

# **THE AFRICAN PARLIAMENTARY INDEX (API) 2012**



**SUMMARY COUNTRY REPORT  
NATIONAL ASSEMBLY OF SENEGAL**

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## **ACRONYMS AND ABBREVIATIONS**

<b>API</b>	African Parliamentary Index
<b>APSP</b>	Africa Parliamentary Strengthening Program
<b>ACDI</b>	Canadian International Development Agency
<b>WAEMU</b>	West Africa Economic and Monetary Union
<b>CSO</b>	Civil Society Organizations
<b>ACBF</b>	Africa Capacity building Foundation
<b>UNDP</b>	United Nations Development Program
<b>PRECAREF</b>	Project for financial responsibility and transparency capacity building
<b>APNAC</b>	African Parliamentarians Network Against Corruption
<b>CONGAD</b>	Non-Government Organizations Council for Development
<b>COLUPAS</b>	National Collective of the Civil Society against poverty in Senegal

## SUMMARY

The self-evaluation exercise of the African Parliamentary index for Senegal was conducted during a workshop jointly organized by the Parliamentary Centre and the National Assembly of Senegal, on June 5 and 6, 2012, at Sally Portugal.

This meeting brought together some MPs, parliamentary staff, representatives of the Parliamentary Centre and an Independent Assessor. Representatives of Civil Society Organisations were included in the validation process.

The value of the 2012 African Parliamentary Index for Senegal is 70.18%. This index is a synthesis of the indicators of the major parliamentary functions, which are: representation, legislative, financial, and oversight functions, Institutional Capacity of the National Assembly, Transparency and integrity.

The Oversight Function whose weighted average capacity was estimated at 577.83 made the highest contribution to the overall Index.

The Financial Function, with a weighted average capacity of 447.05, made the second highest contribution to the API. Indicators such as “periodic review of the budget”, “the Organic Law on the Finance Acts” and “the Budget office” received high scores.

The Representation Function ranks third, with a weighted average capacity of 288.4 points. Indicators like the lack of mechanism to promote people’s understanding of parliament’s work and the fact the permanent committees’ works are not open to the media negatively affected the weighted average.

The weighted average capacity of Legislative Function was 152. The legal mandate is anchored in the law for the implementation and oversight of the budget and the Finance Act and the legislature has the authority to amend the finance act. However, the restrictions of the power to amend render its concrete implementation virtually impossible.

The weighted average capacity rating for Institutional Capacity is 138.75. Under this capacity/functional area, the material, financial and human resources sections had low scores. Lack of logistics, including working space, and the absence of a Constituency Development Fund are the reasons for the low performance of this area. Besides, recruitment process is not transparent, which leads to unequal access to employment opportunities.

Transparency and Integrity function had the lowest weighted average capacity rating, with 88. Parliament has corruption control systems and a code of conduct regulating the behaviour of parliamentarians; however there is no mechanism to detect and prevent corrupt practices among both staff and MPs. In addition the MPs are not required to declare their assets, neither by a law nor by regulation.

On the basis of the score assigned to each of the core functional domains, the MPs and Civil Society Representatives made some recommendations aimed at enhancing the capacity of the National Assembly and at improving its role in the budget process.

Finally, it was strongly recommended that a platform should be established to monitor the formulated recommendations on both sides, through the formalization of the partnership between Civil Society and the Parliament.

# **CHAPTER ONE: INTRODUCTION**

## **1.1 Background**

The Senegalese parliament receives support from the Africa Parliamentary Strengthening Program for budget oversight (APSP), a five-year capacity building program covering seven partner parliaments of the following countries: Benin, Kenya, Senegal, Tanzania, Uganda, Tanzania, and Ghana.

The objective of the APSP is to build the capacities of partner parliaments, for them to achieve their Legislative, Financial, Oversight and Representative functions so as to promote good governance, accountability, transparency as well as the participation of citizens, especially in the budget process.

This APSP is supported by the Canadian International Development Agency, (CIDA) through the Parliamentary Centre, a non-partisan and non-profit institution, supporting parliaments worldwide. The Parliamentary centre supports parliaments in the assessment of their performance, capacity building, analysis of key issues, and the promotion of mutual learning.

Within the framework of the implementation of the APSP program of activities, the Parliamentary Centre supports the elaboration of the African Parliamentary Index (API), whose objective is to measure the commitment level as well as the performance of the select seven African parliaments in the context of budget oversight.

The value of the 2010 African parliamentary Index (API) for Senegal is 71.41. This report aims at appreciating the progress made since that assessment.

## **1.2 The Legislature in Senegal**

Like most of the French speaking African countries, Senegal is a presidential multiparty republic, in which the president holds the office of Head of State, holds the executive power, with an administrative, legislative and judicial system highly inspired from the former colonial government.



The country has a long experience of multi-party system, and has enjoyed political stability since its independence with the organization of transparent and democratic elections at regular intervals, which enabled a transition of power twice, in 2000 and 2012.

In that bicameral parliament we have a national assembly and a senate. The national assembly is the lower house in the parliament of Senegal. It was established by law No.60.44 of August 20, 1960. This house holds the legislative power and votes laws. It is also in charge of overseeing the government activities and the MPs are the legitimate representatives of the people.

The national assembly was made up of 80 MPs at independence. This number increased to 100 in 1978; 120 in 1983; 140 in 1998; and 150 in 2007.

The MPs are elected by direct universal suffrage for Five years. It is a one ballot first-past-the-post system at the department level to a maximum of 90 MPs and proportional for the national list to a maximum of 60 MPs. The legislative election is distinct from the presidential one.

The Senate is the upper house of the parliament. It was instituted in January 1999 for the first time, and was cancelled in 2001 for economic reasons. It was re-instituted in 2007. The Senate has 100 seats, 35 are indirectly elected by members of the National Assembly, local, municipal and regional councils as well as the Superior Council of Senegalese Abroad, 65 members are appointed by the President; members serve 5-year terms.

Parliament plays a key role in the democratic process. Its main missions are:

- Represent the people locally and internationally
- Legislate and vote Acts, including the passing of the finance Act
- Control the Executive's action, policies, institutions and staff

## **1.3 The Budget Process in the Senate**

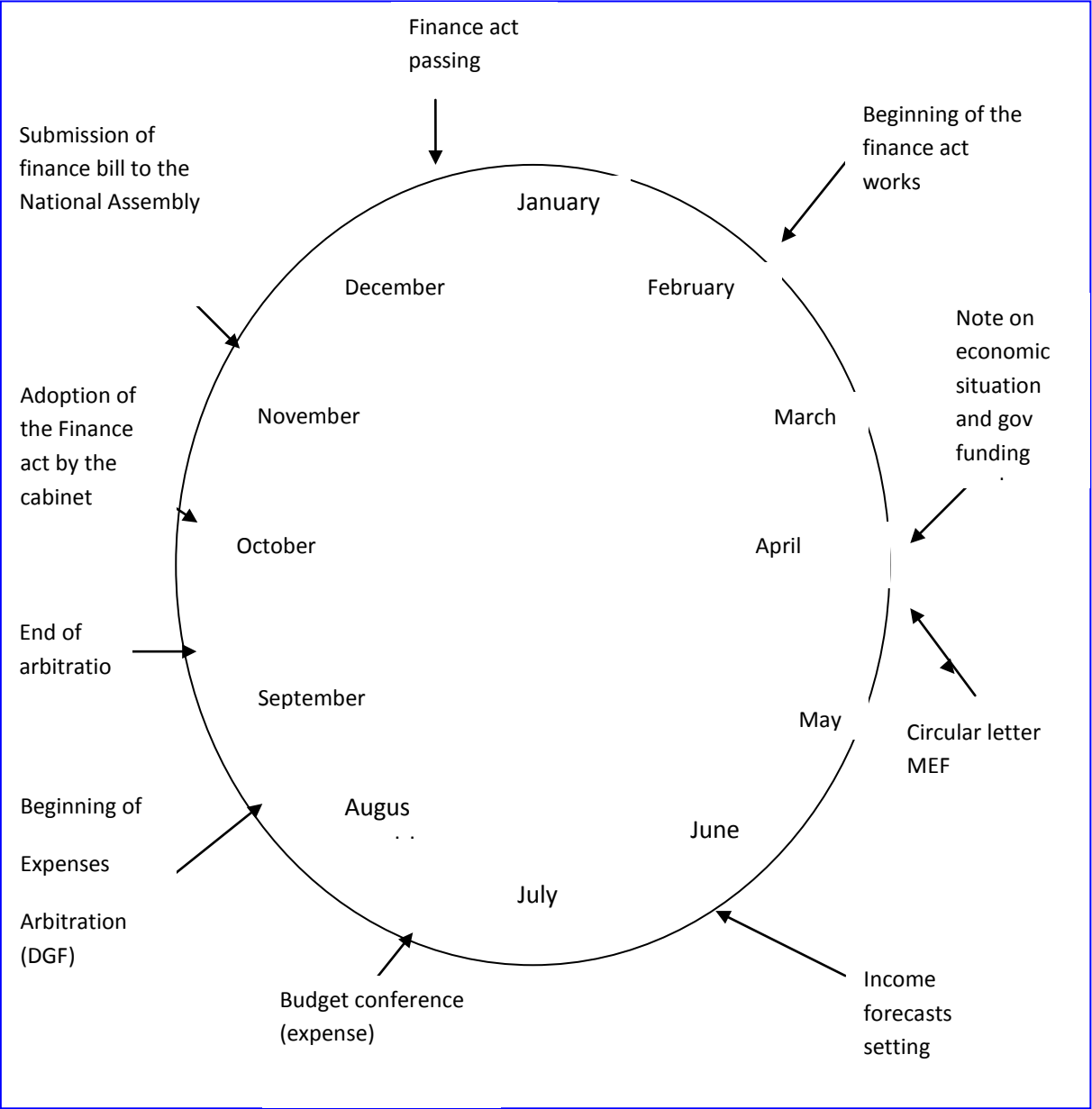
### **1.3.1 The finance act preparation procedure**

Budget management in Senegal covers the period going from January 1st to December 31st. The budget preparation starts in February and hinges on the central and decentralized

departments of the government. The finance act preparation, led by the Director of Budget, is executed based on the schedule below.

The Budget elaboration schedule under the constitutional provisions is established to allow the review of the Finance Bill by the government as needed, and enables the Finance Act to be adopted before the Budget implementation starts. The diagram below illustrates the Budget schedule in Senegal.

**Figure 1: The Budget Schedule of Senegal**



### **1.3.2 Role of the parliament in the Budget process**

Parliament oversees government's actions all along the budget process, that is the budget preparation, the budget review and voting, the budget oversight and monitoring and the Budget Execution Law adoption.

#### ***Control made during budget preparation***

Every year the budget is authorized by the Finance Act of the year; it goes through a legally-based procedure. Parliament exercises control over the national budget during the budget orientation debate, the N-2 budget regulation, and during the analysis of documents supporting the finance bill.

The law of May 10, 1999 mandates a budget orientation debate whose objective is to involve the representatives of the people and the local authorities in the national budget process, through a genuine and profound dialogue with the executive bodies, about the major budget orientations and the political choices it reflects. This mechanism of indirect participation of the citizens in the choices that determine their immediate future is an opportunity for the Executive to capture their concerns, and re-orientate the finances to take them into account.

This debate is conducted within the Committee of General Economy, Finances, Planning and Economic Cooperation of the two houses.

#### ***Control exerted during the budget review and voting***

The Finance Bill is submitted to the parliament early October (Article 68 of the constitution amended on July 31, 2009/LC No.30-2007). Parliament has 60 days to vote the Finance Bill. If it is not voted within the 60-day deadline, it is implemented by ruling, based on amendments voted by the national assembly and accepted by the head of state.

The West Africa Economic and Monetary Union (WAEMU) directive on the finance act subjects the voting of the initial Finance act to the review of the budget execution bill for N-2 budget management. This simultaneous review of both completed budget management and a new one is important for the appreciation of the new measures proposed by the government.

#### ***Control during the national budget execution***

Parliament conducts its control mission on the government acts along the budget execution period. It exercises its function using the control instruments it has and ensures public funds are well used. Parliament can exercise its constitutionally mandated control on every aspect of budget execution.

The exercise of this power during the budget execution period is not detrimental to the control it conducts after its execution during the review of the Budget Execution Bill.

In fact, when dictated by acts of political, economic, social or cultural natures or even topical issues falling under these various areas, parliament can exercise any of its constitutional prerogatives listed below:

- The hearing of the prime minister or other government officials
- The amendment right actionable provided the budgetary balance is respected
- The right to ask written or oral questions to the prime minister or other members of the government. The latter should answer, and there is a possibility to hold debates without voting
- Creation of investigation committees
- The filing of a motion of no confidence that can lead to the resignation of the government

Apart from the listed investigation and control instruments, the parliament has a control instrument that is specific to the budget execution. In fact the Clause 3 of Article 34 of the Parliament's rules of procedures stipulates that: "a temporary mission for the evaluation and control of the budget execution can be established within the Public accounts committee". During the execution period, some special reporters will be in charge of the execution monitoring in one or more ministries, with strong investigative powers. They will do it on site and on the actual evidence and report their findings to the Public Accounts Committee.

### ***Control after budget execution***

Control by parliament on the executed budget is exercised during the review and voting of the Budget Execution Bill. This control is on the results of the general budget, the special accounts, as well as the profits and loss resulting from the cash operations management.

It also involves the budget authorization management, to adjust the used funds with the forecasts. In discharging this mission parliament is assisted by the Court of Auditors.

## **CHAPTER TWO: OBJECTIVE OF THE API AND METHODOLOGY**

### **2.1 Goal and Objective of the API**

The African Parliamentary Index (API) is a set of indicators that measure the engagement of select African Parliaments in the budget process in their respective countries.

The African Parliamentary Index aims at presenting a simplified and standard evaluation system, for the Parliaments performance in Africa, especially the parliament of the seven countries involved in the APSP project. The API provides a simplified system to evaluate the different parliaments in the APSP, according to the key objectives of the program

The specific objectives of the API are:

- To assess partner Parliaments against international best practice for budget oversight
- To Present a standard and simplified system for assessing the performance of selected Parliaments on budget oversight
- To identify priorities and entry points for strengthening partner Parliaments

### **2.2 Scope of the evaluation and assessed skills**

The self-evaluation instrument covers the following six core areas:

1. Representation
2. Legislation
3. Finances
4. Oversight
5. Institutional Capacity and
6. Transparency and integrity

The questions call upon the participants to rate certain indicators with scores ranging from zero (0) to six (6) and provide evidences/reasons and, where appropriate, recommendations.

Specific indicators have been identified for every functional area of budget oversight

❖ **Representation function:** Seven indicators have been selected for this function:

- Access and openness of the budget legislative process to citizens and Improvement of citizens' knowledge and comprehension about the role of the MPs in the budgetary process
- Access of citizens and media to the parliament
- Non-partisan relationship with the media
- Established mechanism to make people understand the work of parliament
- Rapidity in the release of information related to the budget
- Relationship between the parliament, citizens, media and the CSO

❖ **Legislative Function:** Four indicators have been selected:

- Legislative powers of the parliament ;
- Time available for parliament to review budgets
- Number and types of revisions and amendments authorized by the law.
- Existence of committees

❖ **Financial Function:** Three indicators have been selected

- Budget review and hearing ;
- Existence of an organic law, the finance act and the budget office;
- Possibility of periodical budget correction or existence of a rectified finance act.

❖ **Oversight Function:** The following indicators have been selected:

- Existence and use of parliament oversight mechanisms
- Extent to which Parliament asserts itself
- The existence of investigation committees

❖ **Institutional capacity of the parliament:** The following indicators have been selected:

- Parliament's degree of independence
- Capacity of the parliament
- Structures ;
- Existence of a Public Accounts Committee (PAC) .

❖ **Transparency and integrity:** The following indicators have been selected:

- Code of conduct for Parliament
- Disclosures/asset declaration
- Mechanisms for anti-corruption activities by members

## **2.3 API approach and methodology in Senegal**

### **2.3.1 Organization of an API evaluation workshop in Senegal**

The workshop for the elaboration of the API (Round II) organized by the Parliamentary Centre was held on 5-6 June 2012 at Sally Portugal. This meeting brought together MPs, parliamentary staff, representatives of Civil Society Organizations, representatives of the Parliamentary Centre and an assessor (see Appendix).

This workshop was held in a context of a power transition, after the victory of President Macky SALL, a candidate of the opposition parties' coalition, as well as an electoral campaign for legislative elections planned to take place on July, 1<sup>st</sup> 2012. It was then not a favourable period to mobilize the parliamentarians of the 11<sup>th</sup> legislature.

The first day, the participants were 24: 17 MPs, 4 parliamentary staff, 3 staff from the Parliamentary Centre, and the Independent Assessor. Fifteen (15) of the MPs were from the ruling-party, and two from the opposition. Eleven (11) members of the Civil Society Organizations were represented during the validation. In terms of Gender, Nineteen (19) men and Nine (9) women took part in the assessment exercise.

The Independent Assessor made a presentation explaining the objective of the exercise and the approaches and methods to be taken to achieve the goal.

### **2.3.2 Self- Assessment Work Groups**

The adopted methodology consisted in dividing the participants into three groups.

- The first group worked on the Representation, Institutional Capacity, and Transparency and Integrity functions.



- The second group on the Financial and Legislative functions
- The third group on the Oversight function

The exercises were conducted with the assistance of the assessor and the representatives of the Parliamentary Centre. Every group selected a chairperson and a rapporteur. The MPs assigned scores to the indicators of every function, according to the following scale.

0 = Not applicable            1 = not quite conform            2 = not conform  
 3 = is not a bit conform    4 = a bit conform            5 = is conform  
 6 = is fully conform

The participants gave justification and arguments to the scores assigned to each indicator. The justifications provided are used by the assessor for further analysis. Zero is assigned in case a question is not applicable. It is not considered in the averaging.

The participants made some recommendations to improve every indicator. The results of every group was presented and validated in plenary session.

### **2.3.3 Assessment workshop by the representatives of Civil Society Organizations**

The representatives of CSOs met on June 6, 2012 to review the self-assessment of the performance of the National Assembly of Senegal.

The participants came from major Civil Society Organizations such as the Civil Forum, CONGAD and the COLUPAS.

Among the civil society representatives, were some experts in economy, teachers, lawyers, development actors, and others.

The eleven participants (11), made of seven (7) men and four (4) women, were divided into three groups in order to review the findings of parliament and provide their own perspectives.

Broadly, the observations made were about:

- The overall weighted average score of the National Assembly of Senegal seems high ( 70.18) considering the way the parliament is viewed by the citizens
- The absence of indicators on government procurement code
- Question the objectivity and the in-depth work made by the MPs

Eventually, the Representatives of the Civil Society Organizations think that:

- The API self-assessment exercise is a participatory process and should be encouraged
- The methodological approach is relevant
- The objectives are reached with a quality participation as well as fruitful debates
- A monitoring mechanism be put in place for the implementation of the recommendations
- Need to formalize the partnership between civil society and the Parliament.

### **2.3.4 Difficulties encountered in the Process**

Some of the constraints observed during the first round of the process are:

1. Some concepts in the French version of the questionnaire do not match with the local context. That difficulty was partly resolved by the use of the equivalences proposed during the 2010 self-evaluation.
2. The self-assessment was conducted by the National Assembly and not the Parliament which would have included the Senate.
3. The term “appropriation law” was translated as “loi sur les appropriations” which is not accurate in French and was replaced by “loi de finances”
4. The term “financial function” was translated as “fonction financiere” which is not accurate in the context and was replaced by “fonction de vote de la loi de finances”
5. The term “oversight function” was replaced by “fonction de surveillance”
6. The term “Periodic Review of the Budget” was replaced by “ Examen du Budget” or “ Loi de finances rectificative”
7. The term “Budget Office” was translated as “Office du Budget”. The national Assembly in Senegal does not have an “office du budget”. In addition the MPs considered that the concept is not applicable to their context. However there is a “committee of finances” in charge of the budget examination.
8. The term “Public Accounts Committee” (PAC) was translated as “Comité des comptes publics”; the National Assembly in Senegal does not have a body in charge of only public accounts. This term was translated by “commission des finances” (finance committee). But in fact some of the powers of the “Public Accounts Committee” are vested in the Court of the Auditors, or it is an external independent institution that assists the head of

state and the parliament in auditing national accounts and voting the Budget Execution Bill.

9. According to the methodology, the representatives of Civil Society Organizations should not take part to the self-evaluation made by the MPs. These representatives regretted the fact that they could not have enough time to evaluate the questionnaire. Despite this they expressed their views about the scores assigned by the Members of the National Assembly and the final result.
10. The group exercise and the plenary of the Assembly representatives took more time than planned
11. The priority matrix set during the first round of the API was maintained to enable comparison from year to the other.

## **CHAPTER THREE: ANALYSIS AND PRESENTATION OF THE RESULTS**

### **3.1. Presentation of the API index**

The value of the African Parliamentary Index in Senegal for the year 2012 is 70.18. This index results from the self-evaluation made by the MPs in the following areas: Representation Function, Legislative Function, Financial Function, Oversight Function, Institutional Capacity of the National Assembly, and Transparency and Integrity.

Out of the 61 capacity elements related to the parliamentary functions, 10 are not applicable to the national assembly of Senegal. These are:

- The legislature has some mechanisms in place to promote the citizens' understanding of the parliament's work.
- The legislature has an efficient, well documented process for citizens' participation in the budget process.
- The legislature has a Budget office established by the law to support parliament in conducting in-depth review of the budget bill.
- The Parliamentary Budget Office has skilled personnel and is well-equipped to support effectively and efficiently parliament with informed analyses.
- The Budget Office has authority to request from the government, public institutions, the private sector, information and documents at any given time (power to subpoena).
- The Executive is compelled by law to implement recommendations from the Public Accounts and Budget Committee and this is observed.
- The Court/House of Auditors is an agency of the parliament.
- The MPs have funds for the development of their constituencies, which are managed efficiently.
- There are efficient and effective mechanisms to detect and avoid corrupt practices, among MPs and parliamentary staff, and to bring to justice anybody who is involved in these actions.
- There are laws in force that ensure that MPs declare their wealth, and commercial interests and they abide by them.
- The table below presents the results of the self-evaluation by the MPs and according to their domains.

**Table 1: Estimates of the African Parliamentary Index Capacities**

Areas	Indicators	Average
Representation	Accessibility	4.20
Legal Function	Legal Mandate	4.00
Financial Function	Budget correction and hearings	3.14
	Organic law on finance act and budget office	4.50
	Periodic budget correction	6.00
Oversight function	Oversight committee	4.43
	PAC	3.44
	Audit	4.20
Institutional capacities	Financial and material resources	3.33
	Human resources	2.50
Transparency and integrity	Transparency and integrity	6.00

The representatives of Civil Society Organizations expressed the view that the index (70.18) seems high as regards the way the citizens see the parliament. They highlighted the non-adoption of the indicator: “**Court of Auditors**” is an agency of parliament as well as the lack of indicators related to the fact the parliament does not respect the government procurement code, in the “transparency and integrity” function.

### 3.2 The representation function

The first criterion of a democratic parliament is that it should represent the people. Parliament represents all the citizens, socially and politically, and strives to ensure equal opportunity to all citizens of the nation.

In addition, a democratic parliament must reflect the social diversity of the population, in terms of gender, language, religion, ethnic group and other politically important characteristics.

Parliament’s representative function was obtained a weighted average capacity rating of 288.4. However, the lack of mechanism to promote information for the population to

understand the parliamentary work, and the fact the permanent committees' works are not open to the public and the media affected the overall score under this functional area.

More specifically the scores assigned by the parliamentarians to the indicators under the representation function are as follows:

***The legislature is open to citizens and the media***

An open parliament is first a parliament whose deliberations are open to the population. In this context, the media play a highly important role in exposing the work of parliament to the generality of the citizenry. Through investigations carried out by the media, abuses by public officials are exposed and in some instances obviated.

In Senegal, the legislature is open to the people and the media. This situation informed the decision by the MPs to award a score of 5.

The access by the public to the legislature is provided for in the National Assembly Rules of Procedures in Article 62 that stipulates that: "the National Assembly sessions are public, however, the Conference of speakers can propose the Assembly to deliberate in camera, when requested by the President, by the Representative of the Executive or under a Parliamentary Group. In that case the proposal is shown to the participants. If the assembly does not give its consent to the request, then galleries of Parliament are open to the public. The decision about the deliberations behind closed doors can also be presented during the session."

Article 54, Paragraph 2 of the National Assembly Rules of Procedures stipulates that: "some seats are dedicated to the parliamentary press and the persons who hold special cards issued by the speaker of the National Assembly. Access is free, in the parts allowed to the public".

Nonetheless the Civil Society Organization representatives deemed the score too high, because the committees' works are not open to the public.

***The legislature has some non-partisan relationship with "La Maison de la presse" (the House of the Press)***

The assessors assigned a score of 6 to this indicator because members of the press are accepted without discrimination or partisan affiliation. Article 90 of the Rules of Procedure describes communication in parliament. This Article stipulates that the National Assembly,

through its communication department, participates in the production of a parliamentary magazine edited by the TV, radio and other public service media, at least twice (2) a week during the budgetary session. During the other sessions, a parliamentary magazine or reports are produced by the same media, in collaboration with the Communication Department.

Under paragraph 5 of the same Article, the broadcast of parliamentary debates is based on a balanced processing of the information, according to the professional code of ethics applicable to journalists.

***The legislature has a mechanism to promote public understanding of the work of the legislature***

This question is not applicable to the National Assembly of Senegal. That is why the score zero was assigned. According to the MPs parliament does not have any mechanism to promote public understanding of its works. In fact, there is no specific strategy that the parliament of Senegal has developed to get citizens informed about parliament's works and to make them interested in and/or participate in the process. Civil society organizations approved the score assigned by the parliamentarians

***The legislature provides the public with the right information on the budget***

The participants assigned the score one (1) because in their opinion the legislature does not provide the public with the right information about the budget. The public only has information related to their concerns.

The parliament has a documentation centre but the public and the other institutions do not know about it.

***The legislature encourages citizens to understand and know the role of the MPs in the budgetary procedure***

A score of 4 was assigned to that question, and the main argument is that plenary sessions are open to the public and the media. The plenary session enables the public and the representatives of the media to participate in debates between parliamentarians and the representatives of the Executive, about the budget. In addition, the plenary sessions allow the public and the representatives of the media to have direct contact with the MPs.

The on-site information and control missions conducted by the parliamentarians enable the national representatives to know the current projects implementation level and call upon the government to find the right solutions timely for the interest of the beneficiaries.

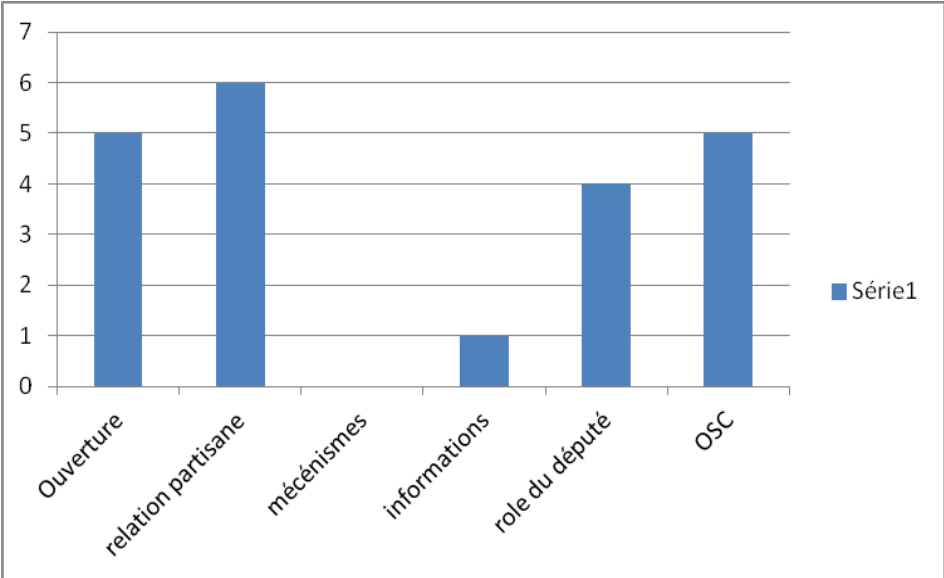
The representatives of Civil Society Organizations deemed the score too high, because the Committees' works are not open to the public. The citizens are not informed about the works of these sessions.

***The legislature encourages strong relationships between the Parliament, Civil Society Organizations and other related institutions***

In Senegal the Constitution provides for the relationships between the Parliament and the Executive. The provisions are contained in Title VII of the constitution. The existence of these provisions accounted for the MPs' decision to assign the score 5 to that question.

However, there are no provisions on the relationship between parliament and Civil Society Organizations. According to the CSOs the score assigned by the MPs is very high. The graphic below shows the main indicators of the representation function.

**Figure 2: Indicators under the Representation Function**





### 3.3 The Legislative Function

Despite the fact parliament's legal mandate on budget oversight is strongly anchored in the law, the legislative function had a weighted average capacity rating of 152. Though the legislature has the authority to amend the Finance Act, the stringent conditions it has to abide by make it virtually impossible to amend it.

The average score for legal mandate is 4 and the weighted average capacity rating is distributed among the following indicators:

**By assigning the score 6, the MPs consider that the *legal mandate is strongly anchored in the law regarding budget making and control as well as the Finance Act.***

According to the MPs the budget oversight and control is exercised in conformity with the law. Article 68 of the constitution stipulates that: "parliament votes the finance bills, under the conditions provided by an Organic Act. The finance bill of the year, including the budget, is tabled to the National Assembly, no later than the opening day of the unique ordinary session".

However, the representatives of CSOs found the score too high, and pointed to the fact the question needs to be clarified for better understanding.

#### ***The Legislature has the authority to amend the Finance Act***

This indicator was scored 3 points. However, the score was vigorously debated, because some MPs were of the view that the power of the legislature to amend the Finance Act is very restricted. If we refer to the provisions of Article 82, paragraph 2, of the Constitution, the Act stipulates that "no additional article or amendment to a finance bill may be proposed by the Parliament, except in cases where they tend to eliminate or reduce expenditure, create or increase a receipt.

Likewise, the rules of procedure provide in Article 60, paragraph 6 states that "proposals and amendments formulated by MPs are not admissible when their enactment would result in a reduction of public resources or the creation or increase of a public expenditure, unless such proposals or amendments are accompanied by proposals of compensating incomes".

#### ***There are enough opportunities for the public to contribute in the legislative process***

The Parliamentarians assigned a score of 4 points although they did not give details on the opportunities for the public to contribute to the budget process.

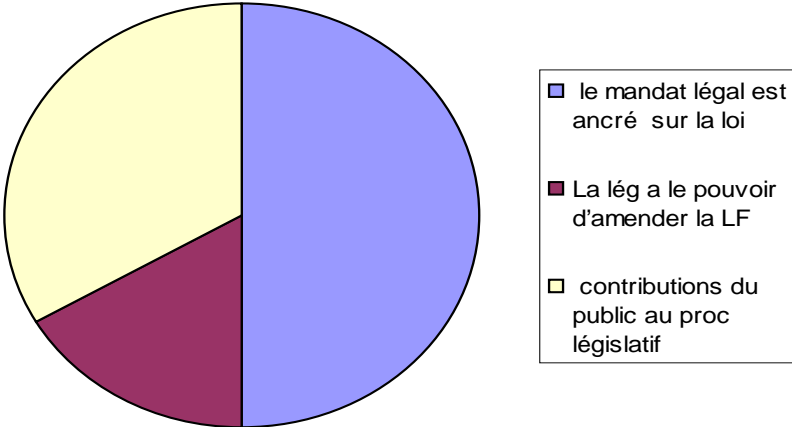
***There are sufficient mechanisms to follow up on passed laws***

According to the MPs, who gave a score of 5 to this question, there are mechanisms to follow the laws enacted but these mechanisms do not function. In Article 26 of the Rules of procedure, "the Delegations Committees make some deliberations on cases referred to it by the National Assembly, within the limits of the delegation given in accordance with Article 65 of the Constitution. It is also responsible for evaluating and monitoring the implementation of passed laws. "

The representatives of Civil Society Organizations asked for a better explanation of these mechanisms to assess their adequacy.

The figure below shows the distribution of the capacity elements in the Legislative Function.

**Figure 3: Distribution of capacity elements in the legislative function**



**3.4 The Financial Function**

The financial function recorded a weighted average capacity rating of 447.05 and contributed significantly to the determination of the Index. It is mainly determined by the Periodic

Review of the Budget with an average score of 6, the Organic Law on Finance Acts and the Budget Office with an average score of 4.5. However, the "Budget Review and Hearings" got 3.14, and it slightly affected the total average. This relatively modest score is due, according to the MPs, to the fact that there is a Public Accounts Committee but the conditions allowing the MPs to adjust the budget or make hearings are very difficult.

### **3.4.1 The budget review and hearing**

#### ***The legislature has sufficient time to review the budget***

The MPs assigned a score of 3; according to the assessors, the Legislature does not have enough time to examine the budget. The time available for the legislature to examine the Finance Act is 60 days (Article 68 of the National Assembly Rules of Procedure).

Under Article 68, the period is divided as follows: 10 days for the Examination, 35 days for review and 15 days for the Senate. This period is considered insufficient since the procedure is carried out according to the following three steps: Technical Committee for advice, Public Accounts Committee for the content and plenary for adoption and voting.

#### ***The legislature has a Finance/budget Committee whose role is to thoroughly review the budget***

The Parliamentarians assigned the maximum score of 6 because they consider that the General economy, Financial, Plan and Cooperation Committee is vested with the task of reviewing the budget at the end of Article 24 of the rule of procedures.

This article states that at the beginning of each legislature and at the first regular session of the year and after the setting of the final office, the National Assembly establishes eleven (11) permanent Committees including the PAC whose areas of expertise concern the National Budget, loans and credits, internal and external financial activities, financial control of the State Enterprises, State Property, internal and external Trade, Consumption, Economic Planning and Cooperation.

#### ***The Finance/budget Committee and sectional committees hold public hearings to receive the concerns of the public and the Executive***

The MPs assigned this indicator a score of 1 because the hearings held during the budget review only concern the Executive and are only open to the public in the plenary.

*The legislature has an efficient and well documented process for citizens' participation in the budget process*

The direct participation of citizens in the budget procedure can take various forms. The MPs may invite citizens to express their opinions or to submit testimonies before a legislative committee. There is also the organization of public hearings to record the views of stakeholders on the laws in preparation.

This process is not yet implemented systematically by the Senegalese parliament. However some MPs in their constituencies hold consultations with citizens to gather their opinions. Considering this question is not applicable to the Senegalese Parliament, the participants in the self-assessment assigned a score of 0.

*The legislature has the authority to amend the budget proposed by the Executive including proposals of expenditures and revenues*

Proposals and amendments introduced by the MPs are not admissible where their adoption would result in a reduction of public resources or the creation or increase in a public expenditure, unless such proposals or amendments are accompanied by proposals of compensating incomes” (Article 82 of the Constitution).

For this restriction, which makes it virtually impossible to amend the budget, the MPs agreed on a score of 2..

*The legislature has the authority to reject the draft budget for review by the Executive*

Legally, nothing prevents a finance bill to be rejected. But in practice this has never happened.

*The Legislature may make amendments to increase revenues and expenses*

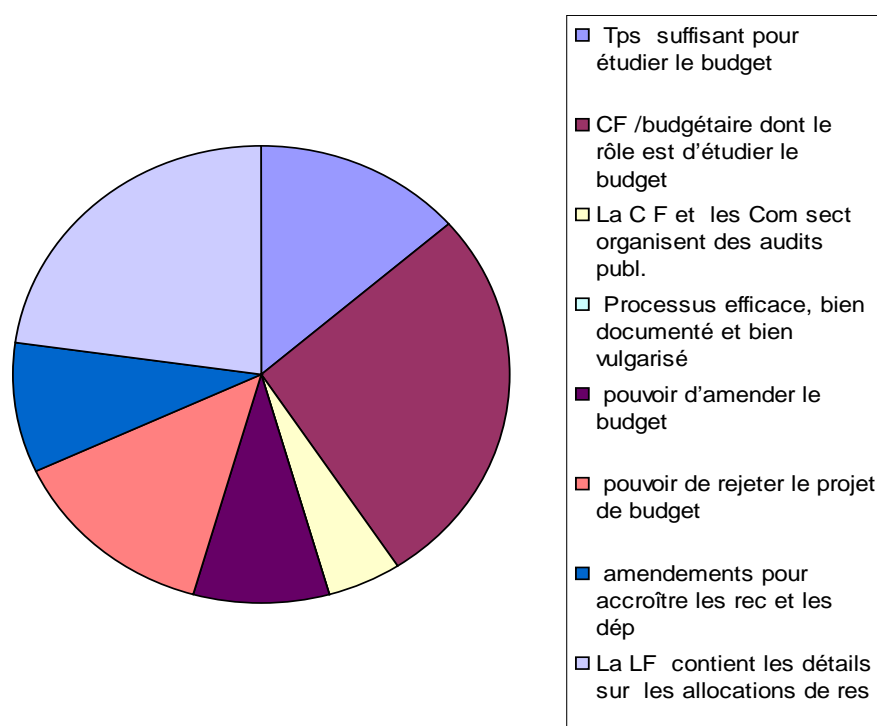
The only existing provisions subject this power to restrictive conditions that it is impossible to implement it.

*The Finance Act passed by the Legislature has details of all resource allocations to ministries, departments and public institutions*

Generally, the Finance bill contains detailed allocations to most of the ministries, departments and public institutions except the autonomous institutions. These include the National Assembly, the Senate and the Economic and Social Council.

The graph below shows scores for the indicators under the “budget review and hearing” of the finance function.

**Figure 4: Rating of Indicators under Budget Review and Hearings**



### 3.4.2 Organic law on finance acts and Budget Office

*There is an organic law on finance acts that clearly defines the role of the legislature in the budget process*

The National Assembly passes Finance Bills under the conditions laid down by an Organic Law. The Organic Law on Finance Acts has been in existence since 1975. It was amended for

the first time in 2001, and it has just undergone a complete revision as part of the transposition of the WAEMU directives.

The new Directive No. 06/2009/CM/WAEMU of June 26<sup>th</sup> 2009 on Financial Acts introduced innovations by strengthening the information of the Parliament and its control over the Finance Acts execution. The rationale behind this innovation is to improve transparency by improving control by Parliament and the Court of Auditors

Indeed, this organic law provides several improvements to enhance the parliamentarians' information, their involvement in the Finance Acts: formulation, execution, and monitoring. For that, there is the mandatory holding of annual budget orientation debate no later than the end of the first half and the transmission of periodic budget execution statements to the Public Accounts Committee.

By assigning a score of 6, the MPs considered that this question is perfectly applicable to the Senegalese Parliament.

***The legislature has a Budget Office created by the law to support the parliament for an in-depth study of the draft budget***

The legislature has no budget office that supports the Parliament in the review of the project. This question is not applicable to the National Assembly of Senegal; the MPs assigned a score of 0.

However, Article 50 of the Rules of Procedure provides that the National Assembly can recruit parliamentary assistants to support the MPs. Their mission is to provide technical expertise (providing documentation, information and necessary support) to all committees in need, as well as parliamentarians who want it for their works. A General Instruction of the Office set forth the conditions for their recruitment and work and the concerned fields.

In this context, the Senegalese parliament has the support of parliamentary assistants recruited by partner-funded projects (EU, ACBF, UNDP etc.). The European Union gave the parliament two permanent assistants, ACBF through the Project for Financial Accountability Capacity Building and Transparency (PRECAREF) has provided eleven Parliamentary assistants to the Public Accounts Committee since 2006 for all the period of the budget session.

*The Budget Office of the parliament has competent staff and is equipped to efficiently and effectively support the Parliament with documented analysis*

In the absence of a budget office, the preceding question does not apply.

*The Budget Office has the authority to require from the government, public institutions and private sector information and documents at any time (subpoena power).*

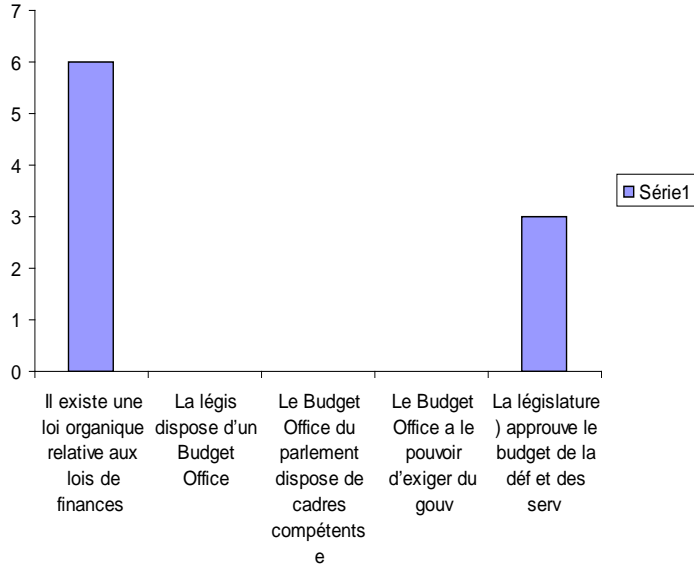
Not applicable.

*The legislature (or the relevant Committee) approves the budget of the defence and intelligence services, and they are given the details of the forecasts and figures*

A score of 3 was assigned to this indicator. The MPs approve the budget for the defence and intelligence services, but some information is not disclosed to them for national security reasons.

The ratings of the indicators under the "Organic Law on Finance Acts" capacity/functional area of the financial function are presented in the graph below.

**Figure 5: Ratings of Indicators under Organic Law on Finance Acts**



**3.4.3 Periodic review of the budget**

We should note the remarkable progress in this area in Senegal; all the questions related to the budget review were the maximum score of 6.

***The budget being executed is revised periodically by the Executive***

The budget is revised once or twice per year. The organic law on finance acts provides in Article 52 that over the year, a supplementary finance bill must be submitted by the Government: I) if the big components of the financial or budget balance defined by the Finance Act of the year are disrupted, especially by the introduction of advance decrees or credit cancelling orders ii) if we notice that the revenues substantially exceed the forecasts of the Finance Act of the year iii) if there are introduction of legislative or regulatory measures affecting substantially the implementation of the budget.

***All financial review acts are submitted to the legislature for approval***

The financial review acts are passed by the legislature under the terms provided by an organic law (Article 68, paragraph 1)

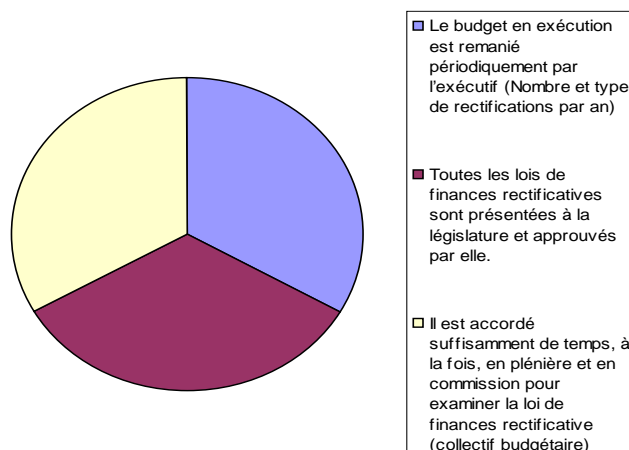
*Enough time is given, both in plenary and in committee to examine the financial review act (budgetary collective)*

**The supplementary Finance Act** is passed under the same conditions as the passing of the initial finance law. Contrary to the vote of the Finance Act, the MPs find that there is enough time for the voting of the adjustment Finance Act.

Scores assigned to the indicators of under the “Periodic Budget Review” is shown in the figure below.

**Figure 6: Rating of Indicators under Periodic Budget Review**





### 3.5 The oversight function

The oversight function, which obtained the largest weighted average capacity rating of 577.83, influenced the API positively. However, the score was nevertheless slightly affected by the fact that the Court of Auditors is not an agency of the National Assembly. Therefore that question was graded 0 by the MPs under the “Audit” column.

#### 3.5.1 Oversight Committee

*The oversight function of the legislature is ensured by all relevant committees and the other special committees*

A score of 5 was assigned to this indicator. Broadly, this function is performed through the creation of investigation committees, the organization of oversight visits, examination of bills, and oral questions to the government, and many others.

The investigations Committees are established to collect evidence on specific facts and submit their findings to the National Assembly. The investigation committees are ad hoc committees. Their mission is closed by the filing of the report and no later than a six-month deadline, from the time the resolution that created them was adopted.

The National Assembly can decide after hearing the report and discussion through special voting, to publish all or part of the report of an investigation committee. The investigation

committees' deliberations are held in camera. The fact-finding and study missions provide information to enable the Assembly to exercise its oversight over government policy. For that, they may entrust one or many members on fact-finding or study missions.

The fact-finding mission relates to a given subject and aims to provide MPs with accurate information to help them exercise effective oversight over the activities of the executive. These fact-finding or study missions may be common to several committees. Their implementation modalities are defined in the General Instruction by the Office of the National Assembly.

The MPs may also call upon the representatives of the executive body through verbal questions on topics of interest to the legislature. Verbal questions are then listed under the role of oral questions and must not contain any personal aspect directly aimed at given individuals.

However, the participants of the self-evaluation found that the oversight function of the legislature is not carried out with the same level of performance by various permanent committees of the parliament.

***The oversight committees of the legislature have strong investigation powers on budgetary issues***

According to the participants in the self-assessment exercise, the Committees have the authority of investigation, possibilities for creating ad hoc committees of investigation and information on the budget execution acts, reference to the Court of Auditors. Unfortunately, the committees do not have appropriate means to fully exercise this activity. A score of 5 points was assigned to this question.

***The parliamentary oversight committees sufficiently exercise their oversight role on the spending of state companies***

This oversight is not sufficiently guaranteed even if the committees exist in some boards of directors of state companies.

***Oversight committees have sufficient mechanisms to obtain information from the executive during investigations***

The MPs assigned a score of 5 considering that the committees have appropriate mechanisms to obtain information from the executive during investigations (questions to the government, budgetary debates, Law passing procedures, etc.)

*The oversight committees are provided with sufficient legal powers to request and receive updated reports of actions taken by the Executive on recommendation of the committees and parliament*

The Constitution and Rules of Procedure of the National Assembly confer appropriate powers to the oversight commissions. The maximum score of 6 points was assigned.

*The oversight committees are provided with sufficient resources to carry out their activities*

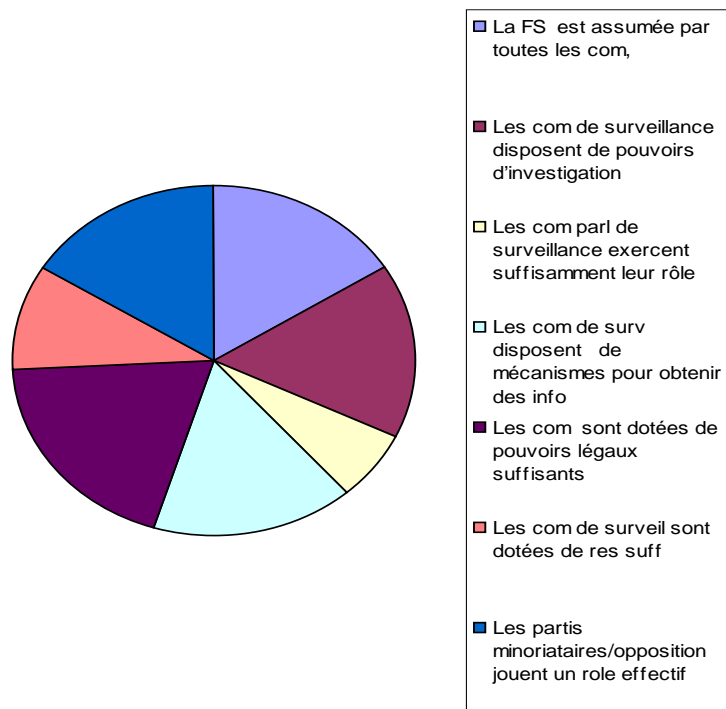
Efforts have been made, but the means are insufficient. A score of 3 was assigned to this indicator.

*Minority/opposition parties play an effective role in the oversight committees*

Minority parties play an effective role in the oversight committees and a score of 5 was assigned.

Figure 7 presents the ratings of the indicators of the oversight committee:

**Figure 7: Ratings for Indicators under the Oversight Committee**



### 3.5.2 The Public Accounts and Budget Committee

*The legislature has a Public Accounts and Budget Committee with the skills to discuss National spending*

At the end of Article 24 of the Rules of Procedure of the National Assembly, the Committee on General Economy, Finance Planning and Economic Cooperation has the following duties:

State Budget, **currency and** loans, internal and external financial activities, Financial control of State Enterprises, **the State** Property, Exchanges, Domestic and Foreign Trade, Consumption, Plan, Economic Cooperation. Participants assigned the maximum score of 6.

*The public accounts and Budget Committee is chaired by a member who does not belong to the ruling party*

However, the General economy, finance, Plan, economic cooperation Committees, which occupy a strategic position in the legislature and in the budget process, is chaired by a member of the ruling party.

*The Public Accounts and Budget Committee is vested with the power to invite witnesses and documents*

Within the framework of parliamentary work, the Public Accounts and Budget Committee ensures the good implementation of the Finance Act. For that, the Government transfers quarterly information to the Parliament on budget execution reports. These reports are made available to the public.

The Public Accounts Committee may also listen to any person it deems advisable to consult. If it is a government official, the opinion of the Ministry in which he works is obtained. If the invitation of the official is rejected, the speaker of the National Assembly may refer the matter to the President of the Republic.

The MPs can questions Government officials on topical issues to and the latter are required to answer. These questions and answers do not include voting. A score 5 was assigned to this indicator.

***The law requires that the public accounts and Budget Committee should hold public sessions***

Under Article 62 of the Rules of Procedure, the sessions of the National Assembly are public. However, the Conference of Speakers may propose the Assembly to deliberate behind closed doors. This could also happen when the request is made by the President or by the representative of the Executive, or upon the proposal from a parliamentary group. In either case, it submits its proposal to the Assembly and if the Assembly agrees, the meeting is held behind closed doors. Otherwise, the sessions are open to the public.

However, the participants of the self-evaluation consider that this question is not applicable to the Senegalese parliament. In their opinion, the law requires the Public Accounts and Budget Committee to hold its meetings in public.

***The Public Accounts and Budget Committee reviews all reports of the Court of Auditors / Chamber of Audit in due time***

The Court of Auditors assists the Parliament in overseeing the implementation of the Finance Act. Parliament may request the Court of Auditor to conduct all investigations it requires to be better informed about a specific issue. However, the Public Accounts Committee does not systematically use all reports submitted by the Court of Auditors. A score of 3 was assigned to this indicator.

***The Public Accounts Committee can initiate independent investigations into any matter of public interest***

The Public Accounts Committee is authorized by law to initiate independent investigations. Article 34, paragraph 4, provides the possibility to create within the Committee on General Economics, Finance, Planning and Economic Cooperation, an ad hoc mission of evaluation and control of the budget execution. A score of 4 was assigned to this indicator.

***The executive is bound by law to implement the recommendations of the Public Accounts Committee but this is not strictly enforced***

This question is not applicable to the Parliament of Senegal. The Executive is bound by no law to implement the recommendations of the Public Accounts Committee.

***Adequate mechanisms exist for the PAC to track the implementation of its recommendations and this can be accessed and verified and is open to the public***

Yes, there are follow-up mechanisms through the plenary sessions or the different interpellations. A score of 2 was assigned to this indicator.

***The Public Accountants Committee is adequately resourced to undertake its activities***

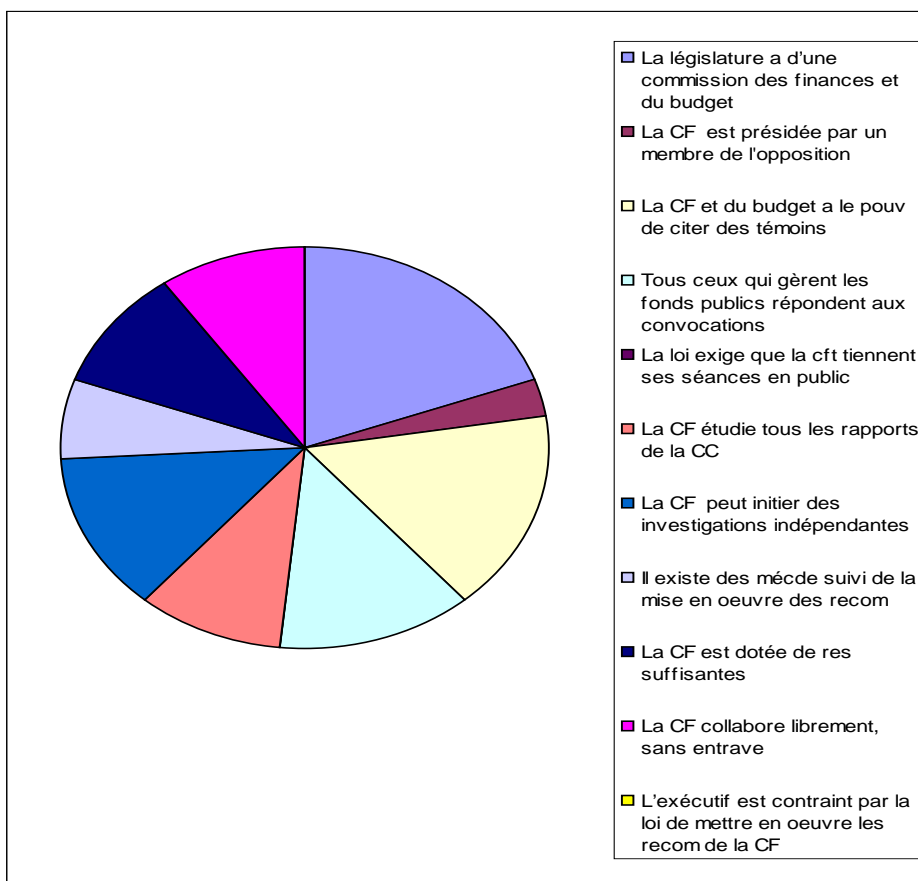
The Public Accountants Committee is inadequately resourced and this does not enable it to efficiently perform its activities. The Members of Parliament are deeply concerned about the cumbersome procedures in the mobilization of its resources. The indicator was scored 3.

***The Public Accounts Committee collaborates freely with other anti-corruption institutions without let or hindrance***

The PAC has undertaken several initiatives of collaboration with various anti-corruption institutions, including the APNAC. 3 scores

The diagram below shows the indicators of the Public Accounts Committee.

**Figure 8: Ratings for Indicators under Public Accounts Committee**



### 3.5.3 Audit

#### *The Auditor General is an officer of Parliament*

The Court of Auditors is an institution of the judicial power whereas the National Assembly is an institution of the legislative power. By virtue of the principle of separation of powers, the Auditor-General could not be an officer of the Parliament. Thus, this question is not applicable to the Senegalese Parliament.

#### *All reports of the Auditor General are submitted to the Parliament*

The Court of Auditors is not bound by law to regularly submit all its reports to the Parliament. However, the Court of Auditors presents two annual reports to Parliament. These include particularly the public general report and the report on the law of payment and general declaration of conformity. This document is also annexed to the bill of payment. It should be noted that Senegal is up to date in the submission of Auditor General's reports to parliament. Unfortunately, these documents are not systematically made use of by the Parliament. A score of 3 was assigned to the indicator.

***Parliament receives regular and timely reports from the Court of Auditors***

The Parliament receives the annual reports of the Court of Auditors. 5 scores

***The reports of the Court of Auditors are deemed public immediately they are issued by the Auditor General***

The annual reports of the Court of Auditors are deemed public immediately they are issued by the Auditor General but special reports are not opened to the public. 4 scores

***The legislature can request the Court of Auditors to conduct special audits on its behalf***

The Court of Auditors assists the Parliament in controlling the execution of the finance laws. It can conduct any enquiry which could be requested by the Parliament during the examination or the vote of the draft Bill of Payment in accordance with Article 26 of the Court of Auditors Act No. 99-70 of February 17<sup>th</sup>, 1999. A score of 5 was assigned to this indicator.

***The Court of Auditors has adequate resources and legal authority to freely conduct audits without let or hindrance***

The Court of Auditors has a legal power to conduct audits. Article 92 of the Constitution stipulates that the Court of Auditors verifies the accounts of public accountants. It checks the regularity of revenues and expenses and makes sure that the public funds, the assets and securities managed by the State services or other public legal entities are properly used. It checks the accounts and controls the management of the state-owned enterprises and semi-public companies. It identifies and audits the de facto managements. It takes disciplinary action against the mismanagement of state agencies, local authorities and any organizations under its control.

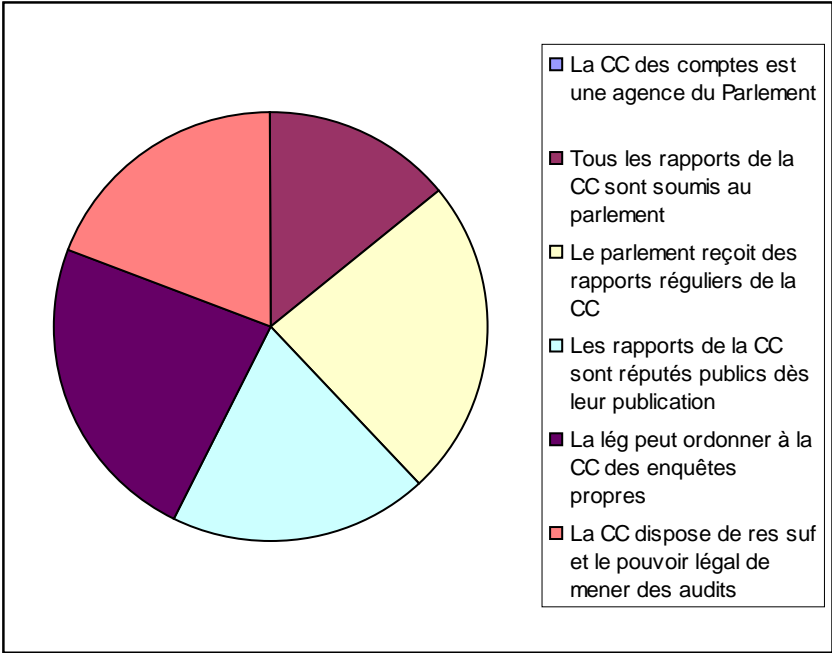
The Court of Auditors is legally authorized to claim any documents relating to the management of the services or organizations under its control.

However, the Court of Auditors does not have adequate resources to implement its audit and control missions. It gets support from the partners to carry out its audit missions in public institutions outside Dakar. This indicator was scored 4.

The figure below shows the ratings of indicators under the Audit function of Oversight functional/capacity area.



**Figure 9: Indicator Ratings under the Audit Capacity/Functional Area**



**3.6 Institutional Capacity of the Parliament**

The institutional capacity obtained a weighted average capacity rating of 138.75. This weighted average is accounted for by the poor performance of Material and Financial Resource and Human Resource indicators. The argument put forward by the MPs was that neither the MPs nor the personnel have adequate logistics, including office spaces. Moreover the MPs are not provided with funds to develop their constituencies. It should also be noted that the personnel is not recruited according to the standards of transparency (competitive entry examination), hence a certain inequality as regards equal employment opportunities. This has a negative influence on the score awarded to the human resource section.

**3.6.1 Material and financial Resources**

*Parliament is financially independent; it prepares its annual budget and the Executive cannot vary it*

Parliament is financially independent and prepares its own budget. Paragraph 2, Article 17 of the Rules of Procedures specifies that the Bureau determines, by a Financial Regulation, the terms of preparation, elaboration, and execution of the budget of the National Assembly. The Legislature enjoys a financial autonomy.

But in practice this autonomy is purely formal since the Executive can vary the budget of the Parliament. This indicator was scored 3.

*The Parliament has adequate logistics including office space to enable it perform its functions*

The MPs have got logistics and office space to perform their functions. But these are often narrow office spaces (an office for two MPs) which sometimes create troubles. Moreover, the administrative staff are not provided with adequate logistics to do their work well and this has repercussions on the work of the Members of Parliament. This indicator was assigned a score of 3.

*The MPs have a constituency development fund that is effectively managed*

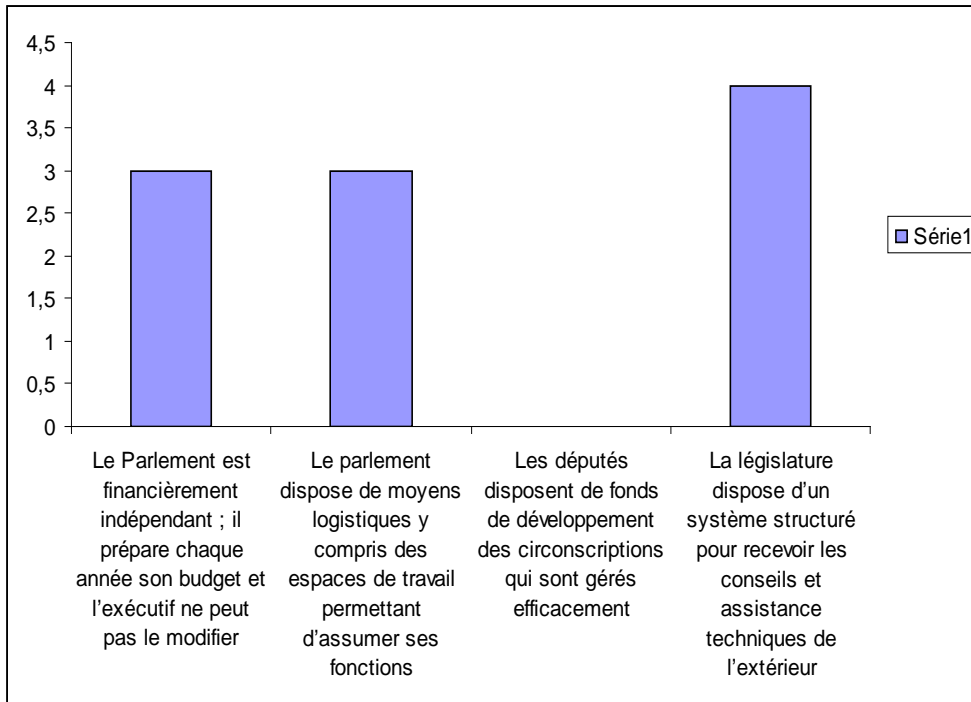
This question is not applied to the Members of Parliament because they are not provided with any constituency development fund. In Senegal the development funds are managed by the local authorities.

*The Legislature has a structured system for receiving technical and advisory assistance from external sources*

There is a structured system within the Parliament for receiving technical and advisory assistance from external sources. This is the case of the parliamentary assistants who are at the disposal of the Public Accountant Committee, the committee on laws, and the MPs' network for the environment. A Score of 4 was assigned to this indicator.

Figure 10 presents the ratings of indicators under Financial and Material Resources

**Figure 10: Indicator Ratings under Financial and Material Resources**



### 3.6.2 Human resources

#### *Parliament is an equal opportunity employer*

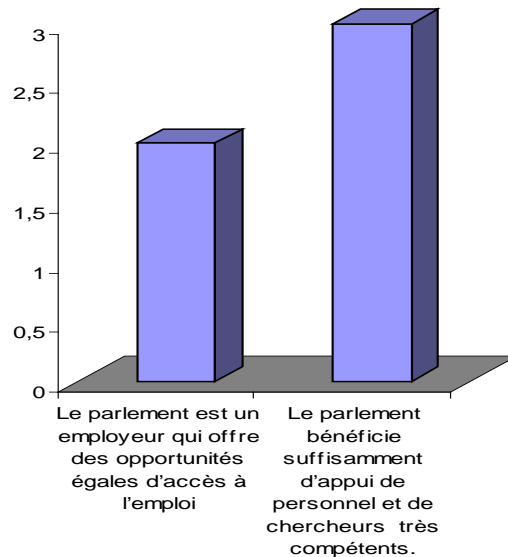
Parliament is not an equal opportunity employer because it does not organize a competitive entry examination during its recruitments. It should be underlined that the ruling party has an influential voice in the recruitment process. *2 points*

#### *Parliament has adequate and highly skilled research and staff support*

The National Assembly does have adequate research and staff support. *3 points.*

Figure 11 below shows the ratings of indicators of the Human Resources capacity area.

**Figure 11: Rating of Indicators of Human Resources Capacity Area**



### 3.7 Transparency and integrity

This capacity area expresses the opening of the Parliament to the nation through the media and transparency in discharging its duties.

The transparency and integrity recorded a weighted average capacity rating of 88. There are anti-corruption networks within the Assembly and a code of conduct that guides the MPs' behaviour and actions, but this very low score is due to the fact that there are no proper mechanisms to detect and prevent corrupt practices among parliamentary staff and MPs. MPs are not bound by any law or regulation to declare their personal assets and business interests.

Civil Society Organizations are deeply concerned about the fact that no indicator related to public procurement contracts was considered; however the Parliament is not liable to such a code.

#### ***Parliament has an enforceable code of conduct which guides the behaviour and actions of the members of Parliament***

The enforceable code of conduct which guides MPs' behaviour and actions is enshrined in the Rules of Procedure. In Senegal, the Rules of Procedure focuses on the organization and running of the bureau of the National Assembly, the composition and role of the different committees, MPs' disciplinary system, and finally the organization of their work.

This indicator was assigned a score of 6.

*MPs maintain high standards of accountability, transparency and responsibility in the conduct of public and parliamentary work*

This indicator was assigned a score of 6.

*Anti-corruption networks exist in Parliament and MPs are free and motivated to participate in the activities of such networks*

Anti-corruption networks exist at the Parliament and MPs are free and encouraged to join in the activities of such networks; there is for example the Africa Parliamentarian Network against Corruption (APNAC). A score of 6 was assigned to this indicator.

*Efficient and effective mechanisms exist to detect and prevent corrupt practices among MPs and parliamentary Staff and to bring to justice any person engaged in such activities*

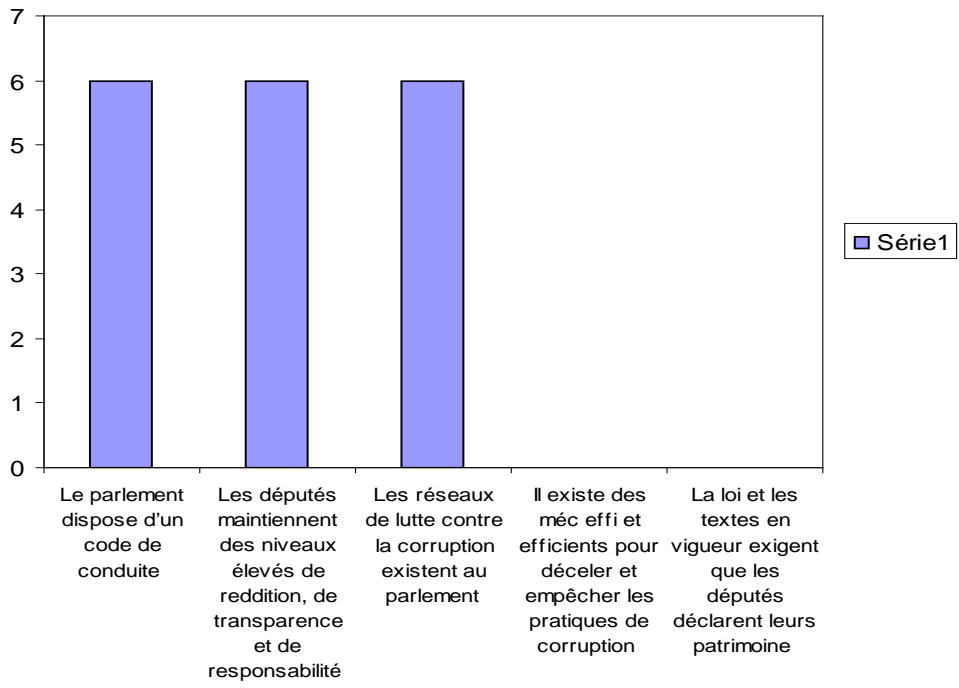
There exist efficient and effective mechanisms to detect and prevent corrupt practices among MPs and parliamentary Staff and to bring to justice any person engaged in such activities. There is for instance the withdrawal of the parliamentary immunity in the case of flagrant violation of the law. This indicator was assigned a score of 6.

*MPs are required by law and the Rules of Procedure to declare their assets and business interests and this is strictly complied with*

This question is not applicable to the National Assembly of Senegal because MPs are not bound by any law and/or regulation to declare their personal assets and business interests.

Figure 12 shows the ratings of indicators of the Transparency and Integrity function/capacity area

**Figure 12: Ratings of Indicators of the Transparency and Integrity Function/Capacity Area**



## CONCLUSIONS AND RECOMMENDATIONS

According to the scores of each functional area, the Members of Parliament have made recommendations aimed at strengthening the capacities of the National Assembly and the improvement of its role in the budget process. These recommendations were made by both the Members of Parliament and the representatives of Civil Society Organizations.

### 4.1. Representation function

According to the Members of Parliament, for a better accessibility of the Parliament, it is necessary to:

- ❖ Open the committee works to the media and citizens for better transparency and greater visibility;
- ❖ Create a parliamentary radio/TV channel;
- ❖ Update the Website of the National Assembly;
- ❖ Implement mechanisms to make the work of the National Assembly available;
- ❖ Publish all the laws passed by the National Assembly on the website;
- ❖ Provides timely information to the public on the budget;
- ❖ Foster and promote sound relationship between Parliament, CSOs, and other related Institutions.
- ❖ Develop partnership relations between the Parliament and Civil Society Organizations.

### 4.2. Legislative function

To remove the inadequacies observed in the legislative function, the Members of Parliament recommended the modification and the effective enforcement of certain regulations of the Rules of Procedure and the Constitution including particularly:

- ❖ Article 82, paragraph 9 of the Constitution which is taken up in Article 60, paragraph 6 of the Rules of Procedure of the National Assembly and according to which proposals and amendments made by MPs and senators are not admissible where their adoption would result in a decrease in public resources or the creation or increase in public expenses, unless such proposals or amendments are accompanied with proposals of compensating revenues;
- ❖ Article 26 of the Rules of procedure which states that the Committee of Delegations is in charge of assessing and tracking the implementation of the laws passed. It is necessary to empower the Committee and resource it to perform its duties more effectively.

The members of Parliament have also recommended the creation of mechanisms which would enable them to take into account the contributions of the public in the legislative process.

### **4.3. Financial function**

As regards the financial function, the Members of Parliament made the following recommendations:

#### **4.3.1. Budget review and hearings**

- ❖ Reduce the five-day period set by the Rules of Procedure for reading the finance bill and increase the time allotted to the review from 35 to 40 days;
- ❖ Specialize the stages of the technical committees and the Public Accounts Committee or introduce a comprehensive system that encompasses the PAC and the technical committees;
- ❖ Encourage the opening of the Public Accounts Committee to some Civil Society Organizations;
- ❖ Encourage the opening of the sessional committees to the Civil Society Organizations in order to have their contributions;
- ❖ Formalize the organization of meetings to record the population's inputs before the opening of the budgetary session;
- ❖ Fund a parliamentary reserve to address the recurring preoccupations;
- ❖ Amend Article 82 of the Constitution in order to make more flexible the conditions of exercising the right of amendment;



- ❖ Improve the quality of the information on the revenues and organize sensitization meetings dedicated to the first part of the finance law;
- ❖ Make sure that the budgets of Parliament, the Senate, and the Economic and Social Council are presented under the same format as those of the ministries and the Presidency of Republic.

#### **4.3.2. Budget Act and Budget Office**

- ❖ Provide Parliament with a budget office or a budget division or even a budgetary analysis committee.

### **4.4. Oversight function**

#### **4.4.1. Oversight Committee**

- ❖ Empower the Committee and resource it to perform its missions of investigation and review of bills of payment;
- ❖ Provide the different committees with adequate and competent human resources as well as with effective and up-to-date tools for analysis;
- ❖ Improve the system of questioning the Executive and reinforce the means of intervention;
- ❖ Develop specific procedures for a parliamentary control of the state-owned enterprises;
- ❖ Improve the mechanisms to obtain information from the Executive during oversight visits;
- ❖ Increase considerably the financial resources allocated and improve the conditions of their mobilization and utilization.

#### **4.4.2. Public Accounts Committee**

- ❖ Allow the Public Accounts Committee to have an influence on the allocation of resources and permanently empower and resource it to perform its duties more effectively;
- ❖ Create a bureau which will address the issues of the minority/opposition;
- ❖ Improve communication with the public and citizens on the work of the committees and Parliament in general;

- ❖ Encourage the initiatives of questioning the managers of public funds and reduce the procedures of interpellation;
- ❖ Create public proceedings;
- ❖ Make regular the review and use of the Auditor General's reports;
- ❖ Introduce more initiatives for independent investigation;
- ❖ Institutionalize the implementation of the recommendations of the Parliament by the Executive;
- ❖ Empower and diversify the resources of the Parliament;
- ❖ Strengthen the human capacities of the Public Accounts Committee;
- ❖ Improve and simplify the collaboration procedures between the Parliament and the anti-corruption institutions.

#### **4.4.3. Audit**

- ❖ Improve the collaboration between the Court of Auditors and Parliament;
- ❖ Regularly use the reports submitted by the Court of Auditors to Parliament;
- ❖ Maintain the regularity in producing the bills of payment and ensure the usage of the reports;
- ❖ Improve the conditions of publication and accessibility of the reports to the public;
- ❖ Empower and resource the Court of Auditors to enable it to perform its duties of audit, control, and assistance to the Parliament more effectively.

### **4.5. Institutional capacity of the Parliament**

#### **4.5.1. Financial and material resources**

- ❖ Enforce effectively Article 17 of the Rules of Procedure which stipulates that Parliament enjoys financial autonomy;
- ❖ Provide each MP with an equipped office;
- ❖ Put equipped office spaces at the disposal of the administrative staff;

- ❖ Determine the possibility of providing MPs with a constituency development fund in connection with the process of decentralization in order to determine the level of implementation (Regions, Communes, Rural communities);
- ❖ Provide each standing committee with at least two parliamentary assistants.

#### **4.5.2. Human resources**

- ❖ Recruit more competent personnel to assist the MPs and develop partnership relations with the research institutions;
- ❖ Develop transparent employment mechanisms to recruit career professionals who could meet with the needs of the National Assembly;
- ❖ Develop a sustainable system to protect the jobs of the parliamentary assistants.

#### **4.6. Transparency and integrity**

- ❖ Re-examine and update the Rules of Procedure in consonance with the context;
- ❖ Maintain the rate in the vote of the payment laws;
- ❖ Let the opposition preside over oversight committees;
- ❖ Enforce strictly the law on parliamentary immunity in case of flagrant violation of the law;
- ❖ Institutionalize the declaration of personal assets for the MPs;
- ❖ Create an institutionalized framework and implement effective and efficient mechanisms to detect and prevent corruption practices within the Assembly;
- ❖ Make it mandatory for the National Assembly to comply with the Public Procurement Code of Senegal (PPC).

## REFERENCES

Constitution of the Republic of Senegal;

Rules of procedures on organization and operation of the National Assembly;

Organic Law No. 99-70 of 17 February 1999 on the Court of Auditors;

Organic Law 2007-29 of 10 December 2007 amending organic law n° 2001-09 of 15 October 2001 on finance acts.

Directives on new harmonized framework for public finance in the WAEMU

<http://www.gouv.sn>

<http://www.courdescomptes.sn>

<http://www.assemblée-nationale.sn>

## APPENDIX 1: Attendants' List

MPs- National Assembly				
	Name	Constituency	Committee	Gender
1.	Hon. Seydou DIOUF	Rufisque	Speaker, Public Account Committee	M
2.	Hon. Abdoulaye SENE	Dakar	Speaker, Development committee	M
3.	Hon. Abdourahmane BOUCOUM	Diourbel	General Rapporteur of the Budget, Public Account Committee	M
4.	Hon. Mamadou DIALLO	Kidira	MP, Legal Committee, Development committee	M
5.	Hon. Amadou Ndiaye LO	Dakar	Vice-speaker, Foreign affairs committee	M
6.	Hon. Nene Marieme KANE	Kanel	MP, Public Account Committee, Legal Committee	F
7.	Hon. Issaga LY	Podor	MP, Public Account Committee, Health Committee	M
8.	Hon. Kalidou Niasse	Guediawaye	MP Legal Committee	M
9.	Hon. Abdoulaye DRAME	Malammie S. Thies	MP, Legal Committee, Foreign affairs committee	M
10.	Hon. Khadidiatou SY	Goudiry	MP, WAEMU MP	F
11.	Hon. Aissata COULIBALY	Thies	MP, President of « Democracy and progress » opposition group	F
12.	Hon. Fatou Youssoupha AIDARA	Assemblée Nationale	Elected secretary MP President of the female MPs	F
13.	Hon. Oumar NDOYE	Assemblée Nationale	Speaker, Health Committee, Population, social affairs and national solidarity	M
14.	Hon. Moussly DIAKHATE	Touba	MP	F
15.	Hon. Madiop BITEYE	Dakar	MP	M
16.	Hon. Oumar SANE	Bignona	MP	M
PERSONNEL PARLEMENTAIRE- Assemblée Nationale				
1.	Baye Niass CISSE	Dakar	Deputy Secretary General. National Assembly	M
2.	Aminata FALL	Fans	National Assembly Editor	F
3.	Madiangane FALL	Dakar	Head of session and Committee Division	M
4.	Aboucary ANNE	Dakar	Head of Sdd Division, Accounting and Treasury Department	M
5.	Mame Fatou B. DIALLO	Dakar	Assistant, National Assembly	F
6.	Ndoubé FALL	Dakar	Assistant, National Assembly	F
EVALUATEURS-IPA				

1.	Aboubacary SOW	Dakar	Assessor	M
2.	Dieynaba SAKHO	Dakar	Assistant	F
<b>CENTRE PARLEMENTAIRE</b>				
1.	Soule Adam	Centre Parlementaire		M
2.	Valentina Tetteh	Centre Parlementaire		F
3.	Issifu Lampo	Centre Parlementaire		M
<b>PRESSE</b>				
1.	Ndiaye Elhadj	RTS/Soleil	Journalist	M
2.	Awa THIAO	Sud FM	Journalist	F
3.	Samba Niébé BA	Sud quotidien	Journalist	M
4.	Mamoudou DIOP	RFF	Journalist	M
5.	Assane DEME	APS	Journalist	M
<b>OSC</b>				
1.	Ndiaye SEMOU	UCAD	Teacher, Civil Forum Member	M
2.	Sy Papa Mamour	UCAD	Teacher	M
3.	Lala DIOUF	C. R. J, Thies	Secretary	F
4.	Abdoul Khadre Kadee NDIAYE	CONGAD	1 <sup>st</sup> Deputy President	M
5.	Nar Seck T.	SUTSAS, Dakar	Social Assistant	F
6.	Ousman KANE	COLUPAS	President	M
7.	Fassory DIAWARA	COLUPAS	National Executive Secretary	M
8.	Serigne Modou Dieye	COLUPAS	Representative of Unions	M
9.	Djibril Gaye	ODIP-Action	Jurist, Scientific Committee	M
10.	Ndiaye Mame Rawane Boly	EVF Kaolack	Coordinator	F
11.	Seriane Touré	ONG EGAD	Development Actor, Program Manager	F