

UNDP/WBI/DIFD – 2007 Brussels Donor Conference on Parliamentary Development – Issue paper session III: Developing Normative Frameworks for Parliamentary Development

Democracy requires that those who are freely elected have the power to effectively fulfill their constitutional responsibilities. There is growing recognition that elections cannot be meaningful if the national legislature that emerges from elections does not function democratically or lacks the authority to effectively represent the citizenry. As Steve Fish notes in the January, 2006 issue of the *Journal of Democracy*, “The strength of the national legislature may be a—or even *the*—institutional key to democratization.”

As the NDI discussion paper -- *Towards the Development of International Standards for Democratic Legislatures* -- points out, “although there have been many international initiatives to define and monitor the democratic character of elections, there have been fewer efforts to define standards for institutions that result from a democratic electoral process. While elections provide the basis for rule by the people, they do not guarantee that citizens are effectively represented.” The approach to parliamentary development has tended to be far more relativistic than the standards-based approaches taken in the areas of elections or human rights or many other areas of democratic development.

Just as there is no single, international body that certifies the democratic nature of a given electoral process, there can be no one arbiter of whether a legislature functions democratically. There is no magic formula, or checklist for developing a democratic and effective parliamentary body. Every legislature is a product of its own country’s history and culture, and the range of parliamentary practice is diverse. The diversity extends even to questions of terminology – including the titles of the institutions and their presiding officers. However, this isn’t necessarily a bar to the development of international norms and standards for parliaments ---even though each electoral administration body operates differently and electoral systems vary widely from country to country, there is still a fairly clear international consensus on the criteria that elections must meet if they are to be considered democratic. Similarly, there seems to be an emerging consensus that certain norms and standards regarding democratic legislatures transcend the particular type of political or legislative system.

The usefulness of an international consensus on norms and standards relating to democratic parliaments seems fairly clear. It is important that donor support to parliaments reflect a shared international consensus on the nature of democratic parliaments -- rather than donors consciously or unconsciously seeking to mold parliaments in program countries in their image, or being perceived as seeking to do so. International norms and standards could help provide a framework for donor coordination and assistance. Such criteria could potentially be integrated into peer review mechanisms, such as the APRM, and could also be used as a basis to determine where direct budget support is subject to democratic budget oversight in the recipient country. Perhaps most usefully of all -- the development of an international consensus can provide support to legislative reformers who are looking for international support and solidarity as they work to build strong and independent legislative institutions -- sometimes against a history of a

“rubber-stamp institution” and a dominant executive branch that has little interest in a strong legislature.

This session will provide an opportunity to review some of the initial efforts that have been made to facilitate international consensus on the nature of democratic parliaments, as well as to discuss those plans to build on current efforts. It will also provide an opportunity to discuss the following questions:

- 1) What is realistic in terms of promoting international consensus on norms and standards – particularly in the current environment?
- 2) Should donors support the efforts to promote international dialogue on the nature of democratic parliaments? If so, in what forms and with what methods? Are there donor forums -- such as OECD DAC – where it might be appropriate to advance this discussion?
- 3) How could such norms and standards be usefully applied in providing support for parliamentary development?
- 4) Are there international principles that the donor community should agree to in the provision of parliamentary support that could be part of an international consensus on democratic parliaments (i.e., transparency of donor support, principles relating to donor coordination, etc.)
- 5) To what extent is the discussion on consensus on minimum norms and standards for democratic parliaments complementary with discussions on methodology for evaluating progress on parliamentary development?