Formal Independence of Privatization Agencies in Africa: 1990-2007 Dataset

Independence Coding Rules

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Description of Dataset

The dataset covers 29 countries in Africa. Data collection included all countries on the African continent and several islands off the coast included in conventional references to African countries. Those countries for which legislation could not be found or for which data was judged to be mostly incomplete were excluded. The initial legislation coding is in <Agency Independence Coding_JPP dataverse.xls> on the sheet labeled 'Indep_coding'. Independence scores are calculated on the sheet labeled 'indep_scores.' See 'Readme' sheet in the same file for variable label definitions.

Coding rules

The guiding principles in coding are clear formal mandates regarding what the agency can and cannot do; what the chain of command is; who the agency answers to; how the personnel of the agency are selected; whether the agency has the responsibility to select; value; and sell SOEs for privatization. Where the legislation is vague or does not address the expertise or responsibility of the agency, we left the cell blank. We do not assume that if something is not specified, it is forbidden or allowed (see Hanretty and Koop 2011). On the other hand, the lack of specificity in legislation also means that there is room for political discretion. Therefore, aspects of legislation must explicitly state what is allowed or forbidden in order to receive a score of 0 or 1.

Year The year that the country formally adopted an agency or amended its enabling legislation (as indicated by the date the legislation was passed).

Legislation Coding

Corporate Charter

Is the Agency designated as a Body Corporate?
0= no 1=Yes

Can the Agency Sue or Be Sued?
0= no 1=Yes

Is agency part of an existing ministry (such as Ministry of Finance, or an inter-ministerial committee)?
0= no 1=Yes

Is agency statutorily independent?
0= no 1=Yes

Is the main purpose of the agency to privatize parastatals?
0= no 1=Yes

Is agency a separate ministry?
0= no 1=Yes

Governing Committee

Is Agency Politically Appointed?
0= no 1=Yes

Does Agency include government members (either ministers or civil servants)?
0= no 1=Yes

Does Agency include representatives from civil society (such as trade unions, heads of business associations, church leaders)?
0= no 1=Yes

Do government members outnumber civil society appointments?
0= no 1=Yes

Are members of government (such as Ministers or the Vice-President) allowed to chair or vice chair the agency?
0= no 1=Yes

Budget

Does the agency control its own budget?
0= no 1=Yes

Agency head
Is the agency head appointed by the President or Prime Minister?
0= no 1=Yes

Is the Agency head appointed by a government Minister?
0= no 1=Yes

Is the Agency head selected by other members of the agency?
0= no 1=Yes

Does the legislation specify that the agency head is selected on the basis of his/her expertise or professional criteria?
0= no 1=Yes

Does the Agency head serve a fixed term?
0= no 1=Yes

Can the Agency head be reappointed?
0= no 1=Yes

Does the legislation specify that the agency head is to be politically appointed?
0= no 1=Yes

Technical Unit

Is a separate technical unit specified in legislation?
0= no 1=Yes

Is expected expertise of technical unit specified in legislation? *Note-expertise should be appropriate to the purpose of privatization broadly defined.
0= no 1=Yes

Bureaucrats/technocrats

Are bureaucrats/technocrats selected by the President or Prime Minister?
0= no 1=Yes

Are bureaucrats/technocrats selected by Ministers?
0= no 1=Yes

Are bureaucrats/technocrats selected by other Agency members?

0= no 1=Yes

Privatization Process

Does the agency identify those state-owned enterprises to be privatized and recommend them to the executive?
0= no 1=Yes

Does agency recommend the method of privatization to the executive?
0= no 1=Yes

Does the agency undertake the valuation of state-owned enterprises?
0= no 1=Yes

Does the legislation on privatization identify companies for privatization?
0= no 1=Yes

Does the legislation specify the methods of privatization?
0= no 1=Yes

Does the Agency advertise those state owned enterprises that are for sale?
0= no 1=Yes

Does the Agency evaluate offers for state owned enterprises?
0= no 1=Yes

Does the Agency independently choose bidders (if competitive bidding process) and/or prospective buyers (if a private sale)?
0= no 1=Yes

Does the Agency implement the privatization process for individual state owned enterprises?
0= no 1=Yes

Does the legislation specify that domestic buyers should be fully or partially included in the purchase of an SOE? *note if legislation encourages the inclusion of a domestic buyer that is coded as 1.
0= no 1=Yes

Does the Agency directly receive the proceeds from a sale?
0= no 1=Yes

Do the sale proceeds go to a specially designated separate fund for privatization proceeds?
0= no 1=Yes

Does the Agency submit reports on its activities to the executive or legislative branches?
0= no 1=Yes