



## Module 5

### Legislative Development

In this module you will look at some major international organisations that are involved in legislative development programs.

Upon completion of this module you will be able to:



#### Outcomes

- *identify* international organisations involved in development and institution building in global south countries.
- *describe* how these international organisations function in institutional building.
- *describe* the various activities of the United Nations Development Program (UNDP) as well as other organisations in their efforts to assist parliamentary strengthening in global south countries.
- *identify* the lessons learned in carrying out legislative strengthening programs.
- *analyse* your own region in light of the information presented in this module.

### Terminology



#### Terminology

USAID	U.S. Agency for International Development
IADB or IDB	Inter-American Development Bank
OAS	Organisation of American States
AEI	African European Institute
AWEPAA	Association of Western European Parliamentarians for Africa
UNDP	United Nations Development Program
UNHCR	UN High Commissioner for Refugees

AEI African European Institute

UNICEF UN Children's Fund

## What is legislative development?

Legislative development programs are activities designed to deal with the problems facing administrative systems. In module two we discussed how constitutional and legislative arrangements structure power; the configuration of power in these arrangements can be a major contributor to administrative problems. So, for example, if a constitution in a federal system gives responsibility for health care to the provincial or state government that has very limited resources, then this systemic problem must be addressed in order for effective policy-making to happen. Similarly, a first-past the post system that consistently produces majority governments (by over rewarding the winner in a “winner takes all” voting system) may also consistently marginalise particular groups of citizens. Macro level reforms to address these deficiencies might include constitutional change. More likely (because it would be easier to enact), a solution might be an agreement between national and sub national levels of government to share both responsibilities and resources. These macro level reforms need to be differentiated from the reform of legislatures themselves; it is the latter which is the focus of this module.

The goal of providing legislative development assistance is to improve the capacity of developing legislatures to function as the arena where differences are aired, debated, and contribute to the making of good laws. This typically includes efforts to increase transparency, as well as efforts to decrease autocratic decision-making, corruption, and to increase the level of citizen engagement. According to the UNDP, the purpose is not to create clones of global north legislatures, but rather to help “...develop the capacity to become **more representative, more effective at law making, and more capable of oversight.**” (UNDP, 2013, emphasis original)

The importance of the focus on legislative development is reflected by the fact that while the number of donor development agencies may be decreasing, a growing percentage of their budgets are spent on governance programs as a means to further human development. Good governance, according to the United Nations, is an essential part of human development and should be a major means of eradicating poverty.

As Grindle (2004) points out, however, the governance agenda continues to grow without much attempt to prioritise what should be done first. As such, the focus on governance gaps may leave reformers overwhelmed an



exhausted before the task of reform even begins, particularly for those located in very poor countries. As Grindle notes:

Getting good governance calls for improvements that touch virtually all aspects of the public sector – from institutions that set the rules of the game for economic and political interaction, to decision-making structures that determine priorities among public problems and allocate resources to respond to them, to organizations that manage administrative systems and deliver goods and services to citizens, to human resources that staff government bureaucracies, to the interface of officials and citizens in political and bureaucratic arenas. Getting good governance at times implies changes in political organization, the representation of interests, and processes for public debate and policy decision making. Not surprisingly, advocating good governance raises a host of questions about what needs to be done, when it needs to be done, and how it needs to be done. (pp. 525-526)

According to Grindle, the complexity of the agenda suggests that countries should seek “good enough” governance. This modified goal would necessitate prioritising the various components of governance reform, dropping those reforms that are clearly not feasible given the local context, and focusing on those that can be accomplished in the short term. This more nuanced understanding of the local context and capabilities would focus on incremental, achievable results.

## Bilateral, multilateral and other organisations

Complicating the legislative development agenda are the many organisations that are involved in strengthening the legislative functions of governments in global south countries. Each of these organisations brings with it its own priorities, strategic interests, and agenda that may or may not align with those of the host country. These organisations and their role in legislative development are described in:

## Activity 5.1



### Activity

UNDP concept paper on Legislatures and Good Governance, Section V, Legislative Development.

Download the following paper and read section V:

<http://mirror.undp.org/magnet/Docs/parliaments/Concept%20Paper%20Revised%20MAGNET.htm#Development%3F>

Many countries have developed government foreign assistance programs focused on legislative development. One such bilateral initiative, the U.S. Agency for International Development (USAID) was created by executive order in 1961, by President John F. Kennedy. Since that time, USAID has been the principal U.S. agency to extend assistance to countries recovering from disaster, trying to escape poverty, and engaging in democratic reforms. It is an independent federal government agency and receives overall foreign policy guidance from the U.S. Secretary of State.

The initial focus of USAID reflects the general thrust of post-World War II American foreign policy. Specifically, the consensus of Americans was that the threat of communism was best thwarted by economic growth and prosperity that would be achieved via liberal democratic governments that supported free markets. A side benefit of global economic growth was the creation of new markets for US products. According to the USAID website, U.S. foreign assistance has two related purposes:

1. furthering America's foreign policy interests in expanding democracy and free markets
2. improving the lives of the citizens of the global south. It does so by supporting: economic growth, agriculture and trade; global health; and democracy, conflict prevention, and humanitarian assistance.

Other countries around the world have their own aid agencies; the work of these agencies not only reflects a country's philanthropic impulses, it also reflects its strategic interests. So, for example, Canada might work in French speaking parts of Africa in part to increase its leadership among Francophone nations of the world. Similarly, Australia is particularly active in the Southeast Asia region, reflecting its desire to show leadership amongst its neighbours.

Both regional and worldwide funding organisations have also become active in legislative development; the remainder of this section focuses on two such organisations (the Inter-American Development Bank and the Organisation of American States), in addition to the United Nations Development Program.



The Inter-American Development Bank (referred to as both IADB and IDB) was founded in 1959 as a partnership between 19 Latin American countries and the United States. Over the next several decades, the IDB expanded its membership to include many of the English-speaking Caribbean countries, Suriname, and Canada. Non-regional or non-Western Hemisphere member countries include 16 European states, as well as Israel and Japan. Today, the IDB is owned by 46 member states, of which 26 are borrowing members in Latin America and the Caribbean. The IDB has provided technical assistance to many of the nations of Latin America, including Ecuador, Peru, and Bolivia.

The IDB provides support to states that base their governments on the rule of law and an efficient market economy. Both of these achievements require an effective legislative branch. The IDB, as a development institution, supports lending and technical cooperation programs for economic and social development. These projects include ones designed to reform the state and strengthen civil society and development programs that strengthen more traditional infrastructures. The IDB cooperates and works with partner organisations in a number of ways: to prepare, co-finance, and implement projects and technical cooperation programs, to provide technical assistance, and to carry out studies and to disseminate knowledge.

The IDB promotes and participates in multilateral and bilateral co-financing arrangements for its public and private sector projects. It also organises, and participates in, technical and financial support groups to help countries or groups of countries affected by natural disasters or other extraordinary circumstances.

IDB partners eligible for financing include national, provincial, state, municipal governments, autonomous public institutions, and some private sector organisations and civil society organisations.

The Organisation of American States (OAS) also provides development support to both national and provincial level legislatures, but on a smaller scale than the IDB. The Organisation of American States (OAS) plays a central role in working toward many of the goals that are shared by the countries of North, Central American, South America, and the Caribbean.

Through the Summit of the Americas process, the region's heads of state and government have given the OAS responsibilities and mandates, including:

- strengthening human rights
- promoting greater participation by civil society in decision-making at all levels of government

- improving cooperation to address the problem of illegal drug
- supporting the process to create a Free Trade Area of the Americas.

The OAS Charter was reformed to reflect the region's strengthened commitment to representative democracy. To this end, the OAS has sent electoral observation missions to monitor more than 45 elections around the hemisphere. The OAS missions help to ensure transparency and integrity of the voting process. It helps member states strengthen their electoral, municipal, and legislative institutions. The OAS also carries out education programs to promote democratic values and practices. The OAS brings together government leaders from member states to focus on education, justice, security, and other issues. In recent years the Organisation of American States has adopted landmark conventions against corruption, illegal arms trafficking, and violence against women.

Finally, governance programs are carried out primarily through the UN's specialised agency the United Nations Development Program (UNDP). These programs have become an increasingly large component of the activities of the UNDP representing about half of the programs (Johnson and Nakamura, 1999). The UNDP is not alone in its assessment of the importance of good governance; about one-sixth of World Bank projects are concerned with public sector reform (World Bank, 2008, xiii).

## Legislative/parliamentary associations

Section V of the UNDP reading for this module discusses such legislative/parliamentary associations such as the Inter-Parliamentary Union, the National Conference of State Legislatures, the Parliamentary Assembly of the Council of Europe and the European Parliament.

Other important associations include: The Association of Western European Parliamentarians for Action Against Apartheid (AWEPAA). This organisation was formed in 1984 to assist in the struggle against apartheid in South Africa. In 1988 the African European Institute (AEI) was initiated by the same group as another arm of the organisation. Initially the AEI consisted of a small number of European and African individuals with the aim of promoting European-African relations. In 1995, AWEPAA changed its name, to the Association of Western European Parliamentarians for Africa or AWEPA, as well as its mission. The organisation's mission has moved from the focus on South Africa and Apartheid to one that is broader and that promotes democracy, peace, human rights, and good governance in Southern Africa.

The AWEPA membership comes from among current and former members of national parliaments in Europe and the European Parliament. There are approximately 2000 members of AWEPA coming from some



20 different parliaments in Europe. AWEPA/AEI works to support the functioning of parliaments in Africa and to keep Africa on the political agenda in Europe. This organisation takes action to support human resource development with parliamentarians and other elected representatives and institutional capacity building within parliaments and decentralised authorities. This includes activities that look at:

- the key role of well-functioning parliaments with regards to democracy, human rights, and peaceful conflict management;
- the attainment of gender equality at all levels of political decision-making;
- African-European sharing of parliamentary experiences; and
- building parliamentary networks at national, regional and inter-regional levels as a forum for political and non-governmental interaction.

AWEPA also informs and mobilises European parliamentarians on policy issues in African-European relations, development cooperation and democratisation in Africa.

The organisations overviewed here, and other organisations involved in legislative strengthening have produced many reports on the subject that are freely available on the internet. This module will now shift its focus to the activities in this area by the United Nations, and specifically, its Development program.

## United Nations

The United Nations (UN) was created in October 1945. At that time 51 countries committed to the preservation of peace by international cooperation for collective security. As of 2013, membership totals 193 countries, which represents almost every nation in the world.

As members of the UN, nations agree to the UN charter that sets out the fundamental principles of international relations. These are to keep the peace, protect fundamental human rights, foster conditions wherein treaty obligations are upheld, and to promote the social and economic advancement of all people (UN, 2013).

Although the United Nations is not a world government, nor does it make laws, it does provide mechanisms to assist in the resolution of international conflicts and the formulation of policies affecting the globe. All member states of the UN have input and a vote in this process.

The United Nations comprises of six main branches:

1. the General Assembly
2. the Security Council
3. the Economic and Social Council
4. the Trusteeship Council
5. the Secretariat
6. the International Court of Justice, located in The Hague in the Netherlands

All of these groups are all based at UN Headquarters in New York, USA, with the exception of the International Court of Justice. In addition to these six main branches, the UN has a number of specialised agencies and runs many large programs. With respect to legislative development, the critical actors are the Economic and Social Council branch of the UN and one of its specialised agencies, the United Nations Development Program.

## The Economic and Social Council

The Economic and Social Council functions under the broad authority of the General Assembly. The General Assembly is like a “parliament of nations” where all UN member states are represented, and where each individual member state has one vote. A two-thirds majority makes decisions about key issues such as international peace and security, admitting new members and the UN budget. Simple majority decides other matters in the General Assembly.

In contrast, the Economic and Social Council has 54 members, elected by the General Assembly for three-year terms. Seats are geographically determined; 14 are allocated to Africa, 11 to Asia, 6 to Eastern Europe, 10 to Latin America and the Caribbean, and 13 to Western and other states. The Council is responsible for the coordination of the economic and social work of the United Nations and the UN family of organisations; it is responsible for about 70% of the UN’s financial and human resources. It is the central forum for discussing international economic and social issues and for formulating policy recommendations. The Council fosters international cooperation for development and consults with non-governmental organisations (NGOs) and Civil Society Organisations (CSOs).

The Economic and Social Council also has subsidiary bodies, which meet and then report to it. These include The Commission on Human Rights (which monitors the observance of human rights), and other bodies that focus on issues such as social development, the status of women, crime prevention, narcotic drug enforcement, and environmental protection.





Five regional commissions have also been created to promote economic development and cooperation.

In addition to these groups, a number of UN offices, programs, and funds work to improve the economic and social condition of people around the world. These include the Office of the UN High Commissioner for Refugees (UNHCR), the UN Development Program (UNDP) and the UN Children's Fund (UNICEF). They all report to the General Assembly or the Economic and Social Council.

These organisations have their own governing bodies, budgets, and secretariats. They are part of the UN family, or the UN system. Collectively, they provide technical assistance and other forms of assistance in almost all economic and social areas.

## The United Nations development program (UNDP)

The UN has a central mandate to promote higher standards of living, full employment, and conditions of economic and social progress and development. Most of the work of the UN system is devoted to accomplishing this mandate (UNDP, 2013). This focus is based on the belief that eliminating poverty and improving the well-being of people throughout the world are necessary in creating lasting world peace.

The UN has two unique advantages in promoting development: a global presence, and a comprehensive mandate that spans social, economic, and emergency needs.

The UN works in a variety of ways to promote economic and social goals. Its specialised agencies cover virtually all areas of economic and social endeavour through their mandates. Agencies provide technical assistance and other forms of practical help to countries. Along with the UN, they help to formulate policies, set standards and guidelines, foster support and mobilise funds.

The co-ordination between the UN and the specialised agencies is achieved through the UN System Chief Executives Board for Co-ordination (CEB). This Board is composed of the Secretary-General, the heads of the specialised agencies, funds and programs, the International Atomic Energy Agency, and the World Trade Organisation (WTO).

The UNDP's focus is on helping countries build capacity through funding and policy advisory services in the following areas:

- democratic governance
- poverty reduction
- crisis prevention and recovery
- energy and environment

- information and communications technology (ICT)
- HIV/AIDS.

The next section focuses on the UNDP's role in encouraging good governance.

## UNDP and democratic governance

The challenge of building democratic governance is to develop institutions and processes that are more responsive to the needs of ordinary citizens, including the poor. UNDP tries to bring people together within nations and around the world in order to build partnerships to share ways to promote participation, accountability, and effectiveness at all levels in society. It helps countries strengthen their electoral and legislative systems, improve access to justice and public administration, and develop a greater capacity to deliver basic services to those most in need.

The critical importance of democratic governance in the global south was highlighted at the Millennium Summit in 2000, where the world's leaders resolved to "spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognised human rights and fundamental freedoms, including the right to development." A consensus was reached which recognised that improving the quality of democratic institutions and processes, and managing the changing roles of the state and civil society in an increasingly globalised world must support national efforts to reduce poverty, sustain the environment, and promote human development.

The UNDP comprises a network of over 177 offices, and with its global partnerships, reinforces its work in democratic governance. No organisation with a focus on governance has a wider reach in the world.

The UNDP's core services to support national processes of democratic transitions focus on:

1. policy advice and technical support;
2. capacity development of institutions and individuals;
3. advocacy, communications, and public information;
4. promoting and brokering dialogue; and
5. knowledge networking and sharing of good practices.

The UNDP's work in democratic governance can be summarised into the following categories:

- legislatures



- electoral systems and processes
- access to justice and human rights
- access to information
- decentralisation and local governance
- public administration and civil service reform.

This module focuses on legislative development and as such, will examine the UNDP's involvement and experiences in legislative strengthening. You should become familiar with the different players and operations involved in such activities. In addition, where possible, identify sample activities carried out by organisations besides the UNDP that have been compiled by Johnson and Nakamura (1999).

The next section provides the context for legislative strengthening, identifies problems that need to be addressed, and suggests activities that address the problems.

## UNDP and legislative strengthening

It is generally accepted that parliaments play an important role in sustaining good governance and underpinning democratic progress (Johnson & Nakamura, 1999; Hudson & Wren, 2007). However, as an applied development discipline, parliamentary development remains rather new and the knowledge of what works and what doesn't is limited. Moreover, as Grindle (2004) has pointed out, the issues are multiple and complex.

In 1999 the UNDP, with funding from the Government of Belgium, launched the Global Program for Parliamentary Strengthening in an effort to increase knowledge in this area. One of the key goals of this program was to test legislative assistance strategies and to document the lessons learned through past parliamentary development efforts. Some of the exercises that have been undertaken include:

- *UNDP Legislative Assistance Retrospective*, March 2001 – This is a review that examined UNDP's legislative assistance throughout the 1990s. Evaluation reports, file documents, and the input of program managers from UNDP country offices were reviewed to identify trends and lessons learned.
- *Ten Years of Legislative Strengthening in Africa – Lessons Learnt and the Way Forward*, Draft 2002 – The Inter-parliamentary Union (IPU) prepared this report based on a joint survey undertaken by UNDP and IPU of international assistance to legislatures in Africa.

- *Assessment Report of the Global Program for Parliamentary Strengthening*, July 2002 – The report reviews the progress and lessons learned through parliamentary development activities undertaken as part of UNDP’s Global Program for Parliamentary Strengthening (GPPS). It includes detailed legislative assistance activities in Rwanda, Uganda, Niger, Benin, Cambodia, and Kazakhstan.
- *UNDP Policy Guidance Note on Parliamentary Development*, October 2002 – The note identifies trends and lessons learned as seen by UNDP practitioners working in UNDP’s field offices throughout the world.

## Legislative assistance strategies

This section highlights sample legislative strengthening activities, including those identified by Johnson and Nakamura (1999) that have been gleaned from the UN and other organisations.

First, we look at lessons learned regarding parliamentary development strategies, such as working on the legislative representative or oversight functions of parliament. Then, we review lessons learned regarding the key people in parliamentary programs, including how to effectively involve political leadership as well as other entry points for working with parliamentary institutions. Finally, we consider some lessons pertaining to project management.

Assistance for parliamentary development strategies can come in a variety of forms. These can include:

- supporting the institutional framework of the legislative institutions
- constitutional reforms increasing the law making processes of legislatures
- improving the oversight capabilities of parliamentarians by developing expertise and reporting as well as access to information
- improving the representative function of legislatures.

We now look at each of these.

## Support for the institutional framework of legislatures

The UNDP lessons learned in this area indicate that technical assistance to influence the institutional set-up of legislatures, such as support for constitutional reform or the drafting of rules of procedure, can nurture democratic values, principles, and practices.



The results of such assistance can:

- encourage diverse political representation within multi-partisan committee structures;
- create more predictable and transparent opportunities for the public to provide inputs to the legislative and oversight functions of a parliament;
- ensure non-partisan administrative services; and
- develop processes and mechanisms to enhance the independence of the legislature from the executive.

The UNDP has been active in providing technical assistance for the establishment of new parliaments. For example, it has been engaged in this kind of activity in post-conflict transitional administrations as found in Rwanda, Republic of Congo, and East Timor.

Technical assistance provided by foreign aid in this area can include: drafting a new constitution, drafting rules of procedure, and/or designing new parliamentary processes.

UNDP experience supporting institutional set-up suggests that such assistance is most valued when it is neutral. This can be accomplished by providing advice on what options exist for legislators to choose from, or assisting in the conduct of fair constituent assembly or transitional processes.

UNDP experience has also demonstrated that not paying attention to some of the key elements in institutional design can render other technical assistance efforts useless. These include 1) when institutional frameworks do not adequately delineate roles, and 2) when responsibilities of the major political institutions, parliamentary stability and development remain vague.

Johnson and Nakamura (1999) suggest that the following activities could be used to address the problems of a lack of institutional authority provided to legislatures and internal support for legislative development:

**Table 2: Activity used to address lack of institutional authority**

Problem Addressed:	Activity:
I. Lack of formal lawmaking and oversight authority	1. <i>Constitutional and rules reform</i>
II. Need for internal support for legislative development	1. <i>Establish a legislative modernization group</i> 2. <i>Conduct legislative leader study tour</i> 3. <i>Draft parliamentary development plans</i> 4. <i>Administer legislative questionnaires, conduct decision workshop</i>

Source: Adapted from *Table 3: Sample Legislative Activities*. (Johnson & Nakamura, 1999).

Look at each of the following problems and the activities used to address them.

### **Problem: Lack of formal lawmaking and oversight authority**

#### **Activity: Constitutional and rules reform**

Legislatures vary in terms of their formal budget, lawmaking, and oversight powers. Legislatures sometimes increase their power through changing the constitution or, in the case of the British Parliament, changing basic law (as in the British Parliament's assumption of the power to tax). They may also enact laws expanding legislative authority (such as the U.S. Budget and Impoundment Act to limit Presidential discretion, or when the Ugandan Parliament passed a law in 19907 giving it greater power over its own budget and staffing). Legislatures may also lose power through reforms, as was the case for the Congress of Ecuador, which lost its power to remove the President from office in the constitutional reform of 1998. (Johnson & Nakamura, 1999)

### **Problem: Need for internal support for legislative development**

#### **Activities:**

#### **1. Legislative modernisation groups**

Johnson and Nakamura (1999) argue that for legislative strengthening programs to be effective and to endure, "they must be based upon a strong base of support within the legislature." They note that in many nations, legislative modernisation groups have been established to create this base. Usually, modernisation groups are comprised of legislators



from opposition as well as government parties and they are responsible for the institutional development of the legislature.

Typically, they help build internal support, direct institutional strengthening activities, and deal with problems and difficulties related to legislative modernisation. Donors sometimes require legislatures to establish modernisation groups before providing funding or loans... and provide them assistance as part of a long-term project.

While such groups may vary in name, they essentially serve the same purpose, i.e., to focus on legislative strengthening reforms. In Bolivia, USAID helped establish the Legislative Modernisation Commission (CML), while in Colombia, the IAD Bank loan for legislative strengthening was conditional upon the establishment of a bi-cameral committee for modernisation known as Commission Accidental. Finally, in Zimbabwe, the Parliamentary Reform Committee was established to meet the need for a more representative and effective parliament. (Johnson & Nakamura, 1999)

## **2. Legislative leader study tours**

Here Johnson and Nakamura (1999) note that:

Meeting with counterparts responsible for legislative modernization in other nations can help political leaders develop a vision for their own institution. A study tour designed to help leaders develop a vision for their legislature, and their role in it, would most likely visit other legislatures whose leaders have organized to modernize...When conducting legislative study tours, it is important to design them to accomplish specific development objectives, and to make sure that all political parties are included.

## **3. Parliamentary development plans**

In order to maintain consistency over modernisation efforts, Johnson and Nakamura (1999) suggest that parliamentary development plans be used.

Parliamentary development plans (which exist for Uganda and Guatemala) are comprehensive statements of a legislature's physical, organisational, and member needs. They help legislatures define their development goals, help legislators set priorities in spending their own resources, and can be used by legislative leaders to solicit donor assistance. (Legislatures requesting assistance will generally be more successful if they

request specific assistance that is part of a well-defined development plan). (Johnson & Nakamura 1999)

#### 4. Legislature input and decision workshops

Johnson and Nakamura (1999) note that legislative research is often accomplished through legislative questionnaires that provide rank and file legislators a voice and stake in the legislative modernisation process, and decision-workshops, whereby the findings of the survey are used to develop project activities. However, if input is solicited regarding legislative assistance, leaders of modernisation groups should be prepared to use the recommendations. An example of this in practice was a USAID project in Bolivia which used a questionnaire to legislators that asked about their institutional support needs; the answers were used to developing project activities.

### The law making function of legislatures

Technical assistance should look at the legislative process comprehensively, incorporating its procedures, committee structures and processes, the state of executive-legislative relations, as well as the maturity and competency of the political actors.

Historically, law-making has been a central focus of UNDP's legislative assistance efforts. Over the course of the 1990's, the UNDP has been focused on developing the capacity of legislatures to operate more efficiently and effectively in carrying out their law-making functions.

The UNDP has identified two key factors that are critical in the development of strategies to support the law-making process. First, the law-making process in new and transitional parliaments has the potential to greatly benefit from a more comprehensive use of the committee system to ensure public interests and needs are adequately considered and addressed in the legislation emanating from the executive branch. This is based on the principles that:

1. legislative effectiveness depends on the ability of parliaments to take informed decisions independently from other governance institutions;
2. the capacity of parliaments to perform as competent public policy-making agents and to facilitate the translation of policy into effective laws requires that the political actors within parliaments represent the interests and serve the needs of citizens.

To accomplish this requires opportunities for the legislature to:

- engage public opinion and inputs





- have access to independent information and technical analysis
- have committee structures and services to provide and utilise the information and analysis
- have the skills to cultivate policy expertise within the committees themselves.

The second critical factor in developing law-making processes is that political constraints result not only in institutional limitations, but also reduce the affect of technical cooperative interventions on legislative effectiveness. For example, where legislative leadership is weak, the development of the legislative agenda and management of the outcomes of committee reviews can be compromised by political party conflicts and the partisanship of the executive. Furthermore, there is often limited capacity for consensus and coalition-building among political parties and with the legislative leadership of a parliament. As such, the UNDP suggests that these political variables are an increasingly significant consideration in donor assistance to parliaments. The organisation argues that a purely technical approach will be ineffective when confronting these types of political obstacles.

UNDP activities in this area include training legislators and staff, procurement of equipment, and) law drafting. In fact, many transitional economies emerging from strong executive rule actually request support in this key area.

Johnson and Nakamura's (1999) list of sample activities to address the problem legislative capacity in law making are indicated below:

**Table 3: Activities to address the problem legislative capacity in law making**

Problem Addressed:	Activity:
Ineffective organization and facilities	<ol style="list-style-type: none"> <li>1. <i>Improve legislative facilities and equipment</i></li> <li>2. <i>Design and develop bill drafting systems</i></li> <li>3. <i>Design and develop bill status systems</i></li> <li>4. <i>Improve management rules and procedures</i></li> <li>5. <i>Draft manuals on legislative procedures and operations</i></li> </ol>

Source: Adapted from *Table 3: Sample Legislative Activities*. (Johnson & Nakamura, 1999).

## Problem: Ineffective organisation and facilities

### Activities:

#### 1. Improve legislative facilities and equipment

Organisations assisting legislatures may include specific activities to develop the facilities of the legislature in their programs. This may include building offices, supplying furniture and equipment, installing phone systems, etc.

Such improvements, while often necessary, tend to be expensive. Johnson and Nakamura (1999) have three recommendations with regard to physical improvements:

1. Improvements should be means to specific ends i.e., they should fulfil a specific purpose in helping the legislature better fulfil its representation, law-making, and oversight functions.
2. Benefits should be equitably distributed, for example ensuring minority parties are provided similar means.
3. Budgets should include funds allocated for training and maintenance and upgrading of any new equipment or computer software.

#### 2. Develop Bill drafting systems

Johnson and Nakamura (1999) note that:

Professional bill drafters help legislators put their preferences into proper legal language, and to accurately amend draft legislation they receive from the executive. Imprecise language muddies legislative intent, and allows ministries undue latitude in interpretation...Bill drafting reform efforts have generally moved toward institutionalising the process and establishing centralised professional, non-partisan systems. Assistance programs help design these programs, and train new staff. The USAID program in Bolivia established a professional bill drafting service.

#### 3. Develop Bill status systems

Bill status systems can help keep both legislators and the public informed about the status of any particular piece of legislation. Johnson and Nakamura (1999) note that: "At a very basic level, posting and publishing weekly the status of bill before the legislature may provide legislators and the public the information they need." A more complex bill tracking system could be set on the Web, where both legislators and citizens could



read the full text of legislation and to follow it through the legislative process.

#### **4. Improve management rules and procedures**

As Johnson and Nakamura (1999) point out:

Legislative rules of procedures govern all aspects of parliamentary management... Rules reform generally seeks to simplify and streamline legislative procedures, so that the rules help, rather than hinder the legislature in conducting its business. Ideally, reforming the rules will help a legislature become more efficient, more effective, and more democratic internally:

Rules reforms may include:

- Shift work from plenary to committee, where more detailed discussions may take place;
- Provide for longer terms, allowing them time to develop expertise in their areas of responsibility.
- Limit debate time on non-controversial legislation, enabling the legislature to devote the time required to the more difficult issues about which they must deliberate.

#### **5. Manuals on legislative procedures**

Legislative performance and public confidence in the legislature improve as recurring activities are regularised. Regular procedures, manuals and forms can be developed for purchasing, accounting, and employment practices of legislatures. Regular procedures work to reduce employee and legislator discretion. For example, UNDP consultants helped develop such manuals in Guatemala.

## **Legislative oversight function**

According to the UNDP, technical cooperation strategies aimed at improving parliamentary oversight abilities should to consider: the political factors influencing legislative-executive relations; the structure and dynamics of political parties within a parliament, and the level of development of committee systems.

For the UNDP, this has been especially true for countries in Africa. In particular, while the legal role of the parliament in the budget process can vary sharply in different systems, budgetary oversight and scrutiny can be an important component of efforts to deal with government abuse and corruption. Active and effective public accounts committees and legislative audit bodies can improve government fiscal accountability, as well as increase the "value for money" of government expenditures.

The value of working within budget committees to tackle key institutional and political obstacles to oversight has been demonstrated through recent UNDP interventions. In Benin, for example, independent technical advice on national budget components has established the value of non-partisan parliamentary services and helped to generate debate and critique on the merits of the budgets themselves and not simply on partisan levels. This has helped to counter strong executive control of the budget, eased executive-legislative tensions and promoted better working relations among political party representatives within budget committees. The UNDP's country Poverty Reduction Strategy Paper (PRSP) process also provides an entry point to further strengthen parliamentary capacity for monitoring government poverty reduction targets and control over budgetary expenditures in line with PRSP objectives.

However, the same institutional and political factors that hinder capacity development in the legislative process also affect the ability of parliaments to conduct their oversight responsibilities. The UNDP also suggests that working through the budget and public accounts committees can serve to further tackle key institutional and political obstacles to oversight in general. The successes gained from greater party collaboration and engagement with the executive on the budget process can serve as leverage to push for similar collaboration and engagement in more controversial legislation and policy matters.

Sample activities in strengthening a legislature's oversight capacity that specifically address the problems of inadequate access to information, inadequately prepared legislatures, and) lack of, and insufficiently trained staff, are presented in the table below:

**Table 4: Activities to strengthen a legislature's oversight capacity**

Problem Addressed:	Activity:
I. Inadequate access to information	<ol style="list-style-type: none"> <li>1. <i>Develop expert data bases/expert reports</i></li> <li>2. <i>Develop budget software</i></li> <li>3. <i>Consult on budget format and presentation</i></li> <li>4. <i>Develop budget offices</i></li> <li>5. <i>Strengthen legislative libraries</i></li> </ol>
II. Inadequately prepared legislators	<ol style="list-style-type: none"> <li>1. <i>Train legislators in policy-making, legislative</i></li> <li>2. <i>Conduct new member orientation programs</i></li> <li>3. <i>Train legislators in oversight techniques</i></li> <li>4. <i>Conduct gender awareness training, establish women's caucuses</i></li> </ol>



Problem Addressed:	Activity:
III. Lack of, and insufficiently trained staff	<ol style="list-style-type: none"> <li>1. <i>Conduct training programs for professional staff</i></li> <li>2. <i>Provide training and assistance in conducting public hearings and open committee meetings</i></li> <li>3. <i>Establish parliamentary internships</i></li> </ol>

Source: Adapted from *Table 3: Sample Legislative Activities*. (Johnson & Nakamura, 1999).

## Problem: Access to information

### Activities:

#### 1. Develop expert data bases and expert reports

As Johnson and Nakamura (1999) point out, although much of the information needed to resolve public policy problems already exists in the global south, legislatures do not have the systems in place to take advantage of this expertise. To address this, databases of local experts, and a system of expert reports can be developed.

Local consultants develop a database of local experts, by subject area, upon which committees and members can draw from for assistance and advice on proposed legislation. These same experts are called upon to draft reports on legislation being considered by the executive, and (can) be used in the development of the legislature's own proposals. (Johnson & Nakamura, 1999)

#### 2. Develop budget software

As Johnson and Nakamura (1999) noted,

Legislators need accurate information to contribute effectively to the budget process. Since budgeting is largely a cumulative exercise, legislators need to know what was spent in previous years in order to formulate good questions regarding current proposed budgets.

The SUNY/CEAL project in Chile developed just such software. University students input budget information (what was budgeted, and what was spent, by line item) for the previous three years, and the budget software made this information easily retrievable. Legislators were then able to quickly understand the yearly actual and percentage change in each budget line, helping them to ask more informed questions of ministries.

### 3. Consult on budget presentation

Budget consultants can recommend changes in budget format to make it easier for legislators and the public to understand. For example, SUNY budget consultants provided the Bolivian House Budget Committee with 25 specific recommendations for making the executive budget clearer and easier to understand (Johnson & Nakamura, 1999).

### 4. Develop budget offices

Johnson and Nakamura (1999) note that professional budget staff can assist legislators in both developing and overseeing budgets.

Many legislatures utilise the services of legislative-based budget offices (such as the Congressional Budget Office in Washington, D.C., the new Congressional Budget Office in the Mexican House of Deputies, and the budget staff in Bolivia's Congressional Research Service). Consultants who work in such offices in other systems can assist in office design, and workshops and internships in other legislatures can help in staff development (Johnson & Nakamura, 1999).

### 5. Strengthen legislative libraries

While legislatures have libraries, they may not have adequate resources within them to adequately respond to increasing legislator needs.

Legislative programs have assisted library development in a number of nations, including Gaza (UK) and Uganda (USA). Assistance may include:

- consulting on design/redesign of library services;
- training programs for library personnel;
- development of library holdings; and
- design and implementation of information systems. (Johnson & Nakamura, 1999)

## Problem: Training for legislators

### Activities:

#### 1. Train legislators in policy-making, legislative procedures and committee processes

The process public policy development, from issue/problem identification, developing options and implementing it through the legislative process into law, is complex and needs to be understood by legislators. The SUNY project in Mozambique developed such a program



to understand the process for MPs. The Mozambican Assembly continues to draw on this expertise, and nearly half of the nation's new laws are initiated in the Assembly.

## **2. Conduct orientations**

Today, publics are demanding more accountable, expert and productive legislatures, which listen to and respond to the needs of constituents. Many of the world's legislatures train new legislators to perform their new tasks, and legislative development programs assist in this process. New member orientation programs help them understand and perform their new jobs quickly and well.

## **3. Train legislators in oversight techniques**

One of the most difficult things for a legislature to do is to get the executive to accept the legislature's oversight role. Training programs in oversight techniques, such as the one provided by the National Democratic Institute in Gaza in 1997, may help. Strategies used by other legislatures are presented, and may include: 1) using questioning periods more effectively, 2) learning to apply interest groups pressure on the executive, and 3) better utilising the public accounts committee.

## **4. Conduct gender awareness training, develop women's caucuses**

Many countries are encouraging women to play a more significant political role, including oversight. Strategies include:

- requiring gender impact statements on legislation introduced (Australia)
- requiring all political parties to run a minimum percentage of women candidates (Argentina)
- establishing women's caucuses
- conducting gender awareness training programs.

## **Problem: Developing professional staff**

### **Activities:**

### **1. Conduct training programs for professional staff**

Modernising legislatures frequently take on professional staff to provide legislators with information and to help them function more effectively. This professional staff may include committee clerks (to manage committees more professionally), budget staff (to help legislators with their budget-making and budget-oversight responsibilities) and library research staff (who provide legislators with the information they need to make informed decisions).

Training for legislative development can include degree and certificate programs (which include internships in legislatures – SUNY, University of Brasilia, Catholic University of Valparaiso) and courses in-country that focus on specific needs of each group. For example, committee clerks are trained in committee record keeping, research staff is trained in conducting legislative research, obtaining information from ministries and other sources, and presenting findings to members.

## **2. Provide training and assistance in conducting hearings and committee meetings**

Some legislatures have attempted to permit greater public participation in the law-making process. For example in Mozambique, SUNY assisted civil society by publishing and distributing a summary of proposed constitutional changes, and trained citizen groups to prepare testimony and to speak at the hearings.

## **3. Establish parliamentary internships**

In many nations (United States, Chile, Brazil, etc.) university interns supplement full time staff and help meet the research needs of legislatures. Legislative development programs often help develop internships in developing legislatures. The cost of such programs is usually low, as interns receive a stipend for their service, and often receive academic credit as well.

## **Parliaments representation function**

As discussed in module two legislatures are supposed to be law-making institutions that are most legitimate when they are representative of their electorate. A legislature that does not relate to its constituents cannot be considered an effective legislature. Often however legislators are poorly equipped to understand the needs of and to communicate with the electorate, and civil society organisations (CSOs) are inexperienced in dealing with legislatures.

Based upon its experience, the UNDP suggests that legal and socio-political constraints to increased representation in newly-democratising countries can be overcome by well-managed technical cooperation strategies, such as public consultation processes or public hearings, designed in collaboration with political party representatives.

However, few requests have been received by the UNDP for assistance in strengthening the representative role of member parliaments. Fewer activities and resources are devoted to these goals during program implementation than to activities that strengthen other parliamentary functions, which is surprising given the fact that public confidence in parliament and political parties are reportedly declining in many global south countries.





Nevertheless, efforts are being made to incorporate aspects of representation in issue based approaches to parliamentary development. In Niger, for example, the UNDP worked with the National Assembly to conduct a large public hearing campaign on proposed decentralisation legislation. The Niger public consultation process demonstrated ways for parliamentarians to build allegiance to the parliament as an institution with a mandate to serve the people of Niger through multipartisan teams of MPs and government officials visiting over 30 communities throughout the country.

Furthermore, a recent evaluation conducted by the IPU of legislative development experiences in Africa found that “activities intended to promote greater publicity of parliamentary work have been successful in improving the image of the Parliament and forging better ties with constituents.”

Johnson and Nakamura (1999) distinguish between two broad categories activities in legislative strengthening that focus on the issue of representation, i.e., poor relations with civil society:

1. helping legislatures communicate more effectively
2. helping society interact with legislatures more effectively.

The following table summarises sample strengthening activities in each of the two areas.

**Table 5: Activities in legislative strengthening**

Problem Addressed:	Activity:
<p>Poor perceptions by, and relations with civil society</p> <p>I. Helping legislatures better communicate</p>	<ol style="list-style-type: none"> <li>1. Allow greater access to legislative facilities</li> <li>2. Develop public information units, visitor information centers</li> <li>3. Develop and disseminate informational materials</li> <li>4. Conduct programs in constituent relations</li> <li>5. Train legislators in press relations</li> <li>6. Media coverage of legislative sessions</li> <li>7. Develop constituent software</li> <li>8. Assist with publishing the legislative record</li> <li>9. Develop interactive web sites</li> <li>10. Draft civil society organization directories</li> <li>11. Increase participation by marginalized groups</li> </ol>

Problem Addressed:	Activity:
II. Helping society better interact with the legislature	<ol style="list-style-type: none"> <li>1. Train CSOs in legislative relations</li> <li>2. Train journalists in legislative rules and procedures</li> <li>3. Support public interest forums/candidate information programs</li> </ol>

Source: Adapted from *Table 3: Sample Legislative Activities*. (Johnson & Nakamura, 1999).

## Problem: Improving Legislature’s communication with citizens

### Activities:

#### 1. Allow greater access to legislative facilities

In many nations, it is common practice to deny citizen access to government building for security reasons. Moreover, free access runs the risk of civil servants or government officials being so deluged with citizen concerns that they are unable to perform their jobs. However, an open legislature has the effect of greater connection with the legislative process. Redesigning buildings to create spaces for connectivity is expensive, so caution should be exercised (Johnson & Nakamura, 1999).

#### 2. Public information units and visitor information centres

Public and visitor information centres provide information to citizens about their legislature, its purposes, activities and members. They also might include tours for citizens and student groups, assistance for committees conducting open meetings or public hearings, and training staff (which might come in the form of an internship in a foreign legislature) (Johnson & Nakamura, 1999).

#### 3. Develop and disseminate informational materials

Some legislative strengthening programs can be used to help legislatures develop and disseminate publications such as legislative directories, pamphlets explaining the working of the legislature (how a bill becomes a law, how to contact your legislator), educational material for children, and legislative newsletters (Johnson & Nakamura 1999).

#### 4. Programs in constituent relations

It is suggested that parliamentarians in global south democracies be trained to deal effectively with constituents, since many are reticent to engage citizens in either in public or private forums. Programs or workshops on constituent relations can help provide legislators with strategies and information to help them do so more successfully. For



example, the National Democratic Institute and other organisations have conducted such workshops for legislators (Johnson & Nakamura, 1999).

### **5. Training in press relations**

Legislator training in press relations may also be useful to better communicate with his/her constituents. Training programs could help legislators and staff write press releases, conduct public meetings, and deal more successfully with the press (Johnson & Nakamura, 1999).

### **6. Media coverage of legislative sessions**

In Peru, legislative sessions are carried live on cable TV, while the Mozambique National Assembly produces a regular newsletter describing both plenary and committee events. Other legislatures also find ways to inform citizens about legislative sessions and events. Radio communication is another inexpensive means of communication, and thus may be more accessible to citizens and governments in global south countries (Johnson & Nakamura, 1999).

### **7. Use of constituent software**

In Chile, constituent software was developed to help legislators keep informed about their constituent contacts. “Using this database software, legislators or their staff can track each contact or correspondence with constituents. Constituent software programs could be very useful for nations with single member electoral districts, where a legislator’s chances are likely to depend on successful relations with his or her constituents (Johnson & Nakamura, 1999).

### **8. Assist with publishing the legislative record**

Legislatures are often months late in writing and distributing their legislative record. Offices that produce the record may be inadequately staffed, and requirements that the record be verbatim slow the process. Assistance may include: consulting on redesign of the record, funding assistance for staff producing the record, and funding to help distribute the legislative record more widely (Johnson & Nakamura, 1999).

### **9. Develop interactive web sites**

With assistance from the IADB in the form of consulting, equipment, and operational assistance, the Assembly of Peru developed and now maintains an Assembly web site. The site contains the daily journal, legislative summaries, and the full text of legislation before the Assembly. Citizens use the web page to write to the Assembly and comment on legislation under consideration. (Johnson & Nakamura, 1999)

## 10. Draft civil society directories

Representative legislatures need to hear from civil society organisations on proposed legislation, and on how well the laws in force are working. A directory of civil society organisations could help legislators in this task. The directory should be updated yearly, and contain substantive and contact information on each CSO in the nation. Chile maintains such a publication. (Johnson & Nakamura, 1999)

## 11. Increase participation of marginalised groups in the legislature

The percentage of women and members of other marginalised groups serving in legislatures worldwide is much lower than their percentage of the population. It is widely assumed that legislators from such groups are better able to understand and respond to the needs of similar groups in society. Some nations attempt to remedy this situation by setting aside specific seats from members of such groups. For example, Uganda has special representation for women, handicapped, and salaried employees. Others nations, such as Argentina, set quotas, requiring that political parties run a certain percentage of women. (Johnson & Nakamura, 1999)

## Problem: Improving Civil Society Interaction with Legislature

### Activities

#### 1. Training CSOs in legislative relations

Legislative projects also help civil society to interact more successfully with legislatures. Assistance may include training programs in how the legislature operates and with whom to deal on specific issues (conducted by CEAL in Chile), and training in presenting testimony in public hearings and open meetings (conducted by SUNY in Mozambique). This kind of assistance also benefits the legislature, as CSOs trained in presenting testimony are more likely to limit their remarks to legislation being discussed, and to provide more constructive suggestions (Johnson & Nakamura, 1999).

#### 2. Train journalists in legislative rules and procedures

The quality of press coverage of legislatures varies significantly around the world, but much of it is poor. Johnson and Nakamura (1999) argue for setting up “training programs for journalists instruct them in how the legislature functions, and how to read legislation and anticipate its impact, and generally help them report accurately on events in the legislature. Both CEAL and the University of Florida have provided such training in Latin America.”



### 3. Support public interest forums and candidate information programs

A number of CSOs conduct activities to inform citizens about their legislature and legislators, and help underrepresented groups, such as women, be heard in the legislative process. Examples include the following: ...the Centre for Legislative Development of the Philippines and the Forum for Women in Development of Uganda hold workshops that bring together legislators and CSO representatives for discussions on issues of concern. (Johnson & Nakamura, 1999)

## Issues-based approaches

Issues-based approaches are emerging as a significant way to nurture democratic values, norms, and principles and to build skills with key governance actors, i.e., parliaments, the executive and civil society organisations. Issues-based approaches to legislative development can create opportunities throughout the issues analysis phase for a greater process-orientation to parliamentary development. They are useful in bringing diverse parliamentary actors together and facilitating consensus-building.

UNDP's experiences suggest that the narrowing of the scope of technical support to tackle systemic problems through smaller interventions results in building bridges through shared interests among political groups on specific subjects, which can then lead to other successful capacity development and consensus-building activities. Such an approach can also be an important way to encourage change within a small group of committed leaders.

Gender budgeting is one example of an issue-based, process-oriented approach to strengthen legislative capacity that was piloted by the UNDP in Uganda and implemented through a national NGO. The goal of the project was to increase the capacity of the parliament to influence budget allocations while at the same time strengthening the caucusing of women MPs and policy makers by enhancing their leadership capacities through training to advocate for gender equity. In addition, legislators were provided useful research in key government sectors to assist in the development of policy.

According to the UNDP, the project demonstrated that the issue-based approach serves as a tool to strengthen the oversight, representative and law-making functions of legislators. This is because the gender budget requires legislators to engage with community-level groups and organisations which increase legislators' understanding of issues at the community level which can lead to better prioritising of policies and resources, thus increasing their oversight and representation capacities, as well as allowing CSOs and experts to play a role in the oversight process.

Finally, the gender-responsive policies articulated through the gender budget process were seen to guide legal and regulatory frameworks in draft legislation considered by parliaments, thus contributing to gender mainstreaming and ultimately better law-making. The process of preparing a gender budget can also enhance transparency and accountability in determining resource allocation and spending priorities and provides legislators with a valuable device to then monitor government expenditures and the implementation of budget priorities, using gender segregated data and policy analysis.

## Targeted short term interventions

While long-term, comprehensive legislative assistance programs may be desirable, they are not always feasible due to budgetary constraints or political realities. Targeted or short-term pilot projects can provide important information about the design of longer-term programs and help establish relationships in new or politically challenging environments. This is particularly the case in countries where donor agencies or service providers have little previous experience. The visible results of targeted assistance can also serve as the basis for mobilising additional resources to support longer term or more comprehensive assistance programs.

## Holistic approach to governance assistance

Legislative assistance cannot be viewed in isolation from other thematic areas of support for democratic governance. For instance, in addition to legislative strengthening programs, many UNDP country offices also provide support for electoral institutions, devolution processes, judicial reform and civil-society organisations. It is important to integrate legislative development with other interventions to ensure they work in concert to strengthen governance.

In particular, legislative assistance should be considered when designing electoral programs, both because the electoral process will shape the parliament and also because a stronger parliament will likely be required to sustain the democratic gains of free and fair elections.

Likewise, the creation of Ombudsman's Offices or independent audit institutions, often provided through separate assistance projects, clearly have a central legislative dimension, just as assistance to strengthen legislative oversight must consider the establishment or capacity of audit institutions and ombudsman offices.

Finally, the UNDP believes that parliamentary development needs to become an increasingly integrated component of UNDP packages of conflict-reconciliation and post-conflict support. Security sector reform programs, for example, should review the mechanisms and capacity for parliamentary oversight that are critical in the transition towards a



civilian security force. Transitional and elected parliaments are also, by definition, forums where national dialogue processes should be undertaken. When these processes bypass elected institutions, they contribute to the democratic deficit facing new democracies.

## Key legislative interlocutors

Parliamentary development requires the establishment of relationships at many societal and organisational levels. Relationship-building needs to be facilitated in the following areas:

- among political parties represented in a parliament
- between the political and administrative leadership
- between the parliament and the donors
- between parliament, the executive, the judiciary and civil society.

Legislative strengthening project objectives and implementation strategies need to acknowledge the differing relationships and identify mechanisms to ensure participation by all groups and decision-makers within a parliament. This section looks at the key legislative interlocutors with whom a parliamentary development program must engage.

### Involvement of political leadership

The UNDP argues that broad-based political support is a prerequisite for effective legislative assistance programs.

The organisation identifies many factors working against reform. *First*, legislative strengthening could be viewed as a shift in power from the executive to the legislative. Thus, it is critical to the success and sustainability of legislative development programs that there is broad multi-partisan political support.

*Second*, where the UNDP or other funding institution is involved in funding for projects, it should seek and maintain broad-based support for its legislative assistance projects from representatives of all key political parties in the legislature. In the past, most UNDP legislative programs have not included both the ruling party and the opposition in management and implementation. However, both should be involved in the design, implementation and management of program activities.

*Third*, legislative activities should be carried out in a non-partisan manner, for example, study tours, workshops and other project activities should include members of all parties.

*Fourth*, program commitment and ownership also needs to be supported through routine discussions between the UNDP (or other funding

institution), Resident Representative and the Speaker, presiding officers or other legislative leaders. Since initiating dialogue and building consensus among political groups within a parliament can be a lengthy and sensitive process, donors must be prepared to support the process without guarantees of successful outcomes.

*Fifth*, legislative assistance is more sensitive to changes in political leadership than other, more traditional development programs that support the executive branch. Since, legislative development programs usually extend beyond one legislative term, program leadership will likely change at some point during implementation of a legislative assistance program. Such changes in political leadership can cause a shift in objectives and priorities or change the level of commitment to the program.

One way to help ensure continuity and stability of leadership is by helping to establish (or by working with an existing) multi-partisan modernisation or reform committee to steer or manage the program as discussed in a previous section of this module. Such a committee will foster greater ownership of the program and institutionalise project outcomes since it serves as a forum where multiparty representation can engage in discussions on parliamentary development.

*Finally*, the UNDP advocates that effective technical cooperation to strengthen parliaments cannot be divorced from inter-party or political relationships. Political parties play an important role in legislative consensus-building and can determine the impact and timelines of reforms. The capacity and maturity of parties and political factions may reflect on how capable a parliament is at managing conflict internal to the parliament, with the executive branch, and in mediating societal differences. Thus, attention needs to be given to the competencies of political groups and the development of the aptitudes and functions of these groups to perform their responsibilities within parliamentary processes and project objectives and implementation strategies need to be designed and adjusted to acknowledge the differing relationships and mechanisms required to ensure participation by all groups and decision makers within parliament.

## Committees as entry points

Technical cooperation strategies aimed at improving committee processes can be an important mechanism to move parliamentary control out of strict party structures and into more multi-party settings. Committee functions provide opportunities to improve capacity for oversight, better representation and contribute to law-making as discussed earlier in this module. Committee structures and functions also offer an entry point for building the capacity of parliamentarians and staff alike.





In many former authoritarian systems, parliaments were not viewed as arenas for deliberation and substantive policy negotiations because of the absence of competitive elections and the strict control exercised by ruling parties over their members.

The UNDP's legislative assistance experience suggests that committee functions provide opportunities to improve capacity for law-making, oversight, and representation in any setting. In Niger, for example, the UNDP supported the efforts of the National Assembly Committee for General and Institutional Affairs to organise broad public consultations on proposed decentralisation legislation. Through the process of the public consultations, parliamentarians practiced elements of legislative review, were able to see the linkages between laws and their implementation and the value of public outreach, and finally, to evaluate the proposed decentralisation legislation and its potential for successful implementation.

### Cooperation with the executive in legislative assistance projects

The UNDP notes that projects that increase the control and oversight capacity of the legislature are not necessarily regarded adversely by the executive. For example, a review of the UNDP's support for the National Assembly in Benin has demonstrated that the executive branch can actually welcome strengthened parliamentary oversight capacity.

This project provided technical assistance to MPs and staff in budgetary procedure and documentation, drawing on the skills of project staff, recruited from the Assembly, the Finance Ministry and the University of Benin. The Ministry of Finance found the parliaments' sharpened inputs and analysis in the budget to be useful in pressing line ministries to become more exact in programming and reporting on expenditure. The Finance Ministry saw the project as offering tools that can help it do its job better, and thus became an important ally.

## The UNDP and project management

Since parliamentary development is political in nature, in order for the UNDP to champion its democratic governance goals, it must be skilled at operating in a politically charged environment, persuasive in the face of resistance and strategic in its operating style. A number of key points have emerged from the UNDP's experiences with respect to project management arrangements. Some of these are summarised below:

***Role of UNDP country offices in parliamentary development programs:*** Legislative assistance programs require the strongest commitment by senior management within UNDP country offices.

***Long term technical advisory support is a critical success factor:*** Long term technical advisory support is critical to ensure that the political ramifications of parliamentary development can be properly addressed during project implementation and to steer the process of parliamentary development.

***Benefits of long-term project management presence:*** The value of having long-term project management staff to monitor and adjust project implementation strategies has been well proven through UNDP's legislative development experiences. This is particularly the case when working with parliaments that have limited experiences working with external development actors. Strong on the ground and competent project management capacity is also essential in building the UNDP's credibility vis-à-vis parliamentary counterparts.

***Political dynamics need to be understood and monitored:*** The UNDP country offices/representatives must monitor the political dimensions of transitions and be able to take calculated risks in technical assistance to address sensitive parliamentary issues or constraints to move from project outputs to more substantive outcomes. Opportunities to effect significant changes in parliamentary norms, behaviour, and practices require acknowledging political variables in parliamentary programming.

***Benefits of working with multi-partisan modernisation commissions:*** Political leadership will likely change at some point during implementation of a parliamentary assistance program because the duration of programs usually continues beyond one legislative term. Multi-partisan modernisation or reform commissions have been one mechanism to ensure greater continuity and stability of leadership. Programs working with modernisation or reform commissions established by the parliament seem to foster greater ownership of the program and more institutionalised outcomes perhaps because reform commissions can serve as forums for multi-party representatives to develop parliamentary reforms.

***Project management arrangements work most effectively when they include representation from both the political and administrative establishments of the parliament:*** Entities created for project management purposes should have clear lines of authority, responsibility and reporting to the political establishment of the parliament.

***Participatory approaches with parliamentary stakeholders on project design, management, implementation and monitoring/evaluation are the only way to ensure ownership of project objectives:*** Stakeholder input can foster consensus on project activities among fragile political entities and between the political and administrative branches of a parliament. Project management mechanisms that include political and



administrative representation are also advantageous as forums for information exchange with donors to ensure coordination and mitigate concerns about the political risks of parliamentary support activities.

***Utility of subcontracts or direct execution:*** Often, the UNDP country offices favour national execution methods for carrying out parliamentary programs and project management. However, the experiences in a number of countries underscore the utility of sub-contractual or direct execution arrangements to remove prospects for executive control from the project and provide a shield against potential concerns of political interference during project implementation.

## Lessons learned

This section has highlighted the importance of leadership support, balancing political participation, coordinating multi-donor support, and ensuring that the project is sustainable.



### Reading

For a summary of the lessons learned in the legislative strengthening activities of the UNDP, read Section VI, B.

<http://mirror.undp.org/magnet/Docs/parliaments/Concept%20Paper%20Revised%20MAGNET.htm>

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## Module summary



### Summary

This module extended the discussion about the impact of globalisation, started in module four, by focusing the role of the international community in development, and more specifically with respect to legislative development in global south countries.

In this module we saw that legislative development activities focus on dealing with the problems facing administrative systems. In fact, an increasing amount of development assistance funding by bilateral and multilateral development organisations are being put toward the issues of legislative development. While individual countries and parliamentary associations may provide legislative development assistance, the United Nations involvement in this area, primarily through the United Nations Development Programme (UNDP) provides the most vast experience and literature on this topic. Reviewing the structure, role, experiences, and lessons learned by the UN in legislative development provides you valuable insight into the processes and activities, including their effectiveness and efficiency, in bringing about change at the legislative level.

In module six, we will turn our attention to the issue of financial administration in government, and more specifically the role of the national budget in governing. We will also look at how the budgeting process links inputs from civil society, the bureaucracy, and the legislature to both collect and disburse monies collected by governments for providing goods and services to their citizens.

## Assessment



### Assessment

**Answer the following questions with reference to both the larger global context, as well as your local context. Ensure that you provide examples to illustrate your points.**

1. List some of the major international organisations that are involved in legislative development programs and compare the differences in their activities and/or foci.
2. Legislative development programs were described as focusing their efforts on four key tasks: 1) building internal support for legislative strengthening; 2) strengthening representation, by helping legislatures better communicate with citizens and by helping society better interact with the legislature; 3) strengthening law making and oversight capabilities of the legislature; and 4) strengthening legislative organisation and facilities. Using examples from your region, which is the most important task to ensure success of the program? Which will be the most difficult and why?
3. Johnson and Nakamura (1999) identify a number of problems that must be addressed to strengthen legislatures, as well as activities that will ameliorate the problems. Using examples from your region, what three problems are the most important? What activities are the most feasible to ameliorate those problems?
4. What are some of the lessons learned in carrying out legislative strengthening programmes? Using examples from your region, what lessons are the most pertinent?
5. List the key interlocutors that are necessary for success in legislative reform. Using examples from your region, which interlocutors are the most pertinent?
6. Using examples from your region, which UNDP focus would yield the most results with respect to legislative strengthening: an emphasis on the institutional framework of parliament, the law making function, or the parliamentary oversight function? Explain.
7. Explain the difference between legislative development strategies that involve: issues-based approaches, targeted short term interventions, and holistic approaches to governance assistance.

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## Further Reading



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