

Unit 4: Strategies and Tools for Building More Effective Parliaments

Learning Objectives: Strategies and Tools for Building More Effective Parliaments

After studying this chapter, you should be able to:

- Explain several ways parliaments are working to strengthen themselves and become more effective;
- Talk about efforts your parliament might be making to become more effective.
- Discuss whether any of the examples parliaments in other nations are taking to strengthen themselves might be useful in your own parliament.

We began this course by considering the great expansion of democracies worldwide over the past 30 years, noting that there are more parliaments than ever before, as well as greater possibilities for parliaments to use their powers effectively than at any time in history. This final Unit of the parliament in Government course discusses five ways parliaments are working to realize this potential: establishing parliamentary independence and financial control, expanding their formal powers, using the powers they possess more effectively, building their internal capacity, and reaching beyond the walls of the parliament.

Parliamentary Independence and Financial Control

Legislatures are most successful at strengthening themselves when leaders and members come together across party and other divides and cooperate to build the legislature as an institution. Leaders of the Bolivian and Nicaraguan legislatures formed modernization commissions, comprising members from all political parties, in the 1990s. Under their authority the legislatures were able to bring on additional staff and improve their information systems. Bolivia's modernization commission spearheaded

constitutional changes and rule reforms to establish direct election for half of the House of Deputies. In the late 1990s the East African nations of Kenya and Uganda established similar leadership groups, called the Parliamentary Commission in Uganda, and the Parliamentary Service Commission in Kenya.

Parliamentary Commissions in Uganda and Kenya

Parliaments in two neighboring East African nations enacted legislation in the late 1990s establishing their administrative independence and giving them authority over their own budgets. Prior to the change (1997 in Uganda, 1999 in Kenya) parliamentary staff were employed by the public service commissions – not the parliament. The executive, not parliament, set staff levels, and was responsible for hiring, firing, and terms of employment. Staff levels, especially in Uganda, were very low, facilities were inadequate, and the government was ensconced in parliamentary offices.

With these legal changes each parliament has become responsible for its own staff and its own budget. The commissions (not the executive), which comprise of the Speaker, cabinet members, backbenchers and oppositions members, are now responsible for parliamentary staffing including salaries, hiring and firing of staff, and overseeing the parliaments' budgets and services. Since enacting these measures, both parliaments have expanded their staff, increased office space and salaries , and established new services and positions.

Expanding Formal Powers

Through legislation and, sometimes, constitutional amendment several legislatures have taken action to strengthen themselves as institutions. Several examples follow:

US: In response to President Nixon's impounding funds that Congress provided for domestic programs, the US Congress adopted the Congressional Budget and Impoundment Control Act (Budget Act) in 1974. The Act curtailed the president's power to impound funds, created the Congressional Budget Office to provide independent budget expertise to Congress, and created the budget committees within each house.

Nicaragua: Reforms made by the Nicaraguan Assembly which took office with the departure of the Sandinistas from power in 1990 increased the power of the Assembly and reduced the independence of the military and the president. The reforms:

- Prohibited the President from appointing family members to political office;
- Reduced the power of the executive and put more fiscal authority in the hands of the National Assembly;
- Reduced the presidential term from 6 to 5 years, and prohibited the president from serving more than 2 nonconsecutive terms;
- Gave the Assembly sole authority to create, modify, and approve taxes;
- Gave the Assembly authority to approve international loans and treaties;
- Put the army under civilian control; and
- Reduced the role of the state in the economy.

Uganda: Uganda's 1995 constitution gave the parliament power to censure ministers and approve presidential appointments, and granted committees the authority to introduce legislation. Later reforms initiated by parliament established a permanent budget committee, established a professional budget office to assist MPs in analyzing the proposed executive budget, set limits on what government could borrow without prior parliamentary approval, and required Government to submit a draft executive budget to parliament three months prior to the normal budget submission date.

Mexico: 2004 constitutional amendments initiated by the Mexican Congress extended the period within which Congress considers the proposed executive budget (the executive must now present it two months earlier) and the length of the congressional spring term (from 47 to 87 days).

Kenya: Changes to parliament's standing orders in 1997 established departmental committees with responsibility to review legislation within their areas of jurisdiction. By 2001 committees in the Kenya parliament were spending unprecedented numbers of

days meeting as committees, holding hearings (on coffee, sugar, and health bills, for example) and amending government legislation (Nakamura & Johnson 2003).

Using Powers More Effectively

It is not always possible, necessary, or even desirable for legislatures to expand their powers in order to be more effective. At times they may simply need to use the powers they possess more effectively. Most of the dramatic expansion of the powers of the Mexican Congress, for example, has occurred without legal changes. Political changes made it possible to the Congress to use powers it had not used before.

Parliaments are also learning that even without expanding their formal powers; they can help bring about change by working closely with the press. Media publication of the Kenya Anticorruption Committee's "List of Shame" (2000) pressured the government to reduce corrupt activities. Public accounts committees without censure or enforcement powers, for example, might still pressure government to reduce corruption by publicizing the findings and conclusions of their investigations. Parliaments worldwide use public hearings, including budget hearings, to pressure government through the press coverage that hearings receive. Kenya's Parliament has not amended its legislative or budget powers, but within the past five years has begun introducing – and passing – private member bills, and making significant changes to government tax policies.

Building Internal Capacity

Since World War II governments' roles in societies worldwide has expanded dramatically, as have the levels and types of expertise governments need. As governments expanded and professionalized, legislatures often fell behind, even in wealthy nations with systems of divided government. To redress this imbalance, and in order to continue to play a meaningful lawmaking and oversight role, the US Congress developed several new professional agencies and expanded professional partisan staff in

the 1940s and 1950s. Congress established the General Accounting (now General Accountability) Office (GAO), the Congressional Research Service (CRS), and the Congressional Budget Office (CBO). US states followed Congress' lead beginning in the 1960s, and today legislatures throughout the world are making a concerted effort to build professional capacity. While this is especially important in presidential systems, legislatures in parliamentary systems also need the technical capacity to perform increasingly complex oversight, ensuring that government funds are being spent for the purposes for which they were budgeted and that government is getting "value for money." Following are several ways parliaments are building necessary internal capacity to enable them to effectively carry out their representation, lawmaking, and oversight responsibilities.

Management and Infrastructure: Infrastructure requirements of modern parliaments are unique, and if parliaments are to expand their representation, lawmaking and oversight performance, they generally need to upgrade their infrastructure. Modern parliaments need effective information systems, both intranet systems for internal communication and high-speed connections to the Internet to enable MPs and staff to connect quickly and efficiently with the world. A number of parliaments now broadcast parliamentary sessions over radio and television, and a growing number now open committee meetings to the public.

Parliamentary Openness and the Internet

The Case of Peru

The Peruvian Congress makes available through the Internet so much information about its budgets, plans, spending and staffing, that it is likely one of the most transparent legislatures in the world. The Congress makes available on line the names of all of its employees and their salary grades, the budget of Congress and the budget of the nation, an analysis of congressional spending against budget targets, information on all contracts out for bid, who wins the contracts and their value, and more. It also provides the national budget, transfers to local governments, information on the internal and external debt, the general account of the nation, and more. This information is available at the congress' web site at:

<http://www.congreso.gob.pe/transparencia/administrativa/congreso.htm>

As parliamentary workloads increase, as parliaments seek to do more things faster, and as committees conduct more meetings, parliamentary administrative procedures often need to be streamlined and regularized. Forms and procedures need to be established to enable staff to make routine purchases and conduct procedures quickly and transparently. Many parliaments are reforming rules of procedure in ways that open the institution and allow more voices into legislative processes.

Equipping Members and Staff: New MPs, or MPs wishing to be more effective, benefit from several kinds of training provided by parliaments or institutions assisting parliaments. Orientation programs introduce new members to legislative facilities and their new responsibilities, and help returning MPs learn about changes to parliament. MPs in several nations take advantage of computer training programs to enable them to use email, surf the net, and write correspondence. Similarly, orientation and technical training programs help new professional staff understand the workings of parliament, and, when needed, their areas of responsibility. Parliamentary staff members in many nations – particularly among commonwealth parliaments – frequently support staff attachments to other parliaments. Finally, parliamentary internships for university students or recent graduates are becoming increasingly common. Internships bring talented young people into parliaments to assist with research and other needs; helps open parliaments, and assist parliaments in finding new professional staff.

Bureau of Parliamentary Studies and Training

India

India's Lok Sabha publishes information on the professional services it provides on the Internet. According to the site, the Bureau of Parliamentary Studies and Training provides several services to legislators, staff and government officials from India, and parliamentary exposure courses for government officials.

Bureau services include orientation programs and seminars for parliament members and staff from both the state and national levels, provide exposure courses in the operations of parliament for government staff, a parliamentary internship program, and a program in legislative drafting (for Indians and parliamentary staff from other nations). In addition, the Bureau manages visits and attachments from other nations, and conducts computer awareness courses for members.

As legislatures develop they shift more of their work to committees. Donor sponsored assistance programs conduct several types of activities to help make committees more effective. These include committee retreats to help members in setting agendas and strategies for parliamentary sessions, assistance with conducting public hearings, providing directories of experts (these are broken down by committees and list experts with their contact information who are willing and able to testify and advise on relevant policy areas, and expert studies and seminars on committee issues

Building New Capacities: In addition to training MPs and staff, and strengthening committees, parliaments worldwide are building new expert capabilities. Several have established parliamentary research offices, whose staff conducts research for committees and members. Others have built budget or fiscal offices, which interpret complex executive budgets for MPs and assist them in carrying out their oversight responsibilities. And as more MPs seek to introduce legislation, several parliaments have established bill-drafting services, which take MP ideas and translate them into parliamentary language.

Reaching Beyond the Walls of Parliament

And finally, several parliaments are improving the ways that they communicate with and listen to society. Several have established district offices for MPs, making parliamentarians more accessible to their constituents. Others have established public affairs or press offices to provide information to the press and public about parliamentary actions and events. Such offices also publish newsletters for use both inside and outside of the parliament, as well as publications on parliament for children and adults. Public affairs offices conduct public outreach activities, such as youth parliaments and student essay contests . Public affairs offices are frequently charged with developing and maintaining parliamentary web sites and ensuring that the parliamentary record is on line.

Reaching out includes not just communicating with, but also listening to society. In many nations the richest source of policy expertise is found in civil society organizations (CSOs) and think tanks, but relations between CSOs and parliaments in many nations are very poor. In others, however, parliaments have learned to tap the experts within CSOs in order to build up their own expertise.

Unit 4 Questions

Please answer each of the following questions. Students taking this course in groups should meet to discuss your answers.

1. Did any of the examples in this chapter bring to mind parliamentary strengthening activities under way in your parliament?
2. Are there specific powers your parliament possesses which it might use more effectively?
3. Has parliament in your country taken any measures to build internal capacity in recent years? If it has, what actions have they taken?
4. Does parliament reach beyond itself and the government to obtain information? What other sources of useful information might it tap?

SUMMARY

Parliaments' basic functions are representation, lawmaking, and oversight, and they carry out these functions in unique ways. Representation is a complex process, and traditional concepts of representation in parliaments are giving way to new ones – most commonly, representation based on shared characteristics – such as gender. The roles of legislatures in the lawmaking process vary considerably, as does the openness of the process. Oversight, while a relatively simple concept to understand, proves difficult for many parliaments to practice effectively. A variety of oversight tools exist, but even legislatures with few formal oversight powers can use their access to the communications media to influence government action.

Parliaments can be classified as rubber stamp, arena, transformative, and emerging, based on their level of independence and power. Rubber stamp legislatures simply endorse decisions made elsewhere in the political system. Arena legislatures are institutions in which the differences in society are articulated and government actions and plans are evaluated from different perspectives, but they tend not to initiate or dramatically reshape policy proposals. Transformative legislatures, the rarest type of legislature, actually change policy – often significantly. As a consequence, they have great information needs and are complex and expensive institutions. The dramatic increase in democratic and free states over the last thirty years has meant that a significant number of legislatures may now be classified as emerging, as legislatures are attempting to – and to some degree succeeding at – becoming more powerful and independent.

Combinations of several factors help explain why some legislatures tend to play more significant policymaking roles and be more independent than others. One very important factor is the type of political system. The governing party (or parties) in a parliament, because their political fortunes are so closely linked with those of the executive they put into office, tend not to develop strong policy-making capacities or

challenge the executive. Legislatures in pure separation of powers presidential systems, on the other hand, do not threaten the executive's hold on power when they develop their own policy-proposals. Legislatures may have greater incentives to develop strong committees, and policies made tend to be compromises between the different branches of government. France's system of government, with an elected president sharing powers with a prime minister, is called a hybrid political system. Finally, many nations can be considered mixed systems – blending characteristics from a number of these three political systems. It is important to remember that while the type of political system influences a parliament's power and independence, by itself, it is not determinative.

A second structural factor which impacts on legislative behavior is the type of electoral system through which representatives are elected. Legislators elected through plurality-majority (PM – also called single member district) systems, because they are elected directly by their constituents, have significant incentives to be responsive to those who elect them. Those elected through systems of proportional representation (PR) – party list systems (where voters vote for a party, rather than an individual legislator), have strong incentives to be responsive to leaders of the political party who determine where they will be placed on the list in the next election. Semi-proportional electoral systems mix characteristics of both systems – in some cases mixing both PM and PR legislators in one house and electing members of two different houses in others create a mix of the two different systems. The three other factors influencing the power and independence of a legislature mentioned in Unit 3 were formal political powers, political will/political space, and the technical capacity of the parliament.

Unit 4 described several ways in which legislatures have made themselves more effective. One way has been to make themselves financially and administratively independent from the executive. A second has been to increase their formal powers. In many cases legislatures that have become more effective have done it without increasing their formal powers but they are using their powers more effectively. Sometimes political changes – such as the end of PRI domination in Mexico – will allow

parliaments to use powers they have always possessed, but the politics did not allow them to do so before.

A major means of increasing parliamentary effectiveness has been through building internal parliamentary capacity. Most parliamentary strengthening activities have focused on this technical area. Capacity building has included making management and infrastructure improvements, better equipping members and staff, and building new capacities, such as budget offices. And finally, legislatures become more effective when they reach beyond the walls of parliament to take advantage of the expertise available in their nation.

Relevant internet resources

<http://www.parliamentofindia.nic.in/ls/intro/p10.htm>

Select bibliography

Robert Nakamura and John Johnson, *Legislative Assertiveness in Uganda and Kenya 1996 to 2002*, Paper delivered at the 19th International Political Science Association World Congress, Durban, South Africa, June 29 to July 4, 2003. page 23