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Report of the panel on *Parliamentary oversight: Challenges and opportunities*

The panel was moderated by Prof. Robert Nakamura of the University at Albany, State University of New York and featured the Speakers of the Parliaments of Barbados, Belgium, Chile, Kenya, Indonesia and the United Kingdom.

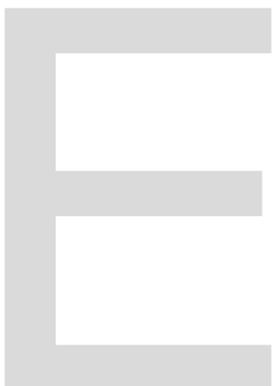
The panel allowed participants to exchange experiences, drawing on their own knowledge of oversight in their individual systems. The discussion would contribute to the second IPU-UNDP Global Parliamentary Report on *Parliament's power to hold government to account: Realities and perspectives*.

The panel and audience discussants touched upon many of the different dimensions of oversight - probity, remaining faithful to the intent of the law, equity (distributional fairness), efficiency and effectiveness and adequacy.

In opening statements on the role of the Speaker of Parliament in oversight, it was noted that in the United Kingdom the Speaker was a "referee" whose role was to ensure a level playing field for all parties and members. The Speaker has powers to shape what is discussed by controlling access to the floor and by ruling on member requests to put urgent questions to ministers or to suspend regular business for urgent considerations. Similarly, in Kenya, the Speaker grants members permission to make personal statements, brings public petitions to the House, and decides on requests for emergency debates.

It is the right, role and responsibility of parliament to hold government to account. However, parliament's oversight role varies from country to country. In Belgium, the Senate plays a role in monitoring the impact of federal policies on the regional authorities, linguistic groups, women and other constituents. In Barbados, the Senate has limited oversight powers and capacity, as this role is performed principally by the House of Assembly. In Indonesia, the political culture tends to encourage parties that have competed in presidential elections to approach decisions in a non-adversarial, consensus-building way and to avoid confrontation.

Differences in political systems also account for the varying oversight powers and arrangements. Common to many countries with presidential forms of government, the parliament in Chile has the power to impeach ministers; in practice this power is more widely used when parliament is dominated by opponents of the President. In Trinidad and Tobago, ministers can be members of the same committees that oversee the government, limiting their effectiveness, while in Kenya – where ministers cannot be members of parliament - a procedure has been devised for ministers to come before committees for weekly hearings.



The challenges to effective oversight are numerous. The poor image of parliament in the public eye acts as a constraint, since a lack of public confidence can undermine parliament's legitimacy to carry out its basic functions. Many parliaments are using methods such as codes of conduct for members that are intended to enhance public confidence.

Relations with the executive can be problematic. There may be difficulties in obtaining appropriate and timely information from government or in ensuring ministers appear in parliament to answer questions. In some parliaments the opposite is true, notably in Small Island Developing States, where the presence of a large number of ministers limits parliament's ability to exercise oversight. The executive may sometimes seek to ignore the findings of parliamentary oversight committees, or demonstrate a basic mistrust of parliamentary motivations and competence in its oversight role.

A shortage of time and limited staff support are common issues, as oversight of the effectiveness and efficiency of complex budgetary and policy matters requires expertise that is often unavailable to parliament.

Participants underlined the frequent gap between the existence of parliament's oversight powers and their use and effectiveness in practice. Parliaments often have real powers but may not use them to the fullest extent. Ministerial question time often becomes a political theatre rather than a meaningful exchange of information. Oversight tools may be misused, for example to gain visibility or for personal advantage, or to prevent ministers from doing their job. The debilitating use of oversight tools can damage democracy.

Ultimately, much depends on the vigilance and enthusiasm of individual members of parliament to carry out their oversight role. There is a balance to be struck between members' representative roles as advocates for constituents and collective oversight concerns about equity and efficiency. Members have competing incentives to serve their constituents, their party and the institution of parliament. It was pointed out that in order to exercise oversight, members need to have a certain independence of spirit and political will.

There was broad agreement on the need to involve the public more closely in oversight activities, but an acknowledgement that public participation remains underdeveloped in most parliaments.

Many examples of good practice were shared. Pakistan's Public Accounts Committee has recovered US\$ 200 million through investigations into misappropriations. It is very common for public accounts committees to be chaired by a member of the opposition, and this has been found to be effective.

The UK House of Commons has dealt with the problems that stem from committee chairs being picked by majority party whips, which tended to limit their ability to be critical of the government. Committee chairs and members are now elected by secret ballot from among all members of parliament, enhancing their legitimacy and independence. Several members of the audience expressed their interest in such a mechanism.

There have been some positive outcomes from India's Assurances Committee, which keeps track of commitments made by ministers during questioning and follows up subsequently to see if the executive has kept its word. Similar mechanisms have been adopted in Bangladesh and Kenya.

Efforts are being made to improve the reputation of parliaments by removing them from decisions that directly benefit members. Members' salaries and benefits in the United Kingdom are set by an independent commission, and Kenya has adopted a similar mechanism. Once again, others in the audience expressed an interest in that practice.

The representative of Barbados invited the IPU to develop benchmarks for effective parliamentary oversight. A number of participants supported the proposal, arguing that while all parliaments have their own systems, the existence of a set of neutral benchmarks would allow parliaments to measure themselves against international good practice.

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