

WORKSHOP ON LEGISLATIVE BENCHMARKS AND INDICATORS

**Brisbane, Australia
September 21-24, 2008**

Organized by WBI and Griffith University

SUMMARY REPORT

Background

1. On September 21-24, 2008, WBI and Griffith University convened a *Workshop on Legislative Benchmarks and Indicators in Brisbane Australia*, to engage in a dialogue with other organizations on ways to assess legislative performance and the effectiveness of legislative strengthening programs. Recognizing that there is unlikely to be a “one-size-fits-all” framework, participants shared approaches, methodologies and results, and discussed whether a new, holistic framework to measure legislature’s capacity or performance could (or should) be established. Participants included over twenty legislative development practitioners, academics, and CSO representatives. A list of participants is attached as Annex One. At the close of the workshop, participants identified a series of steps for to take this work forward.
2. The organizers noted that over the past decade international organizations have paid increasing attention to the role of legislatures in promoting good governance and development. International organizations, bilateral aid agencies, and practitioner organizations generally agree a) that countries with higher levels of good governance tend to have higher levels of socioeconomic development; b) that properly functioning legislatures are critical components of a country’s good governance framework, particularly as they hold governments accountable for their policies and programs through their oversight function; and c) that the quality of democracy is greatly improved by properly functioning legislatures.
3. Moreover, it is generally acknowledged that it is necessary to strengthen legislatures (not only their executive and judicial counterparts) so that they can perform their constitutionally-assigned tasks effectively. Many legislatures have already taken the initiative to embark on reform programs and/or establish longer-term strategic plans to better perform their core functions. Linked to this effort, legislatures, inter-parliamentary associations, and other organizations working to assist legislatures, have begun to develop benchmarks, indicators, and metrics. Some benchmarks and indicators are used to assess the individual legislators while others are used instead to assess parliaments and legislatures. While each set of benchmarks and indicators provides some valuable insight in either the capacity or the performance of a legislature, participants acknowledged that no set of benchmarks is perfect, and that different metrics may generate different results.
4. WBI was one of the first international organizations to recognize the role parliaments can play in promoting development. Research conducted by WBI personnel in collaboration

with legislative studies specialists shows that parliaments by keeping governments accountable for their actions and by scrutinizing government expenditures can prevent the misallocation of resources; can reduce or eliminate corruption; can contribute to higher rates of economic growth; and can promote a more equitable distribution of resources and make poverty reduction strategies successful. Given the important role that parliaments can play in fighting corruption, promoting good governance, and reducing poverty, WBI was among the first international organizations to acknowledge the importance of strengthening legislatures – improving their institutional capacity and their performance.

5. WBI initially became involved in the work on legislative benchmarks and indicators when organizing a conference on “Parliament and the State”, in collaboration with the Parliamentary Centre in August 1997. WBI’s work in this area was given a boost through the development, in collaboration with the Parliamentary Centre, of a preliminary set of indicators to measure legislative involvement in the budget process (a key feature in the Centre’s scorecard approach discussed below) and subsequent participation in a panel discussion at the Commonwealth Parliamentary Association’s (CPA) Annual Conference in Canada in September 2004. Shortly thereafter, in December 2004, WBI and CPA jointly hosted a meeting in Washington DC entitled ‘Parliamentary Standards for Democratic Legislatures’, which brought together representatives of interested organizations involved in parliamentary strengthening.¹ In October, 2006 CPA held a parliamentary ‘Study Group on Benchmarks for Democratic Legislatures’; WBI, UNDP and the National Democratic Institute for International Affairs (NDI) were among the study group supporters.

Workshop focus and content

6. The Brisbane workshop examined benchmarks and indicators of legislative performance for individual legislators, committees, and the legislature as a whole - all within the overall framework of the role parliaments can play in promoting democracy, good governance, and development.
7. The workshop focused on four major frameworks for the assessment of parliaments’ performance: the Commonwealth Parliamentary Association’s (CPA) [*Recommended Benchmarks for Democratic Legislatures*](#) (with a practical example of their application from the ACT Legislative Assembly); the National Democratic Institute for International Affairs’ (NDI) *Minimum Standards Assessment Survey*; the Inter-parliamentary Union’s (IPU) [*Self-Assessment Toolkit for Parliaments*](#); and the Parliamentary Centre’s [*Parliamentary Report Card*](#) and related indicators of parliamentary performance in the budget process. Several case studies were used to exemplify how such benchmarks and indicators can be employed in empirical settings and the types of results they generate.
8. Participants also examined International IDEA’s [*State of Democracy Assessment Methodology*](#), which informed the IPU toolkit and now includes a new section on the

¹ Participating organizations in this first meeting included the: Australian Centre for Democratic Institutions, Canadian International Development Agency (CIDA), Canadian Parliamentary Centre, Constitution Unit (University College, London), Commonwealth Parliamentary Association (CPA), International Foundation for Electoral Systems (IFES), Inter-American Development Bank (IADB), Inter-Parliamentary Union (IPU), National Council of State Legislatures, National Democratic Institute for International Affairs (NDI), Parlatino, United Nations Development Programme (UNDP), United States Agency for International Development, United States State Department, and The World Bank Institute.

democratic effectiveness of parliament, well as methodologies that can be employed to assess the performance of individual legislators and legislatures developed by CSOs in India ([PRS Legislative Research Service](#)), Pakistan ([Pakistan Institute of Legislative Development and Transparency - PILDAT](#)) and Uganda ([Africa Leadership Institute - AFLI Parliamentary Scorecard](#)). One of the case studies presented on Indonesia allowed participants to touch on an additional analytical framework originally devised by Vibeke Wang of the Chr. Michelsen Institute (CMI) in her study [The Accountability Function of Parliament in New Democracies: Tanzanian Perspectives](#). Wang's framework investigates parliament's ability to hold the executive accountable as dependent on two sets of key variables: (1) external variables (constitutional powers, social legitimacy, and external actors) and the (2) internal variables (the committee system, party and party groups, and the chamber).

9. Participants noted that while the work on legislative benchmarks and indicators has often been dominated by a practitioner perspective, there is much to be learned from colleagues in academia. Their research can help pinpoint critical factors in legislative performance and assess the true relevance of some of the normative beliefs that guide legislative strengthening programs. Participating academics provided additional perspectives from a study on legislative oversight tools and a comparative study on assessing the performance of committees and committee systems in Westminster style parliaments (United Kingdom, Canada, Australia, New Zealand and the Scottish parliament). Participants agreed that while quantitative measures may provide useful insight on legislatures' capacity and performance, the development of more refined measures should always be complemented by such qualitative case analyses.
10. Frameworks not examined, but which deserve further study, include the Congressional Capabilities Index (IDB), the Parliamentary Powers Index - PPI (Prof. Steven Fish and Matthew Kronig, University of California at Berkeley), the IFES State of the Parliament Report, and additional indicators developed by UNDP (2001) and other donors such as USAID.²
11. This summary report does not serve as a verbatim transcript of proceedings. Rather it highlights several of the frameworks examined, areas of debate, and ways forward. Several participants have provided copies of their presentations for further reading (available upon request) and links to more information are included throughout the text.

CPA Recommended Benchmarks for Democratic Legislatures³

12. As noted above, CPA members discussed and agreed that there was a need for standards or benchmarks for democratic parliaments during their Annual Conference in Canada in 2004, before co-hosting a meeting of practitioners later that year in Washington DC. This led to the CPA Study Group on Benchmarks for Democratic Legislatures, comprised of parliamentarians from different regions of the Commonwealth, and hosted by the parliament of Bermuda.
13. The study group considered the following themes and recommended a set of benchmarks related to each:

² For a brief discussion of USAID's indicators see the *Report of the Donor Consultation on Parliamentary Development and Financial Accountability* (Brussels, 2007) at <http://sdnhq.undp.org/governance/parls/>

³ CPA represents 169 national, state, and provincial parliaments worldwide, or around 17,000 parliamentarians.

- The Representative Aspects of Parliament
- Ensuring the Independence, Effectiveness and Accountability of Parliament
- Parliamentary Procedures
- Public Accountability
- The Parliamentary Service
- Parliament and the Media

The end product is a set of eighty-seven benchmarks that attempt to cover the features of a fully functioning and empowered democratic parliament.

14. In developing the benchmarks, the study group undertook a comprehensive review of existing benchmarks embedded in the *Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government*, as well as previous CPA study group and conference recommendations. The Study Group was also informed by an NDI draft discussion paper on minimum standards for democratic legislatures, and many (but not all) of the benchmarks mirror minimum standards found in that document. As such, the benchmarks codify to a large degree what CPA and others have learned over the years in supporting parliaments.
15. The CPA benchmarks are a work in progress and are seen as providing a platform and an opportunity to initiate a wider discussion in CPA's member parliaments. CPA members have discussed the study group's recommended benchmarks at the CPA Annual Conference in India in September 2007. The benchmarks have also been picked up by other parliamentary associations such as the SADC-PF (which has a significant overlap in membership with the CPA) and the Assemble Parlementaire de la Francophonie (APF). SADC-PF took the CPA benchmarks as a starting point for developing a set of regional benchmarks, and while these regional benchmarks have yet to be finalized, it appears that SADC-PF will adopt many of the CPA benchmarks.

NDI Minimum Standards Assessment Survey

16. The NDI draft discussion paper used by the CPA Study Group was finalized in 2007 as *Toward the Development of International Standards for Democratic Legislatures*. A tremendous amount of research went into this document which attempts to codify widely agreed principles from a range of organizations such as the CPA, IPU, OSCE, OECD, SADC, the International Conference of New or Restored Democracies, the Community of Democracies, and the United Nations. It includes some 88 minimum standards.
17. Drawing on this paper, in 2008 NDI designed a *Minimum Standards Assessment Survey*. The Survey takes 35 of the standards identified in the paper and turns them into questions under three broad headings: (1) structure and organization of the legislature; (2) balance of power; and (3) public access, transparency and accountability.
18. NDI's goal was to develop a tool that would:
 - delineate between formal authority and legislative performance;
 - allow legislators and in country experts (not NDI) to rate both the capacity and the performance of their parliament;
 - provide an incentive for leaders to develop their legislatures; and

- inform NDI's programming.
19. The survey is designed to be administered to three groups – parliamentarians themselves, legislative staff, and representatives of civil society – and their perceptions are compared. The design of the NDI tool requires that there is a certain level of participation from these three groups in order to be statistically significant; it may be more easily employed in some empirical settings than in others. Survey participants are asked to rate the legislature's authority (or formal powers as defined in the Constitution and rules of procedure), as well as how fully they believe the legislature uses these formal powers (activity) from very low to very high, on a scale of 0 to 5. It should be noted that NDI has also developed a comprehensive facilitator guide with explanations and examples. NDI has found that the benchmarks or standards concept resonates with legislatures that they are assisting and is planning to test this tool in the Balkans and Nigeria among other countries.

IPU Self-Assessment Toolkit for Parliaments⁴

20. In 2006 IPU collected collected examples of good practice from 75, or around half, of IPU's member parliaments in all regions of the world. This formed the basis, or 'blueprint', for its new *Self-assessment Toolkit*, published in September 2008, on the occasion of the International Day of Democracy, and available in English, French, Spanish and Arabic.
21. IPU believes that parliamentarians themselves are best placed to identify the challenges they face in practice and to suggest ways in which they may be overcome. IPU does not seek to be prescriptive and it recognizes that views may differ on the characteristics of a strong parliament since the historical, social, and political context of each parliament is unique. Nevertheless the IPU has sought to base the toolkit on "universal democratic values and principles...relevant to all parliaments, whatever political system they adhere to, whatever their stage of development".⁵ As such, the purpose of the self-assessment toolkit is to assist parliaments and their members in assessing how their parliament performs against widely accepted criteria for democratic parliaments. A democratic parliament is described as one that is representative; transparent; accessible; accountable; and effective, both at the national and international level.
22. The 54 questions in the IPU Self-assessment toolkit fall under six categories: (1) the representativeness of parliament; (2) parliamentary oversight over the executive; (3) parliament's legislative capacity; (4) the transparency and accessibility of parliament; (5) the accountability of parliament; and (6) parliament's involvement in international policy. And an annex provides an additional nine questions on parliament's involvement in international (foreign) policy.
23. IPU identifies several scenarios (entry points) in which parliament may wish to use self-assessment:
- to help prepare the parliamentary budget and strategic plan;

⁴ The IPU is the first world organization of parliaments. It counts among its members 150 national parliaments and 7 regional assemblies.

⁵ Toolkit introduction, p. 5

- to stimulate a parliamentary reform process;
- to promote gender sensitivity in parliament;
- to enable new members of parliament to discuss key issues;
- to validate the findings of a needs-assessment mission; or
- to make an NGO assessment of parliament.

Ideally, the IPU would expect the Speaker/President of parliament as initiating the self-assessment, and that the parliament in question would include external perspectives (NGOs, media, academics etc.).

24. IPU will present the toolkit to MPs at the IPU annual assembly in early October and will hold a training session for a group of facilitators who would then be available to assist parliaments in using the Toolkit. IPU then plans to facilitate self-assessment exercises as requested, and where possible to document and publish self-assessment case studies. As with the CPA Benchmarks, the toolkit is a work in progress and, depending on the experiences of those using it, may be revised in the future.

Parliamentary Centre’s Parliamentary Report Card and related indicators of parliamentary performance in the budget process

25. The Parliamentary Centre’s *Parliamentary Report Card* tests parliamentary performance in four areas of activity that are almost universally regarded as being the functions of parliament: legislation, oversight, representation, and the budget. It then evaluates these four lines of service against five performance tests, namely: the level and range of activity; openness and transparency; participation; accountability; and policy and program impact. It should be noted that while NDI and CPA take a standards based approach drawing on areas of international agreement, and IPU follows a best practice approach, the Centre has been more influenced by a results-based management approach.

Figure One: Parliamentary Report Card

		LEGISLATION	OVERSIGHT	REPRESENTATION	BUDGET
PERFORMANCE TESTS	LEVEL AND RANGE OF ACTIVITY				
	OPENNESS AND TRANSPARENCY				
	PARTICIPATION				
	ACCOUNTABILITY				
	POLICY AND PROGRAM IMPACT				

26. Within the report card framework, the Centre has developed a first set of 37 [indicators of parliamentary performance in the budget process](#). These indicators look at parliamentary input in all stages of the budget process including things like whether parliament influences budget priorities, or whether parliament insures public input and participation,

particularly of the poor. Several questions relate to parliaments role in the poverty reduction strategy process and one question asks if public loan agreements require parliamentary approval. As such, the indicators demonstrate the Parliamentary Centre's belief that parliament and/or parliamentarians have a role to play in reducing poverty and some of the indicators are more applicable to developing countries (not all of which are PRS countries). The indicators are phrased as questions and respondents use a scale of 0-5 with 0 meaning that the performance indicator is not present at all, 5 meaning it is very strongly present, and 2.5 meaning it is somewhat present.

27. The Parliamentary Centre has begun field testing the *Parliamentary Report Card* using this first set of indicators in Cambodia and several African countries.

International IDEA's State of Democracy Assessment Methodology

28. The IPU *Self-assessment Toolkit* draws extensively from International IDEA's *State of Democracy Assessment Methodology*. IDEA's assessment framework was developed through engagement with various stakeholders in the North and the South to enable countries (citizens) to assess the quality of their own democracies and mount agendas for reform. The framework is designed to be responsive to context, and may be applied in whole or in part. IDEA's assessment framework has four pillars: citizenship, law and rights; representative and accountable government; civil society and popular participation; and democracy beyond the state. Within these four pillars are 15 sub pillars, each of which is assessed by answering a series of questions intended to examine whether certain democratic institutions and processes are in place and how they perform in practice. A new sub pillar has been developed under the second pillar on the democratic effectiveness of parliament, or in other words, whether the parliament/legislature contributes effectively to the democratic process. This sub pillar includes eight questions.⁶
29. The *State of Democracy Methodology* is a reform oriented assessment which is intended to generate debate among stakeholders on various issues identified by the assessment; feed into evidence-based advocacy; contribute to policy reform and raise awareness about the quality of democracy in the country assessed. To this end, while the assessment team comprises qualified researchers who are knowledgeable about social research methods, they must in turn ensure that the assessment is accompanied by adequate public exposure in order to get feedback, and maximise the possibility of usability of the assessment findings. The assessment team is often backed up by a consultative team drawn from a

⁶ The questions on the democratic effectiveness of parliament are reproduced below:

2.4.1. *How independent is the parliament or legislature of the executive, and how freely are its members able to express their opinions?*

2.4.2. *How extensive and effective are the powers of the parliament or legislature to initiate, scrutinize and amend legislation?*

2.4.3. *How extensive and effective are the powers of the parliament or legislature to oversee the executive and hold it to account?*

2.4.4. *How rigorous are the procedures for approval and supervision of taxation and public expenditure?*

2.4.5. *How freely are all parties and groups able to organize within the parliament or legislature and contribute to its work?*

2.4.6. *How extensive are the procedures of the parliament or legislature for consulting the public and relevant interests across the range of its work?*

2.4.7. *How accessible are elected representatives to their constituents?*

2.4.8. *How well does the parliament or legislature provide a forum for deliberation and debate on issues of public concern?*

variety of stakeholders who may also be potential users of the assessment findings. It should be noted that while the findings are of interest to social/political scientists for comparative analysis, the IDEA framework was developed primarily for countries to assess themselves, and there is no imperative for countries to compare their results with those of other countries unless they choose to do so. Since 2000 the framework has been applied in around 20 countries worldwide.

Further discussion

30. A first set of assessment frameworks exist but this work is still in its early phases. Participants supported plural approaches, while looking to build consensus in the long-term. As with elections, there may never be one, universally agreed upon, set of principles or standards. Yet while the approaches examined differ somewhat, there is significant overlap between the frameworks in terms of content. Disagreements on vocabulary aside, it is not unthinkable that continued work in this area could lead to a set of overarching principles, standards, benchmarks, or indicators.⁷ At the same time it was noted that legislatures are continuously evolving, so standards will likely evolve and presumably rise. Some organizations may even choose to develop more aspirational benchmarks.
31. All of the frameworks are “works in progress”, and all strive for a certain level of simplicity and accessibility. All of the frameworks are designed to be used by parliaments or parliamentarians themselves, as well as parliamentary staff and civil society groups. For example, IPU recommends opening up the assessment process to civil society and others, while NDI’s methodology has responses from civil society built-in. The frameworks are not focused on developing countries – and it was noted that many developed countries will fail to meet some of the standards (for example the ACT Legislative Assembly does not have control over their own budget). The use of the frameworks is voluntary, and not imposed on parliaments from outside. Moreover, none of the participating organizations developing assessment frameworks are attempting to rank parliaments. It should be noted that although IPU, NDI and the Parliamentary Centre have developed a basic rating system, they still rely on individual judgments and so are subject to a certain level of subjectivity. The CPA benchmarks are not weighted.
32. Country case studies highlighted the difficulties of developing appropriate indicators. In some cases certain standards may not fit well with local realities. Moreover, a number of parliaments may have the specific powers outlined in the assessments without necessarily using them in practice. It was noted that organizations, like the IPU or the CPA, have a diverse membership and have to accommodate a range of cultural, social, and even religious differences. Some of their members have long-established parliaments, some have very new parliaments. Some are extremely large, and some, as is the case with several Pacific island states, are extremely small. However, there was general agreement that while context is extremely important, the debate generated during an assessment should allow for specific country contexts to be fully explored. And while each parliament is unique, there is likely to be some scope for comparison across regions and countries. Test cases will help establish the validity of these different tools or frameworks, as well as their strengths and weaknesses. It will also be important to have buy-in at the regional level, to explore regional differences, and to identify areas of consensus and divergence.

⁷ These terms, while different, were used more or less interchangeably throughout the workshop.

33. Several of the frameworks drew on, or were influenced by, one another leading to a certain level of commonality between them. All but 2 of the 35 standards chosen for NDI's *Minimum Standards Assessment Survey* can be matched to CPA benchmarks. All of the tools look at legislatures' core functions – that is their representative, legislative, and oversight functions. All examine accountability. The CPA benchmarks and the NDI and IPU assessment tools all have sections on the transparency and accessibility of parliament (particularly as concerns the public and the media). And while the Parliamentary Centre current set of indicators are focused on parliaments' performance in the budget process, the report card methodology places great emphasis on openness, transparency, and participation.
34. Where there are differences between the tools, they stem not from conflicting principles but rather from different areas of focus. For example, greater emphasis is given to ex-post financial oversight in the CPA benchmarks, no doubt because CPA's membership is dominated by the parliaments which have borrowed from the Westminster model. The IPU assessment tool is the only tool to include a section on parliaments' involvement in international policy as well as a related annex with specific questions on parliaments' relationship to the United Nations. That being said, one can still find areas of overlap, for example CPA benchmark 8.2.2 posits that "members and staff of parliament shall have the right to receive technical and advisory assistance, as well as to network and exchange experience of individuals from other legislatures", while question 6.9 in the IPU assessment tool asks "how effective is parliament and inter-parliamentary cooperation at regional and global levels?". There is thus the assumption in both that inter-parliamentary networking or cooperation is desirable. Again, more needs to be done in terms of identifying the areas of consensus and it is hoped that new research agenda emerging from the workshop will provide a much clearer picture of commonalities and differences between the different methodological frameworks.
35. Many questions remain open for continued discussion, even at the most fundamental levels:
- What is one really trying to measure?
 - Who is setting the standards (or principles)?
 - Who is the audience? (*reform-minded parliamentarians, donors and practitioners who want to measure outcomes and impact of their support, political scientists who want to compare systems...?*)
 - How does one find a balance between quantitative and qualitative measures?
 - Does one look at process as well as performance means?
 - Do parliaments have the resources to undertake self-assessment?
 - Could measurement distort parliamentarians' behaviour?
 - Do the current frameworks yield statistically significant results? Does it matter?

Next Steps

The meeting concluded with participants agreeing to the following next steps:

- Create a small steering group to oversee taking this work forward.

- Present the results of the Brisbane meeting to the Wilton Park Conference on Enhancing the Effectiveness of Parliaments and the Donor Coordination Meeting on Parliamentary Development (October, 2008).
- Seek feedback, and identify areas of consensus and divergence, at the regional level (e.g. SADC benchmarks).
- Promote a research agenda in which the different frameworks are applied at the country level (in established, new, large, small and at least one non-Anglophone legislature), if possible comparatively.
- Hold a larger conference in late 2009/early 2010 with a broader group of participants to take stock of and present the results of the above research agenda.

ANNEX ONE

PARTICIPANTS LIST (ALPHABETICAL BY ORGANIZATION)

Stephen Kaduuli, **Africa Leadership Institute (AFLI)**
Tom Duncan, **Australia Capital Territory (ACT) Legislative Assembly**
Kerry Jacobs, **Australian National University (ANU)**
Phil Larkin, **Australian National University (ANU)**
Andrew Imlach, **Commonwealth Parliamentary Association (CPA)**
Riccardo Pelizzo, **Griffith University**
Machangana Keboitse, **International IDEA**
Julie Ballington, **Inter-Parliamentary Union**
Ken Coghill, **Monash University**
John Johnson, **National Democratic Institute for International Affairs (NDI)**
Rhonda Miller, **Parliament of New South Wales**
Rasheed Drahman, **Parliamentary Centre**
Ahmed Bilal Mehboob, **Pakistan Institute of Legislative Development and Transparency (PILDAT)**
Chakshu Roy, **PRS Legislative Research**
Neil Laurie, **Queensland Parliament**
Kevin Deveaux, **UNDP**
Charmaine Rodrigues, **UNDP, Regional Centre Pacific**
Rick Staphenurst, **World Bank Institute (WBI)**
Lisa von Trapp, **World Bank Institute (WBI)**
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Stephen Sherlock, **WBI and Centre for Democratic Institutions (CDI) Consultant**