

Unit 4: Strengthening Parliamentary Oversight to Prevent Conflict and Reduce Poverty

Learning Objectives

What does oversight have to do with conflict?

After studying this unit you should be able to:

- Appreciate how parliamentary oversight contributes to conflict prevention and poverty reduction;
- Identify which oversight committees are pivotal in preventing conflict and reducing poverty;
- Understand how parliament can use autonomous accountability institutions to aid it perform its oversight function;
- Discuss what parliament can do in order to strengthen the performance of autonomous accountability institutions.

Introduction

This unit considers parliament's oversight function and how, in fulfilling this function, parliaments can help reduce conflict. Parliament's oversight function aims to ensure that the government and its agents use their powers and available resources appropriately and with probity to respond to the needs and interests of all members of the community. In exercising their oversight role, parliament helps to manage tensions that could escalate into violent conflict. Furthermore, oversight by parliament and other autonomous accountability institutions can assist in guaranteeing that the decisions and actions of the government stay within the bounds of the law, thereby strengthening an open and accountable democracy. Ultimately, oversight enhances public confidence in the integrity of the government's activities and encourages all groups in the community to accept the policies of the executive branch, rather than resorting to violent conflict.

Direct Parliamentary Oversight of Government

There are a number of ways parliament can provide oversight to directly keep the government and public officials accountable. One of the most important tools at their disposal is the parliamentary oversight committee. Other tools include questioning Ministers on the floor of parliament at question time, conducting public hearings and inquiries, promoting the independent, adequate staffing of supreme audit institutions, anti-corruption commissions, and other specialized agencies. Another tool to support oversight is to promote a diverse media landscape, ensuring the protection of journalists, the support for freedom of information legislation and media accountability. Parliamentary oversight committees have the potential to contribute to conflict prevention by: (i) ensuring that the policies and actions of the government are responsive to public demand; and (ii) being aware of how their work reinforces the public's belief in the integrity of the government. Two types of committees essential for parliament to fulfill its oversight function and encourage peace and stability in conflict-affected countries are: (a) specialized financial, or "money" committees which provide oversight of the budgetary process; and (b) parliamentary committees that provide oversight of the security sector so as to strengthen democratic control of the military, police services and intelligence sector.

Public Accounts Committees

Much of the influence exercised by parliaments stems from their control over the financial resources required to implement governmental policy decisions. Parliament has an obligation to ensure that the spending measures it authorizes are fiscally sound, match the needs of the population with available resources, and that they are implemented properly and efficiently. There is a tendency for the executive to draft the budget behind closed doors. Therefore, the first opportunity for the budget process to be open and accountable occurs when the budget is tabled in parliament. When the budget comes before the Public Accounts Committee it is often the first opportunity for an inclusive public debate on its content.

In order to facilitate public debate and ensure transparency and accountability, proceedings before Public Accounts Committees should be open to the media and

the public. As with other committees, parliamentarians who are members of the Public Accounts Committee should solicit submissions from civil society, academics, research institutions and community groups to aid in their oversight function. By drawing upon the social and intellectual capital of the community at large, and by facilitating greater participation, parliamentarians can strengthen their oversight of decision-makers. An added benefit is that witnesses appearing before the Public Accounts Committee will be in a position to assist the Public Accounts Committee in disseminating information about the budget process and the committee's deliberations to the broader community.

The ability of parliaments to oversee and influence the budget process differs from country to country. Some parliaments have the ability to formulate and substitute a budget. Others can influence the budget by amending or rejecting the budget. Still others are only permitted to rubber stamp the budget placed before parliament. The degree of influence parliament has over the budget process is often attributable to whether a country has a presidential or parliamentary system. Generally in a parliamentary system relations between the parliament and the executive are cordial and more cooperative as the executive is dependent on the majority support of parliament. As such, rewriting the government's proposed budget would be the equivalent of a vote of no confidence in the government. In presidential systems, on the other hand, the political future of the executive is not as intricately intertwined with the majority in parliament, so there is no guarantee that the executive and the majority in parliament are of the same political persuasion or even that the executive has developed a strong working relationship with the majority in parliament. In situations where the political future of the executive and the majority in parliament are not directly linked there is a greater likelihood that parliament would be willing to amend the budget.

In either case, even a minimal amount of authority to amend or reject portions of the budget, no matter how small, can generate a great deal of influence. For instance, rejecting certain expenditures frees up revenue to be spent on other priority line items. Even being able to exert a limited amount of influence over the budget means the executive, in order to ensure a smooth transition through parliamentary approval, will be more willing to consult parliament's views prior to tabling the budget. During consultations parliament can seek to ensure that the

budget is fiscally sound and balances the needs of all constituents, thereby mitigating catalysts that could escalate conflict.

Public Accounts Committees are able to provide oversight of budget decisions at two stages. Decisions with respect to the overall fiscal discipline and allocation of revenue to different policy priorities can be scrutinized during the approval process when the budget comes before parliament, such as in the United States and Nigeria. The operational efficiency of the budget can only be scrutinized after the budget has been implemented and the Public Accounts Committee is in possession of the auditor's reports. Some parliaments are able to scrutinize the budget at both stages, such as the German *Bundestag*, whilst some can only provide effective oversight at one stage. At which stage parliamentary oversight is provided, effective oversight of the budget provides an opportunity for parliaments in presidential and parliamentary systems to attempt to ensure that the budget addresses the needs and interests of all stakeholders, thereby helping to manage points of friction that could generate conflict.

Parliamentary Oversight of the Security Sector

It is well recognized as an international norm, having been included in the Warsaw Declaration and subsequent United Nations reports that in a functioning democracy a country's military must remain accountable to the democratically elected civilian government. From the perspective of conflict management, a security sector that does not operate to provide security for citizens in a legitimate fashion, and is not democratically accountable is not only unable to prevent conflicts that occur but can also be a source of violence. Therefore, one of the most important tasks a parliament can perform is to assist the executive in its exercise of control over the security sector, thereby providing not just civilian control over the security sector but also democratic oversight, which can only be provided by the parliament as the direct representatives of the people.

Oversight of the security sector has traditionally been vested with the executive, which has the ultimate responsibility for the proper operation of security institutions. The security sector constitutes all state institutions and agencies that have the

legitimate authority to use force, to order force or to threaten the use of force. Recently the Organization for Economic Cooperation and Development delineated which agencies constitute core security actors to include the armed forces, police, gendarmeries, paramilitary forces, presidential guards, military and civilian intelligence, and security services, coast guards, border guards, customs authorities, reserve and local security units, such as civil defense forces, national guards and militias within the definition.

Until recently parliament did not play a major role in the oversight of the security sector and has often been excluded from any involvement in the sector. Critics of parliamentary oversight usually cite parliaments' time-consuming procedures and protocols, lack of expertise on security issues, its lack of access to all the requisite intelligence needed to make an informed decision, and concerns over its ability to keep classified material secret, as reasons why security sector oversight should be solely in the realm of the executive. However, as argued by Born and Fluri, if the objective is to bring the security sector under not just civilian control but also democratic control, then parliamentary oversight is essential. Furthermore, these obstacles to effective parliamentary oversight can be overcome and, in a growing number of instances, have been. Accordingly, there is a growing movement for greater parliamentary oversight of the security sector.

Parliament can provide oversight in a number of ways, including review of the security sector budget, debates of security sector bills on the floor of parliament and recommendations for amendments, and providing input on the security issues which constitute the highest concern for the community. Government has an obligation to provide security for the people, but also has a corresponding obligation for policy-makers and security forces to be accountable to the people for their actions and use of public resources. In turn, if parliament does provide legitimacy to the decisions and actions of the security sector by providing democratic oversight it is then obligated to help disseminate information to the community about the governance of the sector and the justifications for the decisions made or actions taken.

Autonomous Accountability Institutions

There is little doubt that the responsibility for overseeing the activities of the government is a massive undertaking that requires extensive resources and often specialist knowledge. Parliaments are able to turn to an array of autonomous accountability institutions to aid them towards providing oversight of government agencies and public officials. Autonomous accountability institutions take many forms and are designed for a multitude of purposes, whether addressing corruption, protecting human rights or resolving complaints that individuals have with respect to the conduct of government officials. Examples include anti-corruption commissions, ombuds offices and human rights commissions.

No matter the model or the purpose of each autonomous accountability institution considered, there are a number of general lessons that can be garnered by examining the performance of these institutions over the years. In particular, these institutions will have a far greater chance of succeeding in their mission if they are given operational independence, conferred with sufficient powers to perform their allocated functions, sufficiently resourced, supported by strong political will, accountable to parliament rather than to the executive, and headed by people who have high standing in the community and are known for their integrity.

Conclusion

Parliament's oversight function aims to ensure that the government and its agents use their powers and available resources appropriately and with probity in ways that respond to the needs and interests of all members of the community. Parliament can perform its oversight function with an eye to managing tensions that could escalate into violent conflict. Oversight can be provided directly by parliament, usually through parliamentary oversight committees, or indirectly through autonomous accountability institutions, which are dependent on parliament to reach their potential as independent oversight mechanisms. Oversight of decision-makers guarantees that the decisions and the actions of the government stay within the bounds of the law, thereby strengthening an open and accountable democracy, whilst enhancing public confidence in the integrity of the government's activities. Public confidence in the government encourages all groups in the community to accept the policies of the executive branch, rather than resorting to violent conflict.

Unit 4 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. What contribution can parliamentary oversight committees make to conflict prevention and poverty reduction?
2. What role can the Public Accounts Committee play in encouraging conflict prevention?
3. What is the difference between civilian control and democratic control of the security sector?
4. What factors are essential for the success of autonomous accountability institutions?

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