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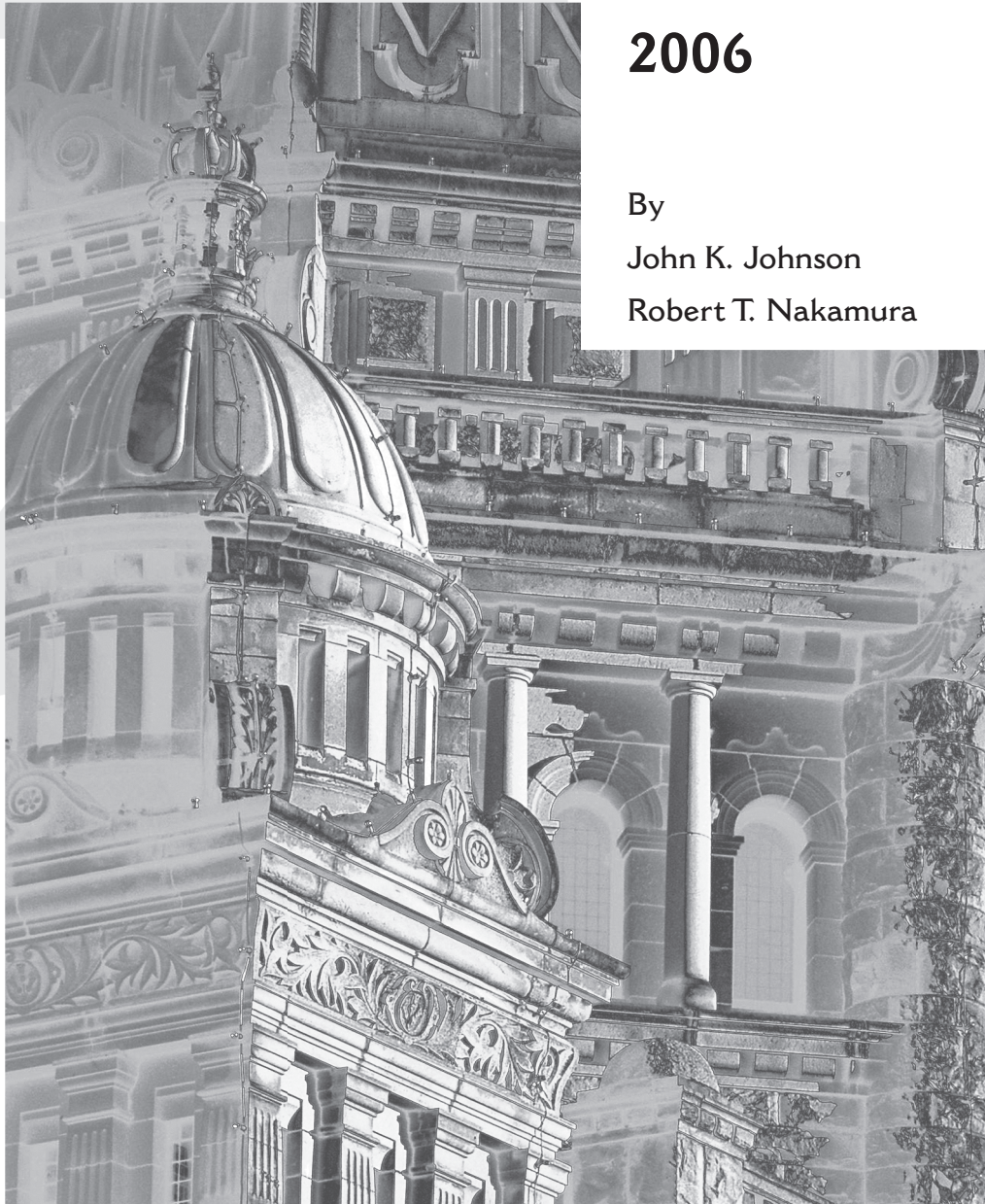
ORIENTATION HANDBOOK FOR MEMBERS OF PARLIAMENTS

2006

By

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INTRODUCTION AND PURPOSE

This orientation handbook has three purposes:

1. To help you understand how legislatures function throughout the world;
2. To help you better understand your own legislature, and how it functions in comparison to others; and
3. To help you become a more successful Member of your legislature; better representing constituents and groups, and playing your law-making and oversight roles more successfully.

Why is this handbook being written now?

Frankly, the need for such an orientation handbook for parliament members has never been greater. There are more democratically-elected parliaments, more parliamentarians, and more new parliamentarians than at any time in history. And in many, the turnover rate is very high—as high as 65% in some nations we have observed. Departing Members leave with the information, institutional memory and expertise they have acquired, leaving fewer experienced Members to assist new ones

Not only are the numbers of new legislators higher than ever, but in many nations the work of parliamentarians is getting more complex, and more demanding. Since WWII governments have been controlling greater portions of national GDPs and expanding their involvement the lives of citizens. Parliaments, if they are to make significant contributions to governance, have to equip themselves to deal with more, and more complex issues.

Legislative careers are unique, and demanding

Legislative careers are among the most interesting, complex and difficult on earth. Competing demands—from one's party, from the House, from the constituency, from interest groups, and from one's family—make the life of a legislator a challenging balancing act. MPs are always “on the job,” whether walking the halls of parliament, interviewing an expert witness regarding a proposed legislative amendment, traveling abroad on a study mission, or greeting a constituent at the front door.

There is no required or even prescribed course of study for becoming an MP. Doctors attend medical school; lawyers, law school; and even teachers attend teacher-training academies; but there are no schools for MPs to attend to learn to succeed in their profession. Legislators, in fact, represent hundreds of professions, and bring this mosaic of backgrounds and experiences into the work of the legislature. MPs begin, and continue in their careers by winning elections, not through mastering training programmes or by passing qualifying exams. Most come to parliament not knowing exactly how or what they can or should do there, and they learn on the job.

How to use this handbook

This handbook provides a useful structure around which to build a three-day orientation course for Members, and it is also a practical guide to keep on hand and refer to as you deal with institutional development issues in your legislature. If used as a basis for an orientation course it is important to build in sufficient discussion time with each unit.

How this handbook is organized

Material is presented in eleven modules covering several aspects of legislative life. Each module, or unit, provides general information on the theme, as well as specific examples from other nations, allowing you to compare your parliament and your experiences with those of others. Questions at the end of each unit are designed to

help you consider the workings of your own parliament in light of what you have been reading. Suggested readings are included at the end of the handbook.

Major sources for this Handbook

This handbook draws on our own experience with more than forty legislatures in the world, as well as several valuable resources. The design, format, most unit headings, and some of the content is taken from the SADC Parliamentary Forum MP's Orientation Handbook, funded by UNPD and drafted primarily by John Johnson of SUNY and Rumbidzai Kandawasvika Nhundu and Takawira Musaven-gana of the SADC Parliamentary Forum.¹ Some of the content is drawn from a series of consultant papers drafted for UNDP on many aspects of parliamentary behaviour. Nakamura and Johnson drafted some of the papers and helped edit the series, which is available on the Internet.² A third major source for this Handbook is a World Bank Institute publication entitled *The Role of Parliament in Government*³ and a fourth is the USAID Handbook on Legislative Development.⁴ Many of the other sources are listed in footnotes.

Use of terms

We use the words legislature, parliament, and national assembly interchangeably. European legislative bodies and those descending from them are generally called parliaments, and sometimes national assemblies. This is also true for European nations and their former colonies. The US uses the word legislature for legislative bodies at the state level, and congress at the national level. Legislative bodies in Latin America are often known as congresses, or national assemblies. In this handbook we use the words legislators, representatives, parliament members, deputies, and representatives interchangeably.

¹ MP's Orientation Handbook, SADC Parliamentary Forum, Windhoek, Namibia, 2004.

² <http://magnet.undp.org/Docs/parliaments/>

³ This World Bank consultant report is available via the Internet at: <http://siteresources.worldbank.org/WBI/Resources/TheRoleofParliamentinGovernment-FINALwithcover.pdf>

⁴ *USAID Handbook on Legislative Strengthening*, Office of Democracy and Governance, Washington, DC, February 2000.



1

THE ROLE OF PARLIAMENTS IN PROMOTING GOOD GOVERNANCE

What This Unit Will Cover

- The basic functions of legislatures
- Representation
- Lawmaking
- Oversight
- Other good governance functions of legislatures
- Delivering on the promise of democracy
- Fighting corruption
- Contributing to the resolution of conflicts
- Discussion questions

The basic functions of legislatures

Legislatures carry out a number of important functions in democratic societies. They represent peoples and groups, bringing their needs, aspirations and concerns to the national level where they can be factored into the policy-making process. Unlike chief executives, who are responsible for representing the nation and society as a whole, legislatures represent the differences in society, ensuring that the specific concerns and peoples and groups are heard at the national level. Political scientist Nelson Polsby has called legislatures the “nerve



endings of the polity”⁵ because legislators understand the concerns and issues of their constituents, and bring them into the policy-making arena.

Legislatures not only represent the diversity and differences in a nation, but when they are successful they mediate among the various interests they represent, reaching agreements on budgets and policies which meet national needs, even as they respond to specific geographic and group concerns. This is the lawmaking function of legislatures, in which they make, or at the very least approve, the laws and budgets of the nation.

And third, legislatures conduct oversight. They review the activities of government, ensuring that executives implement budgets and policies legally, effectively, transparently, and according to the intent of the legislature.

Other good governance functions of legislatures

The next four chapters will cover these basic parliamentary functions in depth, so we turn our attention now to some of the other good governance functions legislatures perform.

Delivering on the promise of democracy: Citizens in many nations look to their legislators to deliver on their hopes for opportunity and economic growth. Many citizens are yet to experience the prosperity they expected would follow quickly on the heels of political transition, and they look to government—and to parliament—for help. As parliament Members you are painfully aware that these constituent expectations for a better life generally far exceed government’s ability to deliver. Deep economic changes take time.

What can legislators do to help their people? Unit 2 on Representation and Constituent Relations describes some of the ways legislatures attempt to better listen and respond to local concerns. Members also help when they exercise their lawmaking, budgeting, and oversight functions effectively. They equip themselves to contribute as well when they understand principles of economic growth, how markets function, the importance of the

rule of law for economic stability and growth, and how corruption affects economic growth.

A third way legislators can help reduce poverty is by participating in the development and oversight of their nations’ Poverty Reduction Strategy Papers (PRSPs) – poverty reduction plans developed by host nations with assistance from the World Bank and IMF. PRSPs describe a “... country’s macroeconomic, structural and social policies and programs over a three year or longer horizon to promote broad-based growth and reduce poverty...”⁶ Developing these plans is meant to be a participatory process, and parliaments can and should play a major role in reaching out to communities across nations for their input. In addition, given parliamentary responsibility to approve and oversee the implementation of treaties and other international agreements (see Unit 10) legislatures have a responsibility for ensuring that PRSPs are implemented effectively.

Fighting corruption: Using their oversight powers, legislators in most political systems can play an important part in fighting corruption. We cover oversight in some detail in Unit 5, but highlight here three ways legislators fight corruption: through anticorruption committees, anticorruption associations, and through ensuring that their own institutions are free of corruption.

Anticorruption committees: Corruption has become such a serious concern that legislatures in some nations (among them, Bulgaria, Nigeria, Kenya, Macedonia, Jordan, and Morocco) have established special committees to investigate, report on, and develop strategies to counteract corruption. The more effective committees have authority to investigate possible government corruption, subpoena witnesses, and issue reports to the nation on cases of corruption they uncover.

Anticorruption groups and associations: Legislators and former legislators in more than 70 nations are members of the Global Organization of Parliamentary Network

⁵ Nelson Polsby, “Legislatures,” in *Handbook of Political Science: Government Institutions and Processes*, eds., Fred Greenstein and Nelson Polsby, Reading, MA: Addison Wesley, 1975.

⁶ <http://www.imf.org/external/np/prsp/prsp.asp>



Against Corruption, GOPAC. GOPAC and its regional and national chapters help legislators develop strategies for minimizing corruption in their nations, and several legislators collaborate with Transparency International (TI) and its local chapters in their battle to reduce corruption.

Keeping their legislatures free of corruption: As a legislature becomes more powerful, greater numbers of individuals and groups will attempt to influence its decisions. This is right and proper, but if parliament members or staff accept gifts or other benefits by parties interested in influencing those decisions, they are engaging in corrupt behavior.

To counteract this problem several national parliaments have passed legislative ethics laws defining, prohibiting, and setting penalties for corrupt behavior. Although the rewards of corruption tend to be greater for government

officials than for legislators (government officials control funds and award contracts, and those providing services can more easily demand bribes from citizens), parliamentarians need to avoid any hint of corruption as well.

Promoting conflict resolution: There is a growing focus on the roles parliaments can play to help prevent the outbreak of conflict, bring peace to conflict situations, and resolve the issues which lead to conflicts. Members of the Congress of the Philippines, for example, because of their status as local leaders, have been able to play a mediating role between government and the people of Mindanao and address conflict issues. In Bangladesh, a special parliamentary committee was established to mediate between Government and the people of the Chittagong Hill Tract (CHT) in the southeastern part of Bangladesh, which did help lead to peace. Parliaments also have a role to play in overseeing the implementation of peace agreements.

Discussion Questions

1. Has your nation been through a major political transition within the past decade?
2. What kinds of demands do citizens place on the government and parliament? How does parliament respond?
3. Has your country produced a Poverty Reduction Strategy Paper? Did the legislature play a role in developing it? Has it been involved in overseeing the implementation of the PRSP?
4. Does your legislature have a role in counteracting corruption? If yes, what does it do? If not, are there specific measures you think it should be taking?





2

REPRESENTATION AND CONSTITUENT RELATIONS

What This Unit Will Cover

- Some concepts of representation
- How representation differs in the legislative and executive branches
- Some ways legislatures communicate with constituents
- Legislatures and constituent services
- “Honorable Member, You Promised” (a former MP’s musings on the challenges of representation)
- Discussion questions

Some concepts of representation

What does it mean when we say that parliamentarians “represent” citizens? The answer is central to the democratic functioning of a legislative body, and a legislature that is not representative and accountable to the people undermines the nature of democracy in a country. The concept of representation has shifted over time, and even now is flux. As you will see from the descriptions below, legislators may act according to different concepts of representation at different times.

Representatives as delegates: As delegates, representatives simply mirror or transmit constituency attitudes or preferences and express them in the legislature.

Representatives as trustees: Legislators behaving as trustees use their own judgment to determine what is in the best interests of their constituents and nation. Legislators who see themselves as trustees believe they were selected



because of their special abilities and see their job as adapting their constituents' needs into the national welfare.

Responsible party model: The “delegate—trustee” dichotomy does not really apply to those parliaments where party discipline is high, and where members never—or almost never—dare vote against the dictates of their party. In the responsible party model, parties put forward alternative platforms to the electorate, and citizens indicate their preferences by electing one party over another. Proponents of this model argue that since voters vote for a party and a platform, party members are obliged to support that platform. In parliamentary systems the government's survival depends upon the votes of governing party members, and in presidential systems party cohesion and assurance of votes from party members enables parties to get their programs through the legislature.

Critics of this model contend that no party platform can be specific enough to cover all of the issues considered during the life of a parliament, and that Members should therefore have some latitude in voting their conscience or in support of the needs of their constituents. But in systems where party discipline is very strong, a representative's preferences for or against specific legislation might have little impact on how he or she votes. Political party leaders have numerous tools at their disposal to ensure that party MPs do not vote against the interests of the party. Especially in nations with parliamentary systems and party list electoral systems, it is very difficult for MPs to vote against their party.

Vanguard party model: Under this concept of representation the party leads constituents through representatives, who convey party decisions to the people of the nation.

Exemplar model: Under this model the legislator fulfils symbolic concerns of constituents by sharing their racial, ethnic, gender, or other characteristics. This concept of representation assumes that to truly represent a group, one must share specific characteristics of the group (only women can represent women, only Muslims can represent Muslims, etc.). In recent years guarantees of parliamentary representation by ethnicity or other characteristic have been made part of several peace agreements

in order to ensure that specific groups “buy in” to the peace process or the new government.

How representation differs in the legislative and executive branches

Legislators and chief executives both represent the citizens of a nation, but what makes representation in parliaments unique? Two distinctions are: (1) That parliamentarians represent differences in a nation, while presidents and prime ministers represent nations as a whole; and (2) That legislatures are more open and transparent than executive agencies, and the legislators themselves are more accessible to constituents than are chief executives.

Representing differences: Legislatures are characterized by division. Unlike executive agencies, which are hierarchical, orderly and designed to carry out the decisions of those at the top, in legislatures the competing demands and interests in society are articulated, debated, and, hopefully, resolved. MPs represent and act on behalf of specific groups within a nation, while chief executives represent and act on behalf of entire nations. Those differences may be geographical (districts, states, provinces, regions), ethnic (Hutus and Tutsis in Burundi, Kosovar and ethnic Albanians in Kosovo), religious (Christians and Muslims in Lebanon), political, gender, or others. One reason legislatures can be unpopular, in fact, is that they are institutions where conflict is articulated, and most people don't enjoy witnessing conflict. When legislatures function well, they are able not only to articulate differences but also resolve them, as we will see in the next unit on lawmaking.

Openness and transparency: Legislatures are the most open and transparent of the three branches of government. In democracies, general sessions of parliaments are open to the public and press, and in a growing number of countries committee meetings are open as well. While executive agencies make decisions away from the public eye, legislatures debate and vote before the news media, and some even broadcast their sessions on television and radio. Not only are parliaments more open than other branches of government, but deputies are more accessible to constituents as well.



Some ways legislatures communicate with constituents

Publishing the legislative record: Legislatures typically publish a complete record of what is said in plenary sessions and make it available in several formats. Called variously the Hansard, congressional record, or official daily, several legislatures go to great expense to ensure that this record is available within 24 hours of the close of each day's session.

Newsletters and other publications: Individual legislators, and in some cases legislatures as institutions, send newsletters to constituents reporting on legislative and Member activities. Some publish educational materials for children—such as coloring books, comic books, or brief histories—to encourage them to learn about their legislature. The legislatures of Bolivia, Guatemala, and Kenya have all developed such materials.

Member directories: These pocket-sized booklets usually begin by describing the legislature and how it functions, and include photos and biographical information on each Member of Parliament. Recent advances in technology have allowed legislatures to provide this information on line.

Parliamentary kiosks: Legislatures in Guatemala and Peru both operate Internet kiosks where citizens can get information about their legislature, learn about their representatives, and can contact them with questions and comments. Congressional staffers assist visitors in their kiosk sessions.

Public participation offices: Peru's National Congress also operates an office of public participation which responds to citizen inquiries, operates the kiosks mentioned above, conducts an online course on "Citizenship and Politics", and conducts several other participatory courses for citizens.⁷

Open committee meetings: Increasingly, legislatures open their committee meetings to the public. The legislatures of Uganda, South Africa and United States typically conduct open committee meetings, and some committee meetings in the British House of Commons are open to the public as well. Meeting times and agendas are published

in newspapers and over the Internet. In South Africa volunteers with the Parliamentary Monitoring Group attend all open committee meetings and hearings of the Parliament, and makes notes of the meetings available on-line.

Public hearings: While public hearings are generally thought of as events where legislators listen to citizens, they are also opportunities for citizens to see their legislature and their elected representatives in action.

TV or radio stations: Several legislatures broadcast to their nations via legislative TV or radio stations, and many of these stations can be accessed via the Internet as well.⁸

Press offices: Legislative press offices develop press releases on the activities of the legislature and may publish additional information on the workings and activities of the institution.

Visitor information centers: These offices typically conduct tours for school children and citizens and provide general information on the legislature.

Web sites: Legislatures worldwide operate several kinds and levels of websites. The Inter Parliamentary Union offers easy access to scores of parliamentary websites through one access point.⁹

Meeting with constituents: While advances in technology have made it easier for greater numbers of people to understand their legislatures and their activities, they cannot replace face-to-face meetings between legislators and constituents. In recent years several legislatures have taken measures to ensure elected representatives have the physical space and opportunity to meet with constituents. Following are several examples.

- Kenya's parliament acquired and refurbished offices adjacent to parliament, occupying them in 2003. Ev-

⁷ For more information on this office and the courses it offers, go to <http://www.congreso.gob.pe/participa/cabinas/>

⁸ Legislatures make themselves accessible across the earth by broadcast their sessions over the Internet. Chile's House of Deputies has a very good legislative television station, covering House sessions, reporting on the news of the House, and presenting education and cultural programs. It can be accessed via the Internet at http://www.camara.cl/tv/cdtv_2/cdtv_2.htm

⁹ For access to parliamentary websites go to, <http://www.ipu.org/english/parlweb.htm>



ery Member now has an office in which to meet with constituents.

- After years of political turmoil during which Uganda's parliament was closed, Uganda's 6th Parliament began working immediately after taking office in 1996 to upgrade, and then reoccupy parliamentary office space which government ministries had taken over.
- Soon after democracy was re-established in Chile following the end of the Pinochet regime, parliament adjusted its calendar so that MPs could spend one week each month in their districts.
- In the 1990s Poland's parliament provided legislators office space in local party offices.
- Also in the 1990s, the Palestinian Legislative Council established regional legislative offices used by all political parties. (This was not ideal, however, as citizens were often confused about which member to approach, and were concerned about the lack of privacy in the offices.)
- Both Zambia and El Salvador instituted a pilot program of district offices.

Legislatures and constituent services

Beyond simply communicating with constituents, legislators in some countries assist their constituents with different kinds of problems. Members elected through single member constituencies, because their re-election may depend on satisfied constituents, tend to have greater incentives to provide constituent services than do their counterparts elected through party-list systems.

Assisting constituents in their dealings with government: The most common type of service Members provide is assisting constituents in their interactions with government agencies. Legislators have more leverage with government departments than most citizens, and are able to help cut through "red tape" and get responses from these agencies. In some systems they may do even more. Legislators in the Palestinian Legislative

Council try to help their constituents in solving family and business problems, for example. Legislators run into difficulty, however, when constituents expect them to use their own money to take care of constituents' personal problems (see the excerpt entitled, "Honorable Member, You Promised" at the end of this Unit).

Constituency funds: Some nations give legislators authority to distribute funds—or determine how funds will be spent—for specific projects in their districts. When this authority is abused it is referred to as pork barrel spending, but when used well these funds may help cover critical needs in a legislator's district.

- Kenyan MPs oversee constituency funds which help pay for needs in their districts, such as bridges, clinics, water systems, and schools. The constituency development fund now represents 2.5% of Kenya's national budget.
- Zambian MPs have a similar constituency development fund, but funding levels are much lower than Kenya's.
- South Africa's National Assembly grants each party funds (the amount is based on the number of party members in the Parliament) to use at its own discretion for constituent services.
- Philippine Congress members are granted \$1.2 million in Priority Development Assistance Funds (PDAF), and Senators \$3.68 million each year to pay for projects in their districts. The government implements the projects, but legislators decide how the funds will be spent.

Effective representation and constituent relations may be hindered by a legacy of less-than-open political systems and a lack of expert staff to support MPs in responding to constituent requests. Well-funded political parties sometimes assist MPs in dealing with constituents and their requests, but political parties in poorer nations rarely have sufficient funds to do so.

We end this Unit with an excerpt from a speech given by former Zimbabwe MP Hon. Michael Mataure describing, in a humorous way, just how challenging representing one's constituents can be.



Hon. Member, You Promised¹⁰

To be there for your constituents, i.e., to be seen, reached, smelt and be accessible to them round the clock. No strict office hours; no vacation/leave; or personal time. You could in a way be referred to as a roaming prisoner.

To be the people's representative/emissary to and from the capital in a consistent manner. Indeed, you have assumed the role of a glorified postman/messenger and bearer of good news, bad news and in fact all news. However, for political and survival reasons you are expected to bring good news and gifts of all manner of description and value to key people and institutions on a regular basis if you still want to remain popular.

To be the principal agent/proponent and activist for ensuring that there is improvement in the infrastructure and service provision of the constituency, including:

- a) Upgrading of roads, bridges and related infrastructure;
- b) Improvement of health services and facilities, e.g., clinics, staff;
- c) Improvement of schools and related facilities;
- d) Identifying donors and NGOs to bring material and financial resources for projects in the area;
- e) Organizing scholarships and employment for a host of demanding political stakeholders including campaign supporters and party activists.

Nurturing and maintaining the support of spouses, family (immediate and suddenly extended) and a plethora of friends, acquaintances and hangers-on.

To be the chief celebrant/benefactor at feasts, weddings, field days and graduations of various sorts. Your contribution must be seen to be the largest or among the large ones.

To be the chief sympathizer/principal mourner in cases of bereavement and death. You are expected to play the role of undertaker when and if we as your constituents cannot afford a coffin or access a vehicle to ferry our beloved relative for burial.

To be the individual but unofficial/substitute social welfare unit for all those in need in your constituency including the various fundraising functions to which you are invited, may decline to attend but to do so at great personal risk to your political career.

To be your party's most ardent defender, promoter/public relations agent. You are expected to be a party loyalist, worker, volunteer and resource mobiliser. In this case your personal resources, vehicle, house, telephone, time, etc, are part of the party's pool of resources to be accessed as and when required.

To be the willing and unwilling subject/object of close public scrutiny and examination. The media are this unique type of vulture that love fresh meat in the form of errant public officials behind whom or who are associated with scandal or who occupy houses with cupboards full of skeletons.

For those who serve in cabinet your constituents expect that you can marshal and commandeer resources easily and can get development finances without much difficulty.

¹⁰ From "Parliaments and Constituent Relations," a speech presented by Michael Mataure at the SADC PF Parliament of Lesotho Professional Performance and Development Seminar, Maseru, Lesotho 29 September–1 October 2003. (Punctuation as in the original)

Discussion Questions

1. Which concept (or concepts) or representation most closely describe representation in your legislature?
2. How open and transparent is your legislature? Do you consider it to be not open enough, too open, about right? Would you recommend any changes?
3. How many of the examples of the ways legislatures communicate with citizens apply to your legislature? Are there others you use or would recommend?
4. Is constituent services an important part of the work of your legislature?
5. What do you see as some of the advantages and disadvantages of constituency funds?





3

LAWMAKING

What This Unit Will Cover

- Common steps in the lawmaking process
- Roles of the legislature in the lawmaking process
- Factors influencing the role your legislature plays in the lawmaking process
- Discussion questions

In the previous unit we described how legislatures represent differences, and how legislators ensure that the concerns and issues of groups are heard at the national level. The next (challenging) step for legislators is to bargain and negotiate among these various interests, reach agreement on the policies which will govern the nation, to codify those agreements and pass them into law. This unit describes some of the ways legislators carry out their lawmaking function, and some factors which influence how independent a role they may play in the lawmaking process.

Common steps in the lawmaking process¹¹

We begin by taking a very brief look at some of the mechanics of the lawmaking process.

¹¹ Some of this information comes from the 1999 UNDP publication, *Lawmaking and Stages of Legislative Procedure*, available at: <http://magnet.undp.org/Docs/parliaments/Legislative%20Processes.htm>



Steps in the lawmaking process: What steps does legislation generally pass through before becoming law? In most legislatures with standing committees, proposed legislation (bills) are introduced formally on the floor of the house, and then referred to the committee with jurisdiction over the legislation. Westminster systems typically hold bills on the floor for a second reading and a debate and vote on the bill “in principle”. After this, bills are referred to committees where committee members typically work on technical details and amendments. (See Unit 6 on Parliamentary Committees)

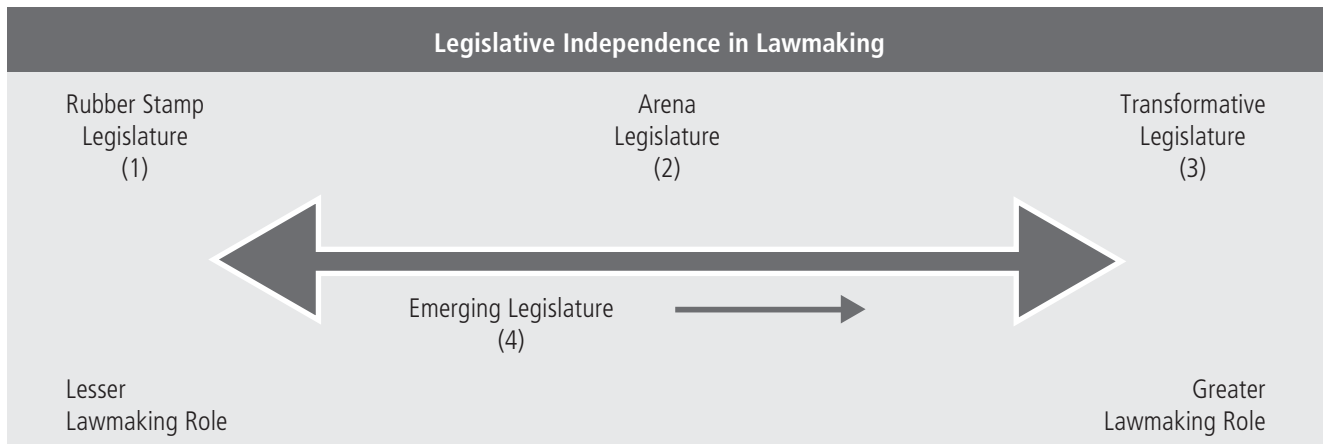
In presidential systems, bills introduced are immediately referred to committee, and those bills over which more than one committee has jurisdiction may be referred to multiple committees. An education bill with financial implications, for example might be referred to both the education and finance committees. In political systems with a very large volume of legislation (more than 10,000 bills are introduced each year in the US Congress, for example), most legislation never gets beyond committee. If the legislature has two houses, bills may move through each house simultaneously, or through the houses consecutively. Two house legislatures generally devise methods of reconciling different versions of the bills. In some systems, such as Chile’s, the president prioritizes legislation, applying different levels of “urgency” to different bills. The Chilean Congress is then required to act on bills within the time allotted by the president.

Roles of the legislature in the lawmaking process

How independent a role does your legislature play in the lawmaking process? The kind of role legislatures play in this process varies from nation to nation, and even changes within nations over time, as we will see in the example from Mexico at the end of this unit.

Rubber stamp legislatures: The figure below helps us to envision the roles legislatures may play in the lawmaking process. We can think of a legislature’s role in the lawmaking process of landing somewhere on a continuum, with legislatures on the left side simply approving whatever the executive or party sends them—without discussion or debate. These are called rubber stamp legislatures because they simply endorse, or “rubber stamp” legislation they receive. Rubber stamp legislatures are often associated with communist or totalitarian systems, where decisions are made by a leader or vanguard party, and the legislature is expected to simply endorse those decisions. The Duma of the former Soviet Union and the Mexican Congress during the decades when the PRI dominated the country were considered rubber stamp legislatures.

Arena legislatures: Farther to the right on the arrow, in the direction of greater independence and power in the lawmaking process, are arena legislatures. Arena legislatures are places of real discussion, speech and debate. Differences are articulated, and government actions criticized, but these legislatures tend not to initiate



or dramatically reshape legislative proposals. The British House of Commons today might be considered an arena legislature.

Transformative legislatures: Moving right again we come to the least common type of legislature, transformative legislatures. Transformative legislatures not only represent diverse societal interests, but they also shape budgets and policies. They amend legislation and budgets received from the executive branch, initiate their own policy proposals, reach out to citizens, and conduct public hearings. The US Congress is probably the best example of a transformative legislature.

Emerging legislatures: And finally, a fourth legislative type is called an emerging legislature. Emerging legislatures are in the process of change from one type to another. Worldwide several legislatures are attempting to exercise greater influence over government policies and carry out their oversight responsibilities more effectively, and could be classified as emerging legislatures. Mexico's Congress and Kenya's and Uganda's Parliaments could be classified as emerging legislatures.

There is not a "correct" type of legislature. A combination of history, tradition and several other factors help to determine where your legislature might fall on this arrow.

Factors influencing the role your legislature plays in the lawmaking process

Regime type: One factor influencing the role your legislature plays in the legislative process is regime type, or the way your system of governance is organized to carry out its functions. Political regimes are most commonly divided among three types, parliamentary, presidential, and hybrid, with the key variable being the degree of separation between the executive and legislative powers. Legislatures in political systems with significant separation of powers between the executive and legislative branches have greater incentives to develop an independent lawmaking capacity than legislatures in systems where the powers are unified. This does not mean, however, that

legislatures in separation of powers systems will necessarily play strong lawmaking roles, or that those in more unified systems will not.

Parliamentary systems: Legislatures in parliamentary systems, where the chief executive and cabinet are members of parliament selected from the majority party or coalition within the legislature, have little incentive to develop independent lawmaking capacities. Legislative and executive powers are fused, and committees are controlled by the dominant party or parties, so the legislature tends to defer to the executive and play a minor lawmaking role. Policy decisions are generally made within the ruling party or coalition and government ministries. Continued cooperation between the executive and legislature is required for the government to survive and to be effective in carrying out its program.

The UK represents the strongest parliamentary system (sometimes referred to as the Westminster system). Viet Nam is a parliamentary system (the members of the National Assembly elect the president), and so is India, where elected members of both houses of parliament and the elected members of the state Legislative Assemblies make up an electoral college which elects the president.¹²

Presidential systems: In presidential systems, the chief executive (president) and members of the legislatures are elected separately, often for different terms, and the lengths of their terms are fixed. The president generally appoints the cabinet members ("secretaries" in the US) from outside of the legislature, often with the advice and consent of the legislative branch. The center for conflict over policy making is usually between the executive and the legislature. There are clear incentives for the legislature to develop a strong committee system and professional staffs. Individual legislators can influence policies and laws.

The US represents the strongest form of presidentialism; and most legislatures in Latin America, and the legislature in the Philippines are also presidential.

¹² Article 102 Viet Nam constitution, Article 54 India constitution.



Hybrid systems: The term hybrid generally refers to a system with a separately elected president who shares executive power with a prime minister. The president usually has the constitutional power to select the prime minister. If the constitution and/or political circumstances tend to place the emphasis on the powers of the president, it is sometimes termed a semi-presidential system. If, on the other hand, the prime minister and the legislative leaders enjoy more power than the president does, it may be referred to as a semi-parliamentary system.

The French system is the hybrid model most often cited as a semi-presidential system. In the French system, the president has broad powers. For example, the president nominates the prime minister and selects his own cabinet, over which he presides. He even has the authority to dissolve parliament. The president, his cabinet and attending bureaucracy initiate and draft most legislation, and the president is responsible for the conduct of foreign affairs. The day to day running of the government is, however, left to the prime minister and cabinet.

Mixed systems: Britain, the United States, and France have come to symbolize the ideal types of parliamentary, presidential, and hybrid political systems. Most democracies in the world, however, blend characteristics of these different systems and rarely conform precisely to these ideal types. There are presidential systems in Latin America, for example, which have some parliamentary characteristics. Bolivia's constitution, for example, requires that congress choose the president from the top candidates if no candidate wins a majority of the vote. A number of African legislatures, while adhering to the traditions of the British House of Commons, are a blend of characteristics of both presidential and parliamentary systems. Kenya, Zambia, and Uganda, for example, elect the president through direct nationwide elections – as in presidential systems, but the president selects ministers from the parliament, as in parliamentary systems. The parliaments of Kenya and Uganda have utilized these powers in recent years by passing some very significant private member legislation. Both have enacted legislation making the legislature formally independent of the executive, giving parliament control over its budget, staffing, and management.

Does the decision to adopt a parliamentary form of government then relegate parliament to being a rubber stamp legislature, and mean that the legislature in a presidential system will necessarily be strong and independent? By no means. While the strongest legislatures in presidential systems will be stronger and more independent than the strongest parliaments in parliamentary systems, there are considerable variations. Legislatures in presidential systems with very strong political parties or weak internal capacity (the Mexican congress prior to the end of PRI dominance in the late 1990s, for example) may be little more than rubber stamps, and some parliaments exercise more authority than others.

Formal lawmaking powers: Constitutions and the legislature's standing orders generally define a legislature's formal lawmaking powers. Most systems allow members to introduce legislation (called private member bills in the Commonwealth nations) and some, such as Mozambique and Uganda, permit committees to introduce legislation. Many parliaments have formal authority to override a presidential veto, but the percentage of votes required to do so varies. The United States requires a two-thirds majority to override an executive veto, as does Namibia. In Malawi a simple majority is sufficient.

Other aspects of a legislature's formal lawmaking powers are the time allotted to consider legislation. In Chile and in some other nations the executive has the power to assign different levels of priority, or "urgency" to legislation, and unless the legislature acts on the legislation within the time allotted, the president's proposal becomes law. In several Latin American countries legislatures share the privilege of introducing legislation with the other two branches the government, with state legislatures (Mexico) and even with the national university (Guatemala). Another sharing of lawmaking power is the right of executives to rule by decree during periods of national emergency, and, in some cases, when the legislature is not in session.

Systems with greater separation of legislative and executive power tend to grant more lawmaking powers to legislatures, but even legislatures with a great deal of lawmaking authority may place heavy restrictions on what legislatures can do with money bills (see unit 4 on budgeting).

Political environment: Third, a nation's political environment helps determine the parliament's lawmaking role. The first two factors—regime type and formal lawmaking powers—were objective and factual, but political environment is more subjective. By political environment we mean such factors as:

- The lawmaking role parliament's leaders and members desire, and the intensity of their desire;
- The willingness of the executive and other political actors (such as political parties) to share the lawmaking role with parliament; and
- Demands from groups in society that parliament play a greater lawmaking role.

Power resides with one or more of several political actors in political systems—in executives, in political parties (sometimes inside, sometimes outside of the legislature), and in legislatures (in committees, leaders, secretariats), and these power relations are fluid. The political environment is not described in formal documents like constitutions, but those inside the system know where power lies. Occasionally, as in the case of Mexico described below, shifts in lawmaking power can occur quiet rapidly.

Legislative capacity: Finally, the legislature's technical capacity and resources influence its ability to play a major lawmaking role. Many parliaments do less than their formal lawmaking powers allow, and a major reason for this is limited legislative capacity. Conducting hearings, factoring public and expert comment into amending legislation, and drafting amendments and legislation all require professional staff and facilities that are often in short supply in legislatures. Several parliaments worldwide are in the process of building greater technical capacity. (We outline a methodology for building stronger parliaments in Unit 11.)

More Active Mexican Congress (Bills introduced in House of Deputies)

Recent experience in Mexico illustrates how quickly the legislature's lawmaking role can change. With Mexico's Party of the Institutionalized Revolution (PRI) losing control of both the Congress and the presidency in recent years, Congress' legislative role has begun to overshadow that of the President's, both in the percentage of legislation introduced, and the percentage of legislation enacted into law. Congress' power may expand even more with a constitutional amendment which took effect in 2005 lengthening the congressional spring term.

The percentage of executive bills introduced in the House of Deputies fell from 37.5% in the spring term of 1995 to just 4.2% in the spring term of 2004. While the declining percentage of bills introduced by the Executive is dramatic, the reduction in the percentage of executive bills enacted into law is startling. In the spring 2001 term, 48% of legislation enacted was initiated by the president. This percentage fell to 43% in spring 2002, 12.1% in spring 2003, and just 7.1% in spring 2004.¹³

¹³ Figures taken from Jeffrey Weldon, *The Spring 2004 Term of the Mexican Congress*. Center for Strategic and International Studies, Washington, D.C. pp. 25–26. 2004



Discussion Questions

1. Which of the legislative types (i.e., rubber stamp, arena, transformative, emerging) best describes your legislature?
2. How do the four factors listed (i.e., regime type, formal lawmaking powers, political environment, and legislative capacity) impact the roles your parliament plays in lawmaking?
3. Do individual legislators have the authority to introduce legislation in your legislature?
4. Have there been changes in the technical capacity of your legislature in recent years?





4

BUDGETING

What This Unit Will Cover

- Origin of legislative budget powers
- Range of legislative budget powers
- Factors influencing a legislature's budget role in the budget process
 - Regime type and formal budget powers
 - Time to consider the draft budget
 - Political environment and legislative capacity
- Strengthening the legislature's role in the budget process
- Discussion questions

Origin of legislative budget powers

The requirement that Parliament approve taxing and spending can be traced back more than 600 years to the British House of Commons, the "Mother of all Parliaments." As the King needed funds to conduct wars and run the monarchy, local communities, represented in the Commons, were called upon to provide them. With time, the Crown made regular requests for funds, and only representatives of local communities were empowered to grant the King the money he requested. The requirement that the King request local representatives to collect taxes for his expenses represented a significant limitation on royal prerogatives. By 1422 there could be no statute and no tax without



parliamentary authority, and, within Parliament, without the Commons' agreement.¹⁴

The requirement that parliaments approve executive taxing and spending continues today in virtually all democratic political systems, but, as was the case with lawmaking, the extent of parliamentary involvement varies—and for many of the same reasons.

Range of legislative budget powers

How much independence and power does your legislature have in the budget process?

Similar to the lawmaking powers we examined in unit 3, these powers vary dramatically from legislature to legislature. At one extreme is Mozambique, where the constitution empowers the National Assembly to “appraise and approve the State plan and budget and the respective reports concerning their implementation;” however, “Should the Assembly of the Republic, after debate, reject the Government’s program, the President of the Republic may dissolve the Assembly and call new general elections.”¹⁵ When parliamentary budget powers are so constrained, parliament exercises its influence more indirectly during the budget debate, where MPs point out

problems with the budget, and their criticisms can be presented to the electorate through the press.

At the other extreme are the US Congress and several US state legislatures. Some state legislatures play a greater role than the governor in the budget process, some even draft the state budget. State legislatures in Texas, Colorado, Arizona and Mississippi are particularly strong. In Texas, the Legislative Budget Board actually prepares the general appropriations bill, and is responsible to, “...guide, review, and finalize agency strategic plans.”¹⁶ Between those two extremes are legislatures with the power to reduce, but not increase expenditures; and others which can reduce expenditures, but only increase them with the permission of the government;

Philip Norton has provided a simple classification of legislatures in the budget process, identifying three types: budget approving, budgeting influencing, and budget-

¹⁴ *The History of Parliament and the Evolution of Parliamentary Procedure*, Transcript of a lecture given by Maurice Bond, The House of Lords Record Office 21 June 1966, p. 3.

¹⁵ Constitution of Mozambique, Sections 135(h) and 136(3)

¹⁶ Texas State Senate Research Center, *Budget 101, A Guide to the Budget Process in Texas*, January 2005. p15 Available via the Internet at http://www.senate.state.tx.us/SRC/pdf/Budget101_2005.pdf (political observes from many systems in the world might consider such legislative involvement in the budget excessive).

Types of Legislatures in the Budget Process

Legislative Type	Similar to	Capacity	Examples
Budget approving	Rubber stamp	Lacks authority and/or capacity to amend or reject the Executive’s proposed budget	Mozambique
Budget influencing	Arena	Has limited authority and/or capacity to amend the Executive’s proposed budget	France, UK, Nicaragua
Budget making	Transformative	Has the legal authority and technical capacity to reject, amend, or even rewrite the budget.	US Congress, Some state US legislatures

making legislatures. **Budget approving** legislatures lack the authority or capacity (or both) to amend the budget proposed by the executive—they approve whatever budget the executive presents them. **Budget-influencing** legislatures have the capacity (legal and/or technical) to amend or reject the executive budget proposal but do not have sufficient capacity to formulate a budget of their own. Finally, what Norton refers to as a **budget-making** legislature, has both the legal authority and the technical capacity to amend or reject the executive's budget proposal, and to substitute a budget of its own.¹⁷ We might think of three types of legislatures as similar to the categories we used in Unit 3 on Lawmaking, with budget-approving legislatures similar to rubber stamp legislatures, budget-influencing legislatures similar to arena legislatures; and budget-making legislatures similar to transformative legislatures.

Factors influencing a legislature's role in the budget process

Several factors help explain the variation of budget powers legislatures have and use, among them regime type, formal budget powers, time to consider the budget, political environment and legislative capacity.

Regime type and formal budget powers: The separation between executive and legislative powers in presidential systems encourages legislatures to play more independent budget roles than their counterparts in parliamentary systems—especially as in some parliamentary systems rejecting the budget could bring down the government. But this does not mean that legislatures in presidential systems always play stronger roles in the budget process than their parliamentary counterparts: legislatures in some parliamentary systems make significant adjustments to the budget, and some presidential system legislatures act as rubber stamps. The British House of Commons makes very few changes to the budget, but Germany's Bundestag increases revenue and decreases expenditures (with the consent of the government). Mexico's Congress is an example of a legislature in a presidential system which used to simply accept the executive budget proposal, but since the loss of power by

the Party of the Institutionalized Revolution (PRI) has begun to make major changes in the executive's proposed budget.

Time to consider the draft budget: Another critical issue with regard to parliaments and budget power has to do with the amount of time legislatures are allowed to scrutinize, reflect on, and make (or propose) amendments to the budget. Very short budget consideration periods make it difficult for legislatures to receive much public input on the budget, or to make meaningful suggestions for changes. Longer budget consideration periods, especially if legislatures have access to budget experts and conduct public budget hearings, enable legislatures to make useful inputs—and sometimes changes—to the budget. The Organisation of Economic Cooperation and Development (OECD) published a study of 39 nations in 2003 comparing the length of time the legislatures in each of those nations had to study and comment on proposed executive budgets, and their findings appear in the chart, below.

Political environment and legislative capacity: As with lawmaking, a nation's political environment affects

How far in advance of the beginning of the fiscal year does the executive present its budget to the legislature?

	Number of countries	Percentage of total
Up to two months	10	26%
Two to four months	23	59%
Four to six months	5	13%
More than six months	1	3%
Total	39	100%

¹⁷ Philip Norton, 2003

the parliament's role in budgeting. The political environment includes the budget-making role parliament's leaders and members want to play—and the intensity of their desire; the willingness (or unwillingness) of the executive and other power holders (such as political parties) to allow parliament a greater role; and, demands from groups in society that parliament play a greater lawmaking role. History is also part of the political environment. The southern/western US states we mentioned above, where legislatures play a dominant role in budget-making, have histories of strong legislatures and weak chief executives.

A common shortcoming for parliaments wishing to be more effective in the budget process is lack of budget expertise. Executive budgets are large, complex, and difficult to understand (sometimes by design), and legislators need help to interpret them. Some legislatures address this need through hiring short-term experts to assist them in analyzing the executive budget, or rely on partnerships with academia or civil society groups who help them. A more expensive approach is to build budget expertise inside the legislature. Some legislatures build a budget assistance capacity within their professional

Expanding formal budget powers/increasing legislative budget capacity

Mexico: Amendments to Mexico's constitution effective in 2005 require the executive to present its budget a full two months earlier than previously, giving Congress more time to consider and make amendments to the draft budget. The amendments also require that the budget be approved a month earlier than before (November 15, rather than December 15), giving state and local governments more time to plan for the upcoming January 1 fiscal year.¹⁸

Nicaragua: Reforms made by the Nicaraguan Assembly after the Sandinistas were voted out of power in 1990 increased several National Assembly powers. One of these changes gave the Assembly sole authority to create, modify, and approve taxes.

United States: The Congressional Budget and Impoundment Control Act of 1974 created a new, more coherent budget process and created House and Senate Budget Committees to oversee the new budget process. The Act also created the Congressional Budget Office charged with providing committees with independent budgetary and economic information.

Uganda: The Budget Reform Act of 2001 enhanced parliament's role in the budget process in several ways:

- Similar to the US Congress' 1974 Act, it creates a Parliamentary Budget Committee, centralizing the budget process.
- It also created a Parliamentary Budget Office, staffed by 21 professionals who assist the Budget Committee and the Standing Committees.
- The Act informally extends the budget consideration period. The President is now required to send Parliament an "indicative revenue and expenditure framework" on April 1 (two and one-half months earlier than it sends the formal budget). Parliament proposes changes to the draft budget, and so far, the executive has incorporated several of these changes into the final budget it sends to Parliament.

¹⁸ Article 74, Constitution of Mexico.



research offices (Poland) while others have established stand-alone professional, non-partisan budget offices to assist legislatures in the budget process. Examples of stand-alone budget offices include:

- California's Legislative Analyst's Office (1941)
- US Congressional Budget Office (1974)
- Philippines Congressional Planning and Budget Office (1990)
- Mexico's Center for Public Finance Studies (1998)
- Uganda's Parliamentary Budget Office (2001)
- Korea's National Assembly Budget Office (2003)¹⁹

Strengthening the legislature's role in the budget process

There is not a "correct" level of budget authority and power for legislatures around the world, and, as we noted above, there are several factors within political systems which either encourage, or discourage legislatures from exercising strong budget powers. But budget power, like political power, is not static. It moves among political parties, executives and legislatures. In recent years several legislatures have expanded their formal budget powers and/or their technical capacity in the budget process, and several examples are provided in the text box, below.

What happens once legislatures approve and executives begin implementing budgets? The next unit on oversight examines how legislatures continue to stay involved and to ensure that budgets, once passed, are implemented effectively.

Discussion Questions

- Would you classify your legislature as a budget making, budget influencing, or budget approving legislature?
- What budget-making powers does your own parliament possess, and in what ways could they be utilized more effectively?
- Does the legislature conduct public budget hearings? Are there other means utilized to involve the broader public and interest groups in the budget process?
- Do civil society organizations and expert associations work with parliament in the budget-analysis process? Why or why not?

¹⁹ John Johnson and F. Rick Stapenhurst, *Parliamentary Budget Offices*, book chapter prepared for the World Bank Institute, June 2006.





5

OVERSIGHT

What This Unit Will Cover

- What is legislative oversight?
- Oversight tools and challenges
 - Question Period
 - Audit and oversight agencies
 - Public accounts committees
 - Other committees
- The importance of professional staff to conducting effective oversight
- Discussion questions

What is legislative oversight?

In Unit 4 we dealt with budgeting, which is the “before” role parliaments may play in helping to set spending priorities, approving methods of collecting revenue, and in amending the budget. Oversight, by contrast, is the “during” and “after” stage, looking at government spending and activities to determine whether there has been waste or corruption, and to ask “value for money” questions. One definition of oversight is the monitoring of executive activities for efficiency, probity, transparency and fidelity, to ensure that funds appropriated by the parliament are used legally, effectively, and for the purposes for which they were intended.

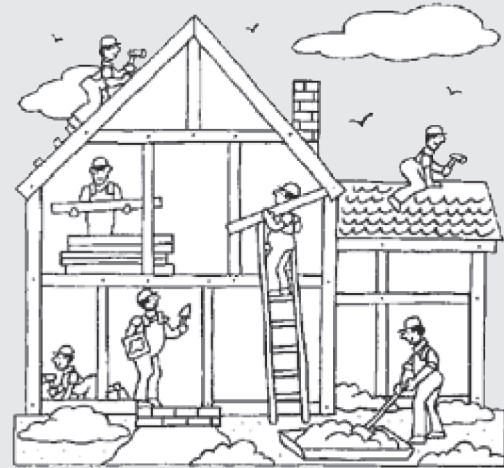


An Oversight Analogy

An example from everyday life may simplify the concept of oversight. Suppose that you hire a contractor to build you a home. You and your contractor agree on the plan for the home, the materials to be used, etc.

As the homeowner, you are “conducting oversight” every time you stop by and check on the progress of your new home, see that your contractor is using the quality of stone, glass, and other materials he promised to use, and try to ensure that your contractor is on schedule and within budget.

If unforeseen problems arise (workers were ill, bad weather kept them from working, the price of materials changed) the contractor will keep you apprised of the changes. A wise homeowner keeps an eye on the contractor’s progress.



Oversight tools and challenges

While the concept of legislative oversight is relatively simple, in practice it can be quite complex. Over the centuries legislatures have developed several tools to assist them in practicing oversight, and we describe several of them below.

Question period: In nations whose parliaments are patterned after the UK House of Commons, the legislature usually sets aside time each week for MPs to question ministers. MPs typically direct these questions in advance to the Speaker, who determines whether and when they will be presented to the appropriate minister for response.²⁰ Supplemental questions may also be raised during the question period. MPs use the question time to inquire into government projects in their constituencies, the performance of ministries, or any number of other issues. Opposition Members may use question times to gain political advantage, seeking to embarrass the government by pointing out shortcomings in its performance.

Some parliament members complain that the inability of parliaments to sanction non-responsive ministers weak-

ens the effectiveness of the question period. A vigilant press can help by publicizing what takes place during the question period, but Hon. Dan Ogalo of Uganda recommends that parliaments go further and reform their rules so that they have the authority to sanction ministers who are not responsive. He further recommends that parliament keep an accurate record of promises made by ministers, and if ministers fail to follow through on their promises that the legislature express its displeasure through a resolution.²¹

Audit and oversight agencies: A nation’s supreme audit agency (sometimes called the auditor general) typically conducts a yearly review of government spending and issues its report to the legislature. For obvious reasons,

²⁰ Speakers have the prerogative to decide which questions may be asked. A study in the Bangladesh Parliament for the period April 1991 – March 1994 revealed that a little over a quarter of the questions posed during this period were answered, nearly a quarter were rejected by the Speaker, and one-half lapsed. Ahmed, Nizam and Shahnaz Khan, *Legislative Studies Quarterly*, Vol. 20, No. 4 (Nov., 1995), p. 576.

²¹ The Uganda parliament does, in fact, keep track of promises made by ministers during the question period. Parliament’s Budget Office keeps a record of government promises and reports to the Parliament on promised kept and not kept.

auditors independent of the executive (i.e., those whom the executive cannot hire or fire, and whose budgets they do not control) are freer to conduct independent investigations of executive spending and programs than are those controlled by the Executive Audit agencies need sufficient funds and adequate staff if they are to conduct their work effectively.

Over time several audit agencies have evolved beyond conducting simple financial audits and have added what is known as value for money audits in order to determine not just whether funds were spent appropriately, but whether government programs obtained their desired results. The audit agency for the U.S. Congress is the Government Accountability Office (GAO). When it was founded in 1921, GAO clerks spent their time reviewing spending vouchers. While financial auditing is still an important part of its work, much of the GAO budget today is spent on in-depth program evaluations. The Wisconsin State Legislative Audit Bureau, which reports to the legislature, has both a financial audit and a program evaluation section. Approximately two-thirds of the audit staff members work in the financial section, and one-third in the program evaluation section.²² Audit agencies in many nations are often understaffed and under-funded, and consequently may be years behind in conducting audits.

Public accounts committees: The majority of legislatures descending from the British Parliament use public account committees to follow up on the findings of public audits. Since the creation of the Public Accounts Committee in the Gladstonian Reforms of 1861, PACs have become ubiquitous throughout the Commonwealth. The tremendous expansion and scope of government and of state-owned enterprises during the second half of the 20th century made PACs, which are charged with overseeing government expenditures, even more important.

PACs study public audits, invite ministers, permanent secretaries or other ministry officials to the committee for questioning, and issue a report of their findings. Typically, the government is required to report back to parliament on PAC recommendations within a specified period, usually two to six months. More often than not, opposition members chair PACs in the commonwealth.

Based on their findings, PACs often make recommendations to government ministries requiring that they change certain policies and procedures to improve their operations.

Public Accounts Committees face several challenges. For one, auditors general are often poorly funded, and their reports may be lengthy, complex, poorly organized, and difficult to understand. Funding and staff shortages mean that audit reports are often years behind, so ministry officials needed for questioning might have moved on. In many cases auditors general are appointed by the executive and so may have little incentive to uncover problems that could embarrass those who appointed them. Investigating report findings is time and labor intensive. Parliaments need professional staff, but they are often not available. Finally, governments are often not responsive to parliament, and there may be few tools at a parliament's disposal to compel government compliance.

Legislatures throughout the British Commonwealth are working to strengthen parliamentary oversight, and recommendations like those in the following text box indicate the direction that many are trying to take.

Other committees: The discussion on public accounts committees makes it clear that it is in committees—not parliamentary plenary sessions—that the tedious and time-consuming work of effective oversight takes place. In addition to PACs, legislatures use several other kinds of committees in conducting oversight, among them departmental committees, select (investigative) committees, and permanent oversight and investigative committees.

Departmental, portfolio, permanent, or standing committees: As the names suggest, these committees are responsible for legislation pertaining to—and for oversight of—specific government ministries, such as education, health, foreign affairs, etc. Acting in their oversight capacity, these committees often have authority to question ministers and staff of ministries, to ask about the implementation of budgets and laws, etc.

²² *Agency Information, Wisconsin State Legislature Legislative Audit Bureau*, <http://www.legis.state.wi.us/lab/AgencyInfo.htm>.

Strengthening the Public Accounts Committees and the Auditor General

What can be done to improve the work of public accounts committees and auditor-general offices? Following are several recommendations made at a regional seminar for Caribbean Parliamentarians.²³

PAC Members and Powers

- Ideally, ministers should not sit on PACs.
- All government ministries, statutory authorities and entities should be audited.
- PACs should be empowered to call anyone, including a minister, who is relevant to an inquiry.
- PACs should have legal power to compel witnesses to appear.
- Value for Money audits, not just financial audits, should be conducted.

Parliament

- Members should be trained in investigative and interrogation skills, and they should understand the role and practice of internal auditors.
- PACs should be provided with a high level of human, financial, technical, research, and professional support.
- All PAC reports should be tabled and debated in Parliament.

Methodology

- Issues should be prioritized so that workloads can be managed.
- PACs should meet in public except for procedural meetings and in the case of national security.
- PACs must be proactive in gathering information.
- Permanent Secretaries/Accounting Officers should be required to respond to PACs in a timely manner.
- PAC recommendations should be organized to allow effective monitoring of compliance.

Auditor General

- The PAC should ensure that the Auditor General's budget is adequate.
- The Auditor General should be autonomous and report to Parliament.

Permanent oversight and investigative committees: In the US House of Representatives, full committees (such the Committee on International Relations) have subcommittees responsible for the oversight of agencies, departments and programs within the jurisdiction of the full committee, and for conducting investigations within that jurisdiction. Some state legis-

latures in the United States have established oversight committees which have ongoing responsibility for re-

²³ *Informal Recommendations for Future Action*, from CPA Regional Seminar for Caribbean Parliamentarians: The Budgetary Cycle, Oversight and Public Accounts Committees. Port of Spain, Trinidad & Tobago, 5–8 July 2004.



Select Committees in Uganda and Kenya

Between 1997 and 1999, Uganda's parliament worked through its select committees to conduct nine high-profile investigations of government officials accused of corruption, two of which led to the censure of the Minister of State for Education and the forced resignation of the Minister of State for Privatisation. Following a parliamentary investigation of the vice president in her second role as Minister for Agriculture, the President was forced to remove her from her ministerial position and reshuffle the Cabinet. Presidential inquiries led to the departure of the President's own brother from an important post and other resignations in anticipation of censure or other actions.

In 2001, parliament established the Select Committee on Allegations of Mismanagement, Abuse of Office and Corruption in the Ministry of Defence to investigate payroll inefficiencies and procurement procedures. The committee recommended several improvements, which were implemented in the military. Among other issues, the committee investigated alleged embezzlement of 1.2 billion Uganda shillings meant for troops in the DRC, the purchase of military helicopters that could not fly, the purchase of rotten canned food for the military, and the purchase of ill-fitting uniforms.

Investigative committees typically do not possess enforcement powers, but their shedding light on the misuse of funds can have a deterrent effect on corruption, especially when the media covers corruption cases. The Kenya Parliament's Select Committee on Anti-Corruption and Economic Crimes release of its so called, "List of Shame" (naming 40 politicians involved in corruption, including some of the most powerful in the country) was one of the tools used effectively by the media in the overall fight against corruption in that nation.

viewing the activities of government departments. In the Wisconsin state legislature the Joint Legislative Audit Committee oversees the Legislative Audit Bureau, and together they conduct public hearings in likely audit areas as well as public hearings following up on past audits. A review of their website reveals the breadth of topics addressed in their public hearings (e.g., wildlife funding, IT systems in state agencies, child welfare, workforce development, sales tax distributions, fleet management, and more).²⁴

Temporary investigative committees: Sometimes called select committees, these are temporary committees whose jurisdictions are limited to investigating the matter for which they were established. The following text box illustrates the effectiveness of investigative committees in two African countries.

The importance of professional staff to conducting effective oversight

Audit agencies and legislatures need good quality, professional staff if they are to carry out effective audits and effective oversight. Auditors need to be well trained if they are to recognize and suggest remedies to problems they uncover. Those conducting value for money audits need an array of skills in order to understand program difficulties and to recognize possible solutions. Public accounts committees need skilled staff able to handle

²⁴ *Joint Legislative Office Committee Hearings, Wisconsin State Legislature Legislative Audit Bureau*, <http://www.legis.state.wi.us/lab/JCAHearingDates.htm>.



what can at times be crushing workloads, and the array of other committees involved in oversight need skilled professionals to assist the legislators in fulfilling their responsibilities. Professional staff and effective audit agencies and committees are expensive, and governments,

for both financial and political reasons, may be reluctant to pay for them. The costs of inadequate oversight, however, both economic and in the quality of government programs which suffer because of poor oversight, will be much higher.

Discussion Questions

- Describe the oversight powers of your own parliament.
- What tools does your parliament employ in conducting oversight? Could they be utilized more effectively?
- Do civil society, expert associations and the media assist your parliament in carrying out oversight responsibilities? Are there ways they could be brought into the process?
- How might oversight methods used in other nations in the region be applied in your nation?





6

PARLIAMENTARY COMMITTEES

What This Unit Will Cover

- What do committees do?
- Varieties of committees
- Developing more effective committees
- The debate on strong versus weak committees
- Discussion questions

This unit describes the work of committees, gives examples of committee configurations in different political systems, and provides information on developing effective committees. The unit ends with a discussion of the virtues of strong versus weak committee systems, and a chart comparing committees in the US Congress and the UK House of Commons.

What do committees do?²⁵

Legislatures, like other large organizations, accomplish more when they divide their tasks and responsibilities among smaller workgroups. In legislatures these groups are called committees or commissions. You have no doubt realized as you read through the units on lawmaking, budgeting and oversight, that committees are of fundamental importance to legislatures which wish to play strong roles in shaping policies and budgets and ef-

²⁵ Some of the information for this module is taken from a UNDP Internet document entitled, *Legislative Committee Systems*. 1999. <http://magnet.undp.org/Docs/parliaments/>



fectively overseeing the executive. Amending executive bills and drafting legislation; understanding, conducting hearings on, and amending executive budget proposals; and overseeing executive spending and program implementation simply cannot be done effectively at the plenary level. In a moment we will consider some keys to developing effective committees, but first let us examine some of the varieties of legislative committees which exist worldwide.

Varieties of committees

Types of committees: Committees may be temporary (ad hoc) or permanent. Ad hoc committees are formed to review particular bills or deal with specific issues (such as the select committees described in the previous unit) and are disbanded when their work is completed. Permanent standing (or departmental) committees' jurisdictions tend to mirror the structure of cabinet ministries, and may be involved in both legislation and in oversight. Other permanent committees may focus on oversight specifically (public accounts committees), or may be responsible for rules (rules committees), management, or housekeeping matters of the house.

How many committees? How many members?

Numbers of committees and numbers of committee members differs widely, and there is not necessarily any relationship between the numbers and sizes of committees and the size of the legislature. The French National Assembly, for example, has 577 members but just six permanent committees. Committee membership ranges in size from 72 to 144 members. Senegal's legislature, on the other hand, has just 120 members (about 1/5 as many members as France's) but twice as many permanent committees (11). As one might imagine, very large committees do not constitute "small work groups" and tend to be unwieldy and less effective than smaller committees. Large committees can be more effective when they divide their work among smaller subcommittees.

Who serves on committees, how are the members and leaders chosen, what do they do? Committee membership is often apportioned according to the size of party membership in the house (if a party has 30% of

the members in a house, party members might occupy approximately 30% of committee positions). In most (but not all) legislatures the number of committees on which an individual may sit is limited.

Committee leaders are generally selected only from the majority party in the US, but a majority of those legislatures with public accounts committees choose the chairperson from the opposition—he or she is sometimes the leader of the opposition. Coalition governments (those comprising a number of parties) may distribute committee chairmanships according to arrangements made while forming the coalition. In Latin America committee chairs tend to be changed frequently, in most cases every year, enabling political parties to regularly reward or punish chairpersons based on their performance or loyalty to the party. Committee chairs in Kenya and Uganda tend to stay on for the five year life of those legislatures.

Committee leaders have different roles in different governing systems. In presidential systems they usually lead the floor debate on bills over which their committee has jurisdiction, while in parliamentary systems this is the job of the relevant cabinet minister and the opposition spokesperson (sometimes the "shadow minister").

Open to the public? Legislative plenary sessions are commonly open to the public, and a growing number of legislative committee meetings are as well. South Africa's parliamentary committee meetings are open to the public, and citizens can find the dates and locations of committee meetings on the Internet²⁶. Some committee meetings of the British House of Commons are open to the public, and all committee meetings in Uganda and the United States tend to be open, except when national security is being discussed. Legislators opposing open committee meetings voice the concern that the presence of citizens and the press in the meetings will stifle open discussion and real debate.

²⁶ See South Africa Parliament website: http://www.parliament.gov.za/pls/portal/web_app.new_middle_column?p_page_name=HOME_PAGE

Developing more effective committees

Committees which exercise significant influence tend to:

- Have developed policy expertise through regular involvement in the particular policy area, and to have stable memberships (i.e., members and leaders stay on committees long enough to develop substantial policy expertise);
- Represent the diversity of the nation, and are able to reconcile differences sufficiently to come to agreement on issues in their areas of responsibility;
- Attract the efforts of interested parties from within and from outside the legislature who seek to influence the decisions of these committees;
- Provide a means through which legislative bodies are able to consider, in some depth and detail, a wide range of topics and to identify politically and technically feasible alternatives.

Committee staffing and information needs: Staff size, level of professionalism and access to resources reflect the relative importance of a legislature and of committees in a given system. Committee staff members may be institutional or personal (assigned to or hired by specific legislators), and carry out housekeeping and management responsibilities, arrange and staff committee meetings, conduct research, assist in drafting legislation, and provide expert advice. Increased responsibilities and information needs strain committee resources, and legislatures in several nations are building greater internal expertise to cope with this increased demand.

Effective committees depend on outside resources as well; they receive information and policy advice from interested parties, and may conduct hearings to gather information on budgets and policies, and to understand how well government programs are working. Information from groups representing economic, social and other interests enrich the policy-making process, and help ensure that policies better respond to the needs of society. In recent years growing numbers of non-governmental organizations, (NGOs), think tanks and Civil Society Or-

ganizations (CSOs) have begun providing information to legislative committees as well.

No-one bothers to lobby a weak legislature, and if you find that increasing numbers of groups and individuals are trying to convince you to support their positions, then chances are good that your legislature is getting stronger. While legislatures should be open to and interested in the positions of all sorts of interest groups, they need to regulate lobbies and pass ethics laws to keep legislators from benefiting personally from these interests and to keep groups from exercising undue influence.

The debate on strong versus weak committees

Several legislatures have developed or are attempting to develop strong committees, and they provide several benefits. For one, the increasing demands on modern legislatures require that legislatures divide the labor among committees, enabling them to get more done. Another advantage of strong, effective committees is that they provide a venue for members to discuss issues informally and to develop relationships with colleagues from other parties. Leaders, members and staff of strong committees provide continuity, stability and historical knowledge that weak committees with high turnover cannot provide.

Committees also provide a venue for additional points of view to be included in the policy process. The public and experts get to testify on public policy issues through hearings conducted by committees, and sometimes through committee meetings to which they are invited. Hearings also provide a forum where executive branch officials can be questioned. And finally, committees provide an opportunity for members of opposition parties to have a voice in the policy-making process.

There are criticisms of strong committees as well, and they have to do, fundamentally, with the type political system and the strength of party systems. Strong committees shift the balance of power toward the legislature, and away from the executive and political parties. For this reason, advocates of pure parliamentary systems (in which the legislature and executive are fused) do not

favor strong committees. They argue that political parties are the bodies directly responsible to citizens, and that the focus should be on them—rather than on committees. They fear that strong committees tend to reduce party

discipline and diminish distinctions between parties, and that they could undermine the executive. The expertise and power in strong committees makes them a point of potential competition for executives, and for parties.²⁷

Strong versus Weak Committee Systems — The United States and United Kingdom²⁸

Strong Committee Systems (US)

Committee **jurisdiction** is defined by subject matter, which tends to parallel the structure of the administrative agencies.

Membership/tenure on a given committee tends to last the entire legislative term and often during a number of terms—committee leaders may have more experience in a given area than the relevant Cabinet Minister or Secretary.

Chairmanships tend to go to the committee members with long experience on the committee.

There are several **permanent, or standing, committees**.

Weak Committee Systems (UK)

Committees are formed for the purpose of reviewing particular bills and then are disbanded.

Membership/tenure on a committee is temporary and doesn't encourage particular members to gain expertise. Expertise lies in the Cabinet Ministries.

The membership and leadership of committees is constantly changing.

Most committees are ad hoc.

Discussion Questions

1. Describe the committee system and its effectiveness in your own parliament. Has it undergone changes in recent years?
2. Do your committees conduct public hearings?
3. Which tends to be stronger in your legislature, political parties or committees? Why do you think this is so?
4. Are there efforts under way to strengthen committees in your legislature? Would you recommend strengthening parliamentary committees? Why or why not?

²⁷ According to one knowledgeable observer, "...the strength of a legislative committee system varies inversely with the strength of the party system in a legislature." S. Walkland, "Parliamentary reform, party realignment and electoral reform", chap 2 of D. Judge (ed.), *The politics of parliamentary reform*, 1983.

²⁸ *Legislative Committee Systems*, 1999, <http://magnet.undp.org/Docs/parliaments/>





7

POLITICAL PARTIES IN PARLIAMENT

What This Unit Will Cover

- General information on political parties in parliament
- Party and legislative leaders
- Party discipline
- Gender in political parties
- Discussion questions

General information on political parties in parliament

The institutional leadership, committees and political parties are the major means of organizing the work of the legislature and developing public policy. Committees are bodies created by legislatures to facilitate their work while political parties are external organizations who have influence through the members whom they have gotten elected to parliament. Members of the party in legislative and executive offices are called the party in government, and the members of the party in the legislature are often referred to as the parliamentary party.

In this chapter we are primarily interested in the parliamentary parties. Members of parties in parliament differ from others in the party—activists, voters, and at times those in the executive branch—because they are elected to office to serve as representatives of a larger public which can choose not to re-elect them, they have legislative responsibilities and obligations which include formal power over



policy decisions that are distinct from those in the executive branch, and they may be subjected to the lobbying efforts of different groups seeking to influence outcomes .

The role of political parties in a given legislature may be influenced by the type of governing system (i.e., parliamentary, presidential or hybrid); whether and how many political parties are in parliament; the relationship between the executive and legislature (are the president and the majority party/coalition from the same party?); historic and cultural developments; and the relative strength of internal party structures and resources.

What is a political party? Political parties are organizations that seek to win elections and to exercise power. Winning elections is fundamental to gaining that power, so parties must mobilize voters by appeals based on some common set of interests which can be based on ethnic, geographic, religious or tribal loyalties, as well as beliefs and ideologies. Political parties in the West grew out of craft guilds, professional associations, and interest groups. Parties in younger nations may have grown out of independence movements (e.g., Kenya's KANU and India's Congress Party) or more recently from armed movements fighting civil wars (South Africa's ANC and Rwanda's RPF). In some nations, parties have emerged around certain leaders, or through a civic movement to change the government. These parties face the challenges of building a party identity and constituency and developing party discipline within parliament. They are often inexperienced at being accountable to voters and may have few resources for developing internal party structures to make them effective players in parliament.

Political party systems: Modern political systems are often characterized as multiparty, two-party systems and one-party systems. In two-party democracies, the political party winning the most votes gains control of the legislature. In a parliamentary system, a majority win by a political party also gives the party control of the executive. The head of the winning party becomes the prime minister (chief executive), with party members being appointed to the cabinet. In presidential and hybrid systems—where the president and legislature are elected separately—political control of the legislature does not guarantee a party control of the executive branch and vice versa.

It is common in multiparty systems including those with parliamentary, presidential and mixed systems, for a party to win more seats than any other party, but not more than all or some of the other parties combined. Parties may then form coalitions to achieve a majority and, theoretically, pass legislation that meets its policy agenda and block opposition legislation. Party leaders in such situations know that the theory may not work out in practice, as coalition partners often find it difficult to compromise on their own agendas in order to arrive at a consensus with coalition partners.

In a one-party system, candidates are promoted or nominated by the single party and MPs do not organize within parliament on a partisan basis. In practice, one-party systems tend to reduce parliamentary autonomy. Yet even multi-party systems may act like one-party systems if a single party dominates and is able to suppress competition from other parties.

Party and legislative leaders

It is typically the leaders of the largest parties that determine who the formal leaders of a legislature will be, who will serve on the committees, and how, when and to where legislation will be directed and voted upon. Legislative systems vary considerably in terms of how much power a majority party shares with the opposition, the degree of autonomy from party leaders that committees are granted, and the scope of claims that parties can make on their members. We will illustrate some of the variations with examples.

Parties play an important role in determining the leadership of legislative institutions. In the US and some other presidential system, the presiding officer of the lower house, The Speaker, is also the leader of the majority party. In the Philippines, it is the President of the Senate, or upper house, which plays a role similar to that of the US Speaker. He or she is nominated by the majority party and then elected by the whole chamber.

Aside from leading the majority party as chief strategist and spokesperson, the most powerful Speakers have the following power over the chamber as a whole. The Speaker:

- Appoints members of the legislative committee that sets the legislative agenda for the entire chamber;
- Chairs the committee that appoints committee members and chairs;
- Chairs the sittings of the legislature to ensure rules of procedure are followed; and
- Acts as the administrative head of the legislature.

In systems based on the UK/Westminster model (including Canada, India and Israel), the Speaker of the Lower House often plays a nonpartisan role. The Speaker is elected by the entire chamber. While the Speaker is traditionally (but not always) from the majority party, he or she plays a completely impartial administrative and procedural role and must withdraw from all party activities once selected.

Party whips: Parties need to organize themselves to do legislative business, and most have some system of party whips to do that work. Party whips are elected party leaders who work with other party leaders to monitor the positions of their respective members on issues, maintain vote counts, and persuade their members to vote with the party. In the Westminster system, they are responsible for organizing the participation of members in debates.

Shadow cabinets: In some systems, particularly those in which there is one major opposition party, there are MPs designated to serve as a government in waiting. These people are the leaders of an opposition party or parties who are selected by their respective party to monitor the policies of government ministers. They are typical in parliamentary systems. They may lead opposition debate on the floor of the chamber on bills related to their shadow ministry.

Managing flow of legislation: In nearly all systems, the leaders of the dominant party have control the flow of legislation to committees and to the floor. In some systems, the leaders of opposition powers also participate in those decisions.

Party discipline

Party discipline—the idea that legislators must vote with their respective parties—is especially important in parlia-

mentary systems. Government MPs failing to vote with their party could bring down the government and result in the legislature being dissolved. Party leaders in parliamentary systems may view such MPs as a threat and not nominate them to run in the next election. To help ensure party discipline, important decisions are made in party caucuses (meetings of the parliamentary parties), rather than within the parliament itself.

In presidential and most hybrid systems, there is a looser connection between the chief executive and legislative leadership than in parliamentary systems. Members may be freer to identify with the needs of their constituencies (especially in single member districts), and committees—more than party caucuses—may be the place substantive policy work takes place. This is not always the case, however. In presidential systems in Latin America, for example, party leaders make most decisions in party meetings and committees tend to be weak.

Parties in parliaments encourage member discipline by meting out punishment and rewards and through naming and empowering party whips to enforce member adherence to party interests. Parliamentary leaders in presidential and hybrid political systems may also insist on party discipline—and punish members who do not vote with their parties—but the consequences of weak party discipline are most severe in parliamentary systems. In some parliaments, the whips also play a role in selecting the representatives of their party to participate in international parliamentary bodies and missions—a reward for faithful members.

An important common problem for all members of parliament who want to continue in office is getting re-nominated so they can stand for re-election. In those systems where national party leaders determine the party's candidates (such as in party list systems with proportional representation and large geographic constituencies), MPs must look to those leaders for support even before facing voters. In systems where re-nominating decisions are made by local leaders or groups, the incentives run toward pleasing locals and building local organizations.



Gender in political parties

A central issue for political parties is deciding who will stand as a candidate for the political party in the next election. These decisions affect the degree of internal control of party leaders (see above) as well as how representative the resulting legislative assembly is of the people who make up a country. Perhaps the largest deficit in the representativeness of parliaments is in their gender balance.

Political parties hold the key to accessing parliament, so it is at the party level that the almost unanimously endorsed principle of equality must be put into practice.²⁹ While the process of nominating candidates differs among political parties, if the parties are to accurately represent the general population, they should strive towards equal representation of women and men in positions of power and decision-making. Available evidence suggests that party leaders, a broader set of party officials, or significant portions of the people play the gatekeeper role in terms of women's and men's access to parliament and other positions of power and decision-making.

While political parties everywhere are increasingly voicing support for gender equality, women continue to be

marginalized within political parties. A study done by the Inter Parliamentary Union reveals that political party leaders are often reticent to nominate female candidates, fearing that they are liability and that the electorate will not be willing to vote for them.

A variety of devices for achieving a better balance have been adopted in different places. In some party list systems, political parties are expected to follow a gender quota for a party's candidates (naming a woman to every third position on the party list, for example, to ensure that one-third of the party's candidates are women). Another quota device is found in systems where party decisions on leadership positions (cabinet, legislative committee, etc.) are apportioned according to a gender formula. In other systems, there are reserved seats for marginalized groups (in Uganda they include women, the handicapped, youth and others). In Jordan, the defeated woman candidate with the largest proportion of the vote is awarded a reserved seat.

The real test for political parties is to move beyond the rhetoric on gender equality to reform their systems, structures, selection procedures and attitudes to make inroads for equal representation of women and men in positions of power and decision making.

Discussion Questions

1. Is your political system presidential, parliamentary, or hybrid? How does the type of political system affect the role of your political party in parliament?
2. Describe the some of the different challenges party members inside the legislature as compared with those outside of the legislature.
3. How significant a role do women play in your party? Does your party have a gender policy and mechanisms for ensuring equal representation within party structures and in party political positions?
4. How would you characterize party discipline in your parliament?

²⁹ Inter-Parliamentary Union, "Reports and Documents Series," No. 35, 1999.



8

THE ROLE OF OPPOSITION PARTIES

What This Unit Will Cover

- Political parties and democracy
- Types of political parties and their influence on parliamentary parties
- Varying roles of opposition parties
- The special role of parliamentary opposition parties in a democracy
- Discussion questions

Political parties and democracy

Since this is a handbook for legislators, we are primarily interested in how legislator behavior is affected by the political parties which helped them to get elected and how parties help to shape parliament's relationship with the executive branch.

In most systems, political parties are considered the chief link between people and their government. To link people with their government, parties must exist at a number of levels: party in the electorate (voters), party as organization (activists), and party in government (elected and appointed officials). Voters may be tied to parties by tradition, tribal and regional identities, ideology, and the expectation of material gain. The characteristics of these voters, in turn, define the base from which party appeals for support are constructed.

To do the work of mobilization, parties must also exist as organizations of loyalists or members active between elections. The party as organization requires



resources like money and other rewards to continue to function. Those resources, it turn, come from either controlling government or the support of those who seek to influence government decisions.

Finally, parties exist in the form of party members occupying government elected and appointed positions. The members of a party in the legislature form an important and distinctive intermediary group because they must respond to both the party organization that has selected and supported them and to the voters who have elected them. This chapter deals with those party members who have been elected to parliaments.

Political parties are organizations that seek to win elections and to exercise power. When parties compete over elections and how to use the power of the state, they make valuable contributions to effective democracy by organizing choices for otherwise atomized voters and using the sometimes fragmented mechanism of the state to govern.

Gaining power in democratic systems requires winning elections. To win elections parties must motivate voters to participate by identifying and articulating their interests in campaigns and get them to the polls on election day. When these efforts are undertaken by competing political parties, voters are presented with choices of whom to vote for and presented with competing reasons why they should support one party's candidates over another. In this way, parties identify what groups of voters want, and provide a means of achieving these goals by casting votes.

Nearly all constitutions divide executive and legislative powers to some degree, and all systems require some level of cooperation for effective functioning. Legitimacy depends on executives who rule according to laws passed by the duly elected representatives of the people. Effectiveness requires a degree of cooperation between the branches. Ruling parties provide a means of connecting people in those different branches and facilitating cooperation between them. How parties perform this connective function varies from the often tight hierarchies of parliamentary systems to the looser cooperation between party organizations that characterizes presidential-congressional systems.

While the task of the ruling party in government is to coordinate executive and legislative efforts to advance the party's goals, the role of the opposition parties tends to be more varied (see below).

Types of political parties and their influence on parliamentary parties

Political parties vary considerably in terms of how they are organized and how they function. And these and other factors influence how party members behave as legislators. There are many classification schemes for parties and many variations on types. The following is a list of party types that are commonly encountered in emerging democracies.

Cadre parties: A political party can be created from an armed political movement that has waged war to take power. Such parties are often hierarchically organized, membership is tightly controlled, and orders are issued from bodies at the top with the expectation that those below will obey. When such parties are in control of government, the executive branch is dominant and the party controlled legislature does as it is directed. Parliamentary members of the ruling party in Ethiopia and Vietnam, for example, are expected to accept party discipline and follow the directives of their party's top councils. Often such parties are in transition from secretive and exclusive revolutionary bodies to more broadly based movements under pressure to operate with greater transparency.

Parties organized around a well known individual: Leaders attract followers for a variety of reasons associated with who they are or what they control: personal charisma, claim to traditional authority over a group, wealth, etc. So, for example the parliamentary followers of Silvio Berlusconi in Italy or Raila Odinga in Kenya are expected to follow their leaders' directions.

Parties of notables: Individual leaders may have their own followings based on standing in a tribe, ethnic group, or a web of other patron-client relationships. These individuals, in turn, cooperate with other leaders to produce a party with a larger appeal than the nar-

rower basis of their individual power will support. When groups of notables control a party, as in the Lebanese system which recognizes allocations for national groupings, they bargain among themselves to determine the conditions under which they will cooperate in a coalition. Japan's Liberal Democratic Party was also described as a party organized around individual factions. In such systems, it is a coalition that governs and that balance is reflected in the composition of the executive and legislative branches. And it is the leaders of factions that control their members rather than a single unified party body.

Corporatist parties: Another common form is a corporatist party that draws its support and character from other organized groups in the society on whom it relies for electoral support and manpower. These other groups include unions, churches, voluntary associations, and organized business groups. The party draws on the appeals of such groups to citizens and works, in turn, for the advancement of those group's goals. Examples of such parties include Mexico's Party of the Institutionalized Revolution (PRI), Poland's Solidarity and Italy's Christian Democrats. The degree of parliamentary party discipline in such systems varies according to the degree of cohesion and unity in the party's major constituent elements. In civil society based movements (environmental groups in the Green Parties, pro democracy groups in transitioning systems in the former Soviet Union), an internally democratic consultative model was followed because of their commitment to both intra and inter party democracy.

As the foregoing suggests, the amount of discretion that legislators have to make up their own minds and to act independently of party varies considerably depending on types of parties and on whether or not their party controls the government. When tightly controlled cadre parties control both the executive and legislative branches, they combine to exercise tight control over the parliamentary party.

When parties do not control the executive branch, the executive does not reinforce party leader control and may even use his or her office to undermine the opposition by wooing its MPs through individual favors. When the leadership of opposition parties is divided, and/or when parties exist as loose coalitions of groups, there is also more room for MPs to choose from competing claims on them.

Varying roles of opposition parties

The roles of opposition parties vary considerably. In one party dominant systems, they may be banned from participation at all as was the case in Uganda before their recent move to multi-party elections, or heavily regulated as in Rwanda. Where one party is heavily dominant it uses its power to create rubber stamp legislatures which typically have little scope for either the majority or minority party's members to influence executive decisions. So we will concentrate our attention on systems in which there is at least some room for an opposition. We will briefly describe a range of possible roles for opposition parties ranging from a highly organized, institutionalized opposition party organized to provide a comprehensive alternative vision of government, to opposition parties which have little cohesion and whose participation is particularized and fragmented. There are, of course, many opposition party examples in between those poles.

An institutionalized opposition offering a comprehensive alternative to the government in power:

(The Westminster model of government and loyal opposition) In the U.K. (and many Commonwealth nations) a single election determines who controls the legislative and executive branches and for most of its history only two parties have had a realistic chance of winning. The same party always controls both the executive and legislative branches. The majority organizes the government and its leading members become ministers, and the minority party becomes the opposition. As long as the majority party remains cohesive the minority cannot prevail, so party discipline is emphasized and enforced. The parliamentary opposition organizes itself as a shadow government. The official role of the opposition is to scrutinize the government's actions and the political role is to find enough fault to improve its chances of winning the next election. At its best, the opposition's role is to provide extensive oversight across the range of the government's activities and to identify problems that have resulted. Common devices include the question period in which ministers respond to MP queries, oversight committees that investigate executive activities, and the access to mass media that parliamentary membership confers.

A less cohesive two party system: (presidential-congressional systems with two party competition) In the United States, presidents and national legislators are elected on separate ballots and for terms of different length. Members of Congress and the Senate, in addition, are nominated and re-nominated in systems which national party leaders have little influence. Two important sources of external control—executive power and party leadership—have not operated as strongly in the US national system as it has in other systems. So the majority party is less cohesive and its members are less likely to subordinate their constituency goals to those of the party. The desire for re-election has led majority party and minority party representatives to emphasize serving geographic constituencies. And the political space provided by weaker systems of external control has encouraged the development of a powerful committee system which has put legislators in positions where they often control resources important to the executive. So while national political party competition shapes the contest for the Presidency, it has been less of an influence in determining the relationship between the executive and legislative branches. To govern, presidents need legislative support which cannot always be delivered on the basis of the president's position in a party hierarchy. This means that governing requires a more constant process of bargaining with members of the legislature, sometimes giving members of the minority party in key legislative positions influence that is not available to their counterparts in Westminster type systems. So a single election for national office does not guarantee that a party's program will prevail, and governing requires a more constant process of bargaining and adjustment between the executive and members of both the majority and minority parties.

Oppositions as voices of protest: At the other end of the continuum from the loyal opposition are systems where opposition parties do not see their role as posing a comprehensive alternative to the existing government or a role in modifying the government's policies through negotiation and compromise; these are parties that see their role as bringing down the government. As elsewhere, the goal of these opposition parties is to win power, but the means chosen is to constantly criticize, to disrupt and to delay. These moves, it is hoped, will

destabilize the government and present an opportunity for the opposition party or parties to gain power. While not always part of an on-going system, such behavior has been seen in parliamentary opposition parties in Pakistan and Nigeria.

The special cases of divided government: Divided government, where one party controls the executive but does not control the legislative branch, is technically impossible in pure parliamentary systems. But such outcomes are possible in presidential-congressional systems and in other systems which elect the chief executive separately from members of the legislature, including the French system (which has a nationally elected President and a Prime Minister elected by the legislature) and other hybrids.

Recent U.S. history saw divided governments when the Republicans controlled the presidency and the Democrats Congress under Presidents Eisenhower, Nixon, and Reagan and partially and briefly during the Bush. The situation was the reverse (the Democrats controlled the Presidency, and the Republicans the Congress) under Clinton. The presidential-congressional system of Liberia, modeled on that in the U.S., along with the large numbers of presidential candidates and the absence of national parties following the civil war, produced a divided government in that nation's recent election. The President and her supporters do not have majorities in the Liberian House and Senate. In Malawi, President Mutharika quit his old party to create a new one. As a result, he does not have a majority in Parliament.

In these and other mixed systems, the chief executive represents one party while the legislature is controlled by his or her rivals' parties. Yet the executive must have some cooperation from those opponents to pass the budget, approve appointments to executive office, and do the other things necessary to govern.

In such situations the executive may seek to govern by peeling off people in opposition parties to support the government's budget and legislative program. Executives can deal with the task of winning over enough of the opposition to govern in several ways. First, the executive can expand his or her coalition to include enough minority parties to govern, as was done in Kenya by

President Moi in his next to last term. Second, the executive in quasi-parliamentary systems can name former opposition MPs to his cabinet or sub-cabinet to win their votes. Presidents Moi of Kenya and Mutharika of Malawi used this technique. Third, in presidential-congressional systems where the cabinet is not made up of MPs, the president can use the patronage and other powers of his

office to reward opposition members of the legislature for their support, as in the Philippines. Fourth, executives can put something in the budget that will appeal to the lowest common denominator of legislators to get them to vote for it. Examples of this approach include increases in per diem paid to members (Malawi) and vehicles for their use (Liberia).

Collaboration and Political Parties in Africa³⁰

Oliver S. Saasa made several important points about political parties in Zambia, many of which are applicable throughout the world.

- Multipartyism is good for democracy because it allows greater numbers of people—even those with limited resources and little power—to be represented in the political system.
- The good will of the government is not sufficient to ensure that people's needs are met if government does not know what those needs are.
- A popular voice must be brought into policy-making.
- Opposition parties can act as "checks and balances" on governmental power, but opposition parties in Zambia are too weak to do this effectively. They lack human and material resources; they have not been able to define an identity for themselves distinct from the party in power; and the ruling party has been able to co-opt opposition figures.
- One reason inter-party dialogue is so difficult may be that there is no neutral word for "opposition" in African languages. In Africa, opposition implies permanent disagreement and hostility, and does not fit with the Western concept of a "loyal opposition." Any form of dissent is treated as destructive of the political and social order.
- All political parties should recognize their need for dialogue.
- There are positive changes in Zambia today, including a well-represented opposition in Parliament, an increasing number of private members motions, and a growth of non-partisan discussions in committees.
- If opposition parties are to adequately fulfill their roles, parliament needs additional constitutional powers (such as committee power to recommend sanctions to the Executive for individuals misusing public funds, powers to determine the upper limits of government borrowing and approve loan agreements), and additional resources to provide MPs with technical capacity and expertise for debate and decision-making.

³⁰ Key points excerpted from a speech by Oliver S. Saasa in Lusaka, Zambia, August 16–18, 2003. From *MP's Orientation Handbook*, SADC Parliamentary Forum, Windhoek, Namibia, 2004. pp. 45–46.

As the foregoing illustrates, when executives can buy the support of opposition MPs, it diminishes the ability of opposition parties to perform their functions of representing their constituents or to offer an alternative vision to that of the government.

The special role of parliamentary opposition parties in a democracy

Opposition parties represent those who have lost the election for control of the executive. Executives are most likely to be influenced by those who voted for them and by the needs of government agencies that they con-

trol and must run. An important function for opposition parties in parliament, then, is to represent the views and needs of those who are not represented by the executive and whose concerns might not be heeded by ministries.

Thus the proper function of the opposition is to expand transparency, as well as access to lawmaking, budgeting, and oversight. Opposition parties should use their legislative positions to bring in a wider range of concerns and act on the part of those who are not in the dominant party's coalition or located in cabinet departments. In this manner, they bring information to those who control government that they would otherwise not have considered and which can be used to improve policy decisions.

Discussion Questions

1. Do any of the party types described in this chapter (i.e., cadre party, Parties organized around a well known individual, parties of notables, corporatist parties); accurately describe parties in your political system?
2. Do organized opposition parties operate in your system? If so, how well-organized and effective are they?
3. How might a well-organized opposition in the legislature complicate the task of governing? What benefits can (should) it provide to the system?



9

KEYS TO BEING A SUCCESSFUL PARLIAMENTARIAN³¹

What This Unit Will Cover

- Keys to being a successful MP
- Discussion questions

As important as the technical detail included in these units is for MPs, it means little if legislators are not effective in their dealings with constituents, staffs, other MPs, the media, and their families. In 2003, Deputy Clerk Patrick Gichohi of the Kenya Parliament drafted a guide designed to help MPs in these very practical areas. Mr. Gichohi presented a summary of the booklet in the two pilot SADC PF seminars in 2003. His sessions proved to be very popular, and much of what follows is excerpted from his booklet. Some of the information in this section may not be exactly relevant to parliament, but we think the practical wisdom it includes can be useful in a number of nations.

Honor the Parliament as an institution: Great institutions grow out of men and women of great character. To work well, government requires a bond of trust between citizens and their representatives. It behooves every member of the house to grow and develop this trust. Developing trust calls for understanding, patience and a realization of a common purpose and destiny. Every member should try to appeal to the best instincts in colleagues, talk about what they stand for and what they intend to do during their term, and work as hard as possible to achieve their goals.

³¹ This chapter is re-produced from *MP's Orientation Handbook*, SADC Parliamentary Forum, Windhoek, Namibia, 2004. pp. 47–52. Punctuation and language as in the original.



Know the standing orders: Being an effective legislator depends on knowing the standing orders (rules and procedures). Just like in a game of netball or football, a brilliant player who does not know and respect the rules of the game will lose. The same applies to parliament. You need to know the rules of the game.

The first-time MP is well advised to carry the standing orders book at all times. They can refer to it as they observe the process of parliamentary democracy unfold. The standing orders might seem strange to the first-timer, but with a little exposure they will start to make sense. Knowledge of the rules of the house will make a difference in your legislative career, whether it is just beginning or is several years old. Get acquainted with experienced parliamentarians across party lines and seek their advice routinely.

Adhere to the code of ethics: When you become a member of the house you receive the title, “Honorable.” and become responsible for conducting yourself in a manner that befits the title. Every member shares responsibility for the way parliament and its members are viewed. The public demands a higher standard of conduct of those individuals upon whom they confer such an honor.

Understanding legislative etiquette and ethical responsibilities is vital, not only to the institution and the constituents, but also to every member’s career. “If it won’t appear good tomorrow, don’t do it today.” That’s the advice a veteran American legislator gave in judging those instances that are perfectly legal, but could raise questions about a member’s behavior and character. Make sure you understand and adhere to the code of ethics. Politicians are rarely prepared for close scrutiny of their behavior. Ask yourself, “Would I be embarrassed to see my actions reported in the newspaper?” When in doubt, seek expert advice on the code of ethics and then make your judgment.

It is sometimes hard to be sure how to act but there are two important pointers: Avoid anything that could be interpreted as a conflict of interest. Even the appearance of impropriety would be disastrous for your career as a parliamentarian. Secondly, adhering to rules and agreed upon practices and norms is cardinal to every parliamentarian for effective leadership/debate.

Always keep in mind that your “enemies” are watching and waiting to strike.

Get legislative help: An MP cannot be an expert in everything. Pursue committee assignments in your areas of interest and be ready to help negotiate an issue even if you are not the major sponsor. As you become expert on specific issues, you will be the member colleagues turn to for help and information. This will assist you in developing your negotiating skills and in building your reputation among your colleagues and the larger citizenry as a serious lawmaker.

Parliament has facilities to assist you in building a legislative career. Seek advice, knowledge and experience freely. Members are also important resource people. Seek information where it can be found, keeping in mind that information is power. Lobbyists and pressure groups are paid representatives whose job is to sell a particular point of view and are ever willing to give information promoting their views. Always remember though, that every coin has two sides, and so does every issue.

The legislature has staff in which members can trust. Every member should consider the benefits of hiring specialized staff. If you do hire staff, be sure to take advantage of their assistance for research and briefings before every committee meeting. You should also take time to review the bills or motions on the agenda with legislative staff. You will be more effective and your point of view will influence the decision of the committee and parliament at large.

Engaging the media: The communications media is the link between the public and representatives in the legislature, and is thus an integral part of any democracy. Reporters have a responsibility to keep the public informed and should take that charge seriously. Members of Parliament have a duty to contact reporters regularly to inform them of their position on issues and what they are doing.

Maintaining a good working relationship with the media is as important as is maintaining any other complementary partnership. There are instances when the media do a good job and deserve acknowledgement and praise,



and there are times they might cross the line and deserve constructive criticism. The legislature needs to develop a rapport with the media, just as one must develop an open channel of communication in a partnership with a spouse, siblings, business or professional colleagues. The media serve as the barometer of public opinion, so you need to keep a keen eye on the issues they raise.

Watch out for overexposure by the media. Media hype has been known to build one up and also to bring one's career crashing down. A reasoned response to media reports is essential in building and sustaining a legislative career. Consider when and how to react to media reports. This discretion will earn you respect and confidence.

Manage your time: There are few careers as time demanding as that of an honorable member. A legislator is on call 24 hours a day. Time is a scarce resource that must be well managed. Organize, prioritise and commit yourself to those things you consider important and you will always be one step ahead in legislative work. An effective legislator is always punctual, gets to the floor on time, keeps appointments, and gets to committee meetings on time. The manner in which you manage your time reflects on you as an individual. The parliamentary calendar is very strict; if you miss a date to introduce a bill or motion, it could be a whole year before you get another chance to do so.

Every legislator also has a personal private life that demands time. Just as it is crucial to attend to your duties as a legislator, it is equally important to attend to your non-legislative responsibilities. You cannot afford to ignore these duties and break links with family and other colleagues; at the end of your term, when you revert to private life, you will need these links.

Know when to take the microphone: A great part of a legislator's job involves making speeches. Prepare before you speak. Some great speakers have stated that it takes ten times as much time to prepare a speech as to deliver it. A person's character is revealed by their speech. A powerful speech is not measured by its length; be brief and to the point and don't try to speak on everything. Always do your assessment before speaking on the floor. Speaking on every bill or going to the microphone too often will diminish your effectiveness.

Civility in speech is not only decorous and befitting an Honourable member; it indicates that the speaker has prepared. A well-balanced speech is more likely to be listened to by all sides than an inflammatory one full of innuendos or insults.

Be part of the solution: There is a common saying, "If you are not part of the solution, you are part of the problem." Controversial, even inflammatory issues will often be brought up in parliament, and some will occur in your constituency. As an elected leader, many people will be watching how you react to such situations and many will take their cue to speak or act from you. You must always consider the consequences of whatever course of action you choose.

Jumping on an issue to enhance your visibility is politics at its worst. Use your skills and your office as a parliamentarian to help find solutions. Whether it is a new bill in parliament or a community project, work with local agencies and government to find the best solutions. Ask questions, do research and show that you can be a positive influence both on your fellow parliamentarians and on the community at large.

Being a solution seeker sometimes means working with people with whom you might not agree politically. Seeking solutions entails building consensus and being willing to compromise. It helps to approach issues with an open mind rather than with a set position; adopting a new position as a result of new insights is a mark of strength and not weakness. Leadership demands a levelheaded, non-emotional approach to issues, and accepting that you may be wrong. The politician driven by a desire to use his or her position and influence to solve the problems faced by the country and mankind in general becomes a statesman or stateswoman.

Don't burn bridges: There are neither permanent enemies nor permanent friends in politics. At times you will be upset with or even loathe certain colleagues, but remember that today's adversary may be tomorrow's ally. As long as members separate the individual from the issue, it will be possible to debate and discuss rationally and decently. You should develop a reputation for being forthright and honest, and expect to be treated as you treat those with whom you disagree. No matter where



you are in your parliamentary career, you will need good relations with your colleagues.

Be gender sensitive: Politically prudent MPs are gender sensitive, because women as the majority of supporters of political parties in the SADC region wield huge potential power. If a female MP takes a stand she is accused of being too sensitive, overbearing or plain ridiculous, and even women join in the mockery. MPs who seek to be effective in parliamentary work need to be gender sensitive. Starting with the language they use in and outside Parliament. For example, using “he” to also mean “she,” “manpower” instead of “staff,” “one man one vote” instead of “one person one vote,” “Chairman” instead of “Chairperson” or “Chair,” and other informal and formal parliamentary language, signals to women that parliament is a male preserve. As a bottom line, gender-inclusive language should become the norm for all MPs and in all parliaments. Some indicators for gender sensitive MPs:

- Do not assume that all people will be affected by or benefit from laws, policies and programmes in a uniform manner;
- Ensure that opportunities to promote gender equality are identified;
- Ensure that adequate resources are allocated to address gender issues;
- Monitor the implementation of commitments on achieving gender equality;
- Consult and engage both women and men in the constituencies, and promote women as decision makers;

- Use gender sensitive language;
- Do not use the excuse of “culture” to justify failures to achieve gender equality and sensitivity.

Vote your conscience: Be careful about measures you choose to support. History is replete with examples of members who sign on to bills and motions only to renounce them when they come up for debate on the floor. Scrutinize bills and motions beforehand to avoid the embarrassment of having to vote against a bill or motion you have signed on to.

There are instances when, after you have promised to vote a certain way, you get fresh insight or information that leads you to change your mind. When this occurs, make your new position known to all. Credibility is the golden coin of any parliamentarian.

Stay in touch with constituents: It is easy as a member of the house to be consumed by the grandeur of the position and forget that all members are responsible to citizens. Constituents will not always agree with their leader, but they will respect such a leader for thinking through the issues and consulting them before arriving at a decision. Remember to return phone calls, answer letters, have meetings and do whatever it takes to ensure that the constituents know what you are doing. It is difficult to build a strong bond with your constituents simply through press releases. However, if you are a skilled writer, consider writing a weekly column for your constituents and the general public.

Discussion Questions

1. Why is it important that parliamentarians be gender sensitive? What might you or your party do to better respond to the needs of women and men, boys and girls?
2. What specific ideas from this module might help you succeed as an MP?
3. In which of these areas do you consider yourself in need of improvement? In which do you consider yourself especially strong?



10

PARLIAMENT'S REGIONAL AND INTERNATIONAL ROLES

What This Unit Will Cover

- Approving treaties and financial agreements
- Overseeing implementation of international protocols and agreements
- Participating in international parliamentary associations
- Discussion questions

As a legislator, your representation, lawmaking and oversight responsibilities and privileges do not always end at your national boundaries: they may extend across your region, and even worldwide. In this unit we cover three types of legislator responsibilities which have international implications:

- Approving treaties and financial agreements;
- Overseeing the implementation of international protocols and agreements, and
- Participating in international parliamentary associations.

Approving treaties and financial agreements

Treaties and financial agreements with other nations or with international lending agencies impact on the life of constituents, and MPs have a respon-



sibility to understand, and, in many nations, a constitutional obligation to approve—or not approve—such agreements.³²

Sometimes legislatures delay ratifying treaties, or fail to ratify them altogether. The START II nuclear weapon reduction agreement between the United States and Russia is an example of a treaty whose ratification was delayed several years. Presidents George Bush and Boris Yeltsin signed the weapon reduction agreement in January 1993, but it took the US Senate three years (until 1996) to ratify the START II treaty. The Russian Duma delayed signing the treaty over seven years, until May 2000, because several members felt Russia was giving too much in the agreement.³³

One of the most famous cases of an unsigned treaty was the US Senate's failure to approve the treaty—negotiated by US President Woodrow Wilson—establishing the League of Nations after WWI. A majority of Senators were willing to ratify the treaty, but there were insufficient votes to reach the two-thirds requirement established by the Constitution.

There are other instances when legislators responsible for voting on treaties and other international agreements and are unaware of the agreements, or even unaware that they have this responsibility. National constitutions and a legislature's standing orders should specify legislative responsibilities with regard to treaties and international agreements, and foreign ministries should be able to provide copies of treaties and pending agreements to legislators.

Similarly, laws in some nations require executives to report to national legislatures on state indebtedness—and this includes foreign indebtedness. Uganda's 2001 Budget Act requires the President to provide detailed reporting to Parliament on loans and grants. It also requires that the President receive prior approval from the Parliament before making supplementary expenditures in excess of 3% of the national budget (and much of the debt, and the spending, come from foreign loans).³⁴

In nations where legislatures are required by constitution or law to approve treaties and/or international loan agreements, legislators have the right to request copies of pending foreign treaties and loan agreements and at

least make sure that they understand the agreements they are allowing their state to enter into.

Overseeing implementation of international protocols and agreements

International protocols and agreements: In addition to treaties between nations, most countries in the world have signed on to several international protocols and agreements in which they agree to abide by international standards. These protocols may oblige nations to take certain actions, implement policies, and ensure compliance with international norms. Legislatures, as part of their oversight responsibility, have a role to play in ensuring that their countries comply with these agreements. Legislators should be aware of the international protocols and agreements to which their nations are a party. Foreign affairs ministries maintain these records, and UN websites have information on human rights treaties, including the names of countries which have signed them and the dates signed. If legislators uncover and are attempting to end specific human rights abuses, having copies of relevant human rights protocols their nations have agreed to can strengthen their hand.

Common international human rights protocols to which your country might be party include:

- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);

³² Several national constitutions stipulate the legislature's responsibilities with regard to treaties and international agreements. Among the duties and powers of the National Assembly of Vietnam, for example, is, "To decide on fundamental policies in external relations; to ratify or nullify international treaties signed directly by the State President; to ratify or nullify other international treaties signed or acceded to at the proposal of the State President." Viet Nam Constitution Article 84:13. Article 2, Section 1 of the US Constitution, states that the President "... shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur." Section 75.22 of the Constitution of Argentina empowers the Congress, "To approve or reject treaties..."

³³ Philipp C. Bleek, "Russia Ratifies START II, Extension Protocol; ABM-Related Agreements Also Approved" Arms Control Today, May 2000. http://www.armscontrol.org/act/2000_05/ru1ma00.asp

³⁴ Uganda Budget Act 2001, Sections 12 and 13.

- Convention on the International Criminal Court (ICC);
- Millennium Development Goals (MDGs);
- The Universal Declaration of Human Rights;
- The International Pact on Economic, Social and Cultural Rights;
- The International Pact on Civil and Political Rights and its empowering Protocol;
- The Convention on the Prevention and Punishment of Genocide;
- The International Convention on the Elimination of all Forms of Racial Discrimination;
- The Convention against Torture and other Cruel, Inhuman or Degrading Treatments or Punishments; and
- The Convention on the Rights of the Child.

Poverty Reduction Strategy Papers (PRSPs):³⁵ PRSPs are plans prepared in low-income countries describing macroeconomic, structural and social policies and programs countries will pursue to promote growth and reduce poverty. PRSPs are meant to be developed through a participatory process involving both domestic stakeholders and external development partners who help provide financing for the plan. Unlike plans focusing only on macroeconomic policy, PRSPs are meant to be:

- Country driven (“owned” by the host nation, and developed with the assistance of civil society);
- Results- oriented and focused on outcomes that will help the poor;
- Comprehensive, attacking poverty on several dimensions;
- Partnership-oriented, with participation from government, domestic stakeholders, and donors; and
- Based on a long-term perspective for poverty reduction.

Legislatures and legislators can make major contributions to the PRSP process. First, because legislators in many systems maintain close contacts with citizens, groups and leaders in their constituencies, and are often local leaders themselves, they can help ensure local participation in the development of national PRSPs. Legislators could be involved in or even host public hearings in which citizen and group input is sought for developing the PRSP. Second, legislators should familiarize themselves with their PRSP and, as one of their oversight functions; make sure their nation in implementing it faithfully. And third, once a PRSP has been in place for some time, legislators might conduct public hearings to determine how well the plan is working, and, if appropriate, to suggest amendments to the plan.

Participating in international parliamentary associations

A third responsibility, and privilege, for legislators is to participate in regional or international parliamentary associations. There are three types of relevant organizations—regional assemblies, associations of parliaments, and associations of parliament members. The second and third types of organizations work directly with national legislatures and legislators, so we will focus on them primarily.

Regional assemblies: First, regional assemblies are deliberative bodies comprising either elected members (the Central American Parliament, PARLACEN, for example) or appointed members (as in the case of the East African Legislative Assembly). These regional assemblies often work on cross-border issues (such as sharing of natural resources among states in the region, cross-border crime), reducing trade barriers, regularizing laws and procedures among nations in the region to facilitate trade and development.

³⁵ You may find information on PRSPs (including a copy of your own PRSP, should your nation have one), by going to Internet at <http://www.imf.org/external/np/exr/facts/prsp.htm>

Associations of parliaments: These are worldwide or regional associations of parliaments generally established by parliaments themselves and designed to provide benefits to member legislatures and legislators. The parliamentary associations tend to be funded by dues from member parliaments, and sometimes through some of the other activities they conduct. Examples include the Interparliamentary Union (IPU) and the SADC Parliamentary Forum (SADC PF)

Interparliamentary Union: The largest and longest established parliamentary association is the Inter-Parliamentary Union (IPU). Established in 1889, the IPU "...is the international organization of Parliaments of sovereign States." Approximately 140 parliaments are members of the IPU, and seven regional parliamentary associations are associate members. Among its other functions, the IPU fosters coordination and exchange of experiences among parliaments and parliamentarians (conducting both worldwide and regional meetings), maintains useful databases of information on member parliaments, and works closely with UNDP in conducting some parliamentary strengthening activities.³⁶

Southern Africa Development Community Parliamentary Forum: SADC PF is an example of a regional parliamentary association. SADC PF calls itself the voice of parliamentarians in SADC and it seeks to enable regional integration. Specifically, its mission is "To bring about a convergence of economic social and political values in SADC and help create the appropriate environment for deeper regional cooperation through popular participation." SADC PF conducts election observations in the region and has recently established a leadership training center to provide assistance to member legislatures and legislators.³⁷

Associations of parliament members: And finally, parliament members themselves—sometimes with assistance from international donors—have established several associations pursuing specific good governance or policy objectives. These include, among several others, European Parliamentarians for Africa³⁸, Network

of Women Parliamentarians of the Americas³⁹, and the Global Organization of Parliamentarians Against Corruption (GOPAC). We describe GOPAC, below, as an example of a growing association of parliament members.

GOPAC is "...an international network of parliamentarians dedicated to good governance and combating corruption throughout the world." GOPAC has more than 400 members, former and current parliament members from more than 70 nations, thirteen regional chapters and several more national chapters. GOPAC's three pillars are:

1. *Peer support*—helping fellow members in their fight against corruption (especially in nations where legislators' lives may be endangered by speaking out against corruption);
2. *Education*—educating legislators about their oversight responsibilities, and how to carry them out; and
3. *Clear objectives, measurable results*—each chapter of GOPAC is encouraged to set specific objectives for itself, and to be held accountable for attaining those objectives.⁴⁰

The more active associations conduct worldwide and regional meetings in which legislators work together to set specific goals, design strategies for pursuing those goals, and share experiences and encourage one another. Legislators interested in participating in parliamentary associations might ask their secretariats for more information, or could go on line for association details and contact information.

³⁶ <http://www.ipu.org/english/home.htm>

³⁷ <http://www.sadcpf.org/>

³⁸ <http://www.awepa.org/>

³⁹ www.feminamericas.org

⁴⁰ http://www.parlcent.ca/gopac/index_e.php

Discussion Questions

1. Does your constitution, or do your legislative rules and procedures define a role for the legislature in ratifying treaties, or other international agreements? Does it use these powers?
2. What international agreements or protocols is your nation a party to?
3. Does your nation have a PRSP? Was the legislature involved in developing it? Is it being adhered to?
4. Does your legislature belong to any parliamentary associations, or do you know members of your parliament involved in member associations?







11

BUILDING A STRONGER PARLIAMENT

What This Unit Will Cover

- Why a focus on strengthening legislatures?
- A general strategy for legislative strengthening
- Discussion questions

Why a focus on strengthening legislatures?

When historians look back on the end of the 20th and beginning of the 21st century, they are likely to be impressed with the effort and the amount of money being spent worldwide to strengthen and reform institutions of government. Why is there such an emphasis today on strengthening government institutions, including parliaments? We suggest several reasons.

More democracies: One reason is likely related to the fact that there are more democracies today, more people living under democracies, and more democratically elected legislatures than at any other time in history. Over the past three or four decades civilian governments replaced dictatorships in Greece and Spain, and in nearly every nation in South America, the Philippines, South Korea and Taiwan. Other factors are the breakup of the Soviet Union and the independence of its former satellite states, the end of apartheid in sub-Saharan Africa, and the demise of one-party states in Africa. According to one measure, in 1950, only 31 percent of the world's population lived in countries



that could be defined as democracies. By 2000, the figure had doubled.⁴¹

Donor support: A second reason for the unprecedented interest in and focus on legislatures is that the donors, both bilateral and multilateral, are expending a great deal of time, expertise, and money trying to help legislatures be more successful. What began as a trickle of support in the late 1980s, with the US aiding legislatures and other democratic institutions in Latin America, and then Eastern Europe, has become a worldwide enterprise involving several bilateral and multilateral donors. There is a growing understanding worldwide that economic reforms alone will not build strong, healthy nations and lift them out of poverty: the institutions of government must also be strengthened.

Donors and partners involved in the enterprise of legislative strengthening and support include the World Bank Institute (WBI), the US Agency for International Development (USAID), the United Nations Development Programme (UNDP), the UK Department for International Development (DFID), the Canadian International Development Agency (CIDA), the Inter American Development Bank (IADB), and now even the International Monetary Fund (IMF) and the World Bank. Some donor support is related to institutional strengthening itself, but other support is related to the good governance benefits stronger legislatures can bring. Legislatures have the potential of limiting government corruption, keeping governments from unnecessary borrowing, helping to resolve conflicts in nations, helping ensure peace, enhancing the representation of weaker groups in society, etc.—all good governance functions which many donors support.

Demand for better governance: Finally, and perhaps most importantly, citizens and groups in society are increasingly demanding less corrupt and more responsive and effective government. Legislatures can help. In unit 5 on oversight we examined some of the ways legislatures—especially legislative committees—oversee government activities and work to reduce corruption. With regard to government responsiveness, legislators understand the concerns and issues of their constituents, and bring them into the policy-making arena. Legislators, unlike chief executives, feel the urgency to respond to the

particular needs of the people they represent, and when they do this well, successfully balancing local and national interests, government is both responsive and effective.

A general strategy for legislative strengthening

There are scores of activities legislatures and donors conduct to help strengthen a legislature. Rather than describe the activities in detail⁴² we instead present a general strategy for legislative strengthening. There are two parts to the strategy: (1) Establishing a framework for legislative strengthening, and (2) Conducting legislative strengthening activities. We believe that legislative strengthening programs often fail because they do not establish an adequate local framework to support and sustain the work.

Establishing a framework for legislative strengthening: Legislatures wishing to strengthen themselves as institutions need to do more than conduct legislative strengthening activities. Fundamental institutional changes need institutional leadership and support. We suggest that modernizing legislatures:

1. Establish a leadership group responsible for institutional strengthening;
2. Draft a flexible modernization plan “owned” by the parliament, and
3. If donors are involved, that the legislature should establish a system of donor coordination.

⁴¹ Karatnycky, Adrian, “Freedom: A Century of Progress”. *The Annual Survey of Political Rights and Civil Liberties*, New York: Freedom House, 2000, p. 8. Democracy can be defined at several levels. Here we define democracy as a political system in which the most powerful collective decision makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote.

⁴² For detailed descriptions of specific legislative strengthening activities, readers may go to *USAID Handbook on Legislative Strengthening*, Chapter 4, Designing Legislative Activities (http://www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/pnac632.pdf), or the “Concept Paper on Legislatures and Good Governance” Chapter 6, Global Experiences and Lessons Learned. <http://magnet.undp.org/Docs/parliaments/>

Establish a leadership group responsible for institutional strengthening: Modernizing legislatures need a coordinating group of leaders to plan and oversee their development. Called legislative modernization committees (Latin America), parliamentary commissions (East Africa), these groups typically represent political leaders and parties and are assisted by legislative staff. They develop an institutional vision, plan and budget for the legislature; speak for the legislature on development issues; are a single point of contact for development partners—avoiding confusion, wasted funds, and even conflict in institutional development. Institutional leadership groups established in law are more likely to survive their founders than are committees established in less formal manners. It is also more difficult for those opposed to a strong legislature to shut down modernization committees established in law.

Draft a flexible modernization plan “owned” by the parliament: A clever fellow once remarked, “If you aim at nothing, you’re sure to hit it.” It is common for legislative strengthening activities to begin in an uncoordinated and haphazard manner. But if program activities are to eventually result in a stronger, more effective, more representative institution, a legislature should put in place a plan for development. In a legislative development plan, legislative leaders define:

1. The goals of the institution (What do we want the legislature to be able to do, to look like on a certain date?);
2. The steps to attaining those goals;
3. A timetable for achieving those goals;
4. Resources needed; and
5. Potential sources of funding and expertise.

It is essential that the legislature “own” the plan. Donors might fund the development of the plan, but it must be the legislature’s plan.

Establish a system of donor coordination: Developing legislatures benefit when donors coordinate, rather than compete. Because legislatures are less hierarchical than government ministries and provide several possible

points of donor interaction—with members, with staff, with committees—they are especially prone to confusion and for donor sponsored programs working at cross purposes.

To minimize these problems, and to help ensure that development assistance really does add up to a stronger, more effective legislature, development partners in several nations establish legislative donor coordination groups. Donor coordination groups meet regularly to ensure that donor efforts to assist the legislature are complementary, and to minimize confusion and wasted funds. Their level of coordination ranges from information sharing, as a minimum, to developing coordinated, complementary activities designed to achieve the objectives of the legislative development plan.

Conducting legislative strengthening activities:

Activities should be designed to accomplish the goals and objectives in your development plan. The objectives of your legislative strengthening program might be to:

1. Develop needed infrastructure, enhance management, provide general assistance;
2. Strengthen representation;
3. Improve lawmaking and budgeting; and
4. Improve oversight.

Typical activities in pursuit of these goals might look as follows:

Develop needed infrastructure, enhance management, provide general assistance: Without basic infrastructure in place (offices, furniture, filing cabinets, phones, heat and/or air conditioning, copy machines, etc.) it will be difficult for a legislature to perform effectively. Legislative assistance programs in Afghanistan and Liberia, both of which had recently emerged from war, involved rebuilding and repairing parliamentary space, putting in windows and supplying electricity, and other basic types of assistance. If legislatures have not been meeting for several years, or if several legislators and staff members are new, it may also be necessary to conduct basic orientation training—and sometimes skills training.

Strengthen representation: Depending on the structure and needs of the legislature, several activities may be appropriate to help it improve its representation performance. These may include providing office space for legislators and constituents to meet, installing a public address and voting system in the House, developing a parliamentary web site, establishing a press office and visitor center, establishing district offices, training legislators in constituent relations, providing constituent development funds, etc.

Improve lawmaking and budgeting: Much of the technical assistance provided to legislatures is targeted at building legislative lawmaking and budgeting capabilities. This type of assistance includes providing copies of the con-

solidated laws of a nation in electronic format, developing parliament-based research and budgeting services, strengthening library and information systems, providing expert consultants to committees, developing university intern programs for assisting committees, and strengthening legislative-civil society partnerships;

Improve oversight: Activities to strengthen oversight performance will include expert assistance to enable committees to better conduct investigations, training in understanding and using auditor general reports, increasing numbers of staff to work on oversight activities, helping to develop parliamentary budget offices, facilitating parliamentary access to government spending information, and more.

Discussion Questions

1. Is your parliament involved in efforts to strengthen itself institutionally? If so, what is the program designed to accomplish, and when?
2. Has a gender perspective been incorporated into your parliamentary strengthening programmes? If so, what impact has it had on parliamentary practice and procedures?
3. If your parliament were to begin an institutional strengthening program, what might be its priority areas?
4. Does your parliament have a strategic development plan?



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