# The Parliament of Timor Leste and the Budgetary Process: Legislative and oversight functions 8-9 May 2003, Dili (Timor Leste)

# Foreword

Timor-Leste and its people have unquestionably witnessed momentous developments in recent years. They have emerged from tumultuous conflict to embrace a process of self-determination and the creation of an independent state. In May 2002, Timor-Leste became the first independent state of the 21<sup>st</sup> century when the United Nations Transitional Authority in East Timor (UNTAET) transferred government functions to Timorese nationals. Prior to that, elections for a Constituent Assembly and a President had been held in 2001 and 2002 respectively, in a climate of peace.

Inevitably, building a democratic and independent Timor-Leste has required the establishment and nurturing of governance institutions and a strong investment in its people and resources. The Inter-Parliamentary Union (IPU) has been proud to support this development process through a series of institution-building activities for the legislature, which is a major institution of democratic governance. In co-operation with the United Nations Development Programme (UNDP), the IPU assisted the Constituent Assembly of Timor-Leste in the drafting of the country's new Constitution through the organisation of a seminar and the provision of advisory services to its members.

The latest form of assistance has been a seminar, organised together with the UNDP, on "Parliament and the National Budget: Legislative and Oversight Functions", which was held on 8 and 9 May 2003. Having previously attended the IPU's regional seminar on "Parliament and the Budgetary Process, Including from a Gender Perspective" in Manila in 2002, the Timor-Leste National Parliament felt that a national seminar, catering to the specific needs of Timor-Leste, would be particularly beneficial in strengthening the role of their legislature in this process. Held just before this year's budget debate, the seminar aimed to provide members of the National Parliament with the necessary tools to participate more constructively in, and contribute more effectively to, in the budgetary process. This fortuitous timing meant that legislators left the seminar with clear strategies which could be immediately implemented. Participants were also given the opportunity to continue their discussions on gender budgeting, initiated in Manila, from a more local perspective.

Legislatures, by their very nature, scrutinise and hold to account the activities of the executive. The budget itself is a key opportunity for parliamentarians to check that a government's "plan of action" is affordable, comprehensive and transparent. Parliamentarians, and particularly "new" parliamentarians, must be provided with the necessary skills and strategies to be able to ensure ultimate accountability. Without these skills, the legislature may come to be seen as weak, ineffective, and above all, unrepresentative.

The participants of this seminar proved greatly committed to learning more about the budget process and the key functions they can play in not only representing their constituents, but also in ensuring a fair and equitable budget outcome. I believe this enthusiasm is testimony to the fervently-held desire of the Timorese to build strong, representative institutions and to maintain a steady path towards good governance and development.

The seminar could not have taken place without the assistance of our good partners at the UNDP, with whom the IPU has set up a programme of support to the National Parliament. We also thank the National Parliament of Timor-Leste for graciously hosting the seminar. In addition to the national experts who gave very clear and informative presentations on the Timorese budgetary process, our sincerest thanks are also extended to the experts from South Africa and Portugal who kindly gave their time and interesting perspectives for this very important cause.

Anders B. Johnsson Secretary General



Mr. Francisco Guterres "Lu-Olo", Speaker of the Parliament of Timor-Leste



Participants

# BUDGET SEMINAR

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# Mr. Sukehiro Hasegawa Deputy Special Representative of the UN Secretary-General in East Timor UNDP Resident Representative and UN Resident Coordinator

**OPENING SPEECH** 

Mr. Speaker,

It is a great honour for me to be here today at the opening of the Budget seminar for the Members of the National parliament of Timor-Leste.

The United Nations Development Programme and the Inter-Parliamentary Union are grateful for the opportunity to support the National Parliament in this important endeavor by providing the services of experts in the oversight role of the Parliament regarding the National Budget for this seminar and later to assist you with the work of revising the budget over the next weeks.

This seminar will provide you with an opportunity but also the responsibility to review and discuss key principles related to revising and overseeing the National Budget submitted by Government, according to your constitutional powers. Section 95, article 3 states that it is incumbent upon the National Parliament "to deliberate on the State plan and Budget and the execution report thereof;" (3d) and "To monitor the execution of the State Budget." (3e).

From the programme, which you have in your folders, you will see that the experts, coming from South Africa and Portugal, will draw upon their own experiences as MPs in their own countries as well as experiences from elsewhere in their discussions with you. This, I think will be of interest to you. However, the most important thing is that the seminar has been designed to be interactive and responsive to <u>your questions and your needs</u>.

This is the second time that the National Parliament of Timor-Leste will be able to analyze and revise the National Budget of Timor-Leste. While the Government have a lot of technical assistance in preparing the Budget, the parliament had none last year. This year, UNDP in partnership with IPU want to change this by providing some assistance in advance, during and after to the parliament in the budgetary process. And we will not make it only a one-time activity, but follow up also next year.

The National Budget process is the most important political event of the year of any country in the world. For most countries, ranging from my own, Japan, to South Africa and Portugal as well as Norway and Costa Rica the budget process is at the core of what politics is about: *allocation of resources.* The parliament must oversee that this is done according to what is best for those they represent.

In Timor-Leste the National Development Plan, with its consultative basis, constitutes one natural reference for the parliamentarians. 38 000 Timorese participated in the process of the NDP voicing their priorities. For them education was the top priority. Then comes health and agriculture. The government has later adopted a list of immediate priorities and a Road Map to implement the NDP. Justice figures as priority number 2. How all of this reflected in the National Budget is your responsibility to oversee.

Promoting Good Governance and Democracy to reduce poverty is what constitutes the mission of UNDP. This cannot be achieved without cooperating with parliaments. The Parliament has a major role in ensuring that poverty reduction policies are adopted and implemented by the government. Again, the budget is the most important tool. The Millenium Development Goals must be kept strongly in the mind of the MPs and parliament staff when analyzing the budget. In Timor-Leste they are streamlined into the National Development Plan. Representing UNDP as a goalkeeper for the MDGs I would like to remind you what they are:

- 1. Eradicate extreme poverty and hunger
- 2. Achieve universal primary education
- 3. Promote gender equality and empower women
- 4. Reduce child mortality
- 5. Ensure environmental sustainability

To ensure that a gender perspective will be included in the Budget, we will have help from experts in this seminar and hopefully in the weeks to come in order to take into account the state revenues and expenditures and how this policies serve the interests of the women. For instance how is the combat of domestic violence, which mostly affects the women and children, reflected in the national budget of Timor-Leste? Are costs for gender focal points in every district or sufficient costs for a Provedor's Office at a national level included, or are other provision made? And what kind of influence does the present system of taxation and utility fees have on women and children? You are responsible for asking the questions and to suggest the alternatives.

You are here today because the people of East Timor asked you to draft the first democratic Constitution on their behalf. It is my hope that you will continue to listen to the voices of those who elected you, also in the task of revising the National Budget, taking into account the concerns of the ordinary women, men and children and let them guide you in your important work. Remember, although the government is also accountable to the donors, they are first and foremost accountable to *you*. And *you* are accountable to the people.

I wish you all the very best in undertaking this challenging task, which has been entrusted to you by the people of Timor-Leste.

I thank you, Mr. Speaker.

# Ms Kareen Jabre, Manager of the Programme for the Promotion of Partnership Between Men and Women, Inter-Parliamentary Union

**OPENING SPEECH** 

Honorable Speaker of the National Parliament of Timor-Leste, Honorable Members of Parliament, Mr Resident Representative of the United Nations Development Programme, Ladies and Gentlemen,

It is my pleasure to be able to address you today on behalf of the Inter-Parliamentary Union. The Secretary General of the IPU, Mr. Johnsson, has asked me to convey to you his heartfelt wishes for a successful seminar.

Allow me to begin by welcoming you all to this seminar which the IPU is pleased to be organising in partnership with the Parliament of Timor-Leste and the United Nations Development Programme. I convey, through you, Mr Speaker, our gratitude to the Parliament of Timor-Leste for hosting this seminar.

The meeting that brings us here together is one more example of the fruitful partnership that we have established with the UNDP over past years in the area of parliamentary development and I wish to also thank the UNDP for its support in making this event possible. The IPU and UNDP have been working closely together to strengthen good governance through a comprehensive programme of technical assistance projects to parliaments. This is a rewarding co-operation and our wish is that it grows from strength to strength for the benefit of democracy.

This seminar comes at a timely moment - just before the presentation of the National Budget to the Parliament of Timor-Leste. This is the second time that you, members of Parliament, will be tasked with scrutinizing and adopting the national budget thus providing the government with the resources needed to implement the policies drawn up by it and approved by you.

It is not my intention to anticipate the discussions that will be taking place today and tomorrow. May I simply emphasize the importance of the chosen theme of this seminar.

You, the elected representatives of the people of East Timor have a heavy responsibility on your shoulders.

After all, the national budget is the most important political statement that any government has to make in any given year. It is therefore imperative that parliament, as the foremost political institution in a country, play a preeminent role in scrutinizing the national budget and overseeing its proper implementation. It is through the budget that the government makes political choices and seeks the allocation of adequate resources to enable it to implement those choices. Parliament's role is therefore crucial not only in influencing those political choices so that they truly address the wishes of the people you have been elected to represent, but also in ensuring that the resources thus made available through the budget are used in a transparent, responsible, efficient and accountable manner for a maximum benefit to all.

We therefore hope that this seminar will enhance your awareness and provide you, as the representatives of the people, as well as your support staff, with the necessary tools for ensuring that words are translated into concrete action in the complex environment of the budget process.

May I also add that like every policy instrument, the budget is designed for human beings, men and women alike. More than anything else, the budget should enable the government to make choices that take into account the concerns of both components of society and to allocate resources accordingly. I say should enable because, all too often, government policies do not pay adequate attention to the needs of both sexes. Through this seminar, we would therefore also like to introduce the notion of gender budgeting as a means of enhancing the social and economic efficiency of the budget. The IPU sees this gender dimension as an important one toward the attainment of democracy, which cannot be without a genuine partnership between men and women in the conduct of the affairs of society in which men and women work in equality, drawing mutual enrichment from their differences.

East Timor already ranks in the first twenty countries with the highest percentage of women parliamentarians in the world and women's presence at governmental level is also very strong. Needless to say, as an organisation one of whose objectives is to promote gender partnership in political decision-making processes, the IPU is pleased with this state of affairs.

Over the next two days, you will have the opportunity of going over the budget process, examining how it impacts on the welfare of both sexes and identifying ways and means of ensuring that the process is as equitable and efficient as possible.

To facilitate your discussions, we will have the pleasure of having with us national experts from Timor-Leste who will be joining us from the Budget Office as well as from the Cabinet for the Promotion of Equality.

We also have the privilege of having with us two international resource persons who have kindly accepted to come here to share and exchange with you their knowledge and experience.

- Mr Colin Eglin, MP from South Africa, whom most of you know, as he was here some time ago as a resource person in a seminar to assist the Constituent Assembly in the drafting of your new Constitution.

- Mr. Rogério Duarte Pacheco, MP from Portugal, who agreed to travel to Dili at short notice so as to participate in this important seminar.

Thank you for being here.

In conclusion, it is my hope that you will find the deliberations of this seminar both enriching and rewarding. On behalf of the Inter-Parliamentary Union, I wish you a very successful meeting and look forward to working with you in the coming days.

Thank you.

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# Report of the Seminar

A Seminar on the theme "The National Parliament of Timor-Leste and the Budgetary Process: Legislative and Oversight Functions", organised by the UNDP in cooperation with the Inter-Parliamentary Union, was held in the National Parliament on 8 and 9 May 2003. The following two MPs participated as keynote speakers:

- 1. Mr. Rogério Duarte Pacheco, Member of Parliament of Portugal, and
- 2. Mr. Colin Eglin, Member of Parliament of South Africa.

Various speakers addressed the following topics:

- 1. The National Budget: Purpose, Composition, Terminology and Timetable
- 2. The Respective Roles of Government and Parliament in the Budgetary Process
- 3. The Budgetary Process: The case of Timor-Leste: Statement by Mr. Agostinho Castro, Ministry of Finance of Timor-Leste
- 4. Accountability and Transparency in the Budgetary Parliamentary Oversight of the Budget
- 5. Taking in Account National Priorities in the National Budget: The National Budget and the Poverty Reduction Goals of the Government in the context of the Millennium Development Goals
- 6. Towards a Gender-Responsive East Timorese Budget, Statement by Mrs. Maria Domingas Alves, Advisor, Cabinet for the Promotion of Equality, Cabinet of the Prime Minister

#### THE SEMINAR ADDRESSED THE FOLLOWING POINTS:

The government budget is not merely a technical document recording revenues and expenditure. It is the most important document drawn up by the Executive in the entire year. It is the political expression of the Government's strategy, outlining what it has done and what it intends to do.

The budget is a process rather than an event. It is a summary of the nation's economic development strategy and a statement of the type of sacrifices that are going to be asked of the population if the national action plan is to succeed.

The budgetary process involves three phases: preparation of the budget, debate and approval, execution and monitoring.

Although there should be no interference in the State's fulfilment of its obligations in preparing the budget, the process should be transparent and participatory. The Parliament should be able to influence the process whereby priorities are selected. The following mechanisms were suggested for the purpose:

- The Executive should submit its medium term plans to Parliament. The Parliament thus has an opportunity to understand and debate the general framework of government policy and the priorities it has selected.
- Throughout the year the Parliament uses its prerogatives to focus the attention of the Executive on the needs and concerns of the population. Such prerogatives include written and oral questions, hearings of ministers before committees, and parliamentary inquiries.

With respect to the budget debate itself:

- It is crucial that the Parliament have sufficient time to conduct a thorough analysis of the budget, to avoid it being approved with undue haste. The legal timespan for the Parliament to consider the budget must be respected. It is necessary to consider ways of extending the existing deadlines for such consideration.
- It is important for Parliament to have the necessary resources and tools to efficiently scrutinize the budget. This includes access to the services of experts, and to information sources (government and independent), documentation and research centres, and research personnel.

With respect to the implementation and oversight of the budget:

- Parliamentary monitoring should be strengthened, in particular through the following mechanisms:
  - Government members should periodically attend sessions of standing committees, and especially the economy committee, to report on Government business in various sectors;
  - Timely access to information;
  - Reinforcement of relations with the Audit Body, bearing in mind that it has the technical responsibility for auditing the budget, while Parliament has the political responsibility;
  - Making practical use of parliamentary resources for the monitoring function, as mentioned above;
  - Holding public hearings;
  - Involvement of civil society in endorsing government programmes (accountability);
  - Access to donor contribution reports and participation in their preparation;
  - Opening committee sessions to the media and the public;

For Parliament to play an efficient part in the budgetary process, it should have financial autonomy. In other words, once Parliament has received its budgetary allocation, it is under no obligation to account for its use to the Government. It should report to the authorities of the Parliament itself through its own internal machinery. Likewise, the Parliament should be able to function independently; it should have the ability to manage a specialised staff, carry out inquiries with its own resources, and in general reinforce its technical capacity.

- As part of its scrutiny, the Parliament should make sure that the National Development Programme goals, the Poverty Reduction goals and the Millennium Development goals are reflected in the budget.
- The Parliament can ask the Government for reports on funds received from donors.

With respect to gender-sensitive budgeting:

- 1. Introducing gender-sensitive budgeting does not mean establishing a separate budget for women;
- 2. The first stage in developing a gender sensitive budget is to analyse its impact on men and women, to see if it affects both groups in different ways, given that public policies affect men and women differently;
- 3. Gender disaggregated data is needed to assess the impact of the budget on men and women.

At the closure of the Seminar, parliamentarians completed a questionnaire so that the organisation of such meetings could be fine-tuned for the future.

# Work Programmme

Thursday, 8 M	
9:00 - 9:20	Opening Ceremony
	<ul> <li>Address by Ms Kareen Jabre, Inter-Parliamentary Union, Programme Manager of the Programme for the Promotion of Partnership between Men and Women</li> <li>Address by Mr. Sukehiro Hasegawa, UNDP Resident Representative and Deputy Special Representative of the UN Secretary-General</li> <li>Address by H.E. Francisco Guterres "Lu Olo", Speaker of the National Parliament of Timor-Leste</li> </ul>
9:20 - 10:45	<ul> <li>The National Budget: Purpose, Composition, Terminology and Timetable Introductory statements by: Mr. Colin Eglin, MP, South Africa Mr. Rogério Duarte Pacheco, MP, Portugal</li> </ul>
11:00 – 12:30	<ul> <li>The Respective Roles of Government and Parliament in the Budgetary Process Introductory statements by:</li> <li>Mr. Colin Eglin, MP, South Africa Mr. Rogério Duarte Pacheco, MP, Portugal</li> </ul>
14:30 – 15:45	<ul> <li>The Budgetary Process: the Case of Timor-Leste Introductory statements by: Mr. Agostinho Castro, Ministry of Finance of Timor-Leste</li> </ul>
16:00 – 17:30	<ul> <li>Accountability and Transparency in the Budgetary Process: Parliamentary Oversight of the Budget         <ul> <li>Reading, analysing and questioning the budget</li> <li>Parliamentary Tools and Mechanisms, including the National Audit Introductory statement by: Mr. Colin Eglin, MP, South Africa</li> </ul> </li> </ul>
Friday, 9 May	2003
09.00- 10.45	<ul> <li>Accountability and Transparency in the Budgetary Process: Parliamentary Oversight of the Budget (continued)         <ul> <li>Reading, analysing and questioning the budget</li> <li>Parliamentary Tools and Mechanisms, including the National Audit</li> </ul> </li> <li>Introductory statement by: Mr. Rogério Duarte Pacheco, MP, Portugal</li> </ul>
11:00 –12:30	Taking into Account National Priorities in the National Budget: The National Budget and the Poverty Reduction Goals of the Government in the context of the Millennium Development Goals Introductory statement by: Mr. Colin Eglin, MP, South Africa
14:30 – 15:45	<ul> <li>Towards a Gender Responsive East-Timorese Budget Introductory statement by: Ms. Maria Domingas Fernandes Alves, Adviser, Cabinet for the Promotion of Equality, Cabinet of the Prime Minister</li> </ul>
16:00 – 17:30	<ul> <li>Evaluation of the Seminar</li> <li>Summary and report of the seminar, presented by Ms. Maria Avalziza Lourdes, Rapporteur</li> <li>Closing ceremony</li> </ul>

# The National Budget: Purpose, Composition, Terminology and Timetable Mr Colin Eglin MP, South Africa

While on the face of it, the Budget is a mechanism by which the Government obtains parliamentary approval for its proposed expenditure and for its revenue raising proposals the meaning and impact of the Budget goes way beyond this simplistic financial concept.

- 1. In countries with parliamentary systems of government "The National Budget" is a critically important instrument in ensuring transparency, accountability and good governance.
- 2. The Budget itself and the procedures relating to its implementation underscore the constitutional relationship between the Executive and the Legislature.

In a parliamentary system the Executive receives a mandate from the electorate to govern. Inevitably, this involves spending state funds. But the Executive has to do so, within the framework of legislation passed by Parliament, and subject to accountability to and oversight by Parliament.

3. The budget is undoubtedly the most important single declaration of policy made by any Government during the course of the year. While it is highlighted in terms of figures, it is a fundamental statement of policy which outlines the Government's view on the socio-economic state of the nation. A budget is a political expression of the policies of the Government, saying what it has done and what it intends to do.

And it is the Government stating political policy in terms of facts, figures, numbers and programmes. The budget is not just merely the distribution of how much money goes to each department and within it, how much is to go to each proposed programme. The budget deals with vital government issues: What is your economic framework? What is the level of taxation at which you are aiming? What is the level of debt at which you are accepting? What are the key areas that you will aim at in terms of the distribution of money? Will it go towards the social services, defence, health, fighting against HIV/AIDS or eliminating the unevenness in economic wealth or in developments? The budget impacts on such matters as economic growth, human development, inflation, international trade, exchange controls, job creation, reduction of inequality and combating HIV/AIDS.

A budget should not be seen as an "event". It is a process. The budget should be a summary of the economic development policy of the country and a statement of the kinds of sacrifices that people are going to be asked to make in carrying out what is a national plan of action.

# CONSTITUTIONAL PROVISIONS RELATING TO THE BUDGET

The Budget and procedures related to it are regulated by certain provisions of the Constitution of East Timor.

Let me identify these provisions:

#### Section 145 (State Budget)

- 1. The State Budget shall be prepared by the Government and approved by the National Parliament.
- 2. The Budget law shall provide, based on efficiency and effectiveness, a breakdown of the revenues and expenditures of the State, as well as preclude the existence of secret appropriations and funds.
- 3. The execution of the Budget shall be monitored by the High Administrative, Tax and Audit Court and by the National Parliament.

#### Section 115 (Competence of the Government)

- 1. It is incumbent upon the Government:
  - (d) to prepare the State Plan and the State Budget and execute them following their approval by the National Parliament.

#### Section 95 (Competence of the National Parliament)

- 2. It is exclusively incumbent upon the National Parliament to make laws on:
  - (p) The tax policy;
  - (q) The budget system.

3.

- It is also incumbent upon the National Parliament:
  - (d) To deliberate on the State Plan and Budget and the execution report thereof;
  - (e) To monitor the execution of the State budget.

## THE COMPOSITION OF THE BUDGET

The Budget consists of three components.

The first is a statement of the fiscal position of the State at the conclusion of the previous fiscal year in the formal starting point on which the Budget for the coming year will be based.

This statement records the actual expenditure incurred and the actual income received during the previous financial year and with these the resulting surplus or deficit with which the Government enters the new fiscal year.

#### The second relates to estimated expenditure for the coming fiscal year

The Estimate of Expenditure setting out in great detail the national department's spending plans for the coming fiscal year are presented to Parliament for its consideration by the Minister of Finance on behalf of the Government.

In due course *Appropriation Bill* is presented through which Parliament approves the appropriation of funds for the purposes set out in the Estimates.

#### The third component of the budget relates to income

The Minister of Finance, also as part of his Budget proposals, presents to Parliament *The Estimate of Revenue* (First Print) being the estimate of the anticipated revenue to be raised during the current fiscal year before taking into account the Minister's tax proposals i.e. the estimates are based on the preceding financial year's tax rates and brackets.

During his Budget Speech – and generally towards its close – the Minister of Finance will announce his tax proposals. These comprise concessions, amendments and additions to existing taxes which together go some way to closing the gap between estimated expenditure and revenue.

Each of the Minister's tax proposals will, in due course be considered and sanctioned by Parliament by way of appropriate *Taxation Bills.* 

#### Borrowings

Should there still be a shortfall in the anticipated revenue compared with proposed expenditure the Minister in the course of his Budget Speech would announce his proposals for financing such anticipated deficit.

If your country is fortunate some of this funding might come from grants, but more likely the financing will have to be done through loans.

Perhaps I should mention at this juncture that in many countries, the largest single item of expenditure – and one that is not optional – is the cost of servicing debts incurred in attempting to balance the Budgets of previous years.

In order to reduce this debt servicing burden which, put simply, means that less money is available for essential services such as education, health, social welfare, prevention of crime, housing, transport, etc. some

Governments, including that of South Africa are privatising certain state assets and using the proceeds to reduce the debt and thus also reduce the annual cost of debt servicing.

It is widely accepted that in order to avoid a country living beyond its means, and in so doing adding to the debt servicing burden of future generations, the deficit between proposed expenditure and anticipated income i.e. "the deficit between proposed expenditure and anticipated income i.e. "the deficit before borrowing" should not exceed 3 per cent of Gross Domestic Product.

# SUPPLEMENTARY PUBLICATIONS

To supplement the Budget presentation in South Africa the Department of Finance publishes the following:

- *The Budget Review* provides an overview of economic development and medium term Budget projections, together with a statistical and other annexures;
- The National Expenditure Survey details the spending plans of national departments. A chapter on each department reviews its past expenditure and spending plans in the context of its policies, key activities and service delivery outputs;
- The People's Guide which aims to make the Budget more accessible is a single-sheet summary of the Budget printed in six of South Africa's national languages and distributed in newspapers and via Post Offices;
- *Explanatory notes* are also provided on the expenditure votes and various other matters such as new taxes which might be included in the budget.

#### A rolling three year Budget projection

While not wishing to anticipate the discussions due to take place later today and tomorrow I feel that I must refer to a concept which has been introduced in South Africa and indeed in many other countries. This is the Medium Term Expenditure Framework (MTEF) through which the Government budgets for income and expenditure for the three coming fiscal years.

Thus during 2002 while the Budget for the year 2003/4 was being compiled, the Government announced through means of a Medium Term Budget Policy Statement (MTBPS):

- how the Budget assists in meeting priorities of Government which the President set out in his opening address to Parliament;
- the international and national economic context which influence budgetary decisions;
- the level of taxes Government will need over the coming three years to pay for public services;
- the level of Government borrowing;
- Government's spending priorities to provide better services;
- Projections and preliminary information on the 2003/4 to 2005/6 Medium Term Expenditure Framework;

Some of the advantages of budgeting over three years by means of the MTEF are:

- It helps regions and departments plan with greater certainty because they have a better indication of what their financial allocations will be for the next three years;
- It encourages departments to set three year priorities and to plan further ahead than they did in the past and to enter into development contracts that may go over a number of years;
- It gives the public a better picture of how government plans to spend its money. Reconstruction and development goals can be evaluated against how much the Government plans to spend over the next three years.

# THE TIMETABLE

The agenda refers to the timetable for the Budget. With your permission I would prefer to deal with this under the next heading as the timetable is closely linked to the Respective Rules of Government and Parliament in the Budgetary Process.

### Budget - an important policy declaration

As I mentioned earlier there is much more to the Budget than figures and finance.

The Budget tabled by the Minister, together with the Minister's Budget Speech and more detailed documentation and provided by the Department of Finance, is undoubtedly the most important policy declaration made by the Government during the course of the year.

- It outlines the Government's view of the socio-economic state of the nation.
- It is a declaration of the Government's fiscal, financial and economic objectives.
- It is a declaration of its priorities in the socio-economic field.
- It impacts on such matters as economic growth, human development, inflation, international trade and finance, exchange control, job creation, the quality of public services, the reduction of inequality.
- The Budget provides a valuable measure of a Government's future intentions and past performance.
- If the Budget is important, so is the role that Parliament, which represents the interests of the people, must play in shaping, approving and monitoring the Budget.

# The National Budget: Purpose, Composition, Terminology and Timetable Mr. Rogério Duarte Pacheco MP, Portugal

#### 1. INTRODUCTION

- The budget is a powerful political instrument
- The State budget should be prepared and assessed in terms of the Plan options
- The State budget is an annual, unitary exercise

#### 2. OBJECTIVES

- The role of the State budget as a planning tool
- The role of the State budget as a financial instrument
- The role of the State budget as a factor of transparency
- The role of the State budget in generating expectations
- The role of the State budget in promoting accountability

### 3. COMPOSITION

- The State budget "distinguishes between State income and expenditure, including that of the funds and independent departments" and "the budget for Social Security"
- The State budget defines the conditions to be met to obtain public funding and the criteria that apply during the implementation phase

#### 4. TERMINOLOGY

- The State budget is a draft bill
- Amendments to the budget are considered new legislative initiatives
- The Assembly is entitled to feedback on the implementation of the budget
- Existence of the "Labour Law"

#### 5. TIMETABLE

- The Government prepares the budget during the summer
- The Government presents the budget to Parliament before the 15<sup>th</sup> of October
- The Parliament adopts the budget before the 15<sup>th</sup> of December
- The President of the Republic promulgates the budget before the 31<sup>st</sup> of December
- The budget goes into force on the 1<sup>st</sup> of January

#### 6. CONCLUSIONS AND CHALLENGES

- Forecasts and reality
- Budgeting vs. failure to budget
- Deficits vs. surpluses

# The Respective Roles of Government and Parliament in the Budgetary Process Mr. Colin Eglin MP, South Africa

As the Budget is a statement of the programmes that the Executive intends to implement together with costs and funding relating to such programmes the responsibility for drawing up the budget and carrying out the programmes in accordance with the Budget lies on the shoulders of the Executive.

While it is so that the Executive has to obtain Parliament's legislative authority – before it can implement its Budget proposals. While it is so that in extreme cases Parliament could withhold that authorisation. And while as far as the overall budget process is concerned, the role of Parliament, although important, is secondary to that of the Executive.

Parliament can grant or withhold legislative authorisation and question and criticise and monitor and hold Ministers to account. It may influence the Executive's decisions, in the field of the Budget as in all fields of governance the legislature cannot nor should not attempt to intrude on or usurp the Executive's right to govern in terms of the mandate received from the electorate.

Like all other organisations and individuals in East Timor, ranging from the President to the most humble citizen, both the Government are subject to the provisions of your country's Constitution.

Some of those provisions relate specifically to the Government and to Parliament.

- Thus in terms of Section 95 of the Constitution it is incumbent on Parliament: "To deliberate on the State Plan and the execution report thereof"; "To monitor the execution of the State Budget".
- In terms of Section 145 of the Constitution:
- *"The State Budget shall be prepared by the Government and approved by the National Parliament".* - In terms of Section 115 it is incumbent upon the Government:
- "To propose a State Plan and the State Budget and execute them following the approval by the National Parliament".

Put simply, it is the Government's responsibility to draw up the budget and to execute its provisions when it has been approved by Parliament.

It is Parliament's responsibility to deliberate on the Budget, to approve it, and to monitor its execution by the Government.

But this simple formulation ignores two very important factors which shape the Budget and the budgetary process.

#### The Influence of Parliament

Because the Budget is a process and not an event, because it is political statement as much as a financial one a vigorous Parliament can have a considerable influence on the Budget. It can do this through the incisiveness of its deliberations, through the depth of its monitoring and through the skill it uses the political process to mobilize public opinion and public pressure. Seen in terms of political strategy the budget process is continuous from one election to another.

In South Africa we find that the ability of Parliament to influence the Budget is enhanced by the functioning of a number of "Portfolio Committees".

These are multiparty committees each responsible for a specific ministerial portfolio which have the specific task of monitoring the performance of the specific Department, who interact with the Minister and his Department, and

who make inputs directly to the Department while the Budget proposals relevant to that Department are in the process of being formulated.

Your Constitution Section 107 (Responsibility of the Government) says: "The Government shall be accountable to the President of the Republic and to the National Parliament for conducting and executing the domestic and foreign policy in accordance with the Constitution and the law." The South African Constitution contains a similar provision.

The South African Parliament, largely through its Portfolio Committees uses this right extensively to hold the Government 'to account' in respect of its budgetary as well as its other executive obligations.

The work of Parliament and its influence on Government is further enhanced by the fact that meetings of these Portfolio Committees are open to the public and the media.

Indeed in the light of provisions in the South African Constitution, these Portfolio Committees make provision for the maximum amount of participation of the public on issues, including the budget, which are before the Committees.

#### The Constitutional Injunctions to the Government

Your East Timorese Constitution, in a manner that is even more explicit than the South African one, places considerable obligations on your Government in the socio-economic field. These constitutional obligations, all of which have financial implications, have a direct bearing on the Budget.

I refer to some of these Sections in your Constitution:

### Section 18 (Child Protection)

- 1. Children shall be entitled to special protection by the family, the community and the State, particularly against all forms of abandonment, discrimination, violence, oppression, sexual abuse and exploitation.
- 2. Children shall enjoy all rights that are universally recognised, as well as all those that are enshrined in international conventions normally ratified or approved by the State.

Section 19 (Youth)

- 1. The State shall promote and encourage youth initiatives towards the consolidation of national unity, reconstruction, defence and development of the country.
- 2. The State shall promote education, health and vocational training for the youth as may be practicable.

Section 20 (Old Age)

- 1. Every senior citizen has the right to special protection by the State.
- 2. The old age policy entails measures of economic, social and cultural nature designed to provide the elderly with opportunities for personal achievement through active and dignifying participation in the community.

#### Section 21 (Disabled citizen)

- 1. A disabled citizen shall enjoy the same rights and shall be subject to the same duties as all other citizens, except for the rights and duties which he or she is unable to exercise or fulfil due to his or her disability.
- 2. The State shall promote the protection of disabled citizens as may be practicable and in accordance with the law.

They are more under the Heading of "Economic, Social and Cultural Rights and Duties.

Section 56 (Social Security and Assistance) Section 57 (Health) Section 58 (Housing) Section 59 (Education and Culture) While it may be argued in the Courts that these rights are not absolute rights, I am of the opinion that they do place a strong obligation on the Government and that the Government would be likely to get an adverse court ruling should it be shown that in the framing of the Budget it had ignored these Sections of the Constitution.

Yes, the Constitution has a very direct bearing on the substance of the Budget.

#### The Budgetary Process and its Timetable

Section 95 of your Constitution requires Parliament to pass laws on inter alia "The Budget System".

I am not aware of whether your Parliament has got round to passing such a law. In the circumstances I shall deal with the Budgetary Process and its Timetable on the basis of the South African experience. I hope that you will find this useful.

Our South African process is complicated by the effect that we have a quasi-federal system of government in which the nine provinces – and to a lesser extent Local Governments – are "entitled to an equitable share of the revenue raised nationally".

Indeed, in the current 2003/4 Budget 38,9 per cent of revenue is allocated to National Government, 56,9 per cent to the Provincial Governments, and 4,3 per cent to Local Governments.

Assuming that the date on which the Financial Year commences is 1 April, the timetable for the budget process is the following:

#### The Role of the Government

January – March: Setting policies, estimating revenue and setting an upper limit on spending The Cabinet sets broad policy priorities so when the detailed Budgets are evaluated, they can be measured

against these policies. The Department of Finance:

- Estimates how much the economy will grow;
- Estimates how much revenue can be expected through the collection of taxes for the next three years;
- Uses the Government's deficit reduction targets to work out how much overspending will be allowed;
- Sets the upper spending limit for the total government Budget for the next three years;
- Presents this to Cabinet for approval.

This forms the basic framework for the Budget. It is called setting the Medium Term Fiscal Framework because this part of the process is about estimating income from taxes (revenue) not expenditure.

#### March – May: Departments estimate their expenditure and submit draft expenditure applications

National and provincial departments go through strategic planning sessions to identify their departmental goals and prepare an initial three-year Budget estimate. They need to try to keep in line with the three-year allocations determined in the previous MTEF cycle.

Although Government makes the important Budget decisions, public servants play a vital role in the actual drawing up of the Budget. For instance, each department - provincial and national-, has a financial directorate consisting of Government officials. These officials draft the initial Budget estimates. They consult with other officials responsible for the line functions to ascertain what their budgetary needs are before preparing a Budget for the department.

The financial directorates then reconsider the draft Budget, and amend it where necessary, before it goes to the provincial treasuries or, in the case of national level, to the Department of State Expenditure.

#### May - June: Guideline estimations are determined for vertical and horizontal allocations

The Budget Council meets to work out how to divide the revenue into three lump sums for national, provincial and local governments. Once the Budget Council has done this vertical division, it must then work out the provincial allocations amongst the nine provinces. This is the horizontal division.

# June – August: Combining all the departmental estimates into one sum and matching it with the Budget Council's allocation

Officials in the Department of State Expenditure combine the separate departmental estimates into one nationallevel estimate. Similarly officials in each of the nine provincial treasuries combine all their separate departmental estimates into one provincial estimate.

The provincial treasuries and the Department of State Expenditure now look at the vertical and horizontal allocations the Budget Council decided on. They must be sure their combined estimates match the allocations of the Budget Council.

Negotiations take place around this:

 Provincial treasuries and the Department of State Expenditure have to negotiate with their respective departments – which defend their estimates. It is the national MTEF Committee who has to make the final decision about these Budget allocations.

#### September – October: Everyone has a last say

- The national MTEF Committee makes a decision on what Budget allocations to recommend to the Cabinet.
- The Provincial Executive Councils meet to consider their draft allocations as well as some sectorial representatives from national and provincial departments.
- Proposals for conditional grants to each province are also developed

# November – December: A draft, overall MTEF is finalised and a Medium Term Budget Policy Statement (MTBPS) is published

Once the Cabinet, the Provincial Executive Councils and the sectorial MTEF teams have reviewed all the national and provincial MTEFs, a draft, overall MTEF is compiled and submitted to the Budget Council and the Cabinet. This document:

- Shows how the Budget matches the broad policy framework set out at the beginning of the cycle;
- Suggests allocations for the three year period;
- Analyses the implications of these allocations;
- Suggests alternative expenditure options.

Once the Budget Council and Cabinet have approved the draft overall MTEF, allocations to national government and to each province are adjusted to meet the requirements of this draft.

National departments and provincial treasuries are then told how much they will be allocated. They then have to finalise their MTEFs to fall into line with this allocation.

A MTBPS which sets out the policies together with which the MTEF is published for general information and discussions in Parliament.

#### January: Final stamp of approval

The final MTEF is submitted to Budget Council and Cabinet for approval. Detailed national and provincial expenditure estimates for the year immediately ahead are finalised and documentation prepared.

#### February

"Hey presto" the Minister of Finance presents his Budget to Parliament.

#### The Role of Parliament

1. **During the formulation phase** of the Budget process Parliament plays an indirect role in influencing the decisions of the Government. This happens in these ways.

The first is through that political debates, questions, suggestions, in Parliament.

The third is when the debates take place in Parliament and its Finance Committee on the MTEF (November - December).

2. After the Budget is presented and before the Appropriation and Bills are passed Parliament subject the Budget proposals to intensive scrutiny and debate.

After the first reading of the Budget, the Appropriation Bill and the proposed tax amendments go to the National Assembly Portfolio Committee on Finance. It has seven days to hear responses to the Bill.

The Committee invites submissions from whomever it chooses. They usually ask for submissions from government departments and the South African Reserve Bank as well as stakeholders such as Trade Unions, business organisations, etc.

They have also asked a range of civil society groups to make submissions around social services as provided for in the Budget. The Appropriation Bill is then put to the National Assembly for discussion and voting, the Budget for each department being put separately.

Although the Constitution (Section 77(2)) requires that "An Act of Parliament must provide for a procedure to amend money Bills before Parliament" no such Act has as yet been passed. As a consequence no amendments to the overall Budget are allowed.

After the Appropriation Bill has been passed, in other words the Budget has been authorised, Parliament
has an ongoing responsibility to monitor the performance of the Government in terms of the programmes
approved in the Budget.

By way of questions and debate both when Parliament meets in plenary and in Portfolio Committees Members of Parliament can call ministers and officials to account.

To recap, while the Government is responsible for the compilation and implementation of the Budget, Parliament has the vitally important roles in relation to the Budget of:

- Influencing the Government;
- Monitoring the Government's performance;
- Where and when necessary calling the Government and its officials to account.

The interrelated roles of the Government and Parliament form part of the constitutional and procedural checks and balances designed to ensure good governance and the cost effective use of public funds.

# The Respective Roles of Government and Parliament in the Budgetary Process

Mr. Rogério Duarte Pacheco MP, Portugal

# 1. INTRODUCTION

The following institutions are involved in the budgetary process:

- The Government prepares and presents the draft budget;
- The Parliament assesses and adopts the draft legislation;
- The President of the Republic promulgates the Finance Law;
- The Government implements the Finance Law;
- The Parliament and the Audit Office control implementation of the budget.

# 2. LEGISLATIVE PROCESS

- Any draft legislation or bill, once received, must be submitted by the President of the Assembly of the Republic to the competent Committee for examination
- The Committee must examine the bill and make the necessary arrangements enabling it to draft a report within 30 days
- The broad lines of the bill must be examined and adopted, generally by the plenary of the Assembly of the Republic
- Once approved, the bill returns to the competent Committee for the inclusion of further details
- The bill returns to the Assembly plenary for adoption of the specific details and an overall vote

# 3. BUDGETARY SCRUTINY

- The draft bill is presented to the Assembly by the President of the Assembly, then referred to the Finance Committee and the other specialized standing committees, with a view to the preparation of a report
- After possible meetings with members of the government, the various committees forward the report to the Finance Committee
- The Finance Committee must prepare a report
- The broad lines of the draft budget are debated and adopted by the Assembly plenary
- The approved draft budget is returned to the Finance Committee for the inclusion of further details. Two members of the Government may be invited to attend joint meetings of the Finance Committee and other committees
- The expenditure part of the budget is examined and approved in detail by the Finance Committee
- The income part of the budget is examined and adopted by the Assembly plenary
- A final overall vote on the draft budget is taken in the Assembly plenary
- The final wording is the responsibility of the Finance Committee

# 4. TIMETABLE

- The general debate on the budget is held one week after the draft has been submitted by the Government
- The Committees have nearly two weeks to examine the budget
- The Committees have one week to prepare their reports
- The plenary debate on the draft budget lasts 2-3 days
- The Finance Committee has two weeks to assess the budget
- The Finance Committee has 2-3 days to approve the final budget
- The debate on the budget details, the vote on the details and the overall final vote take place during a plenary sitting that lasts two days

### 5. BUDGETARY IMPLEMENTATION

- The budgetary process does not end with the adoption of the budget
- The Government implements the Finance Law
- The Government may submit amendments to the Finance Law
- Parliament may not approve laws that entail an increase in expenditure
- The Parliament Committee on Control of Budgetary Implementation oversees the execution of the budget
- The Government presents the State's accounts at the end of the budget year

# 6. CONCLUSION

- All political stakeholders are involved in the process
- Budgetary stability is safeguarded
- Various agents are involved in the budgetary implementation process
- Evaluation process is slow
- Implementation of oversight is inadequate
- The State's accounts are presented late, which lessens the impact

# The Budgetary Process: The Case of Timor-Leste Mr. Agostinho Castro Ministry of Finance of Timor-Leste

### **BUDGET LAW**

#### 1. Budget Authority

Regulation 2001/13 on Budget and Financial Management is the foundation for the management of budgeting and financial arrangements of ETPA.

Regulation 2001/13 also establishes a comprehensive financial framework, in accordance with international best practice, for a sovereign East Timor and is essential for the establishment of a financially accountable and effective government.

Regulation 2001/13 provides flexibility for the government to manage government authorities and enable the establishment of local government and establishes reporting and accountability requirements.

### 2. Key Elements

#### Appropriations

Annual Appropriations Regulation: CFET Appropriations lapse at the end of the Fiscal Year. An annual appropriation regulation is required. Without this authority no public money can be spent. The Annual Appropriations provides money for the government's activities during a specific fiscal year, puts the budget into legal effect and sets out appropriations for each agency.

#### Reallocation of Appropriations (Virements)

Section 28 of the Budget Law enables the Head of the Ministry of Planning and Finance to transfer amounts between appropriations between an agency, ie between wages and salaries' appropriation, goods and/or services appropriation and capital appropriation. The maximum amount that can be transferred is 10% of the value of the appropriation being transferred. The 10% threshold is to allow limited discretion to adjust appropriations without the need for passage of a new appropriation regulation. This ensures that some flexibility is provided, while maintaining transparency to National Parliament.

#### Supplementary Appropriations

Supplementary appropriations are required if additional funding for an agency is agreed by the Council of Ministers. It is essential that these are limited to only "urgent and unforseen" cases so that the planning processes is not compromised. If the required funds can not be sourced from a virement then the passage of a new appropriation regulation is necessary. Supplementary appropriations must identify the source of funding of the unallocated funds or cancellation of part of an existing appropriation.

#### Reports on the Budget

The Reports on the budget provide accountability. Quarterly Progress Reports on the Budget provide an update on receipts and expenditure. The Final Report on the Budget provides the audited final budget execution, due on 30 September, the budget overview information, a receipts and expenditure report, and assets and liabilities information.

#### East Timor Combined Sources Budget

The purpose of the Combined Sources budget is to provide reasons for the provisions in the Appropriations and to provide an outline of the Government's medium term fiscal strategy;

The main sections of the Combided Sources Budget are:

- Overview of Economic Outlook and Fiscal Strategy
- Portfolio/Ministry Budget Statements, which provides detailed information on each agency and program

# BUDGET CYCLE

#### April/May Budget

- 1. Preparation of agency budgets
- 2. Budget Review Committee and Council of Ministers
- 3. National Parliament reviews the recommendations of the Council of Ministers
- 4. Appropriation
- 5 Agency spending/Treasury oversighting

### October/November Budget Review

- 6. Budget review agency budget proposals October/November
- 7. Budget review by the Council of Ministers
- 8. National Parliament reviews the Council of Ministers' recommendations
- 9. Supplementary appropriation

The Council of Ministers determines the timetable and rules for the development and delivery of the budget based on a submission from the Minister for Planning and Finance.

The budget cycle is based on a fiscal year of 1 July to 30 June. The annual budget decision-making process usually occurs in April/May each year and preparations for the Budget begin in January.

#### **BUDGET PRINCIPLES AND PROCESSES**

#### Principles

Integration of the Planning Process

Provides high degree of consultation and ensusres that Ministerial programs are in line with sectoral priorities.

Collection of information concerning:

- Consolidated Fund for East Timor (CFET). This is a recurrent budget and encompasses salary and wage appropriations, goods and services appropriations and minor capital appropriations, as well as direct CFET recurrent budget donor support;
- Trust Fund for East Timor (TFET), donor support and projects (main development budget);
- Bilateral donor support and projects:
- Multilateral donors support and projects;
- UN Assessed Contributions;
- Staffing profiles;
- Next Budget plus 3 years;
- Performance information.

#### Proposals should be considered together

This ensures whole of government expenditure is consistent with government priorities.

Costings must be agreed by the Ministry of Planning and Finance

This is to assure the Council of Ministers that costings are reasonable and appropriate.

#### Processes

### Budget Circular

Budget coverage and Key Deadlines are two main components of the Budget Circular. The Key Deadlines are:

- Budget Review Committee: March / April
- Budget Council of Ministers: April / May
- Donors' Conference: May / June
- Post Donor's Conference Budget Council of Ministers: May / June

# ROLES AND RESPONSIBILITIES

The Constitution of Timor-Leste provides that the Government is responsible for preparing and executing the budget. This is achieved through the Council of Ministers, which must approve actions by the Government that involve an increase or decrease public revenues or expenditures. The Constitution also ensures that National Parliament provides accountability through its role to review and deliberate on the Budget and execution reports. Finally, the Constitution empowers the President to provide final approval and promulgate the budget law.

# BUDGET PROCESS AND PRINCIPLES



# Accountability and Transparency in the Budgetary Process: Parliamentary Oversight of the Budget (1) Mr. Colin Eglin MP, South Africa

#### PARLIAMENTARY OVERSIGHT OF THE BUDGET

Parliamentary oversight of the Budget is an ongoing process. It should continue from the beginning of the fiscal year to its end, and from the day after one election to the day before the next. Indeed, oversight of the budget is one of Parliament's most important responsibilities.

There are two related elements to the oversight of the budget process.

#### The first is at the macro level

#### Checking on:

- The extent to which the Treasury is meeting its budget estimates of income and expenditure;
- How the Budget is affecting economic growth, inflation and employment targets;
- Whether the Treasury is handling its financial responsibilities effectively.

### The second is at the micro level

#### Checking on:

- How each of the Government departments is handling the funds allocated to them in the Budget;
- How efficient they are in managing their programmes;
- Are they meeting their delivery targets, for instance in education, health care and crime prevention.

# Reading, analysing and questioning the Budget

As I mentioned earlier there are certain documents relating to the Budget that carry out oversight functions, Members of Parliament must study and analyse. These are:

- *The Minister's Budget Speech*, which provides an overview of the financial results for the previous year, together with the main headings of proposed expenditure and the anticipated revenue from taxation and other sources;
- *The Budget Review*, which provides an overview of economic development and medium term budget projections;
- *Estimates of National Expenditure Survey*, which sets the spending plans of each of the national departments;
- Adjusted Estimates of National Expenditure, which update the above during the Budget process;
- Estimate of National Revenue, which estimates funds we received from taxes, duties and other revenues;
- *The Appropriation Bill*, which estimates proposed expenditure in legislative form;
- The Taxation Measures, which details each of the revenue from taxes for the year in legislative form.

To be able to monitor the Budget effectively it is essential that members of parliament have a detailed knowledge of and a sound understanding of the Budget and of the State Plan in so far as it relates to the Budget.

As not all Members can become experts on these budgetary fields I suggest that it would be advisable for Parliament to be served by two sets of Committees. The one, the Finance/Budget Committee is to concentrate on the Treasury and the Budget at macro level. The other a series of Committees each concentrating on the performance of each of the Government Departments/Ministries in relation to part of the budget allocated to them.

#### Tools and mechanisms including the National Audit

The National Audit plays a vital part in the monitoring of the Budget and its implementation.

While the National Audit may not delve into the effectiveness of Government Programmes for which funds have been provided, it will delve into and report on the general financial integrity of the administration, and where it is relevant on instances of irregular expenditure, corruption, mismanagement and wastefulness.

It is important that the Committee(s) dealing with the National Audit, whether this be at macro or at micro level go into the audit report thoroughly, calling the Ministers or Government officials to account and recommending to Parliament action that the Committee(s) deem appropriate.

In South Africa in some instances this has required that the official concerned with irregularities has been required to repay to the State monies spent in an irregular manner.

The overall monitoring process takes place at the plenary sessions of Parliament when there is scope for formal questions and debate.

It takes place in parliamentary Committees where in depth questioning and inter-action on detailed issues can take place.

It can even take place outside of Parliament where Members of Parliament by means of letters address to Ministers or statements in the media can solicit information or raise issues as they arise.

There can be no doubt that effective monitoring of the execution of the existing budget can have an important influence on the content of the next budget.

But more than this, because the Budget is an important political statement, effective probing, questioning and monitoring of the Budget can have a profound bearing on the political fortunes on both Government and Opposition.

#### Transparency, Accountability and Good Governance

Earlier I said that "the Budget is a critically important instrument in ensuring transparency, accountability and good governance". Not perfect perhaps, but nevertheless critically important.

*Transparency:* because in the important issue of "where the money goes" the tabulation of proposed expenditure is remarkably detailed. Expenditures proposals from salaries to personnel and on to programmes and transport and accommodation and equipment and rentals and interest are all out for the public to see.

During the process of the Budget formulation Parliamentary Committees have opportunities to illicit more information on the figures and the purposes of Budget items. In addition during the course of the Budget debate, which includes a separate debate on each Department's "Vote", Members of Parliament can probe and if necessary expose the Budget proposals still further.

*Accountability.* the Cabinet may not spend money or raise revenue unless it has come to Parliament and Parliament has approved Appropriation or Taxation Bills.

The Cabinet as a whole as individual Ministers are continuously accountable to Parliament and to Parliamentary Portfolio Committees for the overall management of their departments in terms of the approved Budget.

*Good governance:* the Budget provides a regulation and disciplining framework within which government departments must be managed and must perform their functions. Bureaucrats may not go beyond the financial and functional parameters set by approved Budget for each Department.

In South Africa should the Minister responsible deem it necessary to go beyond those parameters in a special instance, the Cabinet, through the Minister of Finance, would have to seek the authority of Parliament by way of an additional Appropriation Bill.

*The Budget work of the Government*. While the compilation of the Budget is the responsibility of the Government, it is the function of Parliament, acting in the interests of the people, to ensure that the Budget is executed in an efficient, honest and transparent way.

# Accountability and Transparency in the Budgetary Process: Parliamentary Oversight of the Budget (2) Mr. Colin Eglin

MP, South Africa

# ACCOUNTABILITY

In an earlier session I stated the Budgetary Process is a continuous one, operating from the beginning to the end of the fiscal year and from one election to the next.

# A. The annual cycle

In the annual cycle, the process has three distinct phases: the formulation of the Budget, the presentation, deliberation on and the approval of the Budget, and the implementation and the monitoring of the Budget.

As far as the role of Parliament in each of these phases is concerned, on the first the Constitution is silent, while on the second and third it is very specific.

# Section 95

- 3. It is also incumbent upon the National Parliament:
  - (d) To deliberate on the State Plan and Budget and the execution report thereof;
  - (e) To monitor the execution of the State budget;

### Section 145 (State Budget)

- 1. The State Budget shall be prepared by the Government and approved by the National Parliament.
- 2. The Budget law shall provide, based on efficiency and effectiveness, a breakdown of the revenues and expenditures of the State, as well as preclude the existence of secret appropriations and funds.
- 3. The execution of the Budget shall be monitored by the High Administrative, Tax and Audit Court and by the National Parliament.

### B. On the issue of accountability

#### Section 107 (Responsibility of the Government)

The Government shall be accountable to the President of the Republic and to the National Parliament for conducting and executing the domestic and foreign policy in accordance with the Constitution and the law.

#### Section 111 (Vote of no confidence)

The National Parliament may, following proposal by one-quarter of the Members in full exercise of their functions, pass a vote of no confidence on the Government with respect to the implementation of its programme or any relevant matter of national interest.

#### Section 101 (Attendance by Members of the Government)

- 2. Sittings shall be fixed at which members of the Government shall be present to answer questions from Members of Parliament in accordance with the Rules of Procedure.
- 3. The National Parliament or its Committees may request members of the Governments to take part in their proceedings.

# Section 115 (Competence of the Government)

. It is incumbent upon the Government:

(d) To prepare the State Plan and the State Budget and execute them following their approval by the National Parliament.

## TRANSPARENCY

It will be noted that the above sections deal explicitly with accountability and parliamentary oversight but not explicitly with transparency.

A considerable degree of transparency will be achieved because

- i) the Budget has to be presented to Parliament for deliberation and approval, because
- ii) Parliament is required to monitor the Budget's implementation, and
- iii) Ministers are required to answer questions in Parliament.

However, the level of transparency will be raised by the skill and incisiveness of Members of Parliament in their deliberations and questioning, by the coverage that parliamentary proceedings get by the media and the extent to which MPs and political parties carry the parliamentary message to the people.

A final word on transparency: in South Africa we have found that the fact that the South African Constitution requires that proceedings of parliamentary committees should be open to the public, including the media (unless it is reasonable and justifiable to exclude them in an open and democratic society) is valuable in ensuring transparency.

In view of the fact that much of Parliament's input into the budget process takes place in Committees it may be worth considering that a similar provision is included in your Parliament's rules.

#### Members of Parliament and Accountability

Earlier in my presentation I outlined the constitutional provisions relating to accountability.

The Constitution provides the framework and the authority for accountability, but in the end it is the Members of Parliament who must provide the substance.

The level of accountability will depend largely on the determination of Members of Parliament to hold government ministers to account.

This can be done by probing, questioning, monitoring and by constantly insisting that the Government plays "open cards" with Parliament and the public.

Ensuring accountability places a heavy responsibility on Members of Parliament and especially on the MPs from the majority party that may form the Government.

They will often be faced with a dilemma – a tension between their loyalty to their political party and their constitutional responsibility to the people of East Timor. I trust that your Members of Parliament will not let the people down.

# Accountability and Transparency in the Budgetary Process: Parliamentary Oversight of the Budget

Mr. Rogério Duarte Pacheco MP, Portugal

# 1. INTRODUCTION

- Involvement of various agents in the process;
- Technical and political accountability of the Government;
- Transparency and media coverage.

### 2. ANALYSING AND QUESTIONING THE BUDGET

- Analysis by the different Committees;
- Analysis by the Finance Committee;
- Need to evaluate the realism in macro-economic terms of the scenario put forward;
- Compare results forecast with assumptions;
- Conduct hearings of various bodies and members of the Government;
- Ability to propose amendments.

### 3. PARLIAMENTARY TOOLS

- Existence of the Committee on Control of Budgetary Implementation;
- Presentation of periodic reports for the Government;
- Eminent figures and members of the Government and Assembly may be summoned to provide clarifications;
- Parliament may propose public bodies for audit and oversight;
- Parliament assesses two reports from the Audit Office;
- The Committee and the Assembly plenary assess the State's accounts.

# 4. THE AUDIT OFFICE

- Is independent vis-à-vis Government and Parliament;
- May audit State bodies at its own initiative;
- May conduct audits at the request of Government or Parliament;
- Analyses the State's accounts.

# 5. CONCLUSION

- Political accountability vs. technical accountability;
- Need to consolidate the role of the Committee on Control of Budgetary Implementation;
- Need to reinforce the powers of the Audit Office.

# Taking into Account National Priorities in the National Budget:

The National Budget and the Poverty Reduction Goals of the Government in the context of the Millenium Development Goals Mr. Colin Eglin MP, South Africa

### THE REDUCTION OF POVERTY – ONE OF ITS GREATEST CHALLENGES

The Reduction of Poverty is one of the greatest challenges facing newly established states in the developing world.

As long as pervasive poverty exists many of the citizens of these states will not be able to enjoy the rights and freedoms to which they are entitled by their new democratic constitutions.

I assume that East Timor is no exception to this great socio-economic challenge.

Africa is certainly no exception. Nor is South Africa with its mixes of wealth and poverty, of development and backwardness.

The critically important factor about poverty reduction as opposed to poverty alleviation is that it must be based on sustainable development. It must for its success set in motion a process of economic and human development.

The leaders of Africa, the world's poorest continent, have decided to accept the challenge of lifting the continent and its people out of the malaise of poverty.

They have formulated and committed themselves to the new Partnership for Africa Development (NEPAD).

"This New Partnership for Africa's Development is a pledge by African leaders, based on a common vision and a firm and shared conviction, that they have a pressing duty to eradicate poverty and to place their countries, both individually and collectively, on a path of sustainable growth and development".

The African Leaders have come to the conclusion that:

- peace and security,
- democracy, good governance and human rights,
- sound economic management,

are preconditions for sustainable development.

I suggest that these preconditions apply in East Timor as they do to countries in distant Africa.

The task of ensuring the success of sustainable development and with it the reduction of poverty is not the responsibility of any one sector of society acting on its own. It is the task of the whole society – of government, of the business sector, of the labour unions, of the community organizations, of the individual citizens <u>and</u> of Parliament.

# PARLIAMENT AND THE POVERTY REDUCTION STRATEGY PROCESS

Parliament as the voice of the people and as a key element in the structure of democracy has an especially important role to play.

I refer to a paper recently presented to a Southern African Parliamentary Forum at a conference in Mauritius. (Reference to PRSP – Poverty Reduction Strategy Process).

### The Five Phases of the PRS

- 1. Poverty diagnosis and analysis
- 2. Poverty policy priority decisions
- 3. Budget cycle process with PRS changes
- 4. Policy implementation and service delivery
- 5. Monitoring and evaluation of outcomes/impacts

A glance at the five phases will indicate where the role of Parliament is starting to emerge.

### Why should Parliaments be involved?

- Given parliament's representative and oversight function, parliaments should and must be involved in the
   PRS process
- Parliaments and MPs involvement strengthens ownership of PRS and gives voice to the concerns of the poor, helps to also develop political will/cross party support for strategies
- Meaningful country ownership requires that representative institutions be involved in PRS design
- Provides an institutionalized mechanism for participation uses existing institutions rather than new ones
- Helps to strengthen role of governance institutions in the process

### PRSP provides natural entry points for Parliament

- Parliament should represent interests of the people
- Parliament has a role in approving budget and in monitoring expenditure and programmes
- PRSP will require budget approvals and PRSP process in line with policy process
- Emphasis on results and monitoring means added emphasis on oversight of executive to ensure PRSP achieving stated outcomes
- Links with constituency and civil society provide opportunities for MPs and Parliament (principally through committees) to oversee implementation
- PRSP may also require legislative changes

#### Summary – why Parliaments?

- PRSPs emphasize country ownership, participation and monitoring of results, all supported by financial and legislative mechanisms
- If PRSPs are to be successful, Parliament must play a major role in shaping PRSPs and overseeing the process, to:
  - guarantee wide public participation;
  - achieve good analysis/diagnosis of poverty;
  - assure best priorities chosen for people;
  - help set honest, effective budget;
  - monitor implementation to get results.

#### **Challenges to Parliament**

- To use their oversight responsibilities to influence the budget allocations to contribute to pro-poor outcomes
- Exercise legislative leverage to see that the needs of the poor are heard and met
- Insist on serious follow-up on PRSP commitments by Executive
- Oversee the PRSP leads to enhanced service delivery
- Ensure that PRSP is a process and not an event.

#### Building capacity to support Parliamentary involvement

- World Bank and IMF realize the need to ensure greater parliamentary involvement to ensure sustain mechanisms for participation and oversight
- Parliamentary capacity (Members, staff, institutional resources) often limits/inhibits Parliament's involvement
- WBI supporting efforts to raise awareness within and outside the Bank
- PRSP Trust Fund to support capacity development of Executive, Parliament, Civil Society
- Development of 'Parliament, Governance and Poverty Reduction' learning materials and MPs Handbook

#### Conclusion

- PRSP provides a framework for countries to direct and coordinate donor support
- Parliament must be involved if PRSP is to have meaningful country ownership, participation is to be institutionalised
- PRSP process creates obvious "entry points" for Parliaments to become and remain involved and builds on Parliament constitutional role(s)
- It is up to Parliament to determine how it will become involved
- WBI, UNDP, bilateral donors can and are providing support to sustain Parliaments' involvement in PRS Process

#### Some examples of Parliament's increasing involvement in PRSP

#### Country A:

Presentation and discussion of results of regional workshops with Parliament

Country B:

PRSP presented to both houses of Parliament for ratification prior to submission to World Bank and IMF *Country C:* 

Presentation and discussion of the PRSP in Parliament shortly prior to submission *Country D:* 

- Representatives from Upper House were members of the working committee monitoring PRSP process
- Debates of poverty in Parliament
- Parliamentary approval of PRSP

Countries E and F:

PRSPs highlight Parliament's role in consultation from the early stages through to development

# Country G:

PRSP Progress Report notes that despite limited institutional capacity, Parliament is committed to overseeing the PRSP implantation

Country H:

PRSP ad hoc committee/links to CSOs established

Country I:

PRSP Field visits by Economic and Social Affairs committees to assess level of participation in design *Country J:* 

Budget/Finance Committee Hearings and Interaction with civil society

Poverty reduction linked to the achievement of the Millennium Development Goals requires the attainment of two interrelated socio economic objectives.

# ACHIEVING THE MILLENNIUM DEVELOPMENT GOALS

The one objective is the attainment of an increased economic growth rate (NEPAD puts this at 7 per cent per annum) and the harnessing of this expanding economy to achieve the enhanced human development including that set out in the Millennium Development Goals.

These goals are:

- 1. Eradicate extreme poverty and hunger;
- 2. Achieve universal primary education;
- 3. Promote gender equality and empower women;
- 4. Reduce child mortality;
- 5. Ensure environmental sustainability;

The State Plan and the Budget taken together must be structured in a manner that is designed to achieve the objectives of the Poverty Reduction Strategy and the Millennium Development Goals.

The key function of Parliament in relation to the State Plan and the Budget is to ensure that they do achieve the Poverty Reduction and The Millennium Development Goals.

The key function of Parliament is carried out in two phases:

- 1. Influencing the State Plan and the Budget at the time of their formulation. This can be done through Committees or Plenary Sessions or through general political persuasion on key issues;
- 2. Monitoring their execution and holding the Executive to account. This must be done constantly throughout the year as mentioned in previous presentations.

But the above function requires that Members of Parliament have more than a vague general knowledge of Poverty Reduction and Millennium Goals.

They must be able to evaluate, whether in formulation or execution that very specific goals are being met.

This requires study, questioning, analysis and a persistent focus on issues, until the Government simply has to take notice.

Members of Parliament because they were elected by the people to represent the people, and because they are dependent on people for their re-election are in a position to speak up for the people on what are essentially people related issues.

In countries where there is not an effective parliamentary system, where Members of Parliament do not speak up for the people, Governments tend to move in an elitist direction, whether elitism is measured in economic or political terms.

Poverty Reduction and Millennium Goals are better people orientated concepts.

Parliament has a responsibility to ensure that, especially in developing countries Governments in the broadest sense design and implement people orientated policies.

# Towards a Gender Responsive East-Timorese Budget

Ms Maria Domingas Fernandes Alves Advisor, Cabinet for the Promotion of Equality, Cabinet of the Prime Minister

#### INTRODUCTION

- The National Budget is more than a technical instrument demonstrating income and expenditure. Each year, it is the most significant policy statement made by our government.
- The National Budget clearly reflects and demonstrates a government's policy priorities it is the basis through which the nation's resources are mobilized and redistributed, based on the government's socioeconomic development strategy. In many ways, the national budget reflects the values of a country.
- Perhaps the most significant point that I wish to make about the budget is that it is the most important economic policy instrument of the government, and as such it can be a powerful tool in transforming a country to meet the development needs of all its citizens equitably.

#### 1. Budgets are usually "gender blind"

We need to ask if the budget process is "gender blind" – does the budget assume that the needs of men and women are always the same? As in most societies, women are in an unequal position in Timor-Leste's society. This is likely to be reflected in the budget. Because of women's limited economic and political power, responses to the needs of women and girls are likely to be poorly represented in the budget.

Government budgets are usually considered to affect everyone more or less equally. Budgets are popularly assumed to be "gender-neutral"; that the impact of the budget on all the public, men and women, is assumed to be the same. On closer examination, we learn that the impact of budgets is rarely the same for women & men, girls & boys.

If we do not have separate data for men and women, girls and boys, how can we know if the effects of policies and budget expenditure benefits men and women equally? Sex disaggregated data is always required to show how men's and women's needs and men's and women's access to resources are very often different. Sex disaggregated data is essential to demonstrate how economic policies, for example:

- expenditure on education;
- employment policies;
- taxation policies;

affect men and women differently because of their different positions within the family and within the economy. To provide some examples:

- Education Policies Who attends third-level education? What is the gender balance?
- Employment Policies Who gets the jobs? What percentage of women is employed in the public sector? What percentage of women is employed at senior level in the public sector?
- Do taxation policies treat men and women as equals?

Until we understand the need for, and insist on, sex-disaggregated data it is difficult to see how government policies and government budgets impact differently on men and women and we can remain under the illusion that budgets are "gender neutral".

# 2. Gender budgets

I would like to talk about the concept of a gender budget. A gender budget does not mean a separate budget for men or for women. Gender budgets refer to a variety of tools that can facilitate an assessment and help us to understand how government budgets impact differently on men and on women.

Gender budgets are an important means of ensuring that gender is mainstreamed (that gender is integrated) into all national policies, plans and programs because gender budgets measure if, and how, this integration is reflected in the allocation of public expenditure. Policies to promote gender equality are obviously of little value if they are not reflected in budget allocations. In addition, as we prepare for Timor-Leste reaching greater economic self-sufficiency in a few years time, we must ensure that gender policy is clearly at the core part of the government's permanent budget line, and is not left to be covered by unstable, temporary measures related to overseas economic assistance.

Gender Budget Assessment/Gender Budget Analysis usually involves 4 steps:

# Step 1: To develop a good understanding of the situation of men and women, girls and boys in the sector under review

As I mentioned earlier, sex-disaggregated data is essential to a good understanding. If, for example, in an assessment of Education policy, we wish to examine the school completion rates of children, good quality sex-disaggregated data is required.

#### Step 2: Analysis of sector policy

Does the sector policy correctly address the situation in the sector under review? To refer to the previous example, does the Education sector policy respond effectively to the inequality between girls and boys in completing their education?

# Step 3: If the policy is considered adequate, have sufficient financial and other resources been allocated to implement the policy?

To return to our example, if there is a policy to increase public awareness of the importance to national development of all children, and particularly of girls completing their education, have sufficient funds been allocated for an effective campaign?

#### Step 4: How have resources been utilized?

In the simplest cases, this will involve asking how many men/boys and how many women/girls have benefited from a particular expenditure and at what cost. To take our example again, how many more girls and how many more boys are completing their education as a result of the public education campaign? What was the cost? The answer will provide assessments in terms of distribution and equality as well as efficiency.

In short, a gender budget is initially a monitoring and auditing exercise. It supports the democratic goal of greater accountability and transparency. It also provides information to facilitate better decision-making as to how policies need to be adjusted or changed and where resources need to be allocated.

Gender budget analysis is usually seen as incorporating three aspects or categories of government expenditure:

- (a) Gender-Specific Expenditures: Expenditures specifically targeted at women or men in the community to meet their needs;
- (b) Expenditures that Promote Gender Equality in Employment Policy within the Public Service;
- (c) General or mainstream government expenditures available to both women and men. This is the most significant category. In other contexts, each of the previous two categories accounted for less than 1% of total budget expenditure. If mainstream government expenditures are not addressing gender budget analysis, the analysis will, essentially, only deal with peripheral issues.

#### 3. Two pillars of gender budget

The actual work of a gender budget rests on two pillars. As I have already outlined, the first pillar is the analysis of the effectiveness of government policies insofar as they succeed in serving the different needs and interests of women and men.

The other pillar of the work of a gender budget is policy initiatives. When this year's budget is analyzed, policy initiatives need to be taken, based on that analysis, to incorporate the necessary allocations in next year's budget. Organised civil society has an important advocacy role in raising public awareness and lobbying parliament and government so that these initiatives are included in the coming years budget. This is clearly not a once-off exercise – it is a dynamic process to be repeated and refined each year.

#### 4. Gender budgets in practice

The most comprehensive application of the concept of the gender budget has been in South Africa. It started a short time after the Post – Apartheid Regime took office under the social climate of building a democratic society. The initiative began from womens'organisations in 1995 and, within two years, a parallel government exercise began, led by the Ministry of Finance. Within three years, three volumes were produced that analyzed the budget allocations of all of the sectors from a gender perspective. Studies of gender issues are now included within the reports from the various sectors which are presented on Budget Day and issues of gender and other inequalities form part of the Minister of Finance's budget speeches.

A number of other countries, particularly in Southern Africa, have embarked on their own gender budget exercises. I provide these examples to show that gender budgeting is possible. There can be no doubt that undertaking the work of a gender budget is an enormous task. However, there are a number of strategies that can be employed to make the work of a gender budget more manageable.

In South Africa, they started in a small way, tackling six sectors of expenditure in the first year. There was a decision to choose social sectors generally acknowledged as obviously significant for gender. (In addition, they selected a number of less obvious sectors in order to illustrate how gender is present in all areas of society.)

I am also aware that the government of Timor-Leste has limited resources and faces needs that appear to be unlimited. This is the classic problem of budgets, and advocates of gender budgets recognize that resources are not infinite. The most important point is that gender budgets do not argue for "more" resources, they argue for reallocation of resources so that limited resources can be used more effectively and more justly.

## CONCLUSION: TOWARDS A GENDER SENSITIVE BUDGET IN EAST TIMOR

At the beginning of this short talk, I indicated that the government budget is the most important economic policy instrument at the government's disposal – a powerful tool in transforming the country to meet the needs of all our citizens equitably.

As you are all well aware, the Government of Timor-Leste has a strong political commitment to promoting gender equality. The National Development Plan places gender equality and gender mainstreaming as a core strategy for development, particularly for the key objectives of poverty reduction and equitable economic growth. However, as I emphasized earlier, to develop policies which are not supported by budget allocations is of no value to the people of Timor-Leste. This is why, in order to move towards a gender-sensitive budget for Timor-Leste, we need to design a model for gender budget analysis which is appropriate and implementable in our context.

I have given you a basic outline of the provisions of a gender budget, which I believe will be an essential mechanism to ensure promotion of gender equality. I have not entered into much technical detail – I do not claim to be an economist.

In developing a gender budget model which is appropriate for Timor-Leste, we are fortunate to have the support of Kiyoko Furusawa, from whose writing on gender budgets most of my comments today have been drawn. Kiyoko is known to many of you as a long-term activist in support of Timor-Leste; she is also an expert who has written extensively on gender budgets.

Kiyoko, together with Professor Yasuko Muramatsu, will facilitate a two – day seminar during the last week in August on designing a gender budget analysis process which is appropriate to our national context. Participants will include Ministry of Finance officials and Budget Focal Points from each of the sectors. Because of your important role in approving the budget, it will also be important to have committed parliamentarians present. As it will be critical for the democratic and equitable development of our new nation, I hope that many of you will show an interest in learning more about this process. <sup>®</sup> Inter-Parliamentary Union 2003

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