



**National Association
Of Non-Governmental
Organisation**

**FUNDAMENTALS OF
SOCIAL
ACCOUNTABILITY**

PREAMBLE

This Social Accountability Training Manual is guided by the NANGO's Vision of "A proactive community of NGOs responsive and committed to the sustainable development needs of all people in Zimbabwe and the full realisation of human rights, democracy, good governance and poverty alleviation.", It is a Manual that is responsive to the demands of cross cutting issues such as gender, environment, disability and HIV and AIDS. It shall provide the basis for the development of future Training Manuals.

This training manual is designed to guide the training of trainers on the basic premise of the rights-based approach to development that: all human beings have equal dignity and equal claim on the resources required to meet their basic human needs and to exercise their fundamental rights and capabilities. This manual is intended for use during the training of trainers who in turn will use it as a resource as they train other Civil Society Organizations (CSOs).

The Manual is a product of a highly participatory and inclusive process involving stakeholders with in-depth knowledge in monitoring and evaluation of developmental programmes.

This Manual demonstrates that through collaboration and dedication, success can be achieved. The National Association of Non-Governmental Organizations is deeply indebted to all the participants who made the exercise a success.

On behalf of NANGO

Leonard Mandishara

TABLE OF CONTENTS

| | |
|---|----|
| CHAPTER 1: Rights Based Approach to Social Accountability, The State and Human Development | 1 |
| Social justice and human development..... | 1 |
| Hierarchy of human needs..... | 1 |
| Human rights..... | 2 |
| Human capabilities..... | 2 |
| Key concepts..... | 3 |
| Human rights obligations of the state..... | 3 |
| State accountability to its citizens..... | 3 |
| CHAPTER 2: Social Accountability | 4 |
| Definitions:..... | 4 |
| Social accountability as a right..... | 4 |
| Public resource management within the state..... | 4 |
| 5 key public management processes..... | 4 |
| Civil society interventions to strengthen the implementation of the five processes of the public resource management framework..... | 6 |
| Transforming the state into a social accountability system..... | 7 |
| The potential strategies to be employed in transforming the state into social accountability.. | 7 |
| How to institutionalize the right to social accountability?..... | 7 |
| CHAPTER 3: Social Accountability System (SAS) | 8 |
| Definition..... | 8 |
| Applying Social Accountability Tools..... | 9 |
| Benefits of the Social Accountability Approach..... | 11 |
| CHAPTER 4: The National Budgeting Process | 12 |
| The Budget Process/Cycle..... | 13 |
| Role of Parliament and Civil Society in The Budget Cycle..... | 14 |
| The Budget Process in Parliament..... | 15 |
| CHAPTER 5: Budget Analysis, Monitoring/Tracking | 17 |
| Rights-Based Budgeting..... | 18 |
| Gender Responsive Budgeting..... | 19 |
| Legal Framework for Public Resource Management in Zimbabwe..... | 19 |

CHAPTER 1: Rights Based Approach to Social Accountability, The State and Human Development

Social justice and human development

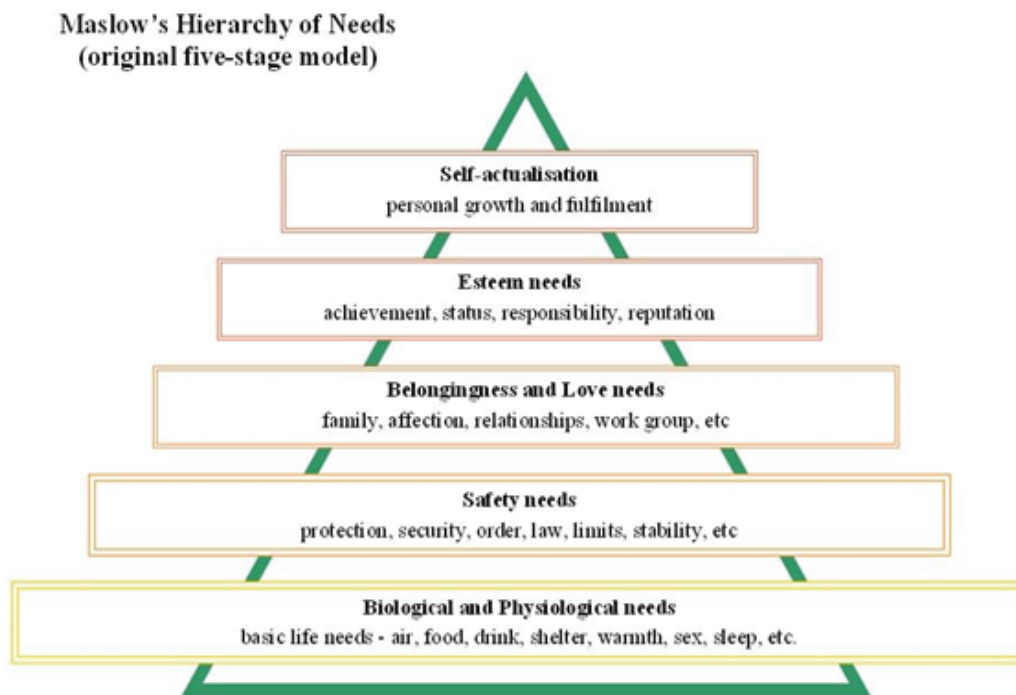
The basic premise of the rights-based approach to development is that: all human beings have equal dignity and equal claim on the resources required to meet their basic human needs and to exercise their fundamental rights and capabilities.

This raises 3 questions:

1. What are basic human needs?
2. What are human rights?
3. What is the difference between human rights and human capabilities?

We must answer these three questions to understand poverty, social justice, social accountability and the role of the state

Hierarchy of human needs



Human rights

The UN human rights framework

The UN defines human rights as: a universal legal guarantee protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity.

The UN framework grants the following rights to human beings:

- Life, liberty and security
- Freedom of association, expression, assembly and movement
- The highest attainable standards of health
- Adequate food, housing and social security
- Education
- Equal protection of the law
- Freedom from torture, cruel, inhuman and degrading treatment
- Freedom of thought, conscience and religion
- The right to vote and participate in public affairs

All human rights share these characteristics:

- Universal-all human beings can claim them by virtue of being human
- Assert inherent dignity and equality of all human beings
- All rights equally important-therefore indivisible and interdependent
- Inalienable-cannot be given up by holders or taken away
- Bestow entitlements on rights holders and impose obligations on duty bearers
- Guaranteed and protected by international law .

Human rights obligations of the state

Basic needs are the foundation from which human rights emerge. Since human rights are guaranteed in law, states are the primary mechanism through which human rights are realised.

Human capabilities

Human capabilities are:

A set of preconditions that enable people to function in a variety of areas that are of central importance to the realisation of human rights. It is a human obligation to use the rights that are available.

Therefore, the right to education entitles all rights holders to the material and social preconditions that guarantee access to the best education possible having accessed and used all available resources.

The primary role of an accountable state is:

To create and sustain the material and social preconditions that guarantee that these rights are within the reach of its citizens AND TO do this progressively and to the maximum of its available resources

Rights versus capabilities of citizens:

Citizens are not passive users of public resources but are active holders of fundamental rights. BUT a right is something that we deserve rather than something we actually have.

Having a right is not the same as having access to that right e.g. the right to health versus access to health care.

In order to be realised, a right or what citizens deserve must become a capability- what they are actually able to be or do.

For socio-economic rights, this is done through the delivery of services that address a set of basic human needs.



Key concepts

Poverty

Poverty- a shortage of something necessary or required (to function or flourish)

Absolute poverty- unmet basic human needs

Relative poverty- Inadequately met human needs relative to:

- The society's circumstances (someone living in a shack when the society can afford quality housing for all)
- The society's culture (someone who possesses a particular characteristic that puts him/her in a position of ridicule, stigma or insecurity within a particular society.
- The position of others in society (someone otherwise wealthy but confined to a wheelchair where there are no ramps to access public buildings.)

Social justice

A socially just society is one in which basic human needs are guaranteed (by law) and are met at least to a basic minimally acceptable standard for all members of that society.

Human rights obligations of the state

Obligation to respect: Requires states parties not to take any measures that result in preventing access to the right

Obligation to protect: Requires measures by the state to ensure that enterprises or individuals do not deprive individuals of their access to the right

Obligation to fulfil: (Facilitate) means the state must proactively engage in activities intended to strengthen peoples access to and utilization of resources and means to ensure their access to and enjoyment of the right

(Provide) means that the state must provide that right directly when an individual or group is unable to do so for themselves.

State accountability to its citizens

The state's direct accountability to citizens normally takes 2 forms:

1. Democratic accountability

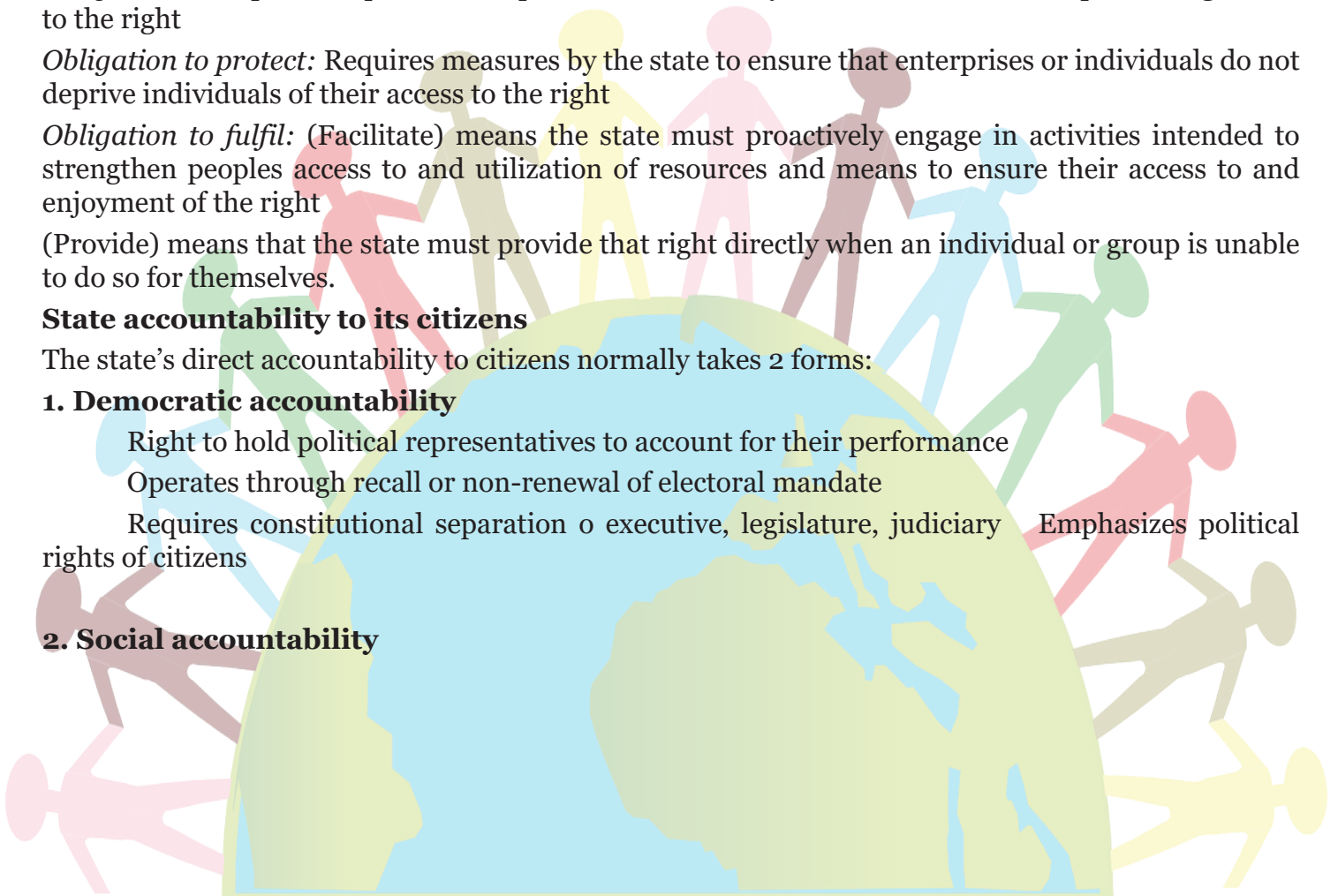
Right to hold political representatives to account for their performance

Operates through recall or non-renewal of electoral mandate

Requires constitutional separation of executive, legislature, judiciary

Emphasizes political rights of citizens

2. Social accountability



CHAPTER 2: Social Accountability

Definitions:

the broad range of actions and mechanisms beyond voting that citizens can use to hold the state to account or

Actions on the part of government, civil society, media and other societal actors that promote or facilitate these efforts.

It emphasizes political and socio-economic rights of citizens and focus is on the relationship between the demand and supply side.

The role of the state as a social accountability system

1. To respect, protect and fulfil the rights of its citizens
2. To create and sustain the material and social preconditions that guarantee that these rights are within the reach of its citizens
3. To do this progressively and to the best of its ability to the maximum of the available resources.

To do this, the state must ensure

1. Efficient collection of revenue to fund public resources (e.g through VAT, customs duty etc.)
2. Effective implementation of five public resources management processes
3. That those responsible for the management of resources justify and explain their performance as a matter of course in their routinely produced documentation
4. That any systemic weaknesses in its institutions are identified and corrected in a timely manner

Social accountability as a right

The right to social accountability asserts:

1. That every state is obliged to justify and explain its decisions and actions in this regard to its citizens in its core public resource management (PRM) documentation as a matter of course and to take timely corrective action where weaknesses are identified.
2. That all citizens have the right to demand these justifications and explanations from the state when it fails to provide them adequately and corrective action where required.

Public resource management within the state

A number of public resource management processes are required if available public goods and resources within a society are to become translated into institutional arrangements and public services which effectively address people's basic needs. Irrespective of the other institutional features of the state, in order to deliver responsive public services, five key public resource management processes need to be in place.

A key element of each of the state's public resource management processes involves the routine production of a range of official management documents.

5 key public management processes

Planning and resource allocation

This process starts with the executive arm of government and senior managers responsible for public service delivery agencies drawing up detailed strategic plans. The plan for each agency acts as a road-map for line managers and inform all staff of the activities to be undertaken in order to deliver required public services, their time frames and spending and performance targets. The first step in drawing up an effective strategic plan requires managers to undertake an up to date analysis of the needs of those requiring public services (relative to an ideal concept of their human rights and capabilities) it also requires a detailed situation analysis of the challenges and resource constraints facing individual agencies. The needs analysis and situational analysis should identify amongst others, the most pressing socio-economic needs to be addressed and the internal resource and capability constraints affecting the agency's ability to address these needs. It should identify a set of clear activities required to address current needs and group these into clearly defined programmes. Once the activities making up each programme have been identified and prioritized relative to the pressing social and economic needs, these can then be costed. An authorized set of financial resources (budget), human resources (staff) and infrastructural requirements can then be allocated to each program via some form of legislature or community oversight mechanism and a set of measurable performance indicators identified to measure the achievement of program outputs.

Documents produced

Strategic plans e.g. TSP, Business plans for key programmes, contracts with outsourced service provider, service level agreements and infrastructure and maintenance plans, detailed budget policy statements, medium term expenditure framework (MTEF), estimates of revenue;

Expenditure management

Once a budget has been allocated to an agency to implement the outputs and activities listed in its strategic plan, key duty bearers (including the executive arm of government) need to track the spending of funds against the agency's approved budget. For this to purpose, line managers need to submit monthly spending reports to enable senior managers, including internal auditors, to identify risks in the effective management of funds and delivery of services. Heads of agencies should provide brief monthly and more detailed quarterly reports on spending to their executive authorities and to the ministry of finance. Executive authorities should stay updated on any under- or overspending of funds and on any financial control weaknesses or other risks likely to affect the agency's delivery targets.

Documents produced

Monthly and quarterly financial reports, internal audit reports, and annual external audit reports on financial statements. Also oversight committee minutes including portfolio and public accounts committee recommendations and legislature resolutions.

Performance management

Once a budget has been allocated to an agency to implement the outputs and activities listed in its strategic plan, the executive and senior managers within the agency must report on their performance in implementing strategic plans and must explain and justify failed or ineffective performance and corrective action taken. Performance agreements must be signed by all staff (based on planned outputs) and these should be reviewed t

hroughout the financial year. Among others, effective performance management requires a number of sub systems within service delivery agencies. These include: an effective human resource management system; reliable financial and performance reporting mechanism; effective monitoring and evaluation processes (including regular mechanisms for monitoring service delivery); an effective internal control environment; and an effective risk management and internal audit function.

Documents produced

Annual reports; supreme audit institution's reports (including financial and performance audits); reports on the implementation of business plans; reports from outsourced service providers; performance contracts for senior managers; and infrastructure and maintenance reports. Also oversight committee minutes (including portfolio and public accounts committee recommendations and legislature resolutions).

Public integrity management

The executive and senior managers must ensure that public integrity management mechanisms are maintained within all agencies to both prevent and correct instances of the effective use and abuse of public resources (including cases of misconduct, inefficiency, maladministration, corruption and conflict of interest). these include corrective mechanisms within departments such as human resource management directorates disciplinary units, and disciplinary records, and preventative mechanisms designed to limit the scope for conflicts of interest and corruption, including registers for the declaration of private interests by senior managers, members of the legislature and members of the executive.

Documents produced

Supreme audit institutions reports (including financial, performance and forensic audits); reports on corrective action in response to cases of misconduct; reports on corrective action in response to cases of incapacity; and, registers of private interests (for senior managers, members of the executive and members of the legislature)

Oversight

A rigorous independent audit should be conducted into each agency's financial and performance management by the state's supreme audit institution. Legislature committees and local assembly committees should scrutinize the agency's annual report along with audit findings, including any emphasis of matter and any recommendations for corrective action. Committees should then make recommendations to the head of the agency to improve financial or performance management and to enhance service delivery. These committees should monitor the implementation of their recommendations and corrective steps taken in response to supreme audit findings.

Documents produced

Supreme audit institutions report and oversight committee minutes (including portfolio and public accounts committee recommendations and legislature resolutions).

NB: The ineffective implementation or weakness of any one of these processes will invariably exert a knock-on effect on the implementation of other processes and will result in the weakness of the overall system. E.g. the production of an incomplete strategic plan inevitably affects the ability of officials'/service providers to account for their expenditure and their performance. This creates the potential for the misuse of resources and hampers the ability of parliamentarians to exercise effective oversight over the performance of officials and executive.

Civil society interventions to strengthen the implementation of the five processes of the public resource management framework

To ensure the effective implementation of these processes there is need for active and ongoing evidence-based engagement between civic actors and the state.

Ongoing demands by civic interest groups that those responsible for managing public resources produce clear justifications for their decisions and performance, will serve to strengthen the implementation of these five public resource management processes.

The assumption is that duty-bearers (including the various managers of public resources and the executive) need to ensure the production of rigorous and detailed financial and performance reports, which require the prior production of rigorous and detailed planning and budgeting documents in order to be able to track and subsequently justify their performance to civic actors and constitutionally appointed oversight bodies.

Consequently, public access to, and rigorous scrutiny of, the content of these documents will create, at least in part, the necessary pressure to ensure:

1. That they are produced in the first instance,
2. That they are made available to the public and
3. That there is a progressive improvement in their quality and detail.

There after civic interest groups need to provide consistent social pressure to improve the quality and detail of public resource management documents. In doing so, civic interest groups will simultaneously apply (at least in part) the pressure necessary to strengthen the capacity of duty bearers to manage their portfolios more effectively. This is because the same documents plan and reports required to justify the performance of those duty bearers responsible for managing public resources are at the same time the practical tools that they require to effectively manage their human and financial resources.

Transforming the state into a social accountability system

Improving the effective management of each of the five public resource management processes (by improving the quality of management information) is the first step in transforming the state into a social accountability system. The second step requires that each of these five processes be transformed into social accountability processes. To do so, each process must institutionalise civic participation within its workings in line with the definition of the rights to social accountability. Each process must institutionalize provisions:

- a. To ensure that rights-holders have the ongoing opportunity to demand justifications and explanations for decisions regarding the prioritization of needs and the allocation and management of public goods and resources, and
- b. To ensure that those duty bearers responsible for public goods and resources have the ongoing capacity to supply such justifications relative to human needs and the ability to take any required corrective action.

The potential strategies to be employed in transforming the state into social accountability

For a well-functioning public resource management system:

1. Demand for improvement is necessary for supply
2. Effective demand means that there is need for a progressively evidence based engagement between civic actors and the state
3. Ensure that each process contributes to the state's obligation to progressively realize human rights to the maximum of its available resources

How to institutionalize the right to social accountability?

1. Ensuring that rights-holders have the ongoing opportunity, information and capacity to demand justifications and explanations for decisions regarding the prioritization of needs and the allocation and management of public goods and resources, and
2. Ensuring that those duty-bearers responsible for public goods and resources have the on-going capacity and motivation to supply such justifications relative to human needs and the ability to take any required corrective action.

CHAPTER 3: Social Accountability System (SAS)

Definition

The Public Service Accountability Monitor has developed a social accountability system, which focuses on the entire public resource management system of the State. The PSAM conceptual approach is based on the premise that there are five basic processes through which States manage public resources to deliver services that realize the socio-economic rights of citizens.

The five processes of the SAS are;

- (i) Strategic Planning and Resource Allocation
- (ii) Expenditure Management
- (iii) Performance Management
- (iv) Public Integrity Management
- (v) Oversight

The SAS diagram below illustrates the inter-linkages of the processes stated above .



Social accountability entails the right of citizens to obtain justifications and explanations for the use of public resources from those entrusted with the responsibility for their management in order to progressively realise human rights . Officials and service providers have the corresponding duty not only to produce such justifications, but to take timely corrective action in instances where public resources are not effectively utilised. Citizens have the right to demand justifications and explanations from the State when it fails to provide them adequately and corrective action where required.

¹ SAS Diagram Developed by PSAM

¹ Public Service Accountability Monitoring (PSAM)

¹ Tools for Monitoring the Social Accountability System Diagram Developed by PSAM

Applying Social Accountability Tools

Social accountability tools are a set of questions that guide the evaluation of each process of the Social Accountability System to ensure that the system produces desired results. Each process requires a set of documents or information to enable a proper analysis of the system as illustrated in the diagram below ;



The following is a set of questions which citizens and CSOs should ask at each process of the Social Accountability System;

Strategic Planning and Resource Allocation

This section provides a brief overview of intended programmes and targets for the year. It also includes a summary of the ministry's strategic objectives and key result areas. Strategic Planning and Resource Allocation process looks at funds or resources available to the Ministry / Department / Local Government Authority (LGA) and how they plan to utilize these resources to address the identified needs of citizens.

Ministry/LGA budget objectives: what were the ministry's qualitative and quantitative objectives in the budget?

Is the ministry's/LGA's strategic plan informed by a rigorous and up-to-date needs analysis?

In other words, has the ministry identified the real people's socio-economic needs?

Are the ministry's / LGA's planned activities linked to national macro-economic policies (e.g. ZIMASSET)?

Were key stakeholders consulted in identifying the socio-economic needs of the people?

Will the implementation of the plan result in the realization of citizens' socio-economic rights (service delivery)?

Ministry/LGA budget allocation: what was the ministry's/LGA's allocation for the current year? This should provide a brief summary of the heads of expenditure.

Were the allocated resources linked to the Ministry's/LGA's strategic plan?

Were the entire ministry's/LGA's planned activities allocated the requested resources? If not, what impact will this have on service delivery?

Expenditure Management

The public expenditure management process is concerned with the effective implementation of the budget in compliance with relevant legislation and regulations. It involves the management of both incoming revenue and expenditure. It is dependent on the operation of effective internal controls.

- Did the ministry/LGA spend funds for the intended purposes as approved by Parliament/Council? If there were deviations (virement) did the ministry seek prior approval from the relevant authorities?
- Was there any under-expenditure on any budget line items? If so, why? And what impact will it have on service delivery?
- Were proper payment procedures and financial controls over the ministry's spending of public funds followed in all instances?
- What are ministries'/LGA's views of the outturn in the next quarter? The remainder of the budget period?
- Does the ministry/LGA foresee requiring a supplementary budgetary allocation in this budget period?
- What are the implications of the ministry's/LGA's spending for the progressive realization of the human rights and needs of those that it serves?

Performance Management

The review should focus on targets for the quarter in terms of outputs and outcomes of planned activities.

- Did the ministry/LGA implement the planned activities as set out in its strategic plan effectively, efficiently and economically?
- What explanations does the ministry/LGA have for any targets that were not met during the quarter?
- What is the likely impact on citizens of the ministry's/LGA's failure to meet targets?
- If the obstacles to performance are within the ministry's/LGA's competence to overcome, what actions has it taken to overcome them? Spell out plans to ensure that targets are consistently met.
- If the obstacles were beyond the ministries'/LGA's control, what suggestions does it have for how they might be reduced in the future? In particular, are there actions Parliament/Council might take to assist in overcoming them?

iv. Public Integrity Management

It deals with the existence and implementation of a comprehensive procedural and regulatory framework governing the conduct and performance of the individuals responsible for the management of public resources, including private service providers, public officials, Legislators and Members of the Executive. This framework incorporates, among other things, legislation, codes of conduct in respect of performance standards, misconduct, maladministration, corruption and conflicts of interest.

Were there any reported cases of abuse or misuse of public resources in the ministry/LGA?

What corrective action was taken to address ineffective or abuse of public resources? What mechanisms exist in the ministry/LGA to address and prevent ineffective use or abuse of public resources?

v. **Oversight**

Oversight is the act of controlling the discretion of the Executive arm of government by monitoring its decisions / activities and holding it to account for them.

- Is the ministry/LGA aware of its reporting obligation to Parliament/Council and the Auditor General as set out in the Public Finance Management Act and the Constitution or relevant legislation?
- Has the ministry/LGA addressed observations and recommendations of the Auditor General and relevant parliamentary Portfolio Committee on its previous financial accounts?
- What challenges is the ministry/LGA facing in meeting its reporting requirements to Parliament/Council and the Auditor General as set out in the Public Finance Management Act?
- Does the public have access to the ministry's performance reports, strategic plans etc?

The demand side players (Members of Parliament, Councillors and Civic Society Organizations, citizens etc.) have an important oversight task to play at each and every stage of the Social Accountability System (SAS) to ensure that the system produces desired results that benefit citizens through improved service delivery. CSOs not only monitor the Executive (supply side) but also Parliament and Councils (demand side) to check whether or not these demand side institutions are playing their oversight role effectively.

It is important for citizens and CSOs to know the key role players at each process of the SAS and the power they wield in decision making. It is also crucial for oversight bodies or players to be acquainted with documents relevant to each process of the SAS.

Benefits of the Social Accountability Approach

- Improved governance as citizens are involved in decision-making processes
- Improved public policies and service delivery
- Efficient and effective utilization of public resources
- Elimination of corruption and abuse of public office
- Timely corrective measures

CHAPTER 4: The National Budgeting Process

The National Budget is an important instrument in national development, which sets Government's policy priorities, planning and implementation processes for the delivery of goods and services over a twelve-month period.

It is therefore a major instrument in promoting macroeconomic stabilisation, sustainable economic growth and development.

The budget governs the allocation of scarce resources. It is a plan for acquiring resources (revenue) and how these resources will be utilized (expenditure) to achieve desired objectives. The plan shows how revenue will be raised (where the money will come from) and the broad allocation of resources to objectives and activities for the coming year, and the spending departments or business units to be held accountable.

The national budget is not just a technical instrument compiling income and expenditure. It is the most important policy statement made by the Executive in the course of the year. It reflects the fundamental values underlying national policy. It outlines the government's views of the socio-economic state of the nation. It is a declaration of the government's fiscal, financial and economic objectives and reflects its social and economic priorities. The budget further provides a valuable measure of the government's future intentions and past performance.

The Budget plays a central role in the governance process, and the fulfillment of economic, political, social, legal and administrative functions. Consistent adherence to approved estimates over a period of time depicts the seriousness government and its officials attach to policies itemized in the budget. This engenders growth & development.

The budget is a source of information about the priorities of a government and their commitment to poverty reduction.

The budget is a critically important document in ensuring transparency, accountability, responsibility and good governance.

Transparency

Transparency can be defined as the case at which an outsider can analyse the actions of the Executive or an organisation in order to make a sound decision. It is a measure of how good management/the executive is at making necessary accurate information available in a timely manner.

Accountability

This refers to decision makers being accountable for their decisions and actions. Mechanisms must exist and be effective to allow for accountability. This provides stakeholders with the means to query and assess the actions of decision-makers. Accountability to stakeholders also means that the board should endeavour to ensure that the business enterprise is financially viable and properly managed so as to protect and enhance the interests of the corporation and its shareholders.

Responsibility

This pertains to behaviour that allows for corrective action and penalising mismanagement. Having sound internal control procedures is an action of a responsible management/executive as well as management of risk.

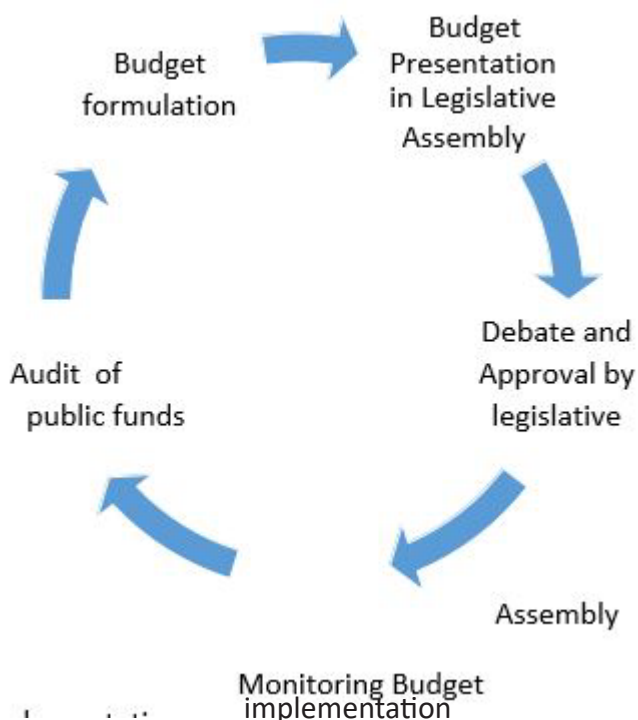
By providing a detailed description of proposed expenditure, it allows Parliament and the general public to "know where the money goes" and thus increases transparency. In addition, the budget requires approval by Parliament before the government can spend money or raise revenue, making ministers accountable to Parliament and its committees. Finally, it provides a regulating and disciplining framework within which government departments must be managed and must perform their functions.

Transparency and accountability should be constitutional requirements, especially with regard to the national budgetary process. Together with transparency in the entire budgetary process, accountability is at the very heart of democracy.

The Budget Process/Cycle

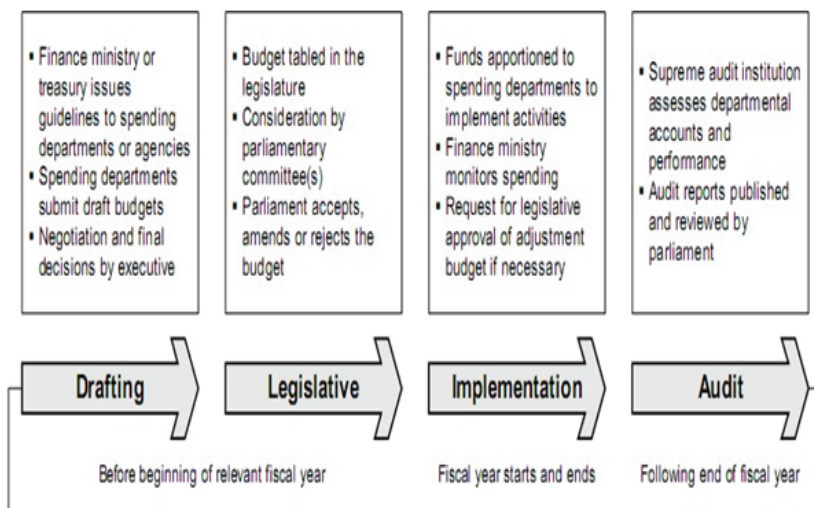
The budget timeline or cycle depicts the various stages through which the national budget is formulated and implemented. It depicts the duration and sequence of the different stages of the budget process. The cycle allows the system to absorb and respond to new information, and therefore, allows government to be held accountable for its actions.

The budget process or cycle in the SADC region is generally depicted by the diagram below



The World Bank Institute has gone further to clarify the budget cycle (drawing largely on the Westminster system) as follows:

Stages of the annual budget process



The budget is a year-long cycle whose different phases offer the legislature and other stakeholders varying access points to influence how public resources are raised and spent to attain desired outcomes. The stages are often reflective of country-specific factors – administrative heritage and capacity, the balance of power between the different branches of government and the macroeconomic context.

Role of Parliament and Civil Society in the Budget Cycle

Parliament has “power of the purse”. Parliamentary oversight of government finances can be separated into two broad phases: consideration and approval of the government’s plans for the raising and spending of revenue *ex ante* and the monitoring of expenditure *ex post* to ensure that it has conformed to the terms which Parliament has approved. Naturally, the outcome of the later phase will affect the former in the next round of the annual cycle, so the whole can be seen as a continuous process. It is important for parliament, civil society and interest groups to participate in the entire process. Participation in the budget process is a powerful tool for representation and accountability. It demonstrates the importance of strategic engagement with the state for promoting a people-centric democratic discourse. It is a powerful tool to complement other important accountability tools such as elections, mass mobilisation and protests.

Parliamentary budget oversight is at the heart of Executive oversight. Executive oversight means that Parliament must thoroughly scrutinize and follow-up the work of ministries and call them to account for their actions. The Public Service Accountability Monitor defines oversight as the monitoring, scrutiny and supervision of all activities of the Executive and any organ of government, to ensure the optimum use of resources that will address identified needs.

Parliamentarians conduct oversight in order to:

- *Ensure transparency and openness of executive activities.* Parliaments shed light on the operations of government by providing a public arena in which the policies and actions of government are debated, scrutinized, and subjected to public opinion.
- *Hold the executive branch accountable.* Parliamentary oversight scrutinizes whether the government’s policies have been implemented and whether they are having the desired impact;
- *Provide financial accountability.* Parliaments approve and scrutinize government spending by highlighting waste within publicly funded services. Their aim is to improve the economy, efficiency and effectiveness of government expenditure; and,

- **Uphold the rule of law.** Parliament should protect the rights of citizens by monitoring policies and examining potential abuses of power, arbitrary behavior, and illegal or unconstitutional conduct by government.

Source: Portal for Parliamentary Development www.agora-parl.org/oversight

Parliament performs executive oversight by scrutinizing government policies, programs and expenditure plans in order to ensure that they are in line with legislative intent and are governed by documented policies and procedures. This is done, among other things, by making inputs into and approving and monitoring the national budget.

The budgetary role of legislatures varies from country to country and, within each country, the relative balance of influence in the budget process between the Legislature and Executive may ebb and flow overtime. Some legislatures effectively write the budget; others tend to approve executive budget proposals without changes. In some legislatures, most of the debate takes place in plenary, on the floor of the House; elsewhere the emphasis is on review in committee. Some legislatures fragment scrutiny of the budget across several committees, whereas others have established a budget (or finance) committee that oversees the process.

Ultimately, however, the final vote of approval of the budget takes place in the chamber. World Bank Institute, 2008.

Nevertheless, nearly all democracies today have an opportunity for active, meaningful legislative participation in the budget process. And legislators in several developing democracies are making strides in this area.

“In most countries, the Executive has the upper hand in the budget process, although there is room for the legislative branch to also play an important role. Because of its nationwide importance, political sensitivity and complexity, establishing the legislative role in a predictable, transparent and participatory process for budgeting a nation’s financial resources is one of the most critical components of reform, and often one of the most contentious,” according to the National Democratic Institute for International Affairs in its Legislatures and Budget Process paper (2003).

According to the International Budget Partnership (IBP), increased legislative participation in the budget process can boost transparency and curb corruption, enhance incentives to promote efficiency in departmental spending and foster consensus about difficult budget choices, and promote accountable and democratic government (IBP, 2010). The “power of the purse”, as Wehner calls it, is an incontestable democratic fundamental. Wehner (2004).

There is an obligation on the part of Parliament to ensure that the revenue and spending measures it authorizes are fiscally sound, match the needs of the population with available resources, and that they are implemented properly and in an efficient manner. Where parliamentarians fail to meet this obligation a lengthy but ultimately ineffective budget process emerges.

The Budget Process in Parliament

Section 305 of the Constitution of Zimbabwe authorizes the Minister to lay before the National Assembly estimates of the revenue and expenditure on a day the National Assembly sits before or not later than thirty days after the start of the financial year. Therefore, it is the primary role of the Executive to formulate and table the national budget before the National Assembly as it is the only House of Parliament where a money bill can be introduced.

However, prior to the tabling of the revenue and expenditure estimates by the Minister of Finance, practice requires ministries or government departments to consult Parliament, through its portfolio committees, civic society organizations and the public during the process of budget bids formulation. Thus, draft budget bids and priorities for the next budget can be discussed with portfolio committees and other interested stakeholders before they are submitted to Treasury.

The Public Finance Management Act empowers the Budget Committee to conduct public hearings in order to solicit citizen input on priorities for the next budget. The hearings are conducted in all the country’s ten provinces. Civil society can take advantage of these public hearings in order to make their input into the crafting of the national budget.

In addition to the above, Parliament, together with the Ministry of Finance, organizes the annual pre-budget workshop that brings together Members of Parliament, Ministers, senior government officials and representatives of civic society organisations to further discuss sector priorities for the next budget before finalisation by Treasury. At such a workshop the Minister of Finance outlines the budget framework and assumptions whilst Ministers and Portfolio Committee Chairpersons and other MPs are given yet another opportunity to highlight priorities of sector Ministries. The pre-budget workshop assists the Minister of Finance to hear the views of members before finalizing the national budget. It is at the Pre-budget seminar that the Budget Committee presents findings from the public hearings which it conducts annually to hear the views of the masses on the budget priorities.

After the presentation of the national budget in the National Assembly, portfolio committees invite government officials, interested stakeholders and members of the public to discuss the estimates of expenditure. The purpose of these meetings is to scrutinize the proposed estimates against the priorities agreed in the pre-budget process. It also gives an opportunity for sector ministries to reprioritize and receive recommendations to virement funds. A post budget seminar is convened annually by Parliament to receive expert views from civil society. Stages for Budget Debate

General Debate

The practice has been that the Budget Committee leads debate by presenting its report on the overall budget, mainly focusing on the broad fiscal and monetary measures proposed in the budget. Soon after the presentation by the chairperson of the Budget Committee, other portfolio committee chairpersons contribute to debate by presenting their respective sector reports. Other members may also contribute to debate during this stage.

Committee of Supply

Debate and approval of each Vote is done in the Committee of Supply. During this stage, portfolio committees have an opportunity to debate in detail, their sector allocations. Recommendations to virement funds from one budget item to another may be proposed and debated. Thus each Vote is passed, with or without amendments. When the Committee of Supply passes all the Vote allocations, the Chairperson of the Committee of Supply will report the proceedings to the Speaker, who puts the report for adoption before the House. Upon the adoption of the report, the Minister of Finance introduces the Appropriation Bill to give effect to the report of the Committee of Supply. At the conclusion of all the processes in the National Assembly, the budget is transmitted to the Senate that will in turn debate and only make recommendations for consideration by the National Assembly.

Powers of National Assembly and Senate over the Budget

All Appropriation and Finance Bills must be passed by both Houses of Parliament. However, it must be noted that if the Senate delays in passing the bill, the National Assembly may veto the Senate and transmit the bills to the President in the manner they were passed in the National Assembly. In other words, the National Assembly is the supreme authority on money bills as these can only be introduced in the National Assembly which enjoys powers of veto on all the provisions of a money bill.

As stated in the Part 2 of the Fifth Schedule of the New Constitution, the Senate does not have inherent powers to amend a Money Bill but can only recommend amendments to the National Assembly.

CHAPTER 5: Budget Analysis, Monitoring/Tracking

Budget analysis is the process through which national budgets are scrutinized, with the focus on critically evaluating budgetary allocations made by governments at the beginning of the fiscal year and tracking expenditures undertaken on the basis of these allocations to determine the extent to which policy translates into outcomes and impact.

The following are some of the key questions in budget analysis:

- What are the budget objectives?
- Budget framework and assumptions. Are they realistic?
- To what extent is the Budget linked to ministries/departments strategic plans, national development plans and regional and international commitments?
- Expenditure distribution and likely impact?
- Revenue sources and likely impact
- Budget deficit and how it is financed?
- Differential impact on women, men, girls and boys
- Consistency between the Budget and macroeconomic frameworks/ Are there any Budget and policy contradictions?
- What is outcome and impact of the allocations?

Budget monitoring/tracking involves the monitoring of budget inputs - that is whether money has left the Treasury to go to the relevant government ministries, departments and programmes. It also involves monitoring budget outputs and outcomes - that is to what extent planned policies are producing planned outputs and outcomes. This can be done for example through public expenditure tracking surveys and citizens report cards.

- | |
|--|
| <ul style="list-style-type: none">• Budget Inputs funds, resources• Budget Outputs (Health) Medicines, Vaccines, hospitals (Education) classrooms, textbooks, chalk, staff housesBudget Outcomes (Health) - Improved Child health/mortality rate• (Education) - improved learning outcomes/pass rate |
|--|

Section 299 of the constitution states that Parliament must monitor and oversee expenditure by the State and all Commissions and institutions and agencies of government at every level, including statutory bodies, government controlled entities, provincial and metropolitan councils and local authorities in order to ensure that:

- All revenue is accounted for;
- All expenditure has been properly incurred; and
- All limits and conditions of appropriations have been observed

The Constitution further states that the state must not exceed limits of state borrowings, public debt and state guarantees without authorization from the National Assembly. All withdrawals from the Consolidated Revenue Fund must be authorized by the Constitution or an Act of Parliament.

Section 300 talks about State borrowings, public debt and State guarantees. An Act of Parliament is required to set limits on borrowings by the State, the public debt and debts and obligations whose payment or repayment is guaranteed by the State. These limits must not be exceeded without the authority of the National Assembly.

The same section requires the Minister of Finance to publish in the Government Gazette details of the loan agreement or guarantee within 60 days after he/she has concluded it. He/she must at least twice a year report to Parliament on the performance of loans raised by the State and loans guaranteed by the State. Furthermore, the Minister must table in Parliament a comprehensive statement of the public debt of Zimbabwe at the same time as the estimates of revenue and expenditure are laid before the National Assembly in terms of section 305.

There has been no regular reporting to Parliament on the performance of Government loans and guarantees as required by Section 300.

Section 303 is clear that no monies may be withdrawn from the Consolidated Revenue Fund without the authority of Parliament. In the event of unauthorised expenditure, the Minister of Finance has to introduce a Bill in Parliament to condone this expenditure no later than 60 days after the extent of the unauthorised expenditure has been established.

Part 4 of the Constitution is about safeguarding of public funds and assets. Section 308 stipulates that it is the duty of every person who is responsible for the expenditure of public funds to safeguard the funds and ensure that they are spent only on legally authorised purposes and in legally authorised amounts. It is also the duty of every person who has custody or control of public property to safeguard the property and ensure that it is not lost, destroyed, damaged, misapplied or misused. An Act of Parliament must provide for the speedy detection of breaches of provisions to safe

guard public funds and assets and the disciplining and punishment of persons responsible for any such breaches. The Public Finance Management Act is the piece of legislation with provisions for such sanctions. It is important to take note of Section 305 (3) which requires separate estimates of revenue and expenditure to be given for each of the following:

- Each Commission established by the Constitution
- The Office of the Auditor General
- The National Prosecuting Authority
- The Council of Chiefs
- Any other institution prescribed in an Act of Parliament

It is the duty of Members of Parliament to ensure that constitutional bodies, Parliament and other institutions are adequately funded. Section 325 requires that the commissions and other institutions established by the Constitution are given a reasonable opportunity to make representations to a parliamentary committee as to the funds to be allocated to them in each financial year. Sections 32 to 34 of the Public Finance Management Act Chapter 22:19 require the submission of monthly, quarterly and annual financial statements by the appropriate Minister to relevant portfolio committees of Parliament. The Committees then invite civil society to make their submissions on the reports before finalising their resolutions to plenary. Civil society should consistently engage portfolio committees on these reports in order to effectively monitor budget implementation.

Rights-Based Budgeting

All human beings have rights which are guaranteed in the domestic, regional and international commitments signed up to by the State. Crafters of the Constitution must be applauded for expanding on the Bill of Rights to include economic, social and cultural rights. The right to education, the right to health care, the right to food and water and the right to an environment that is not harmful to the health and well-being of society are now included in the Constitution.

The State is required to take “reasonable” legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of these rights. So a rightsbased approach to budgeting or economic development is what is needed to fulfil these constitutional provisions.

Gender Responsive Budgeting

Gender-responsive budgeting (GRB) is a tool and a process for mainstreaming gender in budgeting processes, as well as promoting women's empowerment. Gender responsive budgeting is also a good governance policy tool that can be used to effectively assess the performance of government departments to effectively meet the gender needs and entitlements of its population. That is, how policy and implementation strategies address the gender inequalities in the various sectors. More importantly, how much of the expenditure is also addressing the differential needs and realities of women/men and girls/boys in the sector.

GRB is not a separate or a 'for women only' budget but it looks at the budget from a gender perspective (gender lens). It does so by analysing the impact of actual expenditure and revenue on women/men, girls/boys so that policies and resources can be differentially targeted to address the existing gender gaps, and if need be, adjustments and reprioritization can take place. GRB should be able to be implemented, monitored, audited and evaluated for its effectiveness, especially to measure its impact.

An appropriate legal framework is needed to compel ministries and local authorities to budget from a gender perspective. Some parliaments are now advocating strongly for the inclusion of provisions in the Public Finance Management Act on gender budgeting. Gender budgeting can only be sustained if it is institutionalised at national and local government levels. The practice is not yet fully embedded in government budgeting processes at national and local levels. It is therefore the duty of law makers and civil society to advocate for concrete action to be taken on gender budgeting.

Legal Framework for Public Resource Management in Zimbabwe

The legal framework for public resource management (PRM) in Zimbabwe is underpinned by the following key pieces of legislation among others;

- Constitution of Zimbabwe (Amendment No. 20)
- Public Finance Management Act (PFMA)
- Public Entities Corporate Governance Act
- Audit Office Act
- Urban Councils Act
- Rural District Councils Act
- Prevention of Corruption Act
- Privileges, Immunities and Powers of Parliament Act

The enactment of more pieces of legislation relating to public resource management is envisaged in the current law reform process seeking to give full expression to the new Constitution. Below is a brief description of key provisions of the Constitution and the Public Finance Management Act that relate to public resource management in Zimbabwe.

Section 13 of the Constitution enjoins the State and all institutions and agencies of Government at every level to facilitate rapid and equitable development. It further states that any measures to achieve this must involve the people in the formulation and implementation of development plans and programmes that affect them. This, therefore, implies that important national processes like the budget process must be participatory. Similarly, Section 18 of the Constitution provides for equitable access to resources by all local communities in order to promote fair development. It goes without saying, therefore, that local communities need to participate in the formulation of policies and development programmes in their areas so as to influence desired outcomes.

The Public Finance Management Act is the main piece of legislation for the control and management of public resources. Section 3 of the Act states its objective as that of securing transparency, accountability and sound management of the revenues, expenditure, assets and liabilities of ministries, constitutional entities, statutory funds and designated corporate bodies and public entities. This provision of the Public Finance Management Act has been buttressed by section 298 of the Constitution which spells out principles of financial management in Zimbabwe.

Section 299 of the Constitution gives a broad mandate of parliamentary oversight on State revenues and expenditure in order to ensure financial probity in the utilization of public resources. However, the Public Finance Management Act has several provisions that spell out exactly how Parliament can participate meaningfully in the national budget cycle. Sections 32, 33, 34 and 35 compel ministries to submit monthly and quarterly financial and accompanying reports to their respective parliamentary Portfolio Committees. The idea behind these provisions is for Parliament to monitor the use of public resources in line with its parliamentary budget oversight mandate. Besides the afore-mentioned provisions of the Public Finance Management Act, Section 119(3) of the Constitution states that “all institutions and agencies of the State and government at every level are accountable to Parliament”. It goes without saying that Parliament is the embodiment of citizens’ aspirations and interests and, therefore, citizens look up to their representatives to ensure that public resources are used for the benefit of the nation. This also helps to create a socially accountable government.

The Constitution in Section 141 obligates Parliament to facilitate public participation in its legislative and other processes. Parliament is required, in particular, to consult interested stakeholders on Bills before they are passed. Furthermore, Parliament is required to conduct its business in a transparent manner.

In terms of Section 194(f) of the Constitution, public officials are not only required to account to Parliament but to citizens as well. This is reinforced by sub-section 3(c) of Section 196 of the Constitution. Hence, this provision gives citizens a locus standi to demand explanations and justifications from public officials in the manner they manage public resources. Subsection (h) of the same provision obligates public officials to provide “timely, accessible and accurate information” to the public in order to foster transparency in the system.

For the first time, the Constitution in Section 300, gives Parliament an explicit oversight role on debt contraction and management.

Duties of the custodians of public funds and property have been spelt out in Section 308 of the Constitution.

Sections 309 – 314 of the Constitution deal extensively with the Auditor General’s Office; issues such as the functions, appointment and independence of the Auditor General.

State procurement processes at every level of government are dealt with in Section 315 of the Constitution. This is one area where government has been losing substantial revenue through corruption.



**National Association
Of Non-Governmental
Organisation**

Contact details:

Physical Address: 2 McGowan Road
Milton Park
Harare
Zimbabwe

Contact Numbers: +263 242 708761 / 703599

Twitter: @nangozim

Facebook: NANGO Zimbabwe

Website: www.nangozim.org