

DEMOCRACY IN THE  
GLOBAL VILLAGE

OCCASIONAL PAPERS ON

# PARLIAMENTARY GOVERNMENT

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# OCCASIONAL PAPERS ON PARLIAMENTARY GOVERNMENT

*Occasional Papers on Parliamentary Government* are written, edited and published at the Parliamentary Centre, an independent, non-profit organization. The mission of the Centre includes: assisting parliamentarians, in Canada and abroad, to develop their understanding of external relations; helping parliaments to function more effectively; contributing to the professional development of parliamentarians and parliamentary staff; and supporting democratic development worldwide.

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## In This Issue...

This is the first issue of Parliamentary Government to focus on democracy outside Canada's borders but it won't be the last. Democracy is now a global issue. What happens in Canada has an effect elsewhere and what happens elsewhere has an impact in Canada.

We are used to thinking that we Canadians have a lot to teach the rest of the world when it comes to democracy but not necessarily much to learn, particularly from those parts of the world where democracy is fragile and far from consolidated. Now we have to think again because it turns out that our own democracy is far from rock solid and we have much to learn from those who have had to struggle to make democracy work.

There is another reason to focus this issue on democracy in the Global Village. The Parliamentary Centre has had the strong support of Parliament in going global in its own work. Fifteen years ago, virtually all of the Centre's work was with the Parliament of Canada. Now we also have parliamentary strengthening programs in Africa, Asia, Eastern Europe, the Middle East and Latin America. Many of these programs involve sitting or former MPs and Senators, as well as Parliamentary officials, serving as expert advisors and resource people. Frequently the study visits to Canada that we organize include a large component of observation and discussion on Parliament Hill.

So in part, this is a tribute and thank you issue to the Speakers of the House of Commons and Senate, to MPs and Senators and to officials of both chambers who have greatly strengthened and enriched our work. Each of the articles to follow illustrates in one way or another these vital links between the Centre's work in Canada and elsewhere around the world.

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Cartoon by Anthony Jenkins



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## INTRODUCTION AND OVERVIEW

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**T**he article by Hon. Musikari Kombo, a Kenyan MP and Cabinet Minister and Steven Langdon, former Canadian MP and Director of the Centre's Africa Programs reflects on recent African experience as it relates to proportional representation, a matter of renewed interest in Canada. The authors argue that African experience shows that PR need not lead to unstable and unaccountable government. A second article highlights the September 2003 Africa-Canada Parliamentary Dialogue that focused in part on the connection between poverty and armed conflict.

The article by Geoff Dubrow, Director of Eastern European Programs at the Parliamentary Centre, reports on the work of the Russian Program in

strengthening the Accounting Chamber through a close working relationship with the Auditor General's Office and the Parliamentary Centre. It is worth noting that the Russian program is the oldest of the Centre's international programs, dating back to 1993, and began as an agreement signed between the Russian and Canadian Parliaments.

Christine Ivory, Director of Asian Programs, focuses her article on the Centre's efforts in strengthening the administrative capacity of the Senate and National Assembly of the Parliament of Cambodia. This work has been led by a former Director General of Human Resource Development in the House of Commons and greatly assisted by the generous support extended by the current administrations.



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## **ELECTORAL REFORM AND STRENGTHENING DEMOCRACY: A CROSS-COUNTRY DISCUSSION**

**By Musikari Kombo, MP and Steven Langdon**

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**A**frican-Canadian policy dialogue is at the heart of the new Parliamentary Strengthening Program launched last year under the CIDA Canada Fund for Africa. All participants gain insight from the interchanges taking place.

Recently in Senegal, for instance, the two of us were able to discuss democratic reform together.

This is a crucial concern in both parts of the world. In Kenya, 40 years of one-party rule led to massive voter alienation and outrage over worsening corruption. This finally expressed itself in a large opposition victory in late 2002 elections, leading to sweeping policy changes. Work is ongoing to bring about key constitutional shifts, including more elements of proportional representation to increase numbers of women MPs.

In Senegal, too, there was a dramatic shift to “Alternance” in the 2000 victory of President Wade over the ruling Socialist Party. This led to major constitutional reforms supported in a referendum that strengthened Parliament and guaranteed property rights for women.

In Canada, there is also widening discussion of democratic renewal, from proportional representation in Quebec and B.C., to strengthening individual MPs in Parliament. Falling

vote levels and youth disinterest point to loss of confidence in the system’s ability to achieve people’s goals. Anger over questions of integrity has grown.

But as debates over change move forward in Canada, two interconnected hesitations are emerging. Systems of proportional representation are seen by some as possible threats to government stability, since majorities would be harder for a single party to obtain. Some fear this would result in constant coalition governments that carry out policy mixes which are different from what any single party promises in an election campaign, and for which no single party would therefore be accountable to the electorate.

In practice, these African experiences question such concerns.

Consider the supposed threats to government stability from proportional representation. Though Senegal does include a significant element of PR in its voting, this does not result in government instability, because the overall system is mixed. Fifty-five legislative seats are chosen from a national list based on country-wide party votes, but the other sixty-five are chosen on the basis of multi-member districts, where the leading party group normally captures all seats in the district. In 2001, this mixture

resulted in President Wade's "Change" (Sopi) group winning 89 of the 120 seats, with just under 50% of the national vote.

So it is possible to have a system that broadens representation (there are 9 other parties reflecting a whole range of views in the National Assembly,) yet maintains a stable government.

This will not always be the case, but it clearly can happen with PR. South Africa is another example, with a purer form of PR, but a very broadly supported leading party, the ANC (African National Congress). Rwanda and Tanzania are other examples with important PR aspects that widen participation yet result in decisive election victories.

Senegal is also an interesting example of a clearer voting system, with a national PR list, leading to much higher levels of voter turnout in 2001 after the constitutional changes that were made (67.4% compared to 38.8% in the 1998 elections.)

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What about the confusion to voters that can be caused by coalitions? Both Kenya and Senegal illustrate that the basis of coalitions can be different than the critics think. Both countries are governed by coalitions, the National Rainbow Coalition (NARC) in the case of Kenya, and the Sopi ("Change") Coalition in the case of Senegal. Yet in neither case was it post-election effects of PR that led to these alliances – Kenya has an almost pure first-past-the-post single constituency system, which gave NARC 126 of 210 elected seats, and Senegal's system generated a strong majority.

Rather, in each case, long periods of rule by a single party led to what has become common recently in Africa. Various opposition parties came together over time to form a coalition before elections, so as to finally pose a credible alternative that could win. This meant that there was a carefully formulated coalition policy platform for which voters could express endorsement and hold the coalition leadership accountable afterwards.

Is it possible that this form of politics may support democracy better than the Canadian style of changing from one single-party government to another?

Part of the cynicism about politics in Canada comes from seeing newly-elected parties abandon their promises—whether it is federal Liberals being converted to the GST, or Ontario New Democrats dropping plans for public auto insurance. When coalitions of parties work out careful compromise platforms, these are likely to be more difficult to jettison (since large changes in direction will lead coalitions to break apart and governments may collapse as a result.)

So it just may be that coalitions would restore people's faith that voting for a group will bring about what the group says it will do!

Certainly adherence to commitments marks the new Kenya government. It has been extremely tough on anti-corruption moves, unlike any previous post-election government; and despite internal debates the commitment is going forward to broaden government leadership by establishing the post of prime minister.

In neighbouring Tanzania, Uganda and Rwanda, introducing new PR elements has been crucial in overcoming serious gaps in numbers of women MPs; Rwanda, for example, now has close to fifty percent of women MPs. PR systems to choose a proportion of MPs, combined with strong efforts by women's groups to insist on high-level participation on those lists, can help significantly to redress unjustifiable gender inequalities. In Senegal, for example, of the 23 women MPs, 16 were elected from the national PR list (29% of the total of 55,) and only 7 from the department-by-department sets of seats (11% of the 65.)

In practice, then, our political dialogue in Africa suggests three key points:

- Electoral reform need not lead to unstable governments, though it certainly does result in wider political representation and higher voter turnouts; mixed systems can be developed that increase participation yet maintain stability;
- Coalition governments can present clearer political choices to voters, and can also improve integrity of promises made to the electorate; and
- Proportional representation initiatives can make a crucial contribution to achieving greater gender equality in politics.



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## **POVERTY REDUCTION AND ARMED CONFLICT**

### **THE AFRICA-CANADA PARLIAMENTARY POLICY DIALOGUE,**

### **SEPTEMBER, 2003**

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African MPs from 13 Parliaments met with Canadian MPs and Senators in the first Parliamentary Policy Dialogue organized by the Africa-Canada Parliamentary Strengthening Program, over the week of Sept. 22-26, 2003 in Ottawa. The results expected from the Dialogue, as identified in Program planning, were: a) improved knowledge for African participants and the Parliamentary committees to which they belong; and b) improved policy skills for African parliamentarians. The agenda for the Dialogue accordingly focused on three specific policy areas—how to counter the threats of civil strife and security to poverty reduction, how best to further the key policy objectives of the NEPAD initiative, and how electoral reforms could contribute to policy objectives of greater gender equality. There were presentations made to increase knowledge of participants in each of these policy areas; and this was then followed by group discussions among the African and Canadian parliamentarians on aspects of the policy points raised, and on conclusions reached. A further day was spent on interaction by the Africans with Canadian parliamentary institutions to see policy skills being put into action (in such venues as Parliamentary Committee hearings, Question Period, and participation in internal party caucus meetings.) Here is an excerpt from the work of one of the discussion groups during the Dialogue, dealing with poverty reduction and armed conflict:

**T**his discussion group was chaired by Mrs. Dicko Djeneba Cissé, MP, Mali. The rapporteur was Louis Chimango, MP, Malawi.

The discussion first revolved around the causes of armed conflict. The following were points were made:

- Need to recognize the lack of access to information by parliaments (Lillie Chitauro, Gender Network Coordinator, Parliamentary Centre);
- In the case of the Democratic Republic of Congo, the fundamental cause of conflict lies in its riches and Belgium's failure to release its colonial hold in a well-planned and prepared way (Dicko Cissé, MP, Mali);
- Causes can be classified as internal or external, the latter resulting from the colonial heritage, the arbitrary nature of the division of Africa into states (Abdoulrahim Balarabé, MP, Niger.)

Possible methods of resolution include:

- The importance of looking at internal African mechanisms for conflict resolution; the case of Liberia was noted, in which the easiest and quickest solution was an intervention by Nigeria to propose a peaceful solution (Gabriel Suswam, MP, Nigeria);
- Regional parliaments should arm themselves with tools for conflict resolution and prevention (Cissé, Mali);
- A profound analysis is needed to understand what can be salvaged from the colonial division of states (Balarabé, Niger).

Mauril Bélanger, MP (Deputy Government House Leader and Minister Responsible for Democratic Reform) picking up on the classification of causes as external and internal, suggested that it would be more profitable for Canadian MPs to attempt to deal with external causes. Also allowing for the huge workload of Canadian MPs, he asked what the priorities of Canadian MPs should be on these matters—to what should they devote their time and energy?

Responses included:

- Support to understand and put into place majority, multi-party systems (Dr. Ethiopia Beyene, MP, Ethiopia);
- Pressure to eliminate small arms trade with conflict countries, given that most small arms come from Western countries paying lip service to conflict resolution; Canada could exercise some influence as a member of the UN Security Council (Suswam, Nigeria and Balarabé, Niger);
- Canada must question the effectiveness of large international organisations such as the UN; in the face of the great diversity of the African continent, it is better to work through small organisations, closer to the populations (Viviane Compaoré, MP, Burkina Faso);
- The reform of trade policies to address not only subsidies for crops but also the problem of tax havens; Canada is a party to international capitalism and an accomplice to the US; the very rich and industries must be taxed in order to compensate for the systematic abuse of the South (Yves Rocheleau, MP, Canada);
- Canada can contribute to the development of education in Africa (not just basic literacy, but higher education) (Senator Gérald Beaudoin, Canada).

Internal African actions that are priorities for conflict resolution include:

- The need for African parliaments to take on the role of conflict prevention, and arm themselves with the required knowledge (Louis Chimango, MP, Malawi);
- Auto-regulation mechanisms unique to each culture (traditional conflict-resolution mechanisms), such as the Commission for Social Dialogue in Niger which brings conflicting parties together for mediation (Balarabé, Niger);
- The need for a strong opposition; for women to accede to power to change reactions in times of conflict; and the need to fight poverty (Compaoré, Burkina Faso);
- The need to develop a culture of peace: parliamentarians can play an important role in the education of their constituents (Cissé, Mali).

The discussion then focussed more clearly on the security sector. Steven Langdon (Parliamentary Centre) asked whether the establishment of an African military force, as suggested by NEPAD, was a good idea and whether and how Canada could support it, as suggested by David Pratt, MP (former Minister of National Defence), in earlier commentary on Canada providing training support.

Senator Beaudoin approved the idea of a pan-African military force, active in each country. Cissé (Mali) mentioned the existence of the ECOWAS military force, composed of various national armies and active in Liberia and Côte d'Ivoire. Balarabé (Niger) insisted that this force remain informal and led by Nigeria which provides most of the troops, the financing and takes initiative, while other countries simply follow the lead; a true pan-African military force, as recommended in NEPAD, is crucial. However, the current crisis situations on the continent require immediate action and cannot wait for the creation of such a force. According to Compaoré (Burkina Faso), NEPAD recommends building on what already exists; for now Canada should support existing mechanisms and forces.

As to the role of parliamentarians in the control of the security sector, this should include:

- Cross-border sharing of intelligence information, including cooperation between Canada and Africa, especially as related to terrorism; tightened security in the Western world has led to increased terrorist attacks in African countries where the security is lax and the latter need to be alerted and informed (Suswam, Nigeria);

- The need to know first-hand the military reality, including conditions soldiers are subject to; in Niger parliamentarians visited the barracks and dialogued with the soldiers (Balarabé, Niger);
- Control of the security sector budget is still a difficulty in most African countries, despite the existence of disclosure laws (Balarabé, Niger and Compaoré, Burkina Faso); this difficulty is even greater when the Assembly is of the opposition (Cissé, Mali); beyond voting on the budget, parliaments should concentrate on its monitoring, given that “approved” military budgets are often overspent (Balarabé, Niger).

More specifically, the role of Canadian parliamentarians in support of control of the security sector in Africa should include:

- The creation of laws to track corruption money being held in the Western world; pressure and denunciation of corruption (Suswam, Nigeria);
- Generally building parliamentary effectiveness for dialogue with the executive (Chimango, Malawi);
- Support to an African peacekeeping force (Beaudoin, Canada).

#### REPORT FROM THE GROUP

(Rapporteur: Luis Chimango, MP, Malawi)

1. The group discussed the causes and the nature of conflict, categorized as external and internal. The former come mostly from the colonial heritage: the arbitrary separation of states, the supply of weapons and the ongoing fight for Africa’s plentiful resources.

2. There was then a useful discussion of conflict prevention, which can be tackled by: creating institutional mechanisms; taking into account African approaches (examining African cultures for traditional prevention/resolution methods); integrating women into power structures; social dialogue mechanisms. There is a general belief that the UN has failed.
3. The recommendations by Canadian parliamentarians include: support the NEPAD development mechanisms; impose a development tax on the very rich; prioritize fields of action (e.g. on education); get the security apparatus in African countries under control; and address trade issues, where the WTO could play a key role.
4. In the end, it is up to Africans to decide that conflict must end on the continent. There must be political will to end internal war. Only then should Canada support the efforts.
5. Canadian intervention should include: helping to open lines of communication between the executive and parliament in order to tackle the question of military budgets; denunciation of corruption, particularly the harbouring of illicit profits in the West; cooperation for the containment of terrorism.

Additional comments by Group members:

- need to look at capacity-building for parliamentarians and staff (Balarabé, Niger);
- the issue of weapons provided by the West needs to be addressed (Suswam, Nigeria);
- the link between terrorism and poverty (Balarabé, Niger);
- the idea of a pan-African policing/peacekeeping force (Beaudoin, Canada).





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## **STRENGTHENING PARLIAMENTARY OVERSIGHT IN RUSSIA: STRENGTHENING SUPPLY AND DEMAND**

**by Geoff Dubrow**

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**S**trengthening accountability and parliamentary oversight is an important endeavour in emerging and established democracies alike. An effective system of parliamentary oversight requires that the legislative branch scrutinize public expenditures and revenues. However, parliamentarians and their staff lack the resources, time, and technical skill to closely and effectively monitor government spending. As a result, legislatures have called for the establishment of Supreme Audit Institutions (SAIs), which can act as independent watchdogs to monitor government spending. This underscores the important role that legislatures have to play in studying reports by their SAI. After all, the “relationship between Parliament and its SAI is at the core of the objectives and purpose of Parliament’s oversight function.”<sup>1</sup> To ensure the effectiveness of auditing institutions, legislatures must follow-up by examining SAI reports. In addition, legislatures should also request that the SAI investigate situations where corruption or mal-administration is suspected (although in many cases, this function is handled by the police).

How successful have post-communist legislatures been in exercising their oversight function? While often quite weak in functioning parliamentary systems, the concept of checks

and balances is only in its embryonic stages in Eastern Europe and is even seen as alien. Oversight capacity in these countries is generally weak—a legacy of the former Soviet system in which legislatures rarely had any effective oversight role over the executive branch. As a result of the underdeveloped system of checks and balances, the post-communist legislatures that emerged in the region in the early and mid-1990s have focussed on the passage of legislation, but have been weaker in overseeing government expenditures and the implementation of legislation. In many post-communist countries, legislatures are not assigned a formal constitutional oversight role.

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**The concept of checks and balances is only in its embryonic stages in Eastern Europe and is even seen as alien.**

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The Eastern European countries are each at different stages of democratic development, and oversight capacity significantly differs by country. In the Republic of Serbia,

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<sup>1</sup> For a notable analysis, see Stapenhurst, Rick and Ken Dye, “Pillars of Integrity: The Importance of Supreme Audit Institutions in Curbing Corruption,” in *New Perspectives on Combating Corruption*. Transparency International and the International Bank for Reconstruction and Development, 1998, p. 119.

there is no independent SAI to monitor government expenditures and by extension no oversight role for the Serbian National Assembly. Even where an SAI exists, as in Russia, there is no guarantee that the legislative branch will utilize SAI reports to exercise its oversight role. Factors that determine the extent to which legislatures follow up on SAI reports include whether the legislative branch both has the will and the capacity to do so. The Russian SAI—the Accounts Chamber of the Russian Federation (Accounts Chamber)—has existed since 1995, but the Russian Federal Assembly (comprising the State Duma and Federation Council) has only very recently begun to hold hearings on the Accounts Chamber’s reports. Developing a culture of parliamentary oversight has taken some time. Until the collapse of the Soviet Union in 1991, the legislative branch in Russia had no independent oversight role. That changed in December 1993, when the Russian Constitution was ratified. Article 101.5 mandates that “in order to exercise control over the federal budget the Federation Council and the State Duma shall form an Accounts Chamber, the membership and rules of order of which shall be determined by federal law.” The law on the Accounts Chamber was passed in 1994 and it began its work in 1995. However, this Act did not, in the short run, stimulate increased demand by the Federal Assembly to play an oversight role. Neither the State Duma that was elected in 1995 nor the Federation Council, which at the time was a part-time body meeting only a couple of days per month, made productive use of the Accounts Chamber’s reports. Although the reports were sent to both houses of the Federal Assembly, they were merely stacked on bookshelves and were not given any serious consideration.

While the Accounts Chamber, unlike the Office of the Auditor General of Canada (OAG), can send a letter directly to a government department ordering a remedy to a situation uncovered in an audit, such action has rarely met with a response in Russia. Strengthening cooperation between the Accounts Chamber and the Federal Assembly was seen as an opportunity to increase public awareness and public pressure on the government to implement the Accounts Chamber’s recommendations. Following State Duma elections in 1999, the Budget Committee of the State Duma formed for the first time a Sub-committee on Financial Control, Accounts, Audit and Collaboration with the Accounts Chamber of the Russian Federation (herein referred to as the Duma Sub-committee on Financial Control). Given that the Accounts Chamber produces over 300 audit reports per year, the creation of the Sub-committee was seen as a necessary step towards strengthening the capacity of the Duma to review the Accounts Chamber’s reports. However, the Sub-Committee has met with limited success because it has very limited powers. It cannot independently hold hearings

on the Accounts Chamber’s reports, and can only prepare the ground for hearings by the full Budget Committee. This is in stark contrast to the Public Accounts Committee of the House of Commons, to which reports of the Auditor General are permanently referred. Hearings on the Accounts Chamber reports by the Duma Budget Committee have been rare indeed.

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**The Accounts Chamber produces over 300 audit reports per year.**

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The budget process places tremendous burdens on Duma resources, especially those of the Budget Committee and by extension its sub-committees, of which there are several. According to article 114 of the Russian Constitution, the Government of the Russian Federation is responsible for developing and submitting the federal budget to the State Duma. In contrast to the role of the Canadian House of Commons, the Russian Duma plays a protracted role in the budget process, in which there are four readings over a period of four months. It is commonplace for Duma deputies to produce thousands of budget amendments each year. Time is therefore split among competing priorities, and holding hearings on Accounts Chamber reports falls near the bottom. Given the importance of the budget process in the Russian Parliament, Accounts Chamber opinions on the proposed draft budget (concerning the accuracy of expenditure forecasts) receive most of the attention. This is a function that the Office of the Auditor General in Canada does not perform. Compared to other sub-committees of the Budget Committee, the Sub-committee on Financial Control has relatively limited capacity.

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**The Russian Duma plays a protracted role in the budget process.**

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The upper house of the Russian Parliament, the Federation Council, has been more successful dealing with the reports of the Accounts Chamber since it became a full-time body in 2002. Until that point, the Federation Council was a body comprising the chairs of the legislative assemblies and the governors of the Subjects of the Federation (the 89 Russian regions or provinces). As they were busy with affairs in their own regions, the formal Federation Council met on a monthly basis for only two or three days. As a result, there was insufficient time to consider legislation passed by the State Duma, let alone time to consider reports

from the Accounts Chamber. Since it became a full-time body in 2002, the new Federation Council appointed a Commission on Interaction with the Accounts Chamber and over 30 of the 178 members of the Federation Council joined it. The focus of the Federation Council Commission is more on the Russian regions, including the audit of federal government branches in the regions, and spending for programs to which both the federal government and the Subjects of the Federation contribute funds. The Federation Council Commission has met regularly since its inception, and with the support of the Parliamentary Centre and the Public Accounts Committee of the House of Commons, has developed rules of procedure and established a practice for holding hearings on the Accounts Chamber's reports.

Beyond legislative demand and capacity, the format and content of the reports that SAIs supply to the legislative branch have an impact upon the extent to which parliamentarians will utilize them. In Canada, the Auditor General's reports were significantly abridged in 1973, when newly-appointed Auditor General James Macdonell "cut the report down to the essentials".<sup>2</sup> Since then, the reports have gradually been reformatted to make them more readable for their primary audience—Members of Parliament. In 1977, the new Auditor General Act directed the Auditor General to conduct value-for-money or performance auditing. This mandated the Office of the Auditor General (OAG) to provide Parliament with in-depth information about the performance of government programs, by examining whether funds were spent with due regard to economy and efficiency and whether the government has the means to measure their effectiveness.<sup>3</sup> This represented an evolution of the Auditor General's role beyond attest and compliance auditing.

Until recently, the post-facto auditing function of the Accounts Chamber of the Russian Federation was confined mostly to compliance audits of government spending. This entailed a review of transactions to verify whether

government departments had conformed to all laws and regulations. As used to be the case in Canada, compliance audit reports were of limited interest to parliamentarians since they did not paint a larger picture about the delivery of government programs. In 2002, with the assistance of the OAG, the Accounts Chamber began to develop performance-auditing standards and conducted performance audits of two government programs. Guided by the Parliamentary Centre, the Federation Council Commission held a series of hearings on those two performance audits in May 2004. With the commitment of Accounts Chamber's Chairman and former Prime Minister Sergei Stepashin to increase the use of performance auditing throughout the organization by 2005, and with the increased awareness and capacity in the Federation Council, the future of legislative oversight in Russia seems bright. In December 2003, Stepashin pointed to the strong relationship that had developed between the Accounting Chamber and the Federation Council, and expressed a desire to see the relationship with the State Duma reach the level of cooperation his organization had achieved with the Federation Council.

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### **the future of legislative oversight in Russia seems bright.**

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In most political systems, legislatures have an important role to play in publicizing and legitimising SAI reports. While this has long been the case in Canada, emerging democracies such as Russia are strengthening both the legislative demand and capacity to hold hearings and issue recommendations on SAI reports, and SAIs are in turn developing reports that present information in a manner that stimulates interest in the legislative branch. This underscores the mutual reliance of these institutions in most political systems and how their improved cooperation can strengthen accountability.

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<sup>2</sup> Sonja Sinclair. "Cordial But Not Cosy. A History of the Office of the Auditor General". McClelland and Stewart Limited. Toronto, 1979, p. 107.

<sup>3</sup> See, for example, the [2001 Report of the Auditor General of Canada - February - Reflections on a decade of serving Parliament](#).



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## PUBLIC CONSULTATION IN CAMBODIA, CHINA AND CANADA

By Christine Ivory

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Public consultation, also known as public participation or public engagement, is emerging as a core element in the Parliamentary Centre’s legislative strengthening programs in Cambodia and China.

Public consultation has developed and evolved in Canada over several decades and is now an accepted and expected process in our decision-making process. Public consultation is also being introduced into countries where democracy is a relatively recent form of governance as well as in countries, like China, still governed as command societies. Although public consultation is being adapted to fit very different political systems and political cultures, some of the underlining objectives remain the same.

The aim of public consultation is to involve members of the public in program and policy matters that affect them directly or indirectly. Public consultation benefits both those in government and those served by government; it promotes a two-way flow of ideas and information among all sectors of society. While public consultation can take many forms, it does follow key principles such as transparency, inclusiveness, trust, equity and community. These principles can be seen as common values that resonate with citizens of all countries.

For Parliamentarians, being “representative” is both a priority and a challenge. As elected representatives, Members

of Parliament are custodians of the “public interest” and have a responsibility to identify and represent public concerns and values. As the Parliamentary Centre becomes increasingly engaged in various parts of the world, it becomes clearer that regardless of the political system or a country’s democratic history, MPs face similar challenges in reaching out to their constituents, in understanding and addressing issues of concern to citizens and ensuring public participation in the decision-making process. Whether in Cambodia, China or Canada, legislators are searching for ways to make consultation processes more inclusive and accountable.

### CAMBODIA

In the Royal Kingdom of Cambodia, the national legislature faces many challenges in ensuring its democratic role. As a relatively new institution, in existence since 1993, the Parliament of Cambodia faces continued political instability, corruption, distrust among the population, weak mechanisms and processes and an inexperienced parliamentary staff. Despite these challenges, Cambodian parliamentarians are committed to strengthening the role of their institution in the decision-making process. As elected officials, they are also increasingly concerned about representing the views of their constituents. There is growing recognition among Cambodian MPs and Senators that Parliament has a responsibility to involve the public in

lawmaking and to inform the public about Cambodia's governance system. Most Cambodians are not aware of the laws being passed by Parliament and even fewer find an opportunity to be consulted in the lawmaking process.

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**MPs face similar challenges in reaching out to their constituents, in understanding and addressing issues of concern to citizens and ensuring public participation in the decision-making process**

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Cambodia's electoral system of proportional representation contributes in part to the alienation of parliamentarians from their constituents. Although provinces elect MPs, they do not have constituency or provincial offices and very few regularly commit to traveling to the provinces to meet with citizens unless they are gearing up for elections. It is interesting to note that Article 77 is the only article in the Cambodian constitution that directly addresses the representative function of MPs, and it makes no reference to the representative role of Senators. Cambodian experience suggests that the adoption of an electoral system based on proportional representation may in some circumstances weaken MP's accountability to the people. Are MPs accountable to the party or to the voters, or are they accountable to all Cambodian people, as stipulated in the Constitution.

Although the legislature recognizes the value and importance of public consultation, methods and techniques such as hearings, public forums and surveys are not practiced regularly. Public consultation has not been standardized or institutionalized in the Cambodian legislature but there is a growing sense that this is required for the legislature to remain legitimate in the eyes of its citizens. The Royal Government of Cambodia has experimented with various methods of public consultation and there appears to be a growing trend to include civil society and citizens in the decision-making process. The fact that consultation is taking place in government ministries has put pressure on the legislature to increase its level of consultation. Furthermore, decentralization and the recent commune elections have helped promote political awareness and involvement among rural communities and those communities are now demanding greater accountability from their parliamentarians.

The emergence of an official opposition in the Cambodian Parliament after the 1998 election also transformed the culture of the legislature and provided greater opportunity

for citizens to learn about the issues facing decision-makers. An active civil society in Cambodia has helped promote the democratic rights of citizens and raise awareness among rural communities of their right to participate actively in Cambodia's governance system. All of these developments have strengthened the need to promote public consultation in Cambodia and in particular to develop strong mechanisms and processes to institutionalize public consultation in the Parliament of Cambodia.

#### CHINA

Public consultation is not what most people expect to hear when studying Chinese political reform. In a country that has focused on rapid economic reform and repeatedly declared that no political reforms were being contemplated, it may seem surprising that the leadership is looking to strengthen mechanisms to institutionalize consultation in one of its highest political institutions, the National People's Congress. (NPC)

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Chinese society is changing, fast. New pressures on the government have forced it to become more transparent and accountable. Such developments as last year's public demands for answers during the SARS crisis and the growing involvement of local communities in decision-making are having an impact on how the Chinese leadership develops and implements policies.

The **Legislation Law of the People's Republic of China** promulgated in 2000 stipulates in Article 5 of the legislation: "Lawmaking shall reflect the will of the people, promote socialist democracy, and ensure that people are able to participate in the lawmaking process through various channels". The Legislation Law clearly provides for public consultation within the legislative process of the National People's Congress.

At the village level, the widespread use of local elections for village committees across China provides a stimulus for public consultation. Just as local leaders must now listen more closely to community residents, some bureaucrats are seeing public consultation as an aid rather than a threat to their management. Many now see that public consultation is feasible and necessary to increase the understanding, acceptance and support for the reforms being introduced.

Provincial congresses throughout the country increasingly practice public consultation and in some cases are now holding regular public hearings. Shanghai, Zhejiang, Anhui, Jiangxi, Henan, Sichuan, Zhengzhou, Guangzhou and Shengzhen have already enacted Rules on Legislative Hearings. At the local level, there are more and more cases of proactive consultation, in ways not even experimented with in Canada. Some of the provincial and local congresses have allowed the publication of their legislative agenda, and then asked for proposals and recommendations from the public through newspapers and public announcements, and have received thousands of proposals. Some congresses have agreed to formulate laws according to these recommendations. Obviously at the local levels consultations are limited in scope to administrative decrees concerning, for example, property issues, sanitation work, road infrastructure and so on. Consultation is presently happening at the micro level, at a level where the leadership feels comfortable. But it is a trend that is gathering speed.

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## CANADA

As public consultation becomes more prominent in emerging democracies and even in a one-party system such as China, it continues to demand increasing attention and reform here in Canada. Public consultation in Canada is now an expected component of decision-making but the role of consultation is fluid and indeed has taken on a new impetus. The aim of public consultation is no longer to confirm or assess the impact of intended government initiatives but has become a more inclusive process where stakeholders and decision-makers define common objectives, explore alternatives and discuss a preferred course of action. Consultation is becoming more engaging and dynamic. Some would even argue that consultation is no longer the appropriate term for the participation of Canadians in the decision-making process and that Canada is moving rapidly towards “citizen engagement”.

“Citizen engagement” is a response to growing concerns that Canadians feel detached and have lost trust in their decision-making institutions. With growing concerns that the public is being excluded from policy making, the Canadian government has committed itself to engaging Canadians directly as individual citizens in the consideration and resolution of issues.

For Canadian parliamentarians, improving their representative function is a pivotal goal of parliamentary reform. As a recent EKOS study revealed, Canadian citizens are dissatisfied with the intermittent nature of their relationship with Parliamentarians. Casting a vote every four years is seen as insufficient and citizens are demanding a more direct and active relationship with their MPs. A recent report prepared by the Library of Parliament argued that parliamentarians, like their constituents, feel the same sense of alienation and frustration about their role in the decision-making process. Parliamentarians argue that any proposals to reform the institution has to take into account the role of citizens and their representatives and make them the focus of democratic activity.

At both the national and provincial level, governments and legislatures are looking at various reforms to address the democratic deficit. At the forefront of all these proposals is the need to rebuild public confidence in democratic institutions and to create more representative, responsive and accountable governance structures. Increasing the direct participation of citizens in the democratic process is taking form across the country. In British Columbia, the Citizen’s Assembly on Electoral Reform is the most innovative and current example of a government’s attempt to engage citizens directly in the decision-making process. As democratic renewal gains momentum at the provincial and national level, the level of public participation and engagement in decision-making could be transformed into a much more direct and involved role for Canadians.

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While the level and type of consultation taking place in countries such as Cambodia or China are very different from Canadian practices, the fundamental rationale for including citizens in the decision-making process remain much the same. The changing social, political and economic climate in most countries has led to more informed and mobilized citizens who expect their governments and legislatures to listen to their concerns and represent their views.