



## **Evaluating parliament: objectives, methods, results and impact**

**Geneva, Switzerland  
Thursday 22 October 2009**

### **Summary Records**

The meeting was called to order at 9.20 a.m.

#### **Welcome and Opening Remarks**

*The Secretary General* welcomed the participants to the meeting, which would consist of an interactive dialogue on the objectives, methods, results and impact of parliamentary evaluation. The IPU had been involved for many years in providing support to strengthen and build the capacity of parliaments. Many parliaments had a relatively short experience of functioning as multi-party institutions representing all sectors of society and holding governments to account. Much discussion had taken place in the IPU about the objectives of parliamentary activity, and what was meant by the concept of a good legislative institution. That question had arisen among Speakers of parliament at the World Conference of Speakers of Parliaments in 2004. The IPU had been asked to set out generally accepted standards, in response to which it had established a list of objectives for parliaments: to be accountable, open to the public, representative, accessible, and effective. It had also conducted a study, which had provided examples of how different parliaments around the world met those objectives. The results had been published in a handbook, entitled “Parliament and Democracy in the Twenty-First Century: a guide to good practice”.

The IPU had commissioned a public opinion survey on political tolerance earlier in 2009, involving 20 000 people around the world, to discern how they perceived political tolerance, the results of which had shown a trend of decreasing tolerance of people with political opinions different to the mainstream. Although the survey had shown public support for democracy, it had also shown considerable disillusionment with the workings of democracy and democratic institutions. It was important to consider parliaments, the heart of democracy, from that perspective, and to consider how they could be improved and rendered more responsive to the needs of the people. That consideration should come from parliaments themselves. It was therefore necessary to establish methods of assessing and evaluating parliaments.

*Mr. H. Amrani (Association of Secretaries General of Parliaments – ASGP)* said that the ASGP had recently established a working group on administrative self-evaluation of parliaments. The issue of the organization of parliaments was considered particularly important by Secretaries General, and they were especially

interested in the evaluation criteria set out by the IPU. The ASGP wished to use those criteria to develop its own system of administrative self-evaluation. Secretaries General wanted to improve their administration to serve parliamentarians, and in order to do so, evaluation was imperative. Self-evaluation enabled a determination of the competence of parliamentarians, the relevance of parliamentary institutions and the pertinence of plans of action. Parliamentarians played an essential role in democracy and must willingly embark on self-evaluation in order to improve their performance and strengthen the position of parliaments. The Algerian Parliament had begun a self-evaluation process for those reasons, which had enabled some general conclusions to be drawn on the conditions required to ensure that such evaluations were successful.

Self-evaluation required a genuine commitment to improvement: parliaments must be willing to evolve and perfect their work. They must be able to identify their strengths and areas of particular success, while at the same time identifying existing and potential gaps in performance, with a view to bridging those gaps and improving their performance. Evaluating performance and redefining priorities were usually the task of the Speaker of the House at the opening and closing of parliamentary sessions. However, evaluation could be deepened by involving other parliamentary bodies, including standing committees, minority parties, and women's groups, administrative bodies, as well as non-parliamentary bodies, such as political parties, civil society organizations, the media, teachers and researchers, and polling organizations. Parliaments must remain transparent, open and willing to acknowledge the importance of diversity, and ready to hear the needs of the citizens they represented. The use of globally accepted standards was particularly important, since they would be relevant to all parliaments, irrespective of their differences in nature. Those standards should be based on certain criteria, indicators and points of reference that were set specifically to evaluate the performance of parliaments in respect of meeting constitutional objectives and public expectations. Surveys and question and answer sessions were required to enable any criticisms, observations and recommendations to be voiced. Questionnaires should be used to draw up a report to enable gaps to be identified, and recommendations made on how to overcome them and strengthen the roles of parliaments. Weaknesses in performance could result from lack of human and material resources, lack of training, transparency and communication, as well as gaps in regulations and laws. Following the 120<sup>th</sup> Assembly of the IPU in Addis Ababa in March 2009, self-evaluation had been acknowledged as particularly important for all parliaments. It required inward-looking, constructive reflection and the introduction of a new dynamism into parliamentary life. All stakeholders must be involved in the process.

## **Objectives**

*Mr. Z. A. Dingani (South Africa) took the position of Moderator.*

***Mr. S. Hubli (National Democratic Institute for International Affairs - NDI)*** said that although there was no single formula for benchmarking democratic legislatures, since 2006 an international consensus had been emerging on the key characteristics of democratic parliaments. Discussion about benchmarks required ownership by parliaments and domestic advocacy organizations. When considering parliamentary benchmarks an analogy could be drawn with the evaluation work conducted on democratic elections: although there were many electoral systems, there

was a general international consensus on what constituted a democratic electoral process. A similar consensus was emerging on the characteristics of democratic parliament, despite differences in parliamentary systems. Although the IPU and other organizations had been involved in the process of defining the concept of democratic parliament for many years, activity in that regard had increased over the past five years.

Democratic benchmarks consisted of a cluster of tools and efforts, including measures to codify democratic legislatures and academic efforts to rank parliamentary performance. The donor community had an interest in evaluating performance in parliaments to which they were giving assistance, and in some cases civil society organizations had developed systems of parliamentary score cards. Monitoring from those different perspectives involved different areas of focus. Parliaments had a renewed desire to strengthen public interest, and assert greater independence vis-à-vis the executive branch. When considering evaluation, parliaments tended to focus on development tools and advocacy, whereas the donor community focussed on measuring whether a parliament was becoming more democratic. Academics tended to concentrate on comparative studies, such as potential correlations between increases in parliamentary power and decreases in the likelihood of an outbreak of civil war. Such studies centred on data collection and put emphasis on rankings. The Commonwealth Parliamentary Association (CPA) had established a series of benchmarks for democratic legislatures based on its work over the past 15 years. Civil society organizations monitored attendance at parliamentary hearings, questions asked and comments made. Recent efforts had included several important steps forward, including the publication of the IPU handbook on parliaments and democracy in the twenty-first century, the CPA benchmarks for democratic legislatures, and an NDI paper, which summarized recommendations on parliamentary activity submitted by a number of international and regional organizations.

Increased donor engagement in evaluating parliaments had been seen during the period 2007-2008, when donor conferences and other parliamentary associations had built on the work of the CPA and developed their own benchmarks. There had been an increase in the use of those frameworks, in particular the IPU toolkit and the survey issued by the NDI. Current developments included regional adaptation of benchmarks. Even though there was a strong overlap between the work of the CPA and that of the Southern African Development Community (SADC) Parliamentary Forum, the discussion on changes to the CPA benchmarks recommended by the SADC Parliamentary Forum had been particularly interesting. One such recommendation had been that parliaments should have the authority to approve World Bank loans. Some stocktaking events were also beginning to take place, such as the global conference that was planned for 2010 on experience with benchmarks, and the dissemination of tools and applications was increasing. The NDI benchmark survey had tried to codify some key areas: parliamentary organization, standards relating to procedure, committees, political party groups, staff, parliamentary oversight and parliamentary values.

Standards differed between assessment documents. Examples of those standards included the ability of parliaments to control their own resources and budget, minimum powers of parliaments with respect to legislation, calling of witnesses, ability to subpoena records from the executive, regulations on conflicts of interest, and mechanisms for receiving input from the public about legislation. It was recognized that no one legislature met all of those standards, but that they constituted a norm for democratic parliaments. Those benchmarks had been used for

parliamentary self-assessment, the development of strategic plans by parliaments, and for parliaments to advocate for a stronger budget. They had also provided a useful framework to stimulate discussion on differences in parliamentary models. Another advantage of such criteria was that they provided a neutral basis for parliamentary support from donors. Although the donor and academic communities had found those benchmarks interesting, it was particularly important for parliamentarians and parliamentary staff to be at the forefront of the discussion on evaluation. In evaluating electoral standards, consideration had been given to what constituted a democratic election, following which a practical evaluation scheme had been established to ensure that elections met that description. A similar process was now under way for the assessment of democratic parliaments, and that process should be led by parliamentarians. He hoped the present meeting would lead to the continued and increased commitment of parliamentarians to establishing democratic parliamentary standards and benchmarks.

### **Debate**

**Mr. M. De Brouk (Belgium)** said that it would be useful to hear some examples of parliamentary monitoring bodies, where they operated and the results of their work.

**Mr. S. Hubli (NDI)** said that the experience of parliamentary watchdog organizations had been very mixed. In Pakistan, for example, a report had been written on the state of parliament, in Uganda a system of parliamentary score cards had been introduced and in Kosovo, investigative work had been conducted on which parliamentary committees were most active, and whether some Members of Parliament did not attend parliamentary sittings, or did not participate actively in those sittings. Some bodies ranked policy preferences. In developing countries a considerable proportion of parliamentary monitoring work was donor-driven. Some such evaluations had resulted in changes to parliamentary performance and behaviour, such as improvements in attendance. A mapping project was currently under way to assess the experiences of all organizations that had conducted parliamentary monitoring, more information on which would be available by March 2010. There were around 50 organizations that had conducted parliamentary monitoring of some type, in the form of state of parliament reports, report cards of individual member performance or periodic reports of parliamentary activity. Those organizations often conducted activities in countries where the public outreach efforts of parliament were weak, in an effort to respond to that lack of parliamentary transparency.

**Mr. V. K. Agnihotri (India)** said that the present discussion should be used to establish a clear set of objectives for assessment. In most democratic countries a concurrent evaluation of parliament was conducted through the media. If parliaments were instituted for defined period of four or five years, elections constituted a periodic evaluation by the public. The objectives of assessment should be clearly decided; whether that assessment was intended to assist the party in power to maintain its political lead, or whether it was to reassure donors that their grants were used to the benefit of the people.

**The Moderator** underscored the importance of shared objectives and the aim of strengthening all elements of parliament.

*The Representative of the United Arab Emirates* raised the question of whether benchmarks should be similar or different for different parliamentary systems. He asked how self-evaluation benchmarks could be set, whether they would be set by donors or parliamentary administrations, and how they could be applied. A comprehensive appraisal would be required in order for the best results to be achieved. He wondered whether external evaluation by specialized organization or electors might be more effective and impartial than self-evaluation. Any form of evaluation must be continuous in order to be fully effective.

*The Representative of Bahrain* said that self-evaluation was central to the development of legislative work and to improving parliamentary performance. He agreed with the representative of the United Arab Emirates that evaluation should be comprehensive, including monitoring the use of funds allocated to parliaments, the performance of parliamentary committees, and the personal performance of individual members of parliaments. Parliamentarians had a tendency to focus on the need to evaluate their governments without evaluating their own work. They must therefore make an effort to undertake self-evaluation activities. Both self-evaluation through questionnaires and external evaluation by specialized bodies were required to ensure that parliaments were performing as they should, to identify weak points and help to overcome them, and to improve parliamentary functioning. He hoped that the IPU could prepare tools for evaluation and help parliaments to use them.

*The Representative of Algeria* said that consideration should be given to the relationship between national parliaments and democracy, and their relations with the IPU and with donor agencies. National parliaments tended to set out the framework of their relationships with donors. The relationship between parliaments and was therefore considered from an internal parliamentary perspective. Democracy was relative from one country to another, yet certain common issues and problems arose. He asked what impact the IPU could have on evaluating parliaments and setting standards for democracy.

*Mr. F. Bustamante (Ecuador)* said that the question of evaluating the functioning of parliaments was increasingly related to the legitimization of politics, particularly since there was public anti-parliamentary feeling in many countries. That was a cause of great concern. Debates on the quality of parliamentary functioning should be objective, and considered from the point of view not only of the democratic nature of the parliament, but also from the perspective of efficiency in meeting voters' needs, and honesty. Clear standards and objectives were required. An evaluation method should be established that enabled independent actors to come to conclusions on the quality of parliamentary institutions. Mechanisms should also be developed for comparing parliaments. While it was easy for voters to evaluate individual members of parliament, it was difficult to evaluate parliament as a whole through elections. The electoral system was an insufficient basis for public debate on the functioning of parliament. Efforts must be made to legitimize parliamentary institutions in the eyes of the public.

*The Moderator* said that the self-assessment toolkit for parliamentarians issued by the IPU provided a good basis for parliamentary evaluation and raised some

fundamental questions, such as whether parliament was representative, accessible, effective and transparent.

**M. A. D. Manoah (Sudan)** said that Mr. Hubli had referred to “democratic parliaments”, thereby suggesting that some parliaments were not democratic. The Sudanese Parliament had been established as a result of the comprehensive peace agreement concluded in 2005, rather than being publically elected. He therefore wondered whether it constituted a democratic parliament. Over the past four years the Parliament of Sudan had undergone an assessment at the end of each session, encompassing evaluations of levels of attendance, the number of laws passed, the number of provisional orders accepted from the executive, and the number of those rejected, the number of workshops held to improve members’ performance, and the number of visitors received by parliament. That assessment was considered at the beginning of the next parliamentary session in order to establish areas where improvements were required. The press was present in all public parliamentary sittings, and some parliamentary discussions were broadcast live on television. Parliamentary elections would be held in April 2010, for the first time 21 years. Funds were allocated to Members of the Sudanese Parliament for development efforts in their constituencies, which generated public interest in Parliament, since Parliament was beginning to be seen as a tool for development.

**The Representative of the United Arab Emirates** asked whether parliaments were sufficiently committed to conducting genuine self-evaluation, and how far evaluation by the media could be taken into account. He wondered who was responsible for setting the criteria for self-evaluation by parliaments, and whether there was a means of assisting parliaments in conducting evaluations.

**Mr. J. Dalleres (Andorra)** said that the Parliament of Andorra was currently undergoing a self-evaluation process on participation in external politics, which had been launched six weeks previously, at the agreement of all parties represented in the legislature. Contact had been made with the association for former parliamentarians and parliamentary Speakers, which had suggested that further evaluation should be conducted on the accessibility of the Andorran Parliament. The questionnaires issued by the IPU had been used, and distributed among present and former Members of Parliament. Around 40 per cent of those contacted had responded, and the Andorran Parliament would keep the IPU updated on the results of that evaluation.

**Mr. S. Hubli (NDI)**, responding to the Representative of Sudan, said that part of the effort to develop standards and benchmarks was to answer the question of what constituted a democratic parliament. Some parliaments were democratically elected but had limited scope for real debate, or lacked transparency. A strong democratic parliament, in addition to having been democratically elected, should meet some minimum standards of power, transparency and procedural fairness. Responding to the Representative of India on the need for clarity in the objectives of evaluation, he said comparisons could be drawn with election standards: there were general agreements on what constituted a democratic election, but those standards could be used by electoral commissions, the international community and domestic civil society groups to consider the issue from different perspectives. In addition to accountability through the election process, which considered the performance of individual members, general assessment of parliament as a whole was required.

Many public opinion surveys raised questions on the level of public confidence in parliamentary institutions. Benchmarks could be used to establish objective criteria for evaluation of what constituted a democratic parliament. The best use of benchmarks had been made by multi-party committees, such as boards of internal economy, the internal affairs committees of parliaments, or ad hoc parliamentary modernization committees, which considered parliamentary institutions relative to those benchmarks and assessed whether there were opportunities for strengthening the institution.

## Tools

*Mr. J. Jacobs (Namibia) took the position of Moderator.*

**Mr. D. Beetham (Consultant with the IPU)** introduced the IPU self-assessment toolkit for parliamentarians, the objective of which, he said, was to assist parliaments in improving their effective functioning. Since parliamentary evaluation would mean that parliamentarians were required to change the way they worked, it stood to reason that parliamentarians themselves should conduct the assessment. The basic assumption of the IPU framework was that evaluation would be conducted internally by parliamentarians. While other actors could be involved in the evaluation process, and parliaments could call on experts for assistance, ultimately parliaments should be the owners of the process. The toolkit was systematic in nature. It had developed from a major programme of work by the IPU to examine the question of what constituted a democratic parliament in the way it functioned and interacted with its electorate. Member parliaments had been invited to provide information on their own good practice, which had been compiled into the handbook entitled “Parliament and Democracy in the Twenty-First Century”. The methods set out in that handbook had informed the toolkit, which maintained an emphasis on parliament as the key site of democracy, and its participant-led approach to assessing good practice.

The IPU toolkit consisted of six sections: the representativeness of parliament; parliamentary oversight of the executive; parliament’s legislative capacity; the transparency and accessibility of parliament; the accountability of parliament; and parliament’s involvement in international policy. Each section comprised a list of questions to which the individual respondents were invited to provide an assessment on a five-point scale, ranging from very good to very poor. Further questions asked for examples of recent improvements in respect of each question, and how the situation could be improved. The purpose of the toolkit was to stimulate discussion among the group of parliamentarians who had agreed to participate in the evaluation process in order to identify strengths and weaknesses. Parliaments should be invited to recognise what they did well and where they had made improvements. Common questions that arose from the toolkit included how to identify what was a good standard against which performance could be judged. Different standards could be applied, including the benchmarks developed by the NDI. Comparisons could be drawn with past practice. A further question that arose related to the problem of identifying some positive aspects and some negative aspects, resulting in an average score on the five-point scale. While the questions were appropriate to every type of parliamentary system, they also required modification to suit the particular situations of particular parliaments. Appropriateness to context was important when considering approaches to self-evaluation.

The IPU suggested a variety of potential uses for the practical application of the toolkit. It was important that any parliamentary group undertaking the evaluation included broad representation and could command confidence among parliamentary colleagues. The IPU had trained facilitators to assist in the evaluation process. A list of parliaments where the toolkit had been used or was being used, and where the IPU was contributing to the work of regional and international bodies in respect of assessment, had been compiled. Future steps towards broadening the evaluation process included the development of a new toolkit by the ASGP, which would be more appropriate for evaluating the administrative side of parliaments. Attention should be paid to the appropriateness of the work of parliaments and their relationship with citizens, since there was a tendency for parliaments to operate as self-enclosed bodies. The toolkit was equally as important for developed parliaments as it was for new and developing parliaments.

**Mr. A. Imlach (Commonwealth Parliamentary Association - CPA)** said that parliaments received much criticism from the media, and in some cases, parliamentarians had misunderstood the purpose of self-assessment benchmarks as being a means of suggesting that parliaments were not functioning as they should. One particular very experienced member of the Parliament of Kiribati had been asked to assess his parliament, and had reacted angrily, believing that he was being told, indirectly, that his parliament was not meeting democratic standards. He had been invited to attend a seminar, in which the CPA had explained the purpose of its benchmarks for democratic legislatures, following which he had arrived at the conclusion that the use of those benchmarks would result in an exercise to ask pertinent questions that had been thoughtfully compiled on what was conducive to the good operation of a democratically sound institution.

The CPA was an organization that explored solutions, but did not provide answers. While its work was not prescriptive, it had produced a number of recommendations over several years. The development of the benchmarks for democratic legislatures had constituted an extension of those recommendations. The idea of developing the benchmarks had been imposed on the CPA by the intergovernmental community and parliamentary aid agencies, which had wanted a means of determining whether aid requests from parliaments met certain standards. Those organizations had been operating in the governance field, rather than in the parliamentary field, and had wanted a form of measurement for the functioning of parliaments. Parliamentary officials had wished to determine the methods used for that assessment, as a result of which the benchmarks had been developed, with support from the World Bank Institute and the NDI. Following the development of the benchmarks, it had been realised that they were more important for parliaments than they were for parliamentary strengthening bodies. They constituted a useful means of assessing the way parliaments worked in relation to commonly accepted ideals. The benchmarks could be used by external bodies, as well as by parliaments themselves. They encouraged the sharing of experiences and adaptation of best practices to suit specific needs in specific countries.

The Parliament of Kiribati was conducting a comprehensive self-assessment process, involving all members of parliament, which was being used to advance its functioning. Other Pacific island parliaments had also undertaken self-evaluation. The CPA did not prescribe how the benchmarks should be used, but rather advised parliaments to use them in the way they felt most appropriate. Some countries had chosen to involve civil servants, parliamentary clerks, eminent persons, such as

respected judges, and former Speakers in the evaluation process. The CPA had provided 87 benchmarks, which could be measured by yes or no answers, or a rating system. Those measurements could be adapted according to the elements that parliaments considered most important. The Parliaments of Australia and New Zealand were about to embark on a benchmark assessment, and several Pacific island states including Vanuatu, Tuvalu and Nauru had already concluded self-evaluation procedures. No parliament functioned perfectly and all could therefore learn from assessing themselves against international standards and against the performances of other parliaments. The development of the benchmarks was a continuous process, and more benchmarks were being established for broader areas of parliamentary activity. In the United Kingdom, the Speaker's conference was a process in which the leaders of the three main political parties and the Speaker of the House of Commons were questioned by other Members of Parliament. That process could be used in other parliaments, and a benchmark could therefore be developed in that regard. The process of parliamentary democracy was dynamic, and benchmarks must therefore evolve over time. The initial evolution of benchmarks had already begun, one example of which was that the CPA was currently working with Pacific parliaments to establish benchmarks specific to the Pacific region parliaments. The APF and SADC were also developing benchmarks of their own. The CPA was working with its three Asian regions to develop south Asian benchmarks. It was hoped that the process would lead to an acceptance among parliaments that self-assessment might help them to identify practices that would benefit from reform. The CPA hoped that parliaments would continue to reform the benchmarks to meet the standards of changing parliamentary democracy.

*Ms. F. Fassiaux (Assemblée parlementaire de la Francophonie – APF)* said that the APF was the consultative assembly of the French-speaking community, which brought together 77 parliaments and parliamentary organizations from around the world. It debated subjects of interest and concern to its members and the people they represented. It made its positions known to the Heads of State and Government of its Member Parliaments, and some of its goals included promoting democracy, peace and human rights, heightening the influence of French, and enhancing the role of parliamentarians. The APF was divided into four geographical regions: Africa, the Americas, Asia-Pacific and Europe. It had four standing committees and a network of women parliamentarians. The APF had long been interested in the functioning of its member parliaments, and had been implementing cooperation programmes for parliaments for a number of years, with a view to enhancing their working methods. Under its Committee on Parliamentary Affairs, it had also committed to an ambitious project to produce a compendium of procedures and practices among its members. That compendium would be finalized at the forthcoming APF session in July 2010. Contributions from the first chapters of the compendium had already been published on the APF website.

The APF project to develop criteria for evaluating the democratic reality of parliaments had been launched to coincide with the signing of a cooperation agreement with the United Nations Development Programme (UNDP) to strengthen partnership in democratic governance and the development of parliaments throughout the world. The APF intended to play an active role in global reflection on developing and strengthening democracy. In that regard, it had undertaken to establish criteria for evaluating the democratic reality of parliaments in French-speaking countries, in

cooperation with the UNDP. The APF would thereby complete the work begun by the Commonwealth Parliamentary Association.

In order to develop its evaluation method, the APF had engaged the services of an intern from Laval University in association with the Research Chair in Democracy and Parliamentary Institutions. An outline had been produced in the form of a comparative study of the standing orders of several parliaments in the Francophone world. It had included extracts from the reference documents of the Organisation Internationale de la Francophonie. The outline had been submitted to the Network of Women Parliamentarians for their opinion. Two seminars had been held in which French-speaking parliamentarians, academics and representatives of the Association of Secretaries General of Francophone Parliaments had debated the draft document and proposed amendments to it. Those amendments had been sent by the Secretary General of the APF to the various sections of the APF to obtain their comments. The Secretary General had then produced a consolidated draft document, which had been approved by the Committee on Parliamentary Affairs and the Committee on Political Affairs, and finally adopted at the 35<sup>th</sup> Session of the APF in July 2009.

The evaluation method was divided into four main sections: elections and the status of parliamentarians; rights and duties of parliament; organization of parliaments; and parliament and communications. In identifying the criteria for gauging parliamentary democracy, the APF had reflected on the best means of ensuring that parliament functioned and had legitimacy. That exercise had enabled experiences to be shared, and objective consideration given to the best ways of serving democracy. Over the coming months, the chairpersons of the relevant APF committees and the Secretary General would decide on the next steps for the project. The document did not constitute a set of standard criteria, but rather benchmarks to which parliaments should aspire. Means of achieving that ideal would depend on the cultural, historical, economic and social specificities of each country. The evaluation criteria would be made meaningful by parliamentarians' willingness to enhance the way their parliaments functioned. Exchange and synergy would serve to stimulate and optimize reflections on how to develop and strengthen democracy.

### **Debate**

**Mr. B. Keith (United Kingdom)** said that although there was an assumption that parliaments should be engaged in self-assessment, that might not be acceptable to the general public and the media. The Parliament of the United Kingdom had been obliged to concede the principle of self-regulation, since a statutory body had been established outside the House of Commons to monitor the work and supervise the standards of conduct of Members of Parliament. Thus, while self-assessment was positive, it might not be sufficient. The question of finance and value for money was particularly important, since parliaments must be able to justify the amount of money their activities cost.

**Mr. V. K. Agnihotri (India)** said that the presentations made showed efforts to achieve an improvement in the functioning of democratic parliaments in a demonstrable manner, based on objective criteria. Efforts should be made to go beyond the exercise of self-assessment and develop a methodology for the detailed evaluation of the performance of parliaments. Such an evaluation could not be imposed on parliaments, but rather parliaments must agree to subject themselves to evaluation or certification procedures. A detailed questionnaire, such as those used for

quality certification, must be completed by the organization concerned. Those responses should be validated by other parties, such as former parliamentarians or members of civil society. A parliamentary performance index could be developed, which would provide information about the relative performance of various parliaments based on data-based criteria, such as the number of hours of parliamentary sessions, how many bills were passed, and how many debates and discussions it undertook, and on criteria for the oversight function of parliament. Further criteria could be set on the impact of the performance of parliament on public policy.

**Mr. A. Zvoma (Zimbabwe)** said that the various toolkits and benchmarks presented gave a focussed approach to parliamentary reform. Executives were adopting modern, results-based management methods, and parliaments should also adopt modern methods to enable them to effectively monitor the operations of the executive, particularly since they did not meet all year long. Self-assessment was similar internal audit; it was not an end in itself but rather constituted a good beginning for focussing the direction in which parliaments should develop. Self-assessment would assist in strategic planning efforts, particularly in identifying measures that should be taken to render parliaments more effective and representative.

**Mr. E. Reymundo (Peru)** said that the toolkits presented were very helpful in achieving a systematic approach to self-evaluation, since they helped to clarify parliamentary objectives. Parliaments sometimes faced situations that led to electors disapproving of them, such as scandals, poor legislation, and under-representation. Those issues were reflected systematically in the obligations of parliaments under question 5 in the self-assessment toolkit for parliamentarians on accountability of parliaments. Parliaments were often disconnected from citizens' concerns, which meant that citizens, wishing to be heard, were unable to access parliamentarians. Efforts were therefore required to ensure that parliamentary quality and transparency were improved, and that high standards and benchmarks were set in that regard. Mechanisms should be established to allow comparison between parliaments, and criteria for such comparison should be set. Point 6 in the IPU toolkit could not be addressed by the Peruvian Parliament, since international policy was addressed exclusively by the executive.

**Ms. R. Dashti (Kuwait)** asked how attitudes could be changed to encourage parliamentarians to accept the notion of self-evaluation. She wondered to what extent parliaments could play a role in political reform. She wished to know whether parliaments were in a position to change practices that might not be accepted, and who would be responsible to help with applying the results. She also asked whether there was any scope for media involvement in parliamentary self-evaluation.

**Mr. D. Beetham (Consultant with the IPU)** said that while all arguments suggested that other organizations could be involved in the process of parliamentary self-assessment, the impetus for change must come from within parliament. It was important to remember that self-assessment was not the same as self-regulation. He was sceptical about the concept of a parliamentary performance index, partly since quantitative indicators were limited in scope. No performance indicators could be applied to give a quantitative reading of parliamentary oversight of the executive.

Comparison would form part of the process of self-evaluation, in order to consider best practices, but performance indicators would be inappropriate.

*The meeting was suspended at 11.45 a.m. and resumed at 12.00 p.m.*

### **Case Studies**

*Ms. D. K. Mwinga (Zambia) took the position of moderator.*

**Mr. F. K. Kundi (Pakistan)** said that the IPU self-assessment toolkit for parliamentarians had been introduced in 2008 to evaluate parliaments against international criteria and identify priorities and means to strengthen parliaments. The toolkit mentioned six scenarios of evaluation. Pakistan had chosen to follow scenario 6: the assessment of parliament by an NGO. The evaluation of the Parliament of Pakistan had been undertaken by a prominent independent Pakistani think-tank, the Pakistan Institute of Legislative Development and Transparency (PILDAT), working closely with parliamentarians. PILDAT was an independent non-profit research and training organization, which had been formed in 2001, with a mission to strengthen democracy and democratic institutions. Parliamentary strengthening and parliamentary performance monitoring were two of its key programmes. There had been 28 participants in the evaluation process: 14 parliamentarians from 5 political parties or groups; 2 veteran parliamentary reporters; 3 senior academics; 2 senior journalists; 2 lawyers; 1 former military commander; and 2 PILDAT staff members. He had been invited to participate in the work of the evaluation group.

On representativeness of the National Assembly, six questions had been asked, and the overall score given by the participants had been 55 per cent. The weakest aspect had been identified as the near impossibility of a person of average means to get elected to Parliament, and women's representation had been identified as the strongest aspect. In the second section, parliamentary oversight of the executive, eight questions had been asked, and the overall score given by the participants had been 49 per cent. The inability to scrutinize executive appointments had been identified as the weakest aspect, and the autonomy of the National Assembly had been classed as the strongest. The third section, Parliament's legislative capacity, had included seven questions, with an overall score granted of 53 per cent. Weak processes to consult interest groups over legislation had been identified as the weakest aspect, and satisfactory parliamentary procedures for full and open debate on legislation in the Assembly had been identified as the strongest. On transparency and accessibility of the Assembly, seven questions had been asked, with an overall score of 55 per cent granted by the participants. The weakest aspect had been identified as being the lack of opportunity for citizens' direct involvement in legislation through citizens' initiatives, and the strongest aspect had been considered to be the ample freedom for journalists to report on the Assembly and its members. The fifth criterion, accountability of the National Assembly had included seven questions and had received an overall score of 42 per cent. Two weak aspects had been identified: the lack of transparency of procedures to prevent conflict of interest and the lack of oversight of funding to candidates and parties. Observance of an agreed code of conduct by Members had been identified as a strong point. On the sixth issue, Parliament's involvement in international policy had included 10 questions, and the overall score granted had been 37 per cent. The participants had identified weak or non-existent parliamentary oversight of the deployment of the country's armed forces

abroad as the weakest aspect. Effectiveness in inter-parliamentary cooperation had been identified as the strongest aspect.

A total of 11 recommendations had been made as a result of the evaluation: firstly, that election spending limits should be strictly enforced; second, that Parliament's role in the budget process should be made more effective; third, that Parliament should scrutinize key appointments to the executive; fourth, that an adequate and non-partisan research service should be provided; fifth, that a system of public consultation should be instituted; sixth, that young people should be encouraged to work in the Parliament; seventh, that citizens should be involved in legislative processes; eighth, that a system should be instituted to check Members' conflict of interest; ninth, that adequate oversight should be provided in respect of funding to parties and candidates; tenth, that a system to monitor levels of public confidence should be instituted; and eleventh, that parliamentary committees on foreign affairs should be more proactive.

**Mr. D. Beetham** (*Consultant with the IPU*) asked what follow up had been given to the recommendations.

**Mr. F. K. Kundi** (*Pakistan*) explained that the recommendations had been submitted to Parliament, and were being considered by the represented parties and the Speaker.

**Mr. V. K. Agnihotri** (*India*) asked how the overall score for each criterion had been calculated.

**Mr. F. K. Kundi** (*Pakistan*) said that the overall score for each criterion was the average of the scores of the individual responses to the questions under that heading.

**Mr. T. Miller** (*United Kingdom, Scottish Parliament*) asked whether it had been difficult to persuade parliamentarians to embrace the evaluation process or whether they had been keen to get involved.

**Mr. F. K. Kundi** (*Pakistan*) said that the majority of those who had been involved in the process had been young parliamentarians, who had undertaken the assessment with enthusiasm. A forum for young parliamentarians was held in the Lower House of the Pakistani Parliament, and the participants were very keen to be involved in democratic process.

**Mr. D. Oliver** (*Canada*) said that serious and honest reflection of the functioning of parliaments constituted an important first step towards determining how improvements could be made. Evaluations led legislative assemblies and the institutions that supported them to evaluate the extent to which they represented true parliamentary democracy, with emphasis on the key issues of transparency, representativeness and responsibility. Those evaluations were constructive exercises, which enabled democratic institutions to have legitimacy and to be strengthened at a time when public trust in parliaments was by no means guaranteed. The Parliament of Canada had used the benchmarks set by the CPA to revise the structure and rules of the Senate.

Recognizing that legislatures, development organizations and parliamentary associations were increasingly interested in tracking and measuring the quality of parliaments as democratic institutions, the CPA had led an initiative to codify and synthesize recommendations for democratic legislatures in 2006. A study group hosted by the Parliament of Bermuda and composed of legislators from Commonwealth countries, parliamentary officials, academics and legislative development specialists from the UNDP, the World Bank Institute and the NDI, had taken on the task and published a comprehensive list of benchmarks covering all aspects of parliament and its functions, from elections to dissolutions, from parliamentary parties to parliamentary staff, and from the functioning of the legislatures to the values underpinning the performance of those functions.

As a member of the CPA, the Canadian Parliament had been asked to undertake a self-evaluation in December 2008 using the CPA benchmarks, with the suggestion that such an exercise might help to strengthen parliamentary performance as a democratic institution by enabling an assessment to be made of whether Parliament was performing adequately in terms of advances in parliamentary practices and procedures. The CPA had wished to know whether the benchmarks were suitable universal standards relevant to all forms of parliamentary democracy practiced across the Commonwealth, and had therefore requested that the Canadian Parliament report on its experience in applying the benchmarks. Given its commitment to promoting the values of parliamentary democracy, the Canadian branch of the CPA had been happy to lead by example in assessing Canada's parliamentary practices and procedures in light of the CPA recommendations.

In almost all cases, Canada's Parliament had complied fully with the recommendations outlined in the benchmarks. Representatives from the strategic and corporate planning offices of the Canadian Senate and House of Commons as well as subject area experts and procedural officers had rated the parliament's compliance with the benchmarks. They had applied a five point ranking scheme, with a score of five indicating that the benchmark had been fully met, and a score of one indicating that the benchmark had not been met and that there were no plans to meet it in future. In some cases an explanation of the ranking had also been included, which had been particularly useful in the event that the Senate and the House of Commons had ranked differently in respect of a specific benchmark. Despite the nuanced grading scheme, there had been some difficulty in quantifying the degree to which particular benchmarks had been met. It had been difficult to ensure that the evaluation reflected the differences between rules of procedure and the procedures that were implemented. The Parliament had ranked non-compliant with the benchmark on the legislature's right to override an executive veto, since technically the Crown had supreme veto power in Canada. That score did not, however, reflect reality, since in practice the Crown's veto power was never exercised.

That division between technical rule and practice also worked in reverse. Certain benchmarks recommended rules of procedure that did not exist in Canada, but were followed nonetheless as a matter of custom. One weakness of the evaluation had been the inability to properly reflect that difference between rule and practice in quantifiable scores using the five-point scale. That distinction was particularly important in Canada's case, since unwritten conventions not included in the Constitution had a significant influence on Parliament's organization and functioning. There had also been instances in which the measures prescribed by a particular benchmark had fallen outside the mandate of the Parliament, and were the responsibility of other organizations and Federal agencies. One such example was that

the Canadian Parliament did not have special measures to encourage political participation of marginalized groups with the view to accomplishing precisely defined and time-limited objectives. That task was undertaken by individual political parties and Federal agencies dealing with elections and political participation. A low ranking for that benchmark did not mean that the goals of the benchmark were not accomplished in Canada, or that the values underpinning it were not prioritized by Parliament.

Those problematic aspects of self-evaluation had reinforced the important place that such exercises held in healthy democratic institutions, and had enabled the Canadian parliament to reflect on its work from a valuable vantage point. While the results of the evaluation had not been used to inform changes to parliamentary practice, the opportunity to compare Canadian practices with international standards would provide a useful starting point for any future reforms. The present discussion provided a much-needed opportunity to build an international consensus on standards for healthy democratic legislatures and to share practical advice on the application of those standards in home parliaments.

**Mr. S. Oum (Cambodia)** said that through a decision made on 28 April 2009 by the Standing Committee of the Cambodian Senate, an ad hoc commission had been established, comprising Chairpersons from nine specialized commissions from all political parties, directors of all departments and experienced officials, to conduct an evaluation of parliamentary performance. The working group of the Secretariat General had been presented with the two IPU publications, the self-assessment toolkit for parliamentarians and the handbook, *Parliament and Democracy in the Twenty-First Century*, on which to base their evaluation. The working group had then been divided into two groups, the first of which had been tasked with studying and answering the questions in sections 1 to 3 of the toolkit, and the second of which had addressed sections 4 to 6. After having received the draft answers from each of the groups, the commission had organized a three-day seminar, which had been attended by Senators, international development partners and staff members from the Secretariat General, to seek further recommendations to be submitted to the Standing Committee for approval.

Several weaknesses had been identified, including: representation of women and effectiveness of parliament as a forum for debate on questions of public concern; capacity of the Senate to influence and scrutinize the national budget through all its stages and the capacity of the Senate to hold non-elected public bodies to account; the capacity of the Senate to process and subject draft legislation to full and open debate and the effectiveness of the commissions' procedures for scrutinizing and amending draft legislation; opportunities for electors to express their views and concerns directly to their representatives; the effectiveness of the system to ensure the observance of agreed codes of conduct by Members and the systematic monitoring and reviewing of levels of public confidence in the Senate; and the effectiveness of the Senate to scrutinize and contribute to the Government's foreign policy and adequacy and accuracy of information available to the Senate about the Government's negotiating positions in regional and international bodies. All of those issues were related to the legal and procedural framework set out in the Constitution, internal regulations, Senate election law, the statutes of the Senators, and the roles, duties and competences of the nine specialized commissions and those of the Secretariat General.

The evaluation had resulted in a set of recommendations being made for the Senate and the Secretariat General. Those recommendations were only first steps. Regarding medium to long-term strategies, the ad hoc commission had noted that further research would be required in respect of legal provisions and procedures set out in the Constitution, internal regulations, Senate election law, the statutes of Senators and the roles, duties and competences of the specialized commissions and the Secretariat General. It would also need to study standards and parliamentary procedures in a regional and global framework in order to establish effective measures for change and better institutional development. Self-evaluation using the IPU toolkit was feasible and productive, and had enabled the Cambodian Parliament to pinpoint the activities required to improve the functioning of its Senate.

*Mr. F. Herrero (NDI)* introduced the NDI survey on the gaps between parliamentary power and practice, and said that the survey tool was not an evaluation, but rather a method of collecting perspectives on perceived parliamentary powers and perceptions of the use of those powers in practice. The toolkit comprised a questionnaire to ascertain whether there was a gap between parliamentary power and practice. The tool had been applied in three major areas: legislatures, congressional staff and civil society. The purpose had been to ensure that the tool could be used for modernization and development. The survey comprised 75 questions on organizational matters and functions. It was currently being used to conduct studies in Colombia, Guatemala, Peru and Serbia, with the assistance of the World Bank. Serbia was involved in order to ensure data validity. A system of guided interviews was being used, administered by trained NDI staff members, in order to ensure that an accurate account was registered.

The NDI had selected 25 issues that were often included in benchmarks for democratic parliaments, and had crafted two related statements for each issue. The first statement related to the formal powers of the legislature and the second related to how that power was used in practice. A total of 126 individuals had been interviewed in the four participating countries. In the case of Colombia 40 people had been interviewed, from the legislature, civil society and parliamentary staff members. Although considerable efforts were being undertaken to modernize the Colombian Parliament, those reforms did not always translate into practice. Questions on oversight mechanisms had been particularly pertinent in Colombia, and the greatest gaps between formal parliamentary power and parliamentary practices had been identified in respect of overseeing the adoption of the State budget. Common to all four countries studied was the degree of legislative power over the executive. There were differences in perception between the interviewees with regard to oversight power in theory, and the real oversight power that Congress could exercise. In Colombia, although Congress had theoretical power for oversight of the executive, the strong presidential system in place rendered practical oversight difficult. Civil society representatives expressed the greatest doubts about the degree of practical parliamentary power. That was particularly true in the case of Colombia. In Colombia, 20 per cent of the Congressmen interviewed had stated that while they had the power to oversee the adoption of the national budget in theory, in practice they were unable to do so.

The results of the study must be given further consideration by legislative bodies, in order to enable them to identify areas of potential reform and to make full use of the powers that they enjoyed in theory. Further thought should be given to improving the questions in the survey tool, in order to increase its relevance for

different legislatures. Consideration should also be given to any common conclusions that could be drawn from the study.

**Mr. D. Beecham (Consultant with the IPU)** said that while it was important to encourage parliamentarians to use the powers that they held in theory, in some cases there were constitutional restrictions on the power of the legislature, for example in cases where international affairs were the responsibility of the Executive.

**Mr. B. Baufumé (France)** welcomed the practical examples of self-assessment. He asked whether both chambers of parliament had been evaluated in those assessments, and if so, whether the results had differed between the two chambers.

**Mr. D. Oliver (Canada)** said that in Canada both chambers had been evaluated and the results had differed between the two, since the chambers had different powers.

**Mr. F. Herrero (NDI)** said that in Colombia only the House of Representatives had been considered, since that was the chamber that had the power to amend the budget.

**Mr. S. Oum (Cambodia)** said that the evaluation process had been conducted to mark the tenth anniversary of the Senate, and had therefore only involved the Senate. A separate evaluation had been conducted for the National Assembly.

**Mr. R. Sousa (Peru)** said that the functioning of parliaments depended on the constitutional architecture of each country. Constitutional frameworks differed, and it would therefore be difficult to apply those standard evaluation techniques to different countries. It might be preferable to consider criteria that were common to all parliaments, such as transparency. He asked what criteria could be used in an evaluation of the conduct of parliamentarians.

**Mr. Z. A. Dingani (South Africa)**, speaking on the discrepancy between power and practice, said that parliaments must concentrate on effective performance where they had a constitutional mandate, rather than requesting greater powers, which might not be allowed under the Constitution. Regarding the legislative capacity of parliaments, he asked whether focus in the evaluations had been placed on the ability to pass laws, or more importantly on the consideration of the social and economic impact of those laws on the people.

**Mr. A. D. Manoah (Sudan)** said that in Sudan there were over 23 parties in Parliament, and in order to pass a law consensus was required. That resulted in considerable time spent lobbying, in order to build consensus, rather than conducting a voting exercise. He wondered whether the assessments had taken account of that system.

**Mr. F. Herrero (NDI)** said that the NDI questionnaire did not refer to consensus, as mentioned by the representative of Sudan. That tool must be adapted to the local conditions in each country in order to be relevant to individual legislatures. It was important to legislate in quality, rather than in quantity. Such evaluations therefore enabled reflection on parliamentary practice in respect of legislating, and the

tools they had at their disposal. It raised the question whether there were conditions in parliament that could prevent legislating, and whether there were gaps to be bridged to ensure that legislation was not merely plentiful, but also good quality.

**Mr. D. Oliver (Canada)** responding to the question raised by the representative of South Africa on whether the benchmark questions encouraged legislators to consider the social impacts of passing laws, said that the evaluation could be as deep as the investigating body wished. On the question of whether the questions governed parliamentarians' conduct, he said that the evaluation used by Canada had included questions on ethical governance, transparency and integrity. Regarding values for the legislature, the benchmarks required a non-partisan media relations facility. That question could be considered at several levels.

**The Moderator** thanked the participants, and reminded them that the meeting would be suspended in order to form four working groups, led by the IPU, the NDI, the APF and the CPA, which would consider the four evaluation tools and discuss the substantive and procedural issues involved in conducting an evaluation.

*The meeting was suspended at 1.20 p.m. and resumed at 4.35 p.m.*

### **Wrap-up and closing remarks**

*Mr. M. Bosc (Canada) took the position of Moderator.*

**The Moderator** invited the facilitators of the four working groups to present their findings.

**Mr. D. Beetham (Consultant with the IPU)**, presenting the work of the IPU working group, said that the group had considered section 2 of the IPU self-assessment toolkit on parliamentary oversight of the executive, and had discussed opinions on the questions asked in that section, and what issues arose when answering those questions.

The questions had been considered valuable, but only if used as a means for discussion on strengths and weaknesses, rather than simply ticking the boxes. The discussions had shown that some of the questions were a compendium of several questions in one, which could result in skewed answers, and some participants had felt that some questions were not relevant to their parliaments. One participant had suggested that the lowest grading should be "zero performance", rather than "poor". There had been considerable discussion of further questions that could be included, such as how oversight bodies could be better coordinated, the existence and functions of bodies responsible to parliaments, such as ombudsmen and auditors, and the functions of other bodies outside parliament that were involved in oversight functions. Consideration had been given to the need to increase transparency, methods for the selection of members of investigative committees, and the issue of party control.

Recurring problems that had arisen in response to the question on the least satisfactory feature of parliaments in respect of oversight for developing country parliaments had included lack of resources, lack of research staff, and lack of support staff to enable parliaments to conduct their oversight function effectively. Some participants had mentioned the need for supervision and oversight of non-elected bodies fulfilling public functions. Some cultural issues had arisen, particularly with

regard to government ministers either not answering parliamentary questions or re-using existing policy statements.

The participants in the group had included representatives of a wide geographic range of parliaments, which had different priorities and specific needs. A number of consistencies and consistent inadequacies had, however, been identified.

**Mr. R. Diergaardt (Namibia)**, presenting the work of the CPA working group, said that the working group had consisted of 12 participants representing 7 parliaments. They had recognized that while the benchmarks were useful, in some cases they should go into more depth to prescribe measures to be taken. Benchmark 7.1.3, for example, on meaningful oversight of State-owned enterprises, should be extended to cover institutions of democracy, such as the office of the ombudsman, and the national human rights institution. In respect of benchmark 7.1.1, which required the legislature to have mechanisms to obtain information from the executive branch sufficient to exercise its oversight function in a meaningful way, the working group had pointed out that while that mechanism was important, it would serve no purpose if the necessary resources were not in place to ensure that it worked effectively. On information regarding security matters, there had been a difference in opinion as to whether a benchmark was required or whether political will was sufficient. A system of political questioning could be used to get information, but that information must be concise and useable. With regard to benchmark 7.2.1 on granting the legislature a reasonable period of time in which to review the proposed national budget, the working group had considered that benchmarks could be very useful for strengthening efforts to encourage governments to submit draft national budgets in a timely manner for thorough discussion. Audit reports should similarly be submitted in a reasonable time. In some cases public accounts committees were dealing with audit reports of up to seven years old, which was not acceptable. A further issue had been raised in respect of the lack of expertise of some committees conducting oversight functions, and the subsequent need to strengthen the capacity of research units to match the capacity of ministries.

**Ms. B. Ntoutoume (Gabon)**, presenting the findings of the APF working group said that although the benefit of self-evaluation had been recognized, there had been a general acknowledgement that such evaluation could be difficult to conduct, since it was often considered to be an intrusion. Some of the criteria were not applicable to all parliaments. The participants had recognized that difficulties could arise in respect of parliamentary oversight of the budget, particularly in bicameral systems in which only the House of Representatives was mandated in that regard. Attention had been drawn to the fact that democracy could be complicated by different national traditions. The APF manual should therefore be seen as a democratic parliamentary guide in order to enable parliaments to share their objectives. The working group had recognized that the IPU, the APF, the NDI and the CPA were working in the same direction and should increase their cooperation.

**The Moderator**, reporting on the work of the NDI working group, said that it had focussed on the formal and practical aspects of the NDI evaluation survey. The discussions had shown that there was a difference between long-established parliaments and their perception of the questionnaire and the perceptions of recently established parliaments. There had also been some discussion of the need to go beyond the basic questions set out in the survey. Participants had raised the point that

the instrument was a very useful tool to raise awareness and force reflection by those who fill it out. The questionnaire could bring a sense of order to parliaments' existing practices for self-examination and improvement.

**Mr. M. Chungong (IPU)** expressed the satisfaction of the IPU to have been involved in the joint organization of the present meeting with the ASGP, and commended the discussions that had been held. He welcomed the participation of and support of partners including the APF, the CPA, the World Bank Institute and the UNDP. The IPU hoped to organize a conference on approaches to democratic legislature in March 2010. There was an emerging consensus that the evaluation process must be owned by parliaments, but that it could be broadened to include contributions from other sources, such as civil society. There had also been agreement on the need for parliaments to deliver adequate services to the people, and to translate the interests of the people into adequate policies and actions. Characteristics and criteria had been identified for parliamentary accessibility, responsibility, transparency and accountability. While the process of parliamentary assessment should be owned by parliaments, the IPU was aware that some might not have the capacity to conduct such assessments. In that regard, the mechanisms for an IPU response were being developed, to assist parliaments conducting self-evaluation.

**Mr. H. Amrani (ASGP)** thanked all those who had participated in the meeting on behalf of the ASGP, and requested that they completed the questionnaire to evaluate the meeting, which had been distributed among all those present. The ASGP welcomed the opportunity to cooperate with the IPU, and hoped to organize similar joint events in future.

*The meeting rose at 5.05 p.m.*