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# Global Parliamentary Report 2017

**Parliamentary oversight:  
Parliament's power to hold government to account**



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# Forewords

## Inter-Parliamentary Union

Parliamentary oversight is one of the three core functions of parliaments. It is how parliaments hold government to account on behalf of the people. It is a vital part of the system of checks and balances that ensures that no-one is able to wield absolute power in a democracy.

This second Global Parliamentary Report, jointly published by IPU and UNDP, offers in-depth research and analysis on the current state of parliamentary oversight and ways to strengthen it in a time where democracy as a mode of government, and parliament as a key institution thereof, are being called into question. It is the latest in a body of IPU work that contributes to setting international standards for democratic parliaments. Over 150 parliaments contributed to this edition, affirming the importance that they accord to their oversight function.

Oversight can be challenging in practice, as the report shows. Political factors, access to information, human and financial resources and MPs' diverse incentives all combine to produce an environment that is more or less favourable to oversight and accountability. Yet, as illustrated by numerous examples throughout the report, parliaments and individual MPs are taking up the challenge. They increasingly recognize that oversight is important for achieving personal goals as well as collective benefits for society.

The report makes a series of recommendations to parliaments and individual MPs for strengthening parliamentary oversight, which are equally relevant to political parties in government and in opposition as well as civil society organizations. I call upon all stakeholders to study the report's recommendations carefully and to take the actions that are necessary in their context. IPU will continue to play its part, through its work with parliaments and partners on standard setting and capacity building.

It is fitting that this second Report is published on the 20th anniversary of the adoption of the Universal Declaration on Democracy in 1997 by IPU's member parliaments. The Universal Declaration sets out the core principles and elements of democracy, as both an ideal and as a mode of government. Since then, all of our work has been guided by a simple question: how can we help to put these principles into practice, so that everyone truly has the opportunity to participate in the decisions that affect them?

Everyone who believes in democracy needs to join efforts in favour of a culture of oversight and accountability. Effective oversight enhances parliament's relevance in the modern world and its overall contribution to the people's well-being. By strengthening the system of oversight, parliament becomes stronger as an institution and thus enjoys greater legitimacy.



Martin Chungong  
Secretary General  
Inter-Parliamentary Union

# United Nations Development Programme

In September 2015, world leaders gathered at the United Nations in New York to adopt the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. The 2030 Agenda acknowledges the “essential role of national parliaments through their enactment of legislation and adoption of budgets and their role in ensuring accountability for the effective implementation of the Sustainable Development Goals.”

The United Nations Development Programme (UNDP) is the world’s largest implementer of parliamentary strengthening programmes, helping parliaments around the world to build their capacities to help achieve Agenda 2030 and thus contribute to building peaceful and inclusive societies for sustainable development. The Inter-Parliamentary Union (IPU) – the global organization of parliamentarians – has been a key partner in this work.

In 2012, UNDP and IPU worked together to produce the first Global Parliamentary Report, which focused on the changing nature of parliamentary representation. This year, UNDP and IPU have now produced the second Global Parliamentary Report, which focuses on parliamentary oversight and the power of parliament to hold government to account. For both reports, UNDP is pleased to have contributed resources, expertise, and lessons learned from parliamentary support programmes across its global network of country offices. It also drew from its global policy centres, its regional hubs and bureaux, and its headquarters policy bureau.

Government oversight is a core function of parliament. It is essential for building effective, accountable, and inclusive institutions as envisioned by SDG16 (Peace, Justice and Strong Institutions). Parliaments’ oversight function is critical for ensuring that people receive essential services, and is thus critical for building accountability. Parliament, through its representative mandate, is the appropriate entity through which oversight should be led.

UNDP gratefully acknowledges the generous support of our development partners in helping to build and sustain the infrastructure required for UNDP to produce this report with IPU, as well as other key global knowledge products. Nor would this report be possible without the commitment of parliamentarians and UNDP staff around the world who are working to advance sustainable human development, including through improved governance.

I am confident that this report will make a significant contribution to achieving sustainable human development, as envisioned by Agenda 2030, and I hope parliaments around the world will give serious consideration to the report’s findings and recommendations.



Achim Steiner  
Administrator  
United Nations Development Programme

# Introduction

The second *Global Parliamentary Report* takes as its theme parliament's role in oversight of government, and parliament's power to hold government to account for its actions and decisions.

Oversight is less well understood as a specific field of activity than parliament's other 'core' tasks of lawmaking and representation. But it is hugely important and deserves more focus from parliament, government, citizens and the international community.

Parliamentary oversight improves the quality of government. It helps to keep in check the power of the executive and therefore contributes to strengthening democracy. Globally, parliamentary oversight is expected to underpin countries' progress toward the goals set out in the 2030 Agenda for Sustainable Development.

The time is therefore ripe to address an increasingly significant part of the parliamentary landscape using a research-based and systematic approach. The analysis, conclusions and recommendations in the report have been based on an extensive research exercise involving parliaments, parliamentarians, practitioners of parliamentary development, and many related organizations and individuals from all parts of the world. The report is therefore grounded in parliamentary practice and experience.

Using questionnaire data from 103 parliamentary chambers in 85 countries, a survey of the perceptions of oversight of more than 350 members of parliament (MPs) from 128 parliaments, country case studies and interviews with more than 80 parliamentarians from around the world, this report describes how oversight actually happens in parliaments. It analyses the factors that support or hinder oversight and proposes ways to increase the effectiveness of parliamentary oversight, in order to strengthen parliaments and improve governance.

The Inter-Parliamentary Union (IPU) and the United Nations Development Programme (UNDP) want this report to be practical and useful. For this reason, it includes numerous examples of how parliaments and MPs carry out oversight in their countries, as well as tips for MPs on ways to approach oversight. We hope this report will stimulate action to strengthen parliament's oversight role. The future positive development of parliaments depends, in large part, upon what oversight can deliver for the populations they serve.

## Structure of the report

*Chapter one* sets the scene by defining parliamentary oversight and introducing some of the main oversight tools available to parliaments and parliamentarians. It then analyses the connection between oversight and the representation, law-making, financial and other functions of parliament as well as the political nature of oversight. The challenges that make oversight difficult are revealed in MPs' own words; analysis of these challenges and how to overcome them forms the backbone of this report.

*Chapter two* focuses on the foundations of effective oversight. Key to this is a strong parliamentary mandate, which ensures that oversight is securely rooted in the fundamental structures of the state, constitution, laws and parliament's own rules of procedure. The roles of the parliamentary participants in oversight – Speaker, opposition, individual MPs – must be clear to them and to the main external players, e.g. government, civil society and media. Government cooperation is essential to make oversight work. Parliament must have adequate financial and human resources to carry out oversight, and exercise independent control over these resources from government. Given the importance of oversight, it is appropriate that sanctions are available to parliament to ensure that public authorities meet their responsibilities.

*Chapter three* addresses the practice of oversight as reported by parliaments and parliamentarians. Such practice takes place in parliament mainly by means of committee work and activities in the plenary, but the space given to oversight within parliament and the opportunities for the opposition to participate meaningfully are important prerequisites and cut across both areas. Work in *committees* is a major focus for parliamentarians and takes place in a wide variety of sectoral and cross-cutting areas in which government is engaged. The composition, powers and resources necessary and available to committees to carry out their work successfully are discussed, as is the relation between the work of committees and parliament itself. In the *plenary context* oversight is conducted by means of a range of procedures, notably motions, questions, interpellations, and financial oversight including the annual budget. The scrutiny of the government's budget is a top priority for parliaments, and the potential for parliament to intervene at various stages – formulation, examination and amendment, and implementation – is discussed. Qualitative enhancements to budgets, such as gender mainstreaming, can be driven by parliamentary oversight and parliament also has an important responsibility for ensuring the key data underlying the government's budget assumptions are correct.

*Chapter four* dissects parliamentary oversight processes in three areas of particular significance: oversight of the security sector, which presents specific challenges in terms of access to information pertaining to national security; oversight of the commitments states have entered into under international human rights law; and oversight of national efforts to achieve the UN-mandated Sustainable Development Goals.

*Chapter five* sets out the ways in which parliaments operate within their wider environment, including their relations with other oversight bodies, such as national audit offices, human rights institutions and ombudspersons. Parliament's ability to conduct meaningful oversight frequently depends upon opening up government proposals to the wider world, and this makes the nature of parliament's relationship with a range of external players of prime importance. Parliament requires the insights and expertise of such external bodies to complement and enrich its own oversight activities and conclusions.

Internal mechanisms are also important. Single-party and cross-party groups such as women's caucuses are discussed

as devices that can aid the overarching goal of developing a constructive parliamentary culture in pursuit of oversight. MPs also rely on their own initiative to gather information from relevant sources, including government, particularly where parliament itself is under-resourced; they can also consider publicizing issues through the media. Where the formal procedures of parliament do not allow adequate scrutiny, MPs themselves take the initiative and design what amounts to informal processes to help them get the job done.

*Chapter six* focuses on individual MPs (indeed the chapter is addressed directly to them), with a discussion of the many motivations for parliamentarians engaging in oversight. These motivations range from helping constituents, to taking forward policy goals, to more personal drivers of professional development and advancement. Criteria for MPs to assess government performance are introduced, and the powers of parliament to make an impact upon government in the context of oversight, including sanctions, are identified and analysed. Key to this is the importance of parliament's direct relationship with the public in gaining leverage for successful oversight, and the centrality of ethical parliamentary behaviour and reputation in ensuring the willing acceptance by the public of oversight results is stressed. The report draws attention to the way the recommendations and conclusions of oversight inquiries are communicated. The chapter concludes with a scenario for change that identifies multiple incentives for MPs to carry out oversight, and sets out a range of guidelines to assist MPs who accept the challenge of oversight.

## Key findings

The Conclusion of the report summarizes the core principles of oversight. The first principle, from which all else flows, is that effective parliamentary oversight is a rigorous, constructive and evidence-based process designed to improve all aspects of society and national governance.

The key findings from the report are summarized as follows:

- Parliamentary oversight is and will remain a political activity. The political space for oversight does not exist everywhere. It is of fundamental importance that the opposition or

minority parties in parliament are able to participate fully in oversight of the government.

- An effective system of oversight remains an aspiration for many parliaments. Effective oversight requires a combination of a strong mandate, adequate parliamentary resources and willing and committed participants. MPs identify resource gaps as their greatest challenge to effective oversight.
- MPs express commitment to oversight and accept that it is an important part of their job. But in practice, issues of prioritization and capacity, as well as political considerations, often limit their engagement in oversight activities. Effective oversight requires more than just rules and systems; it depends on active and willing participants who are prepared to give a high level of priority and commitment to oversight activities over an extended period of time. This report makes the case that oversight activities are central to helping MPs serve their constituents, achieve their policy goals and advance their political careers.
- Oversight is a key marker of parliament's relevance in the 21st century. Parliamentary oversight helps to deliver many outcomes that are valued highly by citizens, such as probity in public life, the fair distribution of national resources, value for money in public spending, gender equality and equitable opportunities for human development. By holding government to account, identifying problems and seeking corrective measures in legislation, budget allocations, policy and administration, parliament provides a vital service to society.
- The 2030 Agenda for Sustainable Development encompasses a set of goals that are important for all countries. The 2030 Agenda is both a challenge and an opportunity for parliaments to develop their role in working with governments to improve the well-being of all people.

The report concludes by making recommendations for practical actions that parliaments, political parties and individual MPs need to take to strengthen parliamentary oversight. The recommendations are also of much relevance to governments, civil society and other actors with a stake in effective oversight.

# Summary of recommendations

## **Establish oversight as a top priority for parliament**

1. Signal that parliament is committed to its oversight function.
2. Bring together all stakeholders to define and commit to a constructive oversight process.
3. Assess parliament's strengths and weaknesses regarding its oversight function.
4. Commit to regularly review and report on how parliament performs its oversight role.

## **Strengthen the mandate and capacity for oversight**

5. Ensure that formal powers to oversee the government are clearly established in law and parliamentary rules.
6. Ensure the financial and administrative autonomy of parliament and a dedicated professional staff.
7. Allocate time in plenary for oversight.
8. Ensure that committee rules and practices support oversight.
9. Ensure clear mandate, procedures and capacity for budget oversight.
10. Mainstream gender and human rights into all oversight activities.
11. Develop specific research capacity to support oversight.
12. Build oversight skills and limit the impact of turnover at elections.
13. Solicit outside help.

## **Co-produce oversight with partners**

14. Recognize that effective parliamentary oversight is co-produced by the efforts of MPs, civil society and other oversight institutions, with the support of the general public.
15. Take evidence in committee from a wide range of sources.
16. Strengthen relations with supreme audit institutions and other oversight institutions.

## **Make good use of parliament's oversight powers**

17. Make oversight consequential by keeping track.
18. Consider ways to achieve government compliance with oversight requirements.

## **Build public support for oversight**

19. Adopt ethics rules and practices to promote parliamentary legitimacy.
20. Establish communication strategies to publicize parliament's oversight work.
21. Consider how best to use the media in oversight activities.
22. Make parliamentary records publicly available.
23. Position parliament as a leader on the Sustainable Development Goals.

## **Seize the opportunities available to MPs to shape the oversight environment**

24. Make better use of existing opportunities.
25. Take advantage of windows of opportunity.
26. Create and join reform coalitions.
27. Participate in alternative and cross-party working groups.
28. Elect and support parliamentary leaders who favour oversight.

# Chapter 1: Parliamentary oversight

Oversight of the government – holding the executive to account – is one of the three core functions of parliament, along with the passing of laws (notably the annual budget) and the representation of constituents. These core functions are interdependent. While parliament and government have different prerogatives, parliamentary oversight is an essential feature of a system of checks and balances in a democracy.

The fundamental objectives of parliamentary oversight are to promote people’s freedoms and well-being and to improve governance. Oversight processes assess the impact of government action on society, help ensure that appropriate resources are provided to implement government programmes, identify unintended or negative effects of government policy and actions, and monitor the meeting of national and international commitments.

To achieve these challenging objectives, modern parliaments are required to – and are frequently seeking to – transform themselves into increasingly representative, transparent, accessible, accountable and effective institutions,<sup>1</sup> and to become places where the views of a wide range of stakeholders are not only welcomed but are essential.

As parliaments and their core functions continue to evolve, oversight helps parliaments to demonstrate their relevance to the cut and thrust of national politics and government. Through oversight, parliaments significantly increase their capacity to contribute to sustainable social and economic progress.

All parliaments have some degree of power to hold the government to account. The ways in which parliaments carry out oversight, the tools and procedures each chooses to deploy, and the extent of the scrutiny applied, vary considerably. However, rigorous, constructive and evidence-based oversight is by no means universal. In some contexts, the political space for oversight may simply not exist. Some parliaments have the will to carry out more and better oversight, but lack the human and financial resources to make it happen. Oversight may in some cases be limited to modest questioning and occasional discussion, or be little more than a partisan instrument of blame.

Nevertheless, oversight is becoming a more prominent part of parliaments’ work and is serving to make parliaments relevant to the world today.

## 1.1 Defining parliamentary oversight

Parliament has a unique *constitutional* oversight function. It is the only actor with a political mandate from the people to monitor the management of the state by the government.

Parliamentary oversight is the means by which parliament and parliamentarians, on behalf of the people, hold the government to account between elections. Accountability is the “converse process”,<sup>2</sup> through which the overseen body accounts for its choices, actions and decisions.<sup>3</sup> Oversight and accountability are major dimensions of the complementary democratic mandates of government and parliament.

The distinct and separate roles of parliament and government need to be well understood. Governments provide services to citizens; parliaments hold government to account by questioning and challenging government actions and policies and making recommendations for change.

Oversight and accountability are comprised of three essential interlocking obligations. These are:

- the obligation of public authorities, primarily the government, to provide information about their decisions and actions and to justify them to parliament and to the people.
- the obligation of parliament to scrutinize the decisions and actions of government or other public authorities and provide constructive and appropriate recommendations.
- the obligation of those accountable to respond appropriately to parliament’s conclusions about the matter under scrutiny.

Parliamentary oversight is the sum of the wide range of interests. There is no such thing as ‘parliament’s oversight over government’ as if parliament were a single uniform and cohesive body. Oversight is mediated via competition between parties and individual MPs, and how this is perceived and reacted to by the public.<sup>4</sup>

### Oversight powers

‘Power’ has many different meanings in the parliamentary context: first, power as a capacity, i.e. having the relevant legal mandate and resources – financial, human and organizational – to carry out the necessary tasks. Secondly, power as autonomy: having sufficient independence from the government to oversee it effectively, thus maintaining constitutional checks and balances.

Of obvious relevance here are issues of relational power. This is not just a matter of the relative powers of parliament and the government, but also of the balance of power between parties and within them. Indeed, it is the configuration of party power that can often determine the relation between parliament and the government.

The following extract from the IPU’s 2006 guide *Parliament and Democracy in the Twenty-First Century*<sup>5</sup> continues to ring true today:

2 Kinyondo, Pelizzo and Umar, 2015.

3 The definition of parliamentary oversight has long been a subject of discussion, and many different definitions exist. See, for example, Rockman (1985).

4 Beetham, 2006: 128.

5 Beetham, 2006: 115.

1 Beetham, 2006: 10.

“Of course parliaments have to strike a balance between cooperation with, and oversight over, an elected executive; sheer obstructionism rarely serves the public. Yet the more likely danger in the contemporary period is that of undue executive dominance, whether through lack of parliamentary capacity or an unwillingness on the part of parliaments to exercise the powers they have.”

### Oversight tools and processes

The political and procedural architectures within parliaments reflect and promote the central purpose of holding government to account. Oversight is conducted using procedures such as questioning ministers orally and in writing; considering policy and financial matters (including the budget) in committees and making recommendations for change; considering citizens’ petitions; and assessing the impact laws passed have had in practice. These fundamental scrutiny instruments are discussed in detail in Chapter 3, and examples appear throughout this report.

### The oversight role of members of parliament

Parliaments are composed of members and effective parliamentary oversight depends crucially upon these individuals’ constructive use of the available tools of scrutiny.

A commitment to engage constructively in oversight is embedded in the constitutional mandate to represent the diverse interests of society. It is part of the ‘contract of trust’ between MPs and citizens. The responsibility for oversight therefore lies with all members of parliament, whether or not they are members of the political party currently in government.

The effective member of parliament is one who constantly questions and probes government and others. As one politician memorably puts it:

“A parliamentarian who is not curious is a curious parliamentarian.”

*Michèle André, Senator, France*

### The scope of parliamentary oversight

The scope of parliamentary oversight can be considered to be: “the review, monitoring and supervision of government and public agencies, including the implementation of policy, legislation and budgets”.<sup>6</sup> In other words, it is not only the policies, programmes and spending of government departments that are the legitimate subject of parliamentary oversight, but also those of other agencies responsible for the day-to-day delivery of services to citizens. In some countries it is common for the scrutiny trail pursued by a parliamentary committee to require evidence from civil society, academia, a range of private sector bodies and others. Parliamentary oversight increasingly considers the impact of legislation on society. The legitimate scope of parliamentary oversight is therefore as wide as the boundaries of society. No sector should be excluded from oversight, and parliament should exercise oversight at all times, including at times of national emergency.

<sup>6</sup> Yamamoto, 2007: 9.

### Other oversight actors

Parliament is not the sole scrutineer of government. Parliaments perform in a densely populated environment peopled by other bodies with differing interests and capacities. Many of these have the kinds of resources that parliaments need to access if they are to engage in effective oversight. Parliament has a strong interest in building constructive partnerships with other oversight actors.

One of the challenges for parliament is how to fit its role with that of other scrutineers. At times, parliament may appear to compete with a range of often more narrowly focused and sector-specific independent and quasi-independent ombudspersons, commissioners, regulators and audit bodies whose remit often runs across most of the areas parliament is responsible for. It also has to contend with a variety of independent and private commentators and, significantly, civil society and the media. The relationship with these external actors and their influence on parliament’s own oversight is discussed further in Chapter 5.

### In summary: Defining parliamentary oversight

Oversight and accountability entail certain interlocking obligations on the part of parliament (the overseer) and government (the accountable entity). To hold government to account parliament needs a legal mandate for oversight, as well as the capacity and independence to exercise it. Conducting oversight is a core responsibility for all members of parliament. However, they do not bear this responsibility alone: parliament is one of many oversight actors within society (albeit one with a unique constitutional role). Effective oversight requires parliament to work closely with these other bodies, which include audit institutions, national human rights bodies and ombudspersons, as well as civil society organizations.

## 1.2 The impact of effective oversight

Why then do we strive for effective oversight? Given all its requirements and preconditions, what is the benefit of effective parliamentary oversight? Moreover, how can we communicate to members of the public and other stakeholders the positive impact of oversight?

In the absence of effective oversight, two problematic outcomes are possible: states become too strong, or they become too weak. The literature on state strength is varied,<sup>7</sup> but essentially it describes excessively strong states as those ruled without check. Decisions are made autocratically, without any recourse to the people and are ‘repressive’. In excessively weak states, institutions are not able to build political consensus and are vulnerable to various forms of rent-seeking in which corrupted elites seek to maximize their own private interests over the public interest. A significant

<sup>7</sup> See for example Francis Fukuyama, 2004, *State-building: Governance and World Order in the 21st Century*, Ithaca, NY: Cornell University Press; Barry Buzan, 1991 (second edition), *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era*, Hemel Hempstead, UK: Harvester Wheatsheaf.

disconnect between elites and the people, and poor-quality decision-making, are common features of both types of governance.

Effective oversight, on the other hand, has two positive outcomes: improved process and improved policy. There is a direct link between effective oversight and the democratic process: effective oversight brings more people into decision-making so that decisions better reflect the interests of the society as a whole; it improves accountability and transparency and reduces corruption; it enhances parliament's legitimacy as a responsive, inclusive and representative institution. There is also a strong link between effective oversight and economic and human development: policy and legislation are strengthened and governance becomes more effective as a consequence of review and amendment.

Parliamentarians were asked to comment on a range of indicators that measure improvements in democratic process, and in policy outcomes, as a consequence of oversight. These are elaborated below.

### Improving the democratic process

Improvement in the democratic process as a result of effective oversight can be measured by, for example:

- Recommendations made by committees or other parliamentary organs being evaluated on their merits, and accepted or rejected by government on the basis of rational and publicly-articulated responses.
- Better-quality information being made available to parliaments with which to contribute to parliamentary debates and further investigate matters of policy and legislation.
- Less corruption and mismanagement among public officials.
- Disciplinary action being taken against MPs found to be in breach of codes of conduct or ministerial standards.
- Improved public perceptions of parliament.

Oversight has encouraged governments to be more transparent.

"What is interesting is that, for example, in the [oversight] publication, it publishes not only the report produced by the political commission, but also in many instances, almost invariably, scientific reports and reports produced by specialized bodies. Both the political conclusions and the basic analysis are published."

*Stéphane Rossini, Member of the National Council, Switzerland*

Oversight has also ensured that government policies and programmes are reviewed, with a view to improvement. In Austria, an improved process has strengthened oversight of gender equality.

"For the past five years, every minister has been required to present an annual report on the law, and how its implementation has influenced the position

of women. When ministers discuss their next budget with the Finance Ministry, they will be required to bring this report. And they have to demonstrate what they have done to strengthen the position of women. We call it our Gender Policy."

*Reinhold Lopatka, Member of the National Council, Austria*

The universal applicability of the Sustainable Development Goals (SDGs) also means that parliaments across the globe are considering their own role in ensuring their country meets the targets.

"Each ministry will have to see to it that the SDGs are met. As Speaker, I give an opportunity to each ministry to come to parliament to explain their strategies for achieving these goals. Then it becomes the subject for debate, MPs come in with further questions, and they can supplement the strategies. There is a statement time and they can use that time to come forward with new ideas."

*Maya Hanoomanjee, Speaker of the National Assembly, Mauritius*

Governments are frequently dependent for their credibility and survival on parliament, and ministers must deliver what is acceptable to parliament or fall. More commonly, it is the threat of such action – the mere fact that it can be deployed at any time – that may be effective.

"I don't agree with the assumption that parliaments cannot act effectively if the government does not support their activities. Of course a parliament can act. The question is whether it wants to do that and under what circumstance it will act. Many ministers have lost their positions before the end of a legislature because they have not acted properly through the parliamentary oversight processes. So parliamentary oversight has led to the Chancellor making changes to the cabinet because the parliamentary processes showed up the actions of the minister."

*Norbert Lammert, President of the Bundestag, Germany*

Ultimately, a strong parliament forces government to perform better than it would if it could not be questioned, challenged or sanctioned.

"If you have a strong parliament and a strong opposition you get a better government because you get rid of that arrogance whereby government says, 'We won the elections, we'll do what we want to do.'"

*David Carter, Speaker of the House of Representatives, New Zealand*

### Improving policy outcomes

Perhaps the more obvious manifestation of effective oversight is in a reviewed policy or piece of legislation. Interviewed MPs were able to provide a number of examples of

oversight effectiveness in influencing budget allocations and ascertaining ‘value for money’.

“The committee took issue with the bill introduced by the minister on retirement savings and made recommendations to change it. This was a first, in terms of making changes to a money bill – it has never been done before, but we did it together (with the ruling party).”

*Robert Alfred Lees, Member of the National Assembly, South Africa*

“The budget committee recently visited the revenue authority to assess its performance in revenue collection. We have identified that in our country there are sources of corruption. One of the significant sectors is revenue. When you collect revenue from the citizens there is also corruption. So in this regard we have evaluated very recently the authority and there are good and bad performances. There are some properties that are damaged, not arranged properly, damaged by rain and sun ... we checked and took some corrective measures.”

*Worku Ayenew, Member of the House of the Federation, Ethiopia*

Interviews with parliamentarians elicited positive examples of useful recommendations made through oversight, and subsequently accepted by government.

“One good example would be the energy committee. Because of its oversight functions, it was able to investigate what it considered unreasonable increases in power rates. It effectively investigated the public utilities involved in the production, transmission and generation of energy. (Electricity) providers were forced to consider the recommendations of the committee to lower rates.”

*Giorgidi Aggabao, Deputy Speaker of the House of Representatives, Philippines*

In Japan, a privacy concern was identified in the course of review.

“We discovered recently that due to a simple human error, an individual’s pension information had been leaked within Japan. With my parliamentary colleagues, we tried to look into the cause of that problem, clarify who was responsible, and also seek a solution.”

*Chinami Nishimura, Member of the House of Representatives, Japan*

This small selection of examples offered by MPs offers an insight into the benefits of oversight for the democratic process and policy outcomes in society.

### Box 1 Democracy without oversight?

What would happen if oversight did not exist? Imagine a hypothetical situation where MPs could not question ministers, where committees could not inquire into government policies, where parliament could not stand up to government. This is what it might look like.

The government would be able to make decisions without fear of contestation. It would not need to take into account the differing interests of society, because it would never be challenged. There would be no need for public debate; consultation would be reduced to a superficial exercise, if it existed at all.

The feedback loop would be broken. The government would have no means of understanding the realities on the ground, or the impact of its actions on citizens. The result would be inefficient policies and less transparent and accountable processes. Corruption would flourish in the absence of oversight. Power would accrue to the few, to the detriment of the many.

The simple fact of knowing that questions may be asked, that one may be required to justify one’s actions, creates a different mindset among governments and their administrations. This is one of the most important contributions of oversight to democracy. It is no coincidence that the first action following a coup d’état is often to abolish or suspend parliament.

#### In summary: The impact of effective oversight

Effective oversight, places the people – their needs, their interests and their experiences – at the heart of politics. It improves government performance in all policy areas. Examples of policy change as a consequence of more attentive oversight abound. Parliamentary oversight also helps to support sustainable development and respect for human rights.

Oversight enhances the democratic process. Benefits include increased knowledge and understanding of government policies; greater accessibility of information and data; stronger investigation of policies and budgets to ensure ‘value for money’; and more inclusive participation by a diverse range of stakeholders – not least of whom are members of the public.

## 1.3 Connecting oversight with other core functions of parliament

It may seem convenient to separate the core parliamentary functions of representation, lawmaking and oversight, as well as parliament’s role regarding the budget. However, in practice there is considerable interplay between them.

### Representation

Effective representation requires that MPs engage citizens in a continuing dialogue to understand their views and

perspectives, respond to their concerns and complaints, draw on their intimate knowledge about local topics and ensure the work of parliament reflects the context and reality of peoples' lives.<sup>8</sup>

Pressure to respond to local concerns provides one impetus for many MPs to engage in oversight of government activity. For example, they may put forward parliamentary questions and ensure inquiries conducted by parliamentary committees are drawn up with particular relevance to their constituencies. This is particularly so when a local problem has wider national ramifications. As the first *Global Parliamentary Report*, on the changing nature of parliamentary representation, observed:

“Oversight mechanisms are most appropriate for addressing issues that are systemic. Distinguishing between an individual problem that can be resolved and one that points to wider issues is important. These wider issues might include faulty delivery of a service or implementation of government policy or a law that is ineffective or wrong.”

MPs use formal and informal procedures to gather information from constituents on the efficiency and effectiveness of government policies and programmes, as part of their own assessment.

“Effective oversight can be defined as being capable to see for oneself whether what the government says is true or not. The participation of citizens in pointing out problematic areas is crucial. MPs can, whenever they see or hear something abnormal, ask the government, ‘What’s going on?’ ‘What are you doing to solve this?’ or ‘How are you using public money?’”

*Orfelina Liseloth Arias, Member of the House of Representatives, Dominican Republic*

From the citizen’s point of view, parliamentary oversight inquiries offer an avenue to express views about the government’s management of public affairs. This direct citizen testimony is a valuable way to ‘humanize’ national governance.

The reports published by parliamentary committees at the close of inquiries provide the public with reliable sources of information and balanced conclusions about what government is doing in the sector involved and often (depending on the topic) the likely impact of government actions locally.

Alert parliamentary committees often monitor developments since previous inquiries to check that government has fulfilled its commitments. This enables the cycle of representation and oversight to flow forward as appropriate.

“Constituency service gives MPs the political will to conduct oversight. MPs in Mozambique receive requests and demands from constituents about service delivery that provide them with the political incentive to check the government’s implementation of policies and the budget. MPs conduct oversight because

oversight leads to better representation of the interests of their constituents. When the parliament is not in session, Mozambican MPs visit their constituencies and talk to constituents. In total, there are 35 paid days per annum to conduct visits to their constituency. MPs then ask the government what, when and where services will be delivered so that they can better inform their constituents.”

*Carlos Shenga, PhD, Director of the Centre for Research on Governance and Development, Mozambique*

Parliamentary oversight may encompass topics in national and international affairs seemingly far removed from the localized representation work of members. However, as noted already, members need to keep their constituencies constantly in mind. By anchoring oversight activities in the real lives and concerns of citizens, MPs reinforce a bond between parliament and those it represents.

## Legislation

Statutory lawmaking remains almost universally the preserve of parliament. There are several points of overlap between parliament’s lawmaking and oversight functions. The process of oversight inquiry in committee frequently exposes potential gaps or flaws that may require legislative action. Committees take expert evidence from a broad range of individuals and institutions and become aware of these legislative requirements.

“When I was the committee chair, we invited NGOs to come and speak. I proposed many pieces of legislation based on what they were saying in the meetings. I proposed changes to the penal code, many articles related to human rights, women’s rights, and children’s rights. I would not have been able to do all these things without their input.”

*Rula Al-Farra, Member of the House of Representatives, Jordan*

Oversight of the implementation of legislation is a feature of many parliaments’ work. By probing both the intention and the result of the law as passed, parliaments can establish whether the intended results have materialized, and where corrective action is necessary.

“We really need to have parliamentary oversight, because unless you have oversight mechanisms you won’t be able to develop effective legislation and ensure effective implementation of that legislation.”

*Aasiya Talpur, Member of the National Assembly, Pakistan*

Meanwhile, the procedures that are used in oversight (carrying out inquiries, taking evidence, etc.) can be similar to the procedures used in some parliaments when scrutinizing draft legislation. Parliament’s capacity to successfully consult and take into account the views of a wide range of stakeholders is important for both its oversight and legislative functions.

8 IPU and UNDP, 2012.

## The budget

One of the historical reasons for the development of parliaments was to provide financial resources to the executive arm of state. In exchange, the government was bound to report back to parliament on the use of these funds. This led to the development of the oversight function of parliament. Parliament continues to be closely involved in financial matters including the annual national budget, monetary and fiscal policy, banking, taxation and determining value for money in public spending.

For many parliaments it is the budget that is the big-ticket item on the financial calendar. The budget is one of the government's central policy and spending documents, outlining the means by which it intends to raise and allocate resources across a range of public services and programmes. Credible budgets are essential for credible government. Effective and informed parliamentary oversight of budget proposals contributes to a fundamental aspect of politics: fine-tuning the allocation of scarce resources. The process of preparing, passing, and monitoring implementation of the budget law provides opportunities for MPs to participate strongly in setting national priorities.

In many countries the traditional parliamentary role has been to pass a budget law and then to assess expenditure against this budget. But an increasing number of parliaments are taking steps to be involved in budget formulation as early as possible. The budget should be a living document and a touchstone of parliament's oversight of government's economic performance throughout the year.

"All these committees have to wait for the government itself to explain how it has used the budget allocated to it. Now through commissions of inquiry, we are able to see how the budget has been spent. However, I'd like to point out that the principle itself is that the budget is subject to ongoing scrutiny on a daily basis, and I believe that this is right."

*Chérif Moumina Sy, President of the National Transitional Council, Burkina Faso*

### In summary: Connecting oversight with other core functions of parliament

The oversight function should be fully integrated within a modern parliament and interacts with all of parliament's other core functions – representation, lawmaking and involvement in the budget.

## 1.4 Connecting oversight with overarching policy priorities

As is elaborated in further detail in Chapter 4, parliamentary oversight is essential to achieving overarching policy priorities such as sustainable development and gender equality.

## National development and the SDGs

The social, economic and environmental development of the nation is the core business of all parliaments. It is fundamental to the quality of society and the well-being of the people. Parliamentary oversight is one of the means to ensure that government policies are reaching all sectors of society – men and women, urban and rural, young and old, vulnerable and marginalized groups<sup>9</sup> – and are having beneficial effects on people's lives. Oversight identifies shortcomings and encourages government to take corrective action.

Recognizing the massive inequalities that persist in the world, and resolving to take concerted action to address them, the world's leaders adopted in September 2015 the 2030 Agenda for Sustainable Development. The Agenda comprises a set of goals and targets (the SDGs) that are shared by all countries, ranging from eradicating absolute poverty to reversing climate change, and from achieving gender equality to changing consumption and production patterns. They are resolutely placed within the existing international human rights framework and carry a strong commitment to "leave no one behind". Respect for all human rights is the litmus test of sound policy at all levels.

Importantly, the SDGs recognize that peace, justice, strong institutions, and gender equality are key enablers if the SDGs are to be achieved. Goal 16 of the SDGs, also known as the "governance goal", makes it clear that democracy and sustainable development go hand in hand. Goal 16 recalls many of the key elements of democracy, including: promoting the rule of law and access to justice for all (target 3); developing effective, accountable and transparent institutions (target 6); ensuring responsive, inclusive, participatory and representative decision-making (target 7); and ensuring public access to information and protecting fundamental freedoms (target 10).

The SDGs do not replace the work that parliaments are already doing in support of national development. Instead, they provide a framework and a renewed impetus to focus efforts at the national and international levels on people's prosperity and well-being. Each country is called upon to domesticate the SDGs and to incorporate them into its own development planning. The concept stresses the importance of local ownership, which places the responsibility on each country to connect its national development planning to the international framework.<sup>10</sup>

In September 2015, the United Nations General Assembly explicitly called for an active parliamentary role in the 2030 Agenda for Sustainable Development, including ensuring accountability for the effective implementation of the SDGs.

### Box 2 Stepping up – the central role of parliaments in the SDG process

"We acknowledge also the essential role of national parliaments through their enactment of legislation and adoption of budgets and their role in ensuring accountability for the effective implementation of our

<sup>9</sup> See for example IPU, UN, UNOHCHR, UNDP and IFAD, 2014.

<sup>10</sup> IPU and UNDP, 2017: 9.

## Tips for MPs: Mainstreaming gender equality in oversight activities

### Why should I get involved?

Gender mainstreaming means assessing policies, laws and programmes for their differential impact on men and women, boys and girls. Ensuring this is an aspect of all oversight work is important in promoting gender equality and social inclusion. Considering existing laws and policies to identify if, or where, they may be discriminatory allows MPs to develop recommendations that remedy those problems.

### What do I need?

- A 'gender lens' – always keep a look out for possible gender discrimination when investigating any policy issue.
- Data on all policy areas, disaggregated by sex (and other variables of social inclusion such as age, ethnicity, disability, gender identity and sexual orientation).
- Research and input from civil society organizations, specialized gender units, universities and think tanks, private sector organizations/corporations, trade associations and the media.

### How can I contribute effectively?

- Undertake a self-assessment of the parliament's capacity for gender mainstreaming.
- Develop, and systematically use, a gender-mainstreaming checklist:
  - Who is the target of a proposed policy, programme or project? Who will benefit? Who will lose out?
  - Who makes the decisions? Have women and men been involved in the development of a solution to address the issue?
  - How are resources distributed? Who provides the resources? Who uses the resources? How are the resources procured?
  - Does the intervention maintain or challenge existing gender relations?
- Ask questions in committee hearings, or during plenary debates:
  - Have gender-equality advocates been consulted in the development of the policy?
  - Has a gender-impact assessment been made of the (reviewed or proposed) policy?
  - Has the data used to inform the policy analysis been disaggregated by sex?
  - What are the social and economic costs to both men and women of the policy or law under review?
  - Are the recommendations made on the policy or law gender specific, gender neutral or gender blind?
- Publicize any discovered instances of gender discrimination:
  - Speak with the minister responsible.
  - Lobby for change within your own party.
  - Network with members 'across the floor'.
  - Raise the issue with the media.

### Useful resources

IPU, 2011. *Gender-Sensitive Parliaments: A Global Review of Good Practice*. Available at: <http://www.ipu.org/pdf/publications/gsp11-e.pdf>

IPU, 2012. *Plan of Action for Gender-Sensitive Parliaments*. Available at: <http://www.ipu.org/pdf/publications/action-gender-e.pdf>

IPU, 2016. *Evaluating the Gender Sensitivity of Parliaments: A Self-Assessment Toolkit*. Available at: <http://www.ipu.org/pdf/publications/gender-toolkit-e.pdf>

UNDP and Parliamentarians for Global Action (PGA), 2017, *Advancing the Human Rights and Inclusion of LGBTI People: A Handbook for Parliamentarians*. Available at: [http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/parliamentary\\_development/advancing-the-human-rights-and-inclusion-of-lgbti-people--a-hand.html](http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/parliamentary_development/advancing-the-human-rights-and-inclusion-of-lgbti-people--a-hand.html)

commitments. Governments and public institutions will also work closely on implementation with regional and local authorities, sub-regional institutions, international institutions, academia, philanthropic organizations, volunteer groups and others.” (paragraph 45)

*Source: UN Department of Economic and Social Affairs, 2015. Transforming Our World: The 2030 Agenda for Sustainable Development*

The SDGs represent a further opportunity for parliaments to establish their relevance in the life of citizens by helping to harness the 2030 Agenda to the requirements of their people’s national development. As the most representative institution of government, parliaments have a particular responsibility in ensuring that no one is left behind. Parliaments are beginning to mainstream SDGs into their oversight and lawmaking activities, taking into account the specificities of the SDG process. Chapter 4 looks at some of the initiatives that parliaments are taking in this respect.

### Gender equality

A democratic parliament is based on equal suffrage and thus contains inherently within it the requirement for gender (and other) equalities. These form part of the broader set of universal human rights that parliament, as the most representative institution, has a key role in protecting and promoting.<sup>11</sup>

Parliaments promote gender equality by mainstreaming gender into all parliamentary processes, including oversight of government. Gender mainstreaming in parliaments involves asking questions about the impact that government policies, programmes, budgetary allocations and expenditures will have or have had on women and girls as well as on men and boys. It assesses whether gender-blind or gender-biased assumptions have been made about the beneficiaries of a process or policy, who the process or policy target is, and whether all groups will benefit equitably. In this way, gender mainstreaming is a key tool not only for advancing gender equality but also for effective oversight, for which both men and women MPs bear responsibility.

Gender-sensitive oversight involves looking at who performs a process or policy, how it is performed and for what purpose, and, lastly, ensuring that all these aspects promote gender equality. This approach is relevant to oversight of all policy areas, without exception. Gender mainstreaming can help to identify areas where affirmative action or other measures might be required to rectify the ongoing impacts of historical and present-day gender-based discrimination.

While gender-sensitive oversight is the responsibility of all MPs – both men and women – it is important that women, as the under-represented sex, are able to participate in these review processes, both in terms of numbers and positions of power. This objective is at the heart of strategies to increase both the proportion of women elected to parliament and the proportion of women holding parliamentary leadership positions (such as Speaker, committee chair and leader of a parliamentary group). Gender parity in parliament is

still far from being realized – 23.3 per cent of the world’s parliamentarians were women in June 2017.<sup>12</sup> Gender-sensitive oversight can be implemented now rather than waiting for this deficit to be addressed. Women’s political participation is a tool through which gender equality in both the political process and society can be increased in general.

### In summary: Connecting oversight with overarching policy priorities

Oversight enables parliaments to monitor overarching policy priorities such as sustainable development, including the SDGs, and gender equality.

## 1.5 The politics of oversight

‘Politics’ is a term that is understood in different ways by different people. While some see politics as a noble or honourable calling, the term is often loaded with negative associations of manipulation or even deceit. Within academia, ‘politics’ is also a contested term, with at least two different approaches to defining it, one viewing politics as an arena and one viewing politics as a process. In a broad sense, politics can be understood as the “activity through which people make, preserve and amend rules under which they live”.<sup>13</sup>

Oversight, as a political activity, involves continual oscillation between agreement and disagreement, cooperation and conflict. This balance can be seen in the constant negotiation of power between parliament and government; the treatment of opposition parties in undertaking oversight; the challenges arising from MPs’ dual roles as parliamentarians and party politicians; and the fundamental tensions between parliament and government arising from their contrasting constitutional roles. The diversity of strongly held views and interests among parties and MPs is an intrinsic feature of parliament and parliamentary oversight.

‘Political space’ for oversight is created by the institutional design of political, electoral and party systems, among others. The space is occupied and shaped by all those engaged in governing: political parties, the government, ministries, independent and quasi-governmental agencies and many outside groups – including civil society organizations, the media, constituents and the general public. In oversight, as in other matters, the dispositions, resources and preferences of all these groups shape what parliaments and parliamentarians do – and their chances of succeeding.

### Institutional design

Constitutions and laws establish the fundamental framework of political systems. Since parliamentary oversight is focused on government activity, how the constitution defines the relationship between parliament and government influences how oversight is likely to proceed. When considering constitutional or electoral change, due attention needs to be paid to the impact on oversight.

<sup>11</sup> For more on parliament’s role in protecting and promoting human rights, see IPU and OHCHR 2017

<sup>12</sup> IPU, Women in National Parliaments (<http://www.ipu.org/wmn-e/world.htm>). Accessed on 21 June 2017.

<sup>13</sup> Heywood, 2013: 2.

Political systems vary considerably and this impacts directly the degree and nature of parliamentary oversight. The design of the political system exerts a major influence on relations between parliament and government. In a parliamentary system of government (such as the ‘Westminster system’), parliament is the arena in which the government and individual ministers are held to account by MPs on behalf of the people. It is where the government is sanctioned for its performance, or where its proposals are granted final legitimacy. Under a presidential system where the executive does not sit within parliament, parliament may also enjoy very significant oversight powers.

“In a presidential system, in situations where the legislature is controlled by a different party from the presidency, parliamentary oversight is not only typically rigorous, but party competition can easily degenerate into obstruction and gridlock. In a parliamentary system, and in presidential ones where the same party controls both branches of government, there is the opposite tendency: oversight may be blunted through the way power is exercised within the ruling party or coalition, or the way competition between parties discourages internal dissent within parties from being publicly expressed.”<sup>14</sup>

Oversight requires a measure of institutional independence for parliament and a share of formal powers. In most systems, including parliamentary ones, the government has some legislative powers (for example, drafting legislation and exercising veto powers), while the parliament often has some control over how the government is run (for example, ratifying executive appointments and considering and deciding on the impeachment of public officials). Precise demarcation of the boundaries between legislative and executive power is not solely an exercise in interpreting the law, but often turns into a test of political will between institutions. When there is such a test of wills, how oversight powers are exercised can become an important area of contention.

Electoral systems determine how voting constituencies are drawn and how MPs gain their seats. The size of the constituencies, how candidates are selected and how winners are determined have an effect on representation and have implications for oversight. While there is great variation among countries, two common patterns have emerged, and are used in a roughly equal number of countries.<sup>15</sup>

The first pattern is to have geographically large and more diverse constituencies in which multiple legislative seats are distributed on the basis of proportional representation (PR). Each party submits a ranked list of candidates for each constituency, with the ranking decided by the party leadership. The higher-ranked candidates are first in line for the seats the party is allocated according to its vote share. When party leaders decide nominees and their ranking on the list, they can use this control to enforce their preferences and discipline their members. This type of system can discourage majority party members from overseeing the government, but encourage opposition members to do so.

“Interviews show that MPs do not work and make decisions autonomously, but that, as a rule, their opinions are shaped by party decisions and policies. The most important reason is that their selection depends on the party. MPs are chosen from party lists and the party organs decide on whether they will be placed high enough on the list, and therefore elected to parliament.”

*Center for Research, Transparency and Accountability, Serbia*

The second pattern tends to have geographically smaller, and more distinctive, single-member constituencies. Representatives are elected either by a simple majority (‘first past the post’) or by a run-off between top vote getters. Another feature of some single-member district systems is the use of a primary to determine who shall be each party’s nominee. This type of system can distribute influence more widely and can give MPs and aspirants more latitude to differ with party leadership.

In recent years a number of countries have altered their constitution or electoral system. For example, Kenya has moved from a mixed presidential–parliamentary system to one that more closely resembles a presidential model. Many other countries, particularly those in post-conflict areas, have experimented with dispersing power (through federalism, decentralization or devolution), or creating a second chamber. Bolivia created a new type of constituency to supplement its traditional proportional representation type to better represent local interests. While these changes are likely to be informed by a range of factors, they necessarily influence the system of institutional checks and balances.

### Box 3 Parliamentary oversight in the transitional democracy of Tunisia

Tunisia’s political system has been in transition since 2011 when a popular uprising removed the previous government from office. The boundaries of power between the different branches of government continue to shift as all political bodies grapple with the implementation of the new constitution, adopted in 2014.

The constitution gives parliament a clear mandate to oversee the government. But parliamentarians from all party groups agreed that parliament does not yet carry out its oversight role effectively. The organic law on the budget – still under consideration in parliament – should lead to better information on policy objectives and better indicators to measure government performance.

Some of the challenges are specific to Tunisia in its current transitional state: the lack of a tradition of oversight, different understandings of the concept, and uncertainty about the mandate of parliamentary committees to carry out oversight. Other challenges are common to many parliaments: resistance from the administration, difficulty in obtaining timely, specific information from the government, and the limited capacity of the parliamentary administration to support oversight.

14 Beetham, 2006: 127.

15 IPU PARLINE database on national parliaments ([www.ipu.org/parline](http://www.ipu.org/parline)). Another group of around 35 countries use a mixed system combining elements of proportional representation and ‘first past the post’.

The participants in the UNDP-facilitated focus group indicated their desire for parliament to have a stronger mandate to oversee the application of the laws that it has passed and the regulatory decrees issued by the executive to accompany them. Parliamentarians expressed a strong sense that legislation and oversight should not be thought of as somehow different; legislation and oversight need to respond to each other.

“It would be wise to cease distinguishing between legislating and overseeing. Oversight must extend to the applicability of the law. Otherwise, who guarantees the proper application of the law? What should be done if a law fails because it has been poorly applied?”

*Nédhir Ben Ammou, Deputy, Ennahdha Party*

Focus group participants agreed on 10 recommendations to strengthen oversight. For example, ensuring the financial and administrative autonomy would increase the political space for oversight; requiring government to accompany draft legislation with detailed description of its vision and objectives would improve parliamentary deliberations and allow parliament to evaluate whether the law has met its objectives.

*Source: UNDP-facilitated focus group in Tunisia, 2016.*

## Political parties

Political parties are essential to democracy. They are institutions that aggregate popular preferences, mobilize publics, simplify voting choices, unify government and provide a means for assigning collective responsibility. Parties that win parliamentary seats often share additional characteristics: they want to retain or gain control of government, shape government policy and mobilize their members by exerting some degree of party discipline. Political party competition is part of the parliamentary environment. It provides the elements of political contest that are usually the hallmark of a modern democracy.

Parties vary widely with regard to their origin, orientation and core interests, and the type of party in power helps determine parliament’s capacity to undertake its core business. For example, revolutionary movements have often needed to be secretive and demand unity to succeed. The transition from being a revolutionary movement to a political party is often not a smooth one. Particularly in cases where the ruling party previously led the struggle for independence or revolution, criticizing it is sometimes seen as a form of extreme disloyalty to the state itself.

Parties are often important shapers of MPs’ career opportunities and function as ‘gatekeepers’, as they can determine who gains access to power and who does not. By denying or facilitating access for particular groups – women, young people and minorities, for example – parties influence the extent to which oversight is exercised on behalf of those groups.

Individual parliamentarians sometimes have to choose between allegiance to parliament and loyalty to their political party. That choice is not easy to make, particularly where those members belong to the ruling party.

## Oversight and government

Government and parliament usually hold complementary powers. Oversight arises in the context of, and is an expression of, the interplay of these powers and responsibilities. Recognizing this can foster mutual understanding and a unity of purpose between government and parliament, even in the combative political arena.

Governments that have won an election certainly enjoy a democratic mandate to govern, but always taking account of the constitutional provisions set out for parliament and the rule of law. In the final analysis, government and parliament are part of a single governance entity that shares a number of powers.

Oversight can help all stakeholders in the process: the individual MP, the majority party and society at large. While oversight is frequently uncomfortable for government, ultimately there is a clear constitutional interest in constructive engagement between government and parliament. It is important that government engages with parliamentary oversight, for example by providing information and considering parliamentary recommendations on their merits. To consider the questions and challenges from parliament merely as “enemy fire” would be to lose the opportunity for improving government performance. The benefits of oversight in terms of better policies and outcomes are likely to be appreciated by voters come election time.

Parliamentary oversight helps to keep ministers on their toes. Even before oversight takes place in parliament, the possibility – or the ‘threat’ – of oversight prompts ministers to ensure that their department acts properly, to avoid the ministers having to explain mistakes before the parliamentary committee.

“The important thing is to put government under pressure. Even if it is your own party that is in government.”

*Baroness Gloria Hooper, Member of the House of Lords, United Kingdom*

Where the government fails to engage properly with parliamentary oversight then parliament should promptly seek corrective action, including, in extreme cases, the possibility of sanctions (see Chapter 2).

Members of the party or parties in power have a common – and overwhelming – interest in keeping government in their hands. For majority party MPs, oversight business frequently raises a conflict between being on the same team as the government, and fulfilling their separate role as the people’s representatives.

As people generally do when faced with conflicting demands, majority members often seek to strike a balance. In many systems, ministers are also elected representatives and parliamentary colleagues. And so the desire to maintain and develop relationships or the goodwill of the powerful may discourage tough questioning or other forms of oversight. This can, not surprisingly, lead to a culture of *self-censorship* among members of a ruling party.

While recognizing the reality of working in a political environment, there are multiple ways in which members of the party in government can still carry out their oversight role. They may typically be less confrontational, or aggressive, in questioning ministers than MPs from the opposition, but still raise issues that are constructive and evidence-based. Government backbenchers may see informal lobbying of ministers as a more discreet alternative to the potential embarrassments of formal oversight. Such an approach may take various forms, including writing a letter, requesting a meeting and raising a question in committee.

### Oversight and opposition

The political nature of oversight is most obviously demonstrated in the opportunities afforded (or not) to the opposition or minority parties to wield oversight tools. MPs from opposition parties tend to have a particular interest in, and feel responsibility for, the important task of using oversight to draw attention to government shortcomings and proposing alternative solutions. Organized parliamentary opposition has this special role because it frequently considers itself to be the government-in-waiting.

Organized opposition requires certain protections if it is to take place effectively in parliament. These protections may be prescribed in the rules or understood by convention, or both. In any case, all members should understand the opposition's right to have opportunities in the parliamentary calendar and structures to perform an oversight role.

The allocation of time within the parliamentary calendar is frequently contested and governments jealously guard their effective control over it. However, the opposition must have the opportunity to question, challenge and seek amendment to the government programme. Arrangements vary widely. In some countries the opposition has ample opportunity to make its views count within the legislative process.

Yet cooperation can be severely reduced if the government fails to allow the opposition enough influence on decision-making. In some countries stalemate and confrontation are common. A weakly led or resourced opposition may find it easier to issue a blanket rejection of government policies than to work constructively through budgets and legislation and propose amendments. If the opposition chooses to use the opportunities provided for it in parliament to resist the government programme at all costs, this can pose severe problems for the functioning of parliament and government.

*"In many countries, there is so much politicking. You see people elected, and their five-year term is just going to be full of politics, argument, and no solutions. The budget is presented, you allow the opposition to offer a solution, and all they will be telling you is that everything is rubbish."*

*Greyford Monde, Member of the National Assembly, Zambia*

Relations between the government and the opposition can degenerate further. Under some conditions, an opposition may simply walk out of parliament, when it feels it is unable to secure a measure of cooperation from the government

through normal parliamentary engagement. Indeed, parties in government may at times implicitly encourage the opposition to boycott parliament by deliberate obstructiveness.

*"In the plenary, the opposition raises questions and if it disagrees on an issue; it adopts the empty-chair policy."*

*MP from Burundi*

Boycotting parliament has a long history and has often served a symbolic purpose in drawing attention to a particular problem. However, when MPs are absent from parliament for extended periods, they are unable to participate in parliamentary business. Dependent on quorum rules, this can allow the government to use parliament as an unchallenged rubber stamp. It can also help bring the institution into disrepute in the eyes of the public.

It is incumbent on all political actors to ensure that parliament functions correctly, including through the active participation of the opposition. All sides need to carefully balance the benefits to governance and democracy of boycotting versus the damage caused to the system by failing to carry out parliamentary functions including legislative scrutiny and oversight.

### Public trust

Significant oversight powers enable parliaments to help improve society, individuals' lives and national governance. However, such powers come at a price. Parliaments and parliamentarians are themselves under scrutiny as never before from a range of bodies including, notably, the mainstream and social media and civil society. Populations look to their parliaments to justify themselves by constantly and actively pursuing ethical behaviour in politics and by fulfilling their constitutional roles effectively.

The central thesis of the doctrine of representative government is that all powers of government are derived from, ultimately belong to, and may only be exercised on behalf of, the people. It follows that public office is a 'public trust' and public officials are 'trustees'.<sup>16</sup> This amounts effectively to a 'contract of trust' between parliament and people. To carry out their duty of loyalty to the people, MPs must perform their functions with exemplary integrity.

However, the public's trust in political institutions – including parliaments – has been undermined in recent decades by prominent scandals, allegations of corruption, and other breaches of acceptable behaviour by elected officials across the world. Low levels of trust have a negative impact on parliament's ability to represent the people and to hold the government to account on behalf of the people.

#### Box 4 Trust in democracy

In recent years, global indexes and surveys as well as scholarly inquiries<sup>17</sup> have pointed to a decline in people's

<sup>16</sup> Lusty, 2014: 337–8.

<sup>17</sup> Economist Intelligence Unit, 2016; Freedom House, 2016; Edelman Trust Barometer, 2017; Holmberg, Lindberg and Svensson, 2017; Meer, 2017

overall trust and confidence in democracy and its institutions:

- *The Economist Intelligence Unit Democracy Index 2016* found that between 2006 and 2016 democracy has stagnated or regressed. Almost half of the 176 countries covered by the Democracy Index registered an overall decline.
- *Freedom House's Report on Freedom in the World 2017* found that 2016 marked the 11th consecutive year of a decline in global freedom.
- *The Edelman Trust Barometer 2017* found that globally, trust in the institutions of business, media, government and civil society dropped. 53 per cent of respondents believe that the system is not working for them and that leaders will not fix the problems.
- Using data from the World Values Survey, Holmberg, Lindberg and Svensson found a lower level of trust in parliament in both new and established democracies than an intuitive interpretation of normative theory would have expected.

There are important nuances to this picture. For example, there has been a slight improvement in the Ibrahim Index of African Governance, from an average score of 50.0 in 2005 to 51.0 in 2016. Meanwhile, it has been argued that most empirical research on political trust and confidence tends to overlook the importance of scepticism and the readiness of people and institutions to hold government to account.

It is important, therefore, that parliaments take steps to rebuild and maintain high levels of trust among those they represent. How may this be done? Fruitful approaches include: reviewing parliamentary practices and rules of procedure regularly to ensure that their relevance to expediting the core work of parliament, including oversight, is maintained, fostering substantial civic engagement with all sections of society and especially with young people – including through the continual appraisal and adoption of appropriate new technologies – and, in particular, exercising constructive and imaginative oversight in those areas of life likely to prove of most benefit to constituents.

### Box 5 Building public trust in parliament in Serbia

Serbia is a young democracy, still in transition. Over the last 20 years, the country has been reforming its political institutions while, at the same time, striving to strengthen public engagement and build public confidence in the new and evolving political environment.

In developing parliamentary oversight, Serbia needed first to achieve the transparency and accountability of parliament itself, and this objective was heralded by the passing of the first Law on Parliament and new Rules of Procedure in 2011. By 2012 the National Assembly was assessed as having achieved a high level of transparency and engagement with civil society.

Parliamentarians are now demanding the same transparency and accountability from the executive. Since 2011 there has been a proliferation of cross-party caucuses and public committee hearings. The new

rules of procedure allowed for the institutionalized organization of public hearings for the purpose of obtaining information or expert opinion on proposed or assented legislation, and for committees to monitor the implementation and enforcement of legislation.

With support from the United Nations Development Programme (UNDP), the Serbian parliament has also been piloting mobile committee hearings, enabling the business of parliamentary oversight to be enacted throughout the country. This has helped forge contacts and extend relations between parliamentarians and the public, and has resulted in more effective addressing of local and national issues. Such innovations based on public engagement have been instrumental in the growing level of support for parliament that is evident in public opinion polls.

The most notable achievement in strengthening oversight is the development of the portal for monitoring public budget expenditures, which has brought about a paradigm shift in public finance scrutiny in Serbia. The portal posts information on budget expenditures from the Ministry of Finance's Treasury Administration each month, and on the expenditure of funds available to MPs. Primarily intended for members of the Committee on Finance, State Budget and Control of Public Spending, it benefits all parliamentarians. Parliament is also planning to make the portal available to the general public.

*Source: UNDP-facilitated focus group, Serbia, 2016.*

### In summary: The politics of oversight

The 'political space' available for oversight is defined by the constitutional relationship between parliament and government. Regardless of the political system, political parties are essential to democracy and have a crucial role to play in ensuring parliamentary oversight is effective. MPs – particularly those from the governing party – have a deep obligation to balance their party loyalties with the common goal of oversight. The opposition has a special role, and protections for the rights of the opposition should be set out clearly in the parliamentary rules. If taken to extremes, partisanship obstructs evidence-based oversight. In the context of worryingly low levels of public trust in political institutions around the world, parliamentary oversight holds the potential to restore the public's faith in parliament and government, something that is essential to healthy democracy.

## 1.6 Challenges to oversight

Different challenges to oversight exist. The political space that MPs need to carry out oversight may be limited or non-existent. The question of political space for oversight is considered here in relation to MPs' freedom of expression. What do MPs themselves perceive as the main challenges they face in carrying out oversight? Are there differences between the perspectives of MPs in government and in opposition, or between male and female MPs?

**Figure 1. Violations of the human rights of MPs – 2016**

Number of cases currently examined by IPU Committee on the Human Rights of Parliamentarians



Source: IPU, 2017. *Violations of the Human Rights of MPs – 2016*.

**Freedom of expression**

A crucial element of the political space for oversight, and a particular challenge in some contexts, is the ability of MPs to speak freely in the performance of their duties. Protecting the freedom of expression of parliamentarians is fundamental to their ability to carry out oversight activities.

“Parliament can fulfil its role only if its members enjoy the right to freedom of expression so that they can speak on behalf of the people they represent. Members of parliament must be free to seek, receive and impart information and ideas without fear of reprisal. They are therefore generally granted a special status, intended to provide them with the requisite independence: they enjoy parliamentary privilege or parliamentary immunities with respect to their freedom of expression during proceedings in parliament.”<sup>18</sup>

It is not rare to see that outspoken members of parliament are subject to human rights violations ranging from arbitrary arrest to politically motivated legal proceedings – and, in the most extreme cases, even murder. There are cases where individual parliamentarians, and on occasions the entire opposition, have been prevented from exercising their mandate. Methods used include the undue suspension of the parliamentary mandate,

politically motivated bankruptcy proceedings and revocation of the parliamentarian’s citizenship.

In order to protect parliamentarians against abuses and thus defend the parliament institution, in 1976 the IPU established a Committee on the Human Rights of Parliamentarians, which has since examined cases in over 100 countries and in many instances helped to provide those at risk with protection or redress. In 2016, the IPU’s Committee on the Human Rights of Parliamentarians examined the cases of 459 MPs in 42 countries. A large majority of these cases concerned MPs from the opposition, indicating challenges to the ability of the opposition to participate freely in oversight activities.

**MPs’ perceptions of challenges to oversight**

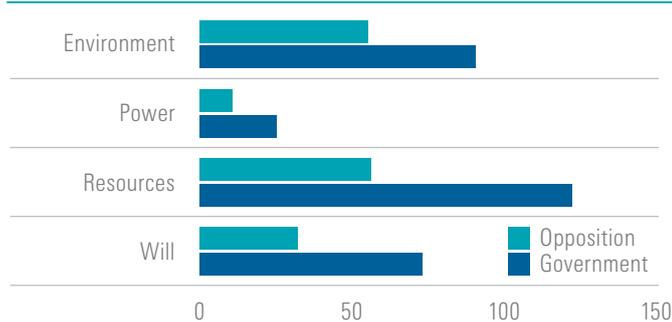
As part of the survey of parliamentarians conducted for this report, MPs were invited to identify up to three main challenges to effective oversight, using their own words. A total of 350 MPs from more than 120 parliaments identified 557 challenges. The challenges were grouped into four categories, relating to the political environment, parliament’s power to carry out oversight, its resources to do so, and the political will to carry out oversight. It is important to note that the categories of challenges are often interlinked. Where parliamentary resources are low, parliament has less power to force the government to take action on parliamentary

18 IPU and UN OHCHR, 2017.

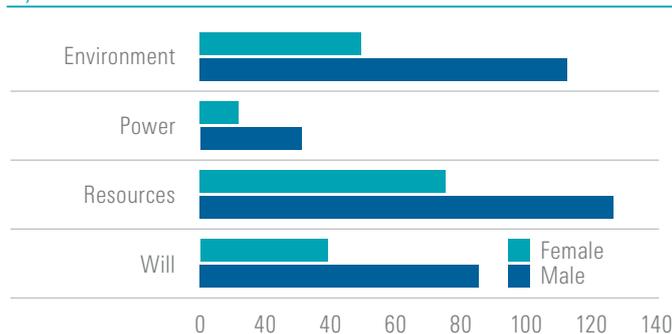
recommendations. Where the general political environment is not supportive, the will to attempt to oversee the government is unlikely to be high.

Issues regarding the resources of parliaments to undertake oversight emerge as the largest single category of challenges expressed by MPs. The following charts categorize the challenges (note: on the basis of those respondents that identified their gender and political affiliation).

**Figure 2. MPs' perceptions of challenges to oversight**  
By government/opposition membership



By sex



Source: IPU/UNDP survey of parliamentarians, Question 6, 2016 (base for question: 310 challenges identified by MPs from the parties in government, 154 challenges identified by opposition MPs; 354 challenges identified by 215 male MPs, 175 challenges identified by 135 female MPs)

The overall profile of perceived challenges is similar among all MPs who took part in the survey for this report. MPs tended to identify challenges in a similar way, regardless of their gender or membership in the government or opposition.

Of particular note is that MPs from parties in government have no difficulty in identifying challenges to oversight.

The challenges expressed by MPs provide a coherent narrative as to why oversight can be difficult for parliamentarians. The examples also indicate that while MPs may face similar challenges in all parliaments, the political, social and economic context of each country means that problems can vary significantly from one context to another.

In some cases, the general political environment is hostile to any attempt to hold the government to account. MPs from the opposition are likely to express harsher judgements than their peers in parties in government:

“old culture of one-party system that perpetuates the characteristic of rubber-stamp parliament”. (opposition MP from Cambodia)

“a non-cooperative government that doesn’t tolerate the opposition”. (opposition MP from Guinea)

“(the) influence of the executive on the legislature”. (opposition MP from Haiti)

Party politics naturally has a significant influence on the environment for oversight. Being a member of the party in government creates particular challenges for MPs:

“the political majority has to support the government at all costs so parliamentary oversight is limited by the ‘majority rule’”. (MP from governing party in Belgium)

“fear of embarrassing government”. (MP from governing party in Mauritius)

“support to a government = you cannot be a member of the ruling party and yet criticize, control with impunity”. (MP from governing party in Chad)

Challenges relating to resources were by far the most widely cited category, particularly among African parliamentarians. But MPs everywhere feel that there is not enough money for oversight, even if this problem occurs to different degrees in different contexts. Financial constraints are felt at the level of the parliament and the individual MP:

“not enough funding for parliament to function”. (MP from governing party in Burundi)

“lack of funding for committees”. (opposition MP from Ireland)

“parliament’s limited ability to do research”. (MP from governing party in Suriname)

“resources MPs have – it’s hard to work without a budget”. (MP from governing party in Croatia)

Given the multiple demands on MPs’ time, there is a question of how much time to dedicate to oversight, particularly when constituents expect their representatives to focus on local issues, or are not familiar with oversight:

“constituency issues vs. national issues – more often than not constituency issues take precedence over national”. (MP from Bhutan)

“citizens (have) little awareness about the issue of parliamentary oversight, as the bulk of parliamentary work consists in making laws”. (MP from France)

“sometimes lack of adequate time, because our legislative activities take the main part of our working time”. (MP from governing party in Georgia)

MPs also have to demonstrate the will and commitment to be prepared to question and challenge government, even when it may be politically challenging. There is a need for:

“commitment from MPs to carry out oversight from top down to the implementation until the impact in our society”. (opposition MP from Indonesia)

“freedom and courage from parliamentarians”. (opposition MP from Belgium)

While parliament may have formal powers to hold government to account, putting those powers into practice is rarely straightforward. This challenge goes to the heart of MPs’ incentives to carry out oversight, and links closely to matters of resources, skills and will:

“the non-binding and non-systematic character of recommendations”. (MP from governing party in Benin)

“lack of implementation by the government of the recommendations of standing committees”. (MP from governing party in Pakistan)

“insufficient ‘counter-power’ toward government”. (opposition MP from the Netherlands)

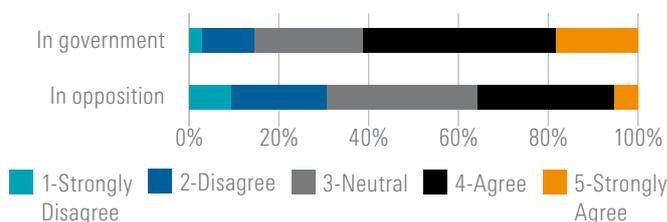
These factors collectively have an impact on the will of MPs to engage in oversight. This is a dynamic relationship: where MPs have the will, they can act collectively to shape a vigorous political environment, to build capacity for oversight and to increase the power of parliament to hold government to account. Conversely, where there is systemic resistance to developing parliament’s oversight role, MPs’ efforts to build up parliament and refine oversight processes are likely to have little effect:

These are the themes – the political environment, the power to exercise the oversight mandate, parliamentary capacity for oversight, and the will to carry out oversight – that will be explored throughout this report. Ultimately, what is at stake is summed up by an MP from Uruguay: “respect for parliament”.

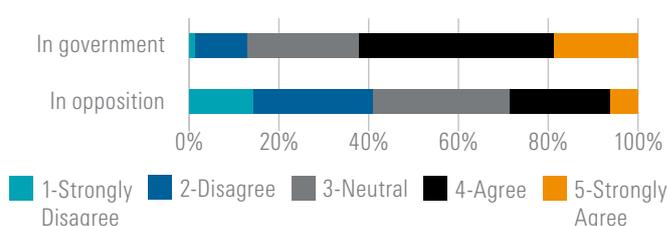
### MPs’ perceptions of government engagement with parliamentary oversight

When asked specifically about their perception of government engagement with parliamentary oversight, opposition members, not surprisingly, were more critical of the cooperation and information provided by government ministers for the purpose of oversight, and the government’s responsiveness to oversight (see Figure 3). Interestingly, though, about 40 per cent of government members either expressed dissatisfaction with government’s engagement on oversight or remained neutral, suggesting that concerns about the functioning of oversight are shared among MPs on all sides of parliament.

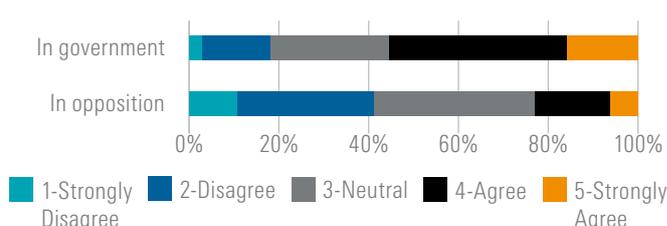
**Figure 3. MPs’ perceptions of government engagement with parliamentary oversight**  
“Government ministers cooperate sufficiently”



“Government provides sufficient information”



“Government is responsive to oversight outcomes”



Source: IPU/UNDP survey of parliamentarians, Question 2, 2016 (base: 280 MPs – 185 in government, 95 in opposition)

#### In summary: Challenges to oversight

There are numerous factors that can impede oversight and these vary from parliament to parliament and from MP to MP. They range from government resistance to oversight and limits on MPs’ freedom of expression to a sense among MPs that they lack the resources to perform the role effectively.

## 1.7 Conclusions

Parliamentary oversight is essential for good governance and ensuring that the work of government meets the needs of the people. Oversight clarifies the way government addresses the public’s concerns, and enables members of the public to assess the wisdom, honesty and integrity of political decision makers. It provides an opportunity to correct policy that is not working. In these ways, oversight rebuilds the trust of people in parliament and parliamentarians, as well as enhancing parliament’s capacity for change and reinforcing its leadership credentials. On the other hand, where a strong culture of oversight is absent, parliament loses much of its fundamental purpose.

# Chapter 2: Making oversight effective

The foundation of effective parliamentary oversight is parliament’s capacity to obtain, wield and strongly defend broad powers of access to information and people, coupled with the willingness of MPs to use those powers in practice in the pursuit of their oversight mandate.

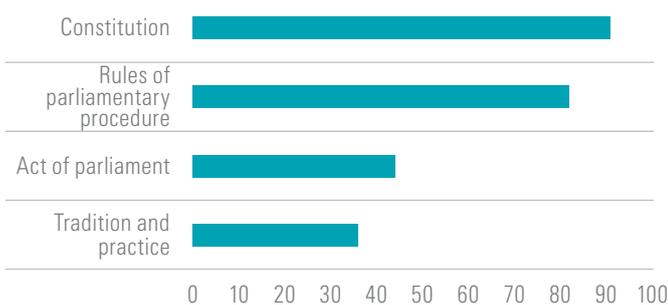
Grounded in the literature on oversight, as well as survey data from MPs and parliaments, this chapter expands on the main challenges to oversight identified in Chapter 1, and presents a number of critical conditions for effective oversight.

## 2.1 Oversight mandate and powers

Parliaments are more likely to conduct effective oversight when they have the underpinning laws and rules in place to make it happen. The mandate, or legal authority, for parliament’s oversight activity generally derives from a constitution. Other legislative sources, such as rules of procedure or parliamentary practice, then lay out the mechanisms for exercising the mandate.

Among the parliaments surveyed, the constitution and rules of procedure were the two most common sources of their oversight mandate (see Figure 4). This was particularly true of parliaments in Europe, Africa and the Americas. Acts of parliament and tradition and practice were less frequently cited.

**Figure 4. Sources of mandate for parliamentary oversight**



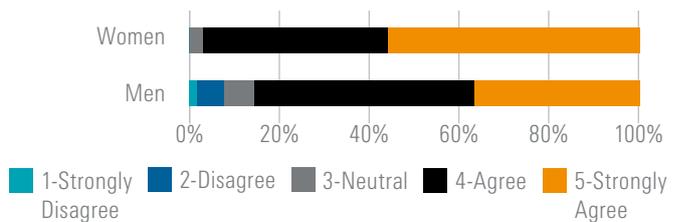
Source: IPU/UNDP questionnaire for parliaments, question 1, 2016 (base for question: 103 parliamentary chambers)

MPs of both genders reported that they were satisfied with the level of oversight powers in their parliament (see Figure 5).

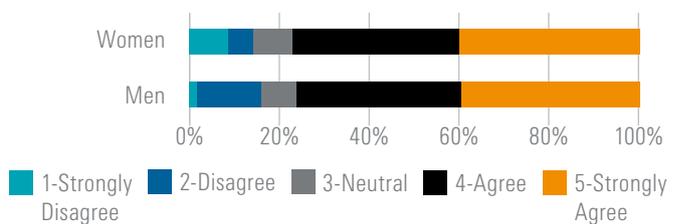
**Figure 5. MPs’ perceptions of constitutional or legal powers for oversight**

“Parliament has sufficient constitutional or legal powers for oversight”

By sex and government/opposition membership  
In government (women, men)



In opposition (women, men)



Source: IPU/UNDP survey of parliamentarians, Question 2, 2016 (base: 283 MPs, of which 185 government members – 117 men and 68 women; and 98 opposition members – 63 men and 35 women)

### How does a mandate make oversight effective?

Mandates, whether written or developed by practice, clarify what the parliament’s powers are and how these may be used. They define the scope of parliamentary oversight in the context of executive–legislative relations. For example, the following excerpt from the 1999 review of the Constitution of Finland stipulates parliament’s right to receive information from the government (see Box 6).

#### Box 6 Parliamentary right to receive information in Finland

The parliament has the right to receive from the government the information it needs in the consideration of matters. The appropriate minister shall ensure that committees and other parliamentary organs receive without delay the necessary documents and other information in the possession of the authorities.

A committee has the right to receive information from the government or the appropriate ministry on a matter within its competence. The committee may issue a statement to the government or the ministry on the basis of the information.

A representative has the right to information which is in the possession of authorities and which is necessary for the performance of the duties of the representative, in so far as the information is not secret or it does not pertain to a state budget proposal under preparation.

In addition, the right of the parliament to information on international affairs is governed by the provisions included elsewhere in this Constitution.

*Source: Constitution of Finland, 11 June 1999. (Section 47 – Parliamentary right to receive information)*

Mandates also define the opposition's role in oversight. This may be institutionalized in the constitution or, more often, the rules of procedure. For example, the position of chair may be reserved for opposition members in some or all oversight committees. Rules and practices can specify that parliament is the first body to hear of any important government announcement, and that the relevant opposition spokesperson sees the text of a ministerial statement before it is delivered in the plenary. Parliament, often through its Speaker, needs to ensure that the rules are enforced.

*“The most effective thing is to have a normative regulatory framework that is clear, precise and definite. Assemblies should have internal rules of procedure. The rights of the opposition and of the majority should be recognized in assemblies, including in terms of opportunities for expression.”*

*Philippe Mahoux, Senator, Belgium*

Mandates determine opportunities for oversight. For example, in the Netherlands the third Wednesday in May is Accountability Day, when all ministers must give a detailed report to parliament on how they have managed their allocations from the budget of two years previously. The legal authority may also provide for a system of parliamentary committees that are established with the clear intention of conducting oversight.

Lastly, mandates provide the ability to initiate and pass new laws, rules and provisions for increased oversight. For example, the Ugandan Parliament's Budget Act of 2001 allowed parliamentary access to information used by the government to formulate the official budget. Previously, the government had kept this information secret. In Turkey, the Public Financial Management Law gave parliamentarians clearly defined roles in the planning of the national budget.

### Interpreting the mandate and making rulings

In many countries, the legal mandate for parliamentary oversight is long established and its boundaries are generally settled and accepted by all. Even then, there can be questions as to the exact extent of the prerogatives of parliament and government, as highlighted in the January 2017 ruling by the Supreme Court in the United Kingdom about the need for government to consult parliament prior to formally initiating Britain's exit from the European Union (EU).

The scope of parliament's oversight mandate may be less clear where parliament is a relatively new institution or where constitutional arrangements are contested, for example in countries emerging from conflict. In such cases, the political culture may be unfavourable to parliamentary oversight, owing to a view that a party or person has won the elections and therefore has the right to do what they want unimpeded.

The proper role of parliament can be an ongoing matter of debate, as observed in the case of Tunisia (see Box 3). In certain cases, conflicts between parliament and government are brought before the courts for adjudication, or resolved by parliament itself delineating its jurisdiction.

The details of oversight processes are normally specified in parliamentary rules of procedure and in practice. How a parliament understands the rules that govern its operations on a daily basis is typically in the hands of its presiding officer.

*“Parliamentary rules of procedure are important. Just as judicial procedure is important for codifying matters and avoiding the law of the jungle and the wild west, parliamentary procedure is there to set out the rights and obligations of all in the parliamentary debate in the broad sense.”*

*Christine Defraigne, President of the Senate, Belgium*

The role of the Speaker is frequently noted by parliamentarians as having a significant impact on the parliament's institutional approach to oversight, as they have the power to interpret and apply the parliamentary rules. In short, the people who interpret important oversight rules are as important as the rules themselves.

### Power to ensure compliance

Mandates – like any law – generally require some kind of penalty for non-compliance with the product of parliamentary oversight. The ultimate penalty comes on election day when voters have a chance to change the party (or parties) in government. However, MPs have more immediate means at their disposal to nudge, or pressure, ministers or governments toward compliance. For example, they can seek to publicly expose government shortcomings, pass corrective legislation, influence budget allocations, or issue a formal sanction ranging from an official censure to an impeachment or a vote of no confidence.

While many governments pay close attention to the reports of oversight committees and the results of plenary debates, and actively seek the views of parliaments, this is not yet universally the case.

### Exposure

The power of exposure is perhaps the most readily available to both individual MPs and committees. When oversight identifies serious failings in government performance, it has the potential to attract adverse publicity to the government. The possibility alone of public exposure gives the government a powerful incentive to pay attention to oversight findings. When amplified by the media and civil society, exposure can be very effective in increasing public pressure on the government to respond.

Exposure is a sharper tool in the hands of committee members, who can pursue investigations in a systematic way, underpinned by factual evidence. Committee hearings provide a public forum and committee reports are official outlets for investigative findings and recommendations.

However, even an individual MP can use exposure to good effect. Unlike most formal sanctions, it does not often require a majority or large group to activate it, and it cannot easily be blocked by a political majority that supports the government.

### Legislation

The most direct way to change the behaviour of the government and its agencies is through the law that regulates that behaviour. Parliamentary oversight can influence the way such law is implemented. Legislating with precision in the first place reduces the scope for executive authority to re-interpret what the legislature has passed. Next, parliament can hold oversight hearings to monitor the fidelity of government implementation. Ultimately, it can change the law in response to any deficiency identified by oversight.

Each of these steps provides opportunities for individual parliamentarians. They can focus public attention on the need to make laws better instruments for shaping and judging government behaviour; they can participate in oversight hearings and articulate their preferences; and they can work to build a majority in support of legislation.

However, in wishing to legislate with greater precision and clarity, parliaments face numerous problems. A parliament with limited information and expertise will be uncertain what it can and should compel the government to do, and it will need to assemble a majority, although individual parliamentarians are often divided over specifics.<sup>1</sup>

Holding oversight hearings and proposing modifications of the law offers a more practical path. It is a powerful potential tool to make the government pay attention, but it is also difficult because to take this path requires capacity, political will and power. First, a majority is required to amend laws and the government and ruling party may defend the existing degree of executive discretion. Second, the legislature must have the capacity – expertise, drafting capacity and other support – to legislate with greater precision. Third, the government implements changes in the law, so the legislature has to have the means to monitor government compliance and enforce its intentions with sanctions if compliance is not forthcoming. So the degree of compliance achieved may rest on a test of power between parliament and the government.

### Influence over the budget

Most parliaments have some say over the national budget. Their power ranges from symbolic approval of decisions made elsewhere, to mobilization of the majority for a ‘yes’ vote, to actually having and using the power to write and approve the budget.

Not all parliaments have extensive control over the budget in law or in political reality. Sometimes the law restricts the changes that parliament can make, and frequently parliament can cut or reallocate but not add to expenditure. The political constraints in parliamentary systems are also quite real: in some countries, a failure to pass the budget will bring down the government, so the majority party ensures its passage.

Where a parliament does have influence on the budget, it has a potential tool to make the government pay attention to its concerns. Ministers can feel threatened by the prospect of having their budget reduced and so may pay attention to what committees are focused on. Conversely, the legislature may increase funding if, through oversight, it discovers that the amount of money or control allocated is inadequate.

How much power over the purse does a parliament actually have? And how can it be used as a sanction? A significant difference in the oversight powers that individual parliaments have lies in whether they only have negative powers – that is, only the right to reject the budget (as in the Seychelles) – or whether they can positively influence how money is spent. Several interviewees mentioned that their parliament can make proposals to change policies and how money will be spent (e.g. in Switzerland, Germany and Uganda).

Where a legislature does have budget power and real discretion to act, it can use it to increase the visibility and effectiveness of oversight findings. In Bosnia and Herzegovina, where the functions of the House Budget Committee are combined with those of a Public Accounts Committee, the committee has used budget control to send a quiet though effective message. The audits of ministries found that a large number failed to follow the international standards drawn up by the International Organisation of Supreme Audit Institutions<sup>2</sup> in their management of expenditures. The multi-party Budget and Finance Committee reduced the offending ministries’ budgets by small, symbolic sums (in areas such as travel). But the findings were also reported in the papers, and amplified by civil society advocates for transparency. This led to improvements in subsequent years of audit performance of the smaller and more politically vulnerable ministries.

In Kenya, where the 2010 constitution converted the country from a parliamentary to a presidential–legislative system, the power to formulate and pass the final budget was moved to the legislative branch. Now if parliament identifies and agrees that something is necessary it has the power to recognize it in increased appropriations.

### Sanction

Lastly, a parliament may have the power to sanction the government in different ways.

During a panel discussion at the 133rd IPU Assembly,<sup>3</sup> the Clerk of the Canadian Senate drew a distinction between oversight mechanisms that carry political consequences for the government and those that do not. In Canada, the former include the debate following the Speech from the Throne setting out the government’s programme, the budget debate and no-confidence motions. If parliament were to vote against the government in any of these, the government might fall.

For those oversight mechanisms that do not lead to direct political consequences, parliaments have developed a range of ‘soft’ sanctions, which cannot bring down the government but nevertheless have political significance. These sanctions can be specified in parliamentary rules, and include such measures as

1 Nakamura and Smallwood, 1980.

2 International Organisation of Supreme Audit Institutions (INTOSAI) [www.intosai.org](http://www.intosai.org)

3 IPU, 2015 (i).

obliging government ministers to come to answer a question in the chamber if they have previously failed to answer the question satisfactorily, issuing a reprimand, or allowing urgent questions or debates. In many cases, it is the Speaker who determines the use of such sanctions.

Constitutions and laws often enable parliament to determine whether or not the government is functioning properly. The capacity to impeach a minister, or to adopt a motion of no confidence in a minister or a government, provides parliament with significant reserve powers.

In Ecuador, the Oversight and Political Verification Committee has the power to remove from office a president who has failed to comply with his or her mandate, which triggers the dissolution of parliament and a new election. And one basis for impeachment of the US president is failure to make sure that “the laws are faithfully executed”.

Sometimes these sanction powers may be too great. The power of a no-confidence vote to bring down the government is akin to a ‘nuclear option’, so daunting that parliamentary majorities normally refrain from using it. Few would bring down a government to punish an uncooperative minister. And where a parliament can remove a minister, overuse of this power may make governing more difficult rather than improving results.

**In summary: Oversight mandate and powers**

Effective parliamentary oversight is founded on a clear and legally established mandate that provides parliament with the authority to oversee all areas of government at all times. However, like all sets of rules, such a mandate also requires strong arbiters who will champion and defend the rights of all members to undertake oversight. The impartiality of Speakers is key, and Speakers’ actions set the tone for upholding parliament’s right to hold the government to account.

If parliamentary oversight is to be effective, the government must pay attention to it. The ideal position is that government and parliament work in tandem for the common good. Where relations fall short of this, however, parliament has a range of powerful options to ensure its voice is heard by government. These include publicizing the issue, legislating to correct the ill, influencing the budget, and, in extreme circumstances, impeachment and no-confidence motions. Parliament and parliamentarians must be prepared to use these powers where appropriate.

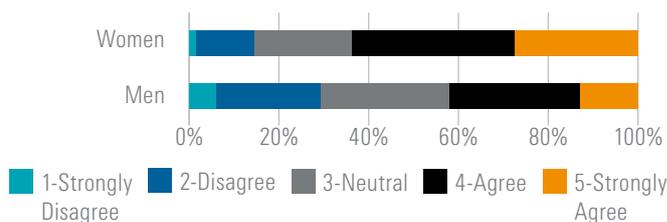
## 2.2 Parliamentary capacity

Even if backed up by formal measures to ensure compliance, a mandate for oversight is meaningless unless parliament also has the resources to implement it. The key elements of parliamentary capacity are a source of funding that is clearly separate from government, the support of a professional, impartial and capable secretariat, as well as unfettered and timely access to quality information and analysis. Nearly all parliaments that have exercised oversight more assertively in recent times have done so primarily by developing

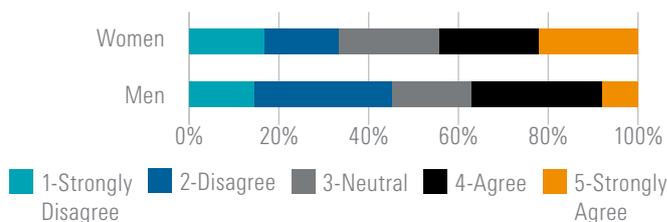
greater capacities for oversight rather than increasing their formal powers.

While the MPs surveyed were generally satisfied with their parliament’s mandate for oversight, they were less convinced that parliament had sufficient resources to carry out this work.

**Figure 6. MPs’ perceptions of resources for oversight** “Parliament has sufficient resources (staff, budget) to analyse the information it receives for oversight”  
By sex and government/opposition membership  
In government (women, men)



In opposition (women, men)



Source: IPU/UNDP survey of parliamentarians, Question 2, 2016 (base: 283 MPs, of which 185 government members – 117 men and 68 women; and 98 opposition members – 63 men and 35 women)

### Financial independence from the government

Oversight requires that a parliament is able to act independently of the government, which means having its own budget, staff and physical premises. Governments can and have frustrated parliamentary oversight and other core functions by denying parliaments these essential resources.

In particular, to ensure autonomy from the government, committee work needs to be independently resourced, rather than depending on the budget of the ministries with which committees are aligned.

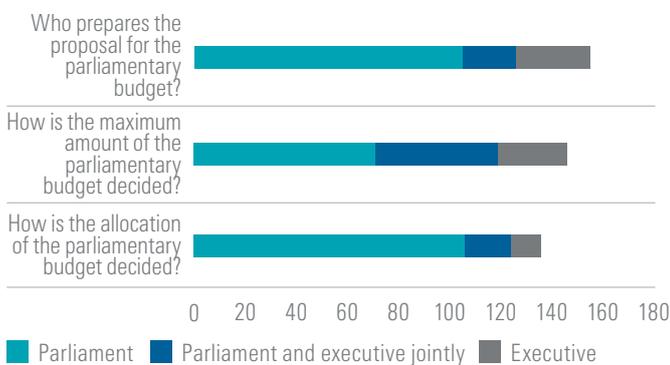
“The parliament should have budget for oversight, but often there isn’t enough money provided to all the committees – we have so many committees in parliament. So, if the leaders of the committees want to undertake their oversight function, they have to seek support from other people, or other departments, other ministries. For example, I am the Deputy Chair of the Social Welfare Committee. We have never been given funding to oversee what the ministry is doing. If we want to do oversight, we need to seek our own funding, maybe from the UNDP or UN Women. We have to go to them and ask for funding or perhaps the

ministry will fund us. You cannot do your job effectively [without resources]."

*Abi Kaloko and Regina Tiange Marah, Members of Parliament, Sierra Leone*

Data suggests that a majority of parliaments have a great degree of control over their budget: its preparation, allocation and even the total amount. Nevertheless, 19 of the parliamentary chambers surveyed for the IPU's PARLINE database have to work jointly with the government to decide how to allocate their budget, and in 10 cases the parliament's budget allocation is determined solely by the government.

**Figure 7. Control over the parliamentary budget**



Source: IPU PARLINE database on national parliaments (base for question: 157 parliamentary chambers)

Obtaining formal control over its own budget is typically a critical step for a parliament in establishing the independence necessary to support oversight and other functions.

"We have started a National Assembly Fund. The government allocated the money to the parliamentary fund. We now don't have to go to the government and say, 'We want to oversee [you], give us money.' They used to [decide]. Now the Parliamentary Service Commission decides how the money is to be spent."

*Anne Makinda, Speaker of the National Assembly, United Republic of Tanzania*

**An independent, professional parliamentary staff**

Access to an independent, professional parliamentary staff is perhaps the most valuable resource an MP can have. These people are able to interpret and apply the rules of oversight, process and analyse information from oversight inquiries, and assist in drafting corrective legislation. They should be employees of parliament, selected for their expertise and skills and paid adequately. A specific statute for parliamentary staff helps to ensure the neutral, non-partisan character of the administration, and protect staff from political pressures within parliament.

The *Principles for the Recruitment and Career Management of Parliamentary Staff*<sup>4</sup> adopted in October 2013 by the Association of Secretaries General of Parliaments notes that:

"The executive as an employer has much in common with parliament, and will often be looking for staff with similar qualities. But there will be views represented in parliament which are not shared by the executive. Parliament and the executive also have constitutionally different roles. There is potential for conflict of interest between the two."

The document also affirms the principle of parliamentary control over recruitment of staff:

"A parliament should have control of its recruitment and promotion processes, and the executive in particular should have no influence over the outcome of these processes. A managed system of staff secondments between parliament and the executive may, however, be valuable, for career management purposes."

The vast majority of parliaments indicate that they do have control over the recruitment of their staff, though this is not always clearly established in law. However, a number of parliaments lack this crucial resource. For example, staff in some parliaments are temporarily seconded from the general civil service and are often non-specialist managers. Not surprisingly, some may see their future in the executive branch, from which they came and to which they may return.

**Figure 8. Control over the recruitment of parliamentary staff**

"Does parliament control the recruitment of parliamentary staff?"



Source: IPU PARLINE database on national parliaments (base for question: 181 parliamentary chambers)

Developing staff capable of supporting parliament's oversight mandate requires funding and training. Critical skills required by committee staff include the ability to synthesize and present evidence, including from a gender perspective, formulate draft committee recommendations and draft reports. Staff also need to learn how to relate to MPs and how to apply procedural practice. Extended 'on the job' training under the guidance of a skilled senior member of the secretariat is by far the most effective way for new staff members to develop these skills. Staff members of all levels of seniority may also benefit from visiting parliaments abroad and attending specialized courses, which can enrich their daily practice through exposure to new perspectives and approaches.

**Box 7 Oversight capacity in the Republic of Moldova**

All committees of the Moldovan parliament face significant challenges in meeting their oversight responsibilities. There are limited resources available for the task and no standardized practice of assigning

4 Association of Secretaries General of Parliaments, 2013.

staff, time and resources to oversight functions. Parliamentarians and staff alike feel the pressure.

Recognizing that parliament lacks the resources to expand the secretariat, focus-group participants instead advocate developing specialized training to make the most of existing staff. Other possible strategies for using staff resources more efficiently include strengthening coordination between committee staff and parliament's research division, and establishing consistent professional practice. To improve continuity, each committee would ideally be assigned one dedicated staff member with particular expertise in that committee's oversight function.

For example, in response to concern that the 2014 Education Code threatened the rights of linguistic minorities, the Human Rights and Inter-Ethnic Relations Committee held a series of hearings with the Minister of Education, People's Advocate (ombudsperson), representatives of national minorities, civil society organizations and school directors. The committee's report resulted in significant review of the Education Code and development of a National Plan to improve the quality of language learning, including instruction in minority languages. The report also proposed greater involvement of the public, and especially minority interests, in education policy and curriculum development.

Much can be done with existing and extra-parliamentary resources to improve capacity and so to help all committees to exercise their oversight function effectively.

*Source: UNDP-facilitated focus group, Republic of Moldova, 2016. See: link to focus group report.*

## Access to information

Openness and transparency are the necessary counterparts of accountability. Parliament has an important role in establishing standards for openness in government, for example by requiring government to publish information on which it bases its policy decisions. This helps to create an environment in which openness is the norm and accountability is expected.

As the main provider of information necessary for parliamentary oversight, the government plays a crucial role in MPs' capacity to scrutinize the government. When MPs are unable to access this information, oversight suffers.

In some parliaments, members of the opposition parties find it harder to source government information than those from the governing party (or parties). Members from the governing party may seek research and analysis conducted by government departments either by asking directly or asking their ministerial colleagues. In contrast, while members from opposition parties are able to ask oral and written questions of a minister, they are not always allowed access to the evidence on which government bases its decisions. Tension inevitably results when government provides insufficient information.

"It is a fallacy to think that government officials are more intelligent than parliamentarians. It is just that they [the government] have an army of experts and we have none. We require more resources and these are not readily available. We need to strengthen capacity for parliament to make it more effective. Even more

important, there is a need for constitutional changes to ensure that the government behaves in a way that is reasonable in a democratic society."

*Patrick Herminie, Speaker of the National Assembly, Seychelles*

Passing legislation is one way to guarantee parliamentary access to government information. Switzerland and Israel are examples of countries that have rules of this nature.

"I have the legal right to get any information from the government as it pertains to my work as a parliamentarian. And if they don't want to give it to me, they have to explain why."

*Andrea Caroni, Member of the Council of States, Switzerland*

"An amendment to the Parliament Law of 2008 requires audited bodies, including government ministries, to transfer information to the Research and Information Centre of the Knesset 'without delay'. This amendment marked another step forward for parliament members in their oversight capabilities."

*Written submission, Knesset, Israel*

Reports from authoritative international organizations, such as United Nations treaty bodies and special procedures, can also provide a valuable source of information and comparative perspective upon which MPs can draw.

While governments can facilitate oversight by making information available promptly and in a user-friendly format, they can also hinder the process by providing incomplete information or delaying its delivery. Such obstructiveness may derive from a perception among ministers and government officials that parliament's oversight processes themselves obstruct the delivery of government policy, but can also be the result of government ineffectiveness or lack of resources.

Parliamentarians may find it easier to get the information they need if they invest time building relationships within the government department with which they are aligned and seeking to understand the main issues and challenges that it faces.

Meanwhile, legislation and rules of procedure must allow for access to information and compel the cooperation of ministers, irrespective of the dynamic between parliament and the government. Senegal's parliament, for example, has a monthly two-hour session, "Current Questions to the Government". The rules of procedure require all government members to be present in order to respond to questions that they have not seen in advance.

## Annual reports to parliament by government departments

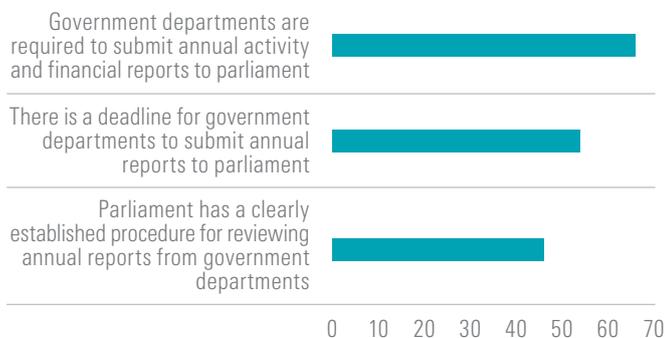
One source of information typically provided by government to parliament is the annual report of each government department. Around 65 per cent of the parliaments that responded to the questionnaire as a whole indicated that they receive such reports. The annual report tends to present

both a financial and a performance assessment of the department's work and activities. In some parliaments, the review of an annual report is a primary source of information for a committee to set its own agenda and initiate an inquiry. In these cases, annual reports are automatically referred to the committee, and the committee is then able to investigate an area of work of the department.

Three quarters of those parliaments responding to this question noted that there was a deadline for submission of departmental reports. Around 70 per cent of those parliaments that receive annual reports indicated that there was a clearly established procedure for reviewing the reports.

Parliaments indicated a number of problems that they faced with annual reports from government departments. Some observed that if reports existed at all, they tended to be submitted years late. If they were on time and even when complete they tended to be bland, making it difficult if not impossible for parliament to hold the department to account. Reports tended to be too long and too specialist in their language to be really useful to MPs. Explaining the issues in more appropriate language would make them easier to understand not only for MPs but also for citizens. Providing sex-disaggregated data would allow MPs to identify the impact of policy on men and women. There is still more to be done to ensure that government reports are timely and fit for the purpose for which they are intended.

**Figure 9. Annual reports to parliaments**



Source: IPU/UNDP questionnaire for parliaments, question 13, 2016 (base for question: 103 parliamentary chambers)

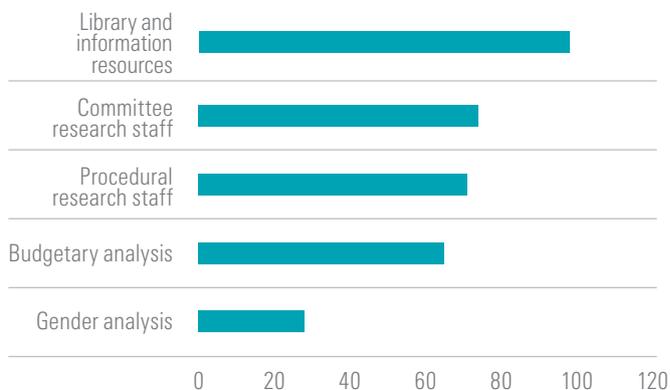
**Research services to provide parliamentarians with independent analysis**

Well-resourced research services are a central element of parliamentary capacity for oversight.<sup>5</sup> Parliament needs to be able to provide MPs with independent, neutral and non-partisan insight and analysis rather than relying exclusively on the government's own analyses.

Responses to the questionnaire for parliaments show that virtually all parliaments provide library and information services, and the majority also have staff that can undertake procedural research, committee research and budgetary analysis. Fewer parliaments provide staff that have the ability to analyse legislation from a gender perspective, a skill for which there is an increasing demand.

5 IPU and International Federation of Library Associations and Institutions, 2015.

**Figure 10. Information and research services provided by parliament**



IPU/UNDP questionnaire for parliaments, question 34, 2016 (base for question: 103 parliamentary chambers)

**Box 8 Capacity for gender analysis**

Analysing policy to ensure that it addresses the needs of women and men, girls and boys, without discrimination, enhances the process of parliamentary oversight. This typically involves looking at salient data disaggregated by sex and consulting gender equality experts, specialist Civil Society Organizations (CSOs) and academics. For example, a committee looking at housing provision might analyse the number of households headed by men and women (and the number and age of dependents in those households); and the income and employment status of the head of household, broken down by sex. The committee might also delve deeper into the experiences of women heading households and consult studies of women-headed households by researchers or CSOs.

Input from gender equality experts is undoubtedly valuable. However, for gender analysis to be most effective, MPs themselves and their support staff need to develop their own expertise in this area. In Canada, the Standing Committee on the Status of Women tabled a report in parliament presenting the online course Introduction to Gender-Based Analysis Plus (GBA+). Similarly, the parliament of Fiji, one of the few that actually requires committees to include a gender perspective in their inquiries, has developed a toolkit in partnership with the UNDP called *Scrutinizing Legislation from a Gender Perspective*.<sup>6</sup>

**Openness and transparency in government**

Many governments already operate under so-called 'sunshine' and open-meeting laws that require some parts of governmental decision-making to be conducted in public. Similar laws are on the legislative agenda in countries that lack them, and statutory efforts in many places are going still further.

During the past two decades a number of international organizations have promoted the statutory adoption of financial management systems that have certain inbuilt requirements, including better focus on setting and achieving measurable

6 UNDP, 2017.

policy goals, more rigorous and transparent financial accounting systems, and data-based reporting systems. Many of these measures (commonly including the requirement to issue information about government operations) are already being used in developed countries and are being actively promoted elsewhere. Once implemented, these have the potential to diminish the information asymmetry between the government and parliament that frustrates more active oversight in many places.

Governments are under pressure to create and operate more transparent systems.<sup>7</sup> Many national governments in developing countries have cooperated with international organizations because adoption of these systems was the key to achieving other goals. Compliance with the requirements of the Poverty Reduction Strategy Paper of the World Bank and International Monetary Fund (IMF) can trigger some debt forgiveness and the release of other assistance. Malawi and Zambia signed on a decade ago, and Somalia is currently considering implementing (Public Audit, Public Finance and Public Procurement) bills in order to be designated as IMF compliant and unlock IMF and World Bank funding. The UN Harmonized Approach to Cash Transfers (HACT) mechanism<sup>8</sup> for transferring cash to national governmental and non-governmental partners contains a similar incentive, as funds are released on its adoption.

In parts of Europe, the incentive to move toward more transparent systems arises from a desire for EU membership. EU efforts to promote sound public financial management systems – often based on better integrating of planning, programme budgeting, monitoring of implementation, auditing and oversight – has been helped along by their inclusion in harmonization agreements for EU candidate-country status. Turkey and the Republic of Moldova, for example, have legislated such systems.

A by-product of such efforts has been the creation of government obligations to report on activities and the articulation of a structure responsible for gathering and processing the necessary data. While there are often problems in implementing these measures in practice, they are a positive step in enriching the information environment for parliamentary oversight of the government.

When they function, these systems will produce information useful for the practice of oversight, for example of government's efficiency and effectiveness in achieving goals such as poverty reduction, fidelity to financial procedures (creation and use of auditing agencies), probity in procurement and so on. And when they do not function, they can be the focus of oversight hearings for fidelity to the requirements of law.

### Openness and transparency in parliament

Openness and transparency are also core values of democratic parliaments.<sup>9</sup> Parliaments make themselves accountable by publishing a large volume of information

about their work, which serves as a basis for evaluating the performance of both the institution and individual MPs. There is a clear trend toward greater openness and transparency in parliamentary processes and outputs in recent years, which is evidenced in the significant increases in publication of parliamentary documents, as tracked in the *World e-Parliament Report*.<sup>10</sup>

Data on the participation of MPs – speeches, questions, legislative proposals, participation in plenary and committee meetings, voting records – is increasingly made available by parliaments, though only a few parliaments publish this data using open documents standards that make it easy for third parties to reuse and analyse.

### Box 9 Opening the work of parliament to the population in Chile

The National Congress of Chile became one of the first parliaments to adopt an action plan for legislative openness within the Open Government Partnership, with support from the UNDP. The action plan contains 10 commitments, divided into three areas: improving public services (use of technology to inform citizens about the work of the Congress); increasing public trust (strengthening codes of conduct for members of the Congress); and increasing institutional responsibility (establishing policies in the areas of transparency and probity). Further to the adoption of the plan, the Congress has agreed on a new structure and content for its institutional websites, adopted, after public consultation, new codes of conduct for its members, and created a dedicated ethics office in charge of ensuring compliance with these rules. It has also commissioned studies on several issues relating to open government, including mechanisms of consultation and participation of citizens in the legislative process.

Source: UNDP Chile, 2015

### In summary: Parliamentary capacity

Impressive formal oversight powers are of little use if parliament does not also have the capacity to exercise them. Above all, parliament needs autonomy from government. Having an independent, sustainably derived funding source enables parliament to set its own course without interference from government.

Similarly, a parliament that is able to call on a dedicated, professional staff capable of analysing the legislation and policy proposed by government, including from a gender perspective, does not have to rely solely on government's interpretations and analyses.

Parliament also needs timely access to information and data from government and should regularize the process of reviewing that information. Parliamentary access to information should be clearly established in law and parliamentary rules. However, parliament should not need to rely on the rules if it can establish an environment in which openness and transparency are the norm.

7 See, for example, the Open Government Partnership (<http://www.opengovpartnership.org>).

8 UN Harmonized Approach to Cash Transfers Framework (<https://undg.org/wp-content/uploads/2016/09/HACT-2014-UNDG-Framework-EN.pdf>).

9 Beetham, 2006.

10 IPU, 2016 (iii).

## 2.3 Willing and committed participants

Reflecting the unique nature of their role, there is no standard ‘job description’ for MPs as there is for many other professions.<sup>11</sup> This situation places considerable responsibility in the hands of MPs to decide how they exercise their mandate. There is frequently a tension between the time MPs devote to oversight activities compared to other aspects of their job. The first *Global Parliamentary Report*<sup>12</sup> noted citizens’ growing expectation for MPs to give priority to their constituency service role.

Yet oversight is a shared responsibility. Individual MPs need to see oversight as an important activity to be engaged in, and political parties – including those in the majority/government – need to allow their members to participate constructively in oversight.

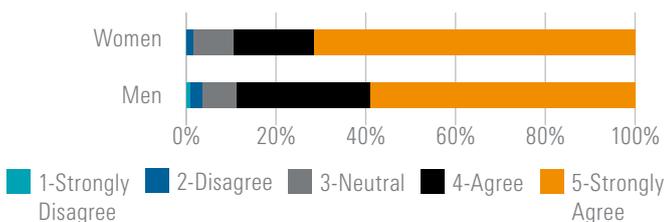
### Encouraging a shared sense of responsibility

Survey data shows that the majority of MPs – whether from the government or the opposition side – strongly believe that oversight is the responsibility of all MPs.

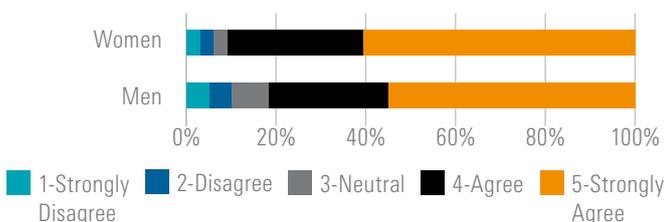
There were subtle differences between the men and women MPs surveyed, from both governing and opposition parties (see Figure 11). Women, irrespective of party affiliation, were more likely than their male colleagues to *strongly* agree that oversight is the responsibility of all MPs.

**Figure 11. “Oversight is the responsibility of all MPs”**

By sex and government/opposition membership  
In government (women, men)



In opposition (women, men)



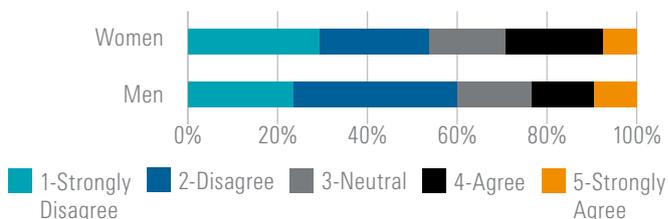
Source: IPU/UNDP survey of parliamentarians, 2016.

However, moving on to the question of who actually does oversight, answers divide strongly along party lines. There are almost as many government MPs (56 per cent) who disagree that oversight is mainly carried out by members of the

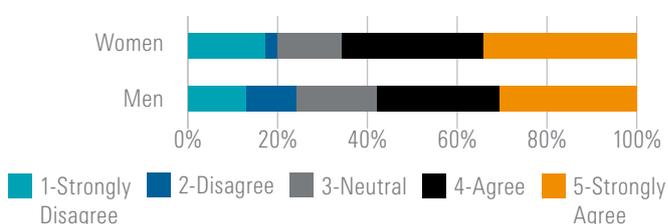
opposition as there are opposition MPs who agree with this proposition (59 per cent).

**Figure 12. “Oversight is mainly carried out by members of the opposition”**

By sex and government/opposition membership  
In government (women, men)



In opposition (women, men)



Source: IPU/UNDP survey of parliamentarians, 2016.

It is perhaps encouraging that opposition and government MPs disagree so strongly over who does most of the oversight work, as it suggests that each side sees itself as instrumental.

To play their oversight role effectively, MPs’ most valuable tools are good analytic skills and good networks of information, such as experts from civil society. They are in most cases generalists, working across many policy areas; it is not their role to duplicate the specialized knowledge of the public administration.

“Effective oversight is where an MP plays their role independently and boldly, with courage. They must do this smartly and sniff out public interest and time it nicely and know when to engage. If there are lots of issues under consideration at a particular moment, an MP can hold back on a specific issue until the next day. And you have to invest very well in the media, so that the matter that is important to you is also enticing to the audience.”

*Kabando Wa Kabando, Member of the National Assembly, Kenya*

Oversight work is very often neither glamorous nor visible, and it can be demanding to follow issues in detail over the long run. It requires a high level of attention to detail and willingness to investigate over an extended period, often out of the media spotlight. However, committing to oversight and putting in the effort to nurture contacts, understand the intricacies and develop expertise in a given area brings results over time, both in terms of improvements to governance and enhanced personal reputation.

11 Rolef, 2015.

12 IPU and UNDP, 2012.

Through their personal and political engagement, MPs may also decide to become champions in specific subject matter areas.

“For several years, I carried out oversight of the running of the prefectures, i.e. the general state administration. This was exciting because it covered many levels. I carried out extensive work in the area of biometry when we were introducing biometric passports. I acquired experience in this area very quickly as you have to move rapidly to at least be able to follow what large companies are saying about biometry, and ensure that when you go to an airport you can see that what you have been told is working well. You have to pay very careful attention to all the details, not just the big picture; this is what ensures quality (...).

You are respected as soon as you conduct oversight with a view to improving how things work. You identify the factors that are preventing things from running smoothly and then you can go to the minister and say that it might be better if things were done a little differently. That is when you can say that the work has been done well.”

*Michèle André, Senator, France*

### Developing oversight skills

Oversight activities require a range of skills that can be learned. It takes time for MPs to absorb the rules, and how to make effective use of them. But the investment is necessary and will pay off in terms of ability to achieve results.

Data from 175 parliamentary chambers puts the median turnover rate of MPs at elections at 51 per cent.<sup>13</sup> Turnover has both positive and negative implications for parliamentary oversight. New MPs bring fresh perspectives and energy. Inevitably, though, the expertise that existing members have gained is lost to parliament, which is particularly problematic when there is a high rate of turnover.

Parliaments can mitigate this risk by taking measures such as: having a well-resourced committee secretariat to provide continuity; keeping records of committee actions; briefing new committee members; and ensuring that pending issues are carried over for the committee’s attention from one legislature to the next. Committees can ensure good continuity between parliaments by preparing a legacy report summarizing the work in one parliament for the information of next parliament’s committee.

A number of parliamentary Speakers highlighted the need to help new MPs acquire the necessary skills for the job:

“In the new parliament, the first thing [we have to do] is to train our members. There will be many new and young parliamentarians. They all have to be trained

because the sector committees also look at the budget of their ministries before they submit their reports. The sector committees identify issues that are central and need to be brought to the attention of the entire parliament.”

*Anne Makinda, Speaker of the National Assembly, United Republic of Tanzania*

Initial induction courses for new MPs are useful, but for practical reasons are not able to cover topics in much depth. However, continuing professional development allows for more thorough understanding of the specifics of committee work: how to engage with witnesses; how to read and distil evidence received through a hearing; how to deal with the politics of an issue. Many of these skills are best passed on by more experienced parliamentarians, whether they are current or former MPs of the country, or MPs from other countries.

Providing extended training in the discipline is another way in which parliaments can encourage parliamentarians to commit to oversight. But it is notoriously difficult to ensure the participation of MPs in training sessions, given the multiple demands on their time. The Belgian Chamber of Representatives notes that:

“The House organizes briefings whenever new representatives are voted into office. Few of the newly elected representatives attend such briefings; often, it is their staff who attend. Moreover, the groups themselves organize training for their members.”

The most effective and most practical way for new parliamentarians to learn the oversight ropes is ‘on the job’ – sitting alongside experienced colleagues in plenary and especially in oversight committees, observing the techniques senior colleagues employ, noting the guidance of the Speaker and committee chairs, and conducting as much ‘real time’ oversight as possible. Parliaments and parties should ensure that newly elected members have opportunities to build this experience swiftly. This approach may of course be topped up with high-quality training and development delivered in parliament and elsewhere by external bodies in conjunction with the secretariat.

### In summary: Willing and committed participants

Oversight is the responsibility of all MPs, irrespective of party, sex, seniority, age or length of tenure. It takes willingness and commitment to conduct effective oversight, which calls for a systematic, continuous and evidence-based approach.

Effective oversight takes skill and experience. MPs learn skills best on the job, primarily through mentoring and exchanges with more seasoned parliamentarians. Parliaments have a responsibility to ensure that committee staff are able to support members by maintaining institutional knowledge across electoral cycles.

13 IPU PARLINE database on national parliaments ([www.ipu.org/parline](http://www.ipu.org/parline)).

## 2.4 Creating a culture of oversight

In this section, we examine the nature of a constructive oversight culture in which all participants feel free to express and consider different views. Such a culture enhances government performance, confers additional legitimacy to parliament and government, and benefits the public.

### Recognizing the benefits of oversight

To strengthen the oversight culture, parliament must ensure that all stakeholders – the population at large, the government, the opposition, etc. – understand and accept the purpose and benefit of oversight. Oversight can prosper when everyone shares an understanding that it improves the quality of governance for citizens, and leads to options for government that are more completely researched, more closely aligned with requirements, and offering better value for money than if there had been no such scrutiny.

As a result of the oversight process, all stakeholders benefit. The government ends up with more politically and technically robust policy. Parliament discharges its constitutional duty to hold the government to account. Individual MPs become better informed across a range of sectors. Ultimately, the objective is that citizens find that problems have been addressed and their circumstances have been improved.

Effective oversight widens and deepens the pool of stakeholders contributing to the work of government, giving the policy outcome greater national legitimacy. And the greater transparency that oversight brings can also lead to a stronger sense of public ‘ownership’ of, and eventually trust in, parliament and government, urgently required outcomes.

Parliament has a role and a responsibility to be an effective partner to government and in so doing it must be prepared to take an independent line if the evidence warrants it.

“We need to forcefully remind government that parliament is separate from government. My impression is that there is such lack of understanding among ministers of what parliament is. ... If you cannot occasionally say ‘no’ to the government you might just as well go home.”

*Baroness Frances D’Souza, Lord Speaker of the House of Lords, United Kingdom*

### Fostering cooperation

Politically competitive behaviour is part and parcel of parliament, and rightly so. The importance of a strong opposition has already been noted. Nevertheless, there are certain substantive policy areas – often concerning the broader agreed national interest and technical matters concerning the operation of parliament – where a more cooperative approach will often be appropriate.

A parliament whose members value and foster cooperation in appropriate fields is better able to develop a sustainable oversight culture. Such an enabling environment provides a

stimulus to all members to engage in their oversight role. It encourages them to ask questions in the interest of the public good; and constrains the impulse toward partisan behaviours.

“I chair the Joint Standing Committee on Migration, and we are looking at the Seasonal Worker Programme right now. This is an inquiry about people who come from the Pacific to work in agriculture and horticulture in our region. It’s a Joint Committee so it includes members from the Senate and the lower House and from all sides of politics. And so jointly, we are asking questions about this particular policy. Is it working? Are there challenges? How could we improve it? How could we make it more accessible to women, for example? ... Across parties, we work very well together. I have been on that committee for 11 years working with the deputy chair, who was the chair when his side of politics was in government, and we try to come to a consensus wherever possible. At times we disagree, but there are ways of managing that.”

*Louise Markus, Member of the House of Representatives, Australia*

The cross-party caucus is another structure that brings together members across party lines to collaborate on issues of common interest (see Chapter 5).

A cross-party approach to oversight can confer clear benefits. First, it can reduce the likelihood of purely partisan attacks on government of the kind that can be more easily dismissed by critics. Second, when effective, it can create incentives to engage in joint remedial action and thus increase the chances that these measures will be adopted by the plenary. Third, a multi-partisan effort may have a better chance of being perceived as fair and therefore having its findings taken seriously by the public and leadership.

### Box 10 Cross-party action on climate change in Morocco

Morocco’s limited hydrocarbon resources and high solar radiation have made it a natural front runner in the renewable energy race. The country has set a target of generating 42 per cent of its power from renewable sources by 2020 and established a robust legal and policy framework, which favours private sector investments. These initiatives were introduced in the 2009 National Energy Strategy.

As combating climate change has become an increasingly prominent political priority in Morocco for almost a decade, a cross-party group of members of parliament organized a hearing with experts to discuss the government’s renewable energy policy. This meeting agreed certain objectives, such as to bring about increased government funding for renewables and reduced import duties on solar photovoltaic equipment.

To further these goals, the members of parliament drafted and submitted 25 parliamentary questions, 13 of which were subsequently raised by different members of parliament in plenary sessions of the National Assembly and in committee sessions. The questions focused on

several areas – above all the ability of the Moroccan government to reach its target of a 42 per cent share for renewables in the energy mix by 2020. Other subjects of enquiry included progress on the Ouarzazate concentrated solar power plant (Morocco’s flagship renewable energy facility), future budget allocations for renewable energy, and efforts to make the Moroccan Renewable Energy Agency more proactive. Some of the questions were answered directly during plenary sessions by the Minister of Energy, Mines, Water and the Environment.

*Source: UNDP and Climate Parliament, 2014. How-To Guide: Renewable Energy for Parliamentarians (<http://agora-parl.org/resources/library/renewable-energy-parliamentarians-how-guide-0>)*

### Reforming parliamentary rules and procedure

All democracies, whether developed or developing, look for ways to improve oversight by reforming parliamentary rules and procedure.

#### Box 11 Examples of parliamentary reform to strengthen oversight

“Currently, our parliament is proposing in a draft proposal for constitutional reform which we have submitted to the government, that we need to adjust the balance of powers. While ours is not a parliamentary system in terms of its doctrine, we are proposing that parliament should have oversight over all government activity. For example, the head of government or the person due to become head of government or the president cannot appoint ministers without the approval of the Assembly; that is not currently the case. Any person(s) designated to perform important tasks within state enterprises cannot do so without approval from the Assembly.”

*Chérif Moumina Sy, President of the National Transitional Council, Burkina Faso*

“Recently the Austrian parliament changed its rules of procedure to allow for the instigation of a committee of inquiry by [the opposition and minor parties]. It had long been a demand of opposition groups but rejected by the government. After a spate of scandals and pressure from outside of parliament by collection of signatures and new parties, the rules were changed. One argument in favour of the change was that the executive should not be in a position to block an inquiry into its own work since it may have little interest in exposure of financial irregularities. The number of inquiries that can be conducted at any one time is restricted to counter abuse by the opposition or a minority group.”

*Melanie Sully, Director, Go-Governance, Austria*

“The 2011 constitutional amendment was a turning point in the history of parliamentary procedure. Did you know that the 2011 constitution contains an entire chapter on the rights of the opposition? The opposition is now enshrined in the constitution. ... What is innovative in regard to parliamentary oversight is that the head of government presents to parliament a progress report on parliamentary activity. Presentation of the progress report

can be done at the initiative of the head of government, or one third of members of the House of Representatives, or the majority of members of the House of Councillors.”

*Chafik Rachadi, Deputy Speaker of the House of Representatives, Morocco*

“We have just had a recommendation accepted that during Question Time individual members should be allowed to ask questions on behalf of their constituents. Over the last few years that has not been the case; it has normally been the government and the opposition that work out what questions are going to be asked between them. Now there will be time for individual members to ask questions, and I think that is an additional strengthening of good oversight in Australia. I think it is important.”

*Louise Markus, Member of the House of Representatives, Australia*

A parliament will generally bring in a permanent reform by changing its standing orders, but it is also possible to introduce changes under the rubric of ‘custom and practice’ (convention). This is useful, for example, where piloting a reform for subsequent review by a procedure committee, or where the political atmosphere may not be conducive to achieving consensus on major formal changes to standing orders.

The following analysis of how Myanmar’s Assembly of the Union is grappling with building a culture of oversight (see Box 12) as part of a transition from authoritarian to democratic government illustrates many of the issues raised in this report. For example:

- understanding what parliamentary oversight is and the conditions under which it is likely to flourish;
- government treating parliament as a genuine partner of governance;
- MPs taking responsibility to make oversight a fundamental aspect of parliamentary life;
- accommodating oversight in the parliamentary timetable through appropriate procedures in the standing orders, or by convention;
- setting a sustainable pace for change that respects national circumstances (as established in the *Common Principles for Support to Parliaments*)<sup>14</sup>;
- recognizing parliamentary committees as the most flexible instrument of oversight.

#### Box 12 Developing a culture of oversight in Myanmar

##### Background

Myanmar had been without a freely functioning parliament since a military takeover of government took place in 1962. Laying the foundations for a democratic future, the 2008 constitution created a new national parliament, the Pyidaungsu Hluttaw (Assembly of the Union), comprising two chambers: the Pyithu Hluttaw

<sup>14</sup> IPU, 2014.

(House of Representatives) and the Amyotha Hluttaw (House of Nationalities).

The first parliament, or Hluttaw (2011–16) established two Bills Committees, which had a heavy workload, and there was a certain degree of budgetary scrutiny. But in the areas of public policy and administration there was very little oversight. As one MP noted toward the end of the first Hluttaw:

*“Committees are not effective and I have attended only three committee meetings so far.”<sup>15</sup>*

However, during the second Hluttaw (which started in February 2016) there has been a greater awareness of the oversight role of committees. At an induction for newly elected members, the Speaker, Mahn Win Khaing Than, asserted that:

*“Oversight [is] a responsibility that an MP needs to perform well as part of the Hluttaw’s functions.”*

While there are practical and procedural challenges to be overcome, such quick progress is an impressive achievement for a fledgling parliament.

### Steps taken to improve the oversight culture

#### *Fostering understanding*

During the first Hluttaw, many elected members and parliamentary staff acknowledged they had little understanding of how legislatures could best contribute to an effective system of government. But, through a combination of on-the-job learning, training programmes and exposure to international parliamentary practice, knowledge and skill levels within the Hluttaw committee secretariat have increased appreciably. The joint UNDP/ IPU Parliamentary Support Programme has provided valuable technical and financial assistance, with additional support from the governments of Australia, Denmark, Finland, Sweden and the United Kingdom. The progress made was particularly evident in the induction programme delivered for new members at the beginning of the second Hluttaw.

However, it is clear that government understanding of oversight lags behind. Ministers are beginning to engage more effectively with the plenary sessions of the Hluttaw, although their interaction with committees is still limited. Committee members frequently complain of difficulty in getting information from ministries or persuading relevant ministers to attend hearings. Too often, those officials who respond to committee invitations are not from relevant programme areas or are too junior to respond fully to questions.

There is much evidence that government systems are yet to adapt to the constitutional reality of a separate legislature responsible for checking and balancing executive actions. For example:

- Reports from the supreme audit agency are submitted to the head of the executive, rather than the legislature, and they are not published.

- Ministers do not routinely publish (or present to the legislature) statements explaining the policy rationale for government actions.
- Ministries do not present annual reports on public expenditure and administration to the legislature.
- Systems for handling and responding to correspondence from committees are opaque and inefficient.

More work is needed to establish a secure, mutual understanding between legislature and executive of accountability expectations and obligations if this crucial element of Myanmar’s system of government is to function effectively.

#### *Strengthening procedures*

Current rules and practices limit the capacity of committees to achieve their potential. In particular:

- Some rules are interpreted as meaning that committees can work only in private sessions, rather than operating openly and transparently.
- Hluttaw committees are denied access to a number of powers of inquiry that are typically available to committees in other national parliaments.

Nevertheless, some committees in the first Hluttaw tentatively introduced new practices to test the extent of their authority. These practices included:

- Conducting site visits and inspections.
- Gathering information from non-government stakeholders (including civil society representatives) in meetings, with representatives of the media invited to observe the opening of the consultations.

In a sign of the advances being made, committee members and staff are now discussing a number of possible procedural reforms, including:

- allowing committees to meet when and where they determine, and in public as well as in private;
- obliging people to respect invitations to committee meetings and requests to produce papers and records;
- authorizing the publication of information gathered in public sessions;
- ensuring that the duties and powers of all committees are expressed in a consistent form.

Such changes would significantly enhance the breadth and quality of information available to committees, increase community awareness of and access to the work of committees, and improve the capacity of committees to contribute effectively to the work of the Hluttaw.

#### *Providing qualified support staff*

Ensuring that committee staff have the knowledge and skills required to provide high-level support to committee members is a constant challenge in all parliamentary administrations.

In the first Hluttaw, senior officers started to develop a culture of parliamentary service among Hluttaw officials, who had been assigned to their posts from various government agencies and the military. Although this

<sup>15</sup> UNDP, 2016.

is an ambitious project, which will take many years to be fully realized, progress has already been made. An initial Strategic Plan described a vision for parliamentary service, which the Statement of Committee Support Services translated into specific service priorities. One priority became a reality in 2015 with the opening of the Hluttaw Learning Centre, which trains staff on a broad range of subjects.

Committee staff now are much more aware of international parliamentary best practice and are beginning to display more confidence in the provision of procedural, research, writing and advisory services, rather than just administrative support services.

Although the Hluttaw has made much progress in this area, it will also need to provide appropriate levels of financial resourcing and control to committees. At present, committee funding is scarce and allocated at the discretion of the Speaker.

#### *Adapting oversight to fit local culture*

As the Hluttaw takes steps toward greater oversight of executive actions, senior leaders in the institution are beginning to consider how international practice can best be adapted to suit Myanmar's cultural and democratic circumstances. A highly contested, adversarial debating style, typical in most international parliaments, may not be appropriate in Myanmar, which has a cultural disposition toward consensus, respect and avoidance of public embarrassment.

In this context, Daw Aung San Suu Kyi, leader of the majority National League for Democracy party, emphasized during induction for new MPs that:

*"An MP must look for the interest of people when undertaking oversight of the executive."*

Moreover, the constitutionally mandated role Myanmar's military plays in the political leadership of the country demands careful and inclusive negotiations between all political players.

There is a sense also that steps toward greater oversight should proceed at a pace consistent with Myanmar's overall transition to democracy, with the executive's capacity to engage and respond, and with the political and parliamentary experience of Hluttaw members.

#### **Examples of oversight in action**

Both chambers of the Hluttaw have established constitutionally mandated Government Guarantees, Pledges and Undertakings Vetting Committees. These committees regularly meet ministry officials to monitor implementation of project commitments. For the most part, the committees investigate the management and delivery of particular community-level projects. Like all committees they are required to report on their activities to the Speaker, although they are yet to produce evidence-based reports with recommendations to government. This restricts the plenary's capacity to assess their operations and severely limits the benefit that MPs and the executive can derive from their work.

Both these committees manage significant workloads and, because they are submerged in details, it is very difficult for them to reflect more globally on the

effectiveness of government policy and administration or on the performance of individual agencies. Nevertheless, the committees are providing some project-level oversight and the members serving on these committees value the opportunities they have to check on pledges made by the government.

#### **Recommendations**

Overcoming the challenges to effective oversight involves a mix of responses: some institutional and some pertaining to relationships between the legislative and executive arms of government.

The institutional responses include:

- continuing to develop the capacity and confidence of Hluttaw staff to provide the full range of services expected from a parliamentary secretariat;
- establishing member-led mechanisms to reform committee rules and practices;
- trialling a small number of committee oversight activities, to demonstrate the process and value of oversight;
- ensuring that committees have the financial resources to develop open and inclusive work methods.

The legislative–executive relationship responses include:

- Working with senior political and official leaders in the executive to provide information and advice to ministry officials on how to work with the legislature – highlighting mutual advantage and the potential for whole-government improvements.

Some observers worry that the approaches to oversight that have been taken until now risk limiting the Hluttaw's evolution. But the positive steps that senior leaders in the Hluttaw are taking should give confidence that progress will continue. As the Speaker of the Pyithu Hluttaw, U Win Myint, noted during the February 2016 induction programme:

*"People's government should be overseen by the Hluttaw, so that it can be named as the real democracy."*

It is also worth noting that oversight systems and processes in all parliaments have developed over many years, that progress was at times politically contested and slow, and that practices are constantly being refined to reflect local circumstances and emerging opportunities.

*Source: UNDP-facilitated focus group, Myanmar, 2016.*

#### **In summary: Creating a culture of oversight**

Parliament can develop a constructive oversight culture first by promoting an understanding of the benefits to society as a whole of good oversight. Second, it can foster a collaborative environment, in which cross-party mechanisms such as committees and caucuses function effectively. Lastly, parliament should be constantly looking for ways to improve the oversight culture by carrying out reforms to its rules of procedure.

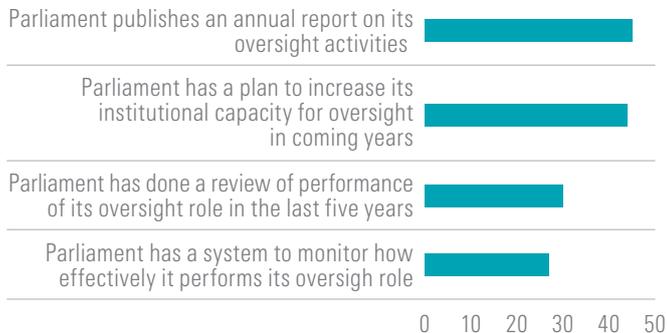
## 2.5 Parliament's own accountability

Parliament and MPs are directly accountable to the citizens that they represent for the way in which they carry out their oversight role. It is important that the processes of oversight and accountability of parliament and MPs should meet the same standard as parliament's oversight of government. They need to be continuous, constructive, rigorous and evidence-based.

### Parliament's efforts to monitor its oversight performance

It is perhaps surprising that relatively few parliaments monitor the way they perform oversight. In the questionnaire for parliaments, almost 60 per cent of parliaments that responded to the relevant question stated that they planned to increase their oversight capacity in coming years. In contrast, fewer than 40 per cent of the parliaments surveyed report having a system to monitor the effectiveness of their oversight (see Figure 13). And only 41 per cent reported that they had reviewed their oversight performance at all in the last five years.

**Figure 13. Parliamentary monitoring of oversight performance**



Source: IPU/UNDP questionnaire for parliaments, question 2, 2016 (base for question: 103 parliamentary chambers)

A number of parliaments have undertaken significant exercises to map out how they carry out oversight. This systematic approach allows parliament to identify problematic areas and priorities for reform. The South African parliament has developed a particularly sophisticated framework called the Oversight and Accountability Model (see Box 13), which identifies the mandates and procedures for oversight and defines how parliament performs its oversight function. As part of the process leading to the adoption of this model, parliament formulated a series of recommendations for strengthening oversight.

### Box 13 The South African Oversight and Accountability Model

Two critical factors for ensuring the success of this model are, firstly, the need to integrate parliament's public participation function within its overall oversight mechanism and, secondly, to provide the appropriate

capacity, especially human resources, to committees and members for its execution. It is vital that all public participation processes become inputs to the work of appropriate committees.

Given the complex nature of parliament's activities and the dynamic environment in which it operates, parliament should adopt a policy requiring each new parliament to assess and review its oversight capabilities, including its oversight model, at least once during its five-year lifespan.

In order to implement the proposed model, decisions are required on the following aspects:

- The immediate need to increase the research (and content specialist) capacity of committees, which is currently underway.
- The implementation of systems to capture and manage information within committees.
- The development of a public participation model to ensure that inputs received through public participation activities are channelled to appropriate committees.
- Changes in parliamentary policy/rules to accommodate the creation of an Oversight Advisory Section with recommended terms of reference.
- Continuous capacity development of members of parliament and support staff to committees in terms of information and communications technology, budgeting practices and other skills required to enhance their oversight capacity.
- The adoption of a procedure for executive compliance.
- [The provision of] dedicated committee rooms ... when parliament expands its infrastructure.

Parliament can at a later stage consider the development of further legislation relating to oversight, which will include other committees that are currently regulated by the rules in relation to oversight as is the case with the Joint Standing Committee on Intelligence and the Joint Standing Committee on Defence.

Source: *Parliament of the Republic of South Africa, 2009. Oversight and Accountability Model*

Nowadays there is also a range of tools to help parliaments evaluate or benchmark their performance, on the basis of a voluntary self-assessment.<sup>16</sup> The following example (see Box 14) consists of a series of questions for MPs and permanent staff to consider collectively in order to identify strengths, weaknesses and priorities for reform.

### Box 14 Questions for self-assessment of oversight capacity

1. How rigorous and systematic are the procedures whereby members can question the executive and secure adequate information from it?
2. How effective are specialist committees in carrying out their oversight function?

<sup>16</sup> See, for example, O'Brien, Stapenhurst and von Trapp (eds.), 2016.

3. How well is parliament able to influence and scrutinize the national budget, through all its stages?
4. How effectively can parliament scrutinize appointments to executive posts, and hold their occupants to account?
5. How far is parliament able to hold unelected public bodies to account?
6. How far is parliament autonomous in practice from the executive, e.g. through control over its own budget, agenda, timetable, personnel, etc.?
7. How adequate are the numbers and expertise of professional staff to support members, individually and collectively, in the effective performance of their duties?
8. How adequate are the research, information and other facilities available to all members and their groups?

*Source: IPU, 2008. Evaluating Parliament: A Self-Assessment Toolkit for Parliaments*

### The role of civil society

Numerous civil society groups – also known as Parliamentary Monitoring Organisations (PMOs) – closely monitor and report on parliamentary performance, which can draw attention to challenges and help to create momentum for strengthening parliament. The OpeningParliament.org website contains a number of case studies of the work of PMOs in different countries, many of which include monitoring parliament’s oversight performance.<sup>17</sup>

Relationships between parliaments and PMOs vary in terms of proximity and cooperation. In a 2016 survey of 33 PMOs, 42 per cent report having a formal relationship with parliament, and 49 per cent an informal one. “This suggests that both parties benefit from working together, to share data, promote transparency and awareness and encourage citizen engagement with the work of parliaments.”<sup>18</sup> Two thirds of PMOs describe their level of cooperation with parliament as adequate or better, which is a positive finding. Concrete examples of cooperation between parliament and PMOs are beginning to emerge, such as adoption by the Guatemalan Congress in January 2017 of an Open Parliament Action Plan, developed in a participatory process with Guatemalan civil society organizations.<sup>19</sup>

One of the challenges faced by PMOs that wish to oversee parliament is how to develop meaningful indicators of MPs’ performance. Indicators that focus on certain measurable actions – for example the number of questions asked – can gain significant media attention, but often fail to capture the different facets of the parliamentary role. They can even skew the findings by creating incentives for MPs to ask a high number of questions just to improve their ranking in public reports. Such an approach can generate frustration and reinforce negative public perceptions.

More rounded approaches to monitoring parliamentary performance are desirable, and are being developed by many

organizations, such as Samara in Canada. Its 2017 *Democracy 360* report underlines the importance of empowering MPs to act as representatives, including in their oversight work in committee: “Striking a healthy balance of power between parties, party leaders and MPs is at the heart of meaningful and effective parliament. MPs require the time and autonomy to study legislation and hold government to account, and cross-partisan committees should be empowered and respected.”<sup>20</sup>

Civil society organizations frequently challenge parliaments to be more open, transparent and accountable. While some parliaments have very clear, user-friendly websites that make it is easy to find updated information on the agendas, details of the plans of work, results of meetings and so on, in other parliaments it can be very challenging to find even basic information, such as when, where and what will be discussed at parliamentary meetings. Publishing full and timely records in accessible formats is an important part of parliament’s own transparency and accountability.

### Box 15 CSO action to increase parliamentary transparency and accountability in Argentina and Mexico

#### Argentina

In 2014 three Argentine CSOs lodged a complaint against the National Congress for failing to respond to requests from citizens for public information that was not posted on its website.

Adjudication of the complaint lasted for two years, during which Congress made the case before a number of different judicial authorities that the information requested should not be made public. The main arguments put forward were that the information in question contained personal data, which should be protected, and that the issue was not justiciable.

However, the court decided that the refusal to make the information available constituted an arbitrary and undemocratic act that severely curtailed the rights of the complainants. It directed Congress not only to provide the information as requested, but also to publish it proactively on the Congress website.

#### Mexico

The ‘3-out-of-3’ campaign launched in Mexico in 2015 by a group of CSOs was a popular response to perceived corruption among the country’s public officials. The ‘3-out-of-3’ referred to the campaign’s aspiration that officials publish three separate sworn declarations: of their assets, tax affairs and potential conflicts of interest.

Within a matter of months the campaign petition had gathered more than 600,000 signatures. In response to this clear demonstration of public opinion, 42 office holders who came to power at the 2016 elections and 743 officials and persons of public interest had voluntarily published the three declarations as of 21 October 2016.

Encouraged by the huge popular interest in their campaign, the organizers decided to take things further. They drafted a proposal for a ‘3-out-of-3’ law that would compel all public

17 OpeningParliament.org <https://openingparliament.org/casestudies/>.

18 IPU, 2016 (iii): 76.

19 See <http://blog.openingparliament.org/post/158475605370/guatemalan-congress-passes-open-parliament-action>.

20 Samara Canada, 2017.

officials to publish the three declarations. At the time of writing, the bill is on its way through parliament, having been passed, with amendments, by the Senate and the Chamber of Deputies.

Source: *Directorio Legislativo, 2016*

### Measuring the impact of oversight

Ensuring that oversight procedures are optimal is one important aspect of monitoring oversight performance. Another is evaluating the impact of parliamentary oversight. But how can this be measured?

Certainly, identifying the exact contribution of parliamentary oversight to policy decisions is no easy task. However, the Institute of Government in the United Kingdom has developed a useful qualitative framework (see Box 16) for assessing the impact of parliamentary oversight (or ‘scrutiny’, as it is known in the UK). The framework provides a useful set of questions that other parliaments can adapt to their context. As with the previous self-assessment example, both an inclusive process and an investment of time by MPs and staff are required to get the most benefit from such an exercise.

#### Box 16 A framework for assessing the impact of parliamentary scrutiny

Impact	Questions for qualitative assessment
Evidence	Has the scrutiny ... <ul style="list-style-type: none"> <li>• drawn on any original research?</li> <li>• contributed to the evidence on which government policy was based (e.g. by making relevant new voices heard)?</li> <li>• prompted the government to gather different/more up-to-date evidence?</li> </ul>
Analysis	Has the scrutiny ... <ul style="list-style-type: none"> <li>• highlighted any previously unrecognized trends in the evidence?</li> <li>• identified the salience of particular issues?</li> <li>• highlighted a weight of opinion on the evidence, of which the government was unaware?</li> <li>• changed the perspective of key decision makers in government on an issue?</li> </ul>
Openness	Has the scrutiny ... <ul style="list-style-type: none"> <li>• improved the quality of information provided by government?</li> <li>• increased the quantity/breadth of information provided by government?</li> </ul>
Learning	Has the scrutiny ... <ul style="list-style-type: none"> <li>• caused the government to review or question its own actions or policies?</li> </ul>

	<ul style="list-style-type: none"> <li>• identified lessons that can help improve policies and how they are implemented?</li> <li>• created a positive environment in which lessons can be learned?</li> </ul>
Processes	Has the scrutiny ... <ul style="list-style-type: none"> <li>• changed the government’s approach to policymaking or to planning policy implementation?</li> <li>• changed the government’s risk appetite?</li> <li>• made government more proactively open?</li> <li>• made ministers and civil servants prioritize their own effectiveness?</li> </ul>
Context	Has the scrutiny ... <ul style="list-style-type: none"> <li>• made other actors aware of a previously unrecognized issue?</li> <li>• changed other actors’ evaluation of an issue?</li> <li>• helped build relationships or coalitions in support of certain perspectives on an issue?</li> <li>• influenced trust in government?</li> </ul>
Democracy	Has the scrutiny ... <ul style="list-style-type: none"> <li>• affected levels of public trust in the political system?</li> </ul>
<b>Possible qualitative evidence</b>	Analysis of documentary sources, focus groups, workshops or interviews may be used to discern the views of: <ul style="list-style-type: none"> <li>• those subject to scrutiny</li> <li>• those conducting scrutiny</li> <li>• third parties in the scrutiny process.</li> </ul>
<b>Possible quantitative evidence</b>	Amendments to bills or regulatory changes made following recommendations in a report <ul style="list-style-type: none"> <li>• number/proportion of report recommendations accepted</li> <li>• evidence of novel research conducted</li> <li>• quantifiable financial savings arising from recommendations</li> <li>• quantifiable non-financial benefits or trends, such as reductions in numbers of PQs [Parliamentary Questions] or FOI [Freedom of Information] requests</li> <li>• number of references to parliamentary scrutiny in government documents, the media, parliamentary proceedings, judicial proceedings, think-tank reports, etc.</li> </ul>

- independent assessments of impact, e.g. TheyWorkForYou polls on adequacy of answers to PQs
- quantitative surveys of interested parties

*Source: Hannah White, 2009. Parliamentary Scrutiny of Government, Institute for Government*

### **In summary: Parliament's own accountability**

Just as parliament monitors government performance to identify shortcomings and areas for improvement, so it needs to monitor its own performance in exercising oversight. Yet comparatively few parliaments do this. Self-assessment takes two main forms: evaluating capacity for oversight and measuring the impact of oversight. The former is easier to accomplish than the latter, but there are tools available to help carry out both. Civil society organizations play an active role in monitoring parliamentary performance, and some examples of constructive cooperation are starting to emerge.

## 2.6 Conclusions

Effective oversight is founded on a mandate that legally defines both governmental responsibilities and parliamentary powers. Once parliament has a mandate for oversight, it then needs the resources to carry it out: an independent, sustainable budget; a well-trained support staff; as well as unfettered and timely access to quality information and analysis. Parliament needs to develop a positive culture of oversight that recognizes the value of oversight for society and government. Individual legislators need to see oversight as an important activity to engage in, and political parties need to allow their members to engage constructively in oversight. If a parliament has these elements in place, then in theory it should be able to provide effective oversight, but it cannot know for sure unless it monitors its oversight performance.

# Chapter 3: Parliamentary oversight tools and processes

This chapter turns to the actual practice of oversight in parliament and the use of formal oversight tools and processes. Previous research has established that parliamentarians have on average between six and eight formal oversight tools at their disposal and has described their distribution in some detail.<sup>1</sup> Among the main formal tools are committees, debate and parliamentary questions. Each of these major oversight vehicles has a distinct purpose, and is discussed in detail in this chapter, which also draws attention to some critical issues in the design of tools and processes and offers practical tips for their effective use by MPs. Chapter 5 discusses parliament's interactions with external oversight institutions as well as some of the informal oversight practices used by MPs.

## 3.1 Opportunities for the opposition

It is important for the democratic process that opposition members should have full access to these central tools of oversight. Many parliaments have created mechanisms to allow the opposition to play an active role.

Parliamentary authorities were asked to outline opportunities available to the opposition to conduct oversight. Many parliaments reported the full range of parliamentary oversight processes, including participating in committee inquiries; presenting motions of no confidence or disallowance; speaking in debates; calling for a vote; and asking written and oral questions. Specific opportunities, however, are available to oppositions. These include:

- chairing a committee conducting an oversight inquiry;
- attaching a minority or dissenting report to a committee report;
- scheduling special 'opposition debates' in the plenary agenda;
- using a 'right of reply' to a budget debate or other ministerial statement.

The political situation may also call for special measures to be taken to ensure that there is an effective opposition, as during the grand coalition in Germany:

"At the beginning of this legislature, the grand coalition was established with some 80 per cent of the seats. We agreed that the minority rights enshrined in our rules – where they must constitute 25 per cent of all parliamentary bodies – should be applied even when the two smaller parties combined do not constitute 25 per cent. This means we respect the idea of minority protection, despite the fact that the numbers do not make up 25 per cent."

*Norbert Lammert, President of the Bundestag, Germany*

The range of formal tools at the disposal of the opposition is considerable and spans both the plenary and committees. As will be seen throughout this chapter, challenges exist for opposition members in using these tools effectively. It is perhaps important to note that Germany's V-Dem's 2017 annual report on the state of democracy identifies a negative trend in the opposition's potential to oversee the government:

"The indicator that measures if opposition parties in the legislature are able to exercise oversight and investigatory functions against the wishes of the governing party or coalition, registers a significant decline in almost 20 countries and advancements in fewer than 15."<sup>2</sup>

### In summary: Opportunities for the opposition

Opportunities for oversight should be available equally to all MPs, but in practice this is not always the case. It is important to respect the right of opposition parties to access the full range of oversight tools.

## 3.2 Oversight in committee

In its modern form, the committee is probably the single most significant and agile instrument of parliamentary oversight. Often able to focus on a specific department of government (where resources permit), with a very broad remit to inquire into departmental policy, finance and administration, the well-run committee can be a highly effective means of holding the government to account. It meets regularly, typically has a mostly stable membership for the length of a parliament, engages with a wide range of government and outside bodies, civil society and the public, and is serviced by a permanent cadre of procedural and subject-specialist staff. All these features are essential to the committee's effectiveness.

There are several types of parliamentary committee. This chapter focuses exclusively on committees for which oversight of government is a part or the totality of their mandate. It does not address internal committees, such as business and administration committees. It should nevertheless be noted that these can be important for facilitating oversight, such as through the allocation of time to opposition or government backbenchers for oversight debates.

The broad objective of parliamentary oversight in committee is to enhance the quality of government through evidence gathered in inquiries from which appropriate conclusions and recommendations are drawn and presented to parliament and beyond to the government and the wider public.

To a great extent, therefore, this parliamentary oversight activity is based on partnership with government. But this

<sup>1</sup> Pelizzo and Stapenhurst, 2012; Yamamoto, 2007.

<sup>2</sup> V-Dem, 2017.

is not always how it seems to MPs and staff on parliamentary committees’ ‘front line’, where there is often a state of controlled and creative tension between the government’s democratic mandate to govern and the committee’s right and duty of challenge.

This tension may manifest itself in, for example, the challenges of hearing evidence in public where issues of security, commercial confidentiality and reputation may be considerable; or the difficulty of reporting in such a way as to make the committee’s final report comprehensible, convincing and worthwhile while handling evidence sensitively; or the responsibility for committee members to take full account of the merits of a subject and to adopt flexible and evidence-based positions without being unreasonably constrained by strict party positions. It is, of course, precisely those boundaries that are the subject of constant debate and sometimes contest between government and committees.

The value of committees as a tool for overseeing government lies in their size and accessibility: committees allow a small group of members to examine in detail and over time a range of complex matters. Committees provide members of the public, CSOs, experts, academics and the private sector to get their points across to MPs on topics of national concern and to have these representations placed on the public record.

Committees matter greatly to MPs: they provide MPs with the means by which to probe into the detail of government policies and programmes, gain a measure of expertise in a specific subject area, and through the publication of the transcript of proceedings and the final report(s) hopefully make an impact on public policy. Sustained oversight committee work also provides participating MPs with the opportunity to gain expertise in areas within the committee’s remit, and to become skilled in the procedures and techniques relevant to oversight.

The work of oversight committees is a vital source of information for MPs taking often difficult and complex decisions in the plenary. The operation and product of modern oversight committees can constitute a ‘brand’ of excellence that may act to enhance the reputation and relevance of parliament in the eyes of the public.

This section focuses on a number of critical design issues which influence the effectiveness of committee oversight. Most often, these are set out in the rules of procedures, which should be, and frequently are, updated by parliament to improve effectiveness and meet new requirements.

### Committee leadership and membership

#### Selecting the chair

The role of committee chair is key to determining the breadth and depth of the committee’s oversight activity. Fifty per cent of surveyed parliaments noted that the chair has a role in deciding the committee’s agenda. The chair also influences the way committee members interact with each other. He or she can propel a committee toward consensus and seek to shield the committee from adversarial partisan behaviour, or, conversely, can allow those party political dynamics to be

replicated (and reinforced) in the committee forum. Those appointed to the role can wield considerable influence.

Committees in around 75 per cent of surveyed parliaments tend to be chaired by a member of the majority party.<sup>3</sup> Responses from the Australian House of Representatives, and the parliaments of Burundi, Chile, Greece and Lithuania indicated that all parliamentary committee chairs from those chambers belong to the governing party. In the Republic of Moldova and Denmark, committee chairs are divided proportionally among political groups, although this is a relatively recent development in the latter.

“As of 2015 – 16 committee chairs are divided proportionately between the parliamentary groups according to a change in the standing order of the parliament which was made in 2015.”

*Information provided by the parliament of Denmark*

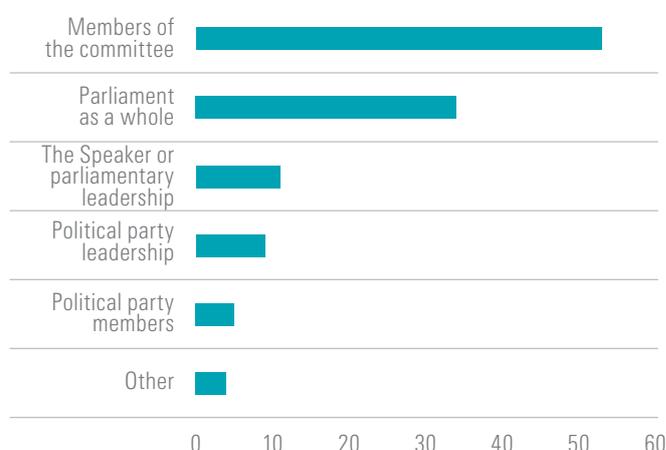
Recognizing that the chair has such potential influence, party leaders may be anxious to foreclose oversight work by ensuring compliant chairs are appointed.

“The leadership of the committee can keep delaying or sabotaging conclusion of a particular matter for even a year or two when that particular matter could have taken less than a month. The membership of the committees can also be corrupted. The interests are very ruthless, can be very volatile and they can easily divert attention. So that can also become a problem.”

*Kabando Wa Kabando, Member of the National Assembly, Kenya*

The questionnaire for parliaments for this report found that by far the most common way of selecting the committee chair is by the members of the committee, followed by parliament as a whole.

**Figure 14. Who determines the committee chair?**



Source: IPU/UNDP questionnaire for parliaments, Question 16, 2016 (base for question: 102 parliamentary chambers)

This data perhaps does not fully capture the informal dynamics that may give party leadership a role in allocating

3 IPU/UNDP questionnaire for parliaments, question 15, 2016.

committee chairs. In many cases, it is the party groups that in practice control the selection of the committee leadership, even if the formal decision lies with parliament or the committee members.

“The chairperson of each standing committee shall be elected in each House from among the members of the committee (Diet Law, Article 25). In practice, chairpersons are allocated to political groups that have a certain number of members, and the political groups nominate chairpersons. The presiding officer of the House appoints chairpersons as nominated by political groups.”

*Information provided by the House of Representatives of Japan*

The parliament of New Zealand notes that committee chairs are “generally pre-agreed in party caucus and elected by the committee membership at its first meeting or the first meeting after a vacancy arises”, while the Dutch House of Representatives comments that “Of course there will be negotiation between the (leadership of) political parties (factions) behind the scene about the division of chairs.”

This situation is not immutable, however. In the UK, in 2009, the Reform of the House of Commons Committee recommended, among other changes to the procedures of the House, that chairs of select committees be elected by secret ballot of the House. This was agreed by the House in March 2010, and has had the effect of giving more authority, legitimacy and independence to the committee chairs.

“The composition of the committees is important because they have to be balanced ... the chairmanship, until recently, in the House of Commons, was by appointment, so that was by a decision of the heads of various parties. Whereas now, they’ve just changed to an elected form, and it’s been very interesting to see the results ... I think that’s an area where the process of oversight is being developed.”

*Baroness Gloria Hooper, Member of the House of Lords, United Kingdom*

### Opposition members as committee chairs

Parliamentary rules sometimes require the appointment or election of committee chairs from the opposition, and in other cases this can be an established practice. In their responses to the questionnaire, parliaments reported a majority of opposition chairs in the Congo, the Netherlands, Norway, Pakistan (Senate), Peru, Portugal and Trinidad and Tobago. In Canada, a member of the opposition normally chairs committees on the Status of Women; Access to Information, Privacy and Ethics; and Government Operations and Estimates. In Tunisia, the constitution gives the

opposition the right to chair certain committees, such as the Finance Committee.

It is a generally recognized convention – and accepted good practice – that chairs of Public Accounts Committees, where they exist, should be drawn from the ranks of the opposition. Interviews with MPs clarified that having an opposition member as chair of a parliamentary committee can influence the effectiveness of that committee’s oversight work.

“We have a very powerful and effective Public Accounts Committee, headed by the Leader of the Opposition. The previous parliament amended the rules and procedures, according to which now the opposition leader is the chair of the Public Accounts Committee. And I think it is really important, because only then can we have effective monitoring and oversight.”

*Aasiya Nasir, Member of the National Assembly, Pakistan*

### Diversity in committee members and chairs

The diverse composition of parliament should be reflected in its leadership, to ensure that there is a range of voices heard in decision-making. This diversity of voice is also important to effective oversight because it uncovers different perspectives in the review and monitoring of policy and legislation.

“I am young but that does not mean I cannot participate. My political party made a decision that they wanted younger people on the party list. We are setting a new trend in our political history where young people have a voice ... If there is a problem, I don’t just look at that problem: I go right for the solution. [My constituents] don’t expect the same [from me as they would from a man] because I am a woman and they expect that I will speak for women – and at the very least young women – for mothers and for children.”

*Silvana Afonsoewa, Member of the National Assembly, Suriname*

An IPU survey of parliamentary authorities in 2011 found that women comprised approximately 21 per cent of the committee chairs of those parliaments that responded, a little higher than the average percentage of women in parliament at that time. Women held slightly more of the deputy chair positions (23 per cent) and more again of the rapporteur positions. Responses to the survey also confirmed that women are most commonly chairs of committees on women’s/gender issues or social policy (see Figure 15).<sup>4</sup> The ‘ghettoization’ of women into certain policy areas and committees but not others means their contribution will be disproportionate. Women should have the same opportunities to engage across the full range of committee portfolios as men.

<sup>4</sup> IPU, 2011: 19–21.

**Figure 15. Committees chaired by women**

Social affairs/Family/Culture	42
Legislative/Justice/Human rights	29
Women's/Gender equality	28
Economics/Finance/Budget/Public accounts	20
Education	20
Foreign affairs/Defence	18
Health	18
Environment	15
Agricultural affairs/Fisheries/Forestry/Rural affairs	14
Home affairs	8
Government and administration	7
Trade/Industry	7

Source: IPU, 2011. *Gender-Sensitive Parliaments: A Global Review of Good Practice* (base for question: 89 parliaments)

Some parliaments have amended their rules to ensure women are represented in greater numbers, and across a wider range, of these leadership positions.

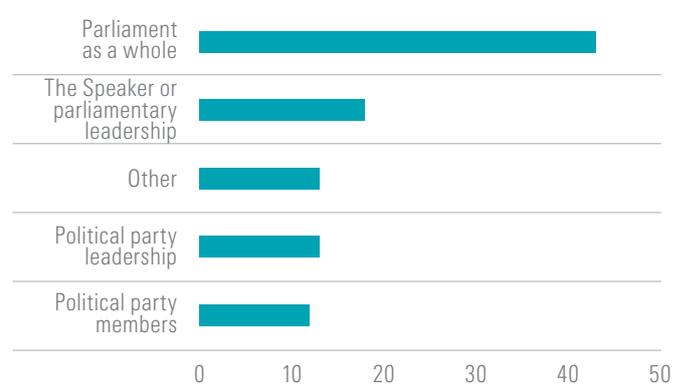
“When I became Speaker, the six parties all nominated [men] to chair the committees. I asked, ‘What about women?’ I instructed the whips to come back with new names. They came back with exactly the same names, so I gave them another week and again they came back with the same names. So I went to the Rules Committee and said this should not be a matter of choice. We now have a provision that 40 per cent of the chairs are women.”

*Rebecca Kadaga, Speaker of Parliament, Uganda*

### Selecting committee members

The composition of a committee will inevitably influence the work that committee carries out. The political composition of committees frequently reflects the relative strength of the parties in parliament. Ensuring that committee membership includes men and women would also be helpful, though this can be difficult where there are few women MPs and when combined with other requirements such as proportionate party representation.

Parliaments vary in their approach to selecting committee members: 42 per cent of legislatures responding to the questionnaire noted that parliament as a whole selects committee members; 18 per cent noted that members are appointed by the Speaker or parliamentary leaders; 13 per cent said they are selected by party leaders; and 12 per cent said they are selected by party members (see Figure 16).

**Figure 16. Who determines the committee members?**

Source: IPU/UNDP questionnaire for parliaments, Question 16, 2016 (base for question: 102 parliamentary chambers)

The extent to which MPs can request to be assigned to a specific committee and achieve this may be an indicator of the relative freedom enjoyed by individual MPs, and indeed, of that enjoyed by the committee itself. In practice, it may be the case that longer-serving MPs (who tend predominantly to be men) are more likely to be able to choose their committee than new MPs.

Parliament as a whole frequently has the formal role in determining committee membership. Political parties – and the factions within them – have numerous means to influence those decisions. There is a legitimate role for parties in the process of selection, as committee composition is usually based on how many seats each party has gained at the ballot box.

There is, however, a risk involved. Where MPs feel they owe their place on a committee exclusively to their party, and in particular, the party leadership, this may act to limit committees' autonomy in the conduct of their affairs, including oversight. The extent to which any such limitation applies depends to some extent on the mettle of individual members.

“There are instances where the parties don't have their way; there are many instances where we take positions that are independent of the party. And that is good for nurturing democracy. It is also very important in nascent democracies to have individuals who will stand out and boldly take positions that aren't in conformity with the interests of the mandarins in the echelons of power, because, not always are those mandarins in touch with the public good. That is why you balance carefully, so that you don't become a hostage or a captive of party machinery.”

*Kabando Wa Kabando, Member of the National Assembly, Kenya*

So, reasonable and not overweening party control over committee membership may mean more individual independence for MPs, more opportunities to specialize, and more incentives to invest in creative ('blue skies') thinking in committee oversight work. In contrast, committee members who feel tightly bound to their party may be less likely to collaborate across party lines to investigate the efficiency of

a given policy or programme. This point is explored further in Chapter 6.

Of course, parties are not the sole determinant of committee dynamics and the effectiveness of its oversight work. The ability of the chair to assert a clear direction, the frequency of opportunities for committee members to work closely together, and the degree to which individual members commit to the group and its investigations all play highly significant roles in practice.

### Committee members from outside parliament

Some parliaments have begun to experiment with forms of civic engagement with parliamentary committees. An innovative example is found in Serbia, where the Committee on Environment has been hosting a ‘special seat’ representative from civil society on a rotating basis. This representative can actively participate in the work of the committee, asking questions and participating in mobile sessions and hearings, thus articulating interests and better informing the committee MPs.

In Croatia, parliament’s Committee on Human and National Minority Rights includes five members from the Roman Catholic Church, human rights associations and interest groups dealing with women’s and youth issues.

While not an ‘oversight of government’ committee, the Committee on Standards in the UK House of Commons includes ‘lay’ representatives. The lay members have described their role as “sharing examples of what may happen on standards or ethical issues outside Westminster”, and “ensuring that all MPs adhere to the Code of Conduct and by so doing are maintaining the standards that the public expects ... of its representatives”.<sup>5</sup>

These initiatives appear to be currently limited in number, though they may point to possible future developments. They raise questions about democratic principles and representation that warrant further exploration.

### Including ministers on committees

Twelve parliaments (all in countries with a parliamentary system of government) noted in their response to the questionnaire that ministers could be members of the committee that oversees their own portfolio – provided that those ministers are also MPs. Some parliaments allow vice-ministers to sit on committees but forbid ministers from doing so. However, the practice of appointing ministers to committees risks undermining parliament’s autonomy from the government and muddies the roles that parliamentarians take when conducting oversight. Ministers will hardly be in a position to question their own department’s work and, placed in the position of taking a role on a scrutiny committee, will experience a conflict of interest.

Ministerial membership of committees typically occurs in parliaments that are too small to cover all portfolios with backbench MPs alone or when an unusually large proportion of parliamentarians have a role in the government. According

to the IPU’s PARLINE database, there are 21 parliamentary chambers in which more than 25 per cent of MPs are also members of the government. Many, though not all, of these are in Small Island Developing States. Such parliaments have a particular challenge in balancing available MP resources with essential parliamentary business and careful prioritization will be required to ensure the key priorities are covered with available non-government members so as to avoid conflicts of interest.

### Setting an agenda

Rules of procedure define how a committee determines its programme of work. In almost 60 per cent of the parliaments surveyed, committees need authorization from parliament to initiate studies, reports or inquiries. In practice, this means that committees need the support of the parliamentary majority (or the government) to undertake inquiries. This limits the possibility for committees to control their agenda, and for oppositions to bring to committees issues that may not have government support.

A range of actors can be involved in committee agenda-setting, including parliament as a whole, the Speaker or parliamentary leaders, the leaders of political parties, and the chair and/or members of the committee. In very many cases, the leadership – of parliament or of the committee – has great power in determining the committee agenda, whether by deciding what items to place on the agenda, or what should not be included.

It is good practice that parliamentary oversight committees, while being free to agree to consider topics proposed by government and other stakeholders, should determine their agendas freely whether in private or in public as in the following example.

The Dutch Parliament describes a particularly inclusive and transparent procedure for agenda-setting:

“Committees have procedure meetings every two weeks. These meetings are public. All items submitted to parliament by the responsible minister are on the agenda for discussion about how to treat them. Also all letters from organizations and from the public are on the agenda. So the committees decide then about hearings, round-table meetings, about advice the committee needs, committee meetings with the minister for oversight reasons etc.”

*Information provided by the House of Representatives of the Netherlands*

It is apparent from the members interviewed for this study that working in committees that are able to set their own agenda can bring enormous satisfaction.

“If there is a problem in a certain region that somehow affects the country as a whole, then anybody can send a motion that this issue be discussed in a certain committee. And then the president of the committee decides whether to have a hearing on that topic. Constituents, citizens or an association can just put up a motion for discussion; they explain why it is important and provide supporting documents.

<sup>5</sup> <https://www.parliament.uk/business/committees/committees-a-z/commons-select/standards/lay-members/>.

### Tips for MPs: Participating in committees

#### Why should I get involved?

Committee inquiries are one of the most commonly used forms of oversight by MPs, providing an opportunity to consider issues in depth away from the cut and thrust of the plenary. Consensus can be achieved and is more likely to be taken seriously by government than partisan interventions. In particular, inquiries can be very influential on government policy.

#### What do I need?

- effective research and advice from specialists and experts
- understanding of the committee's annual plan of work
- an interest in the subject area of the committee
- up-to-date knowledge of the committee's subject area
- relevant information about the issues affecting your constituents

#### How can I be effective in setting the agenda for a committee?

- Ensure that you are adequately prepared for all meetings. Committee work is detailed and very time consuming and there can be a lot of reading ahead of meetings.
- Keep abreast of issues in your subject area through reading and additional research.
- Seek to work as a team with all committee members to achieve consensus whenever possible.
- Be ready to contribute to discussions on the choice of subject for inquiries. Suitable subjects might include: a topic currently in the media spotlight; a law or policy area where specific problems have been identified; a matter of particular concern to the chair or committee members; an issue that offers an opportunity to influence government policy.
- The terms of reference will specify the areas the work will cover and will be agreed by the committee. Seek clarity if you are unclear about the scope of the inquiry and if necessary suggest additions or amendments.

And then it is discussed within a certain committee ... Citizens wrote a motion for discussing a legislative proposal which still had not been passed, and we had [almost] five hours discussion on that."

*Jasna Murgel, Member of the National Assembly, Slovenia*

This kind of autonomy leads to more engaged participants, who have a greater sense of ownership of the committee's work.

"Our freedom is very important in France. We can monitor all sectors as we wish. We have a formula at the finance committee that we like very much, which states that we can carry out documentary and on-the-spot checks. This means that we can ask for anything when we are somewhere and we can go anywhere to check it. If it concerns allocations to the Ministry of Foreign Affairs, we can go to every embassy and to Alliances. We can go into all prefectures and all hospitals. In fact, nothing is off-limits. The only limitation would perhaps be the human time required to do all of this."

*Michèle André, Senator, France*

### Permanent oversight committees

Permanent committees<sup>6</sup> contribute to a *systemic* oversight framework, thanks to the constancy of their policy focus, their capacity to carve out a niche of expertise in the public and media minds and to act as a 'training field' for MPs both in terms of subjects within the remit of the committee and procedurally. Almost 80 per cent of the parliaments surveyed noted that they have parliamentary committees established with the express purpose of oversight.

Permanent committees tend to enjoy stable membership for the length of the parliament. If they are also well led and properly resourced with a good staff able to contribute to sound forward planning, they are likely to produce high-quality outputs – well organized, relevant, deeply considered, and well informed. This means that the conclusions and recommendations of reports arising from such work will be likely to command wide respect and will be a useful and substantial contribution to improving government in the committee's field of operation.

Permanent committees are frequently 'paired' with government departments and are mandated to examine the entire range of a department's work, although some committees scrutinize cross-cutting areas. One of the most important of these is the Public Accounts Committee

<sup>6</sup> Often known as "standing committees"

**Tips for MPs: Committee hearings**

**How can I be effective in committee hearings?**

- A wide range of people should be invited to provide their views to the committee in writing. Some will be invited to give evidence in person. It is important to hear from ordinary people receiving services as well as experts and service providers. As a committee member, be ready to suggest people or organizations to invite.
- Ensure that the different experiences of people are taken into consideration throughout the inquiry process – for example, those of men and women, children and young adults, older people, and people with disabilities.
- Before hearings, coordinate with the other committee members so that each member’s questions cover different areas and do not repeat each other.

(or equivalent),<sup>7</sup> which checks value for money in government expenditure. The committee achieves this in a number of ways, for example by reviewing the way departments procure the services they require or how they monitor projects to ensure deadlines and budgets are met.

Other areas of governance (some cross-cutting) that may be subject to specific committee scrutiny include the security forces, government assurances, anti-corruption efforts and respect for human rights (see further, Chapter 4).

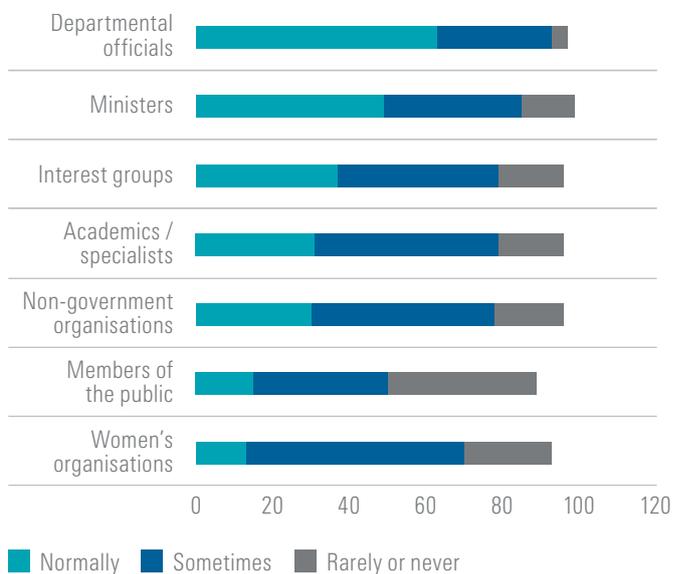
**Committee hearings in public**

At the heart of a committee’s oversight function is its power to seek evidence from a wide range of individuals and organizations on the subject under investigation. Hearings allow for broad engagement and expert input, which lead in turn to sound, evidence-based evaluation and pertinent recommendations. It is fundamental to the participative and inclusive nature of parliament and its committees that these should be held in public unless there are exceptional circumstances.

Of the parliaments responding to the questionnaire for this report, more than 80 per cent noted that committee hearings were usually open to the public, and more than three quarters noted that some hearings took place away from the parliamentary building.

Parliaments were asked about who participated in committee hearings. As shown in Figure 17, it is departmental officials and ministers who most commonly appear before committees, followed by representatives of interest groups and academics or specialists. Least likely to participate, according to respondents, are members of the public and women’s organizations.

**Figure 17. Who participates in committee hearings?**



Source: IPU/UNDP questionnaire for parliaments, Question 20, 2016 (base for question: 99 parliamentary chambers)

This points to a need to certainly reflect on and possibly strengthen parliamentary committees’ engagement with both the public and women’s organizations so as to reflect their views and experiences in the policy-making process.

Public hearings are among the most powerful tools available to a committee in its efforts to gather relevant opinions and information. Therefore, individual committee members should prepare for them thoroughly.

Hearings in public are also important in giving citizens who attend or listen or watch a clearer understanding of what it is committees actually do. This helps parliament as a whole to demonstrate its relevance and legitimacy to the general public. Indeed, some MPs may be motivated to join a committee precisely because it offers a way to reach out to constituents and the public at large.

“What really works now is when committees visit, and hear directly from, the people. Almost every weekend the standing committee travels out of town to many places that we are interested in, or to communities that invite us to visit them. And we are very happy to hear

<sup>7</sup> Public Accounts Committees are commonly found in parliaments based on the Westminster system, though in other systems other committees have similar roles, such as budget and finance committees.

directly from [these communities]. So, the people can stand up and talk to us and complain about [anything].”

*General Nipat Thonglek, Member of the National Legislative Assembly, Thailand*

As discussed in the first *Global Parliamentary Report*, parliaments are also trialling new technologies to improve communication with their electorates, to ensure that the people are able to participate in committee hearings and other oversight proceedings. For example, the UK parliament’s Home Affairs Committee conducted a consultation online so that victims of gender-based violence and forced marriages were able to share their experiences anonymously.

Engaging the public in all its diversity requires concerted effort and enhanced communication. Some parliaments have produced guides for the public on how to provide evidence to committees. For example, the Office of the Clerk of the New Zealand House of Representatives maintains a number of online guides to the committee process, notably *Making a Submission to a Parliamentary Select Committee*; the Australian parliament publishes on its website a *Guide to Appearing as a Witness* as well as *Submissions to Parliamentary Committees: A Guide to Making a Submission*; and the UK House of Commons has a similar publication, *Guide for Witnesses Giving Written or Oral Evidence to a House of Commons Select Committee*, and a video, *How Do Select Committees Work?* More and more committees have websites and a social media presence through Twitter, Facebook and/or Instagram. These channels make it easier both for the committee to publicize its work and for members of the public to send in comments and suggestions.

### Monitoring the implementation of legislation

Committee mandates frequently include overseeing the implementation of policy and legislation. Monitoring can lead to an assessment of the adequacy of legislation, whether intended benefits are being achieved, whether legal reform is required, and whether additional resources are needed.

Monitoring the implementation of laws is an area of parliamentary activity that appears to be becoming more important and widely used. Just over half (54 per cent) of parliaments surveyed note that they have some form of system in place for monitoring the implementation of laws. However only around 10 per cent of parliaments always or sometimes require government to report to them on the implementation of legislation or to review implementation after a certain period.

Since 2010, the UK government has been required to report to parliament on the implementation of laws three to five years after they were passed, which may then be considered by the relevant select committee (or a joint committee of both Houses).<sup>8</sup> Meanwhile, the Italian Chamber of Deputies has established a Department for Parliamentary Control, which monitors the implementation of laws on the basis of data provided by the government and other relevant institutions.<sup>9</sup>

A positive example is the review of Spain’s Law against Gender-based Violence conducted by a subcommittee of the country’s parliamentary Committee on Equality (see Box 17).

### Box 17 Monitoring the Law against Gender-based Violence in Spain

“The subcommittee, created in October 2008, has been working for approximately one year. For the majority of this time, its work has consisted of listening to opinions and suggestions from dozens of relevant parties: lawyers; representatives of universities, women’s associations, administrations and trade unions. It has also listened to other experts put forward by different parliamentary groups, who presented quantitative and qualitative data from different viewpoints on the application of the integrated law of Spain. They have also given their opinion on it, shared their experience and knowledge and suggested measures that could be taken to improve the law’s effectiveness.

On the basis of the information and documentation provided by the parties, as well as that provided by the Directorate of Documentation of the Secretary General of Congress, the subcommittee has since drafted a report, which was debated and unanimously approved in the equalities commission; and some conclusions and recommendations were also put forward. The report is a study, not a mandate for the government to go ahead and implement all the recommendations it contains.

It is therefore a living document that is intended to provide input and help each parliamentary group to identify initiatives that it considers useful to ensure that the conclusions, or some of them, actually provide a mandate for the government to implement specific policies and for linking or modifying corresponding legal texts.

Finally, I would like to point out that the work of the subcommittee has been productive. Although the work was not without controversy and there were differences of opinion in some areas, the parliamentary groups unanimously approved the report because they felt that it would send a message of steadfast solidarity to society that all political forces were on the same page in terms of tackling gender violence and that there was clear determination to put an end to this social scourge.”

*Extract of a speech by Mercé Pigem, Member of Parliament, Spain, 2010*

### Reports and recommendations

Committees typically communicate to the plenary via an oral or written report, which explains what has been found in the process of an inquiry, and recommends ways to improve the situation in question.

Almost 80 per cent of the parliaments responding to the questionnaire remarked that committee reports were usually adopted by consensus. One motivation expressed by parliamentarians from the governing and opposition parties in Sierra Leone was a desire to present a united front to government and to the public:

<sup>8</sup> Written submission for this report, UK parliament.

<sup>9</sup> Written submission for this report, Chamber of Deputies, Italy.

“We work together as members of the committee. If we don’t work together, people will see us funny – especially those that we go out to oversee.

Even if there is any disagreement, we will not show it openly. We note it down so that after the meeting we can discuss among ourselves. We do not show our disagreement openly to the ministries and departments that we are meeting with.

I think in parliament we speak with one voice, whether you are from the opposition or from the government. When it comes to important issues, you have to speak out. You cannot say because this is my government I cannot probe the government ministers – no, you have to be seen doing the work. So, you have to work together as a team so that the affairs of the country can run smoothly.”

*Abi Kaloko and Regina Tiange Marah, Members of Parliament, Sierra Leone*

However, in a political environment consensus may not always be possible, or even desirable. Some parliaments have moved to institutionalize the capacity of members to take a view apart from the majority, for example by allowing committees to present a minority report, whereby dissenting committee members are also able to express their views.

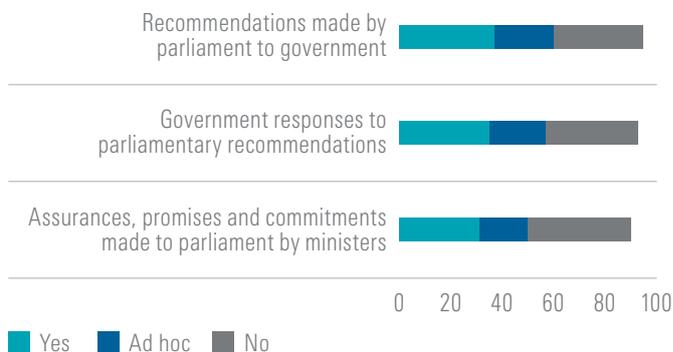
“Presenting [a] minority report is not very well accepted. Fortunately, we have rules that [allow a minority report to be] included in the main report. ... It is something that has been in the rules since the beginning of our new government democracy but hasn’t been used much. And it is only in the last year that in our [Finance] Committee in particular, we have started saying, ‘Hang on, we have to go beyond simply being the nice guys and trying to find consensus all the time.’ It hasn’t really got us very far, and now we need to be more robust and use this rule.”

*Robert Alfred Lees, Member of the National Assembly, South Africa*

### Tracking committee recommendations

Committee reports almost always make recommendations for government action. While there is generally no obligation for the government to implement these recommendations, it is a vital part of the oversight process that government should be required to consider and respond to them formally and in a timely manner. Almost two thirds (62 per cent) of the parliaments surveyed have this formal requirement. Yet only 40 per cent of the parliaments surveyed have a system in place for tracking the recommendations they make to government. A similar proportion (39 per cent) track government responses to parliamentary recommendations, and 36 per cent track assurances, promises and commitments made to parliament by ministers.

**Figure 18. Does parliament have a system for tracking committee recommendations and commitments?**



Source: IPU/UNDP questionnaire for parliaments, Question 39, 2016 (base for question: 95 parliamentary chambers)

Tracking the recommendations made by parliament, and the responses received from government, helps to signal their importance and places emphasis on follow-up action. Government may feel a greater obligation to respond to parliamentary recommendations if it knows that a lack of response will be publicized. Where follow-up is left to the initiative of individual committee members, there is always the possibility that the pressing issues of the day will take over.

In the United Arab Emirates, if government has not replied to parliamentary recommendations within three months, the Federal National Council sends an official letter to the government to follow up on the government response.<sup>10</sup> Meanwhile, in India, “Parliamentary committees have a well-established system of tracking their recommendations by way of seeking an ‘Action Taken Reply’ from government within three months followed by presentation of the ‘Action Taken Reply’ thereon and the laying of a final ‘Action Taken Statement’ thereon to parliament.”<sup>11</sup> In Spain, government responses to parliamentary recommendations are published in the Official Journal, and are recorded in a database available to all parliamentarians.<sup>12</sup>

Nearly a quarter (24 per cent) of parliaments track recommendations and responses on an ad hoc basis. Some have bodies that assist committees in tracking the government’s undertakings. In Sweden, for example, the Parliamentary Evaluation and Research Unit follows up and evaluates the implementation of decisions of the Riksdag. The Riksdag notes that:

“Various instruments of parliamentary control (e.g. interpellations and questions) may be used to hold the government accountable for not having responded – or for the way it has responded – to recommendations made by the Riksdag, or assurances, promises etc. made to the Riksdag by ministers. The Riksdag may – by means of an announcement to the government – request that the government takes a certain decision/certain measures. Such announcements are legally non-binding but, according to constitutional practice, the government is obliged to explain its reasons to

<sup>10</sup> Written submission for this report, Federal National Council, United Arab Emirates.

<sup>11</sup> Written submission for this report, Parliament of India.

<sup>12</sup> Written submission for this report, Congress of Deputies, Spain.

### Tips for MPs: Reporting committee findings

#### How can I be effective in framing and implementing committee findings?

- Read the draft report of an inquiry and consider whether you wish to suggest any amendments.
- Be prepared to compromise on a final report in order to achieve consensus.
- Take part in the promotion of a finished report through attendance at any press conference and through your use of social media.
- Consider any government response to the committee recommendations.
- Be prepared to return to the subject area in future to check on progress.

the Riksdag if it does not intend to comply with the announcement. In an annual written communication to the Riksdag, the government reports what decisions/ measures have been taken in response to the Riksdag's announcements. The written communication is referred to the Committee on the Constitution for preparation, and the subsequent committee report is considered by the Chamber."

*Written submission, Riksdag, Sweden*

The media also have an important role to play in following up on committee findings. By publicizing how the government has responded to committee recommendations, the media put pressure on government to respond positively (see also Chapter 5).

It should be noted that a proposal can still be influential even if it is not actually adopted. The government may not want to be seen to accept a recommendation inspired by the opposition, but may still take the idea on board and introduce it at a later stage.<sup>13</sup>

Parliaments should also consider how committees follow up on recommendations made during a previous legislature. While elections may bring a change in the political majority, it is likely that some issues examined by committees will still be relevant in the new legislature. A constructive approach to considering the oversight work of previous legislatures is desirable.

### Special committees of inquiry

Unlike permanent committees that oversee specific departments, special committees of inquiry may be established during the course of a legislative term or parliamentary session to investigate a specific issue. They typically have powers of investigation that can be used only in relation to the immediate matters of inquiry. Once its investigation is completed and a final report is submitted to parliament, the special committee is disbanded.

Just over 90 per cent of parliaments that responded to the questionnaire for parliaments reported that they could set up special committees of inquiry. Looking at results over time, responding parliaments reported setting up 81 special committees between them in 2013, 84 in 2014 and 101 in 2015, holding hundreds of hearings and receiving thousands of submissions. The subjects of inquiry encompass

a vast range of issues of national importance, such as the wiretapping of a magistrate (Romania), a lack of fibre-optic broadband (Democratic Republic of Congo) and violence against indigenous women (Chile).

The decision to set up a special committee of inquiry typically requires the support of a certain number of parliamentarians, sometimes the majority. This can have the effect of limiting the possibility for the opposition to initiate special inquiries. Some parliaments have made special provisions to ensure that minority parties can initiate inquiries.

"Minority parties have the right to establish an inquiry committee. And if such an inquiry committee is established, the minority party has the right to decide who can come before the committee, who can speak and who can give information. ... Each member of the committee can make a proposal, and then of course it is the decision of the majority in the committee, but sometimes also a minority of 25 per cent of members has the right to establish an inquiry committee."

*Reinhold Lopatka, Member of the National Council, Austria*

Meanwhile, a party with a parliamentary majority may sometimes prefer to set up special inquiries into the activities of a previous government if it was from a different party, but be less pressed to establish inquiries into the actions of the current government.

The process of investigation by a special committee of inquiry, as well as the recommendations that result, can generate significant public attention and political momentum, as this example from Kenya shows (see Box 18).

### Box 18 The Kenyan Joint Parliamentary Select Committee on Matters Relating to the Independent Electoral and Boundaries Commission

Over time since the 2013 general election in Kenya, a series of allegations of lack of credibility, impartiality, integrity, and independence against the Independent Electoral and Boundaries Commission (IEBC) generated immense public debate, culminating in a series of protests led by opposition leaders. As a result, it was agreed in 2016 that a bipartisan parliamentary select committee be established to examine the conduct of the IEBC in relation to these serious allegations, and make its recommendations within 30 days.

<sup>13</sup> Russell and Benton, 2012.

The committee heard representations from various stakeholders and made a wide range of recommendations, including the removal from office of existing commissioners and the reconstitution of the IEBC. Another recommendation became the focus of public attention and legal action in the run-up to the 2017 general election: to the effect that presidential election results declared at the constituency level should be final, and thus unalterable by the IEBC or its leadership. This had widespread ramifications, especially with regard to the elimination of electoral malfeasance, as it removed the possibility of presidential election results being altered after transmission from the constituency tallying centre, or at the point of announcement of results. In hearing the appeal filed by the IEBC, the Court of Appeal found that any law that seeks to give the IEBC or its chairman powers to make any alterations to presidential election results is contrary to provisions for transparency and accuracy.

This critical action arose as a result of a vigilant citizenry, and the bipartisan oversight over the IEBC, which sought to bring clarity to the transmission and tabulation of presidential election results.

*Source: Parliament of Kenya, 2016. Report of the Joint Parliamentary Select Committee on Matters Relating to the Independent Electoral and Boundaries Commission*

### Monitoring government commitments

Ministers make commitments to parliament and so, by extension, to the population as a whole. Yet there are relatively few examples of mechanisms to monitor whether these undertakings are implemented. Parliamentary Committees on Government Assurances (CGAs) represent an attempt to plug that gap. CGAs can be found in Uganda, Seychelles, Ghana, Zambia, India and Myanmar, among others.

#### Box 19 Committees on Government Assurances in Ghana and India

##### Ghana

The Ghanaian parliament created a CGA as a standing committee in 1998. Freda Prempeh, a current member of the CGA, is one of numerous MPs to have questioned the committee's effectiveness, and cites India as a positive CGA model to follow (see below). Part of the problem is that the standing orders require a member of the ruling party to chair the committee. This has created a situation where some assurances are not scrutinized robustly, for fear of antagonizing the ruling party. Other challenges include limited resources and a perception that the committee's voice is not loud enough to be heard above other, more influential committees, such as the Public Accounts Committee.

However, in recent years the CGA's reputation has improved. A new online portal, integrated with social media and SMS, enables members of the public to provide information on the implementation of specific assurances. And there are hopes that the standing orders will be changed to stipulate that the CGA be chaired by a member of the opposition, which would give the committee further credibility.

##### India

The Lok Sabha (the lower house of India's bicameral parliament) has had a CGA since 1953, and the Rajya Sabha (the upper house) followed suit in 1972. The CGAs follow up progress on government assurances three months after the assurance was made.

Individual ministries submit implementation reports to the Ministry of Parliamentary Affairs, which then makes periodic statements to parliament. Assisted by the parliamentary secretariat, the CGAs examine these statements to determine the extent to which each assurance has been implemented.

The Lok Sabha CGA maintains detailed statistics on the implementation of government assurances, which are publicly available through the parliamentary website. As of 21 November 2016, 1264 government assurances during the 16th Lok Sabha (2014 to present) are recorded as having been fully implemented, while another 1355 are pending. During the previous Lok Sabha (2009–14), 4588 assurances were fully implemented, while 922 remained unfulfilled.

As these two case studies illustrate, the existence of a CGA does not in itself guarantee effective accountability. The political environment, staff capacity to support the committee and the use that individual members choose to make of this mechanism combine to influence its effectiveness, which, as demonstrated, can be significant.

*Source: Tom Mboya, 2016*

#### In summary: Oversight of government in committee

Committees can be powerful tools of scrutiny. The means of selection of committee membership influences the degree of independence from the government and from a legislator's party leadership. Effectiveness is reduced when government ministers are part of the committee membership. The oversight mandate of *all* committees must be clear, and preferably set out in a legal framework. Enabling committees to place issues on their agenda and initiate their own inquiries helps to foster independence and a culture of committee.

Parliaments can establish specific oversight committees (for example, on public accounts, human rights, anti-corruption, government assurances), give permanent 'oversight of government' committees a mandate to undertake oversight inquiries relevant to their portfolio of work, or establish special committees of inquiry to investigate pressing issues of public concern.

A committee's working methods affect its ability to undertake effective oversight. Irrespective of the issue being considered, committees conducting oversight need to engage a broad spectrum of witnesses in their deliberations – this not only enhances the evidence-gathering process and improves committee operations, but public engagement aids transparency of parliamentary processes and increases public trust. Committees should systematically keep track of the recommendations they make and the government's response to these recommendations.

### Tips for MPs: Debates

#### Why should I get involved?

Debates allow MPs to speak at length on issues. They provide an excellent opportunity to hold government to account in the public space of the plenary.

#### What do I need?

- understanding of the processes used to determine subjects for debate and whether you can influence them

#### How can I contribute effectively?

- If possible, submit a request for a debate on a subject of your choice.
- Where forward business is published, review the programme regularly to be ready to take part in debates.
- If little notice is given of debates, draft a speech on an issue that concerns you ready for use at short notice.
- Undertake research to ensure that the speech is well informed, using the parliamentary research service, answers to oral and written questions, previous debates and committee reports.
- Ensure that your speech focuses on a few key issues taking into account any time limit.
- Set out concerns using stories from constituents' experiences and statistics; press government for information and have clear demands.
- Practise speaking, get comfortable with the parliamentary chamber, ensure you have time to make your demands.
- In some parliaments MPs can intervene to challenge or support other MPs who are speaking. Have detailed information to hand during the debate to use these opportunities to make points.

## 3.3 Oversight in the plenary

The plenary is the public arena of political contest and debate. Not surprisingly, the discussions and exchanges within this forum can be heated and adversarial. From an oversight perspective, members have a number of tools they can use there to raise public awareness of the government's actions and policy outcomes, including motions and questions.

In a democracy, there needs to be space for the public contestation of political ideas. The plenary is not generally the best place to consider issues in detail, but it plays a valuable role in the conduct of oversight and engagement of the public – and, of course, in sanctioning the government where it is found to be 'out of order'.

It is important that this debate take place in full public view. Media coverage helps to connect parliament and the public, and is a necessary part of parliamentary openness. The downside of media attention is that it can also encourage grandstanding and political point-scoring.

### Motions and debates

Motions and debates provide valuable time for MPs to speak in public and a good opportunity to conduct detailed oversight. Even a short debate may present challenges for a minister under pressure to justify a position of policy as well as oversight opportunities for MPs. The inception and development of major government policy is normally a matter decided in private away from parliament, but such policies ultimately stand or fall by the severe test of open parliamentary debate.

Motions are distinguished from oversight inquiries in committee, for example, by their more 'urgent' tone. Germany notes that members have a "right to demand a debate on matters of topical interest", and that:

"The President is obliged to convene the Bundestag if one third of its members so demand. For the recent election period the quorum has been reduced in order to strengthen the minority, which does not hold one third of the seats."

*Written submission, Bundestag, Germany*

Similarly, in Japan, debates on current events provide an opportunity to question the government.

"A report and questions take place after an important incident happens – for example, on the occasion of major disasters, serious accidents, Prime Minister's visits to foreign countries, ministers' attendance at international conferences, etc."

*Written submission, Diet, Japan*

Debates on the motion that the parliament has 'no confidence' in the government, or wishes to censure the government or a minister, are premeditated manoeuvres that seek a political sanction – usually, dismissal – in response to a situation of particular importance.

Data suggests that only a small proportion of motions of no confidence and censure are actually adopted. In 2014, across 76 chambers, censure motions were moved 37 times in total,

but only six were passed. There were 137 no-confidence motions in 2014, only eight of which were passed.

While motions of no confidence may be unlikely to pass when the government commands the support of the parliamentary majority, they can still be effective in drawing public attention to government shortcomings. Indeed, the intention of these motions is not necessarily the fall of the government but, rather, the public airing of a major concern. For the purposes of oversight, the simple fact of having the debate obliges the government to justify its actions and policies, for the benefit of parliament and the public. Such motions remain a useful tool available to MPs, regardless of whether or not they are passed.

More likely to be passed are urgency motions or motions to debate a matter of public importance (sometimes referred to as 'take note' debates). As parliamentarians in Canada and Slovenia explain:

"Under Standing Order 52, a member may request that the House discuss a matter requiring urgent consideration by debating a motion to adjourn the House and, if the request is granted, the debate is held at the earliest opportunity. Five emergency debates were held during 2014. Under Standing Order 53.1, the House may hold 'take note' debates, which allow members to express their views on an issue, without the requirement that a decision be taken. 'Take note' debates allow members to participate in the development of government policy, making their views known before the government adopts a position."

*Written submission, House of Commons, Canada*

"The oversight tool most commonly used in practice is the request for convening an extraordinary session of the National Assembly or an urgent meeting of a working body. According to Article 58 of the rules of procedure, an extraordinary session may be convened at the request of at least one quarter of the deputies; in such a case, the President of the National Assembly must convene the session no later than 15 days from the tabling of the request. This is a widely used tool, especially by opposition deputies. In submitting a request, the deputies must describe the issue that calls for a debate in the National Assembly and for replies and clarifications by the government and competent ministers. The request must also describe the specific actions that the deputies propose the government take; the proposals are discussed and decided upon by the National Assembly. The rules of procedure also allow for the calling of an urgent meeting of a working body, which may be requested by one third of the members of such body or by a deputy group. The meeting must be called within 14 days. The request for an urgent meeting must be accompanied by the relevant materials and proposed decisions."

*Written submission, National Assembly, Slovenia*

## Questions

Questioning in a modern parliament is a fundamental tool of parliamentary oversight.

Written questions are in practice direct exchanges between a member and a minister on the public record. Written questions enable an MP to gather information from government that is usually not readily available elsewhere, and which may be used, for example, to build a powerful, informed case for challenge or change to government policy.

By contrast, regular oral questioning of ministers in the chamber provides the opportunity for parliament to demonstrate relevance, elicit answers from ministers, and keep up with the news cycle in ways that demonstrate its relevance to the population. Using oral questions, MPs are able to make political points and benefit from an immediate response. Innovations such as urgent questions, which typically have to be answered verbally by a minister on the day they are submitted, increase the nimbleness and relevance of the procedure.

The possibility for MPs to address questions to the government, and the formal requirement in many countries for government to reply within a certain deadline, is one of the features that set parliamentary oversight apart from scrutiny by other bodies. While government may feel compelled by political pressure to respond to questions raised in the media, there is no formal obligation for it to do so. The situation is different in parliament, where government can be sanctioned if it does not meet the legal requirement to respond.

## Oral questions

Many parliaments reserve a specific time in the plenary session for MPs to ask questions of the government and its ministers. In certain parliaments, rules of procedure also allow MPs to follow their oral question with another, more detailed question, normally termed the 'supplementary'. This can be followed by a debate (or a period of interpellation).

Particularly where plenary sessions are broadcast live to the general population, oral questions can be confrontational and controversial. Oppositions typically declare that governments fail to answer the questions asked, and governments claim that the opposition ask politically motivated questions in an effort to 'bring down the government'. In this heated context, answers are not always to the satisfaction of the MP.

"We have to submit our oral questions in writing, weeks in advance and then the minister comes and answers in parliament. Some answers are provided by the President himself – not just his ministers – but he might as well recite a nursery rhyme because the response can be completely disassociated from the question. It is supposed to be a major form of oversight, and it is simply treated with disdain. If those answers are supposed to be your sources of information, then it really is a waste of time."

*Robert Alfred Lees, Member of the National Assembly, South Africa*

Some members interviewed for this report remarked on the importance of oral questions in informing, and raising awareness of a certain issue. An example is provided by a United Kingdom parliamentarian referring to a question she had submitted about the applicability of the SDGs to the UK:

“I think just putting it into a question and getting an answer for it makes people more aware (of the issue). The last time I asked a question about this during the debate on International Women’s Day, the response was much more comprehensive than when I had previously asked a couple of months earlier. Clearly, (at that time) they had not thought it through yet.”

*Baroness Lindsay Northover, Member of the House of Lords, United Kingdom*

Speakers have a key role to play in the way these oral questions are managed in the plenary, and indeed, in cultivating a more constructive dialogue between government and opposition, as demonstrated by the Speakers of the parliaments of Latvia and Georgia. Creating the space for this dialogue is valuable to the democratic process.

“The minister is obliged to answer questions (both orally and in written form). If the opposition are not content, they can ask the question once more and then the question should be answered in a special parliamentary sitting. As the Speaker, I try to ensure that all ministers come and answer the questions.”

*Inara Murniece, Speaker of Parliament, Latvia*

“In Georgia, there is still [the perception] that if the majority [asks questions] they are undermining the government. I am telling my colleagues: if we only (criticize the government) once, then yes, it will look like we want to bring down the government. But if we practise this regularly, every week, then we create a new understanding: asking tough questions is not about bringing down the government. It is about respecting what is required by the constitution. These barriers must be overcome and experience is the most effective tool for change. When parliamentarians travel and see how it is done in other parliaments, they are more likely to change.”

*David Usupashvili, Speaker of Parliament, Georgia*

**Box 20 Oral Question Time in the Legislative Assembly of Tonga**

In 2016, the Office of the Legislative Assembly of Tonga invited the UNDP Pacific Office parliamentary development team to provide a comprehensive briefing on the ‘Westminster system’ of parliamentary questions. This led to a facilitated discussion about how the present situation could be improved. The discussion recognized one feature in particular of the Westminster system: the latitude it gives to the Speaker to develop and promote the system of questioning, which keeps the questioning procedure up to date.

Shortly thereafter, the Legislative Assembly held a successful Oral Question Time, the first for several years.

*Source: Secretariat, Legislative Assembly of Tonga, 2016*

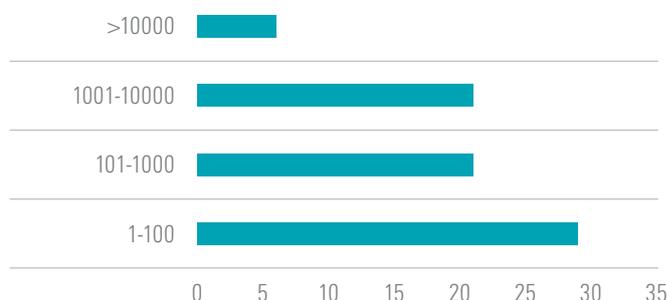
**Written questions**

Written questions are one of the most widespread forms of parliamentary scrutiny: more than 70 per cent of the MPs

surveyed noted that they submitted written questions. They have a different dynamic from oral questions. Typically, written questions are answered in more detail than oral questions (although this is not always the case). MPs may make ‘progressive use’ of written questions. That is, they may ask a series of questions on the same topic to elicit a clearer picture of the issue they are interested in. By continuing to ask related questions on a given topic, an MP can collect a considerable amount of information, provided the parliament recognizes the questions are ‘in order’.

The number of written questions asked per year varies greatly from parliament to parliament. Questionnaire data suggests that written questions are a core parliamentary activity in a number of countries, but are used marginally or not at all in others.

**Figure 19. Number of written questions in 2015**



*Source: IPU/UNDP questionnaire for parliaments, Question 12, 2016 (base for question: 82 parliamentary chambers)*

Many of the parliaments that indicated that fewer than 100 written questions were asked per year were from Small Island Developing States (where other means of gathering oversight information may be more commonly used) but not all. Tunisia, meanwhile, declared that only seven written questions were submitted in 2015 (of which six were answered).

Significant variation in the number of written questions appears within each region. The following table provides an indication of the extent of this diversity.

**Figure 20. Number of written questions submitted in 2015, regional sample of parliaments**

Africa	Sierra Leone	5
Africa	Kenya	133
Africa	Zambia	847
Asia	Japan	464
Asia	Malaysia	6075
Asia	India	13512
Europe	Croatia	316
Europe	Norway	1486
Europe	Denmark	14610
Latin America	Suriname	6
Latin America	Uruguay	450
Latin America	Chile	8637

*Source: IPU/UNDP questionnaire for parliaments, Question 12, 2016*

The 10 chambers with the highest number of written questions, based on questionnaire responses, were as follows. A high number of written questions requires the government to devote significant resources to responding to the questions.

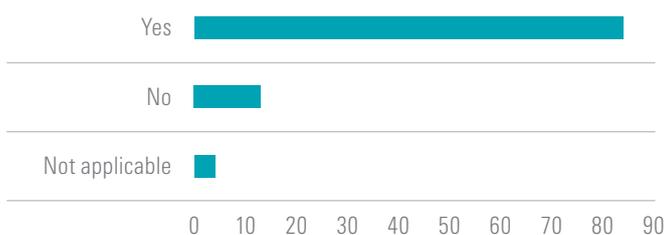
**Figure 21. Number of written questions submitted in 2015, 10 highest**

Europe	United Kingdom	30782
Europe	France	24180
Oceania	New Zealand	16180
Europe	Spain	15342
Europe	Denmark	14610
Asia	India	13512
Latin America	Chile	8637
Asia	Pakistan	6657
Europe	Poland	6370
Europe	Greece	6345

Source: IPU/UNDP questionnaire for parliaments, Question 12, 2016

The common challenge associated with written questions is timeliness. While oral questions require and receive an immediate (though not always satisfactory) response, written questions are often answered after some delay. This is despite the fact that most parliaments set a deadline for governments to respond to written questions. The questionnaire for parliaments revealed that 83 per cent of those parliamentary chambers that responded have such a deadline.

**Figure 22. Is there a deadline for government to respond to written questions?**



Source: IPU/UNDP questionnaire for parliaments, Question 11, 2016 (base for question: 101 parliamentary chambers)

Data gathered from the questionnaire did not provide a comprehensive picture of the percentage of questions answered within the deadline. While many parliaments reported that all questions were answered in a timely fashion, others noted that there were significant discrepancies. The Pakistan National Assembly, for example, reported that 6657 written questions were answered in 2015, but only 1987 (30 per cent) were answered, all within the deadline. The Greek parliament, meanwhile, reported that 6542 written questions were answered in 2015, of which 4642 (71 per cent) were within the deadline.

When government ignores such deadlines, it undermines parliament's authority and effectiveness in conducting oversight. As a result, some parliaments have reformed their

rules of procedure on delayed response to written questions. For example, in Canada the minister's response or lack thereof may be referred to a standing committee, and in the Netherlands the response may be scheduled as a priority question for question hour. Members can also give notice to speak on the subject matter of the question at a later time (e.g. time reserved at the end of a sitting day).

In a number of parliaments, a debate is scheduled when members are not satisfied with a minister's response to a written question (or its timeliness). This procedure is commonly known as interpellation.

"I can ask written questions to government and they have to answer them. If I am not happy with the answer, I tick 'not happy' and then there is an interpellation debate in the plenary session."

*Andrea Caroni, Member of the Council of States, Switzerland*

### Box 21 Questions and interpellations in Jordan and Kuwait

The following case studies illustrate how the parliaments of Jordan and Kuwait use interpellations to hold the government to account.

#### Jordan

In Jordan, if an MP is not satisfied with the answer to a written question, he or she can raise it again with the minister in plenary. If the MP is still not satisfied, he or she can turn the question into an interpellation. If the minister does not respond satisfactorily within a month, the interpellation may be followed by a vote of no confidence in the minister. During one plenary session, on 15 December 2015, as many as five MPs turned their questions into interpellations having received answers they considered to be inadequate.

During the period from 2013 to 2016, members of the House of Representatives asked 32,194 questions and initiated 77 interpellations and 35 requests for public discussions. As a means of exerting sustained pressure on government, interpellation is believed to have played an important role in pushing through a number of reforms, including to the country's National Energy Strategy Plan.

"We have two ways to question government. The first form is lower. You tell the government that you don't like something about their performance and you would like an answer. And yes, of course, we get answers. The bylaws for parliament and the constitution require them to answer. But most of the time, the answers are not close to the truth. The stronger tool, which I have used 35 times, [is interpellation]. By this process, I have the authority to say I am not convinced of the answers and I call to withdraw confidence. This happened two months ago over the issue of increased water prices, because it was done in secrecy without public awareness and the explanation for it was not truthful."

*Rula Al-Farra, Member of the House of Representatives, Jordan*

### Tips for MPs: Questions

#### Why should I get involved?

Questions are one of the most commonly used forms of oversight among MPs. Questions and answers inform the public about work in parliament and put information into the public domain. They can be used to highlight government failures or successes and press government to do more. Successful oversight helps to build the profile of MPs and political parties. All MPs need to demonstrate that they are campaigning hard for their constituents.

- Oral questions are an effective way to raise constituency issues, make political points, seek information, press for government action, highlight campaigns or seek a meeting with a minister.
- Written questions are useful for seeking detailed information on government action, plans and views. A well-targeted written question can identify areas where government is failing to take any action.
- A number of MPs acting together, whether formally through parties or blocs or informally, can use a series of questions to establish a political narrative or shine a spotlight on an issue. This can be done over time or by focusing a significant number of questions in a plenary session on one issue.

#### What do I need?

- the parliamentary rules for asking questions;
- relevant research about the subject of your question including information on government policies, action and statistics, disaggregated by sex;
- case studies from constituents (when raising constituency issues)

#### How can I contribute effectively?

- Be clear about the purpose of your question.
- Avoid asking questions that have already been asked.
- Undertake research.
- For oral questions, use the time allowed wisely. One focused question is more effective than a longer speech. Asking more than one question at a time allows the minister to choose the most straightforward question to answer and avoid a more difficult or embarrassing one.
- Prepare supplementary questions carefully to help achieve your objective in asking the question.
- For written questions, be precise and accurate about the information or action that is requested.
- Use question phrases that require the minister to provide a substantial, specific answer. For example: "What discussions has the minister had ..."; "How many ..."; "What plans does the minister have ..."; "What assessment has the minister made of ..."; "What estimate has the minister made of ..."; "What is the policy of the minister on ...".

### Kuwait

In Kuwait, the National Assembly can use interpellations to call for a vote of no confidence in government or an individual minister, which can in turn lead to their resignation. This strengthens MPs' authority to access information from ministers and hold the government accountable.

Ministers facing an interpellation often come to an agreement with the Assembly to avert a vote of no confidence. This was the case on 8 March 2016 when the Minister of Social Affairs and Labour, accepted 11 recommendations from parliament, relating to matters such as the care of orphans.

In other situations, the minister resigns before the interpellation can be made, as was the case for the Minister of Commerce and Industry who resigned on 23 March 2015. Since 2013, 19 interpellations sessions have led to the resignation of six ministers and a vote

for renewal of confidence in one. In many other cases, ministers have accepted MPs' recommendations.

*Source: Ahmed Jazouli, 2016*

### In summary: Oversight in the plenary

As a public arena, the plenary enables MPs to bring issues to widespread attention. The dynamic of oversight in plenary can be quite different from oversight in committee and it can have a more immediate political effect. In rare cases, motions are used in an attempt to dismiss a government or one of its ministers. More commonly, motions are used (even when they are not passed) to highlight issues of urgent, national importance. Written and oral questions to ministers have various purposes including eliciting detailed information about government policies and programmes. Some parliaments have mechanisms such as interpellation for MPs to seek

redress when they are not satisfied with the answers they receive to their questions. As with committees, parliaments need to ensure the opposition has the opportunity to conduct oversight in the plenary.

## 3.4 Oversight of the budget

The power to raise money through taxes has, historically, been a primary role of many parliaments and remains so today. Parliament also has a range of other functions related to public finance and spending.

In most countries, it is the responsibility of government to propose a budget to parliament. The national budget is a government's statement of financial and political intent. How does government plan to raise, and spend, revenue? Where will it focus its spending priorities? How does it intend to meet, financially, the demands of the public? In many respects, the fiscal choices outlined in a government's budget reflect its vision for society. A good budget, then, is comprehensive and transparent, and strives for predictability.

Budgetary scrutiny is a significant source of parliamentary power. At the same time, it is important to note the wide

### Tips for MPs: Oversight of the budget

#### Why should I get involved?

Government sets out its policy intentions and how it intends to resource them through an annual budget. It is one of the most important documents government produces. Parliamentary oversight is equally important. Only a few parliaments have the power to set budgets, but many more are able to amend or reject the budget, while some parliaments have no powers at all over budgets.

Subject area committees can also oversee the budgets and spending of the relevant ministry, bringing significant knowledge and experience of the particular services.

#### What do I need?

- An understanding of the budget process, including timescales and key dates.
- An understanding of key concepts:
  - income (how government raises money);
  - expenditure – how government spends money;
  - the difference between revenue and capital expenditure;
  - variances between budgets and actual expenditure;
  - deficits – the difference between expenditure and income;
  - debt;
  - borrowing;
  - cash management.
- Expert advice and analysis where available, including gender analysis; some parliaments provide budget research offices.

#### How can I contribute effectively?

- Consider the issues facing government for the next and future financial years:
  - Are there specific critical issues which need to be funded, such as a military intervention, a national emergency, or a debt or deficit to pay off?
  - Is government committed to particular levels of spending as part of an international commitment, such as membership of a regional body?
  - What new policies are being introduced? Can they be funded? Is government intending to reduce other spending to fund the new policy? Is this justifiable?
  - How effective has spending been to date? What outcomes are expected from the proposed expenditure? Has value for money been achieved?
- Some other questions to consider:
  - Income (how is the government going to raise money); what taxes are in place?
  - Is income tax progressive? That is, do those who earn more have to pay more?
  - Consider the budget from a gender perspective – for example, how do taxes impact on men compared to women?

#### Useful resources

IPU, UNDP, United Nations Development Fund for Women (UNIFEM) and Wallonie-Bruxelles International (WBI). 2004. *Parliament, the Budget and Gender*. Available at: [http://www.ipu.org/PDF/publications/budget\\_en.pdf](http://www.ipu.org/PDF/publications/budget_en.pdf)

Global Partners Governance, 2014. *Show Me the Money: Improving Financial Oversight*. Available at: <http://www.gpgovernance.net/publication/paper-4-show-me-the-money/>

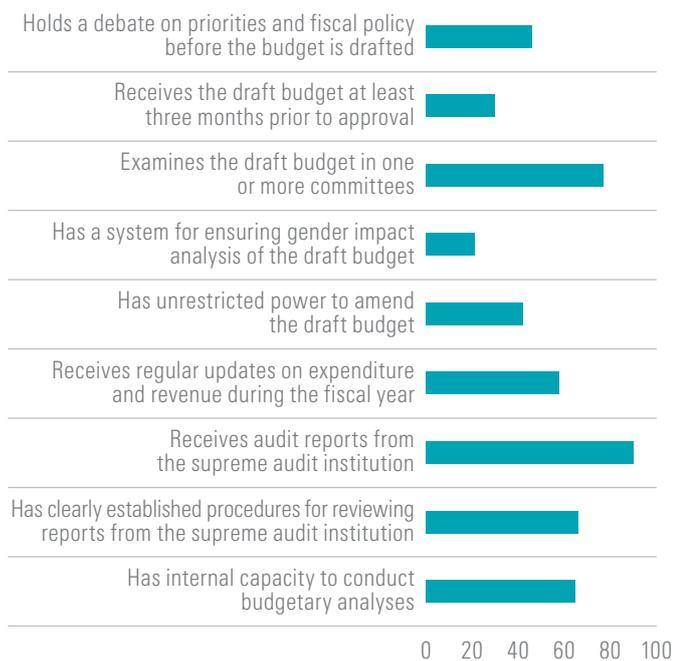
variation in the role of parliaments in the budget-making process.<sup>14</sup>

Parliamentary engagement in public financial management and the budget cycle is a topic in itself, which merits deeper investigation. This section considers the involvement of parliament in budgetary oversight and the critical opportunities for parliament to play a constructive role and some of the challenges. It then considers ways to strengthen parliamentary involvement in the budget process.

### Opportunities for budget oversight

Effective parliamentary involvement in the budget process establishes checks and balances that are crucial for a transparent and accountable government and ensure efficient delivery of public services. Yet not all parliaments are involved throughout the full budget cycle – from consultation and development of the budget measures to evaluation and audit. Figure 23 provides an overview of the various ways in which parliaments surveyed by IPU/UNDP oversee (or do not oversee) the budget.

**Figure 23. Opportunities for parliament to engage in budgetary oversight**



Source: IPU/UNDP questionnaire for parliaments, Question 27, 2016 (base for question: 100 parliamentary chambers)

Some parliaments' power to oversee the budget is well established, whereas others have had to fight hard to assert their authority. The South African parliament had to wait more than a decade after the passing of the country's current constitution before it was able to formalize its oversight procedure (see Box 22).

### Box 22 Parliamentary oversight over the budget in South Africa

The 1996 South African Constitution provided that an act of parliament must establish a procedure to amend money bills before parliament, yet the necessary legislation was not passed for another 12 years. The delay was partly a result of differences in political opinion as to whether parliament should play a role in amending the budget and what the extent of its authority should be. Some questioned whether parliament had the technical expertise to participate in financial management. Finally, following a social mobilization effort by the People's Budget Campaign (a conglomerate of NGOs and trade unions), the Money Bills Amendment Procedure and Related Matters Act was passed in 2009.

The Act greatly enhances parliament's financial oversight powers by enforcing a procedure for vigorous scrutiny of the budgets of individual government departments. Committees in the National Assembly now produce annual Budget Review and Recommendation Reports (BRRRs) on the department with which they are aligned. The BRRRs highlight problem areas in the department's use of resources and make recommendations for improvement. They also compare what has been envisaged in the department's strategic plan with what is being achieved, and interrogate discrepancies between objectives and performance. For example, when the Department of Justice and Constitutional Development announced the establishment of dedicated sexual offences courts but did not allocate budget for the necessary additional prosecutors, this was flagged in the BRRR for intervention.

The Minister of Finance must report back to parliament on how the Division of Revenue Bill and the national budget address the recommendations contained in the BRRRs. Where recommendations have not been taken into account, the Minister must explain why not.

The Act also gives parliament a say in government's overall fiscal framework. The Minister of Finance must submit a Medium-Term Budget Policy Statement (MTBPS) at least three months before the tabling of the budget in parliament. As well as reviewing current government spending, this lays out spending priorities for the next three years and includes a revised multi-year fiscal framework. The MTBPS is referred to the respective committees on finance and appropriations so that they can consider its implications for the long-term growth potential of the economy and ensure appropriate balance between revenue, expenditure and borrowing. Following this process of scrutiny, parliament may recommend amendments to the fiscal framework when it is submitted along with the national budget.

On the whole the Act has given 'teeth' to parliament's oversight of the budget. It has also opened up avenues for civic engagement by allowing for committees to consult relevant public bodies during the scrutiny process. Importantly, the legislation aims to locate budgetary oversight in the context of South Africa's economic situation as a society that is intolerably unequal. Now parliament can oversee the budget in a manner

14 Pelizzo, Staphenurst and Olson (eds.), 2005.

that facilitates inclusivity and promotes broad-based social transformation.

*Source: Joy Watson, 2016*

### Contributing to budget formulation

Parliaments can be involved in the budget process before the budget bills are introduced into the chamber for formal consideration. A significant proportion (47 per cent) of surveyed parliaments report that they hold a debate on priorities and fiscal policy before the budget is drafted. Some parliaments conduct pre-budget consultations through their finance committees. These public hearings can identify the public's priorities and propose revenue and expenditure items. More parliaments are taking on a role in the formulation stage. For example, committees can scrutinize the budgets and plans of the department with which they are aligned and review its main estimates. The main estimates are the government's projected spending for the coming fiscal year, broken down by departments and programmes. The review of the estimates can be entrenched in the committee's yearly work plan and can include scrutiny of programme planning. For example:

- What will the impact of the programme be?
- What is the cost/benefit analysis of the programme?
- How will performance be monitored?
- What are the gendered implications of both the impact of the programme and related expenditure?

Some parliaments hold a pre-budget debate around six months before the new budget year. Discussion usually centres around a government statement to parliament of its fiscal policy intentions, targets and spending ceilings for the upcoming year.

### Examining a proposed budget

Once the budget bills are introduced, parliament is expected to scrutinize them. As noted in Figure 23, 77 per cent of responses to the survey, parliaments typically send the bills to "one or more committees" for review. There are various ways in which committees engage with budgetary oversight. Some parliaments require all standing committees to review the relevant aspects of the budget and report back to a central budget committee, while others have established dedicated committees for the review.

"We have formed the budget committee, which looks at how the government has been spending in the last years and why they are asking for the budget for the next year. This is our third budget. The budget committee has the power to amend expenditure amounts on certain items. It also has the power to move resources from one area to another and is the only committee with that power. One good thing about this budget committee operation is that it is participatory. Sometimes we don't agree and then we look for outside consultants to give input. Even on taxation, we invite people to tell us about the impact."

*Anne Makinda, Speaker of the National Assembly, United Republic of Tanzania*

Part of fiscal transparency is allowing parliament enough time to scrutinize the draft budget.<sup>15</sup>

The length of time dedicated to budget review may largely be prescribed in the constitution (for example Denmark, Finland, France, Spain, Republic of Korea), in legislation (for example United States, Germany, Japan, Sweden) by a parliament's own rules of procedure (for example New Zealand), by practice and custom (for example Canada and the United Kingdom), or in some or all of these sources of law. In most OECD countries, the budget is presented two to four months prior to the beginning of the new fiscal year. In some countries the law requires the annual budget to be adopted before the beginning of a new fiscal year.<sup>16</sup>

Thirty per cent of surveyed parliaments report the draft budget is submitted to parliament at least three months prior to the approval deadline. However, in some countries government delays presentation of the budget to parliament or parliament fails to allocate sufficient time to analyse it. This curtails the amount of time available for public hearings and input from specialized civil society organizations, economists and other experts.

### Amending the budget

A substantial minority (42 per cent) of parliaments surveyed noted that they have "unrestricted power to amend the budget", although it is possible that a more complete sample of parliaments would see this figure reduced, and where relevant expertise is not available to parliament the power can be a dead letter. Parliaments that do not have direct power to amend can still use their power of approval of the budget to encourage amendments indirectly, particularly where budgets do not meet the objectives they originally set out to achieve.

"We identified health as a key issue, (particularly) maternal mortality. We made a decision in our reports that every three or four years, the sector would aim for increased salaries and recruitment of doctors and so on. In the second session, we said we would not pass the budget until this was addressed. The chair of the committee was of the ruling party, so it was so annoying to the government that it was a member of its own party requiring this amendment. Eventually, the government relented."

*Rebecca Kadaga, Speaker of Parliament, Uganda*

### Oversight of the public accounts

The passage of the budget into law does not end parliament's involvement with public spending. On the contrary, a new chapter of responsibilities opens with parliament taking the lead in monitoring government spending throughout the year.

However, a significant minority of the parliaments surveyed (42 per cent) claim not to receive regular updates on expenditures and revenues during the fiscal year, making it difficult to conduct ongoing scrutiny and interrogation of spending according to prescribed targets.

<sup>15</sup> IMF, 2007.

<sup>16</sup> Lienert, 2010.

“It is very difficult to oversee the actual settlement of the accounts for the year, as we have expenditures for the year as a government and then you close the books. And then by the time the accounts come out, it is much later. So, it is very difficult to conduct oversight on that. And oversight of the accounts runs into budget oversight, which adds to the difficulty. And because we are now in the opposition party, we have no right to make any sort of change to the budget; that is the ruling party’s job. So that is another difficulty.”

*Chinami Nishimura, Member of the House of Representatives, Japan*

When scrutinizing a budget, it is easy to forget that the figures on a balance sheet relate to real lives. As these MPs from Djibouti note, it is one thing to examine the accounts of a hospital, in this case, but visiting the hospital itself may be a better way to assess whether the funds are meeting their objectives:

“When we planned to go to the hospital, the objective was to determine if the budget allocated to the hospital had been respected or exceeded. ... It was to verify if the objective had been achieved. We noted that budgetary limits had been respected, but that needs were greater than anticipated. Our checks were so effective because we went on site. If we had not gone on site, we wouldn’t have been able to observe this.”

*Deka Ahmed Elmi and Hassan Said Goumaneh, Members of the National Assembly, Djibouti*

While parliament and MPs need to take great care to focus primarily on the *national* impacts and delivery through their oversight work, and distinguish carefully between that and representational constituency duties, some time spent examining ‘on the ground’ impacts at first hand can be useful.

A vital aid to parliament’s conduct of the scrutiny of public money is establishing liaison with the Supreme Audit Institution (SAI), which is usually done by the Public Accounts Committee or equivalent audit committees (see Box 23). Working closely with the SAI is a very important means of parliament tapping into vital technical expertise and of preventing mismanagement and corruption (see also Chapter 5). For example, the Auditor General of Trinidad and Tobago:

“Audits the Public Accounts of Trinidad and Tobago (including those of the Court) annually, as well as the accounts, balance sheets and financial statements of all state enterprises and submits same to parliament. These Auditor General reports are then referred to the Public Accounts Committee or the Public Accounts (Enterprises) Committee. The Auditor General works closely with the Public Accounts Committees to assist them when they are conducting examinations into the audited financial statements of public bodies.”

*Written submission, Parliament, Trinidad and Tobago*

### Box 23 Factors in the effectiveness of Public Accounts Committees

Public Accounts Committees (PACs) specialize in post-expenditure financial oversight to ensure that government departments have spent public funds honestly and legally. They are often assisted in this effort by audit institutions, which may be independent of the government and submit their work directly to the PAC. To underline the fact that this review process is an explicit function of the parliament, wholly independent from the government, the PAC is usually headed by an opposition party member.

The Commonwealth Parliamentary Association and the World Bank Institute identify a range of factors to improve the effectiveness of PACs:

**Size:** The PAC should be relatively small.

**Politics:** The committee should be chaired by a member of the opposition.

**Experience:** The chair should be a senior parliamentarian.

**Tenure:** The committee should be appointed for a full term and adequately resourced.

**Rules:** Committee roles and remits should be clear.

**Frequency:** The committee should meet frequently.

**Openness:** PAC hearings should be open to the public.

**Relationship to SAI:** The Auditor General’s report should be automatically referred to the PAC and the Auditor General should meet with the committee to go over report highlights.

**Reporting:** The PAC should issue formal and substantive reports to parliament at least annually.

**Sustainability:** The PAC should establish a procedure with the government for following up on its report findings.

*Source: Commonwealth Parliamentary Association and the World Bank Institute, 2006. Parliamentary Financial Scrutiny: The Role of the Public Accounts Committees*

### Resources for budget analysis

Budget analysis is a specialist skill. MPs need to understand the concepts and methods involved. Parliamentary staff need to be able to provide astute analysis of departmental budgets, including from a gender equality perspective and the perspective of socially marginalized groups.

With this in mind, it is critical that both staff and MPs receive relevant training. However, while 65 per cent of parliaments reported having the internal capacity to conduct budgetary analysis, fewer than 50 per cent provided any kind of training in the discipline (*IPU/UNDP questionnaire for parliaments, Question 36, 2016*).

“When they started tabling the budget, it was free for everyone to study the budget and to ask questions, and we did. And then we had some training, which taught us how to scrutinize the budget and how to

come up with good questions, and that is what we are doing now.”

*Victorine Shikongo, Member of the National Council, Namibia*

offering advice, information and other kinds of support to the MPs.”

*Slobodan Vukadinovic, Assistant Lecturer, Faculty of Law, Union University, Serbia*

### Box 24 Data integrity

Quality oversight of public accounts requires quality data. Recognizing that quality data is essential for identifying problems as well as monitoring progress toward development goals, the 2030 Agenda for Sustainable Development includes a specific target for building national statistical capacity: “by 2020, enhance capacity-building support to developing countries, including for least developed countries and Small Island Developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts” (Target 17.18).

To ensure data integrity, parliament should question the veracity of the data it uses and liaise with the National Statistical Office (NSO) to ensure that committees receive data that meets their needs. Questions to keep in mind include:

- Who has provided the data? Is it from a reputable and reliable source?
- How has the data been collected? Has the methodology been empirically verified elsewhere (e.g. by other NSOs or at different levels of government)?
- Is the data representative of the population? What sampling techniques were used?
- Is the data disaggregated (broken down) – by sex, by ethnic and minority groups, by people with disabilities, by age?
- What is the cost of producing this data? Are challenges involved and how can these be resolved?

### Parliamentary Budget Offices

In the wake of the 2008 global financial crisis, a number of parliaments have worked to increase their analytical capacity by establishing a Parliamentary Budget Office (PBO) or in-house research unit. Both specialized in-house units and independent PBOs can facilitate oversight of the budget by simplifying highly technical information, producing specialized analysis and monitoring government compliance with national and international fiscal regulations.

“The National Assembly established the Parliamentary Budget Office of the Republic of Serbia on 13 November 2013 to support parliament’s oversight of government. The office assists MPs both during the budget procedure (in terms of offering expert opinions, analyses and brief studies in various areas), and in the process of reporting on the budget execution. The idea is ultimately to have a separate expert service established in the National Assembly, which would provide analyses and render expert support regarding the budget and financial oversight issues, as well as

The Italian parliament set up a Parliamentary Budget Office in 2014 to analyse and monitor the government’s macroeconomic policy and the public finance forecasts, and to monitor compliance with the domestic and European budget rules. The office works on the basis of an annual work programme, drawing up analyses and reports at the request of parliamentary committees responsible for public finance.<sup>17</sup>

As well as providing the full range of budgetary analysis, PBOs can deliver the professional development that parliamentarians require to carry out their oversight role effectively. However, many smaller parliaments may find it difficult to establish a dedicated PBO through a lack of financial and human resources. In those cases, appropriate cooperation with the national audit organization becomes particularly important and calling on external expertise, where available, will assist parliament.

### Gender-responsive budgeting

One important aspect of gender mainstreaming in parliamentary oversight is ensuring that the budget is responsive to the needs of all people, including women and men. There is little point in streamlining the technical aspects of the budget process if the resulting distribution of national resources is perceived as inadequate or unfair. Indeed, the fundamental purpose of parliament’s engagement with the government’s budget proposals is to negotiate a nationally equitable settlement. Analysing the budget from a gender perspective is an intrinsic part of ensuring fairness as, by identifying the requirements and contributions individuals make to the economy, it gauges the effects of government policy spending on men and women, and boys and girls. This entails the need for close scrutiny of the outcomes of budgets, and allows for more efficient, better targeted allocation of public expenditure.<sup>18</sup>

Gender-responsive budgeting (GRB) has been defined as: “an approach that aims to mainstream gender in economic policymaking and seeks to transform the entire budgetary process. Gender budgeting refers not only to expenditures earmarked for women, but also to an analysis of the entire budget from a gender perspective, including security, health, education, public works and so on, to ensure that the allocations and resulting impacts respond to the needs of both men and women.”<sup>19</sup>

Just over 20 per cent of the surveyed chambers reported having a system for ensuring gender-impact analysis of the draft budget.

“The gender-sensitive budget was just introduced in December. In order to adopt any law, we have to read it three times. The gender-impact statement is explained

17 Written submission for this report, Chamber of Deputies, Italy.

18 Quinn, 2009.

19 IPU, 2011.

during the first reading. The budget is then sent to all government agencies with our recommendations, which they have to implement before the second reading. For example, we recommended that women who have children with disabilities should be paid. They will get a salary and they will get a pension.”

*Ainuru Altybaeva, Member of the Supreme Council, Kyrgyzstan*

“Recently the Israeli cabinet has started to add a gender analysis to the biannual Budget Law. The Research and Information Centre [of the Knesset] adds a critical analysis of this data to the documents it prepares for parliament members on the budget legislation.”

*Written submission, Knesset, Israel*

Parliamentarians should press governments to develop gender-sensitive budgets and ensure that the GRB principle is woven into all phases of the budget cycle, from preparation of departmental budgets through to evaluation and review.

Some parliaments have incorporated GRB in their legal framework. In Austria, for example, the Federal Constitution provides parliament with a legal mandate for GRB, requiring federal, state and municipal governments to consider gender equality in the budget process. In addition, the Federal Budget Act of 2013 introduced mandatory gender-impact assessments as part of a major budget reform process.

Parliaments that do not have a formal mandate for GRB can still apply its principles. For this to happen there needs to be buy-in from parliamentary leaders, who are in a position to set an example that will bring about a general change in behaviour (see also Chapter 5). However, the process can take time.

“We have been asking for a gender-sensitive budget in the parliament so that we can assess these programmes and policies, to see if they have translated into real impacts and empowerment for women. What we got was half a page in the budget telling us that the general spending on women was 20 per cent, without any details on where these numbers came from. I want to know whether the government is talking about women who work in the public sector or the private sector, for example? What is the total amount spent on women [in each sector]?”

*Rula Al-Farra, Member of the House of Representatives, Jordan*

### **Box 25 Gender-impact analysis in the draft budget in Sweden**

The idea of mainstreaming a gender-equality perspective into the national budget (gender budgeting) was introduced in the late 1980s in Sweden, but it was not until 2004, when the Riksdag adopted a six-year plan for gender mainstreaming in the government offices with

special emphasis on budgetary work, that it moved on from the project stage and became part of the regular work. Gender budgeting encompasses three different areas: the economic management and control of government agencies, the material on which economic policy decisions are based, and statistics disaggregated by sex as an important tool in pursuit of gender equality. In the early years, work focused first and foremost on making the gender-equality perspective visible in the financial governance of public agencies, which involved raising awareness – from a gender-equality perspective – of the link between the objectives and funding of government operations and their results. The plan for gender mainstreaming of the budgetary process contained a number of key indicators to be followed up annually; for example, the extent to which statistics in the Budget Bill were disaggregated by sex (since 2003, the state budget contains a gender-equality annex, which specifically describes the allocation of economic resources between women and men), how many gender-equality policy objectives had been identified in various policy areas, and how many gender-equality analyses had been undertaken.

*Source: Written submission for this report, Riksdag, Sweden, 2015*

### **In summary: Oversight of the budget**

Passing the budget is parliament’s longest-established and most powerful function involving oversight. Parliament needs to assert its right to oversee public spending across all stages of the cycle, from budget formulation, to approval, to implementation, to evaluation, to delivery. It also needs enough time and expertise to conduct detailed inquiries and, where appropriate, site visits that will enable it to understand fully how budgets affect people’s lives. Parliamentary Budget Offices, where practical, can help by providing specialist budget analysis and training for MPs and staff. An increasing number of parliaments are applying the principles of gender-responsive budgeting, but its benefits and the techniques involved in implementing it still need to be more widely canvassed and pursued.

## **3.5 Conclusions**

In most parliaments, there are several oversight mechanisms and practices to choose from. In theory at least, these tools are available to all. In practice, MPs’ opportunities to engage in oversight may vary according to party, seniority, experience or gender. MPs need to familiarize themselves with the different ways to carry out oversight in different contexts. Although they have different features, oversight in plenary and in committee are often complementary. The outputs of a committee inquiry are normally available for use in plenary debate or as prompts for an oral or written question. Similarly, a committee inquiry often has its origins in the subjects of plenary debates or ministerial statements – or a matter may be directly referred to a committee via the plenary.

# Chapter 4: Specific instances of oversight

This chapter takes a thematic look at three areas that pose specific challenges and require particular approaches from parliament if oversight is to be effective. The security sector presents particular issues arising from access to highly sensitive information and its secure handling. Oversight of commitments under international human rights law requires a cross-cutting approach, even if primary responsibility is often placed within one committee with a human rights mandate. Oversight of progress toward the SDGs calls for a mainstreaming approach within parliament as one means to address the severe resource capacity of many medium and smaller parliaments especially when called upon to monitor diverse and complex goals.

## 4.1 The security sector

In many areas of domestic and foreign policy, the boundaries between the government's democratic mandate to govern and an oversight committee's right and duty of challenge are relatively stable, but some sectors are rather more contested and present significant handling difficulties. The security sector at the extreme end of the scale exemplifies many of the challenges faced by parliamentary oversight generally.

### Box 26 Security sector governance

Security sector governance (SSG) is a relatively new paradigm that, since its inception in the 1990s, has made an extraordinary progression in both policy and academic discourses. It has broadened the narrow spectrum of civil–military relations to cover the entire security sector, including the armed forces, police, intelligence services, border security and private security companies and militias. Along with the security sector itself, the need for democratic accountability and civilian control of the security sector has also widened and currently includes all management and oversight institutions, such as the executive, legislature, judiciary, independent oversight bodies and civil society.

#### Parliament's capacity for SSG: The 'triple A'

There are particular challenges facing parliament in its oversight of the security sector. These include the need to handle classified information and a potential lack of expertise on SSG-related matters. A parliament's capacity to conduct SSG can be assessed according to the so-called 'triple A' criteria:

**Authority:** Does parliament have the legal power and space to exercise oversight over the security sector?

**Ability:** Does parliament have the necessary resources, staff, access to classified information and national security expertise?

**Attitude:** Are members of parliament willing to hold the security sector accountable for its actions?

Source: Geneva Centre for the Democratic Control of Armed Forces (DCAF), 2016

The underlying premise in the security and intelligence fields is that publicizing the agencies' work in the course of parliamentary oversight activity in comparable detail to that for a line ministry or public agency will risk compromising national security. However, some parliaments, recognizing the topicality and importance of this field, have included such matters in their overall oversight remit and have established dedicated committees to undertake the task.

### Box 27 The Norwegian Parliamentary Intelligence Oversight Committee

The Norwegian Parliamentary Intelligence Oversight Committee (EOS Committee) is a permanent committee consisting of seven members elected by the Storting (Parliament) for five years and responsible for monitoring the Police Security Service, the Defence Security Service and Military Intelligence. The committee is responsible for continuous supervision of the work of these services, and investigates complaints. It also initiates its own issues where appropriate. The main aim of this committee is to protect the security of the individual citizen.

The committee reports annually to the Storting. It is not authorized to order the services to take specific action on a matter, nor to make decisions to which the services are obligated to conform. However, it may express its opinion on matters or situations it investigates as part of its oversight duties and make recommendations to the services. For example, it might recommend that information on a person be deleted from the register of that service, that a matter be reconsidered, or that a practice or measure be discontinued. In its reports to the Storting on oversight activities, the committee may choose to emphasize various situations or problems associated with the EOS services it considers to be relevant or of current interest.

The committee's reports provide the Storting with the information it needs to decide whether amendments to existing legislation or changes in current practice are necessary. Special reports of the committee are also available in English.

Source: Norwegian Parliamentary Intelligence Oversight Committee, 2016 ([https://eos-utvalget.no/english\\_1/](https://eos-utvalget.no/english_1/))

The extent of such committees' ability to penetrate operational matters is subject to restraints, but they may express opinions and be authorized to report to parliament. In so doing, intelligence committees act similarly to other parliamentary scrutiny committees.

However, the degree to which such reports to parliament are well informed and generally useful as the 'product' of oversight will depend upon the degree of committee access to the relevant agencies and, in the case of a committee dealing with sensitive matters, consensus between government and committee over where the boundaries of disclosure need to be drawn, however challenging that may prove. If the agreed access boundaries are over-constrained the resultant

committee reports will lack credibility, and public trust in the oversight process is likely to be damaged.

The Diet of Japan has developed a special procedure to oversee the specific cases where a piece of information is designated as a state secret:

“In order to monitor continuously government operation of the system for the protection of specially designated secrets, each House has a Board of Oversight and Review of Specially Designated Secrets. These bodies investigate the conditions under which information is classified as a specially designated secret, or such a classification is terminated, or security clearance processes are performed. They also review the appropriateness of decisions made by heads of administrative organs in response to parliamentary requests for disclosure of specially designated secrets.”

*Written submission, Diet, Japan*

### Box 28 Boundaries in reporting on security and intelligence in the United Kingdom

“The committee makes an annual report to parliament on the discharge of its functions. The committee may also produce reports on specific investigations. Prior to the committee publishing its reports, sensitive material that would damage national security is blanked out (‘redacted’). This is indicated by \*\*\* in the text. The intelligence and security agencies may request the redaction of material in the report if its publication would damage their work, for example by revealing their targets, methods, sources or operational capabilities. The committee considers these requests for redaction carefully. The agencies have to demonstrate clearly how publication of the material in question would be damaging before the committee agrees to redact it. The committee aims to ensure that only the minimum of text is redacted from the report. The committee believes that it is important that parliament and the public should be able to see where information had to be redacted. This means that the published report is the same as the classified version sent to the Prime Minister (albeit with redactions).”

*Source: UK Intelligence and Security Committee of Parliament, Annual Report 2015–16*

Government has the duty to retain operational confidentiality based on its responsibility for defence. Equally, it has strong incentives to ensure that committee access is substantial. Just as in any other sector, the work of a well-run security committee provides a general reassurance that the wider public interest is being considered in what is necessarily a largely closed world. The less other scrutiny organizations such as the media are able to obtain authorized information, the more important parliament’s rights to access become.

The debate about the effectiveness and nature of reasonable oversight of security and intelligence bodies is continuous, with different views being taken of its usefulness. In the wake of the 9/11 attacks on the United States, the National Commission on Terrorist Attacks upon the United States

(the ‘9/11 Commission’) grappled with the issue of oversight of the US intelligence community. It found that among legislators “dissatisfaction with congressional oversight remains widespread” and that congressional oversight of the intelligence agencies was “dysfunctional”. But though it recognized the great difficulty of strengthening oversight, the commission considered it vital to do so.<sup>1</sup>

#### In summary: The security sector

Oversight of the security sector presents a particular challenge concerning parliament’s access to the classified information it requires to conduct effective scrutiny while maintaining confidentiality. An increasing number of parliaments have recognized that this is a challenge that needs to be faced and a range of approaches are used to ensure that parliaments can play their role. Access to security and intelligence matters on the part of committees charged with oversight must be sufficient for their work to be worthwhile, and in particular for their reports to command public confidence.

## 4.2 International human rights commitments

Parliament has an important role in protecting and advancing human rights, including through its oversight function. While governments are responsible for ensuring that the rights guaranteed in international human rights commitments are enjoyed by all people, parliaments are responsible for overseeing governments in their fulfilment of this obligation.

There is a distinction between treaty-based monitoring bodies established under one of the nine core human rights treaties (see Box 29), and those arising out of UN Charter-based bodies, such as the UN Human Rights Council (UNHRC) and its Universal Periodic Review (UPR). Commitments under the human rights treaties are monitored at the international level by bodies of independent experts recognized for their competence in human rights legislation, and commitments under the UN Human Rights Council are monitored by states that are members of the Council. Governments present regular reports and appear before both types of UN human rights monitoring mechanisms to discuss progress. The UN’s reporting guidelines indicate that the work of parliament should be included in those reports.<sup>2</sup>

The *Human Rights Handbook for Parliamentarians*<sup>3</sup> provides guidance on how parliamentarians can use oversight tools to monitor governmental adherence to international human rights norms and standards. Among other actions, parliamentarians can:

- Ensure that international human rights provisions are incorporated into national law and, if possible, given constitutional status, and that all national law confirms with these provisions.

<sup>1</sup> *The 9/11 Commission Report*, 2004: 419–20.

<sup>2</sup> United Nations, 2009: para 43 (a).

<sup>3</sup> IPU and OHCHR, 2017.

- Verify that governments have institutionalized procedures, sufficient budgets and appropriate technical capacity to meet their human rights obligations.
- Follow up on government responses to the human rights mechanisms' conclusions or recommendations.
- Verify the status of cooperation between their country and the UN monitoring mechanisms by requesting information from their government (perhaps by means of parliamentary questions).
- Ensure that parliament is kept updated on the work of the monitoring mechanisms and that relevant information is regularly made available to it.

**Box 29 The nine core human rights treaty-based bodies**

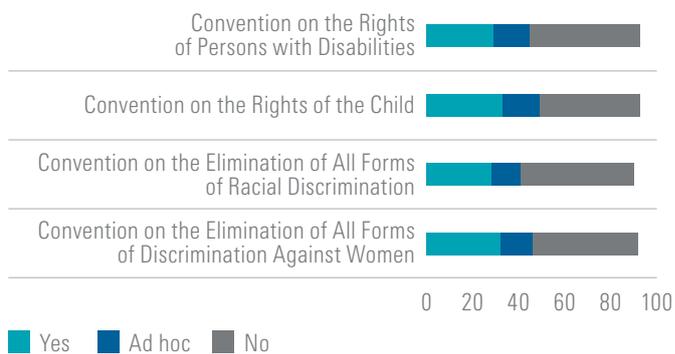
Human rights treaty	Year adopted	Year of optional protocol	Treaty monitoring body
<b>International Covenant on Civil and Political Rights (ICCPR)</b>	1966	1966 and 1989	Human Rights Committee
<b>International Covenant on Economic, Social and Cultural Rights (ICESCR)</b>	1966	2008	Committee on Economic, Social and Cultural Rights
<b>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</b>	1965		Committee on the Elimination of Racial Discrimination
<b>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</b>	1979	1999	Committee on the Elimination of Discrimination against Women
<b>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (ICAT)</b>	1984	2002	Committee against Torture  Subcommittee on Prevention of Torture
<b>Convention on the Rights of the Child (CRC)</b>	1989	2000 and 2011	Committee on the Rights of the Child

<b>Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CPRMW)</b>	1990		Committee on Migrant Workers
<b>Convention on the Rights of Persons with Disabilities (CRPD)</b>	2006	2006	Committee on the Rights of Persons with Disabilities
<b>Convention for the Protection of All Persons from Enforced Disappearance (CPPED)</b>	2006		Committee on Enforced Disappearances

Source: UN Office of the High Commissioner on Human Rights

Committees that explicitly deal with human rights can be found in at least 108 national parliaments.<sup>4</sup> However, fewer than half of the 103 parliamentary chambers that provided data for this report indicated having any kind of system to monitor the commitments entered into under international human rights treaties. Of those that do, the system is described as 'ad hoc' in about one third of cases. These findings suggest that parliaments could do much better in monitoring governments' human rights commitments.

**Figure 24. Does parliament have a system for monitoring compliance with the following international obligations?**



Source: IPU/UNDP questionnaire for parliaments, question 32, 2016 (base for question: 93 parliamentary chambers)

**Parliamentary involvement in the UN Human Rights Council's Universal Periodic Review**

Under its Universal Periodic Review (UPR), the UN Human Rights Council assesses the human rights record of all UN Member States with the ultimate aim of improving the human

4 IPU PARLINE database on national parliaments ([www.ipu.org/parline](http://www.ipu.org/parline)).

rights situation on the ground. The UPR produces specific recommendations for each state under review.

In a sense, the UPR is a form of oversight at the international level. Each country is reviewed every four-and-a-half years on the basis of a report presented by the state under review and two reports containing information provided by NGOs and other stakeholders and conclusions and recommendations made by the UN human rights mechanisms and entities.

In 2014 the Human Rights Council expressly affirmed that States, in accordance with their national legislation, should “promote the involvement of parliaments in all stages of the Universal Periodic Review reporting process”, including in the implementation of recommendations.<sup>5</sup>

### Box 30 The Mexican Congreso de la Unión’s engagement in the UPR process

Mexico underwent UPRs in 2009 and 2013. The Mexican parliament (Congreso de la Unión) was involved at every stage of the process, especially during the second review.

During the second review cycle, parliament was part of the working group established by the Ministry of Foreign Affairs to draft the national report. Parliamentary committees on human rights in the Mexican Senate and the Chamber of Deputies prepared a report on legislative human rights reforms carried out during the past four years, and were asked to identify the main challenges and unmet needs that limit the full enjoyment of human rights in Mexico.

Parliamentarians were part of the official national delegation that presented the report to the Human Rights Council in both UPR cycles (three MPs in the first cycle, six senators and five MPs in the second). The Chair of the Senate’s Committee on Human Rights, Senator Angélica de la Peña, answered questions from the UPR working group about legislative issues during the second review.

In both cycles, parliament participated in the consultations to define the position of Mexico concerning the recommendations and conclusions of the working group. For the second cycle, this process took place within the working group that was initially set up to prepare the national report, coordinated by the Secretariat of the Interior and the Ministry of Foreign Affairs.

Follow-up on the UPR recommendations has led to significant advances in human rights legislation in Mexico in recent years, including adoption of the General Law on the Rights of Children and Adolescents (December 2014) and reform of the Code of Military Justice (June 2014). Additionally, a General Law on Enforced Disappearances is being discussed by parliament.

*Source: IPU and UN Office of the High Commissioner on Human Rights, 2017, Human Rights: Handbook for Parliamentarians (<http://www.ipu.org/PDF/publications/hrights-en.pdf>)*

### Parliamentary involvement in the work of the UN Committee on the Elimination of Discrimination against Women

The United Nations Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) provides a comprehensive framework for advancing women’s human rights and equality between men and women. Ratified by 189 states, it is therefore an almost universal commitment and concerns nearly all national parliaments.

The CEDAW convention provides for a periodic reporting mechanism before its treaty monitoring body, the CEDAW committee, which ensures international oversight of national-level implementation of its provisions. The reporting mechanism also provides an opportunity for parliament to oversee government action to promote gender equality.

Since 2008, the CEDAW committee has included a dedicated paragraph in its concluding observations inviting parliaments to follow up on its recommendations. The committee has stressed in particular “the importance of strengthening the national machinery dedicated to equality at the level of parliament, such as commissions on gender equality, missions and information on inquiries relating to violence against women and improvement of legislation on equality between women and men”.<sup>6</sup>

Parliaments in some countries oversee the development of the state report on compliance with CEDAW, and follow up on the review of the state report by the CEDAW committee. In this way, parliament participates in setting priorities for national-level implementation of the convention and regular monitoring of steps taken to achieve gender equality in the country. However, only around one third of parliaments declare that they have systematic procedures for monitoring compliance with CEDAW.

An example of the impact of parliamentary oversight is the May 2016 seminar on CEDAW and UPR recommendations on women’s rights in Namibia, organized jointly by the IPU and the parliament of Namibia. Participants – who included MPs, the Ministers of Gender and Justice, representatives from civil society and the ombudsperson’s office – considered and endorsed a set of recommendations for follow-up to the CEDAW committee’s concluding observations. The recommendations from the parliamentary seminar were subsequently integrated into the national plan of action on CEDAW (2016–2020) established by the Ministry of Gender. Senior members of staff from both Houses of Parliament take part in the technical committee that oversees implementation of the plan of action.

#### In summary: International human rights commitments

There are many avenues for parliaments to contribute to the monitoring of how international human rights mechanisms are translated into national laws and practices, including through parliamentary oversight. For example, many parliaments have human rights

5 UNHRC document A/HRC/26/L.21, 23 June 2014.

6 Statement on the relationship of the Committee on the Elimination of Discrimination against Women with parliamentarians, UN Doc E/CN.G/2010/CRP.2, Annex VI, para. 16.

## Tips for MPs: Monitoring international human rights norms and standards

### Why should I get involved?

Many countries have signed and ratified international human rights treaties. Using questions, committee work and during debates, MPs can find out what government is doing to meet its obligations. Parliaments can also keep governments accountable on the concluding observations and recommendations made by each treaty body, as well as the Human Rights Council, to ensure obligations are met or are, at least, on target.

### What do I need?

- Copies of the core human rights treaties and their optional protocols, as well as information on the rules and functioning of each treaty body and the Human Rights Council.
- The latest government compliance report and shadow reports produced for your country.
- Supplementary information from human rights organizations, universities and civil society organizations.

### How can I contribute effectively?

- Ensure there is a process for monitoring compliance with international obligations in your parliament.
  - Is there a dedicated committee (e.g. a human rights committee)?
  - Is there dedicated time in the plenary to debate each potential treaty ratification process, including proposed reservations and their compliance with the object and purpose of the treaty?
  - Are proposed laws monitored for compliance with each ratified human rights treaty (e.g. through an impact analysis?)
- Keep abreast of the reporting timetable for each ratified treaty and the Council's UPR process.
- Ask about the government's plans to submit its next report:
  - Who will be involved in drafting the report?
  - Who will be consulted and what data is being used to compile the report?
  - Is the report on time or has it been delayed (why)?
  - Does the government intend to include one or more MPs, in particular from dedicated parliamentary human rights committees, to take part in the national delegation that will orally present the country's report to the UN human rights mechanisms?
- Following the government's appearance before a treaty body, ask how the government intends to respond to the committee's concluding observations and address any recommendations.

### Useful resources

UN Office of the High Commissioner for Human Rights. Available at: <http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>

United Nations and IPU, 2003. *The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol: Handbook for Parliamentarians*. Available at: [http://www.ipu.org/PDF/publications/cedaw\\_en.pdf](http://www.ipu.org/PDF/publications/cedaw_en.pdf)

UN Office of the High Commissioner for Human Rights. *National Parliaments and the Convention on the Elimination of All Forms of Discrimination against Women*. Available at: <http://ohchr.org/documents/HRBodies/CEDAW/Statements/Parliamentarians.pdf>

committees. But that does not always mean that they have the will and capacity to systematically monitor government's implementation of international human rights commitments. It is important that where monitoring is not being done, MPs rise to the challenge of oversight.

## 4.3 The SDGs and Agenda 2030

“We are on a journey – the SDGs will be driven by the executive, but the parliament is also coming on board. We don’t want to take things away from the executive. But we just want both the parliament and the government to come along on the journey.”

*Viliame Rogoibulu Gavoka, Member of Parliament, Fiji*

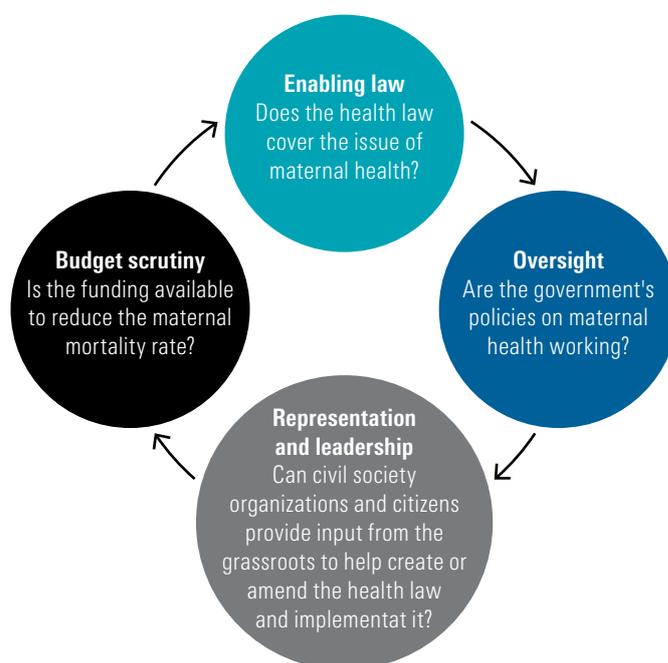
The 17 SDGs of the 2030 Agenda for Sustainable Development, adopted by world leaders in September 2015, represent a significant commitment by the world’s countries to eradicate poverty.

Parliaments have a central role to play in advancing this agenda. They can drive significant change toward sustainable development by: translating the SDGs into enforceable national laws that respond to, and fit into existing, country-specific development priorities; monitoring implementation of these laws; and ensuring government is accountable to the people for national progress on the SDGs.

The crucial point is to consider the SDGs as a framework that addresses a set of concerns that parliaments have always worked on at the national level. The first step in SDG implementation is to domesticate the goals and reflect the national targets in the national development plan or an SDG strategy. The SDGs are an opportunity for parliaments to contribute to better development outcomes for their citizens; they are quite the opposite of a remote, international process that is unrelated to national priorities and politics.

For example, when considering ways to tackle SDG 3.2 – action to reduce preventable deaths among children under age 5 – members should first ensure that this goal is included in the country’s national development plan. Then they should take systematic and continuous action on the legislative, budget, oversight and representational fronts to turn this aspiration into a reality. This might involve: requesting data from the national statistical office; consulting with civil society organizations on appropriate legislation or amendments; making the necessary funding available; and conducting regular oversight of government, especially by means of parliamentary questions, debate, and detailed committee work to scrutinize progress and challenges. Figure 25 shows how these various tasks interact.

**Figure 25. The role of parliament in SDG 3: Promoting healthy lives**



### Mainstreaming the SDGs in parliament

The strength of the SDGs lies in their recognition that the issues affecting sustainable development are interrelated, and have to be considered holistically. This encourages different branches of government to work together to deliver on targets that have been agreed through an inclusive, consultative process at the national level, and that leaves no one behind.

It is to be hoped, therefore, that the SDGs will mitigate the long-standing problem in policymaking that governments and parliaments tend to operate in silos. There is a ministry and/or parliamentary committee for the economy, one for the environment, one for trade etc., with too little coordination. It will clearly not be sufficient simply to parcel out each goal to a specific ministry or parliamentary committee, given that the goals are all interlinked in one way or another. Similarly, there is a continuing need to promote greater policy coherence between ostensibly unrelated policy areas (trade, finance, development cooperation, monetary policy, etc.).

The routine coordinating roles of key government ministries such as Ministries of Finance are being used in some countries to work the SDGs into national development plans across the board. Parliaments will need to mirror this coordinating approach in whatever arrangements are put in place. For example, it will be important that sectoral oversight committees are included in the scrutiny of government progress, but at the same time, parliaments will need to ensure that their SDG oversight effort as a whole is monitored, captured and communicated. Parliamentary strategies can provide the platform for such a process.

The IPU and UNDP have supported parliaments in assessing how to mainstream the SDGs within their existing structures. The following extract (see Box 31) from the report of a joint IPU-UNDP needs assessment mission to Fiji in July 2016 provides analysis and recommendations.

### Box 31 Mainstreaming the SDGs in the parliament of Fiji

#### Findings

The Fiji parliament's active committee system provides the ideal framework through which oversight of government action on the SDGs can be undertaken. As the Ministry of Economy will have primary responsibility for coordination of the national development plan, the Standing Committee on Economic Affairs should have a primary role in parliament to scrutinize the implementation of the plan. At the same time, it is vital for all of the standing committees to consider the targets of the SDGs in assessing government sector performance in their portfolio areas.

#### Recommendations

The Standing Committee on Economic Affairs should be given primary responsibility for parliamentary scrutiny of the national development plan and its coordination across government portfolio areas, with the committee to conduct a six-monthly public hearing with the Ministry of Economy as part of the oversight process. The public hearing should consider the extent to which SDG targets are being met.

Each standing committee should conduct an annual review of the outcomes delivered by government in each portfolio area, and consider performance against the SDG goals and targets.

A group of committee chairs and deputy chairs should be established to spearhead parliamentary action on the SDGs and ensure a coordinated approach across parliament to the oversight of government action on the SDGs. This coordinating group could also become parliamentary 'champions' for the SDGs in the broader community as part of parliamentary outreach activities.

*Source: Report of IPU needs assessment mission, 2016*

### Learning from the Millennium Development Goals

The lessons learned by parliaments that engaged with the Millennium Development Goals (MDGs) from 2000 to 2015 (see Box 32) are likely to inform work on the SDGs. One key lesson is that creating new parliamentary structures, such as a dedicated committee, can in fact discourage other policy committees from attending to the SDGs (or MDGs). It is important for parliaments to use the resources of all relevant committees, on health, education, the environment, etc. At the same time, there does need to be some coordinating mechanism that can help parliament to monitor overall progress toward national targets and provide leadership and focus to parliamentary work on the SDGs.

### Box 32 Lessons learned from parliamentary engagement with the MDGs

- Each parliament needs to reflect on its committee system and rules, and based on its circumstances (political situation, development level, party system, parliamentary resources), consider whether or not there is a need for a group or specialized committee/structure/mechanism on the MDGs.

- A parliamentary group on MDGs can help to increase awareness of the MDGs among MPs.
- After elections, parliaments need to ensure newly elected MPs are aware of the MDGs.
- In all countries, even those where there is an MDG structure, the portfolio committees (for example, health, education, budget) play a crucial role. Any programme to strengthen the role of parliaments with regard to the MDGs needs to include these committees.
- In the countries in the study that do have MDG structures, these work as an entrance point for civil society organizations and multilateral agencies that want to work with the parliament on the MDGs.
- MPs from opposition parties believe that having a structure on the MDGs improves access to information from the executive, which is often a particular problem for them.
- Some MPs expressed concern that the creation of a committee devoted to the MDGs might result in a kind of MDG ghetto, instead of MDGs being viewed as an issue that should be addressed by the entire House.
- Parliamentary structures need sufficient resources to perform their role. If a parliament wishes to establish one or more additional committees, it must also assess what resources will be available for this new structure. It will be equally important to assess the existing resources that are available to committees such as those for education or health.
- Country MDG reports had not been tabled in the parliaments studied, and there had been no discussions in these parliaments of the targets to which the countries had committed themselves. The mutual international accountability of the MDGs is definitely a plus point, but only if individual governments respect the need for national accountability before reaching the international arena.

*Source: IPU, 2010. Analytical Study of Parliamentary Mechanisms for MDGs (<http://www.ipu.org/splz-e/mdg10/dr-study.pdf>)*

### Assessing parliament's preparedness for the SDGs

The richness of the SDG framework raises the question of how parliaments are able to mainstream the SDGs across the existing structure of departmental or thematic committees, in order to hold government to account effectively.

Parliaments may generally not be used to promoting this higher level of integration and coherence. Each parliament will need to carry out an internal evaluation of its readiness to carry forward the SDGs and from there determine the best way to proceed. What is needed in the first instance is a review of the committee structure and all related processes, so as to mainstream the new goals more effectively.

An IPU/UNDP self-assessment toolkit and a handbook prepared by UNDP with the Islamic Development Bank and Global Organization of Parliaments against Corruption provide frameworks to evaluate parliaments' ability to engage with the SDGs and give inputs and examples on how parliaments

can fulfil their role in implementing the SDGs and mainstream them into their processes.<sup>7</sup>

### Box 33 Questions for assessing parliamentary involvement with the SDGs

#### Part A: Identify your baseline

Has the country prepared a national report on its progress in the implementation of the SDGs?

Has the country taken part in the High-Level Political Forum (HLPF) review mechanisms and received international recommendations about further action on implementing the SDGs?

In the past 12 months:

- How many committee hearings have been devoted to the SDGs?
- How many parliamentary questions have contained a specific reference to the SDGs?
- How many inquiries have been carried out related to the SDGs?

#### Part B: Reflect on the impact of your efforts

To what extent does parliament review, debate and take action on progress reports or other relevant documents produced by the government about the implementation of the SDGs and/or national sustainable development plans?

- Did parliament participate in the preparation of any progress reports?
- Are these reports referred to a parliamentary committee for more discussion?
- How are parliamentary recommendations on sustainable development and/or SDG-related issues fed back into government policy processes?

To what extent is parliament able to ensure follow-up on recommendations about SDG implementation from global bodies, namely the High-Level Political Forum?

- Are reports to international monitoring mechanisms tabled and debated in plenary sessions of parliament?
- Are these reports referred to a parliamentary committee (e.g. the foreign affairs or relevant sectoral committee) for more detailed consideration?
- When international bodies make recommendations to government on SDG implementation, are they tabled in parliament for review, debate and/or action?

To what extent can parliament initiate and run its own inquiries into issues related to SDG implementation?

- Is the authority to initiate inquiries actually used to examine issues around the government's implementation of SDG-related programmes or policies?
- Do such parliamentary inquiries engage openly with the public or outside experts to make use of their feedback on real-life SDG implementation issues?

- Are official reports produced when such inquiries conclude? If so, is there a requirement to make the reports public? Are the reports made public in reality (e.g. in the parliamentary library or on the parliamentary website)?
- How effectively is parliament able to pressure the government and/or SDG focal points to take account of these inquiries' recommendations?

How effective is parliamentary monitoring of the government's development policy, whether as a donor or recipient of overseas development assistance?

- Are annual reports on disbursements or receipts of overseas development assistance submitted to parliament for consideration in plenary or in committee?

How effective is parliamentary monitoring of the government's interactions with international development partners (e.g. bilateral donors, regional bodies and multilateral organizations)?

- Is the government required to table information in parliament on programmes, projects and activities supported by international development partners?
- Are international development partners invited to brief parliament or its committees on SDG-related issues?

Source: IPU and UNDP, 2017, *Parliaments and the SDGs: A Self-Assessment Toolkit* (<http://www.ipu.org/pdf/publications/sdg-toolkit-e.pdf>)

As noted, one of the major steps forward within the SDG framework is the recognition that strong institutions are necessary for development goals to be achieved, irrespective of policy areas. This is captured in targets 16.6 and 16.7 of the SDGs.

### Box 34 SDG targets directly relating to the institution of parliament

Sustainable Development Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

- Target 16.6: Develop effective, accountable and transparent institutions at all levels.
- Target 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels.

Source: UN Department of Economic and Social Affairs, 2015. *Transforming Our World: The 2030 Agenda for Sustainable Development*

### Oversight of national progress reports on the SDGs

An important entry point for parliaments to exercise oversight of national progress on the SDGs may come from the voluntary reports that countries are invited to present to the High-Level Political Forum on Sustainable Development (HLPF)<sup>8</sup> within the United Nations. Just as with the UPR and other international monitoring processes, it is important for

7 IPU and UNDP, 2017; UNDP, IDB and GOPAC, 2017.

8 Voluntary National Reviews. High-Level Political Forum on Sustainable Development (<https://sustainabledevelopment.un.org/vnrs/>).

parliaments to be involved in the preparation of progress reports, to be part of the delegation that presents the report to HLPF, to question government on how it plans to respond to any shortcomings, and to follow up on recommendations emerging from the review. Initial indications from the reports that have been presented to the HLPF to date do not indicate a substantive level of involvement from parliament in the countries concerned.

### Examples of parliamentary engagement with the SDGs

While the SDGs are still relatively recent, many parliaments have taken action to put in place oversight mechanisms.

#### Box 35 Examples of parliamentary engagement with the SDGs

- **Pakistan:** In February 2016 parliament established an SDG Secretariat to provide technical assistance to parliamentarians in effectively overseeing, addressing legislative gaps and ensuring the rights of their constituents.
- **Sierra Leone:** The SDGs were linked to the eight pillars of the country's Agenda for Prosperity and its third Poverty Reduction Strategy Paper, and aligned to each spending category of the 2016 National Budget.
- **Trinidad and Tobago:** Parliament established a new Joint Select Committee on the Environment and Sustainable Development.
- **Zambia:** MPs in parliament formed an SDGs caucus.

Source: UNDP, 2016, *Fast Facts: Parliaments & SDGs* ([http://www.agora-parl.org/sites/default/files/june\\_2016\\_fast\\_facts\\_-\\_sdgs\\_and\\_parliaments.pdf](http://www.agora-parl.org/sites/default/files/june_2016_fast_facts_-_sdgs_and_parliaments.pdf))

For example, in 2015 the parliament of Georgia, with support from the EU and UNDP, introduced its first ever multi-year strategic action plans for parliamentary committees. Elaborated through active engagement of committee members and staff and in consultation with the government and civil society representatives, the action plans facilitate a structured approach to committee work and improve the effectiveness and efficiency of committees' oversight performance. The scope of committee action plans was expanded to take into account the SDGs, and the committees on healthcare and social issues, environmental protection and natural resources, and agriculture incorporated a special

column in their action plans to indicate the relevant SDG goal in their area of responsibility with nationalized targets and indicators. This approach helps raise awareness of SDGs among committee members and staff, establishes links with national priorities and promotes understanding of the role of SDGs in supporting reforms at national level.

It is too early to say which approach – or combination of approaches – is likely to be most effective. However, a number of observations can be made even at this stage with a reasonable degree of confidence. Firstly, the role of parliaments in achieving development goals is now established: SDGs 16.6 and 16.7 recognize the need for effective, accountable and transparent institutions to ensure responsive, inclusive, participatory and representative decisions. Secondly, drawing monitoring of progress toward SDG targets into parliament's oversight remit is likely to lead to better – because more transparent and accountable – overall implementation. Lastly, the advent of the SDGs and the need to play an effective role in partnering for their implementation provides a new and important opportunity for parliaments in their existing national development role to compare global good practice, and where necessary to reinvigorate all of their procedures by reference to such practice.

#### In summary: The SDGs and Agenda 2030

The SDGs comprise targets that relate to almost every government department. This makes it a challenge for parliaments to oversee their implementation in an integrated way. It will be necessary to monitor the approaches that parliaments take to overseeing the SDGs, to identify and share successful examples. Parliaments themselves are the subject of targets under SDG 16 on strong institutions, which provides an opportunity to review and strengthen parliament's own performance.

## 4.4 Conclusions

While the aims and mechanisms of oversight are universal, specific subject areas require a particular interpretation and application of the general principles. The three instances covered in this chapter each reveal distinct challenges. It is up to parliaments to demonstrate ingenuity in adapting and developing their oversight tools to meet these challenges.

# Chapter 5: The network of oversight relationships

Parliament has a unique role in oversight, but it is not alone in holding government to account. Building relationships with other bodies that have a stake in oversight of the government is one of the keys to effective parliamentary oversight. Such relationships are based on a range of formal and informal interactions.

How parliaments and parliamentarians relate to such bodies varies considerably. Where the connections are weak and/or hostile, the prospects for effective oversight are diminished. Where the relationships are strong and mutually reinforcing, these oversight partners bring resources and efforts that can help overcome many of the challenges noted in previous chapters.

## 5.1 Formal and informal approaches to oversight

One of the key findings to emerge from the research carried out for this report was the significant extent to which parliamentarians rely on informal oversight practices to ‘get things done’. Informal practices include a wide range of activities that are not part of the formal oversight mechanisms set out in the rules of procedure. Informal practices have many different purposes for MPs and for parliament, and while they are by no means exclusively focused on oversight, they can nevertheless contain an oversight dimension.

Informal practices enable parliamentarians (notably those from the governing party/parties) to conduct oversight without being seen to be overly critical in public. They also allow MPs to work together across political lines on issues of common concern. Research interviews with women parliamentarians suggest that they may use informal oversight when they have been excluded from, or are not confident in the effectiveness of, formal tools.

In some political contexts, where the formal tools of oversight (questions to ministers, committee inquiries, etc.) that are set out in legislation and rules of procedure do not function well, informality may be the best, or even the only, option. Informal practices are to some extent merely a reality of political life – parliamentarians want to use all the means at their disposal to achieve their objectives. However, extensive use of informal practices may also point to shortcomings in the formal oversight processes, which invites parliaments to consider what the obstacles are and how they can be addressed.

Box 36 outlines formal and informal ways in which parliamentarians typically interact with external oversight partners. We will look at each of these types of organization in more detail. These interactions make up part of the overall environment in which MPs operate. They can provide MPs with information they might find useful in their oversight work, just as they can create incentives for MPs to take up certain issues in parliament.

### Box 36 Formal and informal interactions within the network of oversight actors

Oversight relationship	Examples of formal interactions	Examples of informal interactions
External oversight institutions	Submitting reports, making recommendations, giving evidence	Providing briefings and other information to MPs and parliamentary staff
Government	Submitting reports, responding to questions, giving evidence, etc.	MPs ‘having a word’ with the minister  Exchanging information with officials in the administration
Media	Reporting on parliamentary activities	Putting pressure on MPs for action on issues  Providing unofficial ‘sanction’ to government in the form of public exposure
Civil society organizations (CSOs)	Making submissions and giving evidence to parliamentary inquiries	Putting pressure on MPs for action on issues  Bringing problems to the attention of MPs
Professional groups	Making submissions and giving evidence to parliamentary inquiries	Putting pressure on MPs for action on issues  Providing information to MPs
Social media		Providing input to committee inquiries, suggestions for parliamentary questions  Exchanging views with MPs

**In summary: Formal and informal approaches to oversight**

MPs typically use a combination of formal and informal approaches to oversight in their interactions with internal and external oversight partners. Informal practices can be invaluable in 'getting things done', but their overuse may signal deficiencies in a parliament's formal oversight mechanisms.

for the national audit institution includes a proposal where the auditor would also be elected."

*Einar Gudfinnsson, Speaker of the Althing, Iceland*

The independence of auditors from direct government control is important because their business is to make professional judgements – based on generally accepted accounting practices – about how well the government spends money and accounts for what it has done. The degree of an auditor's independence is determined by appointment procedures and length of the term of office. Auditors solely or jointly appointed by parliaments and serving for long terms of office are usually expected to be the most independent.

## 5.2 External oversight institutions

"We intend to start cooperating with the Court of Auditors to ensure that parliamentary oversight of budget implementation can extend to the distribution of projects and the way in which they are implemented with a view to identifying any anomalies, delays and budget overruns to ensure that we can go further in the oversight of government action."

*Mohamed Ennaceur, Speaker of the Assembly of Peoples' Representatives, Tunisia*

Every country has a range of dedicated oversight institutions. The following are among the most widely found:

- **Supreme audit institutions (SAIs)** are state institutions that conduct external audits of state accounts and may also carry out performance audits of government policies and programmes.
- **National human rights institutions (NHRIs)** are state bodies with a constitutional and/or legislative mandate to protect and promote human rights.
- **Ombudspersons** are individuals, independent from government, who head a constitutional or statutory public institution that investigates complaints from the public regarding the decisions, actions or omissions of public administration.

Each of these bodies differs from the others on a number of important dimensions, including its degree of independence from the executive branch, the scope of its remit and the human and financial resources available to them. In some countries, these bodies are set up as offices of parliament and report directly to parliament.

### Supreme audit institutions

"We have made conscious efforts in recent years to better oversee the executive power. We have done it in many ways. We have established the roles of the ombudsman and the national audits office, and these institutions have been directly under the control of the parliament of Iceland since they were established. There have been laws to strengthen their independence. For example, the ombudsman is directly elected by the parliament; he is not appointed. And the draft legislation

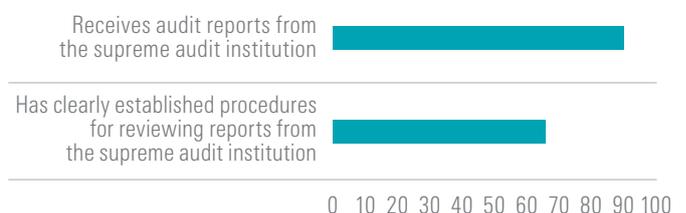
The staff size and professionalism of SAIs also varies. In many developing countries, the limited number and other limitations of audit staff lead to delays in the production of SAI reports. The submission of the International Organisation of Supreme Audit Institutions (INTOSAI) for this report specifically noted that capacity-building of SAIs was an "essential prerequisite" for the provision of independent information to enhance transparency and accountability of government action.

Lastly, audit agencies differ in the scope of their responsibilities: the degree to which their work can or should support prosecutions for financial wrongdoing, and the extent to which audit responsibilities have moved beyond financial scrutiny into programme auditing. Notably, the US General Accounting Office has changed its name to the Government Accountability Office in recognition of its transformation from an audit agency to one that also evaluates the effectiveness of government performance.

The usefulness of the relationship between parliaments and supreme audit institutions also varies considerably. At one extreme, committees receive audit reports they cannot understand, or that may be so out of date they are useless, and they have so little time and help to understand them that the findings have little effect on governance. At the opposite extreme, there are productive relationships in which expert audit institutions inform committees on the quality of financial management across the government, identify areas for attention and provide the committees with competent support.

Parliaments have a responsibility to review and make use of auditors' reports. Figure 26 presents responses from parliaments about the regularity of reports received from supreme audit institutions, and the existence of procedures to review those reports.

**Figure 26. Parliamentary engagement with supreme audit institutions**



Source: IPU/UNDP questionnaire for parliaments, 2016, question 27 (base for question: 100 parliamentary chambers)

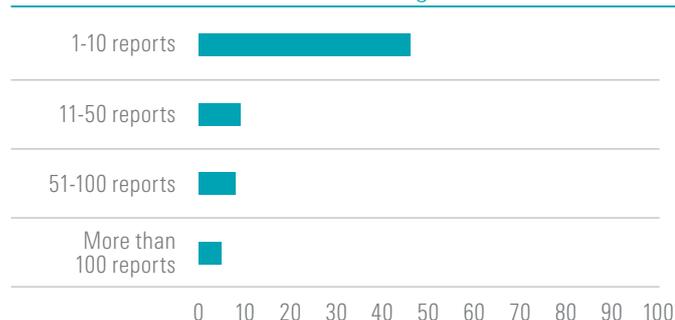
Questionnaire data indicates that the vast majority of parliaments (90 per cent) receive reports from supreme audit institutions. However, a much smaller percentage (66 per cent) report having clearly established procedures for reviewing reports. This points to an area where there is room for improvement. The response to the questionnaire from Tunisia indicates that this is already being taken into consideration:

“The Court of Audit’s annual report is submitted to parliament without prior review, but some commissions open a debate based on information it contains. For instance, a focus group among the parliamentary advisors is currently conducting a study for purposes of making recommendations for inclusion in the internal rules, including on the procedure for reviewing the Court of Audit’s report.”

The number of reports that parliaments receive each year from supreme audit institutions varies considerably.

**Figure 27. Number of reports received from supreme audit institutions in 2015**

Number of chambers within each range



Source: IPU/UNDP questionnaire for parliaments, 2016, question 28 (base for question: 71 parliamentary chambers)

A large majority of parliaments indicate that they receive 10 or fewer reports per year from supreme audit institutions; 27 of 71 parliaments that provided data indicated that they received only one report per year. This points to very different working methods and relationships between countries. Receiving a large number of reports means that more information is available to parliament, but poses obvious challenges to parliament’s capacity to schedule time to review the reports. For example, the parliament of Iceland noted that it received and reviewed 33 supreme audit reports in 2015, whereas the National Assembly of Kenya received 106 supreme audit reports in 2015, but reviewed only 48 of them. The volume of reports creates challenges for MPs and staff; the backlog that can result tends to limit the use that parliament makes of the reports. There is scope for further dialogue between parliaments and supreme audit institutions about the nature, format and content of audit reports to enhance their usability and potential impact.

The relationship does not need to be a passive, one-way channel going from the supreme audit institution to parliament. The Dutch response to the questionnaire notes that parliament can also request investigations to be carried out, with the support of a majority in parliament:

“Parliament can request that the supreme audit institution investigate the execution of a certain policy and the expenses of it. Such a request has to be decided in a plenary session.”

It is perhaps worth noting that only 71 of the 103 parliamentary chambers that responded to the questionnaire were in a position to provide data for the number of reports received from supreme audit institutions in recent years. Some parliaments do not collect this data; in others, the data may be available within specific committees, but without an overall picture of the level of interaction between parliament and the supreme audit institution. The French National Assembly noted in its response to the questionnaire:

“The National Assembly does not have statistics on the documents that the Court of Audit transmits to the National Assembly and its organs (commissions, rapporteurs, etc.), because the Court of Audit cannot deal directly with standing committees or their rapporteurs.”

Beyond the capacity to review the information that parliament receives, there is the challenge of bringing government to act on audit recommendations. As an Austrian MP notes:

“The Audit Court has said that the salary of CEOs in state-run companies is too high. And we agreed in parliament that it is too high. So what? So you have the report, you have the critique of parliament, but what good does it do? There is no change.”

*Reinhold Lopatka, Member of the National Council, Austria*

Using all the means at parliament’s disposal to ensure action on the issues raised by auditors, including the power of exposure, is important for building productive relationships and ultimately enhancing the impact of parliamentary oversight.

### Box 37 Cooperation between parliament and supreme audit institutions in Portuguese-speaking countries

The Pro PALOP-TL SAI project<sup>1</sup> strengthens the capacities of supreme audit institutions, national parliaments and civil society to engage in external monitoring of public finances in five African countries with Portuguese as an official language – Angola, Cabo Verde, Guinea-Bissau, Mozambique and Sao Tome and Principe – as well as in Timor-Leste (PALOP-TL standing for “Países Africanos de Língua Oficial Portuguesa e Timor-Leste”). It provides a unique opportunity to foster and observe synergies among the core actors of Public Financial Management Systems (PFMS) in these countries.

A seminar in Guinea-Bissau in February 2017<sup>2</sup> brought together more than 50 representatives of SAIs, parliaments, ministries of finance and civil society to evaluate progress in external control and social monitoring

<sup>1</sup> Pro PALOP-TL SAI is a UNDP project fully funded by the European Union ([www.propaloptl-sai.org](http://www.propaloptl-sai.org)).

<sup>2</sup> See: <http://www.propaloptl-sai.org/index.php/pt/2015-02-19-12-51-50/noticias/477-as-financas-publicas-nos-palop-e-em-timor-leste>

of PFMS in the respective countries. Data presented at the seminar showed that interactions between parliament and SAI tend to be limited to the once-per-year formal relationship foreseen in the legal framework.

Experience from the PALOP countries and Timor-Leste highlights three opportunities to enhance collaboration between parliaments and SAIs:

- **Learning events** for SAI auditors, MPs and parliamentary staff from the PALOP countries, Timor-Leste, Brazil and Portugal. These have helped to share best practice and promote cross-party dialogue. They were critical in helping to reform the legal framework of the court of auditors in Cabo Verde.
- **Targeted capacity development** of MPs, parliamentary staff and legislative committees, particularly the ‘money committees’. This is strengthening legislative oversight of the budget cycle in Cabo Verde and Mozambique using the main budget documents (the executive’s budget proposal, the enacted budget, the in-year expenditure reports, the midterm evaluation, the end-year report, and the audit report). As a result legislatures are becoming more confident and demanding in their relationship with SAIs. SAI reports are questioned in more detail, and audits are requested more frequently from the SAI during the fiscal year.
- **Specialized training in gender-related oversight of public expenditure.** This is allowing the legislature to engage with the executive in a programme/output-based discussion during the budget formulation phase to identify gender markers aligned with SDG 5 targets and indicators to be inserted in the PFMS. Women’s caucuses are engaging more effectively inside parliament and with SAIs to advocate for performance audits targeting gender-related public expenditure. This practice started in Cabo Verde in 2016 and is now being adopted by all the other PALOP countries and Timor-Leste.

These are three examples of how legislatures can engage with SAIs to enhance control and oversight of public expenditure, and accelerate the delivery of SDG 5 and SDG 16.

Source: *Pro PALOP-TL SAI, 2017*

### National human rights institutions

The protection and promotion of human rights requires the efforts and cooperation of various stakeholders, among which are parliaments and national human rights institutions (NHRIs). Cooperation between these institutions is crucial since parliaments develop the legal framework in accordance with international and national standards, while NHRIs independently monitor the implementation of such legislation at the national level.

The work of NHRIs is guided by the Paris Principles, a set of international standards adopted by the UN General Assembly in 1993. Countries are evaluated according to how well their NHRI complies with the Paris Principles: an ‘A’ status denotes full compliance. Adopted in 2012, the Belgrade Principles build on the Paris Principles by assessing in particular the relationship between NHRIs and parliaments (see Box 38).

### Box 38 The reporting relationship between parliaments and NHRIs

Extract from the Belgrade Principles

- NHRIs should report directly to parliament.
- NHRIs should submit to parliament an annual report on activities, along with a summary of its accounts, and also report on the human rights situation in the country and on any other issue that is related to human rights.
- Parliaments should receive, review and respond to NHRI reports and ensure that they debate the priorities of the NHRI and should seek opportunities to debate the most significant reports of the NHRI promptly.
- Parliaments should develop a principled framework for debating the activities of NHRIs consistent with respect for their independence.
- Parliaments should hold open discussions on the recommendations issued by NHRIs.
- Parliaments should seek information from the relevant public authorities on the extent to which the relevant public authorities have considered and responded to NHRI recommendations.

Source: *UN Office of the High Commissioner for Human Rights, 2012. Belgrade Principles Section I (D)*

Figure 28. Parliamentary engagement with national human rights institutions



Source: *IPU/UNDP questionnaire for parliaments, 2016, question 33 (base for question: 103 parliamentary chambers)*

As shown in Figure 28, the overall picture for parliamentary engagement with NHRIs is somewhat similar to the reporting relationship between parliament and supreme audit institutions, but with a generally lower level of reporting, and fewer parliaments with procedures for reviewing reports. The Senate of Swaziland, for example, notes in its response that:

“The national human rights institution is established in the constitution but the enabling legislation, which will probably provide for the submission of reports to parliament, is still being piloted.”

A 2016 study of 72 countries where the NHRI has ‘A’ status under the Paris Principles<sup>3</sup> showed that the NHRI submits an annual report to the parliament in more than 90 per cent of the countries surveyed, as well as special reports in 79 per cent of the countries. In half of the parliaments the NHRI regularly

3 IPU, GANHRI and GIIS, 2016.

holds an annual presentation of its report, often followed by a parliamentary debate. Yet 50 to 60 per cent of the parliaments indicate that they do not take follow-up actions on the report.

### Box 39 Cooperation between NHRI and parliament in the Republic of Korea and Costa Rica

#### Republic of Korea

The working relationship between the National Human Rights Commission of Korea (NHRCK) and the country's parliament adheres well to the Belgrade Principles, particularly in regard to reporting and forms of cooperation. The NHRCK submits both annual and special reports to the National Assembly's House Steering Committee. Its reports include detailed information on the national human rights situation, investigations of human rights violations, recommendations to the National Assembly, and strategic plans for the following year.

Committee members review the reports, and have regular meetings with NHRCK representatives to discuss important issues raised in the reports and consider follow-up measures. Since the committee comprises MPs from different political parties, members' views on the NHRCK's recommendations can vary. Some members question the practicality of certain recommendations. However, because the two bodies have a formalized setting for active debate, they are able to cooperate to find workable solutions.

#### Costa Rica

Costa Rica complies with most of the provisions set out in the Belgrade Principles. The country's NHRI, the Defensoría de los Habitantes, has a legal obligation to submit and orally present an annual report to the Legislative Assembly. Although not required to by law, MPs engage in a debate with the Defensoría after the presentation of the report in order to clarify recommendations and any administrative issues raised. Parliamentarians interviewed for the study agree that the reports accurately reflect the reality on the ground and also stimulate immediate action to improve Costa Rica's human rights situation.

There is close cooperation between the Defensoría and the Assembly, particularly during the drafting of relevant legislation. The Special Permanent Committee of Human Rights has an open channel of communication to the Defensoría and regularly seeks its opinion on a wide range of subjects. Although in practice the links are very strong, they are somewhat undermined by the lack of a legal mandate. However, there are plans to bring in legislation to formalize the relationship.

*Source: IPU, Global Alliance of National Human Rights Institutions (GANHRI), and Graduate Institute of International and Development Studies (GIIDS), 2016*

### Ombudspersons

The ombudsperson is a widely used mechanism which typically has a close relationship with parliament. Though similar offices may have existed throughout history, in modern times the first parliamentary ombuds office was established

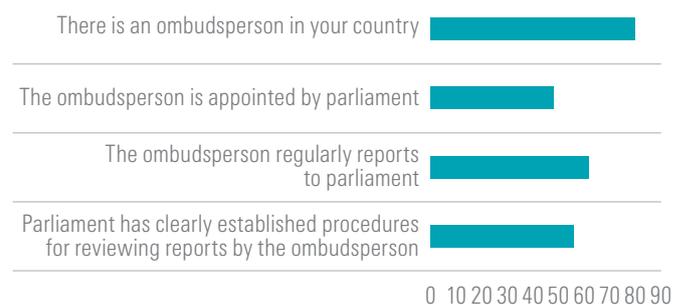
in Sweden in the early 19th century. Today, the Swedish parliament describes the task as:

“to review the implementation of laws and other regulations in the public sector on behalf of the Riksdag and independent of the executive power, thus ensuring that public authorities and their staff comply with the laws and other statutes governing their actions.”

The exact mandate may vary from country to country, but in general the role is to investigate complaints relating to administrative decisions or recommendations made by government departments or other governmental bodies. As such, ombudspersons provide a vital form of oversight of government, helping to ensure that government acts in conformity with the law. They offer citizens a clear point of contact where they can raise grievances. With its broad perspective on government functioning, the ombuds office can provide parliament with detailed recommendations for further oversight or legislative action. There is a clear complementarity between the ombudsperson's case-based approach and parliament's policy approach. Drawing on specific cases, the ombudsperson can bring issues to parliament's attention which require a policy response.

In more than half of the cases where an ombudsperson exists, they are appointed by parliament. The ombuds office reports to parliament in an even greater number of countries, even when they are not appointed by parliament. However, ombuds offices do not always report to parliament: the parliament of Madagascar, for example, reports that “The ombudsman (Mediator of the Republic) exists but there is no text relating it to the parliament.”

### Figure 29. Parliamentary engagement with ombudspersons



*Source: IPU/UNDP questionnaire for parliaments, 2016, question 33 (base for question: 103 parliamentary chambers)*

Interaction with parliament is usually on the basis of an annual report. In Austria, there is an opportunity for exchange between parliament and the ombuds office:

“The ombudsman's office reports annually to the National and Federal Councils, and its three members have the right to attend deliberations on the reports of the ombudsman's office in both the National and Federal Councils and their committees and sub-committees.”

Recent years have seen the ombuds function develop beyond the remit of public administration, with the creation of ombudspersons for specific areas. The New Zealand

parliament, for example, established in 1986 a Parliamentary Commissioner for the Environment<sup>4</sup> with a:

“wide-ranging role of inquiring into the actions of public authorities insofar as they might have an environmental impact, and auditing the procedures that public authorities themselves have in place for minimizing any adverse environmental effects that might result from their activities.”

Austria, Lithuania, Norway and Croatia have established ombuds offices to pursue the goals of equality and non-discrimination. In Croatia, the Gender Equality Committee, which promotes and monitors the application of the principles of gender equality in the legislation, can draw on the work of the Gender Equality Ombudsperson who:

“acts in an independent manner, monitors the enforcement of the Gender Equality Law and other regulations on gender equality and reports to the Croatian parliament at least once a year.”

In its 2017 annual report on the state of democracy, V-Dem notes an increasingly prominent role for external oversight institutions. According to the report, in a number of countries there is an increased likelihood that:

“when the executive is engaged in an unconstitutional activity 1) the legislature or 2) other oversight bodies, such as an ombudsman or prosecutor general, will start an investigation and issue a decision that is unfavorable to the executive. Both [scenarios] register more than 15 countries making significant advances versus fewer than 10 declining.”<sup>5</sup>

### Strengthening relations with external oversight institutions

As with parliamentary tools of oversight, the mere existence of external oversight institutions does not ensure effective oversight. Moreover, it should not be taken for granted that parliament will have a close working relationship with these institutions. Parliaments and parliamentarians need to seek them out, work with them, and draw on their expertise.

The creation of a productive, complementary relationship will be determined by three factors:

- First, parliament should, by legislative mandate if necessary, establish these external oversight institutions (where they do not already exist) and periodically review the reports they prepare.
- Second, parliament must ensure that these institutions have the capacity (in terms of autonomy and human and financial resources) to undertake their mandate. The responsibility for the effectiveness of the work of external oversight bodies is often in the hands of parliament.
- Third, parliament and oversight institutions can build a culture of mutual trust by working together. This ensures that parliament is confident in the findings of the external bodies, and that the external bodies are confident in parliament’s desire to take seriously their recommendations.

### In summary: External oversight institutions

Parliaments should formally receive and systematically review the reports of external oversight bodies because they tend to present impartial information and analysis of a range of policy concerns which can be used to interrogate government policy and push for change where necessary. Just as external oversight institutions need to have the resources to report on a timely basis so parliaments need to have the resources to interpret their findings.

## 5.3 Building relationships with other stakeholders

### Government

With the special knowledge that actually delivering policy provides, government departments are an essential source of information, expertise and assistance for parliamentary oversight. Moreover, government officials who are committed to doing a good job may view helping legislators as a way to improve their department’s performance. Officials can be important allies and, in extraordinary circumstances, they may even serve as ‘whistle-blowers’ or inside informants when bureaucracies are particularly uncooperative.

In general, however, there are important differences between the perspectives of government officials and legislators. The oversight relationship between parliament and government entails both incentives for cooperation and impulses toward conflict. On one hand, cooperation can be mutually advantageous because legislators can use the special knowledge and expertise of bureaucrats, and bureaucracies have an interest in gaining and maintaining support from the legislature. On the other hand, parliamentary oversight is often focused on finding fault or deficiencies in how bureaucracies operate.

### ‘Having a word’ with the minister

A number of interviewed parliamentarians noted the practice of personally following up with ministers, as a means of gathering information and influencing policy. This practice may be via a quick conversation in the corridors of parliament or during a vote – it need not necessarily involve a formal appointment between the member and the minister.

“You can never overestimate the importance of building a strong relationship as a member of parliament with a minister and with members of the cabinet to really influence decisions and to ask the questions – the hard questions – that need to be answered. So, even though there are processes in place, it is still important to have those relationships and it is important for cabinet and the executive to provide opportunities for members of parliament that wouldn’t necessarily always have that relationship.”

*Louise Markus, Member of the House of Representatives, Australia*

<sup>4</sup> New Zealand Parliamentary Commissioner for the Environment (<http://www.pce.parliament.nz/>).

<sup>5</sup> V-Dem, 2017: 26.

In addition to seeking information on an issue, MPs also stressed the need to develop relationships with ministers so as to draw their attention, and encourage a solution, to an issue of concern.

“As a member of the Committee on Natural Resources, National Property and Environment, I alerted the Minister of Environment to water contamination in my district as a result of spillages from livestock farms. The committee examined what the minister and his local delegate were doing to solve the issue. I later went to the field with the minister so he could see for himself what was happening in my district. As a result of this process, the control on farms has increased and sanctions for failing to comply with existing environmental norms have been put in place.”

*Denise Pascal Allende, Member of the Chamber of Deputies, Chile*

The potential benefits of direct contact are numerous: it may bring the issue directly to the minister’s attention (and may have the subsequent effect of prioritizing the issue); it may facilitate a timely answer; and it may forewarn the minister of a potential ‘red flag’.

The potential negatives are equally clear. The first is a question of access: members of the party in government are much more likely to have access to ministers than those in opposition. The second relates to MPs’ oversight role: by using informal channels to inform and influence ministers, members of the party in government have correspondingly less incentive to use the formal oversight procedures, which take place in public and serve to provide information to the public. Thirdly, there is a corruption risk in non-transparent processes of oversight.

“Members of parliament sometimes prefer to solve issues or get answers through informal measures. They pick up the phone and call ministers directly. These kinds of informal communications between parliamentarians and members of the government are sometimes seen as more effective than calling ministers to attend committee meetings and asking the questions publicly. It comes from a misunderstanding of the concept of teamwork. Members of parliament from the governing party often feel that it is not right to question someone from their own team publicly. Members of the opposition are more active. I strongly believe that members of the majority also need to become more active, and that their informal conversations with ministers will not lead to effective oversight and will not be productive.”

*David Usupashvili, Speaker of Parliament, Georgia*

It is understandable that MPs on the government side may feel more comfortable raising their (or their constituents’) concerns quietly, out of a desire to save the government from any potential political embarrassment. Another approach in the same vein is to use correspondence to lobby ministers. For opposition MPs there is an incentive to put down questions which can publicly embarrass the government. However, governing party MPs may prefer to raise an issue privately in a letter rather than publicly in a question or debate.

While understandable, this raises the question, again, of how the responsibility for oversight is shared among MPs.

### Civil society

Parliamentarians must communicate regularly with their constituents both to explain what is happening in parliament and also to listen to views on what is working well and what is not. This contact may take place directly through, for example, constituency surgeries, or indirectly through meetings with civil society organizations. The feedback MPs gather from members of the public is vital for their oversight work in parliament. By demonstrating that they are responsive to public concerns, parliamentarians build the link with their electorate and gain knowledge that they can use in parliament, for example by raising a parliamentary question.

“Firstly, each deputy and each senator has two days a month for field visits. Where you go ... you can go anywhere in Rwanda to see the problems that exist. ... They are always to do with the government’s programme, a project, or the grievances of the people. When we return we draft a report for the Bureau of Parliament. The reports are compiled and presented. We use these reports to identify the things that we are going to check.”

*Jeanne d’Arc Gakuba, Vice-President of the Senate, Rwanda*

### Civil society organizations

The existence of an active civil society is an essential element of democracy.<sup>6</sup> Citizens gather together on the basis of shared interests in civil society organizations (CSOs). Parliaments play a key role in putting in place the legislative framework that allows CSOs to flourish. It is incumbent upon parliaments to seek and maintain dialogue with a wide range of civil society organizations as a regular part of the parliamentary process by soliciting their input during hearings and supporting their capacity to contribute.

An important aspect of the relationship between CSOs and parliaments (and MPs) is that they both claim to represent the public and foster accountability. Consequently, relationships between CSOs and parliament may not always be easy. This is normal; they have complementary mandates and priorities but work across the same ground.

The IPU/UNDP survey of MPs asked them to rate the extent to which they sought the views of civil society organizations. Just under 30 per cent indicated that they always did, 39 per cent responded that they often did, and 24 per cent indicated that they sometimes did. Interestingly, there was some differentiation between women’s responses and those of men. Whereas party membership (government vs. opposition) did not significantly affect the response, women MPs were more likely than men to *systematically* seek the views of civil society organizations (see Figure 30). This suggests there is a link between the specific issues advocated by CSOs and those championed by women MPs, or it may just be that women MPs are more likely to seek views of people affected by whatever policy they are scrutinizing than their male counterparts.

<sup>6</sup> IPU, 1997: para 18.

## Tips for MPs: Engaging citizens

### Why should I get involved?

MPs' representative role has an intrinsic link to oversight. Through contact with constituents and other members of the public you are in a unique position to understand the lives of ordinary people and the impact of government policies. This is equally important for government-supporting MPs, who have an investment in ensuring policies are effective, and opposition MPs, who may want to uncover government failings.

### What do I need?

- Information about constituents' concerns to identify commonly occurring problems that point to a systemic issue;
- A plan to consult constituents and key groups and organizations (meetings could be scheduled regularly or on an ad hoc basis in response to specific government policies and proposed laws);
- Research on existing policies and laws, including information from civil society organizations and instances where other MPs have raised a similar issue.

### How can I contribute effectively?

#### Reactively

- Identify issues to be raised in parliament from contact with constituents.
- Listen to groups and organizations that reflect the concerns of a number of people.

#### Proactively

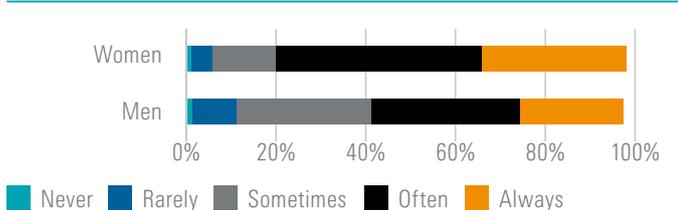
- Arrange meetings to assess the impact of government policies, e.g. with groups of professionals, such as those working in health or education, or with particular demographic groups, such as elderly people or children and youth.
- Visit services in your constituency with prepared questions.
- Bring people together from a particular locality to understand their concerns, such as people living in a remote area with access to few services.

#### In parliament

- Use appropriate oversight tools, such as asking parliamentary questions, speaking in relevant debates or moving for a debate.
- Pass concerns to a relevant committee and press for them to conduct an inquiry.
- Seek to amend legislation or, if possible, propose new legislation.
- Be persistent – it can take considerable time for government to pay attention. Seize every opportunity to raise issues.
- Seek allies – find other MPs who share your concern or lobby a minister directly.

**Figure 30. Seeking the views of civil society organizations**

By sex



Source: IPU/UNDP survey of parliamentarians, 2016, question 1 (base for question: 212 male MPs, 132 female MPs)

There is tremendous potential in CSOs targeting their advocacy at individual MPs, who may be eager to use the information that they provide to shape inputs into formal oversight processes.

“So, what we each do is build up our own network of people in ministries, in NGOs, who are constantly feeding you information. That is the only way you can get it, because, if you try to get it officially, you will

be stonewalled, either by an official or by the minister himself or the president.”

*Robert Alfred Lees, Member of the National Assembly, South Africa*

### The private sector

Economic and professional interest and ideological perspectives are among the incentives for private sector groups to engage with government. Governments make decisions that create and regulate political and personal rights. The power of the state can also help people make money by regulating competition and affecting the price of goods through taxation, protection and other means.

In most countries there are economic lobby groups that represent specific economic activities and sectors. In addition to money, their resources include expertise and information about what is happening in their area and how government affects them. These resources may be assumed to be used in a self-interested fashion, but may nevertheless have value for MPs seeking insight into what is happening in a given area.

In any case, MPs will want to know how potential government actions may affect private sector groups.

For legislators, understanding these different interests and perspectives helps to deepen knowledge and develop a balanced view and, with professional staff support, MPs should be able to differentiate between good and bad information. Such contestation of ideas gives MPs the specialized information they need to decide between competing positions.

Problems arise when the different sides of an argument are not in balance and only some interests have a say. It is parliament's responsibility to be equally accessible to all groups and to ensure that interactions are transparent and ethical. By encouraging private sector groups to contribute to formal oversight processes, such as committee inquiries, parliament can help to bring private sector oversight activities into the public sphere.

### The media

The state of democracy presupposes freedom of opinion and expression. Open and free media are an essential component of a democratic society and an important partner of parliament in its oversight role. There is a complex, dynamic and potentially complementary relationship between parliament, the media and oversight.

The general public obtains much of its information about what is happening in government – including parliamentary oversight of the executive – through the media. Media free of regulations on content and staffed by knowledgeable professionals are an important channel for public access to parliamentary oversight activities. And, as many focus group participants from all parts of the world noted, media coverage also stimulates the attention of other legislators.

Investigative journalism is an important factor in accountability. Investigative reporting can provide information for parliamentary oversight – for example, the release and analysis of the Panama Papers in 2015 was mainly media driven, which then led to numerous parliamentary oversight initiatives in various countries.

At the same time, broadcast media in particular may have extensive reach but they may also lack depth and persistence in covering issues, as public attention moves on. Coverage is more likely to focus on oversight prompted by scandalous events than technical examinations of government operations. Written media, particularly at the high end, offers more scope for in-depth, balanced and detailed coverage and subject-tracking over time.

Journalists will often approach MPs to obtain information that may not be in the public domain. Meanwhile, MPs frequently cite concerns about the media portrayals of parliamentary work, even as they seek the visibility that the mass media can offer.

We have noted the importance for parliament of publicizing its oversight work through the media in order to mobilize a wider public, and the role that the power of exposure can play in galvanizing governmental responses to oversight concerns.

“You just have to use every tool, and you would then have to move into the outside arena and get the press involved, the media ... you need to have a well informed and responsible press and media in order to get the best possible results.”

*Baroness Gloria Hooper, Member of the House of Lords, United Kingdom*

There are benefits and costs to strengthening mutual understanding between parliament and the media. Greater knowledge of legislative procedures and practices can improve reporting. Greater depth of coverage can motivate a politician to go beyond the desire to grab headlines and offer more informed commentary. But parliament and the media have different roles and interests, and make different contributions to democratic governance.

### Social media

Throughout the world, social media are enriching the information environment for elites and ordinary people alike, informing bigger audiences and enabling a wider set of participants to become informants themselves. Social media are particularly important for youth, who are leading innovation in new forms of political interaction. The burgeoning use of this technology has altered, or has the potential to alter, the enabling environment for parliamentary oversight.

“Oversight is only going to be more effective if you involve the public. The time has come where parliament as an institution has to make greater use of social media.”

*Michael Carrington, Speaker of the House of Assembly, Barbados*

Parliaments are actively making use of social media for communicating with citizens.<sup>7</sup> Experiments are underway in a number of countries to use social media to gather inputs for oversight work. As far back as 2012, the Education Committee in the United Kingdom House of Commons invited the public to propose questions for a minister via Twitter, a selection of which were then asked during a committee hearing.<sup>8</sup>

Even so, parliaments continue to report that their primary goals in online communication are to explain what parliament does and to provide information to citizens. Few parliaments have started to use social media to invite public input into oversight activities.

Social media can potentially be a valuable ally in parliament's battle against two enemies of oversight: lack of awareness and general indifference. People have used social media to alert legislators to problems requiring oversight, such as institutional corruption or neglect of health and safety standards. Social media can also be used very effectively to mobilize support from hitherto dormant sectors of the public.

<sup>7</sup> IPU, 2016 (iii).

<sup>8</sup> Michael Gove answers #AskGove Twitter questions (UK Parliament <http://www.parliament.uk/education-committee-askgove-twitter-questions>).

### Tips for MPs: Using social media for oversight

#### Why should I get involved?

Social media allow MPs to reach a huge audience, and particularly young people, cost-effectively. They can increase an MP's public visibility, especially where the MP uses social media to promote his or her oversight activity. Social media also provide MPs with an effective channel through which to advocate for, and raise public awareness of, issues requiring urgent attention, and by which to receive public information and feedback.

#### What do I need?

- knowledge of relevant rules about social media use, including any parliamentary codes of conduct;
- familiarity with the various social media platforms (Twitter, Facebook, Instagram, WhatsApp, etc.) so that you can decide which one(s) will be most suitable for you.

#### How can I contribute effectively?

- Research your social media network: follow your parliament, oversight partners, and government agencies you are particularly interested in.
- Collect interesting content, such as:
  - stories from the parliamentary or party websites;
  - your own images or photos and factographs from other organizations (being sure to credit);
  - relevant articles from the media;
  - information from your oversight partners;
  - good quotes from events that you attend.
- Do not say anything online that you would not be comfortable seeing quoted on the nightly news.
- Be succinct: communication on social media needs to get the message across very succinctly. For example, the 140-character Twitter limit does not give you long to get your point across.
- Retweet, with your own commentary, posts from your oversight network.
- Use hashtags (#word):
  - Tap into existing hashtags to increase your reach (e.g. #oversight, #parliament, #[your country]).
  - Create new hashtags for specific campaigns and new issues (e.g. #womenonboards).
- Include the social media handle of your oversight partners in your messages.
- Create your own online chats – you could engage your followers each month on a different oversight topic using a particular hashtag (for example, '#AskYourMP').
- Ensure that you or your office has the capacity to respond to feedback received via social media.

The spread of social media has also generated some negative consequences for parliamentary oversight. Discussing the issue at the 137th IPU Assembly in April 2017, a Belgian MP noted that ministers have taken to using social media as the primary forum to debate issues. He argued that ministers should be obliged to make announcements and bring issues to parliament first, both as a matter of respect for parliament and so that ministers can be questioned and held to account.

The potential for using social media for oversight warrants more thorough research and analysis.

#### In summary: Building relationships with other stakeholders

Government, private sector groups, civil society, the mass media and social media form part of an elaborate, interdependent oversight network. Parliament can, and should, position itself at the centre of the national oversight process. Each part of the network is important,

and should be connected to parliament by way of clear systems and processes.

- Informally addressing government ministers and officials can be useful for parliamentarians who wish to take up matters without being publicly critical of government. However, these 'backdoor' interactions can undermine transparency and accountability. The rule of thumb for effective informal oversight is that it should seek to enhance formal oversight, and do nothing to hinder formal processes.
- Parliamentarians cannot represent their constituents effectively if they do not communicate regularly with them to find out what effect government policy is having on their lives. Civil society organizations can help to gather and channel this kind of information.
- MPs should be careful when dealing with groups representing the private sector that their interactions are transparent and free of undue influence, though the information they hold will often be useful.

- MPs have traditionally used the mass media to communicate their oversight work to the public, but are increasingly taking their messages directly to people through social media.

## 5.4 Parliamentary caucuses and other informal oversight approaches

MPs are able to act outside the formal machinery of oversight (that is, committees, questions, debates, budgetary scrutiny) through a range of processes that are generally not codified in the rules of parliament. These include single-party caucuses, cross-party caucuses and interest groups, and parallel oversight practices. These processes serve many purposes, and oversight is not always the principal goal. They nevertheless contain aspects which can be considered as a form of oversight.

### Single-party caucuses

Single-party caucuses are meetings of members of the same political party who come together to decide on questions of policy, programmes, draft legislation and leadership. They are generally held in private, which enables parliamentarians to debate differences freely among themselves without compromising party unity. They can therefore provide an opportunity to raise oversight concerns, which is particularly useful for members of parties in government who might not wish to criticize ministerial colleagues in public.

Since MPs from the ruling party are accountable to the electorate for government policy, they have a great interest in influencing and overseeing government action. It is also important to remember that parties in government rely upon the support of their MPs to pass their legislative programme.

“We spoke to our Minister of Education in detail about one policy issue for about an hour. We discussed all the necessary changes and we asked for all the documents, all the figures, all the information. She came with a few specialists to deliver all the information because she knew that it was a very sensitive topic and we went into great depth and we even suggested some changes. But that kind of thing happens more inside political parties, not outside and not in the committee.”

*Vytautas Gapsys, Member of Parliament, Lithuania*

In some respects, this process of challenge and response and (possibly) adjustment parallels the formal oversight process that takes place in parliamentary committees. Where there is a good level of internal democracy within parties, caucus meetings provide a space for individual MPs to raise issues, obtain responses and seek adjustment to policy.

There is an argument that because MPs can raise issues within their party caucus, this may reduce the incentive for these MPs to contribute to oversight within the formal (and public) parliamentary processes. However, if an MP is focused

on a good outcome for the citizen and a good outcome for their party, they will seek to adopt the best approach in any given situation. MPs will still take part in formal processes where they recognize the need to be seen to be holding government to account.

### Cross-party caucuses and interest groups

Cross-party caucuses and interest groups are important avenues for inter-party collaboration and, as such, they enhance parliamentary oversight. They are inspired by a desire among parliamentarians to come together to promote a common agenda or goal. Their activities often cover a broad spectrum, including advocacy, preparing legislative proposals and monitoring the impact of government policy.

Cross-party caucuses differ from parliamentary committees. Their structure is usually more informal. They generally do not have the formal oversight powers of committees, such as the power to call for papers or witnesses. Membership is more likely to be voluntary, rather than by appointment. Nevertheless, cross-party caucuses can make a contribution to oversight.

According to the focus group in Serbia convened for this report:

“Cross-party caucuses have given much better results than formal methods of oversight and provided significant opportunity for expanding oversight over the executive. The Women’s Parliamentary Network, the Greens Forum, the Global Organization of Parliamentarians against Corruption (GOPAC), and the Energy Forum are just some examples of caucuses organized by specific fields and issues, thus providing [a] different approach to addressing issues.”

Factors that contribute to successful cross-party caucuses include a shared vision and clear objectives, constructive political dynamics and strong leadership. The success of a cross-party caucus also depends on the extent to which parliamentary leaders support its work and working methods. So, for example, a caucus that aims to foster consensus across political divisions is more likely to be supported by parliamentary leaders and have its work accepted, which gives it a stronger chance of undertaking effective oversight.

In the United Kingdom, the All-Party Parliamentary Group (APPG) system is a good example of a cross-party mechanism that facilitates non-partisan discussions. APPGs are informal, interest-based groups of parliamentarians who meet to discuss issues relating to a particular topic. They provide opportunities for parliamentarians to engage with external organizations and individuals who share an interest in the subject matter of the group.

In Nigeria, young parliamentarians came together in 2015 to form a cross-party group called the Young Parliamentarians’ Forum. It has taken on an oversight role, which includes serving as a channel for grassroots youth concerns to be amplified at the parliamentary level. In October 2016, a government directive limited the opportunities for young graduates to join the Nigerian National Youth Service Corps. The Young Parliamentarians’ Forum listened to the concerns

voiced by student and youth organizations, and raised the matter in parliament, initiating a discussion in plenary that resulted in a unanimously adopted resolution for the directive to be investigated further. The issue was assigned to the Committee on Youth Development, and the Minister for Youth and Sports and the Director General of the National Youth Service Corps were summoned for questioning. Within days, the president of the country intervened to reverse the decision.

A 2012 IPU study<sup>9</sup> on the impact of different types of parliamentary bodies on HIV and AIDS decision-making found that cross-party groups generally had the most success in raising awareness, translating science into legislation and working with CSOs, etc. However, their effectiveness almost completely depended on the availability of staff to service the group. Case studies indicated that the staff sometimes comes from parliament and sometimes from an outside source such as a CSO or professional group.

The work of cross-party caucuses is not without its challenges. Some political parties may restrict their MPs' ability to collaborate with members of other parties. Much like a committee, a cross-party caucus needs to consider how it will be structured and managed in terms of leadership, membership, internal rules of procedure, work plans, strategic development plans, secretariat support and funding. These factors do not always come together and there are plenty of instances of cross-party caucuses that do very little to deliver on their mandate.

#### Box 40 Using cross-party pressure to further sustainable energy policy in Bangladesh

In 2012, the Bangladesh parliament passed the Sustainable and Renewable Energy Development Authority (SREDA) Act to establish a body that would act as a focal point for the promotion and development of sustainable energy. However, almost a year later, the SREDA had still not been established. This delay prompted a critical mass of concerned parliamentarians from different parties to come together and take a series of positive, concrete actions.

The cross-party group first organized an expert meeting in parliament called 'Implementation of the SREDA Act', attended by chairs of the relevant committees, officials from the Ministry of Power, Energy and Mineral Resources, renewable energy experts and representatives from industry and the media. The event brought the implementation delay to the attention of lawmakers, civil society and key stakeholders.

Next, the group submitted memoranda to the Minister of Finance and the Minister of Power, Energy and Mineral Resources demanding that they implement the SREDA Act. A similar multi-party memorandum was also submitted to the Parliamentary Standing Committee on the Ministry of Power, Energy and Mineral Resources, requesting its intervention.

The cross-party group then met the Minister of Power, Energy and Mineral Resources to follow up on the

memoranda. As a result, the minister directed officials to prepare a road map for SREDA implementation. During budget negotiations the group held further meetings with the Minister of Power, Energy and Mineral Resources and also the Minister of Finance to reiterate demands on SREDA budgetary allocation and clean energy funds.

Following the MPs' interventions, in 2014 the Minister of Finance allocated the funds to SREDA to make it fully operational. In addition, a new Renewable Energy Fund was launched to support new renewable generation capacity.

Source: UNDP, 2016

For more examples of and tips for parliamentary oversight specifically on sustainable energy policies, see the *How-To Guide: Renewable Energy for Parliamentarians* (<http://agora-parl.org/resources/library/renewable-energy-parliamentarians-how-guide-0>).

#### Women's cross-party caucuses

Women's caucuses are often showcased as a successful model of cross-party collaboration. They exist in at least 87 parliaments around the world,<sup>10</sup> suggesting that parliamentarians – particularly women parliamentarians – find them a useful mechanism. Two thirds of women's caucuses have formal status in parliament's rules of procedure, while others operate on an informal basis. Women's caucuses have also started to cooperate across countries through the establishment of regional women's parliamentary associations. As with other cross-party caucuses, oversight of government policy is just one of their activities, along with advocacy, discussion and other functions.

Successful women's caucuses are able to monitor government legislation and policies in advancing gender equality as well as providing a gender perspective on and positively affecting legislation, public policy priorities and party policies. Women's caucuses may also support the mentoring of new women MPs and provide networking opportunities for women, a key benefit given that political networks generally remain male-dominated. In many jurisdictions, oversight of gender equality would risk being neglected without such platforms.

"We decided to set up a [cross-party] caucus six months ago, and we are starting to create linkages among ourselves, which isn't easy. I got a commitment from the government for 15 million Euros for three years for the Muskoka Initiative, a pledge made by the G8 in Canada for extra spending on child and maternal health. The caucus supported these amendments and we showed coordinated strength."

*Pia Locatelli, Member of the Chamber of Deputies, Italy*

Just like other cross-party caucuses, however, women's caucuses face specific challenges, not least of which is how to navigate the influences of party politics. In addition, cultural norms, generational differences, a basic misunderstanding of gender equality and a lack of resources or respect can all undermine the oversight work of women's caucuses.

9 IPU, 2012 (iii).

10 IPU Database on Women's Caucuses (<http://w3.ipu.org/en/>).

### Tips for MPs: Cross-party women's caucuses

#### Why should I get involved?

Cross-party women's caucuses (and caucuses on gender equality) are mechanisms that 'add value' to women's participation in parliament. They provide an avenue for women MPs to define common objectives and strategies, most often with the purpose of advancing gender-equality matters in parliament. Not all caucuses are the same. Objectives and modes of operation differ. Some caucuses simply aim to facilitate dialogue among, within and across parties and provide training and support to their members. Others are more legislatively focused, aiming to influence policy and legislative agendas through cross-party cooperation. They can also promote a gender perspective in oversight activities.

#### What do I need?

- genuine interest, and commitment, and other female MPs interested in forming a caucus;
- support from the parliamentary leadership, and political party leaders;
- a realistic assessment of the prospects for cross-party collaboration in parliament;
- a strong women's movement, or women's civil society groups prepared to work in partnership with the caucus;
- lessons from any previous attempts to establish a caucus (Why did it not last? Have the issues leading to its demise been resolved?).

#### How can I contribute effectively?

- Define and prioritize the caucus objectives, considering how gender mainstreaming and women's political participation and leadership can be advanced through oversight and other core functions. Seek consensus on issues and celebrate achievements.
- Seek agreement among members on the structure and method of the caucus:
  - How will membership be determined? How will the caucus leadership be appointed/elected? How will decisions be made (vote/consensus)?
  - Will the caucus be operated in accordance with the parliamentary rules of procedure? Will it write its own rules? What powers will the caucus have (send for persons and papers)?
- Negotiate sufficient resources (staff, meeting rooms, funding for activities).
- Clarify the relationship of the caucus to the parliament. How will the caucus report to the Speaker, the plenary or a related parliamentary committee?
- Cultivate strong relationships with CSOs and gender advocates.
- Adopt action or strategic plans, with targets and indicators to monitor and evaluate progress. Develop a communications plan to raise awareness of caucus activities.
- Seek support from regional women's parliamentary organizations.

#### Useful resources

IPU, 2013. *Guidelines for Women's Caucuses*. Available at: <http://www.ipu.org/pdf/publications/caucus-e.pdf>

Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR), 2013. *A Comparative Study of Structures for Women MPs in the OSCE Region*. Available at: <http://www.osce.org/odihr/105940?download=true>

### Other informal oversight approaches

There are instances where parties or parliamentarians take other approaches that are outside the formal processes of parliament (at least initially, as they may ultimately be absorbed into the rules and practices of parliament). These approaches are designed to achieve political goals that are not being met, or cannot be met, within the formal processes.

A Kenyan MP describes an inquiry that he set up and ran as a personal initiative, before feeding the results into the formal committee process.

"I initiated a special investigation myself [into exploitation of coffee growers], using my resources. I invited people who are capable and we started the process of documenting an independent report, which I have now tabled through my committee. I did it myself, using my own network, because I am keen to help the people of my county. In my constituency the only cash crop is coffee, but I could see my committee was not [addressing the issue of corruption in the coffee industry]. I felt helpless, as external forces began to invest in that committee. For almost one year, I did not attend a single meeting where the committee was discussing coffee matters, because, every time,

there would be trivialization and diversion. Instead, I went and did this report on my own. Now I want the report to be owned and adopted by my committee so that it is tabled before the house. In parallel, I have also given this report to the presidency and other political leaders. ... I ask you, if one path is unyielding, do you give up and walk out? You do not walk out, you stay to fight and you seek an alternative path to propel that agenda elsewhere.”

*Kabando Wa Kabando, Member of the National Assembly, Kenya*

A former US Congressman who had been able to initiate a number of investigations while serving as Chair of the Committee on Oversight and Government Reform found parallel ways to pursue this work after his party lost control of the committee following elections.

“One of the great frustrations of life in the minority is that the rules don’t offer many ways of blocking the investigations that were the speciality [of the new incoming chair]. Majority power, especially in the House, is near absolute. But that doesn’t mean there aren’t constructive ways for members in the other party to agitate on issues that really do deserve investigation. ... Although I didn’t control the gavel, and therefore could not convene hearings, nothing was stopping us from conducting our own investigations of the issues we deemed important and making the findings public. While this method didn’t carry the televisual ‘oomph’ of a high-profile hearing, our reports did carry the imprimatur of the US Congress, and that was a pretty big deal – often enough to make the kind of impact that brings meaningful change.”

*Henry Waxman, former Member of the House of Representatives, United States<sup>11</sup>*

### **In summary: Parliamentary caucuses and other informal oversight approaches**

Parliamentary caucuses and working groups can galvanize efforts to engage in oversight. Single-party groups provide a valuable forum for party members, particularly of the governing party, to discuss policy openly with each other. Multi-party groups foster collaboration and consensus across party lines, which means their proposals are likely to be perceived as impartial and therefore taken seriously by the public and the government.

Informal mechanisms for facilitating oversight, such as caucuses, benefit from having clear mandates and objectives. Women’s caucuses are one common example of cross-party cooperation, but they need to be backed with the requisite institutional support to ensure that they are able to deliver on their mandate.

There are also examples of individual MPs or small groups of MPs pursuing specific oversight objectives through ad hoc approaches that are independent of the formal mechanisms.

## **5.5 Conclusions**

All members of a democratic society have a fundamental interest in improving the quality of government. It is an important political responsibility to foster greater engagement between parliament and society at large, including civil society and the general public, and the numerous actors with oversight or oversight-related roles.

Engaging with such a wide range of potential oversight partners requires a similarly wide range of formal and informal approaches. Informal approaches to oversight may complement formal processes or circumvent and undermine them depending on how they are used. Understanding the political motivation driving the use of informal tools is important in analysing how and why they are used. This report argues for complementarity and partnership rather than competition or rivalry.

<sup>11</sup> Waxman, 2009.

# Chapter 6: Oversight and the individual MP

Previous chapters have highlighted the importance of oversight to democracy and examined the oversight powers and capacities parliaments possess or are developing. All this remains in the realm of potential unless MPs choose to engage in oversight.

This chapter focuses on the factors that motivate and enable individual MPs to engage in oversight, the benefits they may derive from doing so, and the actions they can take to reinforce oversight as a core function of parliament. It proceeds from the assumption that MPs will engage in oversight when they realize its power and potential for political leverage and understand that they have the legitimacy and means to be successful.

## 6.1 Incentives to engage in oversight

Parliamentarians have a duty to attend to how well government is performing. But individual MPs are likely to engage in oversight only if they have both incentives to motivate them and the necessary capacity to act.

MPs surveyed for this report understand oversight to be the responsibility of all parliamentarians. Many respondents reported that they had engaged in oversight activities such as asking questions of government officials. But those who had engaged in more substantial oversight work – developing a series of informed and probing questions, following up on ministerial answers, conducting inquiries or producing persuasive findings – are often part of a small but industrious minority within their national parliaments.

It is not realistic to expect that all parliamentarians will be equally committed to engaging in oversight, not least given the diversity of their preferences and competing calls on their time. An MP has to choose how much time she or he will budget for oversight at the cost of other priorities and how to engage in it.

A critical mass of MPs is necessary for an effective system of parliamentary oversight, but a majority is not required to start. Individuals often have the capacity to act alone or in small groups. Oversight begins with specific steps taken by MPs, individually and in groups – such as the decision to pose a probing question to a minister, the decision of a committee chair to mount an inquiry, or the decision of a parliamentary leader to support an investigation.

### Perspectives for assessing government performance

Inevitably, in evaluating government performance, a parliamentarian's own values, perspectives and objectives come into play. A key personal incentive for MPs to engage in oversight is that it provides an opportunity to steer government policy toward advancing their own political goals.

The wider perspective is that oversight activity also produces benefits for society and improves the public's perception of parliament.

For the individual MP, the question becomes: 'How does such activity help (or hinder) me in pursuing the issues I'm interested in?' MPs evaluate government performance from different perspectives. While all motivations are highly personal, complex and often partly submerged, the perspectives laid out in Box 41 and below correspond to commonly held concerns and offer a sense of why parliamentarians carry out oversight.

### Box 41 Five perspectives for assessing government performance

Oversight perspective	What is being assessed
Probity	the presence or absence of corruption
Fidelity	the degree to which government follows the law
Equity	the fairness of government distribution of costs or benefits
Efficiency	the ratio of costs to benefits
Effectiveness	the degree to which actions have their intended effects

### Probity

**Reducing corruption:** Some MPs are primarily interested in reducing corruption as an end in itself – greater probity is their goal. Individual MPs working for greater probity can be found in organizations such as the Global Organization of Parliamentarians against Corruption (GOPAC)<sup>1</sup>, while others have emerged from CSOs or are motivated by having suffered personally as a consequence of corruption.

**Advancing a desirable policy goal:** Other MPs may be primarily interested in specific policy goals such as improved education or health provision. Their principal objection to corruption is that it diverts scarce resources from their desired policy outcomes and this is what motivates them to expose misconduct. Juan Pablo Letelier, a Senator and focus group member from Chile, noted that the public is especially appreciative of oversight activity that addresses the delivery of public goods that matter to them, such as housing and education.

<sup>1</sup> See also UNDP and GOPAC: Anti-Corruption Self-Assessment Tool for Parliamentarians.

**Deepening an MP's political experience:** An MP can demonstrate her/his qualifications for higher office by developing a reputation as a corruption fighter. Anti-corruption investigations often have a high media profile and focus public attention on the investigating MPs, which increases their political credit and helps them advance their careers. An anonymous correspondent from the Kenyan parliament noted that, "Nearly every allegation of possibly corrupt practices reported in the news results in a summons to talk before legislators, [demonstrating] the political benefits that an investigation can bring."

## Fidelity

**Ensuring proper implementation of the law:** This form of oversight seeks to determine whether the government has followed the law in implementing policies. This should be a central concern for parliament because the law is parliament's primary means of influencing the government. If the government fails to follow the law that legislators have written for it, parliament's ability to affect the world is diminished.

**Advancing a desirable policy goal:** Parliamentarians who have succeeded in passing legislation to bring about a policy reform have a particular incentive to make sure that what they hoped to achieve is actually carried out in practice.

"No matter how well drafted a law is, if it is not implemented the intended reform will not be successful nor will the citizens' interests be represented if those entrusted to implement the law are not held accountable."

*Report of the multi-stakeholder focus group, Serbia*

**Protecting and representing marginalized groups:** Similarly, the parliamentary champions of marginalized groups have an interest in ensuring that legislation to support the needs and development of these people results in positive government action. So, as well as championing people, these MPs can find themselves championing the law.

"So, for us as members of parliament and being women, we normally take the bigger role in ensuring that at least something is implemented."

*Mishi Juma Khamisi, Member of the National Assembly, Kenya*

This watchdog function is especially important when the bureaucracy does not consider implementation of the law to be a high priority.

## Equity

**Helping constituents and/or marginalized communities:** One goal of oversight is to assess the fairness of government programmes. MPs who represent the interests of particular groups are often interested in oversight to determine whether these groups have received their fair share of benefits, or whether they have had to pay an unfair share of the costs.

Some of this sentiment is institutionalized into a legislator's job by law. Members of the Belgian Senate, for example,

are expected to monitor the impact of federal law on regional authorities, different linguistic groups, women and other constituents. Many other MPs, even if not formally required to do so, try to ensure equitable treatment for their constituencies for electoral and other reasons.

MPs are often expected to stand up for members of a particular group, demographic or otherwise, to which they also belong. For example, women parliamentarians are still widely expected to take the lead in advancing gender equality.<sup>2</sup> A female leader in the Moldovan legislature reported that she often gets requests from women who are not her constituents to look into government actions affecting them as individuals. She complies when she can because she thinks her visibility as a female leader obliges her to act on behalf of those who look to her for action.<sup>3</sup> Uganda's special quotas for MPs from often marginalized groups (including young people, women, people with disabilities, etc.) are justified by the expectation that they will represent their distinct interests.

An MP's motivation to engage in oversight to advance equality for marginalized groups is often reinforced, amplified and expanded by others, including those outside parliament. During debate on parliamentary oversight and political will, a representative from Zambia noted that, "Oversight of gender parity is mostly initiated by women parliamentarians supported by women's caucuses and gender activists in civil society." At the same discussion, an MP from Botswana, supported by an MP from Namibia, made a plea for parliamentarians to speak out about the rights of lesbian, gay, bisexual and transgender (LGBT) people.<sup>4</sup>

## Efficiency

**Deepening an MP's political experience:** Oversight for efficiency seeks to achieve a favourable ratio of benefits to costs. It will often be exercised at the constituency level, for instance as part of budget oversight. A parliamentarian from the Dominican Republic put it this way:

"Ideally, a quarterly budget execution is submitted and MPs see how it goes. After ... in your community, in the province you represent, the MP can go at any time, whenever there is a problem, and see what's going on, what's being done with the people's money ... that's great work for a good representative."

*Graciela Fermín, Member of the House of Representatives, Dominican Republic*

Politicians often champion efficiency – the desire to get the most value for money. This form of oversight wins many friends, makes few enemies willing to make their objections public and may burnish a politician's reputation.

## Effectiveness

**Targeting needs:** Oversight for effectiveness seeks to ensure a government action achieves its intended effect.

<sup>2</sup> IPU, 2015 (ii).

<sup>3</sup> Reported during an interview conducted as part of the Midterm Evaluation of the UNDP Moldova Parliamentary Support Programme, 2012.

<sup>4</sup> IPU, 2015 (i).

When assessing the effectiveness of a programme, MPs look into how well it is working in their own constituencies as policies developed at a national or regional level do not always meet the needs of individual constituencies. In Somalia's Puntland State Parliament, MPs took a committee oversight investigation to drought-stricken areas to assess the effectiveness of government's relief efforts. What they learned was that the needs of the various areas suffering drought varied considerably. Some areas needed water and food, others needed fodder for animals and still others needed money to buy various necessities. As a result of this oversight investigation, the government changed its relief practices to better target the needs of the different populations.<sup>5</sup>

#### In summary: Incentives to engage in oversight

MPs are able to use oversight to measure government performance along five main scales: probity, fidelity to the law, equity, efficiency and effectiveness, which provide an insight into the underlying incentives that motivate MPs to take part in oversight activity. Oversight allows MPs to help constituents, further specific policy goals, advance their political careers or increase their personal influence.

## 6.2 Being taken seriously by the government

MPs are more likely to engage in oversight if they think it will have the desired effect on government behaviour. As Lebanese MP Ghassan Moukheiber observed, there is nothing a parliamentarian dislikes more than to talk to no effect while decisions are made elsewhere.<sup>6</sup> The chances of success depend largely on (i) the formal and informal powers available, and (ii) the resources available to use those powers effectively.

In the ideal executive–legislative relationship, a government will take seriously any well-researched oversight report that offers appropriate and realistic conclusions and recommendations. However, in practice, the relationship does not always work like that.

MPs potentially have at their disposal a range of powers to back up their oversight activities, including public exposure of government shortcomings, advocating for corrective legislation, using parliamentary influence over the budget, and moving for sanctions such as censure, impeachment or no-confidence debates (see Chapter 2).

Individual parliamentarians must calculate whether they can command the resources they need to use these powers, many of which depend on the political context and certain levels of capacity if they are to be effective – and these are often lacking. Collaborating with civil society and media should be explored as key means to expand impact.

### Critical resource gulfs

Focus groups and other research conducted for this report repeatedly identified two particular resource gulfs. First, there is the gulf between the legislative and executive branches that often disadvantages parliaments. Because ministries actually run the government, they have better sources of information, more expertise and more administrative support than are available to MPs.

The second gulf is between established and relatively well resourced parliaments and their emerging and/or less well resourced counterparts. Though even well-supported parliaments face challenges, the challenges cited by developing parliaments are often much more dramatic and difficult to overcome. For this reason, what follows is focused on MPs working in the more resource-poor parliaments.

### Financial resources

Effective oversight depends on many things that require financial resources, such as adequate salaries, professional support and other dedicated resources. In practice, those undertaking oversight are often less well funded than those being overseen, particular in resource-poor countries. In many parliaments, MPs work without staff support and serve on committees with limited professional support and sometimes without regular places to meet. It is essential that government and parliament have the (different) resources necessary to undertake their separate and distinct mandates.

This report has noted successful efforts to empower parliaments by increasing their funding and the amount of control they have over their funds. But even when parliament cannot afford to pay for what it needs, it (and individual parliamentarians) can sometimes get much for nothing, as discussed below.

### Information

Information is a critical political resource because it can be used to sway decisions, and it is essential to effective oversight. The gulfs between parliament and government and between parliaments in more or less well-resourced environments take many forms. But one area in which all parliamentarians are disadvantaged is the information asymmetry between the executive and legislative branches.

Good oversight depends on having good information about government practices. Because the executive governs and is responsible for generating much of the relevant information, it naturally has more and better information than most MPs about how government operates and the government policies and delivery. The resource gulf exacerbates the problem, as MPs – including most MPs from the governing party and usually all MPs in opposition – have fewer resources to hire staff who could help diminish the knowledge gap.

Fortunately, parliamentarians can get a lot of information without paying for it. Parliaments do not work in a vacuum. It is the richness of the information environment that surrounds a politician that determines how well informed he or she is.

The key to being adequately informed for oversight purposes lies in being open to and aware of sources of information and

5 UNDP Parliamentary Support Project in Somalia [http://www.so.undp.org/content/somalia/en/home/operations/projects/poverty\\_reduction/parliament-support-project/](http://www.so.undp.org/content/somalia/en/home/operations/projects/poverty_reduction/parliament-support-project/)

6 IPU, 2016 (ii).

having the judgement or help to assess reliability and process that information. Where they exist, legislative staff are often relied upon to solicit and process information. Even without staff, a parliamentarian can elicit useful information by making it known they want it or by organizing events that will provide opportunities to become informed.

There are many potential sources of information for the interested and active parliamentarian. CSOs, audit agencies, bureaucrats, public interest groups and the media can offer a range of resources, including connections with politically active sections of the public, audit and specialist policy expertise, visibility and other resources useful in oversight. They can be more than just passing sources of useful information; they can become partners and allies in joint oversight efforts.

### Power attracts informants

People seeking to influence individual MPs or committees use information about the benefits and costs of decisions as one means of persuasion. While MPs must exercise great vigilance to ensure any relations with others remain within the bounds of propriety and that the ethical rules are observed, such relations can be informative.

Policy advocates, lobbyists, members of the government and members of the public all have reasons to want to influence MPs. Friendly bureaucrats may become confidential sources of information for MPs they identify as mutual supporters of particular causes. Even individual majority-party MPs can serve as a source of information for opposition members, who may have greater freedom to use it. An opposition MP in one country noted that sometimes MPs from the majority party would share information that for political reasons they themselves could not use in public.

Information intended to influence decisions flows most readily to those who have the power to make those decisions. High officials and prominent MPs will, in general, attract more and better information than will flow to the rank and file.

An MP can however work to increase the flow of information to themselves and their committees. Developing a reputation for advocacy or concern in a given area attracts respect, and therefore information. Corruption fighters get tips, equality advocates are given examples of discrimination, education advocates are lobbied by school interests, and so on. In many places, parliamentarians critical of government operations often receive stories from aggrieved constituents and leaks from dissatisfied government insiders. Today's online environment makes it easier than ever for members of the public to identify and contact MPs with an interest in specific issues.

Effective and active committees, too, attract those who want to exert their influence over legislation. For example, committees can advertise their readiness to be informed, by scheduling public hearings. Such hearings, in turn, have a dual effect of informing committee members and serving as a public forum for those submitting information, allowing them to reach a larger audience.

On the negative side, MPs and committees can also diminish the richness of their information environments. Antagonistic relationships between parliament and civil society organizations – fed by competing claims to represent the public, and the stereotyping of politicians as corrupt and CSOs as agents of special interests and agents of those who fund them – can and have separated MPs from civil society. Committees can fail to consult relevant groups (or decide to consult only with certain groups), hold their deliberations in secret and do other things that reduce the flow of information to them from public sources.

### Using mandates to compel the regular production of information

When a parliamentary majority exists, the production of relevant information by ministries and other government agencies should be required. This is particularly important when the laws being implemented have specific targets of interest to MPs.

For example, US environmental agencies are required to report periodically on levels of water and air pollution by area. Lists of hazardous waste sites are broken down by congressional district. These reports include information about the effectiveness of environmental regulations as well as their costs and benefits.

#### In summary: Being taken seriously by the government

Effective parliamentary oversight depends on access to essential resources. MPs surveyed for this report noted that a dearth of such resources meant that their oversight efforts were frequently undermined. While government itself may be under-resourced in many parts of the world, parliament is almost always in a more precarious resource position. It is critical that adequate financial and dedicated research resources are made available to support MPs' oversight responsibilities. Even where adequate resources are absent, however, parliamentarians can build a rich network of providers – CSOs, the private and public sectors – to gather useful information.

## 6.3 Developing public support

If oversight is to have a realistic chance of success, government powers must often be countered, or offset, by other powerful forces. The development of public support for oversight can help redress the imbalance of resources available to parliament and the government.

The general public is the central, often underutilized potential player in parliamentary oversight. Parliamentarians should target their efforts to reduce the difference between parliament's potential and actual influence, and develop oversight into an expected and powerful function of parliament. The public needs to be persuaded of the value of oversight if they are to support it. As noted earlier, sections of the populace can and have been mobilized in the past.

Presently, there is much less public understanding of and support for parliamentary oversight than is desirable, for a variety of reasons: mistrust of parliament, inattention to what it is doing, and perceptions that it is remote from the lives of ordinary people.

The most powerful claim that parliamentarians can make for oversight is that they are acting in the interests of the public and not just for themselves, that oversight is important to ordinary people and that their work actually improves the lives of those they represent. This provides a strong incentive for public support for parliamentary oversight, but parliament needs to project its functions much more strongly into the public domain. This is particularly the case in countries with relatively new parliaments.

Parliamentarians can take specific actions to develop public support for oversight and exert pressure on the government if it is perceived to be using its power improperly.

### Personal behaviour, ethics codes and bipartisan solutions

Listeners interpret messages through a combination of judgements about their content and their source. Public perceptions of messages from parliamentary oversight findings are likely to be influenced by what the public thinks of the messenger.

Those seen as virtuous are more often taken at their word. If the source is mistrusted, there is little chance that the message will be taken as correct. Not surprisingly, those under oversight scrutiny often respond by questioning the motives of their critics. If they cannot refute the message, they can attack the messenger. Thus the reputations of MPs and of parliaments are critical in determining whether or not oversight findings are consequential.

#### Personal behaviour

So, when criticizing others, MPs should understand that their own motives may be put under scrutiny. They should take responsibility to be transparent in their own behaviour. Ken Coghill, a former Speaker of the Parliament of Victoria in Australia, has noted that articulating and following a high personal standard is “an MP’s greatest protection against breaches in his or her ethical competence.” He has argued for a code of standards under which each MP would declare any personal or financial interest they may have in an issue under scrutiny that might reasonably be thought by others to influence the nature of their participation.<sup>7</sup>

#### Passage and enforcement of ethics codes

In the focus groups and other forums that fed into this report, parliamentarians made it clear that they are aware of the poor public reputation of politicians generally. Such perceptions, they realize, extend to the legislative institutions they are part of and taint their oversight and other actions in the eyes of the public. Many saw improving the reputation of parliament by creating and enforcing codes of ethics and other measures as an important condition for engaging in greater and more

effective oversight. The message of oversight findings will only be received seriously by the public if the messenger is perceived positively.

A frequent response to scandals involving individual parliamentarians has been for parliament to consider, and often pass, a parliamentary code of ethics, campaign finance laws and censure measures. Such measures show that parliament is taking ethics seriously, and they often clarify what is permitted and what is not. Just as important as the passage of ethics measures is their enforcement by parliament itself.

Rules of procedure may also be used to build in other safeguards. For example, in India the Lok Sabha Speaker has the power to remove members from committees on the basis of conflict of interest.

“The appointment of a member to a parliamentary committee may be objected to on the ground that the member concerned has a personal pecuniary or direct interest of such an intimate character that it may prejudicially affect the consideration of any matter by the committee. Such an interest should separately belong to the member whose inclusion in the committee is objected to, i.e. it should not be common with the public in general or with any class or section thereof or on a matter of state policy.”

*Article 255, Rules of procedure and conduct of business in the Lok Sabha, India*

#### Altering perceptions through bipartisanship

Oversight findings can more easily be dismissed (and potentially good ideas lost) if there are perceptions that those conducting the oversight are acting in a partisan manner. When an opposition MP presents oversight findings, his or her motives can be questioned and dismissed as self-serving. A fully transparent, cross-party approach to oversight tends to neutralize such responses.

#### Humanizing the results of oversight

The public does not respond to the dull. If oversight findings are to get attention, they must be presented to capture the headlines and make an impact. This often means humanizing (but not trivializing or ‘dumbing down’) the story. For example, quantitative reports on water quality may have less effect in the popular press than reports of unhealthy levels of lead in children in affected areas. It is the case, however, that such reports need to be both eye catching to attract media attention and based securely on evidence in order to make a positive impact on the government.

In many countries, highlighting dramatic examples of government shortcomings has helped efforts to hold government to account: exposure of the lavish lifestyles of corrupt officials, the inadequacy of police treatment of rape victims in India, inept responses to the kidnapping of schoolgirls in Nigeria and official efforts to ignore the murder of students in Mexico. Such cases provide an argument for ‘putting a face’ on oversight findings. They are both personal

<sup>7</sup> Coghill and Thornton, 2015. (See also Coghill et al, 2015.)

and more widely symbolic, which makes them useful for engaging public attention and demand for oversight.

The mass media tend to cover the sensational. While this presents problems, it also makes them a potentially useful ally in dramatizing the need for and findings of oversight.

### Delivering benefits from oversight

Actually doing things that improve the lives of identifiable members of the public is among the most powerful ways to increase public support for parliamentary oversight.

### Follow through

Parliamentarians can win public support for oversight by producing at least partial solutions to problems identified by members of the public. This can transform the business of oversight from an expression of dissatisfaction to an instrument for improvement. Parliament can:

- Follow through and continue oversight to monitor behaviour of public authorities, to ensure that practices have changed for the better or to keep the pressure on to change practices.
- Consider responding to identified abuses or problems by passing laws. For example, the South African Parliament passed an anti-corruption law in 2012 in response to domestic scandals.
- Use laws and other means to increase the supply of information for oversight. Employees of government (and private sector) organizations who serve as 'whistle-blowers' or informants are an important source of information about corruption and other abuse. Many countries have laws to protect such people.

### Identify beneficiaries

Parliamentarians can increase public support for oversight by working to create and publicize the benefits it delivers. It is important to bear in mind that public or collective goods – which are delivered to society as a whole – are typically less appreciated or noticed than selective goods that benefit identifiable populations. It is easier to get support to deal with the problems of a school than it is to mobilize a nation on behalf of education as a whole, and more attention is paid to reporting a crime than to understanding the root sources of crime.

However, each type of benefit can be presented in ways that beneficiaries will be likely to notice and support. When MPs publicize their own role in the delivery of these benefits they increase their own political capital while also increasing public support for parliamentary oversight.

The benefits of oversight are usually most noticed when they affect particular groups: those who are underserved by particular government programmes, abused or treated unfairly by state forces or otherwise aggrieved by government operations. Oversight for probity should bring tangible benefits to businesses that are forced to pay the hidden tax of corruption on their transactions with government. Oversight for fidelity means that the targeted beneficiaries of laws (e.g. to protect the rights of women, children or marginalized

groups) will be better treated. Oversight for equity means that the beneficiaries of fairer distribution of government benefits will be better off. Oversight for efficiency and effectiveness can mean that the public will get a value-for-money solution to a problem.

### In summary: Developing public support

Parliamentary oversight requires the strong support of the public if it is to be fully effective. Parliamentarians who wish to mobilize public support for oversight must, first of all, adhere to a demonstrably high ethical standard. They also need to powerfully project the results of their oversight activity to make clear its contribution to public good and social well-being. Oversight needs to be highly relevant to the public, responsive to public concerns, and identify clear public beneficiaries.

## 6.4 To the interested parliamentarian – why decide to act?

This chapter began with a simple assertion: all oversight activities begin with the decision of the individual parliamentarian to engage in them. Oversight powers are only theoretical until parliamentarians decide to use them.

So why should *you* decide to engage in oversight?

### The big reason: Democratic governance depends on parliament's detailed oversight of government

Parliamentary oversight is a process aimed at improving government performance and its impact on people, democracy and development.

As both an individual and a member of a society, everyone lives with the consequences of government actions. So everyone has a stake in how well government works – when it functions well it produces benefits and when it functions badly it produces problems.

A virtue of democracy is that the government receives feedback about how it is doing. It can come from voters, groups that represent public or private interests and, importantly, parliament. When the government is not performing well, feedback helps it to get back on track. So society, and individual members of society, have a strong interest in their parliamentarians deciding to engage in oversight of the government and providing this feedback.

### The personal reason: Oversight can help you achieve your goals

Doing what is good for society can also help you to maximize your professional potential, meet your political goals and advance what you value. Engaging in oversight can help you achieve personal goals – whether they be to help constituents, advance your favoured policies, or develop your political career.

## Risks and costs for parliamentarians

Your decision to engage in oversight has significant potential benefits for your constituents and society, but it can also impose costs and risks. Two of the points made earlier bear directly on that decision: (i) the political risks you may be taking, and (ii) the greater difficulties facing those MPs contemplating oversight in developing parliaments.

## Personal interests versus society's interests

There may be a 'moral hazard' problem in that what may unambiguously benefit your constituents or society may possibly come at a professional cost for you. At a minimum there are the opportunity costs of choosing to use your time and energy on oversight at the expense of other things you value, such as helping local supporters or working on favoured legislation. If you have inadequate resources and power, engaging in oversight can be frustrating and might even seem futile. There are other potential costs such as alienating your party leader or ministers.

## Working in a less well-resourced parliament

MPs in emerging democracies and less well-resourced parliaments face more or greater impediments to oversight. The resources available to parliaments and to oversight may be more limited, institutional oversight powers may still be evolving or subject to debate, and the political culture of norms, values and behaviours may be more constraining than in long-established and well-funded parliaments.

In countries where economic opportunities are severely limited, a political career is often a promising means of social mobility. So an MP who alienates those who run government does so in an environment in which there may be fewer career opportunities outside politics.

There are risks. But what are the chances that the gains from engaging in oversight will offset the risks?

## A risk worth taking

Choosing to engage in oversight is a way of expressing your belief in it, and this may be an end in itself. The probability that oversight activities will succeed in bringing about change will be a very important consideration in determining whether or not you take the risk of engaging in them.

## The real chance of success

Even in tough environments oversight initiatives have succeeded, and in more supportive environments oversight has become a regularly performed institutional function.

Oversight has been successful in a number of unpromising locations: in Uganda, underperforming ministers in the one-party period were sanctioned; in deeply divided Bosnia and Herzegovina, multi-party cooperation achieved financial accountability; an emerging legislature in Somalia's Puntland improved government implementation of drought relief.

None of these successes was achieved within a routinely functioning, well-resourced, oversight system.

More systematic success is possible. Many parliaments are making the transition to more oversight-friendly systems. Over time, both the Kenyan and Ugandan Parliaments have strengthened their capacity to engage in oversight more routinely by developing functional committees, professional staff support in important areas such as budgeting, and control over necessary funds.

And there has been further progress in already developed parliaments. In the UK, the selection of committee chairs was removed from party leaders and placed in the hands of MPs; in Germany, the grand coalition acted to ensure the representation of minority party members on committees.

So oversight has succeeded in a wide variety of circumstances: in one-party states, deeply divided societies, developing countries, emerging and highly developed parliaments. While oversight activities are far from universally effective, most parliaments engage in some form of oversight of the government and many have proven that effective oversight has a real chance of success.

## Low-hanging fruit: Use pent-up public demand to achieve disproportionate benefits

Where it is most difficult to initiate oversight, there is often pent-up demand for what it can achieve. Corruption, inefficiency and inequality may be rife in the absence of genuine oversight. Ultimately, the ability to use that pent-up pressure from the public to meet increased expectations of government accountability can serve as a fundamental driver of change. For this to happen, it is absolutely crucial that parliament is, and is seen as being, a part of the ethically sustained solution and not part of the problem.

Where oversight has not been conducted in the past, public demand for government accountability may well have been building up for some time and seeking outlets. In such an environment, oversight is the parliamentary function with the greatest potential to make a rapid difference in the quality of democratic governance. But parliament must be ready and willing and able to act with the procedural and political tools to hand.

In developing or strengthening parliamentary oversight, initial actions are likely to yield the greatest returns. This is particularly so where corrupt practices, inefficiency and inadequate performance were previously unexamined. In Kenya, while changes in the culture of impunity for corruption have been slow to occur, efforts over the past 10 years have resulted in more frequent public exposure of corruption and are credited with changing that culture. At the other end of the scale, exposure of practices in a relatively minor area can have big ripple effects. In the UK House of Commons and the US House of Representatives widely accepted and long-practised financial improprieties, previously unexamined or tacitly accepted, were exposed and wiped out virtually overnight.

**In summary: To the interested parliamentarian – why decide to act?**

The overarching reason why you as an individual parliamentarian should commit to oversight is that democratic governance depends on parliament's detailed oversight of government. There are personal reasons, too, for making this choice: oversight can help you achieve your goals, such as helping constituents, advancing your favoured policies and developing your political career.

There are potential risks in becoming known for conducting oversight: in certain circumstances you might alienate your constituents by focusing your time on long-term oversight at the expense of more immediate issues. You might also fall out of favour with party leaders or ministers. However, the opportunity to bring about positive, lasting change should make engaging in oversight a risk worth taking.

## 6.5 Conclusions

A range of oversight tools are available to parliament. These tools are useless, however, unless they are put into action by MPs on a daily basis. While there may be a measure of professional risk to members in following the 'scrutiny trail' relentlessly and wherever it leads, the high profile that can be accorded to such work in the public domain provides singular opportunities to the dedicated and hard-working MP. Positive opportunities include: achieving professional development and a solid reputation, as well as making a direct contribution to improving the quality of government and people's lives.

# Conclusion, key findings and recommendations

Rigorous, constructive and evidence-based oversight improves government in many ways. It seeks to ensure that government functions well and protects the rights and well-being of all people. It monitors that laws are implemented effectively and that their impact on people's lives is closely monitored, and provides a means to identify gaps or problems in legislation that need to be addressed. It ensures that money is well spent and that government programmes are evaluated against results. Corrupt practices become more difficult to hide in the presence of effective systems of oversight.

Oversight makes democracy stronger by providing a channel for people to engage in the management of public affairs on a daily basis between periodic elections. It brings information into the public domain, ensuring that government operates under public control. Oversight is a key part of a system of checks and balances designed to limit abuses of government power. It provides political mechanisms to sanction the government or ministers in the case of shortcomings.

Drawing on the submissions from parliaments, interviews with MPs and thematic discussions with MPs and senior parliamentary staff, it is possible to affirm certain core principles of parliamentary oversight (see Box 42).

## Box 42 Core principles of parliamentary oversight

Oversight should:

- be a rigorous, constructive and evidence-based process designed to promote people's well-being, monitor the achievement of development goals and priorities, and improve governance;
- cover all areas of government, at all times;
- be the shared responsibility of all parliamentarians.

Parliament should:

- have a strong mandate for oversight set out clearly in the constitution, laws and parliamentary rules of procedure;
- have full and timely access to information required for oversight;
- ensure that opposition and minority parties are able to participate fully in oversight;
- provide committees with the mandate and means to carry out effective oversight;
- develop its capacity for oversight to match its formal powers;
- mainstream a gender perspective into all oversight activities and ensure women are able to undertake oversight across all areas of policy and legislation;
- be willing to use the powers available to it to hold government to account for meeting its obligations under existing commitments, laws, and rules.

Yet oversight is often difficult in practice. There are many common challenges, regardless of a country's political system or level of economic, social and political development.

Research for this report shows that in most countries rules and systems for oversight exist, but oversight may not be prioritized fully by parliament, MPs or the public. The following sections capture the key findings from the report, and set out recommendations for a renewed effort to strengthen parliamentary oversight.

## Key findings

### Parliamentary oversight is and will remain a political activity

- Each country practises oversight in accordance with its political, cultural and historical context. There is significant variety among countries in the practice of oversight, and in the political space available for oversight.
- Government responsiveness to oversight activities varies significantly. In some contexts, the obligation for government to provide information in a timely manner is well established, and government engagement with oversight has become part of the political culture. In others, the rules are not systematically applied (for example, ministers may decline to appear before parliament, information may not be made available to parliament and deadlines for answering questions may not be kept).
- In other contexts, parliamentary questioning is perceived as a challenge to the power of government (in these cases, MPs that do speak out, usually from the opposition, may end up losing their mandate or even in prison). Protecting MPs' freedom of expression is a crucial condition for being able to carry out oversight.
- Party politics plays a major role in determining oversight activities. The well-defined roles of political parties in government and opposition tend to be characterized by a dynamic mix of confrontation and cooperation.
- Political competition can be a catalyst for oversight. It is important that the opposition be able to use oversight tools to question and challenge government.
- MPs' perceptions of government responsiveness to parliamentary oversight are influenced by whether their party is in government or in opposition. For example, members of government parties appear more optimistic about parliament's capacity for oversight, while members of parties in opposition tend to judge government to be less responsive, and oversight to be less effective.
- In transitional or post-conflict situations, the boundaries between the powers of the government and parliament may not yet be settled. The oversight role of parliament may not be prioritized, or well understood.

- Small parliaments face particular challenges. The size of parliament mechanically limits the number of specialized committees with an oversight role and the level of support that the parliamentary administration is able to provide. In a number of countries, ministers and junior ministers can be members of the committee that is supposed to oversee their administration, severely limiting the committee's oversight potential.

### **An effective system of oversight remains an aspiration for many parliaments**

- Most countries have rules and systems in place for oversight. However, the existence of such rules and systems in itself does not guarantee the effectiveness of parliamentary oversight. An effective system of oversight requires:
  - a strong mandate with clearly defined powers to hold government to account;
  - committed and willing participants who are prepared to use the powers available to them to hold government to account;
  - sufficient capacity in parliament to give teeth to these powers, including independent sources of research and analysis and a sliding scale of possible sanctions.
- The mandate for oversight is set out in the constitution and law in nearly all countries. Parliaments sometimes lack the means or the will to use the powers available to them to constrain the government.
- Parliamentary capacity for oversight is closely linked to the overall strength of parliament. Well-resourced parliaments are much more likely to dedicate staff to support parliamentary committees, provide research services and specialized budget analysis, including gender analysis.
- High levels of turnover of MPs following elections are frequently observed and can have an impact on the quality of oversight. While turnover is a natural and beneficial part of parliamentary elections, very high turnover involves some risk of loss of institutional memory, and a break in continuity in committee membership from one legislature to the next.
- Responsibility for oversight is widely distributed. Parliaments have a central role, but they are far from being the only actors. Government ministries, specialized oversight bodies such as supreme audit institutions, civil society, the media and professional groups all contribute to a rich oversight network.
- Assessing the impact of government action on gender equality is an integral component of oversight and enhances oversight's overall effectiveness. Parliaments oversee progress toward gender equality in many different ways. Specialized committees and cross-party caucuses monitor the status of gender equality in society and can bring forward legislation in response to gaps they have identified. Gender-responsive budgeting provides parliament with tools to oversee the impact of government policy on women and men. However, parliaments should do more to mainstream gender into all oversight activities, for example by building specific capacity for gender-based research and analysis.
- A majority of parliaments have procedures in place for systematic interaction with supreme audit institutions. However, interactions with other external oversight

institutions such as national human rights institutions and ombudspersons are less systematic.

- Parliaments need to be accountable to the people for the way they carry out their oversight role. A relatively small proportion of parliaments have systems in place to track the recommendations that they make to government, and government responses. Many parliaments do not monitor and evaluate the quality of their oversight performance. Parliamentary efforts to make the results of their oversight activities visible to the public are limited.

### **Most MPs express commitment to oversight. But in practice, prioritization and capacity issues often limit their engagement in oversight activities**

- There is broad consensus that oversight is the responsibility of all MPs. But MPs from opposition parties consider that they shoulder a disproportionate share of the burden. MPs need to be accountable to citizens for the way in which they carry out their oversight role.
- MPs from parties in government and in opposition identify a range of challenges to their oversight role. MPs tend to identify resource constraints (for example, staff, money, information) as the greatest single challenge to effectiveness. Women MPs are infrequently in a position of authority, such as committee chair, from which to carry out oversight activities across the broad spectrum of policy areas.
- MPs everywhere frequently operate with limited resources to support their work. There is a stark asymmetry between the level of resources available to government and the comparatively meagre resources available to parliament.
- MPs' degree of engagement with oversight depends in part on their individual interests and preferences. For example, women MPs appear to use informal oversight practices more than formal processes. MPs from the same country or the same party are of course subject to the common influence of the political environment, institutional design, electoral systems, party systems. Yet each MP retains the ability to act as an individual and can make choices about their oversight role.
- Limited public demand leads MPs to fear punishment from their electorate if they devote time to what can be perceived as obscure oversight activities in the national parliament, rather than being seen to address the specific priorities of their constituents.
- MPs also hesitate to invest time and effort in oversight activities if they feel that the results are uncertain, or may be ignored by government.
- There are compelling reasons why MPs should engage more deeply in oversight, whatever their political affiliation. All MPs have an interest in improving the quality of government. Oversight tools help MPs to serve their constituents, to achieve their policy goals and to advance their political career.

### **Oversight is a marker of parliament's relevance in the 21st century**

- Parliaments are convinced of the importance of oversight, and frequently identify the strengthening of oversight systems as one of the goals of parliamentary development.

- Public expectations of high levels of probity in public life, of a fair distribution of resources among regions and social groups, of value for money in public spending, are well established, and growing. Parliamentary oversight contributes to all of these goals, and more.
- There is scope for parliament, and MPs, to communicate their oversight activities more effectively, making the connection between oversight activities in parliament and changes in people's lives on the ground, and in doing so to increase public understanding of how oversight works and to further build public demand.
- While 'oversight' may seem an abstract term to many, the parliamentary activities of 'questioning', 'challenging', 'scrutinizing', 'holding inquiries', 'making recommendations', 'holding government to account', and 'promoting solutions' are likely to resonate with a broad section of the public.
- By building public demand for transparency and accountability, committed reformers are more likely to be in a position to shape the political environment in favour of greater oversight. Opportunities to strengthen oversight may arise at times of crisis, or in the context of wider political reforms. It is important for reformers to be ready to seize the opportunity.
- Agenda 2030 and the SDGs' acknowledgement of parliament's responsibility to hold government accountable for its commitments to eradicate poverty and achieve sustainable development offers an opportunity to parliaments and MPs to increase their engagement in crucial matters of national development.
- Sustainable Development Goal 16 and its targets on effective, accountable and inclusive institutions create a new impetus for parliament and MPs to represent the people's voice and interests in oversight of government.

## Recommendations: A scenario for change

The recommendations that follow set out a scenario for institutional change in the direction of greater oversight. While priorities for strengthening oversight will need to be determined according to the national context, the recommendations are considered as being universally relevant to all countries.

The recommendations are primarily addressed to parliament as an institution; some are addressed to individual MPs.

The recommendations are also addressed to political parties, which hold great influence over parliamentary decision-making and the behaviour of individual MPs. They are similarly important for governments, which hold great responsibility for enabling a constructive oversight relationship with parliament, and which have a strong interest in enhancing the transparency and accountability of public authorities by means of effective oversight. And the recommendations are relevant to all people and civil society organizations that want to improve the quality of their institutions of government.

### Establish oversight as a top priority for parliament

#### 1. Signal that parliament is committed to its oversight function

Establishing oversight as a parliamentary priority is a way of signalling its importance to all actors. The speeches and pronouncements of parliamentary leadership, including the Speaker and committee chairs, can make it clear to government, the media and the people that parliament is serious about its oversight role. Parliamentary motions and resolutions can further reinforce this message. Parliaments should have strategic plans in which oversight should figure prominently.

#### 2. Bring together all stakeholders to define and commit to a constructive oversight process

As parties compete for power, it is to be expected that parties in government will seek to minimize the use of oversight tools to embarrass ministers, while parties in opposition will use every opportunity to draw attention to government shortcomings. This is the stuff of politics, and is part of what gives the public a choice between political alternatives. Yet oversight must be seen not purely as an opportunity for a sterile political fight, but as a critical tool that drives the achievement and reinforcement of respect for human rights and human development.

All political parties need to acknowledge that oversight is a constitutionally mandated role of parliament and that it is right and proper for MPs, including members of parties in government and in opposition, to play their part in fulfilling that mandate. Efforts to limit parliamentary oversight or to deny a legitimate role to the opposition do not strengthen democratic governance.

Parties should talk openly about the purpose and goals of oversight, and come to agreement among their members, and between parties, on the importance of oversight for the quality of government and people's well-being. Parties should agree that oversight needs to be systematic, continuous and evidence-based, and encourage their members to work in this direction.

#### 3. Assess parliament's strengths and weaknesses regarding its oversight function

The recommendations in this report are necessarily general. Each parliament is likely to have in addition a need for a more precise analysis of its strengths and weaknesses, and recommendations for specific actions to address the challenges. Parliament should establish an inclusive mechanism to evaluate whether the conditions for effective oversight are being met, and propose improvements where necessary. The evaluation should include an assessment of whether:

- the rules governing oversight are sufficient;
- parliament has sufficient capacity for oversight;
- opposition and minority parties, and men and women, have sufficient opportunities to engage in oversight.

The preparatory process leading to the adoption of a strategic plan for parliament affords opportunities for an inclusive dialogue with the political parties, and for a rigorous self-assessment of the current strengths and weaknesses of parliamentary oversight.

#### 4. **Commit to regularly review and report on how parliament performs its oversight role**

Publicly stating that parliament will regularly monitor and report on its oversight activities helps to make parliament itself accountable to the public for its performance. Only about one in three parliaments has a system in place to monitor how effectively it performs its oversight role. Developing such a system signals that oversight is an important aspect of the institution of parliament.

### **Strengthen the mandate and capacity for oversight**

#### 5. **Ensure that formal powers to oversee the government are clearly established in law and parliamentary rules**

The rules governing oversight are too important to be left to convention and should be set out clearly in the constitution, laws and parliamentary rules of procedure. These should include strong powers to obtain information and take evidence from citizens in pursuit of effective oversight.

#### 6. **Ensure the financial and administrative autonomy of parliament and a dedicated professional staff**

Parliaments often have impressive formal powers but lack the capacity and means to exercise them effectively. So, if a legislature's oversight powers are to be effective and have impact, any gap between powers and capacity should be narrowed or eliminated.

Where parliament does not have control over its budget and staff, seeking these fundamental aspects of parliamentary autonomy becomes an important first step. Government may not willingly give up these elements that allow it to exercise some form of control over parliament. But parliaments can point to the many that have managed to achieve formal independence as an example of internationally recognized good practice.

#### 7. **Allocate time in plenary for oversight**

Parliaments can consciously decide to set aside dedicated time in the parliamentary calendar for oversight activities. Creating time in plenary for questioning ministers, debating committee reports or considering the recommendations of external oversight institutions is one way for parliament to indicate that this is a priority and give visibility to oversight work.

Parliaments should explore opportunities to ask questions of government without notice on urgent matters. Government responses to written questions from MPs should be detailed and timely. The opposition should be able to participate fully in the oversight processes, including by having the possibility to initiate debates

and inquiries. Investing in communicating the results of oversight to the public and providing set pieces for media coverage attracts public interest and reinforces public demand for oversight.

#### 8. **Ensure that committee rules and practices support oversight**

The effectiveness and visibility of oversight as a committee function can be raised by encouraging committees to develop work plans, support capacity development, report on progress of inquiries, publish findings that reflect the view of both majority and minority, and having committee recommendations considered in the plenary.

In some systems, committee proceedings are considered confidential and the public is banned from attending. These practices conflict with the desire to have oversight proceedings conducted in a public and transparent fashion. Reforms such as Open Meeting or 'sunshine' laws can remedy this. A commitment to publishing parliamentary documents, in open formats for easy reuse by the public, sends an important message about parliament's commitment to accountability and transparency.

Parliaments should adopt open and transparent procedures for the nomination of committee chairs and members. It is common in Commonwealth countries for an opposition member to be appointed chair of the Public Accounts Committee, which is thought to strengthen the incentive to oversee.

Political parties have an important function as gatekeeper for the chair and membership of parliamentary committees in many countries, which can have an impact on MPs' oversight activities. Where party leaders have excessive or unrestricted influence on the way oversight takes place, reforms that broaden the membership base can increase the oversight potential of committees. Specific measures can further help to ensure that all MPs, including women and young MPs, have opportunities to be members of committees across all policy areas, including those that are sometimes thought of as being more 'prestigious', for example on defence, the budget or foreign affairs.

#### 9. **Ensure clear mandate, procedures and capacity for budget oversight**

Budget oversight should ensure that government funds are prioritized toward the needs of the people, that funds are spent effectively, that the intended results are achieved and that corrective action can be taken where necessary. Parliaments should have a clear mandate and procedures for participating in all stages of the budget cycle including budget planning and formulation, consideration and approval of the draft budget, oversight of budget implementation and audit expenditures and results.

Budget analysis is a special skill. Parliaments should also take steps to ensure that MPs have the necessary knowledge and skills to actively participate in the budget process. Ensure parliament has sufficient research capacity to support MPs in overseeing the budget,

including through the systematic application of gender-responsive budgeting and analysis. Parliaments should consider establishing a specialized Parliamentary Budget Office (PBO) or similar research unit to increase the capacity for budget oversight by securing access to information, simplifying technical information and producing specialized analysis; or, where a PBO may be impractical because resources are not available, parliaments should seek expert technical support at key points in the annual financial cycle.

#### 10. **Mainstream gender and human rights into all oversight activities**

Gender analysis and mainstreaming require an ongoing dialogue between government, parliamentarians, civil society organizations and academia. Both internal and external experts in gender equality should provide independent analysis to parliament. Committee inquiries and reports should systematically address the needs of both women and men.

Gender-equality committees and women's caucuses play a special role in keeping government accountable for progress toward gender equality and compliance with international gender-equality norms and standards. But it is not sufficient to leave oversight of gender equality to these specialized bodies. A gender perspective should be specifically mainstreamed into the work of all parliamentary committees as they monitor the implementation of government policy, legislation, budgets and the delivery of services. Ensuring government commitment to gender-responsive budgeting makes it easier for parliament to monitor the equity and effectiveness of the use of public money along gender lines.

Parliament has an important role in protecting and advancing human rights, including through its oversight function. The *Human Rights Handbook for Parliamentarians*<sup>1</sup> provides guidance on how parliamentarians can use oversight tools to monitor governmental adherence to international human rights norms and standards.

#### 11. **Develop specific research capacity to support oversight**

Though parliament's financial resources are likely to always remain limited, parliament can choose to invest in the infrastructure necessary for effective oversight. A non-partisan research service is a cornerstone of parliament's ability to obtain information and provide independent, neutral analysis to committees and MPs. Parliamentarians need access to independent research and analysis in order to objectively assess the work of government. Where resources are limited, prioritize carefully to ensure, where possible, that parliament is able to apply research-based oversight to those areas of government of most relevance to the national context. Start by developing general research services on legal and economic matters, gradually building up specialist skills in budget analysis, gender and key policy areas.

#### 12. **Build oversight skills and limit the impact of turnover at elections**

Oversight requires skills that can be learned, such as how to build a strategic approach or how to ask effective questions to ministers. Experience matters; the possibility for MPs to develop expertise in specific areas by serving on the same committee in successive legislatures is crucial to the individual, the committee and parliament as a whole. Where turnover at elections is high, the role of committee staff in capturing records of the previous committee's work and transferring the institutional memory from one legislature to the next, for example in the form of a legacy report, is of particular importance. Training for new MPs and parliamentary staff helps to keep a focus on oversight and make all actors feel more confident in their oversight role. Training and development is often most successful when it is 'on the job' and delivered by peers or mentors, such as former MPs.

#### 13. **Solicit outside help**

Oversight advocates are not alone. Additional oversight capacity and the will to engage in oversight have also developed as a by-product of the parliamentary development movement. Technical and other assistance is available from a number of organizations: the IPU, UNDP, CPA, World Bank, GOPAC and others. More targeted assistance for particular countries or on specific thematic areas is available through the democratic governance support and development programmes.

### Co-produce oversight with partners

#### 14. **Recognize that effective parliamentary oversight is co-produced by the efforts of MPs, civil society and other oversight institutions, with the support of the general public**

Parliamentary oversight is an important societal function that is not performed by parliaments alone. Parliaments should recognize the limits of their power and resources and actively work to create cooperative relationships with those outside parliament.

Effective parliamentary oversight requires a variety of resources that can be contributed by those outside parliament. While MPs have formal positions, and often constitutional and statutory powers to investigate and act, they may lack the in-depth knowledge of policy areas that more specialized CSOs possess, or the special expertise and skills of external oversight institutions. Persuading such groups to come on board requires commitment and work to build trust, identify issues of common concern and determine mutually beneficial ways to work together.

The best and most durable oversight partnerships result when these sometimes disparate groups find common cause and forge mutually beneficial relationships. It is increasingly common to find MPs with CSO backgrounds and they can often make the bridge between parliament and the public. MPs from specialized professional backgrounds (e.g. auditors, government officials,

<sup>1</sup> IPU and OHCHR, 2017.

academics) often welcome the chance to help improve the delivery of government services.

If you want to perform your oversight role better, reach out and build cooperative relationships with individuals and institutions who can contribute useful resources to that effort. The incentive for them to cooperate and contribute should also increase as oversight efforts become more visible and have positive outcomes. All have an interest in, and something to contribute to, better parliamentary oversight.

#### 15. **Take evidence in committee from a wide range of sources**

Committees should make it clear that they welcome, and need, input from diverse perspectives, including civic organizations. Ideally committee staff should compile and maintain lists of organizations with an interest in their subject area, including women's groups and youth. Be systematic in inviting public input to committee inquiries, organize public hearings, and demonstrate to the public that engaging with parliament is worthwhile and that their contributions are taken into account. Parliaments can, for example, act to address gaps or shortcomings in legislation that are identified through inquiries. Experiment with new tools and approaches for consultation with civil society, professional groups, young people and other stakeholders during oversight activities, such as online consultations, or even include people from outside parliament as members of parliamentary committees.

#### 16. **Strengthen relations with supreme audit institutions and other oversight institutions**

Parliament should ensure that external oversight institutions, such as supreme audit institutions, national human rights institutions and ombudsoffices, have the capacity (in terms of autonomy and human and financial resources) to undertake their mandate. The responsibility for the effectiveness of the work of external oversight bodies is often in the hands of parliament.

Parliament and oversight institutions should build a culture of mutual trust by working together on a regular basis, including but certainly not limited to an annual reporting exercise. This ensures that parliament is confident in the findings of the external bodies, and that the external bodies are confident in parliament's desire to take seriously their recommendations. Parliament should ensure that it has processes in place to review reports by external oversight institutions in a timely and systematic manner and take vigorous follow-up action where appropriate. Parliaments and audit institutions should maintain a dialogue about the content and format of audit reports, to ensure that they include information parliaments need, such as a gender analysis.

### **Make good use of parliament's oversight powers**

#### 17. **Make oversight consequential by keeping track**

It is particularly important to keep track of commitments made by the government. Questions from the floor or

in committee are sometimes answered by government ministers or officials with a promise to take some action. Without proper monitoring that can be the end of it – the commitments may be forgotten, lost in time or deprioritized. When this happens the power to ask questions becomes inconsequential.

Parliaments should also ensure systems are in place to keep track of parliamentary recommendations to government, which are often developed through committee inquiries, as well as government responses to these recommendations. But tracking parliament's oversight recommendations is a joint responsibility with government. A system should be agreed with governments whereby the latter are obliged to provide formal, on-the-record answers to the recommendations of parliamentary oversight committees and bodies within a specified timescale; and when such a system is in place it should be rigorously maintained. Leaving it up to the initiative of individual MPs to follow up on recommendations is not sufficient; a more systematic approach helps to focus the attention of government, and the committee, on parliamentary recommendations.

#### 18. **Consider ways to achieve government compliance with oversight requirements**

Where laws and rules prescribe certain obligations on government, such as responding to parliamentary recommendations, parliament should ensure that they do so in a timely and appropriate manner. The Speaker has a particularly important role in ensuring that the continuing dignity and importance of parliament is respected in this way. Where there are deadlines for answering questions or submitting reports, parliaments should track government compliance and draw attention to shortcomings. Where ministers make assurances to parliament, parliament should monitor that these assurances are effectively carried out. Where committees request access to ministers or information held by government, the expectation has to be that requests are met in a timely way. Where they are not, public attention can be a powerful means to apply pressure on government to conform with parliament's wishes.

Public exposure is the most accessible form of sanction and can often be sufficient to produce a response. Where action is not forthcoming, parliament holds significant powers to adopt laws requiring government to take specific actions, such as adding to bills a clear statement of the intended outcomes, or providing regular reports on the implementation of legislation. Parliament also holds the power of the purse, to different extents and in different ways, and the threat of withholding money can be a powerful motivation to comply with parliament's requests.

Formal sanctions, such as motions of no confidence or the rejection of the budget, are powerful tools that are constitutionally available to many parliaments, even if they are used only in specific political circumstances.

## Build public support for oversight

### 19. Adopt ethics rules and practices to promote parliamentary legitimacy

What the public thinks about parliament shapes how seriously it will take the findings of parliamentary oversight. Thus, a favourable public perception of parliament is one of the most critical factors in ensuring that parliamentary oversight has positive impacts on people's lives. To be effective at oversight, parliament itself must be held in high regard. It must be considered to be the credible overseer of and democratic check on government power and behaviour. If parliament's standing with the public is poor, whatever oversight activities uncover might be dismissed as serving parliamentarians themselves rather than ordinary people or, more generally, the public good.

It is consequently very important that parliaments are seen to take measures to enhance their credibility with the public, including adopting codes of ethics, ensuring independent monitoring, investigation and punishment for transgressions by members, and working in ways that the public can see to be proper.

### 20. Establish communication strategies to publicize parliament's oversight work

Parliaments should enable and enhance media coverage of all oversight activities. Oversight is best conducted 'in the light'. In the absence of a well-funded, vigorous and clear media strategy people will remain in ignorance of parliament's oversight successes. For example, oversight committees should have communication strategies and professional assistance to publicize their work and engage the public through the media, including social media. Highlighting examples of how a committee's work has resulted in effective parliamentary oversight and improved the life of citizens can build public trust in parliament as an institution. Innovative methods should be trialled including using social media to improve dialogue with citizens.

### 21. Consider how best to use the media in oversight activities

Astute use of the media, and particularly social media, is a powerful way to get government to pay attention and respond to oversight activities. For MPs, the media and civil society can be effective levers to increase public pressure on the government and make it more responsive. They can also help constituents to see the value of MPs' oversight activities, and build connections with youth.

### 22. Make parliamentary records publicly available

If parliament is to enhance transparency and accountability in government, then it should also commit to transparency and accountability in parliament. All committee sessions should be open to the public except in limited and well-defined circumstances, and a full account of their sessions recorded and made freely available in a timely fashion. Parliamentary records should be accessible to the public in line with standards for parliamentary openness and transparency.

### 23. Position parliament as a leader on the SDGs

The SDGs provide a renewed opportunity to parliaments to assert themselves as effective institutions that contribute to the quality of government as well as to the quality of life of the public and the health of the planet. Parliament has many important roles to play with regard to the SDGs, including approving national plans and targets under the development goals, and legislating and providing funding to meet the targets. Perhaps the most significant role for parliament, however, is to act as the people's watchdog, monitoring progress and setbacks toward these targets and holding government to account for the commitments that it has made internationally and domestically.

Parliaments that are able to organize themselves effectively to question and challenge governments about their efforts to deliver across the wide range of goals, including poverty reduction, climate change, education and health, while ensuring that no one is left behind, will be well positioned to claim their legitimate role as the people's representatives. Parliaments should consider how to organize their work with regard to the SDGs.

Parliaments should work in close cooperation with government and other stakeholders to establish early national targets and a plan of action to achieve the SDG targets that relate directly to the effectiveness of institutions of governance, namely 16.6 ("Develop effective, accountable and transparent institutions at all levels") and 16.7 ("Ensure responsive, inclusive, participatory and representative decision-making at all levels"). It is on the basis of good governance that strides in achieving the SDGs as a whole will be made.

## Seize the opportunities available to MPs to shape the oversight environment

### 24. Make better use of existing opportunities

Start small – even with few allies and limited resources – and take certain steps immediately to achieve some goals. Start with the factors over which you have control, and as success begets success, move on to gain support to change factors you cannot initially or directly control.

Some tools are within the reach of most MPs even in relatively restricted parliamentary environments. Many MPs have the opportunity to pose questions to ministers on the floor or in committees. These opportunities can be wasted by being ill prepared and ill informed. Make good choices about the issues on which you wish to specialize, gain enough knowledge for effective forays, and follow through on responses you receive. These and other actions may identify you and others – to your colleagues, the media and civil society – as potential oversight activists and soon you may become part of a network of reformers.

### 25. Take advantage of windows of opportunity

In politics, timing matters. The history of parliamentary development has often been written by small groups of highly motivated MPs working in concert and taking advantage of favourable circumstances. Around the world,

oversight-driven change has been triggered by scandal, crisis and much less dramatic developments. Determined leadership, alliance building and acting at the right time has resulted in positive policy impacts. Sometimes, events that focus public and government attention on potential subjects for oversight create a ready-made audience for oversight investigations.

MPs should identify and utilize available positions that have potential. Inactive oversight committees offer the advantage of having the legitimate power to investigate even when they suffer from a lack of leadership and resources. This situation can be changed.

## 26. Create and join reform coalitions

Many oversight efforts require only a few dedicated MPs to initiate them and achieve success. But some actions require a majority to more extensively or permanently alter the parliamentary environment to favour oversight. You can affect the probability of real change by demonstrating the value of oversight through limited actions and recruiting allies to raise the priority of the institutional reforms required to strengthen oversight.

Majorities of MPs have supported the development of greater institutional resources and prerogatives, for a variety of motives. Altruistic MPs may have considered the legislature as an apex representative institution able to articulate a diversity of popular preferences but needing more power and capacity to influence government. Those with more self-centred motives may have simply wanted bigger salaries, more discretionary resources and other benefits. Whatever the mix of motivations, many elements of the international parliamentary-development movement have strengthened the capacity and will of parliaments to conduct oversight.

## 27. Participate in alternative and cross-party working groups

Majority-party partisanship tends to dampen oversight, while opposition partisanship is often denigrated as being motivated solely by the desire for power. For these and other reasons, parliamentarians and other contributors to this report frequently spoke of more bipartisan and cross-party approaches to oversight, which they considered more likely to be perceived as legitimate by the public.

Individual parliamentarians can choose to pursue oversight activities through cross-party caucuses. Examples include women's caucuses, which often conduct oversight

to advance gender equality, anti-corruption caucuses, caucuses of young MPs and regional caucuses to monitor the effectiveness of policies on similar constituencies.

Single-party caucuses can also provide opportunities for party members to question and challenge their leadership outside of the public gaze. This, too, is a form of oversight. Parties should welcome this dialogue and provide a level of internal democracy that allows everyone to express their opinions freely. But oversight within party caucus is not sufficient by itself; MPs, especially from parties in government, must also be able to participate fully in the institutional and public oversight processes that take place within parliament.

## 28. Elect and support parliamentary leaders who favour oversight

Speakers have been repeatedly identified as crucial actors in facilitating or blocking oversight. They often have wide authority to interpret rules, control debate and make other decisions that affect the ability of parliament to oversee government. So, when assessing the qualities of candidates for the role of Speaker, MPs should pay attention to each candidate's attitudes toward oversight and associated values, such as respect for the legitimate prerogatives of members regardless of their party affiliation.

The Speaker's role as a neutral guardian of the institution of parliament, and a promoter of its relevance and development, rather than as a tool of the majority party, is exceedingly important in oversight. A Speaker's reputation for neutrality and for advocacy of institutional prerogatives increases parliament's credibility in overseeing government activities. The Speaker also plays a crucial role in building a parliamentary culture that is conducive to overseeing the government by respecting the rights of all members and minority parties. And because the Speaker is elected by a majority in parliament, he or she is often well equipped to build a bridge with the government.

Party leaders, too, have significant impact on the extent to which individual MPs are enabled to engage in oversight. They may tolerate or even support independence among their members. They heavily influence, or even determine, what is a party vote and what is a matter for individual MPs to decide. So, when considering candidates for party leadership in parliament, the MP interested in oversight should consider the extent to which a potential leader will allow space for individual MPs to exercise their judgement on issues that will go to a vote.

# Annexes

## A note on terminology

Parliaments use a wide range of terms to refer to oversight activities, whose meaning can have subtle differences according to the culture and language. These small differences in meaning can be a source of both debate and potential confusion. The first chapter of this report therefore seeks to clearly identify the concept, by describing the powers and processes associated with oversight.

- In English-speaking countries, 'oversight', 'scrutiny' and 'checks and balances' are common terms, which share some characteristics. 'Scrutiny' is generally understood to have a broader scope to include examination of draft legislation, as well as oversight of government policy.
- In French-speaking countries, *contrôle* and *évaluation* are frequently used terms.
- In Spanish-speaking countries, the term *contralor* is often used.
- Other languages are likely to have their own specific terms for 'oversight'. In some languages, there may not be a single word that encapsulates these concepts.

Similarly, the concept of 'accountability' may also be rendered in different ways in different languages. The French language, for example, does not have a single term, but uses formulations such as *rendre des comptes* or *être redevable* according to the grammatical context.

For the purposes of clarity and simplicity, we have chosen to use the terms 'oversight' and 'accountability' throughout this report. We have used 'MP' or 'MPs' as the general term when referring to members of parliament, while being conscious that many national contexts use different terms to refer to parliamentarians, including members of upper chambers in bicameral parliaments.

'Government' without the definite article is the set of state institutions that govern the functioning of society; with the definite article, 'the government' is the executive arm of government. We have used the terms 'the government' and 'the executive' interchangeably. The same applies for the terms 'parliament' and 'legislature'.

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## Methodology

The second *Global Parliamentary Report*, with its focus on parliamentary oversight, is grounded in the experience of parliaments around the world. It draws on original data gathered from parliaments, parliamentarians and other stakeholders, as well as the body of literature on parliamentary oversight. The report is illustrated by examples of good practice and of the challenges that parliaments face, and stories from parliaments in a range of contexts.

The focus of the report was selected following an extensive consultation process. More than 30 proposals for the subject were submitted, and a shortlist was discussed in different meetings at the IPU Assembly in March 2015 and within UNDP. Based on feedback from parliaments and practitioners of parliamentary development, the decision was taken in May 2015 to focus on parliamentary oversight and parliament's power to hold government to account.

An expert group was convened in Geneva in June 2015 to provide advice on the key themes to investigate for the report. The group contained members and staff of parliaments as well as academics and practitioners of parliamentary development. Participants in the expert group brought a wide range of experience and perspectives, in terms of gender, geographic region and political system.

The report of this first expert group meeting was published on the web page devoted to the second *Global Parliamentary Report* ([www.ipu.org/gpr2](http://www.ipu.org/gpr2)). Relevant project documents were added to this web page as the project advanced.

A series of research instruments was developed based on the conclusions reached at the expert group meeting. The main body of research was undertaken from September 2015 to April 2016.

The following table itemizes the principal research instruments and results.

Research instrument	Results
Questionnaire for parliaments	Responses from 103 parliamentary chambers in 85 countries
Survey of MPs	Responses from 372 parliamentarians (62 per cent men, 38 per cent women) from 128 countries
Interviews with MPs	Interviews with 82 parliamentarians (50 per cent men, 50 per cent women) from 58 countries
Written inputs	63 contributions, of which 34 were from parliaments and 29 from international and non-governmental organizations and experts
Thematic debates	Four thematic debates, including one online consultation and three face-to-face meetings, at the IPU Assembly and the Fourth World Conference of Speakers of Parliament
National focus groups	Six national focus groups, which brought together representatives from parliament, government, civil society and the media

Throughout the research, efforts were made to gather input from men and women parliamentarians. Two thematic debates focused on oversight for gender equality. Gender balance was sought in national focus groups.

Analysis of research results began in January 2016. A second meeting of the expert group took place in February 2016 to provide further advice about the structure, content and messages of the report, and benefited from a preliminary analysis of the research carried out to date.

Based on further analysis of the research and the advice of the expert group, an outline for the report was prepared in June 2016. This outline served as the basis for drafting the report.

## Participating parliaments

A total of 150 national parliaments contributed in one way or another to the preparation of this *Global Parliamentary Report*. The following table indicates the participation of parliaments in the questionnaire for parliaments, the survey of MPs and interviews with MPs.

Where an interview with an MP is quoted in the report, the title of the MP at the time of the interview (Speaker, Member of the National Assembly, etc) is indicated. Some MPs may have changed role or left office since the interview was carried out.

Country	Questionnaire for parliaments (chamber)	Survey of MPs	Interviews
AFGHANISTAN	Upper	x	
ALBANIA			
ALGERIA		x	x
ANDORRA	Unicameral	x	
ANGOLA		x	
ANTIGUA AND BARBUDA			
ARGENTINA	Lower	x	
ARMENIA			
AUSTRALIA	Lower and upper	x	x
AUSTRIA	Lower and upper	x	x
AZERBAIJAN			
BAHAMAS		x	
BAHRAIN	Lower and upper	x	
BANGLADESH		x	x
BARBADOS			x
BELARUS			
BELGIUM	Lower	x	x
BELIZE			
BENIN		x	
BHUTAN	Lower	x	

Country	Questionnaire for parliaments (chamber)	Survey of MPs	Interviews
BOLIVIA (PLURINATIONAL STATE OF)		x	
BOSNIA AND HERZEGOVINA		x	
BOTSWANA		x	x
BRAZIL		x	
BRUNEI DARUSSALAM			
BULGARIA			
BURKINA FASO		x	x
BURUNDI	Lower and upper	x	
CABO VERDE	Unicameral	x	
CAMBODIA	Upper	x	x
CAMEROON	Lower	x	
CANADA	Lower and upper	x	
CENTRAL AFRICAN REPUBLIC			
CHAD		x	x
CHILE	Lower	x	x
CHINA		x	
COLOMBIA			
COMOROS			
CONGO	Upper		
COSTA RICA		x	
COTE D'IVOIRE		x	
CROATIA	Unicameral	x	
CUBA		x	
CYPRUS	Unicameral	x	
CZECH REPUBLIC	Lower and upper	x	
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA			
DEMOCRATIC REPUBLIC OF THE CONGO	Lower	x	
DENMARK	Unicameral	x	
DJIBOUTI		x	x
DOMINICA			
DOMINICAN REPUBLIC		x	x
ECUADOR		x	
EGYPT			
EL SALVADOR			
EQUATORIAL GUINEA		x	

Country	Questionnaire for parliaments (chamber)	Survey of MPs	Interviews
ERITREA			
ESTONIA	Unicameral	x	
ETHIOPIA		x	x
FIJI	Unicameral	x	x
FINLAND	Unicameral	x	
FRANCE	Lower and upper	x	x
GABON	Lower and upper	x	
GAMBIA (THE)	Unicameral		x
GEORGIA		x	x
GERMANY	Lower and upper	x	x
GHANA	Unicameral	x	
GREECE	Unicameral		x
GRENADA			
GUATEMALA			
GUINEA		x	x
GUINEA-BISSAU			
GUYANA			
HAITI		x	
HONDURAS			
HUNGARY	Unicameral	x	
ICELAND	Unicameral	x	x
INDIA	Lower	x	
INDONESIA		x	
IRAN (ISLAMIC REPUBLIC OF)		x	
IRAQ		x	
IRELAND		x	x
ISRAEL	Unicameral		
ITALY	Lower and upper	x	x
JAMAICA	Lower and upper		x
JAPAN	Lower and upper	x	x
JORDAN		x	x
KAZAKHSTAN			
KENYA	Upper	x	x
KIRIBATI			
KUWAIT		x	
KYRGYZSTAN			x
LAO PEOPLE'S DEMOCRATIC REPUBLIC		x	
LATVIA	Unicameral	x	x
LEBANON	Unicameral		
LESOTHO		x	
LIBERIA		x	
LIBYA			

Country	Questionnaire for parliaments (chamber)	Survey of MPs	Interviews
LIECHTENSTEIN		x	
LITHUANIA	Unicameral	x	x
LUXEMBOURG	Unicameral		
MADAGASCAR	Lower	x	x
MALAWI		x	
MALAYSIA	Lower	x	
MALDIVES			
MALI		x	
MALTA			
MARSHALL ISLANDS			
MAURITANIA		x	
MAURITIUS		x	x
MEXICO		x	
MICRONESIA (FEDERATED STATES OF)		x	
MONACO		x	
MONGOLIA			
MONTENEGRO	Unicameral		
MOROCCO		x	x
MOZAMBIQUE	Unicameral		
MYANMAR	Upper	x	
NAMIBIA	Upper	x	x
NAURU			
NEPAL			
NETHERLANDS	Lower and upper	x	
NEW ZEALAND	Unicameral	x	x
NICARAGUA		x	
NIGER		x	
NIGERIA		x	x
NORWAY	Unicameral	x	
OMAN			
PAKISTAN	Lower and upper	x	x
PALAU			
PANAMA		x	
PAPUA NEW GUINEA		x	
PARAGUAY	Upper		
PERU	Unicameral	x	
PHILIPPINES		x	x
POLAND	Lower and upper	x	x
PORTUGAL	Unicameral	x	
QATAR		x	

Country	Questionnaire for parliaments (chamber)	Survey of MPs	Interviews
REPUBLIC OF KOREA	Unicameral		
REPUBLIC OF MOLDOVA	Unicameral	x	
ROMANIA	Upper	x	x
RUSSIAN FEDERATION		x	
RWANDA		x	x
SAINT KITTS AND NEVIS	Unicameral		
SAINT LUCIA			
SAINT VINCENT AND THE GRENADINES			
SAMOA			
SAN MARINO		x	
SAO TOME AND PRINCIPE	Unicameral	x	
SAUDI ARABIA		x	
SENEGAL	Unicameral	x	x
SERBIA	Unicameral	x	
SEYCHELLES	Unicameral		x
SIERRA LEONE	Unicameral	x	x
SINGAPORE		x	
SLOVAKIA	Unicameral		
SLOVENIA		x	x
SOLOMON ISLANDS			
SOMALIA	Unicameral		
SOUTH AFRICA		x	x
SOUTH SUDAN		x	
SPAIN	Lower	x	
SRI LANKA		x	
SUDAN	Lower	x	
SURINAME	Unicameral	x	x
SWAZILAND	Lower and upper		
SWEDEN	Unicameral	x	
SWITZERLAND	Lower and upper	x	x
SYRIAN ARAB REPUBLIC		x	
TAJKISTAN			
THAILAND	Unicameral	x	x
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	Unicameral		
TIMOR-LESTE	Unicameral	x	

Country	Questionnaire for parliaments (chamber)	Survey of MPs	Interviews
TOGO	Unicameral	x	
TONGA	Unicameral		
TRINIDAD AND TOBAGO	Lower and upper		
TUNISIA	Unicameral	x	x
TURKEY		x	x
TURKMENISTAN			
TUVALU			
UGANDA		x	x
UKRAINE	Unicameral	x	
UNITED ARAB EMIRATES	Unicameral	x	
UNITED KINGDOM	Lower and upper	x	x
UNITED REPUBLIC OF TANZANIA			x
UNITED STATES OF AMERICA			
URUGUAY	Lower and upper	x	
UZBEKISTAN			
VANUATU			
VENEZUELA (BOLIVARIAN REPUBLIC OF)		x	x
VIET NAM		x	
YEMEN			
ZAMBIA	Unicameral	x	x
ZIMBABWE	Lower and upper	x	x

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