Chapter 10

Principles for parliamentary assistance

These principles were prepared by Greg Power, Director of Global Partners & Associates for the OECD/DAC/GOVNET and presented to the Fourth Annual Donor Co-ordination Meeting on Parliamentary Support *and the* 16th Plenary Meeting of the OECD/DAC Network on Governance *on 24-25 April 2012.*

Parliaments perform a vital role in any system of representative democracy, but they play an especially important role in emerging democracies – not only in improving the quality of governance by ensuring transparency and accountability, but also in shaping the public's expectations and attitudes to democracy. Parliaments are the single most important institution in overseeing government activity, scrutinising legislation and representing the public's concerns to those in power. Their performance in holding government to account and engaging with voters will help to establish the norms and values in the early years of a democratic culture.

Although traditionally a small part of international support programmes, donors have paid greater attention to the role of parliaments in the last decade or so. Most support programmes usually seek to improve the effectiveness of the institution in one of their three key functions:

1. Legislation: Assessment of the legislative function will be concerned with how well parliament scrutinises and amends bills, or whether it instead simply acts as a rubber-stamp for the executive.

2. Oversight: Parliamentary oversight is the main means by which government is held to account; parliaments should ensure government departments are run efficiently and that ministers are regularly called to account for their actions, policies and spending.

3. Representation: Parliament ultimately derives its legitimacy from its ability to represent and articulate public concern. Programmes tend to concentrate on the "representativeness" of parliament (how its make-up reflects wider society) and the extent to which MPs consult and engage with voters.

Parliaments and domestic accountability

The overarching purpose of parliamentary oversight is to hold government to account. While governments are directly accountable to voters at elections, in between elections it is the duty of parliamentarians to hold ministers and their departments to account on the public's behalf. The Inter-Parliamentary Union's *Tools for Parliamentary Oversight* sets out four key oversight roles:

- Transparency and openness. Parliament should shed light on the operations of government. It provides a public arena in which government's policies and actions are debated, exposed to scrutiny and held up to public opinion.

- Delivery. Parliamentary oversight should test whether the government's policies have been implemented, and whether they are having the desired impact.

- Value for money. Parliament needs to approve and scrutinise government spending. It should highlight waste within publicly-funded services, and aim to improve the economy, efficiency and effectiveness of government expenditure.

- Tackling corruption and misuse of power. Parliament should protect the rights of citizens by detecting and preventing abuse of power, arbitrary behaviour and illegal or unconstitutional conduct by government.

In short, a parliament's role is to provide a check on the activity of government. The role might be thought of as providing "government by explanation". That is, highlighting issues of concern and ensuring that government is able to justify its actions to the public, or where that policy is deficient, forcing a change. The tools available to MPs to achieve these objectives vary from parliament to parliament, but they tend to be pursued through three main routes, namely via the plenary session (through questions and debates), the committee system (through investigations) or in conjunction with outside agencies that report to parliament.

It is in this last area where parliaments have the potential to be most effective in strengthening systems of domestic accountability. Parliaments derive much of their authority from the fact that a number of accountability institutions usually report to them. These range from the supreme audit institution, the ombudsman and the electoral commission, through to utility regulators, inspectorates and agencies. Such institutions provide a wealth of information on the performance of government in specific policy areas, and provide the evidence on which parliament can hold ministers, and ministries, to account.

In other words, parliaments should sit at the centre of a web of domestic accountability, liaising with the range of independent experts and institutions, absorbing the detail of their investigations and drawing out the salient political points for which the executive should be held to account.

Parliaments are therefore potentially vital allies for donor agencies in improving domestic accountability. Yet in many parts of the world legislatures have fallen far short of public (and donor) expectations. In emerging democracies, parliaments are frequently ineffective in the face of a powerful executive, and have little public legitimacy and authority.

Traditional international assistance to parliaments

International support to parliaments has a poor record in improving parliamentary performance. In the last decade donors have placed greater emphasis on parliamentary assistance and there has been a much greater degree of co-ordination and lesson-learning amongst donor agencies. However, the approach taken to parliamentary support is still rather traditional. This approach can be grouped under three main headings:

1. Infrastructural support programmes, designed to improve institutional infrastructure and technical capacity. These stretch from the very basic provision of computers, audio recording equipment, and office furniture through to support for management systems, staff training and library and research services.

2. Procedural support, which relates to the powers and procedures of the institution. A lot of donor effort has been aimed at improving parliamentary procedures to develop an appropriate framework for both committees and plenary sessions, and in some cases, to extend the powers of parliament over legislation or scrutiny of the executive.

3. Functional approach, which is designed to improve MPs' ability to understand and perform their representative, legislative and oversight functions. Training and induction for MPs is a key feature of most support programmes and often is targeted at new members of parliament, covering aspects such as committee oversight, constituency service or legislative drafting and analysis.

The traditional approach to parliamentary support is essentially technical, and has suffered from three main problems. First, it relies on too superficial an analysis of the problems facing parliaments and has rarely understood the political, social and economic context within which they operate. As a result, too many programmes are built around generalisations and attempt to replicate the same programme in different countries, using unsuitable methods and inappropriate techniques.

Second, the approach reflects donor preferences for technical support to parliaments. Most donor agencies have traditionally been wary of being seen as interfering in the domestic politics of another sovereign nation. Parliamentary support is therefore highly sensitive if it seeks to improve the accountability of a dominant executive. Providing equipment, resources or training is, by contrast, much less controversial.

Third, as a result of the above, programmes tend to treat symptoms rather than causes. That is, focusing on a lack of resources, skills or planning

frequently leads programmes to use them as identifiable outcomes. However, these tend to be signs of ineffectiveness rather than causes. Programmes might be better to start by asking *why* the skills or resources are absent.

The technical approach is based on the assumption that given the right structure and resources politicians will automatically behave in a way that ensures an effective parliamentary democracy. By providing more institutional resources, delivering training courses or changing the structure of the parliament, the hope is that MPs will spend more time on their core parliamentary functions – of scrutinising legislation, holding ministers to account and representing their constituents – and be more effective in each of them. In practice, of course, this has rarely, if ever, worked.

The next phase of support to parliaments

In every parliament there is a gap between the formal powers of the institution, and the willingness or ability of politicians to use those powers. The key to effective parliamentary assistance is to understand why that gap exists and to design programmes which seek to minimise it. From this perspective, the ultimate purpose of a support programme is not solely to change the structure of the institution, but to change the behaviour that goes on within it.

The EC's guide to parliamentary support, published at the end of 2010, tackles the causes of parliamentary underperformance. It sets out five categories of analysis to inform support programmes:

1. **Constitutional power.** If the parliament lacks formal powers within the constitution this is likely to indicate the need for a wider programme of political reform which reinforces parliamentary authority. If parliament's power is being curtailed because of the way the constitution is interpreted, this may offer more scope for intervention, but again would need to be couched in terms of a broader political programme.

2. **Procedural clarity.** A lack of clarity, inconsistency or contradictions in the parliamentary rules can be exploited by one party or group to undermine parliamentary effectiveness. This may require engagement with senior parliamentary figures (such as the Speaker) or the procedural committee in order to redraft sections of the rules. This can be a complex and highly-charged political process. Alternatively, it may be that the rules are being misinterpreted or not followed, which would suggest a need to build

a common understanding of procedure amongst staff and members through training and parliamentary publications.

3. **Capacity and resources.** A lack of properly-trained staff or enough resources is likely to have an impact across parliamentary functions. This may simply require the provision of resources such as books, ICT or basic infrastructure. But it is also likely to rest on staff development, either recruiting more staff or building the technical skills of staff in areas such as parliamentary procedure, legislative drafting and financial oversight. At a more strategic level, it may mean working with parliamentary authorities on the development of a staff career structure within the parliament so that staff have an incentive to stay within the institution.

4. **Experience and expectations.** Where there is limited experience in the parliament (such as in a new democracy), a support programme may wish to build a parliamentary culture, common practice and acceptable standards of behaviour. This might include the development of an induction programme for new MPs or other forms of training; the establishment of a code of conduct for politicians and staff; and drawing on international experience to identify effective scrutiny techniques. Working with MPs on such goals is likely to be most effective if built around specific policy concerns (*e.g.* how to improve parliamentary involvement in poverty reduction strategy papers), rather than abstract concepts of "scrutiny". Mentoring by, or discussion with, politicians from similar parliaments may generate a common understanding of parliamentary role and function.

5. **Politics.** In many cases, especially where patron-client politics operate, certain interests are likely to dominate and distort parliamentary activity. Frequently, it is the governing party which will control the parliament. There may be a limited amount that parliamentary support projects can do in the short-term to address such deeply-entrenched factors. However, they should seek to build opportunities, structures and incentives for politicians to act as "parliamentarians", developing cross-party initiatives, rather than just as party politicians. For example, parliamentary committees provide the opportunity for MPs to work regularly across party boundaries, and to shape policy on that basis. Enhancing the impact and influence of committees may increase the desire of MPs to serve on them. But projects might also seek to loosen executive control over the parliamentary budget, key parliamentary appointments or the parliamentary timetable.

Two key points flow from this analysis. The first is that support to a parliament has to suit the specific circumstances. That is, it needs to work from the position of the parliament within the overall system of domestic accountability, as well as examining the parliament's internal procedures, resources and operation. Second, changes in behaviour cannot be enforced from outside: they have to be owned by local partners. This means that the programme must start from a shared analysis of the challenges that the parliament faces. There must be some level of internal agreement within the parliament that it faces particular problems and, more importantly, that certain reforms or changes are the best way to rectify those problems. Programmes need to work with the incentive structures that exist within the parliament and gear them towards changes which strengthen the institution as a whole.

Principles for parliamentary assistance

The following principles are neither exhaustive nor comprehensive, but provide a possible starting point for guidance on parliamentary support projects:

1. **Integrate objectives.** Support to parliamentary institutions should be integrated with wider efforts to support domestic accountability. Given that parliaments could and should sit at the centre of a web of domestic accountability, the interaction among parliaments and other institutions should be a key feature of support programmes. Support programmes should seek to increase the extent to which parliaments engage with outside institutions (such as the supreme audit institution), and ensure that other programmes designed to strengthen other mechanisms of accountability feed into and strengthen the parliament.

2. **Ensure institutional change leads to behavioural change.** Ultimately, the effectiveness of the parliament will be determined by the behaviour of the individuals within it. The purpose of a support programme should ultimately be to change that behaviour so that parliamentarians understand their role in holding government to account, have the resources and capacity to use the relevant procedures effectively, but also have the incentive to perform their accountability function.

3. **Understand the parliament's incentive structures.** Many support programmes assume that all parliamentarians would like a stronger parliament and that donor assistance will inevitably be welcomed. This is rarely the case. A politician's attitude is likely to depend on a number of factors, including party allegiance, whether their party is

in government or opposition, whether it affects their chances of re-election, and how it affects their working conditions and pay. Support programmes need to understand the various incentive structures within a parliament, how they are currently shaping political behaviour and how they might be used to generate cross-party backing for the initiative.

4. **Don't ignore political parties.** One of the strongest influences on behaviour in parliament will be the political parties. However, fears of "political interference" often discourage donors from engaging directly with parties. A stronger parliament will depend on politicians behaving as parliamentarians rather than simply party representatives. But, to encourage a less partisan role, programmes will need to understand and work with the political parties in parliament. Programmes should provide them with the opportunities and incentives to engage on a cross-party basis, without compromising donor neutrality. Promoting inter-party dialogue outside the parliamentary limelight is also an option for donors to strengthen co-operation, trust and confidence between political parties across the political spectrum.

5. **Identify and address the causes of parliamentary weakness.** Programmes must be clear about the underlying causes of the parliament's underperformance. It may be immediately apparent that the parliament is poor at financial oversight, but support projects need to assess whether this is to do with the parliament's constitutional position, its procedures, resources, experience or political complexion. Most often, it is a combination of several factors. Even if projects cannot address all of them, they need to identify and understand them in order to have an impact.

6. **Ensure parliamentarians own the problems – and the solutions.** Local ownership is a key tenet of the *Paris Declaration on Aid Effectiveness* (OECD, 2005), but is particularly significant in trying to foster political and behavioural change. Political change rests on the parliament recognising the benefits of adopting new patterns of behaviour and embedding them in the institutions, perhaps through rule changes or institutional reforms, so that they eventually become part of the accepted political culture. Given the complexity of getting change through a parliament, there should be 1) a widespread concern that parliament is underperforming; 2) cross-party agreement on the reasons for that weakness; and 3) some internal consensus that the project's objectives are the best way to address those problems. As such, parliamentary support projects

need to be developed in partnership with key interlocutors within the institution, often politicians and staff.

7. **Keep gender in mind in tackling parliamentary performance.** The under-representation of women in political decision-making structures has implications at many levels. Evidence shows that more women in parliament not only affects the tone and culture of parliamentary debate, but also the range of issues that are debated. Support to parliamentary institutions should be conceived within this context. There are two distinct, but inter-related challenges. The first is to increase the number of women elected to national parliaments and promoting their influence within the institution. The second is to improve the impact of parliaments in developing policies that take into account their effect on women and men, and seek to address the imbalances that exist.

8. **Design projects around outcomes rather than activities.** Critically, programmes should maintain a clear sense of what they are designed to achieve. Too often this obvious point is lost during the lifetime of a project. The initial analysis of a parliament might identify areas where support should effect change (for example, the improvement of financial scrutiny) and the means for delivering this (providing training and support to MPs and staff, additional resources and the creation of a budget support office, etc.). But frequently process and outcomes are confused with one another, with donors measuring activities (*e.g.* the number of training sessions, existence of a budget office) instead of the impact they were originally designed to have. An outcome-driven approach would need a much greater degree of flexibility in the design and delivery of programmes, requiring co-ordinated interventions in different parts of the parliament, designed to achieve the same end.

9. **Set realistic objectives and a realistic timescale.** The conditions for achieving parliamentary change will vary between institutions, but donor-supported programmes need to work from the understanding that in most parliaments change will be haphazard and unpredictable, and that the interests of MPs will wax and wane over time. Parliaments are rarely amenable to neat designs or detailed reform plans, which has three implications for project design. First, it should not be assumed that specific activities will inevitably result in particular outcomes. Second, the scope for political change is often limited, and projects which seek discrete objectives will frequently be more effective than institution-wide reform. Third, political change happens slowly. At a Wilton Park conference in early 2010, one participant's comment resonated

around the room when he begged the representative of a major donor organisation as follows: "What we need", he said, "is less money and more time."

10. **Set the right indicators.** Once indicators are in place they tend to determine subsequent project activity – with the wrong indicators, projects do the wrong things. Project objectives may lend themselves partly to quantitative measures, such as the number of bills passed, the number of committee reports published, the amount of public evidence compiled or the number of questions asked of ministers. However, these do not capture the quality of oversight or accountability. Much is likely to depend on a more thorough form of analysis which involves stakeholder perceptions of performance through interviews and opinion polling of the public, civil society, the media and special interest groups. This sort of monitoring and evaluation needs to be built in at project design stage, and should be a regular and on-going feature of parliamentary support programmes. From this perspective, peer-learning and South-South collaboration could be good mechanisms to directly involve stakeholders and build up owned evaluation processes and shared indicators.

11. **Get the timing right.** The timing of any project will be a key determinant of its success. For example, the best point to establish new ways of working is immediately after an election. At this point there is likely to be a large number of new MPs, the committees will have a new complexion and the government ministries they monitor are also likely to have changed personnel. Induction programmes should aim to establish new patterns of working and reinforce key principles. By the same token, working with MPs just before an election is likely to have very little effect, as most will be thinking about their election campaign – and many will not return.

References

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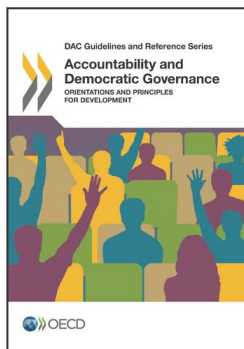
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