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Expert Meeting on the Global Parliamentary Report *Parliament's power to hold government to account: Realities and perspectives*

22-23 June 2015, Geneva (Switzerland)

SUMMARY REPORT

1. BACKGROUND

In April 2012, the IPU and UNDP jointly published the first ever Global Parliamentary Report (GPR) which focused on; *The changing nature of parliamentary representation*. IPU and UNDP have now embarked on preparations for a second Global Parliamentary Report. The chosen theme for this edition of the GPR is; *Parliament's power to hold government to account: challenges and opportunities*.

Thirty-two experts from the global parliamentary community convened on 22 and 23 June 2015 at IPU Headquarters in Geneva. The expert meeting was convened to provide advice to IPU and UNDP to inform their decision-making on the content of and methodological approaches to the second GPR. The diverse group together represented decades of experience, and included members and staff of parliament from countries in different regions with different political systems; representatives of supreme audit institutions; independent parliamentary and governance consultants; academics and representatives from IPU and UNDP, including from HQ and 8 country offices.

The plenary and small-group discussions resulted in the identification of potential themes for the report along with suggestions for key messages and recommendations for each of the themes. Specific attention was also given to methodological issues relevant to the research and development of the report.

The following is a summary of the key issues, challenges, and opportunities identified by the expert group.

2. PURPOSE OF THE GLOBAL PARLIAMENTARY REPORT

The meeting began by briefly reviewing the first GPR and its impact before focusing keenly on the challenges and opportunities presented by the second.

From the outset, the choice of the theme for the second report was welcomed by the experts who agreed that; parliament's oversight role has grown in importance in response to the growth in the power of the executive; from a citizen's perspective, parliament is expected to exert control on the executive and hold it accountable; and public demand for oversight has been increasing for nearly all legislatures.

The discussions reflected that oversight is all the more important within the context of the implementation of the SDGs to be adopted by September 2015. Yet, the parliamentary supply side differs enormously from country to country, as well as the capacity of parliaments to fulfil the oversight function effectively. Alternative venues for the oversight of government activity have

also emerged, for example in the media or among civil society organizations. Social media is increasingly used as a channel for commentary on government activity.

Thus, it was agreed that the choice of oversight as topic for the GPR was highly topical and it is indeed time to take stock of parliamentary capacity to hold government to account and to sketch out the perspectives for the future.

Taking into account the lessons learned from the first GPR, there was broad agreement that the second report should develop practical recommendations for ways to strengthen parliament's power to hold government to account. Recommendations should be derived from the analysis of the data collected for the report, and it should be possible to track progress of their implementation in the future. The report's recommendations may be addressed not only to parliaments, but also to other stakeholders such as the executive, political parties, organizations that provide support to parliament.

3. THEMES

The group agreed that the following themes were important when thinking about ways to strengthen parliament's power to hold government to account, and advised that they be incorporated into the second GPR.

A. IMPORTANCE OF PARLIAMENTARY OVERSIGHT

Suggestions for the second global report included;

- That it could begin by setting out in clear terms the many reasons for which parliamentary oversight is important, which include that oversight is arguably becoming the most important function of parliaments as asymmetries between parliament and government continue to grow.
- As a central pillar of democracy, parliamentary oversight of government is important in and of itself. The purpose of oversight is "to produce accountability and to provide answers". Oversight is necessary to determine the impact of government policy and action on all segments of society. Stated succinctly, "Parliament adds value through engagement with the executive".
- Parliamentary oversight is not technocratic in nature; rather, it is political. Oversight is a political process whose effectiveness is contingent upon political will among a range of actors, including in government, parliament and political parties.
- While budgetary activities are historically at the heart of parliamentary oversight, parliaments are also called to oversee all areas of government policy, including defense and international affairs. There should be no areas that are excluded from parliamentary oversight.
- An important objective of oversight is to prevent the abuse of power; where oversight is performed effectively, it prevents corruption and scandal – ironically, this, in turn, makes it less visible to citizens.
- Oversight is effective when it has an appreciable impact, for example, by overtly resulting in improvements to government policy, political culture and the behaviour of members of government and public officials. Some argued further that oversight is effective only if the expectations of the public are fulfilled and it serves to ensure improvement in the lives of citizens and communities.
- When oversight is effective and the interests of the citizens are served, it can contribute to a more stable and democratic political system, improve public finances, aid development efforts, advance gender equality and human rights, and reduce or eliminate corruption. It can also positively modify the perception of parliament by government and citizens.

A focus on impact and outcomes were at the heart of energetic debate of what constitutes *effective* parliamentary oversight. The group identified that effectiveness is subject to a number of often interrelated factors that make up the enabling environment in which oversight takes place,

First, formal rules – established in the constitution and/or through laws that establish parliament's role in oversight of the executive – must be in place.

Second, parliaments must have access to relevant information. Most obviously, effective oversight requires that parliament has access to responsive ministers, timely and informative reports on the implementation of government policies and legislation, as well as full budget documentation.

Third, parliaments need to have the necessary capacities to perform their oversight function. This includes having adequate parliamentary research and information services, appropriately skilled staff and administrative resources for individual MPs, and MPs with both pre-parliamentary experience and the expertise and legitimacy/credibility acquired in the course of their time in parliament and/or government. In order to conduct effective oversight, parliaments must be intrinsically involved at all stages of policy making, including in oversight of the implementation of laws.

Fourth, the political will to use oversight powers and tools, and the political space to do so. The existence of rules and tools are necessary but do not automatically ensure that effective oversight is carried out. Discussion frequently returned to the crucial importance of there being political will for oversight.

Where parliament, as the most representative political body, is not able to provide the bridge between government and citizens, other organizations, such as civil society organizations or the media, will adopt parliament's role by default. At the same time, when parliament cannot or does not fulfil its function of ensuring accountability of the government, it becomes unaccountable itself.

Significant emphasis was given to the importance of a clear articulation in the report of what is meant by parliamentary oversight. Limits around what might constitute oversight action will be important to define as many parliamentary actions can be construed as being part of parliament's oversight function.

At the same time, the definition of oversight should not be too narrow in order to avoid the exclusion of evolving nature of parliamentary democracy, processes and measures (e.g., mobile parliaments, "liquid democracy"), constitutional relationships and tools (e.g., partnerships with other oversight organizations) and expectations of oversight (e.g., wider involvement of non-executive players in policy and fiscal debates, "open-source budgeting").

B. THE CENTRAL ROLE OF PARLIAMENTARIANS

As oversight is one of the main functions of parliament, it follows that individual parliamentarians bear a significant personal responsibility for participating in oversight activities. MPs should be accountable not only for their legislative and representational work, but also for the way in which they carry out their oversight duties.

The expert group emphasized that the political will to undertake oversight is never a given; it must be engendered among individual MPs across the political spectrum. Given the importance of the link between MPs and voters, it is crucial that individual voters, in turn, are aware of the impact and benefits of oversight of the executive on individual lives and society as a whole, and of the efforts their representatives are undertaking to ensure it is performed effectively.

Crucially, "oversight is not just an opposition activity". Public oversight measures can also increase the political will of the government itself to strengthen parliamentary oversight. When the public becomes aware of parliamentary oversight and individual parliamentarians scrutinize government policy effectively, oversight legitimizes government policy. Simultaneously, such awareness allows MPs affiliated with the majority to demonstrate the positive impact of oversight on policy making and policy outcomes, in that oversight complements and strengthens, rather than only criticizes, government actions.

Real challenges remain to the exercise of effective oversight. Some challenges are systemic: in one example offered, "the political system killed the power of Parliament". In practice,

parliamentarians may not prioritize oversight because it is one of the most difficult roles to carry out, and also appears to yield limited direct benefits.

Drawing on their own diverse experiences, the expert group participants offered many examples of the oversight function in practice. Among successful experiences, emphasis was laid on cross-party structures (notably, by and for women – “women will not permit slippage”), broad intra- and extra-parliamentary alliances, and using non-traditional means and strategic action to advance oversight mechanisms.

C. INCENTIVES TO ENSURE POLITICAL WILL

Much of the expert group’s discussion, therefore, focused on what can help create and reinforce political will for parliamentary oversight among individual parliamentarians and government members alike.

The report offers an opportunity to examine a number of political–institutional factors that moderate, motivate and can incentivize individual parliamentarians’ actions. Essentially, these are the linkages among government, parliament and electoral systems, which are often tied to issues of political party strength, convention, culture and representation. There is a useful body of literature on these issues, but there is an opportunity for the second GPR to go beyond the existing literature to further examine these mechanisms and their impact on incentives to exercise oversight.

The most obvious factor is the linkage between government and parliament, which is strongest in countries with parliamentary systems. Where separation of powers is limited, parliaments may be less likely to seriously examine and scrutinize government policy. Oversight (e.g. in plenary debate) is often used as a tool by which the opposition can gain political advantage in the electorate by criticizing government policy.

Importantly, however, strong linkages between government and parliament or executive and legislature can also have a positive impact on oversight; the expert group called for case studies in this area. For example, recent reforms in certain parliaments to strengthen committee autonomy and independence have created space for more effective oversight. In parliamentary systems, the experience that individual parliamentarians acquire through their work as Ministers can also be beneficial when they leave government, as this mutual understanding can lead to greater respect for the different roles played in government and parliament and, ultimately, to better cooperation in the interests of more effective scrutiny and monitoring of government.

The other important factor is the electoral system. The power of a political party is related to its ability to select candidates for each electoral district and decide their ranking on party lists, which determines the individual parliamentarian’s political future. Thus, where the political party has strong influence over the choice of candidates, such as in closed-list proportional representation systems and single-member district voting systems that lack primary elections, parliamentarians have a strong disincentive against speaking out against their political party’s line. Parliamentarians who are able to establish significant support among their constituents, and thus represent real electoral power, have greater freedom to scrutinize government positions without the fear of losing their future party-linked candidacy.

However, even when individual parliamentarians are bound to follow the party line, it does not inevitably lead to weaker parliamentary oversight. There is some evidence that strong political parties can generate strong oversight. The group identified this as another opportunity for the report to shed further light on the relationship between political party strength and effective oversight.

D. RELATIONSHIP BETWEEN BETTER REPRESENTATION AND BETTER OVERSIGHT

The key to strengthening political will arguably lies in having a system that conveys to the citizens/electors the significance and benefits of parliamentary oversight. Greater public demand for oversight, in turn, will create further incentives for parliamentarians to fulfil their oversight functions while, at the same time, legitimizing properly scrutinized government actions: “The key

to parliamentary autonomy is to ensure individual MPs want to exercise oversight ... [and] the independence of MPs comes from the electoral system". Electoral systems are tied to questions of fair representation, which, in turn, can create better oversight. Fairer, equal representation, that is, of traditionally underrepresented groups such as women, young people, the disabled, ethnic minority groups and indigenous peoples, is likely to ensure that the interests of these groups are observed in parliamentary oversight. Gender-responsive budgeting, for example, with gender-specific targets and gender-oriented monitoring, will ensure that the specific and different potentials, and interests of and impacts of policies on women and girls are adequately taken into consideration.

Fairer representation can also generate stronger internal parliamentary partnerships, such as specific caucuses or forums (e.g. of female or rural representatives, or cross-cutting sectoral groups such as on issues affecting youth). Such cross-party bodies can help overcome the rivalry between strong political parties and empower representatives of the opposition.

E. PARLIAMENTARY CAPACITY FOR OVERSIGHT

Parliamentary committee work is a key venue in which oversight takes place. Certain measures can increase the likelihood of committees becoming effective agents of oversight. These include ensuring that committees that are fundamentally significant to oversight, such as finance- and accounts-related committees – are chaired by members of the opposition. Another way of strengthening committees in their oversight function is to have chairs, deputy chairs and committee members elected by parliament at large, rather than appointed by party leaders. The presence of MPs who represent specific societal groups, such as women, as chairs of parliamentary committees may also be a salient factor.

Experts identified a range of innovative measures, including live streaming of committee sessions, mobile parliaments and committees, public hearings and inquiry missions to establish needs and monitor policy impact that can be illuminated in the GPR to assist in informing the public of the significance of parliamentary oversight.

F. ACTORS IN OVERSIGHT

The discussions highlighted that while Parliaments, as the most representative political institutions, are at the apex of accountability, parliaments are more effective in their oversight function when they are integrated into a greater oversight network, in partnership with other oversight institutions.

A multitude of other state and non-state actors can complement parliaments' oversight efforts, especially given that many parliaments lack necessary resources. Most obviously, Supreme Audit Institutions (SAIs) can aid in providing independent, timely, and reliable information to parliament on government activities. However, in some countries, the relationship between SAIs and parliament is not clearly defined, and this presents a challenge.

Working with civil society is also key to secure adequate information and a more comprehensive understanding of the impact of policies. The media can also have a positive or negative influence the way parliaments carry out oversight.

G. OTHER THEMES

Other themes that were identified by the group as significant were:

- The relationship between gender equality and oversight, including issues such as fairer representation, gender responsive budgeting and gender-sensitive parliaments, as well as on a range of development issues
- Parliament's position in international oversight networks, including regional parliamentary cooperation, the involvement of parliamentarians in international debates, oversight of international commitments
- Political and economic development, including the fight against corruption; oversight at different stages of development; impact of oversight on political and economic

- development, peace-building, participation in international debates on development issues
- Importance of and challenges to measuring impact of oversight, including the possibility of gathering quantitative and qualitative data; providing evidence for informal influence that is directly not measurable

H. GENERAL ISSUES TO BE COVERED THROUGHOUT THE REPORT

The assumption was that the following major thematic areas would be covered:

- Budgetary oversight
- Oversight of policy performance in different departmental areas (health, education etc.)
- Oversight of international obligations (human rights, gender equality, UN Convention Against Corruption)
- Oversight of the Sustainable Development Goals (SDGs)

Further, the report would be attentive to the contexts of different countries, notably:

- Post-conflict/transitional/fragile contexts
- Democratic transitions
- Small island developing states (SIDS)
- Decentralized systems

The report would mainstream gender at all stages, including research, analysis and formulation of recommendations.

4. METHODOLOGY AND RELATED ISSUES

The group was in no doubt that, carefully designed, the GPR could be a powerful tool for action. Clearly, given the great complexity and breadth of the issue of oversight, strong emphasis on research, data and analysis will be required. As experts in the field, the group quickly established a broad list of data points and research questions that they consider would be most useful in bringing greater insight into the practical realities of parliamentary oversight and the challenges being faced.

Opportunities

The GPR is a vehicle that can be fashioned to inspire conversation, analysis, commitment and action by the parliamentary community at large. The research methodology will need to be shaped and directed by the report's purpose (i.e. to illuminate, inform and support the strengthening of parliamentary oversight of the executive).

While analysis and evaluation of parliamentary oversight systems across the globe might be possible, the purpose is not to rank parliaments. Instead, the information gained should directly serve the advocacy of effective oversight mechanisms, illuminate best practices and assist them to take hold where needed. Comparative data is useful, providing reform-minded parliamentarians with the tools to exert pressure on their parliaments to initiate reforms that strengthen oversight mechanisms.

Both quantitative and qualitative data are required. Disaggregation of quantitative data (e.g. by gender, age and experience of MPs) is critical to rigorous analysis and the focused application of findings. Given the importance of political will in the effectiveness of parliamentary oversight, it is particularly important that the views of government officials are also captured.

The IPU and UNDP are well placed to collect global data for statistical purposes on the existence of oversight tools (e.g. committees, forums, the application of innovative approaches such as mobile parliaments and new technologies) and parliamentary capacity (e.g. research centres, training, staff for individual MPs). To avoid reinventing the wheel and to complement its own capacity, other relevant information and resource platforms can be tapped into, in particular, to

gather anecdotal and other qualitative information, which contributes to awareness-raising and campaigning.

Case studies can illustrate the use of formal and informal oversight tools and mechanisms, serve as examples of best practice and illustrate the non-measurable impacts of parliamentary oversight on individual (electors') lives and society.

Data collection tools should be selected and/or designed to allow for follow-up. It might be useful to anticipate future alignment of certain aspects such as timeframes with other reports (e.g. the UNDP's Human Development Report). To support practical implementation, it will be crucial to be able to establish the extent and nature of the report's reception and uptake, particularly within the parliamentary community. Parliamentary research and information services can play a key role in contributing to and disseminating the report's findings and key messages.

Challenges

A significant methodological challenge will be measuring oversight tools, given their inherent diversity. For example, the mechanism of Ministers' question time allows only one minute per question in the UK but up to five minutes in France. Comparisons based on time allocated to questioning government would therefore be difficult.

More important and challenging than mapping the existence of formal oversight tools will be measuring the *effectiveness* of oversight. For example, what are the most appropriate measures of effective oversight in the context of new technologies that enable the significant proliferation of parliamentary questions? Key lines of questioning could include:

- To what degree are the available formal tools being used?
- What informal tools are available and to what degree are they being used?
- What measures of their effectiveness are in place? Can those measures be reliably read, and what do they reveal?

While the inherent value of oversight mechanisms and practices was universally acknowledged, there was animated debate around the necessity of measuring their actual impact, as a prerequisite for understanding the effectiveness of oversight. Some members of the expert group strongly advocated attempting to measure the impact of oversight procedures, others focused on the importance of oversight as a principle.

There are numerous challenges attached to measuring impact. Most importantly, actual impact is subject to a number of endogenous factors (such as separation of powers, electoral systems and institutions, parliamentary capacities, women's representation in parliament, etc.) and exogenous factors (such as political stability, economic factors, etc.).

As a whole, the expert group felt strongly that data analysis should take account of individual countries' realities based on such factors. While there are common building blocks to understanding what makes for effective oversight in parliaments generally, it will be necessary to locally contextualize the experiences of individual parliaments.

It is also important to remember that the impact of oversight is not always visible, since it has a preventive aspect: the purpose of oversight is precisely to preclude negative outcomes. Furthermore, much impact is difficult to measure, for example, government policy change effected in anticipation of public scrutiny by parliamentary committee. A useful suggestion was for the report to "show the impacts of no oversight".

Collection and organization of data

The expert group supported the planned broad approach to data collection, using:

- Surveys (of parliaments, and among individual MPs, parliamentary staff and, possibly, government officials, SAIs, civil society organizations)
- Interviews and focus groups (of the same stakeholders)
- Literature reviews

- Collection and review of existing data (held by other parliamentary organizations, parliamentary monitoring organizations, civil society organizations).

The group also supported the objective to ensure that data be as disaggregated as possible, with priority given to sex-disaggregation. The importance of mainstreaming gender issues throughout the report was reiterated. Suggestions were made to have specific case studies on capacity of parliament to oversee the work of government in the area of gender equality.

Given information overload and competing claims on MPs' time, simplified questionnaires and online surveys should be used as much as possible to encourage the highest possible response rate. The IPU could reach out to regional parliamentary assemblies and/or UNDP country offices to assist in the efficient collection of data and avoid overlap.

Presentation and use of the report

A key driver in producing the report will be its potential once in the hands of parliamentarians: "Make them confident in their own power and committed to taking the initiative".

It is proposed that the GPR tailor information to various target audiences within the parliamentary community – an approach strongly supported by the expert group. Perhaps the strongest message from the group was that the GPR must be highly readable, accessible and inclusive. Some suggestions were to:

- a) Break down the report into several thematic reports rather than attempting to capture the entire, complex issue of oversight in one report
- b) Break down the report into several reports targeted to specified groups within the parliamentary community
- c) Provide summary report/s focused on the key messages.

Some suggested designing the report so it can be used as an evaluation tool, e.g. with a checklist of measurable qualitative and quantitative oversight tools. Finally, and importantly, the group as a whole emphasized that reform takes time and that parliaments are very busy; therefore, recommendations must be realistic in terms of timeframes and, ultimately, implementable in such a busy and complex environment.

Distribution

To encourage its widest possible use, the report must be available online and particular attention should be paid to facilitating online viewing and searching.

The GPR should be promoted at as many events and through as many different channels as possible. There are ample opportunities to raise the profile of the report and its recommendations. Clearly, it could be launched by parliaments, with background information and details of the launch announced in the parliamentary newsletter, where there is one. Existing forums (e.g. CPA, CHOGM) also provide relevant platforms and opportunities to actively promote the report.

The content of the report should be made available in line with the principles of open data. The collected data should be made available online in a way that would allow users to slice data in different ways that may not be reflected in the report. In addition, with permission, interviews should be videotaped and made available online.

5. THE EXPERT GROUP

The energy and enthusiasm of the expert group was palpable over the course of the two-day meeting, particularly as the focus of discussions narrowed to enable a tangible set of practical imperatives to emerge. Clearly, the second GPR is keenly anticipated and there is a strong belief in its potential to advance the profile and practice of parliamentary oversight of government across the very diverse range of parliamentary contexts. Consequently, the expert group offered to continue as an advisory resource throughout the report's preparation, and a number of individual participants offered their specific expertise and ongoing involvement if requested.

APPENDIX: List of participants

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Suki Beavers, UNDP Policy Advisor, Inclusive Political Processes, New York
Alvaro Cabrera, Head of Information and Technological Department, Parliament, Hungary
Warren Cahill, UNDP Chief Technical Advisor, Myanmar
Alain Delcamp, Former Secretary General of the Senate, France
Sergiu Galitchi, UNDP Programme Manager, Democracy, Republic of Moldova
Ricardo Godinho Gomes, UNDP Project Manager, Supreme Audit Institutions, National Parliaments and Civil Society (pro PALOP), Cabo Verde
Zeina Hilal, Programme Officer, Gender Partnership Programme, IPU
Anna Hovhannesyanyan, UNDP Technical Advisor, Parliament, Tanzania
Nahid Hussein, UNDP Programme Manager, Parliament, CS & HR, Iraq
Attiya Inayatullah, Former Member of the National Assembly, Pakistan
Kareen Jabre, Director, Division of Programmes, IPU
Jiwon Jang, Research Officer, IPU
Biljana Ledenicanyan, UNDP Portfolio Manager, Parliamentary Development, Serbia
Marija Lugaric, Member of Parliament, former Deputy Minister for Education, Science and Sport, Croatia
Philippe Mahoux, Senator, Belgium
Greyford Monde, Member of the National Assembly, Deputy Minister of Agriculture and Livestock, Zambia
Ghassan Moukheiber, Member of the National Assembly, Lebanon
Jonathon Murphy, UNDP Chief Technical Advisor, Parliamentary and Constitutional Dialogue, Tunisia
Rick Nimmo, Director, British Group, Inter-Parliamentary Union, United Kingdom
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Robert Sattler, Head of the International Department of the Austrian Court of Audit, on behalf of INTOSAI, Austria
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Nouzha Skalli, Member of the House of Representatives, former Minister of Gender and Social Affairs, Morocco
Anthony Staddon, Lecturer in Politics, University of Westminster, United Kingdom
William Tsuma, Dialogue Advisor and Acting Head of the Governance Programme, UNDP Zimbabwe