European Commission
United Nations Development Programme
International IDEA

In collaboration with the

International Organization for Migration
Canadian International Development Agency
Organization of American States

Joint Training on Effective Electoral Assistance

Standards and Benchmarks for Democratic Parliaments

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Organized within TRAIN DEV.NET

In collaboration with CIDA IOM OAS

Context and Entry Points

There is emerging consensus that certain norms and standards regarding democratic legislatures transcend particular political or legislative systems. Such norms or standards can be used to:

- ✓ assist parliaments engaged in reform and modernization efforts, including greater independence and powers relative to the executive branch
- ✓ guide those providing parliamentary development assistance in establishing clear targets towards which to orient their support

Some entry points include:

- ✓ to help prepare the parliamentary budget and/or strategic plan
- ✓ to stimulate a parliamentary reform process
- ✓ to enable new members of parliament to discuss key issues
- ✓ to validate the findings of a needs-assessment mission
- ✓ To make an NGO assessment of parliament
- ✓ To promote gender sensitivity in parliament

Frameworks and Major Actors

Standards/ Benchmarks
National Democratic Institute for International Affairs (NDI), Commonwealth Parliamentary Association (CPA), Southern African Development Community Parliamentary Forum (SADC-PF), l'Assemblée parlementaire de la Francophonie (APF)

Good Practice/ Self-Assessment
Inter-Parliamentary Union (IPU)

Performance Indicators (Budget Process)
Parliamentary Centre

Additional Frameworks of Interest

- ✓ International IDEA's State of Democracy Assessment Methodology
- ✓ Parliamentary Powers Index (PPI)
- ✓ Tools developed by CSOs (e.g. in Uganda, Pakistan and India)
- ✓ Congressional Capabilities Index (IDB)
- ✓ IFES State of the Parliament Report
- ✓ Indicators developed by UNDP (2001) and other donors such as USAID

The Process – Past Activities

2003

- ✓ Parliamentary Centre/WBI develop Parliamentary Report Card and related indicators of parliamentary performance in the budget process

2004

- ✓ September - panel discussion at CPA's Annual Conference
- ✓ December - WBI/CPA meeting on 'Parliamentary Standards for Democratic Legislatures'

2006

- ✓ IPU publishes *Parliament and Democracy in the Twenty-first Century: A guide to Good Practice*
- ✓ NDI circulates first draft of *International Standards for Democratic Legislatures* (final draft published January 2009)
- ✓ October - CPA Parliamentary Study Group on *Benchmarks for Democratic Legislatures*

The Process – Past Activities

2007

- ✓ May - Donor Consultation on Parliamentary Development and Financial Accountability
- ✓ November - SADC-PF begins their benchmarks process

2008

- ✓ July - APF begins their benchmarks process
- ✓ September – IPU publishes *Self-Assessment Toolkit for Parliaments;* WBI/Griffith University *Workshop on Legislative Benchmarks and Indicators;* informal steering committee formed
- ✓ NDI develops first draft of Minimum Standards Assessment Survey (final draft published in 2009)
- ✓ October - IPU Assembly Workshop on Self-Assessment; 2008 Wilton Park Conference; and Donor Coordination Meeting on Parliamentary Development

The Process - Current Activities

2009

- ✓ APF (July) and SADC PF (November) to adopt their versions of the benchmarks and initiate follow-up
- ✓ CPA benchmarks workshops for Asia and the Pacific
- ✓ IPU/ASGP workshop on Evaluating parliament: objectives, methods, results and impact (October)
- ✓ Ongoing promotion of a research agenda in which the different frameworks are piloted at the country level (in established, new, large, and small legislatures), if possible comparatively. Ex. *Parliamentary Assessment - An Analysis of Existing Frameworks and Application to Selected Countries*, MPA Capstone, London School of Economics and Political Science (prepared for the World Bank Institute)
- ✓ Invite other parliamentary organizations to develop their own benchmarks process from regional and other perspectives.

2010

- ✓ March – international conference on benchmarking planned to for broad group of organizations to take stock of work in this area and identify areas of consensus

NDI Minimum Standards Assessment Survey

- ✓ **2006-7 –** *Toward the Development of International Standards for Democratic Legislatures*, with 88 standards identified
- ✓ **2008-9 –** Minimum Standards Assessment Survey questionnaire turns 25 standards into questions which attempt to determine perceptions of the legislature's (formal) authority, and of its performance (behavior in practice)
- ✓ Survey designed to be administered to parliamentarians themselves, parliamentary staff, and representatives of civil society – their perceptions are then compared.

No.	Question	Strongly Agree	Agree	Disagree	Strongly Disagree	I am not aware	Not Applicable
14a.	***Formal Power*** Legally, only the legislature may determine and approve the budget of the legislature.						
14b.	***Practice*** In practice, only the legislature determines and approves its own budget.						

CPA Recommended Benchmarks for Democratic Legislatures

- ✓ **Result of a CPA Study Group of parliamentarians in 2006**
- ✓ **87 benchmarks developed around the following themes:**
  - ❑ The Representative Aspects of Parliament
  - ❑ Ensuring the Independence, Effectiveness and Accountability of Parliament
  - ❑ Parliamentary Procedures
  - ❑ Public Accountability
  - ❑ The Parliamentary Service
  - ❑ Parliament and the Media
- ✓ **Informed by Commonwealth Principles, previous CPA study groups' and conference recommendations, and NDI discussion paper on minimum standards**
- ✓ **Now being discussed at the regional and national levels**
- ✓ **Starting point for SADC-PF and APF benchmarks processes**

Examples

Organization	NDI	CPA
Category	**Election and Status of Legislators**	**General**
Subcategory	***The Election of Legislators***	***Elections***
Standard/ Benchmark	1.1.1 Members of the popularly elected or only House shall be elected by direct universal and equal suffrage in a free and secret ballot.	1.1.1 Members of the popularly elected or only House shall be elected by direct universal and equal suffrage in a free and secret ballot.
Standard/ Benchmark	1.1.2 Legislative elections shall meet international standards for genuine and transparent elections.	1.1.2 Legislative elections shall meet international standards for genuine and transparent elections.
Standard/ Benchmark	1.1.3 Term lengths for members of the popular house shall reflect the need for accountability through regular and periodic legislative elections.	1.1.3 Term lengths for members of the popular house shall reflect the need for accountability through regular and periodic legislative elections.

Examples

Organization	SADC-PF *(draft)*
Category	**Elections and Status of MPs**
Subcategory	***Parliamentary Elections***
Standard/ Benchmark	(a)Parliament shall enact all necessary laws to establish an independent electoral management body and to ensure free, fair and credible elections.
Standard/ Benchmark	(b) MPs shall be directly elected through universal and equal suffrage in a free and secret ballot in accordance with regional norms and standards for elections.
Standard/ Benchmark	(c) Elections shall be held regularly and periodically.
Standard/ Benchmark	(d) Nominated or appointed MPs shall comprise not more than 5 percent of the overall size of the Parliament.
Standard/ Benchmark	(e) The selection of MPs for reserved seats allocated for special groups shall be based on non-partisanship.
Standard/ Benchmark	(f) The main legislative function shall be exercised by the directly elected chamber. Where a second chamber exists, such house shall have a secondary role.
Standard/ Benchmark	(g) There shall be a minimum education requirement to determine eligibility to stand for Parliament established by law in accordance with national standards, provided that where a candidate has relevant experience, the education requirement may be waived.
Standard/ Benchmark	(h) Parliament shall be take appropriate measures to assist MPs to increase their educational qualifications.

Examples

Organization	APF *(draft)*
Category	**Elections et Statut des Parlementaires**
Subcategory	***Elections***
Standard/ Benchmark	1.1.1 **Proposition Commission des affaires parlementaires** *Les parlementaires doivent être élus au suffrage universel lors d'élections libres, fiables et transparentes. Les règles nationales présidant aux élections doivent être conformes aux normes internationales en la matière* **Proposition Commission politique** *Les parlementaires doivent être élus au suffrage universel lors d'élections libres, fiables, transparentes et conformes aux normes internationales et nationales. Cependant, les secondes chambres peuvent être régies par des règles particulières prévues par la Constitution ou les lois propres à chaque pays.*
Standard/ Benchmark	1.1.2 Les élections doivent être tenues à intervalles réguliers. La législature doit être limitée dans le temps et, à son terme, donner lieu à de nouvelles élections.
Standard/ Benchmark	1.1.3 Les élections doivent se dérouler sans aucune entrave ni aucune atteinte à la liberté, à l'intégrité physique, à la liberté d'opinion et d'expression, à la liberté de réunion et de manifestation et à la liberté d'association de tout électeur et de tout candidat.
Standard/ Benchmark	1.1.4 L'organisation et la gestion des élections, depuis les opérations préparatoires et la campagne électorale, jusqu'au dépouillement des votes et la proclamation des résultats, doivent être confiées à des instances dotées de prérogatives leur permettant d'effectuer un contrôle rigoureux du processus électoral, de garantir la loyauté du scrutin et la pleine participation des citoyens à ce dernier et d'assurer le traitement égal des candidats tout au long des opérations électorales.
Standard/ Benchmark	1.1.5 Tous les partis politiques légalement constitués doivent pouvoir participer à l'ensemble des étapes du processus électoral, dans le respect des principes démocratiques consacrés par les textes fondamentaux et les institutions.
Standard/ Benchmark	1.1.6 La gestion du contentieux électoral doit être assurée par une autorité juridictionnelle indépendante et impartiale.

Other related topics

- ✓Candidate Eligibility
- ✓Incompatibility of Office
- ✓Political Parties and Parliamentary Groups
- ✓Representational function

Some Conclusions

1. Work is still in its early phases, “works in progress”, plural approaches, now beginning to be applied/tested by parliaments.
2. As with elections, we may never have one, universally agreed upon set of principles/ standards/ benchmarks/ indicators. Expect consensus building to be a long term-process.
3. There is significant overlap between the tools in terms of content, particularly the different versions of the benchmarks.
4. Frameworks are mainly designed to be used by parliaments/ parliamentarians themselves, as well as parliamentary staff and civil society groups.
5. Their use is voluntary – not imposed. And they are not an attempt to rank parliaments.
6. Not focused on developing country parliaments – and many developed country parliaments fail to meet some of the standards (e.g. control over their own budget).
7. Important that donor support to parliaments reflect a shared international consensus on the nature of democratic parliaments - rather than donors consciously or unconsciously seeking to mold parliaments in program countries in their own image, or being perceived as seeking to do so.
8. General agreement that while context matters (constitutional powers, electoral system, cultural), the debate generated during a benchmarks assessment will allow for context to be explored.