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Mitigating Performance Limitations and Challenges Faced by Parliament's Budgetary Oversight Committees in Botswana.

Keneilwe Pearl Marata



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Policy Analysis**

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BIDPA

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ACRONYMS

FEC:	Finance and Estimates Committee
KIIs:	Key Informant Interviews
MPs:	Members of Parliament
OECD:	Organisation for Economic Corporation and Development
PAC:	Public Accounts Committee
SAIs:	Supreme Audit Institutions

ABSTRACT

Parliaments are an integral part of democracy, enhancing the quality of governance through the various functions bestowed upon them such as legislation, oversight, representation, and constituency service. Parliaments make use of committees to deliver on some of these functions. The parliament of Botswana, as other parliaments elsewhere, has at its disposal committees that help it to effectively perform its budgetary oversight functions. While this paper acknowledges the various functions of parliament, it, however, limits itself to parliament's oversight function, especially, as it pertains to the budget. The Parliament of Botswana is empowered to undertake approval and audit functions in the budget cycle. Parliament performs these functions through two committees; namely: 1, the Finance and Estimates Committee (FEC); and 2, the Public Accounts Committee (PAC). Parliament is, however, often criticised for unsatisfactory performance of its budgetary oversight function. While various explanations have been advanced for the perceived ineffective performance of Parliament, this paper posits that Parliament's perceived ineffective performance of budgetary oversight is inherent within some of the provisions and powers given to the budgetary oversight committees. Using qualitative data collected through key informant interviews and desk research, this paper highlights some of the inherent challenges and limitations leading to unsatisfactory performance. The paper further presents some recommendations for averting the identified limitations and challenges to enable parliamentary committees to ably execute their roles and responsibilities to eventuate better and improved budgetary oversight.

Keywords: Parliamentary Budget Oversight, Ex-Ante Budget Oversight, Ex-Post Budget Oversight, Parliamentary Committees and Legislatures



1. Introduction, Justification and The Problem

Parliaments, legislatures or assemblies as commonly known in most jurisdictions in which they exist are the epitome of democracy¹, bestowed with core functions of representation, legislation, constituency service and oversight. Parliament's function of representation allows members of parliament to act on behalf of their voters and citizens by 'collecting, aggregating, and expressing their concerns, opinions and preferences' (Barkan 2009:7). Through their legislative powers, parliaments exercise the power to make laws. As Barkan (*ibid*) puts it, 'at a minimum, legislatures pass laws. More significantly, legislatures contribute to the making of public policy by crafting legislation and then pass such legislation into law'. Parliament's constituency service function on the other hand involves Members of Parliament (MPs)' regular visitations to constituencies to assist their constituents and to also take part in constituency development projects aimed at improving the livelihoods of constituents (Barkan, *ibid*). Lastly, the oversight role of parliament focuses mainly on the activities of the executive, by ensuring accountability and effective implementation of policies. Barkan (2009:7) explains in this regard that '... legislatures exercise oversight of the executive branch to ensure that policies agreed upon at the time they are passed into law are in fact implemented by the state'. At the centre of parliament's oversight function is its budgetary oversight role, where Parliament is expected to exercise overall control over the public budget. Thus, through this function, parliament ensures that the Executive's 'pending decisions are in-line with national {spending} priorities' (Botswana Parliamentary Committees Manual, 2014:6).

While Parliaments are bestowed with the various functions as outlined above, this paper limits itself to Parliaments' budgetary oversight role. This is driven by the need to improve on limited research on parliamentary budget oversight. Stapenhurst et'al (2008: xvi-1) uphold for instance that while extensive research has been conducted on the other roles of parliament, in particular its law making or legislative function, parliament's oversight role especially as it relates to the budget process has remained largely understudied. Furthermore, some scholars have pointed out the benefit of paying attention to parliament's budgetary oversight role². Krafchik and Wehner (2004:1) also emphasize that the debate on parliaments and their budgetary oversight role is an important debate because 'the budget is the most important economic policy tool of the Government and provides a comprehensive statement of the nation's priorities. As the representative of the people, Parliament is the appropriate place to ensure that the budget best matches the nation's needs with available resources.' Parliaments are expected to perform this function effectively. However, Parliaments often get criticised for failing to do so adequately due to several reasons. Salih (2005:13) has argued for instance that, 'the extent to which African parliaments have been able to discharge [their] generic functions is contingent on several factors'.

1 Ben-Zeev and Luckscheiter (2012:4) state that 'strong legislatures are the bedrock of representational democracies.'

2 Barkan (2009: 219) argues for instance that, 'there is greater potential inherent in active legislative participation in the budget process'.

The parliament of Botswana has not escaped the accusations of poor performance, especially in relation to its budgetary oversight role. It (Parliament) has continued to field questions around whether it is able to adequately and effectively provide oversight of the budget in terms of proper control of expenditure and revenue³. Like other parliaments seeking greater engagement, the Parliament of Botswana has at its disposal committees which it uses to execute the various functions bestowed upon it. For its budgetary oversight mandate, Parliament makes use of the Finance and Estimates Committee (FEC) and the Public Accounts Committee (PAC). The two (FEC and PAC), perform their functions in accordance with specific powers and provisions given through instruments such as the Constitution of Botswana (Republic of Botswana 1997) and the Standing Orders of the National Assembly (Parliament of Botswana, 2017). It is however the position of this paper that in order to realise the full potential of these committees, certain performance inhibiting challenges and limitations need to be attended to. These challenges and limitations are believed to be inherent within the specific provisions and powers relating to (i) the committees' structure and composition; (ii) budget approval and audit activities; (iii) their capacity and resources as well as (iv) the committees' relations with other important oversight agencies such as the Auditor General. This paper seeks to highlight some of these limitations and challenges. The paper further provides recommendations, which if implemented, can improve the committees' performance and, by extension, parliament's performance of budgetary oversight.

³ Mmegi Newspaper, (Friday, January 2016)

2. Literature Review

2.1. The Budget Process

Generally, the budget process in most countries entails four stages of budget formulation, budget approval, budget execution and budget oversight (Drury, 1992; Khan, 2019). The system of government in place, influences the powers parliaments wield in any of the stages of the budget process. For most parliamentary systems, the formulation and implementation stages of the budget process are the preserve of the Executive. Under this system, Parliament plays a role at the approval and oversight stages of the budget process. Hence parliament's budget scrutiny role is understood in two ways. The first is the approval and authorisation of estimates of government spending needs known as *ex-ante* oversight and the second is the scrutiny of executive spending done in conjunction with the Auditor General commonly referred to as *ex-post* budgetary oversight (Jacobs, 2012:5). Formal recognition of both parliament's *ex-ante* and *ex-post* roles is ascertained through legal provisions and frameworks such as country Constitutions, Acts, and Parliamentary Standing Orders⁴. Parliamentary scholars have cautioned, however, that this recognition for many parliaments has not necessarily translated into effective performance of parliamentary budget oversight⁵.

2.2. Parliaments and their Budgetary Oversight Role

As alluded to earlier, central to Parliament's core function of oversight is its budgetary oversight role. The budget has been described as the single most important economic policy tool of any government, that sets out national priorities and objectives and how these will be met using public resources⁶. It is, thus, imperative that parliaments, being the representatives of the masses ensure that national budgets are formulated and implemented in accordance with the needs of the people. National budgets follow a sequence of drafting, approval, implementation and auditing, referred to as the budget process (see, for example, A 2010 Publication of the Parliamentary Centre titled, The Budget Process in Africa. A Comparative Study of Seven Countries, pages 10-11). In many countries that follow the Westminster model of governance, Parliaments perform their budget approval and budget audit activities through the Estimates and Public Accounts Committees.

4 As Yamamoto (2007:10), puts it, 'to perform these functions, parliaments use various tools. Some of these are stipulated in text of a country's Constitution, but more commonly they are part of the rules that govern parliamentary procedures (such sets of rules are often called Standing Orders)'.

5 Staphenhurst, Pelizzo, Olson and Trapp (2008:53) argue for instance that while parliaments are constitutionally empowered to consider national budgets and authorise governments to raise revenues and carryout expenditures, this power is not exercised equally or consistently across countries and parliaments.

6 Rahul and Komla (2016) attest to the importance of national budgets in their argument that '...the budget is designed to play as a tool for enhancing macro-economic stability, communicating public policy and translating government policies and programs into action'.

2.3. Assessing Parliamentary Committees' Effectiveness in Budgetary Oversight

In the earlier years, parliamentary budget oversight scholars placed much emphasis on parliaments' adoption of budgetary oversight tools for better performance⁷. The central argument being that parliament's performance of oversight can be improved through the adoption of as many budgetary oversight tools as possible. For instance, Pelizzo and Stapenhurst (2012:21) argue that the 'adoption of many oversight tools was believed to automatically translate into greater legislative budget oversight'. Therefore, Parliaments were encouraged to adopt as many of the oversight tools as possible as assessments of their effectiveness entailed measuring how many of the oversight tools a Parliament had adopted. In the latter years, there has, however, been a shift away from focusing solely on the adoption of as many oversight tools as possible to ensuring the effective use and performance of the tools in place no matter how few (Stapenhurst et al 2008:21-22). This has, however, not been an easy task due to the lack of a comprehensive and agreed framework of assessing budget oversight effectiveness. This has been acknowledged by Nyamori and Nyamori (2015:285), who stated when addressing the effectiveness of the Kenyan parliament's Public Accounts Committee in budgetary oversight that, 'there is no single framework of assessing PAC effectiveness...'. Nonetheless, even with the lack of an agreed and standardised framework, some scholars such as Marata (2013) have contributed towards assessing the effectiveness of parliament and other oversight agencies such as the Auditor General, in providing budgetary oversight. This has been reiterated by Obrien (2016:23), who emphasizes that 'over the past 15 years there has been an international effort to improve the effectiveness of parliaments'.

2.4. Synthesis

The above review has shown that the budget process is a cornerstone of public financial management and governance. It typically comprises of four stages: formulation, approval, execution, and oversight (Drury, 1992; Khan, 2019). In most parliamentary systems, particularly those modelled after Westminster traditions, the Executive branch holds primary responsibility for budget formulation and execution, while Parliament's role is concentrated in the approval (ex-ante) and oversight (ex-post) phases. These roles are often enshrined in frameworks such as national constitutions and standing orders. However, scholars caution that formal recognition of parliamentary powers does not necessarily translate into effective oversight. The literature review has offered some insights into our understanding of parliament's performance of budgetary oversight as well as the role played by the committees dedicated to the approval and audit functions in the budget cycle. Thus, the review identifies some gaps which this study seeks to fill, such as ensuring that formal powers given to parliament and its committees' for budgetary oversight translate to effective budgetary oversight practices.

⁷ Yamamoto (2007) and Pelizzo and Stapenhurst (2001; 2004), put forth an inventory of oversight tools which when placed at the disposal of parliament were believed to have the ability to improve its oversight function.

3. Conceptual Framework

3.1. International Best Practices for Budget Oversight

As alluded to in the preceding section, the absence of a standardised framework for assessing parliamentary oversight effectiveness has not deterred Parliamentary scholars from attempting to find other useful ways of doing so. Thus, in recent years there have been rising trends towards ensuring transparent budgetary practices through comparative experiences. To this end, scholars and researchers from various development agencies such as the World Bank, Organization for Economic Corporation and Development (OECD) and the International Budget Partnership (IBP), have put together desirable conditions and practices which when adhered to, are believed to have the ability to improve the budgetary oversight work of parliaments and their budgetary oversight committees. These conditions and practices have been commonly referred to as *International Best Practices for Budgetary Oversight*. Countries and governments adhering to these best practices are believed to be better placed to ensure that public funds are prudently spent as promised. This paper draws from these international best practices to assess the limitations and challenges facing budget oversight committees in the Parliament of Botswana. These practices and conditions centre around; committees' composition and structure, their budget amendment, approval and audit powers, the actual activities they engage in when conducting their oversight work, their capacity and resources as well as their working relations with the Auditor General. Figure 1 presents some of the elements of these conditions and practices that constitute the international best practices for budgetary oversight.

The below is a structured conceptual framework illustrating international best practices for effective budgetary oversight that can be adopted by parliaments or legislative bodies to enhance their budgetary oversight role. It emphasizes internationally recognized standards and mechanisms that enhance the effectiveness of parliamentary oversight of public budgets. By focusing on parliaments and committees' constitutional powers, working practices and activities, committee processes, capacity and resources, relations with other oversight agencies as well as committee structure, the framework provides a basis for assessing the effectiveness of parliamentary budgetary oversight.

Figure 1: Conceptual Framework of Best Practices for Effective Budgetary Oversight



Sources: Webner J, (2002) *Best of Public Accounts Committees*; Krafchik W. (2004) *Legislatures and Budget Oversight: Best Practices*; OECD, (2002) *OECD Best Practices for Budget Transparency*.

4. Research Methodology, Methods and Design

4.1. Research Design

This paper employs a qualitative research approach to explore the performance of parliamentary committees and their role in budgetary oversight. The research design is exploratory and descriptive, aiming to uncover insights into how parliamentary committees function, the challenges they face, and the extent to which they contribute to effective budgetary oversight. This approach allows for a rich, contextualized understanding of parliamentary performance.

4.2. Data Collection Methods

The study employs two primary data collection methods as follows.

4.2.1. *Key Informant Interviews (KIIs)*

A purposive sampling strategy was used to identify and engage individuals with direct experience in parliamentary operations. These included former committee chairpersons, former Speakers of Parliament, former Auditor Generals, and senior parliamentary staff. These informants were considered credible sources due to their direct involvement in legislative oversight and committee work. A semi-structured interview guide was developed to facilitate the interviews, comprising open-ended questions that allowed respondents to elaborate on their experiences and insights and thus allowing the researcher to probe emerging themes from the unique experiences of each respondent. The interviews were recorded and transcribed for thematic analysis.

4.2.2. *Desk-Based Research*

In order to complement the data from interviews, an extensive review of existing literature was conducted. This included local, regional, and international sources on parliamentary performance, committee effectiveness, and budgetary oversight. The literature review served both to contextualize the findings and to provide comparative insights, particularly in relation to international best practices.

4.3. Data Analysis

The qualitative data collected through KIIs was analysed using thematic content analysis. This method involved coding the interview transcripts to identify recurring themes, patterns, and categories relevant to parliamentary performance and oversight. The desk research findings were used to triangulate and enrich the interview data, ensuring analytical depth and credibility.

4.4. Ethical Considerations

This data collection exercise for this paper adhered to ethical standards for qualitative research, that included respect for participants' autonomy and confidentiality. Consent was sought from all those interviewed.

5. Findings and Discussion

5.1. An Overview of the Finance and Estimates Committee (FEC)

The Finance and Estimates Committee (FEC) is one of parliament's Sessional Select Committees established through Section 97 of the Standing Orders of the National Assembly of Botswana. The FEC is composed of seven (7) private members with one of the members elected as the committee's Chairperson. This Order is, however, silent on the terms for selection of the committee's Chairperson as well as his or her tenure. The selection of the Chairperson is thus left to the pronouncement contained in the Parliamentary Committees Manual (of 2014) which states that, 'except where the appointment of the Chairperson is otherwise provided for in the standing orders, all committees are required to elect, prior to the commencement of business, one of its members to be the Chairperson'. Therefore, in terms of the Parliamentary Committees Manual pronouncement, those appointed to be members of the FEC, choose a chairperson from amongst themselves. This provision further leaves out the eligibility criteria as far as who the members can elect as their chairperson as well as what the term of office for the elected Committee's Chairperson should be.

The mandate and scope of work for the FEC as outlined in Section 97 of the Standing Orders depicts that the FEC is specifically empowered to (i) examine whether funds are well allocated within the limits of the policy implied in the estimates; (ii) to suggest the form in which the estimates shall be presented to parliament; (iii) to suggest alternative procedures in order to bring about efficiency and economy in administration, and (iv) to consider and recommend for approval all proposals by the government entailing supplementary expenditures for which the sanction of the Assembly is required as well as (v) to examine items concerning any part of the estimates of a ministry or ministries for examination during the financial year. Thus, the FEC ensures on behalf of parliament that various ministerial and departmental financial requests cater for genuine expenditures.

Lastly, in as far as its business operations and activities are concerned, Standing Order 97 (4) provides that 'the committee shall meet at such times and places as may be determined by the Chairperson'. This is an improvement from the old provision that stipulated that the Committee's meetings, and its business were to be conducted in private unless the house or the committee itself would determine to proceed otherwise. Although this is an improvement, it however does not stipulate whether the committee should conduct its hearings openly.

5.2. An Overview of the Public Accounts Committee (PAC)

Parliament's second budgetary oversight committee is the Public Accounts Committee (PAC). The PAC is established through the National Assembly Standing Order (95.1). The order bestows upon the PAC the mandate of performing parliament's budget audit

or evaluation (ex-post budgetary oversight). The membership of the PAC is set at 10 members, with one of the committee's members eligible to be elected as its chairperson. While the Standing Orders do not outrightly provide for a criterion of appointment of the Chairperson, the PAC has a set of Operational Guidelines which stipulate that, 'unlike in other committees, where the Chairperson is elected by the committee members, the Chairperson of the PAC is elected by the Committee of Selection from amongst the ten members. The PAC Operational Guidelines further state that, the Chairperson shall be appointed for the life of parliament and shall be a member of the opposition political party.

Unlike in the case of the FEC, the order provides a specified timeframe for PAC meetings and hearings. It states, for instance, that the PAC must perform its oversight tasks at the end of each financial year, by examining (i) the accounts and statements prepared and signed by the Accountant General in accordance with the provisions of the Finance and Audit Act, (ii) the accounts prepared and signed in accordance with the provision of the Finance and Audit Act, by any officer (other than the Accountant General) who is by virtue of any law responsible for the administration of any special fund, (iii) the report of the Auditor General on the Accountant General on the accounts specified in (i) and (ii) and to report the results of such examination to the National Assembly. Additionally, while the PAC used to conduct its business in private, this was changed in 2011 when PAC hearings and meetings began to be held openly with various stakeholders including the media in attendance. This move has been applauded for improving the deliberations during hearings as committee members began to put more effort in preparing for hearings in order not to appear as ineffective before the voting public. The same also goes for accounting officers who also come well prepared to avoid being viewed as incompetent by the Committee and those in attendance.

5.3. Limitations in the Provisions for Committees' Structure and Composition

One of the important elements in the structure and composition of committees is the position of Chairperson. Chairpersons of parliamentary committees play an important role in the effective functioning of committees especially through certain expectations placed upon them. For instance, committee Chairpersons are expected to be neutral and judicious when discharging their duties so as to lead the committee to successfully carryout their mandate. To ensure this, the practice in most parliaments has been the appointment of opposition party members as committee Chairpersons. This follows the OECD's 2023 *Guidelines on Best Practices for Budget Transparency* which posit that the 'chairing of the Budget or Audit or Public Accounts Committee by an opposition member enhances oversight and reinforces the commitment to operate these committees in a nonpartisan and consensual manner'. Sections 95 (1) and 97 (1) of the Standing Orders of the National Assembly (hereafter referred to in short as the Standing Orders), provide for the position of chairmanship of the two budget committees. However, the provisions do not elaborate the criteria for the appointment of either the FEC or PAC

Chairperson. Nevertheless, some efforts have been made to follow international best practice through the PAC Operational Guidelines which stipulate that the Chairperson must be appointed from members of the opposition. The Guidelines also outline the term of office for the PAC Chairperson, setting it at the life of parliament. While this is the case for the PAC, the same cannot not be said about the appointment of the Chairperson of the FEC, as well as his or her term of office. However, to also ensure non-partisan influence and to promote transparency at the budget approval stage, the criteria of who can be selected as the FEC chair as well as his or her term of office must also be clearly set out, through a similar provision as to that given for the PAC chairmanship.

Another important position within committees is that of the Committee Secretary. Committee Secretaries play an important role within committees especially in terms of recording committee proceedings and minutes that later make up committee reports. In the words of Grundy (2003), Committee Secretaries exist 'to support a committee, especially the committee Chairperson, in organisation of inquiries, analysis of submissions, relations with the public, conduct of public hearings and preparation of reports'. However, the role of Committee Secretaries for the two budget committees has also been identified as an issue of concern in the parliament of Botswana. Firstly, there seems to be a lack of clarity of roles between the Chairperson and the secretary, there also exists a challenge where Committee Secretaries are shared amongst various other committees. For instance, in the case of the PAC, the Public Accounts Committee Operational Guidelines places the responsibility for recording and producing minutes upon the Chairperson by stating that 'it is generally the responsibility of the Chairperson to draft the report, with the support of the secretariat'. The Botswana Parliamentary Committees Manual (2014), on the other hand places this responsibility wholly on a secretary appointed by the Clerk of Parliament. Additionally, since the committee secretary is shared by several other committees, what often obtains is that in some instances secretaries are unable to attend meetings and the committee advisor adopts the responsibility of drafting the report, with the help of junior officers. Best practice dictates that each committee must be served by two to three Committee Secretaries solely devoted for its functions (Wehner, 2002).

Furthermore, it has also been established that there exists a lack of clarity of roles between the Chairperson and Committee Secretaries especially in the case of the FEC. This could be the reason why reports of the FEC on the appropriation bill are rarely produced. Often, when the committee does produce reports, it only does so after the scrutiny of supplementary estimates of expenditure. The supplementary estimates of expenditure reports often only contain recommendations of approval or rejection as the FEC is never able to significantly alter the requests presented before it. Additionally, the task of recording committees' proceedings and minutes that later make up these reports, has also been identified as an issue of concern. As mentioned above, there is a lack of clarity in terms of who should be responsible for this task. For instance, in the

case of the PAC, the Public Accounts Committee Operational Guidelines places this responsibility upon the Chairperson by stating that 'it is generally the responsibility of the Chairperson to draft the report, with the support of the secretariat'. The Botswana Parliamentary Committees Manual (2014), on the other hand places this responsibility on a committee secretary appointed by the Clerk of the National Assembly. However, it also emerged during interviews that what often obtains is that the committee advisor drafts the report of the PAC, with the help of junior officers. Therefore, there is need for clarity in terms of who should be responsible for compiling committee reports for both the FEC and PAC.

5.4. Limitations with Committees' Formal Powers for Budget Oversight

As alluded to at the beginning, Parliament is given powers for the approval of the budget which it exercises through the Finance and Estimates Committee. However, one of the noticeable gaps on the powers given to the FEC for budget amendment and approval is the lack of budget reversionary powers. Budget reversionary powers are the powers given for instances when no budget has been adopted by the start of a new fiscal year'. In most countries, the provision is that '... if no budget has been adopted by the beginning of the new fiscal year, then expenditures may continue at the level of the previous budget' (Cox, 2012). This lessens any threat to parliament's budget oversight powers when the executive may deliberately ensure that no budget has been adopted by the beginning of the new fiscal year (by either submitting the budget late, or by having allies delay consideration of the budget in the legislature). Wehner (2010:28) also argues that 'parliament and its budget committees' *ex-ante* budget approval powers should be expanded through additional provisions made for the times when parliament and its committees' contribution to the appropriation bill may be delayed. Wehner (*ibid*) further proposes that in such instances, Parliament's approval and amendment powers can be shown when a decision is made to revert to the past year's budget, so that a budget that was approved by parliament back then remains in use.

The National Assembly Standing Order 97(2) outlines the powers and provisions for budget approval in the Parliament of Botswana. However, this provision does not cover the times when the FEC's (or Parliament itself) contribution to the appropriation bill is delayed beyond the beginning of another fiscal year. According to Section 120 of the Constitution, what obtains in the Parliament of Botswana is that,

"if the Appropriation Act in respect of any financial year has not come into operation by the beginning of that financial year, the President may authorize the withdrawal of moneys from the Consolidated Fund for the purpose of meeting expenditure necessary to carry on the services of the Government until the expiration of four months from the beginning of that financial year or the coming into operation of the Appropriation Act, whichever is the earlier".

The Botswana Public Finance Management Act of 2011 (Section 31.1) further states that “If it appears to the President that the Appropriation Act for any financial year will not come into operation by the beginning of that year, the President may by warrant under his or her hand, authorise the withdrawal from the Consolidated Fund of moneys for the purpose of meeting of expenditure necessary to carry on government from the beginning of that financial year until the expiration of four months from the beginning of the new financial year or the coming into operation of the Appropriation Act, whichever comes earlier”. This shows that, even though the FEC is given powers for budget approval, these powers fall off when the appropriation bill is delayed beyond the next fiscal year, and this is inconsistent with international best practices.

5.5. Challenges with Provisions for Committees’ Budget Oversight Practices and Activities

In the performance of their budget oversight duties, the FEC and PAC engage in practices and activities that are deemed as the actual budget oversight functions. These practices and activities include holding meetings and hearings, writing and producing reports, as well as making recommendations and following up on those recommendations. There are specific provisions given to determine how budget committees should go about these practices and activities. However, there are some challenges and limitations that limit the effectiveness of these activities and practices. For instance, this paper observes that there is a challenge inherent in the Standing Order provisions for *holding meetings and hearings* by both the FEC and PAC. Literature purports that meetings and hearings are an integral part of the committees’ oversight work. According to McGee (2007:72-73), committees that meet on a frequent basis have a better opportunity of promoting effective working practices than committees whose members come together infrequently. Pelizzo and Kinyondo (2014:7) further attest in the case of PACs that ‘to a larger extent, the number of hearings held by PACs reflects their effectiveness’.

This paper observes, however, that in the case of the Botswana parliament, there is a challenge inherent within Standing Order 97 (4) where the FEC is expected to meet at such times and such places as may be determined by the Chairperson. This means that the FEC sittings or meetings are dependent upon the Chairperson’s prerogative (that is, when and where he or she sees fit). The exact time of the FEC meetings and hearings is not provided for. Furthermore, the frequency of meetings held by the FEC has been a cause for concern where some committee members have expressed during interviews that the FEC rarely holds meetings. This is contrary to the applause that the PAC has been showered with in as far as consistency in holding meetings and hearings is concerned. This inconsistency between the operations and activities of the FEC and those of the PAC has caused some people to view the PAC as the most active and efficient of the two budget committees whereas the FEC is considered less effective. However, considering that both these committees play an important role in the budget oversight process, it is, important that the efficiency of both committees is enhanced by

ensuring equal opportunity where provisions for oversight activities such as committee meetings and hearings are concerned.

At the same time, both Standing Order 95 (3a) and Section (105.3) of the Constitution provide that the work of the PAC shall begin at the end of each financial year. While this is viewed in a positive way for providing a timeframe for the start of its oversight duties, it however is also a limitation in as far as continuous oversight by the PAC is concerned. A former Auditor General (name withheld), expressed during interview the benefit and usefulness of having the PAC sitting throughout the year. In their view, “if the committee sat throughout the year, there would be no pressure on them, to finish the work placed before them in order that they can also manage to go to their constituencies before parliament re-opens”. In the same spirit, a former chairman of the PAC (name withheld), also reiterated that “PACs in other countries sit throughout the course of the year whereas in Botswana the committee only sits in May for three-four weeks when parliament is in recess”. The former chairperson lamented that this limits how much work the PAC can get done and also puts pressure on the committee because of the loads of work to be covered in a short space of time.

Another limitation to the committees' practices presents in the lack of provisions for the openness and transparency in the conduct of the business of the FEC. Scholars suggest as widely accepted that “committees generally are moving in the direction of involving the public in their deliberations” (McGee, 2007:74). Delcam (2018) also suggests that public hearings should be the norm and that closed sessions be resorted to where there is need for them. While it is commendable that the PAC has eventually opened its hearings to the public, the same cannot be said about the FEC. There is no provision for open hearings and the practice is not upheld within the FEC. Nonetheless, a call for openness and transparency in the operations of the FEC takes into consideration sensitive issues of national security during budget approval stages. This has been reiterated by Wehner (2002:11) who posits that while there might be reasons for barring the public in exceptional circumstances, such as in discussions that relate to central intelligence or to other highly sensitive defence matters, there generally, are few reasonable excuses to prevent open access of the media and the public to PAC sessions. Therefore, discussions of the FEC can also be opened up with exception to sensitive issues, especially those relating to national security.

Additionally, upon completion of their scrutiny and budgetary oversight work, budget committees are expected to *prepare and produce reports* of their deliberations to be tabled and adopted by Parliament. It is observed that both sections 95 and 97 of the Standing Orders do not provide for this for both the PAC and FEC. However, the Parliamentary Committees Manual states that ‘one of the main duties of Committee Secretaries is to produce reports’. While this is commendable, it is, however, not adequate. Scholarship suggests that ‘the requirement to prepare and produce a report must be a legal one’. Thus, in the same way that provisions for their other activities are cited in the Standing Orders,

reporting, which is an integral part of budget oversight, must also be explicitly provided for. This is because, when left to the pronouncement in an unbinding document such as the manual, reporting would be seen as an option.

Lastly, the provisions for *the uptake and implementation as well as following up of budget committee recommendations* has been found to be lacking. Most countries place upon government departments a *formal requirement to respond* to and implement budget committee recommendations, especially those from the Public Accounts Committee. However, there is no formal requirement in Botswana that compels government departments or the relevant accounting officers to respond to or to implement recommendations from budget committees especially those made by the PAC. This leaves the acceptance and implementation of committee recommendations, to good will and good relations between the PAC and government departments. As stated in the Botswana Public Accounts Committee Operational Guidelines (n.d:15), 'for the PAC recommendations to be taken seriously by the Executive, it is important that the committee maintains a constructive working relationship with the Government'. This is contrary to international best practice where for instance, in the Westminster style parliaments, committee reports have to be followed by a formal response from the government and there is a set timeframe for the response to be made (Wehner, 2002). This usually occurs within two to six months of receiving the recommendations. Furthermore, when a department rejects a certain PAC recommendation, it is expected to explain its reasons for rejecting the recommendation.

5.6. Challenges with Committees' Capacity and Resources

Similar to the powers they are given for their oversight activities, capacity and resources play an important role in the effectiveness of parliamentary committees. Without the necessary capacity and resources, committees will fail to achieve what they are mandated to do regardless of any other arrangements made to empower them. The Global Parliamentary Report (2017:33) reinforces that even where formal measures are put in place to ensure compliance, a mandate for budgetary oversight is meaningless unless if parliament (and in this case, parliamentary committees) does not have the resources to implement it. Central to committees' limited capacity for oversight is committee members' limited skills for budget amendment, approval and evaluation. This is, however, not surprising because as scholarship suggests, 'members of parliament, overall, are not budget experts, they require the best support, information and access to expertise if they are to successfully carry out their work on financial and budget issues'. This limitation transcends committees because committee members are drawn from members of parliament.

The challenge of capacity and resources in the budget committees of the parliament of Botswana has been reiterated by former Auditor General (name withheld), who states in part that, 'we cannot say the resources are sufficient, for instance, the PAC secretariat is not permanent, they serve other committees, so basically the PAC shares resources with

other committees' (Auditor General Interview). The former Auditor General further stated that while in terms of office space, members have individual offices, and there is an auditorium where the hearings are held, these are facilities that are also shared with other committees. While capacity issues in the parliament of Botswana have, to a certain extent been addressed by the creation of some specialised offices such as the research unit and the library, these offices are however understaffed⁸ and often underutilised by committee members and members of parliament in general. Additionally, the specialised offices are not necessarily staffed with budgetary experts. Thus, calls for the establishment of a specialized parliamentary budget office remain relevant. Specialised parliamentary budget offices are a special recommendation of the OECD (2023) which points out that, 'the legislature should have specialist analytical support in the form of an in-house research or scrutiny unit or an independent parliamentary budget office to provide technical, expert and non-partisan analysis of fiscal policy and the budget'. Where specialised parliamentary budget offices are not instituted, capacity challenges can be addressed by providing training for committee members and their supporting offices on budget oversight. Former Auditor General (name withheld) advocated for this kind of training when he stated during interview that, 'strengthening the secretariat, equipping them with the rightful skills and resources, as well as the members themselves, in order for all members to understand the budget process and the accounting processes, good governance, accountability as well as transparency issues, so that when they examine accounting officers, they know how and what they should focus on.' Some parliaments opt to have external budgetary oversight experts brought in, to train and assist committee members in their role. This is in line with OECD best practice guide which also stipulates that 'the Budget Committee should be adequately staffed and have the opportunity and resources to consult or employ outside experts and to consult other oversight entities. It has also been established that budget oversight committees in the parliament of Botswana also face infrastructural challenges in the form of limited office space to conduct their business. While the parliament of Botswana has two auditoriums which the FEC and PAC make use of, these are shared by all other parliamentary committees which can limit access.

5.7. Challenges with Committees' Working Relations with other important Budget Oversight Agencies

As already established earlier in the paper, the PAC's audit role relies heavily on the Auditor General's report, which draws from the report of the Accountant General. This makes the relationship between the Auditor General and the PAC important. Literature emphasises the need for the two agencies to maintain a close and good working relationship. In this regard, Stapenhurst *et al.*, (2011:77) hold that,

⁸ For instance, the parliament library servicing 57 members of parliament as well as all other people needing its services has only three staff members. The research unit on the other hand has only one officer.

'...a good relationship between the PAC and the Auditor General is critical if the committee is to achieve its objectives of financial oversight.' According to the OECD (2017), one of the factors that constitutes good working relations between the two is 'the way they report to parliaments about their audit work and the efforts they need to undertake to assist members of parliament to understand and use audit reports. SAIs are also required to engage with their parliament regularly in order to be aware of its expectations and to make sure parliamentarians understand the role of the SAI and how they can benefit from its work'.

The OECD (2017) recommends that one of the good practices is for Supreme Audit Institutions (SAIs) to submit their reports to parliament and ensure that these are distributed to the relevant committees. However, what obtains in the parliament of Botswana with regards to relations between the Audit office and budget committees leaves room for improvement. For instance, in accordance with the provision of Section 114 (3) of the Constitution of Botswana, the Auditor-General submits his or her report to the Minister of Finance, who then causes it to be laid before the National Assembly. This has been called to question because causing the Auditor General to lay his/her report before the minister of finance instead of directly before parliament or its PAC translates to an indirect relationship between the two. Once again, former Auditor General (name withheld) reiterated during the interview that, 'the Auditor General submits his or her report to the minister of finance who then tables it before parliament which then gives it to the PAC for scrutiny. Currently, there is no requirement for the Auditor General to straightaway table his or her report before parliament. If the Minister of Finance fails to table the report of the Auditor General before parliament within 30 days after receiving it, then the Auditor General can take it to the speaker, who will then table it.' Hence the former Auditor General suggested that 'if the Auditor General were outside the public service, and a provision was made for direct reporting to parliament, then he or she would directly go to parliament to table this report.'

6. Conclusion and Recommendations

This paper set out to highlight some of the performance inhibiting challenges and limitations faced by the two committees entrusted with budgetary oversight in the parliament of Botswana. The two committees as highlighted in the paper being the Finance and Estimates Committee (FEC) as well as the Public Accounts Committee (PAC). The paper posited that the root cause of the said challenges and limitations lies within the provisions and powers given for the two committees' (i) structure and composition; (ii) formal powers for budgetary oversight; (iii) actual practices and activities for budgetary oversight (iv) capacity and resources, as well as (v) their relations with other oversight agencies such as the Auditor General. Below are some of the recommendations put forth with the aim of closing the gaps existing within the provisions and powers given to the committees for their budgetary oversight roles.

6.1. Recommendations to improve the Structure and Composition of Budget Committees

i. Provide a Clear Criteria for the Selection and Tenure of the Finance and Estimates Committee Chairperson

As has been shown in the paper, a detailed provision is made for the selection and tenure of the PAC Chairperson. A similar, clearly outlined provision must be made for the FEC Chairperson. Both committees provide an important task of budget oversight at the approval and audit stages respectively.

ii. Provide Clarity of Roles between the Committees' Chairpersons and Committee Secretaries

A Committee Secretary must be appointed to work jointly with each committee's Chairperson. The roles of the two must be clearly outlined in order to eliminate confusion, especially, in terms of committee activities such as writing and producing committee reports. This will ensure consistency between the two committees.

6.2. Recommendations for improving Committees' Formal Powers for Budgetary Oversight

iii. Amend Budget Approval Powers of the FEC to include Reversionary/Budget Reversion Powers

Reversionary budgets ensure that the Executive always implements a budget that has been checked and approved by parliament, including sticking with the old budget in instances where parliament has not had the time to review and approve the public budget. Therefore, the provision giving the Ministry of Finance and/or the President precedence in such instances should be revised.

iv. Institute a Formal Requirement for Committees to Prepare and Produce Reports of Hearings

It should be mandatory for both the PAC and FEC to prepare and produce reports to be tabled and adopted by the House. This will minimise performance inconsistencies between the two committees.

v. Institute a legal requirement for Government and Accounting Officers to formally respond to and implement committee recommendations.

An improvement of parliament's formal powers of budgetary oversight should include the establishment of a formal requirement for accounting officers and executives of various government departments to formally respond to budget committee recommendations. When budget oversight committees make recommendations, the expectation is that government departments which are the main recipients of the recommendations must formally respond and state what the government department will do or has done to address the concerns raised in the report. This should not be left to the 'goodwill' of the concerned entity.

6.3. Recommendations for Improving Committees' Actual Budgetary Oversight Practices and Activities

vi. Provide for Open FEC Meetings and Hearings

To encourage and uphold openness and transparency, the FEC committee meetings and hearings, like those of the PAC, should be conducted in the open. This, however, should be done with careful consideration of the matters being discussed/handled, especially, where national security is concerned.

vii. Provide for Continuous Budget Audit/Evaluations by the PAC

Budgetary oversight by the PAC should not be limited to a certain time of the year as provided in the empowering instruments. Rather, the PAC must be given the opportunity to perform its budgetary oversight duties throughout the course of the year to ensure that issues are dealt with efficiently without the pressure of time. Continuous budgetary oversight must also include on-going interactions between the budget oversight committees, the Auditor General and the Accountant General. As Stapenhurst et al (2011:77) suggest, 'continuous interactions throughout the year in the form of e.g. workshops, help accounting officers to know PAC expectations, and for the PAC also to appreciate the challenges accounting officers are faced with'.

viii. Provide for and Encourage Frequent Budget Committee Meetings

The FEC and PAC must be encouraged through a provision that requires them to meet frequently. The guidelines must outline the frequency of Committee Meetings and that such meetings should not be left to the discretion of the committee chair.

6.4. Recommendations for Improving Committees' Capacity and Resources

- ix. **Provide for Technical Training and Support to both FEC and PAC Members, including Setting Up a Specialised Parliamentary Budget Office**
Parliament's budget committees must be afforded the assistance of specialist budget analysts either through engaging external experts or establishing an independent Specialised Parliamentary Budget Office.
- x. **Provide Office Spaces dedicated to/for Use by the Budget Committees (FEC and PAC)**
Committees must have requisite offices to conduct their business. The current single auditorium shared by all parliamentary committees is not enough. Government must make provision for office spaces for parliamentary budget committees.

6.5. Recommendations for Improving Committees' Working Relations with the Auditor General

- xi. **Make Provision for a direct relationship between the Auditor General and parliament by causing the Auditor General to lay his or her report before Parliament or the PAC.**
There should be a close working relationship between parliament, its oversight committees and the audit institution. This must translate in an interdependence relationship where the audit institution produces reports and lays them before the PAC or Parliament for discussion of its reports.
- xii. **Make provision for continual interaction between the Auditor General and Budget Committee Members.**
Budget oversight committees should be engaged in a constant exchange with the Auditor General.

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APPENDIX 1: QUESTIONNAIRE GUIDE

FACTORS AFFECTING PARLIAMENTARY PERFORMANCE OF BUDGETARY OVERSIGHT IN BOTSWANA

PROJECT INFORMATION

Like many parliaments around the world, the Parliament of Botswana is bestowed with core functions of legislation, representation, constituency service and oversight. Parliament's oversight function extends to its budgetary oversight role. Parliament largely performs this role through its budgetary oversight committees being the Public Accounts Committee (PAC) and the Finance and Estimates Committee (FEC). While Parliament is expected to perform these functions effectively, several factors are often cited inhibiting its ability to discharge the allocated functions effectively. The questions herein are aimed at helping our understanding of some of the factors affecting the performance of the parliament and its committees especially in relation to its budgetary oversight role.

CONFIDENTIALITY AND ANONYMITY

Your responses to the questions contained in here will be used solely for research purposes and your identity will be treated with utmost confidentiality and anonymity.

Question 1: Mandate of Parliament and its Budgetary Oversight Committees

- A. Please share your understanding of the role of parliament and its committees (PAC and FEC) in budgetary oversight.

Question 2: Key Reforms in the Parliament of Botswana

- A. Are you aware of any key reforms that have occurred in the Parliament of Botswana over the years that in your view have enhanced its performance?
- B. Have these reforms helped parliament, especially its budget committees to perform their allocated functions more effectively?
- C. In your view, who pushed more for the above-mentioned reforms to be instituted/implemented in parliament (i.e. Parliamentary Speakers, Members of Parliament, Parliamentary Committee Chairs)?
- D. Would you say parliament is continuing to experience performance enhancing reforms or not? If not, why has this happened?

Question 2: Parliament's Performance of Allocated Functions - Budgetary Oversight

- A. In your view, has Parliament and its Budget Committees (Finance and Estimates Committee and Public Accounts Committee) improved or weakened in the performance of their budgetary oversight role over the years?
- B. Please cite examples that show whether parliament has improved or weakened in its performance of budgetary oversight.

- C. Why do you think Parliament and its budget committees have improved or weakened in performing budgetary oversight?

Question 3: Parliament's Working Relations with Other Oversight Agencies

- A. Please assess Parliament's working relations with agencies such as the Auditor general and the Directorate on Corruption and Economic Crime (DCEC)? Would you say parliament and its budget committees have worked/work well with these agencies?
- B. If yes, please cite examples that show how parliament and these oversight agencies have worked/work well together?
- C. If not, what do you think is the cause and what can be done to enhance these relations?
- D. Do you think that Parliament, including the PAC and other oversight agencies (DCEC, Auditor General) have played any role in the fight against corruption in the country? Please elaborate/Give examples.

Question 4: Political Party Influence

- A. Do you think political parties represented in parliament play a role in how their members of parliament and those in parliamentary committees perform their allocated functions? How have you seen this play out in the parliament of Botswana?
- B. What do you think can be done to reduce political party and party leadership influence in the performance of parliament and parliamentary committees?

Question 5: Any Other

- A. Please share any further thoughts you have on factors that in your view affect the parliament of Botswana and its committees' performance (especially of budgetary oversight) and how these may be addressed.



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