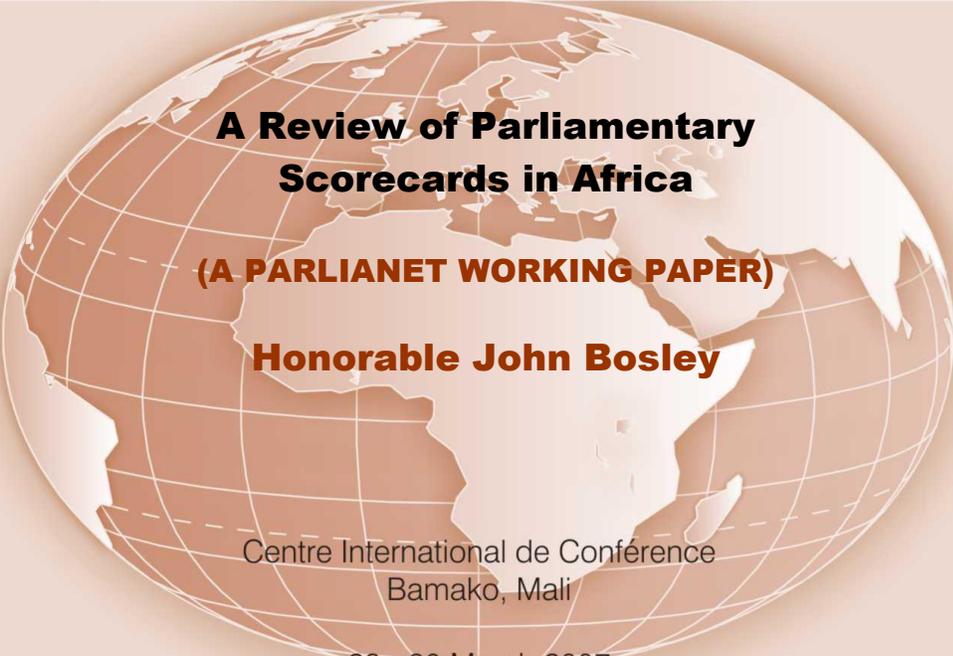THE AFRICAN CAPACITY
BUILDING FOUNDATION

4th Annual Meeting of Technical Advisory
Panels and Networks (TAP-NETs)

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Groupes et Réseaux Techniques Consultatifs (TAP-NET)
4ème Réunion Annuelle

*Sharing Knowledge for Capacity Building
and Sustainable Development in Africa*

A Review of Parliamentary Scorecards in Africa

(A PARLIANET WORKING PAPER)

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Centre International de Conférence
Bamako, Mali

28 - 30 March 2007

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By
Honorable John Bosley

I. INTRODUCTION

As part of its Knowledge Management program, the African Capacity Building Foundation (ACBF) supports six Technical Advisory Panels and Networks (TAP-NETS), which are essentially knowledge networks or communities, one for each of the Foundation's core competencies. PARLIANET is one of these networks, providing guidance and knowledge sharing on parliamentary performance improvement and practices in sub-Saharan Africa. Developing better frameworks for parliamentary performance evaluation is of fundamental importance to the work of PARLIANET. This paper seeks to examine the current state of the art in evaluating parliamentary performance and assess progress towards the development of a scorecard for parliamentary evaluation.

In the evolution of the democratic process, the use of a scorecard and related measurement methodologies has proven very helpful. For example, scorecards are now regularly used to assess whether an election has been fully 'free and fair'. In the case of election evaluation, indexing, or 'score carding,' has proven to be valuable in measuring performance within and across countries. Other democratic process indices widely recognized and accepted as methods of evaluating governance include the Transparency International Corruption Perception Index and the Freedom House Freedom in the World index. These indices have proven invaluable in evaluating progress within countries over time as well as cross-nationally. Using data from these indices has allowed governments to demonstrate progress in governance in a simple and concrete manner, democracy practitioners to zero in on particular areas of need, civil society to bring credibility to governance issues, and academic research to undertake regression analysis with a trusted and relatively unbiased aggregated evaluation.

Several attempts have been made to create a similar scorecard – and a related evaluation process – to measure the performance of a parliament. There has been hope for a single set of universally agreed principles or axioms on measuring parliamentary performance. If universality is not possible, then a parliamentary scorecard might still prove useful in measuring intra-country parliamentary performance across time although less useful in comparing performance across countries.

One reason for this potential difference is that the two basic parliamentary models – i.e. the Republican or Presidential and Westminster or Prime Ministerial models – give different

powers and responsibilities to Congressmen or MPs respectively. The variations across the models as they have developed in practice mean that no two parliaments are exactly alike in practice. As a result, no set of indicators has proven to be universally applicable. In some cases, quantitative indicators have been regarded as the most relevant, while in other cases qualitative indicators have proven more interesting.

This study seeks to establish the state of parliamentary scorecard development, challenges to its future development, and possible routes forward to develop a universal parliamentary evaluation framework using a scorecard methodology that will assist African parliaments, civil society, donors, scholars, and other stakeholders in their work.

The purpose of this study is to review the place of scorecards in the measurement of parliamentary performance, with particular interest in the prospects for using scorecards with African parliaments. This is not a merely theoretical curiosity; effective capacity enhancing projects and programs begin with an assessment of existing capacity and a definition of needs. In the case of parliaments, that has always proven to be a complex and difficult task. Developing a widely accepted parliamentary scorecard would simplify the task of identifying capacity gaps as well as facilitating dialogue among more diverse groups of parliamentary stakeholders.

II. AIMS AND OBJECTIVES OF THE STUDY

The purpose of this study is to assess progress made to date towards developing a reliable parliamentary scorecard, and to articulate the remaining lacuna thereto, for assessing parliamentary performance in Africa. The study seeks to achieve the following specific objectives, namely to:

- Review competing scorecard methodologies for measuring parliamentary performance
- Review progress that has been made at measuring parliamentary performance in Africa and elsewhere using scorecards, especially within the context of developing countries
- Analyze the appropriateness of the use of a scorecard process to evaluate parliamentary performance between parliaments across African countries, and between parliaments within African countries across time.
- Propose the way forward to realizing a reliable parliamentary scorecard for use in assessing the performance of African parliaments

III. METHODOLOGY

The strategy of the study is three-pronged. The inquiry starts with a brief overview of the normative role of parliaments. Second, a survey of the literature reviews current methods for evaluating parliamentary performance in general, and work being done to develop standards and the development of a parliamentary scorecard in particular. The literature review consisted of online visits to practitioner and other international organisations concerned with parliamentary performance measurement.[1] Third, a survey methodology is

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[1] A complete list of organization web sites reviewed during the literature review is included as Appendix I.

used to identify and elicit the contributions of leading experts in the area of parliamentary performance measurement in order to capture their opinions and advice regarding the feasibility and practicality of developing a parliamentary scorecard. The literature review enabled the isolation of a number of important dimensions of parliamentary performance that an optimal parliamentary scorecard should capture. With these in mind, a brief questionnaire was prepared to facilitate data collection on both the soundness of existent scorecards in terms of speaking to these normative dimensions of parliamentary performance, and in terms of progress that has been made at applying the normative scorecard in different parliamentary settings, particularly in Africa.[2] Interested developers or users of the parliamentary scorecard were contacted in December 2006 via e-mail.[3]

IV. THE NORMATIVE ROLE OF PARLIAMENT IN A DEMOCRATIC, DEVELOPING COUNTRY: A CONCEPTUAL FRAMEWORK

Parliament is, of course, widely known as one of the central institutions of the state, alongside the executive and judiciary. Governed by the normative principle of separation of powers for the governance of democratic states[4], these three branches of government have separate and supposedly independent powers and areas of responsibility. This model is tempered by a system of checks-and-balances that ensures that each branch is able to exercise restraints on the powers exerted by the other branches. Obviously, this is a normative standard that governs the structuring of modern states, though there are continual tussles between the various branches in any country's history. As could be imagined, nascent democracies struggle with this concept more than in mature democracies.

Proponents of separation of powers argue that it entrenches democracy and forestalls (executive) tyranny, whereas opponents charge that it slows down the process of governing. Whatever model and shade of parliamentary system, parliament as an institution performs three basic functions in any democracy, that is, representation, lawmaking, and oversight, as elaborated below. While parliament must not and should not seek to seek to govern thereby usurping the role of the executive, the overall role of parliament has been to call the Executive to account through the elected representatives of the citizens i.e. the Members of Parliament[5]. The role of parliament in the governance process of a country is much more visible and effective in the older democracies where the Executive refers most issues for consultation, debate and resolution as part of ensuring broad-based support. The three functions of parliament follow in earnest:

Representation: Parliament is the institution in which the citizens participate in the governance of their country through their elected representatives. Parliamentarians have the

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[2] The survey instrument questions are included in this paper as Appendix II.

[3] A complete list of those individuals and organizations sent copies of the survey is included in Appendix III.

[4] Some qualification, however, as the principle of separation of powers is borne out more in the parliamentary system of government as opposed to the presidential type of government, with different hybrid combinations in between.

[5] Judicial independence ensures that the judiciary is more sheltered from the other branches, of course in the normative sense.

task of becoming familiar with the Standing Orders and the procedures of parliament in order to be effective in the discharge of their mandates. Various topics are tabled for debate ranging from local constituency developmental challenges to the country's participation and accession to international protocols and conventions. Through this representation function, parliament provides the live link between citizens and central government. The world over there has been a trend, if subtle, towards institutionalising consultative practices within parliament with the citizens, through such avenues as referendums or citizen initiatives. The idea being that it is too long for the citizens to cede participation to parliamentarians over the tenure of a parliament. The need to formalize consultation with the citizenry during a parliament has often been justified on the grounds that there are unforeseen circumstances or issues that parliament may not have the moral mandate to resolve on their own without consulting with the electorate. In that regard, there are ongoing experiments with the E-parliament, to harness ICT possibilities in engaging with the electorate.

Lawmaking: This is by far Parliament's most challenging role. The general practice is that the Executive initiates draft legislation or bills and Parliament debates and scrutinises the same prior to passage, although in theory parliamentarians too can initiate bills. Parliaments often have the special constitutional role of approving the annual Budget as well as granting authority for the collection of revenue. Parliament is responsible for examining and proposing amendments to new bills and reviewing existing legislation after supposedly consulting with various stakeholders and the Executive. Many Parliaments in young democracies have limited numbers of MPs with legal training and this is a major constraint especially since the Executive normally has many legally trained officials within the Civil service including the Attorney General and the Ministry of Justice. Given the foregoing practical situation it can be concluded that lawmaking is probably Parliament's weakest role in many legislatures.

Oversight: Parliament is expected to conduct audits (including value for money assessments) as well as scrutiny of the extent of compliance with laid down procedures and systems by the Executive and its bureaucracy in governing the country. Parliamentary oversight is conducted to assess the performance of the Executive Branch, to determine the efficiency, effectiveness, economy of resources and assets by key institutions or agencies of the state. This oversight role also extends to the private sector as where considerable public interest is at stake. Parliamentary committees are usually constituted to reflect the following criteria, gender, political party representation as well as the skills and professional attributes of the MPs in the institution. It is important to note here that it is often the case, not just for African parliaments, that important parliamentary committees may not have all the requisite expertise to effectively discharge their mandate, calling therefore for adequate technocratic staffing of key committees. The capacity building dimension is also readily apparent here, that key parliamentary committees need to be capacitated to effectively discharge their mandates, including through such methodologies as regional networking. The Public Accounts Committee is one of the most prevalent of the committees in many parliaments and by convention it is usually chaired by a senior member of the main opposition party in Parliament.

In conclusion of this section, it should be appreciated that Parliaments and their roles are evolving and there are wide variations in their levels of effectiveness, efficiency and visibility across the continent. In a number of countries, in many African countries, Parliaments have

embarked on reform programmes to strengthen the role of that institution and to provide relevant support for individual Members and the various committees. Furthermore many Parliaments are working towards being more accessible and responsive to the public and various stakeholders in their countries. It is also worth remembering that virtually all African countries have an elected President and the 'big man' culture will be with us for some time to come. African Parliaments, therefore, need to learn to focus – both to use existing scarce resources well and to build the political credibility that will enable them to demand greater resources from their Governments.

V.   THE THEORY AND PRACTICE OF PARLIAMENTARY EVALUATION

V.1   Theory of parliamentary evaluation

Parliamentary performance evaluation is an integral component of parliamentary strengthening and public oversight of parliaments. When civil society and media organizations track and report on questions and hearings, voting records, committee meetings, the annual budget cycle, constituency work, and legislation, the public benefits from enhanced understanding of political, economic, and social developments. This process facilitates both public input into and oversight of the democratic process.

When a parliament or donor organization seeks to critically evaluate parliamentary performance in these same areas, parliamentary reform and modernisation programs can be better crafted and monitored to meet the specific needs of a particular parliament. Parliamentary evaluation also serves to communicate the significance of parliaments to the democratic process on both a national and an international scale.

Parliamentary evaluation also poses substantial challenges to the evaluator. Like all evaluation, the first challenge is to determine what should be measured and how. . There is ongoing debate about how to define an effective or 'real' parliament. If the product of a parliament is defined as the process of parliament, then parliamentary performance would be measured by the quality of debates, the influence of parliament on legislation and policy, how often members met with their constituents, the frequency and quality of public hearings held by the Committees, and the degree to which civil society organizations are encouraged to influence the parliamentary process, just to give a few examples. If the product of a parliament is defined as the policy outputs of parliament – legislation, budget, and other government policies, then parliamentary performance would be measured by how effectively parliament achieved concrete policy goals, such as poverty reduction, via the process means at its disposal.

Questions of qualitative versus quantitative performance measures necessitate careful analysis of the purpose, audience, and cost of any evaluation. Qualitative measures offer more complete snapshots of a parliament, but may be prone to substantial evaluator bias and interpretation. Tracking progress within a given country over time based on qualitative measures may be feasible – tracking cross-nationally using qualitative data is more problematic.

Alternatively, parliamentary performance can be measured quantitatively. Before any quantitative measures can be designed, however, a set of standards against which a

parliament is to be measured must be selected. Setting such standards has proven challenging;, a wide variety of organizations have proposed an even-wider variety of standards. Additionally, quantitative measures that can be easily applied in practice have proven elusive in parliamentary evaluation. Unlike fields such as health or education, simple quantitative measures such as the percentage of children receiving vaccines by a given age, are often not particularly useful. Designing a valid quantitative measure of the level of 'representation' of a parliament, for example, is quite challenging. Further complicating quantitative analysis are small sample sizes, the relative frequency of elections and consequent member and staff turnover, and the dependence of parliaments on external actors such as ministries and political parties.

Measuring parliamentary performance, therefore, requires both qualitative and quantitative measures. A scorecard methodology can only use those qualitative measures that can be reasonably converted into numbers. The good news, however, is that such conversion is more feasible than might seem possible at first glance. For example, it is possible to quantify indicators such as 'the quality of the debate on the Budget' or 'the quality of a Committee's report'. An example of this ability to express numerically what starts out as a set of qualitative measures can be found in the Freedom House Index.

V.2   Considerations in Developing a Parliamentary Scorecard

Nevertheless, a variety of methodological questions must be addressed prior to developing and deploying a parliamentary scorecard framework. For the purposes of this study, several of these key choices and their implications for parliamentary scorecard development and implementation are presented below.

What is to be measured?
A scorecard or index-based assessment framework could take one of two general directions. A broad assessment framework could emphasize the three or four primary functions of a parliament: representation, legislation, oversight, and possibly budget engagement. A more sectoral assessment framework would emphasize a subset of specific policy areas with which parliaments engage – HIV/AIDS, education, budget and fiscal management, gender issues, or poverty reduction represent this genre of assessment focus.

What is the overall goal of a parliamentary scorecard evaluation process?
Questions of ownership are of paramount importance in contemplating development of a parliamentary performance scorecard. Why is the performance evaluation being undertaken? What are we trying to learn? Who will make use of the results? What type of data will be most useful to those individuals and organizations? Who will gather, analyze, and interpret the results?

Who is the audience? Who will use the index and for what purposes?
There are two primary audiences for parliamentary scorecards, parliamentary development practitioners and civil society. Practitioners include a diverse group of parliamentary staff and members, donor agencies, and project implementers. Their interest in the development of a parliamentary scorecard revolves around planning, monitoring, project evaluation, and capacity building. Practitioners, particularly those from donor agencies and project implementing partners, tend to view the development of a parliamentary scorecard as a

potentially more cost-effective and comparable means to these ends. Parliamentary staff and members may feel threatened or uneasy about their performance being indexed. Civil society organizations, private individuals, and the media tend to be more focused on using scorecards to enhance parliamentary accountability to constituents and society at large. Developing a scorecard that meets all of these goals well may be challenging, but incorporating civil society needs and concerns into any designed framework would greatly enhance its credibility and utility.

There are also two different axis of parliamentary evaluation: parliamentary resources and parliamentary performance. Parliamentary resources include human resources, training and educational attainment, facilities, ICT, support services, and other tools necessary to carry out the work of parliament. Parliamentary performance emphasizes how effectively these resources are brought to bear. Performance evaluation demands that evaluators dig deeper to determine what parliament is actually accomplishing. While gathering, analyzing, and comparing data on parliamentary resources would be an interesting and informative exercise, it is the latter that gets at the heart of the function of parliament. For a parliamentary scorecard to be most useful to either practitioners or civil society, it must focus primarily on performance. Comparisons of parliamentary resources and performance could also play a role in cost-benefit analysis during the planning stages of a parliamentary reform and modernization effort.

Against which standards should a parliament be assessed?
Any index-based system of evaluation requires standards that evaluators can consistently and impartially apply to a wide variety of specific contexts. As previously indicated, a parliamentary scorecard that successfully addressed the technical challenge of rating all parliaments against the same benchmarks would be a major step forward in parliamentary assessment. Accomplishing this task requires creativity and flexibility. One approach would be to have several different questions being rated together such that an evaluator bases a score on only those sub-questions that are applicable to the institutional context at hand. This approach avoids the possibility of skipping entire questions, a procedure that would quickly skew results away from comparability. Alternatively, assessment questions can be made broad enough to be applicable to all institutional contexts. However, this approach may necessitate the use of extremely broad questions and less clear-cut standards, both of which would negatively impact the validity of the final parliamentary scores.

Developing a parliamentary scorecard framework therefore requires both establishing clear standards and a transparent rating system. This process would need to incorporate a broad base of parliamentary stakeholders' input.

How should qualitative data best be incorporated?
Parliamentary scorecards would need to successfully incorporate some of the more qualitative data in order to present a complete performance assessment. Although repeatedly attempts have been made to capture aspects of performance such as representation through proxy quantitative data (eg. percent of bills with documented civic input, number of constituent visits to MP offices), most parliamentary stakeholders find this sort of data to be of limited practical use.

Public and stakeholder opinion surveys and performance assessments have gained wide acceptance as valid indicators of performance in other areas of democratic governance assessment. Surveys such as the *AfroBarometer* offer cross-nationally and time-series comparable data that more accurately captures some aspects of parliamentary performance, particularly the parliament's representative role. The *AfroBarometer* surveys are currently limited to just 18 sub-Saharan African countries, but the data is fairly comparable to datasets for Europe, Asia, and the Americas. This type of data could enable parliament's performance in terms of popular perception to be measured and incorporated into a scorecarding framework. Perception data is particularly important because it can measure incremental changes in attitudes that can be the precursors for changes in outputs and outcomes.

Who should perform the evaluation?

Selecting an evaluator or evaluation team poses serious challenges in all evaluations, but these challenges are magnified when the final result of the evaluation has the potential to be cross-nationally comparable. Indexing political and governance performance is a particularly sensitive prospect, even in the world's most enduring democracies. Government and civil society reactions to country rankings in the annual publication of such international indices as the Transparency International *Corruption Perceptions Index* and the Freedom House *Freedom in the World* report indicate the need to prepare findings in as impartial and credible a manner as possible. Thus, the choice of evaluators will greatly impact public perceptions of the impartiality and validity of any potential parliamentary scorecarding exercise.

Existing parliamentary evaluation frameworks have often emphasized the need to bring in outside consultants to manage the evaluation process. The benefits of this approach include relative impartiality, consistency across countries, and the broader parliamentary knowledge base of evaluators. On the negative side, outside consultants are prone to overlooking nuances of local context and bias in the interest of their own professional careers. They are also quite costly and operating based on very limited time and information.

Alternative evaluators should not be seen as a panacea. Donor agency and project implementing staff, while often more knowledgeable about local contexts, may feel pressure to indicate progress in areas funded by their agencies or projects. Local consultants, again more knowledgeable about local contexts, may have personal, financial, and professional interests in the outcome of evaluations. Media professionals, particularly in an African context, may lack knowledge of other parliaments and tend to come from two polar opposite perspectives, typically employed partisan media, both government and opposition. Civil society leaders are also unlikely to have experience outside of their local context and may suffer from many of the same types of bias a local consultants or partisan media professionals. Thus, the choice of evaluators will have a substantial impact on the validity and reliability of any parliamentary scorecard assessment framework.

What financial and administrative resources would be required?

Any potential parliamentary performance scorecard framework needs to address the cost and time required to complete such an evaluation. The choice of evaluator directly impacts the level of financial and administrative commitment required for a meaningful scorecarding process. For scorecard data to be useful for tracking progress over time, data must be collected on a regular and systematic basis. If the scorecard data were to be used by multiple

organizations, a system for financial, administrative, and managerial oversight would need to be established within the evaluation framework.

Gathering, collating, and analyzing the performance of a parliament to prepare an overall index score is a substantial undertaking and requires corresponding levels of financial and human resource commitment.

What are the issues of particular concern in scorecarding African parliaments?

African parliaments pose some special challenges to parliamentary scorecard development and implementation. African governments, civil society, and the media may be politically sensitive to comparison with non-African, and particularly developed-country, parliaments. Most African parliaments have operated in a multiparty, democratic context for less than twenty years and face some of the world's toughest developmental challenges. If a parliamentary scorecard is perceived as confrontational, its implementation could be delayed or prevented. Furthermore, the advent of index-based selection for development aid, as demonstrated in the U.S. Millennium Challenge Account (MCA) selection process, could spur legitimate concerns about appearing at the bottom of an index and losing out on assistance.

On the other hand, African governments have demonstrated positive strides towards not only accepting external review of governance, but designing and implementing a review process. The New Economic Partnership for African Development African Peer Review Mechanism is already subjecting African governments and their parliaments to such review.

V.3   Assessing parliamentary performance — a Survey of Current Practices

As some of the largest parliamentary assistance donors, an examination of UNDP and USAID's most current parliamentary assessment strategies offers a snapshot of the current state of parliamentary evaluation.

United National Development Programme

The United Nations Development Programme (UNDP) offers two different sets of guidelines for evaluating parliaments: a parliamentary needs assessment designed to be undertaken during the development phase of a parliamentary strengthening program, and a guide to developing indicators to monitor and evaluate existing parliamentary strengthening programs. Neither framework proposes a scorecard system of evaluating parliaments, either within or across countries. However, both documents note the challenges of developing universally applicable standards against which to evaluate parliament.

In *How to Conduct a Legislative Needs Assessment*[6], UNDP presents seven key questions to be answered prior to developing a parliamentary strengthening program:

1.   How much power do the laws grant to the parliament?
2.   How much political space does the system allow the parliament?

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[6] *How to Conduct a Legislative Needs Assessment, UNDP, 1999*
http://magnet.undp.org/Docs/parliaments/How%20to%20conduct%20needs%20assessment.htm

3. How much do legislators want to do to advance the institution as a significant actor in the political system?
4. How well does the parliament interact with society?
5. How well does the parliament perform its lawmaking and oversight functions?
6. How well do systems of parliamentary management and infrastructure help the parliament perform its representation, lawmaking, and oversight functions?
7. What are other donors doing?

Clearly, several of these questions do not address parliamentary performance, but rather the political and institutional contexts in which a parliament or parliamentary strengthening program operates and the issues confronting donors. However, the questions addressing performance in the three broad areas – representation, legislation, and oversight – as well as the gaps between formal parliamentary powers, informal powers, and actual performance, could usefully be incorporated into a parliamentary scorecard. Relatively unique to the UNDP framework is the question addressing the level of parliamentary commitment to continuous improvement. This is an area worthy of inclusion in the overall performance assessment of a parliament. Suggested evaluators include a broad group of parliamentary stakeholders, with the notable exceptions of both the general public and outside evaluators. UNDP's assessment framework thus targets donor agency officers, their partners, and stakeholders responsible for formulating, managing, evaluating and reporting on parliamentary strengthening programs. Civil society and the media are not part of the formulation.

In *Indicators for Legislative Development*[7], UNDP highlights the challenges of identifying meaningful yet financially and logistically feasible indicators of parliamentary development. The document also states a clear preference for quantitative over qualitative measures and an avoidance of yes/no questions that do not facilitate tracking incremental change. Both of these preferences would seem to indicate support for a parliamentary scorecard based on a ratings system. Secondary source data such as government statistics, press coverage, and existing surveys are recommended to supplement key stakeholder interviews. Additionally, the document offers a palette of sample indicators organized under the three broad parliamentary activity areas— representation, lawmaking and oversight. For each activity area, the accompanying matrix identifies potential areas of support, intended results and program outputs, and indicators for each of these results and outputs. More recently, UNDP emphasized that "evaluative information on the impact of parliamentary development is lacking," [8] indicating a desire for the creation of better tools in the evaluation of parliamentary performance.

United States Agency for International Development
The United States Agency for International Development (USAID) collaborated with the State University of New York's Center for Legislative Development (SUNY-CLD) to

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[7] *Indicators for Legislative Development, UNDP, 2001*
www.undp.org/governance/eventsites/LegislatureTechinques2001/indlegis.doc
[8] *Parliamentary Development Practice Note, UNDP, 2003*
http://www.undp.org/governance/practice-notes.htm

prepare the *USAID Handbook on Legislative Strengthening*[9] in 2000. This focus of this framework is to quickly establish the state of a parliament and the institutional and political context in which it operates in order to development parliamentary assistance programs. This framework offers some potential avenues for development of a parliamentary performance scorecard, but its emphasis is clearly more descriptive than evaluative. No minimum standards are established, comparability is not a significant factor, and ratings are essentially qualitative. The multitude of yes/no questions limits the ability of such a framework to track progress over time or to take into account varying qualities or quantities of particular attributes. However, this framework is a good example of a purely practitioner-driven approach to evaluating parliaments.

Specifically, the USAID assessment framework first requires a macro-level political and constitutional assessment. This evaluation phase could contribute to some aspects of an indexing-based framework, although not in terms of actual performance. The second phase divides the assessment process into five areas with several broad questions to be addressed in each area. A rating scale, a necessary step in scorecard development could easily be applied to many of the questions, often with the minor addition of a 'how much' or a 'to what extent.' Alternatively, positive responses to yes/no questions could be tallied, although this technique would undoubtedly miss many nuances. The basic framework and key questions are outlined below:

1. Political will and domestic support
   - Does a support base for legislative strengthening exist? Is there a good chance it can be developed?
   - Have there been recent attempts to reform the legislature to make it more powerful or effective?
   - Have legislative leaders formed a modernization group, committee, or other group responsible for institutional development? If they have, did they do it at their own initiative, or was it at the urging of an outside donor?
   - Is there significant support outside the legislature for strengthening it?

2. Representation function
   - Does the legislature promote a two-way flow of information?
   - How open and accountable is the legislature to citizens and the media?
   - Do committees hold public hearings?
   - Are political parties open to public input?
   - Do most organized interest groups effectively interact with the legislature?
3. Lawmaking function
   - What is the power balance between the legislature and the executive?
   - How independent is the legislature?
   - Does the legislature have information sources of its own?
   - Is lawmaking infrastructure adequate?
4. Oversight function

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[9] *Handbook on Legislative Strengthening*, USAID and SUNY-CLD, 2000
www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/pnacf632.pdf

- Can the legislature collect information for oversight?
- What are the legislature's budgetary prerogatives?
- Does the legislature have adequate understanding and resources for oversight?
5. Associated operations: management and infrastructure
    - Do rules and procedures expedite business but still permit debate?
    - Is there transparency regarding legislative actions?
    - Are the physical facilities adequate?

Gaps in existing parliamentary evaluation strategies

Existing parliamentary evaluation frameworks seem to have been designed to identify problem areas that a project can reasonably work to repair in a short time frame. In that sense, they meet the needs of the cooperating partners but do not address the needs and concerns of all parliamentary stakeholders, such as:

1. Most of parliamentary evaluation frameworks emphasize the needs and priorities of parliamentary development practitioners. Consequently, the needs of parliamentary members and staff, civil society, the media, and others are not well served by these assessment frameworks.
2. Although the frameworks are generally adaptable to a wide variety of institutional settings, they tend to emphasize creating a disaggregated assessment of a parliament covering many different areas. These assessments, while extremely useful to those seeking to design a parliamentary strengthening program, are typically not geared towards creating cross-nationally comparable evaluations.
3. Qualitative data is most often gathered in narrative and descriptive form for initial assessments. It is therefore not comparable either cross-nationally or over time. Furthermore, such data is often difficult and time-consuming to sort through, a particular concern in the resource-limited context of African civil society and media practitioners.
4. Existing frameworks tend to emphasize the mostly easily, rapidly obtained and rigid quantitative data, such as chamber composition, bill passage and amendment rates, and numbers of bills involving 'public debate' or 'civil society,' for use as indicators. More nuanced data, both quantitative and qualitative, is often glossed over by these frameworks. For example, the high number of amendments made could be indicative of a number of phenomena – strong parliamentary influence on the legislative process, high quality of research available to committees and members, poorly prepared bills emanating from the executive, to name a few.
5. Thus, there is a disparity between overall parliamentary assessment – primarily qualitative – and regular collection of monitoring data – primarily quantitative. More disturbingly, qualitative data frequently serves as an apology for poor results using quantitative indicators.
6. These frameworks emphasize locating weaknesses, failures, and areas for improvement, an intrinsic bias in frameworks designed for the purpose of building parliamentary strengthening programs. Highlighting strengths and successes is not given the same weight.

Finally, and as a direct consequence of these gaps, existing parliamentary evaluation processes are easily perceived as both threatening and of no direct use to parliaments. Civil

society concerns have also not been addressed in frameworks designed by and for practitioners. Any attempt to design a universally acceptable parliamentary assessment methodology must bridge these gaps if it is to gain the wide acceptance of not only practitioners and researchers, but also parliaments, civil society, and the media.

VI. PARLIAMENTARY SCORECARDING AND ONGOING EFFORTS TO DEVELOP COMMON STANDARDS

Survey respondents, language in UNDP and other international parliamentary organization documents, and anecdotal evidence indicate that there is widespread interest in developing both parliamentary standards and a parliamentary scorecard. Organizations explicitly working on developing standards include the Commonwealth Parliamentary Association (CPA), the Inter-Parliamentary Union (IPU), and the National Democratic Institute (NDI). The New Economic Partnership for African Development (NEPAD) African Peer Review Mechanism (APRM) has also begun the process of establishing basic standards for parliamentary performance. Parliamentary scorecards have been attempted or initiated by the African Legislatures Project (ALP), the Canadian Parliamentary Centre, the Institute for Democracy in South Africa (IDASA), and, to a lesser degree, the Institute for Democracy and Electoral Assistance (IDEA). Smaller-scale civil society and media initiated efforts have been made in countries such as Albania and Uganda.

The following is a list of work and projects currently being undertaken in this area:

African Legislatures Project / University of Capetown
The African Legislatures Project (ALP) [10] is a collaborative effort between the University of Capetown and Bridgewater State College in Massachusetts, USA. The project seeks to catalogue as much information as possible about African parliaments relying on code-able data to enable statistical analysis. ALP also seeks to develop a database to be used by parliamentary strengthening donor agencies. The project thus has both an academic and donor-practitioner focus.

The ALP framework is rooted in three basic sets of questions:
1. How and why do African legislatures function as they do? Why are some African legislatures developing into significant institutions that play a measurable role in democratic governance while others do not?
2. What conditions and changes are required to develop and transform African legislatures into institutions that will sustain Africa's fragile democracies?
3. What constitutes "best practice" for the purpose of strengthening these institutions which are an essential component of all democracies?

The framework seeks to answer these questions through extensive data collection covering all African parliaments with an emphasis on those countries perceived to be most promising en route to democratic consolidation. To that end the ALP has identified over 400 variables

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[10] A complete prospectus on ALP's goals and progress to date is included in Appendix IV. ALP also maintains a basic website at http://www.cssr.uct.ac.za/daru_alp.html

that impact parliamentary development or are part of the legislative process. These 400 variables fall into six overall categories:

- Formal constitutional, electoral, and procedural rules
- Societal conditions
- Institutional, organizational, and financial resources available
- Composition of parliament in terms of member backgrounds and profiles
- Three basic functions of parliament – representation, legislation, and oversight
- Constituency service and campaign finance as activities which compete with the three basic functions for member attention

As is clear from the categories outlined above, this study seeks to incorporate both parliamentary resources and parliamentary performance in addition to context data. An explicit goal of this study is to provide a cross-nationally and longitudinally comparability data set. While a scorecard is not envisaged, the data, through reduction to quantitative information, could prove compatible with developing a scorecard.

African Peer Review Mechanism /NEPAD

The African Peer Review Mechanism (APRM) of the New Economic Partnership for Africa's Development includes a Country Self-Assessment[11] as a preliminary component of the peer review process. The assessment includes international standards and codes in four focus areas: democracy and good political governance, economic governance and management, corporate governance, and socio-economic development. Although the APRM is not primarily intended to evaluate parliamentary performance, it is a significant step in African countries agreeing on a set of standards and objectives, and voluntarily submitting their governments to international scrutiny against those standards. To date, 23 countries have signed on to the APRM process. Furthermore, some of the objectives and questions within the 'democracy and good political governance' section of the evaluation deal with parliamentary performance. The most relevant objectives, questions, and indicators in terms of parliamentary scorecard development, taken directly from the APRM self-assessment, are attached to this study in Appendix V.

To date, no attempt to collate and compare the parliamentary data in the published APRM reports has been made.

Canadian Parliamentary Centre / World Bank Institute

The Canadian Parliamentary Centre (CPC), working with the World Bank Institute (WBI), has developed a parliamentary performance scorecard framework and has developed and field-tested the one portion of the scorecard.[12] Their framework covers the three broad areas of parliamentary activity – representation, legislation, and oversight – plus a fourth area of

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[11] The Self-Assessment Questionnaire is available online at www.nepad.org/2005/files/documents/156.pdf

[12] Parliamentary Report Card, http://www.parlcent.ca/indicators/index_e.php, and Indicators,of Parliamentary Performance in the Budget Process http://www.parlcent.ca/indicators/budget_process_e.php

particular interest to the World Bank, budgetary activity. According to the framework, five aspects of parliamentary performance are then measured via stakeholder questionnaires in each of the four activity areas:

- level and range of activity
- openness and transparency
- participation
- accountability
- policy and program impact.

The resulting CPC/WBI framework is a simple matrix, shown in Table 1 below.

Table 1: The CPC/WBI Matrix for Measuring Parliamentary Performance

		LEGISLATION	OVERSIGHT	REPRESENTATION	BUDGET
PERFORMANCE TESTS	LEVEL AND RANGE OF ACTIVITY				
	OPENNESS AND TRANSPARENCY				
	PARTICIPATION				
	ACCOUNTABILITY				
	POLICY AND PROGRAM IMPACT				

Thus far, CPC has developed and tested a 37-question survey instrument covering the five performance aspects of budgetary activity. This questionnaire required respondents to rate each question on a scale ranging from 'not present at all' to 'strongly present'.[13] This 'report card' for budgetary activity was first tested in Cambodia; followed by the field-testing of CPC's budgetary activity scorecard in Benin, Niger, Senegal, and Tanzania with specific reference to parliamentary work on Poverty Reduction Strategy Papers (PRSPs). These field tests, referenced as 'parliamentary audits', were compared to results of a rapid appraisal review of parliamentary capacity to plan, implement, and monitor PRSPs in Ghana, Malawi, Niger and Tanzania, enabling a comparison of methods. CPC also developed a 'consensus index' in order to capture the degree of divergence of opinion of all respondents to each question. In a brief summary report prepared by Steven Langdon (2006), CPC established that the scorecard budget indicators align well with the rapid appraisal findings.

CPC's scorecard development process has emphasized the role of parliamentary scorecards as tools for capacity building planning. This emphasis is clearly beneficial to those seeking to strengthen developing parliaments, either internally or externally. Consequently, this type of collaborative and positive scorecarding framework is perhaps preferable to both donor organizations and the parliaments being evaluated. The benefits of this non-confrontational, and even collaborative, approach should not be underestimated. However, this approach

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[13] The complete 37-questionnaire is included as Appendix VI.

does not lend itself as well to the needs of civil society efforts to monitor and critically evaluate parliaments.

Commonwealth Parliamentary Association / WBI

The Commonwealth Parliamentary Association (CPA) has developed *The Commonwealth Principles on the Accountability and Relationship between the Three Branches of Government*,[14] which was adopted by Commonwealth Heads of Government in 2003. This statement of principles could serve as a basis for creating the international standards against which parliaments could be scored. The document lays out fundamental standards for democratic governance in ten clauses. Some of the principles applying directly to parliaments include the following seven areas:

- Accountability mechanisms
- Ethical governance and public office holders
- Independence of parliamentarians
- Legislative process
- Oversight of government
- Role of civil society
- Relationship with the judiciary

A CPA study group in cooperation with WBI also recently developed *Recommended Benchmarks for Democratic Legislatures*[15] with the support of UNDP, the European Parliament, and the National Democratic Institute for International Affairs (NDI). The benchmarked topics include the following areas:

General
- Elections, candidate eligibility, incompatibility of office, and resignation
- Parliamentary immunity
- Infrastructure

Organization of the Legislature
- Procedures, sessions, and records
- Committee organization and powers
- Political parties, party groups, and other caucuses
- Parliamentary service management

Functions of the Legislature
- Legislative powers and procedures
- Openness of legislative process to the public

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[14] Full text of the *Commonwealth Principles* is available online at
http://www.cpahq.org/topics/Latiemerhouseprinciples_page132.aspx
[15] Full text of the *Recommended Benchmarks* is available online at
www.cpahq.org/RecommendedBenchmarksforDemocraticLegislatures_pdf_media_public.aspx

- Oversight mechanisms for executive branch, security sector, and parastatals
- Movements of no confidence, and impeachment
- Financial and budget oversight
- Constituent relations
- Parliamentary right to receive and participate in development and technical assistance
- Values of the Legislature
- Public and media accessibility
- Transparency and integrity

These benchmarks are more specific, and therefore more easily applicable, to scorecard development, than those in the 2003 *Commonwealth Principles*. Unfortunately, the document does not include indicators or detailed definitions, leaving such concepts as "adequate physical infrastructure" widely open to interpretation. Perhaps more importantly, these principles emphasize parliamentary resources and activities over actual performance. In essence, this document sets out the minimum constitutional, legal, and procedural parliamentary standards that could enable parliaments to be enhance performance.

Institute for Democracy and Electoral Assistance
The Institute for Democracy and Electoral Assistance (IDEA) published a lengthy volume detailing a democracy assessment methodology in 2001.[16] The project emphasizes the importance of citizen ownership of the democracy assessment process, the utility of highlighting common problems, identifying distinctive characteristics or issues, and uncovering examples of good practice to be shared with other democracies, rather than rating democracies against one another. While the goals of the study specifically excluded creating a scorecard for democracies, the methodology could, with modification, be applied to democracy or parliamentary scorecard development.

The assessment methodology is based on two principles, popular control over public decision-making and equality between citizens. These two principles are then analyzed through seven key values, which could potentially form the basis for standards for a parliamentary scorecard:

- Participation
- Authorization
- Representativeness
- Accountability
- Transparency
- Responsiveness
- Solidarity

What is perhaps most useful about this assessment framework is its reduction of so much information into a numerical format, a necessary step in parliamentary scorecard development. The assessment framework questions are divided into four categories and

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[16] *Handbook on Democracy Assessment*, IDEA, 2001,
http://www.idea.int/publications/sod/democracy_assessment.cfm

fourteen sub-categories, each with five to 10 questions. These questions are then rated on a 5-point scale from 'very high' to 'very low', enabling an overall democracy assessment score to be calculated. The democracy assessment framework follows the format below, with some areas easily applicable to a parliamentary assessment scorecard:

- Citizenship, Law and Rights
  - Nationhood and citizenship
  - Rule of law and access to justice
  - Civil and political rights
  - Economic and social rights

- Representative and Accountable Government
  - Free and fair elections
  - Democratic control of political parties
  - Government effectiveness and accountability
  - Civilian control of the military and police
  - Minimizing corruption

- Civil Society and Popular Participation
  - Media in a democratic society
  - Political participation
  - Government responsiveness
  - Decentralization

- Democracy beyond the State
  - International dimensions of democracy

To demonstrate the applicability of their methodology to all democracies, IDEA undertook an extensive pilot test in eight countries in Africa, Australasia, Europe, and Latin America. Countries included in the 8-nation pilot test of the methodology were Bangladesh, El Salvador, Italy, Kenya, Malawi, New Zealand, Peru, and South Korea.[17]

Institute for Democracy in South Africa
The Center for Governance in Africa (CGA) at the Institute for Democracy in South Africa (IDASA) focuses on the representative function of parliaments with emphasis on civic engagement in southern Africa. The CGA also monitors the work of the African Union and the Pan-African Parliament.

IDASA's 2005 annual report cites development of a parliamentary scorecard in Zambia for PACT-Zambia and its subsequent use in ten other African countries as a baseline for AUSAID projects. [18] IDASA's engagement in Zambia consisted of detailed survey research focusing on citizen perceptions of parliament without summarizing the data into a

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[17] *The State of Democracy: Democracy Assessments in Eight Nations around the World*, IDEA, 2003, http://www.idea.int/publications/sod/index.cfm.
[18] IDASA Annual Report 2005, Good Governance and Sustainable Democracy, http://www.idasa.org.za

'scorecard' format. The survey sought to assess parliamentary performance in four areas (the extent to which the National Assembly is REAL): R- responsive and representative, E- effective and efficient, A- accountable to the citizens, L- legitimate. This type of survey research could clearly contribute to the design of a more formal parliamentary scorecard in terms of the representative function of parliaments. According to IDASA's web site and 2005 annual report, the parliamentary development project funded by AUSAID operates in Kenya, Lesotho, Malawi, Mozambique, South Africa, Swaziland, Tanzania, Uganda, and Zambia and project baselines have been established using the Zambian 'scorecard' methodology.

Inter-Parliamentary Union

The Inter-Parliamentary Union (IPU) is a membership organization encompassing nearly all parliaments worldwide. The IPU has been involved in some aspects of data collection that could be utilized for a parliamentary performance scorecard and has been working on the development of standards of parliamentary performance.

In 1997, the IPU Inter-Parliamentary Council adopted a Universal Declaration on Democracy[19] loosely based on portions of the United Nations Human Rights Declarations. Principle 11 of the Declaration establishes a rudimentary international standard for parliamentary performance, maintaining that "democracy is founded on the right of everyone to take part in the management of public affairs; it therefore requires the existence of representative institutions at all levels and, in particular, a Parliament in which all components of society are represented and which has the requisite powers and means to express the will of the people by legislating and overseeing government action." In essence, the IPU has articulated a standard emphasizing the three widely recognized broad functions of a parliament – representation, legislation, and oversight – and two broad aspects of parliamentary assessment – legal mandate and available resources.

At the 2003 IPU Parliamentary Forum, members expressed interest in the IPU participating in the development of democracy indicators. That this process would include active parliamentary members and staff in the articulation of performance standards against which parliaments could be evaluated is commendable and points the way towards establishing a parliamentary scorecard that could be widely accepted.

M. Steven Fish and Matthew Kroenig / University of California at Berkeley

In support of their research on the impact of the political strength of parliaments on democratic consolidation, Dr. Fish and Dr. Kroenig developed a Parliamentary Powers Index (PPI) that they applied to national parliaments worldwide. [20] This index incorporated 32 separate indicators covering presidential oversight, parliamentary independence, and parliamentary authority in a multitude of specific areas. Each indicator involved a yes/no

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[19] Universal Declaration on Democracy,
http://www.ipu.org/english/strcture/cnldocs/161%2D50hr.htm

[20] For further information, consult M. Steven Fish, "Stronger Legislatures, Stronger Democracies," *Journal of Democracy*, Volume 17, Number 1, January 2006 or M. Steven Fish and Matthew Kroenig, *The Legislative Powers Survey and the Parliamentary Powers Index: A Global Study of the Powers of National Legislatures*, 2006.

response and was scored by at least five experts on each country. When responses differed, national constitutions were consulted, and in the case of silence on the issue in the constitution, additional expert responses were solicited. Scores were tabulated and compared with Freedom House indices for political and civil liberties.

Several features of this study are significant for the development of a parliamentary performance scorecard in Africa. First, the use of a yes/no assessment methodology, while useful in a study of correlations between constitutional design and depth of democracy, would probably be more problematic when attempting to track parliamentary performance. A ratings scale indicating the degree of presence or strength of particular attributes might be more applicable. Second, the Fish and Kroenig's study points to an important benefit of scorecarding, the ability to regress parliamentary performance scores against other quantitative national datasets. Perhaps the most optimistic implication of this study for parliamentary scorecard development was the authors' conclusion that examining all parliaments in terms of their political power was more informative than dividing them into the standard regime types – presidential, parliamentary, and semi-presidential systems. It may therefore be possible to develop a scorecarding assessment methodology that allows for comparison between differing regime types, a serious concern of many parliamentary development scholars and practitioners.

National Democratic Institute for International Affairs

The National Democratic Institute for International Affairs (NDI) is a U.S.-based non-governmental organization that specializes in democratic development. In February 2007, NDI published, *Toward the Development of International Standards for Democratic Legislatures*.[21] This document outlines a detailed set of standards and examples of different methods of compliance with these standards from all parts of the world, including many examples from African parliaments. NDI notes that these standards should be considered a work-in-progress, and that the standards are partially drawn from a variety of previous documents.

While these standards are detailed and comprehensive, they are also minimal. Thus, tracking progress beyond achieving 'the basics' would be difficult using these standards as a starting point. However, for many developing parliaments, particularly in Africa, a scorecard based on these minimum standards could prove useful.

The *Minimum Standards* fall into eleven categories, each with between two and six sub-categories. With each sub-category are between one and five standards. These standards emphasize the three core parliamentary functions. Below is a brief outline of the eleven standards areas; a complete listing of all standards is included in this document as Appendix

Part I – Election and Status of Legislators
1. Election and Status of Legislators

*Part II – Organization of the Legislat*ure
2. Procedure

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[21] *Toward the Development of International Standards for Democratic Legislatures*, NDI, 2007, www.accessdemocracy.org/library/2113_gov_standards_010107.pdf

3. Committees
4. Political Parties, Party Groups and Interest Caucuses
5. Parliamentary Staff

Part III – Functions of the Legislature
6. Legislative Function
7. Oversight Function
8. Representational Function

Part IV – Values of the Legislature
9. Accessibility
10. Transparency and Integrity
11. Public Consultation and Participation

VI. SURVEY RESULTS AND DISCUSSION

Nine parliamentary development practitioners responded to the survey instrument.[22] Overall, respondents were cautiously enthusiastic about developing a parliamentary scorecard. The most significant findings of the survey instrument are summarized below:

Current Efforts
Respondents cited work on developing a parliamentary scorecard or related evaluation framework by the following organizations:
- Africa Leadership Institute (AFLI) in Uganda (local)
- African Legislatures Project (ALP)
- Canadian Parliamentary Centre
- Commonwealth Parliamentary Association (CPA)
- Institute for Democracy in South Africa (IDASA)
- International Foundation for Election Systems (IFES)
- Inter-Parliamentary Union (IPU)
- MJAFT! in Albania (local)
- National Democratic Institute (NDI)
- United Nations Development Programme (UNDP)
- United States Agency for International Development (USAID)

Respondents also cited work on developing a parliamentary scorecard or related evaluation framework by the following specific individuals:
- Joel Barkan/ University of Iowa
- Tom Brindle, National Institute for Democratic Affairs
- Steve Fish / University of California at Berkeley

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[22] The survey respondents were Lyn Chiwandamira of the Pan-African Parliament, John Johnson of NDI, Craig Kowalik of Canadian Parliamentary Centre, Ted Lawrence of USAID, Stefan Lindberg of the University of Florida, Caitlin Porter of Social Service Direct, Keith Schulz of USAID, Frederich Stapenhurst of the World Bank Institute, and Robert Mattes of the University of Capetown.

- Stefan Lindberg / University of Florida
- Robert Mattes / University of Capetown
- Kimberley Smiddy/ University of Capetown
- Frederich Stapenhurst/ World Bank Institute

Developing Universal Standards and Scorecard Validity

Most respondents felt that it would be possible to find a universally applicable set of standards by which to measure the performance of all parliaments. Two respondents noted that the results might not be comparable across presidential and parliamentary systems, although neither suggested that this should prevent the development of a universal scorecard. Another respondent indicated that while minimum universally acceptable standards would be feasible, sharing a common set of indicators might not be.

Most respondents also felt that scorecards and related measures could be valid approaches to parliamentary performance evaluation. However, many respondents felt that there were limits to the utility of a parliamentary scorecard. Key limitations included the following:

- Parliamentary scorecards could complement, but not replace, other analytical tools of parliamentary performance, such as qualitative interviews, election results (as indicative of constituent satisfaction), and a political and social commentary.
- A parliamentary scorecard system might have to rate parliaments only against similar parliaments because differing constitutional structures result in differing potential capacities.

Caitlin Porter's detailed response provides further insight into the challenges of developing appropriate standards and the incorporating political and social contexts:

*I think universal parliamentary performance scorecards would be a good <u>starting point</u> to assess the performance of parliaments and members of parliaments. However, performance can be evaluated in both a technical and political manner, and it is **important to complement a technical scorecard with political commentary**. In terms of their validity, it would be depend on how the political and social context in which parliamentarians operate is evaluated.*

The social and political context can have an impact on the informal and formal roles of parliamentarians and the allocation of time and representation between these roles*. For example, whilst a particular parliament may have weak performance in the formal areas of representation (poor constituency outreach) and legislative oversight, due to social pressures, they may have stronger performance in informal functions such as funding activities (funding local clinics) in their constituency and relations with constituency (attending funerals). Neo-patrimonial influences can have a significant effect on the functions of parliaments and MPs. Although, they may not be recognised formal functions, (especially in terms of a Western model), they may be a key part of a parliamentarian's job. Furthermore, the informal activities may contribute to a positive performance rating by a parliamentarian's constituents.*

Craig Kowalik of Canadian Parliamentary Centre emphasized the challenges of reconciling broad-based agreement on theoretical international standards with actual practice and differing conceptions of ideas such as 'transparency':

*There is **considerable international agreement on the classic roles of parliaments – representation, lawmaking and oversight – but little agreement on the ways in which or the extent to which these roles can and should be played by any given parliament***. In these circumstances, it is critically important to work on the development of minimum international standards that need to be met if a parliament can claim to be performing as such while at the same time understanding far better than we now do the circumstances that influence the actual performance of parliaments*

and ways in which that performance can be improved… it is critically important to **adapt the scorecards to different contexts**, *something that is often done in the most superficial way. What that means is that such* **basic terms as accountability and transparency have to be translated into local languages and discourse** *in order to understand what achieving those standards would mean in particular circumstances. Lets call the international standards a universal language like Esperanto which is constructed logically from certain basic attributes of language and so as to be as widely adoptable as possible. Unless and until, Esperanto begins to appear as a hundred different dialects around the world it will not and cannot spread.*

All respondents felt that scorecards offered advantages over existing means of parliamentary evaluation. Specific advantages cited by respondents included the following:

- Comprehensiveness, i.e. the ability to capture actions, efficiency, and outputs
- Comparability of parliamentary performance with other societal variables such as economic growth, type of political system, etc.
- Ability to present the data in a simple format that could be useful for civil society organizations and private citizens
- Advancing the knowledge and understanding of parliaments
- Assistance in making decisions about where to invest in parliament
- Comparability over time and across countries
- Potential for cost-effectiveness
- Data reliability and accuracy (if appropriate personnel carry out the evaluation)
- Increased objectivity and avoidance of over-contextualization
- Ease of use

Most respondents did conclude that there were some notable disadvantages and constraints in using a parliamentary scorecard in place of other methods of measuring parliamentary performance. In addition, a few of the cited advantages and disadvantages overlap. For example, while one respondent felt that a scorecard system would enhance data reliability, another felt that lack of data reliability could hinder scorecard development and implementation. The concerns expressed serve as further evidence that parliamentary scorecards would not replace current evaluation strategies. Some of the constraints cited included the following:

- Lack of in-depth knowledge (presumably on the part of respondents)
- Interpretation of the results, i.e. loss of specific contextual information to explain differing performance levels
- Making adjustment for differing institutional differences and requirements
- Developing an accurate scorecard that captures the most salient issues for parliamentary performance
- Gaining stakeholder acceptance
- Determining who would do the actual scoring – how many people and whether insiders or outsiders
- Validity of perception and opinion polling
- Political sensitivity to parliaments being judged by outsiders or foreign standards
- Data reliability
- Defining 'performance'

Keith Schulz, Legislative Strengthening Advisor for USAID, brought up an important concern about the validity of perception and opinion polling as measures of performance:

Some aspects of parliamentary scorecards are fairly quantitative, i.e., MP voting records, number of public hearings, laws enacted, etc. However, other types of scorecards or surveys depend on perception indexes or opinion polling, which have some validity but also have some drawbacks. A parliamentary could be functioning effectively, and doing good work, but having to make some tough decisions and actions that are necessary but unpopular. Scorecards are less adept at measuring parliamentary effectiveness or politics.

John Johnson of the National Democratic Institute pointed to the challenge of developing sufficiently thorough indicators of parliamentary capacity and effectiveness:

*Another disadvantage is that **it can cause one to assume things are alike when they are not**. PACs, for example, exist in scores of legislatures. In some they do next to nothing, in others they do a great deal. In some they get good information and support from an auditor general, in others they get very little useable information. Coming up with the number of nations which have PACs, therefore, is good to know, but it says nothing about how effective the PACs are, the kind of information they receive, the power they have to use the information they find, etc. In other words, knowing that 49 nations have PACs has some utility, but it would be really good to come up with some way to measure their effectiveness.*

Designing a Useful Parliamentary Scorecard Evaluation Framework

The variety of responses to the question of who should evaluate parliamentary performance for a scorecard reflects the different purposes each of the respondents envisioned for a parliamentary scorecard. Responses included academics familiar with legislatures, senior parliamentary staff, independent NGOs, journalists, senior parliamentary leaders, donors, international organizations such as the IPU, parliamentary strengthening program implementing agencies, and members of parliament. One respondent emphasized that the key issue would be getting stakeholders to recognize the evaluators as legitimate. Two other respondents highlighted the underlying dilemma, that the choice of evaluators is a reflection of the purpose of the evaluation and therefore could not be selected without explicitly stating the intended purpose.

When asked to state a preference between an analytic framework based on the three-to-four broad areas of parliamentary performance – representation, legislation, oversight, and budget management – and a framework examining performance in specific sectors such as defense, poverty reduction, or HIV/AIDS, responses were again mixed. The majority of respondents seemed to want to incorporate both types of frameworks. Caitlin Porter brought up a significant advantage to using a sector-focused framework:

*I think this **sectoral approach to capacity building can be very effective as it can create a more positive (and less political sensitive) environment within which to provide support – especially to MPs in opposition**. I therefore think that this rationale could also apply to scorecards. By adopting a sectoral focus with scorecards it could help contextualise the evaluation and assist in providing stronger political and social analysis to accompany the evaluation. It could also help either focus citizen attention on the performance of their parliament on specific issues that affect them, and focus donor attention as well. It could also be a more favourable tool, as it could reduce the negative impact of a weak evaluation, as it would only be focused on one sector and not on the overall performance of the parliament.*

Craig Kowalik indicated that the most useful type of framework might depend on the level of development of a particular parliament:

… **the broader areas would be particularly useful for parliaments at the very early stages of development**, including in immediate post-transition or post-conflict scenarios. At early stages of development, it is particularly useful to assess the general capacities of parliaments in the areas of lawmaking, representation, oversight, etc. Moving towards **more concrete and focused measurements of capacities in**

narrower areas might be more useful for parliaments that have developed greater capacities and are further along the development continuum. Using scorecards that assess narrower areas of performance might be more useful once a certain level of trust was established between the organization doing the scorecard and a particular parliament. Measuring discreet capacities of committees, for example in the area of defence, can be particularly sensitive exercises compared to measuring the wider capacities of a parliament as a whole.

Finally, respondents were universally interested in using a parliamentary scorecard if it had features useful to their work. Some respondents felt that a scorecard could help in monitoring and evaluation as well as donor reporting. Others felt it could serve as an introduction to a parliament. Other components requested by single respondents included performance indicators, meritocracy indicators, parliamentary oversight scoring, constitutional and institutional rules, sectoral ratings, and a transparent weighting system.

VII. CONCLUSIONS AND POLICY RECOMMENDATIONS

Conclusions
Several key areas must be negotiated and agreed upon by a variety of parliamentary stakeholders before a scorecard could be developed. These include the overall purpose, target audience, set of standards, basic analytical framework including qualitative versus quantitative preferences, and choice of evaluators.

Preliminary results from this study indicate that parliamentary performance scorecards have the potential to assist in parliamentary development from several directions. First, scorecards would be a helpful means to easily identify performance gaps. This information could assist in designing more effective and better-targeted parliamentary reform programs, whether internally or externally funded. Second, one of the most valuable aspects of parliamentary scorecard development and implementation would be to focus discussion on setting standards and objectives for parliaments, even if no scorecard is ever fully implemented. Third, scorecarding facilitates time series, cross-national, and longitudinal studies of parliamentary performance. These studies could assist in demonstrating the need for and benefits of parliamentary strengthening. They could also assist in periodic review of the overall progress of parliaments, rather than focusing entirely on indicators designed to monitor and evaluate a specific reform program. Fourth, even if parliamentary scorecards could not be designed to be cross-nationally comparable, they would still prove valuable for tracking single country progress over time. Finally, scorecard could provide civil society with information on parliaments that is easy to understand and present to the wider public. This possibility demonstrates how an evaluation tool could serve the dual purpose of assisting with civic engagement with national parliaments.

Policy Recommendations (the way forward)
- When considering requests to assist a parliament, ACBF should require a broad assessment that includes wide stakeholder consultation when designing a monitoring and evaluation framework (civil society, members and staff of parliament as well as practitioners and academics)
- PARLIANET should do further research to pull together all of the existing standards and their corresponding indicators into a single document for analysis and comment, again incorporating a wide stakeholder consultation

- PARLIANET should collate and review the APRM data as it emerges – the following have been published: Ghana and Kenya
- PARLIANET should probably not attempt to develop a universally acceptable set of standards and/or a scorecard itself; rather, the ACBF should offer to partner with and support the ongoing work of the Parliamentary Centre – and the ACBF should evaluate the African Legislatures Project at the University of Capetown with a view towards supporting it.

The 2007 Annual Paper Team
Lusaka Zambia 01 March 2007

APPENDIX I

Web Sites Searched During Literature Review

Web sites of the following organizations were reviewed for parliamentary standards and evaluation development efforts:

- Canadian Parliamentary Centre
- Centre for Democratic Development- Ghana
- Commonwealth Parliamentary Association (CPA)
- Department for International Development – United Kingdom (DfID)
- Friederich Ebert Stiftung (FES)
- Inter-Parliamentary Union (IPU)
- Institute for Democracy in South Africa (IDASA)
- Institute for Democracy and Electoral Assistance (IDEA)
- International Foundation for Election Systems (IFES)
- International Republican Institute (IRI)
- Konrad Adenauer Stiftung (KAS)
- National Democratic Institute for International Affairs (NDI)
- State University of New York at Albany – Center for Legislative Development (SUNY-CLD)
- United Nations Development Programme (UNDP)
- United States Agency for International Development (USAID)
- University of Capetown
- World Bank Institute (WBI)

APPENDIX II

Survey Instrument

A survey instrument was developed to capture parliamentary development practitioner perspectives on parliamentary scorecard development. The instrument was composed of nine questions divided into three categories:

Current Efforts

1. Have you or others in your organization worked on the development of a parliamentary scorecard, report card, or ranking and rating system? If so, what has been accomplished? If you are currently working on developing a scorecard, what remains to be done?
2. Do you know of any other individuals or organizations currently developing a parliamentary scorecard, report card, or ranking and rating system covering any aspect of parliamentary performance (e.g. lawmaking, oversight, representation, specific policy areas such as budget or HIV/AIDS)?

Feasibility of Developing a Parliamentary Scorecard

1. Do you think that it is possible to find a universally applicable set of standards by which to measure the performance of all parliaments (e.g. parliaments operating under both Republican/Presidential and Westminster/Prime Ministerial models)?
2. Do you think that scorecards and related measures with universal standards could be valid measures of parliamentary performance?
3. What might be some of the advantages of a parliamentary scorecard over other methods of analyzing parliamentary performance?
4. What might be some of the disadvantages or constraints in using a parliamentary scorecard in place of other methods of measuring parliamentary performance?

Utility of a Parliamentary Scorecard

1. Who should participate in a scorecard evaluation process for parliaments? Whose input would be necessary in order to produce reliable and useful results?
2. Which areas of parliamentary performance would you find most useful in a parliamentary scorecard? Would more broad areas (e.g. lawmaking, representation, oversight) or narrow areas (e.g. budget, defense, education, HIV/AIDS) be most useful?
3. Would you be interested in using a parliamentary scorecard if one were available? Which features would make a parliamentary scorecard most useful to you?

APPENDIX III

Survey Instrument Recipients
Academics
- John Uhr, Australia National University
- Johann Graf Lambsdorff Passau University (Transparency International)
- Kimberly Smiddy, Univsersity of Captetown
- Joel Barkan, University of Iowa
- Steffan Lindberg, University of Florida
- Bob Mattes, University of Capetown

World Bank
- Rick Stapenhurst, Senior Public Sector management Specialist
- Daniel Kaufman, Director, Global Programs
- Aart Kraay, Lead Economist, Development Research Group

State University of New York Center for Legislative Development (SUNY- CLD)
- John Johnson, Deputy Director for Development
- Dr. Robert Nakamura, CLD Director

IFES- International Foundation for Election Systems
- Keith E. Henderson, Senior Rule-of-Law and Anti-Corruption Advisor

NDI- National Democratic Institute
- Christopher Fomunyoh, Senior Associate and Regional Director, Central and West Africa Programs
- Shari K. Bryan, Senior Associate and Regional Director, Southern and East Africa Programs
- Thomas Brindle, Interim Senior Advisor, Governance

Centre for Democratic Development-Ghana
- Dr. Gyimah-Boadi
- Dr Agyeman-Duah

IRI- International Republican Institute
- Stephanie Blanton, Regional Program Director, Africa

USAID
- Keith Schulz, Senior Legislative Strengthening Advisor

IDASA
- Stefan Gilbert, Centre for Democracy in Africa, Capetown

Canadian Parliamentary Centre
- Robert Miller

- Craig Kowalik

Social Services Direct/ Department for International Development (DfID)
- Caitlin Porter
- Team Leader, Effective States, Ann Freckleton

Inter-Parliamentary Union (IPU)
- Anders Johnson, Secretary-General

Frederich Ebert Stiftung (FES)
- Sabine Matambalya, Africa program

Konrad Adenauer Stiftung (KAS)
- Gerd Bessen

Institute for Democracy and Electoral Assistance (IDEA)
- Keboitse Machangana, Advisor on Democracy Analysis and Assessment
- Abdulla Hamdok, Director of Africa and Middle East Programme
- Joram Rukambe, Programme Manager for Africa
- Theo Dowetin, Porgramme Manager for West Africa

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THE AFRICAN LEGISLATURES PROJECT:
A BRIEF PROJECT DESCRIPTION

What is the African Legislatures Project (ALP)?
The purpose of ALP is both simple and grand—to learn *everything* important there is to know about how African legislatures function   As such, ALP is an exercise that straddles the realms of academic research and practice – in this case, research into the operations of the legislature and what its findings suggest for donor assistance agencies seeking to promote democracy worldwide and especially in Africa.   ALP seeks to answer three basic questions:

1. How and why do African legislatures function as they do?   Why are some African legislatures developing into significant institutions that play a measurable role in democratic governance while others do not?

2. What conditions and changes are required to develop and transform African legislatures into institutions that will sustain Africa's fragile democracies?

3. What constitutes "best practice" for the purpose of strengthening these institutions which are an essential component of all democracies?

To achieve its purpose, the principal investigators for ALP have identified more than 400 items or variables that affect the development of the legislature or are themselves part of the legislative process. ALP seeks to collect data about these items in all 43 African countries where a legislature of some form currently exists, but especially in those countries where the prospects for democratization and democratic consolidation are high or promising. The variables about which we seek information fall under five broad headings:

A. The *formal rules* that specify the role of the legislature within the political system, and the rules that specify the structure and procedures of the legislature. Included in these are the rules that specify the relations between the executive and legislative branch, the method by which members of the legislature are elected, the finance of the legislature, etc.

B. *Societal conditions* external to the legislature that impact the nature and operation of the political system generally and the legislature specifically.

C. The institutional, organizational and financial *resources available* to the legislature and to its individual members that help to improve the role of legislators and enhance the function of legislatures in democratic governance.

D. The composition of the legislature in terms of the *background of its members*, and how this impacts their performance as legislators.

E. How legislators carry out the three basic functions that are common to all democratic legislatures – *representation, legislating* (i.e. policy making), and *oversight* of the executive branch. We also take a close look at constituency service and campaign finance, because these compete for the time individual legislators can devote to the three basic legislative functions.

The information collected on these five areas will enable ALP to provide answers to the three basic questions – 1, 2, and 3 – posed above.

How is ALP relevant to donors?
ALP is highly relevant to the work of donors for three reasons. First, the development of the legislature into a viable institution that performs the three basic functions associated with

legislatures worldwide is essential for the development and consolidation of democracy. Put simply, *no viable legislature, no consolidated democracy!* The development of the legislature is thus an institution that donors cannot ignore.

Second, ALP can provide better information that can strengthen donor activity in legislative strengthening in emerging democracies in Africa and elsewhere. Donors still have a limited theoretical understanding of why some legislatures develop and others do not, and thus lack a complete "toolkit" when it comes to designing programs in particular countries. Donors could also improve and systematize evaluations of extant programs to better understand which interventions work and are most cost effective and which are not.

Third, we currently lack useful measures of changes in the overall performance of legislatures over time. ALP will develop such measures, which should contribute to broad-based understanding of what drives the development of legislatures, as well as to the development of indicators that measure the impact of donor support in this area.

There is thus substantial overlap and linkage between ALP's larger goal of providing a broad-based understanding of the role of legislatures in democratic governance and the operational and development goals of donor programs.

What has ALP accomplished to date? And what remains to be done?
ALP has been "up and running" at the University of Cape Town for approximately 18 months as a result of initial funding obtained from the Oppenheimer Institute, the Rockefeller Brothers Fund, and the National Research Foundation of South Africa. The project has office space at DARU/CSSR and a project director (Ms. Lia Nijzink), She is in turn assisted by three graduate students.

The project has so far developed and refined the list of 400 plus items indicated above, and created a file for these items so that they can be analyzed via the SPSS software. The project has also completed stage 1 of the data collection phase of the project. Stage 1 involves the coding of all country background variables, and the coding of a large portion of the formal rules that shape the legislative process. To this end, ALP has obtained the texts of the most recent constitutions of all countries in sub-Saharan Africa. ALP will ultimately make these constitutions available online via a website that it is under construction to disseminate the findings from the project.

ALP must now move to Stages 2 and 3 which are critical for the completion of ALP.

Stage 2 requires in-country research to obtain data about how African legislatures operate with respect to the three basic functions of the legislature.

Stage 3 also involves in country research in the form of interviewing a sample of legislators. In-country research is also required to obtain data about the resources available to the legislature, the relationships between the legislature and the executive branch as well as civil society, and data about the constituency service and campaign finance. We also seek to obtain data about how much time members spend on the three basic functions of the legislature and on constituency service.

We therefore seek funding or some alternative mechanism of support for the work envisioned in Stages 2 and 3. This work will initially be limited to the 18 countries where the Afrobarometer public opinion project is being conducted. This will allow us to create a unique set of data on both political institutions and public opinion about those institutions for the same 18 countries. We also ultimately intend to include a set of specific questions about the legislature in subsequent rounds of the Afrobarometer survey.

How can donors assist ALP and vice verse?

Donors can assist ALP and ALP can help donors in one of two ways.

1. By funding the work or part of the work envisioned for Stages 2 and 3 in one or more of the 18 targeted countries. It would be especially helpful if such support is coordinated with whatever funding we might obtain from other development agencies with which we are currently in discussion, such as the World Bank and USAID. Donors will be invited to become part of ALP's user-group of organizations active in legislative strengthening and will be able to use ALP data for their programs under the terms of a Memorandum of Understanding.

2. By supporting a series of evaluations of donor-supported legislative strengthening programs in single countries or groups of countries, because such an exercise would be both beneficial for donors and provide a vehicle for ALP to obtain the data relevant for Stage 2 and perhaps for Stage 3. For example, evaluations might be initially conducted in Zambia and Namibia. Tanzania might provide another cost-effective opportunity since the legislative strengthening program there is co-funded by USAID and DFID.

In all cases, the evaluation would be structured in such a way that it would provide a baseline measure of legislative development and performance at the time of the study. This would in turn mean that the results could be compared both cross-nationally and longitudinally (i.e. with the findings from similar evaluations of other legislatures and with future findings from similar evaluations of the same legislature).

The work we envision in each country would involve one of the four PIs involved with ALP plus one local researcher. This work would require two to four weeks of support depending on whether the work would be limited to an evaluation of a single project, or a more extensive study that would enable ALP to also conduct all of the work for Stages 2 and 3.

Finally, the ALP research design is sufficiently flexible that it can be tailored to the needs of specific donors while retaining the project's overall intellectual integrity and larger purpose of creating a theoretically rigorous basis for producing user-friendly knowledge and understanding of the role of legislatures in democratic governance and in improving the quality of democracy in emerging democracies.

Where is ALP Located and Who is Involved?
ALP is formally based at the University of Cape Town in collaboration with the Center for Legislative Studies at Bridgewater State College in Massachusetts, USA. ALP's "home" at

the University of Cape Town is the Democracy in Africa Research Unit (DARU) of the Centre for Social Science Research (CSSR). Both DARU and CSSR are headed by **Professor Robert Mattes**, one of four principal investigators for ALP. The other PIs include **Professor Shaheen Mozaffar**, Department of Political Science at Bridgewater State College, **Professor Joel D. Barkan**, Professor Emeritus of Political Science at the University of Iowa and currently a visiting fellow at the National Endowment for Democracy, and **Ms. Lia Nijzink**, Research Associate at DARU/CSSR and ALP Project Manager.

Parliamentary Performance Relevant Objectives, Questions, and Indicators from the African Peer Review Mechanism Self-Assessment

Objective 2: Constitutional democracy, including periodic political competition and opportunity for choice, the rule of law, citizen rights, and supremacy of the Constitution

Question 1: In your judgment, does the political system as practiced in your country allow for free and fair competition for power and the promotion of democratic governance?
Indicators:

- Outline the individual and collective political rights and mechanisms and institutions to protect them;
- Outline the legal provisions and regulations governing political association in your country;
- Assess the effectiveness of these provisions and regulations with respect to the viability of the party, taking into account amongst other things, membership, policies and resource allocation for political parties in the country;
- Describe your electoral system, providing relevant legal and institutional provisions as appropriate;
- Assess the effectiveness of the electoral system in terms of its capacity to deliver results that are adjudged to be broadly free and fair;
- Provide reports produced by governmental sources and other sources on recent elections held in your country;
- Provide evidence of recent contentious electoral cases and how they were resolved by the courts.

Question 2: What weight do provisions establishing the rule of law and the supremacy of the Constitution carry in practice?
Indicators:

- Identify the relevant legal provisions that establish the rule of law and affirm the supremacy of the Constitution and describe the procedures for amending your country's Constitution;
- List institutions tasked with enforcing these provisions and assess the effectiveness of these institutions, through recent cases/reports.

Objective 4: Uphold the separation of powers, including the protection of the independence of the judiciary and of an effective legislature

Question 1: What are the constitutional and legislative provisions establishing the separation and balance of powers among the Executive, the Legislature and the Judiciary branches of government?

Indicators:

- Provide evidence of constitutional and legislative provisions establishing and guaranteeing the separation of powers;
- Describe the mechanisms (if any) to resolve conflicts between the branches of government;
- Assess the effectiveness of the separation of powers and mechanisms for checks and balances.

Question 3: How would you rate the independence of the legislative body in your country?
Indicators:

- Provide evidence of legal provisions and resource allocation establishing the independence of the legislature; including but not limited to the initiating of bills, proposing amendments (including amendments to the budget), and opportunity to question executive action;
- Provide an assessment of the independence of the legislature and give details of reports of any official assessment;
- Describe measures taken to sustain progress (training, evaluation, available reports).

Objective 6: Fighting corruption in the political sphere
Question 1: What is the state of corruption in the country?
Indicators:

- Provide an assessment of the overall perception of corruption in your country;
- Provide evidence to support your assessment including any official reports on the assessment of the state of corruption in your country.

Question 2: What measures and actions have been taken to combat corruption in the political sphere and with what results?
Indicators:

- Describe the legal and institutional measures that have been taken to combat corruption, including but not limited to: requirements for declaration of assets; establishment of specialised anti-corruption entities and the procedure of appointment of the heads of these entities;
- Give details of the major cases of alleged corruption prosecuted and disciplinary sanctions taken over the past five years.

Parliamentary Centre
Indicators of Parliamentary Performance in the Budget Process

I. Level and range of activity

1. Where parliament consists of two chambers, do both play a role in the budget process?
2. Are there procedures in place to resolve differences between the two chambers when they occur?
3. Does serious, substantive debate about the overall budget take place in parliament?
4. Is there parliamentary input at all stages in the budget process, including before the government presents its detailed spending and revenue proposals in parliament?
5. Does parliament scrutinize the economic models used to develop medium teml expenditure frameworks?
6. Does parliament review monetary policy as it relates to the budget framework?
7. Does parliament review and debate the PRSP before final adoption by the government and presentation to international financial institutions?

II Openness and Transparency

1. Are exchanges between MPs and Ministers regarding the budget open and public?
2. Are parliamentary committee meetings open to the public and the media?
3. Do parliamentarians participate openly and independently in the priority setting stage of the budget process?
4. Does parliament receive timely information from internal audits conducted by the government?
5. Do independent auditors (e.g. Auditor General) report to parliament? Are their reports timely, informative and independent?
6. Do the media provide full and informative coverage of the parliamentary budget debate?
7. Do the media report fairly on opposition criticisms of the budget?
8. Does parliament convey information regarding the budget to the regions and districts of the country, including lower levels of government?
9. Do parliamentarians inform their constituents about the budget?

III Participation

1. Does parliament ensure public input and participation during the budget process?
2. Does parliament ensure that the poor are able to participate when it reviews the government's diagnosis of poverty and setting of priorities?
3. Does parliament consult the poor in carrying out its evaluations of poverty reduction programs?
4. Does parliament employ gender analysis in seeking to influence budget priorities? In monitoring the budget?
5. Does parliament consult women's groups during the budget process?
6. Does parliament consult civil society organizations and business in its review of the budget?
7. In reviewing the budget, does parliament consult policy experts and utilize their knowledge?

IV Accountability

1. Does parliament have a public accounts committee (PAC) or equivalent that examines past expenditures?
2. Are measures taken to ensure its independence such as by the appointment of an opposition MP as Chair?
3. Does the PAC work with independent audit authorities to uncover financial irregularities and promote program efficiency?
4. Does parliament question government leaders, ministers and officials fully during the budget process?
5. Does parliament effectively scrutinize departmental work-plans and monitor their implementation?
6. Does parliament undertake program and policy evaluations?
7. Does parliament review commitments entered into by senior public servants?

V Policy and Program Impact

1. Does parliament have influence in setting budget priorities?
2. Does parliament make changes to spending and revenue proposals in the budget document? Does it play a role in changing budget allocations in times of financial stringency?
3. Does parliament set conditions for budget reporting?
4. Do reports of parliamentary evaluations and other feedback lead to changes in government policies and implementation?
5. Does parliament playa role in the appointment of senior budget officials, including head of the central bank?
6. Does the PRSP require parliamentary approval?
7. Do public loan agreements require parliamentary approval?

Toward the Development of International Standards for Democratic Legislatures
National Democratic Institute, February 2007

Summary Listing of Minimum Standards

PART I   ELECTION AND STATUS OF LEGISLATORS

1. Election and Status of Legislators
1.1 The Election of Legislators
>   1.1.1 Members of the popularly elected or only house shall be directly elected through universal and equal suffrage in a free and secret ballot.
>   1.1.2 Legislative elections shall meet international standards for genuine and transparent elections.
>   1.1.3 Term lengths for members of the popular house shall reflect the need for accountability through regular and periodic legislative elections.

1.2 Candidate Eligibility
>   1.2.1 Restrictions on candidate eligibility shall not be based on religion, gender, ethnicity, race or physical ability.
>   1.2.2 Measures of positive discrimination used to encourage the political participation of marginalized groups shall be narrowly drawn to accomplish precisely defined and limited objectives.
>   1.2.3 No elected member shall be required to take a religious oath against his/her conscience in order to take his/her seat in the legislature.

1.3 Incompatibility of Office
>   1.3.1 In a bicameral legislature, a legislator may not be a member of both houses.
>   1.3.2 A legislator may not simultaneously serve in the judicial branch or as a civil servant of the executive branch, except in limited instances involving front-line delivery of public services.

1.4 Immunity
>   1.4.1 Legislators shall have immunity for speech conducted during the exercise of their duties; former legislators shall never be liable for speech conducted during the exercise of their duties as a legislator.
>   1.4.2 Parliamentary immunity shall not be used to place legislators above the law and shall not extend beyond their term of office, though a former legislator shall continue to enjoy protection for his/her term of office.
>   1.4.3 Only an act or vote of the legislature can lift parliamentary privilege and the immunity of a legislator. The executive branch shall have no right or power to lift the immunity of a legislator.
>   1.4.4 After the legislature votes to lift the immunity of a legislator, it has no power to mandate changes to or otherwise affect proceedings involving the legislator before other branches of government.

1.5 Remuneration and Benefits

1.5.1 The legislature shall provide all legislators with fair remuneration and adequate physical infrastructure, and all forms of remuneration and infrastructure shall be allocated on a non-partisan basis.

1.6 Resignation

1.6.1 Legislators shall have the right to resign their positions.

PART II   ORGANIZATION OF THE LEGISLATURE

2. Procedure
2.1 Rules of Procedure

2.1.1 Only the legislature may adopt and amend its rules of procedure.

2.2 Sessions

2.2.1 The legislature shall meet regularly, at intervals sufficient to fulfill its responsibilities.

2.2.2 The legislature shall have and follow procedures for calling itself into extraordinary or special session.

2.2.3 Provisions for the executive branch to convene a special session of the legislature shall be clearly specified.

2.3 Plenary Agenda

2.3.1 Legislators shall have the right to vote to amend the proposed agenda for debate.

2.3.2 Legislators in the lower or popularly elected chamber shall have the right to initiate legislation and to offer amendments to proposed legislation.

2.3.3 The legislature shall give legislators and citizens adequate advance notice of session meetings and the agenda for the meeting.

2.4 Plenary Debate

2.4.1 The legislature shall create and follow clear procedures for structuring debate and determining the order of precedence of motions tabled by members.

2.4.2 The legislature shall provide meaningful opportunity for legislators to publicly debate bills prior to a vote.

2.5 Plenary Voting

2.5.1 There shall be a presumption that votes in the legislature shall be public; the legislature shall publicly codify any exceptions to the presumption and give advance notice before a non-public vote.

2.5.2 The legislature shall establish and follow procedures for a minority of legislators to demand that a recorded method of voting be used.

2.5.3 Only legislators shall have a vote on issues before the legislature.

2.6 Presiding Officers

2.6.1 The legislature shall elect or select presiding officers and members of a steering body pursuant to criteria and procedures clearly defined in the rules of procedure.

3. Committees
3.1 Organization

3.1.1 The legislature shall have the right to form permanent and temporary committees.

3.1.2 The legislature's assignment of committee seats shall reflect the political party composition of the legislature and shall include both majority and minority party members.

3.1.3 The legislature shall establish and follow a transparent method for electing or selecting the chairs of committees.

3.1.4 There shall be a presumption that committee hearings are open to the general public; the legislature shall publicly codify any exceptions to the presumption and give advance notice before a non-public committee meeting.

3.2 Powers

3.2.1 There shall be a presumption that the legislature will refer legislation to a committee, and any exceptions must be transparent, narrowly defined and extraordinary in nature.

3.2.2 All committees shall have the power to amend legislation.

3.2.3 All committees shall have the right to consult and/or hire experts.

3.2.4 Committees shall have the power of summons to examine persons, papers and records, including witnesses and evidence from the executive branch.

3.2.5 Only legislators appointed to the committee shall have the right to vote in the committee.

4. Political Parties, Party Groups and Interest Caucuses
4.1 Political Parties

4.1.1 The right of freedom of association shall exist for legislators as for all people.

4.1.2 Any restrictions on the legality of political parties shall be narrowly drawn in law and shall be consistent with the International Covenant on Civil and Political Rights.

4.2 Party Groups

4.2.1 Criteria for the formation of parliamentary party groups, and their rights and responsibilities in the legislature, shall be clearly stated in the rules.

4.2.2 In a non-party list electoral system, membership of a parliamentary party group shall be voluntary and a legislator shall not lose his/her seat for leaving his/her party group.

4.2.3 The legislature shall provide adequate resources and facilities for party groups pursuant to a clear and transparent formula that does not unduly advantage the majority party.

4.3 Interest Caucuses

4.3.1 Legislators shall have the right to form interest caucuses around issues of common concern.

5. Parliamentary Staff
5.1 Authority

5.1.1 The legislature, rather than the executive branch, shall control its staff.

5.1.2 The legislature shall draw and maintain a clear distinction between partisan and nonpartisan staff.

5.2 Hiring and Promotion

5.2.1 The legislature shall have adequate resources to hire staff sufficient to fulfill its responsibilities. Non-partisan staff shall be recruited and promoted on the basis of merit and equal opportunity.

5.2.2 The legislature shall not discriminate in its hiring of any staff on the basis of race, ethnicity, religion, gender, or physical ability. Additionally, it shall not discriminate in its hiring of non-partisan staff on the basis of party affiliation.

5.3 Organization and Management

5.3.1 The legislature shall clearly codify the responsibilities of the semi-independent, nonpartisan secretary-general. The secretary general shall be ultimately accountable to the legislature, and the secretary-general's tenure shall outlast the legislature.

5.3.2 No partisan or non-partisan staff of the legislature, including the secretary-general, shall have any legislative or procedural authority, including voting, in the legislature.

5.3.3 All staff shall be subject to a code of conduct.

5.4 Media Function

5.4.1 The legislature shall have a non-partisan media relations facility that shall be sufficiently and consistently funded under the administrative budget and operate under the office of the secretary-general.

5.4.2 The legislature shall maintain a central depository for records of daily proceedings and votes that can be readily accessed by legislators, staff, and citizens.

5.4.3 Non-partisan staff shall publish transcripts, votes and schedules.

PART III   FUNCTIONS OF THE LEGISLATURE
6. Legislative Function
6.1 In General

6.1.1 The approval of the legislature is required for the passage of all legislation, including budgets.

6.1.2 The legislature shall have the power to enact resolutions or other non-binding expressions of its will.

6.2 Legislative Procedure

6.2.1 In a bicameral legislature, the legislature shall clearly define the roles of each chamber in the passage of legislation.

6.2.2 The legislature shall have the right to override an executive veto.

6.3 Financial and Budgetary Powers

6.3.1 The proposed national budget shall require the approval of the legislature and the legislature shall have the power to amend the budget before approving it. 6.3.2 The legislature shall have a reasonable period of time in which to review the proposed budget.

6.3.3 Only the legislature shall be empowered to determine and approve the budget of the legislature.

6.4 Delegation of Legislative Power

6.4.1 The legislature shall have the prerogative to delegate legislative functions to the executive branch under legally grounded criteria, for a limited period of time, and for strictly defined purposes.

6.5 Constitutional Amendments

6.5.1 In the absence of a public referendum, constitutional amendments shall require the approval of the legislature.

7. Oversight Function

7.1 In General

7.1.1 The legislature shall have sufficient means and mechanisms to effectively fulfill its oversight function.

7.1.2 The legislature shall have mechanisms to obtain information from the executive branch sufficient to meaningfully exercise its oversight function.

7.1.3 The oversight authority of the legislature shall include meaningful oversight of the security and intelligence forces and of state-owned enterprises.

7.1.4 "Whistleblower" protections shall protect informants and witnesses presenting accurate information about corruption or unlawful activity.

7.2 Commissions of Inquiry

7.2.1 The law shall guarantee the right of the legislature to create commissions of inquiry. Such commissions shall have the power to compel executive branch officials to appear and give evidence under oath.

7.3 Legislative Ombudsmen

7.3.1 The legislature shall have a non-partisan ombudsman or a similar body that investigates complaints of executive branch malfeasance, makes recommendations and reports directly to the legislature.

7.4 Public Accounts Committees or Audit Committees

7.4.1 The legislature shall ensure that public accounts committees provide opposition parties with a meaningful opportunity to engage in effective oversight of executive branch expenditures.

7.4.2 Public accounts or audit committees shall have access to records of executive branch accounts and related documentation sufficient to be able to meaningfully review the accuracy of executive branch reporting on its revenues and expenditures.

7.4.3 There shall be an independent, non-partisan Supreme or National Audit Office that conducts audits and reports to the legislature in a timely way.

7.5 No Confidence and Impeachment

7.5.1 The legislature shall have mechanisms to impeach or censure officials of the executive branch and/or express no-confidence in the government.

7.5.2 Chambers where a majority of members are not directly elected shall have no power or means to collapse the government.

7.6 Legislative-Judicial Relationship

7.6.1 The legislature's consent shall be required in the confirmation of senior judges and the legislature shall have mechanisms to impeach judges for serious crimes.

8. Representational Function
8.1 Representational Nature of the Legislature

8.1.1 The number of seats in the legislature shall not be so low, and hence the citizen-legislator ratio so high, as to render impossible meaningful constituent relations.

8.2 Constituent Relations

8.2.1 The legislature shall provide all legislators with sufficient resources to enable the legislators to fulfill their constituency responsibilities, including travel to and from their constituencies.

8.3 International Representation

8.3.1 The legislature, including its members and staff, shall have the right to send and receive development assistance, whether technical or advisory in nature, regardless of origin or destination.

PART IV   VALUES OF THE LEGISLATURE
9. Accessibility
9.1 Citizens and the Press

9.1.1 The legislature shall ensure that the buildings of the legislature shall be accessible and open to citizens and the press, subject only to demonstrable public safety and work requirements.

9.1.2 The legislature shall not use credentialing of the media in the legislature for the purpose or with the effect of creating a ruling party bias.

9.2 Languages and Disabilities

9.2.1 The legislature shall facilitate the use of all working languages recognized by the constitution or in the rules of procedure, including simultaneous interpretation in debates and proceedings and the enactment of laws in all working languages.

9.2.2 The legislature shall make every reasonable effort to publish all official papers and bills in all working languages recognized by the constitution or in the rules of procedure.

9.2.3 The legislature shall make every reasonable effort to accommodate the special needs of persons with disabilities, including wheelchair access, the translation of documents into Braille, and the use of closed captioning in televised broadcasts.

10. Transparency and Integrity
10.1 Transparency and Integrity

10.1.1 The legislature shall approve and enforce rules on conflicts of interest that promote the independence of legislators from private interests or unreasonable political pressures.

10.1.2 Legislatures shall require legislators to fully disclose their financial assets and business interests.

10.1.3 To protect the dignity of the legislature, the legislature shall promulgate and enforce rules to regulate the conduct of legislators.

10.1.4 The legislature shall create legal mechanisms to prevent, detect, and bring to justice legislators and staff engaged in corrupt practices.

10.2 Pressure Groups and Lobbyists

     10.2.1 The legislature shall create a system for recording and making public all activities with, and exchange of gifts or favors between, lobbyists and legislators/legislative staff.

11. Public Consultation and Participation
11.1 Citizen Participation

     11.1.1 The legislature shall create and utilize mechanisms for receiving and considering public views on proposed legislation.

     11.1.2 Information shall be provided to the public in a timely manner regarding matters under consideration by the legislature, sufficient to allow the public and civil society to provide their views on draft legislation.