

Parliamentary Accountability
and Good Governance
A Parliamentarian's Handbook

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PARLIAMENTARY ACCOUNTABILITY AND GOOD GOVERNANCE: A PARLIAMENTARIAN'S HANDBOOK

OVERVIEW

One of the striking features of globalization has been the emergence of a common discourse on government, with the worldwide spread of terms like governance, accountability and transparency. Are we seeing the (Coca-Cola)nization of politics, the branding of government everywhere and always?

Our answer is both yes and no. On the one hand, it would seem increasingly difficult for countries to evade common challenges associated with governance. These include the need to have a competitive economy, a responsible, effective state and a vital, diverse civil society. The challenge is akin to building an automobile with any hope of its running: there are only so many ways that it can be done and all of them involve motor, wheels and transmission.

An answer like that raises the specter of globalization feared by so many. It suggests that globalization is another term for the spread of western techniques everywhere in the world. Is globalization just another word for re-colonization? Here, the answer is a qualified no. There is an important difference between producing (Coca-Cola) and operating systems of governance: the former strives as far as possible to remove history and culture from the assembly line, while the latter depends for its efficacy on those very things.

This point bears some explanation because it runs contrary to current notions of globalization. The conventional view is that globalization involves the spread of universal techniques of whatever—communications, manufacture, governance. In fact that is only half the story, as the term global village suggests. The other half of the story is the effect of globalization in energizing local communities. Instead of being the pawns of distant empires and

regimes, communities awake to the possibility of choosing their own futures. In short, we would argue that globalization is the acceleration and collision of opposites—the universal and the local.

It follows that governance must be grounded in community if it is to have any hope of success. It is also true, however, that governance founded on parochialism and prejudice is likely to fail. The attachment of citizens to their community, to their nation, is now inseparable from the challenge of meeting certain global tests of nationhood, including those of governance. National pride is sustainable only by demonstrating that culture and history can serve as powerful assets in meeting these global challenges.

Making the global and the local work in balance is the central challenge of governance at the start of the 21st century. It is around that challenge, or at least the part of it having to do with parliamentary accountability, that our collection has been written. Accountability is one of those terms that has emerged as a universal attribute (or indicator) of good governance. As commonly understood, the word carries a simple meaning: those with power must answer to those they serve—the people. So defined, accountability is a fundamental concept in ethics, rule of law and democracy and few today would attempt to dispute the concept in principle.

Like all such concepts, however, accountability must be given effective operational expression and here there are many problems. Everyone pays lip service to accountability but most of us attempt to evade and avoid it in practice. Few things are more difficult for people to accept than the right of others to judge them and hold them to account for their actions. This is particularly so of people with great power who are inclined to assume that

they also possess great wisdom. That difficulty can only be overcome by developing strong ethical codes and embodying them in effective institutions such as the family, the community, the courts or parliaments. This latter point—the institutional embodiment of ethics—needs special emphasis. Individuals need a web of institutions to fully activate and realize citizenship. Where such institutions do not exist, the first obligation of citizens is to help create them.

This collection of essays focuses on parliamentary accountability, the role of parliament as an important link in the chain of accountability between government and citizens. Some people regard the concept of parliamentary accountability as a contradiction in terms. Though most people believe that parliaments are supposed to be one of the primary institutions holding governments to account, in many countries of the world they are seen as failing dismally at the task. From this gap between parliamentary principle and practice, some draw the conclusion that parliaments are hopeless. They now look to so-called arms length institutions, such as ombuds offices, human rights commissions and auditors general, to fill the accountability vacuum. While specialized institutions like this have an important role to play in strengthening accountability, they have little chance of being effective without a surrounding environment of open, competitive politics. In other words, specialized accountability bodies are only a supplement, not a substitute, for parliamentary accountability.

Each of the chapters focuses on some aspect of the challenge that parliaments must confront if they are to serve as institutions of accountability, one of the global requirements of good governance. Each chapter is accompanied by one or two commentaries discussing the experiences of particular countries as they relate to the theme of the chapter. These commentaries serve to underscore the point made earlier that governance practices must be rooted in local soil. It is not enough to espouse global principles or to adopt global models of governance. These models will amount to nothing if they cannot be made to work

in the very different circumstances in which countries find themselves. For example, poor countries cannot afford the elaborate institutional infrastructure of rich countries, but this does not mean that the principle of accountability is inapplicable when a country is poor. Indeed, it can be argued that accountability is especially important when the price that people pay for bad government is a matter of life and death. Clearly, it is imperative to find ways to make principles like accountability serve the different, specific, real life circumstances of people.

Chapter One lays the conceptual foundation for the handbook, describing the ecology of governance and the challenges associated with the strengthening of parliamentary accountability. The chapter also argues that governance policies (and performance) are now as important as economic and social policies to the well being of nations. In his discussion of the Kenyan experience, Hon. Musikari Kombo documents executive dominance and the resulting weakness of parliamentary accountability.

Chapter Two focuses on accountability at the level of governance structures. It argues that accountability varies with systems of governance (parliamentary, presidential and mixed) but that a crucial question applies to all systems: to what degree is the legislature capable of constraining the behavior of the executive? Absent that capacity, parliaments fail to perform their accountability functions. In a case study of the presidential system, Senator Aquilino Pimentel of the Philippine Senate describes the work of the “Blue Ribbon” Committee, one of the Senate’s key accountability instruments. In a second case study of a mixed constitutional system, the Bulgarian Centre for the Study of Democracy describes the accountability mechanisms of the Bulgarian National Assembly.

Chapter Three shifts the focus to accountability at the level of individual parliamentarians. Members of Parliament direct questions and demand answers of others and, likewise, their own performance is under constant scrutiny. Moreover, the

intersection of party loyalty and constituency responsibility creates competing accountabilities that Members must learn to manage and balance. Parliamentarians are compelled to continuously practice the arts of accountability. Ms Dalal Salameh explores the sum of these issues in a case study of the Palestinian Legislative Council.

Chapter Four explores one of the fundamental tests of parliamentary accountability, namely the capacity of legislatures to control “the power of the purse.” While it is understood that financial and economic management must be a central concern of any parliament, the sheer complexity of overseeing the budget cycle is less well understood. This is an area where there are urgent requirements for parliamentary capacity building. Mr. John Williams, Chair of the Public Accounts Committee of the Canadian House of Commons describes the budget process in Canada, and the Hon. Steve Obimpeh, former Chair of the Finance Committee of the Parliament of Ghana discusses the Ghanaian experience.

In looking at parliament-civil society relations, Chapter Five highlights the point that parliaments are a key part of the chain of accountability connecting citizens and the state. Many civil society institutions provide citizens with information and other means to hold state institutions accountable. Despite that, relations between civil society organizations and parliaments are often marked by suspicion and misunderstanding. Strategies to build more constructive relations are proposed. In two case studies, Ms. Elissar Sarrouh and Mr. Manfredo Marroquin describe specific initiatives in Lebanon and Guatemala, to build parliament-civil society relations by way of strengthening accountability of state institutions.

Chapter Six discusses the impact of globalization on parliamentary accountability. It is argued that the executive parts of government have in general adapted earlier and more effectively to globalization than have parliaments. To avoid being marginalized further, parliaments must become much more adept at building their own policy focused international networks.

Chapter Seven discusses the impact of globalization on parliamentary accountability. It is argued that the executive parts of government have in general adapted earlier and more effectively to globalization than have parliaments. To avoid being marginalized further, parliaments must become much more adept at building their own international policy networks. In this case study, Shafqat Mahmood, a member of the suspended Senate of Pakistan, argues for the establishment of regional forums to promote inter-parliamentary dialogue on sources of conflict between neighbouring countries, as well as to share information and experience on parliamentary practice.

A final introductory note: this handbook is intended primarily for parliamentarians and parliamentary staff as a hands-on, practical guide to some of the important issues associated with parliamentary accountability. We hope readers will find it useful and that it might even prove instructive for the wider audience interested in governance. Throughout the text, parliament has been used as a generic term for legislatures. Members of Parliament, parliamentarians and Members are also used interchangeably to refer to elected representatives.

CHAPTER ONE: THE ECOLOGY OF GOVERNANCE AND PARLIAMENTARY ACCOUNTABILITY

By Robert Miller

INTRODUCTION

Governance is one of those global terms that are used as if everyone agreed on the meaning, whereas that is far from being the case. In these circumstances, anyone who proposes to use the term has an obligation to spell out the meaning as clearly as possible.

We use the term governance to describe key elements of a common challenge now confronting countries all over the world, namely the challenge of building national communities within the global village on a foundation of active citizenship and healthy, balanced relations between state, civil society and marketplace institutions. This very general statement leaves plenty of room for countries to tackle this challenge (or, more properly, set of challenges) in their own particular ways but, we would argue, leaves little room for evading or avoiding the challenge itself. Countries will, indeed must, adopt their own indigenous solutions to balancing the relations between state, civil society and marketplace institutions, but no successful country can do without these institutions or a reasonably healthy balance between them.

We would go further and suggest that after all the ideological sound and fury of the twentieth century, a consensus of sorts is beginning to emerge around the importance of balance in governance. Either-or choices that have been offered in the past —between state on the one hand or market on the other, between equity or freedom—are increasingly being rejected in favour of more balanced approaches that incorporate state and market, freedom and justice concerns. Of course, a balanced approach does not eliminate political choice and conflict, but perhaps it does begin to define some common

ground on which the battles of politics can more productively be fought.

We would illustrate the emerging consensus by referring to two major reports that have been published within the past year: Human Development in South Asia 1999, prepared by the Mahbub ul Haq Human Development Centre of Pakistan and Entering the 21st Century, the 2000 World Development Report of the World Bank. The former document is sharply critical of the governance of South Asia, which it characterizes generally as excluding the voiceless majority, and producing unstable political regimes and poor economic management. In spelling out a reform agenda, the report introduces the concept of humane governance which it describes as “transparent and accountable to all its constituents, and conducive to building a society in which all believe they are treated fairly and decently”. Humane governance is conceptualized in three interlocking dimensions:

- ◆ political governance, emphasizing the rule of law, accountability and transparency;
- ◆ economic governance emphasizing the role of the state in ensuring macro-economic stability, guaranteeing property rights and concerned with social justice and investment in people; and
- ◆ civic governance that encourages the development and active participation of civil society organizations, media, professional and business groups, both large and small. In this model, it is the interaction of the different dimensions of governance that ensures the health of the whole.

One sees a similar emphasis on balance in the 2000 World Development Report. The report presents what it calls “a comprehensive development framework” based on the following principles:

- ◆ The country, not assistance agencies, should own its own development strategy, determining the goals, timing and sequencing of development programs.
- ◆ Governments need to build partnerships with the private sector, NGOs, assistance agencies and the organizations of civil society.
- ◆ A long term, collective vision of needs and solutions should be articulated so as to draw sustained national support.
- ◆ Structural and social concerns should be treated equally and contemporaneously with macro-economic and financial concerns. Structural meaning, such things as honest, competent government and an efficient judiciary.

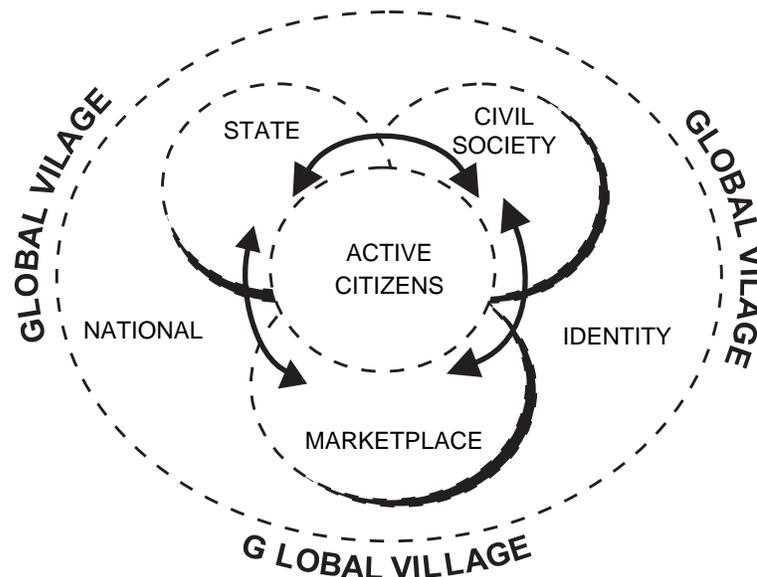
There are, of course, important differences between the analyses and recommendations found in these two reports. In general, the Mahbub ul Haq Centre places more reliance on government leadership and intervention in the economy than does the World Bank. That being said, there are striking similarities in their vision of good

reports emphasize the importance of a long term, holistic approach to governance reform.

THE ECOLOGY OF GOVERNANCE

To capture this emerging consensus, the Parliamentary Centre has developed the concept of The Ecology of Governance as illustrated in diagram #1. The concept is a guide that helps orient us to certain fundamental issues of governance. The term "ecology" underlines the fact that governance involves a complex web or network of interrelated organizations centered around active citizens. Just as natural ecologies highlight the relations between organisms and their environments, the ecology of governance draws our attention to the relations between organizations and their social political and economic environments. When we come to the subject of parliamentary accountability, we will see that parliament should serve as a bridge between state and society, facilitating the participation of citizens in their own government. The diagram also features the global village as being part of the national ecology rather than something external

Diagram 1: The Ecology of Governance



governance as consisting of balance between the local and the global, between market efficiency and social justice, and between state, civil society and marketplace organizations. Moreover, both

or extraneous. This point too will reappear when we discuss the responsibility of parliamentarians to look outward and engage the global village in order to serve their constituents.

The Ecology of Governance also helps us to recognize the connections between structures of governance and key principles such as accountability, transparency and participation.

- ◆ Accountability requires a healthy balance of power between state, civil society and the marketplace, with no one institutional sphere being in absolute control. The point is illustrated in the diagram by the various spheres of governance being the same size. Though not shown in the diagram, the same principle of balance applies within the state to relations between the executive, legislative and judicial branches of government, and between levels of government from the national to the local. imbalances of power are seen as dangerous, if not fatal, for good governance.
- ◆ Transparency requires that information about governance should be readily available and that the dialogue between citizens and their institutions be open and continuous. This is illustrated in the diagram by the dotted lines between state, civil society and marketplace. Transparency is important in its own right and as a requirement of accountability.
- ◆ Participation is a vital component of citizenship and another requirement of effective accountability. It means fair opportunity for all citizens to participate in the making of decisions affecting their lives, regardless of economic means, gender or ethnicity. It also means that citizens have an obligation to participate in shaping the direction of the nation.

We argue that parliaments can become vital organizations only on the basis of some such model of governance. No matter how efficient or well organized their internal operations, parliaments count for nothing if they fail to build relations with the wider society or betray the cause of active citizenship. In this view, whatever their specific responsibilities and circumstances, parliamentarians

worldwide share a common responsibility—to serve the cause of good, balanced governance.

THE UNBALANCED ECOLOGY OF GOVERNANCE

Parliamentarians who have participated in the Laurentian Seminar¹ over the past several years have overwhelmingly supported the ecology of governance as a succinct statement of global governance ideals. They stressed the importance of rule of law and an appropriate balance of power between governance institutions, while noting that strong effective governments are a prerequisite of development. Many also emphasized that the reality in their countries was a long way from their ideal model. What they described might be termed The Unbalanced Ecology of Governance, as shown in diagram #2.

A seminar held in Uganda in February 1999 for African parliamentarians produced the diagram on the following page to describe a common African reality, but it also struck a chord with many parliamentarians at seminars held in South and South East Asia. For example, a Pakistani Senator said of elected Prime Ministers in his country: “They are a product of the Parliament but disregard this institution after their elevation. They immediately start to rely upon the old colonial executive to rule the country and give lesser importance to their own party or the Parliament. In such a context, the opposition often feels it should go home and come back in five years!”

An unbalanced ecology of governance was described as having the following salient characteristics:

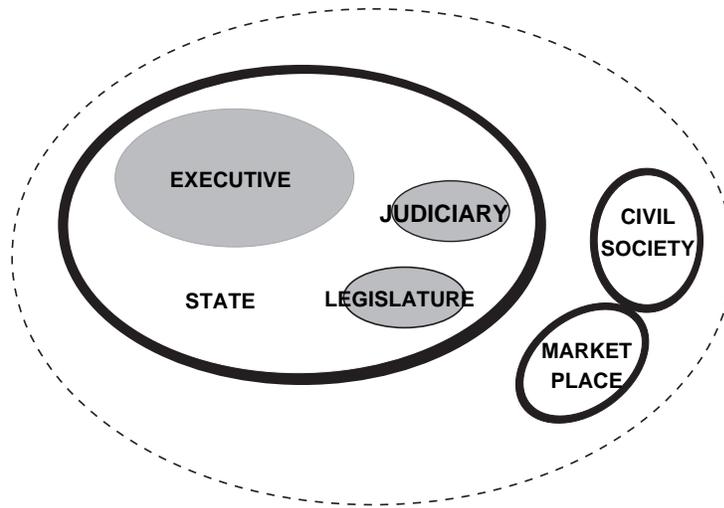
- ◆ State Centered, Executive Dominated. As the diagram illustrates, state institutions are large and powerful in relationship to those of civil society and the marketplace, both of which are relatively small and underdeveloped. Within the state, the executive dominates both the legislature and the judiciary and central institutions dominate regional and local government.

¹ The Laurentian Seminar is organized by the Parliamentary Centre, in partnership with the World Bank Institute and the Canadian International Development Agency. It brings together parliamentarians from around the world to discuss practical means of strengthening parliament's contribution to good governance.

- ◆ Governance is closed and exclusive. As shown by the thick dark lines between state, civil society and the market sectors, the unbalanced model is closed and hierarchical, not transparent and participatory. Information is guarded jealously and participation is neither encouraged nor

judiciary as the single gravest flaw in their countries' governance systems. Instead of an independent judiciary enforcing the rule of law, judges and courts are often under the thumb of the executive and susceptible to bribery. The resulting lack of public confidence in the courts

Diagram 2: The Unbalanced Ecology of Governance



welcomed. It is for the executive to know and to act, largely unencumbered by other institutions or citizens.

- ◆ Parliamentarians are marginalized and denied the means (information, staff, offices and so on) that would allow them to play an effective role in governance. Instead, government and opposition parties mount rhetorical battles in parliament and Members of Parliament play the role of glorified municipal councilors, spending their time seeking benefits for constituents and special interests.

Among the high costs associated with unbalanced governance, corruption is one of the most insidious and destructive. While stressing that corruption has a multitude of causes, including poverty and the business practices of many transnational corporations, parliamentarians identified the following traits of unbalanced governance as contributing to systemic corruption.

- ◆ Lack of independent judiciary. Many parliamentarians saw the weakness of the

contributes to an atmosphere of lawlessness that facilitates corruption and poses grave dangers to the stability of society.

- ◆ Over-centralized government. Executive dominance expresses itself in two ways: first, in relations with other branches of government, particularly the judiciary and parliament; and second, in relations between the central government and other levels of government, particularly at the local level. Many parliamentarians saw it as being especially important to devolve power and resources outwards and downwards, though it was acknowledged that this could result in short term increases in corruption where local accountability systems are weak.
- ◆ Top down political parties. There were numerous references to closet leader dominated political parties that subvert standards of accountability, transparency and participation in their own operations. Elections and the ensuing confrontation between parties in parliament are often narrowly focused battles

for the spoils of office rather than struggles over competing policy agendas. Consequently, elections often feature “goons, guns and gold.”

- ◆ The watchdogs are chained. Specialized agencies like Auditors General and Ombuds offices are one of the established means of strengthening accountability so as to reduce corruption. Parliamentarians from Africa and Asia warned that the proliferation of such agencies creates turf battles and public confusion. Additionally, many of these organizations are under the political and budgetary thumb of the executive.
- ◆ Civil society and media are weak. The weaknesses in state institutions are compounded by the weakness of civil society and the marketplace. Instead of vigorous, independent spheres of influence able to hold government accountable, civil society organizations are often dependent on or closely allied with government. Like watchdog agencies, media is often dependent on if not under the direct control of the executive.

ACCOUNTABILITY AND PARLIAMENT

Earlier, we spoke of the need for every nation to have a competitive economy, a responsible effective state and a vital, diverse civil society. While parliamentary accountability relates in some degree to all of these, its focus is on the challenge of building effective, responsible and accountable state institutions.

While the word revolution is overused, it is perhaps an acceptable overstatement to say that we are seeing a worldwide revolution in state institutions (sometimes quiet, sometimes not). This movement for reform has been propelled by a number of not always consistent or complementary forces, including the global marketplace, the disappointing performance of some governments, the rise of ethnic nationalism and human rights, a general decline in public confidence in government, an aggressive media, the multiplication of interest groups and the rise of political leaders ideologically hostile to government. To a degree almost unique in history, people have adopted a sceptical, utilitarian approach to government, asking over

and over again: what has it done for me lately? In turn, this has spawned new approaches to public management and public service accountability which, for want of a better term, might be called the results based revolution.

As long as there has been government people have expected something from it, but the efforts now underway to better define, measure and improve the performance of government are unprecedented. The following are some of the key features of this movement:

- ◆ The focus is on results, economy and efficiency in government operations, as well as on improved performance that achieves cost-effective delivery.
- ◆ There are sweeping programs of downsizing and privatizing of government operations.
- ◆ Emphasis is placed on enhanced accountability, ensuring transparency in authority and responsibility relationships and improved reporting.
- ◆ There is far greater emphasis on public consultation as a means of checking continuously on what the citizenry want and whether they are satisfied with the performance of their government.
- ◆ There is increased devolution of authority to local and regional authorities, a move seen as a necessary precondition for improved government performance.

These changes have brought with them increased pressures for government ministers and officials to account for their management of public affairs, and new mechanisms to ensure that they do so, including freedom of information laws, ombuds offices, parliamentary oversight officers (eg the Auditor General) and judicial review of government decisions. These are backed up by increasingly powerful media and well-organized civil society and marketplace organizations, all of which keep their eyes on government. At the same time, globalization and localization are altering the structures of accountability. Instead of running simply from government to citizens,

accountability must now factor in transnational authorities and layers of sub-national government.

As governance relations grow denser and more complex, there is a corresponding danger that values like accountability will become increasingly difficult to understand and put into operation. A recent paper by the Institute on Governance (“When Accountability Fails: A Framework for Diagnosis and Action.”) performs a useful service by distinguishing types of accountability relations and introducing the notion of an “accountability cycle”.

Vertical and horizontal accountability. The paper argues that in a well functioning system of governance, state power will be constrained in two ways that should complement and reinforce one another: first, through “vertical accountability” whereby state power is restrained by being directly answerable to citizens, for example through elections; second, through “horizontal accountability” whereby an array of counterbalancing state institutions such as independent judiciary, watchdog bodies and legislatures cause state power to restrain itself.

The accountability cycle. The paper describes three distinct phases of accountability — information, action and response — that together make up the accountability cycle. These phases draw our attention to some of the important ways that accountability may fail and correspondingly should be strengthened. The effectiveness of an agency like parliament holding government accountable, depends in the first instance on the degree to which it can obtain relevant, accurate and timely information. Having obtained the necessary information, accountability next depends on the willingness and capacity of the accountability agency (e.g. parliament) to act on the information by demanding corrective action from the government. Finally, the accountability relationship works only if the government feels compelled to take corrective action.

How does parliament fit into this model of accountability? First, parliament is part of the system of horizontal accountability and so its effectiveness depends on being able to work with other parts of the system like watchdog bodies, some of which report to parliament. Second, parliament is also an important part of vertical accountability inasmuch as its members serve to connect citizens to the state, as we showed earlier. This requires that the institution be open to and able to work with both individual citizens and civil society organizations in holding government accountable. It also means that members of parliament themselves must be accountable to citizens.

As to parliament’s place in the accountability cycle, each of the phases of the cycle — information, action and response — apply quite directly to parliamentary accountability. As we have noted earlier, access to information is one of the key determinants of parliamentary effectiveness. But equally, it is essential that parliamentarians have the political will to act on that information and that the executive feels compelled to respond meaningfully to parliament, a condition that is conspicuously missing when the executive utterly dominates parliament.

We would highlight the following types of parliamentary accountability:

- ◆ Political Accountability consists of the parliamentary role in making and unmaking governments, the ultimate accountability mechanism. In many parliaments, this consists of a political battle before the television cameras in which the opposition parties attack and the government defends itself.
- ◆ Committee Investigation consists of the work of parliamentary committees in investigating and reporting publicly on the performance of government. Although this kind of parliamentary accountability, like the first, is constrained by party politics, many parliaments are far more active in this regard than ever before. In many parliaments, committee work is now a principal activity and one of the most rewarding for parliamentarians.

- ◆ The Power of the Purse describes the role of parliament in authorizing government to raise and spend money. Although the performance of many parliaments in reviewing the estimates (or appropriations) has atrophied, the budget cycle remains a vital parliamentary accountability mechanism linking government and citizens. Particularly important are the activities of finance or economic affairs committees in the run-up to the budget and public accounts committees (variously named) in scrutinizing past expenditures.
- ◆ The MP as Ombudsman describes the role of parliamentarians in investigating and solving problems on behalf of individual citizens, particularly his or her constituents. Typically, this consists of helping gain access to government benefits and services, although it also involves investigating citizens complaints about personal mistreatment or maladministration by officials. The fact that parliamentarians are available to help citizens in this way can help make officials more responsive in their dealings with the public.
- ◆ Parliament as the Citizens' Forum describes the function parliaments perform in serving as a forum in which citizens and their groups and organizations can publicly air grievances, concerns and recommendations. This is one of the most valuable roles performed by parliamentary committees when they hold public hearings to which they invite citizens as witnesses. The parliamentary petition is another channel for grievances, though it is fast becoming more ritualistic than functional. By serving as a forum, parliament may also greatly facilitate the citizen or citizens group gaining access to government information.

In carrying out their accountability functions, parliamentarians have had to adjust to the fact that they are no longer the only game in town. The most effective have become very adept operators in the accountability networks that have sprung up in the past twenty or thirty years. Information sharing between the media and MPs, particularly opposition MPs, is now standard operating procedure

in many parliaments. Similarly, some parliamentary committees work closely with specialized oversight bodies, the most developed partnership being between the Public Accounts Committee and the Office of the Auditor General. By contrast, parliaments have thus far shown themselves to be less adaptable in the face of globalization and localization. The rise of transnational authorities and federal systems (of various kinds) have so far had the effect of strengthening the hand of the executive vis-à-vis parliament.

PARLIAMENTARY LEADERSHIP AND THE STRUGGLE TO STRENGTHEN ACCOUNTABILITY

In offering this discussion of parliamentary accountability we have left out a critical dimension so far, namely the sharp and likely growing differences between countries that are making accountability work and those that are not. Lack of accountability is an important factor in the failed state phenomenon with menacing implications for human security. Among the reasons why governments persist in disastrous policies is that accountability systems—the key governance feedback mechanisms—are either missing or simply don't work.

We have provided an overview of some of the reasons for this in our discussion of the unbalanced ecology of governance but would like to add a reference to a recent assessment by Anwar Shah of the World Bank. In his 1998 Policy Research Working Paper, "Balance, Accountability and Responsiveness", Mr Shah argues that the quest in most developing countries for the right balance in governance, by which he means primarily decentralization, has largely failed. His explanation for why "the road to reform remains a field of dreams" boils down to this: there is a discordance between the society's goals (vision), authorizing environment (policy making) and operational capacity (policy execution). As a consequence of this disharmony, not much gets accomplished and citizens are disappointed. The weakness of accountability instruments plus the focus on "frying a big fish occasionally but doing nothing with the systemic malaise" means self-correcting

mechanisms are blunted. This assessment explains in part why dramatic changes in economic policies in many countries have not been followed by equally dramatic improvements in economic performance. The ecology of governance, it would seem, remains a major impediment to successful reform.

Mr. Shah's assessment supports the testimony of parliamentarians who have attended the Laurentian Seminar. However, parliamentarians also reported examples of practical measures that are being taken to strengthen parliaments as institutions of good governance. We would note the following in particular:

- ◆ **Constitutional Reviews.** A number of countries have recently carried out constitutional reviews as part of efforts to strengthen governance institutions. These reviews usually feature attempts to rebalance power between the executive and the legislature, although there is no attempt to enfeeble the executive. Developing countries recognize their need for strong leadership and that strong leadership needs to be held to account by a strong parliament and other institutions.
- ◆ **Budget Process.** Some parliaments are beginning to strengthen their handling of the budget process by having key committees conduct public consultations in advance of the budget and monitor implementation more closely. However, there are still major obstacles in the way of parliamentary effectiveness, specifically the lack of cooperation from the executive, lack of financial knowledge of many MPs and the weak state of parliamentary research and information services.
- ◆ **Oversight Committees.** Many parliaments have given high priority to strengthening their committee systems. Among permanent committees, particular attention is being paid to oversight committees like finance, public accounts and anti-corruption. The strengthening of these committees appears to reflect the growing political importance attached to anti-corruption policies, although in some cases it has taken considerable courage on the part of parliamentarians who pushed for the establishment of these committees.
- ◆ **Parliamentary Codes of Ethics.** Corruption charges are often a preferred type of ammunition in the political wars but some parliaments are making progress in developing codes of conduct that are enforced fairly and without regard for party. A particularly difficult and contentious part of parliamentary ethics concerns the financing and conduct of elections. Parliamentarians openly acknowledge that many of them routinely ignore regulations governing election expenses. They also acknowledge that, by doing so, they severely impair the credibility of parliament as an institution capable of tackling corruption.
- ◆ **Strengthening relations with civil society.** There is considerable wariness and lack of knowledge on both sides of the parliament-civil society divide but some parliaments are showing considerable imagination in reaching out and initiating dialogue. For example, one parliament organizes parliamentary workshops with civil society groups prior to the introduction of major pieces of legislation. For their part, civil society organizations are developing new tools to strengthen accountability, for example report card methodology and service delivery surveys that generate citizen feedback on satisfaction with public services.
- ◆ **Parliamentary networks.** The Uganda Laurentian Seminar launched the African Parliamentarians Network Against Corruption (APNAC) which is in the process of becoming an effective parliamentary tool in the fight against corruption. The mandate of APNAC is to share information and best practices, to support the establishment of active anti-corruption groups in African parliaments and to undertake regional projects in cooperation with civil society organizations like Transparency International. The initiative is an encouraging example of parliament's ability to adapt to globalization by developing

sustainable, policy focused networks of inter-parliamentary cooperation.

In describing these and other initiatives, participants in the Laurentian Seminar stressed how important it is for parliamentarians to stand up to the intimidating power of the executive. Rare is the cabinet minister or president who regards an effective, independent minded parliament as a blessing. At the same time, relations with the executive need not always be adversarial, although that may be unavoidable where endemic corruption and abuse of power mark the government. Where possible, parliamentarians should seek to build good governance alliances across party lines, particularly on committees. Governance is one of those areas where there may be enough common political ground to offer an opening for parliamentary leadership

The hope for this is suggested by the experience with economic policy reform. Despite enormous resistance and the high cost of reform, many developing countries have now put in place economic policies that offer the hope of developing more adaptable, competitive economies. But, as we have seen, weaknesses in governance have compromised the effectiveness of those policies. From that vantage point, strengthening accountability becomes a key part of the reform agenda. It is just as important for countries to have appropriate and effective governance policies as economic policies, for neither will work without the other. Accordingly, providing leadership in governance reform and policy making becomes a primary parliamentary responsibility.

CASE STUDY: PARLIAMENTARY ACCOUNTABILITY AND GOVERNANCE— THE KENYAN EXPERIENCE

By The Honourable Musikari Kombo, MP

INTRODUCTION

Kenya's parliamentary incapacitation is both structural and managerial. Whereas the structural issues are relatively easy to solve, the managerial ones are difficult as Members of Parliament are themselves products of popular electoral processes that do not necessarily submit themselves to meritocracy. Thus it is correct to argue that the managerial weaknesses are the price we have to pay for democracy.

However, the cost of this managerial fault could be eliminated or greatly reduced if the structural designs were appropriate. The starting point of this structural aberration is to be found in the Constitution of Kenya. Professing republicanism and presidentialism, the Kenyan Parliament literally lacks a legal or constitutional mechanism for bringing the President to account for his actions, and those of his government. Whereas he is a Member of Parliament, the constitution does not compel him to attend parliamentary sessions and the Vice-President (more by practice rather than law) has been left to superintend government business in the House. This phenomenon has greatly weakened the concept of representative democracy as the Vice President, unlike the President, is not directly elected by the people, but rather is a presidential appointee. The free hand which the constitution grants the President in changing deputies leads not only to regular discontinuities, but also more devastatingly, to uncertainty in the occupant of that office at any one time. This subverts optimal performance, as Vice Presidents are too keen to be seen to be pleasing the Government and the President.

THE WAY FORWARD

A time has come when Kenyans must make a choice between a presidential and parliamentary

system of government. This requires a constitutional amendment. Appropriate mechanisms must be put in place to invite and enforce executive accountability. Presently, the lethargy with which ministers and even Members of Parliament go about their business in the House is a testimony to the lack of any sanction mechanisms in the House. The constitutional clause that empowers the executive to dissolve parliament undermines its own capacity to check on the excesses of the executive.

If the role of parliament is to ensure accountability, then the Kenyan Parliament has largely been a failure. The no-confidence motion clause in the constitution has been used less than two times since independence. The last time it was attempted, this initiative, despite its own merit, fell into party polarization and allegations of bribery.

Opposition parties in search of favors from "powers that be" have in certain instances forged House alliances, some of which are justified through ethnic explanations. Opposition party fragmentation in Kenya today is partly a result of ethnic caucusing and partly a manifestation of retrogressive peer rivalry. The "struggle credit" among many of the parliamentarians born by the popular agitation for political pluralism is greatly undermining the very essence of pluralistic democratic practice.

Further, when taken to its full conclusion, "no-confidence" motions as constitutionally provided for, are "suicide motions" for parliament. Members of Parliament are reluctant to embark on an exit project for the executive that ends up being an exit process for themselves.

PARLIAMENTARY STRATEGIES— FINANCIAL CONTROL

It is only after 1997 that parliament revived the committee system. Committees are still new and are being tested. The committees that were in operation (such as Public Investments and Public Accounts Committee) have had to face instances when the executive starves them of the funds required to conduct their activities. In other words, the weak financial and material basis for parliament, as well as the constitutional and administrative umbilical cord that make it dependent on the executive, have undermined its capacity. Whereas there are moves to name Members of Parliament to committees on the basis of competency, the clamor for memberships is driven more by desires to settle political scores or earn sitting allowances. The impulse of setting up of committees for such purposes subjects parliament to the danger of committee glut and financial burden.

Parliament's power of the purse has also been seriously constrained due to weak amendment powers conferred to it. In 1997 the government scrapped its Estimates Committee, which means parliament lacks information on proposed government expenditure estimates. Consequently, Members of Parliament are condemned to receiving the budget proposals for the first time on budget day and are expected to synthesize or make serious submissions on the bulky documents instantly. This is rather ambitious and the debate of the whole House makes it difficult to engage in productive discussions on the budget, that can actually occasion amendments. Off target contributions have characterized budgetary debates, as some members do not even read the document.

At another level, the supplementary budgetary estimates provision in the constitution has been abused. Whereas initially it was intended to give government an opportunity to make financial adjustments in cases of unforeseen emergencies, government has taken advantage of this to spend more and more money as a matter of habit. In fact, the supplementary estimates presented to parliament around mid-year, though in theory

meant to be proposals, are in fact usually already incurred expenditures for which government merely seeks parliamentary approval as a formality. Failure of parliament to endorse would not in any way starve government of those finances. All it would do is create an illegality, which the executive could ignore.

Parliamentary committees should serve as the key watchdogs on behalf of the public. The government policies must be put on the spotlight and digested by the parliamentary committees before they are implemented.

LEGAL IMPOTENCE OF COMMITTEES

The Public Investments Committee and the Public Accounts Committee lack powers of prosecution, and therefore their recommendations are simply left to gather dust. Combined with the fact that the Controller and Auditor General, although reporting to parliament, is an official of the Ministry of Finance makes their oversight function in parliament very weak. Once appointed, the Controller and Auditor-General should be vetted by parliament and report directly to parliament. All its employees should have security of tenure to avoid situations where the executive moves staff from certain positions to ensure that effective work is not accomplished.

The office of the Auditor-General (Corporations) should be abolished and its functions absorbed by the constitutional office of the Controller and Auditor-General. This former position is unconstitutional since it was created by an inferior legislation. Indeed, it is a creature of the 1985 Amendment of the Exchequer and Auditor Act. It was brought about in bad faith when the looters of parastatals did not wish to be scrutinized thoroughly.

As is the practice in other Commonwealth parliamentary jurisdictions, it is time for the Kenyan Parliament to empower its committees with responsibilities and privileges to prosecute. The notion that the Attorney General, apparently part of the executive, must give consent to prosecute in all parliamentary cases, is outdated, primitive and draconian.

Lastly, parliament has had no mechanisms, legal or otherwise to approve international loan agreements. All this time, the executive has negotiated loans directly with donors and

international lenders at the exclusion of the people's watchdog. Once concluded, and if parliamentary approval is required, the executive comes to the House as a formality.

CHAPTER TWO: SYSTEMS OF GOVERNANCE AND PARLIAMENTARY ACCOUNTABILITY

By Mr. Geoff Dubrow

Parliaments are multidisciplinary creatures. They play many roles. They deliberate, pass or reject legislation. They also ostensibly hold the executive branch accountable, a function which one Canadian MP defined as “holding people responsible for the performance of their duties”. Accountability has traditionally been at the heart of checks and balances. The importance of parliament’s role in holding the executive branch accountable has increased significantly as of late. This emphasis on

governance. When it comes to anti-corruption initiatives, in most cases, the executive branch cannot be relied upon to reform itself. The notion of a “national integrity system”, developed by Transparency International Tanzania, therefore views other institutional actors, including parliament and civil society, as critical partners in building systemic integrity. Thus, it is principally through the use of accountability mechanisms that parliaments can hold the executive branch accountable.

Figure 1: Accountability Mechanisms in Different Institutional Systems

	Parliamentary	Presidential	Semi-Presidential
Oversight/Review Appointments	X	X	X
Impeachment		X	X
Question Period	X		X (some countries)
Election/Ratification of Cabinet	Elected	Ratified	PM ratified
No-Confidence Votes	X		X

parliamentary accountability has been fuelled by an increasing focus on good governance among developing and transition countries as well as by the international donor community. Included in the World Bank Institute’s definition of governance is the “capacity of the government to effectively manage its resources and implement sound policies”. Parliaments have a key supervisory role to play in this capacity. The importance of strengthening parliament’s supervisory capacity has become even more critical recently, amidst increasing consciousness about corruption as an obstacle to good

As the notion of working with parliaments to utilise and strengthen built-in accountability mechanisms is becoming increasingly prevalent, understanding how these mechanisms vary among different political institutions is being accorded a greater importance. In other words, generic definitions of accountability need to be replaced by definitions that are reflective of different institutional structures. This chapter therefore examines the accountability mechanisms that generally accompany different institutional arrangements. Three institutional designs are

discussed here—parliamentary, presidential, and semi-presidential. Each design possesses its own accountability mechanisms, which need to be taken into account in order to effectively harness parliament’s capacity to supervise the work of the executive branch.

COMPARING INSTITUTIONAL DESIGNS

Each of these three systems place different types of checks on the executive branch. According to Mezey, “the crucial question is the degree to which the legislature is capable of constraining the behaviour of the executive”—watching and controlling it. For our purposes, constraints or accountability mechanisms will be divided into two categories—those that hold the government to account and those that compel the government to give account. The former pertains to specific mechanisms, based either in law, convention, or stated in the constitution, that allow the legislative branch to hold the executive branch to account for its actions. Votes of no confidence or censure motions (forcing the government’s resignation); impeachment; and the election or selection of members of the cabinet to or by parliament are several pertinent examples. The latter category includes parliamentary oversight over the executive branch, question periods and the ratification of government appointments.

The trademark of a pure parliamentary system is that the executive and legislative branches are fused together. The head of government, the Prime Minister or Chancellor, and the cabinet (the government) sit together in the legislature, and depend on its confidence. Presidential systems are characterised by the separation of powers, meaning that the president and his cabinet are not and cannot be members of parliament and do not require parliament’s confidence. Semi-presidential systems are characterised by a dual executive, with both the head of state and head of government wielding considerable power. Semi-presidential regimes are characterised by popularly elected presidents possessing considerable powers, who has, as Duverger points out, “opposite him, a PM and ministers who possess executive and

governmental power and can stay in office only if parliament does not show any opposition to them”. The President does not rely on parliamentary confidence, but rather is elected for a fixed term. This system, invented by the French, was designed to avoid both the instability associated with pure parliamentary systems in interwar Germany and the French Fourth Republic, as well as the rigidity of US-style presidential regimes in Latin America, many of which ended in coups d’états.

COMPELLING THE GOVERNMENT TO GIVE ACCOUNT

Question Period

The accountability function is performed on a day-to-day basis when the government gives account to the legislature. Question periods and the oversight function are two such methods for carrying out this responsibility. Regarding the former, question period presents a unique opportunity for opposition MPs to directly face their ministerial counterparts and demand that individual ministers explain their actions. The alleged purpose of questions is to elicit information from the administration, request its intervention, expose abuses and seek redress. It is commonplace for the resignation of a minister to be demanded by the opposition for an alleged wrongdoing, although resignations occur infrequently. Some semi-presidential systems, including France and Russia, have weekly question periods, entitled questions for oral answer, attended weekly by the PM and members of the cabinet. The President does not participate in these sessions; given the dual executive system, the president does not undergo the same scrutiny as does the PM. In presidential systems, question period simply does not exist. While in many countries question period has become increasingly rambunctious, driven by performance in front of television cameras, it continues to exercise an important accountability function. It also forces a measure of bureaucratic accountability, since departments need to warn their ministers of potential scandals that the opposition might raise in question period.

The Oversight Role

Perhaps the most important function exercised by parliament is the oversight function, carried out mostly through committee hearings in all systems, but also through question period in parliamentary systems. Both mechanisms allow the legislature to “detect and publicize instances of executive misfeasance or malfeasance as well as compel the government to account for its actions”. Regarding parliament’s budgetary oversight function, parliaments do not only approve budgets, they need to oversee their implementation as well. After all, Parliaments’ rights and obligations do not end when the budget and the reflected estimates are agreed. It still has to make sure that effect is given to the measures that it has authorized. Only then can it be satisfied that the executive has duly carried out its injunctions. In most cases, an audit office or controller-general is responsible for a detailed audit of expenditures post-facto. Parliaments usually also have a public accounts committee, finance, or budget committee responsible for assessing the government’s expenditure of the state budget.

In both parliamentary and presidential systems, the strength of parliament’s oversight role is very much contingent upon whether or not the governing party controls a majority of seats.

Parliamentary Systems

In parliamentary systems, when the governing party holds a majority of the seats in the Lower House of parliament, the domination of committees by members of the governing party significantly limits the effectiveness of parliamentary oversight. Frequent turnover of pro-government committee members by the governing party can also weaken the cumulative knowledge of the committee. In cases where the government does not hold a majority, parliamentary systems can provide for effective oversight over the executive branch, given the dependence upon the legislative branch by the executive.

Presidential Systems

In presidential systems, the separation of powers can provide an independent legislature with significant oversight powers. This is certainly the

case in the United States, where congressional committees are charged with supervising how the executive branch carries out laws passed by Congress, and with monitoring possible abuses of power by members of the executive branch, including the President. The US Congress plays a strong role in approving provisions of the state budget and in supervising their implementation post-facto. Indeed, the United States Congress has its own congressional investigative bodies, including the Government Accounting Office (GAO), and the Office of Technology Assessment. Hearings are designed to send signals from relevant committees to the respective bureaucratic department housed in the executive branch. The US Congressional model demonstrates how effective oversight can be when undertaken by strong committees with high quality staff support. The record in other presidential systems is mixed. Chile and the Philippines, despite their respective legacies of authoritarian dictatorship, have also developed strong committee systems. The Philippine Senate, for example, has developed a Committee on Parliamentary Accountability and Investigations, with powers to recommend prosecution, the ability to compel witnesses to testify before it, and the power to jail those in contempt. Many other countries employing presidential systems suffer from lack of access to information about government activities and therefore find oversight difficult. Mexico, for example, which had been dominated until recently by the governing Institutional Revolutionary Party (PRI), was historically dominated by the executive branch, with the president being almost immune from criticism in national politics. The overwhelming control of Congress by the PRI made opposition a rarity. This situation in Mexico has now begun to change for the better, but a number of other Latin American countries continue to suffer from weak legitimacy vis-à-vis the executive branch. The domination of the Congress by the same governing party as the president, and the lack of access to information about government activities make oversight difficult.

Semi-Presidential Systems

Semi-presidential systems, including the French system, provide less opportunity for supervision by parliament. The French system is heavily dominated by the executive branch thereby limiting parliament's role, especially when the President on one hand and the Prime Minister and government on the other come from the same party. While the six French parliamentary commissions have some limited input over the policy process and are responsible for the review of proposed legislation, few independent parliamentary commissions of control or inquiry have existed, and they have been wholly ineffective in investigating government misconduct. In the semi-presidential systems of former Soviet republics such as Russia and Ukraine, weak political parties, combined with the legacy of totalitarian rule, and strong hostilities between the executive and legislative branches have created a system whereby parliament has little knowledge of and no control over decisions made in the ministries.

THE IMPORTANCE OF STRONG COMMITTEES

Parliamentary Systems

The above examples demonstrate the critical importance of committee systems in determining the ability of parliaments to hold governments accountable. Committees tend to be strong when party control over committees is weak, especially in parliamentary systems. Specifically, single party dominance tends to weaken committees. In Canada and to a lesser extent in the UK, committees are weak, partly as a result of strict party discipline and majority government rule. Countries with strong committee systems capable of providing independent oversight also tend to have procedures that provide for more committee input into the legislative process. For example, a procedure is employed in most Western European parliamentary systems allowing consideration of draft bills before they are introduced in plenary. In the UK and other Westminster-inspired models, bills are referred to committee only following their debate in plenary. This weakens the scope of committee debate, since it narrows consideration

to the merits and demerits of a government introduced draft, usually along partisan lines. In Japan, despite the existence of well-staffed committees, most compromises on legislation are made before committee consideration, therefore limiting the effectiveness of committees. In India, the absence of standing (permanent) committees again results in marginalization of legislation being debated on the floor of the Lok Sabha, rather than in committees. In many executive-controlled parliamentary systems, committee membership is changed frequently, thus preventing members from acquiring any significant policy expertise.

HOLDING THE GOVERNMENT TO ACCOUNT

Mechanisms that hold the government to account are generally not employed frequently. They include parliament's role in both selecting and removing the government.

REMOVING THE GOVERNMENT

Parliamentary Systems

In parliamentary systems, the government can be removed through votes of no confidence. Votes of no confidence allow the Lower House of parliament (the 'confidence chamber') to dismiss the government should half of the MPs vote to defeat a major government bill, especially the budget, or should a censure motion succeed. Frequent use of this mechanism has caused political instability historically, especially if the parliamentary system was characterized by weak political parties, resulting in the frequent dissolution of parliament and turnover of governments. To counter the threat of dissolution, some systems (Germany, for instance), make votes of no confidence contingent upon the Bundestag's (Lower House of the German Parliament) selection of a replacement PM and government. This is also the case in India.

Presidential Systems

In presidential systems, the separation of powers precludes parliament from shortening the president's constitutionally-fixed term in office. The president can only be removed through a complex impeachment process, and only for a

serious violation of the constitution. Unlike a no confidence vote, which topples the government instantly, impeachment processes can be long and arduous, usually involving a vote by the lower house of parliament, and if successful, a subsequent trial by the upper house of parliament.

Semi-Presidential Systems

Given the president's fixed term in office, Presidents in semi-presidential regimes are only removable under a complex impeachment procedure that tends to include a vote of at least one chamber of parliament, and a trial by a Constitutional or Supreme Court. Conversely, the lower house of parliament can vote no confidence in the Prime Minister and cabinet. In Russia, this vote serves only as a recommendation that the President dismiss the government. In Ukraine, a no confidence vote results in the immediate dismissal of the government. Again, this vote does not effect the President's fixed term in office.

SELECTING THE GOVERNMENT

Parliamentary Systems

In most parliamentary systems, there is no separation of powers. Members of the government are selected from among members of parliament belonging to the single political party that has received the most seats in the Lower House, or from among a coalition of parties. The fact that members of parliament also serve as members of the executive branch has two effects in strengthening accountability of the government to parliament. First, members of the government have to run for election and are therefore scrutinized by the public and often by the media. Second, and more importantly, the government of the day must always bear in mind that it needs to face the electorate both collectively and individually come election time. In Bulgaria's parliamentary system, cabinet ministers cannot sit in parliament (sitting deputies must temporarily relinquish their seats for the duration of their cabinet appointment), and the Prime minister's nominees for cabinet must be ratified as a slate.

Presidential Systems

In presidential systems, the separation of powers precludes cabinet ministers from being members of parliament. Members of the president's cabinet, require ratification by the legislative branch, and are usually scrutinized by a committee before receiving approval. This is the case in the United States.

Semi-Presidential Systems

In semi-presidential systems, cabinet ministers are usually precluded from sitting as members of parliament. While under the French system the PM is an elected Member of Parliament able to command the confidence of the Lower House of the French National Assembly, his cabinet need not be drawn from among the elected members. In Ukraine and Russia, Prime ministers are not selected from amongst members of parliament. Rather, Prime ministers are executive appointments, nominated by the president and requiring the ratification of the Lower House of parliament. In all cases, the cabinet is appointed at the pleasure of the president, on the Prime Minister's recommendation. Arguably, the fact that cabinet ministers in semi-presidential systems are appointed without parliamentary scrutiny weakens the concept of governmental accountability. Ministers do not need to seek re-election and are not subject to parliamentary scrutiny.

OTHER FACTORS AFFECTING STRONG PARLIAMENTS

While each system has its own structural constraints and formal mechanisms, the strength of legislatures is also dependent upon a number of mutually reinforcing factors.

MPs Access to Research and Information

Parliament's research and information capacity is one such area. Well-informed parliaments tend to be more effective parliaments. The strength of legislative staff; the quality of parliamentary libraries; the quality and to opposition MP's access to independent research on general policy issues as well as research on the ramifications of draft bills; all of these factors can strengthen debate and focus discussion within parliament. In short, an informed MP can better do her or his job in

holding the executive branch accountable for its actions.

Cohesion of Political Parties

The strength or cohesion of political parties is another important factor in determining the effectiveness of parliaments in the employment of accountability mechanisms. The lack of cohesion among political parties by the new parliaments in the semi-presidential systems of the former USSR is a major explanatory factor for the weakness of the popular chambers vis-à-vis their presidents. In these countries, political parties are fluid, meaning that elected MPs change party allegiance frequently, or run without party affiliation. The lack of coherence of political parties was a logical consequence of the seventy years of totalitarian government that wiped out all political opposition to the Communist Party.

Electoral Systems

In parliamentary systems, strict party discipline, coupled with a majoritarian, first-past-the-post electoral system (which tends to create artificial one-party majorities) can also weaken the effectiveness of parliaments in the employment of accountability mechanisms. Continental European parliamentary systems, such as Germany's, have more complex electoral systems that combine first-past-the-post with an element of proportional representation. This system has provided for strong political party representation, while precluding any one party from holding an absolute majority of seats. Not surprisingly, this has reduced executive domination, thus according opposition parties a greater role in holding the government accountable.

STRENGTHENING PARLIAMENTARY CAPACITY

The relationship between the executive and legislative branch usually comprises a complex equilibrium influenced by political culture and historical circumstances. Therefore, attempting to

radically alter a country's institutional structure could have dire, unpredicted consequences. It is important to bear in mind that representative institutions need to balance accountability with stability. Returning to an earlier example, while a parliamentary system using pure proportional representation as an electoral system without a threshold might give the opposition more power to hold the government to account, this system has brought notorious instability to some countries, resulting in the frequent turnover of governments. Bearing in mind the trade-offs between stability and accountability, what can realistically be done to strengthen parliamentary accountability mechanisms?

Strengthening Access to Research and Information

All else being equal, informed parliamentarians are usually more effective parliamentarians. Strengthening parliamentary research services and providing highly-qualified research staff can help parliamentarians to make informed decisions both on specific issues and on general policy matters.

Strengthening Political Parties

As mentioned above, weak political parties often hinder parliaments from playing a strong oversight role, since they are fractured and undisciplined. Some electoral systems have been modified to elect half of parliament's seats through proportional representation with a threshold of four or five percent of the popular vote². This threshold encourages the consolidation of political parties, since unified parties are more likely to pass the threshold and win seats.

Strengthening Parliamentary Oversight

Strengthening or establishing an independent auditing institution can help both to raise concerns about irregularities in the implementation of the budget and to provide parliamentarians with the information they need

² Proportional representation with a threshold prevents parties with less than four or five percent of the popular vote (depending on the set limit; higher in some countries) from gaining seats in parliament. This system creates an incentive for small parties to join forces, thereby contributing to the cohesiveness of political parties

to argue for greater accountability of the executive branch. Does the auditing institution have the ability to compel members of the executive branch to provide information that can expose irregularities? Can it subpoena documents it needs to conduct an intensive audit? Such mechanisms tend to strengthen the independence and effectiveness of the auditing chamber.

Strengthening Committees

Given the important role played by parliamentary committees, the strengthening of these bodies can have a profound effect on accountability. Limiting turnover of committee chairs and members; strengthening committee research capacity; and amending regulations to ensure that committees can compel members of the executive branch to testify can all strengthen parliament's accountability function.

CASE STUDY:

THE PHILIPPINE SENATE COMMITTEE ON PUBLIC ACCOUNTABILITY AND INVESTIGATIONS

By Senator Aquilino Q. Pimentel, Jr,

INTRODUCTION

Corruption is a bane of governments. In the Philippine experience—whether under a dictatorial government or a democratic government—corruption has always been a problem. Corruption is, thus, a primary concern of our, as it should be for any, people. For corruption robs people of what is due to them from government. Corruption enervates government. Corruption makes development virtually impossible.

Our country, unfortunately, is ranked No. 54 according to Transparency International's 1999 Corruption Perceptions Index involving 85 countries, where Denmark is the least corrupt, Canada is tied with Iceland at No. 5, Singapore is No. 7, Hong Kong is No. 15 and the US is No. 18. While the index itself deals only with the "perception" of corruption and not with corruption itself, it goes without saying that the Philippines has much to do to cleanse its image on corruption. In order to gain the trust of the rest of the world and of its people, the Philippines must show that, at the level of government and business, the bureaucracy will tackle corruption and investigate official wrongdoing.

INVESTIGATING WRONGDOING

That is why in the Philippine Senate, although our main function is lawmaking, the Senate also devotes much of its time to investigations of wrongdoing through its committee on public accountability and investigations, more popularly known as the "Blue Ribbon" Committee since August of 1998.

The Blue Ribbon Committee is one of the biggest committees of the 24-person Senate. It has 17 members including four ex-officio. The Senate Blue Ribbon Committee has been in existence continuously since May 18, 1950 except for the

14 long years of martial rule in the Philippines when Congress was padlocked by the Marcos military after 1972.

Today, the Blue Ribbon Committee is widely perceived as the most powerful committee in the Senate in terms of its power to investigate "in aid of legislation". As interpreted in our jurisprudence, the power of the Committee to investigate includes not only the power to inquire into matters that may need corrective legislation but to investigate official corruption, crime, or wrongdoing. It may compel the attendance of persons either as witnesses or as the subjects of the investigation themselves, and to testify and produce documents before the Committee. It may also detain or imprison witnesses who defy lawful orders of or refuse to co-operate with the Committee.

SOME RECENT INVESTIGATIONS

To illustrate, let me cite some of the government offices, which the Committee has recently investigated or is investigating, and the results of the investigations, thus far.

1. The National Centennial Commission, the office that was created to manage the 1998 centennial commemoration of our independence. The Committee found out that some P(pesos)7 billion of the people's money and some P2 billion in private donations intended for the centennial commission had been misapplied.

It was the first time in the history of our country that a former president, Fidel V. Ramos (1992-1996), had appeared before a congressional committee in answer to its summons. And it was the first time in the history of our country that aside from the former president, a former vice-president, Salvador Laurel (1987-1992), four former

cabinet members, and other important personalities have been recommended for prosecution by the Committee or, for that matter, by any agency of government.

2. The Retirement and Separation Benefits System (RSBS), the pension plan of the Armed forces. The Committee discovered questionable purchases of land made by RSBS that had dissipated or placed under grave risk several billions of the money entitled to soldiers under the Armed Forces pension plan. The Committee has recommended the prosecution of generals, including a former chief of staff of the armed forces, Gen. Lisandro Abadia, and sundry other officers and lawyers of the system.
3. The Land Registration Authority (LRA), the office that administers land titles in the country. The Committee uncovered the modus operandi of a land-titles-faking syndicate and recommended the prosecution of certain LRA personnel.
4. The Committee is also currently investigating some cabinet members of the government, including the secretary of the department of the budget, Benjamin Diokno, the deputy executive secretary of the office of the president, Vincente de la Serna, and other cabinet-level officials of the present administration. They are allegedly involved in a multi-million-peso bribery to influence book deals at the department of education.
5. The Committee is also investigating the current secretary of the department of the interior and local government of the present administration, Reynaldo Puno, for alleged wrongdoing in his department and, Irene Marcos Arnet, a daughter of the former dictator, for allegedly maintaining ill-gotten wealth deposits in Swiss banks. In connection with the forthcoming investigation of one of the daughters of the Marcoses, the Committee will also summon the Presidential Commission on Good Governance (PCGG), the body created by law to pursue and recover the ill-gotten wealth of the Marcoses. The Commission will have to explain its role in the delay of the recovery of the said ill-gotten wealth.

SOURCES OF COMMITTEE POWER

In our country's two-chamber legislature, both the Senate and the House of Representatives and their appropriate committees have been invested with the power of legislative investigation. The congressional power to investigate arises from the mandate given to Congress by the constitution itself. With that power, Congress may investigate anything "in aid of legislation". And as already mentioned above, the Blue Ribbon Committee may even investigate bodies such as the PCGG, also an investigative agency of government in charge of recovering the alleged hidden wealth of the Marcoses. It goes without saying that the Committee likewise has the power to investigate the way the police agencies of our country discharge their duties.

The Committee has much leeway in conducting its investigations. Unlike courts of law, the Committee is not bound by the technical rules of evidence. It is not necessary that the Committee's recommendations be based upon evidence beyond reasonable doubt. It is only necessary that the Committee has basis, in law and in reason, for its recommendations.

People appearing before the Committee are entitled to engage the services of counsel. Counsel is allowed only to advise their clients on their rights when they testify before the Committee. They may not, however, argue with Committee members who interrogate their clients.

Committee deliberations are recorded by Senate stenographers. They are open to the public and to coverage by print, radio and television media reporters. Closed-door hearings may be held if a matter is deemed too sensitive to the national interest or too indecent for public discussion.

COMMITTEE RECOMMENDATIONS

When the investigations are completed, the Committee comes up with its conclusions that may, as already indicated above, include proposed remedial legislation and prosecutory recommendations.

The Committee recommendations are then debated on the floor of the Senate. Once approved by the

Senate, the recommendations to prosecute, for example, go to the Ombudsman or the department of justice in appropriate cases. Remedial legislative recommendations go to Congress. And other non-prosecutory recommendations, like calling attention to the lapses of certain officials that may be remedied by their superiors go to the appropriate offices for their implementation.

The offices concerned are required to report to the Senate their actions on the recommendations within definite periods.

POTENCY OF COMMITTEE RECOMMENDATIONS

Senate committee recommendations have a tremendous moral, if not legal force behind them. This is not to say that House committee recommendations do not have the same power as that of the Senate. Indeed, the recommendations of committees of either chamber possess legal force that stems from the fact that the Congress as stated earlier is authorized by the constitution to investigate whatever it sees fit "in aid of legislation".

In the case of the Senate, however, there is an added dimension that makes our recommendations inherently more potent. And that is the fact that senators are elected at large, that is, throughout the nation. Our constituency encompasses the entire country much like it does for the president.

We are, therefore, less susceptible to pressure from the executive department.

In the end, however, the force, power or potency of the committee recommendations derives from the justness, fairness and reasonableness of its conclusions. If its conclusions are biased, partisan or less than impartial, then the recommendations lose their moral basis, erode their legal force and lessen their acceptability by the people.

NO PARTISANSHIP

It is for that reason that as chair of the Blue Ribbon Committee, I have tried my level best not to allow partisan considerations to influence the course or the result of our investigations. I have often said it publicly in Manila and will say it again that the Committee does not take any dictation by the president or by the mass media or by vested interest as to what it should or should not do.

That is the only way, I think, by which the integrity and the independence of the Committee may be defended, upheld and sustained. It is also the only way its decisions can gain acceptance by the people for whose welfare the investigations are done in the first instance.

The freedom of the Senate Blue Ribbon Committee to act independently of executive pressure in our country has been validated time and again through the years of its existence.

CASE STUDY: SYSTEM OF GOVERNANCE AND PARLIAMENTARY ACCOUNTABILITY IN BULGARIA

By the Centre for the Study of Democracy

The Constitution of the Republic of Bulgaria, adopted on 12 July 1991, introduced considerable changes in the structure of the political system as a whole and the principles upon which it is based. As a result of these changes, Bulgaria is a parliamentary democracy, with supreme power vested in Parliament. Elections are now based on the principle of political pluralism, and members of Parliament are now elected directly by the voters. The one-party regime has been removed and the freedom of formation of political parties has been established. In addition, as a result of the division of powers, the Presidency and Constitutional Court have been established as new institutions.

DIVISION OF POWERS IN BULGARIA

The constitutional principles of fundamental significance are those of republican parliamentary form of government, popular sovereignty, state integrity, rule of law, political pluralism and division of powers. The basic structural principle of the state government as a part of the political system is the division of powers. According to the Constitution “the power of the state shall be divided between legislative, executive and judicial branches”.

The Constitution declares the supremacy of the Parliament (the National Assembly) as a permanently acting body representing the legislative branch in society. It is a unicameral Parliament consisting of 240 Members elected for a term of four years. The National Assembly parliamentary model differs from the Westminster model given that the Prime Minister and the cabinet do not sit in Parliament. All elected MPs who are appointed to the cabinet suspend, but do not resign their seats in the NA while they serve in cabinet. According to the

Constitution, the members of the Council of Ministers in Bulgaria, elected among the MPs, should suspend their seats in the Parliament during the time they are ministers. After leaving the cabinet they have the right to return to the National Assembly as MPs.

The President of the Republic is the head of state. He embodies the unity of the nation and represents the state in its international relations. The President carries out his functions with the assistance of a Vice President. Both the President and the Vice President are elected directly by the voters for a period of five years and are eligible for only one re-election to the same office. The President’s role in the legislative process is limited to the promulgation of laws and the right to return a bill for further debate. He also has a part in the formation of the Government, which is limited to proposing a candidate for Prime Minister to the National Assembly. In case of a parliamentary crisis the President appoints a caretaker government and schedules new elections. Within the prerogatives vested in him the President also issues decrees. Consistent with a parliamentary republic, it is the Prime Minister, rather than the President, who is the defacto leader.

The National Assembly is the titular of the legislative power. It adopts, amends and rescinds the laws. The President of the Republic and the Council of Ministers also play a certain role in the legislative process: the President promulgates the laws and returns bills to the National Assembly for further debate and the Council of Ministers has the right to introduce a bill. Part of the legislative function of the Parliament is the passing of the state budget. In Bulgaria the state budget is in the form of a law and is adopted by the National Assembly.

OVERVIEW OF ACCOUNTABILITY MECHANISMS IN BULGARIA

Scrutiny and Oversight

According to the Constitution, the National Assembly has three main functions typical for the parliamentary republican government: legislative, creative and control functions. These are carried out through its particular powers listed in the Constitution.

The creative function of the Parliament is connected with the formation of the Government. The National Assembly elects and dismisses the Prime Minister and on his motion the members of the Council of Ministers and effects changes in the Government on a motion from the Prime Minister.

The most powerful instrument for parliamentary control is the opportunity for voting confidence or no confidence in the Prime Minister or the Council of Ministers. One-fifth of the Members of the National Assembly may table a vote of no confidence in the Council of Ministers. If the National Assembly votes no confidence in the Prime Minister or the Council of Ministers the Prime Minister must hand in the Government's resignation. The Council of Ministers itself has the right to ask for the National Assembly's vote of confidence in its overall policy, its program declaration or on a specific issue. If the Government fails to receive the requested vote of confidence the Prime Minister must hand in the Government's resignation. Should the National Assembly reject a vote of no confidence in the Council of Ministers, the next motion for a vote of no confidence on the same grounds cannot be made before the expiry of six months. The Parliament cannot vote non-confidence in individual ministers. Only the PM has the right to propose changes in the cabinet, including the replacement of one minister with another. These changes should be approved by the National Assembly.

As for the control function, Parliament itself and through its permanent committees oversees the activities of the Government. One of the instruments for parliamentary control is the right

of each Member of the National Assembly to address questions and inquiries to the Prime Minister, the Deputy Prime Ministers and the ministers. Under article 83(2) of the Constitution, the National Assembly and the parliamentary committees are free to order ministers to attend their sessions and respond to questions. For three hours every Friday, the cabinet assembles in parliament, in seats placed on a dais within the parliamentary chamber. The questions placed by the deputies must be of current nature and public interest and the inquiries must relate to the main aspects of the activity of the Council of Ministers, the Prime Minister, the Deputy Prime Ministers and the Ministers or their subordinate administration.

Another instrument for parliamentary control are the investigations, inquiries and hearings conducted by the National Assembly itself or through its committees on matters concerning state or public interest. The Parliament carries out its functions with the assistance of permanent and ad hoc committees elected from among its Members. Standing Committees such as the Budget, Legal, Human Rights and Environment Committees, and ad hoc committees such as the Anti-Corruption Committee are mandated to call top civil servants to answer on behalf of their departments. The permanent committees aid the work of the Parliament and exercise parliamentary control on its behalf and the ad hoc committees conduct inquiries and investigations. One of the inherent drawbacks is that the effectiveness of committees in exercising an oversight function is limited due to the fact that the governing party has a majority of members on the committees.

The National Audit Office is another accountability mechanism. The existence of the office is provided for by section 91 of the Constitution. According to the Regulations for the Implementation of the National Audit Office Act, "the National Audit Office shall be a supreme state authority for independent control over the implementation of the budgets passed by the National Assembly and by the Municipal Councils". It has the power to investigate, call witnesses, and recommend prosecution of those

found to have committed a criminal act. The Audit Office can also issue orders for the termination of actions “undertaken which create a risk for damage to state property or for the unlawful expenditure of budget resources” (article 26).

The National Assembly also started carrying out public hearings as a modern and effective instrument for public control over the legislative branch. NGO’s have also been active in encouraging public hearings. The Center for the Study of Democracy itself initiated several public hearings related to the Ombudsman Draft law, amendments in Commercial Law, and the new Family Code.

Transparency

The Parliament carries out its activities according to the principle of transparency. According to the Rules of Organization and Procedure of the National Assembly the sittings of the National Assembly are open and anyone may attend these sittings under the relevant rules established by the Chairman of the Parliament. The sittings of the permanent parliamentary committees are also open.

A Parliamentary Information Center is planned to start working by the end of the year. It is meant to facilitate the contacts between the National Assembly and the NGOs, business, government institutions and other interested persons. The Center will distribute all the draft laws presented to the National Assembly for discussion as well as

any kind of other information connected to its activities. Each citizen or organization will have the opportunity to receive information by visiting the Center or by subscription as well as to present opinions on the drafted laws.

In most functional democracies around the world, citizens appear to have lost confidence in elected representatives and now openly question the capability of elected representatives to effectively speak on their behalf. Voters, frequently in diminishing numbers, bring themselves to cast their ballots with little conviction that whoever carries the vote can make a difference. One of the major factors which is at the source of such resignation and cynicism is undoubtedly the preponderance of executive powers acting rather independently of legislatures in a majority of developed and recognized democratic nations. Governments are preoccupied with managing the affairs of their respective nations with seemingly little time to consider the potential contribution of the legislative bodies given the multiple, urgent and competing pressures emanating from modern societies, including the inevitable phenomenon of globalization. Yet, in stark contradiction, these same industrialized nations demand that developing nations commit to democratic governance as a pre-condition to receiving developmental assistance and support. Many developing countries are in effect striving to build more democratic, transparent and accountable systems of government, often against great odds.

CHAPTER THREE: THE MEMBER OF PARLIAMENT'S ENVIRONMENT OF ACCOUNTABILITY

By Jacques Sabourin

Efforts continue to be made to establish legislative institutions intended to counterbalance overly powerful executives.

Against such a back-drop, in both developing and developed nations, individual women and men continue to seek office as members of a legislature with the hope and determination to be the voice of their constituents and to contribute to their better-being. There is a clear, if somewhat reluctant, recognition that, although Members of Parliament are not there to govern a country, they must make those who are in charge accountable for their policies, programs and administration.

Do all MPs discharge their accountability duties in the same way? Obviously not. Economic, systemic, political and material circumstances may differ as widely as the respective countries in which Members are elected. Nevertheless, on the whole, members of legislative assemblies play quite similar roles. Exercising accountability is the single most common thread pervading all their tasks. A Member usually represents a constituency (geographical or other), and presumably speaks for those constituents; acts as a legislator, debating, amending or voting proposed laws emanating from government in the majority of situations; supports the ideals and goals of a political group and, participates in its partisan activities to advance its causes and policies, either in government or in opposition. A Member may work in parliamentary groups or committees charged with oversight functions for designated government operations and policies, including special studies or review of legislation. The degree of involvement in any one of the noted areas of engagement on a Member's part will inevitably change according to circumstances and factors generally affecting the political landscape of her/his legislature. However,

the essential parts of the duties they assume are rather universal as summarized above.

A TWO WAY STREET

Whether the Member of Parliament or Congressperson is in the House making a speech supporting a bill on social security; meeting with a director of social services in an attempt to appeal a decision for a constituent; discussing the effects of the next budget on a particular sector of the economy with party colleagues, or directing questions to a senior ministry official on how a given environmental policy is being applied, the common trait in each of these situations is that the elected representative is asking questions that the status of office formally entitles her/him to pose. Maybe in its simplest expression "asking questions" or "seeking out answers" captures the essence of what a parliamentarian is expected to do. Indeed, in the above examples the Member of Parliament is looking for explanations, demanding accountability. This role for Members is very widely recognized and is usually reflected in constitutional texts or other official documents describing the power of the legislative arm in a democratic system of government. The MP illustrates in a tangible manner why a legislature exists as one of the three institutional pillars of government alongside the executive and the judiciary.

Members of Parliament do not only direct questions and demand answers of others but their own performance is likewise under constant scrutiny. This "other side" of the accountability coin is often completely neglected or forgotten and will intermittently be raised mostly in the context of a next election where voters will make that single-time judgement on whether the Member retains her/his post. It is as if the Member's own

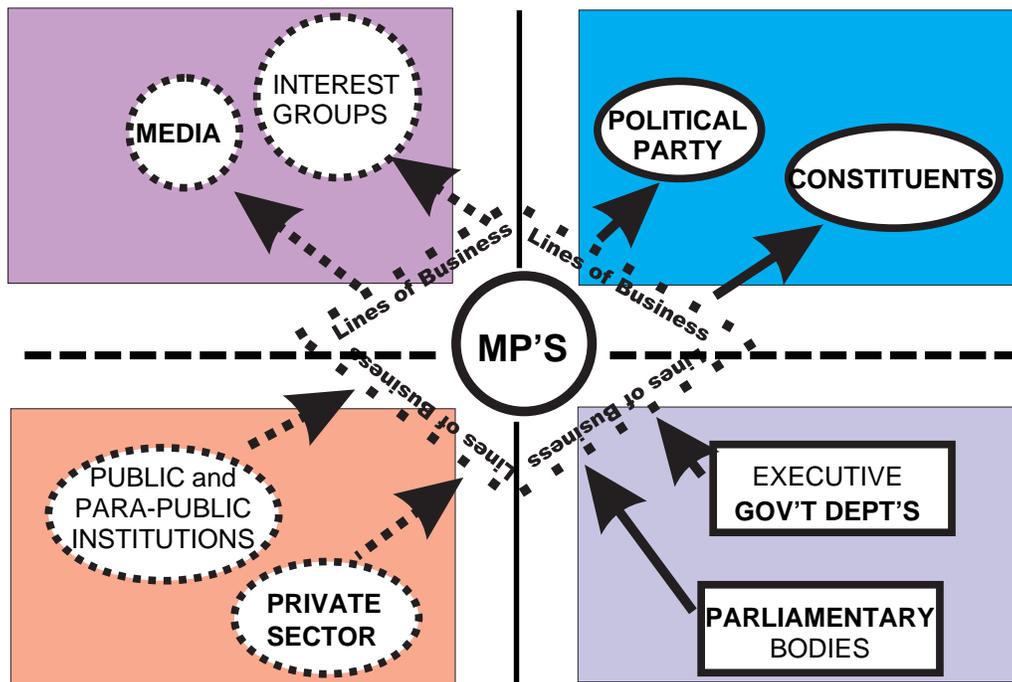
requirement to be accountable and answerable for effective performance only comes to light when elections come along.

Reality is more complex. When not busy trying to get answers, Members of Parliament are invariably replying to questions put to them. Whether it be granting an interview to a local reporter regarding conditions in the region, responding to an irate constituent still without an answer to a letter written weeks ago, explaining to the party whip why a committee meeting was missed or participating on a panel to explain that the local factory will not benefit from a special subsidy program, Members are constantly answering to someone.

It is nonetheless rooted in the dynamic nature and real experience of an MP's job and is meant to stimulate reflection on the role and professional development of elected officials as they relate to accountability. The model describes the different imperative, possible and desirable accountability relationships that characterize a member's daily existence in the context of a functioning democracy.

The "lines of business" refer to the areas of activity described earlier. An elected representative normally exercises her/his duties either in the chamber or assembly itself, by acting principally as a legislator. A Member will also have duties in a committee of the legislature studying a bill or

MP's Environment of Accountability



MPs AND ACCOUNTABILITY: A MODEL

Accountability is a constant companion touching both the public and private lives of elected politicians. It underscores their every gesture. Accountability is an inescapable part of their environment. The model proposed hereunder illustrates the many facets of a Member's world of accountability. It remains theoretical in that, as models do, it generalizes or establishes commonality from a plethora of unique situations.

investigating an issue before the committee, engaging in partisan activities for the party or working in the constituency that she/he represents.

THE MP'S ENVIRONMENT OF ACCOUNTABILITY Getting Governments to Answer

The first accountability relationship is well known and generally echoes the 'raison d'être' of legislatures around the world, namely to oversee government policy and operations. For example,

this can be done through the study of legislation where the Members either support a proposed law or oppose it through debates in the House. Government is accountable to parliament directly and the Member is given the institutional responsibility of watching over the affairs of the nation, demanding answers from the whole spectrum of government operations which normally cover ministries or executive controlled and funded agencies of all types. Such oversight functions may be organized in a number of ways. Some opposition parties will give certain individuals precise mandates or responsibilities to cover specific activities such as economic affairs, social policy or development issues. But members at large are able to ask how and why government departments are carrying out their operations, to review or demand reports on executive initiatives. In many instances, the most effective instrument to monitor government conduct is the committee system where individual MP's can look more closely at the administration of government programs. Also, part of this direct accountability link are all those institutions that report directly to parliament. The most common are Auditor General offices, usually mandated to monitor the effectiveness and efficiency of government ministries or departments. Other such special bodies may be human rights or ombudsman commissions, anti-corruption units or others are put in place to promote or monitor major policy application because of the profile, priority or sensitivity of their mission. Consequently, it is best to have these organizations report directly to parliament. An MP's capacity to demand accountability is strongest in this domain precisely because the obligation to report to parliament is formally set, either in constitutional or legal texts.

THE MP'S LONG REACH

The rubric "Public/Para-public Institutions" is intended to regroup organizations found in many countries and often created to report at arm's length to the government in place. These are usually publicly funded or partly publicly funded. They enjoy varying degrees of operational autonomy. Agencies to promote or control

foreign investment, public broadcasting systems, national Red Cross organizations, transportation companies or boards, would typically form part of this group. The accountability of such organizations to the legislature might be described as more tenuous since they do not necessarily report directly to parliament. Nevertheless, an MP is able to play a role in demanding accountability on any number of points in the public interest since, in the end, such organizations remain financed by the public purse and their connection to government can generally be uncovered without much difficulty.

The next accountability relationship may seem like pure fiction to some. One might understandably question how an MP is able to make the private sector account for any of its actions. The very nature of commercial enterprise is its independent nature, the only "bottom line" being profit. Yet in the complex world of today and given the interdependencies between state and business, the Member of Parliament is indeed in a position to raise matters that on the surface may seem to be out of the public realm and better settled in company board-rooms. On the other hand, with almost no exception, a state's laws, rules and regulations affect commercial enterprises. Environmental regulations, import and export limitations, transportation control and monitoring, taxation measures, labor codes and trade restrictions, all provide entrances that allow astute politicians to ask questions and potentially bring even private organizations to justify their actions no matter how impressively powerful the firms appear.

In quite broad terms, the model illustrates how an MP acting in an official capacity and through parliamentary empowerment can require account to be given by government and other parliamentary-dependent bodies in a direct manner. This is an integral and official part of their duties. But the elected Member is not without ways of making semi-autonomous organizations as well as private sector firms answerable, albeit in a less direct manner.

The MP's Turn to Answer

The preceding summarized who answers to the MP. The top half of the diagram portrays the

counter flow of accountability: to whom is the Member answerable? Again, distinctions between an indirect and a direct relationship exists. In a functioning democracy, interest groups of all types embrace special causes and organize for the purpose of moving the agenda forward. Labor organizations form a counter force in many instances to the private sector especially where there are major industries or high numbers of employees as in the public sector. Still other organizations push issues of a controversial nature which politicians will inevitably have to face. Although Members of Parliament are not necessarily beholden to them for having been elected, these pressure groups can make a difference depending on the level of influence they yield and the popularity of their causes. Such special organizations will often target political parties, in opposition or in power, to exert pressure at the level of policy. To accomplish this objective, they will energetically lobby individual MPs for changes in party position on relevant issues or similar support aligned to their interests. MPs must be ready to answer to these groups either to defend a party position or an individual stance taken on issues (e.g. women's rights, abortion laws, religious practices, environmental protection, gun control, child-care services and disabled people or aid programs). These types of groups are extremely well versed in their own field of interest, far more than the average Member of Parliament can afford to be. In many cases and quite predictably, such organizations focus intensely on chosen issues that they competently manage in order to garner maximum attention and support. MPs can be pulled in conflicting directions by opposing interest groups but will be forced to respond to them. MPs are not accountable to these groups in a formal manner but can hardly avoid dealing with the questions put to them by such organizations. The relationship might be optional but is not without consequence and must be carefully managed.

A similar accountability relationship exists with the written and broadcast media. Politicians face a common dilemma. Will the media help or hurt? The media has become an unavoidable player and imperative factor on the democratic playing field.

Again there is no official norm of accountability between an elected representative and the media, no agreement that a Member must answer a reporter's question. Members of Parliament have been known to openly defy reporters and refuse to respond to questions on occasion. The price paid is usually high. Contrary to interest or lobby groups, the media by definition seeks a wider audience. Reporters believe they play a representative role akin to the one earned by an elected official at the ballot box as expressed by the frequently quoted "the public's right to know".

MPs must learn to work with the different media sources even though this fifth estate does not have any formal mandate to demand accountability from a Member. That said, the media's reach is significant. Excluding the media is most likely to be interpreted as refusing to render account even though in certain situations an individual Member could be right in doing so. The media and the MPs role hold much affinity in terms of getting answers but at the point of accountability, the Member's position is much more difficult. Getting it wrong in the latter case will cost votes and potential defeat at the polls. Along with the need for financial resources, the media have probably become the main force of influence on the political front. For all practical purposes, in jurisdictions demonstrably respectful of democratic principles, modern-day media now exercise considerable influence on the electorate. Notwithstanding its faults and weaknesses in reporting on debates and issues of substance before legislatures, the media represents a constant source of information and opinion which reaches the voter on a daily basis. The presence of an active, independent and free media has become a virtual litmus test of democracy. The ability of the media to report, question and criticize the powers that be without fear of reprisal is a near infallible indication of a truly democratic society.

In the arena of interest groups and the media, the elected Member's accountability relates more to image and attitude but these remain extremely powerful in the political practice and in eyes of the voter. Members of Parliament do not strictly answer to media and interest groups. On the other

hand, much as this relationship can be described as indirect, the reach and influence of the media and interest groups may have greater impact on their political life than any other, especially at election time.

THE MP'S ULTIMATE ANSWERABILITY

At the end of the day, the ultimate accountability of an elected representative is found in the ballot box. No matter how well an individual Member fulfills the duties of accountability in the legislature or in television interviews, an election must be won. Accountability begins and ends in the constituency.

To win an election, an essential condition is that a candidate or potential MP belong to a political formation. Here the contract is crystal clear. The MP has membership in a political team and, in return, adopts and adheres to the political philosophy and the policy objectives of the party. During their tenure, MPs are expected to work with party colleagues to plan programs and agendas aligned with party objectives, and contribute to giving the party (minority, opposition or ruling) and its leaders the best profile possible. Although legislative reformists have constantly wished away the overwhelming influence of party partisanship to accord MPs more representative autonomy, the MP is for all intent and purposes, a spokesperson for a political group with all the potential benefits but also real and considerable constraints.

The party reciprocates with funds, other resources and material to help the Member in the election campaign and throughout the life of the legislature. In most jurisdictions, party loyalty plays a dominating role in the political life and eventual career of an MP. Party discipline strongly influences the actions of MPs. In effect, it is a question of mutual dependency where the MP has a direct reporting relationship to a designated political group. To benefit from membership as mentioned above, an elected politician must show party colours, defend its positions without fail or with only slight deviations of negligible consequence.

This situation may frequently conflict with the other direct accountability relationship with constituents. At the junction of party loyalty and constituency responsibility, the dilemma of "who" the elected official speaks for resurfaces and creates competing accountabilities that a Member must learn to manage. When a majority of constituents are on one side of an issue and the party favours the opposite side, a Member of Parliament occupies an uncomfortable seat. Where does the MP choose to direct accountability in such cases is likely one of the tougher tests in practicing the art of the possible.

Constituents have high expectations of elected representatives. To retain support of constituents, MPs must maintain sustained contact with them; inform them of parliamentary activities and government programs; consult with them on issues of concern to them; attend functions in their constituencies, act as ombudsperson for individual citizens in dealing with government administration; defend the interests of the constituency. In brief, ensure a strong presence in the constituency. At this level, the personal and professional accountability of a Member is on the line and she/he is directly answerable to the voters. These represent the tasks that a Member must undertake as part of his/her job of representing the voters of her/his constituency and to be reelected. Ironically, making all those efforts still does not guaranty reelection. Voters and the ballot box have the final say.

FROM THEORY TO PRACTICE

Through all facets of parliamentary life, accountability literally surrounds the elected representative every day. In the proposed model (Figure ?), lines are traced for purposes of discussion and analysis with reasonable clarity. In the day-to day hustle and bustle, most MPs move from accounting for their own actions, or defending party positions to questioning the actions of a government ministry on a special program or inquiring about the application of industrial regulations, all this in a matter of hours.

The model, it bears repetition, is meant to reflect the accountability relationships of a so-called

typical elected representative; it is generic and based on the premise of an MP working in a multi-political party context, in a functioning democracy. In real life, one can imagine the breadth of differences from an individual Member to another within a single parliament; then consider the exponential effect of adding nation to nation variables such as presidential and parliamentary systems of government.

Even if the accountability relationships of the model represent a norm, the brutal reality is that the accountability function is not, and maybe cannot, be practiced up to these high standards standard in an overwhelming majority of modern-day nations including first-world countries. In each situation and often for different reasons, the conditions required for ideal parliamentary accountability simply do not exist. A sampling of major obstacles:

- ◆ Maintaining the political party line is expected above all.
- ◆ The legislature acts as a rubber-stamping adjunct of the ruling executive.
- ◆ Committees function with inadequate research services.
- ◆ Lack of cooperation on the part of government departments.
- ◆ Access and travel to remote or distant constituencies is extremely difficult.
- ◆ Media are state-controlled or media is censored.
- ◆ MPs have no basic office accommodation to meet constituents or civil society groups.
- ◆ Communications systems are unreliable or worse.

The model or an adapted version thereof can, nevertheless, serve as an evaluative and planning tool to strengthen parliamentary accountability and can productively be applied in practical ways. An individual Member may simply use it to assess her/his own situation. "How do I compare to the model? Where are the gaps in my environment of accountability?" A political party or a legislative body concerned with how well parliamentarians are playing their role and assuming their

responsibilities in terms of accountability can make a collective or strategic evaluation. In both instances, the approach in referring to the model would be to identify the problems, then determine potential methods and means to strengthen the abilities of Members in carrying out their oversight and legislative review responsibilities.

As well, the model can serve as a key component in the development of key indicators of democratic governance or of an index of accountability, initially to set a baseline and, subsequently, to be utilized as an instrument to help in tracking progress. How does accountability play itself out in a Member's environment? Where are the weaknesses? What is important? What are the initial steps likely to improve accountability relationships? If an elected representative cannot exercise the roles and responsibilities of a freely elected official, what degree of democracy can be enjoyed by civil society? What hope is there for the individual citizen?

Accountability is at the heart of a Member of Parliament's work, whether it be in the constituency, in parliament or within political party ranks. It precedes transparency and participation as a condition of democratic practices and good governance, or how power is exercised and monitored. Yet, in both established and emerging democracies, very little assistance is provided in terms of helping a Member of Parliament meet the non-stop demands of accountability and answerability. Few, if any, legislatures offer training or other forms of institutional support for newly elected officials. MPs are left to their own devices that almost inevitably take the form of a "school of hard knocks" or "learn-as-you-go" approaches. A scan of legislatures will uncover frequent ad hoc or partial efforts to impart basic skills or information on a Member's role. In some jurisdictions, political parties may organize "dealing-with-the-media" seminars; a number of legislatures call-on experienced or former Members at orientation sessions to mentor newly elected politicians; basic budget analysis training may be offered through Finance, Public Accounts or like committees. Such initiatives certainly contribute to

improving individual and institutional capacity. Unfortunately, they also reveal the lack of comprehensive programs and support mechanisms needed to help MPs realize the full potential of their privileged positions.

The MP's environment of accountability is a microcosm of a legislative assembly's role in protecting the public from potential executive arbitrariness, ensuring the rule of law and consideration of dissenting opinion. Without improving the culture and the concrete practice of accountability at the level of the individual

Member, the institutional impact of a legislature cannot adequately respond to lofty mandates of parliaments. As an indicator of a vibrant democratic society, let us suggest that the most telling test may be the demonstrated willingness, ability and capability for elected officials to exemplify and apply principles of accountability in the everyday exercise of their functions. A practical and disciplined reflection on the nature of the accountability environment could be a start on improving the effectiveness of elected representatives.

CASE STUDY:

PALESTINE - ACCOUNTABILITY AND MEMBERS OF PARLIAMENT

By Dalal Salameh

In new democracies in the third world, people and the democratic leadership are suspicious of their future. The main reason for this suspicion is the ambiguity and hesitated track toward building identified democratic institutions and governments.

The democratic process in developed societies emerged in quite a different context from that of developing societies, where illiteracy, severe economical circumstances and unemployment are keen problems. The lack of political participation and the existing culture of family alliances and nepotism flourish at the expense of the rule of the law, accountability and institutional building. This situation damages any possibility of building bridges of trust, confidence in laws and its effective role and institutions.

Education and individual income are factors that serve as indicators of societal capabilities and potential power toward free elections, participation, and democratic practice. Democratic experiences and practices are not rooted in many societies, including the Palestinian one. In such developing societies, the approach toward democracy and good governance is a reluctant one. Governments and policy-makers only adopt "Democracy" theoretically in order to meet the requirements and legitimacy needed as pre-conditions for international developmental assistance and support.

Introducing democratic practice without accountability will not result in the real participation of people in governing themselves or in achieving transparency, where people manage themselves and their resources. Unable to overcome the surrounding educational, economical and political circumstances, many countries have difficulty building the necessary democratic environment.

The Palestinian election in January 20, 1996 brought 88 representative to the Palestinian Legislative Council (PLC) according to a multi-constituency electoral law. Understanding the structure of the PLC is important in analyzing how the Parliament as a whole and parliamentarians discharge their accountability duties. 65 of the MPs come from one political party (Fateh Movement), one MP represents the Feda party, while the others are independent representatives from different backgrounds, though some are aligned in one way or other to political parties. This structure reflects itself in the performance of the MPs as well as the council as a whole.

The Palestinian Parliamentary Environment of accountability is characterized by:

- 1) The parliamentary process in Palestine is still young (4 years old), and the role of the Parliament needs to be institutionalized in ways that reflect what was approved in the Basic-Law and the standard law of the Council. The Parliament must put in place and organise the mechanisms needed to let it assume its role.
- 2) The PLC is politically poor because a limited number of political parties participated in the 1996 elections. Although a majority of voters exercised their right to vote (79% of votes), the decisions of other political parties not to participate because of their opposition to the peace process with Israel was responsible for the absence of party diversity inside the Council.
- 3) The Council is dominated by traditional attitudes of respect and obedience rather than notions of accountability and questioning of authorities. This mentality is due to years of depression and occupation.
- 4) The three institutional pillars of government, especially the legislative and the executive,

battle constantly for more responsibilities and power. The productivity and efficiency of the Council needs to be strengthened in order to make government accountable to the Council.

- 5) Governmental and para-public institutions are not well structured with distinct responsibilities and administration. This is a major obstacle to improving Council capacity to demand and demonstrate accountability and good governance.

It should be remembered that this is the first time in history that the people of Palestine have elected their representatives and so efforts must be made to strengthen the Council.

- 1) Newly elected representatives need training and additional forms of institutional support, especially in the area of how parliamentary power is exercised and monitored. MPs are often unable to empower their institution to meet the people's demands of making government accountable for their policies, programs and administration.
- 2) MPs managed to approve a fixed time for a question period in Council. During this session, MPs can confront others on any issue such as women rights, environment, human rights, defence and so on. While this is a good beginning, much work needs to be done to increase Parliament's accountability to the public.

- 3) The executive authority controls the media and sessions are not transmitted to the people through official state television. MPs lobby and take the initiative to use private broadcasting to film the sessions and distribute this to a wider audience.
- 4) MPs are away from their constituency at least four times a week which means that it is essential to have a free media that can follow them, report and investigate on their activities away from the region.
- 5) MPs do not have adequate staff and office space to keep the public informed and respond to the needs and suffering of their constituents. There is also a lack of information gathering and distribution and the general public is unaware of decisions taken in Parliament. More has to be done so that MPs can report to their constituents on the activities of Parliament. At the moment, only civil society organizations seem to be taking on this role.
- 6) Committee meetings are facing a serious problem as the MPs' attendance is diminishing with each committee hearing. Committee work remains extremely important and crucial to the questioning of government activities and decisions and committee approval of policies and strategies is quite important for the constituencies.

CHAPTER FOUR: PARLIAMENT AND THE BUDGET CYCLE

By Steven Langdon

At the heart of any viable parliament's work is the mandate to enforce financial and economic policy accountability. How governance affects the livelihood of a country's people depends on tax levels, spending patterns, the impact of policies on investment and on interest rates, as well as the ways domestic choices interact with international economic factors. Financial and economic management of these matters has to be a central concern of any parliament that is playing a serious role in national life.

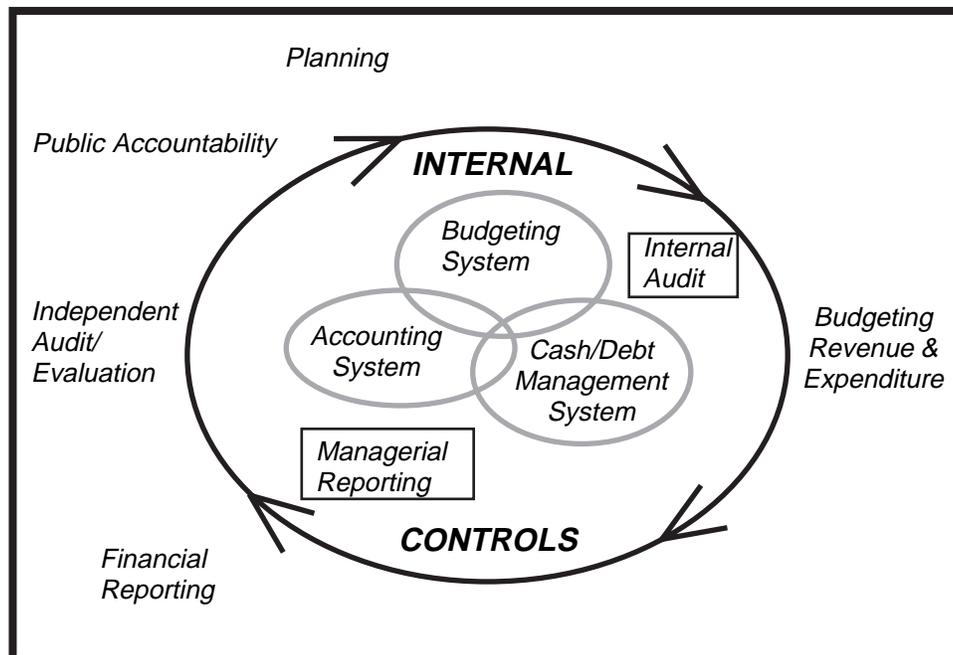
The "power of the purse" is what has been stressed historically by parliaments throughout the world, to expand their democratic leverage on behalf of people. But this increasing role in financial and economic matters is a complex challenge. "The components of the financial management system,"

as one expert has stressed, "cannot be considered in isolation. They are linked to form one indivisible conceptual unit geared toward achieving a common goal." That overall system should be thought of as a continuing and integrated budget cycle process—which thus becomes a crucial focus for Members of Parliament as they exercise their financial accountability role.

The cycle includes many parts of the governance system, including the executive government leadership, the public service, civil society groups that provide input, and the institution of parliament. The diagram below captures the connected components of this overall cycle:

Certain of the facets of this integrated system are mainly the responsibility of the executive and the public service, operating within the institutional

The Overall Budget Cycle



structures of the national state. There will be a cash-debt management system, an accounting system and an annual budgeting system, all operating within the public service infrastructure. There will also be internal managerial reporting and audit systems. But for the overall budget cycle to work in an open, responsive and accountable way within the national economy, the various functions noted in the diagram outside the ongoing circle (from budget planning, to revenue/expenditure allocation, to financial reporting, to independent audit/evaluation, and public accounting) should interact significantly with civil society groups, businesses and the wider society. Parliament should play a role in ensuring that this wider interaction takes place. Otherwise, consensus on important economic questions will be absent, transparency of the process will be missing, and economic actors in society will be operating without essential information.

What is also critical about this budget cycle process is that it goes on from year to year, with a continuity of categories for the sake of comparison, and a procedural force that keeps systems moving in order to meet targets for information-gathering, reporting and decisions from month to month. These facts give the budget process its importance as an accountability factor (governments cannot hide the fact that targets have not been met, or budget constraints have been exceeded). And they also make the budget process the most serious indicator available in many cases for monitoring the reality of policy choices (as opposed to the rhetoric that often obscures actual underlying trends and problem areas).

The governmental leadership, for example, may (as in one recent African case) announce that free elementary schooling will henceforth be available for most children. But if budget details several years later show that there has been no increased allocations for the teachers' salaries and facilities to operationalize this, then an actual (as distinct from rhetorical) policy shift will not really have been made.

The pervasiveness and continuity of the budget cycle process, then, make it a very powerful tool

for parliaments that are seeking more transparency, participation and accountability in governance (goals suggested in chapter one). In order to accomplish this, Parliaments can:

- ◆ review planning choices in the budget cycle to see that open participation by all is achieved;
- ◆ scrutinize spending and revenue details to see that they are consistent with stated government goals, with needs actually articulated by people throughout the country, and with past allocation patterns promised in previous budgets;
- ◆ review financial reporting carefully to see if governments are actually pursuing budget promises, and to identify any possible problem areas that shortcomings show are emerging in economic policy in view of financial results;
- ◆ evaluate in detail selected areas of government activity to see if results are actually being achieved that are consistent with policies and goals enunciated by government leaders; and,
- ◆ employ public accounting procedures to identify areas where financial dishonesty and irregularity seem to be evident —and in turn suggest sanctions to be applied against individuals or groups in order to redress these problems.

MECHANISMS FOR PARLIAMENTARY ACTIVISM

Members of Parliament, to increase their impact on the budget cycle process, have commonly used three main means. The first is the straightforward action of raising tough questions to Ministers in question and answer sessions. Such settings vary in different institutions. The U.S. Congress, for instance, tends to confine direct congressional questions to queries raised in committees, and directed at Cabinet members and other leading officials; there is no direct interaction through a question period in the legislative chambers. Some parliaments such as Tanzania's have vigorous question periods, but no questions can be directed to the Prime Minister or to the President, who is not in Parliament. Other parliaments such as Canada's have very aggressive question periods in which the Prime Minister is a common target. The reality in almost all such settings is that the

toughest and most dramatic scrutiny of economic policy, and thus of the budget cycle process, may come through such direct questioning. The depth and the detail associated with such questioning may not, however, be as effective as with certain other mechanisms.

A second mechanism commonly used is independent officers of parliament, who carry forward probes of parts of the budget process in greater depth (and often in written form) on behalf of parliament. The Auditor General, raising questions about the probity of expenditures, is the classic example. But such officials have increasingly widened their roles in various countries in recent years, doing evaluations of government programs to see if more value could be achieved for people for the same amount of money by using different policy approaches. Other officials have also been established in various countries that report to parliaments, and have responsibility for enforcing key aspects of financial control. In Uganda, for instance, the Inspector General of Government has become a main figure in seeing to it that ministers and other senior officials observe financial integrity. His powers to investigate potential problem areas, using an active and well-paid staff, plus good ties with prosecutors, have made his role very important in anti-corruption efforts in the country.

The most important ongoing instruments of effective parliamentary action on the budget cycle, however, have been parliamentary committees. Finance or budget committees have been especially important with respect to budget planning, to reviewing budget allocation details and to pursuing financial reporting goals. Public accounts committees have been especially crucial in evaluating the effectiveness of programs, checking out financial probity, and initiating sanctions against corruption.

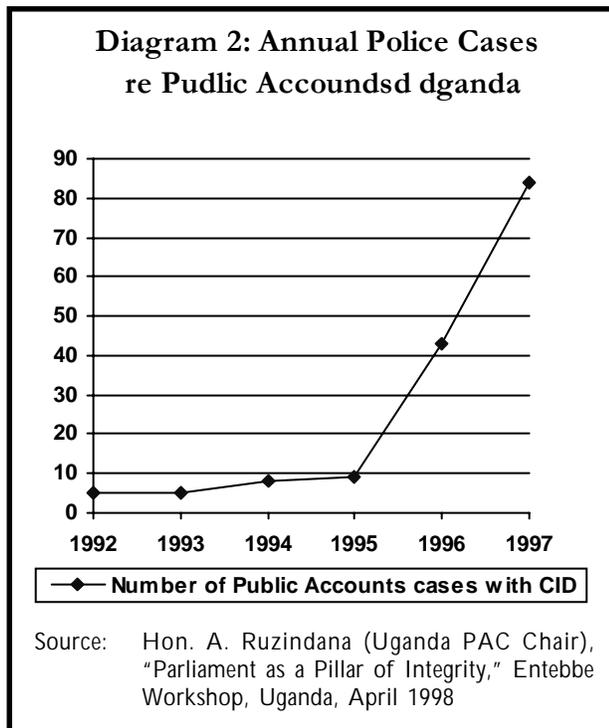
In some cases, the activities of committees are becoming more significant. In Ethiopia, for instance, the budget committee receives budget proposals some weeks before Parliament, and is able to discuss priorities and policy approaches in detail with the executive before the budget takes

its final form. Mexico, too, has seen movement toward more agreement on budget matters since the President's party lost its majority in the Lower House of the Congress. The Finance Committee in Ghana has also been very effective. It insisted on public hearings in implementing a new value-added tax in the country, over executive objections, that resulted in a tax that was somewhat broader but at a lower rate, and much more acceptable to people than previous proposals had been. That committee also pressed successfully for much fuller financial reporting that has provided better guides to Ghanaians of what is actually happening in the economy. And the committee has been instrumental in insisting on openness on the conditions involved in the assistance provided by international and regional financial institutions.

Public Accounts Committees (PAC) have also become quite active and influential in certain countries. The PAC in Ghana has been able to take its own initiatives and tighten financial administration of local school authorities. In Tanzania, government has now accepted that opposition members should head the PAC to give it more credibility. And in Uganda, the Committee has increased its activism dramatically by taking many more financial irregularity suspects to the courts, as Diagram 2 points out.

Nevertheless, there are still gaps in many countries so far as parliament's ongoing oversight of the budget cycle is concerned. It is common for Finance Committees not to be involved in the planning process for the budget, even in cases where civil society groups may have some consultative role. Members of Parliament in Bangladesh, for instance, stress that this is the case for them. It is also common for financial reporting to be absent, leaving parliament in the dark with respect to ongoing budget performance. This is an especially common problem where cash budget approaches by financially-constrained governments lead to month-by-month allocations of the revenues received to those activities seen to be most pressing at that time. These expenditure decisions are not reported on a regular, public basis as they take place. Evaluation of programs by parliamentary committees is also quite

rare—a common complaint in Mexico. And PACs may exist without being at all effective. The Auditor-General in Tanzania has complained vigorously that



his reports are left unscrutinized by the PAC there, despite many financial problems that he feels parliament should pursue through the PAC and its counterpart committees.

Parliamentary committees clearly can have an important impact in the budget cycle process. But significant improvements in performance are often necessary to be able to have such an impact. This reality underlies the efforts of Ghana's economic policy committees to use a series of workshops and other initiatives to improve their effectiveness, the activities of Uganda's watchdog committees to do likewise, and similar initiatives now underway in Ethiopia, Tanzania and elsewhere.

Efforts to strengthen parliaments and their committees with respect to the budget cycle process can include various programs and institutional innovations. Key points stressed in a variety of countries are:

- ◆ work on consensus-building and strategic planning within committees, so that they can

develop leadership and priorities to be able to exert leverage effectively. Regular retreats, ongoing interchanges on key policy issues, and serious goal-setting and self-evaluation processes are main features of such work;

- ◆ build linkages with civil society organizations and independent policy-advisory institutions, on local and national levels, so as to strengthen information inputs, widen numbers of allies that can help in achieving transparency, participation and accountability goals, and strengthen the credibility of parliament;
- ◆ develop sources of expertise for committees, by improving systems of information through skilled staff, broader societal linkages and international connections via the Internet and regional (and wider) networks; and,
- ◆ establish institutional and legislative mechanisms to open up the budget cycle process, including strong Freedom of Information laws, improved staffing and more regular reporting from Auditors General, and greater institutional independence for public statistical agencies.

These initiatives are in turn reinforced by moves to improve the general credibility, access to information and widened linkages of Parliament in a more general sense—not just with respect to budget cycle concerns. This is especially true with respect to the anti-corruption impact of parliamentary activity. Thus broad efforts are important to establish codes of ethics for MPs, to make campaign financing transparent, honest and constrained, and to broaden diversity of representation in parliaments.

WHAT STRONGER PARLIAMENTS CAN ACHIEVE IN THE BUDGET CYCLE

In its May 1999 review for the Second Economic Reform Support Operation Credit to Ghana, the World Bank suggested that the country's political liberalization in the early 1990s brought revived macroeconomic instability and socio-economic threats to Ghana. This is a common view with respect to the impact of increased political participation in the process of governance. Elected

political representatives, the view implies, are only interested in spending money, and this is bound to undermine economic stabilization and non-inflationary growth.

There may be cases where this is hard to deny. One thinks of Ukraine, for instance, where a set of relatively small parties in parliament seems unable to work out an overall economic strategy that makes sense. But the rise of parliaments in many countries seems, on the contrary, to be associated with more far-sighted and responsible thinking about the budget cycle. This seems to be true on three levels.

First, parliamentary committees have become key players in various countries in pushing for financial probity and working against corruption. Thus the PAC and its counterpart, the Committee on Commissions, Statutory Authorities and State Enterprises (or CCSASE), have become major leaders in anti-corruption efforts in Uganda—and this has also been true in Ghana and Ethiopia. Where this activism has not been present, as in Tanzania, this is a major gap in a key area where financial management requires actions to support integrity in government. Parliamentary credibility and toughness with respect to the budget cycle has thus emerged as highly productive, rather than a source of instability.

An initiative against corruption by African parliamentarians came mainly from MPs associated with economic policy committees of parliaments. The African Parliamentarians Network Against Corruption (APNAC) was founded in 1999 to help spur parliamentary activism across Africa. Similar initiatives have also been led by economic policy committee MPs from parliaments in South East Asia and in South Asia.

Second, there is increasing recognition in various jurisdictions that macroeconomic stabilization and associated restructuring cannot be achieved on the basis of a narrow group of senior public servants in the Ministry of Finance reaching agreement with powerful external financial institutions on confidential, conditional loan agreements, a model that was common ten to fifteen years ago. Policies

that are agreed in that way can lead to serious public disorder. The 15% Value Added Tax that Ghana tried to introduce in 1995 led to riots and deaths in Accra. By contrast, there was consensual introduction of a new VAT via a unanimous cross-party Finance Committee recommendation, after wide public hearings, several years later.

The evidence seems quite strong that parliamentary involvement in budget planning can be the basis for economic policies that stress stabilization, and lead to spending and taxation priorities that reflect that goal. This has been the experience of much wider public involvement in the budget cycle process in Canada, of the efforts at national consensus building by the ANC-led government in South Africa, and of the National Economic Forum in Ghana. Indeed, the commitment of the World Bank to widening public participation in economic stabilization and development approaches has been reflected in the widespread establishment of SAPRI (Structural Adjustment Participatory Review Initiative) efforts in a variety of countries, involving civil society groups and national governments in shared scrutiny of how to better reflect people's social and economic priorities in adjustment financing.

It is interesting to note that the period usually considered to have been fiscally irresponsible in Ghana was one in which parliament was very weak, because it had been elected without any significant opposition. In the new, more politically balanced parliament after the 1996 elections, the economic policy debate has been much more hard-edged, but also far more subject to serious discussion about what approaches would best achieve macroeconomic balance and long-run sustainable growth.

The third level on which parliamentary input makes a major contribution is by linking local economic concerns and objectives into the national budget cycle process. It is now widely recognized that the increased pace of globalization, featuring unregulated capital flows, commodity price shifts and more interconnected trade and migration patterns, means that the capacity of national

governments to shape economic development has been vastly reduced. Locally-based economic initiatives, on the other hand, can now connect much more directly and significantly to the global economic context because communication and transport connections are so much improved. That gives MPs the chance to interact more constructively with local economic initiatives, assist in facilitating connections with the external environment, and thereby spur community-based development directly via local economic, social and political institutions.

Robert Putnam has drawn on regional experience within Italy to show how such locally-based political efforts to widen social organization and community networks created what he calls “social capital” that proved crucial to faster, more widely-distributed economic growth within certain areas. This same potential for local economic development initiatives, taking advantage of opportunities in a wider global economy, now rests with Members of Parliament to a much greater extent than was the case in the days when detailed investment allocations and regulatory controls, exercised from the centre by the national government, shaped the vast majority of economic options open at the local level.

CONCLUSION

Overall, the increased leverage of democratic parliaments throughout the world has influenced very significantly the budget cycle process.

That cycle and its components have provided a real and continuing focus for MPs to influence policy and to strengthen the effective impact of people in the governance structure. Using committees particularly, and their abilities to pose tough questions, MPs have worked for increased financial integrity through the budget cycle process, for improved public input and openness, and for much greater accountability (and better performance) by governments on macro-economic management.

The parliamentary focus on the budget cycle process has had important gaps in its effectiveness, justifying continued efforts to improve parliamentary performance. But the record of increasingly successful interventions in a number of countries, such as Ghana and Uganda, shows the importance that budget cycle initiatives by parliaments can have. And the role of connecting local economic initiatives to the global economy suggests the potential that may be possible to realize for parliaments in the future.

CASE STUDY: THE BUDGET CYCLE IN CANADA

By Mr. John Williams, MP

The Budget Cycle in Canada has evolved into three distinct elements:

1) The Budget

The fiscal and economic policy of the nation, changes to taxation policy and the approval of new spending initiatives are developed by the Department of Finance and presented by the Minister in his annual budget speech to Parliament in February of each year. While the internal revenue and spending projections begin much earlier, the public policy debate starts in October prior to the delivery of the budget in February.

Each Fall since 1994, the Minister of Finance has requested the Finance Committee of the House of Commons to consult with Canadians including private sector economists and others, and present the findings of their ideas and opinions to the Minister of Finance. The exercise commences with a presentation by the Minister of Finance to the Committee on his general assumptions on the economic state of the nation and culminates with a report by the Committee back to the Minister. The report makes a significant contribution to the policy development by the Minister of Finance.

2) The Main Estimates (The detailed departmental spending estimates, also called supply)

Subsequent to the tabling of the budget and prior to March 1st each year, the President of the Treasury Board tables the Main Estimates in the House of Commons. These estimates for each department or agency are automatically referred to the appropriate oversight Committee of the House of Commons, which has the authority to call the Minister of the Department and his senior

officials before them to defend the work and the estimates of the Department.

Unfortunately, this detailed examination of departmental spending estimates by the House of Commons committees is perfunctory at best and non-existent in many cases. The estimate documents are perceived by many parliamentarians as too complex and providing little meaningful analysis of the competency of the Department and its program delivery. For this reason (among others) committees fail to undertake a serious examination of the departmental estimates. However the House of Commons' standing orders deem that a committee has reported on the departmental estimates without change when no report is tabled by May 15th. The process therefore continues unabated while the scrutiny by parliament is marginalized.

The main estimates (supply) are finally voted on by the House of Commons in early June but with another quirk of the Standing Orders that renders the vote all but meaningless. Ordinary motions that have an amendment proposed require a vote on the amendment prior to voting on the main motion. With the estimates, however, an amendment to reduce spending causes the President of the Treasury Board to move adoption of the main estimate prior to the vote on the amendment. This procedure virtually guarantees that the estimates will be approved as tabled without change.

3) The Auditor General and the Public Accounts Committee

The retrospective examination of the finances of the Government of Canada and the Government's accountability to Parliament fall to the Auditor General of Canada and the

Public Accounts Committee of the House of Commons.

The Financial statements of the Government are audited by the Auditor General. When the statements with the audit report attached are tabled in the House, they are automatically referred to the Public Accounts Committee for examination. In addition, the Auditor General conducts value for money audits on programs and services delivered by the Government. He normally tables reports in the House on this activity three times a year. These reports are also automatically referred to the Public Accounts Committee. The Public Accounts Committee holds public hearings with senior departmental officials as witnesses on issues and problems identified by the Auditor General in his reports. After a hearing, the Public Accounts Committee normally tables a report in the House on its findings with recommendations for change and calls on the Government to table a response in the House to the Public Accounts Committee report within five months.

There is therefore a complete process for transparency and public debate in the budget process, ranging from participation by Parliament and the public in the policy debate prior to the determination of budget by the Government, through the examination of the estimates and their approval by Parliament to the audit of financial statements and the analysis on a value for money basis of the performance of program delivery by individual departments.

In 1996, through a working group on the reform of the estimates, Parliament asked the Government to produce annual performance reports for each department. These reports, which are self-assessments on program delivery are an excellent addition to the accountability process, though additional rigour will be required in their preparation before they become real tools for public analysis of departmental performance.

Another initiative to reform the estimates process by the House of Commons commenced with the

creation of the sub committee on the business of supply. Its lengthy report was tabled in the House in the fall of 1998. The report, called among other recommendations, for the creation of an estimates committee of the House of Commons to provide greater depth of the scrutiny of the estimates by the House.

At the present time the House of Commons votes annually on non-statutory spending which accounts for approximately 1/3 of total government spending. The sub committee identified four additional areas of financial responsibility that should be examined by Parliament:

- ◆ statutory spending
- ◆ crown corporations and agencies
- ◆ loan guarantees
- ◆ tax expenditures (tax deductions and credits that reduce tax liability hence reducing tax revenue)

In addition the sub committee called for regular reviews on a five to ten year periodic basis of each statutory program and its delivery to Canadians. The reviews would focus on four fundamental questions:

- ◆ What is the public policy to be achieved by the statutory program?
- ◆ How well is that policy being achieved?
- ◆ How efficient is the department in implementing the statutory program?
- ◆ Can the same results be better achieved in a different way?

Unfortunately the government in its response did not see the advisability of an estimates committee or systemic reviews of statutory programs at this time.

A recent initiative of the Public Accounts Committee has been the creation of a sub committee to examine best accounting practices of governments around the world for potential adoption in Canada and dissemination of Canadian best practices to other countries. One example of improvement in financial reporting is the move to accrual accounting by the Federal Government on April 1st, 2001. A number of countries have

already adopted or are in the process of adopting accrual accounting as the basis for the preparation of their financial statements.

Through improved accounting standards, timeliness of reporting, better auditing and a stronger commitment to financial integrity, progress can be made in laying the fundamentals to attack the modern scourge of bribery and corruption around the world. With this in mind, the Public Accounts Committee is also supporting an initiative to bring parliamentarians around the world into the struggle against bribery and corruption which has kept so many people and nations impoverished for too long. This fledgling

initiative, which is tentatively called the Global Organization of Parliamentarians Against Corruption (GOPAC), is finding support among parliamentarians around the world as well as international organizations which see the need to root out corruption which drains the life blood out of too many economies. It is our hope that conferences can be organized in regions around the world to raise the profile of parliamentarians as one of the pillars in the fight for more open and accountable government which translates into governments, institutions and bureaucracies better serving their constituents rather than getting rich at their constituents' expense.

CASE STUDY: PARLIAMENT AND THE BUDGET CYCLE— THE GHANAIAN EXPERIENCE

By Hon. Cdre. Steve Obimpeh, MP

The role of the legislature in the governing process of any democracy cannot be over-emphasised. The Ghanaian Parliament of the Fourth Republic, for the past seven years of its existence, has played a leading role in enhancing and ensuring the accountability of the Executive in its financial and economic management.

Generally, the role of Ghana's Parliament is similar to other democratic countries, with legislative, deliberative, investigative, regulatory, and financial functions, including budgetary functions.

In accordance with the Constitution, the President (Executive) is mandated to "prepare and lay before Parliament at least one month before the end of the financial year the revenue and expenditure (the budget) of the government for the following year. This technically means that Parliament is not involved in the initial stages of the budget process as pertains in some other democracies.

The first part of the budget cycle starts with the issue of guidelines to Ministries, Departments and Agencies (MDAs) including District Assemblies specifying the input requirements and expenditure ceilings. Meetings are then held between the Ministries and senior officials of the Ministry of Finance to explain issues and agree on macro-economic policies, indicators and expenditure levels. The Finance Committee of Parliament has proposed that a representative of the Committee and of the National Development Planning Commission (NDPC) should participate at these initial meetings to be able to come to consensus on macro policies. This will also assist the Committee to understand the rationale behind some expenditure patterns whilst ensuring that budgets are more aligned to the Medium Term Development Plan (1997-2000) which was

approved by Parliament. This proposal is yet to be accepted by the Executive. At present, Parliament gets involved in the budget from the day it is presented in the House by the Minister of Finance and referred to the various subject matter Committees for examination and report. Constitutionally, Parliament cannot vary allotments upward but can cut and re-allocate expenditure.

Parliament is able to influence the allotment of expenditure to policy choices in the best interest of the people in future budgets through:

- ◆ critical analysis of the budget estimate on non-partisan basis and debate on Committee reports;
- ◆ statements on the floor of the House, questions to Ministers and substantive motions on financial and economic policies of the government during the course of the year.

Also, Members of Parliament by virtue of their participation in the District Assembly meetings are able to contribute to the improvement of the Assemblies' budget process. Increasingly, civic/public societies through media, workshops, debates and interaction with Members of Parliament are influencing the direction of economic policy.

Once the Appropriation Bill has been passed, it is the constitutional duty of Parliament through its Standing Orders and Select Committees to monitor expenditure patterns of MDAs to ensure that spendings are in conformity with stated Government goals and objectives. In addition, Parliament often scrutinizes the Mid-Year Review of the state of the economy. Quarterly Performance Reports of the MDAs are also periodically presented to Parliament having first been produced in 1999 by the Executive on Parliament's request.

In the area of independent audit evaluation of the Executive, Reports of the Auditor-General are presented to Parliament and are considered by the Public Accounts Committee (PAC) chaired by the Minority Leader of the House, and which by law is requested to report at least twice in the session to the House. The intervention of Parliament in these areas has enhanced the expenditure controls of the MDAs and the observance of financial rules and regulations. However, Parliament is yet to exercise its Constitutional obligation to appoint an independent auditor to audit the Auditor-General.

Another important function of the Ghanaian Parliament is the approval of loans and international agreements entered into by the Executive. By critically scrutinising loans and such agreements, the Finance Committee ensures that the conditions of loans contracted by the Government are favourable, repayment terms are reasonable and in the case of suppliers credit, commodities to be supplied are cost effective. Parliament is also the Constitutional body, which approves the imposition of taxes and grants exemptions.

Even though the Ghanaian Parliament Finance and Public Accounts Committees have credibly performed their functions so far, a lot more could have been done with adequate analytical capacity to independently evaluate financial proposals and reports from the Executive and local as well as foreign institutions/organisations. Most of the Members of Parliament are also relatively new (3 years). To address this problem, The Canadian International Development Agency through the Canadian Parliamentary Centre (CPC) and Ghana's Institute of Economic Affairs (IEA) is funding the Ghana Parliamentary Committee Support Project, to enhance the capacity and effectiveness of the economic committees through workshops, seminars, networking with sister parliaments in Africa and elsewhere, and recruitment of an information resource co-ordinator to provide the necessary back-up support for the two committees.

Judging from what the Ghanaian Parliament has achieved in its seven years of existence, there is no doubt that if adequately resourced, it could make a significant contribution to the budget process and thereby promote accountability and good governance.

CHAPTER FIVE: GLOBALIZATION PARLIAMENTS AND CIVIL SOCIETY

By Elissar Sarrouh

INTRODUCTION

As the process of globalization continues to expand, more attention is given to define the term and to assess its impact on Northern and Southern societies. Some may understand globalization as a phenomenon of accelerated flows of money and of information; some may view 'the global' as being linked to a strategy or a program of political mobilization and interaction at a transnational level. One of the most important phenomena of globalization observed in both North and South, is the restructuring in the relations between the citizens and the state. This restructuring stems from increased pressure from citizens for democratization, louder voice in decision-making and open political processes. Central to these global changes is the emergence of a "global civil society" with an all pervading web of non-governmental organizations (NGOs) transcending national boundaries. Lester Solomon recognized this phenomenon as "a veritable associational revolution at the global level that may constitute as significant a social and political development of the latter twentieth century as the rise of the nation-state was of the nineteenth century".

State institutions are being pressured to adapt to these changing realities. The executive, judicial and legislative branches of government are all being challenged to redefine their roles, improve their performance and develop new relations with civil society and the economic market place. Traditional ways of conducting business are being abandoned. Parliaments have not escaped these pressures of change. There is growing discontent in many parts of the world with the ineffectiveness of parliaments as representative institutions. There is also a growing concern about their relevance to the central challenges of governance in this era of

globalization. At the same time, parliaments are receiving increased attention in post-conflict societies and in countries that are undergoing democratization. A study by the International Institute of Democracy and Election Assistance (IIDEA) found that in recent years armed conflicts tend to originate at the domestic level within a state, rather than between states. Two elements underline these conflicts: one, identity (race, religion, culture, language, etc) and the other is distribution of economic resources. The study emphasized the importance of democratic political structures in forging an enduring settlement to these internal "deep-rooted" conflicts. As a representative body, parliament has the potential to serve as a "mediating" institution capable of settling policy conflicts and disputes. By providing open forum for public discussions, parliaments can help build public consensus around national policies.

Much of the heightened attention being given to parliaments comes from an increasingly active and organized "global civil society" that demands accountable state structures, responsible governments and effective representative institutions. Around the globe, social forces that stand for peace, the environment, and human rights are mobilizing to form global accountability networks that demand transparent decision-making processes from their respective national governments, as well as from transnational corporations and multilateral organizations. Moral and ethical questions are finding their way into public debates on global security, human rights and sustainable development. Further, the local, regional and global networks organized by civil society organizations now function as venues for dialogue on social change.

The emergence of "civil society" as a key accountability force has brought with it as much

controversy as promise. The exercise of power and authority in “governance” has become a subject of concern, particularly in the fragile and nervous societies that were until recently trapped in civil wars and conflict. Suspicious of NGOs as promoting “western” values and pushing a hidden agenda that is “alien” to national policy priorities and cultural traditions, some governments have tried to marginalize the role that civil society plays in social change, and deligitimize activities that these governments deem as “political” in nature. These tensions have also manifested themselves in relations between parliaments and civil society organizations.

We begin this chapter with a brief discussion of the challenges that parliaments face as a result of the process of globalization, and the current trends in the development discourse which gives a central role to civil society in the process of democratization. This role, as we shall see, is the crux of the tension that we observe in parliament-civil society relations. We will then discuss how civil society is emerging as a key accountability force and examine the challenges it poses to parliaments and elected members, who are vested with power and authority to represent and act on behalf of “the people”. Drawing on the Parliamentary Centre’s work in the field of parliamentary development, we offer in the concluding section some ideas on fostering complementarity and balance in these relations.

GLOBALIZATION, PARLIAMENTS AND CIVIL SOCIETY

The processes of globalization, that is, integrated economies, technological progress and transborder networks have altered the way citizens relate to the state, and raised questions about the effectiveness of democratic and representative institutions. The external pressures on governments for fast, complex responses to policy challenges has undermined parliament’s role as a deliberative body. Further, it has weakened national decision-making powers over economic

and social policies. Decisions on these policies have moved beyond national borders and away from parliamentary oversight. Hence, parliaments are often viewed as “rubber stamps”, dominated by the executive and marginalized by international forces and institutions. Further, the emergence of civil society as an accountability force and a favoured partner for donor agencies, entrusted in delivering foreign aid programs, has heightened the anxiety of parliaments about their legitimacy of representation and authority in governance.

The rapid expansion of democratization in the early 1990s brought with it radical changes in the development discourse and agenda of western donor agencies. The perception that “top-down” approaches to development have not worked has led to “bottom-up” approaches emerging from grassroots activism and a fast spreading NGO movement. Hence, development is now vested not in government bureaucracies but in local communities and institutions. As Hyden highlights, “indigenous knowledge”, community development and popular participation are examples of concepts that have come to occupy increasing prominence in the debate³.

The “New Development Agenda” on governance, conceptualizes civil society in Tocquevelian terms. Alexis de Tocqueville was concerned about unchecked state power and treated associations as the strongest bulwark against it. He was afraid of an unmediated popular will because it could lead to revolution. To prevent this, he believed an active civil society made up of self-governing associations is necessary. Such civil society educates the citizenry and scrutinizes its actions. It facilitates distribution of power and provides mechanisms for direct citizen participation in public affairs. Civil society stands between individuals (citizens) and a legislature, which mediates their interests with the state⁴. Thus, defined in the liberal tradition, the New Development Agenda describes

3 See Goran Hyden “Building Civil Society at the Turn of the Millenium”, in *Beyond Prince and Merchant: Citizen Participation and the Rise of Civil Society* (1977).

4 See Goran Hyden “Building Civil Society at the Turn of the Millenium”, in *Beyond Prince and Merchant: Citizen Participation and the Rise of Civil Society* (1977).

civil society as that realm where voluntary social organizations, interest groups, political associations, professional groups and social movements come together in a loose coalition to provide a counter entity that keeps state power in check.

In liberal democracies, political systems are not only marked by free and fair elections, but also by the rule of law, a separation of powers, the protection of basic liberties of speech, assembly, religion, and property. Zakaria describes these as “constitutional liberalism”. Constitutional liberalism developed in the West in defense of the individual’s right of life and property, freedom of religion and speech. This model is problematic in societies where “community” is the basic unit of analysis and not the individual. Representation in those societies is based on religious, communitarian, and sectarian interests not on individual rights and freedoms. Decision-making powers and authority in governance are exclusive turfs of the rulers and never shared with the ruled. However, there are growing demands and advocacy for constitutional liberalism expressed by civil society organizations in the South. There is also increasing tension between those advocates and traditional leaders and elected representatives. Citizens groups who demand political reforms to reflect these rights and values are accused of being “agents” of western imperialism.

The notion that civil society is a “western” phenomenon is a subject of heated debate. As Ibrahim demonstrates, intermediary institutions and civil society were found in pre-modern Islamic states. A rich literature has recently emerged describing and analyzing the various forms and modalities of these institutions and how they related to the ‘state’. Moussalli illustrates that in the pre-modern Islamic State, intermediary institutions of various forms and backgrounds were able to exercise social authority independent of political authorities. However, these institutions were demolished in the early 20th century with the emergence of the modern states. Hence, the sudden interest and the wide support given to civil society organizations by donors is seriously questioned by governments, parliamentarians and religious

leaders alike. Today, civil society organizations of all types—religious, traditional, professional, welfare and advocacy—are found in the South. They constitute anything but a homogeneous entity. Many of these organizations were founded to reinforce state ideology and political systems as well as provide social services to the population. Political, religious and family elites established these associations as a means of broadening their own power base. Most institutions end up being instruments of the state authority rather than spontaneous efforts at grassroots organizations. Civil society is often manipulated by governing elites to enhance their power base. Thus, shifting authority and power to organizations that represent different interests and advocate different values, is bound to create tensions and conflict between traditional representatives of society and new NGOs.

CIVIL SOCIETY: A KEY ACCOUNTABILITY FORCE?

How do civil society organizations exercise accountability? How effective are they in demanding it and who are they accountable for? Who do they represent?

Accountability, in general terms, means that an individual or organization reports to a recognized authority and are held responsible for their actions. Elected politicians, for example, are entrusted by their constituencies to make public policy decisions on their behalf. They are the ones with constitutional authority to hold the government responsible and answer to their voters (the public) on policy decisions. Civil society organizations and actors on the other hand, also claim legitimacy of representation. They speak for and act on behalf of the communities they serve and the membership they represent. They argue that they are entrusted to hold decision makers responsible for their actions, and ensure that politicians and elected members deliver promised goods and services. In other words, they too, are accountable to their “constituencies” and expected to deliver more efficient programs and better policies. To exercise accountability, civil society follows a 3-tier strategy: 1) mobilize to create a critical mass; 2)

implement outreach programs (in particular in remote areas, villages and towns) to increase their membership and strengthen their constituency; and 3) act as a link between citizens and the state.

In the “New Policy Agenda”, NGOs and civil society organizations have become the preferred channel for donor agencies. They became the entrusted and accountable partner to deliver aid and act as vehicles for democratization. The donors’ argument is that NGOs are known for their cost-effectiveness and less bureaucratic procedures in delivering aid. At the international level, NGOs now have a seat at the table at major conferences. NGOs’ criticism of government practices in these forums is a fundamental reason for the antagonism between governments and NGOs. Parliaments are constantly monitored and their legitimacy is questioned by a scrutinizing civil society. Acting as watchdog organizations, NGOs monitor parliamentary sessions and report to the public on the members’ performance, their capacity to question the government on specific policy issues and their power to hold government accountable. Donor agencies rely on the dissemination of information by Southern NGOs in determining foreign aid funding criteria as well as to exert pressure on governments to change their policies and practices. Civil society actors form mechanisms to “keep an eye” on governments’ policies and legislatures’ performance. However, in doing so, they alienate both governments and elected members. Parliaments and governments view these organizations as an “opposition” force funded by western agencies and implementing a “foreign” agenda.

PARLIAMENTS AND CIVIL SOCIETY

As Leslie Fox puts it “Civil society is a political concept because it is essentially about power, the power of non-state actors to participate in making decisions that have an impact on them”⁵. Hence, linking democracy to development and giving civil society a central role in the process of democratization is bound to vest power in the

hands of individuals and institutions that traditionally rested in politicians and members of Parliament. Thus, the tensions that we observe in the relations between the state/parliament and civil-society stem from the ‘western’ conceptualization of civil society as a buffer zone between the state and citizens.

Recognized internationally as a major player in development, civil society organizations presented an opportunity for democratic evolution and social change, but at the same time presented a threat to the governments of developing societies. The pressure that these organizations exercise on state officials and elected members has made them nervous about their authority to make national policy decisions and represent the people.

While NGOs can scale up their operations using donors’ funds and make their voices heard loudly through lobbying and advocacy work, they also become more and more dependent on governments or official aid agencies. They often make themselves vulnerable to co-optation into the agenda’s of donors, hence running the risk of being reduced to instruments of western power. Two implications are observed here: on one hand, civil society actors slowly become detached from their grassroots and social base, having replaced their local and community based agenda with one that fits donors funding criteria. The second, is the isolation and marginalization of these NGOs by the state and the religious establishment in traditional societies. Viewed as agents of ‘alien’ agencies, they are often being accused of “importing” foreign or “Western” values into their indigenous and traditional societies. Another important element in undermining the advocacy mandate of civil society organizations is the overwhelming success and wide spread social networks of religious NGOs. These organizations enjoy enormous support and wide base in their communities because they are perceived as “indigenous” organizations. Hence, questions of legitimacy of representation, authority and

⁵ Cited in Goran Hyden, “Building Civil Society at the Turn of the Millennium”, in Beyond Prince and Merchant. John Burbidge (ed). 1998. Pact Publications.

conflicting interests preoccupy decision-makers and elected representatives when dealing with NGOs.

Thus, over the last few years, we have seen parliaments in some developing countries introduce and ratify laws to restrict the activities of civil society organizations. For example, in Egypt, the parliament approved a new Association Law which places many restrictions on NGOs' activities and organization. Recently, the publications of two civil society organizations, one on Human Rights and another on Civil Society in the Arab World were banned from distribution in Egypt. The Palestinian Authority approved in September 1999, a long debated Law on non-governmental organizations, restricting their operations, funding mechanisms and political activities. The Parliament of Ethiopia is currently drafting a law on voluntary associations and NGOs. All non-governmental organizations now have to register with the Ministry of Justice and be granted a legal status prior to commencing their activities. NGO representatives in Ethiopia revealed that NGOs are nervous about the new law and are keen to find ways to organize meetings with Members of Parliament and parliamentary committees to discuss NGOs' role in social change and development. They fear that misperception and lack of knowledge of how civil society can complement the work of MPs could lead to a harsh and restrictive NGO law.

In the following and concluding section, we will discuss how parliament-civil society relations can be strengthened. We give the institution of parliament a central role in fostering healthy and balanced relations between the state and civil society.

STRENGTHENING PARLIAMENT-CIVIL SOCIETY RELATIONS

The Parliamentary Centre's work in international parliamentary development has revealed increased interest in strengthening representative institutions to respond to the growing demands for public participation. More importantly, the Centre has witnessed a keen interest in setting up arms-length bodies and institutions as mechanisms of accountability. Conversely, there is a strong need

for parliaments to increase their access to information to face the increasing demands put on them as a result of globalization. Links and dialogue with civil society were identified as key factors in strengthening parliaments. Parliaments, as elected and representative institutions can act as a bridge between state and the wider society. Parliament has or can develop the mechanisms to engage civil society organizations in the policy making process. In doing so, it can access the wealth of information available among these organizations. In October 1999, a regional conference on the state of parliamentary studies in the Arab World was held in Cairo, Egypt. The presenters from several Arab countries emphasized the importance of "working with parliament" as opposed to "criticizing parliament". They viewed this as an effective strategy to influence the public policy process and open up parliament to the wider public. Participants at the conference shared their experiences and best practices in establishing relations with parliament. It was particularly interesting to see how civil society organizations actively engage in designing, developing and offering training programs to parliamentary staff and committees. Academic institutions in Egypt and Jordan are leading such efforts.

As the case study illustrates, an independent parliamentary institute was envisaged as an effective catalyst to foster national unity among the various sectarian and confessional groups in Lebanon after seventeen years of civil war. The institute was envisaged to play the role of a link between parliament and civil society, while at the same time lending technical support and expertise to Members of Parliament and committees. The key to fostering and nurturing good relations between parliament and civil society is a willingness on the part of parliamentarians to engage civil society in policy dialogue. It is important that elected members view this relation as complementary and supportive of their role as elected representatives rather than competing with those unelected special interest groups on issues of representation and authority in governance.

In developing the parliamentary institute model, it became clear that the institutionalization of policy

dialogue and consultation processes is essential to bring the state and civil society closer to one another. In the case of Ethiopia, lack of communication and understanding of how civil society can play a complementary role to that of the state constitutes a major obstacle to constructive relations. One strategy in developing these relations, was/is to invite parliamentarians, state officials and representatives of civil society to participate in international functions or workshops. Providing a neutral space or ground on which to initiate dialogue, may be an effective way of reducing “hostilities” between civil society and elected members.

In the Palestinian case, an interesting relation between the Palestinian Legislative Council (PLC) and civil society has emerged. As civil society activists or supporters prior to being elected members of the Council, some members of the PLC have maintained strong links with civil society organizations. This allowed the latter to adopt a proactive approach in support of the PLC. For example, the Palestinian Non-governmental Organizations Network (PNGO)—an umbrella organization of Palestinian NGOs—takes drafts legislation on particular policy issues, circulates it to PNGO members for discussion and amendment and then presents it to the concerned legislative committee for consideration. The Palestinian

Legislative Council, a newly established body, lacks institutional memory and traditional practices of drafting legislation, or access to specialized policy advisors. Thus, the initiative by PNGO contributes to building the capacity of the Council and strengthening its relations with the wider society.

Relations between civil society and the state will remain tricky in the absence of adequate democratic structures and effective representative institutions. The lack of confidence in the capacity of parliament to represent the interests and concerns of society is another barrier to forging good relations between civil society and parliament. If the main functions of parliament are perceived poorly by citizens, civil society actors assume the role as agent of social transformation and democratic reforms

As is argued by Gerald Schmitz and David Gillies, democracy calls for forms of participatory engagement in the public life of society, which confront elitist assumptions and established power structures. Democracy puts power in the hands of citizens in order to control the state, not vice versa. Without adequate representative and mediating institutions, however, the relationship of the state to civil society breaks down and democratic legitimacy, perhaps even the ability to govern, is lost.

CASE STUDY:

LEBANON - PARLIAMENTARY INSTITUTES

by Elissar Sarrouh

THE LEBANESE CONTEXT

Lebanon has emerged from a 16-year civil war with heightened expectations and a pervasive sense of making up for lost time. Resumption of democratic life and rebuilding state institutions and infrastructure were the priority of the post-war government. Democratic institutions were established in Lebanon in 1943, and were representative of the religious communities in Lebanese society. Hence, power and key positions of the state were distributed along confessional lines reflecting a Christian majority in Lebanon. A major inadequacy of the pre-war state-society relations, is the lack of genuine contact and understanding between the Parliament of Lebanon — the principal representative institution in the country — and the other elements of civil society, including the non-governmental community.

The civil war period led to an erosion of state sovereignty with the non-governmental community filling the vacuum and playing a vital role in the provision of basic social services to large segments of the population in the absence of effective, operating governmental structures. Government for its part was preoccupied with the civil war. The consequence was that governmental and parliamentary authorities were less familiar than they should be with the needs and concerns of ordinary Lebanese. In the first few years following the end of the war, the government was often preoccupied with physical reconstruction of Beirut. A 1994 UN report on Lebanon concluded that “it is a matter of importance and urgency that the government considers ways to strengthen and develop the sustainable human dimension of reconstruction and development. The revitalization of the role of civil society and the relaunching of its capacity is indispensable”.

The interface between the government and civil society was not well developed. Moreover, the

institutions of civil society are also emerging from a war environment. Many of the NGOs have been engaged in relief efforts related to the war and still reflect the factionalism and divisions that characterized the war. They too had to rethink and recast their role in the building and functioning of a new Lebanese society.

Ensuring that representative institutions are effectively organized and managed and are responsive to the needs and aspirations of their electorates is an essential instrument in building sustainable peace. There remained a real threat that such peacebuilding efforts will be undermined by the mounting pressures in these societies for early and tangible signs of progress — political, economic and social. One of the most revealing manifestations of progress would be strong and effective representative institutions since they are a clear demonstration of a fundamental principle of good governance: societies that listen to their people and care about their fate. It is in this context that the idea was conceived of a Parliamentary Institute to help bridge the distance between Parliament and civil society.

PARLIAMENTARY INSTITUTES

A parliamentary institute is defined as an organization established to strengthen parliament, usually as part of wider efforts to promote good governance and democratic development. The institute carries out its work through a combination of activities, including training and research. It may also serve as a catalyst that facilitates good relations between Parliament and civil society.

Through our work, we identified three models of parliamentary institutes:

1. Parliamentary Training and Development Institutes: this model carries out research and development activities to strengthen parliament.

2. University-Based Legislative Development Institutes: this model offers academic studies and applied skills in the administration of legislative and other governance institutions.
3. Parliamentary Watch Institutes: this model monitors Parliament's performance and is implemented by civil society organizations that usually undertake democratic development activities, including programs to monitor and critically evaluate the performance of parliament.

The Lebanese Parliamentary Institute

The most important element in establishing a Lebanese parliamentary institute was to bring Deputies of the Lebanese Parliament and representatives of civil society together. This was necessary to initiate policy dialogue and create a consensus in favor of establishing such an Institute. To that effect, an Advisory Committee was created with members representing both parliament and civil society. However, after the first workshop took place, it was realized that participation of Lebanese Deputies was minimal. Very few attended the workshop and those who attended were there to deliver their presentations. They declined from participating in the discussion groups. This was a source of alarm to all involved in this project. It was evident to all concerned that parliament's support is intrinsic to the success of this process and for the proposed institute to see the light. As those concerns were raised with the leadership of the Lebanese Parliament, efforts were made to clarify the objectives of the institute as one of supporting the role of MPs rather than competing with them. A better understanding of the proposed mandate and nature of the institute encouraged more Deputies to take part in the workshops.

As a result of the workshops held to discuss the model that best addresses the Lebanese needs, a consensus emerged among Lebanese participants that neither the "watch-dog" nor the research and development model as pure or ideal types would be the basis for a Lebanese Centre. The preferred model was a hybrid containing some elements of all of the models but whose primary purpose would be to serve as a liaison, link or point of contact between parliament and civil society. Such a model would help to strengthen the capacity of Parliament by increasing its access to knowledge and information in the wider society and it would help civil society to monitor Parliament by making the business of the National Assembly better-known and more transparent. There was also a common understanding among participants that the linkage model entails the development of trust and confidence between parliamentarians and civil society organizations.

Subsequently, in September 1999, The Forum for Parliamentary Dialogue was established as an independent non-governmental organization which seeks to develop and sustain cooperative linkages between the Lebanese Parliament and civil society. Its main objectives are: to provide legislatures with information regarding the programs and objectives of NGOs in Lebanon; to organize cooperative working sessions between elected Deputies and civil society organizations; to facilitate dialogue between Deputies and civil society; and establish a working group of both parliamentarians and representatives of NGOs to prepare and supply research findings to Deputies, parliamentary committees and other civil society organizations.

CASE STUDY:

GUATEMALA—WHY IS PARLIAMENT IMPORTANT FOR OUR DEMOCRATIC FUTURE?

By Mr. Manfredo Marroquin

A democracy lives while its institutions are doing their job and can guarantee that the existing political power in a society is under control, which means that excesses are not being committed and the interests of the citizens are being looked after. When controls over the exercise of political power fail, or are simply not being used, and that power is used only for the benefit of a few, the people become doubtful of the benefits of democracy. Governing becomes difficult in relation to consolidation of popular support.

For credible democratic institutions, enjoying popular support, to exist, it is necessary that society through its various types of organizations should maintain constant pressure on these institutions. This is the only guarantee for these institutions to function successfully, in respect of the Law and of the functions for which they were created. This cannot be brought about overnight. It is a process that takes a greater or lesser period of time, depending on the interest or the effort that a society is willing to put into it. This is why it is important to join forces for the construction of democracy in our country. If not, sustained economic, social and cultural development will not be viable.

HOW TO IMPROVE RELATIONS BETWEEN SOCIETY AND PARLIAMENT

In these times, Parliament is an indispensable element in democracy. That means that there cannot be democracy without the existence and functioning of Parliament. This is important, because Parliament is the most representative body of the State. Within it are represented the most important political elements in society, empowered through the vote of the citizens. In this sense, Parliament is an expression of the plurality of viewpoints and political groups in

relation to the problems of the country and their possible solutions.

The main functions of Parliament are to legislate, investigate, make more transparent, and evaluate the administrative, political and functional activities of the State as well as to perform as the political forum in which a national consensus is arrived at. This is why the weaknesses and strengths of Parliament reflect the degree of transparency and accountability that prevails in the State as a whole, as well as the level and maturity of the political culture of the country. A strong Parliament is one capable of maintaining fluid and permanent communications with leaders and with social organizations and to represent these interests in relation to other powers of the state and to private powers.

In Guatemala, our Congress, along with other democratic institutions, is still in a process of strengthening itself and that is why it is necessary to join forces so that in the near future Congress can recover the confidence of the people and project its image as a pillar of democracy.

To ensure this process, various initiatives have come about, such as *Acción Ciudadana* (Citizens' Action). *Accion Ciudadana* seeks, through its program Impact of the citizens on national legislation to make the work of Congress more evident to the population and to promote initiatives that link the deputies to the territories and the populations that they represent.

There is a general perception that the deputies and the people are divorced from each other. The causes of this are many, but one of the main ones is perhaps the system of representation itself. Established by the Electoral and Political Party Law, it makes electoral districts co-terminal with

the departments into which the country is divided. The problem is that the departments are drawn up according to an administrative policy that does not take into account the characteristics of the population, such as ethnic composition, economic activity and vocation, means of communication, etc., that permit and facilitate a more effective representation by the deputies. It is difficult to imagine, for example, that a deputy from the department of Huehutenango can enjoy a direct and ongoing relationship with a population of more than one million, distributed in 31 municipalities, all with deficient means of communication and speaking six different languages. This same example can serve in relation to the capital city (Central District), where there are zones and neighborhoods with the most varied socio-economic characteristics and needs. A change of this system of representation calls for constitutional reform and reform in the Electoral and Political Party Law. But we cannot remain with our arms folded and simply wait for the arrival of the legal reforms to the system.

It is becoming necessary to undertake actions that, beyond the necessary legal framework, require political will for their implementation. It is important to remember that reforms do not come about by themselves and that the most influential political groups in the country have resisted change.

That is why ideas and proposals designed to improve relations between the deputies and the people have been a feature throughout the development of Acción Ciudadana's program. The deputies, with the election of a new legislature (2000-2004), are increasing their ability to carry out these ideas and proposals. Many of these initiatives coincide with a call for the development of a departmental agenda, with the participation of a department's industry, commerce and banking, as well as the district deputies. This departmental agenda would serve as an instrument for the deputies to legitimize, in the name of their electors, the representation that they embody in relation to other functions of the State. This would mean that the district deputies would function as a team representing the department's interests, previously worked out in the departmental

agenda, thus avoiding the situation where party interests and opinions have greater weight than those of the electorate.

Another proposal that has come out of the exchanges between deputies and representative groups from the various departments is that some of the functions of inspection that correspond to Congress be developed at public meetings in the departments themselves. For example, if the inhabitants of Alta Verapaz are concerned about the deforestation in their territory, the deputies of the district could contact the departmental director of the National Institute of Forests to explain to the concerned social groups the plans, resources, etc. that are being devoted to addressing the problem. This would serve as a means of decentralizing the administrative functions of the State to the extent that the functions and tasks of the administration have an impact at the local level and it is at that level that the relevance of these functions should be evaluated.

In the debates of candidates for Congress, it was suggested that those who are elected on November 7th sign a public pledge to carry out some of the initiatives aimed at increasing the value of the functions of individual deputies and of Parliament as a whole in the eyes of the people.

All this will be possible as long as there is public pressure by the citizens on the Congress of the Republic to do its job. During the past three years, we have witnessed positive and important changes in that body, in response to requirements that did not exist previously. When for the first time the program asked for the plans and agendas of the work committees of Congress and a list of summonses to public officials, this type of information was either non-existent or was not processed by Congress or the forces represented in it. After three years of keeping alive the demands and making public the results, response has been increasing, both in the presentation of the work plans of the committees, and of the record of the summonses issued. Also for the first time, the deputies who sit on various committees have

accepted the presence of observers (called legislative monitors) at their regular work sessions. These monitors, mostly university students who work as unpaid volunteers, keep a record of each committee meeting and what each deputy has done. This information is then put into a database, from which reports are incorporated into the monthly publication, "Alerta Legislativa" (Legislative Alert). The efforts that have been carried out, together with others that may be made by other organized

groups in society, are vital for the improvement of the functioning of Parliaments and Congresses. In turn, Parliaments must reply to the demands of the population, bringing up to date the norms that govern parliamentary activity (Law of Interior Regime), and also of the political organizations themselves. This way, the democratic response to the many problems that affect Guatemalan families, and the democratic process itself, will achieve popular support.

CHAPTER SIX: STRATEGIC PLANNING—A KEY TOOL FOR EFFECTIVE SUPPORT TO PARLIAMENTS

By Julie Gouin

INTRODUCTION

The effectiveness of legislative institutions, particularly in holding government accountable, is conditional on elected representatives exercising their roles and responsibilities in a competent manner. The parliamentary administration exists precisely to support parliamentarians in doing their work by facilitating access to information and providing technical, financial and material support to the legislature, committees and members. Unlike executive administrations in government ministries, parliamentary administrations do not play a public policy formulation role but are focussed on the institution's capacity to play its full responsibilities within the democratic process. The unique situation of the parliamentary administration is to direct non-partisan support to members of parliament in an environment where political influences and adversarial policy positions are at the heart of everyday activity. The specific challenge of the administration is to establish a level playing field. Taking into account the special political reality of a legislature, the parliamentary administration's job is to assist members of all stripes to be effective.

This chapter will argue that strategic planning in a parliamentary administration is not only valuable but essential to the effective delivery of support services and the long-term development of parliaments in an environment of continuous change. Change, as described by Jick, can be defined in its broadest sense as "a planned or unplanned response to pressures and forces." A number of forces act upon state institutions to varying degrees. Some of these pressures are attributable to continuing societal and technological developments such as globalisation, the proliferation of information technology, and

democratisation, while others can be better identified as 'events', like the election of a new, reformist government, or a sharp economic downturn. These pressures can be perceived as obstacles, challenges, threats or opportunities. Reactions will depend on how state institutions interpret and choose to act upon these forces.

The world is undergoing profound changes in all sectors of activity. If parliaments are to strengthen their influence and impact in the political arena, MPs will need to become better informed and more outward looking, acting as a bridge between global forces and local constituencies. Their capacity to do so will largely depend on the institutional support available to them, particularly in accessing pertinent analytical and factual data.

It has been argued that *information and communication technologies* have contributed to the decline of parliamentary democracy by increasing direct access to decision-makers, thereby rendering representative institutions such as parliament obsolete. Others claim that these technologies cannot be effective on their own and will only bring added value if they are developed within the framework of existing institutions. It is apparent that new technologies have the potential to both hinder and strengthen the influence of parliament, depending on how they are utilised. Parliamentary administrations can provide the environment and the professional support to empower Members of Parliament. They can design new, more accessible tools and systems to strengthen the role of parliament in the policy-making process, by:

Improving the way in which MPs work;

- ◆ Facilitating access by MPs to timely, relevant information, thereby strengthening their

ability to scrutinise government and deliberate wisely;

- ◆ Providing better information to the public, through web-sites, television and radio communications, etc;
- ◆ Raising individual participation in the policy-making process through facilitated interaction with their representatives;
- ◆ Encouraging collective and collaborative participation by the public, through web-based policy networks and discussion forums, which serve as a resource for parliamentary deliberations.

These are all areas where the parliamentary administration can provide expertise and support to parliament and parliamentarians, both in facilitating access by MPs to these technologies, and in managing their effective application in the policy-making process.

The forces of *democratisation* that have touched many developing countries inevitably bring with them new systems, structures and players, all of which put pressure on existing institutions to respond and adapt. Like globalisation, the scope and depth of the changes triggered by democratisation are enormous. Parliament is at the centre of this process and must assert its role as a key player in the governance arena. Effective support from the parliamentary administration will be a determining factor in the ability of MPs to sustain efforts to develop their parliamentary institutions as effective pillars of good governance, particularly in ensuring an appropriate balance of power among state institutions.

The forces described above are compelling state institutions—particularly parliament—to adapt to changing realities, by redefining their roles, improving their performance and developing new relations with civil society and the economic marketplace. Legislatures by their nature are creatures of change, periodically hosting new members and political agendas. For that reason, parliamentary administrations have been designed to ensure a certain level of institutional continuity—

a bridge from one legislature to the next. It is therefore a challenge for parliamentary managers to balance the stability required in parliamentary support services, with the need for change.

Making technology work for MPs represents a major example of an area where parliamentary administrations can come to the practical aid of parliamentarians. Such initiatives have been launched in many legislative environments. However, they are not likely to be successful if the focus is too narrow. What is needed is a strategic appreciation of the parliamentary context to design services for Members of Parliament.

The following sections will explore how strategic planning can serve as an effective tool in developing a comprehensive and coherent plan of support to parliament.

STRATEGIC PLANNING—A STARTING POINT

“If you don’t know where you’re going,
any road will take you there.”

—Dennis Hightower

The private sector has quickly learned that stability in the environment no longer exists. With change being the only constant, successful businesses have established mechanisms to anticipate and adapt to environmental pressures as a means of ensuring their survival. Parliamentary administrations do not face bankruptcy from lack of planned change. Yet, as was seen in the previous section, a number of environmental forces are marginalizing parliament in the decision-making process. The parliamentary administration will have an opportunity to contribute to the degree that parliament is given a real role in the political process. For example, if parliament is dependent on the government for funds and is allocated a very small operating budget, the administration will in turn have limited resources to support the institution. Thus, as Members of Parliament seek to assert their role, the administration will be a crucial player in supporting and institutionalising their efforts. Strategic planning can enable parliamentary managers to meet this challenge.

PLANNING IN A PARLIAMENT? WHY?

Planning in a parliamentary administration can serve two important functions. First, it enhances the effectiveness of the institution in reacting to the needs of its clients, the elected member, by establishing a more coherent and efficient approach to service delivery. Second, it makes it possible to anticipate and adapt to outside pressures, such as those identified in the previous section. Current planning practices in parliamentary administrations are often limited to the budget cycle, which involves the setting of priorities, but does not necessarily focus on MPs —the clients— or advance the achievement of particular goals. The more limited the resources, the more important it is to plan for their effective use. Strategic planning is a process by which long-term organisational alignment is determined, so that all activities of the organisation are consistent with and in support of organisational goals. It enables planning to trickle down to all levels of an organisation, fostering strategic thinking and action in everyday tasks. Although approaches and applications vary widely, some core elements remain essential to the development and effective implementation of a strategic plan. Among the most important core elements are these two: the need to make choices and to base those choices on the needs of the Members. Members become front and centre for the entire organization.

Planning the Planning

At the outset, it is worth taking time to generate interest in the process. The purpose of this initial stage is to test the playing field, gain agreement on the need for strategic planning, and determine a suitable approach. Key players must be identified, including members of the strategic planning team, employees and other stakeholders. It is also important to gauge support and commitment at the highest levels of the parliamentary leadership, and detect any opposition or scepticism that may exist. Clarifying the purpose of the exercise as well as roles and responsibilities, and gaining consensus among participants at the start, will help avoid pitfalls later in the process. Knowing what resistance exists will also allow the strategic planning team to plan how to address those concerns.

The Role of Leadership

Success in the development and implementation of the strategic plan is directly linked to the quality and strength of the leadership. The process must be led by a senior parliamentary manager, preferably the clerk or secretary-general, who should also be a key player in the strategic planning team. The leader's role in the process is that of designer, teacher and steward. As designer, the leader frames the governing ideas of purpose, vision and core values, as well as the structures that will enable translation of these ideas into action. As teacher, the leader encourages people to see beyond superficial conditions and events to the underlying causes and problems, empowering them to take corrective measures. Finally the leader is responsible for the stewardship of the people involved in the process and of the vision and mission. The role of steward is best described in a quote by Lao Tsu that states: "The wicked leader is he who the people despise. The good leader is he who the people revere. The great leader is he who the people say, 'We did it ourselves'."

The speaker and other officials should be the sponsors of the process to give it thrust and underline that the exercise is meant to serve the primary clients of the institution.

Creating a Shared Vision

The first element of a strategic plan —the vision— is a deliberate acknowledgement of the destination the organisation wants to reach. The vision should represent an image of success that attracts and inspires staff at all levels. More importantly, the vision must be shared by senior management, employees, and stakeholders. It must be a statement with which people can identify, hence the need for a truly participative process in its development. One working group of parliamentary managers stated that the administration's vision was 'to become the pillar of tomorrow's parliament'.

The parliamentary administration is generally established within a legal/constitutional framework that sets out its mandate and responsibilities. For obvious reasons, the vision should not go against the administration's set mandate. It can, however,

expand on and complement the current mandate so as to create an ideal. The vision should also be consistent with the culture and philosophy of the administration. Although these may evolve as a result of the strategic planning process, the vision should not depart from the basic principles that guide the administration in its work. High-level parliamentary managers must be involved in, if not lead, the design of the vision. They can draw from the experience of their colleagues and counterparts inside and outside the administration, and compare vision statements from comparable organisations in the private and public sectors. Surveys and meetings with staff from all levels of the organisation can also provide worthwhile information on what currently guides employees in their work, and foster a sense of ownership on the part of all staff.

Elaborating a Mission Statement

As indicated earlier, constitutional, legal or official documents often govern the role and responsibilities of the parliamentary administration. The second step in developing a strategic plan—the mission—therefore requires managers to identify these enabling documents, review the specific, known mandate, and determine whether this mandate is still valid. Whether parliamentary managers choose to put forward an existing formulation or develop a new one, the mission statement should underscore a number of elements. First, it should describe what services the parliamentary administration provides. Specific reference should also be made to the client, that is to whom the services are provided. Finally, the mission should spell-out the framework and/or principles that will guide the delivery of these services (e.g. respect for good governance principles, non-partisanship, continuous focus on MP's).

Assessing the Organizational Environment

Having looked forward at what the parliamentary administration wishes to become (vision) and what it is mandated to accomplish (mission), the objective of the environmental assessment is to draw an honest picture of the parliamentary administration in its current state, as a means of comparing it to the desired state. This is a multi-dimensional and complex phase that is greatly eased by a strong facilitator. It should comprise of the following elements:

- ◆ Information gathering on all internal aspects of the parliamentary administration—its history, resources, systems, structures, infrastructure, and technology—as well as those in the external environment, namely clients, organisations, supporters, detractors and partners. Such information can be drawn from management reports, studies, audits or evaluations, on-going projects, statistical information, minutes of meetings, or by organising focus groups and conducting interviews with clients, employees and other stakeholders.
- ◆ Analysis of internal strengths and weaknesses, external opportunities and threats, and their potential impact on the administration's mandate and activities. This includes an evaluation of the effectiveness of current programs and services, as well as the identification of current and future environmental trends (e.g. managerial, political, technological, and financial).
- ◆ Conclusions on how the administration can benefit from or should react to the influences identified in the environment. These recommendations should then be reviewed against the mission statement to ensure the latter accounts for current and future trends.

A comprehensive environmental assessment will enable parliamentary managers to identify the gap between the vision they created and the current state of the administration, and allow them to determine the scope and depth of changes required. For example, it may be deemed important to provide expert support to committees, but current staff lack specialised skills. This phase is a critical part of strategic planning and should be done as early as possible, perhaps in tandem with the elaboration of the mission statement. Whatever the sequence, the mission of the parliamentary administration should respect—if not be guided by—the current and future environment in which it must operate.

Setting Priorities

The environmental analysis will draw a number of conclusions and generate suggestions as to how the parliamentary administration should respond.

Clearly, given limited human, physical and financial resources, it will not be feasible for all recommendations to be implemented—at least not initially. As with the vision and mission, priority setting can be a politically charged process, requiring greater management and consensus building among high-level officials, the political leadership, clients and other stakeholders. The conclusions drawn from the environmental assessment should form the basis on which priorities are set, taking into account the view of those involved. Priorities should also be realistic, and consistent with the vision and mission, that is complementing rather than competing with one another. The first step in setting priorities is therefore to review and validate the environmental analysis, group issues more broadly, and determine what critical issues must be acted upon and when. Members may require individual research services but they also require the means to return to, and work in, their constituencies. The press ignores parliamentary activity but parliament cannot provide the media with good succinct minutes of committee meetings. Where is the priority? Who will determine the sequence and the resources assigned to each issue?

Clear criteria will greatly facilitate the process. Particular attention should be paid to the potential effect of these issues and their urgency. Parliamentary managers should also consider priorities that may not be as significant as others, but where the positive impact of one change could give leverage to move another forward.

From Priorities to Strategic Goals

The next step consists of translating priorities into medium and long-term goals, which will be pursued in carrying out the mission. This step is at the heart of the strategic planning process, as it forms the coherent, planned response of the parliamentary administration to the pressures and forces in the environment. Where priorities are the paths chosen to reach the vision, strategic goals provide the roadmap—the concrete actions that will need to be taken if the gap between the current and desired state is to be bridged.

Strategic goals must be clear, realistic, and uniform if they are to be understood and pursued by parliamentary managers and their staff. In addition, they must always be integrated to the broader purpose (mission). In formulating the administration's strategic goals, managers must always keep in mind their capacity and that of their staff to pursue these objectives, as well as the financial and physical resources available in the parliamentary administration. Limiting the number of goals to no more than 6-8 will help keep the strategic plan manageable both financially and time-wise. Strategic goals must also be measurable. Measurability will not only ensure that the goals are realistic, but also give more weight to the plan. To that end, 2-3 results indicators should be identified for each goal.

The Strategic Plan

Having created a shared vision, elaborated a mission statement, assessed the internal and external environment, agreed on priorities and set strategic goals, the development of the strategic plan is essentially complete—at least in terms of input. What remains to be done is the consolidation in writing of these elements into a consistent document. The strategic planning team should identify one of its members as the main 'author' of the document, seeing as s/he would have a solid comprehension of what the document is attempting to accomplish, and be aware of the team's thought process. The document must be user-friendly both in length and language, if it is to be a useful working document. Finally, for the strategic plan to have weight in the implementation phase it must have some level of support from the clients—elected members—as well as formal approval by official authorities.

Implementation

Once the strategic plan has been consolidated into a working document and formally approved, the challenge of implementation begins. This phase of the process essentially consists of 'rolling out' the plan throughout the parliamentary administration. It involves the elaboration of a communications strategy and operational plan, as well as appropriate mechanisms of co-ordination, monitoring and evaluation to ensure consistency

of efforts and reporting. Key elements in the implementation stage are addressed in turn.

Communications Strategy

It is assumed that some level of communication and employee involvement has occurred throughout the strategic planning process. Despite this earlier involvement, it is important to formally introduce the final strategic planning document and educate parliamentary managers and staff on its implementation. The strategic planning team should develop a communication plan that is as simple as possible for communication purposes. Members' time is limited and employees will need a version that they can identify with at every level.

Operational Plan

The purpose of the operational planning stage is to translate the strategic goals into concrete objectives and actions at the departmental level. As with strategic goals, elements of operational plans should be integrated and complementary. For instance, where it is recommended that specialised researchers be hired to support the research and information service, operational plans should also provide for the physical resources to house and equip new staff. Plans should not exceed one year and preferably be developed in conjunction with the yearly budgeting cycle of the parliamentary administration. If large-scale changes are required, the leadership may decide to implement the strategic plan as pilot projects in one or more units. As with the overall planning process, the operationalisation of the strategic plan requires preparation at the start. Key considerations include who will direct the operational process and how, who will be accountable for what results, and what guidance and training will be provided to departmental managers. Deadlines should also be set for the development of the plans and for their completion.

Departmental managers can begin by meeting with their team to review the strategic plan and situate their operational unit within it. They must then develop objectives and action plans that are in line with the strategic plan, and list corresponding results and performance indicators. Indicators will

not only allow for effective evaluation, they will also serve as a strong motivational tool. Finally, operational plans should state the resources required for effective implementation and be approved by the clerk or secretary-general to ensure coherence among departmental objectives and strategic goals.

Evaluation and Reporting

Based on the framework established in the communication strategy, an evaluation should be conducted at least once every year to assess results and draw lessons both in terms of process and achievement of objectives. This phase, combined with regular monitoring, is essential to sustaining the momentum of strategic planning and ensuring the process is carried out in the most efficient way. An annual report should be prepared and shared with key stakeholders.

Institutionalization

Before the novelty of strategic planning has faded, it will be important for parliamentary managers to translate the process into common practice. For the strategic plan to remain a working, living document, provision must be made for its regular revision. Institutionalisation is accomplished by incorporating the strategic and operational plans into the established organisational planning cycle (e.g. budgeting, employee evaluations, etc.), adjusting the latter as required. Strategic planning should not be a one-time exercise, but an ever-evolving process of 'doing, reviewing and renewing'.

STRONGER, MORE EFFECTIVE PARLIAMENTS

Why should the development and successful implementation of a strategic plan result in a more effective parliamentary administration focussed on the needs of its clients and attuned to the internal and external forces that influence their work? Strategic planning is the antithesis to the natural tendency in a legislative context of reacting quickly and narrowly to the problems at hand. It represents a comprehensive approach where managers on advice from their political masters balance the priorities and the resources available to serve members and the institution.

If the planning process does not serve the institution and make it move forward it is worthless. Governance is complex and the role of legislatures is continually evolving. Where the parliamentary administration is effective in providing the right services, at the right cost, the capacity of parliaments and parliamentarians to exercise their legislative and oversight functions will be greatly improved. A balance between the need for institutional stability and the need for change will also be struck. On the one hand, stronger support structures in the parliamentary administration will guarantee institutional continuity from one legislature to the next. On the other hand, the planning process will allow for continual monitoring of environmental pressures, adapting support structures and services

as required. By being more responsive to the needs of members and keeping alert to new developments in the environment, the parliamentary administration will not only have a stabilising effect on the institution, it will also serve as an essential tool for MPs in their work. For instance, where individual MPs initiate action to develop the institution (e.g. strengthening committees), the parliamentary administration can respond by initiating research and presenting options. Although the administration cannot guarantee such reforms will be pursued, it can build the foundation on which efforts of a previous parliament are carried over to the next. It is by doing so that the parliamentary administration will contribute to the long-term development of their parliament.

CHAPTER SEVEN:

THE CHANGING WORLD OF PARLIAMENTS

By Hon. John Bosley, P.C.

THE TRADITIONAL NATIONAL PARLIAMENT

Once upon a time, a member of a national parliament could imagine that his/her job was to travel to the capital of the country to legislate/govern on behalf of the electorate. Contact with the voters was restricted to the summer months. In many Parliaments, being an MP was a part-time job. Governing itself was not that complicated because the role of government itself was very limited. That has radically changed:

- ◆ The work that Governments undertake on behalf of the people has become more extensive and complicated.
- ◆ The capacity and the desire of the people to be more involved in their governance has radically increased.
- ◆ The issues – and the solutions—are increasingly *global* in scope and beyond the control of one country.

As a consequence, the roles of Government have changed. Accordingly, the roles of Parliaments and of Members must also change. That change continues. Some suggest that so much is global that the borders serve little purpose, even that nation-states as we know them will soon be passé.

In this changing world, it has become both possible and imperative for an effective modern Parliament and an effective modern Member of Parliament to be extremely well “connected”. “Connected” to the citizens and to the Executive, “connected” to those who can advise them well, and “connected” to like-minded MPs in the countries that will affect their lives and the lives of their electors.

THE WORLD-WIDE PARLIAMENT

We use the term to refer to four facets of the life of a modern MP:

- ◆ Increasingly the World *beyond* our domestic borders has become an important topic for Parliaments and for national MPs to study and to understand. Notably, multi-country Free Trade Agreements (even the WTO), multi-country military alliances like NATO (and its decisions regarding Yugoslavia), the impact of the actions and decisions of organisations that are not accountable to any one Parliament (like the IFIs), and the growing impact of the UN and its agencies. These are all subjects that must concern most MPs in most countries but are beyond the traditional areas of study and control for national Parliaments.
- ◆ There are two important corollaries of the transfer of power to multi-national institutions and partnerships. The first is that decisions taken tend to be more beyond the reach of individual Governments, and hence more beyond the reach of individual Parliaments. Many decisions that affect our constituents seem to be beyond our domestic Parliamentary control and oversight. For example, suppose your constituents are coffee farmers and your Government has a programme of assistance to support them through periods of drought, and another country takes your country to the WTO. What is your role? How can you take action to represent your constituents? If your country loses and your constituents are negatively affected and they ask you who is responsible, what is your answer? Has your Government a duty to understand the rules and to prepare accordingly? Do you have a duty to see that your Government is well-prepared?
- ◆ The second corollary is that decisions of your own Government will increasingly have an impact beyond your domestic borders because they will be executed through multi-country

institutions and impact on the citizens of other countries as well as your own. What is your duty and role regarding citizens of other countries?

- ◆ One way which MPs are increasingly using to tackle these sorts of issues that cross all our borders is through the creation of effective Networks of MPs and the use of the new technologies. While “one world government” and “one world Parliament” are not yet a reality, the beginnings of strong inter-parliamentary modes of co-operation have begun to exist, organisations that, while embryonic, can be seen as the Committees of an emerging World-Wide Parliament.

CONNECTED TO THE OUTSIDE WORLD

“Traditional” Assemblies

There have been places for many years where MPs from many countries get together to discuss matters that they have in common. The oldest are the Inter-Parliamentary Union, the Commonwealth Parliamentary Association and La Francophonie. These “traditional” associations have provided important technical assistance to newer Parliaments (e.g. by sending experienced parliamentary staff to train staff in newer Parliaments, and organising study tours). These very large Associations serve the same purpose that trade conventions do in other sectors. Their meetings are a useful place to meet others in the same line of work and to make contacts for later discussions and exchanges.

The other “traditional” method of exchanging information has been the friendship associations that are created between two parliaments. There are now literally hundreds of these associations, going back many years. In recent years, three other kinds of associations have become popular: the “subject” association; regional associations; and, of particular interest to the World Wide Parliament, assemblies that monitor multi-country institutions.

“Subject” Associations

- ◆ *The Steel Caucus and the Acid Rain Caucus in North America.* American and Canadian legislators meet formally at least once a year to

discuss these two important topics. The manufacture and sale of steel is a major component in the economies of both Canada and the USA and Acid Rain has been a major environmental issue in both eastern Canada and north-eastern USA. The Acid Rain Caucus, working with active environmental civil society organizations, is openly credited as the pressure that forces the two Governments to work together on this cross-border issue. The reason these two Caucuses have been so effective, is that they keep in touch constantly. Exchanging information over fax and email weekly, they are informed and on top of the issues as they break.

- ◆ *The African Parliamentarians Network Against Corruption (APNAC).* Formed in 1999 at the Regional Laurentian Seminar in Uganda, the Network was created to exchange information among MPs in African Parliaments who are taking the issue of corruption seriously. It will exchange information on a regular basis, and hopefully will be just as successful as the NA Steel and Acid Rain Caucuses.
- ◆ *Parliamentarians for Global Action.* Originally formed as an association of MPs from around the world whose common purpose was to lobby their own governments to support the nuclear test ban, it has taken on other causes over the years, particularly environmental ones.

Regional Associations

- ◆ *The Union of African Parliaments.* Similar regional groups exist in the Middle East, Latin America and South America.
- ◆ *The European Parliament in Strasbourg,* now directly elected, began as a regional assembly of national MPs. The development of the European Federation and the European Parliament may be an early precursor of the World Wide Parliament of tomorrow. This Parliament was thought of for many years as unimportant, until it fired the entire Council of Ministers for maladministration just a few months ago.

“Monitoring” Associations:

- ◆ *The OSCE Parliamentary Assembly.* The countries of Europe and North America have belonged for many years to the Organisation for Security and Co-operation in Europe. With the end of the Cold War and as the issues of including Eastern European countries in the security and economic arrangements of Western Europe became important, the Speakers of the parliaments of those countries decided to form an assembly. That assembly meets in parallel with the ministerial meetings and makes comments and suggestions that are then sent to the ministers.
- ◆ There is an ongoing discussion among MPs from many countries regarding the creation of a United Nations Assembly, the purpose being to create a means by which MPs can perform an “oversight” function similar to that of the OSCE Assembly. Similar ambitions have been expressed for the creation of Parliamentary Assemblies to “monitor” the World Bank and the World Trade Organisation.

All of these organisations and assemblies require resources and take up a great deal of the time of their member MPs if they are to be effective. Oftentimes, the meetings of these groups have been criticised as “junkets”, as an excuse to travel internationally at public expense. In some cases, that has surely been the case. It is no accident that the Canada-Mexico association always holds its meetings in Mexico during the coldest part of the Canadian winter! However, newer technologies will obviate some of these criticisms over time. Video-conferencing will clearly be used more and more in active associations, for example, to allow scarce resources to be used more effectively. As the world becomes smaller and the issues more global, the need for MPs to find ways to be better “connected” internationally and domestically will only grow. The challenge will be to find ways to do even more with the limited resources you have—especially time. The second challenge will be to demonstrate to your constituents the

importance and the value of your international “connections”.

THE IMPACT OF GLOBALISATION ON PARLIAMENTS

What is Globalization?

Transparency International is a dynamic example of a civil society organization that works with parliaments in strategically intelligent ways to generate positive change in governmental behaviour and performance regarding corruption. Its work illustrates that decision-making seems to have moved further away from national capitals, and hence further away from parliamentary oversight. And when decisions are made multilaterally, the process can seem either unclear or opaque. The job of parliament seems to be both more complex and more difficult as a result.

Access to the markets of other countries used to be obtained through bilateral negotiation and each country could believe that it had direct control over its own sovereignty at all times. Canada, the USA, and later Mexico, agreed to create the North-American Free-Trade Agreement. Those discussions were monitored and hotly debated in the parliaments of all three countries prior to the signing and since. Similarly, the countries of Europe created the European Economic Community.

In both North America and Europe, the management of the agreements, and particularly the management of disputes, has been left to officials and to inter-country tribunals. That has meant that many decisions that are critical to each country’s domestic economy moved beyond the scrutiny and direct control of the national parliaments. The most recent development of the global trading system, the World Trade Organisation, takes the process one further step away from national Parliaments.

MPs in the parliaments of industrialised nations now understand much better an issue that has been of great interest in the parliaments of the developing world for some time. In developing countries, conditionality—whether from donors or from the IFIs—is a key issue. The fact that “values” are inherent and imposed in the lending

policies of the IFIs and in the trading rules of the global economy is well understood. The MPs of *all* parliaments now have to confront the reality of the global economy. Who is going to make the rules for that economy—and how are they going to be enforced? National governments? Multilateral central agencies? The United States? A world wide parliament?

The same dilemma confronts parliaments in the areas of security and foreign policy, as international interventions aimed at resolving local and regional conflicts become more prevalent. For example, I spent several years as Chair of the Foreign Affairs Committee of Canada, and know how small Canada's role is in the decision-making of NATO. If the Canadian Government is in truth a marginal player in the inner circles of NATO, you can then imagine how much more marginal the role of the Canadian Parliament is. Yet, MPs are the only people Canadians can sack if they are unhappy with the actions of NATO in Kosovo.

There are other forms of global conditionality.

- ◆ *Universal Human Rights*. One early impact of globalisation was agreement on the Universal Declaration on Human Rights. The codified rights are highly individualistic rights, some parliaments find it hard to accept. For example, the Constitution of Ethiopia passed in 1995 adopted all of the UN Human Rights Proclamations and at the same time enshrines protection for the traditions of the Islamic minority. The Sheria (Islamic) Law is currently before the House of Representatives. Substantial international donor funding hinges on whether Ethiopia is judged to be adequately protecting the human rights of its citizens. What is a Parliament to do in such a case?
- ◆ *"Democracy"*. Donor countries and agencies have added another conditionally; a commitment in recipient countries to "democracy". In practice, that means for almost all donors a commitment to a Western multi-party system, based on an advocacy notion of rivalry and competition as the means to allow for peaceful change. But some cul-

tures put co-operation ahead of competition and believe that centralised administration by a properly representative political leadership is more appropriate for poor countries; that the purpose of accountability and elections and parliaments is to keep the executive on track rather than to change the track. The one-party Council of the City of Hanoi, for example, may be more representative of the people and the various interest groups of that city than is the case in Washington or Ottawa, yet less democratic in the accepted sense.

Is there, could there be, or should there be a Universal Declaration of Democratic Rights? What is your Parliament to do if your notion of governance is different from that of the donors and the IFIs? Ethiopia, where I work much of the time, is under pressure to further liberalise its investment code. A broadcasting law is under consideration, and there is pressure to build a system that looks like the US system. In both cases, the argument advanced is that these laws will be seen as one more test of Ethiopia's commitment to "democratic principles" and the global economy. The pressure to do democracy in Western ways can impact on younger parliaments at very technical levels (e.g. in the way technical assistance programmes are guided). For example, there is always some pressure/encouragement/funding to develop the capacity to draft and originate legislation.

OTHER EXAMPLES OF THE IMPACT OF GLOBALIZATION

- ◆ *"Information Society"*. We live in an ever-shrinking world, a world in which news (at least the news that CNN sees fit to cover) travels instantaneously. Certainly, information and the technology of moving it has become globalised—as the use of simple fax machines by student movements in China showed ten years ago. The most obvious impact of the globalisation of information technology is that we have so much *more* information to deal with. Parliaments have to find ways to first

test information, and then to assimilate it. One important impact on the work of parliaments is the need for ever better help in collating information and, more importantly, in evaluating and understanding it.

- ◆ *Cultural Identity.* The world seems to become ever more homogeneous. Globalization's first slogan was "a world made safe for Coca-Cola", but that wry comment has come. There is or soon will be a McDonalds in every town—and tastes in clothing, foods, the music the kids hear—all are moving across the globe very fast. The impact in many countries, therefore, is the concern with loss of national and cultural identity. Must we all become more like each other? Maybe that is a good thing?

Impact on parliaments

In every system, there are rules (laws), which are made through governments on behalf of the people they govern, hopefully through the consent of those people. Parliament approves these rules. Its job—in the area of globalisation as in other areas—is to know enough about the subject to make sure that government does its job well and to thereby act as the spokespeople of and to its electors. The questions for all of us are: Who will make the rules in the new world order (e.g. political, economic, cultural rules—or any other important area of policy)? What will be the role of your governments and your parliaments in those decisions?

Certainly, the New World Order, the Global Economy, and Globalisation, mean that national governments are themselves less in direct control of the rules. Certainly, the job of executive government has become more complex and difficult. But maybe the impact is in fact greater on government than it is on parliament, in the sense that parliament's role (i.e. making sure that the government is doing its job well) is more complicated, but much the same in practice.

PARLIAMENTARY ADAPTATION

Some MPs have taken the position that there is little they can do about global issues because they *are* too complex and the institutions where decisions are made are too remote.

Clearly, that is not an acceptable answer—since the forces that shape this new world political and economic order *will* affect your constituents—and you do need to both understand them and make sure that the government is dealing with them appropriately.

It isn't parliament's job to prepare or present the case on global issues, but it *is* your job to make sure that the government has prepared the best possible case. Maybe you want the people who will present the case to meet with your constituents—or with the association that represents them—so that they will be informed and consulted well in advance of decisions.

At heart, these are basic questions of Governance—how can we develop mechanisms whereby parliament can hold to account the executive branch of government in the New World Economy *through* national governments? How can we develop mechanisms to ensure that the multi-lateral agencies of the new order are open, transparent and accountable to the peoples of the world?

Earlier, we looked at what makes an effective parliament—and listed possible indicators of effective parliament and effective committees. Let us add one more. Given the impact of globalisation, an effective parliament is one that has assigned the study of the issues of globalisation to a committee that is then given the resources to effectively analyse the issues and examine, in consultation with all the relevant stakeholders, the capacity of the executive to effectively deal with global issues and agencies on behalf of the people of its country.

Networking

Earlier, I referred to a few of the newer associations that parliamentarians have formed or are considering forming in response to some of these challenges. Parliamentarians for Global Action, for example, are actively trying to promote the idea that the UN itself needs a parliamentary assembly to parallel and monitor the discussions in the General Assembly—in much the same way that the OSCE Assembly follows the work of the meetings of the Ministers of the OSCE. There is

talk of creating a similar body to “observe” the work of the WTO —and maybe the World Bank itself. But that is some way off. What could you do immediately to be better aware of the practices and decisions of the WTO, for example, as they affect your country?

The “traditional” response would be to create a new committee of parliament, or a sub-committee. That is the “indicator” we added above. But why not go further? Why not seek out MPs in the parliaments of neighbouring countries —or ask the Finance Committee to contact sister committees in other parliaments to see if there is an interest in studying the WTO on a common basis —sharing information and research, trading papers monthly, for example— even planning one meeting a year of those MPs who want to participate. In this way, information can be generated and shared on a cost-effective basis, and a “constituency” can be created across several parliaments with both the knowledge of how the WTO works, and an interest in working through and with national governments to ensure that the decision-process is better understood and decisions are taken in your country’s interest.

This process of “networking” is easier now than ever before because of the very information technology that is making the world smaller. Many Parliaments have TV facilities or access to studios. Teleconferencing —both the hardware and the training to use it —is the kind of thing that parliaments should plan for (and that donors find easy to fund) because it is so much cheaper than travelling.

There is discussion going on at present to ‘network’ the Finance/Public Accounts Committees of African Parliaments —one concrete step that MPs can take to better understand and control economic issues and corruption in their countries.

Inter-parliamentary Meetings

Your parliaments belong to many inter-parliamentary associations, and you send delegations to many meetings. You can raise these issues with the Speaker of your parliament —and other members of the leadership in your legislature. They can task the MPs they send abroad to try to get these topics — the role and place of national parliaments in the next

evolution of global governance —on as many meeting agendas as possible.

THE WORLD-WIDE PARLIAMENT AND GLOBALIZED CORRUPTION

In discussing corruption and how to curb it, MPs at previous Laurentian Seminars have discussed domestic solutions to the problem of corruption. The kinds of institutions that can be created, the importance of strong financial reporting, the use of timely reporting by the Auditor-General, and the assistance that CSOs can provide; these and other topics have all been discussed at length.

Many parliaments have taken the idea of what makes an effective parliament to heart. Special committees have been formed to work with the executive and with organizations like Transparency International to develop a sound plan to increase public awareness, to collect good data and to work on strengthening systems of accountability. Networking is also being used. In Uganda last year, for example, participants formed the African Parliamentarians Network Against Corruption. At the various Seminars, however, many MPs have raised globalisation itself as part of the problem —in particular, the special difficulties that confront parliaments and agencies when the people engaged in corrupt practices are able to shelter their illicit wealth beyond national borders.

Corruption is both a problem of supply as well as demand, with large corporations leading the way to major suppliers. Changing corporate behaviour is now recognized as an essential part of anti-corruption campaigns, but it is not easy. Multi-national Companies may feel they can (or must) offer bribes abroad. The multi-national company official who offers the bribe to secure a contract may be moved out once the contract has been awarded and the bribe paid, so that the company can plead ignorance if an allegation of corruption is made. Companies may feel less risk or guilt when offering a bribe abroad than they would at home. The United States has made it a crime for US companies and citizens to engage in bribery anywhere in the world, but very few

countries have followed that example. Money moves easily electronically and the bribe may be paid outside the country. Some countries provide strict privacy to the banking transactions of foreign companies and individuals. In some instances, the donors and even the IFIs have known that their funds were being used to pay bribes, but they have either encouraged the practice or turned a blind eye. In other words, the signals given to the recipient country may be mixed.

There has been an opening up of banking secrecy rules worldwide—because of government pressure internationally to stop the laundering of drug money. Perhaps parliaments and governments should be considering further actions in this area.

You can make your own legislation an example of what you want others to do. Perhaps you could adopt the US example and make corruption a crime for your companies wherever it occurs. Lobby your government to have a “no-bribery” pledge included as a self-imposed condition in all donor and IFI conditionality.

Whichever committee in your parliament is selected to keep on top of the issue, lobby to have it network with the relevant committees in other parliaments and to consider collectively proposals to make information more transparent and more easily available internationally. Only global action can solve the global aspects of this problem.

CASE STUDY:

PAKISTAN - WORLD WIDE PARLIAMENT: LEARNING FROM EACH OTHER

By Mr. Shafqat Mahmood

Parliaments represent the will of the people. It is therefore natural that this institution should be the principal forum for the initiation and formulation of public policy. This is generally true of the developed world, but in third world countries parliaments have yet to emerge as strong, viable, and effective institutions. The reasons for this are many. First, parliaments are hamstrung by the hangover of a strong colonial executive. I say colonial because the tradition of a strong executive is typical of a colonial dispensation. Second, the Westminster model, generally adopted by most emerging democracies, is not firmly anchored in a traditional and at times tribal cultural milieu. Thirdly, and perhaps most importantly, there is a lack of capacity to give a meaningful input into public policy formulation. It is in this area that regional or even international parliamentary networks can play a significant role.

Public policy has many dimensions. Economic policy, social policy and good governance are some of the key areas in which parliaments can play a defining role. However, for too long in the developing world, important dimensions of national well being such as foreign and defence policy have remained the preserve of technocrats. Parliaments are generally required to rubber stamp policies made in these 'real' corridors of power. This is unfortunate because it is in these critical areas that parliaments can play a decisive role. In particular, regional parliamentary networks can help to create a climate of goodwill and in some cases real understanding on defence and foreign policy issues. This is a critical dimension and can help to defuse tension between traditionally hostile neighbours.

This was demonstrated to me in the most succinct way when 27 parliamentarians from India visited Pakistan in early February 1999. It may appear

shocking, but this was the first time in 50 years since independence that the parliamentarians of the two countries had met face to face in a bilateral dialogue. No breakthroughs were made and none were expected. Yet an excellent opportunity was provided by this meeting to interact with each other directly. Both sides articulated their perceptions regarding critical issues that divide our two countries. But, this happened in an atmosphere of goodwill. The ambience generated by this meeting was good enough for everyone to mutually desire a continuation of this dialogue. Unfortunately, a return visit planned for later in the year did not materialize. Yet the ice had been broken.

Many countries in Asia and Africa, emerging after long years of colonialism, have inherited intractable problems with their neighbours. India and Pakistan are one such example. There are many such examples in other parts of Asia and Africa. These disputes have resulted in an extraordinary transfer of scarce resources into defence and away from social welfare. Why should the regional parliamentary networks not engage themselves in seeking a viable and mutually beneficial solution to these conflicts and tensions? Why should these critical areas be left to technocrats?

There is an additional advantage that parliamentarians have which is not available to technocrats of the foreign office. They do not necessarily represent the government. Not everyone is in the ruling party and in any case parliament is supposed to be a separate and independent pillar of the state. This gives a certain leeway to MP's. They can articulate points of view which have not been cast in stone by successive establishments. In other words, in discussing intra-state disputes they can go beyond the officially stated positions. This allows for a freer exchange

of views and certainly a more open airing of possible solutions.

I have spent a little extra time in emphasizing this because most of our countries are facing a parallel situation. Heavy expenditure on defense is something that we can ill afford considering the problems of poverty, illiteracy, malnutrition and much more. Obviously it is the people who are paying a heavy price for these skewed financial priorities. This should and must affect parliamentarians. When we do come together on regional and international platforms it is therefore imperative to engage in discussions on issues of mutual conflict. What is the use of confining parliamentary networks to a discussion of social policy when budgets are consumed by defence?

Naturally, none of these ideas can work unless there is an effective regional forum where parliamentarians can interact. Some regional forums do exist but are firmly in the control of the executive. Particularly the financial side of it. Unless governments sanction money for parliamentarians to travel to these conferences they can seldom take place. The India-Pakistan parliamentary exchange that I referred to earlier was sponsored by a newspaper in Pakistan and by an NGO in India. I have reason to believe that both governments were not too happy about it. It is therefore a practical necessity that regional or even international parliamentary networks should have self financing mechanisms.

I consider regional forums to be more important because they allow a greater focus on bilateral issues. Countries within the same region also have shared history, ecology, and cultures, and often face similar problems. They also have similar political and governance systems. It is therefore the regional parliamentary network that needs to be the nucleus of a new global order. The international financial institutions can play a significant role in ensuring that these regional networks get off the ground. A practical way of doing this is to fund the creation of small regional parliamentary secretariats. The respective parliaments can also allocate a certain sum of money towards this endeavour.

Non-governmental organizations such as the Parliamentary Centre in Canada have played a pioneering role in bringing regional parliamentarians together. As this meeting indicates, if it were not for such initiatives, parliamentarians would rarely if ever get together. However, this is only the first step. This needs to be given permanence, something an NGO would find impossible to do. I envisage four or five regional secretariats in different parts of the developing world acting as a catalyst for sharing of ideas and experience. Without a permanent secretariat, regional conferences or workshops of parliamentarians would continue to remain ad hoc affairs.

Once established, these secretariats could provide a number of services besides parliamentary dialogue. One badly needed service is the creation of a web site providing an archive of parliamentary practices and procedures. We have debated procedural issues in the Pakistan Senate, but only some Senators were able to fish out Cole's parliamentary practice and procedures to substantiate their point of view. If a web site were available, it would act as a permanent consult to all parliamentarians. This web site could also attempt to demystify a number of executive documents that parliamentarians have to contend with. In particular, I refer to budgetary documents whose statistics differ from country to country but whose form is by and large common.

The making of a budget and sanctioning expenditures is historically the principal role of the parliament. Most parliamentarians in the developing world have little or no idea of how this is done. A permanent regional secretariat besides providing a freely accessible web site, can initiate focused workshops on these issues to train parliamentarians in the intricacies of budget making. This is just one example. An effective committee system is at the heart of a functioning parliament.

A parliament in which the committee system runs well is a potent parliament. This is one area where parliamentarians can learn a lot from each others experience. Most executives in the developing world would not allow a committee system to start infringing in areas which it considers sacrosanct.

This is where we can share ideas on how to go beyond the impediments created by the executive.

To sum up, I would make the following proposals:

- ◆ *Regional Parliamentary Forums* are essential for a better understanding of issues that we share in common or the issues that divide us.
- ◆ To be effective, ongoing institutions, *regional parliamentary networks need a permanent secretariat*. International financial institutions and respective parliaments should help fund them.
- ◆ Once a permanent secretariat is established, it should become a catalyst not only for regional dialogue but should also provide a number of services. One such service is a *web site* to help parliamentarians better understand practices and procedures.
- ◆ A particular emphasis in regional meetings must be laid on *understanding the budgetary process*.
- ◆ Executives have made the *committee system* redundant in most developing countries. We need to share our experiences to make it effective.

About the Authors

The Parliamentary Centre is a Canadian-based not-for-profit corporation dedicated to strengthening legislatures in Canada and around the world as vital institutions for good governance. It carries out this mission through continuous learning and innovation in parliamentary development, mutual sharing of practical parliamentary experience and provision of advisory services. In its work, the Centre is guided by good governance principles of accountability, transparency and participation, and sensitivity to historical, cultural and political differences.

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Robert Miller is Executive Director of the Parliamentary Centre. For more than 15 years, Mr. Miller served as research advisor to the House of Commons Standing Committee on Foreign Affairs and International Trade. Since the mid 1990s, he has led the Parliamentary Centre in establishing a reputation for quality and innovation in international parliamentary development. Mr. Miller has written extensively on Canadian foreign policy, governance, democratisation and peacebuilding, including *Canada and Democratic Development* (1985), *Aid as Peacemaker* (ed. 1994) and *Missions for Peace* (ed. 1998).

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A lawyer, Aquilino Pimentel is Chair of the Committee on Public Accountability and Investigations of the Philippines Senate. Since 1971, Mr. Pimentel has been elected several times at the local and national levels of government. He also served as Minister of local government. Known for his strong convictions, Mr. Pimentel was jailed several times for opposing the martial law policies of the Marcos government. He is a recognised authority on local government issues in the Philippines, having written books on local government and co-operatives. Mr. Pimentel was also dean of a law school in Mindanao and taught law in Manila.

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Founded in late 1989, the Center for the Study of Democracy (CSD) is an interdisciplinary public policy institute dedicated to the values of democracy and market economy. CSD is a non-partisan, independent organization fostering the reform process in Bulgaria through impact on policy and civil society.

CHAPTER 3:

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Mr. John Williams, MP

John Williams is the Chair of the House of Commons Standing Committee on Public Accounts and Treasury Board Critic for the Canadian Alliance. Prior to his election in 1993, Mr. Williams owned a public accounting business. He also served as President of the Edmonton Junior Chamber of Commerce, Director of the St. Albert

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Hon. Commodore Steve G. Obimpeh, MP

Steve Obimpeh is Chair of the Finance Committee of the Parliament of Ghana. A Member of Parliament since 1993, he served as Minister for Health and Minister of Food and Agriculture. Mr. Obimpeh also chaired the National Mobilisation Committee and the National Disaster Relief Committee. In 1983, he co-ordinated the National Task Force on the Evacuation of 1.2 million Ghanaian deportees from Nigeria. Mr. Obimpeh is a Naval Officer by profession. He joined the Ghana Navy in 1962 and retired in 1982.

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Julie Gouin was a Program Manager at the Parliamentary Centre, with primary responsibility for the Laurentian Seminar on Parliament and Good Governance. She holds a Bachelor of Commerce from the University of Ottawa, with a specialization in Human Resources Management. Since joining the Centre in 1994, Ms Gouin participated in the design and delivery of numerous international parliamentary development projects, including the organization of global and regional seminars for parliamentarians and parliamentary staff on themes such as anti-corruption and strategic planning in parliamentary administrations. She was also directly involved in the development and implementation of the Parliamentary Centre's Strategic Plan.

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Shafqat Mahmood was a Member of the Senate of Pakistan from 1994 until it was suspended in the fall of 1999. Between 1996-97, Mr. Mahmood acted as Federal Minister in the Food and Agricultural Department and as an envoy of the Prime Minister to Malaysia, Australia and South Africa. He was also a member of the Pakistan delegation to the U.N. for three consecutive years. Prior to his election, Mr. Mahmood served as a civil servant for 17 years. He holds a Masters degree in Psychology from Punjab University and in Public Administration from Harvard University.

RECOMMENDED READINGS

(N.B. will not be grouped by Chapter)

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PRACTICAL INTERNET LINKS

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