defines a role for the Legislature in the budget process.	
The Legislature has a Budget Office that is established by law to assist Parliament undertake a thorough review of the draft budget.	
The Parliamentary Budget Office has qualified and competent Officers and the Office is equipped to efficiently and effectively assist Parliament with informed analysis.	
The Budget Office has power to call for information and documents from Government Departments and the private sector and in good time (Power of Subpoena).	
The Legislature (or the appropriate committee) considers and approves the budget estimates for Defence and Intelligence Services and is given full disclosure on the budget estimates/figures.	





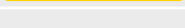






UG3.3: Financial Function

Periodic Review of the Budget	Indicator
The budget is reviewed by the Executive periodically during implementation (Number of reviews in a year and types).	
All reviews of the budget are presented to the Legislature and approved by the Legislature.	
Adequate time is allocated for the consideration of the reviewed budget both at plenary and at committees	





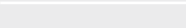
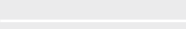
UG4.1: Oversight Function

Oversight Committees	Indicator
The budget oversight function of the Legislature is performed by all sector related committees and other special committees.	
Legislative Oversight Committees have strong investigative powers over budgetary issues.	
Legislative Oversight Committees exercises sufficient oversight of the expenditures of State Owned Enterprises.	
Sufficient mechanisms exist for Oversight Committees to obtain information from the Executive during investigations.	
Oversight Committees have adequate powers in law to request and receive updates on actions taken by the Executive on the Committees'/ Parliament's recommendations.	
Oversight Committees are adequately resourced to undertake their activities.	
Minority/ Opposition parties play an effective role in Oversight Committees.	


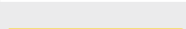
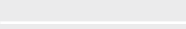

UG4.2: Oversight Function

Public Accounts Committee	Indicator
The Legislature has a Public Accounts Committee that examines the expenditures of Government.	
The Public Accounts Committee is chaired by a member who does not belong to the party in Government.	
The PAC has power to subpoena witnesses and documents and this is backed by law.	
All who use public funds including Ministers are obliged to appear before the PAC when summoned.	
The PAC is required by law to hold its proceedings in public.	
The PAC reviews all reports of the Auditor General and in a timely manner.	
The PAC can initiate independent investigation into any matter of public interest.	
The Executive is bound by law to implement the recommendations of the PAC and this is strictly enforced.	
Adequate mechanisms exist for the PAC to track the implementation of its recommendations and this can be accessed and verified by the public.	
The PAC is adequately resourced to undertake its activities.	
The PAC collaborates freely with other anti-corruption institutions without let or hindrance.	



UG4.3: Oversight Function

Audit	Indicator
The Auditor General is an officer of Parliament.	
All reports of the Auditor General are submitted to the Legislature.	
The Legislature receives regular and timely reports from the Auditor General.	
The reports of the Auditor General are deemed public immediately after they are issued by the Auditor General.	
The Legislature can request the Auditor General to conduct special audits on its behalf.	
The Auditor General has adequate resources and legal authority to conduct audits without any hindrance.	



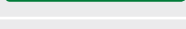


UG5.1: Institutional Capacity

Financial and Material Resources	Indicator
The Legislature is financially independent; it prepares its annual budget and the Executive cannot change it.	
The Legislature has adequate logistics including office space to enable it perform its functions.	
MPs have a constituency development fund that is effectively managed.	
The Legislature has a structured system for receiving technical and advisory assistance from external sources.	

UG5.2: Institutional Capacity

Human Resources	Indicator
The Legislature is an equal opportunity employer.	
The Legislature has adequate and highly skilled research and staff support.	

UG6.1: Transparency and Integrity

Transparency and Integrity	Indicator
The Legislature has an enforceable code of conduct that guides the behaviour and actions of MPs.	
MPs maintain high standards of accountability, transparency and responsibility in the conduct of public and parliamentary work.	
Anti-corruption networks exist in Parliament and MPs are free and encouraged to participate in the activities of such networks.	
Efficient and effective mechanisms exist to detect and prevent corrupt practices among MPs and legislative Staff and to bring to justice any person engaged in such activities.	
MPs are required by law and the Rules of Procedure to declare their assets and business interests and this is strictly complied with.	

THE AFRICAN PARLIAMENTARY INDEX (API) 2012



SUMMARY COUNTRY REPORT
NATIONAL ASSEMBLY OF ZAMBIA

The overall API score from the 2012 self-assessment is 64.82%. This is a slight improvement compared to the 2010 assessment by the National Assembly, which was 62.6%.

The institutional reforms implemented since 2002 under the Parliamentary Reform Programme, complemented by such programmes as the African Parliamentary Support Programme (APSP) under the auspices of the Parliamentary Centre (PC), have led to a significant improvement in the performance of Parliament in its core functional areas. There has also been a significant push for the enactment of the Budget bill and the strengthening of the National Assembly in some areas that were highlighted in the first API country report. These include financial and material support, human resource capacity building, openness to the public and the levels of transparency.

The 2012 API assessment revealed that the Assembly performed fairly well in its varied functional areas. This indicates an evolving institution that needs significant capacity building. Five out of the six thematic areas: Representation, Legislative Function, Financial Function, Oversight, and Institutional Capacity are the moderate-performing areas. Transparency and Integrity is the low-performing area requiring significant improvement.

Moderate-Performing Areas

Representation: The area of representation performs fairly due to the following: the opening of a media centre, the public broadcast of parliamentary sittings, the establishment of constituency offices and the support given to such offices, the provision of Members' handbooks, reports, and committee engagements time table to the public and the establishment of a parliamentary website, have all ensured that the Assembly has become increasingly accessible. However, Members' participation in the budget process is limited to post-presentation, thereby leading to the public's perception of low level legislative involvement.

Legislative Function: Though the Assembly has the powers to amend the budget, its legal mandate in the budget process has become one of the subjects of debate

in the on-going constitutional review in an attempt at producing a people-oriented constitution. There are also opportunities for public input into the budget. Again, there exist mechanisms for tracking passed legislations.

Financial Function: Parliament's financial function performed fairly well. The Estimates Committee takes evidences from the public and the Executive to review the budget after it has been presented to Parliament and could make amendments or variations based on that. Citizens participation in the budget process is the practice and not set in law. The Legislature can only make variations to the budget or reject it entirely for revision but cannot increase the budget lines. Regardless, the National Assembly does not have a Budget Act and no Budget Office; the Executive also does not submit its budgetary reviews to the Assembly, making it difficult for the legislature to track budget executions leading to supplementary requests.

Oversight Function: The oversight function of the National Assembly is carried out by several committees. In general, oversight committees such as, the Public Accounts Committee (PAC), are unable to investigate budgetary issues due to the requirement of an audit report prior to any such investigation; besides the Constitution makes it impossible for the Assembly to request the Auditor-General (A-G) for special audits. Minority parties play significant roles in the oversight committees, for instance the PAC is chaired by a member of an opposition party, and the Parliamentary Business office under the Vice President's office ensures that requested information and requests from various MDAs are promptly responded to. The PAC can subpoena witnesses and all who use public funds. The law also requires that PAC holds its sittings in public except on matters bordering on national security. However, efficiency of PAC's activities would improve if its recommendations become directives for investigations by law enforcement agencies. Standard audit reports are timely and regularly submitted to Parliament, though there is no legal requirement for the A-G to submit all reports, such as performance audit to Parliament.

Institutional Capacity: The Institutional Capacity is made up of the Financial and Material Resources and

Human Resources. The Parliament is not financially independent and its budget is subject to the Executive's review. However, support in terms of office space, equipment, and transport, are provided. The Parliament also receives technical and advisory assistance from external sources through the Reforms Programme Department to complement public funding. There is a Constituency Development Fund, which is inefficiently managed in most constituencies. The Parliament is an equal opportunity employer with a well-documented Gender Policy. Its research department, though staffed, lacked personnel with budget analysis skills to provide Members with the information required for effective budget oversight.

Low-Performing Areas

Transparency and Integrity: There is an enforceable code of conduct that guides the behaviour and actions of Members. However, detecting and preventing corruption is a major problem faced by the Parliament. It is difficult to bring such persons who engage in corrupt activities to justice. There are reports of misuse of CDF resources as cited by the A-G's reports. Finally, there is a lack of commitment towards committee meetings and workshops.

Below is a summary overview of the self-assessment by the National Assembly of Zambia. For the full report, please visit the Parliamentary Centre website www.parlcent.org or the APSP project website www.parlcentafrica.org.

2012 API Self-Assessment by the United Republic of Zambia



High-performing (5&6) - little or no improvement needed



Moderate/Fair performance (3&4) - some improvement required



Low-performing (1&2) - requiring major improvement

ZM1.0: Thematic Areas - Summary Overview

Thematic Area	Indicator
Representation	
Legislative	
Financial	
Oversight	
Institutional Capacity	
Transparency and Integrity	


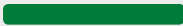


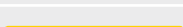
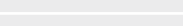
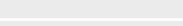
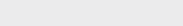
ZM1.1: Representation

Accessibility and Outreach	Indicator
The legislature is open to citizens and the media.	
The Legislature has a non-partisan media relations facility.	
The Legislature has mechanisms to promote public understanding of its work.	
The Legislature provides timely information to the public on the budget.	
The Legislature promotes citizens' knowledge and understanding of the role of MPs in the budget process.	
The Legislature fosters sound relationships between Parliament, CSOs and other related Institutions.	


ZM2.1: Legislative Function

Legal Mandate	Indicator
The Mandate of Legislature regarding Budget making and oversight including the Appropriations Act is properly grounded in Law.	
The Legislature has power to amend the Appropriations Bill.	
Adequate opportunities exist for public input into the Legislative Process.	
Adequate mechanisms exist to track legislations that have been enacted.	

ZM3.1: Financial Function

The Budget Review and Hearing	Indicator
The Legislature has enough time to review the Budget.	
The Legislature has a Budget/Estimates /Finance Committee with the sole mandate of reviewing the budget.	
The Budget/Estimate/Finance Committee and/or sector Committees hold public hearings on the budget where evidence from the executive and the public is taken.	
The Legislature has an effective and well documented process for citizen participation in the Budget process which is known to the public.	
The Legislature has authority to amend the budget presented by the Executive including spending and revenue proposals.	
The Legislature has the power to send back the proposed Budget to the Executive for review.	
The Legislature is able to make bidding amendments on spending and revenue proposals.	
The Appropriations Act approved by the Legislature has details on all allocations to MDAs.	








ZM3.2: Financial Function

Budget Act and Budget Office	Indicator
There is a Budget Act that clearly defines a role for the Legislature in the budget process.	N/A
The Legislature has a Budget Office that is established by law to assist Parliament undertake a thorough review of the draft budget.	N/A
The Parliamentary Budget Office has qualified and competent Officers and the Office is equipped to efficiently and effectively assist Parliament with informed analysis.	N/A
The Budget Office has power to call for information and documents from Government Departments and the private sector and in good time (Power of Subpoena).	N/A
The Legislature (or the appropriate committee) considers and approves the budget estimates for Defence and Intelligence Services and is given full disclosure on the budget estimates/figures.	

ZM3.3: Financial Function

Periodic Review of the Budget	Indicator
The budget is reviewed by the Executive periodically during implementation (Number of reviews in a year and types).	N/A
All reviews of the budget are presented to the Legislature and approved by the Legislature.	N/A
Adequate time is allocated for the consideration of the reviewed budget both at plenary and at committees.	N/A






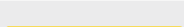
ZM4.1: Oversight Function

Oversight Committees	Indicator
The budget oversight function of the Legislature is performed by all sector related committees and other special committees.	
Legislative Oversight Committees have strong investigative powers over budgetary issues.	
Legislative Oversight Committees exercises sufficient oversight of the expenditures of State Owned Enterprises.	
Sufficient mechanisms exist for Oversight Committees to obtain information from the Executive during investigations.	
Oversight Committees have adequate powers in law to request and receive updates on actions taken by the Executive on the Committees'/ Parliament's recommendations.	
Oversight Committees are adequately resourced to undertake their activities.	
Minority/ Opposition parties play an effective role in Oversight Committees.	



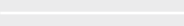
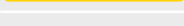
ZM4.2: Oversight Function

Public Accounts Committee	Indicator
The Legislature has a Public Accounts Committee that examines the expenditures of Government.	
The Public Accounts Committee is chaired by a member who does not belong to the party in Government.	
The PAC has power to subpoena witnesses and documents and this is backed by law.	
All who use public funds including Ministers are obliged to appear before the PAC when summoned.	
The PAC is required by law to hold its proceedings in public.	
The PAC reviews all reports of the Auditor General and in a timely manner.	
The PAC can initiate independent investigation into any matter of public interest.	
The Executive is bound by law to implement the recommendations of the PAC and this is strictly enforced.	
Adequate mechanisms exist for the PAC to track the implementation of its recommendations and this can be accessed and verified by the public.	
The PAC is adequately resourced to undertake its activities.	
The PAC collaborates freely with other anti-corruption institutions without let or hindrance.	



ZM4.3: Oversight Function

Audit	Indicator
The Auditor General is an officer of Parliament.	
All reports of the Auditor General are submitted to the Legislature.	
The Legislature receives regular and timely reports from the Auditor General.	
The reports of the Auditor General are deemed public immediately after they are issued by the Auditor General.	
The Legislature can request the Auditor General to conduct special audits on its behalf.	
The Auditor General has adequate resources and legal authority to conduct audits without any hindrance.	



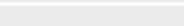


ZM5.1: Institutional Capacity

Financial and Material Resources	Indicator
The Legislature is financially independent; it prepares its annual budget and the Executive cannot change it.	
The Legislature has adequate logistics including office space to enable it perform its functions.	
MPs have a constituency development fund that is effectively managed.	
The Legislature has a structured system for receiving technical and advisory assistance from external sources.	

ZM5.2: Institutional Capacity

Human Resources	Indicator
The Legislature is an equal opportunity employer.	
The Legislature has adequate and highly skilled research and staff support.	

ZM6.1: Transparency and Integrity

Transparency and Integrity	Indicator
The Legislature has an enforceable code of conduct that guides the behaviour and actions of MPs.	
MPs maintain high standards of accountability, transparency and responsibility in the conduct of public and parliamentary work.	
Anti-corruption networks exist in Parliament and MPs are free and encouraged to participate in the activities of such networks.	
Efficient and effective mechanisms exist to detect and prevent corrupt practices among MPs and legislative Staff and to bring to justice any person engaged in such activities.	
MPs are required by law and the Rules of Procedure to declare their assets and business interests and this is strictly complied with.	



Parliamentary Centre
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