

# Assessment Frameworks for Democratic Parliaments: Common Themes

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International Conference on  
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## Overview of Presentation

1. To what extent is commonality among frameworks desirable or reasonably expected?
2. To what extent does commonality exist among the major frameworks (CPA, APF, IPU)?
3. What implications do the answers to these two questions have for parliamentary development and future efforts with respect to parliamentary benchmarks?

## Setting Realistic Expectations

- What drives expectations for a common framework?
  - Aid effectiveness agenda and Paris Declaration/Accra
  - Donor desire for a framework for coordination, and for coordination among frameworks
  - Desire for a framework for assessing the effectiveness of parliamentary development aid interventions



# Setting Realistic Expectations

- What is realistic?
  - Analogy with norms and standards for evaluating democratic nature of elections (an ongoing, decades-long process)
  - Over 44,000 national MPs – elected to represent diverse interests and ideologies
  - Importance of buy-in (natural process that requires time)
  - It is very early in the process – attempts to articulate comprehensive sets of democratic benchmarks for parliaments only really started in 2006 (this is the end of beginning, not beginning of end)

DECLARATION  
OF PRINCIPLES  
FOR INTERNATIONAL  
ELECTION OBSERVATION

and

CODE OF CONDUCT  
FOR INTERNATIONAL  
ELECTION OBSERVERS

Commemorated October 27, 2005,  
at the United Nations, New York

Endorsing Organizations as of October 24, 2005:

African Union  
Asian Network for Free Elections (ANFREL)  
The Carter Center  
Center for Electoral Promotion and Assistance (CAPEL)  
Commonwealth Secretariat  
Council of Europe European Commission for Democracy through Law (Venice Commission)  
Council of Europe – Parliamentary Assembly  
Electoral Institute of Southern Africa (EISA)  
European Commission  
European Network of Election Monitoring Organizations (ENEMO)  
Electoral Reform International Services (ERIS)  
IFES  
International IDEA  
Inter-Parliamentary Union  
International Republican Institute (IRI)  
National Democratic Institute (NDI)  
Organization of American States (OAS)  
Organization for Security and Cooperation in Europe, Office of Democratic Institutions and Human Rights (OSCE/ODIHR)  
Pacific Islands, Australia & New Zealand Electoral Administrators' Association (PIANZEA)  
Pacific Island Forum  
Southern African Development Community Parliamentary Forum (SADC-PF)  
United Nations Secretariat  
United States Association of Former Members of Congress (USAFMC)

## The Value of Plural Approaches to Parliamentary Benchmarks

- Areas of difference among frameworks are often the most interesting areas for research and dialogue
  - Example: SADC-PF changes to CPA standards: Constituency Development Funds (CDF's); MP's "developmental" role; donor relationships; power to review international loan agreements, etc.
- "Competitive" dynamics among actors is often healthy in driving change
- Diverse frameworks with legitimacy is preferable to common frameworks with less ownership; multiple discussions helpful in building awareness among MPs
  - Example: CPA regional workshops very worthwhile in broadening discussion of standards – both in sharpening standards, articulating regional differences, but also in building awareness

## The Value of Plural Approaches to Parliamentary Benchmarks (continued)

- Multiple frameworks with strong commonality is helpful in reinforcing the legitimacy with respect to the areas of overlap
  - A benchmark that re-occurs in multiple versions of the benchmarks carries more weight/legitimacy if it is agreed to by a number of organizations with differing perspectives
- Strengthening democratic pluralism and democratic decentralization of power can rarely be effectively advanced through a single, coordinated, centralized approach

## Common Themes

- Excellent benchmark-by-benchmark comparison in UNDP background paper
- Focus on “clusters of commonality”
- Differences in approach vs. disagreement on substantive content
- Areas on which there is less substantive consensus

## Common Themes

- **Institutional Independence** – Parliamentary immunity, budgetary autonomy, control over staff, recourse to own expertise, sufficient resources to perform constitutional functions, adequate physical infrastructure, control over own internal rules, calling itself into extraordinary session, etc.
- **Procedural Fairness** – Written procedural rules, advance notice, recording of proceedings and votes; openness of plenary (except as specifically provided), order of precedence of motions and points of order, meaningful opportunity for debate, use of official languages, etc.
- **Democratic Legitimacy/ Representation** – Democratic elections; lower house elected through universal suffrage, regular periodic elections; no restrictions on candidacy by race and gender, language, religion; etc.

## Common Themes

- **Basic Parliamentary Organization** – Right of legislatures to form committees, presumption that legislation referred to committees; election of committee chairs and leadership according to procedures; right to form parliamentary party groups; right to permanent, professional, nonpartisan staff; protection of head of the nonpartisan service from undue political pressure, etc.
- **Core Legislative and Oversight Functions** – Ability of lower house to initiate legislation; rights to propose amendments and to amend legislation; right to consult experts and staff on legislation; ability to hold public hearings or receive testimony from experts; the right to subpoena or obtain documents; methods for protecting witnesses, etc.

## Differences in Approach vs. Substantive Differences

- Some apparent differences may be less a difference in substance than a difference in approach:
  - Parliament's role in democratic government (minimum powers) vs. democratic practice in parliament (procedural protections)
  - Essential (what makes a parliament democratic) vs. comprehensive (what is common among democratic parliaments)
  - Minimum benchmarks (can a parliament be democratic without doing "X") vs. good practice (what should a democratic parliament do)
  - Universal characteristics vs. characteristics within a particular tradition (e.g., public accounts committees)
  - Efforts to be concrete vs. willingness to use subjective qualifiers ("adequate", "sufficient," "reasonable")
  - Early efforts vs. later efforts (learning continues!); and omission of "non-issues"

## Areas with Less Consensus

- **Characteristics Associated with the Type of Parliamentary System**  
– No-confidence votes, impeachment, vetoes and veto overrides, role in the budget process and money bills, roles and powers of upper houses, ex-post financial review and public accounts committees in Commonwealth systems, etc.
- **Party Discipline and Political Finance** – Floor-crossing rules; internal democracy within parliamentary party groups; issue caucuses; degree of specificity and type of approach with respect to asset disclosure, codes of conduct, election expenses, etc.
- **Parliamentary “Values”** – Accountability, transparency, representativeness, positive actions to accommodate past discrimination, gender equity, integration of international human rights agreements, rights of disabled, requirements of religious oaths against conscience to take seat, etc.

## Areas with Less Consensus (continued)

- **Innovations and “Emerging” Practices** – Use of internet, constituency development funds (CDFs), independent bodies to set parliamentary compensation, relations with ombudsmen, human rights commissions, anti-corruption commissions, etc.
- **Benchmarks that are Highly Dependent on Size of Jurisdictions or Availability of Resources** – Particular challenges of small island states (committees vs. committee of the whole, size/structure of staff), etc.

## Implications for the Way Forward

- **Continued Support for “Regionalization”** – Excellent approach by CPA to have regional seminars: highlights interesting (although often narrow) areas of difference, disseminates the standards; improves the product
- **Outreach to Regions (and Actors) Not Currently Active in International Debate** – Latin America, OECD, Middle East, but others (Lusophone countries in SADC)
- **Continued Support for Plural Approaches and Dialogue Among Parliamentary Associations, Donors and Implementers** – Vibrant exchange of ideas among parliamentary associations critical to success of efforts to further development benchmarks; periodic stocktaking, rather than efforts to prematurely seek culmination of process

## Implications for the Way Forward (continued)

- **Awareness-Raising on Benchmarks** -- Number of MPs engaged in benchmarks still relatively limited; potential use of Agora or other mechanisms for supporting broader dialogue on the issue
- **Mainstreaming of Benchmarks** – Reference to benchmarks in parliamentary strategic planning processes and donor assessments; continued support for parliamentary self-assessments; incorporation into survey research of members and others about parliament; etc.
- **Responsible Engagement of Parliamentary Monitoring Groups and Civil Society on Benchmarks** – So far the debate has primarily been among MPs and parliamentary organizations (appropriate); but there is also a need to educate and improve the knowledge and quality of civil society efforts to monitor parliament