AN INVESTIGATION INTO THE ROLE OF PARLIAMENT IN MAKING DEVELOPMENT AID MORE EFFECTIVE: THE CASE OF UGANDAN PARLIAMENT

BY

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Declaration

This work is the result of my own investigations, except where otherwise stated. Where correction services have been used, the extent and nature of the correction is clearly marked in a footnote(s). Other sources are acknowledged by footnotes giving explicit references. A bibliography is appended.
Acknowledgements

I would like to express my great debt of gratitude to my dissertation supervisor - Professor John Makumbe for the guidance I received. This study also benefited immensely from AFRODAD work on Aid Effectiveness, where I work. Many thanks to my family members for their patience and encouragement during the long research period.
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Abstract

This is a desk study of the institution of parliament and parliamentarians role in making development aid more effective in aid recipient developing countries. The Uganda parliament has been used as case study. Official Development Assistance (ODA) flows must have as its main objective the promotion of the economic development and welfare of developing countries. By ensuring development aid funds are accounted for and transparently spent to benefit those who are most in need, parliaments and parliamentarians contribute to development effectiveness. The Paris Declaration on Aid Effectiveness (2005) and Accra Agenda for Action on Aid Effectiveness (2008) are international instruments used to strengthen the role of parliaments in overseeing development cooperation. There is international and regional renewed focus on the institution of Parliament and its potential value and contribution to democracy, good governance and development. Parliamentary oversight on development aid in Uganda is improving but still limited by the multiplicity of challenges ranging from lack the independence, knowledge and resources to perform mutual and domestic accountability functions. ODA cannot bypass parliament if it is to be effective. Both donor agencies and partner governments should be accountable to their respective parliaments because parliamentary oversight at the heart of stable modern democracies.
**List of Acronyms and Abbreviations**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AAA</td>
<td>Accra Agenda for Action</td>
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<tr>
<td>AFRODAD</td>
<td>African Forum and Network on Debt and Development</td>
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<td>AWEPA</td>
<td>European Parliamentarians with Africa</td>
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<td>CP</td>
<td>Conservative Party</td>
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<tr>
<td>DAC</td>
<td>Development Assistance Committee</td>
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<tr>
<td>DRC</td>
<td>Democratic Republic of Congo</td>
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<tr>
<td>DP</td>
<td>Democratic Party</td>
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<tr>
<td>DPs</td>
<td>Development Partners</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>EURODAD</td>
<td>European Network on Debt and Development</td>
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<tr>
<td>FDC</td>
<td>Forum For Democratic Change</td>
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<tr>
<td>G8</td>
<td>Eight Industrialised countries</td>
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<td>GOU</td>
<td>Government of Uganda</td>
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<tr>
<td>HLF</td>
<td>High Level Forum on Aid Effectiveness</td>
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<tr>
<td>HLF1</td>
<td>High Level Forum on Aid Effectiveness 1</td>
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<tr>
<td>HLF2</td>
<td>High Level Forum on Aid Effectiveness 2</td>
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<tr>
<td>IDA</td>
<td>International Development Assistance</td>
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<td>IFMS</td>
<td>Integrated Financial Management System</td>
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<td>IPU</td>
<td>Inter – Parliamentary Union</td>
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<tr>
<td>LDCs</td>
<td>Least Developed Countries</td>
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<td>LRA</td>
<td>Lord Resistance Army</td>
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<td>JF</td>
<td>Justice Forum</td>
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<td>MDGs</td>
<td>Millennium Development Goals</td>
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<td>MFPED</td>
<td>Ministry of Finance, Planning and Economic Development</td>
</tr>
<tr>
<td>MPs</td>
<td>Members of Parliament</td>
</tr>
<tr>
<td>MTEF</td>
<td>Medium Term Expenditure Framework</td>
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<td>NAP</td>
<td>Network of African Parliamentarians</td>
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<tr>
<td>NGOs</td>
<td>Non-governmental organisations</td>
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<td>NPA</td>
<td>National Planning Authority</td>
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<tr>
<td>NRM</td>
<td>National Resistance Movement</td>
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<tr>
<td>ODA</td>
<td>Official Development Assistance</td>
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<tr>
<td>Acronym</td>
<td>Full Form</td>
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<td>---------</td>
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</tr>
<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
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<td>OPM</td>
<td>Office of the Prime Minister</td>
</tr>
<tr>
<td>PAC</td>
<td>Public Accounts Committee</td>
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<tr>
<td>PBO</td>
<td>Parliamentary Budget Office</td>
</tr>
<tr>
<td>PBC</td>
<td>Parliamentary Budget Committee</td>
</tr>
<tr>
<td>PC</td>
<td>Partner Country</td>
</tr>
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<td>PD</td>
<td>Paris Declaration</td>
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<tr>
<td>PRSPs</td>
<td>Poverty Reduction Strategy Papers</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
</tr>
<tr>
<td>UN-OHRLLS</td>
<td>United Nations Office of the High Representative for the Least Developed Countries, Landlocked developing Countries and Small Island Developing States.</td>
</tr>
<tr>
<td>UPC</td>
<td>Uganda People’s Congress</td>
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<tr>
<td>USA</td>
<td>United States of America</td>
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<tr>
<td>USAID</td>
<td>United States Agency for International Development</td>
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CHAPTER 1: Introduction

1.1 Background to the study

The institution of Parliament plays a crucial role in ensuring budgetary oversight in many development aid recipient developing countries. By ensuring development aid funds are accounted for and transparently spent to benefit those who are most in need, parliaments actively contribute to aid effectiveness. Despite constraints that parliamentarians face in their work in ensuring the implementation of the aid effectiveness agenda, they still have an important role to play in improving aid effectiveness. Such constraints include; lack of resources and mechanisms to hold the executive to account; lack of information on aid inflows; the fragmentation of aid and aid administered by a plethora of bilateral aid agencies; and the limited capacity of many parliamentarians to deal with the complex nature of the aid industry. This result in the institution of parliament plays a role of “rubber stamp” executive decisions in the governance process.

United Nations and Inter-Parliamentary Union in their Guide to Parliamentary Practice (2001 p.13) define parliament as a “generic term depicting a representative body of individuals to whom the people have entrusted the responsibility of representing them by laying down the legal framework within which society shall be governed and seeing to it that these legal conditions are implemented in a responsible manner by the Executive”.

Parliament comes under different appellations in different countries. In the United States of America (USA), it is known as the Congress, in Japan the Diet, in Cameroon the National Assembly, in China the National People’s Congress, in Israel the Knesset, etc. Regarding the structure of parliament, some are mono-cameral that is composed of a single Chamber/House (Tanzania, Zambia, Sweden, Denmark, Vietnam, etc). Others are bicameral, composed of 2 Chambers/Houses such as Gabon (National Assembly and Senate), Nigeria (House of Representatives and the Senate), Zimbabwe (House of Representatives and the Senate), Russian Federation (State Duma and Council of the Federation), South Africa (National Assembly and National Council of Provinces), United Kingdom (House of Commons and House of Lords), and the United States (House of
Representatives and Senate). In some countries, generally those with a federal structure, there is a national parliament and then there are regional parliaments. They perform basically the same functions with the national parliament focusing on major issues of national concern while the regional parliaments are given decentralised authority to legislate in areas of local or regional significance (UN-OHRLLS and Inter-Parliamentary Union 2001).

Aid is synonymously with Official Development Assistance (ODA) according to European Parliamentarians with Africa (AWEPA). AWEPA (2009 p15) defines ODA as;

“Grants or loans (cash and technical cooperation) provided by official agencies to developing countries and to multilateral institutions for flows to developing countries. In order to be considered ODA the flows must have as its main objective the promotion of the economic development and welfare of developing countries”.

AWEPA went further to distinguish between grants and loans. A grant is defined as “an aid transfer that is non-refundable by the partner country government. A loan is money that is lent by the donor to the partner country government, but on provisional terms and with a grant element of at least 25% attached” p17. ODA is made up of concessional resource transfers for development and humanitarian assistance between a donor and a partner in a developing country. Aid effectiveness relates to measures that improve the quality of the aid relationship, primarily focusing on the terms and conditions of the resource transfer itself. ODA when effectively used is a contributory key resource tool in facilitating the achievement of the Millennium Development Goals (MDGs) by 2015, in most aid receiving developing countries.

At the G8 Summit of 2005, in Gleneagles Scotland, the world’s most developed countries committed themselves to increase volume of aid to Africa to USD130 billion by 2010 (G8 Summit Statement 2005). Increases in aid have led to emphasis on accountability for aid in development. There has been growing recognition of the ways that aid can impact on and be affected by accountability, governance and politics in donor and aid recipient countries. The Rome Declaration on Harmonization of 2003, Paris Declaration on Aid effectiveness of 2005 and the Accra Agenda for Action of 2008 are the most comprehensive frameworks for the aid effectiveness agenda.
The High Level Forum 1 on Aid Effectiveness (HLF1) of 2003, held in Rome, Italy agreed on The Rome Declaration on Harmonization which noted that the aid arena had become crowded and chaotic and donors committed themselves to improve harmonization of aid. The High Level Forum 2 (HLF 2), held in Paris, France in 2005, agreed on the Paris Declaration (PD) on Aid Effectiveness. PD sets out five basic principles for joint progress for harmonizing, aligning and managing aid for results. These principles include: i) *Ownership* - where developing countries set their own strategies for poverty reduction, improve their institutions and tackle corruption, ii) *Alignment* - Donor countries align behind these objectives and use local systems, iii) *Harmonization* – where donor countries coordinate, simplify procedures and share information to avoid duplication, iv) *Results* – where developing countries and donors shift focus to measurable development results, and v) *mutually accountable* – where donors and recipient countries are expected to be mutually accountable for development results. The PD emphasized the need to increase both donors and aid recipients’ accountability to their parliaments and citizens, the importance of timely and transparent information on aid flows, the need to strengthen budget processes in recipient countries, and stressed the principle of mutual accountability between donors and recipient countries.

The Paris Declaration (PD) of 2005 was followed by the Accra Agenda for Action (AAA) which was developed at the High Level Forum 3 (HLF 3) on Aid Effectiveness in 2008, held in Accra Ghana. The AAA emphasized core accountability principles of answerability and transparency. It identified key domestic accountability actors beyond governments, such as parliaments and civil society organizations. Additional commitments on mutual accountability were identified including greater detail on mutual assessment reviews. The AAA provides for predictability. That is donors should provide 3-5 year forward information on their planned aid to partner countries. And that partner country systems should be used to deliver aid as the first option. Donors would shift from reliance on prescriptive conditions about how and when aid money is spent, to conditions based on the developing country’s own development objectives. The AAA further noted the need to improve the capacity of the recipient countries in aid management and thereby committed to address the capacity limitations to ensure that aid management functions of recipient countries operate effectively.
The Accra Agenda for Action on Aid Effectiveness makes various references to parliament, committing developing countries to working with parliaments to formulate policies and plans, to strengthen parliamentary oversight of the budget process, and to invest in building parliaments’ capacity to play an effective role in making aid more effective. At the same time development partners have shown an increased interest in working with parliaments since 2008, particularly around the budget process. In practice, however, both developing country governments and development partners (donors) often are not comfortable when dealing with their respective parliaments.
1.2 Statement of the Problem

Parliaments have a constitutional mandate to hold the executive arm of government to accountable for development expenditures. Parliamentary oversight makes aid more transparent and better used to produce intended development results. The Paris Declaration on Aid Effectiveness of 2005 urges for strengthening the role of parliaments in overseeing development cooperation. While the Accra Agenda for Action on Aid Effectiveness of 2008 Statement states that “aid recipient country governments would be accountable to their respective parliaments” and aid providers would “support efforts to increase the capacity of parliaments to take an active role in dialogue on the role of aid in contributing to countries’ development.” As lawmakers and representatives of the people, parliamentarians mandate is for the good and development of the country. Mutual accountability through parliamentary oversight enables aid recipient country governments to undertake development mandate effectively.

However, parliamentary oversight in Uganda and many other aid recipient developing countries is limited by the fact that parliament lacks the independence, knowledge and resources to perform mutual and domestic accountability functions. Ugandan parliament is not viewed as a particularly effective watchdog and it is seen as marginal in decision making on government activities (Laure-Helene Piron with Andy Norton 2004). Several features of the political context hamper accountability for aid in Uganda. Among them the dominance of the executive over the legislature. Members of parliament are expected to pay allegiance to their parties rather than undertake debate or play an objective oversight role. Furthermore, a decision made by the President usually takes precedence over parliamentary oversight which has led to instances of the executive undermining orders of parliament at will (AFRODAD 2011).

Within the Ugandan parliament there are specific accountability committees that scrutinize use of funds by central government, local governments and statutory enterprises. Of these, the Public Accounts Committee (PAC) scrutinizes central government accounts and produces reports which are debated in Parliament, and can question ministers and officials.
The PAC’s investigations arise out of the Office of the Auditor General’s reports, although it can also receive public complaints. To date the PAC is seen as proactive on issues regarding the misuse of resources. The PAC faces challenges in implementing its mandate. These include capacity inadequacies, including institutional technical capacities and the inability to scrutinize annual accounts as they fall due which leads to backlogs (Lwanga-Ntale, C. 2008). In addition, PAC reports are usually subjected to Parliamentary debates in which case debates and decisions are taken on political affiliations rather than on merit, which partly explains why high profile corruption cases arising out of PAC and involving politicians are not dealt with in the manner they deserve. In addition, there are limited linkages between accountability committees (AFRODAD 2011).

In Uganda making parliament into an effective accountability mechanism will require major efforts. Parliament suffers from serious capacity constraints, with high turnover of members and little standing capacity for research and analysis. Parliament often struggles to take an informed view on complex questions of national development policy, including the utilization of official development assistance resulting in the executive treating parliament as a junior partner (AFRODAD 2011).

The politics of parliamentary involvement in the development process can also be complex. The nature of political competition may make individual parliamentarians more interested in capturing resources for their own supporters rather than pursue the greater public good. However, the more that political parties articulate credible policy platforms and compete on the basis of their development record, the more opportunity parliament has to play a constructive role in making sure that ODA is effectively used for developments impacts.
1.3 Significance of the Topic

This research study entitled; *An investigation into the Role of Parliament in making Development Aid more Effective - The Case of Ugandan Parliament*, seek to address a growing new area of study in relation to the future of development aid and development cooperation architecture. Since the adoption of the Paris Declaration on Aid Effectiveness in 2005, there is a growing body of knowledge and emerging practice regarding the role of parliament in making development aid more effectiveness. For a long time parliamentary oversight in aid recipient developing countries such as Uganda is lacking and limited. This is partly due to the fact that parliament lacks the independence, knowledge and resources to perform oversight functions on budgets and development aid. The dominance of the executive arm of government and parliamentary political party allegiance hinders parliamentarians from playing an objective and constitutionally mandated oversight role.

In recent years there has been renewed focus on the institution of Parliament and its potential value and contribution to democracy, development, and good governance. In reality parliament and parliamentarians are not sufficiently included in the process of aid effectiveness and the executive arm of government replicates its national dominance, by setting and approving national budgets with huge chunks of foreign aid and implement the same with little involvement of the institution of parliament. Many African countries national budgets and aid instruments continue to pass through parliament instead of being passed by parliaments. It is therefore no longer business as usual for parliamentarians. They are increasingly expected to know national, regional and international oversight policy instruments which have a bearing on their national policy context such as the Paris Declaration and Accra Agenda for Action.

Since parliament is the embodiment of participatory democracy and the only institution constitutionally mandated to represent the people, make laws and exercise oversight over the work of the executive, it follows that this triple role of parliament should be realized at the national, regional and international levels to ensure an inclusive development process. The inclusion of parliamentarians in the process of aid effectiveness would also ensure
better results in the implementation and monitoring of aid declarations and commitments, such as the PD and AAA, as well as constant feedback to and from the communities on the impact of development aid.

The purpose of this research study thus is to investigate the role parliamentarians play in making development aid more effective. The focus therefore should be on how the knowledge and skills of parliamentarians could be enhanced so that they play an effective oversight and monitoring role on development aid within their respective national contexts.

The research study findings and recommendations will contribute to a better understanding of the separation of powers between the executive and the legislature laid down in national constitutions which often lead to tensions between the two spheres of government. The ruling party may well exercise a degree of control over its Members of Parliament (MPs) that may inhibit outspoken criticism of ministers. Yet there is an overriding obligation on MPs to represent and defend the interests of their constituents. This means that where the executive takes decisions to please donors or investors but which are not conducive to the broader mandate of development, parliaments must stand up.

The study will significantly contribute to build up of academic knowledge on the theoretical and practical roles parliament and parliamentarians should have and play in making development aid more effective. Currently the knowledge is lacking and capacity of parliamentarians is inadequate in Uganda and majority aid recipient African countries.
1.4 Research Methodology

The research was conducted using desk study methods. Literature reviews of both academic sources and policy documents related to development aid, aid delivery, economic and budgetary data in general and Uganda in particular were used. These documents included reports from Ugandan government and her donors, aid effectiveness evaluation reports, books, journals and non-governmental aid effectiveness reports. A preliminary literature survey from both primary and secondary data sources revealed existence of numerous and diverse literature on the subject, since the adoption of the Paris Declaration in 2005 and Accra Agenda for Action in 2008. Primary sources of information such as the Ugandan government and parliamentary publications and reports, Ugandan constitution, Organisation for Economic Cooperation and Development (OECD) publications, and other publications were reviewed for the study. Most of the aid effectiveness information is widely available and accessible in the public domain. Online libraries, on the internet of such organisations as OECD, Government of Uganda, Parliament of Uganda and civil society organisations provide useful and rich publications on the subject. These secondary sources provided substantial background information to the study. The benefits of government and donor documents are credibility and easy access (Denscombe 2002).

1.4.1 The Case Study

This research investigates the case study of the Ugandan parliament. Uganda has been at the forefront of reforms to strengthen national and international efforts on aid effectiveness. A case study method focuses on the subject in detail. A case study refers to a unit of analysis in research that supplies the sought of answers to the research questions. A case study therefore, is an in depth examination of a unit of interest, in this case the Ugandan parliament. Case studies focus on past situations whose experiences assist in explaining the current problem (Muranda Zororo 2004). Case studies are essential for uncovering clues, insights and hypotheses into a particular problem (Yin 1994). The case study approach offered an opportunity to analyse in detail the Ugandan parliament role in making development aid more effective.
1.5 Hypothesis/Proposition

This research is informed by the national, regional and international parliamentary dimensions of international development cooperation in the world today. Parliaments in the twenty-first century have committed to assume increased responsibility in international relations. As such this research posits that: A parliament in which all components of society are represented has the requisite powers and means to express the will of the people by legislating and overseeing government actions. By ensuring development aid funds are accounted for and transparently spent to benefit those who are most in need, parliaments actively contribute to aid effectiveness.

1.6 Research Question

The following is the research question: What are the roles and responsibilities of parliaments and parliamentarians in making development aid more effective?

The sub-questions are:

1. What are the factors that influence the nature and extent of parliamentary role in making developing aid more effective?
2. To what extent is parliament articulate of and responsive to the aid effectiveness agenda as articulated in the PD and AAA?
3. What challenges do parliaments face when executing their watchdog role in development aid processes?

1.7 Limitations of the study

This research study faced the following limitations:

i) Too much reliance on documentary review.
ii) No interviews with Ugandan government officials and Ugandan donors, civil society and academia were conducted to gather and validate information.
iii) Uganda as a case study is far away from Zimbabwe. Travelling costs were too high to go to Uganda.

These limitations compromised the comprehensiveness of the research study.
1.8 Delimitations of the Study
The study is delimited by Parliament constitutional mandate and roles when holding the Executive accountable for development expenditures. Ugandan parliament analysis will give a clear understanding of the challenges parliament and parliamentarians face in making development aid more effective.

1.9 Structure of the Research
This research study report is divided into four Chapters as explained below.

Chapter 1
This chapter contains the introduction, background and relevance of area of study within the realm of contemporary international relations and international development cooperation.

Chapter 2
Chapter 2 is on literature review. It critique and discusses what others scholars have written about the role of parliaments and parliamentarians in making development aid more effective. This chapter adopts an inductive approach, the research moves from broader generalisations and theories to specific observations.

Chapter 3
This chapter provides the case study of the Ugandan parliament and parliamentarians experiences. The case study chapter explores the research questions in detail. It provides a succinct conclusion on how parliaments and parliamentarians are playing an effective role in making development aid more effective. This chapter examines the role played by the 8\textsuperscript{th} Parliament of Uganda between 2006 and 2011 in making development aid given to Uganda more effective.

Chapter 4
Chapter four provides key research findings, recommendations and conclusion of the research study on parliaments and parliamentarians theoretical and practical role in making development aid more effective.
CHAPTER 2: LITERATURE REVIEW

2.1 Introduction to Parliamentary Roles and Challenges

Contemporary literature on the roles and challenges faced by parliaments and parliamentarians in making development aid more effective is not easily available in the public domain. At the same time a conceptual framework for examining the role of parliament and parliamentarians in development cooperation need to be developed. The departure point of this research study is the Paris Declaration on Aid Effectiveness (2005) which was a culmination of the Paris High Level Forum held in 2005, in Paris France convened by the Organisation for Economic Co-operation and Development (OECD) – Development Assistance Committee (DAC). Around 57 Partner Countries (PCs) and 22 Development Partners countries (DPs) endorsed the Paris Declaration on Aid Effectiveness on the 2nd of March 2005. The declaration lays down 56 commitments that define new ways of working between DPs and PCs which are aimed at improving the quality and impact of aid so as to accelerate achievement of Millennium Development Goals (MDGs). The Declaration enshrined a number of key principles which all have relevance to development aid effectiveness. Table 1 below contains the five principles each with an example of an indicator.

European Parliamentarians with Africa (AWEPA 2009) argued that the role of aid recipient country parliament in aid effectiveness is clearly stated in the Paris Declaration of 2005 as it recommends that; i) partner countries commit to strengthen the role of their parliaments in development strategies and budgets; ii) donor countries commit to provide timely, transparent and comprehensive information to enable partner country executives to provide comprehensive budget reports to their citizens and legislatures. By requiring that development partners align their support with partner country strategies and use strengthened country systems, the Paris Declaration makes it clear that the use of partner countries budget management systems is a key component in improving aid effectiveness. Because parliamentary oversight is an integral part of making budget management systems effective, these commitments entail an additional, implicit role for and commitment to partner country parliaments.
Table 1: Five Principles of the Paris Declaration, with an example of indicator

<table>
<thead>
<tr>
<th>Principle</th>
<th>Definition</th>
<th>Indicator</th>
</tr>
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<tbody>
<tr>
<td>Ownership</td>
<td>Partner countries exercise effective leadership over their development policies, and strategies and co-ordinate development actions</td>
<td>Partners have operational development strategies</td>
</tr>
<tr>
<td>Alignment</td>
<td>Donors base their overall support on partner countries’ national development strategies, institutions and procedures.</td>
<td>Percent of aid flows to the government sector that is reported on partners’ national budgets.</td>
</tr>
<tr>
<td>Harmonisation</td>
<td>Donors’ actions are more harmonised, transparent and collectively effective</td>
<td>Percent of aid provided as programme-based approaches</td>
</tr>
<tr>
<td>Managing for development results</td>
<td>Managing resources and improving decision-making for results</td>
<td>Number of countries with transparent and monitor able performance assessment frameworks to assess progress against (a) the national development strategies and (b) sector programmes.</td>
</tr>
<tr>
<td>Mutual Accountability</td>
<td>Donors and partners are accountable for development results</td>
<td>Number of partner countries that undertake mutual assessments of progress in implementing agreed commitments on aid effectiveness</td>
</tr>
</tbody>
</table>

Source: Paris Declaration on Aid Effectiveness 2005

The Accra Agenda for Action came into being in September 2008, after the 3rd High Level Forum on Aid Effectiveness identified a number of additional concrete measures needed to deepen the implementation of the Paris Declaration. The AAA is a joint statement endorsed by ministers of developing and donor countries responsible for promoting development and heads of multilateral and bilateral development institutions pledging their commitment to take bold action to accelerate progress in the achievement of the PD commitments.
Box 1: Accra Agenda for Action 2008

Accra Agenda for Action 2008 – 12 Pledges made

1. Broaden country-level policy dialogue on development
2. Strengthen the capacity of developing countries to lead and manage development
3. Strengthen and use country systems to maximum extent possible
4. Reduce costly fragmentation of aid
5. Increase aid’s value for money
6. Welcome and work with all development actors
7. Deepen engagement with civil society organisations
8. Adapt aid policies for countries in fragile situations
9. Focus on delivering results
10. Become more accountable and transparent to the public results
11. Continue to change aid conditionality to support ownership
12. Increase the medium–term predictability of aid

Source: Accra Agenda for Action Statement - September 2008

The Accra Agenda for Action of 2008 built on the Paris Declaration by acknowledging the key role of parliaments in aid management. AAA firstly states that “we will engage in open and inclusive dialogue on development policies. We acknowledge the critical role and responsibility of parliaments in ensuring country ownership of development processes” and secondly “we will be accountable to each other and to our respective parliaments and governing bodies for these outcomes” and thirdly “donors will support efforts to increase the capacity of ....parliaments....to take an active role in dialogue on development policy and on the role of aid in contributing to countries’ development”.

AAA acknowledges explicitly parliamentarians’ role in preparing and monitoring national development policies and plans, the role of parliaments in holding their governments to account for the results of development spending and the need to build parliamentary capacity”.
AWEPA further argues that “the various types and modalities of aid delivery determine the nature and potential methods of parliamentary oversight”\(^\text{15}\). Implementing parliamentary commitments arising from AAA requires investigation into the ways aid is delivered. According to AWEPA aid can be programmed at country level, in which the partner country participates in deciding how it is used and for what. Country programmed aid is aid the partner country can programme according to its needs. This aid falls under the watch of parliaments.

Aid which is used for special purposes such as debt relief, humanitarian aid, non-governmental organisations (NGOs) funding and administrative costs are excluded from the AWEPA definition of Country Programmed Aid. Parliament can monitor this type of aid at the country level but cannot hold their executives to account for its use. Aid to the government sector is another type which is disbursed based on an agreement with a government agency authorised to spend or receive money on behave of government. This includes public works, goods or services sub-contracted to NGOs, government agencies and private sector. While parliaments can be interested in aid that is not based on agreement with government it does not have the right to oversee it.

The different types of aid delivery create problems for parliamentary oversight. It is generally agreed that parliaments do not have capacity to monitor all aid, nor is it desirable that parliament scrutinise each decision in the aid cycle. That would veer too far towards overstepping the separation of powers and undermine their ability to hold the executive to account for the outcomes of its decisions.

Parliamentary participation or oversight in aid management needs to be strengthened as it is currently weak and most aid recipient African countries. According to AWEPA (2009) “parliament’s participation in aid management can be enabled through taking up rightful oversight role and through establishment of mechanisms in the budget process whereby partner country governments report transparently on aid. Aid is transparent when regular systematic, comprehensive, accurate and meaningful information is provided by partners to their parliaments”. The importance, nature and ease of parliamentary oversight over aid
may differ from country to country but there is no doubt whether oversight should occur. Aid is provided through an agreement with members of the executive who are subject to parliamentary oversight by law. Parliamentary oversight is essential for government ownership and accountability of aid spending.

The Network of African Parliamentarians (NAP 2011) reviewed development aid and its weaknesses in a global context. NAP categorically states that evidence shows that development aid is not working well as desired because more than 50 years of development assistance has not made a significant dent on African countries poverty levels. The weaknesses are partly due to the fact that aid is fragmented, misdirected and squandered. Sometimes it is due to poor leadership and absence of checks and balances in both donor and recipient countries. In some country cases there is evidence of corruption and greed in recipient countries. There is evidence of a need for better systems to control abuse.

NAP (Ibid) further urges that the above weaknesses place special responsibilities on parliamentarians in both donor and recipient countries to play effective oversight roles. These inadequacies must be seen in the context of disadvantageous global economic policies and practices. If the future aid regime is to be successful in addressing poverty in Africa, then there will need to be a significant paradigm shift. There can be no development without democratic oversight of aid and other development expenditures. NAP (Ibid) posits that the separation of powers between the executive and the legislature laid down in constitutions will often lead to tensions between the two spheres of government. The ruling party may well exercise a degree of control over its Members of Parliament (MPs) that may inhibit outspoken criticism of ministers. Yet there is an overriding obligation on MPs to represent and defend the interests of their constituents. Where the executive takes decisions to please donors or investors but which are not conducive to the broader mandate of development, parliaments must disown the decisions. There is struggle to get more accountability from both donor and recipient executives in the matter of aid and the absence of strong and proper representation of both donor and recipient country parliaments in international forums dealing with aid is disturbing.
NAP (Ibid) clearly notes that there is an intrinsic tension between executive and legislative branches of government when it comes to oversight. Parliamentary accountability is prior and other accountabilities can never replace that in some cases, and there is unofficial accountability to civil society but this cannot be a substitute for accountability to parliament. The first element of good parliamentary conduct is respect for the constitutional mandate. Parliament needs to be taken seriously rather than seen as a rubber-stamp institution.

With regards to official development assistance, NAP (Ibid) notes that the executive has the responsibility to negotiate aid and aid should be on budget since this allows for automatic oversight by parliament. However, in reality, there are other aid arrangements which are not subjected to parliamentary approval. Allocations and disbursements of aid should be reported to parliament. Debates should be held in parliaments where the fundamentals of economic policy and direction are discussed.

NAP (Ibid) observes that the failure of some African leaders is made possible by weak legislative oversight of the executive. Weak oversight has allowed the diversion of enormous development resources into overseas bank accounts, through corruption. This could be halted by stronger capacitating of Africa’s parliaments and parliamentarians oversight role. Parliament is seen as the weakest link in the chain of financial accountability. Democratic and economic development in Africa would be immeasurably advanced by the ability of African elected representatives to actually reach out to the rural and urban poor, to listen to their grievances and defend their interests on the political agenda.

Frank Boulin (2009) argues that “in democratic countries, parliaments are the key political forums through which people’s concerns are voiced and interests mediated”. He further postulates that “parliamentary development efforts comprise activities that aim to enhance the representative, legislative and oversight role in the governance processes. Although some parliamentary development projects still have only a loose relation to other support programs, the 2005 Paris Declaration on Aid Effectiveness provides an excellent tool for endeavouring to align all donor support for a given parliament”.

Alta Folscher and Mokoro (2009) pointed out that “aid cannot bypass parliament if it is to be effective. Both donor agencies and partner governments should be accountable to their respective parliaments” p4. Oversight is the parliamentary function at the heart of modern democracies. A central aspect of the duty of oversight is scrutiny of the nation’s expenditures. Parliaments approve how much money can be raised from citizens in taxes, how these funds should be spent and for which purposes. As laws and public policies are implemented through the spending of public resources, oversight of a nation’s budget is the most important tool that parliamentarians have at their disposal in order to keep the executive in check. They further urged that “keeping an eye on government’s programmes and spending is also the most important way in which parliamentarians can ensure their country realises its growth and development potential”.

The executive use of donor funds dilute parliament ability to hold it to account for the commitments made to its citizens, unless positive steps are taken to bring spending into the fold of oversight by parliaments. The availability of external funding to implement government policies weakens the incentives to pay attention to domestic stakeholders such as parliaments. Aid therefore, over time undermine domestic accountability systems, potentially leading to less effective states and lower achievement of development objectives.

African Forum and Network on Debt and Development (AFRODAD 2011) urged that mutual accountability concerns the two-way relationship between aid donors and aid recipients. The principle of mutual accountability is premised on the assumption that aid donors and aid recipients are mutually accountable for development results and that development resources are used transparently. To enhance mutual accountability, donors committed themselves to providing timely, transparent and comprehensive information on aid flows to enable partner authorities to present comprehensive budget reports to their legislatures and citizens. On the other hand, partner countries committed themselves to strengthening the role of parliaments in national budget processes and development strategies.
Parliaments have a constitutional mandate to hold the Executive accountable for development expenditures. Parliamentary oversight makes aid more transparent by ensuring it is included in the budget and better used to produce results (Ibid). The Paris Declaration and Accra Agenda for Action urged for strengthening the role of parliaments in overseeing development cooperation. AAA states that donor and provider country governments would be “accountable to our respective parliaments” and providers would “support efforts to increase the capacity of parliaments to take an active role in dialogue on the role of aid in contributing to countries’ development.” As lawmakers and representatives of the people, parliamentarians undertake their mandate for the good and development of the country.

Pilar Domingo et al (2009) defines domestic accountability as “the relationship between the governed, meaning citizens and those who govern meaning government”. Domestic accountability for aid concerns the relationship between governments who manage and make use of aid, and the domestic constituencies on whose behalf aid managed. Domestic accountability actors include the executive branch of government, parliament, audit institutions, civil society organisations, political parties and the media. These actors play vital roles in relation to aid, providing input to national development plans, facilitating debate about development priorities, engaging in budget process, monitoring progress against targets for aid and development effectiveness, and sanctioning governments for poor performance.

Pilar Domingo et al (Ibid) further note that domestic accountability tends to be weak in many developing countries. A lack of transparency and access to information; about aid volumes, development plans or results achieved by aid limits the scope for domestic accountability for aid. These obstacles to effective accountability are compounded where power is concentrated in the hands of the executive, where domestic accountability institutions such as parliaments lack capacity, and in aid dependent countries where the power of donors and their demands for accountability may skew accountability and marginalise domestic actors, excluding them from the policy process.
Hudson (2007) like Pilar Domingo et al (2009) also note that there is an increasing recognition that in accountability for aid there are multiple actors engaging with each other in relation to particular issues such as budget processes. These actors play different but similar roles in relation to budget processes. In budget process parliaments should play important roles in terms of holding executive to account for how it uses public resources, approving budget legislation, and analysing audited accounts. National supreme audit institutions should audit funds channelled through country systems and report to parliament, supreme courts and general public. As urged by European Network on Debt and Development (EURODAD 2008) civil society and the media can play roles in budget tracking and scrutinising budget allocations. Political parties in theory play roles in structuring policy platforms and setting the overall policy frameworks for budget allocations and spending.

The Paris Declaration on Aid Effectiveness (2005), demands that donors provide timely, transparent and comprehensive information on aid flows, enabling executives in developing countries to report fully on budgets to their parliaments and citizens, and enabling also parliaments to hold the executive to account for the use of aid. The Accra Agenda for Action (2008) implies parliaments are the key actors in effecting domestic accountability for aid, as shown in its emphasis on the importance of recipient governments committing to work with and open themselves up to scrutiny from parliaments. In agreement with PD and AAA, Pilar Domingo et al (2009) urge that parliaments provide the link between vertical accountability, that is parliamentarians being accountable to voters and contributing to building the citizen-state relationship and horizontal accountability, that is parliaments holding the executive to account.

In summarising parliament roles in relation to development aid, Pilar Domingo et al (Ibid) list representative role, in that parliamentarians should aggregate citizen’s views and preferences on aid. Secondly parliamentarians have oversight role as they provide a check on and scrutiny of the actions and commitments of the executive in relation to budget processes which are important regarding accountability of aid. Thirdly parliaments have a
legislative role in that parliaments can pass laws and set the legal framework which has relevance for some aspects of domestic accountability for aid.

Hudson (2007) argues that parliament has largely been viewed as relatively weak in relation to accountability for aid. The task of exercising accountability roles for aid faces a number of challenges. The type of aid and method of its delivery impact on what the executive can be held to account for, by whom and how. Some types allow greater space for domestic accountability for aid than others. Paris Declaration and Accra Agenda for Action include commitment to ensure that 66% of aid flows are provided in the context of budget support to enhance country ownership and alignment.

Executive dominance weakens the ability of other accountability actors to hold it accountable, especially parliaments and parliamentarians. Hudson (2007), citing African Governance Report 2010, states that “only one third of African legislatures were seen as largely free from control of the executive in all major areas of legislation, and more than half were seen as under various degrees of subordination in major areas of legislation”. He cited Namibia, South Africa and Ghana as the least subordinate, whereas Swaziland, Kenya and Ethiopia were seen as the most. In the context of aid, this means that it is difficult for parliaments to challenge the executive on aid agreements and the use of aid.

Hudson (2009) urges that the extent to which different national accountability actors especially parliaments are able to scrutinise the use of aid reflects the political context in which it operates. Authoritarian governments may use legal pressure, imprisonment and harassment to silence media, civil society and opposition parliamentarians. Pilar Domingo et al (2009) agrees with Hudson by arguing that “if political context is a key factor in deciding the ‘enabling environment’ for accountability for aid, this helps to explain why the introduction of newer aid modalities, designed to increase domestic accountability for aid have still been criticised for their accountability weaknesses”. Lack of capacity and negative incentives for domestic accountability actors also undermine the extent to which accountability can be enforced.
Capacity constraints and information asymmetries tend to explain why parliaments do not exercise their budgetary powers effectively, while governance constraints and the nature of executive – legislative relations tend to explain why they sometimes do not exercise them. In most African countries parliamentary powers are not well defined and not defined at all especially regarding budgetary processes. This normally results in parliamentary involvement in processes being symbolic.

Power (2008:2) argues that “as the goals of economic and democratic development are being integrated, so parliaments are being seen as playing a critical role in the quality of governance, and as especially useful allies in the development process”. Parliaments play a crucial role in the development of poverty reduction strategies, ensure aid budget are properly spent and accounted for, and fight against corruption. Power (ibid) further noted that traditionally poverty reduction strategies were developed between donors and executive arm of government without parliamentary involvement, despite the fact that these strategies require legislative approvals. Greater parliamentary involvement in development of poverty reduction strategies would strengthen the process of consultation by giving parliamentary committees a formal role, improve links between voters and parliament, and give members of parliaments a greater incentive to extend legislative influence over government finances. Parliaments should perform monitoring of government spending. Parliaments scrutinise and amend national budgets, monitor government spending and call ministers to account. However, EURODAD (2008) reviewed the Poverty Reduction Strategy Papers (PRSPs) and found out that the development of PRSPs are suppose to be developed through broader national consultations in practice there is limited involvement of domestic accountability actors such as parliaments.

AWEPA (2009) agrees with Power (2008) by noting that PD and AAA demands that aid be reported on budget and donors use country systems. However bringing aid on budget does not mean that all aid in the form of budget support will be subject to meaningful oversight by the partner country parliaments. Parliaments have potential to play effective roles in budget cycle stages such as preparation, approval and reporting. Oversight is clearly strengthened when aid is approved by parliament as part of the budget approval process and
overseen through reporting. Capturing aid on budget only improves the executive ability to manage aid well-together with domestic resources.

One of the critical challenges parliament face is high turnover of parliamentarians. Parliaments in emerging democracies tend to lose more than half their members at each election. Greg Power (ibid) noted that it is difficult for parliamentary support projects to have a lasting effect or to build any sort of institutional memory. He further argues that “a poorly-organised and poorly-educated parliament is unlikely to demonstrate high levels of competence to an electorate that is waiting to be impressed”. Faced with a more powerful and better-resourced executive, parliaments will fail to meet public expectations and that will reinforce the impression of a weak and marginal parliamentary institution.

Greg Power (2008:8) rightly noted that “in every parliament around the world there is a gap between the formal powers that the institution has to hold its executive to account, and the ability or willingness of parliamentarians to use those powers”. He recommended that improving parliamentary effectiveness means understanding why that gap exists and tackling the causes. The causes revolve around the capacity and technical ability of the parliament, as well as politics. He categorically states that “it needs to be acknowledged that the effectiveness of a parliament is determined as much by the attitudes, outlook and behaviour of its members as by its constitutional powers”. Liesbet Steer et al (2008) agree with Greg Power when they concluded that parliamentary ability to monitor government and donors remains limited in part due to the capacity constraints, restrictions to civil freedoms, lack of information and transparency and restricted participation and influence in government–donor mechanisms. In some countries budget is presented to parliament for debates over its content but debates do not take place. In other countries aid reports are submitted and debated in parliament while in others are not.

Inter-Parliamentary Union (IPU) and the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Countries and Small Island Developing States (UN-OHRLLS 2006) assert that “for parliament to play its role effectively in development, it must be elected and must be representative of all components of society”. IPU assists parliaments worldwide in building up their capacity to discharge their
constitutional responsibilities. The respective roles of parliament and international organisations, such as IPU are clearly distinct. International parliamentary organisations are set up to manage issues of international concern and tend to see things from a global perspective. IPU(2006:12) argues that “national parliaments are often absent from global fora at which decisions are negotiated and adopted. When these decisions are brought to the national level parliaments have very limited leeway and usually are placed before a fait accompli”. IPU further urged that parliaments should be involved in the process of negotiating and adopting decisions at the global level, so as to bring in the voice of the people and facilitate smooth implementation of internationally negotiated agreements at the national level. IPU calls for parliaments to play an important role in the management of global politics so as to provide popular legitimacy to the international decision making processes.

According to the Guide to Parliamentary Practice (2006) irrespective of their nature and structure, parliaments perform three main functions;

i) Firstly parliament legislate - it adopts laws that govern society in a structured way;

ii) Secondly parliaments oversee the Executive – it monitors performance of the executive to ensure that the latter performs in a responsible and accountable manner and

iii) Thirdly parliament allocates financial resources to the executive – through their budgetary function, parliaments generally have responsibility for approving and allocating the revenue that the executive requires to finance implementation of the policies that it has formulated. It also monitors government spending.

Parliaments and parliamentarians have the right to propose amendments to the draft national budgets within the overall total volume of this budget. Parliamentarians can therefore make sure that adequate resources are allocated to the national programmes of action to ensure implementation. IPU (ibid) urges parliaments and parliamentarians to ensure that ODA and other sources of foreign aid are brought on budget, either as Direct Budget Support or as an attachment to the budget document. IPU further notes that Least Developed Countries (LDCs) are highly aid-dependent, therefore parliaments in LDCs have
a special responsibility to ensure full accountability and transparency of aid according to the principles established by the Paris Declaration.

In many African countries such as Cameroon, Gabon, Republic of Congo and Zimbabwe, IPU noted that individual parliamentarians receive constituency development funds which they can use to carry out development projects in their constituencies. Most MPs use such financial allocations from the national budgets to invest in education, building and equipping schools, health and sanitation.

The creation of a local network of MPs on Aid effectiveness issues is encouraged. This network should be provided with relevant information and encourage debate, through the use of the internet. Internet access for these MPs could give them wider access to the resources available within international, regional and national parliamentary organisations. In many countries, parliamentarians have constituency offices where they can consult with their constituents. These are also important points of contact with parliamentarians. They can also be contacted through their political offices.

IPU (Ibid) urges that in order for parliament to function efficiently and in a legitimate manner, it must meet the following basic conditions:

1. Its powers in law-making and oversight should be enshrined in and guaranteed by the constitutions.
2. It should be constituted in such a way as to be representative of all sectors of society in its diversity; political trends, sexes, races, ethnic groups, minorities. In this context it should be chosen by the sovereign people in free and fair elections by universal and equal suffrage.
3. It should be independent of the executive. It must have its own autonomous resources i.e. budget and administration.
4. It should allow for plurality of expression; all its members should be able to express themselves freely without undue pressure or fear of repression.

IPU (Ibid) in agrees with quoted above scholars, when it asserts that “the management of international affairs has traditionally been considered a preserve of the executive but increasingly parliaments have become involved in this sphere of activity”. Parliaments are debating global issues and making their views heard on these issues such as aid
effectiveness and development cooperation. This involvement should not be seen as attempts to interfere with the work of the executive or to usurp its role. Rather as instruments and actors of democracy, parliament and parliamentarians bring legitimacy to the international decision making process and ensure that these processes are transparent and accountable and consonant with the interests of the people.
CHAPTER 3 Case Study of Ugandan Parliament

3.1 Introduction and Political context

Understanding Uganda’s history and political system is essential in order to put the role of parliamentarians into context. Uganda is a very diverse society with a multiplicity of divisions, based in particular on ethnicity, region, and religion. Following independence in 1962, Uganda has been blighted by long periods of violence and political instability (Laurene-Helene Piron et al 2004). In 1986 the National Resistance Army took over power in Uganda and Yoweri Museveni became president. However armed insurgencies in particular Lord’s Resistance Army (LRA) in the north of the country, as well as military incursions, especially in the Democratic Republic of the Congo (DRC), continue to threaten domestic and regional stability. The “no-party system” established by President Yoweri Museveni (1986 – 2006) severely limited the activities of political parties that have been associated with Uganda’s troubled past (Ibid). In the 2005 constitutional referendum, Ugandans voted to restore a multi-party political system, lifting the 19-year restriction on the activities of political parties. The Ugandan general elections of 2006 were the first multiparty elections in 25 years. President Yoweri Museveni won the presidential vote, and his party, the National Resistance Movement, won the majority of parliamentary seats.

Uganda is a unitary state, and is governed by a president, prime minister, parliament as is enshrined in the 1995 constitution. Parliament is presided over by the Speaker, and in his absence, by the Deputy Speaker both of whom are elected by Members of Parliament from their number. The executive arm of government is very powerful compared to parliament, which is dominated by the ruling National Resistance Movement party (Tim Williamson 2008). The Parliament of Uganda derives its mandate and functions from the 1995 constitution, the laws of Uganda and its own rules of procedures. The constitution contains articles which provide for the establishment, composition and functions of the parliament and empowers parliament "to make laws on any matter for the peace, order, development and good governance of Uganda".

3.2 The functions of the Parliament of Uganda

The functions of the parliament of Uganda are as listed below:

i) To pass laws for the good governance of Uganda.

ii) To provide, by giving legislative sanctions taxation and acquisition of loans, the means of carrying out the work of Government.

iii) To scrutinise Government policy and administration through the following:
    - pre-legislative scrutiny of bills referred to the Parliamentary committees by Parliament;
    - scrutinising of the various objects of expenditure and the sums to be spent on each;
    - ensuring transparency and accountability in the application of public funds;
    - monitoring the implementation of Government programmes and projects

iv) To debate matters of topical interest usually highlighted in the President's State of the Nation address.

v) To vet the appointment of persons nominated by the President under the Constitution or any other enactment.

Source: http://www.parliament.go.ug
3.3 Composition of Ugandan Parliament

Article 78(1) of the 1995 Constitution prescribes the composition of Parliament as follows:

1. Parliament shall consist of:
   a). Members directly elected to represent constituencies;
   b). One woman representative for every district;
   c). Such numbers of representatives of the army, youth, workers, persons with disabilities and other groups as Parliament may determine; and
   d). The Vice-President and Ministers who, if not already elected Members of Parliament, shall be ex-officio members without the right to vote on any issue requiring a vote in Parliament.

2. Upon the expiration of a period of ten years after the commencement of this Constitution and thereafter, every five years, Parliament shall review the representation under paragraph(s) (b) and (c) of clause (1) of this article for the purposes of retaining, increasing, or abolishing any such representation and any other matter incidental to it.

3. The representatives referred to in paragraph (a) of clause (1) of this article shall be elected on the basis of universal adult suffrage and by secret ballot.

4. Parliament shall, by law prescribe the procedure for elections of representatives referred to in paragraphs (b) and (c) of clause (1) of this article.
Table 2: Uganda 9th Parliament Political Party Representatives distribution

<table>
<thead>
<tr>
<th>Party Symbol</th>
<th>Party Name</th>
<th>Number of Representative</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>National Resistance Movement (NRM)</td>
<td>211</td>
</tr>
<tr>
<td></td>
<td>Forum For Democratic Change (FDC)</td>
<td>38</td>
</tr>
<tr>
<td></td>
<td>Uganda People’s Congress (UPC)</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Democratic Party (DP)</td>
<td>10</td>
</tr>
<tr>
<td>X</td>
<td>JEEMA</td>
<td>1</td>
</tr>
<tr>
<td>X</td>
<td>Conservative Party (CP)</td>
<td>1</td>
</tr>
</tbody>
</table>


The 9th Parliament of Uganda comprises of: 238 Constituency Representatives; 112 District Woman Representatives; 10 Uganda People's Defence Forces Representatives; 5 Representatives of the Youth; 5 Representatives of Persons with Disabilities; 5 Representatives of Workers and 13 Ex-officio Members.
Table 3: Uganda 8th Parliament Political Party Representatives distribution

<table>
<thead>
<tr>
<th>Party Symbol</th>
<th>Party Name</th>
<th>Number of Representative</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>National Resistance Movement (NRM)</td>
<td>205</td>
</tr>
<tr>
<td></td>
<td>Forum For Democratic Change (FDC)</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>Uganda People’s Congress (UPC)</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Democratic Party (DP)</td>
<td>8</td>
</tr>
<tr>
<td>X</td>
<td>Justice Forum (JF)</td>
<td>1</td>
</tr>
<tr>
<td>X</td>
<td>Conservative Party (CP)</td>
<td>1</td>
</tr>
<tr>
<td>X</td>
<td>Independents</td>
<td>37</td>
</tr>
<tr>
<td>X</td>
<td>Vacant</td>
<td>1</td>
</tr>
<tr>
<td>X</td>
<td>Uganda People’s Defence Force Representatives</td>
<td>10</td>
</tr>
<tr>
<td>X</td>
<td>Ex – officio members</td>
<td>10</td>
</tr>
</tbody>
</table>

Source: Inter Parliamentary Union 2011

The 8th Parliament of Uganda was dominated by President Yoweri Museveni’s party, National Resistance Movement (NRM) with 205 representatives.
3.4 Parliament of Uganda role in aid effectiveness

The 8th Parliament of Uganda (2006 – 2011) was sworn in a year after the signing of the Paris Declaration on Aid Effectiveness in Paris, France in 2005. The parliament’s term ended December 2011, the same time the High Level Forum IV on Aid Effectiveness was held in Busan, South Korea. The Paris Declaration on Aid Effectiveness of 2005 calls for strengthening the role of parliaments in overseeing development cooperation, with the Accra Agenda for Action on Aid Effectiveness of 2008, stating that aid recipient country governments would be “accountable to their respective parliaments” and providers would “support efforts to increase the capacity of parliaments to take an active role in dialogue on the role of aid in contributing to countries’ development.” As law makers and representatives of the people, parliamentarians undertake their mandate for the good and development of the country. Mutual accountability through parliamentary oversight thereby enables parliament to undertake their oversight mandate for the development of their constituents.

The parliament of Uganda plays a crucial role in making development aid more effective during the budget process and public finance management cycle when it performs three major roles:

1. Firstly, parliament does review and make recommendations to the executive on the contents of the national budget framework.

2. Secondly, parliament deliberates and approves the national budget. The focus of parliamentary discussion on the annual budget estimates are ministerial policy statements. The relevant sectoral committees review the budget and report to the Budget Committee. Parliament is supported by the Parliamentary Budget Office (PBOs) in this exercise.

3. Thirdly, parliament does review the central and local government public accounts committees’ reports and the Auditor General’s reports.
Aid to Uganda has played an important role in supporting the country’s recovery, growth and poverty eradication efforts. Jimat Consult (2011) notes that aid is significant in Uganda because it finances its national budget and is a major source of government revenue estimated around 30% of its national budget. ODA finances over 70% of the development budget as most of the domestic revenue goes to financing the recurrent budget. The education and health sectors are highly dependent on aid.

The aid data captured in Table 4 shows an average of USD1,446.12 million per year over the period from 2003 to 2009. The data shows wide fluctuations in aid disbursed to Uganda during the period under review. After signing the Paris Declaration in 2005, aid disbursements to Uganda increased nominally from 2006 to 2009. Despite governance concerns raised by some donors after the 2006 multiparty elections, disbursements were not greatly affected.

Table 4: Total Net ODA disbursement (USD Millions) to Uganda

<table>
<thead>
<tr>
<th>YEAR</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>AVERAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>997.48</td>
<td>1,215.64</td>
<td>1,191.91</td>
<td>1,553.68</td>
<td>1,737.02</td>
<td>1,641.25</td>
<td>1,785.88</td>
<td>1,446.12</td>
</tr>
<tr>
<td>donors Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>


According to the OECD DAC, 48 development partners disbursed aid to Uganda between 2003 and 2009, 29 on whom were bilateral and 19 Multilaterals. The top three were World Bank’s International Development Association (IDA), United States of America (USA) and European Union (EU) who disbursed 48% of the aid while the top seven disbursed 73% and top ten disbursed 85%.
Table 5: Average Annual % disbursements by source OECD DAC 2003 - 2009

<table>
<thead>
<tr>
<th>Development Partner</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. IDA</td>
<td>21%</td>
</tr>
<tr>
<td>2. USA</td>
<td>19%</td>
</tr>
<tr>
<td>3. European Union</td>
<td>9%</td>
</tr>
<tr>
<td>4. United Kingdom</td>
<td>8%</td>
</tr>
<tr>
<td>5. African Development Fund</td>
<td>6%</td>
</tr>
<tr>
<td>6. Denmark</td>
<td>5%</td>
</tr>
<tr>
<td>7. Netherlands</td>
<td>5%</td>
</tr>
<tr>
<td>8. Ireland</td>
<td>4%</td>
</tr>
<tr>
<td>9. Norway</td>
<td>4%</td>
</tr>
<tr>
<td>10. Sweden</td>
<td>4%</td>
</tr>
<tr>
<td>11. Others</td>
<td>15%</td>
</tr>
</tbody>
</table>

Source: Jimat Consult 2011

The following development partners have been very active in giving budget support to Uganda; World Bank, African Development Fund, United Kingdom, Ireland, Netherlands, Sweden, Austria, Norway, Belgium, Canada, Germany, Denmark, France and Italy. All budget support is in principle allocated to a Poverty Action Fund, which is a fund established to channel resources for priority programmes with direct poverty reduction benefits. The prominence of general budget support has since increased (Jimat Consult 2011).

The lead institutions of the Ugandan government regarding aid decisions include the Ministry of Finance, Planning and Economic Development, the Office of the Prime Minster (OPM), the National Planning Authority (NPA), the Parliament of Uganda, and sector ministries and agencies. The sector ministries and agencies are responsible for the origination and eventual implementation of development programme priorities in their sectors, ministry of finance for sourcing the most appropriate funding, Parliament for approval of recommended funding modalities, NPA for including such priorities in national development plans and OPM for the monitoring and evaluation of implementation.
3.4.1 Aid and the legal framework in Uganda

The explicit reference to aid in the legal framework in Uganda relates to the management of grants and loans under the i) Public Finance Act sections 20 -30, ii) Regulations sections 55 – 57, and iii) the Budget Act section 13. All loans and grants should be received by the Minister of Finance and paid into the consolidated fund or a special fund approved by parliament. In addition the minister of finance is required to incorporate the amount to be raised in loans and grants and costs of servicing loans, in the annual estimates of revenue and expenditure. Finally the government is required to report to parliament each year at the time of the budget and before information on grants extended and their sources and the utilisation of those grants, including information on performance against objectives. Therefore, de jure all aid to government must be captured in the budget approved by parliament, accounted for by accounting officers and the accountant general and subject to audit by the auditor general (Tim Williamson 2008).

Tsekpo and Hudson (2009) cited the passing of the Budget Act in 2001 and the subsequent establishment of the Parliamentary Budget Office (PBO) strengthened the ability of the Ugandan parliament to engage in the budget process. The budget is a highly technical document which is put together by the executive over many months, utilising technical expertise in the government. Unless parliamentarians take active steps to match that expertise they are likely to be overshadowed by the executive in an attempt to use their oversight powers to hold it to account. The parliamentary budget office ensures the type of technical expertise that is required to undertake budget work. Budget office provides analysis to the Parliament Budget Committee (PBC) and parliament more widely, to improve the quality of parliamentary engagement with the budget process and financial management. PBO assists various parliamentary oversight committees in their assessment of the executive spending and revenue proposals as well as in their assessment of actual spending.

Pilar Domingo et al (2009) observe that the role of Ugandan parliament in national planning and resource allocation has been strengthened. The executive is now required to share the budget proposals with parliament well in advance, and all external borrowing has to be authorised by Parliament.
Tim Williamson (2008) states that the Budget Act in Uganda was an initiative of parliament not executive. The Act was introduced through private members bill, which indicates the extent of interest of the legislature in the process. Tim notes that although far from being strong, the existence of the parliamentary budget office does help in the quality of the scrutiny by parliamentarians in Uganda.

The Ugandan Ministry of Finance, Planning and Economic Development (MFPED) considers parliament as an ally in ensuring the integrity of the budget process than before (Laurene-Helene Piron et al 2004). The ministry supported the 2001 Budget Act, which increased parliament’s role in the budget process, and has parliamentary staff in the Budget directorate. MFPED however remains the dominant player in relation to parliament but has adopted a policy of collaboration as opposed to bypassing or ignoring it. Laurene-Helene Piron et al (2004) observes that although macroeconomic stability has been guaranteed by overall annual budget ceiling since 2006, there is regular in-year reallocation of resources even after budget has been approved by parliaments, which are not submitted to parliament for approval. Such expenditures include state house and defence expenditures. The 2001 Budget Act requires the executive to consult parliament twice before the budget is presented. Parliament can amend budget line items at the committee stage and the plenary votes on the budget. Parliament also needs to be consulted for the in-year reallocations that are over 3% of the budget (Ibid).

Tim Williamson (2008) argues that Uganda has a well established Medium Term Expenditure Framework (MTEF) and a consultative budget process which is often cited as good practice. Sector working groups are the focus of the budget preparations. The political engagements done in cabinet and parliament are considered to be strong because they are supported by the parliamentary budget office. Sectors report that it is important to lobby parliament as part of the budget process. Accounting and expenditure controls in Uganda have improved through the reforms in accounting, budget formulation, legal framework and the introduction of an Integrated Financial Management System (IFMS). The quality of audit reports has improved as well and they are produced on time. Although
Parliamentary Accounts Committee (PAC) has a backlog of audit reports that need to be scrutinised (Tim Williamson 2008).

Aid management in Uganda is guided by the legal framework for public financial management. The 2003 Public Finance Accountability Act brought all aid to government, including project support. In terms of policy partnership principles agreed in 2003 set out the general structures and processes for delivering aid, including government’s preferred aid modalities, which are programme aid and general budget support (MFPED 2003).

All Aid in Uganda is legally required to be part of budget process. Ugandan parliament, through the economic committee, has the responsibility of approving loans and guarantees on a case by case basis. Tim Williamson (2008) rightly observes that “overall the scope and quality of parliamentary oversight in Uganda has been improving in recent years” p12. He further argues that the enactment of the budget Act in 2001 was key in extending parliamentary involvement in the process through commenting of the budget framework papers of parliamentary budget office. This helped support parliament in its discussion of the budget. However, the Budget Act still means that parliamentary scrutiny of the budget occurs in the new financial year, after the GOU and projects have started spending funds.

Tim Williamson (2008) notes that another key political reform in Uganda that increased parliamentary involvement in budget process has been the introduction of political parties in 2006. This resulted in parliamentary committees being chaired by members of the opposition parties in parliament. This has added vigour to the process of parliamentary scrutiny and contestation in Uganda. Tim Williamson (2008) further argues that whilst the budget process in Uganda does provide a sound basis for scrutiny by parliament there are some key weaknesses. Among them are: i) the poor quality of aid data within the budget framework presented to parliament ii) the way information is presented in ministerial policy statements and the annual budget estimates is more the limiting factor for parliamentary decision making on the budget iii) the scope of parliamentary scrutiny of project aid is severely curtailed by the fact that, the auditor general reports do not cover all project aid, although legally required to do so.
Given the integration of aid into the budget process, and the participation of the cabinet and parliament in the budget process, aid information is well integrated into political process as well. Since 2003, and the adoption of the Public Financial and Accountability Act, project aid has formally been voted on by parliament forming part of annual appropriations. Previously project aid had only been provided to inform the budget process.

Hudson and Tsekpo (2009) argue that the parliament of Uganda is relatively well-equipped in terms of institutional capacity, as a result of sustained support from United States Agency for International Development (USAID), United Nations Development Programme (UNDP) and other development partners. They further observe that a number of key parliamentary institutions in Uganda were put in place under the system of non-party politics. However despite having relatively well developed institutions, the 8th Parliament of Uganda (2006 -2011) was considered by many to be less effective than it was under the system of non-party politics, particularly the 6th Parliament (1996 -2001).

In 2008, committee chairs in parliament were replaced with government loyalist and parliament was marginalised in corruption scandals such as the National Social Security Fund, despite all these setbacks, parliament oversight has improved (Ibid). Accountability committees are asking important questions to ministers and departments and parliament engaging more effectively with the budget process.

Development partners since 1996 elections have been supporting the Ugandan parliament through the provision of equipment and training for MPs and parliamentary staff. From around 1998 key parliamentary institutions such as the parliamentary commission, parliamentary service and parliamentary budget office were created. These institutions set out parliamentary vision and seek to ensure that donors align their support with it.

Hudson and Tsekpo (2009) further argue that in Uganda as in many developing countries, voters, many of them living in poverty expect their MPs to deliver development to their constituencies rather than demanding that they play an effective role in terms of legislation and oversight.
Chapter 4  Key Research Findings, Recommendations and Conclusion

4.1 Key research findings

As observed by AWEPA (2009) parliaments and parliamentarians are not just other domestic accountability stakeholders in aid management. They are part of the institutional infrastructure of aid recipient states. As such they are an important partner in the aid relationship. Meaningful partner country parliament oversight of aid is not just dependent on the actions of the partner country executives and parliaments but also on donor parliaments, donor aid agencies, and their country representatives. They make valuable contributions to improve partner country parliamentary aid oversight.

A legislative framework which is conducive for parliamentary powers or oversight is a first condition for effective oversight. Such legal frameworks are rooted in country constitutions and parliamentary practice. These are not easy to change. However there are cases where parliamentarians can use their legislative powers to adapt these frameworks. When parliamentarians become more involved in aid oversight, the legislative framework is their first point of departure.

Given international commitments such as the Paris Declaration and Accra Agenda for Action, partner country parliamentarians can take an increasingly active role in budget and aid management. The quality of this oversight will depend on the capacity of parliaments and their members to exercise oversight.

Parliamentary oversight in Uganda and many other aid recipient developing countries, is limited by the fact that parliament lacks the independence, knowledge and resources to perform adequate mutual accountability functions. Several features of the political context hamper accountability for aid in Uganda. Among them, the dominance of the executive and of the president is also seen where members of parliament, especially from National Resistance Movement (NRM) are expected to pay allegiance to their party rather than undertake debate or play an objective oversight role.
Furthermore, a decision made by the President usually takes precedence over parliamentary oversight which has led to instances of the executive undermining orders of parliament at will.

Within the Ugandan parliament there are specific accountability committees that scrutinize use of funds by central government, local governments and statutory enterprises. Of these, the Public Accounts Committee (PAC) scrutinizes central government accounts and produces reports which are debated in Parliament, and can question ministers and officials. The PAC’s investigations arise out of the Office of the Auditor General’s reports, although it can also receive public complaints. To date the PAC is seen as proactive on issues regarding the misuse of resources. The PAC faces challenges in implementing its mandate. These include capacity inadequacies, including institutional technical capacities and the inability to scrutinize annual accounts as they fall due which leads to backlogs. In addition, PAC reports are usually subjected to Parliamentary debates in which case debates and decisions are taken on political affiliations rather than on merit, which partly explains why high profile corruption cases arising out of PAC and involving politicians are not dealt with in the manner they deserve. In addition, there are limited linkages between accountability committees.

However in 2001, the Ugandan parliament passed legislation which stipulated that the executive had to provide it with an early view of budget allocations so that it could play a more active role in overseeing the budget. Previously the Ugandan budget calendar allowed little time for parliament to assess the budget before passing it. In terms of the legislation government is now required to table an outline of fiscal and budget policy proposals well in advance of the detailed budget, so that the parliamentary budget committee can assess the proposals with the help of the Budget Office.

Despite Ugandan government declared policy of zero tolerance for corruption and the establishment of an array of anti-corruption agencies at the national and local levels corruption remains unabated. The fight against corruption has slowed and weakened by the general reluctance to hold those in high political offices accountable for financial
misappropriations, prompting reprisal suspension of aid by some donor during the 2005 to 2008 period (Jimat Consult 2011).

Political interests, economic governance and development partner sectoral interests have negatively influenced the manner in which the PD and AAA commitments have been implemented in Uganda. The cycle of elections and new political manifestos for example has exerted pressure on existing commitments and to some extent undermined both government and donor commitments to the national development agenda.

In Uganda making parliament into an effective accountability mechanism will require major efforts. Parliaments suffer from serious capacity constraints, with high turnover of members and little standing capacity for research and analysis. They may struggle to take an informed view on complex questions of national development policy, including the utilization of official development assistance, which is generally seen as a rather technical issue. As a result, the executive often treats parliament as a junior partner.

Development partners remain particularly concerned about the slow progress in curbing high profile corruption. The lack of consensus among development partners on the ideal mode of funding remains one of the most stumbling blocks to successful implementation of aid effectiveness commitments under the PD and AAA in Uganda. Some DPs such as Britain, Netherlands, Ireland and Nordic countries are fully convinced that the use of general budget support should be strengthened. Whilst others such as USAID and Japan are not convinced government systems are capacitated and safe enough, for them to use without major objections from taxpayers in their home countries (Jimat Consult 2011).

Parliament in Uganda is still to be fully accorded its space to make critical decisions on new and existing aid, including monitoring its impact on the population and holding sector ministries and development partners to account. Political context is a key factor in deciding the ‘enabling environment’ for accountability for aid. Political context helps to explain why the introduction of newer aid modalities, such as budget support designed to increase domestic accountability for aid have still been criticised for their accountability weaknesses.
Lack of capacity and negative incentives for domestic accountability actors undermine the extent to which accountability can be enforced. Capacity constraints and information asymmetries tend to explain why parliaments do not exercise their budgetary powers effectively, while governance constraints and the nature of executive – legislative relations tend to explain why they sometimes do not exercise them.
4.2 Recommendations

For parliaments and parliamentarians to play effective roles in making development aid more effective there has to be a better understanding of the factors that influence the nature and extent of parliamentary role in making developing aid more effective and solutions to address challenges parliaments face when executing their watchdog role in development aid processes. Development partners and partner country parliaments must pursue active partnerships to ensure aid effectiveness. This should be done through joint reviews of aid programmes and projects. Parliaments should take effective role in drafting of national development plans and approving them.

Parliamentarians cannot take up their role in the oversight of aid without sufficient capacity. Donors should play a facilitating role in the development of capacity of parliaments and parliamentarians. Parliamentarians should be trained in technical subjects such as committees, constituency relations, legislative drafting and rules of procedure. Effective oversight of both aid and domestic spending requires that partner country parliamentarians receive transparent information on aid commitments and aid use.

Parliamentarians need to ensure that they make full use of their existing powers and tools in holding executive to account for aid spending. These include questions, interpellations, committees of inquiry and hearing. When existing budgetary oversight powers are weak, parliamentarians can make use of their powers to enable opening of a meaningful space in the budget process for them.

Parliamentarians need to demand changes to the documentation submitted with the budget in order to be able to better assess the context of spending appropriations and undertake budgetary oversight in such a manner that government actual spending is in line with its budgeted appropriations. Successful Public Accounts Committees are associated with periods of time in which the opposition acts as chair. Parliamentarians should support this practice.
Parliamentarians need to oversee the degree to which their executives fulfil the commitments that they have internationally agreed to in terms of the Paris Declaration and Accra Agenda for Action on Aid Effectiveness. All aid flows should be brought into the budget process, whether formally approved by parliaments or not.

4.3 Conclusion

As the nature of Aid architecture is quickly evolving, the Government of Uganda should embrace new aid sources such as from Global Funds or non-traditional donors like the Gulf States and China. Uganda must safeguard the current good practice principles for aid management under the PD and AAA. Parliament should be the clearing house for such aid but this institution needs to be appraised of the PD principles and the need to ensure that any new forms of aid do not undermine current aid relationships.
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Internet Sources


Appendices

Appendix A: The Country Map of Uganda showing major cities

Source: www.infoplease.com/atlas/country/uganda.html
Appendix B: Parliament Building of the Republic of Uganda 2011

Source: http://www.parliament.go.ug/
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