

# **USAID's EXPERIENCE STRENGTHENING LEGISLATURES**

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**Center for Democracy and Governance**  
Bureau for Global Programs, Field Support, and Research  
U.S. Agency for International Development  
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THIS REPORT WAS PREPARED FOR USAID BY THE INTERNATIONAL DEVELOPMENT GROUP OF THE STATE UNIVERSITY OF NEW YORK, WITH EDITORIAL ASSISTANCE BY PHYLLIS DININIO. IN ADDITION, DEMOCRACY OFFICERS FROM USAID MISSIONS WERE VERY GENEROUS WITH THEIR TIME AND KNOWLEDGE. USAID WORKS IN CLOSE PARTNERSHIP WITH MANY ORGANIZATIONS TO HELP DEVELOP EFFECTIVE LEGISLATURES. THESE INCLUDE A WIDE ARRAY OF HOST-COUNTRY LEGISLATURES AND NON-GOVERNMENTAL ORGANIZATIONS, WHOSE LEADERSHIP AND COMMITMENT TO LEGISLATIVE REFORM ARE FUNDAMENTAL TO THE SUCCESS OF USAID PROGRAMS. USAID ALSO THANKS ITS U.S.-BASED PARTNERS FOR THEIR WORK IN IMPLEMENTING LEGISLATIVE ASSISTANCE PROGRAMS AND FOR THEIR INPUT INTO THIS REPORT.

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# **USAID's EXPERIENCE STRENGTHENING LEGISLATURES**

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For democracy to take root, citizens need ways to make their voices heard and incorporated into policy decisions. In democracies, legislative assemblies provide such a way to articulate popular will. The legislature serves as the people's branch of government and takes its place alongside the executive and the judicial branches as a necessary institution for democratic good governance. Democratic good governance is the effective implementation of policy and provision of services that are responsive to citizen needs. Legislatures, as the main government venue for interest articulation, are crucial for achieving democratic good governance.

When they are effective, legislatures carry out three fundamental tasks in a democracy. Most significantly, they *represent citizens* by bringing their concerns and aspirations into the governance process. Second, they *make laws*, which guide people in their social, political, and economic interactions. Finally, legislatures *practice oversight* by assuring that laws and policies are implemented legally and in accordance with legislative intent. To perform these duties properly, legislatures must have domestic political support for a strong role in governance as well as sound management and adequate physical infrastructure.

Legislatures in new democracies face special challenges, particularly in cases where a strong executive has historically dominated the political system. In these contexts, either legislators must learn how to assert themselves with respect to the executive or the political or legal environment needs to change so that they do not just serve as "rubber stamps" for executive branch preferences. More generally, legislatures often need assistance in performing their governance responsibilities effectively. Legislatures must master technical skills to ensure that new laws are clear, technically sound, and properly implemented, while also strengthening their links with individuals and groups in civil society to ensure the laws reflect the popular will.

The U.S. Agency for International Development (USAID) has been a leader in developing the strategies and tools to assist legislatures in performing their duties. Since the mid-1970s in particular, USAID has provided varied forms of assistance to legislatures in countries emerging from

authoritarian rule. By helping legislatures more effectively perform their fundamental tasks of representation, lawmaking, and oversight, USAID contributes more broadly to the overarching aim of the U.S. government to support democracy and development worldwide.

This document provides an overview of USAID's experience in legislative strengthening. It describes what the Agency has done and is now doing to promote responsive and effective legislatures. Most importantly, it highlights ways in which improved legislative performance has strengthened democracy in all regions of the world. It does not provide any evaluation of the relative merits or cost benefit analysis of the various approaches. Rather, it is a summary of approaches that have been tried by USAID.

## A BRIEF HISTORY OF U.S. LEGISLATIVE STRENGTHENING PROGRAMS

The U.S. government has supported the strengthening of democratic legislatures for over 50 years. In the aftermath of World War II, the United States supported the development of the German Bundestag and the Japanese Diet. In the 1970s and 1980s, USAID initiated a limited but increasing number of legislative development programs, particularly in Latin America and Africa. Under these programs, USAID funded a number of U.S. universities to conduct legislative study tours, exchanges with legislatures in other nations, and comparative research on legislatures.

In the late 1980s and early 1990s, USAID efforts to strengthen legislatures grew in response to a wave of democratization around the world. The fall of the Berlin Wall in 1989 led to democratic transitions in Eastern Europe and the former Soviet Union, and the momentum for democratic reform swept across other regions as well. Within these nascent democracies, former rubber stamp legislatures were required to represent citizens, enact legislation necessary for the political and economic development of their nations, and ensure that government programs were carried out effectively and according to legislative intent.

In providing assistance to these democratic legislatures, USAID strove principally to redress the balance of power favoring the historically strong executives. USAID programming supported this goal by enhancing the technical capacity of legislatures. Particularly, USAID programs strengthened their technical capacity to research and analyze key issues for more effective lawmaking. For example, USAID funded the Frost Task Force/Congressional Research Service program in Eastern Europe, which introduced computer technology into legislatures and trained professional library and committee staff in research skills.

During the 1990s, USAID increasingly focused on programs to help legislatures become more representative

lawmaking bodies. While continuing the earlier technical capacity focus, these newer programs also sought to make legislatures more responsive to the needs, concerns, and aspirations of individuals and groups in society. To achieve that end, these programs endeavored to improve legislators' links with citizens.

This type of legislative strengthening is relatively new and increasingly dynamic in nature. Important areas of emphasis will continue to emerge as new lessons inform subsequent programming. In recent years, programming experience has highlighted the salience of regime type (e.g., among presidential, parliamentary, and mixed systems) and the role of political parties in legislative business for designing legislative assistance programs. More operationally, experience has shown the need for cooperation among donor countries and for coordinating legislative assistance activities with development programs in other sectors, such as health, education, or economic growth.

## USAID'S EXPERIENCE

In helping legislatures perform their fundamental tasks of representation, lawmaking, and oversight, USAID also works to build support for the legislature's role in governance and to ensure sound management and infrastructure. USAID programs in legislative strengthening may, therefore, be grouped into the following five categories:

- 1) Building support for democratic reforms within a legislature
- 2) Increasing representation of citizens
- 3) Improving technical capacity in lawmaking
- 4) Enhancing oversight of the executive branch
- 5) Ensuring sound management and adequate infrastructure

The decision whether to engage in a legislative strengthening program or activity in a particular country is usually made after a strategic assessment of the democracy and governance situation in that country. Once a decision that working with a particular legislature is central to strengthening democracy in a country is made, USAID consults with the legislative institution and USAID's implementing partners to agree collectively on the area and program that can most usefully contribute to that goal.

For example, USAID assistance in El Salvador helped the Asamblea Legislative emerge as an independent institution, accelerated the reconciliation process, and enhanced citizen-legislator relationships. Today the assembly functions as a leading forum for debating national issues and exchanging ideas from all political perspectives, and it serves as an emerging model of compromise, accommodation, and consensus-building—all essential elements of the democratic process.

## **Building Support for Democratic Reforms within a Legislature**

Legislative strengthening activities only succeed where there is support among lawmakers and the public for a strong legislative role in governance. USAID helps to build this support through the establishment of legislative modernization groups and development plans and through programs that encourage sharing experiences across country borders, such as study tours, conferences, and workshops. Support is also created through strengthening the capacity of civil society groups to access lawmakers through advocacy and public information programs, which seek to influence legislative behavior to deliberate specific policies.

### **War to Peace in El Salvador**

In El Salvador, USAID's assistance to the legislature incorporated several aspects of legislative strengthening. In the context of implementing the 1991 Peace Accords, USAID programs in legislative strengthening helped the government reweave the country's political fabric. The Legislative Assembly, comprised of members of the former guerilla movement and members of the establishment, faced the challenge of establishing peaceful ways of mediating conflict in the wake of a 12-year civil war.

USAID provided the assembly with a variety of assistance and training. Seminars and workshops, study tours to foreign legislatures, information resources, and trained staff increased deputies' knowledge of their jobs, the legislative process, and the legislature's relationship with the executive and judicial branches. As a result, the assembly's deliberations became more thoughtful, and relations with other branches of government grew more substantive. Infrastructure improvements, such as additional offices, enabled many members to work more efficiently and meet with constituents for the first time. A public awareness campaign and the establishment of regional constituent service offices also sparked growing citizen interest in the assembly and increased contact between constituents and members.

## Legislative Modernization Groups and Development Plans.

Legislative modernization groups consist of legislators who recognize the importance of effective procedures and infrastructure to a legislature's functioning. These groups typically direct reform efforts, serve as advocates for reforms, and handle political problems related to their implementation. USAID has supported the creation of legislative modernization groups in many countries, having determined it is a successful way to assure that assistance is responsive to a particular legislature's needs and dynamics.

In Nicaragua, for example, USAID promoted the establishment of the Nicaraguan Asamblea Nacional's modernization committee, a multi-partisan body in a highly polarized political context. The committee directed efforts to improve the assembly's capacity to oversee the budget, to upgrade the voting system, and to create a web site that publicizes bill status and other legislative information. In the first two months of the web site's operation, legislators, researchers, members of civil society, and citizens accessed it some 6,000 times and more than 35,000 times by the end of the site's first six months of existence. In contrast, a prior assembly web site received less than 1,000 hits during the previous two years. Reflecting this success, a news report called the new site the second best web site in Nicaragua. These initiatives facilitated greater citizen participation in the democratic process and generated greater domestic interest in sustaining the program.

USAID has also supported drafting of legislative development plans. USAID technical assistance has helped lawmakers delineate a legislature's physical, organizational, and members' needs, in some cases estimating costs and outlining steps to meet those needs. For example, USAID funded the drafting of a three-year plan to guide the Ugandan parliament's reform efforts. The plan established priorities to guide resource allocation, a framework in which individual tasks fit, and a menu of well-conceived projects for donor consideration. One result of this was that the United Kingdom's foreign technical assistance agency used the development plan to guide its assistance to the Ugandan parliament.

## Legislative Study Tours, Conferences, and Workshops.

Legislative study tours offer an effective means of building support for democratic reforms within the legislature's leadership. Study tours expose leaders from new legislatures to the wealth of experience existing in both nascent and long-established democracies. Exposure to other legislatures that have confronted or are in the process of tackling similar challenges can be a catalytic experience. Study tours have been most useful when they fit into a strategic programmatic plan; follow-up activities soon after their return help participants assimilate their experiences and apply them to their own situation. In 1999, for example, USAID funded a study tour to the United States and Canada for 11 Ugandan legislators. The delegation returned to Uganda convinced of the need to create an internal budget office, which would enable the legislature to play a proactive role in the budgeting process. Upon their recommendation, a commission began developing a parliamentary-based budget office with USAID assistance.

Similarly, conferences on comparative legislative strengthening expose lawmakers to lessons from other countries, which can inform plans for their own legislature. The first vice president of the Mozambican Assembléia de República, for example, returned from a USAID conference held in Bolivia convinced that his nation needed to establish a parliamentary modernization group similar to the one he saw in Bolivia. He established such a commission in Mozambique's assembly, which is now responsible for coordinating development of professional services for the assembly and conducting public hearings nationwide.

Alongside international study tours and conferences, in-country workshops expose significant numbers of legislators and their staff to key issues at relatively low cost. Workshops are tailored to meet the needs of the host country, and can focus on very specific issues. USAID has sponsored workshops to build support for legislative reform or modernization in nations as diverse as Bolivia, Chile, Ghana, Morocco, and South Africa.

## Increasing Representation of Citizens

In some cases, legislatures face institutional incentives or disincentives (e.g., electoral laws that promote centralized parties or lack of constitutional powers to offset executive dominance) that inhibit their efforts to represent voters or influence the development of policy and law. In these cases, civil society can play a crucial role. Civil society can form coalitions that promote institutional reforms that lead to changes in legislative behavior, such as electoral law reform or campaign finance reform. Civil society groups can also take

### **Promoting Dialogue in Morocco's Government**

In Morocco, USAID-funded workshops helped to make legislators more effective and responsive in their work, thus raising the status of the legislature as an important forum for addressing policy issues. In the highly polarized political environment within the parliament, USAID programs worked to enhance inter-party communication and coordination and to help democracy take root. In 1999, for example, USAID sponsored a workshop on how to constructively criticize government bills, build and coordinate coalitions, and improve executive-legislative relations. Subsequently, the minister of finance consulted for the first time with an opposition party prior to the annual budget debate. After another USAID-funded workshop, legislators from different party caucuses within the governing coalition began holding regular meetings together, rather than leaving all coalition coordination to their ministerial colleagues. Another USAID-funded workshop inspired a meeting of legislators at which all coalition parties were represented. This prompted the prime minister to state that he felt like he was the head not only of a party, but also of a majority. Moreover, ad hoc meetings of legislators from most of the coalition parties now come together regularly to discuss draft legislation and special interest issues. Finally, a USAID-funded workshop on legislative-executive relations marked the first joint meeting of legislators from the governing coalition's caucuses and led to the official recognition of the group by the ministry for coordination of parliamentary relations.

the lead in demanding deliberation of specific policies that the government is considering. In this way, civil society can create the incentives for legislatures to take an active role in formulating policy and enacting law.

An excellent example of this approach is the Center for Legislative Development (CLD) in the Philippines. A beneficiary of USAID assistance, CLD played a dual role: providing bill-drafting and research services to the legislature and organizing civic groups into coalitions that promoted various policy reforms. By playing these roles, CLD encouraged the Filipino Congress to assume greater responsibility vis-à-vis the executive in the formation of policy and the drafting of laws.

**Effective Civic Interaction.** To perform their responsibilities to represent citizens effectively, legislators need to understand the interests and perspectives of their constituents. USAID programming, therefore, seeks to support communication between legislators and their constituents. Agency programs help individual voters and civil society organizations (CSOs) articulate their views on policy issues and help support the creation of different channels of communication, such as public hearings, town-hall meetings, establishment of district offices or regular consultations at the local level, development and dissemination of newsletters and other informational mailings, and media appearances.

As discussed above, CLD promoted the advocacy skills of other CSOs. CSOs that took part in the center's activities later participated in briefing committees, drafting and critiquing legislation, and engaging in public dialogue with their legislative representatives. CLD also worked with women's groups to increase their participation in public policy. The center trained women leaders in advocacy and governance skills and developed information materials outlining how to monitor legislation on women's issues.

In Mozambique, by contrast, USAID support of civic interaction focused on creating channels of communication. Starting in 1995, the USAID program provided the Assembléia de República with training and logistical support to conduct public hearings. The first hearings were held to gauge public reaction to draft legislation that would establish age limits for

admission to nightclubs. Public participation was good, in part because USAID helped train CSOs on the techniques of preparing for and testifying at public hearings. This approach, introducing the holding of public hearings on an issue of limited interest, achieved real success when public hearings were subsequently held on the critical issue of a new constitution to guide Mozambique's transition to a democratic state.

Bulgaria provides an example of how the interaction between civil society and the legislature can emerge from the initiative of civil society. In this case, a "trialogue" strategy evolved which brought together three sets of actors into partnership to promote small- and medium-enterprise (SME) policy reform: business associations, policy research/advocacy think tanks, and the public sector (government officials and parliamentarians). The three sets of actors pursued a diverse program that promoted (a) effective interest aggregation among stakeholders; (b) high-quality technical information and policy analysis; and (c) open and receptive public administration. This partnership sponsored a series of participatory regional town hall meetings, which led to the drafting of an SME strategy. The draft strategy was disseminated to over 300 individuals and organizations for their comments and suggested amendments. It was subsequently revised and presented at a national summit for additional comment before being finalized. Immediately after acceptance of the strategy and utilizing the same process, the partnership developed a draft SME Act, which parliament enacted in September 1999. Government officials heralded the process as "the most democratically produced national strategy in the history of Bulgaria." The legal framework for SMEs in Bulgaria now is an explicit topic of the partnership's joint efforts, along with a new and more participatory approach to policy and legislative development.

USAID promoted a different channel of communication between legislators and citizens in Kyrgyzstan, which encouraged legislators to make the parliament more responsive and accessible to the public. USAID provided funding for "A Call on Thursday," a weekly call-in program on Kyrgyz state television. This was a groundbreaking initiative that gave average citizens their first chance to voice opinions

to the parliament. The show paved the way for production of similar interactive shows like “Our Times,” which is notable for its popularity and for the range of issues and participants it embraces.

In Guatemala, legislators traditionally did not interact with constituents. To increase public participation in the legislative process and to assist Guatemalan legislators in better serving their constituents, USAID worked with the congress to establish three regional legislative outreach offices on a pilot basis. The offices engaged in constituent services, conducted

### **South Africa: Technology and Representation**

Wherever possible, USAID seeks to use innovative and appropriate technologies to improve representation and legislative functioning. In South Africa, USAID helped develop a communication system that links parliament to provincial legislatures and local government associations, while simultaneously allowing two-way communication between policymakers and the public. It informs the public of legislation, committee meetings, and hearings and allows citizens to submit comments directly to parliamentary committees. The system, called NCOP Online!, serves as the main communication vehicle for South Africa’s National Council of Provinces (NCOP). NCOP was established in 1997 as the second chamber of parliament to facilitate provincial and local government participation in the national legislative process. It is the only body in South Africa in which all three levels of government (national, provincial, and local) meet to debate policy. As such, it is challenged by a complex legislative calendar that requires a rapid and effective communication system.

Made possible through large software donations, NCOP Online! comprised a web site, which receives about 25,000 hits per month) and a combined e-mail, fax, and cellular phone messaging network. Launched in 1999, this Internet-based system quickly enhanced national policymaking by improving the flow of information to provinces, cutting communication and travel costs, and facilitating provincial and local government input into legislation. It also helped to increase public awareness of and participation in policymaking.

civic education, and performed other activities designed to bring constituents into contact with their congressional representatives. The new offices proved so popular with both legislators and the public that the congress absorbed all costs for operating the offices at the conclusion of the first year and requested USAID assistance in opening two more regional offices.

In Chile, where channels of communication were well established, USAID assistance in the early 1990s enabled legislators to better manage constituent relations. The USAID-supported Center for Legislative Studies and Assistance developed a software program to assist legislators and their staffs track correspondence and contacts with constituents. The software helped legislative offices manage this important aspect of representation.

**Accountable Behavior.** Effective representation also requires legislators to be accountable to their constituents. Once their constituents have expressed clear preferences, elected representatives must act reasonably to advance them, rather than pursue self-serving interests. Legislators that do not act on the will of voters, but misuse their office for private gain, are not performing their representative function. To counter this problem, USAID has helped to promote ethics-related laws and procedures as well as citizen oversight of legislative affairs. Examples of the latter include assistance provided to Poder Ciudadano in Argentina, Acción Ciudadana in Guatemala, the Philippines Center for Investigative Journalism, and CongressWatch, also of the Philippines, which are non-governmental organizations that, among other things, track legislative decision-making within their respective congresses.

In South Africa, USAID provided key support to the post-apartheid government's ethics and anti-corruption efforts. In December 1997, USAID funded a study mission for South African legislators to Great Britain, Ireland, and the United States to exchange information about ethics legislation and enforcement. Based in part on information gained during this mission, the parliament contributed to the development of an executive ethics bill, which it then subsequently passed.

In Nepal, USAID assistance on ethics took the form of a national conference in August 1998. Participants at the conference included Nepali ministers, members of parliament, journalists, civil society leaders, and a group of international ethics experts. The participants discussed means for strengthening ethics in Nepal's government and formulated a number of recommendations, including the need to develop codes of conduct for ministers, members of parliament, and civil servants. As a result, the upper house, the Rastriya Sabha (National Council), drafted and then adopted a mandatory code of conduct as part of the house rules, including provisions on financial disclosure, the reporting of gifts, and prohibitions against taking bribes. The council likely will vote on a strengthened code of conduct, including a provision for an enforcement mechanism, in its 2001 winter session. The lower house, the Pratinidhi Sabha (House of Representatives), is currently drafting its own set of codes. Finally, with technical assistance provided by USAID, the parliament will likely consider a proposed Access to Information Act in the coming parliamentary session, which, if passed, will ensure greater access for the media to the financial disclosure reports of MPs.

### **Improving Technical Capacity in Lawmaking**

In addition to representing their constituents, legislators make laws that guide people in their social, political, and economic interactions. Especially in new democracies, however, legislators often come to their positions ill equipped for this basic function. They must learn the tools of the trade after they are elected. Yet following many transitions, legislatures have only a short period of time to demonstrate their value to the public while expectations are high and political will is supportive. To help legislators learn skills in the lawmaking function, USAID has supported a range of programs. These include conducting training and orientation programs, assisting with the establishment of effective committees, promoting access to information and research, and improving bill-drafting capabilities.

**Training and Orientation Programs.** USAID sponsors training and orientation programs to help new legislators and their staff carry out the basic function of lawmaking. The programs orient legislators to the lawmaking process generally and to substantive issues that a country's new legislature may need to address, such as corruption or federalism. The programs also establish legislative internships that bring motivated young talent onto legislative staffs and, at the same time, provide invaluable training to university students.

In Kyrgyzstan, USAID supported establishment of parliamentary working groups, which helped familiarize lawmakers with the practice of researching legislation, promulgating proposals, and subjecting their own ideas to the scrutiny of experts and peers. The deliberations of one working group resulted in progressive legislation that significantly improved the legal environment for civil society organizations. More generally, legislators became better equipped to handle the day-to-day duties of their positions and developed a more complete understanding of their role in a democratic system.

Focusing instead on legislative staff, USAID/Guatemala helped to establish a legislative internship program for university students in their last year or two of study. In exchange for volunteering their services as research assistants and legislative staff, over 80 students received training and experience. Many subsequently received paid positions with the legislature, while others went on to work in other government institutions. The contribution of these young, motivated professionals created the potential to improve significantly the work of congress and other Guatemalan institutions and, in the process, to contribute to democracy in Guatemala. One indication of the program's success is that it became the model used in other countries, such as El Salvador and Bulgaria.

**The Committee System.** USAID programming has also supported the strengthening of committee systems in deliberative bodies around the world. Strong legislative committee systems are particularly important in presidential systems, whereas parliamentary systems give greater prominence to committees (or caucuses) within parties.

Committees contribute to legislative effectiveness by exercising oversight, gathering and analyzing information, facilitating exchanges with the public on important issues, and providing a venue for inter-party communication and cooperation. USAID supports the development of committee systems through technical assistance and study tours.

In Namibia, USAID technical assistance helped the National Assembly establish eight review committees. As of 1999, the committees had convened public hearings on 17 issues, which resulted in amendments to pending legislation for nearly all issues. USAID also provided technical assistance in Peru to encourage the congress to strengthen legislative committees. As a result, Congress mandated that committees hold public hearings outside Lima and that they establish e-mail contact with citizens to ensure their input in the development of policy. Congress also required that

### Nigeria: Rapid Response

Between elections in February 1999 and the government's inauguration in May 1999, USAID provided training to Nigerian legislators to help them take on their new roles. After decades of military rule, rampant corruption, and economic decline, the newly elected legislators needed not only to meet constituents' demands for government services, but also provide greater accountability, more transparency, and efficient management of public resources than in the past.

On very short notice, USAID conducted three-day training workshops on good governance in 16 sites throughout the country. At the same time USAID's team, comprised of U.S. and Nigerian experts, developed a training curriculum and facilitator guide for the training of local legislative officials to help sustain this knowledge base. The workshops helped to focus National Assembly members on critical issues that needed to be addressed early in the assembly's tenure, including federalism, regional conflicts, poverty alleviation, economic development, corruption, prevention of military intervention, and environmental protection.

committees undertake a rigorous and objective analysis of new legislation. Successful revisions to the law for municipalities recently demonstrated the usefulness of the committees' role in legislative analysis.

In Malawi, USAID programming helped to strengthen legislative committees through a study tour and technical assistance. USAID funded an exchange program with the Maryland State Legislature, which prompted Malawi legislative staff to adopt a procedure referring all bills to committees, among other reforms. Subsequently, USAID provided technical assistance to the public accounts committee and the budget and finance committee to improve their ability to analyze financial legislation and oversee government expenditures. While the Malawi executive branch remained dominant, evidence demonstrated that USAID assistance had an impact: The parliament made amendments to legislation introduced by the executive; it passed anti-corruption legislation; and it passed a new constitution.

A USAID-funded study tour for Ugandan MPs had an impact on legislative committees in their country. The architect of the parliament's strong committee system credited his visit to the United States, in which he learned about U.S. legislative committees, as the impetus to establish such committees at home. Newly empowered committees became the locus for investigating alleged government fraud and mismanagement, and their investigations led to the dismissal of four government ministers.

**Access to Information and Research.** In building capacity in lawmaking, USAID also works to improve legislators' access to information, research, and analysis upon which to base policy decisions. To that end, USAID programs support legislative research bodies with functions similar to the U.S. Congressional Research Service. These research services give legislatures the ability to develop information independently of the executive branch, to access information more quickly, and to tap information resources within civil society better.

In Bolivia, for example, USAID helped to establish the Centro de Investigaciones del Congreso Nacional (CICON). Due to the assistance provided, CICON developed the technical capacity

to review the budget, draft bills, assist legislators with constituent relations, and provide research service to the congress. CICON also gathered input from interest groups on pending legislation, which helped the congress to amend proposals that were enacted. Although the Bolivian Congress assumed financial responsibility for CICON as USAID assistance came to an end, as planned, political changes within the congress limited the CICON's role in recent years.

USAID programs also support ad hoc research and analysis on specific legislative issues. For example, USAID will often provide funding for local and international policy experts and professionals to provide advice and expertise to legislatures on complex policy issues such as economic development and reform, environmental protection, and commercial and legal reform, among others. Research sometimes involves reviewing existing laws to determine if they are redundant, contradictory, or outdated. In Guatemala, for example, USAID supported efforts by the congress to review all legislation and make recommendations for rescission. The USAID program funded 15 upper division law students to review the 12,457 laws on the books since 1871. Of 5,375 laws adopted since 1950, they found that only 2,132 of the laws were currently in force. This information was incorporated into the new National Registry of Law and divided into three

### **West Bank/Gaza: Strengthening Research Capacity**

In the West Bank/Gaza, USAID sponsored a program that helped create the Parliamentary Research Unit (PRU) to provide non-partisan information to the Majlis al-Tashri'i al-Filastini (Palestinian Legislative Council). In 1999, the PRU received 166 requests from 25 members (roughly 28 percent) of the council. The unit also responded to multiple requests from eight different committees. In addition to these member and committee requests, the PRU began to perform anticipatory research resulting in comparative studies and reports for distribution to the entire council. Legislators indicated that they value the service by committing to fund portions of the PRU's operating costs and eventually to provide full support when USAID funding ends in 2002.

databases recorded on compact discs. It is planned that the databases, the largest collection of electronic legal text in Guatemala, will be distributed to the most important Guatemalan judicial institutions as well as the law schools of the country's major universities.

**Bill Drafting.** Improvements in bill drafting can greatly enhance a legislature's effectiveness in instances where (a) the institutional incentive exists for the legislature to play this role and (b) the will exists for the legislature to do so. For this reason, USAID has worked with legislatures in the area of bill drafting, helping to improve the technical capabilities of legislatures to produce effective legislation and to increase responsiveness to constituents. In Mozambique, for example, USAID supported the creation of a parliamentary office to provide services for legislators, including drafting legislation and preparing policy analyses. Today the Assembléia de República initiates a major portion of the legislation enacted in Mozambique, which would have been unthinkable a few short years ago when the country was governed by a Marxist dictatorship. Now the government routinely sends its proposals to the Assembléia de República in draft form, anticipating that the assembly will use its new professional capabilities to make substantive changes.

USAID also assists non-governmental organizations to provide information and draft legislation to legislatures. USAID-supported technical assistance helped Malawi's Parliamentary Women's Caucus in drafting new laws. In 1996, the caucus sponsored five bills on women's issues, two of which became law: the Marriage Act (establishing the age of consent) and the Affiliation Act (increasing maintenance for children born out of wedlock). With these new skills, the caucus developed into an important legislative actor.

### **Enhancing Oversight of the Executive Branch**

In new democracies, legislatures often lack experience or know-how to exercise oversight over other branches of government, either constitutionally or in practice. To address this problem, USAID organizes conferences and provides

technical assistance to help legislatures carry out their oversight function. This assistance informs them of strategies to alter the balance of power between the executive and the legislature, and it includes mechanisms to strengthen their oversight capabilities, even in cases where they lack the power to administer sanctions.

In the West Bank/Gaza, for example, a USAID-funded project conducted a seminar for members of the Palestinian Legislative Council (PLC), which included examples of oversight structures from five different legislatures. Participants recommended several mechanisms for improving the council's oversight functions, including using existing powers, focusing attention on issues through committee hearings and meetings, and working with citizen groups and the media to augment monitoring of government activities. Subsequently, the USAID project assisted PLC committees and staff in preparing and conducting formal oversight investigations and public hearings. An investigation of government procurement in the pharmaceutical industry by the health sub-committee included a series of four public hearings. The hearings—the first of their kind for any PLC committee—were well attended and widely publicized. The committee hearings led to a formal audit of government pharmaceutical procurement by the General Audit Commission, spawned at least three draft laws, and generated demand from other PLC committees for the USAID-funded manual on how to organize and conduct investigations and public hearings.

USAID has also worked to strengthen legislative oversight in other important areas. In the early 1990s, for example, USAID helped the Bolivian Congreso Nacional establish a professional budget staff. Budget staff identified more than \$100 million in errors in the executive budget over a two-year period. The government was required to correct these errors in order to get its budget enacted. Similarly, USAID programming in Georgia strengthened legislative oversight of the budget. A conference on comparative defense budget procedures brought together representatives of the executive and legislative branches and led to greatly improved relations between the parliamentary defense committee and the defense ministry. Immediately following the conference, the defense

ministry submitted a budget, newly organized by line item and unit, which facilitated the committee's ability to conduct effective oversight.

### **Ensuring Sound Management and Adequate Infrastructure**

The development of professional support systems is an important component of strengthening legislative performance. If legislatures lack efficient management and infrastructure, they will not be able to carry out their functions in an effective manner.

**Reformed Rules of Procedure.** USAID supports training on basic rules of procedure within legislative sessions. In 1998, USAID funded training programs in Morocco on legislative rules. Based on the information provided during the training, parliamentary parties adopted several reforms in internal decision-making. One example was a rule that required that the caucus position on government legislation be determined by a meeting of all interested legislators. In addition, after completing the training programs, Moroccan legislators opened parliament's door to the public for the first time.

**Staff Training.** USAID also funds training programs for legislative staff, and some have been truly innovative. One example is the above-mentioned legislative internship programs for university students carried out in Bulgaria, El Salvador, and Guatemala. In other cases, such as Cambodia, Poland, and Uganda, USAID provided more traditional assistance by training committee staff, researchers, and members of other legislative offices on technical skills, such as minute-taking functions, legislative report writing, and incorporating amendments into existing legislation. The training improved the speed and accuracy of the various staffs' work, helped them tap into information resources within civil society, and facilitated a faster response to information requests by members of the legislature.

**Better Physical Facilities and Equipment.** USAID's early assistance to legislatures emphasized the provision of physical

infrastructure and equipment. Some of these new legislative bodies lacked sufficient seating space for all members to sit in plenary sessions and office space for private one-on-one meetings between legislators and constituents. By addressing these types of deficiencies, USAID helped to create better conditions for legislators to interact among themselves and with members of the public.

In recent years, however, the Agency's legislative assistance efforts have evolved to include more innovative and complex types of programming. In an era of increased emphasis on promoting and sustaining democratic transitions combined with declining resources for foreign assistance, USAID strives to provide assistance that develops the skills and knowledge that democratic leaders need to perform their functions and that citizens can use to influence the policymaking process. In some cases, the targeted use of funds for equipment, infrastructure, and information technology can still be critical to improving the overall performance of the legislature. As the Internet gains importance both as a means to communicate as well as to access information, it creates capabilities and opportunities for participation and networking previously unheard of. Uganda is a good case in point. When USAID supported the creation of the Ugandan Parliamentary Research Service, which improved the legislature's ability to perform its lawmaking and oversight functions, a key component of that program was the procurement of computer equipment and supplies. The parliamentary library obtained eight computers with direct Internet access, as well as new computer furniture. User rates of the library skyrocketed after its re-opening in June 1999. In August 1999, just two months after the new parliamentary library opened, members of parliament used the Internet and computer facilities 722 times in that month alone.

Similarly, as already noted in examples above, access to the Internet improved the ability of legislators in Nicaragua and South Africa to communicate with constituents, review and comment on bills, and conduct research on issues. This type of assistance also improves the ability of legislatures to respond to new problems and issues as globalization trends transform what were once largely international issues and

processes into national ones. Improved access to the Internet makes legislative members and staffs better informed about the issues themselves and about various policy alternatives for addressing those issues.

Other types of new technologies supported by USAID have contributed to increased efficiency and transparency in many legislatures. Sophisticated video and audio recording technology allows parliamentary plenary sessions to be televised, transmitted via the Internet, and recorded for purposes of producing an instantaneous verbatim transcription of the proceedings. Computer networking of legislative offices promotes better communication and flow of information both internally within the legislature and externally.

### Donor Coordination

Donor coordination of legislative strengthening efforts offers an opportunity for heightened impact and more sustainable results. Often, however, this is not possible or easy because donors may view their own particular legislature as a model structure for the legislature receiving assistance. The differing donor perspectives are a potential source of friction, but can also engender program synergies and innovations.

Where it works, donor coordination generally takes place at the country level. In Mozambique, for example, donors coordinated their assistance to the legislature by providing joint funding for public hearings on constitutional reform. As an example of coordination between two donors, a USAID-supported project provided technical support to the Malawi legislature at the same time that the United Nations Development Programme (UNDP) was conducting a concurrent training program for legislators and staff. As a consequence, the two programs working together had a much greater impact on the overall improvement in the professionalism of legislators, which in turn resulted in increasingly informed debates and greater adherence to legislative procedures. In Ethiopia, several different donors pooled resources to sponsor one legislative strengthening program that was coordinated by the UNDP. On a larger scale, USAID initiated an International Donors Group for the 15 bi- and

multi-lateral donor agencies involved in democracy issues in Namibia. The group sought to improve both the coordination and the efficiency of human rights and democracy activities in that country.

### **Central Europe: Management and Infrastructure Can Make a Difference**

In 1989 and 1990, as communist regimes toppled in Central and Eastern Europe, the U.S. Congress looked for ways to assist the fledgling democracies replacing them. Since newly elected legislators found that they had little if any modern equipment and virtually no knowledge of the role of a democratic legislature, Congress recommended a program that focused primarily on the provision of equipment, member and staff training, and library and research services. With USAID funding, the U.S. Congressional Research Service provided this assistance in the Czech and Slovak Federal Republic, Hungary, and Poland. The program was widely praised for its contributions to improving the capacity of the legislatures in these countries. For instance, the program in Poland provided computers, printers, and copiers as well as training and technical assistance to the National Assembly. This assistance enabled legislators to access bills at all stages of the legislative process, enhancing their participation in parliamentary debate. Moreover, the time needed to edit, print, and distribute a draft bill dropped from a week or more to overnight. These and similar changes helped the legislature handle a large volume of pressing legislation and establish early credibility. The information capabilities also promoted transparency and accountability and were a boon to civil society organizations. According to parliamentary spokesmen, the assistance helped shift “the weight of Polish legislative activity...from the government ministries to the parliament.”

## CONCLUSION

Legislative strengthening activities, much like legislatures themselves, often follow a long and arduous path, with numerous setbacks. To a large degree, the slow progress reflects the growing pains of newly emerging democracies. Legislatures almost always inherit a position of weakness vis-à-vis the executive. Executive resources, even in very poor nations, tend to dwarf those of the legislature; legal powers often favor the executive; and political party structures undermine the ability of legislatures to play their representative functions. While a single donor with limited resources cannot by itself create strong and independent legislatures in democratizing countries, USAID can provide critical assistance that progressively, step-by-step, improves the ability of these legislatures to advance the interests of citizens and provide a balance to executive power.

Given the long odds faced by many emerging and reforming legislatures in carrying out their constitutional roles, USAID emphasizes programming opportunities in those areas where legislatures serve as decision-making and implementation points for key reforms, such as anti-corruption, economic reform, constitutional development, rule of law, greater government transparency and accountability, and civil society promotion. As a part of this effort, USAID will continue to focus on assisting legislatures to represent their citizens effectively. Other emerging areas of emphasis are likely to include assisting provincial or other sub-national legislative bodies, promoting the legislature's oversight role in national anti-corruption efforts, and strengthening the relationship of legislative party caucuses to party leadership structures. Continuing areas of assistance will include improving legislatures' role in the formulation of policy and legislation, strengthening their influence and control over the budget, and enhancing their ability to conduct oversight.

To address more effectively the difficult process of legislative strengthening and reform, and the complex and

sensitive nature of legislative assistance, USAID is making increasing use of strategic assessments and evaluation. These assessments and evaluations have become more sophisticated, resulting in better information on the type and design of assistance program that is most likely to be successful under a particular circumstance. Assessments and evaluations have also increased the knowledge of how to sequence and structure legislative programming to achieve maximum impact.

USAID has made significant contributions to the strengthening of legislatures in countries undergoing the difficult transition from authoritarian to democratic rule. This assistance has helped to strengthen the ties among legislatures, parties, and constituents; integrate legislatures into the policymaking process; and enable legislatures to exercise oversight and ensure the effective implementation of law and policy by the executive.

Citizens and government officials in the United States often take for granted the fact that Congress, unlike in many other countries, plays a key role in the policymaking process. That role, however, was not immediately evident at the time the U.S. Constitution was ratified, despite its explicit grants of power to Congress. Indeed, it took well over a century for Congress' role to fully evolve and develop. A major lesson of that experience is that it takes time for a new or reforming legislature to fulfill its democratic potential. The United States has much to offer in this process, but it must also be modest in the expectations it generates about the progress of the legislatures it assists. Given that recognition, we welcome comments about how legislative assistance programs contribute to democratic development and how they can be more effective in achieving their objectives.

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**Center for Democracy and Governance**  
Bureau for Global Programs, Field Support, and Research  
U.S. Agency for International Development  
Washington, DC 20523-3100  
Tel: (202) 712-1892  
Fax: (202) 216-3231  
Internet: [www.usaid.gov/democracy/](http://www.usaid.gov/democracy/)  
Intranet: [inside.usaid.gov/G/DG/](http://inside.usaid.gov/G/DG/)