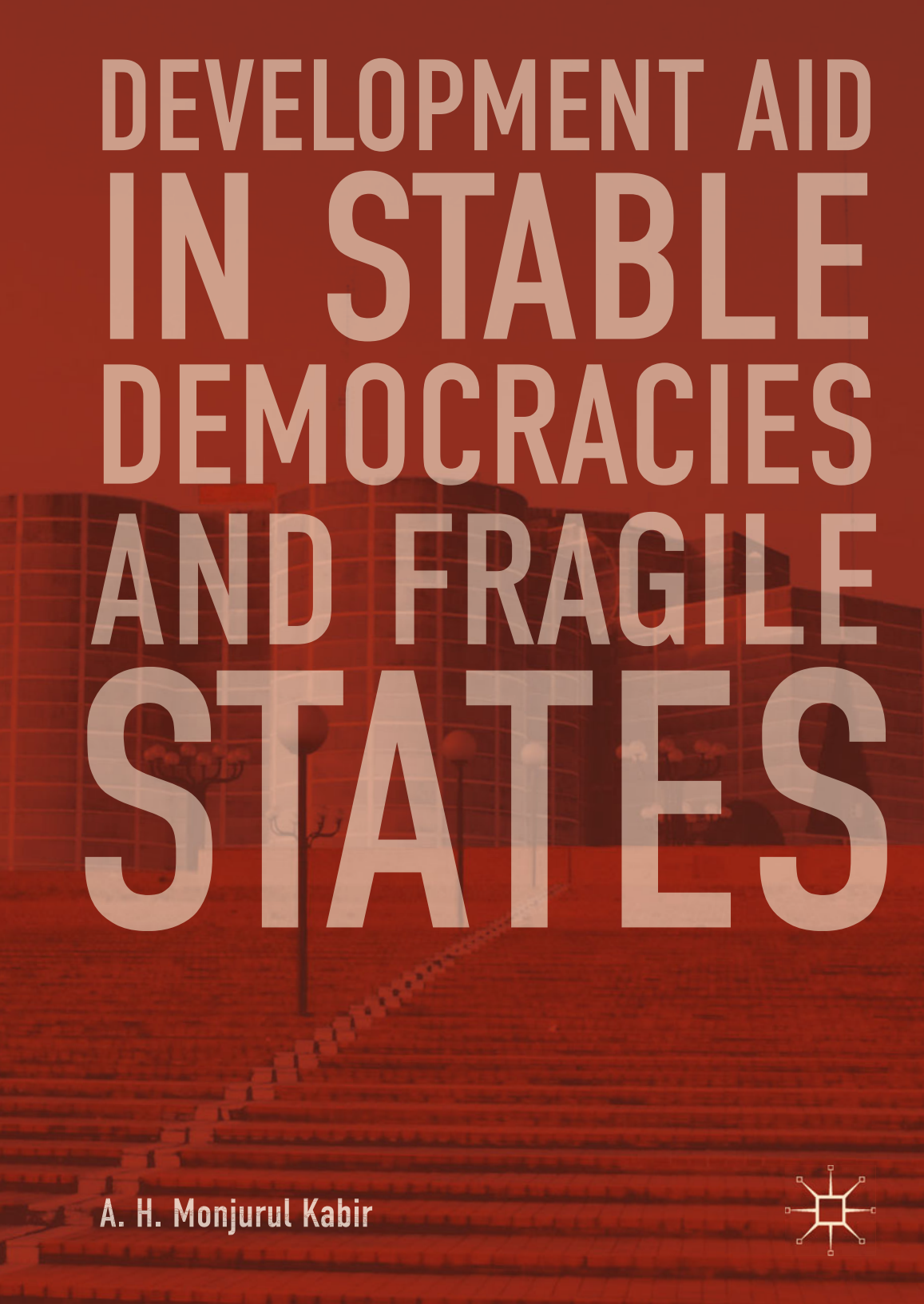
DEVELOPMENT AID IN STABLE DEMOCRACIES AND FRAGILE STATES



A. H. Monjurul Kabir

Development Aid in Stable Democracies and Fragile States

'Dr. Monjurul Kabir has drawn on his extensive knowledge and experience as a development scholar and practitioner to navigate the vexed area of "Parliamentary Development Support", through development assistance, in a targeted number of countries. He succeeds in his intention to challenge the "neutrality" of Parliamentary Support and the need to ensure that it is responsive to the specific context. This read is useful for development practitioners, scholars of regional politics and politicians'.

—*Geraldine J. Fraser-Moleketi*, Chancellor, Nelson Mandela University, Chair of the Committee of Experts on Public Administration, UN ECOSOC, and Former Minister of Public Service and Administration, South Africa

'There has been a long and ongoing debate on the effectiveness aid as an instrument for promoting democracy. The opinion is divided. This book will fill a critical gap in knowledge and empirical evidence on effectiveness of democracy assistance. Focusing on how parliaments in both stable democracies, transition and fragile states can be revitalized, the book essentially assessed the political economy of development aid. Dr. Monjurul Kabir breaks a new ground here following a blended approach of theory, evidence base, and actual development project examples. The book will interest a large audience globally at both policy level and academic circles'.

—*Gowher Rizvi*, International Affairs Adviser to the Prime Minister, Bangladesh

'Beyond elections, democracies are strengthened by inclusive and effective parliaments which represent all the people and hold the powerful to account. Alas in many developing states worldwide, these institutions remain rubber stamps unable to check the executive, riven by conflict, undermined by corruption, failing to reflect the interests of all sectors of society, lacking the professional capacity to scrutinize budgets and write laws. This account provides important insights into the efforts of the international community to build legislatures—and why technical assistance by itself is insufficient without the political will to share power. The book—Development Aid in Stable Democracies and Fragile States—by Monjurul Kabir would be an essential volume for understanding recovery in fragile states, international development, and pathways to democracy'.

—*Pippa Norris*, Professor, John F. Kennedy School of Government, Harvard University, USA

‘A valuable addition to the literature on both parliaments and international development assistance…based on first-hand experience of the author, both as a technical expert and a senior manager of development assistance programmes, I cannot think of an author better placed to elicit lessons from experience than Monjurul Kabir’.

—*Ramaswamy Sudarshan*, Professor and Dean, Jindal School of Government and Public Policy, India

‘Under international law, people have a right to take part in the conduct of public affairs. In an era when confidence in democracies appears to be unraveling, Monjurul Kabir explores a promising avenue for the right to participation to be realized in practice by demonstrating the value that development aid to Parliaments can have in boosting people’s participation both in stable democracies and fragile states’.

—*Marcia V.J. Kran*, Expert member of the UN Human Rights Committee (2017–2020), Canada

A. H. Monjurul Kabir

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To Amina and Ahnaf, mother and son, for being an integral part of 'perhaps an audacious journey'.
And to my beloved parents who prepared me for this.

Preface

As a political scientist with a curious legal mind, I was always interested in how public participation is played out through the representation functions of legislative and other constitutional bodies. Effective representation is a key to ensure public confidence in democratic governance. My own country, Bangladesh, was established following a historic struggle for national liberation and pledging high ideals of democracy and other key elements. That is not something unique to Bangladesh, it appeals to many other nations and countries in all regions.

Democracy is founded on the right of everyone to take part in the management of public affairs; it therefore requires, as the *Universal Declaration on Democracy 1997* reiterates, 'the existence of representative institutions at all levels, particularly, a Parliament in which all segments of society are represented'. With the requisite powers and means to express the will of the people, parliament can make the democracy work and give it the true meaning of public participation in governance. While parliament and government have different prerogatives, parliamentary oversight is an essential feature of a system of checks and balances in a democracy. Without effective parliamentary oversight, it is extremely difficult to establish national accountability system with public legitimacy. However, all these can only happen when there is national ownership of such processes, when there is either political or institutional will to do so.

As the central institution of democracy, parliaments embody the will of the people in government and carry all their expectations that democracy will be truly responsive to their needs and help solve the

most pressing problems that confront them in their daily lives. With more countries preferring democracy over other systems of government, parliaments and other legislative assemblies have become increasingly pertinent. In broad terms, everybody agrees on what the functions of a parliament are. These bodies make laws, hold the executive branch accountable and represent citizen interests. Achieving democratic governance, therefore, requires the existence of a strong, effective and efficient parliament or legislative body.

The book highlighted the specific challenges parliaments face in performing such crucial role, particularly fulfilling its oversight mandate. This becomes more daunting where parliaments and legislative bodies are not considered credible or trustworthy institutions, or do not enjoy the support from executives. Many parliaments and the likes are chronically understaffed and ill-informed. More often than not, they are sorely under-resourced, and vital research, legislative drafting and other capacities are often in short supply. That is why parliaments in most emerging democracies look to the international community for support, as do civil society organisations. Support to 'parliaments and parliamentarians' is a relatively new, but rapidly growing area of development aid provided by different donors, development partners and international organisations to representative institutions.

The book attempted to accomplish three things: Firstly, it offers a framework that linked a set of specific democratic and aid effectiveness principles to the institutional means by which democratic and parliamentary institutions are supported. As part of this, it provides a compilation of practices [good practices, lessons learned] whereby parliaments seek to put these principles into effect with international assistance, known as Parliamentary Development Assistance (PDA). This is an integral part of 'development aid'. In fact, a clear and consistent set of lessons and recommendations about how international development and parliamentary actors can improve their assistance has emerged over the past two decades in both stable and fragile democracies. Secondly, it explores whether this results into any distinct approach to parliamentary oversight. It examines whether the PDA demonstrated capacity to promote substantial changes to the parliamentary oversight mechanisms to address the challenges of corruption and maladministration better. Thirdly, the book sheds light on the nexus between technical support and political environment—often expressed through political will—and 'political economy analysis' ignored too long in the name of 'neutral technical

support'. Highlighting the contextual differences between stable and fragile democracies, the book reinforces that political behaviour and culture cannot be changed quickly. This requires long-term engagements, informed policy making, and calls for enduring commitment and collaboration.

Hence, the book identified distinct gaps in the literature of studies of the impact of development aid, particularly the PDA. It considered the work of international organisations, research institutions and donors with the parliaments of different countries and developmental situations in terms of their capacity to make a difference to the strengthening of parliamentary development and oversight work. Donors, development partners and international actors will need to make a durable commitment to programmes based on robust local and political analysis, and reduce the number of short-term interventions, quick fixes and small-scale projects.

My work with governments, parliaments and parliamentary bodies, national accountability mechanisms, international organisations including United Nations, political parties, think tanks and civil society organisations has deepened this belief that no amount of external support is enough to trigger behavioural change in politics unless there is an internal appetite for change and willingness to back this up with concrete actions. Changing political behaviour and democratic culture requires long-term engagements, consensus building and targeted collaborative efforts backed by informed choices, and political will.

Finally, I need to make a disavowal. Over the years, I have been working on public policy, international advocacy, governance programmes, and policy development with international organisations both as a senior staff and an expert. The views in this book do not represent the views of those organisations. The opinions expressed herein are entirely my own.

New York, USA
March 2018

A. H. Monjurul Kabir Ph.D, LL.M

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As I am writing this note of acknowledgements in early March 2018, this perhaps completes 'a cycle of journey'. The journey unfolded over a few years in several cities: New York, Johannesburg, Paris, Dakar; London, Hull, Oxfordshire, Bratislava, Vienna, Dhaka, Belgrade, Bishkek, Kabul and finally ended again in New York.

I wish to extend my sincere appreciation to an extensive list of colleagues from both UN and non-UN international agencies and academic institutions for their collective and individual contributions to this book. Professor Cristina Leston-Bandera deserves particular thanks for her excellent advices and feedback. Special thanks go to Lord Philip Norton, who highlighted the importance of digging deeper in my quest for assessing effectiveness of international development aid to constitutional and political institutions.

A similar gratitude is extended to the elected representatives—Members of Parliaments—officials in the sectoral ministries, secretariats of the parliaments, parliamentary bodies, specialised think tanks and civil society organisations of a host of countries including, among others, Afghanistan, Bangladesh, India, Kyrgyzstan, Serbia and Ghana, for their invaluable inputs, clarifications they made and the interviews and access they granted. For whatever reasons, almost everyone I contacted shared time with me to help shed light on the complex nature of relations among democracy, parliaments, political parties, international actors and technical cooperation. I owe them an enormous debt.

At the family front, I will have to thank two beautiful minds: my wife Amina Rahman Kabir and child Ahnaf Amin Kabir. Throughout this journey, Amina accompanied me with her strong encouragement and perseverance. In fact, she never missed an opportunity to remind me the critical task at hand and redirected me to it at her expense. And I am grateful to Ahnaf for his patience as I deprived him of his due—both times, engagements and attention from his dad. I apologise to both Amina and Ahnaf for not being there as often as I should have; for the late nights and very early mornings; and the special moments that I was not there to see.

I am deeply indebted to my parents, Hosne Ara Begum and Maznu-Nul Huq, for becoming who I am today. I would never be able to thank them enough for everything they have done for me. My sincere appreciation goes to my parents-in-law, Syeda Nurjahan and late Ahmadur Rahman Chowdhury for their unflinching confidence in me.

Last but not the least, I wish to express my profound gratitude to my beloved country—Bangladesh—for affording me all the opportunities she can. I cannot thank her enough.

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Abbreviations

ACCP	Assembly of Caribbean Community Parliamentarians
AFPPD	Asian Forum of Parliamentarians on Population and Development
APPF	Asia Pacific Parliamentary Forum
APU	African Parliamentary Union (formerly 'Union of African Parliament')
AU	African Union
BRIDGE	Building Resources in Democracy, Governance and Elections
CIDA	Canadian International Development Agency
CIS	Commonwealth of the Independent States
CPA	Commonwealth Parliamentary Association
CSOs	Civil Society Organisations
DAC	OECD Development Assistance Committee
Danida	Denmark's development cooperation, the Ministry of Foreign Affairs of Denmark
DPA	Department of Political Affairs, UN Secretariat
DFID	UK Department for International Development
EIDHR	European Initiative on Democracy and Human Rights
EMB	Electoral Management Body
EU	European Union
EC	European Commission
GBS	Global Barometer Surveys Network
GOPAC	Global Organization of Parliamentarians Against Corruption
GOVNET	OECD DAC Network on Governance

GTZ	German Agency for Technical Cooperation
HDR	Human Development Reports
IOM	International Organisation for Migration
ICTY	The International Criminal Tribunal for the former Yugoslavia
International IDEA	The International Institute for Democracy and Electoral Assistance
IPU	Inter-Parliamentary Union
IFES	International Foundation for Election Systems
LNA	Legislative Needs Assessment
MENA	North Africa and Middle-east
MDGs	Millennium Development Goals
MP	Member of Parliament
NDI	National Democratic Institute for International Affairs
NGO	Non-governmental Organization
OAS	Organization of American States
ODA	Overseas Development Assistance
ODIHR	Office for Democratic Institutions and Human Rights of the OSCE
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the UN High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
PDA	Parliamentary Development Assistance
PMOs	Parliamentary Monitoring Organisations
PR	Proportional Representation
RoP	Rules of Procedure
SDC	Swiss Development Cooperation
SIDA	Swedish International Development Cooperation Agency
SPD	Strengthening Parliamentary Democracy
SSR	Security Sector Reform
UN	United Nations
UNDESA	United Nations Department of Economic and Social Affairs
UNFPA	United Nations Population Fund
UNECA	United Nations Economic Commission for Africa
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNEAD	United Nations Electoral Assistance Division
UNGA	United Nations General Assembly
UNICEF	United Nations Children's Fund
UNODC	UN Office on Drugs and Crime

USAID	United States Agency for International Development
WBI	World Bank Institute
WBG	World Bank Group
WHO	World Health Organisation

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CHAPTER 1

Introduction

The attractive idea that we can now have a parliament of man with authority to control the conduct of nations by legislation or an international police force with power to enforce national conformity to rules of right conduct is a counsel of perfection.

—Elihu Root, *Towards Making Peace Permanent*, Nobel Lecture, The Nobel Peace Prize, 1912

1.1 Introduction

Parliaments as one of the key state institutions in a democratic system have a critical role to play in promoting democracy and good governance. As the democratically elected representatives of the people, members of parliament have the task to ensure government by the people and for the people. Where parliamentarians have established strong relations with their constituents, parliaments are well equipped to identify lingering and emerging grievances.[1] As elected representatives of the people, parliamentarians can speak on behalf of the poor and disadvantaged groups and other vulnerable and excluded communities. They can ensure that development plans are informed by the actual demands from them and are shaped by real priorities on the ground. In the performance of their key functions of legislation, representation and oversight parliaments can actively engage in the development and implementation of laws, policies, budgets and practices that promote democracy and good governance.[2] It is apparent from different UN and international

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treaties, resolutions and commitments[3] that parliament has a crucial role in shaping democracy and enhancing its effectiveness. So, for example, the UN 'democracy framework' adopted by the General Assembly in 2007[4] asserts that, 'democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing', and specifically underlines the '*central role of parliaments and the active involvement of civil society organizations and media and their interaction with Governments at all levels in promoting democracy, freedom, equality, participation, development, respect for human rights and fundamental freedoms and the rule of law*'.[5]

Development efforts of such magnitude are more likely to meet their targets when parliaments engage effectively in the policy deliberations and corresponding budget process. Typically it happens when parliaments engage in budget formulation, and oversight of both 'executive and donor expenditures'. However, it might be difficult, even counter-intuitive to count on government executives to provide sufficient resources and technical support for parliaments' proper oversight of their performance. Many parliaments and similar legislative and oversight institutions are also chronically under-staffed and ill-informed. Often, they are sorely under-resourced and vital research and other capacity is often in short supply. That is why parliaments in many emerging democracies look to the international community for support, as do civil society organizations. Support for parliaments and parliamentarians is a relatively new, but a rapidly growing area of cooperation provided by different donors, often known as 'development partners', to national governments and representative institutions. These include, among others, parliament, legislative body, National Assembly and sub-national legislative bodies. Members of parliaments, also known as 'parliamentarians', can be powerful advocates for development initiatives, and changes. They can promote political, institutional, economic reforms, and democratic transitions in countries either providing or receiving development assistance. There remains a distinct gap in the literature of studies of the impact of aid to parliament. This book seeks to consider the work of international organizations and donors with the parliaments of different countries in terms of their capacity to make a difference to the strengthening of parliamentary development and oversight.

Traditionally, support to legislative strengthening or 'Parliamentary Development Assistance' (hereinafter referred as 'PDA') is a term which refers to the development aid to legislative bodies. The aid includes, among others, processes by which a parliament of either a developing, a post-conflict, or a transitional country receives technical and/or financial

assistance from an external actor, organization or agent with the purpose of defining and improving parliament's core business, capacities or performance in any possible way to promote change or reform in a series of pre-established areas or goals.

As elected representatives, parliamentarians have an important role to play in ensuring democratic participation in governments' development programmes and policies, oversight of the management of development resources, strengthening accountability mechanisms and anti-corruption approaches, and building public awareness of development policy issues. At the beginning of the twenty-first century, parliaments are attempting to find space in an increasingly competitive public sphere, where citizens have multiple routes to influence policy or challenge governmental decisions. This trend has been further accelerated by the growth of communication technologies (i.e. social networks, new media and content management system, and dynamic content production) in recent decades. Whereas the parliaments of the mid-twentieth century might have been able to assume a certain authority within the public sphere when they were the principal route for representation, this is no longer guaranteed. The traditional roles of these institutions have evolved and developed over time in response to the demands of the respective societies. Some parliaments that started as purely consultative bodies began to assert their legislative powers, which in turn played a role in the governance of their countries. In representative democracies, as they became increasingly institutionalized, their members developed ways of using their existing power to create additional roles and greater authority. Consequently, this has affected their composition, powers, functions and Rules of Procedure.

Barring some exceptions, a more educated, informed and demanding citizens and voters are placing new expectations on their representative institutions. The challenge for the development of parliaments around the world is to understand the nature of these changes, determine what they mean for parliamentary representation, lawmaking, and oversight, and, identify ways of adapting to what seems to be the ever-quickening pace of change. It leads to greater civic engagements with parliament and exposes parliaments to public scrutiny as well. Understanding such demand-driven bottom-up process is important to appreciate fully the real impact of parliamentary development work. The critical roles played by both the parliament and the parliamentarians draw considerable interest among development partners. In fact, the first ever *Global Parliamentary Report 2012* jointly produced by the United Nations Development Programme (UNDP) and the Inter-Parliamentary Union

(IPU) while reinforcing parliaments' vital role in a democracy clearly indicated that in a complex and fast-moving environment, many parliaments have to change the way they perform in order to retain their legitimacy and relevance.[6]

A large number of organizations—intergovernmental, governmental and non-governmental bodies—are involved in the Parliamentary Development Assistance. They range from bilateral donors such as USAID, SIDA, CIDA and DFID, to multilateral organizations including UN, UNDP and the World Bank, to parliamentary networks and political party foundations such as the Global Organization of Parliamentarians Against Corruption (GOPAC), the National Democratic Institute (NDI), and an assortment of research and capacity-building organizations such as the Canadian Parliamentary Centre, think tanks, not-for-profits and private-sector organizations. The approaches taken to parliamentary strengthening vary from those which are focused on parliamentarians themselves, to those which are focused on parliament as an institution, to those such as International-IDEA, which deal with aspects of the wider political system within which parliaments operate, such as elections and political parties. While the function of such institutions and processes as arenas for debate and for parliamentary development or democratization is of great importance, it is the first function—that of parliamentary oversight—which forms the focus of this research.

Efforts to assess the impact of the parliamentary development/strengthening activities of these organizations have been very limited. There is little reliable evidence about the effectiveness of donor support to parliamentary strengthening work, with obvious implications for policy-makers and those tasked with designing programmes of support to parliamentary strengthening. This makes the task of identifying what works, what does not, and learning lessons, in the area of parliamentary development through external assistance extremely problematic. This chapter presents the objectives, scope and structures of the thesis along with pertinent background information.

1.2 Background

Parliaments in many developing countries face many challenges. Legal frameworks may fail to give parliaments adequate powers to influence the policy process. Parliaments may not have the capacity or resources

to play their roles effectively. The executive—and donors—may prefer to exclude parliaments from discussions about how aid should be managed and spent. And citizen-voters may feel that their member of parliament ought to work primarily to deliver development to their respective communities, rather than engaging in the national policy cycle, lawmaking, and holding the executive to account through oversight mechanisms. The issue of technical and management capacity constraints is also evident. However, there is an increasing recognition that parliaments need to be actively involved in the policy, lawmaking process and oversight business, if the challenges of making aid more effective are to be met.

The African Governance Report for 2005 found that: 'In terms of enacting laws, debating national issues, checking the activities of the government and in general promoting the welfare of the people, these duties and obligations are rarely performed with efficiency and effectiveness in many African parliaments'.[7] Due to gaps in knowledge and required capacities, parliaments in many developing countries from different regions are ineffective. Such gaps often negatively affect parliamentary performance and/or credibility of such bodies as governing institutions. These aspects hinder legislatures in performing their oversight function and weaken the overall quality of democratic governance. The second African Governance Report 2009 echoed this, 'The capacity of the legislature to perform its functions efficiently and effectively is a major concern in many African countries'.[8] In fact, the third African Governance Report 2013 also confirmed this by asserting, 'However, democracy remains vulnerable, and requires greater institutional and procedural certainties to be consolidated'.[9]

In the same way, there are distinct reasons for poor parliamentary performance. Often, parliamentarians lack the knowledge and skills to do their jobs effectively, may be more concerned with retaining their seat than withholding the executive to account, or—if they do seek to vigorously hold the executive to account—may find that they lose their seat before long. And parliaments themselves lack the institutional capacity and resources which they need. In many developing and transitional countries, parliaments receive insufficient finance to be functionally independent and effective.[10]

Parliamentary performance is also shaped by context. Political systems including electoral rules, constitutions and the nature of political parties may not facilitate strong parliaments, while in many countries, parliaments can find themselves dominated and marginalized by the executive.

The wider social, cultural environment, and, sociopolitical traditions, including citizens' expectations of their representatives, may not foster effective parliaments. And donors' aid relationships with developing countries—conducted almost on an executive-executive basis—can also serve to marginalize parliaments. This could further weaken its role in enhancing national accountability framework and parliamentary oversight mechanisms. Therefore, any support/technical assistance to parliament must consider various underlying reasons for poor parliamentary performance.

The importance of parliamentary institutions is recognized by donors and programming organizations. At the same time, there is disappointment with the results of parliamentary development programming and technical assistance projects, as documented by development partners' internal and external reviews and assessments.[11] Parliamentary strengthening work has often been criticized as being politically naïve and technocratic, conspicuously ignoring the surrounding environment within which parliaments operate. This study aims to explore this issue of parliamentary performance within the framework of Parliamentary Development Assistance and its effectiveness as 'aid'.

1.3 The Objectives of the Book

The Parliamentary Development Assistance (PDA) has so far addressed a wide range of parliamentary components and legislative activities. An overarching PDA trend is to strengthen parliamentary oversight and accountability mechanisms, to reinforce the parliaments' role in the national integrity system, and, to enhance transparency of the parliamentary business processes. In fact, in many countries all of these contribute to identify and shape parliamentary strategies to address corruption. Hence, the book seeks to identify the following aspects:

- **Exploring the effectiveness of Parliamentary Development Assistance**. Lessons will be drawn from a host of countries to determine the most effective role of the international community in strengthening parliaments. This issue is important for research on what we know about development aid distributions and its corresponding relations with improved accountability. Each sample represents differently a region and a distinct level of parliamentary development

process starting from establishing/supporting a new parliament in fragile contexts and transitions (Afghanistan, Kyrgyzstan, and, Serbia), to strengthening an existing one (Bangladesh, and, Ghana) in relatively stable democracies.

- **Examining how the PDA relates to and influences oversight functions of parliament**. The book explores whether such emphasis on the PDA leads to effective parliamentary approach to oversight. The following chapters examine in detail some of the most important programmatic interventions of the donors in the area of parliamentary development. Countries like Afghanistan, Bangladesh, Kyrgyzstan, Ghana and Serbia can provide a unique opportunity to test the principles of aid effectiveness in assessing parliamentary approaches to oversight and transparency in the broader national perspective.

1.4 Key Research Questions

As outlined in the objectives of the book above, there are three overarching research questions that will be probed and explored throughout the book:

A. Is development aid (in this case, 'PDA') effective in parliamentary development?
B. Does parliament have a distinct approach to oversight?
C. To what extent is PDA dependent on the extent it is effective in ensuring oversight?

The first two questions are seemingly different but directly related as the majority of the Parliamentary Development Assistance has been channelled in the areas of strengthening parliamentary oversight mechanisms, and, establishing a parliament as a representative institution to enhance both internal and external accountability frameworks. Therefore, the answer to the first query may shed light on the second query whether parliament has a distinct approach to oversight. This query is also linked to the national integrity system to address the challenges posed by corruption. Indeed, the third question explores whether this link exists. This has, in fact, potential to contribute to the development of a response to the growing need for a greater oversight role of parliament.

1.5 The Scope of the Book

Parliamentary development is a rapidly expanding area with multifaceted openings for development agencies, i.e. capacity development of parliamentarians and staffers, support to legislative drafting, strengthening executive–legislative relations, organizational and functional review, parliamentary outreach, support to parliamentary committees and Commissions. The thematic scope of work is also huge. For example, parliamentary approaches to oversight have traditionally focused on establishing appropriate legal and administrative frameworks, strengthening existing accountability mechanisms and enhancing parliamentary oversight work to ensure good governance and combat corruption at the macro-level, such as monitoring budget processes, service sector delivery, social protection and in sensitive areas like intelligence and security sector, establishing code of conduct for parliamentarians and staffers.

Parliaments have the duty and responsibility of adhering to the highest integrity standards, including the broader framework established by the parliamentary strengthening work. Data, information, knowledge, and, most importantly, analysis on the impact of parliamentary development and parliamentary assistance being generated in many developing countries. With a view to responding to the specific research questions outlined above, the book would explore comparative experiences and lessons learned based on several case studies from developing countries across different regions (South Asia, Central Asia, East Europe and Africa).

1.6 The Structure of the Book

This book is divided into three main parts: **the first one**, including this chapter and Chapter 2, contextualizes academically and methodologically the topic of study to better understand its findings; **the second one**, Chapters 3–5, presents the analytical framework of the investigation: research questions, literature review, and, key conceptual and thematic issues including but not limited to, parliamentary oversight and aid effectiveness; **the third part**—which includes Chapters 6–9—presents country case studies, analysis of the pertinent findings, and concludes with a summary of the main results found in this book as well as their policy implications.

This chapter is, therefore, aimed at setting the general context of the book along with specific research questions to be explored. The chapter also provides the objectives and scope of the research and some

introductory remarks. Chapter 2 discusses the methodology of this research study and clarifies its design process. It offers a description of data sources, collection strategies and, operational process of analysis. In addition, it shares detailed justification of why the methods applied are adequate, and includes further details of the research process.

Chapter 3 expands some of the notions of parliamentary development and explains key concepts (i.e. democratization, aid effectiveness, parliamentary oversight, national integrity system and accountability) and historical perspectives. The chapter also sheds light on how parliamentary accountability and oversight can be infused into the effectiveness agenda. Chapter 3 contributes to the development of the book's analytical framework by means of a literature review.

Chapter 4 examines the growing areas of parliamentary support work (i.e. assisting parliament, through Parliamentary Development Assistance—PDA) and attempts to assess whether such development aid deems effective. It introduces different actors and approaches of parliamentary development work. The chapter shares global, regional and country-level examples of the PDA. In this regard, the chapter revisits the core principles of aid effectiveness.

In the course of the past decade, international organizations, and specialized NGOs and think tanks have taken a much greater role in promoting democracy and democratic governance. They attempt to promote democracy, among other things, by strengthening legislatures and national accountability mechanisms. They have endeavoured to achieve this by improving the legislatures' ability to oversee government institutions and activities. They also examine the links between democratic accountability and public oversight. Hence, the question is: Does strengthened oversight make a difference as many experts and international organizations have assumed? Chapter 5 attempts to answer this question.

Some parliaments in developing countries, specially newer democracies, are more effective than others in fulfilling parliamentary role as an oversight body. However, the question remains—does strengthened oversight actually lead to a parliamentary anti-corruption approach? How effective is the PDA in strengthening parliamentary oversight work? Through a brief analysis of designated country cases—Bangladesh and Ghana—in Chapter 6, the book attempts to answer the question. It explains the contrasts that exist across countries. It analyses each type of explanation including, historical background; political contexts; the constitutional powers of the legislature; whether the system is parliamentary

or presidential; challenges, including the existing organizational structure and resources of the legislature; executive–legislative relations, the fragmentation and organization of the party system and its relations with parliament, international engagements and aid effectiveness.

Like Chapter 6, Chapter 7 provides further opportunity to test the central premise of the thesis—effectiveness of the PDA, in this case in fragile states and transition countries. Three case studies have been chosen for this: Afghanistan, Kyrgyzstan and Serbia. It presents contextual information including, historical background; political contexts; the constitutional powers of the legislature; whether the system is parliamentary or presidential; challenges including the existing organizational structure and resources of the legislature; executive–legislative relations in the context of broader state-building and governance agenda, the fragmentation and organization of the party system and its relations with parliament, international engagements, and aid effectiveness. Fragile and conflict-affected states present inherently risky environments for development assistance including the PDA. However, the risks of inaction in these contexts are also high. Transition countries like Serbia offer somewhat different sets of challenges. These countries got out of conflict already, however, continued with their journey amidst political and economic transitions. These case studies will, therefore, support the advancement of meagre knowledge and scholarship available in the particular field of fragility and transition.

Chapter 8 identifies some of the critical lessons learned and good practices, specially those emanated from different examples and country case studies discussed in Chapters 6 and 7. The chapter also explores examples from other countries (non-case study countries) where PDA was channelled and strived to develop an agenda for follow-up action. This enables the book to broaden the scope of learning and validation of similar lessons.

All three chapters (Chapters 6–8) are structured in a way which follows the lines of investigation presented by the research questions: results are first analysed in general, to then go onto a comparison of the similarities and the differences found between country case studies from different political systems (looking at a series of contextual variables such as political context; level of international assistance; type of oversight mechanisms; and so on). Some policy and institutional reforms have been proposed in these chapters—particularly in Chapter 8—covering a variety of ways and means that parliamentary development could be advanced globally and locally.

Finally, the conclusion (Chapter 9) offers a clear picture of what has been the outcome regarding the main research questions of this book, as developed above and in Chapter 3. Chapter 9 revisits the key research questions posed in this chapter and directly responds to them in a succinct manner based on the findings of the study. It refers to the policy implications of this book, and, finishes by reiterating some reforms and raising further issues and questions for future research on the subject. The chapter also offers closing observations reflecting on the analysis made in the preceding chapters.

Notes

1. See United Nations General Assembly, *UNGA Documentation A/67/765 (Summary Report on the 2012 Parliamentary Hearing)*, available online at the Inter-Parliamentary Union (IPU) site http://www.ipu.org/splz-e/unga12/summary.pdf (accessed on 20 May 2013).
2. See IPU, *Parliaments' Role in the Development Agenda*, Geneva, 2009, prepared by a team of experts commissioned by the Inter-Parliamentary Union, available online at IPU site http://www.ipu.org/un-e/case09.pdf (accessed on 11 April 2013).
3. For a selection of Statements, reports and resolutions concerning IPU and UN relations with references to the role of parliaments, visit IPU site at http://www.ipu.org/un-e/un-docs.htm (accessed on 11 April 2013).
4. UNGA Resolution A/RES/62/7, the full text of the resolution is available at IPU site http://www.ipu.org/idd-e/a-62-296.pdf (accessed on 11 April 2013).
5. UNGA Resolution, ibid., p. 4.
6. See UNDP and IPU, *Global Parliamentary Report: The Changing Nature of Parliamentary Representation*, New York and Geneva, 2012, available online at http://www.agora-parl.org/sites/default/files/global_parliament_english.pdf (accessed on 11 April 2012).
7. Economic Commission for Africa (ECA), *African Governance Report*, ECA, Addis Ababa, 2005, p. 127, available online at the ECA site http://www.uneca.org/agr2005/ (accessed on 10 July 2011).
8. ECA, *African Governance Report II*, ECA, Addis Ababa, 2009, p. 124, available online at the ECA site http://www.uneca.org/sites/default/files/publications/agr2-english.pdf (last accessed on 26 December 2013).
9. ECA, *African Governance Report III*, ECA, Addis Ababa, 2013, p. 6, available at the ECA site https://www.uneca.org/publications/african-governance-report-iii (accessed on 14 January 2018).

10. European Commission, *Engaging and Supporting Parliaments Worldwide—Strategies and Methodologies for EC Action in Support to Parliaments* (Luxemburg: Publications Office of the European Union, 2010), available online at http://ec.europa.eu/europeaid/what/governance/documents/engaging_and_supporting_parliaments_en.pdf (accessed on 15 June 2013).
11. See T. Carothers, *Aiding Democracy Abroad: The Learning Curve* (Washington, DC: Carnegie Endowment for International Peace, 1999).

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CHAPTER 2

Research Design and Methodology

2.1 Introduction

There is no substantive global publication on the effectiveness of Parliamentary Development Assistance (PDA) in strengthening parliamentary oversight mechanisms, except research and studies on the activities of parliaments on various strands of reforms taking place in different countries. The present book aims to fill this void. In view of the lack of substantial research in this area, the book relies both on primary and secondary (exploratory) resources. It promises to be among the first set of works to conduct an in-depth analysis and to investigate the role of the PDA in support of parliamentary development. The research mainly focuses on parliamentary oversight mechanisms. In this chapter, we develop a review of the research methods and design appropriateness of the study, a description of data sources, collection strategies and, operational process of analysis, and, finally, a discussion of the validation and quality assurance process. In order to unearth the effectiveness of the Parliamentary Development Assistance, the book follows the exploratory design process. It is then followed by descriptive design and backed by country case studies, field experiences gained from parliamentary projects, and, desk review. The sequence is important as exploratory research must happen first for the descriptive research to be effective. The latter organizes the data and hypotheses found during the exploratory process.

In addition, this chapter provides detailed justification of why the methods applied are adequate, and more importantly, gives more specific

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A. H. M. Kabir, *Development Aid in Stable Democracies and Fragile States*, https://doi.org/10.1007/978-3-319-92174-7_2

details about the scope of the book, including quality assurance process during the writing of the book and its validation afterwards.

2.2 Research Design

Figure 2.1 demonstrated two types of research design. The book has employed an exploratory research design to explore a problem that has not been clearly defined. It seeks to develop initial hunches or insights using qualitative techniques and to provide direction for any further research needed. Unlike conclusive research, exploratory research is more likely to use qualitative, rather than quantitative techniques.[1]

Within the scope of this research on parliamentary development, exploratory research design is pertinent when we know enough to make conceptual distinctions or posit an explanatory relationship. It helps determine appropriate research design, data collection method and selection of subjects for an area of study that has not been extensively explored previously. It should draw definitive conclusions only with extreme caution. Social exploratory research 'seeks to find out how international aid and parliamentary actors get along in the setting under question, what meanings they give to their actions, and what issues concern them. The goal is to learn what is going on here?' and to investigate social phenomena without explicit expectations.'[2]

The exploratory research relied on secondary research, such as reviewing available literature and data, and qualitative approaches such as experiential assessment through informal discussions with recipients of international assistance, employees, or management, and more formal approaches through in-depth interviews, focus groups, participant observation, and, last but not the least, case studies. The Internet allows for research methods that are more informative and up-to-date in nature. For example, major search engine search results may be sent by email to researchers by services such as Google Alerts [parliamentary development, aid effectiveness, legislative development including support to parliamentary oversight]. Comprehensive search results are tracked over lengthy periods by services such as Google Trends, and websites-interactive blogs may be created to attract worldwide feedback on any subject.

The results of exploratory research are not usually useful for decision-making by themselves, but they can provide significant insight into a given situation. The results of qualitative research can give some indication as to the 'why', 'how' and 'when' something occurs. Exploratory

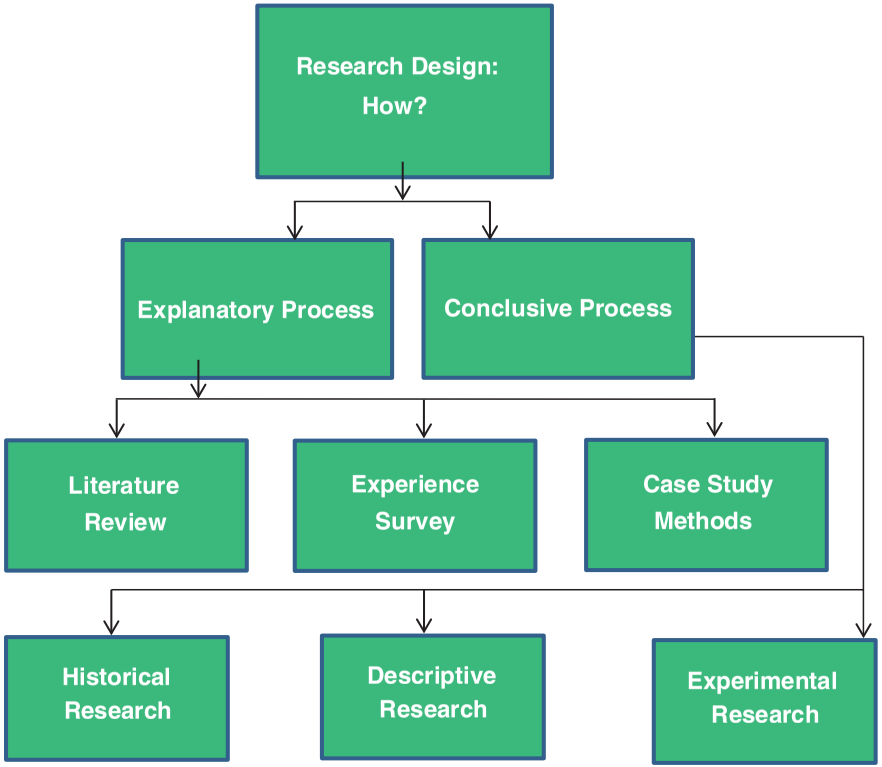


Fig. 2.1 Types of research design (*Source* This figure was used in the *Report on Service of Jamuna Bank Ltd and The Level of Customer Satisfaction*, available at http://www.assignmentpoint.com/business/marketing-business/internship-report-on-service-of-jamuna-bank-ltd-and-the-level-of-customer-satisfaction.html (accessed on 10 December 2014))

research is often used to generate formal hypotheses and develop more precise research problems. They help establish research priorities. Exploratory research is not typically generalizable to the population at large.[3] Almost all case studies referred to in the following chapters are a testimony to this trend.

The research design is based on the problem under investigation, the theoretical framework of the study and its purpose. In order to ensure a logical flow of ideas; current and relevant references with consistent, appropriate referencing style; proper use of terminology; an unbiased and comprehensive view of the previous research on the topic, a well-structured literature review (Sect. 2.4.1) was undertaken.[4] This was then backed up and further examined through field work.

The field work was used to obtain and verify the data. The information collected was principally of qualitative nature. This fact influenced the author's choice of the method of data analysis. The fieldwork was carried out in Afghanistan and Bangladesh [interviews, meetings, participants observations, conference calls during 2009–2013], Serbia [meetings, interviews and follow-up interactions with development partners in 2010–2012], and Ghana and Kyrgyzstan [conference calls, meetings and interviews 2010–2012]. In addition to the field work, the author worked with his contacts and sources from these countries for data collection, verification, analysis and validation.

2.3 Data Sources and Information Collection

In terms of primary and secondary data collection, the study used a multiple-methods approach that included interviews, desk/literature reviews of existing literatures and portfolio reviews of donors' projects and selected case studies (see Sect. 2.4.1).

The sources (both primary and secondary) of data include, among others, laws and regulations, national policies, documentation produced by governance and parliamentary development projects, such as work plans, budgets, activity reports, progress reports, financial statements; government planning instruments, donor strategies, reports by civil society organizations, academic insights and writing. Information available on the websites of various countries and parliaments both within and outside the regions of the selected country studies, as well as views, opinions and analyses made by scholars, independent researchers and international and regional organizations were used.

Due to methodological constraints, the objectivity and impartiality of secondary sources used may be questionable, and that media reports, donor agency self-evaluations, internal and unpublished reports, and even academic works may have limited coverage and bias. However, with the triangulation of methods—perusal of secondary materials, statistics and pertinent survey materials used by development agencies [i.e. UNDP, USAID The World Bank, IPU, SIDA] for global and thematic reports and in-depth interviews—the likelihood of findings being valid are high, despite the constraints of time and resources. In fact, IPU established an online database to capture normative and institutional knowledge.[5]

2.4 Research Methodology

Research methods are generalized and established ways of approaching research questions. Given the political nature of the institution and complexity of the aid effectiveness agenda, the qualitative method was preferred over quantitative analysis (see Fig. 2.2). Research objectives were attained through appropriate application of qualitative methods which include, among others, desk review, semi-structured interviews, participant observation, action research, country case studies (Ghana, Afghanistan), selected field trips (Afghanistan, Bangladesh, Serbia,



Fig. 2.2 Cycle of research methodology (*Source* This figure was developed by the author based on the methodology followed in the current publication)

Kyrgyzstan), and comparative experiences from different countries and regions beyond designated country case studies gathered by international actors active in the area of parliamentary development (Fig. 2.2).

2.4.1 Desk Review

The desk review involved synthesis using the primary research of others typically in the form of research publications, reports, official evaluations, and, unpublished and internal assessments. It relied heavily on the use of available information and data from various countries' legislations, government records, country reports, parliament/projects' annual and thematic reports, internal donor reports, unpublished evaluations, and other literatures on democracy and democratic governance, legislatures, PDA, oversight functions of parliaments and aid effectiveness.

In fact, two types of desk research techniques were applied: internal and external desk review(s). Internal review involves internal and existing organizational knowledge resources [international and intergovernmental organizations] to organize the collected data in such a way that it is not only efficient but also usable.

As part of the internal review, portfolio of projects was examined. Portfolio review of relevant donors' supported parliamentary projects include, among others, archival (online and library) research on PDA and its effectiveness, virtual meetings with members of the Peer Assist and Peer Review Groups and academic experts. The book is substantially dependent on the reliability of the information to be shared by the lead proponents of the projects or the Governance Portfolios located at some of the donors' country offices, regional bodies and Headquarters. In order to address possible information gaps, a review of relevant project documents was undertaken. Moreover, the book is limited to a controlled group of projects (country case studies used in the study) that were supported by different multilateral and bilateral international organizations, i.e. UNDP, The World Bank, USAID, DFID, SIDA, CIDA, other bilateral donors to represent those that provided PDA and those who analysed the impact of the PDA.

External desk review involved the careful and targeted use of knowledge resources available through the Internet and social media sources. A detailed review of relevant literature for aid effectiveness of parliamentary development support was conducted at this stage. This was

complemented by a literature review of the prominent knowledge resources available both internally and externally.

In summary, the desk review had the following twofold objectives:

- *2.4.1a Developing a Conceptual Framework*: A conceptual framework for any book of similar nature acts as a visual outline to represent a concept or research idea. In this case, the effectiveness of parliamentary development aid emerges as the research idea. This framework expands upon the research problem [whether the PDA is effective in parliamentary oversight work] as it relates to pertinent literature review and research on democracy, democratization and aid effectiveness processes. Therefore, part of the conceptual framework offers a synopsis of this study's key points. The literature review (Chapter 3) leads to the partial development of the conceptual framework, which would be further developed and reinforced throughout the study with support from country case studies and field experiences. However, the conceptual framework is not treated as a rigid rule, so it remains 'fit for purpose.' It is vital to adapt and tailor the framework to accommodate the changes in and contextualization of the PDA.
- *2.4.1b Addressing Knowledge Gaps*: Early findings show that data, information, knowledge, and, most importantly, analysis on the impact of Parliamentary Development Assistance and/or parliamentary strengthening work are extremely inadequate. To address this knowledge gap, a number of traditional and new media, and, web-based networks were utilized:
  - Formal Networks, Web Resources and Old Media: The research for the book focused on traditional sources of knowledge, i.e. international institutions, global-regional-national think tanks, old media (newspapers, views magazines, journals, etc.). The research also explored people's (stakeholders and beneficiaries) perceptions and actual practices, including donor processes and practices.
  - Informal Networks and Sources: The research is benefited from deployment of informality in harnessing data and knowledge gathering from parliaments, development agencies, funding/donor agencies. Informality includes professional, institutional, and, personal relations and networks.

- New and Social Media: The book deployed a combination of social networking and communication tools (i.e. wiki, blog, tweet feeds, Skype) in consolidating qualitative research methods, i.e. semi-structured interviews, and virtual peer support mechanism. This proved to be quite effective in both literature review work and knowledge capture processes.
- Selected Reports, Studies and Publications: Many of the reports/publications outlined in References/Bibliography section were consulted throughout the process. Some of these sources were duly referenced as footnotes. The book captured lessons learned, good practices, and parliamentary knowledge resources generated through internal and/or external electronic knowledge networks of development aid agencies [i.e. Democratic Governance Practice Network, Agora Portal—parliamentary development web portal, I-Knowpolitics, ACE Electoral Knowledge Network].

2.4.2 Interviews

A wide range of stakeholders was interviewed, including members of the Peer Assist and Peer Review Groups. This was, in fact, a combination of intensive interviews and elite interviews. By the former, I meant somewhat lengthy discussions with people chosen at random or in some other way that does not refer to them as specific individuals. By the latter, I meant discussions with people who are chosen because of who they are or what position they occupy regardless of their social, economic, legal or political standing. They include, among others, members of parliament, parliamentary staff, academics, parliamentary reporters/journalists, aid workers/officials, researchers, academics and civil society representatives, etc. Both structured, semi-structured, and, informal, unstructured, often conversational interviews were conducted [25 of them were interviewed]. While a structured interview has formalized, limited set questions, a semi-structured, often conversational, interview is flexible, allowing new questions to be brought up during the interview because of what the interviewee says.

Semi-structured interviews of former and current policy-makers, parliamentarians, technocrats and civil society activists are also employed with added analysis to complement evidence drawn from documentary analysis. Opinions of lead oversight officials—parliamentarians, Office of

the Auditor General and the national anti-corruption agency—for example, provide insight into the evolving levels of public accountability during the study period. The interviews captured the discourse of leadership, policy direction and the quality of implementation under the various regimes examined in the study. In this regard, a deliberate and careful selection of interviewees from among the relevant stakeholders in the oversight process prevails.

2.4.3 Participant Observation

Experiences of selected legislators and technical experts were captured and examined in analysing executive–legislative relations in the context of parliamentary oversight.[6] Their experiences were also captured in relation to parliamentary development aid [New York/USA June-November 2009, Paris/France December 2009, Dhaka/Bangladesh 2010–2011].[7] Comments and feedback on author's presentations to different groups and plenary sessions of conferences/workshops on aid effectiveness in parliament were also captured and analysed.[8] Due to reliance on first-hand information, high face validity of data, often sensitive nature of internal discussion, i.e. frank deliberations about quality of parliamentary support, critical analysis of the capacity of national counterparts, i.e. officials of parliamentary secretariat the participant observation was particularly helpful. It suits this type of study where one needs to deal with informalities and political actors. This method of research gives access to key privileged information in dealing with informalities, i.e. internal political processes, backstage, local, traditional practices which would be difficult to obtain if requested through formal channels.

2.4.4 Action Research

Knowledge is always gained and sustained through action. In this sense, performing action research is the same as performing an experiment, thus it is an empirical process. As a subset of participant observation, action research was explored as the participants (typically practitioners, such as development practitioners in an agency context) in some focused change efforts (i.e. to improve aid effectiveness, to strengthen parliamentary oversight) self-reflect on their experiences in order to improve practice for themselves or the organization. One such action took place in the margins of UNDP's Global Parliamentary Development Community

of Practice Meeting (Paris, December 2009).[9] The meeting helped the action research process by facilitating the engagement of with the Peer Assist Group and the Peer Review Group. It moved the PDA research beyond reflective knowledge created by external experts to an active moment-to-moment theorizing, data collecting and inquiring occurring during the process.

2.4.5 Case Studies

The case study approach is utilized to ensure in-depth understanding and to focus comparison between country-level practices. Typically, case studies are used in design research to analyse a phenomenon, to generate hypotheses and to validate a method. Though they are used extensively, there appears to be no accepted systematic case study method used by design researchers. Considering its nature and objectives, the case study method is a suitable method for conducting design research in parliamentary development. Case studies examine contemporary situations and developments on the ground and provide the basis for the application of ideas and extension of methods. Five country case studies [Afghanistan, Bangladesh, Ghana, Kyrgyzstan and Serbia] were selected to develop the understanding of actual practices and insights to theoretical analysis. They were selected because they represented different regions and reflected different levels of developmental situations, including conflict and fragility (i.e. Afghanistan), and, economic and political transitions (i.e. Serbia) context, and, maturation of parliaments (applicable in all five cases). Case studies are vital to unearth the link between aid flow and institutional development to determine the nature of effectiveness of the PDA. In each case study, a brief literature review was undertaken to present factual narratives about the sociopolitical, and constructional contexts were presented to deepen the understanding. The case studies then factored into insights generated by the above-mentioned methods and tools including interviews, and participant observation.

2.4.6 Idea Board for Learning and Quality Assurance

For the purpose of the book, an informal Peer Assist Group (PAG) of Parliamentary Practitioners, and, a Peer Review Group of Parliamentary and Development Experts were formed at the beginning

of the study to inform and guide the process at different levels. This will act as an 'Idea Board', which contributed to the action research undertaken and the subsequent quality assurance process for the present thesis.

- *Peer Assist Group (PAG)*: Peer Assist is an informal networking/meeting of a project team (in this case, 'the author/researcher') with technical colleagues (about 10) the author/researcher has invited to assist them with a significant issue the team is facing. The author benefited from his interactions and discussions with project team members and senior management teams of several countries including case study countries, particularly their parliaments (i.e. parliament officials in countries for designated case studies) and aid agencies (i.e. UN and UNDP Country offices hosting parliamentary strengthening projects);
- *Peer Review Group (PRG)*: Peer Review is used to describe a process of self-regulation by a profession or a process of evaluation involving qualified individuals (governance and aid effectiveness professionals) with the related field(s). Peer review methods are employed to maintain standards, improve performance and provide credibility. This is an important element of both methodology and quality assurance as it linked to the themes (i.e. Aid effectiveness, parliamentary oversight) of the book.

These allowed inclusions of both development and aid practitioners and parliamentary experts to ventilate their feedback and ideas to the research process.

2.5 Justification and Validation

Figure 2.3 depicted the quality assurance system and validation process that were applied in the present research on the PDA. This is pertinent in such an area where sources of information are predominantly internal, and, based on primary data and conversational interviews in addition to review of a limited number of secondary literatures.

Qualitative research and the process of analysis involve continuous reflexivity and self-scrutiny (Fig. 2.3). The Peer Assist process was particularly helpful in making self-scrutiny less subjective as it allows wider scrutiny and quality assurance. The case study method reduced elements of subjectivity and enhanced credibility of internal data.[10] For example,

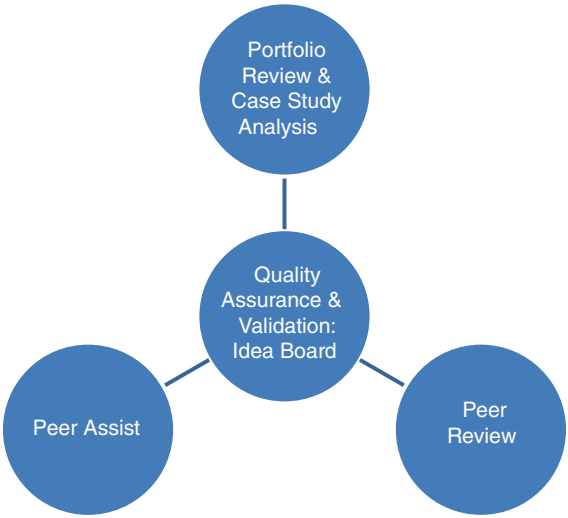


Fig. 2.3 Process of validation (*Source* This figure was developed by the researcher based on the methodology and validation process that were relevant to present research)

qualitative internal data and analysis about parliamentary development processes in Bangladesh and Kyrgyzstan captured through literature review were either validated and reinforced or altogether rejected through the case studies undertaken by the author (Fig. 2.3).

Balancing the need for creativity and rigour, any author or researcher at times can experience uncertainty. A modest participatory approach involving a selected range of stakeholders was, therefore, employed. For this, the Peer Review process was considered to ensure that the findings and conclusions are based on rigorous and objective process, valid and up-to-date information.

2.6 Conclusion

The purpose of this chapter is to describe in detail the research methodology of this book, explain the case study selection and describe the procedure used in designing the research process and collecting the data.

It also provides an explanation of the qualitative methods used to analyse the data.

This chapter focuses on the methodology applied, and the processes followed for the study on Aid Effectiveness in Strengthening Parliamentary Oversight mechanisms. Given the diverse set of country case studies, such insights generated from the field would be relevant to both academic and professional circles.[11] It is, however, not a book focusing on broader parliamentary organizations and processes, generic development aid to political institutions or independent anti-corruption work of national agencies.

Notes

1. Rajendra Nargundkar, *Marketing Research: Text and Cases* (Columbus: Tata McGraw-Hill Educational, 2008), p. 39.
2. See Russell K. Schutt, *Investigating the Social World*, 7th ed. (Washington, DC: Sage, 2012).
3. M. Cuthill, "Exploratory Research: Citizen Participation, Local Government, and Sustainable Development in Australia," *Sustainable Development*, vol. 10, 2002, pp. 79–89; P.J. Taylor, G. Catalano, and D.R.F. Walker. "Exploratory Analysis of the World City Network," *Urban Studies*, vol. 39, December 2002, pp. 2377–2399.
4. See Chapter 3 (literature review) for details.
5. IPU Reports and Surveys are available online at the Inter-Parliamentary Union site http://www.ipu.org/english/surveys (last accessed on 26 November 2013).
6. These were captured through interviews and participants observations during the author's visit to Belgrade/Serbia in 2010, and, to Bishkek/Kyrgyzstan in 2011.
7. Based on this author's interviews with some of the leading parliamentary development aid professionals in New York/USA in 2009, Paris/France in 2009, and Dhaka/Bangladesh during 2010–2011.
8. For example, the author presented a research paper on the PDA ('Does Parliamentary Development Assistance Matter?') at the Ninth Workshop of Parliamentary Scholars and Parliamentarians 2010 held at Wroxton, UK. Details of the workshop are available at the University of Hull website http://www2.hull.ac.uk/fass/politics-and-international-stu/news-and-events/events/ninth-workshop-of-parliamentar.aspx (accessed on 15 December 2014).

9. UNDP Parliamentary Development Community of Practice Meeting was held in Paris on 11–12 December 2009. The full internal report (unpublished) is in file with author.
10. See P. Baxter, and S. Jack, "Qualitative Case Study Methodology: Study Design and Implementation for Novice Researchers," *The Qualitative Report*, vol. 13 (4), December 2008, pp. 544–559, available online at http://www.nova.edu/ssss/QR/QR13-4/baxter.pdf (accessed on 5 November 2013).
11. The audience for this kind of thematic research work typically includes, among others, academics and democracy researchers, politicians, parliamentarians/members of parliaments, technical/parliamentary staffers, political leaders, governance and aid effectiveness experts, and anti-corruption practitioners who are planning or carrying out parliamentary strengthening programmes, and civil society organizations and citizens committed to democratic development and establishing democratic accountability framework. Obviously, the development agencies, national and international NGOs would be interested in the focus and outputs of the present research. The book would also be relevant to the citizens and civic groups who are interested in monitoring the performance of the parliament and in advocating measures to improve its functioning.

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CHAPTER 3

Reviewing the Literature: The Long Walk to Democracy and Development

3.1 Introduction

This chapter revisits relevant pieces of literature which sheds light on the problems, issues and research questions to be addressed by the book. The purpose of the literature review remains the same regardless of the research method one might employ. It tests the chosen research question against what already is known about the subject under review. Discussions on related literatures are thematic that establishes the theoretical, conceptual and operational framework of the study on Parliamentary Development Assistance. The process of reviewing related literature serves as take-off point for further understanding of the role of the 'Parliaments' and 'Parliamentary Development Assistance (PDA)' in enhancing the standards and criteria through which development and governance have to be pursued. The research questions on the effectiveness of the PDA and the idea of how effective it is in strengthening oversight mechanisms for stronger accountability come to the surface. Again, this review will be beneficial in establishing modalities of PDA practice and its future direction in the broader democratization process.

3.2 From Democracy to Democratization

Before we can identify the parliamentary and PDA contributions to democracy, we need first to be clear what we understand 'democracy' to mean. In brief, democracy is both an ideal and a set of institutions and

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practices. As an ideal, it expresses two very simple principles: first, that the members of any group or association should have the determining influence and control over its rules and policies, through their participation in deliberations about the common interest; second, that in doing so they should treat each other, and be treated, as equals. These principles are applicable from the smallest group up to the largest state[1]: how effectively they are realized in practice is the hallmark of how democratic any association can claim to be. This is, indeed, a tall order.

At the level of the modern state, these democratic principles are only realized through a complex set of institutions and practices, which have evolved over time and continue to do so. These include: a guaranteed framework of citizen rights; institutions of representative and accountable government; an active citizen body or civil society; and a number of mediating institutions between government and citizens, among which political parties and the media are the most important. Although parliaments belong most obviously to the second, government institutions, they also have a key role to play in relation to the others. This is what makes them the central institution of a democracy.[2] This also gives them cross-cutting and at times coordinating role.

Democratization is a process whereby a country adopts a regime of free, fair and competitive elections within the framework of basic civic liberties and respect for rule of law.[3] Different patterns of democratization are often used to explain other political phenomena, such as whether a country goes to a war or whether its economy grows. Democratization itself is influenced by numerous factors, including economic development, history and civil society. Many countries have adopted democratic regimes only to see them collapse in a military coup or other revolt that yields an authoritarian government instead. Peaceful transfer of power from one political party or coalition to another, including former opposition, is also regarded as important criteria. Such a transition is critical because it indicates that the major political forces in a country are prepared to settle their disputes without violence and to accept that they will all spend periods of time out of the office.[4]

Democracy and the democratization process are a long-haul journey. It took an extended period of time to develop in the industrialized countries of Western Europe and North America. In the USA and Great Britain, it took well over a century before all the institutions and practices mentioned above were firmly in place. France, Germany and Italy saw their democratic regimes collapse and be replaced by fascist ones. It

is undoubtedly true that the democratization can take place faster today. The democratization of Latin America and post-Communist countries of Eastern Europe was a case in point. The application of social media as evident in the early 2011 in North Africa and Middle Eastern countries as a way of connecting people and transmitting messages perhaps added further pace to the process of democratization. However, it certainly is not something that can be instituted overnight. Democratization takes time because it requires the development of new institutions, application of democratic principles and policies along with public confidence in them, which almost never happens quickly.[5] Interiorization of democratic principles by the public, i.e., changes onto a democratic political culture from authoritarian system and culture etc., are complex and require multipronged approaches.

Academic attention to the issue of transitions to and the survivability of democracy, including identifying conditions favourable for success, predated the events of 1989.[6] The Third Wave: Democratization in the late twentieth century is a quite well known 1991 book and paradigm by Samuel P. Huntington which outlined the significance of a third wave of democratization to describe the global trend that has seen more than 60 countries throughout Europe, Latin America, Asia and Africa undergo some form of democratic transitions since Portugal's 'Carnation Revolution' in 1974.[7]

Writing in the Journal of Democracy, Huntington identifies three historical factors or 'long waves' of democracy. The first began in the early nineteenth century with the extension of the right to vote to a large proportion of the male population in the USA and continued until the 1920s. During this period, some 29 democracies came into being. The ebb, or reversal, of the first wave began in 1922 with the accession of Mussolini to power in Italy and lasted until 1942, when the number of the world's democracies had been reduced to 12.

A second wave began with the triumph of the Allies in World War II, cresting in 1962 when the number of democracies had risen to 36. The ebbing of the second wave between 1962 and the mid-1970s brought it back down to 30. Since 1974, however, democracy's third wave has added approximately 30 new democracies, doubling the number of such societies.

The Third Wave—began in the mid-1970s—covered the democratization of Central, Latin and South America as well as post-Communist Europe. In fact, the catchphrase 'the third wave' has been used

among scholars[8] studying what is considered by some to be democratic transitions and democratization throughout the developing world.[9] By the late 1990s, some 120 countries around the world—more than 60% of the world's independent states—had become electoral democracies. However, these are electoral democracies, often constrained by the absence of liberal principles and actual democratic processes. Has the third wave yet crested? Will there now be a significant reversal that eliminates many of democracy's gains since the 1970s? Huntington analyses the complex set of political and cultural forces at work in different regions of the world without drawing any definitive conclusions. An ebbing of democracy's third wave is always possible, he concludes, possibly followed by a fourth wave sometime in the twenty-first century. Huntington originally had this wave ending in late 1990,[10] but it is generally accepted now to be continuing currently.

The phrase, however, has come under criticism, largely by those[11] who stress that so-called democratic transitions are little more than transitions to semi-authoritarian rule, as demanded by the international realities of a post-Cold War world.[12] A democratic recession emerged in the first decade of twenty-first century with significant erosion of democratic institutions approximately one in five countries that had been part of the so-called third wave.[13] Freedom House noted that 2012 marked the seventh consecutive year in which global freedom suffered a decline—the longest period of setbacks for freedom in the nearly 40-year history of the report. It also demonstrated a lack of democratic space, including independent and effective parliamentary channels to better represent constituencies and electorates. Furthermore, the report data reflected a stepped-up campaign of persecution by dictators that specifically targeted civil society organizations and independent media.[14]

Looking to the near future, Huntington[15] did not show any enthusiasm for democratic prospects in the regions of the world that have not entered democratization, especially home-grown Marxist–Leninist regimes linked to nationalist appeals. These also include countries with strong authoritarian presidency and unrepresentative or rubber stamp parliaments. He is also doubtful of the democratic promise of Islamic countries and certain areas of East Asia, making a special point of highlighting the antidemocratic implications of Confucian and Islamic religious doctrines. In fact, findings in the Nations in Transit Report 2011[16] of the Freedom House[17] suggest that the countries of the former Soviet Union have built governance systems that are resistant to reform and

therefore increasingly vulnerable to unpredictable crises. However, there are differing views especially on exceptionalism of Central and East European democratization process.[18] Schmitter noted that the most obvious implication of 'Eastern Exceptionalism' is that, for these cases, regime changes and efforts at democratization should be assigned to a different wave.[19]

What was happening during 2011–2013 in North Africa and Middle East (MENA) region in the form of people's protests, movements for democracy and corresponding political and institutional changes has further tested the strength of his analysis. Whether these events and corresponding processes in the countries of the MENA region could be dubbed in the long run as the new *Wave or Trend of Democracy* is a completely different question requiring deeper political analysis with a fresh set of indicators and regional benchmarks. It should, however, be noted here that these same debates have occurred in other regions where transitions from authoritarian rule have not always produced democracies. In this regard, one may find strange similarities with the notions of 'hybrid regime' and 'electoralism' which were developed in response to conditions in Central America and elsewhere.[20]

3.3 Deepening Democracy Through Parliament

Parliamentarianism is one of many forms of manifestation of democracy. 'Parliamentary democracy' is a common phrase which has come to closely link its two constituent words. However, in 'The Crisis of Parliamentary Democracy', Carl Schmitt contends that the phrase is a contradiction, and that Parliamentarianism and democracy represent two different political systems.[21] Despite such alternative views and cynicism about parliamentary democracy,[22] parliaments today have a key role in addressing this paradox as there is no other better and functional model of institutional mechanism which affords the constituents an opportunity to represent their interests and articulate specific demands. For example, responsible government is a conception of a system of government that embodies the principle of parliamentary accountability, which is the foundation of the Westminster system of parliamentary democracy. With the active support of such parliamentary bodies, governmental accountability is ensured.[23] Governments in parliamentary democracies are responsible to parliament (and if bicameral, primarily to the lower house,

which is larger, directly elected, and thus more representative than the upper house) rather than to the head of state.

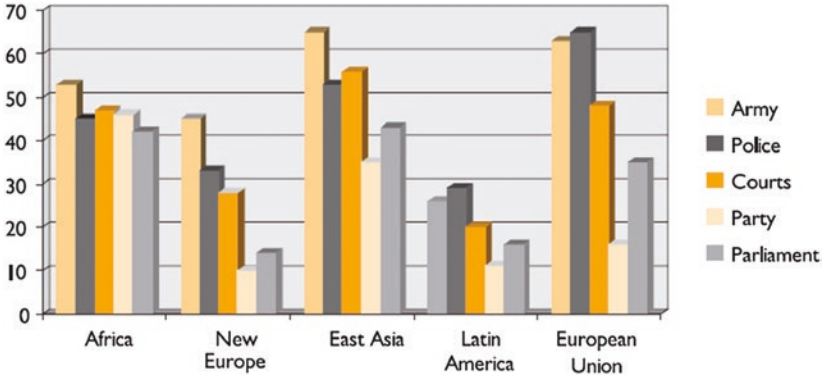
As the central institution of democracy, parliaments embody the will of the people in government and carry all their expectations that democracy will be truly responsive to their needs and help solve the most pressing problems that confront them in their daily lives. As the elected body that represents society in all its diversity, parliaments have a unique responsibility for reconciling the conflicting interests and expectations of different groups and communities through the democratic means of dialogue and compromise. As the key legislative organ, parliaments have the task of adapting society's laws to its rapidly changing needs and circumstances. As the body entrusted with the oversight of government, they are responsible for ensuring that governments are fully accountable to the people. In fact, legislative oversight is fundamental for ensuring accountability of the executive. As Rockman asserts, 'The principal value of justifying legislative monitoring of the executive is to ensure the triumph of representative government by lines of accountability running through the organ that embodies popular sovereignty'.[24] In broadest terms, accountability can be thought as an obligation to answer for the execution of one's assigned responsibilities.[25]

Such insurability, as part of the accountability process within the framework of democratic practices, has to be matched with consequence if performance falls short of expected standards.[26] Otherwise, public confidence in parliament as an elected body will suffer, and such trust deficit directly impacts its popularity, credibility and, most importantly, performance.

Recent analyses of parliaments around the world tend to highlight the fact that they are frequently among the least popular national institutions, with only political parties logging lower levels of popular trust. For example, the survey figure (Table 3.1) compiled by the International Institute for Democracy and Electoral Assistance (IDEA)[27] showed that, in various regions of the world, parliaments were less trusted than other institutions of government.

While data on individual countries, as demonstrated in Table 3.1, are indicative of specific national contexts and a regional average is open to subjective interpretations and caution must be applied in academic research, it is somewhat alarming to see the trend of low public esteem towards national institutions including parliament.

Table 3.1 Trust in national institutions: Regional averages 2005[28]



In democratic countries ultimate accountability of the executive is to the electorate, but several years can pass in between elections. During this interval, 'horizontal accountability' in the form of independent checks and balances plays an essential role in safeguarding government integrity.[29] However, this is not an easy task for both internal and external reasons. For example, in emerging democracies, parliaments are often ineffective against a powerful executive and, therefore, have often little public legitimacy and authority. The reasons for such weakness vary from country to country. Parliaments often lack the basic tools to perform their core functions, i.e. passing legislation, overseeing, government action, the facilitating of public involvement, cooperative government and international participation. Of course, the broad roles of parliament include, among others, promotion of the different values, upholding citizens' political rights, the basic values and principles governing public administration and oversee the implementation of constitutional imperatives.

With limited staffing and resources, parliaments can be poorly organized and without much internal structure and enabling environment. For example, an analysing progress towards good governance in Africa, the second edition of the African Governance Report (AGR-II 2009)[30] observed that the capacity of the legislature to perform its functions efficiently and effectively is a major concern in many African countries.

Indeed, the parliament is the most underdeveloped among the three arms of government as it suffered from long years of authoritarian and military dictatorships, in which the parliament was either outlawed or completely muzzled out in governance. This may mean that the rules of parliamentary business are underdeveloped, the committee system weak and the legislative process ineffectual. MPs themselves may lack basic skills, education or understanding of the institution, functional processes, and their job within it. All these indicate the space/relevance of the Parliamentary Development Assistance in making parliament more effective. Despite all these institutional needs or capacity gaps, the role of individual parliamentarians taking leadership, especially in parliamentary oversight functions, cannot be underestimated.

In this regard, the performance of parliaments is also pertinent as it is often conditioned by the political environment in which they operate, including the constitutional framework, the parliament's formal powers and the relationship between legislature and executive.[31] The whole area of executive–legislative relations captures an important aspect of the parliamentary oversight and corresponding role of the PDA. This is an area showing great potential for fast change due to the growing nature of civic engagements with government and political system in many countries, including those which are being highlighted in this research as case studies. However, it is worth bearing in mind that parliaments are attempting to find space in an increasingly competitive public sphere, where citizens have multiple routes to influence policy or challenge governmental decisions—a trend which has been accelerated by the growth of communication technologies, social media and innovative approaches in recent decades.

The actual geopolitical situations in the country in question including level of economic and human development, economic and political transitions, political stability–instability, fragility, active conflicts and post-conflict impact greatly parliament's performance and legitimacy. While in some cases fragility may derive from exogenous factors such as natural or economic disasters, this study explored case studies in states destabilized by internal political conflicts, often with external influences. A country suffering any or all of the following adverse conditions—political and economic instability, poverty, civil disorder, terrorism, human trafficking, or disease—may be labelled a fragile state. These fragile states had either experienced violence in the past or are at risk of the experiencing violence in the future. These conflicts are often exacerbated by the

plural nature of these societies, where social cleavages arise as peoples of different race, religion and culture grapple with competing identity politics. These fragile situations are, therefore, not limited to low-income countries. In fact, the issue is a concern for most of the countries around the world. All these factors pose serious challenges for legislative bodies of different levels.

There have been periodic engagements of external factors and actors with parliaments. However, it is evident that no single donor, development partner, or multilateral organization can adequately address conflict and fragility on its own. International organizations and donors make choices in each country about whether to spend its aid through multilateral organizations such as the World Bank or UN agencies, bilaterally or jointly with other bilateral donors. Additionally, Multi-Donor Trust Funds, where donors pool development assistance, are often used in fragile and conflict-affected states to provide a higher level of reliability for donors and reduced fragmentation of aid for developing country governments and parliaments. Case studies (Chapters 6 and 7) discussed in this research have alluded to these complexities.

3.4 Parliamentary Functions and Corresponding Impacts

Parliament can be seen by and large to perform three distinct functions: (i) legitimation, (ii) recruitment, socialization and training and (iii) decisional/influence.[32] The legitimation and decisional/influence functions are perceived to be of importance for assessing the legislature's ability to hold the executive accountable; hence, these are looked into in this research. One of the most important components of the decisional/influence function is the parliament's impact on the policy-making process. Related to the influence/decisional function is the conviction that the internal structuring and workings of parliament are significant for its ability to influence policy outcomes and thus also for its capacity to hold the executive accountable.[33]

An effective parliamentary institution is strongly associated with the existence of a viable democracy and an open society. Parliaments, on account of their representative and legislative functions, can empower ordinary citizens to participate in the development of policies that shape their lives. For example, the Association of European Parliamentarians

with Africa (AWEPA) thinks that the oversight function[34] is the key for the members of parliamentary assemblies, as the representatives of the people for ensuring that the power of the state is used in line with the mandate from and in the interests of the people.[35] In fact, due to their oversight role, parliaments are fundamental to establishing the rule of law and human rights, overseeing transparent governance processes,[36] and ensuring national compliance with international obligations. Two leading scholars of comparative government, Hague and Harrop,[37] observe that the mere existence of the legislature can provide at least a passive check on the executive, forcing it to anticipate the parliament's reaction to a proposed course of action. Among the different tools of parliamentary accountability, committees have a special role to play. The committee system is one of parliament's most effective means of overseeing government and is sometimes referred to as the 'essence of the parliamentary system'. It is now acknowledged that committees have a strong potential to strengthen parliament without weakening the executive.[38] However, for a prolonged period, parliaments, particularly committees, did not receive much scholarly attention. There is a dearth of comparative studies of parliaments and committees. Whatever limited comparative studies have available mostly focused on European/western parliaments and their committees.[39]

As indicated above, the organization, powers and effectiveness of parliaments vary widely depending on the nature of the system. For example, the British/Westminster system features the executive chosen through parliamentary elections and sitting in the legislature. In this system, government accountability and oversight centre on the relationship between government and opposition parties in parliament, with MPs and parliamentary committees controlled by party discipline. In the American Congressional system, the Head of the Executive and the entire Legislative Branches (members of both the chambers) of Government are both elected directly; however, the executive sits outside parliament. In this system, accountability and oversight take place through the checks and balances between executive and legislature and there is considerable independent power for parliamentarians and parliamentary committees. Finally, there are mixed systems featuring some combination of the Parliamentary and Congressional Systems. Each of them brings distinct advantage and disadvantage to the oversight discourse.

In case of one party control and dominance by the executive, parliaments, often known as 'rubber stamp parliaments',[40] are severely

constrained by unfocused or unrelated debate, low level of legislative activities, slight influence on government and little effectiveness in representing the concerns of citizens.[41] This might result into ineffective oversight mechanism with a possibility of diminishing public confidence in the parliamentary oversight mechanism.

There are a growing number of emerging democratic parliaments that have been a by-product of the process of democratization. Though they vary widely, they have a number of features in common, including one party dominance, but with emerging opposition, increasing political space for debate, rising level of legislative activities, growing influence with government and increasing interest and effectiveness in representing citizens. There are, of course, stable democratic parliaments that vary greatly in power but are characterized by sustained multiparty competition, intense partisan debate, high level of activity with varying degrees of influence on government and well-organized services for constituents.

The above-mentioned narratives highlight the diversity in parliamentary nature and types with equally distinct corresponding functions. Therefore, any international assistance for institution support needs to factor these elements of differences and, at times, similarities. For the international community, parliamentary development/support programmes are the primary mechanisms for encouraging parliamentary development. These programmes and projects aim to strengthen parliaments in order to foster representative, transparent, accountable and effective government. Support programmes carry out this objective by providing technical assistance to MPs and parliamentary staff, parliamentary bodies and committees, and information and communications technologies (ICT) to strengthen the parliamentary administrative structure. Within this framework, parliamentary support programmes draw from an array of approaches and methodologies depending on the context and the needs of a given parliament and country. For example, while noting the growth of the regulatory state, the Hansard Society[42] ran a Commission examining the strengths and weaknesses of parliamentary accountability in the UK in 2001. It argued that this strengthened the capacity of parliament, rather than undermining it. The Commission suggested that, given the complexity of modern government, parliament alone cannot guarantee accountability. In fact, the plethora of investigatory and regulatory bodies provided parliament with the tools to call ministers and senior members of the executives to account and ensure that mistakes were not repeated. Under this model, parliament would sit at the apex

of a system of accountability, drawing on the reports, investigations and findings of the various bodies that exist. Parliament's job is essentially a political one.[43] Therefore, the international community perhaps needs to broaden their focus and deepen their understanding of parliament as a political institution.

Any assistance or support to parliament by external actors needs to factor these dynamics and basic complexities. These variations in systems of parliamentary government have given rise to a traditional set of issues in parliamentary strengthening. How can rubber stamp parliaments evolve into emerging democratic parliaments? How can we best reinforce and consolidate emerging democratic parliaments? What are the advantages and disadvantages of parliamentary and electoral system types? How can stable democratic parliaments be revitalized in the face of citizen disinterests and parliaments' being marginalized in policy-making? How can parliament be effective as an oversight body ensuring accountability in governance? These common issues should not blind us to the fact that each parliament is unique, the product of an individual history and set of circumstances. Any conceptual framework should therefore be used by those with knowledge and experience of these unique factors. It is only by combining the art of understanding parliament with the science of analysing it that meaningful results will be achieved by this (or any other) conceptual framework.

3.5 The External Factor: Do Donors Play a Role?

The international aid system was born out of the ruins of the Second World War, when the USA used their aid funds to help rebuild Europe. The system came of age during the Cold War era from the 1960s to the 1980s. During this time, foreign aid was often used to support client states in the developing world. Even though funds were generally better utilized in countries that were well governed, they were instead directed towards foreign policy friends and allies. After the end of the Cold War, the declared focus of official aid began to move further towards the alleviation of poverty and the promotion of development. The countries that were in the most need and poverty became more of a priority now.[44]

The 'third wave' of democratization spurred a considerable body of research examining the origins and consequences of these transitions, many of which occurred nearly fifteen years prior to the fall of the Berlin Wall.[45] Unfortunately, for those interested in helping to secure

democracy from abroad, the weight assigned to international factors in the democratization process was quite scant.[46]

The prevailing beliefs of the democratization literature in the late 1980s is best summarized by the findings of the Wilson Centre's multivolume project on Democratization, Transitions from Authoritarian Rule: one of the firmest conclusions that emerged was that transitions from authoritarian rule and immediate prospects for political democracy were largely to be explained in terms of national forces and calculations. External actors tended to play an indirect and usually marginal role. Further, for over a decade, there has been increasing recognition that aid flowing to governments implementing ineffective policies is wasteful, in line with research findings since the early 1990s.[47] Consequently, aid has tended to support domestic policy reform efforts of recipient countries, even though narrow political objectives of donors still play a dominant role in many aid decisions today.[48]

Given the absence of comprehensive studies of international factors in the prospects of democracy, neither the scholar nor the practitioner could be confident in the role outside forces would play in the process of democratization. With inadequate theoretical or empirical work on the issue, it would be difficult to determine what types of strategies would succeed or fail. Indeed, many began to criticize the lack of a coherent effort to promote democracy from the USA and Europe.[49] The issues of lack of coordination among donors/partners, fragmented efforts and duplication of activities made the situation even more challenging.

It is interesting, however, to note that following the third wave of democratization, the international development community turned its attention, to strengthening nascent democracies and development experts began to recognize the 'importance' of parliaments as representative institutions in the democratic process. As the development community sought to bolster democratic governance, the role of parliaments—the arena in which citizens' needs meet government action—began to receive increasing attention. For example, in the 1990s, support to legislatures became an important area of assistance among donor institutions.[50] There have been, however, some encouraging moves to develop guidance for such assistance. First, the Commonwealth Parliamentary Association (CPA), the National Democratic Institute (NDI), the Inter-Parliamentary Union (IPU) and the World Bank Institute (WBI) have collaborated on the production of guidelines and benchmarks that might be used to assess parliamentary performance. For

example, NDI developed the 'Guidebook for Implementing Legislative Programs (2000)'.[51] Second, UNDP has been involved in the production of indicators, regional benchmarks and peer review processes in relation to parliaments. And third, some donors—particularly USAID—have made considerable efforts to make progress on systematic, and rigorous outcome focused evaluations.[52] Other bilateral donors, i.e. DFID, CIDA and SIDA, have also prioritized support to parliament as one of the features of their bilateral support.

Today, parliaments are widely recognized as critical institutions for democratic development and an important subject by its own right within the broader context of development assistance. However, a review of the literature by the ODI[53] suggests that such democracy assistance, i.e. Parliamentary Development Assistance, has still been branded by a lack of sensitivity to context. In areas such as support for political parties, legislative branches and the judiciary, there is a widespread perception among many national partners[54] that much democracy assistance is based on an idealized and Western-based notion of democracy that not even the most advanced Northern democracies have achieved. Donors tend to promote standard reform templates rather than adjusting their programmes to the specific political, social and economic power relations in different countries. This has meant that, very often, donor activities lack flexibility and are unresponsive to the needs and concerns arising in a country. In order to avoid being captured by local elites, donors perhaps need work with multiple actors outside their 'comfort zone', i.e. with the executives only. The following example is a reminder of this.

In a number of countries, i.e. Bhutan, Vietnam, Timor-Leste, Georgia and Moldova, parliamentary strengthening projects have focused on enhancing transparency, improving parliamentary oversight, outreach and preserve democratic stability through conflict mitigation, while a particular focus in many countries has been to support parliamentary engagement in the budget process. All these required a broader alliance of partners. For example, in Vietnam, a multidonor project provided support to the Economic and Budget Commission of the National Assembly, helping to give the Assembly greater powers—and establishing a Public Accounts Committee.[55] In Moldova, the UNDP with support from the European Commission graduated from a narrow technical support project to a broader electoral cycle approach, which includes parliamentary strengthening and budgetary oversight. The ongoing programme (improving the quality of Moldovan democracy through

parliamentary and electoral support: 2012–2016)[56] focuses on strengthening the institutional capacity of the parliament and Central Electoral Commission (CEC), improving their main functions and entrenching gender and human rights considerations in the formal political process. In particular, the programme aimed to improve the legislative, oversight and representation functions of the parliament, providing a solid basis for the improvement of the electoral process and supporting, when necessary, an inclusive process of constitutional reform. The programme aims to assist the parliament to increase the participation of civil society and citizens in policy-making and oversight processes. It also builds the capacities of members of parliament in budget management and oversight.

In Georgia, UNDP initiated a project to assist the parliament in effectively fulfilling its constitutional responsibilities of representation, law-making, government oversight and setting main policy directions.[57] This initiative with support from the Dutch Government[58] provided technical and expert support to help the parliament enhance its role during the formulation of the national budget as well as in policy-making for democratic local self-governance.

Noting limited progress in thematic democracy assistance to legislative bodies at the operational level, especially in terms of providing more issue-based support and engaging more explicitly with the political elements, the above-mentioned overall assessment of democracy assistance coupled with country examples has been further confirmed by the most recent SIDA Pre-Study on Parliamentary Development.[59] Despite the Evaluation Pre-Study's focus on Parliamentary Development Assistance to review the state of knowledge on donor approaches and their effectiveness since 2005, it identified some of the key gaps in knowledge, which can very well be applicable to development assistance to democratization and democracy consolidation agenda.

3.6 Partnership for Democracy and Development—The Aid Effectiveness Agenda

The development business has become much more complex in the last decade of the twentieth century, with actors proliferating and collaboration fragmenting. This trend is characteristic of the change from the collective action of what one terms 'hyper collective action'. In fact,

faced with a new array of challenges, the world of development aid has demonstrated renewed capacity to increase the number and diversity of its players, generating almost governance puzzle for this fragmented global policy. Such a shift—expansion of in goals, actors and tools—brings new energy and resources to international development, but also more difficulty managing global public policy due to emergence of both new state and non-state actors and robust connectivity across countries and nations. It is against this background that the international aid effectiveness movement began taking shape in the late 1990s. Donor governments and aid agencies began to realize that their many different approaches and requirements were generating huge costs for developing countries and making aid less effective. They began working with each other, and with developing countries, to harmonize their work in order to improve its impact. This led to different initiatives at both national and international levels popularly known as 'aid coordination', 'partnership for development' and most importantly 'aid effectiveness'.

The aid effectiveness movement picked up steam in 2002 at the **International Conference on Financing for Development**[60] in Monterrey, Mexico, which established the Monterrey Consensus. The Conference signalled a turning point in the approach to development cooperation by the international community. It was the first United Nations-sponsored high level meeting to address, in an integrated manner, key financial and related issues pertaining to global development. This broadened the partnership among different international actors. With more than 50 heads of State or Government and over 200 ministers of foreign affairs, finance, trade and development cooperation gathered in Monterrey, the Conference succeeded in placing financing for development at the forefront of the global agenda. There, the international community agreed to increase its funding for development—but acknowledged that more money alone was not enough.[61] Donors and developing countries alike wanted to know that aid would be used as effectively as possible. They wanted it to play its optimal role in helping poor countries achieve the Millennium Development Goals, the set of targets agreed by 192 countries in 2000 which aimed to halve world poverty by 2015. A new paradigm of aid as a partnership, rather than a one-way relationship between donor and recipient, was evolving.[62]

Later in 2002, aid officials and representatives of donor and recipient countries gathered in Rome for the **First High-Level Forum on Harmonization (HLF 1, 2002)**.[63] At this meeting, convened by the

Organisation for Economic Co-operation and Development (OECD), donor agencies committed to work with developing countries to better coordinate and streamline their activities at country level. They agreed to take stock of concrete progress before meeting again in Paris. The **Second High-Level Forum (HLF 2, 2005)**[64] marked the first time that donors and recipients both agreed to commitments and to hold each other accountable for achieving these. Countries from around the world endorsed the Paris Declaration on Aid Effectiveness, a more comprehensive attempt to change the way donor and developing countries do business together, based on principles of partnership.[65] Under the Paris Declaration on Aid Effectiveness, donors and partner countries undertook to enhance their respective accountability to their citizens and parliament for their development policies, strategies and performance. Donors and partners must live up to their Paris commitments and work to ensure that parliaments are brought into the policy process more fully. In addition, the Paris Declaration's principles (Table 3.2) can serve as a useful reminder to donors of a number of issues to bear in mind as they engage in the PDA.

The Declaration is seen by some[66] as too prescriptive on countries and not binding enough on donors, and some point to a continuing perception that it is 'donor-driven'. All see a need to ensure that action on the different commitments is made complementary and mutually reinforcing, and to reduce the potential for incoherence and potential conflicts between different commitments and implementation measures.

Table 3.2 Core principles of the Paris Declaration

The Paris Declaration on aid effectiveness—Five core principles
• Ownership: partner countries exercise leadership over their development policies, strategies and coordinate development actions;
• Alignment: donors base their overall support on partner countries' national development strategies, institutions and procedures;
• Harmonisation: donors' actions are more coordinated, simplified, transparent and collectively effective;
• Managing for development results: managing resources and improving decision-making for results;
• Mutual accountability: donors and partners are accountable for development results.
Full text available at http://www1.worldbank.org/harmonization/Paris/FINALPARISDECLARATION.pdf

Many, however, use the lessons of the Paris Declaration as a starting point for envisioning a new conceptual framework to manage the complexity of current international collaboration.[67] They offer concrete suggestions to improve the management of global policies, including new ways to share information, align the goals of disparate actors and create more capable bodies for international collaboration. Simply put, while the Paris Declaration has relevance within its particular sphere of aid effectiveness, it is far from being seen as a panacea for many countries' main development concerns.[68]

Three years on, in 2008, the **Third High-Level Forum (HLF 3)**[69] in Accra, Ghana, took stock of progress and built on the Paris Declaration to accelerate the pace of change. The principles agreed upon in the declarations are however still not always practised by donors and multilateral bodies. The Accra High-Level Forum on Aid Effectiveness in its Agenda for Action clearly indicated that '*donors will support efforts to increase the capacity of all development actors—parliaments, central and local governments, CSOs, research institutes, media and the private sector*'.[70]

This has been further reinforced in the Evaluation of the Paris Declaration, 'An important conclusion of the Report is the realization that successful Aid Reform can only be achieved through a long-term campaign driven by political commitment rather than technocratic fixes. It should be stressed at the same time that this should not offer justification for the slow pace of change registered to date. There is need in this regard to develop robust criteria for constant monitoring of progress'.[71]

In assessing United Nations Development Group (UNDG)'s contribution to the implementation of the Paris Declaration on Aid Effectiveness, a recent evaluation advised, 'UNDG should harmonize its approach among its members and other development partners to strengthen national capacities. Capacity development is commonly associated with various forms of support aimed at individuals (training), institutions (organizational development) and the enabling environment (support to policies and strategies). UNDG should contribute to the capacity of partner countries to optimize the use of new aid modalities'.[72] The emphasis on national capacity development indicates the clear need to go beyond business usual, i.e. capacity supplement etc., and, to adopt a robust national capacity development approach coupled with development of general and technical capacities of national institutions.

In 2011, on the occasion of the **Fourth High-Level Forum on Aid Effectiveness (HLF 4)**[73] in Busan, Korea over 3000 delegates met to

review progress on implementing the principles of the Paris Declaration. The Forum culminated in the signing of the Busan Partnership for Effective Development Co-operation[74] by ministers of developed and developing nations, emerging economies, providers of South–South and Triangular Co-operation, and civil society, marking a critical turning point in development cooperation. This declaration for the first time establishes an agreed framework for development cooperation that embraces traditional donors, South–South co-operators, the Brazil, Russia, India, China and South Africa (BRICS), civil society organizations and private funders. This is important for democracy assistance in general and parliamentary development in particular, as it promotes a holistic approach of partnership is needed for a stronger accountability and oversight framework with multiple partners and actors specially the CSOs and private sectors. Such approach contributes directly to the creation and strengthening of an enabling environment as emphasized in the above-mentioned evaluation of the UNDG contribution to the implementation of the Paris Declaration.

These efforts directly and indirectly contribute to the accountability processes and mechanisms at the national level. Traditional approaches may not work. In the words of Kofi Annan, former UN Secretary General, who aptly summarized it in his recent Opinion piece, 'While aid remains vitally important to build capacity, leverage other flows and achieve specific results, it is clear that African leaders and international donors need to look beyond traditional development strategies to fill funding gaps and accelerate progress'.[75]

3.7 Infusing Parliamentary Accountability into Effectiveness Agenda

> *The right of Members of the House of Commons to ask questions of Ministers, to seek information or to press for action, is an essential part of the process by which Parliament exercises its authority and holds the Government to account.*
>
> —House of Commons, Select Committee on Procedure, 3rd Report, Parliamentary Questions, p. 5

In contemporary scholarly discourse, 'accountability' often serves as a conceptual umbrella that covers various other distinct concepts. It is used as a synonym for many loosely defined political concepts, such as transparency, equity, democracy, efficiency, responsiveness, responsibility

and integrity.[76] The term 'has come to stand as a general term for any mechanism that makes powerful institutions responsive to their constituency, particularly public'.[77] Basically, accountability means 'to give an account' of actions or policies, or 'to account for' spending and so forth. Accountability can be said to require a person to explain and justify—against criteria of some kind—their decisions or actions. It also requires that the person goes on to make amends for any fault or error and takes steps to prevent its recurrence in the future. Public accountability is, therefore, the responsibility of the public officials to justify their conducts and performance to citizens using accountability mechanisms. It is also the responsibility of the citizens to extract accountability from civil servants.[78]

A condition of the exercise of power in a constitutional democracy is that the administration or executive is checked by being held accountable to an organ of government distinct from it. The primary responsibility in this field falls squarely on the shoulders of parliament. Through its core oversight function, parliament holds the government to account on behalf of the people, ensuring that government policy and action are both efficient and commensurate with the needs of the public. For example, in the theoretical Westminster model of government,[79] public accountability can be thought of as a linked chain of participants each with unique accountability functions. Under the 'chain of accountability' structure, the principal is the community, and it is represented by the members elected to the parliament. Thus, the parliament, not executive government and its ministers, becomes the constitutional surrogate of the community as the principal. The responsibility is then assigned to the executive government as a trustee. Executive government, within the discretion allowed by the legislature, further assigns discretionary power and responsibility through regulation, policy and administrative arrangements to the managers of public sector agencies. Parliaments are, therefore, key actors in what has been known as the 'chain of accountability'. They are, along with the judiciary, the key institutions of horizontal accountability, not only in their own right, but also as the institution to which many autonomous accountability institutions report.

Parliamentary oversight is also crucial in checking excesses on the part of the government. Oversight refers to the critical role of legislatures in monitoring and reviewing the actions of the executive organs of government. The term refers to a large number of activities carried out by legislatures in relation to the executive. In other words, oversight traverses

a far wider range of activities than does the concept of accountability.[80] It also signifies a host of oversight tools and approached that parliaments deploy to implement those activities. However, the number of oversight tools that a legislature can employ to oversee the executive provides an indication of the oversight potential of that legislature, but it does not provide any indication as to whether that oversight potential is then translated in effective oversight.[81]

There are many different types of accountability for aid or development effectiveness. Public accountability concerns the relationship between the governed (citizens) and those who govern (government). In broadest terms, accountability can be thought of as an obligation to answer for the execution of one's assigned responsibilities.[82] Answerability has to be matched with consequence if performance falls short of expected standards.[83] In democratic countries, ultimate accountability of the executive is to the electorate, but several years can pass in between elections. Unless there are deliberate attempts made to build bridges between these two seemingly parallel agenda (i.e. 'accountability' and 'effectiveness'), the full potential of parliament as a governing institution may not be harnessed. Such integration may offer us better insights about the role of parliamentary development aid in strengthening parliamentary processes.

The issue of public accountability is of significance. Such accountability for aid and development resources concerns the relationship between governments who manage and make use of aid and the domestic/internal constituencies on whose behalf aid is managed. A wide range of actors is involved in public accountability, with parliaments as a crucial link between citizens and the executive (known as vertical accountability) as well as a key institution in holding the executive to account (known as horizontal accountability). Accountability exists in both aid recipient countries and in donor countries. Governments in donor countries, for instance, are accountable to their own taxpayers for the results achieved by the aid that they provide to developing countries—and their parliaments sometimes play an important role in ensuring this, for instance through the scrutiny role played by parliamentary Select or Standing Committees such as the UK's International Development Committee.[84]

While the accountability role played by parliament is more important than ever, parliament must determinedly share that work with other institutions with a mandate for accountability functions. The key is to establish a functional relationship between parliament and the

extra-parliamentary institutions of accountability. Parliamentary oversight committees are one response to this challenge, one that places parliament in a supervisory or monitoring role, maintaining oversight of the intricate web of accountability relationships that have developed in modern times. Section 5.3 (Chapter 5) examined how accountability can be deepened through parliamentary oversight work.

In this context, it is perhaps apt to look at the National Integrity System (NIS: Table 3.3), and the oversight role the parliament plays within the system. *The NIS*[85] is the sum total of the institutions and practices within a given country that address aspects of maintaining the honesty and integrity of government and private sector institutions. Any attempt to address corruption effectively and sustainably must be based on a holistic approach, involving each of these institutions in concert. Ad hoc reforms are unlikely to succeed. The NIS rests on public awareness and demand, and society's core values—the stronger these are, the firmer is the foundation. As evident from Table 3.3, at the roof is the nation's integrity held by a series of mutually reinforcing pillars. The three balls on the roof emphasize that the roof must be kept level, failing which they can roll off. Pillars are interdependent, but may be of differing strengths from society to society.[86] Each pillar needs some core tools, e.g., media must be backed by freedom of information law, civil society must have the legal space to organize itself and articulate its demand.

Table 3.3 National Integrity System (NIS)



While the pillars are interdependent, each contributing to the strength of the other, the role of an effective parliament is the *sine qua non* for the NIS to function effectively. Elected parliaments can be at the forefront of the fight against corruption. An elected parliament has the legitimacy, responsibility and the means to hold the executive accountable.

The legislative body as a whole and the Standing Committees in particular acting as people's representatives are expected to ensure that the government, its various ministries and departments follow rules and procedures of transparency, accountability and efficient governance. Through oversight mechanisms and robust engagements, they are also in a position to investigate allegations of maladministration and corruption and recommend appropriate preventive as well as punitive measures. The extent to which a parliament can deliver on such counts depends again on the political will at the highest level and on how effective and efficient the parliament itself is. This also raises the question whether there is a separate parliamentary approach to fight corruption or it is an integral part of the broader parliamentary oversight role and corresponding mechanisms. While a major part of the international assistance flows to these oversight mechanisms, lack of aid effectiveness often hinders the actual assessment of the situations on the ground.

3.8 Confronting Corruption Through Oversight Mechanisms

Clearly, parliamentary oversight focuses on financial and operational integrity which includes: the ongoing review of all government revenue and expenditures; and legislation and other parliamentary rules establishing government financial control practices, procedures to account for and report revenues and expenditures, as well as procedures and authorities for parliamentary oversight of financial administration. It also includes legislation and other rules which guide and enable parliament to oversee the implementation of the UN Convention against Corruption (UNCAC).[87] Many academics and practitioners have also paid particular attention to the tools such as hearings in committees, hearings in the plenary assembly, the creation of inquiry committees, parliamentary questions, question time, the interpellations and the ombudsman, which parliaments and legislatures can employ to oversee the government and the government's activities.[88]

Therefore, improved oversight might play an important role in preventing or fighting corruption. And, parliament can be instrumental to such process, for example:

- Through creating incentives for oversight—measures that can be taken by parliaments and parliamentarians;
- Establishing oversight of the UNCAC implementation as part of the NIS;
- Through oversight of development aid, implementation of national development priorities and revenues from extractive industries (i.e. resource revenue transparency);
- Through the adaptation of the Financial Oversight Handbook for parliamentarians to better align regional and national circumstances with international standards.

The political structure, which includes the balance of powers and electoral competitiveness, is likely to determine the incentives for those in office to behave within the law as well as to punish the misbehaviour of those who do not. Many parliaments have specific mechanisms in place to prevent, impede, disclose and penalize corruption among parliamentarians and political parties. Some mechanisms seek to make transparent the influence of money on elected representatives, while other mechanisms make certain activities illegal. Other mechanisms include codes of conduct and registers of interest, lobbyist registration, lobbying expenditure disclosure, campaign finance contribution and expenditure disclosure, financial limits on contributions to electoral campaigns, bans on taking employment from government sources of funding, voting on issues where there is a personal financial interest and taking employment as a lobbyist after leaving the parliament.

Joel Barkan, in a wide-ranging study of legislative development in Africa,[89] suggests that the situation is changing, with parliaments evolving out of their role as rubber stamps for the executive, and becoming more effective as watchdogs, policy-makers and representatives. Such strengthened role positions legislative bodies in the forefront of anti-corruption efforts. Many parliaments have little direct power on anti-corruption matters; however, through engagements, awareness and innovative approaches, they are gradually becoming more effective. The parliaments themselves have shown a capacity to reform and engage more fully with voters in recent years. The Kenyan Parliament,[90] for

example, has extended its role in overseeing the government, scrutinizing the budget and strengthened its committee system. The Tanzanian Parliament[91] was able to overhaul its rules of procedure and secure far greater institutional independence from the executive. In Zambia, meanwhile, the parliament[92] enacted a programme of reforms to improve legislative processes, establish constituency offices and increase opportunities for individual MPs to introduce legislation.

There are many good and not so good examples, many of which are emanated from international cooperation and collaboration (i.e. financial aid and technical expertise) with national parliaments in strengthening oversight mechanisms. In fact, the 'Controlling Corruption: A Parliamentarian's Handbook'[93] provides an overview of the challenges and opportunities involved in fighting corruption at parliamentary level. It recommends using a balanced package of legislative, financial, oversight and representation initiatives to effectively promote integrity and combat corruption at parliamentary level.[94] It is clear from the Handbook that no one size fits all, and, a combination of approaches is more useful, in blending the effectiveness agenda in with often the parallel agenda of making parliament accountable. However, the ultimate responsibility for good governance and promoting a culture of accountability lies with parliamentarians and elected officials at sub-national levels in democratic settings. This is why parliamentary oversight of the public purse becomes so crucial. By holding government to account, identifying problems and seeking corrective measures in legislation, budget allocations, policy and administration, parliament provides a vital service to society.

Therefore, donors and development partners have prioritized robust oversight mechanisms and anti-corruption policies in their respective menu of policy and programming support services, i.e. Parliamentary Development Assistance, engagement with and support to civil society and political party support. However, emphasis on the CSO engagement in the forms of participatory democracy appears to be waning. Many donors have suggested that too great an emphasis on civil society can distort the representative process and run the risk of capture by the most dominant and well-educated groups in society.[95] For all the weaknesses of parliaments and political parties, they are generally more effective at ensuring that a wide spread of political opinion is represented, and in articulating the interests of minority and disadvantaged groups. All these, however, need focused research with concrete country examples.

3.9 Conclusion

The chapter was an attempt to explore some of the critical background issues of the PDA along with relevant concepts and major trends of international assistance to democracy and democratization with particular focus on legislative strengthening. As part of parliamentary development, it examined the notions of parliamentary accountability and oversight mechanisms. It developed a theoretical framework for the study. It started with the very notion of democracy and explored whether external actors, i.e. donors etc., play any role in democratization agenda. It is, however, clear that international assistance has been covering large areas of democratization and parliamentary development processes, sometime in a sporadic manner. It raised the critical issue of aid effectiveness and shed light on international discourses (i.e. High-Level Panel on Harmonisation and Aid Effectiveness) and attempted to build consensus and standards around it. This will be further discussed in Chapter 4 in assessing the effectiveness of the PDA.

The book focused on one of the priorities of the international community—strengthening parliamentary oversight and accountability—and connected it with the aid effectiveness agenda. The next chapters will examine these in greater details together with the question whether there is a parliamentary approach to oversight developed alongside the growth of the PDA. This will further strengthen the linkage between the main research question of effectiveness of the PDA and the idea of how effective it is on oversight mechanisms.

Notes

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2. David Copp, J. Hampton, and J.E. Roemer, *The Idea of Democracy* (Cambridge: Cambridge University Press, 1993).
3. A. Magen, and L. Morlino, *International Actors, Democratization and the Rule of Law: Anchoring Democracy?* (New York: Routledge and UACES Contemporary European Studies, 2009).
4. C. Hauss, "Democratization," in Guy Burgess and Heidi Burgess (eds.), *Beyond Intractability* (Boulder: Conflict Research Consortium, University of Colorado). Posted: August 2003, available at http://www.beyondintractability.org/essay/democratization/ (accessed on 8 May 2011).
5. C. Hauss, ibid., p. 26.

6. The year 1989 was a momentous year of democratic struggles and transitions including, among others, the defeat of the Communists in Polish Elections by the Solidarity, the fall of Berlin Wall, the collapse of communist regimes in Eastern Europe, anti-communist revolution in Romania, the Tiananmen Square protests of 1989, also known as the June Fourth Incident in Chinese etc.
7. S.P. Huntington, "Democracy's Third Wave," *The Journal of Democracy*, vol. 2 (2), 1991. Also, in S.P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Oxford: Oxford University Press, 1993) [Hereinafter 'Huntington 1993'].
8. See L. Diamond, "Is the Third Wave Over?" The *Journal of Democracy*, vol. 7 (3), 1996.
9. See L. Diamond, "Thinking About Hybrid Regimes," *The Journal of Democracy*, vol. 13 (2), 2002.
10. F. Fukuyama, *State Building: Governance and World Order in the 21st Century* (Ithaca: Cornell University Press, 2004).
11. J.S. Kopstein, and A.R. David, "Geographic Diffusion and the Transformation of the Postcommunist World," *World Politics*, vol. 53 (2), p. 137.
12. Such vision of democracy is most clearly expressed in the Universal Declaration on Democracy, adopted by Inter-Parliamentary Union (IPU)'s its Member Parliaments in 1997. The Declaration is available at http://www.ipu.org/cnl-e/161-dem.htm (accessed on 13 June 2013).
13. F. Fukuyama, *The Origins of Political Order* (London: Profile Books, 2011).
14. Freedom House, *Freedom in the World 2013*, Washington. The report is available online at http://www.freedomhouse.org/report-types/freedom-world (accessed on 27 August 2013).
15. Huntington 1993, p. 29.
16. *Nations in Transit* is Freedom House's comprehensive, comparative study of democratic development, in 29 countries from Central Europe to Eurasia. For details, visit http://www.freedomhouse.org/template.cfm?page=678 (accessed on 29 October 2011).
17. A US-based INGO working on democracy and freedom issues. For more information, visit Freedom House site http://www.freedomhouse.org/ (accessed on 29 October 2011).
18. See L. Diamond, J.J. Linz, and S.M. Lipset (eds.), *Democracy in Developing Countries* (Boulder, CO: Lynne Rienner, 1986); S. Haggard, and R.R. Kaufman, *The Political Economy of Democratic Transitions* (NJ: Princeton University Press, 1995); and J.J. Linz, and A. Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South*

America and Post-Communist Europe (Baltimore: The Johns Hopkins University Press, 1996).

19. P.C. Schmitter, and T.L. Karl, *Concepts, Assumptions & Hypotheses About Democratisation: Reflections on 'Stretching' from South to East, 2002*, prepared remarks for the Workshop on Regime Transitions: Transitions from Communist Rule in Comparative perspective, sponsored by the Center for Democracy, Development and the Rule of Law, Institute for International Studies, Stanford University, November 15–16, 2002, available at http://www.eui.eu/Documents/DepartmentsCentres/SPS/Profiles/Schmitter/Democratization.pdf (accessed on 4 September 2013).
20. For the definition and explanation of these concepts, see T.L. Karl, "The Hybrid Regimes of Central America," *Journal of Democracy*, vol. 6 (3), July 1995, pp. 72–87; "Electoralism: Why Elections Are Not Democracy", in R. Rose (ed.), *The International Encyclopedia of Elections* (Congressional Quarterly Books, 2000); and "Imposing Consent: Electoralism Versus Democratization in El Salvador," in P. Drake and E. Silva (eds.), *Elections in Latin America* (San Diego: University of California, 1986), pp. 9–36.
21. C. Schmitt, *The Crisis of Parliamentary Democracy*, translated by E. Kennedy (MA: MIT Press, 1988) [Original Publication: 1923, 2nd ed., 1926].
22. For example, read the text of speech by Lok Sabha [Lower House of the Parliament of India] Speaker Somnath Chatterjee at the All India Whips Conference 2008, available online at Oneindia news http://news.oneindia.in/2008/02/05/cynicism-about-parliamentary-democracy-taking-over-youthsomnath-1202234646.html (accessed on 16 September 2013).
23. See P. Norton, *Does Parliament Matter* (London: Harvester Wheatsheaf, 1993), p. 203.
24. B.A. Rockman, "Legislative-Executive Relations and Legislative Oversight," *Legislative Studies Quarterly*, vol. 9 (3), August 1984, p. 414.
25. C. Murray, and Lia Nijzink, *Building Representative Democracy: South Africa's Legislatures and the Constitution* (Cape Town: European Union Parliamentary Support Programme, 2002), p. 88.
26. F. White, and K. Hollingsworth, *Audit, Accountability, and Government* (Oxford: Clarendon Press, 1999), p. 6.
27. International IDEA, *Ten Years of Supporting Democracy Worldwide* (Stockholm: Sweden, 2005), pp. 63–64.

28. Ibid., p. 49 (International IDEA, pp. 63–64); see also Inter-Parliamentary Union, *Parliaments and Democracy in the Twenty-First Century: A Guide to Good Practice* (Geneva: IPU, 2006), p. 110.
29. G. O'Donnell, "Horizontal Accountability in New Democracies," *Journal of Democracy*, vol. 9 (3), 1998, pp. 112–126.
30. Economic Commission for Africa, African Governance Report II, ECA, Addis Ababa, 2009, available online at the ECA site http://www.uneca.org/sites/default/files/publications/agr2-english.pdf (last accessed on 26 December 2013).
31. See, for example, USAID, *USAID's Experience Strengthening Legislatures* (Washington: USAID, 2001); A. Hudson, and C. Wren, *Parliamentary Strengthening in Developing Countries: Final Report for DFID* (London: ODI, 2007); and IPU/UNDP, *Ten Years of Strengthening Parliaments in Africa 1991–2000: Lessons Learnt and the Way Forward*, *Report of a Joint IPU/UNDP Survey* (Geneva: IPU, 2003).
32. Experts differ between different parliamentary functions; see, for instance, G. Copeland, and S. Patterson, "Parliaments and Legislatures," in George Thomas Kurian (ed.), *World Encyclopaedia of Parliaments and Legislatures*, vol. I (Washington, DC, 1998); R. Packenham, "Legislatures and Political Development," in Allan Kornberg and Lloyd Musolf (eds.), *Legislatures in Developmental Perspective* (Durham: Duke University Press, 1970). Different categories of functions are thus distinguished, but the functions outlined largely correspond to each other. Packenham's delineation of functions is so far the most comprehensive and therefore serves as the natural point of departure. See also P. Norton, *Does Parliament Matter?* (London: Harvester Wheatsheaf, 1993) for a back up to this view.
33. This is underscored by the vision for 'new institutionalism'—the belief that policies are shaped by the institution through which they are processed. See, for example, H. Döring, *Parliaments and Majority Rule in Western Europe* (New York: St. Martin's Press, 1995); R. Jepperson, "Institutions, Institutional Effects, and Institutionalism," in W.W. Powell and DiMaggio (eds.), *The New Institutionalism in Organizational Analysis* (Chicago: University of Chicago Press, 1991), pp. 143–163.
34. See J.D. Lees, "Legislatures and Oversight: A Review Article on a Neglected Area of Research," *Legislative Studies Quarterly*, vol. 2 (2), May 1977, pp. 193–208.
35. AWEPA, *Safeguarding the Interests of the People: Parliaments and Aid Effectiveness*, AWEPA 2009 can be downloaded from the AWEPA site http://www.awepa.org/en/resources/doc_details/36-safeguarding-the-interests-of-the-people-parliamentarians-and-aid-effectiveness (last accessed on 25 October 2013).

36. For example, the Institute for Government's recent report (Balancing Act: The right role for parliament in public appointments) studies the role of parliament in the process of making major public appointments such as the Governor of the Bank of England, the Chair of the BBC Trust and the Chief Inspector of Schools. The report is available online at http://www.instituteforgovernment.org.uk/publications/24/balancing-act#scribe (last accessed on 29 April 2011).
37. See R. Hague, and M. Harrop, *Comparative Government* (London: Macmillan, 1982).
38. See H. Yamamoto, *Tools for Parliamentary Oversight* (Geneva: IPU, 2007), available online at IPU site http://www.ipu.org/PDF/publications/oversight08-e.pdf (last accessed on 7 February 2007).
39. See N. Ahmed, and A.T.M. Obaidullah, *The Working of Parliamentary Committees in Westminster Systems: Lessons for Bangladesh* (Dhaka: The University Press Limited, 2007.)
40. Parliaments with considerable *de jure* power but little de facto power; one that rarely disagrees with more powerful organs, often branded politically as rubber stamp parliament.
41. See A. Brazier, S. Kalitowski, and G. Rosenblatt with M. Korris, *Law in the Making: Influence and Change in the Legislative Process* (London: Hansard Society, 2008).
42. For details on Hansard Society, visit http://www.hansardsociety.org.uk (accessed on 9 March 2013).
43. The Challenge for Parliament Making Government Accountable, Summary of Hansard Society research, available at www.hansardsociety.org.uk/files/folders/757/download.aspx (accessed on 9 March 2013).
44. R. Kanbur, *The Economics of International Aid*, November 2003 version is available at http://www.arts.cornell.edu/poverty/kanbur/handbookaid.pdf (accessed on 10 May 2011).
45. See S.P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991).
46. J.C. Pevehouse, *Democracy from Above: Regional Organizations and Democratization* (New York: Cambridge University Press, 2005).
47. P. Schmitter, "An Introduction to Southern European Transitions from Authoritarian Rule: Italy, Greece, Portugal, Spain, and Turkey," in Guillermo O'Donnell, Philippe Schmitter, and Laurence Whitehead (eds.), *Transitions from Authoritarian Rule: Southern Europe*, vol. 3 (100) (Baltimore: Johns Hopkins University Press, 1986); D. Moyo, *Dead Aid* (London: Penguin Books, 2009); European Parliament, *Cost of Corruption in Developing Countries: How Effectively Is Aid Being Spent?* (Brussels: EP, 2015); A.B. Mak and B. Lew (eds.), *Handbook on the Economics of Foreign Aid* (Northampton, MA: Edward Elgar, 2015); and

J. Jesper, *Anti-corruption Strategies in Fragile States: Theory and Practice in Aid Agencies* (Cheltenham, UK and Northampton, 2016).

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56. Further details of the Project are available at UNDP Moldova site http://www.undp.md/projects/democracy.shtml (accessed on 14 April 2014).
57. The press statement on the project and collaboration with the Georgian Parliament is available on UNDP site http://old.undp.org.ge/index.php?lang_id=ENG&sec_id=22&info_id=1256 (accessed on 14 April 2014).
58. The news item detailing support from the Dutch Government is available at the Netherlands Embassy in Georgia http://georgia.nlembassy.org/news/2011/05/the-netherlands-and-undp-continue-to-support-strong-parliament-in-georgia.html (accessed on 14 April 2014).

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61. For details, read Monterrey Consensus of the International Conference on Financing for Development, available online at http://www.un.org/esa/ffd/monterrey/MonterreyConsensus.pdf (accessed on 26 October 2013).
62. Report of the UN Secretary-General, Outcome of the International Conference on Financing for Development, available at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N02/535/43/PDF/N0253543.pdf?OpenElement (accessed on 26 October 2013).
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64. The HLF 2 (Paris) event page can be accessed at the OECD site http://www.oecd.org/dac/effectiveness/secondhighlevelforumonjointprogresstowardenhancedaideffectivenessharmonisationalignmentandresults.htm (last accessed on 26 October 2013).
65. Full text of the Paris Declaration is available at the World Bank site http://www1.worldbank.org/harmonization/Paris/FINALPARISDECLARATION.pdf (last accessed on 26 October 2013).
66. For example, Alliance 2015, a secular network of eight European development organisations, published five Country Briefs plus a synthesis report on Aid Effectiveness with critical analysis on how declarations are being implemented on the ground. Details are available online at Alliance 2015 http://www.alliance2015.org/index.php?id=54 (accessed on 1 February 2014).
67. The End of ODA: Death and Rebirth of a Global Public Policy by Jean-Michel Severino and Olivier Ray, Center for Global Development, Working paper 167 (June 2010), also available at http://www.cgdev.org/content/publications/detail/1421419/ (last accessed on 2 January 2012).

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CHAPTER 4

Assisting Parliament—Is Development Aid Effective?

4.1 Introduction

As part of international support to democracy and democratic governance, this chapter examines the growing areas of parliamentary support work (i.e. assisting parliament nationally, regionally and globally) and attempts to assess whether such development aid deems relevant and effective. It also clarifies some of the myths surrounding the Parliamentary Development Assistance (PDA). The chapter explores particular challenges of measuring progress or 'claim of progress' through such assistance. It should, however, be admitted at the outset that scant academic attention has been expanded to the 'technical assistance' required for the growth of parliamentary development, often considered as an integral part of democratization.

4.2 Making Development Aid Effective for Parliament

Democracy and democratization have long been part of the UN's and many of its members states' (i.e. bilateral donors/partners) overall agenda, as reflected in many UN documents including the Universal Declaration of Human Rights (1948),[1] the Agenda for Democratisation (1996)[2] and the Millennium Declaration (2000)[3] which put emphasis on popular participation in governance, representation, home-grown process and solutions. In fact, democracy has emerged as a crosscutting issue in the outcomes of the major United Nations conferences and summits

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since the 1990s and in the internationally agreed development goals they produced, including the Millennium Development Goals (MDGs).[4] World leaders pledged in the Millennium Declaration to spare no effort to promote democracy and strengthen the rule of law, as well as respect for human rights and fundamental freedoms. All these have a strong resonance in the ongoing efforts to make development aid more effective for parliament and representative institutions.

Developing national capacity and nurturing democratic culture are therefore critical in facilitating effective development assistance. Capacitated national and sub-national institutions, including deliberative and legislative bodies and parliaments, contribute to the establishment and consolidation of democracy since they empower ordinary people to participate in the policies that shape their lives. Consequently, support to parliaments becomes an integral component of development partners' support for democracy and governance programmes and initiatives. However, such assistance has often been criticized for being donor-centric in conceptualization, design and formulation.[5]

The United Nations Secretary General's 'Guidance Note on Democracy'[6] attempted to limit the scope of such bias of the donor community by calling for adopting 'do no harm' policy while providing democracy assistance and emphasized on inclusive and well-capacitated consultative process in designing support programmes. It highlighted, 'Another valuable lesson learned is the need to ensure that the UN is actively and continually evaluating its efforts on how best to provide sustainable democracy assistance that builds local capacity and nurtures a democratic culture. This assistance, while technical in nature, cannot be separated from the political realities'.[7] However, maintaining such separation is fraught with complexities. This is equally applicable to the assistance that is being channelled to the national governments, including parliaments by a host of international institutions and networks.

Under the Paris Declaration on Aid Effectiveness (2005),[8] donors and partner countries undertook to enhance their respective accountability to their citizens and parliament for their development policies, strategies and performance. Donors and partners therefore need to live up to their Paris commitments and work to ensure that parliaments are brought into the policy process more fully. In addition, the Paris Declaration's core principles can serve as a useful reminder to the donors on a number of issues (i.e. national ownership, genuine representation, actual capacity

and knowledge gaps). To bear in mind as they engage in the development aid, including support to parliaments. The Paris Declaration did emphasize the importance of a range of accountabilities in contributing to aid effectiveness. While domestic accountability is driven in large part by domestic politics, the actions of donors and other 'external' actors—in relation to aid and non-aid matters—do contribute to shaping domestic accountability and governance in developing countries. Donors, working in partnership with developing countries, have a responsibility to act, at home and abroad, in ways that strengthens, rather than undermine, domestic accountability and national ownership.[9]

The Accra High Level Forum on Aid Effectiveness in its Agenda for Action (2008) clearly stated that 'donors will support efforts to increase the capacity of all development actors—parliaments, central and local governments, CSOs, research institutes, media and the private sector—to take an active role in dialogue on development policy and on the role of aid in contributing to countries' development objectives'.[10] To this end, a series of further commitments were made and captured in the Accra Agenda for Action (AAA), all of which were related to the core issues in the Paris Declaration.

The AAA identified a number of challenges to realizing aid effectiveness, and it recognized that parliaments—along with other actors, including civil society organizations—have important roles to play in meeting these challenges. These further commitments are highly explicit in their acknowledgement of the key role of parliaments in aid management and ensuring the evolution of effective states. Action on the part of parliaments is seen as a critical component of all three areas focused upon in the agenda, including: (i) increasing country ownership, (ii) building more effective and inclusive partnerships for development, and (iii) delivering and accounting for development results. The AAA, like the Paris Declaration, acknowledged that it is important to ensure that mutual accountability relationships between donors and governments complement the domestic accountability relationships between governments and their citizens.

It is, therefore, sobering to see the results of a recent global survey. 'Aid Effectiveness 2005–10: Progress in Implementing the Paris Declaration' that at the global level, only one out of the 13 targets established for 2010—coordinated technical cooperation (a measure of the extent to which donors coordinate their efforts to support countries' capacity development objectives)—has been met, albeit by

a narrow margin. Nonetheless, it is important to note that considerable progress has been made towards many of the remaining 12 targets. The lack of transparency with regard to operations funded by multilateral and bilateral institutions, as well as the lack of transparency in the domestic budget process, has effectively undermined the role that the legislature should play in accountability and anti-corruption efforts. The survey results draw on the results of the 2011 Survey on Monitoring the Paris Declaration, building on similar surveys undertaken in 2006 and 2008.[11]

Within the Asia-Pacific region, the Hanoi Core Statement on Aid Effectiveness[12] acknowledged the importance of donors and the Government of Vietnam providing comprehensive budget reports to legislators and citizens. Cambodia's 2008 Aid Effectiveness Report[13] makes clear reference to the need to enable the National Assembly (parliament) to take an active role in policy dialogues on aid and development, and to strengthen the capacity of key committees in the monitoring and oversight of aid. Current initiatives to ensure both transparency and the active involvement of parliamentarians in country assistance strategies, as well as in poverty reduction support programmes, are, therefore, seen as essential to create transparency and oversight of policy, budget allocation and implementation decisions. For 'direct budgetary aid transfer(s)' that increasingly relies on domestic processes, the oversight and accountability function of the parliaments in both donor and recipient countries cannot be overemphasized. Due to the lack of a robust oversight mechanism and executive dominance, accountability in development aid has often been low vis-à-vis taxpayers in donor countries. The political nature of foreign aid also contributes to such process.[14]

One of the recent examples that emanated from the AAA is the International Aid Transparency Initiative (IATI),[15] a voluntary multi stakeholder initiative aimed at boosting aid transparency through public disclosure of detailed and timely information on aid volume, development results, and information to help countries manage their aid resources effectively. Signatories to IATI include donors, partner countries and CSOs (civil society organizations) who support the transparency commitments described in the IATI Accra Statement. It goes back to the March 2005 Paris Declaration on Aid Effectiveness. An initiative like this has potential to inform the national dialogues, including parliamentary deliberations on oversight and accountability.

4.3 Deconstructing Parliamentary Development Assistance (PDA)

Traditionally, PDA is a term that refers to the development of assistance to parliaments. The assistance broadly includes the processes by which a parliament of a developing or transitional country receives technical or financial assistance from an external actor or agent with a view to improving parliament's core business, capacities or performance. The purpose is to promote change or reform in a series of pre-established areas or goals. PDA is now a major activity of the many existing international parliamentary associations, coalitions and networks.

A significant number of parliaments are involved bilaterally either in its provision or in its reception. Several multilateral and bilateral development agencies adopt similar policies. Since the 1990s, it has been a common component in a large number of development projects promoting good governance and democracy around the world. However, by reviewing selected scholarly articles[16] and documents[17] from development agencies, one can find many other terms and concepts that are used synonymously and interchangeably with PDA, such as:

The above-mentioned names, while differing from each other in formulation, are quite linked, and, in most cases, identical. The essence of such support is to develop capacities of parliament as the principal legislative, representative and the oversight body of the state. The list of names shows the diverse range of actors in the area of parliamentary development and perhaps reinforces the need for effective coordination among them (Table 4.1).

Table 4.1 List of PDA terms used by different actors

- Aid to Parliament[18]
- Legislative Assistance[19]
- Legislative Development[20]
- Legislative Modernization[21]
- Technical Assistance to a Parliament[22]
- Parliamentary Strengthening[23]
- Support to Parliamentary Development[24]

4.4 Many Actors, Different Approaches, Limited Resources

A wide range of organizations is involved in parliamentary development and strengthening work. In fact, an initial canvas for the report *Benchmarks for Democratic Legislatures*[25] identified approximately nineteen parliamentary associations and development agencies working in the field of parliamentary democracy, as sponsor, implementer or adviser on programmes. These include, among others, bilateral donors [particularly USAID,[26] Canada's CIDA,[27] Sweden's Sida,[28] the UK's DFID[29] as well as the Austrian, Belgian, Danish and Germany development agencies], and contractors,[30] multilateral organizations [including the European Commission (EC),[31] the Inter-American Development Bank (IADB),[32] UNDP[33] and the World Bank Institute[34]], and an assortment of research institutions, think tanks, not-for-profits and private sector organizations including Canada's Parliamentary Centre,[35] the Inter-Parliamentary Union,[36] the Commonwealth Parliamentary Association, the Parliamentary Network on the World Bank,[37] the Westminster Foundation for Democracy,[38] the Association of European Parliamentarians with Africa (AWEPA),[39] the International Institute for Democracy and Electoral Assistance,[40] the National Democratic Institute, the German political party foundations or Stiftungen[41] and a number of regional parliamentary organizations. Some foundations specialize wholly in party development, some in the party, multiparty and PDA and others in an even broader range of democracy promotion activities.

The national parliaments of many OECD[42] countries have international development branches that are involved in organizing parliamentary twinning programmes and exchange activities. The House Democracy Partnership Programme managed by the US Congress[43] (unlike USAID) is an example of this. This list of wide-ranging aid agencies and networks from multilateral bodies to international non-governmental organisations, technical forums and even national parliaments clearly demonstrate the level of interests among them for parliamentary development support at the country/national, regional and global levels.

There are also diverse ranges of parliamentary initiatives and networks with varying degree of quality and content of work in different regions. For example, on the African continent, there are several of them, including the African Parliamentary Union,[44] the Pan-African Parliament[45] and the Southern African Development Community Parliamentary Forum,[46] while the Americas have the Parliamentary Confederation of

the Americas,[47] the Inter-Parliamentary Forum of the Americas[48] and Assembly of Caribbean Community Parliamentarians (ACCP).[49]

Although the idea of greater parliamentary cooperation has been discussed in Southern Asia, formal organizations appear to be limited just to the Asia-Pacific Parliamentary Forum (APPF)[50] and Asian Forum of Parliamentarians on Population and Development (AFPPD).[51] However, they have an undoubted value for parliamentarians in providing a regional forum and/or sub-regional (i.e. South Asia, Africa and Sub-Saharan Africa) context on thematic and technical issues, political and parliamentary developments, and furthering regional cohesion, understanding and cooperation. For example, the African Parliamentary Union took part in the organization of African parliamentary conferences on various important topics in close collaboration and partnership with the Inter-Parliamentary Union and the specialized Organizations of the United Nations:

- Conference on Employment in Africa, October 1985;
- Conference on Agricultural development and Food security in Africa, Harare (Zimbabwe), December 1986;
- Conference on Health: a basis for development in Africa, Brazzaville (Congo), July 1988;
- Conference on the Contribution of Parliaments to Democracy in Africa, Harare (Zimbabwe), April 1998;
- Conference on International Humanitarian Law (IHL), Niamey (Niger), February 2002;
- Conference on Refugees, Cotonou (Benin), June 2004; and
- Conference on Female Genital Mutilations, Dakar (Senegal), December 2005.[52]

All of these helped advocating for policy or legislative change in the regional contexts. The approaches pursued to parliamentary strengthening are equally diverse. These can be classified primarily into three key types of approach (Table 4.2).

The assistance to the wider political system as indicated in the above has recently been further strengthened by the electoral cycle approach.[53] The principles of the Paris Declaration, together with the recognition that there were obstacles to the implementation of effective long-term assistance, led the EC, UNDP and International IDEA to develop a visual planning and training tool to help development agencies, electoral assistance providers and electoral officials in partner countries. This helped them to understand the cyclical nature of the various challenges faced during electoral

Table 4.2 Key parliamentary approaches

Classification	*Examples*
I. Institutional capacity development	Technical support to parliamentary staffers, i.e. support to improved note taking of committee deliberations, organisational development and learning
II. Assistance to parliamentarians	Technical support to Members of Parliament (MPs), i.e. support to legislative drafting, constituency relations, and communications
III. Assistance to the wider political system within which parliaments operate	Executive–Legislative Relations; support to political party/grouping, long-term electoral process etc.

processes. This tool, developed in 2006–2007, has become known as the electoral cycle. The electoral cycle is based on an understanding of elections as continuous processes rather than as isolated events. At the most general level, the electoral cycle is divided into three main periods: the pre-electoral; the electoral; and the post-electoral periods.[54]

Some of the above-mentioned categories of support often operate at different geographical levels and scopes to attain distinct objectives. For example, multilateral organizations often pursued three-pronged approaches, i.e. global, regional and local/national initiatives.

Examples of Global Initiatives: The Global Programme for Parliamentary Strengthening (GPPS)[55] is the flagship UNDP programme on parliamentary development. It is based on the principle that a healthy democracy requires capable and effective parliaments. The programme's three activity levels (global, regional and country-level) have been effectively integrated into several project aspects, particularly in the parliaments, conflict prevention and recovery project. The transversal theme of supporting the strengthening of the role of women parliamentarians at all the intervention levels of GPPS has been applied systematically and generated positive results at the national, regional and global levels.[56]

The World Bank Institute's Parliamentary Strengthening Program seeks to address the imbalance emanated from executive dominance over legislative and other branches. Since 1993, the programme has worked with partner organizations to offer more than 350 learning events on topics of relevance to parliaments. A large portion of these training activities was aimed at strengthening parliaments' role in implementing national anti-corruption strategies, with a particular emphasis on oversight over public finances.[57]

These examples showed that the global initiatives are often useful in fostering innovative approaches to tackle fundamental problems of parliamentary development, including the institutionalization of parliamentary institutions in post-conflict societies, encouragement of greater women's involvement, establishment of benchmarks for effective democratic parliaments and knowledge codification and sharing. This can be demonstrated by the increasing use of new media (Web 2.0) by different parliaments and parliamentary donors. For example, AGORA,[58] the Portal for Parliamentary Development, was officially launched in March 2010. AGORA is a reference hub for knowledge sharing on parliamentary development. It seeks to consolidate knowledge and information, expertise and best practices and to encourage collaboration among the worldwide parliamentary development community (parliamentarians, parliamentary staff, donors and practitioners, as well as academia, civil society and the media). In addition, it seeks to promote the streamlining of parliamentary development activities and advocate for parliamentary development globally.[59]

Examples of Regional Initiatives: The regional and cross-regional initiatives are useful to shed light on the particularities of specific regions and sub-regions and their parliaments. They also help promoting lessons learned and good practices from one region to another region and context. For example, the Arab regional programme[60] had allowed sensitive issues to be addressed and helped to build networks of reform-minded parliamentarians. In 2005, the UNDP Programme on Governance in the Arab Region (POGAR) started to assess the role of parliament in preventing conflict, resolving conflict and in post-conflict situations in Lebanon, Iraq, Sudan and Yemen, including a review of the case of Algeria. The case studies provided a regional forum to understand the situation, identify patterns, extract lessons and engage in a regional dialogue on how the role of parliament could be strengthened.[61]

The EC Support to Parliamentary Development between 2000 and 2009 stands at approximately €107 million. The majority of EC development assistance resources to ACP countries,[62] including for parliamentary development, are channelled through the European Development Fund (EDF). The substantial support to the South African legislative sector has been channelled through specific budget lines dedicated for development cooperation with South Africa. The level of EC funding to parliamentary development projects across the 46 country-level and regional programmes varied widely. Only five projects benefited from large-scale multi year funding exceeding €5 million—three of these were in South Africa.[63]

Examples of country-level and local initiatives: In most of the developing and middle-income countries, donors (i.e. UNDP, DFID, WBI and IPU) supported parliamentary strengthening work and/or engagements with legislative bodies. A UNDP analysis from 2007, however, stated that, in comparison with other areas of development support to governance/good governance, the parliamentary sector remains badly underfinanced.[64] It suggested four possible reasons for the reluctance among donors to engage with parliamentary institutions. First, development programmes tend to be worked out by the executive branches of government on both the donor and recipient side. The natural starting point for governance work is therefore the executive; particularly as this part of government is more able to put development plans directly into action. Second, recipient governments may give parliamentary strengthening a low priority because, by definition, a stronger parliament exercising its scrutiny function will make the executive's job more difficult, or at least more time-consuming. For that reason, donors may also regard parliamentary strengthening as a politically sensitive area which could be interpreted as interfering in the domestic politics of a sovereign nation. Thirdly, many of the international agencies suffer from a lack of expertise and experience in developing parliamentary strengthening programmes. Fourthly, there has been a preference among donors to fund projects that develop civil society rather than political institutions. In fact, there has been a rise in the number of NGOs actively involved in parliamentary monitoring, reform and development at national, regional and international levels. Their aim is, ultimately, to strengthen the interface between parliaments and civil society. Some of these organizations, known as parliamentary monitoring organizations, or PMOs, are recipients of PD assistance themselves, although levels of support remain low and are confined to a few multilateral and bilateral agencies and some private foundations. Other NGOs act as intermediaries, delivering donor-funded programmes to parliaments or CSOs.[65] Many analysts suggest that donor interaction with civil society is easier because it is inherently less politically sensitive, but also that it offers the prospect of more tangible outcomes.[66]

4.5 The Challenges of Measuring Progress

Whether specific development aid is effective depends on the progress, it contributes to achieve. It must, however, be acknowledged that little progress has been made on measuring, monitoring and evaluating

programmes and projects for parliamentary development and strengthening. In fact, one of the most frequently cited commentators on democratization assistance, Thomas Carothers, indicated that, 'if asked to name the area of democracy assistance that most often falls short of its goals, I would have to point to legislative assistance'.[67] However, this is not unusual given the fact that measuring progress ('results') of governance and democracy itself is challenging. For example, in order to have a better grasp on the results and impact of the UK Aid, the British Government has set up the Independent Commission for Aid Impact (ICAI),[68] which reports directly to parliament through the House of Commons International Development Committee.

Some attribute the result problem to the inevitable gaps that emanate from building capacity without understanding the political circumstances that shape utilization of that capacity.[69] Among the recent examples of attempts to develop frameworks for measuring governance performance, examples can be cited from institutional efforts conducted by International IDEA, the United Nations University, the World Bank, UNDP and the Economic Commission for Africa. Although varying significantly in the identification and the weighting of performance indicators, all of these frameworks incorporate essentially the same set of governance values, namely democracy, rule of law, clean and effective government and peaceful resolution of conflict. If those objectives are to be realized, broad governance frameworks have to be connected to particular institutions like the parliament, as an elected political assembly.

All the major studies cited above refer to parliament as playing an important role in building democratic values and practices, particularly in ensuring accountability of government. However, little work has been done to measure the performance of parliament in relationship to explicitly stated good governance criteria.[70]

One organization that has taken the need for impact evaluation seriously is the Millennium Challenge Corporation (MCC), an independent US foreign aid agency that provides large-scale grants to some of the world's poorest countries. Since it began operating in 2005, the MCC has commissioned independent researchers to conduct some 25 studies to assess the impact that can be attributed to its programmes. All of these studies collect baseline data and use methods to contrast how beneficiaries fare relative to what would have been expected without the programme—a standard of evidence that is still not common among bilateral and many multilateral development agencies and one which USAID is only just beginning to embrace.[71]

Indeed, USAID appears to be more advanced in developing a widely applicable framework that captures qualitative as well as quantitative measures. Their approach is characterized by a desire to get at 'outcomes, not outputs', and to this end suggests a four-dimensional approach which covers the representative effectiveness of the legislature, its internal management, its ability to influence policies and budget priorities and citizen access.[72] In each of these categories, there is a combination of quantitative indicators, such as bills passed or questions asked, alongside qualitative measures, including 'indexes' of capacity and levels of public confidence in the legislature.

However, USAID and others recognize that this is an imperfect way of measuring parliamentary activity.[73] Donors and implementing agencies have not yet fully succeeded to document the impacts of their PDA work. In the first place, it is unlikely that any framework, no matter how comprehensive will fully capture the entire range of parliamentary performance. In addition, the collation of the information will require a greater devotion of resources and time than is currently the case. But also, in trying to find qualitative measures, prevalent analysis uses, perceptions of activity as well as actual activity, and is thus subject to value judgments at a number of levels. With little documentation, and even less in the way of independent, systematic, comprehensive evaluation, it is far from easy to identify the impacts of parliamentary development, or to make generalizations about what works and what doesn't work. Furthermore, there appear to be important discrepancies between how different development organizations measure the output and impact of their projects.

The Parliamentary Centre in Canada has been developing another example of monitoring parliamentary performance in key areas of public governance in cooperation with the World Bank Institute.[74] The objective of the exercise was to prepare baseline studies, establishing benchmarks of progress and making comparisons between parliaments and/or for a given parliament over time. A parliamentary report card was developed to this effect, evaluating performances in four critical areas including legislation, budget, oversight and representation. A set of indicators was developed in the form of a questionnaire that contains 37 questions. Performance indicators include openness and transparency, participation and accountability criteria. This scorecard was piloted in Cambodia with representatives of the National Assembly, senators and civil society. This led to the significant increase of the involvement of the Cambodian civil society and the public in the parliamentary process.

As more and more donors are focusing on parliament as a critical component to democratic systems, many recognize that it is inappropriate to spend millions of dollars on elections if the legislature that emerges has little or no power and does not function democratically. While in the past, international consensus has emerged over time through a standards-based approach in areas such as human rights and free and fair elections, little has been done to develop standards for democratic parliaments. At the instigation of members and with the support of its main partners in this work, the WBI and the UNDP, the CPA developed 'Benchmarks for Democratic Legislatures'[75] in late 2006 to serve as a guide for parliaments seeking either to find new ways to strengthen their performance perhaps as part of a democratic reform programme, or to determine whether they have kept up with advances in parliamentary practices and procedures.

These benchmarks are the outcome of a Study Group hosted by the Legislature of Bermuda on behalf of the Commonwealth Parliamentary Association and the World Bank Institute with support from the UNDP, the European Parliament and the National Democratic Institute for International Affairs. They explained international standards and good practices related to the formation and functioning of legislative bodies. Indicators were divided into four main topical headings: General, Organization of the Legislature, Functions of the Legislature and Values of the Legislature, and there are additional subcategories (i.e. Immunity, Infrastructure and Rules of Procedure) listed within these main headings. In fact, a 'Benchmarks' self-assessment is purely for a Parliament to track its progress against an accepted parliamentary standard or perhaps to support a request for external assistance. Organizations and agencies providing parliamentary strengthening programmes may also use the benchmarks in partnership with parliaments and legislatures to guide their programming.[76]

4.6 Political Assessment in Technical Assistance—The Missing Link?

Although traditional forms of donor support focused primarily on technical assistance, there is a growing recognition that changing the quality of governance means engaging at a deeper, more political level. Technical assistance to a political organ demands a better understanding of politics, political actors with institutional responsibility and political

process around it. This is even more relevant for the PDA focusing on parliamentary oversight as the challenges of such oversight of the executive organs have clear political implications and are fraught with political considerations and consequences.[77] All these make the task of making aid effective and accountable even more challenging.

Parliaments have received a disproportionately small amount of attention and funding as part of overall support to governance in development assistance. This reflects, at least, in part, a general public management approach within development circles that has tended to present the challenges of developing good governance as technical and administrative in nature. Parliaments are often seen as particularly inefficient and peripheral to the governance process. In fact, a recent analysis conducted for SIDA summarized these challenges in the following words: '*All too often, however, legislative aid efforts have barely scratched the surface in feckless, corrupt, patronage-ridden parliaments that command little respect from the public and play only a minor role in the political process. Legislators emerge unchanged from repeated training seminars… Shiny new computers sit unused on legislators' desks or disappear.*'[78] Similarly, as aptly noted in an assessment conducted for the EC Support to Parliamentary Development, '*it is difficult for parliaments to be effective in environments where members of parliament are definitively subordinate to the will of the senior leadership of the executive and may suffer career-ending reversals if they act independently.*'[79] In fact, both SIDA and EC assessments confirm that in the absence of effective demand for democratic decision-making or pertinent societal norms for the boundaries of acceptable conduct in governance, simple capacity building approaches are unlikely to yield significant improvements in institutional effectiveness.

Assessments like these show the clear lack of political economy analysis or political assessment that aims to situate development interventions within an understanding of the prevailing political and economic processes in society—specifically, the incentives, relationships, distribution and contestation of power between different groups and individuals—all of which greatly affect development outcomes.[80] For example, where there is little effective demand for democratic decision-making or where societal norms for the boundaries of acceptable conduct in governance do not exist or are unenforceable (i.e. Commonwealth of Independent States region), simple capacity building approaches are unlikely to result in significant improvements in institutional effectiveness. Therefore,

such an analysis can support more effective and politically feasible donor strategies, as well as more realistic expectations of what can be achieved, over what timescales, and the risks involved. Because pro-poor development is intrinsically linked to good politics, the essential starting point for effective development interventions must be an understanding of a country's political economy. Political economy analysis can focus attention on informal institutions, and cultural and social practices, which often explain why formal institutions like parliament do not work as intended. Such analysis generally cautions against relying on technical fixes, and assuming that formal institutions can be made to work through the transfer of 'international good practices'. It can help identify where change is most likely to occur and which types of reform will have the greatest pro-poor impact given prevailing interests. Political analysis complements conventional governance assessments by providing a deeper level of understanding about power, state capability, accountability and responsiveness. It has also proven very useful to understand processes of state-building and state collapse in fragile or conflict-affected states.

So far, the donors have tended to be concentrated more on narrow technical capacity development through the past support provided to parliaments. While administrative systems and staff technical expertise are often weak in developing country administrations, including in parliaments, a technical approach de-emphasizes the underlying issue of how power is exercised and the incentives for different actors. Increasingly, there is a growing recognition that as development practitioners lack the tools to help them navigate the 'enabling political environment' and 'institutional context' which play an important role in the success or failure of these projectized efforts to support national partners and institutions including parliaments, and to more effectively implement development projects that do no harm and are sensitive to conflict.

The nature of projectized support does not offer parliamentary practitioners flexibility that is required to cope with political change and harness political opportunities beyond predetermined technical inputs, activities and outputs. In fact, often the most successful projects are those that are implemented by experienced and specialist staff who are able to recognize opportunities, and experiment and deviate from stipulated project documents and agreements—conditions that are unlikely to flourish in agencies with generalist staff that lack authority, time and other resources, whose career incentives favour frequent rotation, and whose first concern is upward accountability and bureaucratic compliance.[81]

4.7 Conclusion

This chapter provided an extensive mapping of what development assistance, PDA in particular, means and its diverse forms of application. PDA refers to a wide range of technical assistance geared towards parliamentary development. This is important to bring clarity to the actual meaning and scope of the PDA and its relations with aid effectiveness agenda. It demonstrated that some of the impacts of legislative support and strengthening work are still insufficiently understood. There is a need to further invest in analysing and evaluating not only the performance of individual activities or the impact of parliamentary development work, but the broader political environment within which parliament operates. It is important to understand institutional barriers and political elements within the technical work of parliamentary development, specially the work to strengthen its oversight functions. Investing in analytic work on the political process and targeted practical examples to assess the effectiveness of development aid to parliament is imperative. This will also help better articulate the impact of the PDA on oversight work, a topic that will be explored in Chapter 5.

Notes

1. The full text of the Declaration (1948) is available at the UN site http://www.un.org/en/documents/udhr/ (accessed on 30 October 2012).
2. The full text of the Democratization Agenda (1996) was presented to the General Assembly by the Secretary General on 20 December 1996 by the UN Secretary General is available at the UN site http://www.un.org/en/events/democracyday/pdf/An_agenda_for_democratization%5B1%5D.pdf (accessed on 30 October 2012).
3. The full text of the Declaration (2000) is available at the UN site http://www.un.org/millennium/declaration/ares552e.pdf (accessed on 30 October 2012).
4. The MDGs and related documentation are available at the UN site http://www.un.org/millenniumgoals/ (last accessed on 30 October 2013).
5. T. Carothers, *Problems of Aiding Democracy Abroad: The Learning Curve* (Washington, DC: Carnegie Endowment, 1999).
6. The Full text of the Guidance Note (2009) is available at the UN Democracy Fund (UNDEF) site http://www.un.org/democracyfund/guidance-note-un-secretary-general-democracy (accessed on 20 July 2013).
7. SG's Guidance Note on Democracy, ibid.

8. The Paris Declaration and Accra Agenda for Action, OECD is available at OECD site http://www.oecd.org/document/18/0,3343,en_2649_3236398_35401554_1_1_1_1,00.html (accessed on 18 July 2012).
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10. Accra Agenda for Action 2008 is available at The World Bank site at http://siteresources.worldbank.org/ACCRAEXT/Resources/4700790-1217425866038/AAA (accessed on 18 July 2012).
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12. Available at the OECD site http://www.oecd.org/dataoecd/25/16/39151259.pdf (accessed on 18 July 2012).
13. Available at Council for Development of Cambodia (CDC) site http://www.cdc-crdb.gov.kh/aid-management-documents.html (accessed on 18 July 2012).
14. See Transparency International, *Discussion Paper: Poverty, Aid and Corruption* (Berlin: Transparency International, 2007).
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16. See L. Montiel, *Parliamentary Assistance: External Support to Legislatures in Developing and Transitional Countries* (Ha Noi: UNDP Vietnam, 2006), available online at UNDP site http://www.undp.org.vn/projects/vie02007/project_publications.htm (accessed on 5 June 2010).
17. See D. Beetham, *Parliament and Democracy in the Twenty-First Century: A Guide to Good Practice* (Geneva: IPU, 2006), available online at the IPU site http://www.ipu.org/dem-e/guide.htm (last accessed on 7 June 2010).
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25. Commonwealth Parliamentary Association 2006: Foreword 4, available at http://www.agora-parl.org/node/56 (last accessed on 10 November 2013).
26. United States Agency for International Development (USAID) http://www.usaid.gov/ (last accessed on 10 November 2013).
27. Foreign Affairs, Trade and Development, Canada (formerly known as CIDA) http://www.acdi-cida.gc.ca/acdi-cida/acdi-cida.nsf/eng/home (accessed on 10 November 2013).
28. Swedish International Development Cooperation Agency (SIDA) http://www.sida.se/english/ (accessed on 10 November 2013).
29. Department for International Development (DFID/UKAID) https://www.gov.uk/government/organisations/department-for-international-development (last accessed on 10 November 2013).
30. Donor agencies also use research and consultancy institutions, as well as private companies/individuals to provide research and advice on the design and implementation of programmes, as well as on strategy and policy development. These include, among others, the Association for Rural Development (ARD), the Centre for Legislative Development International (CLD), Development Alternatives Inc. (DAI), Global Partners and Associates (GPA), SUNY, ODI and the Chr. Michelsen Institute (CMI).

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35. Parliamentary Centre of Canada http://www.parlcent.ca/ (accessed on 10 November 2013).
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53. For details on the electoral cycle approach, visit European Commission and UNDP Partnership for Electoral assistance portal at http://www.ec-undp-electoralassistance.org/index.php?option=com_content&view=article&id=125&Itemid=136&lang=en (accessed on 25 November 2012).
54. The concept rapidly gained consensus among practitioners and development agencies. Its conceptualization was completed with the publication of the EC Methodological Guide on Electoral Assistance, the International IDEA Handbook on Electoral Management Design and the UNDP Electoral Assistance Implementation Guide. This approach has been officially endorsed by the EC and UNDP for every common electoral assistance project through the signing of the 'Operational Guidelines for the Implementation of Electoral Assistance' in April 2006. For further details on the resources, visit the ACE—the Electoral Knowledge Network at http://aceproject.org/ace-en/focus/focus-on-effective-electoral-assistance/the-electoral-cycle-approach (accessed on 25 November 2012).
55. See UNDP at http://www.undp.org/governance/focus_parliamentary_dev.shtml (accessed on 25 November 2012).
56. At the country level, in Niger and Benin where the GPPS had been operating for 6 years, substantial strengthening of parliament and deepened democratization is noted. Longer-term intervention is clearly correlated with project effectiveness.
57. The World Bank Institute and McGill University support the e-learning portion of the Executive Training Program for Parliamentary Staff jointly in collaboration with the Commonwealth Parliamentary Association and the Parliamentary Centre. For details, visit http://www.parliamentarystrengthening.org/ (accessed on 25 November 2012).
58. Agora portal http://www.agora-parl.org/ (accessed on 16 November 2013).
59. The Partners Group of the initiative includes the United Nations Development Programme, the World Bank Institute, the National Democratic Institute for International Affairs (NDI), the International Institute for Democracy and Electoral Assistance (International IDEA), the British Government, the French Government, the American Government, the Belgian Government, the European Commission, the French National Assembly, the United States House of Representatives, the European Parliament, the Commonwealth Parliamentary Association To find out more about AGORA, go to the website www.agora-parl.org.

60. http://www.arabparliaments.org/.
61. The case studies and comparative paper are available at http://www.arabparliaments.org/activities/details.asp?aid=63 (accessed on 21 November 2009), also available at http://www.agora-parl.org/fr/node/898 (last accessed on 9 September 2012).
62. The African, Caribbean and Pacific Group of States (ACP) is an organization created by the Georgetown Agreement in 1975. It is composed of African, Caribbean and Pacific States signatories to the Georgetown Agreement or the Partnership Agreement between the ACP and the European Union, officially called the 'ACP-EC Partnership Agreement' or the 'Cotonou Agreement'.
63. Ibid., EC 2011.
64. Jonathan Murphy, and Alkache Alhada, *Global Programme for Parliamentary Strengthening* (II: Mid-Term Evaluation Report, UNDP, 2007), p. 141.
65. Some of the key international and regional NGOs involved in PDA are the International Foundation for Electoral Systems (IFES) (USA), the Parliamentary Centre (Canada), the Institute for Democracy in South Africa (IDASA), the Fundación Directorio Legislativo (Latin America) and the International Budget Project (IBP).
66. Murphy, and Alhada, ibid., pp. 119, 179; T. Carothers, *Political Party Aid* (Paper Prepared for the Swedish International Development Agency, 2004), p. 7.
67. Thomas Carothers, *Aiding Democracy Abroad: The Learning Curve* (Washington, DC: Carnegie Endowment for International Peace, 1999), p. 177.
68. Details on the ICAI can be found at http://icai.independent.gov.uk/ (accessed on 4 November 2013).
69. Oliver Coleman, and Greg Power, *The Challenge of Political Programming: International Assistance to Parties and Parliament* (Stockholm: Global Partners and Associates for International IDEA, November 2011), available online at Agora portal http://www.agora-parl.org/sites/default/files/challenges-of-political-programming.pdf (accessed on 5 August 2013).
70. Based on the author's interactions with donor officials, we need to be aware of the limits of results-based management (RBM) frameworks and performance measures and indicators. If applied overzealously—they can lead to program which achieve clear, monitorable results—but which might ignore the tough and political issues and realities on the ground.
71. USAID's new evaluation policy, approved in 2011, can be found at USAID site www.usaid.gov/evaluation/USAID_EVALUATION_POLICY.pdf (accessed on 12 November 2012).

72. K. Schulz, "Measuring the Impact of Donor Funded Legislative Strengthening Programs on Legislative Oversight Performance," in Rick Stapenhurst, et al. (eds.), *Trends in Parliamentary Oversight* (Washington, DC: World Bank Institute, 2004); K. Schulz, *USAID's Legislative Strengthening Performance Measurements*, Presentation to the DFID/UNDP/WBI Donor Consultation on Legislative Strengthening, 21 May 2007, Brussels.
73. Murphy, and Alhada, ibid., pp. 141, 179.
74. The details of the partnership can be downloaded from the 'Parliamentary Centre of Canada' website at http://www.parlcent.org/en/wp-content/uploads/2011/04/project_pdfs/Project_Description_-_Cambodia.pdf (accessed on 10 March 2011).
75. For details on the WBI and the UNDP, the CPA developed 'Benchmarks for Democratic Legislatures', see http://www.agora-parl.org/node/57 (accessed on 19 August 2012).
76. For Self-assessment Guidance Note on Benchmarks for Democratic Legislatures, visit IPU site at http://www.ipu.org/splz-e/asgp09/dscr-CPA.pdf (accessed on 19 August 2012).
77. Some approaches to strengthening parliament have treated parliament much like a ministry or other organization. Parliaments are political organizations, and the starting point must always be an understanding of the political system in which they operate.
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79. International IDEA, *European Commission Support to Parliamentary Development in the ACP (2000–2009): An Assessment*, July 2010, p. 5.
80. See J. Slotin, V. Wyeth, and P. Romita, *Power, Politics and Change: How International Actors Assess Local Context* (New York: International Peace Institute, 2010), available at IPI's website http://www.ipinst.org/2010/06/power-politics-and-change-how-international-actors-assess-local-context (accessed on 28 November 2014).
81. Semi-structured interviews with the Afghan [Kabul: 2009] and Kyrgyz parliamentary staff [Bishkek: 2011—wishes not to be quoted or named] during the period of primary research working inside parliament suggest such limitation of existing technical support approach which often does not consider political context and big picture.

Check for updates

CHAPTER 5

Does PDA Have Any Impact on Oversight?

The spirit of corruption is so inseparably interwoven with British Politics, that their ministry suppose all mankind to be governed by the same motive. They have no idea of a people submitting to even temporary inconvenience from an attachment to rights and privileges. Their plans and business are calculated by the hour and for the hour, and are uniform in nothing but the corruption which gives them birth.
—Thomas Paine, 'The Crisis', December 1776

5.1 Introduction

This chapter highlights whether the PDA strengthened oversight mechanisms and processes as assumed by many stakeholders, including development partners and aid agencies. The chapter analyses the role of parliament in national governance system to understand the former's impact on voice and accountability agenda through parliamentary oversight mechanism. The analysis also paves the way for focused discussion on country-specific interventions in subsequent chapters.

5.2 Parliament in National Governance Systems—A Critical Check on Government

Before analysing how parliamentary assistance can foster better oversight mechanisms and processes, we need first to determine parliament's role in national governance systems. In most countries, the functions of parliament are usually laid down in the constitution or parliamentary

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A. H. M. Kabir, *Development Aid in Stable Democracies and Fragile States*, https://doi.org/10.1007/978-3-319-92174-7_5

by-laws. Integrity is one of the major aspects of parliamentarians. Among the primary functions of parliaments are lawmaking, oversight and representation. Parliaments can contribute to the elements of effective governance through performing its primary responsibilities: state capability, accountability, transparency, integrity, and, responsiveness.

In parliamentary democracies, parliaments play a significant role in strengthening the rule of law, ensuring national compliance with international obligations, overseeing transparency of governance processes, and, deepening accountability mechanism. Parliamentary development comprises activities that aim to enhance the representative, legislative, and, oversight capacity of representative institutions in the governance process. Parliament is, therefore, a critical component of a national governance system.

The potential of parliamentary development to improve human development, and, hone 'voice and accountability' agenda has been recognized almost since the creation of the Millennium Development Goals themselves. In its 2000 report to the UN Secretary General, entitled *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals, the Millennium Project* noted the importance of parliaments: 'For *their part, parliaments are important in convening and promoting public debate on the best means of developing and implementing an MDG based poverty reduction strategy. Parliamentarians can give voice to constituencies in remote and historically underserved areas, and they should provide a critical check on government by demanding public reviews of expenditures, by pointing out inequalities in implementation, and by making sure the policy debates on how to deliver services are linked quantitatively to the MDGs and specific targets. The power to question government decisions publicly and to prevent the suppression of information is one of a parliament's foremost responsibilities*'.[1] In fact, a number of parliamentary organizations and institutions such as the Council of Europe Parliamentary Assembly have passed resolutions in this regard, articulating their views and positions on parliamentary actions against corruption.[2]

In this context, it is worth restating what the Hansard Society's[3] Commission on Parliamentary Scrutiny observed: '*Although new forms of scrutiny and accountability have emerged Parliament has a unique role in making their work relevant. Parliament's role is in disentangling the key political issues from technical scrutiny, interpreting their significance and using this as the basis on which to challenge Government*'.[4] In fact, parliaments are involved both in vertical and horizontal accountability mechanisms. Their functions are, in effect, to transmit and translate vertical

accountability issues into horizontal ones and vice versa. Put more simply, parliaments are the point in a governance system where citizen–state relations (vertical accountability) come into contact with executive–legislative relations (horizontal accountability). An effective parliament is one which performs its horizontal accountability functions in a manner which is in tune with the wishes of the citizen-voters on whose behalf it acts.[5] All these put parliament in a position of relevance and influence to strengthen oversight mechanisms and combat corruption.

As the lawmaking assembly of the people's elected representatives, it is the parliament's role to ensure that government is answerable to the governed. It has long been recognized that checks and balances are essential for a system of government to ensure that individual power is not abused. A parliament to which the executive organ of the state, i.e. the ministry, is responsible for its actions is one such valuable check which might contribute to the development of a parliamentary approach or even a functional strategy to enhance oversight and combat corruption. It is, however, not uncommon to hear major objections to a significant parliamentary role in policy-making particularly economic policy-making.[6]

Some of the common arguments against stronger parliamentary engagements include, among others, the following: (1) parliamentarians lack the technical expertise to be able to participate in economic planning and analysis, and therefore cannot be expected to be real players in the financial policy process; (2) they are influenced by the pressures of local constituency interests and will seek to increase spending in their areas—thus accelerating spending in general and distorting overall budgets; (3) parliaments are too subject to the political party dominance that prevents the exercise of significant oversight responsibilities on the executive and can make parliamentarians subservient to partisan priorities in analysing resource allocation and service delivery issues. However, these arguments were used also in the past against any policy engagement of civil society, disadvantaged group, marginalized communities and beneficiaries in formulating development policy and projects.

5.3 Strengthening Accountability Through Oversight Mechanisms

In the course of past decades, international organizations, technical and bilateral agencies, civil society organizations and NGOs have taken a much greater role in promoting democracy.[7] They have tried to promote

democracy, among other things, by strengthening legislatures and they have tried to strengthen legislatures by improving their ability to oversee government activities. Hence, the question is: Does strengthened oversight actually make a difference as international organizations have assumed? In fact, a lack of accountability is widely regarded as a precondition for corruption.[8] Case study evidence from the current research (Chapters 6 and 7) confirmed that budgeting without effective checks and balances can provide an open door to corruption and poor fiscal mismanagement.[9] Therefore, it is necessary to outline some of the parliamentary oversight mechanisms available in most of the parliaments to deal with corruption before any correlation with the PDA or its impact on oversight can be established.

There are several levels and elements of oversight mechanisms:

a. Horizontal Accountability—Oversight
b. Financial and Budgetary Oversight—Parliamentary Oversight Committees
c. Standards of Behaviours
d. Assortment of Tools
e. Vertical Accountability and Public Outreach
f. Citizens' participation in parliamentary/public affairs

a. Horizontal Accountability: Horizontal accountability is the capacity of state institutions to check abuses by other public agencies and branches of government, or the requirement for agencies to report sideways. Its focus is on internal checks and oversight processes. The importance of horizontal accountability[10] is more than academic. A recent study finds a strong correlation between legislative strength and democratization: Fish[11] combines 32 items into a Parliamentary Powers Index (PPI),[12] which covers parliament's ability to monitor the executive, its freedom from presidential control, its authority in specific areas, including public finance, and the resources at its disposal. Using data for a sample of all post-communist countries, he finds that the strength of the oversight mechanisms, available on legislatures, is associated with, and often dependent on substantial democratic consolidation: 'the presence of a powerful legislature is an unmixed blessing for democratization'.[13] Therefore, the scope of horizontal accountability depends on the overall strength of parliament. This, perhaps, suggests that parliamentary democracies—new or old—may benefit from enhanced horizontal

accountability engendered by robust legislative oversight. However, this needs to be carefully choreographed in the context of improved executive–legislative relations. Horizontal accountability may not work of executive–legislative relations are fraught with mutual distrust.

b. Parliamentary Oversight Committees—Financial and Budgetary Oversight: In many countries, parliament has the constitutional mandate both to oversee government and to hold government to account. One of the key aspects of oversight process is scrutiny of the nation's expenditures. Parliaments approve how much money can be raised from citizens in taxes, how these funds should be spent, and for which purposes. As laws and public policies are implemented through the spending of public resources, oversight of a nation's budget is the most important tool that parliamentarians have at their disposal in order to keep the executive in check. There are several steps that parliaments can take to strengthen oversight role and to curb corruption. One of the ways in which parliaments can keep governments accountable is by establishing 'Public Accounts Committees (PACs)'. By examining public accounts, the PACs contribute to keeping governments accountable for their use of funds and resources. The PACs generally concentrate on financial probity and regularity, but they may, at times, be in charge of examining the effectiveness of government programmes. They also provide political impetus for reports made by independent auditors.[14]

At the same time, parliaments in some developing countries have begun to assert themselves, providing increasingly effective budgetary and financial oversight, for instance, in Tanzania and India,[15] parliamentarians too have become increasingly active—including through the International Parliamentarians' Petition for Democratic Oversight of IMF and World Bank Policies[16] and, the parliamentary Network on the World Bank[17]—in insisting that they have the right to examine loan agreements between the international financial institutions and their countries' governments.[18]

c. Standards of Behaviour—Code of Conduct: Parliaments can take concrete steps to ensure that parliamentarians respect and demonstrate the highest standards of behaviour. Parliaments can adopt legislative ethics, codes of conduct and registers of interests to prevent parliamentarians from misbehaving and to preserve the public trust. The work that has been done in the course of the past decade on these represents a clear case in point. The literature has repeatedly emphasized that the adoption of codes of legislative conduct serves both purposes. The establishment

of a Select Committee on Standards and Privileges to consider complaints against parliamentarians and to advise the House on conduct issues in the UK is one example.[19] However, one needs to be aware of cultural and local context in driving the process of standards of behaviour, i.e. code of conduct or developing the content for it. While working (2005–2006) with the Afghan members of parliament (upper and lower houses)[20] and staffers of the Parliamentary Secretariat, the author had the opportunity to observe and facilitate the process of drafting a code of conduct for the consideration of the Afghan National Assembly members and leadership. The international community was keen to push for their respective models of parliament and standards of behaviour and processes (i.e. Anglo-Saxon model, French model, German model). However, the Afghans felt ignored in projecting home-grown traditions, i.e. the Jirga model, customary provision of showing respect to the elderly, forging alliances with different ethnic groups). Members and staffers of both the houses (Meshrano Jirga and Wolesi Jirga) were candid with the author about their strong reservations against replicating any foreign model. However, they were open to adopt good practices from other parliaments within the framework of Afghan context, tradition and ownership. Those professional engagements renewed the critical importance to consider local, sociocultural and religious contexts before advocating for replicating any foreign model and/or international standards.[21]

d. Special Tools and Mechanisms: Parliamentarians also have a set of tools available to ensure greater transparency in decision-making. They have the power to question the executive and deliberate on how decisions were made through the question time, plenary sessions, committee hearings, and committees of enquiry, interpellations or ombudsmen offices. The oversight framework should provide for stronger investigative powers, allowing, for example, for witnesses to be called or penalties for contempt or perjury applied. Parliamentary action against corruption can consist of adopting, enforcing and/or reinforcing existing mechanisms in place for bringing government to account, making optimum use of parliamentary committees to scrutinize government operations or finances.

e. Vertical Accountability and Public Outreach: Vertical accountability is the means through which citizens, mass media and civil society seek to enforce standards of good performance primarily on public officials. Elections are the formal institutional channel of vertical accountability. But

there are also informal processes through which citizens organize themselves into associations capable of lobbying governments, parliamentary bodies, and private service providers, demanding explanations and threatening less formal sanctions like negative publicity. While parliament is typically considered as a key institution in the constructs of horizontal accountability, it is also important in vertical accountability. Parliaments can also play a key role in promoting accountability, through constituency outreach, public hearings, public petitioning, the committee system and parliamentary Commissions (i.e. request for information and update, investigation, visit, inspection etc.).[22]

Using all these traditional and often innovative and/or new entry points, citizens and civil society groups can seek the support of elected representatives to redress grievances and intervene in the case of inappropriate or inadequate action by government. Use of social media and of web-based networks (interactive websites, Twitter, Facebook, etc.) offers fresh opportunities. Engaging elected representatives on development issues and challenges and strengthening the capacity of parliamentary institutions are therefore important to the development agencies. The public can also be encouraged to denounce and condemn corruption through the development and implementation of effective complaints mechanisms and whistle-blower protection. For example, Malawi is opening up PAC investigations to the media while Ghana plans to open PAC meetings to the public. Similar efforts are also underway in Sri Lanka, Serbia and Tanzania.[23]

f. Citizen's participation in Parliamentary, Local Deliberative Bodies and Public Affairs: This is an area which is, perhaps, least studied in the context of parliaments–citizens relations.[24] But this is important for civic engagements in parliamentary work including oversight. The experiences in Latin America with schemes and structures for citizen participation in public affairs have demonstrated nonetheless to be popular and a necessary innovation of the institutional framework, especially the state. This is especially true at the local level where it is assumed that increased engagement will create direct routes for accountability with local elected authorities [local bodies, municipalities, city councils, and other deliberative and legislative bodies], thereby improving local public service delivery and generating better local-level policies to tackle local challenges. An important institutional innovation is a type of institutions specifically aimed at monitoring parliaments. A survey of these parliamentary monitoring organizations (PMOs) identified no less than 191

such entities involved in monitoring more than 80 national parliaments worldwide.[25] These organizations are scattered throughout the world, but most are found in Latin America (42) and Central and Eastern Europe (28).[26] Major challenges facing PMOs include limited access to information, insufficient financial support from local and international sources, and parliamentary resistance to their activities. As elected leaders of a 'sovereign' people, many parliamentarians see these monitoring organizations as undue interference in their affairs. In this regard, the new wave of e-participation is relevant to enhanced citizens' participation in public affairs. In fact, new experiments are taking place exploring how citizens are engaging with government including legislative bodies.

This is not an exhaustive list, but a useful one because it demonstrates the diversity in parliamentary strategies and approaches to strengthen oversight and accountability. In fact, the list of approaches, tools, methodologies is growing, also with the advent of technologies and increasing public awareness and civic engagements. While a wealth of good practices and lessons exists, the overall quality of comparative knowledge, methodologies and interventions remains mixed, and sharing good practices among key stakeholders is limited.

5.4 Parliaments and Their Links to the Normative Standards

A number of relevant international laws and principles (normative standards—anti-corruption conventions and protocols) have been agreed in the last few years, including the UN Convention against Corruption (UNCAC), the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and the African Union Convention on Preventing and Combating Corruption. For global initiatives to work, however, there needs to be actual implementation and scrutiny at home. Parliamentarians need to hold their governments to account by urging ratification of these international conventions. Transparency, accountability and good governance are the key principles advancing the agenda for effective democratic and ethical government.

The UNCAC established a common platform to work on Global Instrument offering a controlling and preventing corruption. It relies on international cooperation and integration to help governments develop anti-corruption strategies. In compliance with relevant

resolutions of the Conference of the States Parties to the UNCAC,[27] the United Nations Office on Drugs and Crime (UNODC) developed a comprehensive computer-based tool designed to enable States parties and signatories to the Convention to keep track of their implementation efforts, identify implementation gaps and subsequent needs for technical assistance. Following extensive consultations with States parties and signatories as well as with international experts, the **Self-assessment checklist**[28] was developed as part of the review mechanism for the Convention, and, is one of the few available methods for assessment for which the state provides its own information, maximizing its ownership of the process. Moreover, the self-assessment checklist can have follow-on effects, bringing several potential positive outcomes as part of the corruption and broader governance assessment processes. States will use this checklist to assess their implementation efforts—in contrast to the many assessment tools that are based on external information or are donor-driven. Assessment results which are not locally owned and linked to national development processes may not enjoy the national ownership and wider utility by policy-makers and practitioners.[29] However, success with the checklist should not be taken for granted. The valuable information gathered by the checklist process needs to be utilized for reform processes in the country by the country. Achieving its full potential requires a concrete long-term commitment from the state at the highest levels, and the coordinated support of donors.

In its resolution 3/1 (2009), the Conference of the States Parties to the UNCAC strongly encourages States to prepare their responses to the self-assessment checklist[30] through broad consultations at the national level with all relevant stakeholders. This opens the possibility for parliamentarians to seek a substantial role in the self-assessment exercise. Parliaments along with all other governance institutions play a role in fighting corruption and their different roles contribute to a comprehensive picture of the anti-corruption situation. Furthermore, the self-assessment exercise may provide a new opportunity for initiating inter-institutional dialogue and cooperation between the three States' powers (legislative, executive and judicial) on anti-corruption reforms.

Following this positive trend, the UNCAC Toolkit for Parliamentarians[31] was developed to (1) facilitate a more active parliamentary involvement in the implementation, oversight and monitoring of UNCAC; (2) highlight the important role of parliamentarians in

preventing corruption and track parliamentary performance as well as emerging trends and developments; (3) identify gaps where parliamentary strengthening may be needed; and (4) bolster inter-institutional dialogue on anti-corruption reforms. This initiative has been supported by the UNDP's Global Programme on Country-Led Democratic Governance Assessments[32] with the participation of countries supported by its Global Programme on Anti-Corruption for Development Effectiveness (PACDE), Global Programme on Parliamentary Strengthening (GPPS) and the UNODC. Such multi stakeholders' collaboration was reinforced in the Fifth Global Conference of Parliamentarians against Corruption in Manila, Philippines (30 January 2013–2 February 2013). The Conference Declaration and Global Task Force Resolutions promoted the comprehensive implementation of the UNCAC within their respective jurisdictions with the increased role of parliaments and parliamentarians.[33]

These examples of varying degree of PDA reiterated that there is a growing recognition of parliament as an oversight institution to combat corruption. They also highlighted the role of individual parliamentarians in strengthening oversight mechanisms and to better address corruption and maladministration challenges. However, most of the anti-corruption strategies which were studied focus on norms and institutions—with a limited regard for performance and results. The notable mismatch between the political nature of the problem and the technocratic solutions is likely to result in superficial interventions. In addition, envisioned solutions are not based on adequate diagnostics of what causes the problems, and integration with other core governance policies and reforms hardly takes place in practice.

5.5 Parliament and Watchdog Bodies

In general, it can be said that corruption flourishes where the institutions of governance are weak, where a government's policy and regulatory regime provide scope for it, and where oversight institutions and mechanism (e.g. parliament, judiciary, media and civil society) are marginalized or have become corrupted themselves.[34] Parliament can play an important role in influencing accountability processes. While the accountability role played by parliament is more important than ever, parliament must consciously share that work with other agencies. Clearly Watchdog institutions like anti-corruption agencies, human rights institutions, the

auditor general, the ombudsman [including thematic mandate holders, i.e. Tax Ombudsman] could also have a bearing on parliament's oversight and accountability function.

The office of the auditor general is crucial for ex-post control of government accounts and in many countries, cooperate closely with parliament. An interesting example can be drawn from the Parliament of Western Australia, where a stronger synergy between parliament and one of the watchdog bodies was built. The Legislative Assembly and the Legislative Council agreed in 2001 to establish the Joint Standing Committee on the Anti-Corruption Commission. The Joint Standing Committee's functions and powers are set out in the Legislative Assembly Standing Orders 289, 290 and 264. The functions of the committee include, among others, to monitor and review the performance of the functions of the Anti-Corruption Commission established under the Anti-Corruption Commission Act 1988.[35]

As mentioned, a parliamentary ombudsman [also referred to as Ombudsperson], often a variety of ombudsmen in different areas,[36] offers the public a direct channel to lodge complaints of unfair treatment and abuse of power by the executive and its agencies, officials and institutions. While in many countries the ombudsman may have little direct power, its findings after investigating complaints and the publication of its observations is a powerful tool in the fight against corruption and can make public officials wary of malpractices.

Typically, all parliamentary ombudsmen provide an annual report to the parliament, i.e. the Parliamentary Ombudsmen in Sweden,[37] and in some jurisdictions the Ombudsman's reports on special investigations can only be made public by presentation of the report to the parliament, i.e. the Commonwealth Ombudsman in Australia.[38] There are a number of ways in which the Ombudsman can assist members of parliament: investigating individual complaints referred by members of parliament, making submissions to parliamentary inquiries, and publishing reports of parliamentary interest.[39]

Often, audit institutions, Ombudsman with general mandate, and anti-corruption agencies report to parliament, as a means of ensuring both their independence from government and reinforcing parliament's position at the apex of accountability institutions. Development agencies have been supporting the work of these watchdog bodies through separate projects.[40] Some of the support and technical assistance explicitly include a parliament component, i.e. engagement with parliamentarians

and parliamentary secretariat. It will be critical to link these to the ongoing parliamentary support initiatives and piggyback them to strengthen the effectiveness of Parliamentary Development Assistance.

The relations between the office of the auditor general, anti-corruption agencies and parliament are also of importance when analysing parliament's budgetary powers. External variables like administrative structure and party and electoral systems should be considered when considering the workings of the internal legislative environment. The party and electoral systems impact substantially on the party groups in parliament while the administrative structure is of crucial importance for the committees in parliament and their relationship to the executive. Other factors that may be considered external and potentially of importance like the judiciary are not explicitly included in the present analytical framework, but their potential impact on parliamentary functions relating to anti-corruption should not be ignored. By such accountability mechanisms, the integrity of the institutions of executive government is subjected to appropriate scrutiny; in fact, guards are placed against inefficiency, maladministration and corruption.

5.6 Confronting Corruption Through Strengthened Oversight Mechanisms?

From the above-mentioned discussion, it is evident that parliament plays multifaceted roles in addressing the challenges of lack of accountability and corruption. While the effectiveness of each of these roles deserves a separate investigation and research, it is also apparent that a parliamentary approach to strengthening oversight mechanisms and agencies is gradually emerging. On a procedural level, effective oversight is dependent on a clear understanding of the operations of such agencies being oversighted and of the environment in which such bodies operate. Further, certain principles of operation can be applied to all levels of the framework. The increasing role of the PDA in support of the continued growth of such mechanisms and perhaps, country/region specific approaches has been observed. However, the existing literature on oversight contains few examples measuring the extent to which the PDA to promote oversight activities has produced greater oversight and improved governance.[41] It reinforced the popular belief that the problems of corruption are not solved by creating more networks

or institutions alone. It certainly requires robust engagements of public servants, citizens, media and civil society organizations to help ensure checks and balances of power (Vertical Accountability).[42]

In practice, however, parliament's ability to curb corruption will depend to a large extent how independent they are from direct government control. For example, governments in many countries are reluctant to relinquish their Ministerial control of both the finances of the parliament and its administration. In other countries, the parliament is simply used as a rubber stamp for the government programmes and is only called to sit at the whim of executive authority. In short, too often it is the government which controls parliament and not the other way around. In these countries, parliament must be strengthened to ensure it acts as the principal institution of democracy, holding governments to account through oversight mechanisms and ensuring resources are not diverted away from the millions of people in poverty. This is the challenge facing all stakeholders working towards good governance and development. These require targeted support and technical assistance to key parliamentary organs and bodies.

In fact, the Inter-Parliamentary Union (IPU), as part of its recommendations on the role of parliaments in combating corruption, reiterates the need for the international community to support parliaments' efforts in developing countries to strengthen their capacity to fight corruption through awareness raising activities, the development of effective parliamentary structures and processes (committees and oversight mechanisms), the promotion of access of parliamentarians to information on public affairs and ensuring greater transparency between parliament and civil society.[43] Clearly, promoting exchanges and regional and international cooperation to share good practices and lessons learnt is also an important pillar of parliaments' anti-corruption capacity-building initiatives. A number of programmes and projects[44] along these lines have been developed and are currently implemented by various organizations throughout the world.[45]

As discussed in Chapter 4, organizations so diverse as the Westminster Foundation for Democracy, the Canada Parliamentary Centre, UNDP or the World Bank have a long experience of parliamentary development initiatives focusing on accountability, anti-corruption and oversight mechanisms. For example, the World Bank anti-corruption efforts emphasize strengthening 'horizontal' accountability at the government

level through building up the judiciary, audit institutions, ombudsman offices and anti-corruption agencies, while at the same time putting emphasis on 'vertical' accountability to citizens through the media and civil society. As part of the increasing prominence of the voice and accountability agenda,[46] vertical accountability is gaining strength in shaping the PDA to enhance its impact on oversight mechanisms.

The World Bank Institution (WBI) seeks to assist parliament in playing a positive role in anti-corruption efforts through building parliament's capacity to play their oversight role and encouraging networks of parliamentarians dedicated to good governance and combating corruption. In fact, the WBI's work on budget and financial oversight grew out of work with parliaments on curbing corruption. This initial work encouraged parliamentarians to track public money.[47]

The only global parliamentary organization/network with the singular focus on combating corruption through different means including strengthening oversight mechanisms, Global Organisation of Parliamentarians against Corruption (GOPAC) was launched with the direct support of development partners including the WBI. The GOPAC recently introduced a New Global Plan and Monitoring Report for Parliamentarians and their Key Partners to Combat Corruption.[48]

In the past, such interventions resulted in increased focus on institutional strengthening of parliaments as well as capacity development of parliamentarians and technical staffers. These are being achieved by supporting targeted capacity development activities (i.e. training and exchange programme/study tour on committee system, oversight mechanisms, legislative–executive relations), the provision of institutional and technical support to committee structures, knowledge generation and management through research, libraries or resource centres, as well as support to thematic, sub-regional, regional or global networking initiatives.

In this regard, Michael and Kasemets[49] have rightly pointed out that a majority of the traditional PDA programmes have been largely technically focused, and have assumed that there is a lack of 'technical' capacity among parliamentarians and their support staff in developing countries with regard to corruption. As a consequence, donor broader support for democratization and anti-corruption through the technical assistance to parliaments has failed to take into account the incentives which parliamentarians face (i.e. what would motivate MPs engage in anti-corruption

and to do so in a public-good oriented fashion, rather than for short-term political gain). Many parliamentarians have worked hard over recent years to further efforts to tackle corruption, however, in most parliaments, there is no provision for a dedicated group or body responsible for scrutiny of national anti-corruption policies and compliance with international conventions. Public Accounts Committees (PACs) can fill the void, which may require reform in the parliamentary Rule of Procedures and/or Standing Orders in addition to political will.

All these had already a rippling impact across many national parliaments to establish national chapters or a coalition of parliamentarians to address corruption issues through various means including strengthened oversight work. For example, a new cross-party parliamentary group launched in the UK on 7 November 2011 which would be well positioned to keep in check the Government's commitment to tackling corruption, the All-Party Parliamentary Group on Anti-Corruption will provide a focal point for British parliamentarians to work together to champion good practice, and to work alongside parliamentarians in all parts of the world to play an essential role in strengthening parliamentary oversight mechanisms and defeating corruption at every level in society.[50] This is why committed parliamentarians in the UK have been working with Tearfund and other agencies, such as the Hansard Society and the Bond Anti-Corruption group, to strengthen such initiative.

The Canadian Parliamentary Centre supported specialized parliamentary oversight capacity development activities in Kenya and Ghana, developing training programmes for parliamentary staff and strengthening Finance and Public Account Committees to improve transparency, oversight and effectiveness of governance.[51] The key objective of such initiatives is to strengthen the technical capacity of parliaments to fulfil their oversight functions and represent the public interest in a professional, transparent and responsible manner and equip them with the skills, knowledge and capacity to effectively oversee the allocation and use of public funds.

The previous chapter already suggested that reforms that are perceived to undermine the power-holders will not be implemented, or will be manipulated so as to serve dominant interests. Effective reform processes therefore require an understanding of their impact on key players, including parliamentary stakeholders. It is, therefore, important to focus efforts on parliament as an institution rather than on individual MPs, privileging capacity development or basic awareness raising only. This is,

however, not to suggest that there is no role for individual MPs to play a pro-active role. In fact, many parliamentarians from all over the world worked hard in the past to improve oversight mechanisms to tackle corruption.

Reflections on several assessments as articulated before revealed examples where integrated good governance programmes were over-weighted in favour of the executive branch. An imbalance between strengthening the different branches of government can compromise the ability of parliament to carry out effective oversight and establish a robust accountability system. Efforts to strengthen the demand side for democratic governance (i.e. civil society, media) should be compatible with the strengthening of the vertical accountability of the parliament, particularly with respect to strengthened oversight and anti-corruption. This, coupled with objective political analysis, would permit identification of reforms that entail political gains for government as well as societal benefits.

5.7 Conclusion

The ultimate responsibility for democratic governance and promoting a framework of accountability lies with parliamentarians and elected officials at sub-national and local levels in democratic settings. This is why parliamentary oversight of the public purse becomes so crucial. Even though governments and international financial institutions are showing increased interest, much remains to be done to enhance mutual understanding and collaboration.

In spite of the wealth of information and knowledge generated by multiple sources of knowledge and studies of legislative oversight with regard to the virtues, the tools and the conditions of effective oversight, much less has been written with regard to the impact of oversight. Does oversight actually lead to a distinct parliamentary anti-corruption approach? Does it affect the functioning and possibly the nature of a political system? Does PDA support generate provision within parliament for a dedicated group responsible for scrutiny of the national anti-corruption policies and compliance with international conventions? The questions are interesting not only for scholars dealing with specific themes of the legislative studies literature, these questions are important also for international institutions and national governments promoting inclusive and democratic governance. Though high partisanship

and fierce opposition may be conducive to more effective oversight in general, this book argues instead that cooperation between the parliamentary committee/Commission members across party lines is critical in promoting effective oversight of the public accounts from a practical point of view.

The present chapter demonstrated the increasing role of the PDA in strengthening oversight mechanisms, accountability framework and combating corruption. The PDA's impact on the oversight mechanisms is on the rise. This will perhaps be further useful for the ultimate beneficiaries of any development programming and intervention. The next two chapters (Chapters 6–7) will frame the discussion in the context of Afghanistan, Bangladesh, Kyrgyzstan, Serbia and Ghana to bring further clarity and contextual insights to the discourse. This is critical as the strength of the core assertion of the book can only be tested on the ground with the real project examples supported by development aid.

Notes

1. UN Millennium Project, *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals* (New York: United Nations Development Group, 2000), p. 116. Further details are available at the project's site http://unmillenniumproject.org/ (accessed on 24 November 2013).
2. For details visit Council of Europe Parliamentary Assembly at http://assembly.coe.int/Documents/AdoptedText/ta00/eres1214.htm#1 (last accessed on 24 November 2012).
3. Hansard Society http://www.hansardsociety.org.uk/ (last accessed on 17 November 2013).
4. Report of the Hansard Society Commission on Parliamentary Scrutiny, The Challenge for Parliament: Making Government Accountable, Vacher Dod Publishing, No. 2, 2001, p. 11.
5. A.H. Monjurul Kabir (ed.), *Building Effective Legislative-Executive Relations for the Afghan Democracy* (Kabul, Afghanistan: SEAL/UNDP, 2006).
6. See D.C. Chin, C.W. Park, and J.B. Yoon, *Democratization, Economic Policymaking, and Parliamentary Accountability in the Republic of Korea*, UN Research Institute for Social Development (UNRISD) http://www.unrisd.org/unrisd/website/document.nsf/ab82a6805797760f80256b4f005da1ab/413ab2a8ee32b88dc1256bec002b1e32/$FILE/korea.pdf (accessed on 17 June 2013). For this and other relevant resources, UNRISD website can be accessed at http://www.unrisd.org/ (accessed on 15 November 2013).

7. See WBI Working Papers: Series on Contemporary Issues in Parliamentary Development, available at the World Bank site at http://web.worldbank.org/WBSITE/EXTERNAL/WBI/WBIPROGRAMS/PSGLP/0,,contentMDK:21013674~pagePK:64156158~piPK:64152884~theSitePK:461606,00.html (last accessed on 21 November 2012).
8. R. Klitgaard, "International Cooperation Against Corruption," *Finance and Development*, vol. 35 (1), 1998, pp. 3–6.
9. P. Burnell, "Financial Indiscipline in Zambia's Third Republic: The Role of Parliamentary Scrutiny," *Journal of Legislative Studies*, vol. 7 (3), 2001, pp. 34–64.
10. See a report titled Accountability in Governance, prepared by the World Bank which is available at http://siteresources.worldbank.org/PUBLICSECTORANDGOVERNANCE/Resources/AccountabilityGovernance.pdf (last accessed on 17 March 2013).
11. M. Steven Fish, "Stronger Legislatures, Stronger Democracies," *Journal of Democracy*, vol. 17 (1), 2006, pp. 5–20.
12. The PPI is constructed through a perception-based survey covering 32 items such as parliament's ability to monitor the executive and the bureaucracy, parliament's freedom from presidential/prime ministerial control, parliament's authority in specific areas, and the resources that it brings to its work. The Index ranges from 1 to 0, where one suggests a total parliamentary power over the executive, and zero suggests a total parliamentary subservience to the executive.
13. Ibid., p. 209; Fish, p. 5.
14. CCAF-FCVI, *Assessing the Impact and the Effectiveness of the Public Accounts Committee*, available online at http://ccaf-fcvi.com/attachments/260_6-Assessing-ENG.pdf (last accessed on 21 November 2013).
15. A frequently used model for exercising parliamentary influence and scrutiny is for committees to look in detail at the proposed budgets and expenditure which relate to spending in their subject area and raise questions about the government's plans and priorities or make their own proposals for change.
16. The full text of the International Parliamentarians' Petition for Democratic Oversight of IMF and World Bank Policies can be found at http://www.pnowb.org/admindb/docs/IP%20petition.pdf (accessed on 14 September 2012).
17. The network provides a platform for parliamentarians from over 140 countries to advocate for increased accountability and transparency in International Financial Institutions and multilateral development financing. See http://www.pnowb.org/ (accessed on 14 September 2012).

18. This example drawn from a Briefing Paper is based on a DFID-funded review of parliamentary strengthening. For further details and the report www.odi.org.uk/pppg/politics_and_governance/ps.html (accessed on 15 September 2012).
19. For example, arrangements for regulating the conduct of Parliamentarians in the UK were established in the mid-1990s in the wake of a series of allegations that Parliamentarians were failing to register benefits (in cash or in kind) and of tabling questions to Cabinet Ministers in return for payment. For details read/download the full report at http://www.docstoc.com/docs/2915704/Report-on-Wilton-Park-Conference-748 (accessed on 12 March 2013).
20. Afghan National Assembly http://www.parliament.af/ (accessed on 22 November 2013).
21. For details, refer to Chapters 5 and 6 on country case studies.
22. The Inter-Parliamentary Union, *Parliament and Democracy in the Twenty-First Century: A Guide to Good Practice*, 2006, available at the IPU site http://www.ipu.org/dem-e/guide/contents.htm (accessed on 22 November 2013).
23. The Commonwealth Parliamentary Association (CPA), the World Bank Institute (WBI), the Centre forDemocratic Institutions (CDI) and the Public Sector Governance and Accountability Research Centre (PSGARC) of the Faculty of Law and Management of La Trobe University, Strengthening Parliament-Parliamentary Financial Scrutiny: Country Action Plans, Center for Democratic Institutions, available at http://www.cdi.anu.edu.au/.png/2006-07/D_P/2007_02_PNG_PRO_LaTrobe_Fin_Scrut_Course/2008_01_Country%20Action%20Plans%202007.pdf (accessed on 24 November 2013).
24. See Cristina Leston-Bandeira, *Parliaments and Citizens* (Oxford: Routledge, 2013), pp. 1–272.
25. Andrew G. Mandelbaum, *Citizen Engagement and Access to Information: A Global Survey of Parliamentary Monitoring Organizations* (Washington, DC: National Endowment for Democracy and the World Bank, 2011), p. 1.
26. Ibid., the full text of the report is available online at http://www.ndi.org/files/governance-parliamentary-monitoring-organizations-survey-september-2011.pdf (accessed on 24 November 2013).
27. UN Resolutions 1/2, 2/1 and 3/1, 2009 (adopted by the State Parties to the UNCAC).
28. The self-assessment checklist was endorsed by the Conference at its third session, held in Doha, Qatar, in November 2009. The Resolution 3/1 is available at http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session3-resolutions.html (accessed on 24 November 2013).

29. See Preventing Corruption: UNCAC Toolkit for Parliamentarians, Draft for Discussion, May 3, 2010, available at http://www.gopacnetwork.org/Docs/UNCAC/UNCACToolkit3May2010Long_en.pdf (accessed on 25 June 2011).
30. There are tools for assessing specific corruption topics, and tools for assessing parliamentary performance, e.g. the IPU Self-Assessment Toolkit for Parliamentarians. However, there is no tool at the intersect of parliamentary performance and corruption.
31. The final version of the "Preventing Corruption: An UNCAC Toolkit for Parliamentarians" is available at http://gaportal.org/tools/preventing-corruption-toolkit-parliamentarians (accessed on 25 June 2011).
32. Managed by the UNDP Oslo Governance Centre, the Global Programme on Country-Led Democratic Governance Assessments (see www.gaportal.org for details) seeks to support countries that want to conduct their own governance assessments. The value of a country-led governance assessment is that it serves as a critical accountability and transparency mechanism for governance performance which has an interest in assessing parliamentary performance and/or the effectiveness of anti-corruption efforts.
33. The GOPAC Conference Declaration and Global Task Force Resolutions are available at GOPAC site http://www.gopacnetwork.org/Docs/GC2013_FinalDeclarationResolutions_EN.pdf (accessed on 9 June 2013).
34. To access relevant references, the World Bank Institute maintains a website [http://www.worldbank.org/wbi/governance] as does Transparency International [TI—http://www.transparency.org]. Several recent literature reviews are at the website of U4 Utstein Anti-corruption Resource Centre at http://www.u4.no.
35. The Committee's Terms of Reference is available at http://www.parliament.wa.gov.au/Parliament/commit.nsf/(Report+Lookup+by+Com+ID)/395FC8EC8125A17E48257831003E9458/$file/report9.pdf (accessed on 22 December 2012).
36. Whether appointed by the legislature, the executive or an organization, the typical duties of an ombudsman are to investigate complaints and attempt to resolve them, usually through recommendations (binding or not) or mediation. Ombudsmen sometimes also aim to identify systemic issues leading to poor service or breaches of people's rights. At the national level, most ombudsmen have a wide mandate to deal with the entire public sector, and sometimes also elements of the private sector.
37. The Parliamentary Ombudsmen (JO) are directly accountable to the Swedish Riksdag and form one pillar of parliamentary control in Sweden, For details, visit the Parliamentary Ombudsmen's website at http://www.jo.se/en/ (accessed on 24 November 2013).

38. The Commonwealth Ombudsman safeguards the community in its dealings with Australian Government agencies. For details, visit The Commonwealth Ombudsman's website at http://www.ombudsman.gov.au/ (accessed on 24 November 2013).
39. The Ombudsman and Parliament Working Together, Address by Prof John McMillan, Commonwealth Ombudsman, to a seminar of State and Commonwealth Parliamentarians, Parliament House, Hobart, 14 April 2005. The full text of the speech is available at http://www.ombudsman.gov.au/files/14_April_2005_The_Ombudsman_and_Parliament_working_together.pdf (accessed on 31 December 2012).
40. UNDP, *Dignity and Justice from All of Us: Stories from National Human Rights Institutions in Europeand the Commonwealth of Independent States* (Bratislava: UNDP BRC, 2008), available online at http://europeandcis.undp.org/ourwork/governance/show/67452708-F203-1EE9-BA350366E84EC286 (accessed on 27 November 2013).
41. R. Nakumura, and S. Musovic, "Parliamentary Oversight, Improvements in Governance and the Attribution of Credit: How Parliamentary Oversight Produced Measurably Better Government in Bosnia and Herzegovina," Paper Prepared for the Delivery at the Tenth Workshop of Parliamentary Scholars and Parliamentarians, July 2012.
42. See also R. Stapenhurst, K. Jacobs, and R. Pelizzo, "Corruption: Can Legislatures Make a Difference," Paper Prepared for Delivery at the International Political Science Association Meeting, July 2012.
43. Background paper prepared by the Inter-Parliamentary Union for the Second Global Forum on Fighting Corruption and Safeguarding Integrity: The Hague (Netherlands), available at http://www.ipu.org/splz-e/hague01-bkgr.htm (accessed on 28 August 2011).
44. For a list of project examples of parliamentary approaches to corruption, see/download U4 Anti-corruption Resource Center's Expert Answer available at its website at http://www.google.sk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=9&cad=rja&ved=0CF8QFjAI&url=http%3A%2F%2Fwww.u4.no%2Fpublications%2Fparliamentary-approaches-to-corruption%2Fdownloadasset%2F360&ei=r9mWUs6MAsKVhQem6IH4Ag&usg=AFQjCNGD9zywmh_qtNegmVwJ5kVwr9HK6w&bvm=bv.57155469,d.ZG4 (accessed on 28 November 2013).
45. Chapter 4 elaborates on some of the relevant aspects of the Parliamentary Development Assistance (PDA).
46. Voice and accountability captures perceptions of the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media. For more details, visit the World Bank site at http://info.worldbank.org/governance/wgi/pdf/va.pdf (accessed on 14 September 2012).

47. The World Bank Institute published a retrospective of its parliamentary development programme that compiles a broad set of examples, best practices and case studies from around the world, available at http://siteresources.worldbank.org/PSGLP/Resources/RetrospectiveSTRENGTHENINGPARLIAMENTS.pdf?&resourceurlname=RetrospectiveSTRENGTHENINGPARLIAMENTS.pdf (accessed on 14 September 2012).
48. See GOPAC at http://www.gopacnetwork.org/Monitoring/monitoring_en.htm (accessed on 20 November 2013).
49. B. Michael, and A. Kasemets, "The Role of Initiative Design in Parliamentarian Anti-corruption Programmes," *Journal of Legislative Studies*, vol. 13 (2), 2007, pp. 280–300.
50. Visit the relevant space of Tearfund at www.tearfund.org/en/news/press_releases/new_parliamentary_group_will_lead_anti-corruption_scrutiny (accessed on 8 October 2012).
51. See Canadian Parliamentary Center site at http://www.parlcent.ca/africa/workshop_kenya.pdf and the World Bank at http://siteresources.worldbank.org/INTPRS1/Resources/PRSP-Review/parliamentary_centre.pdf (accessed on 20 November 2013).



CHAPTER 6

PDA at Work—Exploring Impact in Stability

6.1 Introduction

Robust parliamentary system and oversight regimes are an essential part of promoting a 'governance and public accountability' agenda; indeed, they may be seen as an essential component of such aims. However, as it is observed in the previous chapters, actual programming to support parliamentary development or specific technical assistance to strengthen oversight and accountability mechanisms is fraught with challenges. Global or even regional standards and normative frameworks often do not work in country context due to economic conditions, cultural differences, political realities and unforeseen circumstances. One of the key paradoxes in this area has been the endeavour of the donor communities and development partners to try to influence political culture and system at the country level through technical assistance (i.e. PDA etc.).

This chapter along with the next one (Chapter 7) provides an opportunity to explore the central premise of the thesis—effectiveness of the PDA especially in the area of parliamentary development for strengthening oversight mechanism and perhaps promoting public accountability through parliamentary oversight in a systemic manner. It is important to analyse this within the broader context of aid effectiveness as explained in Chapters 4 and 5. This chapter will focus on the countries—(Bangladesh and Ghana)—with relatively stable governance without the recent experiences of active conflicts, civil war or post-conflict instability.

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The notion of 'stability' or 'stable governance', however, varies from country to country. Generally, it refers to an end stage where the state provides essential services and serves as a responsible steward of state resources; government officials are held accountable through political and legal processes; and the population can participate in governance through civil society organizations, an independent media, municipal and local governance, and political parties.[1] Clearly, achieving and sustaining peace and stability is a work in progress.

Two case studies have been chosen for this chapter: Bangladesh, a challenging parliamentary democracy with examples of parliamentary development and oversight support in a complex political environment; and Ghana, an African success story of democracy consolidation with specific challenges of aid effectiveness in parliamentary development support. Both countries have their fair shares of governance challenges. The ability of the people in these countries to share, access or compete for power through nonviolent political processes and to enjoy the collective benefits and services of the state cannot be taken for granted. However, both countries possess enormous potential for future growth and further democratization. The case studies should shed more light on some of the pertinent issues discussed in Chapter 4 on (PDA's impact on oversight work).

6.2 Bangladesh: A Chronic Case of Democracy Deficit?

Bangladesh is a young nation that has had a very troubled recent past.[2] Over last six decades, it has had to endure a traumatic partition in 1947, a bloody language movement in 1952, freedom struggle and war culminating in independence in 1971,[3] the assassinations of the *Father of the Nation* President Sheikh Mujibur Rahman in 1975 and of the President Ziaur Rahman in 1981, a famine in 1974, chronic poverty and unemployment, urban and rural unrest, natural disasters and prolonged periods of military rule (1975–1990).[4] In spite of these many adversities and setbacks, Bangladesh has also been able to demonstrate some impressive development outcomes since early 1990s, i.e. universal coverage of health care and primary education,[5] a level of consistent growth of over 5%, considerable improvement of its Human Development Indicators,[6] pluralistic media and, very importantly, an active and lively civil society.[7]

In fact, Bangladesh achieved several of the Millennium Development Goals (MDGs), most importantly in poverty alleviation, despite the persistence of extreme poverty and food deprivation, particularly concentrated in some economically depressed and ecologically vulnerable regions. However, its most remarkable achievement is in respect of a number of social development indicators, including under-five mortality, child immunization, contraceptive adoption and female school enrolment. Bangladesh has clearly outperformed most low-income countries in terms of progress achieved in these indicators. Again, this has been made possible in spite of still widespread poverty, low per capita public social spending and, a poor service delivery system. The phenomenon has come to be known as Bangladesh's development surprise. The challenge is, therefore, to explain how these outcomes have come about.

In fact, in the forty-seven years since independence, Bangladesh has rotated between electoral democracy and military rule. Fundamental changes were brought about in the country's constitution, partly through amendments approved by the parliament, and partly through orders and proclamations of the military rulers. There have been several shifts between parliamentary and presidential system of government with consequent changes in power and role of parliament.[8]

Following the brief history of upheavals and democratic deficit, Bangladesh is now a parliamentary democracy with a legislative body still consolidating its base in the constitutional framework of governance against significant odds of politicization, corruption and partisanship. According to a recent Freedom House report,[9] 'endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization have long undermined government accountability'. In 2018, Bangladesh ranked 143 out of 180 countries (Score: 28/100)[10] in the Corruption Perceptions Index (CPI).[11] The oversight mechanisms have been weakened. Moreover, opposition boycotts of and effective participation in parliament have regularly reduced the legislature's role as a check on the government. Political competition is fierce and can be violent, due to its 'zero sum game' nature and the 'winner takes all' process.[12]

6.2.1 A Brief History of Parliament in Bangladesh

Bangladesh is an electoral parliamentary democracy. Terms for both the unicameral national parliament and the largely ceremonial presidency

are five years. Following the 15th amendment to the Constitution of Bangladesh, parliament is composed of 350 members, of whom 300 are directly elected and 50 are women nominated by political parties—based on their share of the elected seats—and then voted on by their fellow lawmakers. The president is elected by parliament. A host of donors and international organizations supported Bangladeshi democratic journey along with its parliament in the area of institutional capacity development and strengthening of parliamentary oversight mechanisms.

Since its independence in 1971, Bangladesh struggled to maintain the constitutional status and institutional credibility of its successive legislative bodies along with public confidence in them. Failure of democracies,[13] frequent military interventions into politics (1975–1990, 2007–2008) led to the weakening of parliament as principal national legislative body with specific oversight responsibilities.

The Parliament of Bangladesh dates back to 1973 but parliamentary democracy really only goes back to 1991. The first (1973–1975), second (1979–1982), third (1986–1987) and fourth (1988–1990) parliaments were all dissolved prematurely, either by the military or under popular pressure, and all lacked legitimacy. The first and fourth were effectively one-party parliaments, while the second and third were intended to legitimize military governments.

The country's democratic transition began with the resignation in 1990 of the last military ruler after weeks of pro-democracy movements. Elections in 1991 brought the Bangladesh Nationalist Party (BNP) to power. In fact, the fifth (1991–1996) parliament was the first to complete its term. Following the restoration of democracy in 1991, Bangladesh had a real opportunity till 2006 to function as democratic polity. This 15 years period should be regarded as a phase when the misalignments of the earlier decades were being attended to by the regular processes and institutions of democratic politics. Four parliamentary elections took place in 1991, 1996, 2001 and 2008. When elite conflict was intense with a left of centre politics being espoused by the Awami League (AL) and a right of centre politics by the Bangladesh National Party (BNP), both parties formed coalitions with smaller parties.

The Parliament of Bangladesh has traditionally played a secondary role vi's-à-vis is the executive. Several factors—structural, procedural and political—account for the marginal influence of the parliament in the policy process. The existing constitutional and legal provisions hinder effective democratic representation in several ways. Perhaps the most

pernicious constraint is contained in Article 70 of the Constitution,[14] which prevents members of parliament from voting against their party in parliament. This article prevents MPs from voting in the interest of their constituents, whenever those interests conflict with the interests of their party leadership, and shifts power from the parliament to the Prime Minister's Office. This arrangement places the MPs under strict party control and thus limits their political freedom in the legislature.

The confrontational nature of politics and, in particular, the unwillingness of the successive ruling parties—AL and BNP—to compromise, even on national and international issues, have contributed to the further marginalization of the parliament.[15] Experience shows that the government and opposition have traditionally defined their roles in mutually exclusive terms. One distrusts the other to a considerable extent. Against this backdrop, there have been legitimate concerns regarding aid effectiveness of parliamentary strengthening programmes and projects. Whether a distinct parliamentary approach to oversight is evolving is still subject to further research and probing.

The 8th parliament, elected in 2001, was led by the BNP in a coalition government until its tenure came to an end in October 2006. The BNP government transferred power to a Caretaker Government to oversee elections scheduled for January 2007. However, continued mass political unrest, boycott of the election by the main opposition party and increased violence in the country led to the cancellation of the 2007 election and the declaration of state of emergency followed by two years of military-backed Caretaker Government rule. The 9th parliament convened in January 2009 after voters went to the polls to elect a new parliament on 29 December 2008 for the first time in seven years.[16] The 2008 parliamentary elections were deemed free and fair by European Union observers and other monitoring groups.[17] However, the confrontational nature of politics continued and influenced the overall political environment in the same way it did in the past.[18]

6.2.2 The Challenges of Parliamentary Democracy: Transforming Principles into Practices

The big challenge facing Bangladesh is how to strengthen democratic norms and culture and expanding the scope of the principles and the liberties/fundamental rights guaranteed by the Constitution of Bangladesh. This requires the spirit and letter of the constitution to permeate the

political culture and thereby regulate the political behaviour of its citizens and most particularly the behaviour of the political elite. In South Asia, as in many countries, political elites have become more and more predatory. For it to move forward in a constitutional direction, Bangladesh will have to strengthen its set of independent political institutions, particularly the parliament, re-establish the respect for parliamentary norms and conventions, and work towards strengthening the non-partisan character of the state.[19] However, success in technical reforms proved to be inadequate in bringing about real change in parliamentary practices and behaviours in Bangladesh. It is aptly clear from the brief, incomplete history we have outlined (Sect. 6.2.1) that the parliamentary system had mixed experiences because of frequents systemic changes and contestations over the legitimacy of parliamentary elections. However, there is no technical solution to address the key issue of legitimacy, tolerance and mutual accommodation—the political contestation over the next parliamentary election. All major parliamentary parties need to come to an understanding and agreement through political compromise about the modalities of holding free and fair elections. All political parties need to agree to make the parliament the central forum for holding political discussion and debate.

Parliamentary oversight is widely considered an essential pillar for ensuring the financial accountability of the executive, and in Bangladesh, as in many parliaments, this responsibility is discharged primarily through the work of committees. The committee system is, therefore, at the heart of the effectiveness of Bangladeshi parliamentary system. The oversight of the actions of the executive is carried out primarily through the committee system and other parliamentary processes of the parliament. The three public finance-related committees in Bangladesh are the Estimates Committee (EC), Public Accounts Committee (PAC) and Public Undertakings Committee (PUC). All three committees have been facing huge difficulties in undertaking their respective oversight functions.[20] These are mainly due to limited operational facilities, inadequate secretarial support, lack of skills and training for the existing support staff, lack of analytics and independent information, and the constraints imposed by their conventional business processes and procedures.[21] To address the challenges of the lack of analytics and independent analysis of budget and other issues, the Strengthening Parliamentary Democrcacy Project (SPD) did attempt to establish separate office resembling the US Congressional Budget Office and US Congressional Research Service without much luck. These efforts did

not enjoy support from the party in power as they were considered to be beneficial more to the opposition.[22]

Within this framework, the opposition in parliament plays the key role as generally the Treasury Bench members, i.e., members of the government, tend to favour the executive. In Bangladesh, the opposition's role is even more critical as the MPs belonging to the ruling party/alliance are discouraged from criticizing the government, under the strict conditions of Article 70 which prohibit floor-crossing.[23] There is now wide consensus that the stringent conditions of Article 70 should be relaxed, and the parliamentarians should be allowed to speak and vote against their parties, except in a no-confidence motion.

In both private meetings[24] and public discourse,[25] the heads [chairs] of different Standing Committees identified a number of reasons that did not allow the committees to emerge as 'real' agents of accountability: that is, non-cooperation of the ministers and high officials of various ministries as the main impediment, non-implementation of the agreed recommendations, undue political pressure from the government high-ups specially when committees began to probe irregularities and corruption of sectoral ministries. It was reported that 'some senior ministers lobbied with the prime minister to amend the Rules of Procedure 247 to further weaken it'.[26] As indicated above, one of the basic weaknesses of the most important financial oversight and control committee, the PAC, is the fact that it is still headed by a treasury bench MP, in contrast to other democracies (including India and Sri Lanka). The World Bank recommended in 2002 that the PAC should be headed by an opposition MP, as is the case in many other Westminster-style parliaments.[27] The same study noted that the PAC carried out its investigations based entirely on the Office of the Comptroller and Auditor-General's reports, without any independent inquiries or committee investigations. The problem here is that the reviews take place years after the money has been spent.

In fact, during interviews for this book,[28] a number of heads (chairmen) of the Standing Committees suggested amendment of the Rules of Procedure and the Constitution by making it mandatory that ministries are bound to carry out the committees' recommendation within 90 days and be held accountable for not carrying out the recommendations. '*Such a step, if taken, will contribute greatly to enhance public confidence in Parliamentary Oversight mechanism, and, to strengthen the effectiveness of parliament as an oversight body*'—one of the chairmen

interviewed for the study added.[29] In addition, operational limitations create hurdles to harness the full potentials of the oversight mechanisms; that is, the PAC suffers from lack of adequate parliamentary staff and research capacity, the committee usually does not invite professionals and specialists to provide advice, and there is no system of discussing reports and findings in the plenary.[30]

There are also a number of limitations which restrain the proper functioning of the other parliamentary committees. These include MPs' lack of interest in committee work, self-identification of their role as local development agents and incentives there in[31] and lack of expertise as many MPs are relatively newcomers to parliament and consider parliamentary work as part-time activity. In addition, committees suffer from lack of resources and meetings are often irregular.[32]

6.2.3 The Application of the PDA—Engagements from Partners

An important factor accounting for the ineffectiveness of the parliament is its lack of capacity to undertake functions that are expected of it. Several attempts have been made over the years in collaboration with development partners to improve the effectiveness of the parliament in undertaking its mandatory functions of legislation, oversight and representation. In fact, in 1975, USAID launched the first parliamentary development project in Bangladesh: a grant to modernize the parliament library. The first parliament was dissolved shortly after and by the time the grant ran out in 1979; donors had lost interest in parliament. Their interest returned in 1991 with the return to multiparty democracy. '*It was, almost like a breakthrough moment for Bangladesh's journey to parliamentary democracy and democratic governance*'.[33] After the inauguration of the fifth parliament, the Asia Foundation commissioned a needs assessment, which recommended a combination of reforms and balanced support to parliament, focusing on both MPs and the Parliament Secretariat.[34] Another attempt was made five years later, after the collapse of the sixth and the inauguration of the seventh parliament. A second needs assessment; this time commissioned by UNDP, largely confirmed the recommendations of the first one, but, in addition, proposed the establishment of a Bangladesh Institute of Parliamentary Studies (BIPS). The following year, this led to the launch of the Strengthening Parliamentary Democracy (SPD) project, initially with UNDP as the only donor, but later joined by Denmark, DFID and the Netherlands.[35]

Independent evaluations suggest that the SPD project had many achievements as well as pitfalls. A 2006 study[36] observed that the SPD activities improved the capacity and effectiveness of the Parliament Secretariat, increased awareness among MPs on the importance of committees for government oversight and brought parliament into the computer age and the network era. The SPD also produced important knowledge resources such as a 600-page book on Rules of Procedures of parliament, ten monographs on different parliamentary issues and one monograph and one book on comparative committee systems. It had also helped the parliament set up a visit cell to encourage the public to visit the parliament.

Despite early achievements of the SPD Project in line with its approved workplan, some of the members of the Peer Assist Group including local political analysts, however, opined[37] that the project did not have a fundamental contribution to making the parliament efficient, effective and accountable to the people. Part of the reason was that the political environment did not allow the full and complete implementation of the project. As described above, parliamentarians simply adhere to party decisions, instead of acting on their own preferences (or those of their constituents). When in power, the party leadership strictly protects its perceived parochial interests. As a result, no reform can be attempted that goes against party interests. The SPD Project was implemented under this rigid political environment in which vested political interests were ably protected.

A DFID 'Output to Purpose Review of the SPD Project'[38] has revealed that the project has made a noticeable and significant impact on the overall performance of the parliament. The study observed that there have been significant structural and procedural changes as a result of the project's impact. The review also acknowledged a more vibrant role exercised by the parliamentary committees, qualitative changes in committee reports and a renewed orientation of the parliamentary support staff. However, due to sudden changes in DFID HQ policy and the slow pace of the government in the implementation of the committee component of the SPD project, DFID decided to withdraw its support to the project.[39] The completion report of the DFID-funded component concludes that 'the project might be regarded as an example of how not to approach strengthening parliamentary committees, particularly where the political incentives to allow parliament to function are very limited'.[40] Many of the SPD's recommendations (e.g. upgrading the rights and

status of the opposition) were not implemented due to ruling party's fear that these recommendations would erode its constitutional and political dominance at the time of the consideration. Interviews with stakeholders and experts confirm this observation.[41]

The Nelson Mission explained the problems in the following way: '*The highly adversarial relationship between the government and the opposition has detracted from its potential benefits as have the focus on hardware without the "software". While hardware can be supplied, it is more difficult to develop the formal and informal practices and procedures in the workings of Parliament that lead to greater effectiveness and responsiveness*'.[42] As aptly quoted by Ali Riaz in his recent publication—based on a report by a parliamentary watchdog published in June 2011—'the percentage of boycott of sessions was 34 in the fifth parliament (1991–1996), 43 in the seventh Parliament (1996–2001), 60 in the eight Parliament (2001–1996) and 74 in the first two years of the existing Ninth Parliament'.[43] This alarming trend hampered the growth of the parliamentary oversight mechanism despite some of the critical achievements made by the parliament with support from the international community. This has certainly contributed to the growth of a negative image of the Bangladesh Parliament.[44]

A selection of such initiatives and projects is presented in Annex IV to bring greater clarity in the application of the PDA to Bangladesh Parliament.

Thematic Donors and Partners: Some other UN agencies and donors, for example UNFPA,[45] UNICEF, UNAIDS and IOM, are also working with parliamentarians on specific themes (reproductive health and population issues, juvenile justice and child rights, HIV/AIDS and health policy, migration and trafficking). In the past, DANIDA and the Netherlands Embassy channelled small funding to parliament (1999–2000) through UNDP's SPD Project. The Netherlands, however, continued its parliamentary development support through UNDP's new IPD Project. This includes support to both legislative capacity development and strengthening of oversight mechanisms.[46]

The sheer number of projects with the 9th parliament suggests that parliamentary development in Bangladesh is at its all-time high. It is estimated that nearly $27.9 million will be invested in parliament between 2010 and 2015, compared with $8.4 million during 2007–2010 and $11.5 million between 1997 and 2007.[47] While diversification of donor portfolio is important to lessen dependency on any single donor, it is

observed that the transaction costs of dealing with different donors for different focus areas could be higher for the lead donor and, ultimately, parliamentary bodies. On the other hand, donors with technical expertise and focus could be further utilized to deepen sectoral and thematic focus of parliamentary committees. Most of the above-mentioned projects have accomplished what could reasonably be expected, given the complex and bureaucratic nature of the parliament and the broader political, social and economic context within which the parliament is situated. Progress has been made under all components and corresponding outputs. However, as history shows, donor interest in the Bangladesh Parliament is usually short-lived and easily disappears, particularly if project progress does not meet expectations.

6.2.4 The Way Forward

It is apparent from the previous section that there was no dearth of initiatives to support the Parliament of Bangladesh and the ongoing strengthening of democratic governance process. What is perhaps needed most is to continue with the useful activities that some of the early and comprehensive initiatives (i.e. the SPD Project) pioneered but could not be completed such as continued revision of the Rules of Procedure in line with lessons learned in Bangladesh and international best practices, strengthening the committee system and overall oversight mechanisms, bringing the parliament into the digital era [introduction of some of the notions of e-parliament], generating contextualized knowledge resources for both parliamentarians and parliamentary officials [modelling after office supporting US Congress in independent review of budget], deepening civic engagements [i.e. parliament–citizens interactions] and to undertake new activities such as encouraging cross-party collaboration on important issues and providing institutional means for promoting research with a view to responding to the emerging challenges. Some of the ongoing projects referred to above would certainly generate useful lessons learned and 'good practices' for institutionalization. The PDA contributed to the establishment of the national framework for oversight mechanism and deepening of intra-institutional collaborations [i.e. standing committees—Office of Auditor General, Tax Ombudsperson].

However, improvements and institutional reforms will have negligible impact if the gains made over the last several decades in elections cannot be maintained due to lack of political accommodation, tolerance and

absence of mutual trust and respect among key political and parliamentary actors. Obviously, an important element in ensuring that elections are credible is ensuring transparency and robust oversight mechanisms.

Bangladesh's parliament, as is the case for all national parliaments, reflects the nature of the political system in the country. Given that the political system is highly contested and that the basic principles of democratic governance are not consistently respected—specifically, the willingness of government and opposition to respect each other's roles and to contest politics within the rules of the democratic game—the parliament will always be instrumentalized by political forces in a manner that is unhelpful to democratic development.

The parliament of Bangladesh is therefore at an important juncture in the history of the country; following some gaps in democracy and democratic transition, the campaign for qualitative change, i.e. democratic stability, continued reduction of poverty, aspiration for achieving middle-income country status, vision-2021,[48] and complex political developments and challenges since the last parliamentary elections, it might be natural for Bangladeshis to have cautioned hopes and expectations of their future parliament—a parliament that can ensure oversight of the government and represents the interests of its people.

Success in achieving many of the above-mentioned goals is dependent largely on the parliamentary and political authorities taking bold steps to reform and modernize the parliament's working methods and to strengthen its resources, human and technical. For example, some of the integral institutions of the parliament such as the Speaker, committees and the Parliament Secretariat are relatively weak. There is no mechanism to ensure the neutral role of the Speaker. The committees are not adequately empowered in terms of both powers to act and resources and staffing. The Parliament Secretariat is still under-staffed and under-resourced. Some of the projectized interventions and technical support as narrated before improved the situation. However, specific measures need to be taken to strengthen these critical institutions.

The issues pertaining to the broader political environment and political culture directly affect intra-party relations and governance structures with the parliamentary framework. Some of these simply exist for all parliaments in parliamentary systems and relate to overseeing executive action. Ensuring effectiveness of the committee system is critical for making the oversight mechanism work. Still, committees face many hurdles. Ministers or public agencies fail to supply documents, and public officials

sometimes refuse to give evidence. Ministries are not required to act on the recommendations of the committees. Therefore, Bangladesh can adopt measures which are being followed in other countries. For example, the committees can be empowered by establishing the principle of 'no bills without committees' and 'no budget without committees.' A time frame should be prescribed by the Rules of Procedure for the implementation of the recommendations of the committees. Key committees such as the PAC and PUC should be chaired by opposition members as it often happens in UK and India. In order to be better informed and be more effective, the committees should be provided with appropriate research and technical support as well as given the opportunity to invite experts to give testimony before them.[49] All of these can be useful in making parliament more effective, especially in relation to its oversight mechanisms. These could also be helpful in demonstrating impact of the PDA, factored in future parliamentary development strategy.

There are other challenges that seem to be linked to the way MPs are elected, more specifically those related to the representativeness and responsiveness of parliament and its members. Some constraints might be more typical for parliaments in young democracies: those related to the development of the institution and its image among the public. It is in this area that the Bangladesh parliament has not made much progress over the past twenty-two years, specifically in terms of effective institution building and development of public accountability mechanism. The ability of the parliament to enforce accountability in Bangladesh has been quite limited. Donors supported UNDP implemented the SPD Project and other initiatives sought to change the Rules of Procedures (RoPs), reorganize the Parliament Secretariat, improve the effectiveness of finance committees, support MPs in building their capacity, increase gender balance in parliament, promote public awareness and strengthen parliamentary security. All of these efforts perhaps did not yield into desired results. However, the UNDP needs' assessment missions of 2008 and 2009 indicated that the parliamentary authorities appear to have that commitment.[50]

The needs for such continuous support to strengthen parliament and its oversight mechanisms have also become imperative for several considerations: **first**, the predominance of newcomers in the parliament including parliamentarians from younger generation; **second**, the critical factor is to contribute to the improvement of financial accountability and governance in the country's public sector by (a) institutionalizing

the permanent secretariat support for the financial oversight committees, within the existing structure of the Parliament Secretariat, (b) improving the process of legislative scrutiny of the use of public funds, and (c) enhancing public access to information about the work of financial oversight committees; and **third**, the explicit policy declaration of the government to have a Digital Bangladesh by 2021. One of the important prerequisites of achieving the goals underlying Vision 2021 and other national development strategies is to make the parliament more accessible to people (i.e. e-parliament initiative, enhanced digital access to parliamentary services and procedures, enhanced civic engagement through Web 2.0 communication tools) and improved transparency, accountability through effective and efficient parliamentary oversight mechanisms.

There is no 'one best way' of doing it. Much remains to be done before the country's main representative institution meets all the expectations set out in the constitution and plays a central role in building a lasting democratic culture. The parliament's overall performance in terms of its core functions such as legislation, budget, scrutiny and oversight lags far behind citizen's expectations and global standards. Typically, the opposition repeatedly boycotts parliamentary sittings abdicating its watchdog role. The parliamentarians remain largely unaccountable for breaches of parliamentary codes of conduct. The ongoing parliamentary development initiatives supported by the PDA and national governments have already initiated the arduous task of making executives accountable to parliamentary committees and bodies. The next step is to ensure the Parliament of Bangladesh completes the task undertaken. In this regard, establishing the balance of executive–legislative relationship which has been historically tilted towards executives remains critical. This has clearly impacted negatively the oversight mechanisms of parliament and its ability to confront corruption and maladministration.

Development partners have clearly identified Bangladesh as an important country for support to democratic development. The country has gone through a number of constitutional crises since independence, and the democratic system is still in the process of definition and institutionalization. It is appropriate in these circumstances that international donors would wish to support the parliament as the central institution of democratic accountability. This is particularly the case where a parliamentary governance model is followed, as is the case in Bangladesh. However, parliament is not an isolated institution. Therefore, the

confrontational nature of Bangladeshi Politics and weak public institutions and governance structures significantly limit the potentials of parliamentary democracy in Bangladesh.[51] As a consequence, the growth of parliament as a key governance institution suffers. There are also limits to parliaments' capacity for absorption of external support. Parliaments are not like ministries that deliver programmes and where donor-funded projects can absorb substantial resources without seriously dislocating the ministerial civil service.

A strong political will and agreement among all political parties are needed to address these challenges in order to build a more democratic, representative and effective parliament. Only technical support and capacity development initiatives without robust political will of key actors, conducive political and enabling environment and consensus on major political issues would not achieve the desired results. Therefore, any project wishing to support democratic development in the country and parliamentary development in particular needs to take into account the real challenges to advancement. The PDA in Bangladesh will be more effective and meaningful to the strengthening of existing oversight mechanisms if it is facilitated through an enabling political environment.

6.3 Ghana: An Apparent Exception or Growing Trend?

Ghana has been at the forefront of political change in Africa since gaining independence in 1957. In fact, Ghana's democratization is one of the political success stories in Africa with a current record of four successive multiparty elections since 1992 of which the last three were judged free and fair and accepted by all major parties.[52] Scoring an overall 66 out of 100 Ghana stands at the 7th position out of 52 countries on the 2012 Mo Ibrahim Index of African Governance (IIAG).[53] The country ranked also 7th on the 2011 Index. Out of 16 countries in West Africa, Ghana ranked 2nd after Cape Verde.[54] In 2017, Ghana ranked 81 out of 180 countries (Score: 40/100) in the CPI.[55] Whether this stems from fear of exposure by the other party (i.e. name and shame) or the capacity and willingness of the judicial system to prosecute corruption is difficult to ascertain.

According to the 2009 Failed States Index, Ghana is ranked the 53rd least failed state in the world and the second least failed state in Africa after Mauritius. Ghana ranked 124th out of 177 countries on the index.[56] It is a significant transition considering Ghana's long struggle

with democracy. Ghana has made continuous improvements in the competitiveness, peacefulness and credibility of its multiparty elections, demonstrated by the two peaceful turnovers of executive power following the 2008 and 2012 presidential elections. Donors have contributed to this by helping to improve voter registration, providing technical assistance to Ghana's Electoral Commission, supporting the education of Ghana's voters and supplying vital equipment such as ballot boxes and registration form scanners.

A host of international actors has been engaged with the Parliament of Ghana[57] in an effort to build institutional capacity, technical knowledge and strengthen parliamentary oversight. However, Ghana has also been grappling with problems of parliamentary development and the aid effectiveness agenda poses challenges not uncommon in other countries.

6.3.1 A Brief History of Parliament in Ghana

Ghana has experienced different models of democracy and transitioned into a somewhat unique and complex form of democratic governance. While Ghana exudes success within the African context, its institutional arrangements continue to be a constraint in deepening democracy. The following narratives are aimed at exploring this along with its complex executive–legislative relations.

When the country attained independence in 1957,[58] the Constitution of Ghana was refashioned on the model of the Westminster system of Britain. Legislative representation in Ghana dates back to 1850, when the country (then known as Gold Coast) was a British colony. The body, called the Legislative Council, was purely advisory as the governor exercised all legislative and executive powers. Reforms were introduced in 1916 and 1925, although the governor's power remained extensive. In 1946, a new constitution was introduced that allowed for an unofficial member of the Legislative Council to become its president while the governor ceased to be the ex-officio president of the body. This system continued until 1951 when the Legislature elected its first Speaker. The year 1951 was also the first year that elections based on universal suffrage were held.[59] The first Legislative Assembly elections were held in 1954. Following the approval of the first Republican constitution, Ghana officially became a Republic on 1 July 1960 and the Legislative Assembly was renamed National Assembly of the Republic of Ghana.[60]

All four post-independence constitutions have had common features. They had, among others, the Speaker's and Deputy Speaker's Office, the Clerk's Office, government and opposition parties in office. The only brief exception was between 1965 and 1966 when Ghana adopted a one-party system backed by military.[61] A series of alternating military and civilian governments from 1966 to 1981 ended with the ascension to power of a military junta of the Provisional National Defense Council (NDC) in 1981. These changes resulted in the suspension of the constitution in 1981 and the banning of political parties.[62] In fact, the period from 1979 to 1981, known as the Third Republic, the dominant party in the National Assembly was the People's National Party (PNP). Following a new military intervention in 1981, all elected institutions, including the National Assembly, were dissolved and political party activity was prohibited. After 11 years (1981–1992) of military rule, a new constitution was approved in a 1992 referendum.

Since 1992, Ghana has seen a deepening and consolidation of democracy, based on multiparty political participation. Although only a few political parties continue to dominate the politics of the country (i.e. NDC and NPP), the overall impact of constitutionalism on democratic governance in Ghana is positive. In 1993, the country underwent profound changes in its system of governance, public administration and development management. From 1993 to 2004, the country went through a process of democratic consolidation with four successful and regular elections. In these processes, elected parliaments have been providing the people and their organizations (political and non-partisan interest groups) with opportunities to present the interest of their constituents make inputs into legislation and participate effectively in the governance process in accordance with the constitution.[63] The Country Review Report of the African Peer Review Mechanism succinctly put it: 'Since the return to democratic rule in 1992, Ghana has moved increasingly towards consolidating and strengthening liberal democratic principles, structures and processes. Its progress in this historic development has been remarkable, albeit fragile in some respects'.[64]

In all the parliaments, regulation of proceedings has been by standing orders and the committee system has also been in place. The current constitution has provided a fusion of the presidential and parliamentary systems in which the Executive President has some of his ministers appointed from within and outside parliament.[65] The constitution was designed under the military rule of the Rawlings' regime and gives the

executive branch far greater powers than parliament, the judiciary and subnational levels of government. In general, checks on the executive by parliament are weakened by unclear sanctioning powers, dependence on the executive for resources and desires for executive appointments.[66] Parliamentary practice in Ghana is arguably the most underdeveloped of the three arms—the executive and the Judiciary being the other two. This is as a result of frequent military interventions in the governance of the country. Historically, whenever there has been an interruption in government, parliament is the first casualty. While the dismissed Head of State is immediately replaced and the judiciary constituted, parliament is dissolved.[67]

Following military interventions, the function of parliament was usually taken over by the executive which monopolized legislation. Its independence is compromised by the fact that the majority of ministers are drawn from parliament and appointed by the president, and its legislative and budget powers are limited by the constitution. This unfortunate trend affected the smooth evolution of the institution and stunted its growth. Of course, there were many practical obstacles during such periods: few MPs had experience in parliament or in dealing with the policy issues they would soon have to address; the election had been bitterly fought, and partisan tensions were high; and fundamental weaknesses existed in Ghana's public financial system, including chronic arrears in the public accounts, malfeasance throughout the civil service and incompetence of many low-level officials. Moreover, the PAC, the Finance Committee and other sectoral committees themselves had no support staff or even a place to meet.

6.3.2 The Challenges: From Executive Dominance to Parliamentary Development

The Parliament of Ghana is in a transitional state. Ghana's hybrid constitution, while providing parliament with some clout and largely supported by both main political traditions in the country, has given the executive leeway to undermine the strength of parliament as an institution in Ghana. The constitution vests executive power in the president who is the Head of State and Head of Government as well as Commander-in-Chief of the Armed Forces. The president is directly elected together with a vice-president for a four-year term and eligible for a second four-year term only.[68] The president appoints a cabinet of

between 10 and 19 ministers to assist in the 'determination of general policy of the government'.[69] Many scholars, among them Ninsin,[70] have argued that the executive arm of government, particularly the president, wields excessive powers and control over other state institutions, with detrimental consequences on democratic consolidation and parliamentary development in general and the enjoyment of fundamental human rights in particular. Gyimah-Boadi also recently corroborated this argument by calling for the need to 'establish conventions around the [1992] Constitution to place some restrictions on the exercise of… [executive] powers'.[71] Executive dominance is particularly manifest in the vast appointment powers entrusted in the hands of the president by the constitution. It is important to note that the 1992 Constitution was formulated with Ghana's commitment to continued democratization processes in mind.

The executive–legislative relation is still a fledgling one that is not based on mutual trust and often dominated by the executives. Due to both other structural factors and to the persons involved, the legislature has not made use of its constitutional powers versus the executive. As a direct consequence of the fusion of different models, parliamentarians aspire to gain leadership positions in the executive at the cost of their substantive role as lawmaker in parliament. This has often a direct bearing on weakened oversight mechanisms.[72] The experiences from the committee system are mixed. Committees of Parliament had the power to obtain information from the executive. The Finance Committee in Ghana has been considered by both national and international actors as effective.[73] It promoted civic engagement through public hearings on different public policy issues, including implementing a new value-added tax in the country to make it more people-friendly. The committee also pressed successfully for much fuller financial reporting that has provided better guides to Ghanaians of what is actually happening in the economy. It has been instrumental in insisting on openness on the conditions involved in the assistance provided by international and regional financial institutions.[74] The PAC is one of the stronger parliamentary committees, it has been able to take its own initiatives and tighten the financial administration of local school authorities. Despite such moderate successes, overall the status of standing committees is weak and they often struggle to enforce their authority.

There are considerable practical challenges, i.e. members of the governing party are still hesitant to criticize the government, lack of quality

support to committees etc. The PAC is often hampered by a lack of analytical support and basic facilities to hold meetings and working sessions, poor coordination in intra-government mechanisms, shrinking space and ability for committees to influence executive organs. However, 'the committees were not exercising this role effectively. Committees were sometimes compromised by sponsorship for their thematic events, focus or other activities by the particular ministries, departments or agencies'.[75]

The Ghana Chapter of the Parliamentary Network on the World Bank and the International Monetary Fund has therefore rightly identified the need for greater transparency in aid distribution and improved monitoring of public funds as its principal challenges. Parliamentarians in Ghana currently exercise no oversight or scrutiny over the use of public funds, and members of the Ghana Chapter quoted high levels of corruption as undermining the legitimate and effective implementation of development programmes.[76] However, not all donor interventions in Ghana have had a positive effect on the parliament's capacity to hold the executive to account.

The recent growth of direct budget support,[77] which plays a positive role in promoting Ghana's ownership of its own development process, has the practical effect of further marginalizing parliament's role in financial affairs. Many budgetary decisions regarding both whether budget support is accepted and how it is used are made by the presidency and the finance ministry and subject to only perfunctory approval by parliament. Directly channelling external support through the presidency and the finance ministry has made it increasingly difficult for parliament to play a part in deciding how that money is used, and thus the parliament's capacity to hold the executive to account is diminished.

It is evident that Ghana's Parliament operates in a challenging context. Therefore, assessing the performance of the Parliament of Ghana is, as in many other countries, not easy. This is because neither parliament itself, nor its development partners have so far put sufficient effort into establishing frameworks for performance assessment or into collecting data on performance. 'Lack of analytical capacity of the parliamentary staffers contributed directly to this situation'.[78]

6.3.3 The Application of the PDA—Engagements from Partners

Recognizing Ghana's history of executive dominance, donors and partners have naturally been keen to improve the capacity of parliament. The

most extensive support has been given to strengthening the parliament's capacity to oversee the country's financial affairs. These include training workshops and exchange visits, as well as providing support for a number of parliamentary committees, notably the PAC.

A number of development partners—bilateral and multilateral—have been active in providing support for parliamentary strengthening in Ghana, often working alongside local civil society and capacity building organizations such as the Parliamentary Centre of Canada. On the bilateral side, the key players have been Denmark's DANIDA, Canada's CIDA, Germany's GIZ, the USA's USAID and the UK's DFID. On the multilateral side, the key players have been UNDP, the World Bank Institute and the African Development Fund. Smaller players have included the Italian Chamber of Deputies, working alongside the UN's Department for Economic and Social Affairs (UNDESA), the Friedrich Ebert Stiftung (FES) and the State University of New York (SUNY).

The Ghanaian experience is particularly interesting because there is a long history of support for legislative financial scrutiny as part of oversight mechanisms. A major implementing agency, the Parliamentary Centre, maintains its regional headquarters in Ghana and has actively supported the parliament since 1994. Parliament has received support for the PAC and Finance Committee since the mid-1990s, which managed to create some early impact. Overall, parliament contributed to national aid and development policy through parliamentary committees and discussions on the parliament floor. While the problem of executive dominance remains, donor support has helped increase the parliament's accountability role, transparency and public participation. However, there is a clear need to increase meaningful participation infusing timely information flow and involvement of civil society.[79]

A selection of such initiatives and projects is presented in Annex IV to inform the analytical process of the study and bring greater clarity in the application of the PDA to the Parliament of Ghana.

6.3.4 The Way Forward

Since independence, Ghana's almost 56 years of nationhood have largely been lived under successions of undemocratic rule and governments. As evident in the previous sections, dominance of executives over representative bodies often led to the exclusion of Ghanaians from the public policy-making process. However, many, including international actors,[80]

now believe the reintroduction of constitutional rule since 1993 has democratized policy decision-making in ways that have engaged parliamentarians and civil society actors via parliamentary representation, oversight functions, consultation and open public participation. Ghana's parliamentary democracy has come of age, having been sustained since 1993.[81] The analysis of the Parliament of Ghana within the framework of aid effectiveness partly enables this study to determine if this perception is correct.

The current state of affairs in Ghana shows that creating meaningful and accountable spaces for dialogue requires all actors, both national and international, to work together. Clearly, it is the result of an increased level of commitment from government, donors and civil society to work together as key development actors. For example, the Donors' Performance Assessment Framework (PAF) is a positive development as it will help increase mutual accountability by improving aid and development effectiveness, notably by stimulating an open dialogue on donor performance in Ghana. It will also facilitate in the long run intense discussions between donors' country offices and headquarters on internal constraints influencing aid effectiveness in Ghana.[82]

The parliament—working within the constraints set by executive dominance—has some impact in terms of legislation, is rather ineffective in terms of representation and is increasingly active in terms of oversight, with, for instance, parliamentary inputs into the budget process and into policy processes on poverty reduction gradually increasing. It is also evident that donors made an important contribution to the institutional development of parliament and its increasing role in the governance structure in Ghanaian state and society.

To enhance parliamentary oversight responsibilities in aid delivery and management, the governance sector working group has already facilitated the setting-up of a Parliamentary Platform to serve as an avenue for dialogue and information flow between government, donors and parliament.[83] This needs to be institutionalized. In fact, the existing tripartite relationship between government, development partners and civil society in aid and development policy, if formalized, will go a long way to serve an example of effective PDA in the region and beyond. The role of PDA was particularly manifested in establishing and strengthening oversight mechanisms as part of the parliamentary development process. Such evolving partnership around PDA has the potential to demonstrate its strength in a distinct approach to confront corruption through

parliamentary oversight functions. This also contributed to the strengthening of public trust and confidence in the parliamentary institution as part of the broader governance system in Ghana.[84] While donor support has helped to sustain and improve democracy in Ghana, there are limitations to what it can achieve without active support from incumbent government, oppositions and greater civic engagement and partnership.

A gradual shift to limited participatory decision-making among political elites has occurred, coupled with improved policy processes and outcomes. Despite such progress, the gain often is bedevilled by several structural challenges, including, among others, excessive executive dominance, culture of donor and external dependence and lack of internal strategic prioritization process. All of these place a premium on elite preferences to the neglect of those of unorganized and marginalized rural population. This finding leaves important question marks surrounding some of the fundamental principles of the good governance mantra and the role of independent institutions like parliament in deepening democratic principles and oversight mechanism. As the former US President rightly commented in his speech to the Ghanaian Parliament in Accra, '*Africa doesn't need strongmen, it needs strong institutions*'.[85] The focus on strengthening the institutions with greater accessibility of people to institutional services and protection needs to be continued. This is, however, a work in progress, everywhere.

6.4 Conclusion: Democracy—A Work in Progress

The two case studies from two different continents presented one common aspect: the stabilization of democratic gains is a work in progress. The sustainability of such stability also depends on openness and engagement with the outside world, where not only the government has relationships with other governments, but civil society also engages through public diplomacy with other non-governmental actors in the international community. Despite early success in basic democratic consolidation, the political cultures and system are not yet firmly rooted in robust democratic values and institutions including oversight mechanisms. The likelihood of changing the political cultures in Bangladesh and Ghana from the current winner-takes-all system to one in which politics is a means of promoting the collective good seems not very high at this point, as key parties and political actors largely agree on the purpose of the political process: to capture the political and state power through peaceful means.

Ghana's democratic and constitutional progress over the course of the last decade-and-a-half has earned it due appreciation and support from the international community. These represent building block progress, particularly when viewed in the light of the country's history of military coup d'états as well as trends elsewhere in Africa. While Ghana achieved early success in consolidating its democratic gains, much more needs to be done in order for Ghana to consolidate its democratic gains and for the Ghanaian citizens' to derive democratic dividends. Bangladesh, however, is still in its challenging path to deepen the meaning of pluralism in the context of parliamentary democracy. Political accommodation to achieve greater national goals is still missing from mainstream political discourse. Since independence in 1971, the guiding principles of Bangladeshi state policy have also changed. The frequent changes made in the fundamentals of the constitution have hindered the consolidation of a stable democratic system in the country. These changes also adversely affected the development of parliament in Bangladesh, the effective utilization of the PDA in particular. More importantly, this contributed to the growth of political intolerance and mistrust among key parliamentary and political actors. A relationship of trust with the parliamentary administration and many of the MPs have been built. This is a sine qua non for the success of any parliamentary development project. It provides a foundation upon which not only can project activities be implemented, but at least as important, it demonstrates an openness of the institution and key political and administrative actors to dialogue and learning regarding international norms and best practices in democratic governance. In short, it fosters the institution's membership as part of the global family of democratic institutions. The PDA did facilitate exchanges among lawmakers across party lines; however, the impact is limited due to lack of political will and winner-takes-all mentality.

Within these political realities, the PDA is playing a moderately constructive role in shaping parliamentary agenda within the national context and system—be it a presidential or a parliamentary form of government. PDA affords political space and technical advices where they are needed. In addition to generic capacity development, it contributed to the strengthening of oversight mechanisms in both Bangladesh and Ghana. Obviously, the effectiveness of such mechanisms and application of oversight principles and tools vary.

There is, however, no automatic transition from parliamentary oversight to corruption fighting role or approach. Careful targeting and

application of the PDA coupled with national ownership is a precondition for eventual development of such approach to combat corruption. It is also apparent that the complex challenges of executive–legislative relationships still remain in both countries. This has directly impacted the legislative bodies' ability to perform the oversight function in an effective manner. The next chapter (Chapter 7) will offer an examination of countries with conflict, post-conflict and transition contexts.

Notes

1. For additional details, see United States Institute of Peace site at http://www.usip.org/guiding-principles-stabilization-and-reconstruction-the-web-version/stable-governance (accessed on 14 April 2013).
2. Craig Baxter, *Bangladesh: From a Nation to a State* (Boulder: Westview Press, 1998), p. 192.
3. See Moudud Ahmed, *Bangladesh: Constitutional Quest for Autonomy, 1950–1971* (Dhaka: The University Press Limited, 1979), pp. 1–333.
4. Moudud Ahmed, *Democracy and the Challenge of Development—A Study of Politics and Military Interventions in Bangladesh* (Dhaka: The University Press Limited, 1995).
5. Wahiduddin Mahmud, Sadiq Ahmed, and Sandeep Mahajan, "Economic Reforms, Growth, and Governance: The Political Economy Aspects of Bangladesh's Development Surprise," Working Paper 22, Commission on Growth and Development, Washington, 2008.
6. Rahman Sobhan, "How Bad Governance impedes Poverty Alleviation in Bangladesh," OECD Development Centre, Working Paper 143, November 1998, CD/DOC (98) 13.
7. The absolute increase in the value of the Human Development Index for Bangladesh between 1990 and 2001 is surpassed notably only by China among countries for which such estimates are available; UNDP, *Human Development Report 2003.* New York and Oxford, 2003. University Press for the United Nations Development Programme, pp. 241–244.
8. See Nizam Ahmed, *The Parliament of Bangladesh* (Surrey: Ashgate, 2002), p. 282.
9. Freedom House, *Freedom in the World 2012: Bangladesh*, available online at the Freedom House site at http://www.freedomhouse.org/report/freedom-world/2012/bangladesh (accessed on 10 April 2013).
10. See the details of the CPI ranking for Bangladesh at the Transparency International site http://www.transparency.org/country#BGD (accessed on 3 March 2018).

11. The Corruption Perceptions Index ranks countries/territories based on how corrupt a country's public sector is perceived to be. It is a composite index, drawing on corruption-related data from expert and business surveys carried out by a variety of independent and reputable institutions. For further details, visit Transparency International site at http://www.transparency.org/research/cpi (accessed on 3 January 2018).
12. See Tim Meisburger, *Strengthening Democracy in Bangladesh*, The Asia Foundation Occasional Paper No. 13, June 2012, available online at http://asiafoundation.org/resources/pdfs/OccasionalPaperNo11FINAL.pdf (accessed on 10 April 2013).
13. In a sweeping change, on 25 January 1975, the country entered into a new constitutional arrangement under popularly elected democratic government, where only one political party could exist with president having supremacy over all organs of the state—executive, legislature and judiciary. For further details, see Jamshed S.A. Choudhury, *Bangladesh: Failure of a Parliamentary Government 1973–75* (Dhaka: Pathak Shamabesh, 2004).
14. Government of the People's Republic of Bangladesh (GPRB), *The Constitution of the People's Republic of Bangladesh* (Dhaka: GPRB, 1998), p. 23.
15. Moudud Ahmed, *Bangladesh: A Study of the Democratic Regimes* (Dhaka: The University Press Limited, 2012).
16. Freedom in the World 2009: Bangladesh, available online at http://www.freedomhouse.org/report/freedom-world/2009/bangladesh (accessed on 10 April 2013).
17. For example, read the final report of the International Election Observation Mission of the Asian Network for Free Elections (ANFREL), available at http://newmediaauthority.com/anfrel/wp-content/uploads/2012/02/2008_bangladesh.pdf (last accessed on 1 June 2013).
18. Based on author's interviews and discussion with several political observers and parliamentary experts from Dhaka, Bangladesh during 29–30 December 2011. Subsequently, the 10th general elections were held in Bangladesh on 5 January 2014, in accordance with the constitutional requirement that the election must take place within the 90-day period before the expiration of the term of the Jatiya Sangshad (Parliament) on 24 January 2014.
19. See Moudud Ahmed, *Bangladesh: A Study of the Democratic Regimes* (Dhaka: The University Press Limited, 2012).
20. The World Bank, *Bangladesh: Country Financial Accountability Assessment—Parliamentary Control Over Public Expenditures: The Role of Committees*, Washington, May 2000, available online at http://siteresources.worldbank.org/INTLAWJUSTINST/Resources/BDParliamentary.pdf (accessed last on 16 June 2014).

21. See Project information on "Strengthening Parliamentary Oversight (SPO) in Bangladesh," available at Oxford Policy Management (OPM), available at http://www.opml.co.uk/projects/strengthening-parliamentary-oversight-spo-bangladesh. See also the Daily Star at http://archive.thedailystar.net/newDesign/news-details.php?nid=229673 (accessed on 1 July 2013).
22. See Richard E. Messick, *Strengthening Legislatures: Implications from Industrial Countries*, Public Sector Notes (PREMNotes No. 63), The World Bank, Washington, DC, March 2003.
23. CPD-CMI Policy Brief, Issue I, April 2012, available online at http://www.cpd.org.bd/pub_attach/CPD-CMI_PB1.pdf (accessed last on 21 April 2013).
24. Author's interviews and informal discussions with several members of Parliament who wished to remain anonymous, 30 August 2009.
25. News item published in The Daily Star www.thedailystar.net, 2 March 2005 (accessed 30 November 2013).
26. UNDP, *Strengthening Parliamentary Democracy Newsletter* (Dhaka: SPD, January–June 2005).
27. The World Bank, *Bangladesh: Financial Accountability for Good Governance* (Washington, DC: The World Bank, 2002).
28. Author's interview with two members of Bangladesh Parliament who wished to remain anonymous, Dhaka, 4 September 2009.
29. Ibid. (interview with a member of Bangladesh Parliament, Dhaka, 4 September 2009).
30. The World Bank, *Bangladesh Country Assistance Strategy* (Dhaka and Washington, DC: The World Bank, 2006), p. 54.
31. This was revealed in an internal survey done by the SPD Project with the parliamentarians. This continues to be in the trend in subsequent parliaments, as evident from author's interview with two members of parliament who wished to remain anonymous, 4 September 2009.
32. A Talk by Dr. Nizam Ahmed, "External Inducement and Internal Constraint: Strengthening the Bangladesh Parliament," International Speakers Forum—2011 Series, 15 September 2011, SUNY Center for International Development, New York, reference to the talk is available at http://www.cid.suny.edu/resources/forum2011/resources_speakers_forum_2011_03.cfm (accessed on 1 December 2013).
33. Author's interview with Rini Reza, former head of governance team (1994–97: UNDP Bangladesh), 25 July 2010, Bratislava.
34. The assessment led to the formulation of the first comprehensive parliamentary development project in Bangladesh. The project, however, never took off, because of 'procedural difficulties surrounding the recruitment of staff', and soon donor attention shifted towards civil society.

35. D. Butcher: Mid-term Review Mission Report on the SPD Project, Dhaka, UNDP, November 2004 [internal-unpublished report].
36. S. Nelson, et al., *Strengthening Parliamentary Democracy: Final Evaluation Report* (Bangkok, UNOPS, December 2006), p. 1 [internal-unpublished report].
37. This is based on author's face-to-face discussions with a number of researchers and political actors during the field research period (August–September 2009, December 2010).
38. DFID, *Narrative Report: Output to Purpose Review of the Strengthening Parliamentary Democracy Project* (London, 2005) (unpublished).
39. Based on its Output to Purpose Review Report, the DFID decision was communicated to UNDP Bangladesh senior management in late 2005. This was confirmed to the author during interviews (June 2009) by both agencies representatives in Dhaka.
40. DFID Narrative Report, ibid., 287.
41. This was discussed with the author during field work for this book (August 2009, December 2010): several political leaders from all major parties while agreed with the report in principle did indicate the clear lack of flexibility and innovation in donors' approach to parliamentary development including their focus on oversight mechanism.
42. S. Nelson et al., *Strengthening Parliamentary Democracy: Final Evaluation Report* (Bangkok: UNOPS, December 2006), p. 1.
43. *Inconvenient Truths about Bangladeshi Politics* (Dhaka: Prothoma, 2012), pp. 162–163.
44. This was shared by several parliamentary officials and actors during the author's face-to-face meetings in Dhaka with them during July–August 2009. They wished to remain anonymous.
45. See news item published in the *Daily Sun*, 1 September 2013, available online at http://www.daily-sun.com/index.php?view=details&archiev=yes&arch_date=01-09-2013&type=Workshop-on-strengthening-MPs%E2%80%99-capacity-on-population-issues&pub_no=602&cat_id=1&menu_id=10&news_type_id=1&index=18 (accessed on 2 December 2013).
46. See project information at UNDP website available online at http://www.bd.undp.org/content/bangladesh/en/home/operations/projects/democratic_governance/improving-democracy-through-parliamentary-development.html (accessed on 1 December 2013).
47. See N. Ahmed, *Aiding the Parliament of Bangladesh: Experience and Prospect* (Dhaka: The University Press Limited, 2012).
48. Bangladesh Vision 2012, available at http://bdpolitics.com/bangladesh-govt-watch/bangladesh-vision-2021.html (accessed on 14 October 2011).

49. See R. Jahan, and I. Amundsen, "The Parliament of Bangladesh: Representation and Accountability," CPD-CMI Working Paper 2, Bergen and Dhaka, 2012, available at http://www.cmi.no/publications/publication/?4422=the-parliament-of-bangladesh (accessed last on 17 March 2013).
50. However, it is difficult to confirm that such commitment at the official level enjoys widespread political support at the leadership level. The researcher's several discussions with and interviews of stakeholders during the research period [2009–2012] did indicate this lack of political will at the highest policy-making level.
51. See Julfikar Ali Manik, and Gardener Harris, "Political Clashes Grow in Bangladeshi Capital," *The New York Times*, 29 December 2013, available online at http://www.nytimes.com/2013/12/30/world/asia/bangladeshs-political-crisis-grows.html?smid (accessed last on 30 December 2013), also, Muhammad Q Islam, Thailand and Bangladesh: A tale of two countries, published in online news portal *bdnews24.com*, available at http://opinion.bdnews24.com/2013/12/29/thailand-and-bangladesh-a-tale-of-two-countries/ (accessed on 31 December 2013).
52. See African Peer Review Mechanism, Country Review Report of the Republic of Ghana, 2005, available at http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/00798283-EN-APRM-GHANA-REVIEW-REPORT-JUNE-2005.PDF (accessed last on 16 March 2013).
53. Ibrahim Index of African Governance http://en.wikipedia.org/wiki/Ibrahim_Index_of_African_Governance Details on Mo Ibrahim Foundation is available at http://www.moibrahimfoundation.org/ (accessed last on 16 March 2013).
54. See VIASAT, a news portal, at http://www.viasat1.com.gh/v1/vnews/local.php?postId=893 (accessed last on 1 April 2013).
55. See the details of the CPI ranking for Ghana at the Transparency International site https://www.transparency.org/country/GHA (accessed last on 3 March 2018).
56. The Failed State Index data are available at Foreign Policy site http://www.foreignpolicy.com/images/090624_2009_final_data.pdf (accessed on 18 June 2012).
57. Parliament of Ghana, *A Guide to the Parliament of Ghana* (Accra: Assemblies of Good Literature Centre, 2004).
58. A. Kwame, and H. Gates, Jr. (eds.), *Africana: The Encyclopedia of the African and African-American Experience* (New York: Civitas Books, 1999), pp. 830–833.
59. See C. Drake, Prospects for Democracy in the Gold Coast, Annals of the American Academy of Political and Social Science, vol. 306, Africa and

the Western World (July 1956), pp. 78–87. Preview available at http://www.jstor.org/stable/1030737 (accessed on 3 December 2013).
60. See Encarta article on Ghana "The New State Took Its Name from that of the Medieval Empire of Ghana" at http://encarta.msn.com/encyclopedia_761570799/Ghana.html (accessed on 3 December 2013).
61. See "Ghana: The Transition from Military Rule to Democratic Government," *Countries of the World Site*, available online at http://www.photius.com/countries/ghana/government/ghana_government_the_transition_from_~123.html (accessed on 15 September 2010).
62. "Rawlings: The Legacy," *BBC News*, available at http://news.bbc.co.uk/2/hi/africa/1050310.stm. 1 December 2000 (accessed on 1 June 2013).
63. Economic Commission for Africa, *The Role of Parliament in Promoting Good Governance* (Addis Ababa: Governance and Public Administration Division (GPAD/ECA), 2012), pp. 24–25.
64. APRM, 2005, p. xii, available online at http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/00798283-EN-APRM-GHANA-REVIEW-REPORT-JUNE-2005.PDF (accessed last on 17 January 2014).
65. See *A Brief History of Ghana*, available online at http://africanhistory.about.com/od/ghana/p/GhanaHist1.htm (accessed on 28 April 2011).
66. For a discussion of parliamentary powers, see P. Branch and A. Apusigah, Ghana Parliamentary Committee Support Project, Phase II (A 032089): Interim Evaluation, Parliamentary Centre of Canada/CIDA Ghana, 2009.
67. See Ghana's Parliament—A Brief History, available at http://www.ghanaweb.com/GhanaHomePage/features/artikel.php?ID=39013 (accessed on 28 April 2011).
68. Articles 57–60; 66 of the *Constitution of the Republic of Ghana*, available online at http://www.judicial.gov.gh/constitution/home.htm (accessed on 1 January 2014).
69. Open Society Initiative for West Africa (OSIWA) and Institute for Democratic Governance (IDEG), *Ghana*: *Democracy and Political Participation* (South Africa: Open Society Initiative for West Africa, 2007), p. 23.
70. K.A. Ninsin, *Executive-Parliament Interface in the Legislative Process (1993–2006): A Synergy of Powers?* (Accra: WOELI, 2008).
71. Quoted in Ghana News Agency, Monday, 28 July 2008. See also, E. Gyimah-Boadi (2004a), "Confronting the Legacy of Human Rights Abuses in Africa: Lessons from Ghana," Unpublished Paper Presented in an International Conference on Transitional Justice in Africa: Future

Directions organized by the International Center for transitional Justice, Bellagio, 25–29 March 2004.

72. See K.B. Ayensu, and S.N. Darkwa, *How Our Parliament Functions: An Introduction to the Law, Practice and Procedure of the Parliament of Ghana* (Accra: Sub-Saharan Publishers, 2006).
73. Staffan I. Lindberg, and Z. Yongmei, *The Rise and Decline of Parliament in Ghana*, Washington, DC, World Bank, 2008 [Later Published in *Legislatures in Emerging Democracies* (ed.), Joel Barkan. Available online at http://www.clas.ufl.edu/users/sil/downloads/Lindberg_in_Barken_ed2008.pdf (accessed on 5 December 2012).
74. See S. Langdon, *Parliamentary Oversight as a Mechanism for Accountability*, available at http://www.aprnetwork.org/Documents/Reports/Conference%20Reports/Parliamentary%20Oversight%20as%20a%20Mechanism%20for%20Accountability.pdf (accessed on 2 December 2012).
75. See Parliamentary Center, African Parliamentary Index (API), Africa Programme, June 2011, p. 53.
76. http://www.pnowb.org/sites/default/files/Ghana%20Chapter_10OCT11.pdf (accessed on 16 March 2013).
77. Development agencies increasingly provide financial support to macro-level policies and to government budgets to assist the recipient through a programme of policy and institutional reform and implementation that promote growth and achieve sustainable reductions in poverty. Direct Budget Support (DBS) Agreements are the formal DBS instruments negotiated between the development agency and recipient government.
78. Interview with Siphosami Malunga, former Governance Team Leader, UNDP Africa Regional Center, Johannesburg, South Africa (June 2009). The view was also endorsed during Global Governance Community of Practice Meeting (February 2010, Dakar/Senegal) by UNDP Ghana management and parliamentary staff working with the parliament support project.
79. See Bashiru Zuma, Towards Democratic Ownership in Ghana (February 2011) is part of a set of policy briefs on Democratic Ownership prepared by Alliance 2015 towards the High Level Forum in Busan in 2011 and is available at http://www.alliance2015.org/fileadmin/Texte__Pdfs/Text_Documents/Ghana_Democratic_Ownership_country_brief_2011.pdf (accessed on 25 March 2012).
80. Based on author's discussions with parliamentary development partners including UNDP, World Bank and others throughout the research process particularly during 2011–2012.

81. See Parliamentary Democracy Has Come of Age in Ghana, Modern Ghana Web portal at http://www.modernghana.com/news/164011/1/parliamentary-democracy-has-come-of-age-in-ghana.html (accessed on 30 September 2012).
82. There is a wealth of experience related to the Performance Assessment Framework (PAF) Ghana used. For example, Burkina Faso, Mozambique, Rwanda and Vietnam do not only use a PAF to monitor development progress by government. They also pioneered a Development Partner's PAF to monitor aid effectiveness as well and practice mutual accountability. For details, see E. Gerster, "Developing a Performance Assessment Framework of Donors in Ghana," Introductory Paper, January 2010, available online at http://www.marsgroupkenya.org/pdfs/2011/01/AID_EFFECTIVENESS/Documents/Docs/Ghana_Performance_Assessment_Framework_Intro_Paper.pdf (accessed on 5 May 2013).
83. See Alliance 2015 Working Paper on Ghana, available at http://www.cooperazioneallosviluppo.esteri.it/pdgcs/documentazione/Report/2011-02-11_AllianceGhana.pdf (accessed on 30 September 2012).
84. USAID, *Ghana Democracy and Governance Assessment Final Report*, Prepared for USAID Ghana by Democracy International, Ghana, 2011. The full text of the report is available at http://www.democracyandsociety.com/blog/wp-content/uploads/2010/08/DI-Ghana-DG-Assessment-Final-Version-8.17.2011-1.pdf (accessed on 25 June 2014).
85. The full text of the presidential speech is available at official US government site http://www.america.gov/st/texttrans-english/2009/July/20090711110050abretnuh0.1079783.html (accessed on 5 October 2012).



CHAPTER 7

PDA at Work—Exploring Impact in Fragility and Transition

7.1 Introduction

The increased focus of international actors on fragile and conflict-affected states is accompanied by a willingness to take well-judged and calculated risks and to innovate to allow them to deliver transformative results. Fragile and conflict-affected states present inherently risky environments for development assistance including support to parliament.

There is no commonly accepted definition of what constitutes a fragile state. Every donor pursues it based on their respective developmental mandate and priorities. For example, the UK's Department for International Development (DFID) defines fragile states as occurring where 'the government cannot or will not deliver core functions to the majority of its people, including the poor', where core functions include service entitlements, justice and security.[1] DFID, however, explicitly mentions that it does not restrict its definition of fragility to conflict or immediate post-conflict countries. Non-conflict countries which are failing to ensure service entitlements constitute fragile states under DFID's definition (e.g. Guyana); similarly, 'countries in conflict' which are nonetheless providing an acceptable level of service entitlements for the majority of the population would not constitute fragile states under DFID's definition. The World Bank identifies fragile states with 'Low-Income Countries Under Stress' (LICUS).[2] LICUS are fragile states characterized by a debilitating combination of weak governance, policies and institutions, indicated by ranking among the lowest (<3) on the

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'Country Policies and Institutional Performance Assessment (CPIA)'. The category includes around 30 countries of which three quarters are affected by ongoing armed conflicts.[3]

Despite differences, one thing is clear—the risks of inaction in these contexts are also high. In fact, it is important to find ways to engage that can deliver both short-term results on the ground, and potentially transformative longer term results, but which do not cause harm or come at too high a cost. The question therefore is not whether to engage, but how to engage in ways that are context-specific and do not come at an unacceptable cost.

Donors' programmes, therefore, need to be accompanied by a robust approach to risk management.[4] Within the framework of risk management, proportionate risk-taking is essential for effective engagement in fragile and transitional situations to deliver long-term, transformational results. This requires political backing, the right incentive structures, sufficient staff capacity, ownership of local stakeholders, and appropriate institutional processes and control measures. But little research has been conducted so far in helping to understand what it takes to have a highly representative, functioning, effective, and viable parliamentary institution that allows filling the institutional voids and gaps with due procedures, deliberations and participation to serve the people's interests and lead politics and power struggles away from violent means toward consolidated peace, reconstruction, transitions and welfare.

Like Chapter 6, this chapter provides further opportunity to test the central premise of the thesis—effectiveness of the PDA especially in fragile states and transition countries within the broader framework of aid effectiveness as explained in Chapters 3 and 4 so that the theoretical underpinning is grounded in actual situations. Three case studies have been chosen for this: Afghanistan, an active conflict country (plus post-conflict state-building process with challenges of 'lack of oversight' and widespread corruption) and one of the largest recipients of development aid, including large technical support to parliament; Kyrgyzstan, the first Central Asian country from the Commonwealth of the Independent States [CIS region] to embark on a parliamentary democracy and still dealing with issues and challenges of past authoritarian regime experience. Finally, Serbia, a country in a complex transition on EU accession path, is also an interesting case with very specific engagement with donors on parliamentary development and oversight. Obviously, it is, by no means, a fragile state; however, elements

of fragility are often visible through the prism of transitions and its protracted negotiation with Kosovo.[5] Both Kyrgyzstan and Serbia present examples of transition from centrally planned economy.[6] All these shed more light on some of the specific issues and challenges associated with PDA's impact on oversight work (Chapter 5).

7.2 Afghanistan: State Building in Fragile Context

Lying at the crossroads of Central Asia, Afghanistan has suffered successive invasions since ancient times by the Greeks (under Alexander the Great), Arabs, Persians, Huns, Turks and Mongols. In 1747, Ahmad Shah Durrani unified the Pashtun tribes to create Afghanistan. During the nineteenth century, the British and Russian empires vied for control of the region. In 1919, Afghanistan won independence from British control over its foreign affairs. With a population of around 30 million, Afghanistan has an area of 647,500 km (250,001 sq. mi), making it the 42nd most populous and 41st largest nation in the world. It is bordered by Pakistan in the south and the east, Iran in the west, Turkmenistan, Uzbekistan and Tajikistan in the north and China in the far northeast.[7] The Afghanistan situation presents a formidable test for both national ownership in state building and aid effectiveness due to its characterization of severe governance challenges, rampant corruption, active, ongoing conflicts, a somewhat flawed constitution, highly centralized power, top-down governance and localized parliamentary challenges, i.e. with warlords and war criminals sitting in the parliament as parliamentarians, lack of awareness about parliament, absence of minimum parliamentary outreach at the provincial and local levels. Therefore, it is no surprise that in 2017, Afghanistan ranked 177 out of 180 countries (Score: 15/100) in the CPI Index.[8]

The ongoing state-building process is dominated by the executives. Many of the donor-driven initiatives created a further imbalance between the broad assistance provided to the Ministries-executive organs versus specific technical support provided to the parliament. Support to the executives includes, among others, capacity development initiatives for the Office of the President and Ministry of Parliamentary Affairs, which are already highly powerful institutionally within the centralized framework of the Afghan Constitution. Such a supply-driven approach created gaps between the broad developmental vision and a project-driven narrow approach.

Most of 'such supports' are targeted to the capital city—to the National Assembly and its secretariat partly due to the centralized structures and nature of governance and continued security concern. There is, of course, a lack of strategy to support provinces, in particular, provincial assemblies. In terms of parliamentary development activities, the major focus was on infrastructure development, and this complicated the process when dedicated capacity development activities needed to be developed and strengthened with no real will among partners and government agencies to work with political groups and powerful Commissions.

7.2.1 A Brief History of Parliament in Afghan Democratic Transition

Historically, Afghanistan has a rich tradition of consultative forums/gatherings, known as Jirgas.[9] In fact, since the beginning of social life, prominent older men formed formal gatherings to discuss their social, religious, political and financial issues. The Constitution of 1931, which was adopted during the reign of King Mohammad Nader, called for the election of a new bicameral National Assembly, i.e. Majlis Shorai Melli (elected) and Majlis Ayan (appointed). In 1964, King Zahir Shah began an experiment in democracy that included a partly elected legislature. Due to political, social and economic changes during his reign, the Constitution of 1964 was adopted. It introduced constitutional monarchy, and the National Assembly was convened as a bicameral parliament. However, the Constitution of 1973 put an end to the Monarchy, and a first ever Republic system of government was introduced by President Daud. After the assassination of President Daud, the National Assembly was disbanded. The growth of the parliamentary process was halted by the long years of war and successive political regimes (i.e. communist rule and Taliban regime) until the Bonn Agreement of 2001 where the formation of a new constitution along with the democratic election of the president and establishment of a new National Assembly were approved.[10]

Under the terms of the new constitution adopted by the Constitutional Loya Jirga (CLJ) in January 2004, parliamentary elections were held in Afghanistan in September 2005 to elect Members to the National Assembly consisting of two houses: House of People (Wolesi Jirga) with 249 members and a House of Elders (Meshrano Jirga) with approximately 100 members. The elections were conducted peacefully and the Afghan National Assembly (parliament) was successfully re-established in 2005

following an absence of over 30 years. The bicameral parliament was inaugurated on 19 December 2005 with 91 women in both of its houses as members, a significant milestone in the Afghan legislative history. The entire parliamentary process was substantially supported by UNDP's Support to the Establishment of the Afghan Legislature (SEAL) project,[11] in close collaboration with USAID's Afghanistan Parliamentary Assistance Program (APAP).[12] This was heralded by many as the new beginning of parliamentary development in Afghanistan.[13]

The role of parliament became more important against the backdrop of the controversial Afghan presidential election (November 2009) marred by allegations of fraud.[14] Afterwards, the National Assembly (Wolesi Jirga) of Afghanistan did not approve a series of cabinet appointments which showed that the fledgling parliament is struggling to gain its ground of enforcing an accountability and oversight framework. This is important as the dominance of the executives has been the hallmark of the Afghan governance process which further weakened accountability framework. The attempted fraud and irregularities[15] in the September 2011 parliamentary elections by alleged warlords, pro-government militia, power brokers and local elites and their desperate attempts to get elected somewhat demonstrated the growing importance of parliament as a government institution with an oversight role despite all of its institutional and political weaknesses.

The perceived lack of an effective government in Afghanistan[16]—one that delivers services in response to its citizens' needs, including security and rule of law, can conduct free and fair elections, prosecute the extremely corrupt, ensure accountability through a robust oversight mechanism and is seen as capable, credible and legitimate by its citizens and the international community—contributes to the sustenance of instability in governance.

The issue then is how to go about fashioning such an effective, legitimate and credible government. Can Afghanistan achieve this without adequate representation and a robust oversight mechanism or anti-corruption framework? What is the role of parliament? Has the donors' assistance been effective?

7.2.2 The Challenges: From State Building to Parliamentary Development

The challenges inherent in building a strong, independent and effective parliament in a relatively short time period in a conflict-ridden nation emerging from decades of authoritarian rule and civil war cannot be denied.

Overall, the security situation in Afghanistan, particularly the deteriorating security condition in Kabul, remains the sharpest and most immediate challenge to the implementation of any project and continues to challenge the developmental objective—helping to establish a well-functioning parliament, well connected to and respected by citizens in every region of the country. The security situation prevents some in-country planning and potential outreach visits by members and committees to boost public outreach and enhance parliamentary oversight.

As the country is still fragile and conflict ridden, all major political authority rests with the government in Kabul. The powers and responsibilities of sub-national authorities depend on Kabul and therefore could be withdrawn. There is no policy autonomy below Kabul. The 2004 Constitution, like the 1964 one, makes some attempt at establishing local participatory institutions. There is no provincial budget as such with line ministries making direct and 'stand-alone' resource allocations to individual provinces. This further deepens deconcentration. All these make it difficult for the nascent Afghan Parliament to establish an oversight framework and fight corruption as an institutional agenda. However, like any other parliament in the similar situation, the expectation was huge. While providing executive oversight, the parliament was expected to give the Afghan people a communication channel to national policy-makers and provide for open discussion of public issues.

In fact, with a few exceptions, the National Assembly's supervisory power over the executive is legally and practically limited.[17] Although they do summon ministers occasionally for questioning, they cannot enforce either such attendance or take any action to remove them. There are many such examples of such limitations, e.g. in May 2007, the Wolesi Jirga passed a vote of no confidence in the foreign minister, but the president challenged the validity of the vote—a position accepted by the Supreme Court. Similarly, the National Assembly overrode the president's veto on the media law, but the Minister refused to implement the law on the ground of presidential disapproval.[18]

There is another genuine shortcoming of representation which affects the legitimacy of the institution. The 249 members Wolesi Jirga (WJ) is elected on Single Non-Transferable Vote (SNTV) but treating the whole province as one electoral district (constituency). Since its introduction, the Single Non-Transferable Vote system has stirred controversy in Afghanistan. While the framers of the Afghan constitution found the SNTV system simple and straightforward, given that each voter casts

only one vote, critics suggest that it continues to stifle the development of political parties in Afghanistan. The system provides little incentive for candidates in multimember constituencies to embrace political party identification. It can also result in a lack of representation for minority groups and rural populations and the election of candidates with little to no support. Some argue that SNTV creates incentives for fraud given that candidates can emerge victorious with such a small share of the vote. Although the SNTV system remains in effect for provincial council and parliamentary elections in Afghanistan, its role in the electoral process remains disputed.[19] For example, larger provinces like Kabul and Kandahar elect 33 and 29 members, respectively, from a single list of candidates with each voter having only one vote. This means that not all areas and districts are represented in the Wolesi Jirga, and an overwhelming number of persons are elected on an extremely small minority of votes. Further, since political parties are effectively not allowed to participate, all candidates were independents. The lack of effective political organizations and the lack of sufficiently localized constituencies have led to a fragmented legislature, 'disjointed and personality-driven, beholden to regional bases or strongmen rather than national interest'.[20]

The geopolitical interests of donor countries and corresponding strategic priorities of their development agencies willing to support the nascent parliamentary development are palpable. Some representatives of international community demonstrated their keen interests, often unsolicited, to export and replicate a particular parliamentary model of their own in a fragmented manner. This includes, among others, capacity development strategies, nature of parliamentary administration, legislative standards, codes of conduct, business process, committee system, oversight mechanisms, parliamentary security model, etc. It is, therefore, not surprising that the lack of free flow of information and knowledge sharing is a trend among resident donors in Afghanistan. These create particular challenges to ensure national ownership in support of a 'homegrown' and genuine participatory process. While these are, perhaps, not exceptional or uncommon in the business of bilateral aid, they are certainly not consistent with the principles of the Paris Declaration on Aid Effectiveness which strongly calls for ensuring national ownership in development programming.[21]

Other Challenges Include: Based on author's extensive interactions[22] during 2005–2006 and subsequent visits and follow-ups with both officials and

elected members of the Afghan National Assembly (2007–18), the following challenges can be further identified:

- Members of the National Assembly and the secretariat have limited experience, especially in dealing with internal control and executive–legislative relations. This negated the potentials of the constitutionally prescribed oversight mechanisms—both parliamentary and executive-led.
- Public disregard for the Afghan National Assembly by powerful members of the executives and de facto warlords in political and military control of different territories. This directly contributed to the undermining the oversight function of the parliament.
- An effective legal framework and procedures, including Standing Orders and mechanisms for executive relations, must be in place. This is critical for establishing a basis for parliamentary oversight.
- Parliament does not have full financial autonomy. It is often crippled by its dependency on the Office of the President through the Ministry of Finance.
- Relatively lower parliamentary staff salaries, compared to the open market, limit the hiring and retention of qualified staff.
- Delayed party and caucus formation inhibit the full functioning of parliament: most of the early interventions by international community did not highlight this specific challenge in designing their early PDA.
- Limited local-based materials and expertise necessary for comprehensive understanding of the legislative environment in Afghanistan.
- Lack of implementation of some of the progressive legislative standards, i.e. code of conduct for parliamentary staffers, parliamentarians, etc.

This list is not exhaustive. The border political context in Afghanistan is not stable either. Therefore, one needs to explore each of the above-mentioned challenges with a dose of realism.

7.2.3 The Application of the PDA: Engagement of Partners

Articles 90 and 91 of the Constitution of Afghanistan outline the exact duties of both the lower and upper houses of the parliament. Both UN/UNDP and USAID have been working on providing PDA to both

the houses since the beginning of the nascent parliamentary process in Afghanistan. These two are the largest providers of parliamentary technical assistance to the Afghan National Assembly. A host of other donors, including INGOs, joined the UN initiative to support the establishment of the Afghan National Assembly. Some of these donors, their projects and initiatives are outlined and discussed in Appendix I.

Development partners like UN Women (formerly UNIFEM), NDI, IRI, Inter-Parliamentary Union (through a Memorandum of Understanding with UNDP), bilateral donor agencies and embassies (French, Italian, German etc.—some through the UNDP SEAL Project) provided periodic sectoral support, i.e. training for members and staffers, small grants and study tours. The Government of India showed keen interest to support the Afghan National Assembly by sharing its long democratic and parliamentary experiences.[23] In collaboration with the UNDP, the Government of India facilitated a study visit and knowledge exchange to deepen key stakeholders' (staff and newly elected members) understanding of parliamentary processes.

These varied engagements were critical in establishing and strengthening the nascent parliament—Afghan National Assembly, especially in a country of an all-powerful presidency backed by the external military coalition against the backdrop of an ongoing conflict.[24] The process was difficult, fraught with internal challenges, i.e. suspicion, lack of technical knowledge and general awareness, absence of capacity, lack of political will to develop a robust parliamentary framework and lack of ownership among political elites. As evident from this chapter, some of the donors and international agencies pursued fragmented policies of parliamentary support. Not all of the donors were able to mobilize competent technical team on time and specialists. Many of them did not have a shared vision with national counterparts on the role of parliament in Afghan society. Despite all these challenges, the National Assembly backed by training, capacities, knowledge and exposures (PDA sponsored capacity development initiatives and knowledge exchange/study tours with other parliaments) has begun to assert its new-found skills and capacities in shaping the parliamentary oversight of the executives. For example, the parliamentary Commissions—also known as Standing Committees—strengthened their oversight role of the executives by enhancing demands for greater access to information including better consultative processes with parliamentary bodies and mechanisms.[25]

7.2.4 The Way Forward

In a recent survey conducted by the Democracy International (DI), Afghans appear to be quite dissatisfied with the way democracy functions in Afghanistan.[26] In response to the question of whether they are satisfied with the way democracy works in Afghanistan, close to one-third (29%) are not satisfied at all, another 20% are not very satisfied, and nearly one quarter are neither satisfied nor dissatisfied. Just 9% say they are very satisfied with the way democracy works and 16% say they are satisfied. Only 1% claim 'Afghanistan is not a democracy'. Satisfaction with democracy is highest among the younger population and decreases with older age groups. The youngest people surveyed (ages 18–24) are the happiest with democracy: 14% say they are very satisfied, and 27% say they are somewhat satisfied. This is in contrast to the oldest population group surveyed; those over 55, of whom just 5% are very satisfied, and 7% are satisfied with the way democracy works.[27]

While it is difficult to unearth the exact reason for the results of such perception survey, it is fair to say that public confidence in the newly introduced systems of governance is low. One of the critical challenges has been strained legislative–executive relationship coupled with lack of mutual trust and confidence. This is an area which needs careful consideration and mutual confidence building. Afghanistan with its powerful presidency needs to come into terms with its fledgling parliamentary process. The independence of constitutional organs (i.e. the Supreme Court) and bodies (i.e. the Independent Election Commission) is important; however, institutional rivalry needs to be managed carefully. All of this will require more action by parliament, less interference from the president and greater clarity from the judiciary.[28] This is also linked to the issues and challenges of establishing a functional parliamentary oversight mechanism. The PDA invested so far improved the basic organizational and legislative capacities of parliamentarians and staffers. It also helped the newly established Afghan parliament to raise its visibility and prominence in the fledgling state of governance in Afghanistan. With technical and financial support from international institutions, the Afghan National Assembly managed to introduce the concept and modalities of parliamentary oversight, taking full consideration of local context and political situations. However, the institution is still struggling to establish itself as a representative body with real oversight responsibility. In general, both houses are keen to take a public position

on corruption, leakages and wastage of development aid.[29] However, existing capacities both at organizational, individual and structural levels are preventing them to play the role accordingly.

Therefore, the PDA in Afghanistan needs to be focusing on the development of Members' and staff professional and targeted technical capacities. This can include a staff development strategy and implementation, exposure to the norms of parliamentary culture and practice, system of oversight and internal control, support for the legislation and policy-making work of the Commissions (including in-country public hearings, investigation, monitoring of development work and utilization of development aid and the development of research and analysis capacity) and targeted support to women parliamentarians and to citizen engagement. In the absence of an independent and effective anti-corruption watchdog body, some of the permanent Commissions and their leadership of the Afghan National Assembly supported by the PDA demonstrated early sign to fill the gap. They showed a willingness to an anti-corruption niche for themselves within the framework of parliamentary oversight. They clearly need specialized training and capacity development, not capacity supplement.[30] Support needs to be more strategic and focus directly on core parliamentary functions (legislation, oversight, representation) and not on administrative or operational issues and the day-to-day running of the parliament. It will also be important that the National Assembly ensures adequate budget from the state exchequer without going through allocation processes determined by the Ministry of Finance. Otherwise, the balance of relations will always be tilted towards executive due to a lack of financial autonomy.

While the importance of building the capacity of Central Government, including the Afghan National Assembly, is well recognized, the value for money of the policy-focused approaches that the international community has implemented in recent years is still unclear. Their sustainability is also questionable. An important aspect which has not been prioritized is to build the capacity of legislative bodies at the provincial level[31] and create synergy with the National Assembly. Development partners need to get their acts together. A routine weekly or monthly meeting of donors active in the field of parliamentary development is not enough. They need to go beyond formal coordination process, and instil a robust collaborative approach of functional partnership, informed consultation, joint programming and advocacy based on rigorous political understanding. Parliament is a political institution. It is a place for political, and often

confrontational, debate. But it is also a place where, at the end of the day, national policies are forged and conflicts in society are mitigated through dialogue and compromise.[32] The PDA needs to be reflective of this reality.

7.3 Kyrgyzstan: Deepening Parliamentarianism in Fragmented Democracy?

Kyrgyzstan, officially the Kyrgyz Republic, is a country located in Central Asia. Landlocked and mountainous, Kyrgyzstan is bordered by Kazakhstan to the north, Uzbekistan to the west, Tajikistan to the south-west and China to the east. It became independent with the collapse of the Soviet Union in 1991. Kyrgyzstan is one of the poorest countries of the former Soviet Union, but its democratic credentials and corresponding developments were regarded as relatively strong in the immediate post-Soviet era. With a few exceptions of mineral resources, it depends on imports for most of its energy needs.

The governance environment is still fragmented and fragile. Generically, institutional capacity remains weak, responsibilities are ill-defined, and coordination/interaction between institutions of governance entirely insufficient. Discontent due to widespread poverty, maladministration, corruption, nepotism, abuse of power and ethnic divisions and tensions between north and south occasionally spill over into violence, and the country's first two post-Soviet presidents were swept from power by popular resentment.[33] The accountability and oversight mechanisms are almost non-existent and, in many cases, encourage rent seeking and corruption. Recent political developments raise hope that central control over local governments will be removed and there will be balanced presidential authority. In 2017, Kyrgyzstan ranked 135 out of 180 countries (Score: 29/100)[34] in the CPI Index.

7.3.1 A Brief History of Parliament in Kyrgyzstan

In April 2010, the Government of Kyrgyzstan and its president were brought down amid protests over corruption, abuse of power and increasing utility prices. Within days a new government assumed power, followed in June 2010 by a new constitution and parliamentary system of government. The elections to the new parliament—the Jogorku

Kenesh—were held on 10 October 2010. The new constitution provided for a unicameral Supreme Council or Jogorku Kenesh (120 seats; members elected by popular vote to serve five-year terms).[35]

Prior to 2010, Kyrgyzstan has had, in fact, four different systems for electing the national legislature in only twenty years. Only once was a parliament elected in the same way as the one that preceded it (1995 and 2000). Kyrgyzstan inherited, from the Soviet Union, a unicameral parliament consisting of 350 deputies. These deputies were last elected in 1990 using a Two Round System (TRS) for 350 single-member districts. Following a 1994 referendum, the unicameral assembly was replaced by a more complicated 'mixed' system that resulted in a bicameral legislature of 105 deputies who were elected through a combination of the TRS and proportional representation (PR) systems. Increasing the districts' size and offering only a few PR seats made it very difficult for smaller parties to get into parliament. After a 2003 referendum, parliamentary seats were reduced further, to 75 members elected in single-member districts using the TRS. New requirements, introduced through the referendum, of continuous residence in the country proved controversial and disqualified several prominent candidates. An October 2007 referendum again changed the system to what Kyrgyzstan has today.[36] The 75 deputies are elected through a closed-list PR system.[37]

7.3.2 The Challenges: From Authoritarianism to Parliamentary Democracy

Kyrgyzstan is the first country in Central Asia is attempting to establish the parliamentary form of democratic government, as opposed to a president-led government. The power of the presidency was, therefore, reduced, and the parliament has become the centre of the decision-making process after the elections of October 2010. For the first time, the opposition participated in the political process, as it is given the position of the Vice-Speaker, chairmanship in two leading parliamentary committees (budget and security) and several seats in the Chamber of Accounts and the Central Electoral Commission. As Kyrgyzstan enters into a new form of governance, the domestic legal framework needs to be adjusted and aligned with the rule of law principles, the new constitution, international commitments and standards. The Kyrgyz Republic has never addressed problems of such magnitude and scale. This process

is completely new both for the parliament and the executive. The society also has never had experience of living and working under such new realities, neither has the parliament ever had such vast powers and such degree of responsibility. The transition is both political and sociocultural.

Challenges abound for the new parliamentarians; they face deep cynicism about state structures, because both of Kyrgyzstan's post-Soviet presidents fell into corruption and authoritarianism and were deposed after widespread protests. In such a situation, application of the principles of equality and non-discrimination is critical. In fact, protection of ethnic minorities is a key challenge the state along with the parliament is confronting. Tensions continue to simmer in the country's south between ethnic Uzbeks and Kyrgyz. Parliament has a critical role to play in consolidating peace using its mandate of representation and oversight properly.

An important component of these challenges will be to specify the division of competencies between the governmental institutions and legislative power and identify the limits of interference, as well as ensure mutual balance and cooperation. On the institutional side, actual governmental and legislative bodies that exert oversight over the adequate use of public resources will have to be streamlined and strengthened. On the citizens' side, it will be necessary to disseminate among the population the knowledge of people's rights (legal culture), the rule of law and democratic governance.

If Kyrgyzstan can meet these challenges, its new parliamentary system could sustain a reasonable balance of power that curbs corruption and incentivizes constructive politics. Its transition to a more democratic and effective form of governance could inspire other countries in the region. Failure of the new parliament, though, could destabilize other states in Central Asia by reducing the potential of democratization agenda. To influence reform and stability, the parliament must work towards three intertwined objectives: being a more constructive actor in the Kyrgyz state system, a responsive and representative body and a well-managed institution.

7.3.3 The Application of the PDA—Engagements of the Partners

Since its journey as a parliamentary democracy, the international community, UN/UNDP in particular, has been deeply engaged with the Kyrgyz Parliament. In fact, UNDP's partnership with the Kyrgyz Parliament

(Jogorku Kenesh) dates back to 2001. The EU has joined in most of UN support to the Kyrgyz Parliament as one of the most important donors.

In 2007, UNDP, with funding from the European Commission (EC), initiated **the second project supporting the Kyrgyz parliament**. The project improved the infrastructure of the Jogorku Kenesh with updated electronic voting and an electronic status system for legislation that allows deputies to track the status of legislation. The database is accessible not only for deputies and parliamentary staff, but also for line ministries and citizens. EC-UNDP assistance in 2007 also helped develop the Standards of Bills Appraisal to comply with human rights, gender environment, anti-corruption considerations and legal law drafting techniques. These standards were adopted by the parliament in January 2008, and compliance is now mandatory for a bill to become a law.

There are other partners active too in support of the Kyrgyz parliamentary development, including, most notably, National Democratic Institute (NDI) and East West Parliamentary Project Practice (WPPP). A selection of such initiatives and projects is presented in Annex I to inform the analytical process of the study and bring greater clarity in the application of the PDA to the Parliament of Kyrgyzstan.

7.3.4 The Way Forward

Though democratic institutions and practices have improved over the past few years, Kyrgyzstan still faces immense challenges to reduce poverty, social exclusion, increase domestic jobs and improve government accountability through parliamentary oversight and other means. Every scheduled parliamentary elections mark a critical milestone in the consolidation of Kyrgyzstan's democratic reforms. Kyrgyzstan has a robust civil society and a relatively open and transparent government and media, but much remains to be done. Kyrgyzstan's parliament—the Jogorku Kenesh—must prove more inclusive of and accountable to citizens, while Kyrgyzstan's government must effectively respond to citizen needs.

In a new democratic state like the Kyrgyz Republic with modest experiences in representative democracy, parliamentary reform is a complex and lengthy undertaking full of socio-economic and cultural challenges. It remains to be seen whether Kyrgyzstan's new decentralized political system will lead to better governance, more consolidated democratic institutions including parliament, and inclusive economic policies. At the

same time, although many MPs still put their individual interests ahead of those of their constituents and form alliances based on patronage networks, parliamentary debates have become more consistent and substantive. It is, therefore, important to continue the technical assistance to ensure the sustained parliamentary concept and to develop legislatures as fully fledged parliaments playing its due role in the system of check and balances.

Currently, the parliament looks less attractive compared to other state institutions, as it has limited access to state media channels and private media, which belongs to oligarch and out-of-parliament politicians with their own agenda. This often damages the reputation of the parliament and compromises the whole idea of parliamentarism. Thus, improvement of the external parliamentary communication with the society is required both for the growth of democracy and strengthening of oversight mechanism.

The PDA is particularly relevant as many of the above-mentioned rules of law institutions are quite well positioned and are functionally interlinked with the parliament and its different committees and bodies. For the first time in about two decades, there appears an opportunity to establish a proper network among these institutions for them to effectively operate for the benefit of joint objectives and progress of the society in lawmaking and oversight and not solely for the benefit of ruling elites and bureaucracy. By complementing and reinforcing each other, these institutions will contribute to the stable progress of the society. This is expected to produce a multiplier effect: public policy will be strengthened in the areas of rule of law and legislative strengthening. These will strengthen both accountability and effective budgetary oversight mechanisms hopefully with greater transparency and public integrity.[38] More opportunities are likely to emerge to make laws in accordance with the international standards.

In addition, there is a possibility to modernize these institutions and improve their internal and inter-institutional communications as these should become a component of their professional competence. Generally speaking, this is an option for the country for its own reforming and creation of a system to work for the benefit of the rule of law, human rights and parliamentary democracy. The initial progress made by the Kyrgyz Republic in the above-mentioned areas and implementation of such activities will allow the country to institutionalize democratic and rule of law principles, parliamentary oversight, and maintain democratic

stability within the transition to the new form of democratic governance through parliamentary democracy. This has the potential to influence other Central Asian Republics.

7.4 Serbia: Transitioning from Conflict to Democracy—A Bottom-up Parliamentary Oversight Agenda

Following Montenegro's vote for full independence in the referendum of 21 May, Montenegro declared independence on 3 June 2006.[39] This was followed on 5 June 2006 by Serbia's declaration of independence, marking the final dissolution of the State Union of Serbia and Montenegro, and the re-emergence of Serbia as an independent state, under its own name—Republic of Serbia—for the first time since 1918. A referendum was held in October 2006 on a proposed draft of the new Constitution of Serbia, which was approved. The constitution is Serbia's first as an independent state since the Kingdom of Serbia's 1903 Constitution.

Serbia entered the transition with a 10-year delay, as a destroyed and criminalized country. In the period from 1991 to 2000, which was used by other countries in transitions for building and strengthening of their democratic and economic systems and state institutions, Serbia had to pass through a 5-year civil war, isolation, sanctions, hyper-inflation and escalation of terrorism. In the 11 years since the fall of Slobodan Milosevic,[40] Serbia's political debate between democracy and Europe on the one hand and autocracy and isolation on the other is slowly giving way to more dynamic politics characterized by new actors, issues and debates, at a time when the country's aspirations to join the European Union (EU) are becoming clearer. On the 1st of March 2012, Serbia obtained the candidate status for the EU after the submission for its application in December 2009.[41] Serbia has made progress in meeting the political criteria and addressing key European Partnership priorities in the last years.[42] In 2017, Serbia ranked 77 out of 180 countries (Score: 41/100) in the Corruption Perceptions Index (CPI).[43]

The relations between Serbia and Kosovo are often fraught with tensions.[44] The EU is now pushing Belgrade and Pristina to launch direct talks that would steer clear of controversial issues such as Kosovo's future status and focus on practical cooperation on issues such as energy provisions, infrastructure and economic development. Furthermore, reforms are needed to ensure that the new constitutional framework is

implemented in line with European standards, particularly in the area of the rule of law and the judiciary. Kosovo will remain a major issue in the near future.

The general pace of democratic reform, however, has been slow. Serbia's democracy challenge is to open its political institutions, particularly parliament, to its diverse constituencies.

7.4.1 A Brief History of Parliament in Serbia

The Republic of Serbia has a parliamentary system of democracy with a unicameral National Assembly. The National Assembly is the supreme representative body and the holder of constitutional and legislative power in Serbia. Apart from its representational and legislative roles, it holds an important oversight/scrutiny function. According to the constitution, the 250 members of the parliament are elected through direct elections by secret ballot, by a single nationwide constituency, using a proportional representation electoral system on a 4-year term.[45]

The National Assembly elects the president of the National Assembly (Speaker) who presides over the sessions. The National Assembly exercises supreme legislative power. It adopts and amends the constitution, elects government, appoints and dismisses Constitutional Court judges, the president of the Supreme Court of Cassation, the governor of the National Bank of Serbia and other state officials. All decisions are made by majority vote of deputies at the session at which the majority of deputies are present, except for amending the constitution, when two-third majority is needed.[46]

Upon constitution of a new parliament in May 2012, its composition, in accordance with the Law on Parliament and the new Rules of Procedure, considered for the first time the MPs' appointment based on the order of appearance on the electoral lists and abolished the practice of the so called blank resignations. Another significant novelty in the Serbian parliamentary development is a higher number of women in parliament—84 representing 34% of all MPs. Working bodies are now streamlined contributing to the overall parliamentary effectiveness. The number of committees has been reduced to 19, plus one special committee on the rights of the child. Among the new committees, 12 (administration and budget, finance, security services, Kosovo, human and minority rights and gender equality, internal affairs, the judiciary, agriculture, planning, telecommunication, and infrastructure, social affairs,

constitution and legislation, and the rights of the child) are chaired by the majority coalition where the remaining 8 are assigned with different opposition parties' chairmanship.

7.4.2 The Challenges: From EU Integration to Parliamentary Oversight

Like other Southeast European countries, Serbia and its parliament are challenged by EU enlargement agenda. One of the main priorities remains to be the EU integration following the European Council granting Serbia the status of candidate country on 1 March 2012. The European integration process requires countries to put their legislation in line with the *aquis communautaire*, which represents a substantial challenge for legislators. The past mandate of the National Assembly, however, may be characterized as successful in terms of the implementation rates of the National Program for Integration.[47] During the 2008–2012 period, the Assembly adopted a total of 807 laws and 217 other enactments. Implementing these laws is the next challenge for the country, and the National Assembly has a demanding role in ensuring this happens. A number of institutional and public policy challenges have so far been identified through stakeholders' consultations.[48]

- **Public Accountability**: The state of public accountability within the governance structure is still in its initial stage. People have limited opportunity to give feedback to public service providers or rate public services. There have been several proposals being considered at different levels including promoting civic engagements with policy-making bodies and service providers and providing institutional opportunity to share views. In this regard, the recent development of a public hearing system is a welcome development, as are the drafting of a separate Law on Parliament and amendment of the Rules of Procedure and institutionalizing public hearings[49] would contribute directly to enhanced public accountability and public confidence in the system.
- **Executive–Legislative Relations**: This is an area which requires mutual understanding. Despite the fact that the linkages of the parliament with the independent bodies were made functional,[50] there is still a long way to go to achieve mutual respect and cohesive programme.

- **Outreach to Citizens**: Serbia is a single district electoral system, meaning that MPs are chosen from political party lists and represent all of Serbia, not a geographically defined constituency. Therefore, there is little incentive for MPs to connect directly to constituents, and elections tend to focus on big-picture issues, such as foreign relations, rather than targeted public policies.
- **Weak Parliamentary Oversight**: The oversight mechanism is still in its infancy and requires strengthening. In fact, further support through PDA lies in the strengthening of the control function of the Assembly, as well as the relationship between the National Assembly and the independent state bodies. In Serbia at the moment, there are various independent state bodies and regulatory bodies with different legal positions, different responsibilities and different dynamics of work. Therefore, it would be useful to work on the coordination of institutions at the country level.

7.4.3 The Application of the PDA in Serbia—Engagements of the Partners

The importance of parliamentary development in Serbia has achieved significantly greater recognition by national and international partners and beneficiaries over the last decade. Initially, the parliamentary support programmes focused on trainings and seminars[51]; however, with the innovative and demand-driven approaches, parliament became more and more recognized as a political institution where the provision of support differs in many respects from the support provided to ministries or other government/executive bodies. Such approach has led to more support for parliamentary development since 2009/2010 and raised interest among the parliamentary structures to reinforce its due role in a democracy. Meetings with parliamentary development partners' indicate a surge of interest for supporting the parliament and set coordination among the IGOs and NGOs to avoid overlapping and identify possible synergies.

The National Assembly is active on both multilateral and bilateral cooperation fronts. It works closely with the United Nations system and the Inter-Parliamentary Union. It partnered with the EU, Swiss Development Cooperation (SDC), Parliamentary Assembly of the Council of Europe and UN agencies in Serbia, primarily with the United Nations Children's Fund (UNICEF) and the UNDP. For example, in cooperation with the UNICEF, the Working Group for Children's

Rights was established on 6 March 2009 at the National Assembly of the Republic of Serbia. The task of the Group is to improve and develop a system of protection, rights and status of children, to control the implementation of laws and other acts that regulate this area, to harmonize the national legislature with international standards and to establish cooperation with national institutions, international organizations and social groups.[52]

Despite all the risks involved in this support, such as having an unstable coalition government and the threat of new elections, UNDP, SIDA, OSCE, NDI, SDC and other agencies through dedicated PDA encouraged the National Assembly to take a more proactive role in long-term programming for further external support through the government's office for EU integrations and applying for EU Instrument for Pre-Accession Assistance (IPA) funding. Donors' position in parliamentary development in Serbia was reinforced through leading coordination of development assistance and serving as a resource hub. Its achievements contributed to raising interest in supporting parliamentary development in Serbia among several donor countries and organizations such as Norway, UK, Japan, Romania and the EU. The areas include, among others, institutional development, capacity building of staff and members, accountability and oversight mechanisms including civic engagements and public hearings.[53]

By introducing and promoting innovative tools to assist MPs in scrutinizing government spending, oversight and public hearing strengthening project strengthen parliamentary oversight and financial accountability in Serbia. It invites witnesses' statements nationwide through the public hearings. Particularly, the introduction of public hearings in the parliamentary procedure represents a significant development in parliamentary reform in recent years in Serbia. This mechanism is intended to support legislative and oversight roles of the parliament. It leads to more effective legislative processes, questioning the new policy initiatives contained within it as well as any practical and technical issues which might arise from the proposed provisions.[54] In addition, outreach, enabling two-way communication, will be introduced in pilot municipal assemblies. The project will also support the overall work of the committees in developing and systematizing a roster of experts for expert consultation and eventual mobilization. 'In fact, the *PDA is directly addressing the challenges of lack of oversight mechanisms and their effectiveness through innovative initiatives like these*'.[55]

A selection of such initiatives and projects is presented in Annex I to inform the analytical process of the study and bring greater clarity in the application of the PDA by both UN and non-UN agencies to the Parliament of Serbia. In fact, the Serbian Parliament has established successful collaborative relations with USAID on strengthening the capacities of the National Assembly aimed at improving the development of organizational capacities, achieving transparency and building up financial independence; with West Minister Foundation on Human Resource and Research Capacities; e-parliament initiative on Swedish SIDA; with OSCE on strengthening the efficiency of the legislative and control function of the National Assembly; and with NDI on programmes aimed at bringing the parliament closer to the citizens.[56]

Such initiative to systematize the relations with the independent bodies is a new trend in parliamentary development. International actors facilitated such interactions through dialogue, informed interactions and targeted meetings. They contributed to the generation of an interest in attendance and participation by senior-level participants and were highly assessed. It opened an innovative forum where independent bodies were given an opportunity to discuss their relations with the parliamentary committees and government as well as with their counterparts from other countries. The recommendations and conclusions from such process already set the ground for further parliamentary development. This, in turn, will help secure more efficient oversight of the government. The National Assembly redefined its approach in respect of the independent bodies in Serbia for further systematization of them towards a more coherent structure.

7.4.4 The Way Forward?

The small-scale projects often make a big difference by demonstrating catalytic impact. The examples of such initiatives in Serbia testify this. Visible advances were made in respect of the National Assembly work (i.e. the institutionalization of public hearings) and the normative framework regulating it. The legal framework created enables public hearings to be organized and held, and during the project duration, a total of 33 public hearings was held in the National Assembly.[57] The need for the additional support for an increased number of public hearings was expressed by the National Assembly, though the limited project budget did not cover it.[58] This innovation introduced a novelty in

the parliamentary development in Serbia. However, this also raised the legitimate question of the sustainability of such innovative and catalytic initiative. It is still early to assess this fully as there is an active project supported by the PDA contributing to the output.

There is a specific need for the permanent professionalization and capacity development training of the state officials who provide support for the deputies, in order to have specialized professional skills with the aim of providing adequate professional support and assistance. This is particularly important in the coming period because of the significant changes in the Commissions' number and scope of work, which are set forth in the new National Assembly Regulations, and the application of the part referring to the Commissions shall be started in the next parliamentary composition. Analysis of recent evaluation questionnaires[59] on public hearings shows that the majority of the participants expressed a need for the organization of consultation workshops in the National Assembly on a regular basis—i.e. that the National Assembly continually works on the education of deputies and employees of the National Assembly Service.[60] This directly contributed to the strengthening of the parliamentary oversight mechanism.

Project management and implementation prove to be key considerations for achieving results. For example, locating the project team within the National Assembly Speaker's Cabinet/secretariat is essential for developing links with key parliamentary officials that in turn secure smoother implementation of project activities as well as for building relations with the Assembly. The past project on public hearing already opened an avenue for more effective access to the National Assembly for other UN agencies as well as other development partners. It is paramount to identify key channels for internal communications with staff and MPs in order to secure the active presence of the beneficiaries in project activities. However, such decision needs to be taken on a case-by-case basis.

Ownership of the project outcomes is preconditioned by a participatory approach with the key partners on management and implementation. However, such ownership is needed both at the policy and the implementation levels. Given the sensitive political context in which the parliamentary projects are often implemented, the programme implementation may come across some resistance from either coalition government or opposition parties; thus, careful consideration in multi party approach should be a prerequisite especially in transition parliaments

where the internal channels of communication are pending reform and systematization.

The newly launched three-year project 'Strengthening the Oversight Function and Transparency of the Parliament' is an apt follow-up to some of the lessons learned through engagements with key stakeholders and beneficiaries in Serbia. It demonstrated the emergence of a new breed of oversight mechanism and renewal of the fact that a robust monitoring of the executive by the parliament is an indicator of good governance.[61] This also showed the positive impact of PDA in reshaping the parliamentary oversight framework and mechanism in Serbia. The project has already encouraged policy discussions on practical solutions to lingering development issues pertaining to ensuring an effective scrutiny over the executive and inviting widest participation in the pre- and post-legislative work of the parliament.[62] However, the long-term effects of such initiative specially tackling the vexed issue of executive dominance over the parliament still remain to be seen.

In the long run, the public must see the impact as well. Increased capacities of the parliament as an institution as well as increased and improved skills of MPs and staff, accompanied by a better knowledge of international standards, should be reflected in their work, in particular in scrutinizing and adopting new legislation, as well as an increased awareness of MPs and staff with regard to their rights and responsibilities.

7.5 Conclusion

The five case studies analysed in this chapter and Chapter 6 spread over three continents—Asia [South Asia and Central Asia], Europe [East Europe] and Africa [West Africa]. Although different in contexts, the case studies presented a somewhat common front. PDA has been instrumental in shaping the parliamentary agenda within the respective national contexts. In addition to generic capacity development, it has contributed to the strengthening of oversight mechanisms in all countries. Obviously, the effectiveness of such mechanisms and application of oversight principles vary.

Success of the PDA in Afghanistan clearly depends on political and economic stability and the overall security situation. Despite all these challenges, it has demonstrated early potential to play a watchdog role in overseeing executive actions, particularly those of the powerful Afghan

presidency and the cabinet. With somewhat different challenges deriving from its transition from a presidential form of government to a parliamentary one, Kyrgyzstan has been grappling with the need for corresponding business process engineering at all levels of governance. This includes, among others, parliamentary administration, sectoral ministries and presidential administration. Whether the existing and newly developed parliamentary oversight mechanisms will lead to a national anti-corruption policy and related strategies is still an open question. Careful targeting and application of the PDA coupled with national ownership are a precondition for eventual development of such approach to address corruption issues in a strategic manner.

Serbia presents an interesting model of public hearings to deepen parliamentary oversight capacity with active participation of the citizenry. It gives parliaments an opportunity to use the widest possible source of information, from academia and experts to the interested and affected citizens, to improve policy-making and implementation, on behalf of their electorate. It leads to more effective legislative processes, questioning the new policy initiatives contained within it, as well as any practical and technical issues which might arise from the proposed provisions. Once policies are adopted, public scrutiny hearings may be used to oversee their implementation and question those responsible for possibly not implementing them. The role of the PDA is quite obvious here as shown by some of the innovative and catalytic examples which are being generated by development projects supported through both UN and non-UN actors.

It is apparent that the complex challenges of executive–legislative relations still remain in these countries. These include, among others, the ability of the legislature to participate in government formation and policy shift, influence legislation and hold the executive to account. This directly impacted legislative bodies' ability to perform oversight function effectively. The examples of Afghanistan and Kyrgyzstan are cases in point.

The next chapter (Chapter 8) undertakes comparative case study analysis to offer comparative perspectives and development insights of these case studies coupled with some of the critical lessons learned from different parliamentary initiatives in a host of other developing countries. Therefore, Chapter 8 will widen the discussion beyond these 5 case studies as highlighted in Chapters 6 and 7.

Notes

1. DFID, "Reducing Poverty by Tackling Social Exclusion," A DFID Policy Paper, London, DFID, 2005.
2. Details on the World Bank's LICUS programme [The Low Income Countries Under Stress] can be found at the World Bank site http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/STRATEGIES/EXTLICUS/0,,menuPK:511784~pagePK:64171540~piPK:64171528~theSitePK:511778,00.html (accessed on 27 June 2013).
3. See Independent Evaluation Group, *Engaging with Fragile States: An IEG Review of World Bank Support to Low-Income Countries Under Stress* (Washington, DC: IEG/The World Bank, 2006). The full report can be downloaded from the following link at http://lnweb90.worldbank.org/oed/oeddoclib.nsf/DocUNIDViewForJavaSearch/A4D6461B0067E049852571F500551E1B/$file/licus.pdf (accessed on 10 February 2014).
4. OECD, *Conflict and Fragility: Managing Risks in Fragile and Transitional Contexts—The Price of Success?* 2011, available online at OECD site http://www.oecd.org/dac/incaf/48634348.pdf (accessed on 16 April 2013).
5. Background information is available online at BBC country profile site http://news.bbc.co.uk/2/hi/europe/country_profiles/5050584.stm. See also Wikipedia at http://en.wikipedia.org/wiki/Kosovo%E2%80%93Serbia_relations (accessed on 26 March 2013).
6. A transition economy or transitional country/economy refers to an economy which is changing from a centrally planned economy to a free market. Transition economies undergo economic liberalization, where market forces set prices rather than a central planning organization. In addition to this trade barriers are removed, there is a push to privatize state-owned businesses and resources, and a financial sector is created to facilitate macroeconomic stabilization and the movement of private capital. All these have clear political ramification in both policy and legal reforms and structural and institutional changes. The process has been applied in China, the former Soviet Union and Communist bloc countries of Europe, and many developing countries and detailed work have been undertaken on its economic, political and social effects. For further study, see, Edgar L. Feige, *The Transition to a Market Economy in Russia: Property Rights, Mass Privatization and Stabilization*, available at http://ideas.repec.org/p/wpa/wuwpdc/0312001.html (last accessed on 14 April 2013). See also, Gregory S. Alexander and Grażyna A. Skąpska, *Fourth Way? Privatization, Property, and the Emergence of New Market Economics* (New York and London: Routledge, 1994), pp. 57–78.

7. For country profile and further details, see BBC at http://www.bbc.co.uk/news/world-south-asia-12011352. Also see Wikipedia at http://en.wikipedia.org/wiki/Afghanistan (last accessed on 10 February 2013).
8. See the details of the CPI ranking for Afghanistan at the Transparency International site https://www.transparency.org/country/AFG (accessed on 4 March 2018).
9. A Jirga (often Jargah) is a tribal assembly of elders which takes decisions by consensus, particularly among the Pashtun people but also in other ethnic groups near them; they are most common in Afghanistan and among the Pashtuns in Pakistan near its border with Afghanistan. It is similar to that of a town meeting in the USA or a regional assembly in England, where important regional matters are addressed among the people of the area. See details about traditional Loya Jirga at http://jirga.gov.af/en (accessed on 30 September 2012).
10. For further details visit website of the Afghan National Assembly at http://www.nationalassembly.af/index.php@id=1.htm (accessed on 23 March 2012).
11. See UNDP Afghanistan site at http://www.undp.org.af/WhoWeAre/UNDPinAfghanistan/Projects/dcse/prj_seal.htm (accessed on 23 April 2010).
12. See USAID Afghanistan site at http://afghanistan.usaid.gov/en/Activity.71.aspx (accessed on 23 April 2010).
13. The process of establishing a brand-new parliament during 2005–2006 periods had created new hopes in both inside and outside of Afghanistan for a renewed democratic beginning. The author had several opportunities to interact with many key Afghan stakeholders during the transition phase, all of whom were very upbeat in their expectations from a new parliament despite challenges of security and maladministration including rampant corruption.
14. For a host of news links and information, visit Wikipedia's *Afghan Presidential Election 2009* page at http://en.wikipedia.org/wiki/Afghan_presidential_election,_2009 (accessed on 14 October 2012).
15. Anand Gopal, "Afghan Parliament Election 2010: Voter Fraud, Ballot-Stuffing Witnessed in Wardak Afghanistan," *The Christian Science Monitor*, 18 September 2010, available at http://www.csmonitor.com/World/Asia-South-Central/2010/0918/Ballot-stuffing-witnessed-amid-troubled-Afghanistan-vote (accessed on 14 October 2012).
16. In fact, it is critical to discuss the state of governance in Afghanistan, and many stakeholders have been doing that, suggesting major overhauls to its Constitution including a changeover from a presidential system to a Westminster-type prime ministerial one. However, local context needs to be seriously considered in any such reform initiative in future. In several

interviews with the stakeholders, the author was cautioned that any prototyping and/or replication without due localization will not address the complex challenges that the country has been facing over decades.

17. In several preparatory interviews and informal interactions of the author with the members of the parliamentary leadership and the office of the president during the inception period (2005–2006) of the Afghan National Assembly, many of them expressed optimism that such oversight process will gain momentum gradually with continued learning, capacity development, exposure to international good practices and adjustments throughout the checks and balance processes established by the Constitution of Afghanistan.
18. See Parliamentary Bulletin 05/2007 published by Konrad-Adenauer-Stiftung (KAS), available online at http://www.kas.de/afghanistan/en/publications/11029/ (accessed on 15 February 2011).
19. See D. Ennis, *Analysis of the Legal Electoral Framework of Afghanistan*, Washington, DC, IFES, 2006, p. 7, available online at IFES site http://www.ifes.org/Content/Publications/White-Papers/2006/Analysis-of-the-Legal-Electoral-Framework-of-Afghanistan.aspx (accessed on 20 February 2014).
20. S. Sinha, *Afghanistan: Building an Effective, Capable and Inclusive State*. The paper was prepared for the UNDP global Community of Practice meeting in Dakar, Senegal, 15–19 February 2010 (unpublished, on file with author).
21. The author, as part of his professional responsibility, observed this first-hand while coordinating weekly meetings in Kabul of donors working in the field of parliamentary development in Afghanistan during 2005–2006.
22. The interviews, interactions and professional engagements took place during 2005–2006 in Kabul. These were further verified interviews and Skype follow-up discussions with parliament secretarial leadership, officials and project staffers during 2008–2014.
23. India–Afghanistan parliamentary collaboration has been in rapid progress. See also 'India-Afghanistan Parliamentary Dialogue' at the Federation of Indian Chambers of Commerce & Industry (FICCI) site http://www.ficci-inafpd.com/htm/overview.html (accessed on 8 December 2013).
24. Griff Witte, "Once-Docile Afghan Parliament Stands Up to Karzai and Becomes an Ally of U.S," *The Washington Post*, 22 April 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/04/22/AR2010042203943.html (accessed on 12 October 2012).
25. See Tolonews.com, *The Afghanistan High Office of Oversight and Anti-corruption Was Called Out for Corruption by Afghan Lawmakers*,

http://www.tolonews.com/en/afghanistan/7427-afghan-lawmakers-accuse-corruption-watchdog-of-corruption (accessed on September 16, 2012).

26. Democracy International Survey conducted for the USAID is available online at http://www.democracyinternational.com/sites/default/files/Afghanistan%20Survey%202012%20-%20Executive%20Summary%20and%20Statistics_1.pdf (accessed on 27 February 2014).
27. The executive summary of the Democracy International survey [Nov 2012] is available at http://www.democracyinternational.com/sites/default/files/Afghanistan%20Survey%202012%20-%20Executive%20Summary%20and%20Statistics_1.pdf (accessed on 30 March 2013).
28. See International Crisis Group, *Afghanistan: The Long Hard Road to the 2014 Transition*, Brussels, ICG Asia Report No. 236, 2012. The full text of the report is available at http://www.crisisgroup.org/~/media/Files/asia/south-asia/afghanistan/236-afghanistan-the-long-hard-road-to-the-2014-transition.pdf (accessed on 14 October 2012).
29. This trend was endorsed by a number of present and former members and staffers of the Afghan National Assembly from both houses and when interviewed for this research [interviews took place during 2009–2010 periods].
30. Based on the researcher's semi-structured interviews, participant observations and reviews of donors' initiatives, it appeared that some of the offerings of bilateral donors were more geared towards offering external capacity (capacity supplement) to achieve short-term strategic goals, i.e. managing an international event, drafting policy or legislation, and not developing capacities of local staff and experts which is long term and sustainable.
31. Below the provincial level, however, almost 390 District Development Assemblies are currently functioning in the absence of elected district councils, covering over 96% of districts and filling a district-level gap in governance. For additional details consult UNDP's results factsheet at http://www.undp.org.af/Publications/KeyDocuments/2012/Results-Afghan_FINAL.pdf (accessed on 10 February 2013).
32. The situation in Afghanistan has been complex and fragile. There were uncertainties about the political, security and economic future of Afghanistan, notably: the outcome of the 2014 elections and formation of an effective government (2015 government of national unity); whether there will be a long-term political settlement; eventual sustainability of any such political consensus, economic growth; human security; and the role of Afghanistan's neighbouring countries.
33. For further details, see *BBC News* at http://www.bbc.co.uk/news/world-asia-16186907 (accessed on 10 February 2013).

34. See the details of the CPI ranking for Kyrgyzstan at the Transparency International site https://www.transparency.org/country/KGZ (accessed on 3 May 2018).
35. For more details see Erica Marat, "Kyrgyzstan: A Parliamentary System Based on Inter-Elite Consensus," *Demokratizatsiya* (Autumn 2012), pp. 225–244.
36. For a recent political analysis on the state of Kyrgyz democracy, rule of law and constitutionalism, see Freedom House, Nations in Transit 2013, Washington, DC, Freedom House, 2014, the section on Kyrgyzstan is available at http://www.freedomhouse.org/report/nations-transit/2013/kyrgyzstan#_edn7 (accessed on 25 February 2014).
37. A party must clear a threshold of 5% of registered voters (i.e. based on all eligible voters as opposed to votes cast) nationwide and a second threshold of 0.5% of registered voters in each of the country's seven regions, plus the cities Bishkek and Osh. The actual threshold is in effect much higher due to deceased and emigrated voters populating the list and internal migrants unable to vote due to complicated and burdensome procedures for changing registration (propiska) and securing an absentee ballot.
38. This is based on author's unstructured interviews and participant observation (the first participant observation was based on a discussion held inside Kyrgyz Parliament [1 February 2012] with a group of members of parliament in Bishkek during his field visit in February 2012).
39. BBC, "Timeline: Montenegro," *BBC News*, 26 September 2007, available at http://news.bbc.co.uk/2/hi/europe/country_profiles/5075632.stm (last accessed on 15 February 2012), June 2006—Montenegro declares independence, Serbia responded by declaring itself the independent sovereign successor state to the Union of Serbia and Montenegro.
40. See BBC site at http://news.bbc.co.uk/hi/english/static/in_depth/europe/2000/milosevic_yugoslavia/default.stm (accessed on 04 April 2012).
41. See Press Release 84 of European Council, available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/128445.pdf (accessed on 26 March 2013).
42. The arrest of Ratko Mladic, one of the most wanted war crimes suspects, indicted by the ICTY on charges of genocide and other war crimes committed during the 1992–1995 war in Bosnia and Herzegovina (BiH), on 26 May 2011 improved Serbia's cooperation with the ICTY and brought Serbia closer to EU accession. For details, see ICTY website at http://www.icty.org/case/mladic/4 (accessed on 26 March 2013).
43. See the details of the CPI ranking for Serbia at the Transparency International site https://www.transparency.org/country/SRB (accessed on 3 May 2018).

44. The tensions between Serbia and Kosovo increased after Kosovo's special police forces tried to take control of the two border crossings in Serb-dominated northern Kosovo in July 2011, cumulating in clashes between the two sides in September 2011. On the 2nd of December, Serbia and Kosovo reached an agreement on border-crossing checks. Further agreements between Kosovo and Serbia were made on the 24th of February 2012 on Kosovo's representation at regional meetings and on the management of Kosovo's border with Serbia. For additional information, visit UN News Center at http://www.un.org/apps/news/story.asp?NewsID=44465&Cr=kosovo&Cr1=#.UVFXlhdeb-Y (accessed on 26 March 2013).
45. Article 100, The Constitution of the Republic of Serbia, the full text of is available online at the Government of the Republic of Serbia site at http://www.srbija.gov.rs/cinjenice_o_srbiji/ustav_odredbe.php?id=222 (accessed on 10 December 2013).
46. Ibid., Chapter V (Organisation of the Government).
47. Comparison available in Serbian at http://www.seio.gov.rs/upload/documents/nacionalna_dokumenta/npi/npi_oktobar_decembar_20111.pdf (accessed on 9 February 2013).
48. Consultations were conducted prior to the formulation of the UNDP parliament project. A related news item is available online at http://www.gopacnetwork.org/Docs/Parl%20Fighting%20Corruption%20a%20conceptual%20overview%20EN.pdf (accessed on 4 July 2012).
49. Public hearings have for the first time been included in the Law on Parliament and the Rules of Procedure. The Law on the National Parliament (2010) and the new Rules of Procedure (Articles 83 and 84) set the legal framework for organizing public hearings. Article 83 of the Rules of Procedure establishes that: 'Committees may organise public hearings for the purpose of obtaining information, or professional opinions on proposed acts which are in the parliamentary procedure, clarification of certain provisions from an existing or proposed act, clarification of issues of importance for preparing the proposals of acts or other issues within the competences of the committee, as well as for the purpose of monitoring the implementation and application of legislation', i.e. realisation of the oversight function of the National Assembly.
50. Right after technical inputs provided through an international conference facilitated by UNDP, the first State Audit Report was presented to the parliament formally. This was shared with the researcher by staff members from the Parliament of Serbia and one of its Parliamentary Development Project.
51. See UNDP Project to support Parliament at UNDP site http://www.rs.undp.org/content/serbia/en/home/operations/projects/democratic_governance/strengthening-the-oversight-function-and-transparency-of-the-par.html (accessed on 12 October 2013).

52. See the list of activities with the United Nations System available online at the National; Assembly of the Republic of Serbia site http://www.parlament.gov.rs/activities/international-cooperation/multilateral-activities/united-nations.599.html (accessed on 15 August 2013).
53. Based on participant observation followed by the researcher's unstructured interviews with donor representatives during 10–11 September 2011 in Belgrade.
54. For further details on public hearing in Serbia, see UNDP Serbia's website at http://www.rs.undp.org/content/serbia/en/home/ourwork/democraticgovernance/successstories/public-hearings-become-a-standard-practice-in-the-serbian-parlia/ (accessed on 6 February 2014).
55. Views expressed by UNDP Serbia focal point for parliamentary development in an interview with the researcher on 17 February 2012. See the media release and relevant project and partnership details available at UNDP Serbia site http://www.undp.org.rs/index.cfm?event=public.newsDetails&revid=967AC5E0-A4FC-9F23-FF241110B1A443D6 (accessed on 16 September 2012).
56. See details at Serbian Parliament site http://www.parlament.rs/activities/international-cooperation/partners.604.html (accessed on 3 March 2012).
57. See the related story at UNDP Serbia site http://www.undp.org/content/serbia/en/home/ourwork/democraticgovernance/successstories/public-hearings-become-a-standard-practice-in-the-serbian-parlia/ (accessed on 8 December 2013).
58. Final Evaluation Report of the UNDP Project: Strengthening the Accountability of the National Assembly of the Republic of Serbia, Belgrade 2012, available at UNDP Serbia site http://www.undp.org/content/dam/serbia/Publications%20and%20reports/English/UNDP_SRB_Final_Evaluation_of_the_UNDP_Project-Strengthening_the_Accountability_of_the_National_Assembly_of_the_Republic_of_Serbia.pdf (last accessed on 1 June 2014).
59. Ibid., Internal evaluation done as part of the Final Evaluation Report of the UNDP Project: Strengthening the Accountability of the National Assembly of the Republic of Serbia, Belgrade, 2012.
60. Evaluation, ibid., see also related section of the public website of National Assembly of Serbia at http://www.parlament.gov.rs/national-assembly/organisation-and-support-service/national-assembly-secretary-general/national-assembly-secretary-general.517.html (accessed on 17 December 2013).

61. The project document is available at UNDP website http://www.undp.org.rs/download/Parliament%20project%20document%20signed.pdf (accessed on 16 September 2012).
62. See the reference to the project in the blog posted by UN Resident Coordinator and UNDP Resident Representative in Serbia, available at http://www.trust.org/trustlaw/blogs/anti-corruption-views/in-serbia-a-new-era-and-new-social-contract-are-emerging/ (accessed on 9 February 2013).

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CHAPTER 8

From Learning to the Visioning

8.1 Introduction

This chapter reviews the case studies and analyses the effectiveness of Parliamentary Development Assistance. In addition to offering a comparative perspective, reflections, lessons learned based on the current research, this chapter aims to explore a follow-up agenda for action for the parliamentarians, parliamentary administration, academia and the international community.

The available evidence suggests that while there have been some successes, for instance, in terms of increasing the effectiveness of parliamentary committees in a number of countries—one of the areas that donors keen to see aid better accounted for—donors' contribution to parliamentary strengthening has had a limited impact. For example, a review of Sida's support in this area noted that parliamentary strengthening activities have tended to focus on parliament as a self-contained entity, rather than as part of a wider political and social system. As a result, parliamentary strengthening has tended to focus on the symptoms of a 'dysfunctional political process' rather than the underlying social and political causes.[1] While this review was of Sida's support, its findings are of wider relevance and very much echo a highly critical independent assessment of support to democratic institutions including legislatures made some years earlier.[2]

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8.2 A Snapshot of the Five Case Studies

The comparative assessment of the five case studies analysed in Chapters 6 and 7 enables us to unearth key lessons. Table 8.1 outlines some of the key characteristics of these country case studies.

8.2.1 Analysis of the Case Studies

Table 8.1 helps to clarify the relevance of the PDA in the respective national governance and parliamentary development agenda. PDA played an explicit role in conflict-settings and post-conflict state building situations when parliamentary strengthening becomes an integral part of the national development and governance agenda. The table also demonstrates that support to oversight mechanism is a growing area of technical assistance.

The UN and USAID have led the strongest involvement in Afghanistan by the international donor community, particularly its big investment in establishing its National Assembly in 2005 made it a relevant example of the PDA. Of course, the continued conflicts at several fronts, including its porous borders and post-conflict state building at the central level, fledgling and ethnicity driven political party system, widespread corruption, make the Afghan case more challenging. The notion of parliamentary oversight mechanism is a new development in the context of the Afghan government system heavily dominated by its strong presidency and the executives. However, the PDA has made gradual inroad in supporting the newly established Afghan National Assembly and building legislative capacities to perform the job of oversight of the executives. This is also reflected in Table 8.1.

Unlike Afghanistan, PDA has never been linked to the overall governance agenda in Bangladesh. A number of donors supported the Parliament of **Bangladesh** and its successive members over a period of more than a decade. Bangladesh presented a major challenge of 'democracy consolidation'. A deep political division, partisan behaviour, political intolerance, and corruption posed particular difficulty in implementing the parliamentary reform agenda. The PDA, however, managed to accomplish some procedural reforms (i.e. change in the Rules of Procedures, better functional alignment between committee system and state audit bodies, increased awareness of lawmakers of their oversight functions and enhanced public outreach through e-governance) and develop a cadre of specialists among lawmakers who understand their challenging

role. However, due to the confrontational nature of politics and winner takes all attitude, Bangladesh remains a challenging case for an effective parliamentary democracy.

As it is evident from Chapter 7, international assistance in Kyrgyzstan includes, among others, preserving democratic stability and preventing a new conflict in the **Kyrgyz Republic** by providing institutional, legal and financial support to the main governance actors implementing the reform programme linked to the development of the new legal framework. Despite its shortcomings and political challenges, the Kyrgyz parliamentary model, the first in Central Asia, provides an effective and attractive example of orderly and lawful transition in power in Central Asia.[3] Both UN (UNDP) and EU have been an active partner with the successive governments in the process of slow but gradual change. PDA proves to be particularly relevant in transitioning Kyrgyz presidential governance structure into a parliamentary one. The assistance to the establishment of this new framework is being channelled through selected rule of law institutions such as the Ministry of Justice, the Parliament, the Chamber of Accounts, Ombudsman and eventually Civil Society institutions. The PDA has proved critical in supporting these agencies to achieve the objectives set in the new constitution, optimising international good practices and experiences.

Ghana presented a somewhat different and positive trend of 'democracy consolidation' in Africa. Development partners, who recognize Ghana's history of executive dominance, have naturally been keen to improve the capacity of parliament. A host of donors, including international think tanks and NGOs, are working with the Parliament of Ghana, and the parliamentary strengthening projects and initiatives are adding value to the efforts to enhance the effectiveness of Ghana's parliament. The most extensive support has been given to strengthening the parliament's capacity to oversee the country's financial affairs. They have facilitated conducting training workshops, and exchange visits, as well as provided support for a number of parliamentary committees, notably the public accounts committee. While the problem of executive dominance remains, development partner support has helped increase parliament's accountability role, transparency and public participation. As it is evident in Chapter 6, not all donor practices have been found to be helpful. For example, directly channelling external support through the presidency and the finance ministry has made it increasingly difficult for parliament to play a part in deciding how that money is used, and thus parliament's capacity to hold the executive to account is diminished. The comparative table

Table 8.1 PDA in Stable and Fragile Contexts

Country	*Type of political system*	*Focus of Aid/PDA*	*Lead agencies involved*	*Amount Spent USD (approx.)*	*Challenges*	*Outcome*
Afghanistan	Presidential	Establishment and capacity development of new parliament. Operational, and Legislative support to parliament, law-makers and staffers; Development of strategic plan, Legislative reform agenda; Support to oversight mechanisms and executive–legislative relations, support to communication and media advocacy.	UNDP, US AID, The Governments of France, India, Italy, Germany	75–100 million (approx.)	Active conflicts, ethnic divisions and tensions, tribalism, corruption, lack of donor coordination, very weak parliament, strong presidency, lack of institutional experience in legislative development including executive–legislative relations.	Parliament established and functioning in a fragile environment. Capacitated with knowledge and skills for parliamentary oversight and legislative drafting. Public outreach is often limited by major security concerns.
Bangladesh	Parliamentary	Capacity development of MPs and staffers, procedural reform and functional analysis, legislative drafting, support to oversight mechanisms (especially finance committees) and strengthening linkages with the supreme audit body, provision for independent analytics.	UNDP, DFID, The World Bank, USAID, The Netherlands	USD 35 Million (approx.)	Corruption, lack of mutual trust among political parties, lack of (matured) democratic culture, weak institutions, lack of interest in independent institutions and information and analysis services.	Procedural reforms partly accomplished. Committee system strengthened and streamlined. Parliamentary knowledge resource base (library and e-legislative services) strengthened.

(continued)

Table 8.1 (continued)

Country	*Type of political system*	*Focus of Aid/PDA*	*Lead agencies involved*	*Amount Spent USD (approx.)*	*Challenges*	*Outcome*
Ghana	Presidential (somewhat influenced by westminster model)	Capacity development of staff and lawmakers; support to oversight mechanisms, e-governance and public outreach.	UNDP, The World Bank Institute. African Development Fund, DFID, CIDA, DANIDA, Canadian Parliamentary Center	USD 25 million (approx.)	Lack of resources and capacities, institutional bottlenecks, weak oversight mechanisms	Functional parliamentary system with functioning oversight mechanism established.
Kyrgyzstan	Parliamentary	Law reforms; strengthening of legislative drafting, specific/targeted capacity development, including parliament's role as an oversight body.	UNDP, EU, USAID, INGOs	USD 20 million (approx.)	Lack of Parliamentary practices and culture, dominance of executives, over dependence on law reform agenda.	Parliamentary committees established and supported; New laws enacted replacing old legal order. Policy awareness built on parliamentary oversight.
Serbia	Parliamentary	Support to oversight mechanisms, civic engagement/public outreach (public hearing etc.), capacity development	UNDP, Council of Europe, OSCE, NDI, SDC	USD 10 million (approx.)	Lack of political cohesion, challenges linked to EU accession agenda, impact of past conflicts	Strengthened civic engagement in oversight mechanism and processes by the institutionalisation of public hearings in the national assembly.

of case studies and the narratives of the preceding chapter, however, demonstrate that the Parliament of Ghana is generally perceived to be performing its oversight functions well, even under constitutional restraints and de facto executive dominance.

The National Assembly in **Serbia** has been forging new partnerships with development partners (i.e. UNDP, SDC and UK Government) to strengthen functional capacities and legislative competence, its oversight mechanisms with a touch of innovation, i.e. public accountability and oversight through public hearings and participation. The parliament has also supported the government's accession to the European Union agenda. Technical assistance from external partners strengthened parliament's capacity to meet the requirements of the European Commission in the context of Serbia's candidacy to become a member state of the European Union. All these point towards increasing the role of the Parliament in Serbian national politics. It has also demonstrated early potential for innovative approaches in strengthening oversight and public accountability mechanisms through greater civic engagements in the form of public hearings in Serbia, to complement traditional surveys.

8.3 Analytical Reflections: Limited Evidence, a Few Successes and Widening Challenges

Governance and institutional reforms are often over-specified, and the corresponding solutions are oversimplified. Reforms are over specified because, for every area of reform, international community-donor agencies tend to offer pre-packaged solutions. This was also evident in case studies presented in previous chapters. Programming and policy solutions are oversimplified because they are not keen on taking on the complexities and challenges of the specific context: the rules of the game, the disposition of interest groups, the state of local politics, level of corruption and maladministration and so on. These are difficult challenges and take too long. For example, tackling corruption is a vexed governance challenge requiring multifaceted approach including engagements of parliamentary oversight mechanism together with national integrity system. Such joined-up approach is not easy and needs long-term investment. Therefore, the temptation for short-term quick wins is too high. In analysing the Corruption Perceptions Index (CPI) scores and corresponding rankings used in all of the country case studies (Chapters 6 and 7),

it is interesting to note that countries where parliamentary oversight mechanisms are perhaps better integrated with the national integrity system and accountability institutions, the popular perceptions of corruption get better (Table 8.2).

For example, **Afghanistan**, where aid has not become very effective in promoting democratic principles, ranked at almost the bottom of the CPI ranking (177 out of 180 countries). In **Ghana**, where international community did significantly better at connecting oversight mechanisms with national institutions, the CPI index benefited from a surge in the score (40) and corresponding ranking (81). This trend is consistent with all other country examples used in previous chapters.

The parliamentary strengthening projects and initiatives with oversight components which different agencies have supported underline important lessons; the projects most likely to succeed are demand-led (not supply-driven), take full account of local context, involve harmonization and coordination between donors, and are sustained, are the most likely to succeed (i.e. Serbia and Kyrgyzstan). The international community has also witnessed this as they supported the Afghan parliament as it grew from what many viewed as simply a government rubber stamp to a somewhat vibrant branch of government with fledgling oversight mechanisms.[4] Clearly, the Afghan parliament is still in a developmental stage. In contrast, supply-driven, short-term projects lacking thorough political analysis [not backed by ownership and support from multi stakeholders], which duplicate and undermine existing initiatives are likely to fail. This can be well exemplified by the donors' efforts in Bangladesh to influence parliamentary development without understanding political culture. The challenges that donors face in providing effective support to parliamentary strengthening relate in large part to the complex

Table 8.2 Corruption Perception Index (CPI) in 2017[a]

Country	*Score (0–100)*	*Ranking (1–176)*
Afghanistan	15	177
Bangladesh	28	143
Kyrgyzstan	29	135
Ghana	40	81
Serbia	41	77

[a]For details, see Transparency International website at https://www.transparency.org/news/feature/corruption_perceptions_index_2017#table (accessed on 23 February 2018)

governance landscapes on which parliaments are situated and donors' failure to understand or engage effectively with those complexities (i.e. Afghanistan and Bangladesh).

For donors, key challenges include, among others, a more strategic use of aid clearly aligned with country needs and priorities (i.e. Ghana), complemented by, for example, full national ownership (i.e. Kyrgyzstan and Afghanistan), political will (i.e. Bangladesh) and long-term agenda and stability (i.e. Serbia). It is valuable to explore why and how this is done, but it is also relevant to assess the impact and value of such initiatives (i.e. Ghana and Serbia). Such evaluation will provide an objective assessment of agency contributions to national development results. Evaluation should address what works and why, as well as what does not work and unintended outcomes.

Few donors have comprehensive records of their spending on support to parliaments, making it hard even to estimate the scale of support. The country studies presented before are cases in point. There has been a recent upsurge of interests in the provision of support to parliaments with some donors giving more emphasis to parliaments (Ghana and Serbia are examples of such emphasis) and some increasing their funding specially on anti-corruption and oversight mechanisms.[5] Nevertheless, support to parliaments remains a very small component of overall aid.

There have, however, been some encouraging moves. First, the Commonwealth Parliamentary Association, the National Democratic Institute, the Inter-Parliamentary Union and the World Bank Institute have collaborated on the production of guidelines and benchmarks that might be used to assess parliamentary performance. Second, the UNDP has been involved in the production of indicators, regional benchmarks and regional peer review processes in relation to parliaments.[6] Third, some donors—particularly USAID—have made considerable efforts to make progress on systematic, and rigorous outcome-focused evaluations.

The available evidence suggests that while there have been some successes, for instance, in terms of increasing the operational effectiveness of key parliamentary committees (i.e. Budget Committee, Public Estimate Committee and Public Accounts Committee in most of the PDA countries) and oversight mechanisms (i.e. public hearing and periodic visit of parliamentary committees backed by follow-up in Serbia and Bangladesh). However, donors' support to parliamentary strengthening has still had a differentiated, often, limited impact.

8.4 Learning from the Past

Parliamentary development is a long-term process and requires long-term commitment. Development partners will need to make longer-term commitments to projects, and reduce the number of short-term interventions. The PDA has, perhaps, moderate influence in the way parliaments in developing and transitional countries are being established and developed (i.e. Ghana) and this per se is an important reason to conduct further research in this area.[7] This is particularly important in assessing the impact of the PDA in conflict and post-conflict societies where knowledge codification process is weaker. The example of Afghanistan and Serbia are some of the notable cases in point.

A key lesson is that it is unrealistic to expect quick results from support for legislative strengthening. In particular, a change of basic attitudes towards legislative scrutiny within the executive and members of some of the internal studies carried out by development partners signal moderate success of their programmatic interventions in addressing the vexed issues of corruption through support to oversight mechanism. This study has identified the following several key areas of lessons learned and good practices.

Cost and quality of data are important considerations to measure progress. It is important to keep a reasonable balance between the need for data and the cost of data. Collection of quality information has proved to be a challenging task in countries where capacity is weak. In view of resource and capacity constraints (i.e. Kyrgyzstan) and absence of enabling environment (i.e. Afghanistan), an effective mechanism should identify simple but meaningful indicators that can be managed in countries with weak data collection, processing and analysing capacity.

A plethora of important international anti-corruption conventions have been agreed in the last few years, including the UN Convention against Corruption (UNCAC), the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the African Union Convention on Preventing and Combating Corruption. For global initiatives to work there needs to be a clear implementation strategy and functional oversight mechanisms at home. Parliamentarians need to hold their governments to account by urging ratification of these international conventions. This also includes monitoring of the executive processes and legislative follow-up. Transparency,

oversight, accountability and good governance are the principles in the campaign for effective and democratic government.

The information parliamentarians and their citizens receive on development assistance is incomplete or non-existent, including in cases of initiatives to strengthen parliamentary capacity (i.e. Afghanistan, Bangladesh and Kyrgyzstan). They recognize that some of their colleagues might use greater information and involvement for purposes other than development, but feel that the preferred access without disclosure that is available to the executive branch—or a small number of officials within the executive branch—is a greater risk. Greater transparency would also enable the parliamentarians to use oversight mechanism better (i.e. public hearing in Serbia).

Development assistance initiatives should align well with the preventive anti-corruption policies and programmes under the international standards (i.e. UNCAC). Although development assistance can foster governance improvements and the prevention of corruption (i.e. strengthened oversight mechanism), without transparency it can also create opportunities for corruption. Keeping an eye on government's programmes and spending is also the most important way in which parliamentarians can ensure that their country realizes its growth and development potential. The establishment of the Public Accounts Committee (PAC) in Ghana with the support from the international community is a step in the right direction.

Special parliamentary committees could help making parliaments more responsive by broadening community access to the parliamentary process, whereby marginalized sections of the community or groups may gain a voice in the deliberative process through their parliamentary committee. The existence of those committees could broaden the participation in the deliberative process of those whose lives will be affected in specific ways by legislative proposals. This will complement existing oversight mechanisms by widening parliamentary outreach to disadvantaged groups and marginalized/excluded communities.

While an appropriate legal framework and adequate resources constitute critical elements for the effective representational role of parliament, it is imperative that oversight functions gain credibility from popular participation. Hence it is important that individual MPs, as well as members of the executive, understand the rationale and the necessity for public participation—civic engagements in decision-making and its oversight, one of the purposes it serves. Thus, effective and efficient public

participation in decision-making requires the political will on the part of the executive, the parliament and individual MPs to utilize their representational function and different tools at their disposal.

Donor agencies need to publish what they pay, but recipient countries should also publish what they receive. Similar to the issues around public accounting for resource revenues, development assistance should be identified in a country's public accounts and subject to parliamentary oversight for expenditures and results. Furthermore, parliaments should hold their governments[8] to account for their commitments to the donor agencies.

An effective project concept developed following both bottom-up and top-down approaches (project design). Factors like responsible and timely implementation, the inclusion of the national partner in the decision-making process during the project formulation as well as the implementation of the major parts of the project through national procedures are of critical significance. These resulted in recognizing technical service providers as a serious and reliable partner—often of the most preferred for cooperation of all international organizations and other international partners. This approach to the national partner and well-established relationship opened the National Assembly's door to other specialized UN agencies (UNHCR, UNICEF, UNFPA, IOM, UN WOMEN, WHO etc.). However, following the external conditions should be considered in both design and implementation phases of any PDA project:

- The sufficiency of political stability and legislative functionality;
- The possible impact of changes in political rule or leadership;
- Role of opposition party and groups and their relationship with ruling parties/coalitions;
- The strength of demand for transparency and oversight from civil society, media and the public; and
- The political incentives of MPs and other key stakeholders for reforms and/or change.[9]

The PDA, technical in nature, should address politics at different level of its support:

- Strengthening the independence and the general capacity of parliament is a necessary precondition for oversight work;
- Activities should involve key stakeholders and build cross-partisan trust;

- Determining the institutional functionality to constructively channel partisan conflicts;
- Measures must not neglect building capacities at the level of institutions and thereby minimize the impact of MP turnover;
- Programmes that operate at a cross-national level may have advantages in promoting reform and providing frameworks for country-level work;
- The perceived partisanship or neutrality of the assistance provider is an important factor in maximising the effectiveness of a programme; and
- A crucial constraint to parliamentary effectiveness is the sheer lack of skilled MPs and parliamentary staff, as well as of necessary technical knowledge and other key resources like adequate facilities and funds. Therefore, such considerations should be part of any future technical assistance package.

Given the complex nature of parliament's activities and the dynamic environment in which it operates members of parliament need to be adequately supported by national oversight (state) institutions and staff to enable them to perform their functions efficiently and effectively. This support could include, but not limited to, the provision of dedicated staff and resources in addition to those assigned to different parliamentary committees and Commissions to which most MPs belong. However, such support needs to be carefully thought through. For example, PDA projects in Bangladesh attempted to establish offices and institutions which could provide the parliament with independent analysis of budget and other issues. But these efforts have had little success not only in Bangladesh but also in countries where they were attempted due to little appetite for them from the ruling parties (Chapter 6).

Despite the similarities in objectives and overlap between legislative assistance and support for political parties, the two areas remain almost entirely separate disciplines. It is clear from the research and interviews that there is a need for far greater coordination between objectives in the two areas, to improve understanding, synergy and impact. Critically, they must also be aligned with donor efforts in other forms of democracy assistance, not least to building civil society.

Similarly, the PDA should be linked to the broader electoral cycle approach. In fact, the use of such approach [ECA] to support parliamentary development is innovative, necessary and unique in democratic

governance assistance. Too often, donor support does not extend to the parliamentary institution strengthening, risking democratic reversal and loss of investment in democratic elections. The introduction of parliamentary support into the electoral cycle approach, therefore, aims to provide a coordinated and comprehensive approach to democratic development to mitigate these risks. It certainly builds on recognized expertise and leadership of the EC and UNDP in electoral assistance. However, it will be crucial, both to the success of such novel projects and to the effectiveness of the electoral cycle approach as a methodology for parliamentary development, that the electoral process focus be seen as a precursor to broader parliamentary development activities in future engagement. The Moldovan example, shared earlier in this chapter, is a case in point.

In some instances, for example, a parliamentary project or technical assistance can be read as an endorsement of the legitimacy of a non-democratic parliament. A thorough assessment of the political context within which a parliament operates is therefore necessary to ensure that the PDA is, in fact, strengthening a weakened legislature and not assisting a rubber-stamp institution to simply be more efficient. Such evaluations are particularly important where an agency is considering a request from the executive for parliamentary assistance. In those cases, the donor or partner must first assess whether parliamentary assistance should be delivered at all and, if so, how to most effectively target assistance at the parliament's institutional and capacity weaknesses.

Many donors are also undertaking political economy and/or institutional context analysis as part of their country strategy development. However, they have found it much more difficult to use the insights emerging from that kind of analysis to develop strategic, realistic programmes that target the underlying causes of parliamentary dysfunction. However, both political party support and electoral cycle approach would be beneficial in this regard to demonstrate examples of politically sensitive technical assistance.

Increasingly, donors are supporting issue based, thematic collaboration (i.e. children, juvenile justice, youth, civic engagement, reproductive health, gender equality, climate change and humanitarian action) with national, sub-national and/or provincial legislative bodies. The major parliamentary functions (lawmaking, representation and oversight) could also be reflected around these emerging trends. These include long- or short-term interventions that work with/through parliaments/

parliamentarians to achieve these targeted, policy objectives, either as a distinct initiative or as part of a broader sectoral programme.

Multi-party parliamentary reform committees can be extremely useful from several perspectives. These committees often provide external actors supporting parliamentary reform with an institutionalized, multi-party interlocutor. Rather than the development partners just liaising with the Speaker or Secretary General for negotiating the scope of the PDA, a multi-party reform committee can help develop a broad-based set of parliamentary development priorities to guide donor efforts. Such committees can also improve the transparency of parliamentary development by providing information about parliamentary development activities to all the main political tendencies; they can also be helpful in promoting a degree of donor coordination. Measuring results against a parliament-developed reform plan can minimize criticisms that a programme is responding to externally driven priorities.

Given the complexity of aid types, the aid management cycle and the principles of the separation of powers, one of the most effective places to conduct effective oversight of aid is from within the budget cycle itself. This means that aid—for purposes of oversight by partner country parliamentarians—should at the very least be reflected fully in the government budget documentation and ex post reports. To achieve this would require interventions by all stakeholders within the aid architecture: donor parliaments, donor agencies, as well as partner, country executives and parliaments.

The success of effective oversight, anti-corruption and ethics reform campaigns within difficult terrain of parliamentary development is often facilitated by actors such as the free media, specialized NGOs-think tanks and a strong civil society. Anti-corruption efforts within the context of parliamentary oversight can be more effective if the capacity of these institutions is strengthened.

Due to the multiplicity of partners and donors involved, the maintenance of effective communication and coordination between donors/development partners will be essential if a legislative body is to be spared the inconvenience of contradictory advice, and competing demands on the time and attention of already busy staff. Those entire donor representatives with whom the author spoke indicated a desire for effective coordination, and the avoidance of duplication and overlap in programming. Of the principal players, both UNDP and USAID are committed to cooperating in the definition and implementation of an overall

assistance strategy. Other donors are increasingly showing their preference to work within similar cooperative arrangements.

8.5 Revisiting the Principles of Aid Effectiveness

Country ownership of aid, the use of country systems and the strengthening of partner country accountability systems are at the heart of new approaches to aid management. This includes recognizing that aid cannot bypass parliaments if it is to be effective, and that both donor agencies and partner governments should be accountable to their respective parliaments. In the context of the present research and country case studies (Chapters 6 and 7), it might be appropriate to revisit the key provisions of the Paris Principles, in fact, the core elements of aid effectiveness as outlined in Chapter 4.

Development partners/donors need to ensure that the content of parliamentary assistance is driven by the demands and needs of the recipients. Almost all the case studies (Chapters 6 and 7) reinforced that projects should involve key stakeholders in the design/formulation, implementation, delivery and management from an early stage. In short, the recipients should have as much interest in the project's success as the donors. Too frequently in the past, this vital element has been missing.

Development partners need to ensure that support for parliaments contributes to their broader development objectives while being mindful of potential sectoral impact which might not be positive altogether (example of donors' support to Ghana following direct budget support is pertinent here). Of course, political parties can play an equally valuable role in each of these areas. The links between democracy assistance and the wider governance agenda are often complex and pull in different directions. Another aspect to alignment within the Paris Principles is the need to ensure that support strategies for parliaments and governance (i.e. legislative reform, justice sector reform, public administration and political parties) are first aligned with each other.

Initiatives and projects should be harmonized with other development partners and reform processes within the parliament. Broader conditions such as the political environment and socio-economic conditions of the recipient country also affect project success. Both Afghanistan and Kyrgyzstan case studies documented this critical aspect. Capacity development efforts in the absence of some minimal standards are unlikely to succeed. The importance of donors harmonizing their support to

parliaments operates at several levels. The first is at the strategic level where recent developments, especially among those involved in parliamentary assistance, suggest development partners are recognizing this. The simple exchange of information in the first place is invaluable. Second, the development of indicators, benchmarks and frameworks for monitoring and evaluation can only be done effectively by donors collaborating and co-coordinating their experience. It is an essential area of activity for the improvement of parliamentary programmes.

One of the most significant movements in thinking of development partners about support to parliaments and parties is the common agreement that programmes should be judged by outcomes rather than outputs. This implies, first, engagement at a much deeper level than the traditional technical assistance, and that projects should seek to address causes rather than symptoms. In fact, the effectiveness of parliaments is determined by the behaviour of politicians, therefore projects need to seek to shape the incentive structures that influence them. These incentives might exist in the MP's relationship with the executive or the electorate, in the committee structure of the parliament or their party's prospects at the next election. The Bangladesh study is a case in point here. However, it is important that projects do not regard parliaments as monolithic institutions, and instead seek to identify the various drivers of individual activity. Second, getting meaningful results also relies on better monitoring and evaluation, so that lessons are learned and improvements made. This is a promising area of activity, with development partners recognizing the value of more thorough evaluation not only for their efforts.

If elections provide the main form of accountability by government to the people, then it is the task of parliaments to ensure that the executive is held accountable to the public between elections. Projects which seek to enhance their links with the public, their ability to represent those interests in parliament and their role in developing policies on that basis are central to the quality of accountability. As mentioned in Chapter 3, accountability should be horizontal though, as well as vertical and it may be that the variety intra-regional networks provide the basis on which to build greater interaction and peer review around development objectives and across agencies. Examining the effectiveness of the above-mentioned principles becomes easier than before due to dramatic developments in web-based technology, platforms and enhanced knowledge sharing. One of the most significant initiatives to emerge from these efforts is the Agora

web portal[10] and online community, which was set up in 2010 to make expertise more accessible and to facilitate cooperation and learning among the variety of stakeholders active in PDA. It is still somewhat early to assess the impact of Agora; however, early signs are positive, i.e. number of visitors, number of online and offline requests, level of interests among key stakeholders, including parliaments and donors. Other efforts include the development of global and regional benchmarks to monitor the performance of parliaments, as well as principles for PDA engagement.

Donor agencies have acknowledged the need for some internal reforms in order to improve the effectiveness of their governance assistance. For instance, following the publication of the 2011 World Development Report,[11] the World Bank leadership suggested several operational changes to improve the Bank's ability to support institutions including parliamentary administration in fragile and conflict-affected states. These included hiring and staffing reforms to foster greater political economy competencies and country knowledge as well as revisions to procurement, risk assessment and results measurement frameworks.[12] Even if implemented, these changes will address only part of the reform imperative, and only in the context of conflict and fragility. The need for internal reforms is far greater than just organizational repositioning without addressing some of the policy issues as evident in case studies (Chapters 6 and 7).

8.6 Conclusion

It is important to note that none of these measures will guarantee a dramatic improvement in the quality of parliaments or political parties and institutions. Neither will increased PDA solve all the problems of governance—parliamentary democracy in particular. The characteristics of parliaments in developing nations are in many respects very similar to those faced in established democracies. For example, the limited ability of parliamentarians to hold government to account, lack of robust oversight mechanism and the prevalence of patronage and client networks can be found in many established political systems and democracies. However, the impact of these problems is far greater in emerging democracies, and the fact that there is a marked difference in the quality of governance in established democracies is not solely to do with the amount of powers a parliament has. It is the wider political culture within which they sit that also prevents misuse of executive power.

It is evident that there is much more that development partners could do to ensure that their on-the-ground activities complement and support one another. Collaboration among partners—both internal and external—on joint projects to support a parliament in a country is also likely to reduce the impression of partisanship or political interference. Such support proved more effective in strengthening parliamentary oversight mechanisms and institutional ability and approach to combat corruption. Therefore, the PDA needs to be based on a realistic assessment of what is achievable and forms part of a wider strategy, which engages not just parliaments, national institutions, political groups and parties, but all elements of political and civil society. The major objective of such engagements promotes the common goal of improving the quality of democracy and development ably supported by existing and new oversight bodies and accountability system. This might further enhance the corruption fighting willingness, resources and capability of legislative bodies. The country case studies amply demonstrated this point in the previous chapters.

Notes

1. See K.S. Hubli, and M. Schmidt, *Approaches to Parliamentary Strengthening: A Review of Sida's Support to Parliaments*, Stockholm, Sida Evaluation, 2005, p. 5, available online at the SIDA site www.sida.se (accessed on 31 December 2013).
2. Thomas Carothers, *Aiding Democracy Abroad: The Learning Curve* (Washington: Carnegie Endowment for International Peace, 1999), p. 409.
3. The former President Almazbek Atambayev is a co-author of the constitution and actively promotes both the one term limit for president and the Parliamentary system of political power sharing. For details, read a news analysis the prospect of democracy in Central Asia at http://www.opendemocracy.net/od-russia/baktybek-abdrisaev-alexey-semyonov/spring-coming-soon-to-central-asia (accessed on 3 April 2013).
4. Based on author's interviews and discussions with senior management (Secretary General and Director of thematic departments) of the Parliamentary administration (Secretariat of the Afghan National Assembly) during September-October 2009 (facilitated through Skype discussion connecting Kabul from New York).
5. See Department of Foreign Affairs and Trade, Australian Government's allocation of resources at its official site http://aid.dfat.gov.au/aidissues/governance/anti-corruption/Pages/home.aspx (accessed on 24 November 2013).

6. UNDP, *Benchmarks and Self-Assessment Frameworks for Democratic Legislatures*, A Background Publication Prepared for the International Conference on Benchmarking and Self-Assessment for Democratic Legislatures, Brussels and New York, March 2010, available online at http://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/dg-publications-for-website/benchmarking-and-self-assessment-for-democratic-legislatures/benchmarks%20Legislatures.pdf (accessed on 24 November 2013).
7. See SIDA, *Approaches to Parliamentary Strengthening—A Review of Sida' Support to Parliaments*, Stockholm, Sida Evaluation 5/27, available online at http://www.sida.se/Publications/Import/pdf/sv/0527-Approaches-to-Parliamentary-Strengthening-A-Review-of-Sidas-Support-to-Parliaments.pdf (accessed on 1 January 2014).
8. For example, France was designated as 'lead country/donor' in Afghanistan following Bonn Agreement (December 2001) on Provisional Arrangements in Afghanistan pending the Re-establishment of Permanent Government Institutions.
9. K. Brösamle, T. Dimsdale, M.A. Mathiesen, and T. Merz, *Improving Fiscal Scrutiny Through Legislative Strengthening*, MPA Capstone Project Report Prepared for DFID (London: London School of Economics and Political Science, 2007).
10. http://www.agora-parl.org/ (accessed on 15 January 2014).
11. The World Development Report 2011 is available at the World Bank site http://web.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTRESEARCH/EXTWDRS/0,,contentMDK:23252415~pagePK:478093~piPK:477627~theSitePK:477624,00.html (accessed on 29 December 2012).
12. World Bank Group, *Operationalizing the 2011 World Development Report: Conflict, Security and Development*, Prepared for the 16 April 2011, Meeting of the Development Committee, World Bank, 4 April 2011, the full text of the report is available at the WBG's site http://siteresources.worldbank.org/DEVCOMMINT/Documentation/22884392/DC2011-0003(E)WDR2011.pdf (accessed on 7 January 2014).

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CHAPTER 9

Conclusion

Machiavelli's teaching would hardly have stood the test of parliamentary government, for public discussion demands at least the profession of good faith.
—Lord Acton

9.1 Introduction

Despite all challenges and limitations as articulated in previous chapters, parliament is widely acknowledged as the critical institution of democracy. With more countries preferring democracy over other systems of government, parliament and other legislative assemblies have become increasingly pertinent. In broad terms, everybody agrees on what the functions of a parliament are. These bodies make laws, hold the executive branch accountable and represent citizen interests. Achieving democratic governance requires the existence of a strong, effective and efficient parliament or legislative body. This is so because parliament plays a crucial role in assessing, collating and presenting the views and needs of the people, articulating their expectations and aspirations in determining the national development agenda. This fulfils parliament's representation function. As the lawmaking body, parliament reflects people's opinions, needs and demands in shaping the legislative agenda. As the oversight body, parliament helps to identify problems and policy challenges that require attention and monitoring, and assists in overcoming bureaucratic inertia and establishing accountability.

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Many actors, both national and international, are working with parliaments in support of these functions. The aid agencies have commenced initiating programmes that train legislators and their staffs, improve capacities, provide logistics, build infrastructures and otherwise strengthen the legislative branch of government. Exactly how parliaments perform their role—or should perform it—is a subject that has drawn considerable attention in many democracies both industrial and developing countries. However, the role of international actors and assistance in influencing the legislative landscape is an area still in need of academic attention and research. In fact, this is an area that needs further deepening to understand the interplay between international assistance, national ownership and the long-term sustainability of parliamentary reforms and democratic journey. This is also linked to the public sector reform agenda. Hence, this book decided to take a fresh approach—from the perspective of aid effectiveness with a focus on, but not limited to, parliamentary oversight. The previous chapter summarized some of the key lessons learned through analysis of selected country case studies [Afghanistan, Bangladesh, Ghana, Kyrgyzstan and Serbia] and available empirical evidence along with specific examples from other countries. In addition to offering some key lessons and summary observations based on the current research, the final chapter aims at providing direct responses to the research questions that were raised at the beginning of the current research in the first chapter.

9.2 Responding to Key Questions

9.2.1 Overall Effectiveness of the PDA

The previous chapters, the case studies, clearly demonstrated the PDA's effectiveness in support of legislative bodies. While the degree of effectiveness varies from country to country, there has been increasing recognition of the PDA as an efficient tool to promote parliamentary capacity development, strengthen oversight, accountability and, most importantly, democratic governance as articulated in Chapter 8. It could be effective as well if designed following core aid effectiveness principles. However, the role of capacity development that requires external support (i.e. PDA) presupposes existence of, at least, minimal political will or motivation. This is why the focus of recent discussions has centred on adopting a broader programming context coupled with 'political

economy analysis' to identify the motivations and political will prior to undertaking a legislative capacity development initiative or programme support through the PDA. For example, as discussed in Chapters 4 and 8, the electoral cycle approach (ECA) has been identified as one of the key strategies for expanding EC, UNDP and other donors' involvement in parliamentary development. Over the past years, many donors have also made more consistent efforts to improve the coordination of their PDA activities and to share knowledge and experiences.[1] It has already enabled the actors and partners to adopt a broad-based flexible PDA approach which is context-specific, problem-focused, incremental and owned and/or supported by multiagent leadership.

9.2.2 Distinct Parliamentary Approach to Oversight

There is a growing movement for strengthening parliamentary oversight mechanisms to promote accountability and deepen executive–legislative relations. PDA has played an important role in a number of countries in establishing a robust system to strengthen oversight mechanisms by a variety of means. However, this does not translate into an automatic parliamentary response to confront the challenges posed by corruption or corrupt practices. A strong set of oversight mechanisms is critical for the development of an effective parliamentary approach to oversight: by scrutinizing the policies and actions of the government, in debates, parliamentary questions and within the influential cross-party standing and/or select committees. This alone is not enough. The issue of 'political and institutional will' as raised earlier (Sect. 9.2.1) is directly applicable here. Without political will, the best oversight mechanism may not be enough to operationalize a functional parliamentary approach or strategy against corruption.

The case studies exemplified how the PDA had aligned well with the preventive anti-corruption policies and programmes as part of the national oversight mechanism. Some of them are also fulfilling international obligations under the UNCAC and other national commitments to international bodies, standards and processes. Although development assistance can foster governance improvements and the prevention of corruption, without transparency established through robust oversight mechanisms, it can also create opportunities for corruption. In this regard, development partners and donor agencies are encouraged to publish what they spend but recipient countries should also

publish what they receive in the name of democracy assistance including parliamentary strengthening. Similar to the issues around public accounting for resource revenues, development assistance should be identified in a country's public accounts and subject to parliamentary oversight of expenditures and results. Furthermore, parliaments can hold their governments to account for their specific commitments to the donor agencies and general governance improvements. Parliamentarians can also make recommendations on what governance improvement initiatives would merit funding as part of development assistance. Ultimately, the best value for the development assistance funding will be obtained when there are good governance and a reduced level of corruption in the country.

9.2.3 Correlation Between PDA and Impact on Oversight

There is no direct correlation between effective parliamentary development aid and strengthened oversight mechanism; however, the issues are interlinked and often mutually reinforcing. All the case studies demonstrated that such correlation can only be established if the PDA follows a nuanced approach informed by political economy analysis, local needs and contextual knowledge. In fact, in such cases, one of the best outputs of the PDA appears to be strengthened parliamentary oversight mechanisms and corresponding enabling institutional environment. Support to oversight has become one of the most important aspects of the PDA.

From the case studies discussed and examples shared in the previous chapters (Chapters 6–7), it can be affirmed that PDA would be more effective if it fulfils certain basic criteria. Based on these country case studies and assessments, the following aspects of the lessons learned go a long way to establishing the interlinkages between PDA and parliamentary oversight.

When the PDA is demand driven, it becomes more responsive to country needs. Supply driven strategy with foreign policy priorities of donor countries with strong institutional and parliamentary capacities may not sustain beyond the sphere of financial or political influence. Afghanistan is a good example where international community often undermined national ownership by trying to replicate foreign models and examples without linking them to local traditions, sociopolitical contexts and good practices.

The chances of the democracy aid success are greater when it considers the state of political economy, political culture and institutional context, not the narrow and agreed time bound technical objectives only. Both Bangladesh and Afghanistan amply demonstrated this where development assistance projects were formulated from narrow technical objectives without sufficiently examining local political processes and practices.

The PDA will be better off if it is sourced through transparent and inclusive processes so that it does not undermine democratic ownership of elected representatives and beneficiaries at large. The example of Ghana testifies to this. In fact, the Accra commitment to increase the use of country systems—commensurate with the nature of governance structure or political culture and process—can be the early consideration before providing PDA. It will allow developing countries to adopt the country systems best suited to achieve the objectives set down in their national development plans.

When PDA allows experts, technical advisers, staff and project managers some room for flexibility to consider political changes and opportunities, the emerging needs can be met with innovative local solutions and initiatives. Serbia is a case in point where parliamentary oversight work gained momentum through innovative use of public hearing and parliamentary outreach.

Governments in recipient countries can increase the value of the PDA received by ensuring that they work to strengthen their internal oversight systems, public accountability bodies and specific anti-corruption agencies—these external bodies could be strengthened if parliamentary oversight mechanisms, i.e. hearings, both at plenary and committees, committee work including review and field visit, special parliamentary bodies and Commissions, can be strengthened, effectively linked and optimized. They need to clarify their needs for PDA and prepare capacity development plan following a comprehensive institutional capacity assessment. It will be important to avoid capacity supplement as 'quick wins' and concentrate on long-term institutional development together with concrete support to the national and parliamentary policy framework. The example from Bangladesh can attest to this given the trend of capacity supplement without robust local ownership and political will.

To be effective in conflict management, especially in fragile countries (Chapter 7), parliaments need to be transformative in nature, meaning that they possess the independent capacity to mould and transform proposals from different sources into pragmatic policies and credible laws.

Transformative legislatures and policies need to be inclusive in the development of the capacity to produce solutions supported by a wide variety of societal and political actors. To be effective and inclusive actors in conflict prevention and management, post-conflict parliaments need to develop or improve capacities to perform their key roles of representation, legislation and oversight.

9.3 Policy Implications

Strategies aimed at democratizing political regimes in both the developing world and in the fragile states and transition countries should therefore be accompanied by a consistent set of policies that address the structural problems of countries (such as their lack of development, the level of political maturity and corresponding constitutional framework and legal regime and external dependence) to make the democratic order sustainable. The current research provided practical ideas that PDA providers—institutions that are involved in policy advocacy, research and programmes and projects intended to strengthen parliaments as well as to political scientists, academics, researchers and students of parliamentary practice—can adapt to their particular circumstances.

Development agencies are discovering that implementing the various insights and ideas examined in this research would require them to change not just what they do, but how they operate, and more importantly, how they cooperate with each other to avoid duplication and fragmentation.

One of the most significant developments in thinking of development agencies and partners about strategic support to parliaments and democratic institutions is the common agreement that programmes should be judged by outcomes rather than outputs. This implies, firstly, engagement at a much deeper and political level than the traditional technical assistance, and that projects should seek to address causes rather than symptoms. In fact, the effectiveness of parliaments is determined by the behaviour of politicians. Therefore projects need to shape the incentive structures that influence them. These incentives might exist in the MP's relationship with the executive or the electorate, in the committee structure of the parliament or their party's prospects at the next election.

All these have far-reaching and long-term policy implication in changing both bilateral and multilateral traditional aid policies. More and substantive engagement with partners, adopting a balanced approach

to parliament vis-a-vis the executives, flexibility in addressing emerging programming needs emanated from the recipient country or parliament in question, the quality of reporting, transparency in aid disbursement and utilization, etc., are some of the obvious changes that the aid agencies and partners need to address.

Development aid (PDA) is not a panacea. While it has its due share of success as evident in previous chapters (Chapters 6–8), it can fail if developed without political analysis of the context and if it does not have the backing of political and institutional will. National ownership is also important so that international assistance cannot be seen policy prescription of donor countries. Although on the surface, it may appear peripheral to the development process, the PDA demonstrated capacity to promote substantial changes to the parliamentary oversight mechanism. Beyond all above, the book sought to identify a new contribution to our theoretical and scientific knowledge of a very specific area of aid—in this case PDA and its effectiveness, particularly in enhancing parliamentary oversight.

Governments and donor agencies are under increasing pressure to show empirical evidence that their interventions are effective and good value for money. Parliamentary development is a challenging field in this regard, with little evidence-based models to draw upon, so both the design and the evaluation of programmes need to be supported by good analytical frameworks, including political economy analysis together with the regular incorporation of good and bad practices and real lessons learned from the field. A more effective legislative strengthening programme requires donors to understand what motivates legislators and how those incentives can be altered. It can begin with a thorough analysis of the parties' and political actors' impact on legislative development, performance and legitimacy. The book amply demonstrates such potentials to be harnessed under development aid—Parliamentary Development Assistance—in future.

9.4 Final Observations

The book sought to provide a global perspective on how PDA is practised, as well as to be a catalyst for renewed focus in parliaments on oversight. Parliamentary oversight is extremely important to democracy, to the quality of government and governance.

To promote an inclusive and effective parliamentary development, attention should be paid not just to the distribution of total effort between the different sectors—state institutions, executive bodies, accountability and oversight mechanisms, political parties and civil society—but to the relationships between and across the sectors (i.e. executive–legislative relations, parliament–citizens and relevant CSOs, parliamentary committees and supreme audit institutions) as well. Democratic principles cannot be realized without appropriate political institutions, planning and practices, the latter in turn can only be judged to be democratic insofar as they embody or serve to realize these principles. Hence, this study attempted to do four important things: first, it offered a framework that links a set of specific democratic and aid effectiveness principles to the institutional means by which democratic and parliamentary institutions are supported. Second, it provided a compilation of practices whereby parliaments seek to put these principles into effect. A clear and remarkably consistent set of lessons and recommendations about how parliamentary development actors can improve their assistance (PDA) has emerged over the past two decades. Many of these are captured here. Third, the study examined the impact of the PDA in strengthening parliamentary oversight mechanism. It showed that a distinct approach to parliamentary oversight has emerged. However, it demystified that no specific correlation exists between effective parliamentary development aid and strengthened oversight mechanism. Last but not the least, it highlighted the nexus between technical support and political environment and analysis, ignored too long in the name of 'neutral technical support'. Political economy analysis can inform parliamentary development aid to be more effective. As we all know, political behaviour and culture cannot be changed quickly. This is an area which demands further research, careful analysis, and a long-term approach.

Democratic political regimes cannot be built by targeting the political system in isolation of the social and economic context. Parliaments do not exist in isolation: like any other organization, they live in a wider institutional environment, which is where many of their most fundamental problems can originate. To focus narrowly on the internal workings of parliament while ignoring the wider picture can be ineffective, if not counterproductive. For example, if a non-democratic executive maintains power by manipulating the electoral system to produce a 'rubber stamp' parliament, providing this parliament with a veneer of greater efficiency and increased activity will not make it more useful; it will just

help to perpetuate a bad system by making it look more respectable with a false sense of legitimacy. The underlying problems in the institutional environment have to be addressed if anything useful is to be achieved. Parliaments operate in a much wider political environment, on which they have only limited impact. Therefore, the institutional framework and the nature of the PDA should follow the broader trends and political analysis.

Note

1. This is, in large part, an outcome of the donor coordination group that was set up in 2007 by the Department for International Development, the United Nations Department Programme and the World Bank. See further details at *Mind the Gap: Lessons Learnt and Remaining Challenges in Parliamentary Development Assistance*," *A Sida Pre-study*, UTV Working Paper 2012: 1. It was commissioned by Sida and is available at http://www.sida.se/publications (accessed on 21 November 2013).

Appendix I: Synthesis of Parliamentary Projects Reviewed in Chapters 6 and 7

The following development projects and parliamentary initiatives are chosen as part of the country case studies designated for the current research publication:

Bangladesh

Strengthening Parliamentary Democracy (SPD) Project: At the request of the Government of Bangladesh (GOB), the SPD Project was formally launched in 1997. The SPD Project assistance spanned the 7th and 8th parliaments (1997–2007). The main objective of the SPD was to assist Bangladesh's Parliament in strengthening its legislative, oversight and representative functions to achieve higher levels of transparency, efficiency and responsiveness.[1] Based on identified project priorities, it undertook activities in seven areas: revision of Rules of Procedure,[2] reorganization of the Parliament Secretariat, improving effectiveness of committees, especially finance committees, capacity support to MPs, promoting gender balance in parliament, promoting public awareness of parliamentary deliberations and strengthening parliamentary security.[3]

The project documentation mentioned political instability as one potential source of risks associated with this project. The consultants evaluated the project in 2002 and found that it was not on track and

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should be redesigned.[4] The purpose of the project was adjusted in 2003, but implementation continued to be hampered mainly by political issues, as well as poor leadership, lack of co-ordination between the project partners and administrative glitches. The most substantial limitation on the effectiveness of the project was the confrontational nature of politics. The main opposition boycotted parliament for extended periods and disputes about the membership and chairpersonship of committees undermined their basic functionality. As a result, the project underperformed, resulting in substantial underspending.

Department for International Development (DFID) Support through the SPD: Between 2001 and 2005, the same SPD Project was supported by the DFID which undertook to fully fund a sub-component of the project that was directly targeted as strengthening the financial committees: the Estimates Committee, the Public Accounts Committee (which is required by the constitution), as well as the Public Undertakings Committee. The objectives of the sub-component were to rationalise the Secretariat to better support these committees, to improve their effectiveness and to promote public awareness of their work.

Strengthening Parliamentary Oversight (SPO) Project: The Parliament Secretariat (PS) under a Multi-Donor Trust Fund managed by the International Development Association (IDA) has been implementing the 'Strengthening Parliamentary Oversight' project (2012–2014) which is one of the components of GOB led reform program 'Strengthening Public Expenditure Management Program (SPEMP)'.[5] The project has been supplementing and coordinating with other relevant reform initiatives such as the World Bank-supported PAC strengthening sub-project, USAID's PROGATI, and complementary work being done under other donor initiative. This project is aimed at:

- strengthening the Parliamentary Secretariat through capacity development;
- supporting key committees of parliament, oversight mechanism and their underlying research and learning services;
- enhancing civil society engagement in public dialogue and oversight of public resource management and utilization—an element that will improve public participation and oversight of key elements of Public Finance Management.[6]Evaluation of these initiatives is still not officially released (as of June 2014).

Building Accountability to Women Through the Women Parliamentarians (WP) Project: In collaboration with UN Women,[7]Bangladesh Parliament Secretariat launched the Building Accountability to Women through the Women Parliamentarians (WP) Project.[8] The WP Project (2011–2013) aimed to build an information base for the women MPs on gender equality issues with a view to mobilizing them in an all-party WP network for advocacy on Gender Equality and Women's Rights as a common concern.[9] Activities of this project indirectly contributed to the enhancement of the role and visibility of women in parliament, in particular within parliamentary oversight mechanisms, i.e. policy preparedness, in-country visits and raising critical issues of gender equality in governance.[10]

Improving Democracy Through Parliamentary Development(IPD) Project: With the return to constitutional rule in 2009 and the inauguration of the ninth parliament, donor interest, once again, returned to parliament. The newest and most comprehensive parliamentary support project—Improving Democracy through Parliamentary Development—was launched by UNDP and the Parliament Secretariat in July 2010 for 4 years (until June 2014).[11] The IPD contributed to the strengthening of parliament in improving its legislative capacity, its oversight function and its democratic practices through institutional and operational reforms. In fact, this project aims to work in a number of entry points identified through predecessor projects and initiatives: Support to Parliamentary Parties, Standing Committees, Office of the Speaker and the Secretariat. The project adopted a comprehensive capacity development strategy for parliamentarians and staffers.[12] Like its predecessor SPD project, the new IPD Project outputs address the three core functions of the parliament: lawmaking, oversight and representation. A recent example (January 2013) of IPD's work in the area of oversight was to facilitate the field visit and investigation conducted by committees of the parliament.[13] The parliamentary visit to Teknaf Sub-Registry and Cox's Bazaar District Registry offices, for example, was followed by structured public consultations with relevant stakeholders with a view to deepening civic engagement in oversight functions. Following the field investigation, the sub-committee of the Standing Committee on the Ministry of Law, Justice and Parliamentary Affairs made a number of recommendations on the local land registration system.[14] The same project also carried out the study—'Constituency Relations Study in Bangladesh' (February–March 2013). It shed light on the practical ways of strengthening the MP—constituency relations in the present context of Bangladesh. While some of the recommendations can be implemented

through the UNDP's support such as 'training assessment' of MP office and MPs, and support for educating the people on the roles of MPs, the main challenge lies with the reform initiatives, i.e. code of conduct for MPs, redefinition of MP roles, guidelines to implement local development projects, constitutional bar on constituency relations and its sustainability in forthcoming parliaments. The findings of the study have the potential to serve as an entry point to address those issues.[15] The Bangladesh Parliament Secretariat finalized its Strategic Plan (2012–2014) with the support from the IPD Project.[16] Given the actual political reality of the country and the (related) internal dynamics of the institution, it will be important to be realistic in the parliamentary development planning. Hence, it was a welcome development against the long history of ad hoc decision-making and planning.

Ghana

Support to Parliamentary Service/UNDP: Institutional Development: Between 1997 and 2001, UNDP provided institutional and resource capacity support to the Parliament of Ghana through its partnership with the Parliamentary Service.[17] These projectized interventions enabled parliament to improve its delivery on its mandate of scrutinizing executive action and acting as an interface between the public and the executive. For example, with UNDP's support, the parliament has embarked on a Transformation Plan (commencing in 2001) to strengthen its ICT backbone as well as its management and administrative capacity. The African Peer Review Mechanism (APRM) report of 2005 noted continued capacity constraints of parliament and recommended increased capacity building in that regard to improve the effectiveness of its oversight function. Consolidating its substantive achievements further, parliament seeks to deepen the quality of feedback it receives from the public in parliamentary processes and to enhance its capacity and those of its committees and staff to respond more effectively to the needs of Ghanaians.[18]

Support Through Country Programme Action Plan (CPAP)/ UNDP, DANIDA: Consequently, parliament developed an Enhanced Strategic Plan (ESP) in 2006, with the support of DANIDA and the National Governance Programme to guide its resource mobilization and capacity-building efforts. The UNDP's new programme of support, as outlined in the CPAP 2006–2010, is a multi-year collaboration with the parliament for joint action to mobilize support for the ESP's

implementation to improve parliamentary performance and management, enhance public participation, and improve the information technology assets which support the work of parliament.[19]

Strengthening Transparency, Accountability and Responsiveness/ DFID: Strengthening Transparency, Accountability and Responsiveness in Ghana (STAR-Ghana)[20] is a DFID managed, multi-donor funded mechanism, which aims to increase the influence of civil society and parliament in the governance of public goods and services. STAR-Ghana is the successor to G-RAP,[21] a similar, multi-donor funded mechanism that provided grants to NGOs. G-RAP was criticized for not doing a better job of monitoring results, which STAR-Ghana will attempt to do better. STAR-Ghana, while also having a democratic governance focus, will address a smaller number of issues, such as teacher absenteeism. STAR-Ghana will also allow itself to remain flexible and will have a steering committee that will be able to refocus its efforts as warranted. This program is expected to disburse about $30m over five years.

Support to the PAC: DFID targeted and supported the Parliament Account Committee (PAC) by enhancing PAC's capacities through training and supporting its outreach activities.[22] The PAC can contribute to strengthen budget oversight skills, provided they are given appropriate technical, human and financial resources, as well as adequate powers and independence from the executive. Institutional factors accounting for the success of the PAC include their power to investigate all past and present government expenses, the power to follow up on government responses to their recommendations as well as their relation with the auditor general (AG). Priorities identified by the various stakeholders to support a PAC include capacity development through the provision of adequate staffing, resources, training and access to information, ensuring independence of the PAC and promoting information exchange aimed at keeping PAC up to date with emerging standards and practices. In Ghana, the PAC was for the first time in 2007 granted its own budget and the power to approve the AG's budget to protect the AG's independence.[23]

Parliamentary Financial Scrutiny Project: Given the importance of direct budget support in Ghana,[24] the local DFID office identified the need to enhance financial scrutiny by the PAC. CIDA already supported the PAC along with several other standing committees through the Canadian Parliamentary Centre, but this work did not address several urgent needs expressed by the chairperson of the PAC. DFID support

was channelled via the Parliamentary Centre and addressed a number of practical needs through interrelated activities. Between 2007 and 2009, the Parliamentary Financial Scrutiny Project[25] aimed to provide a meeting space for the PAC to hold regular meetings and hearings, which also functioned as a liaison office with the AG. The project aimed to facilitate tracking of the implementation of audit recommendations.

Afghanistan

SEAL I/UNDP: The *Support to the Establishment of the Afghan Legislature* (SEAL) project, which commenced in 2005, was UNDP's principal intervention in the area of parliamentary development in Afghanistan. The original SEAL project ended in February 2008 and its successor project, 'Supporting an Effective Afghan Legislature' (SEAL II), commenced in March 2008. **The UNDP SEAL Project (Phase I)** was credited for finalizing the Rules of Procedure, Staff Regulation, Security Regulation and developing initial orientation and capacity development programmes for the newly elected parliament members. The project contributed significantly in developing staff capacity of the parliament—in both houses. The SEAL I represented a host of bilateral donors, including France, which was designated as 'Lead Nation' to support the parliamentary process during the International Conference on Afghanistan in Bonn 2001.[26] Initially, the project concentrated on joining the hands of its national partners building (literally) the National Assembly from scratch. Later, the project focused on technical capacity development in lawmaking and oversight mechanism in addition to constituency outreach. The project was instrumental in developing a code of conduct for the Afghan parliamentary staffers and members of both houses.

SEAL II: The Second Phase, SEAL II Project was due to run from 2008 to 2012[27] but was brought to a premature end in April 2010 due to challenges in mobilizing resources and in order to review the work that the UNDP was conducting with the Parliament of Afghanistan.[28] It was intended to improve the parliament's capacity for oversight of the country's executive branch through legislative 'hearings' and 'support for standing Committees'.[29] Despite major challenges, the project did implement a significant number of activities including thematic workshops [i.e. legislative drafting, budgeting and staff development], development of drafts internal policy documents [i.e. communication strategy, gender

strategy and code of conduct], field visits by designated Commissions, and facilitation of numerous international study visits for staff and MPs.

Strategic Support for the Afghanistan Parliament (SSAP): Following up to the SEAL II, UNDP was commissioned by the parliament to draft comprehensive 5 Year Strategies for both houses. The strategies, produced in close collaboration with parliament, provide the key starting point for this round of interventions. While the strategies are the means by which the house leaderships set out the parliament's vision, mission and strategic objectives in serving the people of Afghanistan, they are also the way in which parliament identifies the future support it would seek from the international community. Meanwhile, consultations began with parliament on the design and contents of a new project document which reinforced the need for such technical assistance from the host institution.[30] The project—*Strategic Support for the Afghanistan Parliament* (SSAP)—was envisaged to start later in 2013.[31] The support was firmly based on the objectives enshrined in the strategies and will have greater focus on institutional development, capacity development for the members, strengthening parliament's role in national governance system as well as strengthening the relationships and outreach of the legislature with the electorates. Despite challenges of unstable political and security environment, SEAL can be credited 'for providing the infrastructure and technical and legislative support that has enabled the parliament to operate with reasonable efficiency and transparency.[32]

Parliamentary Assistance Programme (USAID/APAP): Starting in 2004, the Afghanistan Parliamentary Assistance Program (APAP), implemented by the Center for International Development (SUNY/CID),[33] helped lay the groundwork for the new National Assembly through a series of preparatory studies, expert advice on developing necessary rules and administrative procedures, and initial staff training. Following the elections, APAP expanded its efforts to support both staff and parliamentarians as they felt their way through the trials of creating a new institution from the ground up.[34]

Through different phases, the APAP (2004–2012) advanced the Afghan Parliament's institutional, technical and political development. Its support was crucial in establishing the first Afghan Parliament in four decades. APAP assisted with the creation of Afghanistan's current National Assembly by advising on its organizational structure, providing infrastructure and training support staff prior to the first session. APAP's continuing assistance to parliament works with the members in the upper and lower houses, parliament staff, leadership offices and committees, placing at least one professional staff member to assist each committee.

In addition to the legislative support, APAP's programs improve parliament's constituency outreach efforts, communications, IT and national budget review.

Assistance to Legislative Bodies of Afghanistan (ALBA/DAI): The Assistance to Legislative Bodies of Afghanistan (ALBA—with support from USAID) aims to prepare both houses of parliament for greater self-reliance in the light of the upcoming 2014 transition. Initiated in 2013, the programme provided issue-based assistance that focuses training and capacity building on actual bills, or policies that members of parliament (MPs) and staff are addressing. By the end of the program (2018), the ALBA's goal is for parliamentary committees to be actively reviewing legislation and conducting policy oversight as MPs increase dialogue with citizens, civil society and media. The parliament would create a cadre of staff able to provide regular, topical research and legislative and budget analysis to MPs. It is expected that parliament would provide a stronger and more consistent check on the executive branch and operate as a more independent and effective legislative, representative and oversight body.[35]

Kyrgyzstan

Technical Assistance to Parliament: UNUNDP's partnership with the Kyrgyz Parliament (Jogorku Kenesh) commenced as early as in 2001. The EU has joined in most of UN support to the Kyrgyz Parliament as one of the most important donors.

Parliamentary Reform Project (2007–2013)[36] provides a package of integrated technical assistance, strengthening the three main functions of the parliament: lawmaking, oversight and representation. The project aimed at enhancing the transparency of political decision-making and public awareness of the legislative process. It encouraged the participation of civil society, the mass media and constituencies in the legislative process and strengthening their cooperation with parliament. Among other activities, the project puts great emphasis on developing the capacity of the professional staff of the parliament.

EC-UNDP Joint Initiative-New Legal Framework: Based on the achievements and lessons learned of these initiatives and responding to subsequent political developments, the **Institutional Support for Implementation of a New Legal Framework in the Kyrgyz Republic (2011–2014)** project aimed at preserving democratic stability and prevent a new conflict in the Kyrgyz Republic by providing institutional, legal and financial support to the main actors implementing the reform

program linked to the development of the new legal framework.[37] The specific objectives aim to achieve the following:

- Align the legislation with the constitution and improve the law drafting process to make the new legal framework more effective.
- Increase the efficiency of state oversight to ensure greater accountability.
- Reinforce capabilities and modernize selected institutions to enhance their institutional capacities under the new parliamentary governance system.

The assistance to the establishment of this new framework will be channelled through selected rule of law institutions such as the Ministry of Justice, the parliament, the Chamber of Accounts, Ombudsman and eventually Civil Society institutions. The project will help these agencies achieve the objectives they have been tasked under the new constitution, using the European best practices and experiences across the world.

There are other partners active too in support of the Kyrgyz parliamentary development:

The National Democratic Institute (NDI) has worked in Kyrgyzstan since 1996 to strengthen political parties, parliament, civil society, electoral systems and women's political participation.[38] NDI worked with parliamentary factions and groups to improve procedures for communication and accountability between deputies in parliament and their constituencies. It advised factions on establishing constituent liaison offices in the regions; assisted them in establishing systems to respond to constituent casework; and advised MPs on how to communicate with citizens. NDI also helped local communities and parliamentary factions organize public meetings around the country to discuss citizen concerns. These projects helped MPs strengthen connections with local citizens and integrate citizen concerns into national legislation and national integrity system including a nascent parliamentary oversight mechanism. For example, MPs introduced legislation to increase punishment for failure to pay alimony after citizens raised the issue at multiple NDI-supported public hearings and exchange events with local councilwomen.[39]

The East-West Parliamentary Practice Project (EWPPP),[40] a joint initiative of the European Cultural Foundation (NL) and the Ford Foundation (US), was active and supported the Kyrgyz Parliament on a host of issues in partnership with UNDP. Through different activities,

it supported the development of the parliament as an independent and transparent institution effectively performing its oversight, legislative and representative functions, with particular emphasis on increasing awareness on the part of the parliament on the role and functions of parliament and its members, facilitating the transition of the parliament from a bicameral to a unicameral structure and optimizing the internal functioning of the Kyrgyz Parliament.[41]

Serbia

Joint Initiative to Support Parliamentary Institutions: The Joint Initiative to Support Parliamentary Institutions,[42] an EU-funded project implemented by the Parliamentary Assembly of the Council of Europe, worked with the parliament of Serbia to streamline organisational structures of parliamentary committees/bodies. The project promoted the transfer of experiences of efficiently functioning parliaments increased knowledge on the part of parliamentarians and permanent staff. It supported the adaptation of legislative work including oversight business to European norms and the requirements of the stabilisation and accession process.

Collaborative Work with the UN: Collaborative work with included, among others, joint work with Assembly committees with aim to reduce poverty in Serbia, initiate public hearings as institutions of parliamentary practice and organize seminars and study tours on the topic of reduction of poverty. For example, strengthening the ties of the MPs with citizens (e.g. through mobile committee sessions, organized in situ on issues of relevance) is critical in view of the single district electoral system. UNDP supported the introduction of innovative mechanisms and helped set a good baseline for parliamentary development in Serbia. Namely, the project engaged the National Assembly in implementing key voice and accountability mechanisms such as public hearings and mobile committees' sessions.

The project also supported the drafting of the revised Rules of Procedure and the Law on Parliament towards defining relations with the independent bodies. After the elections in 2008, UNDP was the first partner to approach the new assembly and provide immediate support. The UNDP brought together other development partners (Council of Europe, the Organization for Security and Cooperation in Europe-OSCE and NDI) supporting the parliament and organized an orientation training for newly elected members, across parties.

Strengthening the Oversight Function and Transparency of the Parliament: Parliament's partnership with development agencies has been further strengthened around the issue of parliamentary oversight. In September 2012, it launched a new three-year project 'Strengthening the Oversight Function and Transparency of the Parliament' valued over USD 1.2 million with UNDP and SDC.[43] The project is building upon the previous experiences and lessons learned and will extend its support to incorporate all the committees on a different basis, such as the support for convening public scrutiny hearings, mobile committee sessions and training of scrutiny teams.

Notes

1. This is the SPD's development objective as specified in the Project Document (Revision 2003).
2. Magdy-Mertinez Silliman, and Kendra Collins, *Advisory Opinion on the Reform of Rules of Procedure*, Vols. 1–3 (Dhaka: SPD/UNDP, 1999).
3. UNDP, Project Support Document, Strengthening Parliamentary Democracy Project (2003), also confirmed with the author by the Secretary of BangladeshParliament as the key needs of BangladeshParliament expressed to UNDP Bangladesh.
4. UNDP, *MidtermEvaluationReport 2003, Strengthening Parliamentary DemocracyProject* (Dhaka: SPD/UNDP, 2003).
5. The Request for Expression of Interest, BangladeshParliament Secretariat is available at http://bangladeshembassy.com.cn/em/SPO-REOI.pdf (last accessed on 25 March 2012).
6. The World Bank led multi-donors initiative, http://www.spemp.com/project_c.php?Page=Activities_of_SPEMP (last accessed on 25 March 2012).
7. UN Women, United Nations Entity for Gender Equality and the Empowerment of Women can be accessed online at its site http://www.unwomen.org/en (last accessed on 24 December 2013).
8. For details on the WP Project, visit BangladeshParliament site at http://www.parliament.gov.bd/images/pdf/Projects/WP_Project/WP_project.pdf (last accessed on 1 December 2013).
9. The initial progress report of the WP Project is available on line in Bangla at BangladeshParliament site http://www.parliament.gov.bd/images/pdf/Projects/WP_Project/WP_Progress_report-Bangla.pdf (accessed on 1 December 2013).

10. See Project Progress Reports, available online at the Parliament of Bangladesh site http://www.parliament.gov.bd/old/WP_project.html (accessed on 1 December 2013).
11. The IPD Project, a joint initiative of the Parliament, the Government of Bangladesh and the UNDP, has a total budget of US$ 11.9 million for the next four years is funded by UNDP and the Government of the Netherlands. See details at http://www.undp.org.bd/media%20releases/2010/Press%20Release%20-20Parliamentary%20Project%20-%2020.06.10.pdf (accessed on 21 April 2013).
12. The Project document can be downloaded from UNDP Bangladesh's website at http://www.undp.org.bd/projects/prodocs/IPD/Project%20Document.pdf (accessed on 21 April 2013).
13. See UNDP Parliamentary Development News Update—June 2013 (8th edition, New York), available online at http://www.agora-parl.org/sites/default/files/pd_newsletter_-_june_2013.pdf (accessed on 30 October 2013).
14. Parliamentary News Update, ibid., 423.
15. Ibid.
16. The full text of the Strategic Plan is available online at Bangladesh Parliament site http://www.parliament.gov.bd/images/pdf/Projects/IPD_Project/strategic_plan_report.pdf (accessed on 1 December 2013).
17. UNDP Ghana Projects, available at UNDP website http://www.undp-gha.org/design/operations/project_details.php?page=3 (accessed on 7 December 2013).
18. The full text of the APRM Country Review Report of the Republic of Ghana can be downloaded from http://www.africa-platform.org/resource/african_peer_review_mechanism_aprm_country_review_report_republic_ghana (accessed on 2 November 2012).
19. See UNDP Ghana: Support to Parliament at http://www.undp-gha.org/project.php?page=3 (accessed on 30 October 2012).
20. For details on the STAR-Ghana, visit its website at http://www.starghana.org/ (accessed on 27 October 2013).
21. For details on G-RAP, visit its website at http://www.g-rap.org/ (accessed on 27 October 2013).
22. For details, visit http://www.parlcomm.org.gh/committes/34-public-accounts-commitee (accessed on 25 March 2012).
23. See R. Stapenhurst, V. Sahgal, W. Woodley, and R. Pelizzo, "Scrutinizing Public Expenditures: Assessing the Performance of Public Accounts Committees," World Bank Policy Research Working Paper 3613, May 2005, available at http://siteresources.worldbank.org/PSGLP/Resources/ScrutizingPublicExpenditures.pdf (accessed on 7 December 2012).

24. See Center for Policy Analysis, *Multi-donor Direct Budget Support in Ghana: The Implications for Aid Delivery and Aid Effectiveness* (Accra: CEPA, 2005), available online at CEPA site http://www.cepa.org.gh/archives/Issues%20Paper%20Series%2011-200535.pdf (accessed on 7 December 2013).
25. See Parliamentary Center at http://www.parlcentafrica.org/index.php?option=com_content&view=article&id=88&Itemid=79&lang=en (accessed on 25 March 2012).
26. In December 2001, a number of prominent Afghans met under UN auspices in Bonn, Germany, to decide on a plan for governing the country; as a result, the Afghan Interim Authority (AIA)—made up of 30 members, headed by a chairman—was inaugurated on 22 December 2001 with a six-month mandate to be followed by a two-year Transitional Authority (TA), after which elections are to be held.
27. UNDP Afghanistan, http://www.undp.org.af/WhoWeAre/UNDPinAfghanistan/Projects/dcse/prj_seal.htm (accessed on 8 March 2012).
28. In fact, it appeared from the researcher's informal discussions with the key stakeholders [during 2009–2010 period] that the project suffered from challenges in the field of project management with a breakdown in the relationship between the senior management of the SEALL II project and leadership in both Houses of Parliament in 2008–2009, discontent from the project donors as to the quality of reporting, and a lack of project focus during 2009–2010 due to a lack of continuity amongst the senior project management.
29. See The SEAL Project, *Annual Project Report 2008*, Kabul, UNDP, 2009, p. 5.
30. Based on author's discussion in December 2005 with the APAP Project Manager. Both UNDP and USAID worked closely to avoid duplication of efforts and ensure donor coordination.
31. Further details on the 'Strategic Support for the Afghanistan Parliament (SSAP)' initiative is available at UNDP Afghanistan site http://www.undp.org.af/undp/index.php?option=com_content&view=article&id=215%3Astrategic-support-for-the-afghanistan-parliament-ssap&catid=30%3Awhat-we-do&Itemid=57 (accessed on 12 November 2012).
32. Marvin G. Weinbaum, *Toward a More Effective Parliament? The UNDP/SEAL Project*, Kabul, Afghanistan Analysis Network, 2012, the full text is available online at http://www.afghanistan-analysts.org/wp-content/uploads/downloads/2012/09/5_Weinbaum_Toward_a_More_Effective_Parliament.pdf (accessed on 12 November 2013).
33. SUNY/CID, http://www.cid.suny.edu/index.cfm (last accessed on 12 October 2012).

34. Details on the APAP project are available at the SUNY/CID's website at http://www.cid.suny.edu/our_work/current_projects/our_work_projects_APAP.cfm (accessed on 12 October 2012).
35. For further details on the Assistance to Legislative Bodies of Afghanistan (ALBA), visit DAI site at http://dai.com/our-work/projects/afghanistan%E2%80%94assistance-legislative-bodies-afghanistan-alba (accessed on 22 January 2014).
36. Key facts and data are available at UNDP Kyrgyzstan site http://www.undp.kg/en/resources/project-database/archive-projects/article/1-projects/13-parliamentary-reform-project (accessed on 27 January 2013).
37. For additional information on the project, visit the project space at UNDP Kyrgyzstan site http://www.undp.kg/en/resources/project-database/article/1-projects/1937-new-legal-framework-project (accessed on 27 January 2013).
38. See NDI site at https://www.ndi.org/kyrgyzstan (accessed on 30 December 2013).
39. Ibid., NDI.
40. For detail on the EWPPP, visit http://www.ewppp.org/ (accessed on 31 December 2013).
41. EWPPP in Kyrgyzstan at EWPPP site http://www.ewppp.org/index.php/programmes/kyrgyzstan/632-parliamentary-practice-and-procedure-in-kyrgyzstan-a-programme-in-support-of-the-jogorku-kenesh (accessed on 1 January 2014).
42. For details on the project, visit the site of the Council of Europe (CoE) Office in Belgrade http://www.coe.org.rs/eng/tdoc_sr/coe_office_in_belgrade/projects_sr/?conid=45 (accessed on 12 August 2012).
43. For details on the project, visit UNDP Serbia website at http://www.rs.undp.org/content/serbia/en/home/operations/projects/democratic_governance/strengthening-the-oversight-function-and-transparency-of-the-par.html (accessed on 25 February 2014).

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Related Electronic Resources

Aid Effectiveness

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Social Accountability and Oversight

Communication for Empowerment: Developing Media Strategies in Support of Vulnerable Groups. http://www.undp.org/content/undp/en/home/ourwork/democraticgovernance/focus_areas/topics_civic_engagement/communication-for-empowerment/.

Guide to Civil Society Organizations Working on Democratic Governance. http://www.undp.org/content/dam/undp/documents/partners/civil_society/publications/2005_UNDP_A-guide-to-CSOs-working-on-Democratic-Governance_EN.pdf.

Guide to Measuring the Impact of Right to Information Programmes. http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/oslo_governance_centre/governance_assessments/a-guide-to-measuring-the-impact-of-right-to-information-programmes-.html.

A Handbook on Working with Political Parties. http://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/dg-publications-for-website/a-handbook-on-working-with-political-parties/A%20handbook%20on%20working%20with%20political%20parties.pdf.

Practical Guidance Note on Civic Education. http://www.comminit.com/democracy-governance/node/296178.

Practical Guidance Note on the Right to Information. http://witt-project.net/article59.html.

Electoral Engagement

ACE Electoral Knowledge Network. http://www.aceproject.org/.

Getting to the CORE: A Global Survey on the Cost of Registration and Elections. http://www.undp.org/governance/docs/Elections-Pub-Core.pdf.

International IDEA Voter Turnout Database. http://www.idea.int/vt/.

Strengthening State Capacity and Parliament

Engaging Parliament in the Millennium Development Goals: A Key Part of the National MDG Strategies. http://www.agora-parl.org/node/426.

A Manual on Parliamentary Engagement with the Millennium Development Goals. http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/parliamentary_development/a-manual-on-parliamentary-engagement-with-the-millennium-development-goals/.

Parliament, the Budget and Gender. http://www.ipu.org/PDF/publications/budget_en.pdf.

Programming for Justice: Access for All. http://www.hrea.org/index.php?base_id=104&language_id=1&erc_doc_id=3746&category_id=587&category_type=2.

Strengthening Parliamentary Involvement in the Poverty Reduction Strategy Process and the Millennium Development Goals (Three Tool Kits). http://www-beta.undp.org/gov-newest/docs/parl_other/Parl%20-%20Guides%20-%20parlthandbooks.htm.

Parliaments & Agencies—International Organisations

Global and Multilateral Agencies

Assemblée Parlementaire de la Francophonie (APF). http://apf.francophonie.org/.
Commonwealth Parliamentary Association (CPA). http://www.cpahq.org/.
Global Organization Against Corruption (GOPAC). http://www.gopacnetwork.org/.
Inter-Parliamentary Union (IPU). http://www.ipu.org/english/home.htm.
International Institute for Democracy and Electoral Assistance (IDEA). http://www.idea.int/.
Parliamentarians for Global Action (PGA). http://www.pgaction.org/.
Political Studies Association. http://www.psa.ac.uk/.
United Nations Development Programme (UNDP). www.undp.org.
United Nations Entity for Gender Equality and Empowerment of Women (UN Women). http://www.unwomen.org/en.
The World Bank. http://www.worldbank.org/.
The World Bank Institute. http://wbi.worldbank.org/wbi/.

Bilateral Agencies

CIDA (Canada). http://www.acdi-cida.gc.ca/index-e.htm.
Danida (Denmark). http://www.um.dk/en.
DFID (UK). http://www.dfid.gov.uk/.
DGCID (France). http://www.diplomatie.gouv.fr/en/.
SIDA (Sweden). www.sida.se.
USAID (USA). http://www.usaid.gov/.

Regional Institutions

The African Parliamentarians Network Against Corruption. http://www.apnaca-frica.org/.
Amani Great Lakes Parliamentary Forum. http://www.amaniforum.org/.
The Asia-Pacific Parliamentary Forum. http://www.appf.org.pe/.
European Parliament. http://www.europarl.europa.eu.
Pan-African Parliament. http://www.pan-african-parliament.org/.
The Southern African Development Community Parliamentary Forum (SADCPF). http://www.sadcpf.org/.

National Parliaments

National Assembly of Pakistan. http://www.na.gov.pk/en/index.php.
National Assembly of Timor Leste. http://www.parlamento.tl/.
National Assembly of Vietnam. http://www.na.gov.vn/htx/English/C1330/#xowg6UG81U6N.
The Parliament of Afghanistan. http://www.nationalassembly.af/.
Parliament of Australia. http://www.aph.gov.au/.
The Parliament of Bangladesh. http://www.parliament.gov.bd/.
The Parliament of Georgia. http://www.parliament.ge/en/.
The Parliament of Ghana. http://www.parliament.gh/.
The Parliament of India. http://parliamentofindia.nic.in/.
The Parliament of Kyrgyzstan. http://www.kenesh.kg/.
The Parliament of Moldova. http://www.parlament.md/.
The Parliament of Serbia. http://www.parlament.gov.rs/national-assembly.467.html.
United Kingdom Parliament. http://www.parliament.uk/.
United States House of Representatives. http://www.house.gov/.

Think Tanks, Networks, Institutes & Foundations

Center for Legislative Development (SUNY). http://www.albany.edu/cld/.
Center for Legislative Studies. http://www.hull.ac.uk/cls/.
Democratic Governance Practice Network. www.undp.org/governance.
Development Alternatives International (DAI). http://www.dai.com.
e-Parliament Network. http://www.e-parl.net/eparliament/welcome.do.
Eldis—Parliamentary Development. http://www.eldis.org/go/topics/resource-guides/governance/institutional-development/parliamentary-development.
Friedrich Ebert Stiftung. http://www.fesdc.org/.
Global Centre for ICT in Parliaments (UNDESA). http://www.ictparliament.org/.
The Hansard Society. http://www.hansard-society.org.uk/.
International Republican Institute (IRI). http://www.iri.org/.
Konrad Adenauer Stiftung. http://www.kas.de/wf/en/.
National Democratic Institute (NDI). http://www.ndi.org.
National Endowment for Democracy (NED). http://www.ned.org/.
Netherlands Institute for Multi-party Democracy (NIMD). http://www.nimd.org/.
Parliamentary Centre, Canada. http://www.parlcent.ca/index_e.php.
Parliamentary Network on the World Bank. http://www.pnowb.org/.
Politics Association. http://www.politicsassociation.com/.
Portal for Parliamentary Development. http://www.agora-parl.org/.
Study of Parliament Group. http://www.spg.org.uk/index.htm.
Westminster Foundation for Democracy. http://www.wfd.org.

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