



The World Bank
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Survey on Transparency in São Tomé and Príncipe

Definitions of common terms used in this questionnaire:

- *MPs*: members of the lower house/chamber of the national/federal parliament.
- *Financial disclosure laws*: laws that require MPs to disclose their assets and liabilities.
- *Business activities' disclosure laws*: laws that require MPs to disclose secondary employment and business activities in the private sector, such as membership in a company's board of directors, or being an officer or advisor in a company.
- *Family members' individual interests*: Business activities and assets and liabilities owned separately by the MP's family, such as non-marital assets. We only consider assets and interests owned independently by an MP's family member, assets jointly owned are not considered.
- *Post-tenure agreements*: employment agreements and/or business transactions that an MP enters into after completing his parliamentary term, such as an agreement to work for a certain company after completing their parliamentary term.



[São Tomé and Príncipe]
Lower House of Parliament – [Assembleia Nacional]

PART 1: DISCLOSURE REQUIREMENTS

If your country requires Members of Parliament (MPs) in the lower house to disclose their financial and/or business interests, please use the blank disclosure form to supplement the law when completing this section.

Disclosure requirement and frequency	TA 2009	Your answer
1. Are MPs required to disclose during their mandate their:		
Assets and liabilities?	Yes	[]
Business activities (secondary employment, positions in private firms)?	No	[]
2. When are MPs required to submit a disclosure form?		
Upon taking and leaving office	Yes	[]
Upon taking office	No	[]
Annually	No	[]
Once every X years (please specify how often)	No	[]
3. Are MPs required to disclose <u>changes</u> in assets or business activities prior to disclosure deadline (e.g., within 4 weeks of any change)?	No	[]
Applicable law(s) and comments: Art. 40.2. of Act No. 5/91 (Estatuto dos Titulares de Cargos Politicos) requires MPs to declare their <i>assets only</i> at the beginning and end of their mandate. N.B.: Per official Contributor recruited in Nov.2008, since 1991 only one single office holder (i.e. PM Carlos Graça in 1994) has submitted a declaration of his assets to the Procurador Geral da Republica. No Parliamentarian has ever declared any assets or submitted any declaration of incompatibility.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Your Comments: []		

1.1. DISCLOSURE OF ASSETS & LIABILITIES

Report of Assets and Liabilities	TA 2009	Your answer
4. Are MPs required to disclose the following assets and liabilities:		
Personal residence	Yes	[]
<i>Details: Disclosure of exact location vs. monetary value</i>		
○ Value <i>and</i> exact location of the property	No	[]
○ Exact location	No	[]
○ Total value without the exact location	No	[]
○ Not specified	Yes	[]
Non-financial, non-movable assets (e.g., other real estate)	Yes	[]
<i>Details: Disclosure of exact location vs. monetary value</i>		
○ Value <i>and</i> exact location of the property	No	[]
○ Exact location	No	[]
○ Total value without the exact location	No	[]



○ Not specified	Yes	[]
Non-financial, movable assets (e.g., jewelry, vehicles)	Yes	[]
<i>Details: Disclosure of description vs. monetary value</i>		
○ Value and description of the asset	No	[]
○ Description of the asset	No	[]
○ Total value without descriptions	No	[]
○ Not specified	Yes	[]
Stock holdings and other securities	Yes	[]
<i>Details: Disclosure of name vs. monetary value</i>		
○ Value of stock and name of company in which they hold stocks	No	[]
○ Name of company in which they hold stock	No	[]
○ Total value of stock, without the name of the company	No	[]
○ Not specified	Yes	[]
<i>Details: Disclosure of all vs. certain types of stocks</i>		
○ All stock ownership	Yes	[]
○ Stock ownership in certain types of companies (e.g., in specific industries, in companies where the state is a partial owner)	No	[]
○ Stock above a certain threshold	No	[]
▪ Please specify the threshold	N/A	[]
Interest-bearing financial investments (e.g., bonds, savings accounts)	Yes	[]
○ Value of investment and name of company in which investment is held	No	[]
○ Name of company in which investment is held	No	[]
○ Total value of investment, without the name of the company	No	[]
○ Not specified	Yes	[]
Liabilities (e.g., loans, credits, mortgages)	No	[]
○ Name of lender and value of liability	N/A	[]
○ Name of lender only	N/A	[]
○ Total value of liability, without the name of the lender	N/A	[]
○ Not specified	N/A	[]
Applicable law(s) and comments: Art. 40.2. of Act No. 5/91 specifies only that assets must be declared without providing details. No Blank Disclosure Form is available therefore we assume that the location and value are unspecified.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Your Comments: []		

1.2. DISCLOSURE OF BUSINESS ACTIVITIES

In the questions below, please answer “yes” only if there is an explicit requirement to disclose specific items.

Report of income, secondary employment, and business activities	TA 2009	Your answer
5. Are MPs required to disclose the <u>value</u> of their current income?	No	[]
6. Are MPs required to disclose <u>all</u> sources of income?	No	[]
○ Only some categories of income (i.e. paid secondary employment)	No	



7. Are MPs required to disclose <u>unpaid</u> secondary employment?	No	[]
8. Are MPs required to disclose if they hold the following positions in companies:		
Membership in boards of directors ?		[]
○ All types of board membership		[]
○ In certain types of companies (e.g., in specific industries)		[]
○ Only if the position is paid		[]
Positions as officers (e.g., CEO, CFO)?		[]
○ All types of companies		[]
○ In certain types of companies (e.g., in specific industries)		[]
○ Only if the position is paid		[]
Positions as advisors (e.g., financial, legal, auditor)?		[]
○ All types of advisory work		[]
○ In certain types of companies (e.g., in specific industries)		[]
○ Only if the position is paid		[]
Applicable law(s) and comments: We have not been able to find a law that required disclosure of business activities According to Art. 40 of Act No. 5/91, MPs have to submit declarations regarding the absence of incompatibilities to the Procuradoria-Geral da República. Although we have not been able to find any blank form for these declarations, for other countries in the region, like Cape Verde, they consist of a simple form saying “I declare I have no positions incompatible with my appointment”.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Your Comments: []		

1.3. EXPENSES DISCLOSURE

Report on Expenses Disclosure	TA2009	Your answer
1. Are MPs required to disclose any kind of expenses?	No	[]
Applicable law(s) and comments: Art. 40 of Act No. 5/91. No Blank Disclosure Form.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments: []		

1.3. FAMILY MEMBERS' DISCLOSURE

Report of family members' interests	TA 2009	Your answer
9. Are MPs required to disclose their family members' <u>independently owned</u> interests (as opposed to joint assets or interests)?	No	[]
10. Which family members are covered by the disclosure requirement?		
○ Spouse	N/A	[]
○ Dependent children	N/A	[]



○ Other, please specify	N/A	[]
11. Are family members required to complete the same disclosure form as MPs?	No	[]
Applicable law(s) and comments: We were unable to find any laws requiring MPs to disclose their family members' independently-owned interests.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Your Comments: []		

What did you use to complete the sections above?	TA 2009	Your answer
Blank disclosure form	N/A	[]
Laws	Yes	[]
Applicable law(s) and comments: We have not been able to verify the existence of a disclosure form. According to our research it is likely that the disclosure form does not exist.		
Comments: []		

1.4. PUBLIC AVAILABILITY OF MPS' DISCLOSURE FORMS

Public Availability of MPs' Disclosure Forms	TA 2009	Your answer
12. By law, are filled out disclosure forms accessible by the public?	No	[]
13. In practice, does the public have access to the filled out disclosure forms?	N/A	[]
At a registrar where the public can request forms in person	N/A	[]
On the internet	N/A	[]
○ Please specify the address	N/A	[]
Disclosures can be obtained from other sources	N/A	[]
○ Please specify the source	N/A	[]
14. Are filled out disclosure forms only available to the public under certain conditions?	N/A	[]
With the express consent of the MP	N/A	[]
Other	N/A	[]
○ Please specify	N/A	[]
15. Does the law specify that only a summary of the disclosure is accessible by the public?	N/A	[]
16. In practice, does the public have access to the entire disclosure, as opposed to a summary?	N/A	[]
Applicable law(s) and comments: Asset disclosure is confidential, as per Art. 40.2. of Act No. 5/91.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Your Comments: []		



PART 2: RESTRICTIONS ON DOING BUSINESS IN THE PRIVATE SECTOR

In some countries, disclosure of business interests is not required, but there are restrictions on doing business in the private sector. Such provisions may be found in the constitution, election laws, standing orders of the parliament, anticorruption laws, conflict of interest or incompatibility laws, and ethics laws among others. Please consider all of the above sources of law to answer the questions.

Restrictions on business activities	TA 2009	Your answer
17. During tenure, are MPs prohibited from all <u>paid</u> employment?	No	[]
18. During tenure, are MPs prohibited from the following activities in the private sector:		
Owning stock of private companies?	No	[]
○ Do MPs have to place their stockholding into a trust fund for the duration of their term in office	N/A	[]
○ Are MPs restricted from owning certain types of stocks (e.g., in certain industries)	N/A	[]
○ Are MPs restricted from owning stocks above a certain threshold	N/A	[]
▪ Please specify threshold	N/A	[]
Being members of boards of directors in companies?	No	[]
○ In <i>all</i> types of company	N/A	[]
○ In certain types of companies (e.g., in specific industries)	N/A	[]
○ Are there restrictions on being a member of boards of directors only if the position is paid	N/A	[]
Being officers (CEO, CFO) in companies?	No	[]
○ In <i>all</i> types of company	N/A	[]
○ In certain types of companies (e.g., in specific industries)	N/A	[]
○ Are there restrictions on being an officer only if the position is paid	N/A	[]
Being an advisor to companies (e.g., financial, legal, auditor)?	No	[]
○ In <i>all</i> types of company	N/A	[]
○ In certain types of companies (e.g., in specific industries)	N/A	[]
○ Are there restrictions on being an advisor only if the position is paid	N/A	[]
19. Are there other restrictions on activities in the private sector?	Yes /1	[]
20. Can restrictions on business activities in the private sector be lifted by a third party, such as the Speaker of the Parliament or the Comptroller?	N/A	[]
Applicable law(s) and comments: Art. 4 of Act No. 6/91 only mentions restrictions on holding other public sector positions. We were unable to find any other laws placing restrictions on MPs' activities in the private sector. . Local lawyers have confirmed that most MPs are only MPs part-time. Ministers, however, face such restrictions, cf. Art. 29.a of Act No. 5/91. 1/ Art. 34 of Act No.5/91 mentions that MPs and other public officials cannot be an expert witness or an arbitrator for any matter in which the State takes part.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Your Comments: []		

PART 3: DOING BUSINESS WITH THE GOVERNMENT



Provisions regulating doing business with the government may be found in the constitution, standing orders of the parliament, or public procurement laws. Please consider all these laws when answering this section.

Doing business with the government	TA 2009	Your answer
21. Are MPs required to disclose doing business with the government?		
Are MPs required to disclose signing contracts with the government (e.g., through participation in privatizations, state- led auctions, contract provisions)?	No	[]
○ Contracts in which they participate <u>directly</u> by themselves	N/A	
○ <u>indirectly</u> through third parties related to them or where they are involved	N/A	
○ With <i>all</i> government agencies	N/A	[]
○ Only with certain agencies (e.g., only if the contract is with parliament) or under certain conditions	N/A	[]
22. Are MPs prohibited from doing business with the government?		
Are MPs restricted from signing a contract with the government (e.g., through participation in privatizations, state-led auctions)?	No	[]
○ With <i>all</i> government agencies	N/A	[]
○ Only with certain agencies (e.g., if the contract is with parliament) or under certain conditions	N/A	[]
Are MPs restricted from being a government contractor (e.g., where an MP provides services or goods to the government directly or via third parties)?	No	[]
○ For all government agencies	N/A	[]
○ Only for certain agencies (e.g., if the contract is with parliament) or under certain conditions	N/A	[]
23. Can restrictions on business relations with the government be lifted by a third party, such as the Speaker of the Parliament or the Comptroller?	N/A	[]
Applicable law(s) and comments: We were unable to find any laws regulating MPs' business activities with the government. Ministers, however, face such restrictions, cf. Art. 29.d of Act No. 5/91.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Your Comments: []		

PART 4: OTHER RESTRICTIONS AND DISCLOSURE REQUIREMENTS

Restrictions on holding two public offices	TA 2009	Your answer
24. Do MPs face restrictions on holding another public office during tenure (e.g., being a mayor or a judge at the same time as being an MP)?	Yes	[]
Applicable law(s) and comments: According to Art. 4 of Act No. 6/91, the function of MP is incompatible with that of government minister, ambassador, judge, member of electoral commission, director-general or office director for government ministers and member of local government councils.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Your Comments: []		
Voting Rules	TA 2009	Your answer



25. Disclosure on voting – Do MPs have to disclose the existence of a personal interest before voting in Parliament?	No	[]
○ Upon disclosing the existence of a personal interest, are MPs allowed to vote?	N/A	[]
26. Restrictions on voting – Does the law prohibit the MP from voting in Parliament on matters in which he has a personal interest, without <i>explicitly</i> requiring the MP to disclose that interest?	No	[]
Applicable law(s) and comments: According to Arts. 18 and 113.2 of the Standing Orders of Parliament (Regimento da Assembleia), MPs have the duty to vote. No exceptions are mentioned.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Your Comments: []		
Post-tenure Rules	TA 2009	Your answer
27. Disclosure of post-tenure agreements – Are MPs required to disclose post-tenure agreements (e.g., employment agreements and/or business transactions that they will enter after completing their parliamentary term)?	No	[]
28. Restrictions on post-tenure agreements – Are MPs restricted from working in certain positions for a given period of time following the end of their term in office?	No	[]
Applicable law(s) and comments: We were unable to find any laws mandating disclosure of, or restrictions on, post-tenure agreements.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Your Comments: []		
Rules on Gifts	TA 2009	Your answer
29. Disclosure on receiving gifts		
○ Are MPs required to disclose gifts they receive?	No	[]
○ Is this disclosure public?	N/A	[]
○ Are MPs required to disclose gifts above a certain value?	N/A	[]
▪ Please specify the value in local currency	N/A	[]
30. Restrictions on receiving gifts		
○ Are MPs restricted from receiving gifts?	No	[]
○ Do MPs have to pay for gifts in order to keep them?	No	[]
○ Can MPs only receive gifts up to a certain value?	No	[]
▪ Please specify the value in local currency	N/A	[]
Applicable law(s) and comments: We were unable to find any rules regulating gifts to MPs.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Your Comments: []		
Rules on Travel	TA2009	Your answer
31. Are MPs required to disclose their sponsored travel?	No	[]
<i>Details: Disclosure of identity of sponsor vs. monetary value</i>		



<input type="radio"/> Value <i>and</i> identity of the sponsor	No	[]
<input type="radio"/> Identity of the sponsor	No	[]
<input type="radio"/> Total value without identity of the sponsor	No	[]
<input type="radio"/> Not specified	No	[]
32. Is this disclosure publicly available?	No	[]
Applicable law(s) and comments: Please note that this section was filled in according to the above-mentioned laws. No Blank Disclosure Form available.		
Your Comments / Any missing laws?: []		

PART 5: DISCLOSURE REGISTRAR

This section requests information about the government agency which maintains the completed financial and business interest disclosure forms. The registrar may also check the completeness of the disclosure forms. The registrar may also publish the data on how many MPs complied/failed to comply with their obligation to disclose (“compliance data”). Note that the public availability of compliance data is different from the public availability of the actual disclosures, which is addressed in another section. This section inquires about the profile and activities of the registrar.

Existence and profile of registrar		TA 2009	Your answer
31i. Is there an agency in charge of maintaining the completed disclosure forms for MPs?		Yes / 1	[]
Does the registrar check the forms for completion?		No/2	[]
What forms does the registrar keep?			
<input type="radio"/> Assets and liabilities		Yes	[]
<input type="radio"/> Business activities (secondary employment, positions in private firms)		Yes	[]
32i. In addition to maintaining disclosures of MPs, does the registrar maintain the disclosure forms of:			
Ministers?		Yes	[]
Judges?		No	[]
Civil servants?		Yes	[]
33. Profile of registrar			
	TA 2009	Your answer	
Name	Asssembleia Nacional	[]	
Contact information	Palácio dos Congressos C.P. - 181 S.Tomé Tel.: +239 222986 Fax: +239 227203	[]	
Website		[]	
Applicable law(s) and comments: According to Art. 40 of Act No. 5/91, declarations regarding the absence of incompatibilities are deposited with the Procuradoria-Geral da República while asset declarations are deposited with the National Assembly, which sets up a commission to “evaluate the variation in assets between the beginning and the end of the mandate.”			
1/ It is unclear if the Commission to register the disclosure within the National Assembly has been formed			
2/ Act 5/91 does not specify that the registrar should check the forms for completion, but it is understood because Art. 40.4			



requests that the registrar verifies the assets of those who submit the disclosures.	
The law(s) identified above is (are) the applicable one(s):	[]
<i>If NO, please cite the applicable law(s): []</i>	
Your Comments: []	

Activities of the registrar	TA 2009	Your answer
34. By law, does the registrar have to publish data on whether MPs complied/failed to comply with their obligation to disclose?	No	[]
Applicable law(s) and comments: Asset declarations are confidential while the law does not specify that data on whether MPs complied-failed to comply with their disclosure obligations must be published.		
Your Comments: []		
35. In practice, are compliance data available?	N/A	[]
What types of compliance data are available?		
○ General statistics (compliance rates or percentages)	N/A	[]
○ Publication of names of MPs who complied/did not comply	N/A	[]
With what frequency are compliance data reports published?		
○ On a regular basis (please specify how often)	N/A	[]
○ Other (please specify)	N/A	[]
What is the source of compliance data?		
○ Government website (please specify)	N/A	[]
○ Other (please specify)	N/A	[]
36. Are there penalties for failure to submit completed disclosure forms?	No / 1	[]
○ Please specify what kind of penalties	N/A	[]
Applicable law(s) and comments: The law does not specify any penalties for failure to submit completed disclosure forms. 1/ Art. 36 of Act 5/91 establishes penalties for not compliance with other provisions of the same law, but disclosure requirements are out of this penalties regime.		
The law(s) identified above is (are) the applicable one(s):	[]	
<i>If NO, please cite the applicable law(s): []</i>		
Your Comments: []		

PART 6: DATA INTEGRITY BODY

This section asks you to provide information about whether the content of the filled out disclosure forms is routinely verified.

Existence and functions of a data integrity body/agency	TA 2009	Your answer
37. Is there a body/agency that is mandated by law to <u>routinely</u> check the content of the disclosure forms?	Yes/1	[]
Does the body/agency check the content of the forms:		
○ of all MPs?	Yes	[]
○ of a random sample of MPs?	No	[]



○ each submission period to verify that all information is accurate (e.g., by verifying the content against other records such as tax records, bank statements)?	No	[]
○ by comparing the content of the forms upon taking and leaving office to discover irregular increases?	Not specified	[]
○ to ensure that MPs activities are not incompatible with their mandate?	No	[]
38. Does the body/agency check the content of the forms if there is a complaint?	No	[]

Applicable law(s) and comments:

1/ Art. 40 of Act No. 5/91 requires the National Assembly to set up a commission to “evaluate the variation in assets between the beginning and the end of the mandate” for each MP. We have not been able to verify the existence of this Commission.

The act does not state whether the Procuradoria-Geral is required to check the content of declarations of incompatibilities.

The law(s) identified above is (are) the applicable one(s):

[]

If NO, please cite the applicable law(s): []

Your Comments:

[]

39. Details about the data integrity body

	TA 2009	Your answer
Name	Same as above	[]
Contact information		[]
Website		[]

40. What forms does the body check?

TA 2009

Your answer

Assets and liabilities forms	Yes	[]
Business activities forms (secondary employment, positions in private firms)	No	[]
41. Does the agency check the disclosure forms of other government officials:	Yes	[]
Ministers?	Yes	[]
Judges?	No	[]
Civil servants?	Yes	[]

Applicable law(s) and comments: Art. 1 of Act No. 5/91 defines the scope of the act, which includes the President of the Republic, MPs, members of government and certain civil servants.

The law(s) identified above is (are) the applicable one(s):

[]

If NO, please cite the applicable law(s): []

Your Comments:

[]

Activities of the data integrity body/agency	TA 2009	Your answer
42. By law, is the body required to publish the results of checking the content of the forms?	No	[]
Applicable law(s) and comments: Asset declarations are confidential while the law does not specify that declarations regarding the inexistence of incompatibilities must be published.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		



Your Comments: []		
43. In practice, are results of the integrity body's activities in relation to checking the content of disclosure forms available?	N/A	[]
○ General statistics are published (e.g., the content of 10% the disclosure forms was checked)	N/A	[]
○ Other (please specify)	N/A	[]
How often are content checking results published?		
○ On a regular basis (please specify how often)	N/A	[]
○ Other (please specify)	N/A	[]
Where are content checking results published?		
○ Government website (please specify)	N/A	[]
○ Other (please specify)	N/A	[]
44. Are there penalties for submitting false information in the disclosures?	No / 1	[]
○ Please specify what kind of penalties	N/A	[]
Applicable law(s) and comments: The law does not specify any penalties for submitting false information. Art. 36 of Act 5/91 establishes penalties for not compliance with other provisions of the same law, but disclosure requirements are out of this penalties regime.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Your Comments: []		

PART 7: SALARY DATA

Please provide the base salary for MPs in your country	
Amount []	
Currency[]	
Per (month/year) []	
Applicable law(s) and comments:	
The law(s) identified above is (are) the applicable one(s):	[]
<i>If NO, please cite the applicable law(s):</i> []	
Your Comments: []	

**PART 8: REFORMS**

Reforms in laws on financial disclosure or business activities		
	Yes	No
Are you aware of any changes that occurred between January 2003 and now to the laws and regulations that will affect answers to this survey?	<input type="checkbox"/>	<input type="checkbox"/>
If your answer is Yes , please briefly describe: 1) the goal of the reform [] 2) its major characteristics [] 3) the date the reform came into force []		
Are you aware of any changes expected by June 1, 2008 to the laws and regulations that will affect answers to this survey?	<input type="checkbox"/>	<input type="checkbox"/>
If your answer is Yes , please briefly describe: 1) the goal of the reform [] 2) its major characteristics [] 3) the date the reform will come into force []		

Thank you for confirming the responses in this questionnaire!
 We appreciate your contribution to the Transparency and Accountability project.

Please return the completed survey to:

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 Phone: 1 202 458 2919

or
 Stéphanie Musialski
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