

August 2013

Parliamentary Centre /
le Centre Parlementaire

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**[GOOD GOVERNANCE,
DEVELOPMENT AND PROSPERITY]**

The Role of the Legislature

What is Good Governance?

There is an overwhelming consensus that good governance is essential for the prosperity of a nation and its citizens. Kofi Annan states, “good governance is perhaps the single most important factor in eradicating poverty and promoting development.”¹ Good governance demands “the transparent and accountable management of human, natural, economic and financial resources for the purposes of equitable and sustainable development, in the context of a political and institutional environment that upholds human rights, democratic principles and the rule of law.”²

For governance to be effective, it must be participatory, transparent, accountable, equitable and meaningful. When a state governs effectively, its citizens are empowered. They gain a variety of political goods, such as security, civil and political rights and freedoms, the rule of law, political stability and pluralism, trust, public goods (such as roads and hospitals), and the efficient management of public resources. The effective delivery of these goods by the state creates an institutional framework, providing citizens with “the correct *freedoms* and *incentives* to achieve”³ growth and development. The provision of such an institutional framework is the determinant of a strong state, as it alleviates poverty, advances development, and creates an environment within which citizens, and the nation as a whole, can prosper.⁴

Governance is not simply about what decisions are made, but also who is involved in the decision-making process. Good governance requires the participation of the three branches of government (executive, legislative and judiciary), as well as civil society and the media. It is not simply “democracy” as compared to “dictatorship”, but the way in which these five actors interact within any regime type. However, it tends to be within democracies that each of these actors is empowered to promote good governance through checks and balances, ensuring that all actors are transparent, accountable, equitable and effective.

To illustrate, consider the following two examples of political goods that are protected and promoted through good governance:

1. Security

It is often argued that good governance promotes security and stabilization in a state.⁵ This is accomplished through respect for the constitution and the rule of law by all, including political representatives and public officials. Furthermore, as good governance leads to development for all citizens, across groups, states and regions, insecurity across the nation as a whole is decreased.⁶ As citizens prosper, they have no motivation to increase insecurity and thus undermine the status quo. A wealthier, better educated, healthier nation is a safer one.

¹ John Graham, Bruce Amos and Tim Plumptre, “Principles for Good Governance in the 21st Century,” Policy Brief No. 15. Ottawa: The Institute on Governance, 2003, p. 1.

² Andy W. Knight, “Democracy and Good Governance,” *The Oxford Handbook on the United Nations*, Sam Daws and Thomas G. Weiss (ed.s), Oxford Handbooks Online, 2009, p. 624.

³ Sunny Bindra, “Leadership and Economic Development: What Type of Leadership Facilitates Rapid Economic Advancement?”, in *Good Governance and Development: Toward Quality Leadership in Kenya*, Kimani Njogu (ed.), Nairobi: Twaweza Communications, 2007, p. 217.

⁴ Organisation for Economic Cooperation and Development, “Busan Partnership for Effective Development Co-operation,” Fourth High Level Forum on Aid Effectiveness, Busan, Republic of Korea, 29 November – 1 December 2011, p. 6.

⁵ Marie Besançon, “Good Governance Rankings: The Art of Measurement,” WPF Reports, No. 36, Cambridge, MA: World Peace Foundation, 2003, p. 1.

⁶ Priye S. Torulagha, “The Relationship Between Good Governance and National Security,” *Nigeriaworld*, 25 October 2011, accessed online: <http://nigeriaworld.com/articles/2011/oct/252.html>, 28 November 2012.

Good governance also increases security through its inclusive nature. Popular participation of the citizens in political affairs entrenches a sense of ownership and control over policy, legislation and other political decisions. As individuals and communities feel included as opposed to alienated from government decision-making, they are less likely to oppose government action.⁷

The opposite is also true. When the rule of law is violated, particularly by political representatives and public officials with impunity, when corruption is rife within government, or when decision-making is centralized in few individuals (excluding not only the general population, but also elected and public officials), the population becomes insecure and the status quo untenable. This can lead to a variety of conflicts, including protests and demonstrations, riots, rebellion, war, and terrorism. When the state responds with violence or punitive action, insecurity, although temporarily quelled by this response, ultimately increases further. These security issues can only be overcome through the practice of good governance as demonstrated above.

2. Public Goods

An integral element of good governance is the efficient provision of public goods. A public good is a commodity or service that is provided by the government to all members of a society and without profit. Examples include infrastructure, such as roads, schools, hospitals, water and sanitation, and law enforcement. The effective delivery of these goods is required for the socioeconomic development and advancement of a nation as a whole, and the increased competitiveness of the state in international economic relations.⁸ Public goods are an integral part of a state's institutional framework and create an environment that either enables or undermines individuals and businesses to "participate in their own development."⁹ The effective delivery of public goods requires good governance as it depends on two key characteristics of the state: popular participation and transparency.

Popular participation ensures that the needs of all citizens are considered in the decision-making process. Their participation requires the executive and legislature to address the needs of the wider population through the effective delivery of public goods for all. If public officials and political representatives fail at this task, or deliver public goods to some groups and not others, the electorate holds them accountable.

Transparency ensures that all actors within a state can trace the decision-making process as well as the delivery of public goods to determine the responsibility of individuals, groups and businesses involved. Without transparency, most state actors will be unable to determine if resources are being used effectively. As a result, there is more room for resources to be squandered through corruption and general inefficiency. With transparency, decision-makers can be held accountable for process and delivery failures, ensuring more efficient public management and delivery of goods.

The Role of the Legislature

The relationship between good governance and the equitable development of a nation and its citizens is not simply unidirectional. Not only does good governance lead to the empowerment of citizens and sustainable development, but the latter also leads to greater governance. As citizens become wealthier, healthier, more secure and better educated, the more they participate in decision-making processes, and

⁷ Ukoha Ukiwo, "The Nigerian state, oil and the Niger Delta crisis," in *Oil and Insurgency in the Niger Delta: Managing the Complex Politics of Petroviolence*, Cyril I. Obi & Siri Aas Rustad (eds.), Uppsala: Nordiska Afrikainstitutet, pp. 26-27.

⁸ Charles A. Kupchan, "Refounding Good Governance", *New Perspectives Quarterly*, Vol. 29, No. 1 (pp. 67-69), Winter 2012, p. 69.

⁹ Bindra, "Leadership and Economic Development: What Type of Leadership Facilitates Rapid Economic Advancement?", p. 217.

the more they demand good governance from the state. As citizens are disenfranchised through inefficient, opaque and unaccountable public management, the capacity and competitiveness of the state are weakened. Governance and development experience a relationship of reciprocity, mutually promoting (or undermining) one another.

The state possesses great power to take the necessary first steps towards good governance, development and prosperity. The legislature, when composed of democratically elected and accountable legislators, has many tools and mechanisms to increase accountability, transparency, equality and efficiency when fulfilling its three primary functions of representation, law-making and oversight.

1. Representation

As mentioned above, an essential element of good governance is popular participation. Perhaps the most reliable way to ensure that the needs of all citizens are considered in the decision-making process is through legitimately elected representatives, such as legislators. Legislators are responsible advocates of the electorate, giving the latter's needs and wants a voice in government. They are an integral link between the electorate and the executive government.

They are also trusted with considerable discretion; empowered to make decisions they believe will most equally benefit their constituents or the population as a whole.¹⁰ These decisions must be made transparently and efficiently. If legislators fail in their representative role and fail to deliver good governance, the electorate holds them accountable.

2. Law-making

The legislature is an institution "publicly dedicated to making and changing the law."¹¹ The legislature's role in law-making is twofold: it drafts, introduces and passes legislation on its own, while maintaining the additional power to amend, approve or reject draft government laws. In fulfilling their law-making role, legislators must represent their constituents as responsible elected officials, as well as oversee the executive branch of government to ensure accountability and efficiency.

3. Oversight

Legislators must also demand accountability, transparency, equality and efficiency from the government through proper oversight. Strengthening legislative oversight and accountability is crucial to good governance. As discussed above, "governments must be transparent and accountable"¹² for the effective delivery of political goods; the "venue for this accountability is the legislative assembly and its associated committees."¹³

Legislators may be appointed by their political parties to participate in different committees empowering them to further engage in the oversight of certain government programs and processes. "Committees are universally found in parliaments across the world"¹⁴ and serve a wide variety of purposes for the government. Most committees provide the setting to facilitate scrutiny of draft legislation, deliberate bills,

¹⁰ Mark Bevir, "Representative Democracy," in *Encyclopedia of Political Theory*, accessed online: <http://knowledge.sagepub.com.ezproxy.library.ubc.ca/view/politicaltheory/n387.xml>.

¹¹ Jeremy Waldron, "Representative Lawmaking," *Boston University Law Review*, Vol. 89, 2009, p. 336, accessed online: <http://www.bu.edu/law/central/jd/organizations/journals/bulr/volume89n2/documents/WALDRON.pdf>.

¹² David Docherty, *Legislatures*, UBC Press, Vancouver, 2004, p. 179

¹³ Docherty, 179.

¹⁴ Hironori Yamamoto, "Tools for parliamentary oversight: A comparative study of 88 national parliaments," accessed online: <http://www.ipu.org/PDF/publications/oversight08-e.pdf>, 16 February 2013, 15.

oversee government departments, and serve as intermediary bodies between the government and external interest groups as well as citizens.¹⁵

The composition of the committee most often reflects that of the “parent chamber.”¹⁶ However, depending on the committee structure, representation may be ineffective if the party that commands parliamentary majority also commands the majority in each committee, and thus commands the committee. One way to address this issue is through the leadership composition of the committee.¹⁷ For example in Canada, some of our most important committees are chaired by members of the opposition or non-governing party, such as the Standing Committee on Public Accounts, which reviews the government’s statements on public accounts as well as the reports of the Auditor General. Effective oversight in Public Accounts and similar committees that deal with budgetary matters play a critical role in ensuring that state spending is designed and implemented with the citizens in mind.

Legislators can also execute performance audits of government programs to ensure effectiveness, as well as the economic and efficient management of public funds. Particular arms of the legislature may be designed to perform such tasks, such as the Auditor General in Canada. These institutions are independent from the executive and designed to provide objective, fact-based information and oversight to parliament.

Legislators must have both the proper tools and the “personal willingness to engage effectively”¹⁸ in their three primary functions as described above, and to be empowered to perform four tasks necessary for good governance: determine if the government is being efficient, representative and equitable, hold the government accountable, represent their constituents’ interests, and, facilitate public discussion of and involvement in the decision-making process.

Conclusion

Many of the current economic challenges faced by the countries of the world are a result of “failures on oversight, financial regulation and accountability,”¹⁹ all of which are elements of good governance. There is no singular approach to governance that can be applied to every country with the same result. Institutions, divisions of power, decentralization, electoral systems, capacity, and other characteristics all vary across states, whether democratic or not. However, more often than not, the states with participatory, transparent, accountable, equitable and meaningful governance are the most successful. Only when good governance is practiced can individuals and businesses across a nation take advantage of state resources, leading to development and prosperity for all.

¹⁵ Yamamoto, 15-16.

¹⁶ Yamamoto, 16.

¹⁷ Yamamoto, 17.

¹⁸ Docherty, 47.

¹⁹ Hon. David Kilgour, “Parliamentary Democracy in Canada”, *Parliamentary Centre*, September 2012, p. 1.