



## LEGISLATIVE PRINCIPLES FOR DEVELOPMENT EFFECTIVENESS 2011<sup>1</sup>

- 1. Recognize the Role of the Legislature as Key Actors in Development Effectiveness:** The most significant innovation toward aid and development effectiveness in the context of the new aid architecture should be the elevation of the legislative branch of government to ensure domestic accountability as part of a system of governance which includes clear separation of powers. Towards these ends:
  - 1.1** There must be recognition that development effectiveness will always be significantly enhanced by oversight of development expenditures, including aid, by the existing, constitutionally mandated, institutions in each country;
  - 1.2** Generally, legislatures are charged with debating and approving national development plans and budgets and with monitoring and holding government to account for the delivery of development results;
  - 1.3** Specifically, legislatures are responsible for:
    - 1.3.1** Scrutinizing, debating, and passing legislation;
    - 1.3.2** Creating legal frameworks for development activities;
    - 1.3.3** Deliberating on and approving national budget (ex ante);
    - 1.3.4** Exercising effective budget oversight (ex post);
    - 1.3.5** Scrutinizing and approving foreign loans and conditions attached to them;
    - 1.3.6** Monitoring executive branch implementation of budgets;
    - 1.3.7** Engaging with constituents on development issues and community level monitoring;
    - 1.3.8** Representing citizens' interests in policy preparation and formation;
    - 1.3.9** Accessing executive branch progress reports and reviewing these in committees;
    - 1.3.10** Contributing to the formulation of aid policies and overseeing their implementation;
    - 1.3.11** Approving, where relevant, poverty reduction strategies and country strategy papers.
- 2. Recognizing the Legislative Stake in Country Ownership:** The legislature is the pre-eminent forum for inclusive political dialogue and national debate. As such, the development agenda can be said to be owned by a country's legislature. Legislatures can distill citizen preferences and provide a broad assessment of a country's needs with inputs from political parties and civil society. Therefore:
  - 2.1** Legislators, including those from the opposition, must be systematically incorporated into policy dialogues with national and international institutions on issues of development assistance, priorities, and use in order to insure donor alignment with recipient country policies;
  - 2.2** Legislators, from a broad spectrum of committees should have a seat in all existing aid effectiveness structures at country level as a prerequisite for the scrutiny of expenditures and oversight of development results;
  - 2.3** Legislators must be informed in advance of relevant meetings both in terms of timing and content;
  - 2.4** CSOs should channel their interests more effectively through national and decentralized assemblies;
  - 2.5** Donors should demand that the legislature debates/and adopts development plans and strategies.
- 3. Recognizing the Role of Legislatures in Accountability:** It should be acknowledged that domestically, there needs to be accountability for the use of development revenues, including aid; this encompasses interactions between executive branches, national and decentralized assemblies and CSOs. Internationally, there needs to be accountability for the

<sup>1</sup> This document is the result of a broad consultative process, coordinated by AWEPA, involving over 150 parliamentarians on the occasions of the IPU Annual Assembly, Panama (11-15 April); the IMF/World Bank Spring Meetings in cooperation with the PNoWB, Washington D.C. (14-16 April); the AWEPA SADC Regional Parliamentary Seminar on Aid Effectiveness, Maputo (3-5 May), the Fourth Ordinary Session of the Second Parliament at the PAP, Midrand (13-14 May), and the Annual ACP-EU Joint Parliamentary Assembly, Budapest (17-18 May).

promises made by donors; this should include interactions between national legislatures, donor country legislators and CSOs. These feedback loops have the potential to help strengthen the confidence of donor taxpayers in the successes of ODA, including at the regional level, where serious oversight gaps often exist. For this reason:

- 3.1 On domestic accountability: Donor country executives should enlist the support of recipient country legislatures to hold recipient country executives to account for the appropriate, effective and timely use of development aid;
  - 3.2 On mutual accountability: Recipient country executives should enlist the support of donor country legislatures to hold donor country executives to account for promises made on disbursement priorities, modalities, amounts, and timing;
  - 3.3 National legislatures in recipient countries should take the lead in facilitating in-country coordination amongst the decentralized assemblies, local governments and itself;
  - 3.4 Regional legislatures in regions receiving aid should oversee ODA entering the areas within their remit and coordinate on development priorities and strategies with national parliaments of the regional community;
  - 3.5 Donor and recipient country legislators should regularly engage with one another and share best practices on how to enhance oversight of their respective executives.
4. **Strengthen the Capacity and Legal Authority of Legislatures:** Given the reality that most legislatures in developing countries lack basic capacities to execute their mandates fully, or do not have sufficient legal authority to hold governments to account, donors must provide assistance for legislative capacity development, at the local, national, regional and continental levels. This is in recognition of the reality that partner country governments and executive bodies may not always do so with sufficient zeal to enable the change needed to scrutinize all development expenditures, including those of donors via budget support and off-budget donor and CSO channels. Therefore:
- 4.1 Donors should provide support to strengthen legislative oversight capacity, including in relation to scrutiny of donor contract expenditures, on the basis of the legislatures' own capacity development plans;
  - 4.2 Donors should make use of the expertise of inter-parliamentary organizations in providing such support;
  - 4.3 Capacity building should be extended to other stakeholders on how best to engage with legislatures;
  - 4.4 Capacity development should include support for parliamentary staff/secretariat;
  - 4.5 South-South and Triangular Cooperation amongst parliamentarians should be supported by development partners.
5. **Aid Modalities, Transparency and the Budget Process:** Because a legislature's ability to conduct effective oversight is highly dependent on an environment conducive to such oversight and the cooperation in support of relevant budgetary principles and structures:
- 5.1 Donors should opt for general budget support, where possible;
  - 5.2 Donors must provide aid in a manner that allows the executive to put aid on budget if support is not channeled via direct budget support to enable legislative oversight;
  - 5.3 All information on aid flows and use must be made accessible to, and usable by, the legislature to allow for oversight;
  - 5.4 Budget calendars must allow enough time for relevant parliamentary committees to analyze budget proposals before approving them;
  - 5.5 Parliaments should have the authority to demand and review government reports, budget analyses, audits and other documents not normally available to the public, as well as the authority to review all budget re-allocations and amendments.
6. **Indicators:** It must be recognized that the role of the legislature requires performance measurements and assessments. For this reason:
- 6.1 Legislative capacity should be adopted as an indicator of aid and development effectiveness and measured over time, so that a strong legislature will be understood as one element of an exit strategy that donors will leave behind in the knowledge that it contributes to sound financial management, sustainable political stability, and economic success.