

Unit 6 –Parliamentary Oversight and HIV/AIDS

Learning Objectives

How can parliamentarian perform effective oversight of HIV/AIDS?

After studying this unit you should be able to:

- Have a better understanding of the role of parliamentarians in the budget process and the various tools for oversights at their disposal;
- Know some of the key issues for ensuring an HIV/AIDS perspective in the budget;
- Have knowledge of some of the key steps in increasing parliamentary oversight of HIV-related issues

Introduction

"Accountability requires every President and Prime Minister, every parliamentarian and politician, to decide and declare that 'AIDS stops with me'."

Former UN Secretary General, Kofi Annan, during speech at World AIDS Day 2006 event in New York

One of parliament's main roles and responsibilities, with regards to national HIV/AIDS strategies and responses, is to oversee the proper implementation and allocation of resources and to hold the government accountable to the citizens. Members of Parliament (MPs) influence the amount of budgetary resources allocated to HIV programs and have the authority to monitor and control the effectiveness of such programs. Parliaments are also the appropriate representative institution to conduct public consultations and field investigations to analyze whether government measures against HIV are adequate and reaching the citizens.

Unit 6 gives an introduction to the various aspects of parliamentary oversight and the role that parliament plays in the budget process. The unit also explores some of the key issues and challenges for ensuring HIV/AIDS allocations in the budget. In addition, it

provides some tools and examples on how to increase the effectiveness of parliamentary oversight of the budget with special regards to HIV/AIDS related issues.

Defining Parliamentary Oversight

The purpose of governmental oversight is to ensure responsible administration of resources, a culture of accountability and transparency, and improved program performance. From a broad context, parliamentary oversight means the ability to contribute to the achievement of the democratic principles of transparent and accountable government. Parliamentary oversight should be distinguished from legislative functions such as approving or amending laws and monitoring the implementation of laws and policies. When exercising oversight, parliaments monitor how and to what extent the executive is exercising its authority, for example whether the stated objectives are being met and how responsive they are to the needs of the people. The political structure of a country, the formal oversight powers of parliament, and access to budget information will all influence the practice of oversight.

In practicing oversight, parliament needs to ensure both quantitative and qualitative accountability, for example *'how many of the expected results is the government meeting?' and 'how is the government meeting its goals, and what is the impact?'*. Parliamentary oversight should therefore comprise of a "comprehensive examination of pre-determined goals or objectives, detailed implementation plans, delivery on those plans, measuring of the extent to which those plans have been implemented and of whether the outputs achieved the stated objectives." (Parliaments, Politics and AIDS, 2006)

The Role of Parliamentarians in the Budget Process

The budget is the most important economic policy tool of the government, as it outlines the nation's socio-economic policies for each fiscal year. A well-prepared and implemented national budget can help contribute to economic and social development, as well as help alleviate poverty.

The budget process ordinarily consists of four stages:

1. **Budget drafting** Various levels of the executive negotiate, and in some cases consult with parliament, civil society and the private sector;
2. **Legislative stage** Parliament reviews, debates, and if necessary modifies or amends the budget, and finally either adopts or rejects the draft budget;
3. **Budget implementation, monitoring and control** The government implements the budget by allocating revenue to the appropriate ministries and agencies. The government also ensures that an internal control system is in place to continuously monitor the budget, and ensure budget discipline and accountability; and
4. **Budget evaluation and audit** The supreme audit institution assesses whether the budget has been implemented efficiently, effectively and as approved.

Box 1

Principles of Good Budgeting

Comprehensiveness: The budget must cover all the fiscal operations of government, encompassing all public expenditure and revenues, to enable full and informed debate of the tradeoffs between different policy options.

Predictability: Spending agencies should have certainty about their allocations in the medium term to enable them to plan ahead. Stable funding flows support departmental planning and efficient and effective delivery

Contestability: No item in the budget should have an automatic claim to funding. All policy and attached funding should be regularly reviewed and evaluated in order to ensure prioritization and optimal performance of spending agencies.

Transparency: All relevant information required for sound budgetary decision making should be available in an accessible format, and in a timely and systematic fashion. Budget information needs to be accurate, reliable and comprehensive.

Periodicity: The budget should cover a fixed period of time, typically one year, and the process of compiling the budget should follow a clear and reliable schedule that is agreed upon and published in advance.

Source: World Bank, 1998

Parliament plays an authorization, oversight and supervisory role in the budget process to ensure transparency and accountability. As the link between the citizens and the government, parliament needs to ensure that the budget reflects the priorities of the nation and its citizens. As the legislative approval of the budget is a constitutional requirement, parliament has the power to scrutinize and authorize expenditures proposed in the budget and to make sure that they match available resources. It can also hold the government to account for the implementation of the budget and the utilization of public funds.

Parliamentary involvement in the budget process varies from country to country. Some parliaments are able to influence the budget at the drafting stage and significantly shape the budget. Other parliaments, so called “rubber stamp parliaments,” merely approve the budget as tabled by the executive without any changes. The formal budgetary powers of a legislature will be determined in a national constitution or other legal framework. It will determine whether the parliament has or does not have the right to initiate financial measures or amend the budget presented by the executive. It will also specify the timing of the budget - How long does the parliament have for analysis and scrutiny before it needs to approve the budget? What happens if the budget is not approved on time? The legal framework will also state the role of the parliament in monitoring the implementation of the budget as well as its ability to hold the government to account.

Box 2

A Typology of the Budget Policy Impact of Legislatures

Budget-making legislatures have the capacity to amend or reject the budget proposal of the executive, and the capacity to formulate and substitute a budget of their own.

Budget-influencing legislatures have the capacity to amend or reject the budget proposal of the executive, but lack the capacity to formulate and substitute a budget of their own.

Legislatures with little or no budgetary effect lack the capacity to amend or reject the budget proposal of the executive, and to formulate and substitute a budget of their own. They confine themselves to assenting to the budget as it is placed before them.

Source: *Parliament, the Budget and Gender* (originally adapted from Norton, 1993), 2004

HIV/AIDS and the Budget

As a response to the HIV/AIDS pandemic, most governments are increasing spending on HIV/AIDS programs. This has to a large extent been made possible through a series of new funding initiatives and mechanisms, notably the *Global Fund for AIDS, Malaria, and Tuberculosis*, the *World Bank's Global AIDS Program* and the United States' President's Emergency Plan for AIDS Relief (PEPFAR) (See Unit 3).

In just over a decade, international and domestic funding for AIDS has grown from 'millions' to 'billions'. According to UNAIDS, by the end of 2007, AIDS funding was expected to stand at just under \$10 billion - an almost forty fold increase since 1996, when the figure was \$260 million. Domestic spending on AIDS in low and middle-income countries has also risen to now stand at around one third of all money going into the global AIDS response. This has brought new challenges, namely to ensure that the extra funding is used effectively and efficiently, as well as to make sure there is no misappropriation of fund for HIV/AIDS (See Unit 9).

Following the United Nations General Assembly Special Session (UNGASS) *Declaration of Commitment on HIV/AIDS*, which called for spending on HIV/AIDS programs to be increased to US\$7-10 billion by 2005, African leaders met in Abuja in 2001 to declare that "AIDS is a state of emergency in the continent". They made a commitment to give the responses needed to fight HIV/AIDS highest priority in their development plans, including ensuring that the resources needed for HIV/AIDS initiatives would be made available and utilized as efficiently and effectively as possible. Through the *Abuja Declaration on HIV/AIDS, Tuberculosis and other Infectious Diseases* they pledged the allocation to at least 15% of annual budgets to the improvement of the health sector, particularly on HIV/AIDS programs (see Unit 3).

How much and how a government allocates resources to HIV/AIDS programs in the budget will depend on their political commitment as well as whether they view HIV/AIDS as a development issue from a multisectoral perspective requiring the attention of several ministries, or purely as a public health problem, requiring predominantly a health-dominated response.

Considerations for an HIV/AIDS Budget

Medium-term expenditure frameworks (MTEF) should take into account all HIV/AIDS related expenditure. The amount allocated for HIV/AIDS programs in the national budget should ideally be sufficient to meet the goals set out in the MTEF, while maintaining fiscal and macroeconomic stability. International goals and commitments, interests of external financing agents, competing budget priorities, and political interest groups also play a role in determining public spending levels for HIV. Indicators, such as **percent of Gross Domestic Product (GDP) per capita allocated to HIV/AIDS**, and **percent of total government budget allocated to health** (for example the Abuja target of 15%) could be used as a benchmark.

In addition to the total level of public spending, it is important to assure that budget allocations correspond to the **legislated priorities** that are stated in the national strategy for HIV/AIDS or, where relevant, the **National Development Plan** or **Poverty Reduction Strategy Papers (PRSP)**. Distribution should also correspond to the **needs**, for example correlation of HIV/AIDS budgetary allocations and number of people living with HIV/AIDS by geographic region. Funds must also continue to be committed to general development, poverty alleviation and the strengthening of the health sector to ensure that efforts are comprehensive enough to mitigate the impacts of HIV/AIDS. Financial, human, infrastructural and management systems need to be strengthened and given the appropriate resources to ensure the delivery of Antiretrovirals (ARV) and prevention of mother-to-child transmission (PMTCT) treatment programs. A balanced response to HIV/AIDS, one that is not “overmedicalised”, is imperative.

Disaggregated HIV/AIDS Budgets

Few countries currently have specific HIV/AIDS line items in their national budgets. This makes it difficult to determine how much money is spent on HIV/AIDS programs and how that money is spent. A disaggregated budget is an important tool to assess whether the programs are designed in a way to provide the desired outcomes and whether the activities are adequately funded. Allocations to HIV/AIDS in the budget could be broken down according to:

Type of intervention: Prevention, Testing, Treatment, Care and Conseling, etc;

Function: Human Resources, Capital, Treatment Options and other inputs;

Type of provider: Public, Private, Not for Profit; and

Type of beneficiaries: Poor, Orphaned Children, Women, Men who have sex with men, etc.

A disaggregated budget will also facilitate the assessment of whether the budget expenditures have been executed as budgeted, and hence enable the parliament to better perform its oversight function on HIV/AIDS spending.

Multisectoral Response

A study conducted in several countries in southern Africa and in Latin America called "Funding the Fight – Budgeting for HIV/AIDS in Developing Countries" recommends that HIV/AIDS be dealt with as a development issue and not solely as a health issue, which still is the case in many countries. An integrated and multisectoral response requires good coordination and commitment among sectors and ministries. It also requires appropriate funding mechanisms which promotes an integrated and flexible approach. The report suggests a system combining conditional budget allocations with clear directives for use, and unconditional fund transfers, which allow for ministries' discretion to fund and execute their HIV/AIDS plans.

Box 3

Best practices – HIV/AIDS Funding and Budget Control Mechanisms in South Africa

South Africa is fortunate to have detailed and easily accessible national and provincial budgets, as well as national and provincial revenue and expenditure statements published regularly by the National Treasury. These track public funds channeled through the National Treasury making it easier to monitor and track national and provincial government budgets and spending.

South Africa's national budget employs two key HIV/AIDS funding mechanisms. First there are "conditional grants," which are ring-fenced amounts that have certain conditions attached and must be spent on specific activities. National departments transfer such grants to their provincial counterpart departments for spending on specific HIV/AIDS interventions in the health, education and social development sectors. It is therefore easy to identify in the

budget documents what has been allocated for HIV/AIDS through conditional grants. In addition, the mechanisms for reporting on the spending of these grants are well developed, and thus allow for analysis of spending efficiency.

Secondly, in addition to the conditional grants, South Africa also uses a non-targeted funding mechanism, referred to as the "equitable share," which allows discretionary spending by the provinces. Funding from the equitable share can be used to mitigate the indirect consequences of HIV/AIDS, for instance by strengthening health care systems, and supporting responses across departments. It was particularly difficult to ascertain how much provinces were spending on HIV/AIDS out of their equitable share allocations

It appears that this mix of funding mechanisms, which allows both ensured delivery of specific HIV/AIDS services and the "untraceable spending" required to address the indirect impact of HIV/AIDS, can produce a more integrated, multisectoral response.

Source: *Funding the Fight – Budgeting for HIV/AIDS in Developing Countries, 2004*

The report also recommends that all ministries should allocate portions of their budgets to HIV/AIDS activities. In addition, more comprehensive, accurate, timely and accessible data is required from all relevant ministries and departments on disaggregated program allocations and actual expenditure. This information should be made available to parliaments and civil society.

Equity in HIV/AIDS Spending

Without disaggregated data in the budget, it becomes difficult to analyze whether HIV/AIDS resources were properly allocated. Disaggregated data also helps establish that resources were equitably distributed with respect to the burden of the disease by different geographic areas of each country and according to socioeconomic status, infrastructure and accessibility of health and other state services in those areas. Increased efforts are therefore needed to develop performance indicators that measure the inputs, outputs and impacts of budget allocations, particularly to what extent they promote and protect human rights.

To be able to assess an equitable distribution of resources, it is important that the budget indicates how the following factors have been considered:

Need: The disease burden, prevalence rates and the demand for services;

Geographical Distribution: Accessibility of health services and other facilities, capacity of regions to absorb, manage and utilize funds;

Beneficiary Groups: Women, children and other vulnerable groups should be given priority.

Challenges to Determine HIV/AIDS Allocations in the Budget

There are several challenges for parliamentarians to be able to assess a country's spending on HIV/AIDS. This in turn makes it difficult for parliament to oversee how funds are used and to hold the government accountable. Some common challenges are:

- Difficulties obtaining comprehensive, accurate and timely budget data on HIV/AIDS by parliament;
- Lack of disaggregated and codified data to determine HIV/AIDS allocations within the budget;
- HIV/AIDS resources only allocated to the health-sector, making it difficult to promote a multisectoral approach;
- Difficulty to distinguishing state funds from external donor funds in the budget;
- Parliament does not have access to information on external donor contributions (no central database exists).

Benefits for Governments and Parliaments of Disaggregated HIV/AIDS Data in the Budget

- It can improve efficiency and impact by ensuring that expenditure benefits those who need it most;
- It can be used to report on progress with government's commitment to democracy, equitable economic development and women's rights and equality;
- It can be used to improve transparency and accountability and help implement policies effectively;
- It can be used to track budgets and reduce corruption;
- It provides a space for government and parliament to work with civil society to enhance development impact, democratic governance and transparency;
- It can be used to report on government's progress on compliance with national and international HIV/AIDS-related commitments, recommendations and action plans (e.g. national policies and development plans, the MDGs, UNGASS

Declaration of Commitment on HIV/AIDS, and the Political Declaration on HIV/AIDS etc.).

Increasing the Effectiveness of Parliamentary Involvement in the Budget Process

For parliament to fully perform its role and oversight function in the budget process, a number of factors need to be in place:

- 1. An appropriate constitutional and legal framework:** Constitution, laws, rules of procedures, standing orders, etc. that enables parliament to operate in an unhindered and independent fashion, for example to amend the budget, monitor its implementation and hold the government to account;
- 2. Sufficient time** by parliamentary committees to review the budget;
- 3. Access by parliament** to comprehensive, accurate, informative, understandable and timely information from the executive, and other independent sources of information. Apart from the budget, parliament should also receive regular performance report by the government as well as get access to public audit reports to be able to ensure accountability;
- 4. Access to necessary material:** Human professional support staff, experts, analysts from the civil society, and academia material and financial resources. In this context it is desirable that the parliament determines, vote and implements its own budget;
- 5. Capacity building** for parliamentarians and parliamentary staff in order to strengthen their ability to analyze the budget, scrutinize relevant reports and understand general economic issues, including from a pro-poor and gender perspective;
- 6. Other important factors for parliamentary involvement in the budget process: political will, freedom of speech and parliamentary independence.**

An effective method for increasing parliament's ability to perform its oversight function is **Medium-Term Expenditure Frameworks (MTEF)**. This includes plans and budgets to carry out existing policies over a longer period, usually three to five years. They can

give the parliament a better understanding of the government's long-term economic strategy and vision, and hence promote transparency. Parliament can then use the MTEF to monitor how well these projections are reflected in the yearly budgets, as well as use them as a basis for the annual negotiations of allocations.

Many parliaments only have a few days or weeks to review and discuss the budget after it had been presented to parliament and before it needs to be approved. Given these time constraints, parliament should always be prepared by consistently gathering information regarding the budget such as government incomes, the country's priority sectors, economic analysis, budget analysis from independent sources including research institutes, non-governmental organizations (NGOs), and the media. This information can be used to analyze the draft budget law to ensure that budgeting information provided by the government is accurate. Some countries have or are in the process of establishing independent analytical budget units, or a **Legislative Budget Office**, that can assist parliament with nonpartisan, independent, objective and analytical information in relation to the budget, and thereby help the parliamentarians in scrutinizing and analyzing the budget more effectively. This type of budget offices to assist parliamentarians have been present in the United States and many European countries for a long time, and have recently been established or are currently on being developed by legislatures in Africa, Asia and Latin America, for example Ghana, Kenya, Uganda, Nigeria, Indonesia, Thailand, Guatemala and the Dominican Republic.

Box 4

Legislative Budget Office – The Ugandan Example

The Parliamentary Budget Office (PBO) in Uganda was established in 2001 through a new Budget Act. The role of the PBO is to enhance the technical capacity within Parliament to interpret the national budget and to provide Parliament and its committees with objective, timely and independent analysis needed for national economic and budgetary legislative decisions.

The functions of the PBO are to:

- Support Parliament to increase transparency and accountability in the national budget process;
- Provide budget-related information to all committees in relation to their jurisdiction;
- Submit reports on, but limited to, economic forecasts, budget projections, and options for reducing the budget deficit;
- Prepare analytic studies on specific subjects, such as financial risks posed by

- government-sponsored enterprises and financial policy; and
- Advise Parliament and its committees on the national budget and economy.

Observed benefits with the PBO:

- Substantial improvements in the capacity of MPs in scrutinizing the budget proposals;
- High quality budget debates in Parliament;
- Parliament can analyze and recommend alternative policy options to government before the budget passes;
- Increased parliamentary role in setting the priorities for government expenditure;
- Improved quality, content and timeliness of reports from the government and parliamentary committees.
- Since the passing of the Budget Act and the establishment of the PBO, the budget has been passed on time each fiscal year.

Source: *The Role of the Budget Committee and the Parliamentary Budget Office*, by Hon. William Okecho, Member of Parliament, Uganda, Chairperson, Parliamentary Budget Committee

Parliament should also seek to consult with the public in order to ensure that the budget is well drafted in accordance with the needs of the people it represents and the country's development priorities. Increasing public participation in the budget process can help promote transparency, a cornerstone for maintaining a democratic budget process. Since it is difficult for parliament to reach all the constituencies, consultations with civil society organizations that work at the grass-roots level can provide significant information about public revenues and expenditures, for instance, financial needs of public schools, health centers, etc. Civil society organizations working closely with people living with or affected by HIV/AIDS can be a very useful partner and resource of information.

When receiving the draft budget from the government, it should be analyzed from various perspectives. A sector analysis will help parliament verify that the proposed budget allocations reflect policy priorities set out in the National Strategic Development Plan (NSDP) or Poverty Reduction Strategy Paper (PRSP), for instance, how much of the budget is spent on national defense compared to other priority sectors such as health and education. An Analysis of effects on different population groups will help parliament understand the impact of public spending on different groups of people, such as people living in poverty, ethnic minority groups, children, women, PLWHA etc.

Tools for Parliamentary Oversight

In practice, many national budgets are not always implemented in the exact form in which they were approved by parliament. Often allocated funds are not disbursed on time and some institutions spend over the allocated budget. Some allocated funds are not used in the intended purposes of the budget law. Parliamentary oversight of the implementation of the national budget will help to strengthen budget control and reduce mismanagement of public money and, eventually, corruption (see Unit 9). The parliament must, therefore, continue to exercise its constitutional right to oversee government spending. To its disposal, it has a variety of tools, both formal and informal. They include:

Questions to ministers: All MPs have the right to raise questions to the government, and can use this right to ask government ministers or heads of state about any public matter that falls within the official portfolio of the respective ministers or within the responsibilities of the head of state. Questions may be used to elicit information, for example, the process made in implementing the various development programs stated in the budget, or to request government action on a certain matter. Depending on the type of parliament, these questions can either be posed orally during question period, or be submitted in writing.

Questions can also be posed by **departmental committees** (also called select, standing, sessions, portfolio, permanent or working committees) to the ministers and ministry staff of the ministries they oversee to explain what they do. Ad hoc or investigative committees can also be formed to investigate a specific issue. These committees are temporary and established for a specific period of time with a limited mandate to investigate the matter for which they were established (see unit 8).

Public hearings: Members of the public, including representatives from civil society organizations, can participate in the parliamentary process via committees as observers at committee meetings. They can also appear as witnesses during public hearings convened by parliamentary committee's through written and/or oral representations.

Field-based oversight activities: Some parliaments make provisions for parliamentarians to visit constituencies, institutions (such as schools or health clinics), or specific government programs (for example feeding schemes, land reform programs, anti-retroviral drug programs and programs for people living with or affected by HIV/AIDS) to conduct oversight on the ground. This enables the parliamentarians to get information from primary sources, for instance service providers as well as the recipients of government services. It is also an opportunity for members of parliament to interact with the people they represent, which in turn can provide them with important information regarding specific needs for budget allocations.

Box 5

Tools for Field Based Oversight

In 2003-2007, the Parliamentary Centre of Canada administered an extensive training program for MPs, parliamentary staff and civil society representatives on how to conduct community monitoring. The training focused on questions of social and public accountability, the MDGs, PRSPs, monitoring and evaluations, objectives of development plans and participatory community monitoring techniques. It presented the participants with two tools the *Community Score Card (CSC)* and the *Citizen Report Card (CRC)*.

These tools are to be used in a participatory way, engaging all stakeholders, to follow-up or to assess specific government projects, programs or policies. This participatory follow-up evaluation aims to ensure a better dissemination of information; give the poor a voice in the dialogue; and enhance performance.

The **Citizen Report Card** can be used to:

- determine the users' perception of the quality, effectiveness and relevance of the services provided;
- conduct a statistically representative survey (applicable nationally, regionally and locally);
- benchmark the performance of various public services in several sectors or areas;
- integrate feedback into the decision-making process;
- release, demystify and disseminate information to the public.

The information gathered from the citizen report card can be used to address, among other things:

- knowledge of the services;
- service availability;
- use of services;
- service satisfaction;
- benchmarking of various services; and
- recommendations for service improvement.

The **Community Score Card** is an instrument of supervision used at the local level. It combines social auditing techniques, community oversight and citizen scorecards. Similar to this latter instrument, the community scorecard's purpose is to enhance social and public transparency as well as the responsiveness of service providers. To the extent that it involves consultation

between the providers and the communities, this tool allows immediate feedback and provides an opportunity for empowerment. A local follow-up tool, the community scorecard can help communities oversee and assess the performance of services, projects and even public administrative entities (communal councils, for example). It is particularly suited for a rural environment.

As part of the Parliamentary Centre program, the parliaments of Benin, Ghana, Kenya, Mali, Niger, Senegal, Tanzania, Uganda, Zambia and Zimbabwe conducted pilot projects in their respective countries together with select civil society organizations to put the community monitoring tools and knowledge they have acquired to practice. These projects focused for instance on education, literacy, HIV-AIDS, and micro-credit programs.

For example, the community monitoring pilot project in Kenya looked at the impacts of HIV/AIDS initiatives supported by the government of Kenya in the Rachuonyo District in the Nyanza Province. It brought together close to 15 civil society groups, parliamentary staff and members of the parliamentary committee on Administration, Finance and Planning. It was the first time these parties met with the actual beneficiaries to discuss performance and effectiveness of governmental programmes. Apart from the information gained through the field study, some key lessons learnt from the pilot project process were that the participatory approach was very useful in allowing immediate feedback on public service programmes. It also showed that this method was an effective way to engage the citizens in policy development. Further, it made apparent the lack of capacity parliamentary committees and civil society organisations have to monitor government policies and program, due in part to lack of financial resources and personnel.

Source: *APRN Newsletter*, June 2006 and April 2007

Public audits: The national audit is a key instrument for ensuring accountability and transparency in the budget process. The Auditor-General's (AG's) office, or the national audit authority, is an extra-parliamentary body with oversight powers over expenditures and financial systems. It reviews government accounts and prepares a yearly report for parliament on government spending. When the AG can provide independent, objective and quality audits and related value-added services in the management of public resources, it can enhance the good governance in the public sector. It desired that the auditors are independent of the executive (i.e. the executive cannot hire or fire them, nor control the budget of the AG) and free to conduct independent investigations of executive spending and programs. Audit agencies also need sufficient funds and adequate staff if they are to conduct their work effectively.

With the Auditor-General's report, parliament can exercise its budget oversight functions more effectively. It is therefore crucial that parliaments are empowered to scrutinize the audit report and are able to propose appropriate measures to deal with irregularities in budget management, including sanctions against officials guilty of those practices.

However, this requires that the report on budget performance is delivered in a timely and reliable manner. It is thus important that close links between the AG's office and the parliament are established.

Public Accounts Committees (PACs): Most parliaments have a Public Accounts Committee tasked to examine the Auditor-General' reports; to determine whether spending by government departments is in accordance with the legislature's intentions and expected standards; to investigate irregularities reported, and to recommend changes to rectify any problems discovered. PACs invite ministers and other ministry officials to testify before the committee, and, in some systems, have the power to subpoena witnesses. Both government and opposition MPs serve on PACs, which more often than not are chaired by a key member of the opposition. AG staff members sometime assist members and staff of PACs to carry out their investigations.

How to Increase Parliamentary Oversight of HIV-Related Issues

Members of parliament have a very important role to play in making sure public spending for HIV/AIDS is allocated and utilized in an effective and accountable manner. Parliamentarians, as the representatives of the population, can also play an active role in providing opportunities for exchange and dialogue with citizens on issues related to HIV/AIDS. Here follows some examples on how parliamentary oversight can be increased:

Strengthen Intra-parliamentary Responses to HIV/AIDS

It is important that the response to HIV/AIDS within parliament is strengthened and increased. The current action taken within parliaments with regards to HIV/AIDS are usually either by individuals who have a personal commitment to addressing HIV/AIDS issues within a formal subcommittee for HIV/AIDS, or within parliamentary committees with a social welfare agenda, such as health, education and social development committees. In order to strengthen intra parliamentary cooperation, every parliament should strive to:

- **Establish a standing committee on HIV/AIDS**, and where sub committees on HIV/AIDS exist, they should be converted to a full standing committee with the same status of such an ordinary standing committee. This committee should play an active role during the budget process to ensure adequate funding for HIV/AIDS, as well as to oversee the proper implementation of HIV/AIDS programs.
- **Facilitate the creation of interests groups or networks** within national parliaments focused on HIV/AIDS. Membership of these groups could include sitting MPs from any of the parliamentary committees, parliamentary staff and former MPs. This is useful in parliaments where there is as yet no standing committee on HIV/AIDS. It could also serve as a vehicle to mainstream HIV/AIDS across all committees in parliament, and to bring about a multisectoral approach to the budget.
- **Ascertain a more direct and structured interaction** between parliamentary committees and the executive political leadership. In countries where the government is viewing HIV/AIDS as a development issue, it might be difficult to identify and keep track of all the various actors involved in the HIV/AIDS response. MPs and parliamentary committees should ask government for a list of all focal points on HIV/AIDS in various ministries and departments to improve the interaction between the executive and parliament, which can prove very essential during the budget process.
- **Increase representation of women in parliament** in order to create an equitable representation and to promote a gender sensitive framework for parliamentary oversight.

Create partnerships with civil society for effective oversight of HIV/AIDS

Many parliaments in developing countries experience a lack of resources and administrative support to undertake independent reviews or analysis by parliamentary committees and individual members. By not having access to a wide range of

independent sources, parliaments become more dependent on the information the government provides and this weakens their oversight role.

Effective partnerships between non-governmental organizations (NGO) and research institutes focusing on HIV/AIDS, as well as service providers who have detailed knowledge of the implementation of government programs, can address some of the challenges that the lack of strong research offices in parliaments pose. There are many ways of involving these groups and organizations in the day-to-day work of parliament, and of formalizing this partnership to create an effective oversight of the AIDS response.

- Parliamentary Committees can request **civil society organizations to testify in budget hearings** particularly in relation to level and extent of expenditure on HIV/AIDS programs.
- MPs can request that a **non-partisan NGO assist with the coordination of a parliamentary network/association on HIV/AIDS** in order to ensure non-partisanship in its work.
- Parliament should **identify existing organizations working on HIV/AIDS**, for example AIDS service organizations, women's groups, organizations representing vulnerable groups such as orphans, sex workers, men who have sex with men etc. as well as traditional leaders, trade unions, human rights groups and faith based organizations. Of great importance is engagement with people living with HIV/AIDS (PLWHA) who have a direct experience of HIV, as well as of government policy and programming. The involvement of these groups improves representative democracy and oversight of the responses to HIV/AIDS (see unit 7).
- MPs should identify relevant **civil society organizations that can assist committees and individual MPs with analyzing bills, motions and draft laws with an HIV/AIDS lens** in order to make relevant amendments.

Box 6

Civil Society Budget-Monitoring and Resource Tracking for HIV/AIDS

Centre for Economic Governance and AIDS in Africa (CEGAA): Among the primary objectives for CEGAA is to build the capacity of and provide support to government representatives, civil society and parliamentary efforts to monitor the effectiveness of allocation and use of financial resources for HIV and to advocate for increased accountability, transparency and improved budget processes and execution.

Development Initiatives for Social and Human Action (DISHA): Based in India, DISHA conducts applied budget analysis for advocacy and lobbying activities with elected representatives and political parties in State Assembly and Parliament, to address how poor people are left out from budget policies and priorities, examine budget spending trends, and the impact of budget policies on the poor.

FUNDAR, Centro de Análisis e Investigación: FUNDAR is based in Mexico and works to promote social justice and human rights by monitoring public policies, specifically in the areas of maternal mortality, HIV/AIDS and the spending under the presidential budget. However, FUNDAR also has a coordinating role in the Latin American Budget Transparency Index.

International Budget Project (IBP): The IBP was formed within the Center on Budget and Policy Priorities in 1997 to nurture the growth of civil society capacity to analyze and influence government budget processes, institutions and outcomes. The IBP is interested particularly in working with those organizations that focus on the impact of the budget on poor and low-income people in developing countries or new democracies. It works with organizations focusing on budget monitoring from several countries in Africa, Asia and Latin America.

Institute for Democracy in South Africa (IDASA): The AIDS Budget Unit within IDASA primarily provides research and analysis on the public finance issues related to the South African government's response to HIV/AIDS. It monitors targeted allocations for HIV/AIDS interventions in the national and provincial budgets and also analyzes the indirect impact of the epidemic on the public sector budget. However, it also monitors and supports governments' mobilization and utilization of HIV/AIDS financial resources in a number of other African countries. In addition, it aims to empower civil society organizations in Africa to track the resources being spent on HIV/AIDS-related activities, including public, donor and private resources, and to ascertain the outcomes of those expenditures.

Source: *Taking Action Against HIV, 2007*

This collaboration can achieve at least two objectives:

- through parliament, provide greater information and knowledge to these groups on government policies and programs; and
- MPs can receive feedback from these groups on government policies and programs thereby improving oversight of HIV and AIDS.

Increase and expand parliamentary oversight in the budget process

During the legislative stage of the budget process, it is important for parliaments to increase their role by making effective use of existing provisions and mechanisms for oversight. Many parliaments are presented with already compiled budgets, where the line items and totals have been identified and allocated. In order to assure sufficient and equitable funding for HIV/AIDS, MPs and parliamentary committees should:

- Ensure that HIV/AIDS is a priority in national budget allocations;
- Ensure that budget allocations are in line with national policies and the approved government priorities for HIV/AIDS;
- Ensure that the budgets reflect additional priorities that emerge from constituency work or public hearings;
- Ensure that all funds available for HIV/AIDS programming, including external donor funding, flow through the national budget;
- Investigate the total amount earmarked for HIV/AIDS programs within the relevant ministerial budgets, such as the health, education, social service, and other ministries;
- Ensure that budget allocations are sufficient to meet international commitments (e.g. UNGASS Declaration of Commitment on HIV/AIDS, 2001 Abuja Declaration etc.);
- Lobby for budgets to include a specific line item for HIV/AIDS, as well as provide disaggregated data, which will assist MPs in monitoring spending on HIV/AIDS as well as facilitate analysis on impact on vulnerable groups; and
- Carry out ongoing monitoring throughout the year to ensure that government agencies are spending allocations as per approved budgets, and if applicable, establish the reasons for under-spending funds for HIV/AIDS.

Improve monitoring of aid effectiveness

Parliaments have an important role to play in ensuring that available resources for HIV/AIDS are used in the most effective and efficient manner by, assessing whether aid is aligned with national priorities and reaching key populations, as well as by disclosing any mismanagement of funds.

Although funding for the response to HIV/AIDS in many developing countries has increased, financial resources continue to fall short of what is needed to move towards universal access to prevention, care, treatment and support. Many countries therefore depend on external recourses to meet the needs of the HIV/AIDS epidemic. Parliaments in recipient countries are overlooked by most donor governments as potential partners in aid effectiveness. It becomes more challenging for these parliaments to ensure that aid is effective when it has not been party to the conditions according to which the aid has been given. In those cases where parliament has to approve aid agreements, it often does not have sufficient time to analyze the actual terms of the agreement or provide input.

The Paris Declaration on AIDS Effectiveness (2005) was endorsed by over one hundred Ministers, Heads of Agencies and other senior officials from both so called developed and developing countries during the *third High Level Meeting on aid effectiveness*. It seeks to enhance the effectiveness of aid by improving the way it is delivered, implemented and managed. It states that effective partnerships, based on mutual accountability and transparency, between aid donors and aid recipients are a prerequisite for aid effectiveness.

By endorsing the declaration, developing countries have committed to assure that national development strategies are formulated through broad consultative processes and translated into prioritized, results-oriented and operational programs, expressed in medium-term expenditure frameworks (MTEFs) and annual budgets. In addition, they expressly committed to strengthening the role of parliaments, as appropriate, in national development strategies and/or budgets as well as in progress assessment in order to increase the accountability of aid.

Donor countries have committed to provide timely, transparent and comprehensive information on aid, which can facilitate effective oversight by parliaments and improve allocation of resources according to the needs of the people they represent. However, there is still a large discrepancy between the disbursement of aid and what is reflected in national budgets in many partner countries, which makes it difficult for parliaments to

get a full view of the aid flow, and reduce parliament's ability to scrutinize government policies on development. Parliaments in countries where the government has endorsed the Paris Declaration should therefore use this declaration as a tool to increase their access to information on all funds available for HIV/AIDS. Donor-parliaments should also share this information with recipient-country parliaments to make their respective governments more accountable for development results. Parliaments can also promote the "Three Ones" approach - One strategic framework, One national AIDS authority, and One monitoring and evaluation mechanism – (see Unit 3) for the coordination and delivery of all HIV/AIDS programs to facilitate their role in ensuring aid effectiveness.

Hold the executive to its promises

There are several international agreements that include commitments relating to HIV/AIDS that have been adopted by governments around the world, for example the *Millennium Development Declaration* (2000), the *UNGASS Declaration of Commitment on HIV/AIDS* (2001), the *World Summit Outcome Declaration* (2005) and the *Political Declaration on HIV/AIDS* (2006). There are also important regional declarations where political leaders have committed to address HIV/AIDS. For example, African leaders of the Organization for African Unity (OAU), which has since become the African Union, signed the *Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases* in 2001 and pacific parliamentarians developed and signed the *Suva Declaration on the Fight Against HIV/AIDS* in 2004 (See Unit 3 - Global Responses to HIV/AIDS). Parliaments can play an important role in holding their governments to the promises made in these agreements and declarations. Some of these agreements have specific target dates, and even if these deadlines have not been met, the agreements can be used as tools to track progress.

Unit 6: Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. What role does parliament have in the various stages of the budget process, and how can parliament use these roles to address HIV/AIDS more effectively?
2. How can parliamentarians use National Development Plans, Poverty Reduction Strategy Papers (PRSPs) and Medium-term expenditure frameworks (MTEFs) to ensure proper allocations to HIV/AIDS programs in the budget?
3. Why is disaggregated data on HIV/AIDS in the budget important? Does your country's budget provide disaggregated information on HIV/AIDS? If yes, to what extent does the budget take in consideration the various needs according to geographical area or specific groups of beneficiaries? If not, choose a sector, for example health or social affairs, to identify relevant ways of disaggregating the data to show type of intervention, function, provider or beneficiaries.
4. What tools does parliament have to its disposal to conduct oversight during the development as well as the implementation of the budget? How have these tool been used in your country, in particular in relation to HIV/AIDS?

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The Role of the Budget Committee and the Parliamentary Budget Office, by Hon. William Okecho, Member of Parliament, Uganda, Chairperson, Parliamentary Budget Committee

Internet Resources:

Organizations working on budget monitoring and resource tracking for HIV/AIDS:

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www.cegaa.org

Development Initiatives for Social and Human Action (DISHA):

www.disha-india.org

FUNDAR, Centro de Análisis e Investigación:

www.fundar.org.mx

International Budget Project (IBP):

www.internationalbudget.org

Institute for Democracy in South Africa (IDASA):

www.idasa.org.za

Other Internet Resources:

Paris Declaration on Aids Effectiveness

www.oecd.org/document/18/0,3343,en_2649_3236398_35401554_1_1_1_1,00.html

www.aidharmonization.org

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Governance and Social Development Resource Centre - Public Financial Management and Accountability

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