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Report on the panel discussion on *Powerful parliaments: building capacity for effective parliamentary oversight*

Wednesday 21 October 2015

The panel discussion, jointly organized by the IPU and the Association of Secretaries General of Parliament, was moderated by Mr. G.-J. Hamilton (Secretary-General of the Senate, Netherlands). The panellists were Mr. D. Pkosing Losiaku (Member of the National Assembly, Kenya), Mr. A. Pocij (Member of the Senate, Poland) and Mr. C. Robert (Clerk of the Senate, Canada).

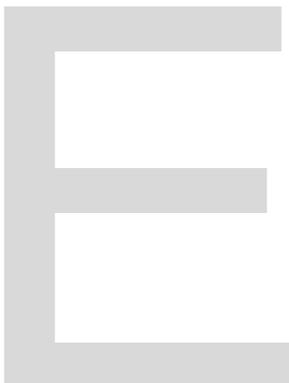
The session focused on the institutional capacity of parliament to oversee government. The discussion provided a forum for exchange of perspectives of both secretaries general and members of parliament. This will contribute to the preparation of the second Global Parliamentary Report on "*Parliament's power to hold government to account: Realities and perspectives on oversight*".

Institutional capacity is one of the key factors that contribute to an enabling environment for oversight, along with the formal rules, access to information and political will. In his opening remarks, the Chair noted that capacity has both qualitative and quantitative aspects and includes capability, skills, competences and readiness to be innovative.

When considering the priority given to oversight, it is essential to remember that parliaments are unique, as are democracies. Poland noted that parliamentary oversight provides an essential check and balance on the executive. Yet in any system, the effectiveness of parliamentary oversight depends largely on the ability and capacity of parliamentarians themselves to exercise it.

Oversight is always exercised on behalf of the electorate. In Kenya, the constitution mandates parliament to exercise the sovereignty of the people. The oversight mandate is enhanced by the clear separation of powers between the executive and parliament, which reports to the people. Because of this separation of powers, party allegiance cannot be allowed to compromise parliamentary oversight. Parliament ultimately approves ministerial appointments and has judicial authority to sanction any minister who refuses to submit to parliamentary scrutiny. In Madagascar, the rules of procedure state that parliamentarians must exercise oversight of the government as a function of protecting the separation of powers.

Parliament's capacity for oversight is heavily influenced by the overall political structure and environment of the country. To Poland, general principles are paramount. Its own capacity building for parliamentary oversight has emphasized the primacy of a free press, an independent prosecution service and judiciary, judicial immunity, the independence of the head of the supreme audit authority, and effective parliamentary opposition, all protected by the rule of law. These principles were strongly supported by Zambia.



Canada categorized oversight tools as formal (which carry political consequences for the government) or informal (such as questions to ministers, which do not lead to direct political sanctions). Formal oversight mechanisms in Canada include the debate following the Speech from the Throne setting out the government's programme, and the budget debate. If the government loses the vote on such debates, the government falls. No-confidence motions have the same effect, and thus are one dimension of the oversight power held by many parliaments.

In Ecuador, the Oversight and Political Verification Committee has the power to remove from office a president who has failed to comply with his or her mandate, which triggers the dissolution of parliament and a new election. In Bahrain, if parliament twice declines to accept the government's 4-5-year programme, the government will be dissolved by royal order.

The importance of committees is widely acknowledged, particularly as a bipartisan channel for oversight. In India, the strength of the committee system derives largely from the nurturing of a multi-party culture. Like most parliamentary committees, Algeria's Budget and Finance Committee has multi-party representation. Madagascar stressed the importance of multiparty dialogue as a prerequisite to effective oversight.

Budget debates provide one of the most significant opportunities for parliaments to hold government to account. In Gabon, all ministers are individually subject to parliamentary scrutiny during the budget debate. In the Sri Lankan parliament, budget scrutiny is currently undertaken by consultative committees, before the budget is reported to parliament and after its auditing by the auditor-general. Yet these committees have no power to modify the budget; even to challenge the government would be politically unthinkable.

In many countries, independent officers are mandated to support parliament's oversight function, such as auditors-general and parliamentary commissioners for such matters as freedom of information. A positive innovation noted by the OECD is the increasing development of parliamentary budget offices in the wake of the global financial crisis. Successful budget offices are founded and operate on the core principles of independence, non-partisanship, transparency and accountability.

Oversight is in many ways an expression of the relations of power between parliament and the government. Senegal's parliament has a two-hour, monthly session, 'Current questions to the government'. Parliament's rules of procedure require all government members to be present to respond to questions on current issues, with no advance warning.

Governments that enjoy a strong numerical majority can make oversight difficult for minority representatives. In Spain, for instance, the rules of procedure have not been revised in recent decades. The ruling party holds the final decision on whether or not ministers should be called to answer questions or provide information to parliament.

In some countries, government appointees' allegiance to the executive undermines the power and ability of parliament to exercise oversight of government programmes. Zambia stressed the importance of the Speaker and parliamentary clerk being independent of government appointment. In Zambia, the press and civil society have been instrumental in government's succumbing to public outcry about the lack of independence of public officials, and reforms are being proposed.

Constraints on independent oversight of government have been removed in various countries, as an integral part of the development of democratic institutions. With the transition to parliamentary democracy in Spain, the apparatus of state control, as represented in the police and army, no longer has a role in parliament. Elsewhere, various oversight mechanisms are focused on the identification and prosecution of corrupt practices in government.

Discussion turned to whether parliamentary administrations are suitably and sufficiently equipped to support parliamentarians' oversight functions. Committee effectiveness depends on having the support and capacity to follow up on government responses, including to counter-check information provided. In Zimbabwe, specialist training is provided to parliamentary staff who support the work of committees. Madagascar stressed permanent capacity building as a necessary characteristic of strong parliamentary oversight.

In Uganda's parliament, the multidisciplinary staff of the Department of Research are assigned to support committees according to their areas of expertise. The parliamentary budget office monitors

implementation of the budget and also scrutinises the government's entire programme for compliance with constitutional provisions.

Madagascar noted that parliaments must be autonomous and control their own budget, to protect themselves against corruption. Kenya urged that parliament, rather than the executive, must control the resourcing of committees. Properly resourced, committees increase their capacity for oversight, and can command greater respect from the government. Burundi drew attention to the difficulties faced by countries emerging from conflict, where there are few and severely contested resources. Such countries are often reliant on resource support from their development partners, which may hold more influence in determining budget allocations than the national parliament.

Finland's permanent audit committee, established in 2007, which oversees government finances, legislation etc., has increased the possibility for parliament to oversee government. In the Netherlands, the third Wednesday in May is 'Accountability Day', when all ministers must provide accountability reports to parliament that detail the management of their budgetary allocations from the budget of two years previously.

Access to information is not always satisfactory from the perspective of parliamentary scrutiny. In Spain, no sanctions yet exist in the face of government delay or refusal to comply with a request for information. Somewhat ironically, the public has a stronger mandate than parliament when calling the government to account, due to the law on the public right to access to information.

Sri Lanka noted that access by parliamentarians to sensitive military and intelligence information remains difficult in its own and other parliaments. In Sri Lanka, the auditor-general is not perceived as being independent from the government that appoints him or her, and parliament has difficulty gaining access to information on government-owned enterprises.

In Zimbabwe, committees can be 'disoriented' by the sheer volume of information they receive from government. The Secretary-General's office assists parliamentary committees by synthesising such information and providing templates, including for monitoring policy implementation and analysing reports of the auditor-general.

The public is involved in parliamentary oversight activities. Indonesia noted that the most effective forms of oversight may be the direct links maintained between parliamentarians and their constituents, along with public committee hearings. Live broadcasting plays a significant role in parliament's communications with the public. In Algeria, the prime minister's response to questions on the government's national programme from parliamentarians of all parties and in both chambers, is broadcast live.

Sri Lanka noted that, in addition to parliament's efforts, the independent exposure of negative outcomes of the national accounts, such as expenditure beyond mandated limits or conditions, would be a means of strengthening oversight of the government.