

**A Concept Paper  
on  
Legislatures and Good Governance**

**Based on a Paper prepared by John K. Johnson and Robert T. Nakamura for UNDP**

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All views expressed in the paper represent the views of the authors

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**I. INTRODUCTION**

Effective legislatures contribute to effective governance by performing important functions necessary to sustain democracy in complex and diverse societies. Democratic societies need the arena for the airing of societal differences provided by representative assemblies with vital ties to the populace. They need institutions that are capable of writing good laws in both the political sense of getting agreement from participants, and in the technical sense of achieving the intended purposes.

Exactly how these functions are performed vary with a system's political architecture, the state of its party and electoral system, and the preferences of those who run it. We have indicated, however, that

structural choices alone do not determine how a legislature functions in a given system. Structures of many types (parliamentary, presidential, and mixed) have yielded functioning and non-functioning legislatures capable or incapable of representing, shaping laws, and exercising oversight.

But if the degree of development is not foreclosed by type, it is also not guaranteed by having an adequate supply of formal powers. Assuming the existence of the desire for and adequate political space for a greater legislative role, the need to create greater capacity to fulfill functions poses the current challenge to legislative development efforts. The power and even obligation to introduce legislation is not worth much without the support required to do it. The power to shape the budget is not very useful without the knowledge to do so. And legislatures need some means of overseeing or checking executive power beyond the ultimate power of removal.

How successful and developed legislatures do these things varies considerably.

Legislative assistance is, however, less concerned with the final state that institutions arrive at than with helping them get started. The purpose is less turning a legislature into a meta-UK Parliament or meta-US Congress, than helping them develop the capacity to become **more representative, more effective at lawmaking, and more capable of oversight**. The exact uses to which these enhanced functions will be put are supposed to be decided by the parliamentarians themselves and the final stage of development is to be shaped by their aggregated choices over time.

Past legislative development efforts have yielded a number of specific lessons, which will be discussed in this paper. There are also some general lessons worth highlighting:

- First, developing legislatures have been **eclectic** in drawing from outside experiences: the post-world war II Japanese Diet library was modeled on the U.S. Library of Congress; Uganda's parliamentary committee system was suggested by tours of American state legislatures including that of New Mexico; and lessons learned in Bolivia's Congress were incorporated into reform in Mozambique. This trend also continues in the American states, where regional leaders like New York and California have influenced legislative developments in the east and west. Thus legislative development efforts should present a wide range of models and a rich menu of choices for the perusal of targeted parliaments.
- Second, legislative development often involves doing relatively **small and discrete things** to contribute to the development of grand functions. The tools and activities discussed are often mundane, but it is useful to remember that they are often necessary for developing the capacity to do bigger things. Creating bill drafting and bill tracking operations, for example, make it possible for members to actually introduce legislation and leaders to manage the process.
- Third, legislative development is now hitting its stride. International organizations increasingly are focusing on it, while a number of developing nations are critically examining their own systems in the wake of major political changes. On the "supply side" there is a fortuitous combination of new financial resources/commitments (especially considering that the cost of legislative development is relatively modest compared to other development investments), and a developing "technology" or knowledge of "tools" arising from an increasing store of development experience. On the "demand" side, developing country desires to develop their legislatures is on the increase because of declines in autocratic regimes, as well as declines in top-down economic and political systems, changes placing a corresponding premium on greater dispersions of power, increased transparency, and enhanced access.
- Fourth and finally, legislative development—while having its share of success stories—is an **uncertain** process. Legislatures are political institutions and as such are subject to changes in outside demands and to the dynamics of competition over power. Elections can change who is in charge and that, in turn, will complicate the delivery of sustained efforts. In addition there are the dynamics of short-term partisan competition. Remember that a legislature is an arena and that legislative powers are means to ends for most participants. Majorities may try to prevent legislative resources from getting to the minorities and this may conflict with goals like building non-partisan institutional capacity. And the need to work out agreements may mean limiting participation and providing for less public discussion. This in turn can conflict with efforts to increase transparency and access. These features combined complicate the tasks of legislative development which must simultaneously consider building for the long term,

fulfilling some member needs in the short term, and all the while sustaining the responsiveness to political changes that define why legislatures are an important target for development in the first place.

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This paper is intended to detail the broad conceptual issues of the role of legislatures in good governance. It begins with an assumption that good governance on a continuing basis requires an effective institutional infrastructure and that functioning legislatures have proven their worth as part of the set of core institutions. A further assumption is that good governance and some level of functioning democracy are related. Effective legislatures help to sustain democracy where it exists and elsewhere help to democratize by fulfilling the promise inherent in the public's right to be represented. Capable representative institutions connect people to their government by giving them a place where their needs can be articulated, by giving them a say in shaping the rules that govern them, by providing them with a recourse if governmental power is abused, and by contributing to the procedures and values that sustain a democratic culture.

This paper begins with a description of legislatures and legislative behavior, and then provides specific information regarding legislative development. Sections II and III explain what legislatures do, how they do it, some ways in which they vary, and how structure and party systems may influence legislative behavior. Section IV briefly describes problems commonly faced by legislatures around the world. Sections V and VI explain what legislative development is, show the kinds of organizations involved, provide examples of legislative development activities, and give some lessons we have learned in delivering legislative development programs.

## **II. THE THREE BASIC FUNCTIONS OF LEGISLATURES**

Legislatures of some sort are found in nearly all societies. Nearly all regimes find it useful to have some sort of nominally representative institution to legitimate their lawmaking by discussing and ratifying public policies.

While legislatures range from ornamental (and often disposable) to significant governing partners, they have some common characteristics which scholars use to define them. These include: a claim on legitimacy based on representing the public or publics, some power (formal or symbolic) over lawmaking, nominal equality of membership, and processes for collective decision-making.

### **A. Basic Legislative Functions**

Although there is considerable variation among developed legislatures, it is safe to say that all functioning legislatures in democratic nations have a greater and more predictable role **representing** publics, in **making laws**, and exercising **oversight** than those of less democratic societies. Enhancing the capacity to perform these functions in less developed legislatures has often been the focus of development assistance.

In addition, scholars have identified a long list of functions performed by at least some legislatures. These include serving as an electoral-college to put governments into power in parliamentary systems (U.K.), or making decisions when election results are inconclusive or in dispute in presidential systems (U.S.). Legislatures also use apportionment formulae recognizing ethnic, religious, language, gender, economic and geographic differences for legislative representation as instruments for national integration (India, Ethiopia). Other discrete functions include; educating the electorate through public displays of competition; playing roles in executive removal (impeachment, votes of no confidence, censure); serving as a recruiting pools for other government positions (Brazil's congress and more commonly in many parliamentary systems); and providing a place where policy ideas might be "incubated" (U.S.).

### **B. Generic Discussion of How Legislatures Operate.**

Political scientists often make the generalization that ineffective assemblies—serving as "rubber stamps" in approving decisions made elsewhere or "caves of the winds" given more to venting than governing-- are the most common type of legislature. There is, nevertheless, a significant and growing group of legislatures which function as important governing partners because they represent, shape laws, and exercise a degree of oversight or control over the executive. Performing these functions contributes to good government by increasing its capacity to monitor and respond to public

sentiments/dissatisfactions, by playing a part in passing legislation capable of withstanding critical scrutiny, and serving as a vehicle for improving the degree of probity, efficiency, and responsiveness in the administration of laws. While these functions are important singly, performing representation, lawmaking, and oversight functions in tandem is also important.

**Representation:** Where they function, legislatures are useful "nerve endings of the polity" in the sense that they are often the branch of government to which popular complaints/dissatisfactions/demands for action are first articulated. This is so because legislatures typically operate with greater transparency, or at least with less secrecy, in comparison with either the judicial or executive agencies. They are diverse in their memberships (usually designed to represent a broader range of interests/characteristics/places) from which a first hearing and early support may be gained. Constituents have greater access; they are often more likely to feel that they have a claim on a representative than on other government officials. And legislative proceedings are often organized to maximize public attention to particular controversies and to offer participation opportunities ranging from contacting individual representatives to organized hearings.

Not surprisingly, a common legislative role is as an arena for the articulation of societal differences over policy. The richer the information environment surrounding legislatures—the vitality of the civil society and the vibrancy of member relationships with constituents—the greater the flow of these sentiments into the consciousness of those who run the government.

**Lawmaking:** Representing the public means more than articulating citizen preferences; it also involves having a say in translating preferences into policy through enacting legislation.

The representative and lawmaking functions co-exist in an uneasy but necessary relationship. Lawmaking requires reconciling of differences once articulated, as well as pressing the legislature's claim to power against the executive and other power-holders, such as political parties. This requires legislative processes capable of reconciling conflicts and bringing to bear enough expertise to be taken seriously by the executive branch and other actors in the system.

In most legislative bodies, the workhorses of this portion of the process are committees. The more effective committee systems simultaneously provide arenas for expressing differences and environments, which foster compromise and decision. Where committee deliberations are important in shaping the behavior of the whole legislature, committee members have power incentives to specialize and to become both advocates of popular positions and develop negotiating skills to shape outcomes. And when a committee system is comprised of specialized bodies, capable of effectively considering legislation in their own areas, the whole legislature develops the capacity to deal with the executive branch across a wide range of topics in sufficient depth to be serious governing partners.

**Oversight:** Oversight occurs after a law is passed and involves monitoring executive activities for efficiency, probity, and fidelity. While most legislatures have some formal oversight powers, effective oversight is difficult to exercise because it requires information about executive branch activities, the legislative capacity to process that information, legislative will to act, and the power to back up demands for improvement/access/responsiveness. Oversight even more than lawmaking puts the legislature into an adversarial relationship with at least some portion of the executive branch. Thus in parliamentary systems with a dominant majority (like the United Kingdom and Canada), oversight tends to be less developed than in presidential systems, especially when competing parties can each control a branch of the government (as in the United States).

Among the most useful oversight powers and capacities found in effective legislatures are: a capacity to remove executives (through votes of no confidence, impeachment, etc.), the power to get information from the executive (compel testimony, require reports, etc.), the effective use of the power of the purse, and a functioning committee system capable of knowledgeably monitoring and assessing executive branch behavior. All are useful in themselves, and as ways of indirectly compelling the executive branch to heed legislative concerns.

Successful oversight, in turn, can feed back into better law-making as experience gained in implementing past laws can be incorporated into future laws, and in better representation when legislators become more adept at shaping the administration of laws to consider impacts on constituents.

### **C. Some Factors Causing Variations in What Legislatures Do**

In this section, we will briefly describe many of the cross-legislature factors that contribute to differences among representative assemblies. The range of combinations and permutations is too broad for detailed discussion, but we will highlight some of the more common types.

## 1. Concepts of Representation

Representatives' behaviors are shaped by a variety of factors. These include personal motivations, how they view their job (role and impact on conceptions about constituents), and the variety of ways that they can respond to constituents.

The range of personal motivations commonly used by scholars includes a variety of instrumental and expressive goals including political advancement (either re-election or election/selection for other positions), the desire to influence policy, the desire for power in a legislative body, and private gain. Of course, different legislative systems offer opportunities or encouragement to fulfill some of these motivations while others do not.

How representatives conceive of their job affects how constituents are viewed. Varieties of roles include the commonly cited roles of **Madisonian/Delegate** conceptions (in which the legislator mirrors or transmits constituency attitudes), and **Burkean/Trustee** conceptions (where the legislator determines what is in the constituent's best interests). In addition there are other views which include: **Politicos** (where the legislator serves as a broker finding common ground amidst competing constituent interests), **Leninist** conceptions (the party leads constituents through representatives), and **Exemplar** conceptions (where the legislator fulfills symbolic concerns of constituents by sharing racial, ethnic, religious or other characteristics).

Insofar as representation involves responding to constituents, scholars have identified a range of ways of responding through: shaping policies, providing services, insuring them a share when allocations are made, and providing symbolic satisfactions.

Just how these various elements are combined to produce a collective institutional approach to representation varies enormously. Much of that variation is driven by factors like the legislative system and party/electoral system discussed below.

## 2. Formal Powers, Capacity, Political Space, and Political Will

The factors that drive a legislature's role in lawmaking and oversight processes are: the extent of its formal powers; the adequacy of the capacity provided by its procedures/structures/support; the amount of political space/discretion afforded by other power holders (executives, parties); and the goals of the members and leaders of the legislative bodies themselves.

**Formal legislative powers:** What is the scope and extent of a legislature's power to enact laws? In some systems legislators have a monopoly on the right to introduce legislation directly, while in others legislators can only consider proposals originated in the executive. There is also variation in the range of options in shaping legislation (amendment, rejection, referral back to executive branch), in the finality of legislative passage (executive veto powers and override possibilities and requirements), and the impact of legislative rejection or inaction (including the possibility of executives ruling by decrees which have the force of law). An important subset of lawmaking powers is the extent of a legislature's influence over taxing and spending. These range from having a monopoly over the origination and passage of such measures to pro forma approval powers over these decisions made elsewhere. Finally, there is the degree to which a legislature can influence the promulgation of administrative regulations which interpret statutes and the judicial review process which might pass on the meaning and validity of laws.

Legislatures range from being relatively weak in formal powers to quite strong. Most people realize that strong formal powers do not guarantee an influential legislature. Among the other factors that shape degree of influence are those discussed below.

**Capacity:** Formal powers mean little if a legislature lacks the capacity to use them. The rise of many American state legislatures as effective bodies beginning in the 1960s, for example, came with investments in capacity building. The extent of capacity can be gauged in a number of areas. There are variations in capacity for management of process (referral, dispositions, scheduling and limiting debate etc.) and degree of internal complexity (level of effectiveness of committee system, respect for specialization/expertise, deference to committee decisions, etc.). In addition, there are differences in



the extent to which there is an adequate administrative structure to support the above activities. Is there, for example, a system to meet the unique information needs of legislators that blends the technical/analytic/policy components of decisions with the political consequences/prospects/opportunities presented?

**Political Space:** When a legislature gains influence, it usually means that others have lost a measure of control. An important determinant of how much power a legislature can exercise, then, is the extent to which other important power holders—most importantly executives and parties-- cede, lose, share, exchange or let slip the power they hold. The range is wide, with authoritarian systems on one end (autocratic executives, hierarchical-disciplined parties) providing little political space, to more pluralistic and competitive systems providing more. The gradient in between is wide, and a lot of parliamentary assertiveness occurs in apparently unlikely circumstances. Uganda, for example, has a strong president, but is developing a more assertive parliament.

**Political Will:** A final consideration has to do with what the leaders and members of a parliament want to do. While formal powers and the factors that drive the general limits of political space often change slowly if at all, a number of parliaments have changed markedly due to leaders and members choosing to exercise their formal powers more aggressively and to exploit openings in political space as they occur. Recent leadership efforts at parliamentary reform and assertiveness in Zimbabwe, for example, are reshaping the lawmaking process to give Parliament an earlier, more extensive, and more public say in a system where the executive originates laws and in which a single party dominates.

**III. LEGISLATIVE MODELS**

**A. Variations**

The following table provides a reasonably complete list of the generic types of legislatures found throughout the world. It should be possible to locate legislatures as one type or another although there is some migration between types at different historical points. The table was adopted from frameworks devised by William Robinson and Nelson Polsby in different works.

**Table 1: Legislative Types**

Type	Internal Structure/Information Need	Examples
<b>Transformative Legislature</b>	Highly complex	US Congress
<b>Arena Legislatures</b>	Complex	British Parliament
<b>Emerging Legislatures</b>	Evolving	Bolivian Congress
<b>Rubber Stamp Legislature</b>	Little internal structure.	Old-USSR

**1. Rubber Stamp Legislatures**

We will begin our discussion with the simplest form of legislative body, the so-called "rubber stamp." These are legislative bodies that simply endorse choices made elsewhere in the society. The most frequently cited examples are those drawn from authoritarian and totalitarian countries where legislatures are largely symbolic bodies endorsing the decisions of leaders. They are not, however, found only in non-democratic political systems. Labor union national assemblies, in many otherwise democratic nations, often meet to ratify leadership choices on successors and programs. The American Electoral College, while not a conventional legislature, nevertheless performs as a "representative" body when it meets to ratify the presidential choice made by the popular vote.

Since rubber stamp legislatures merely endorse decisions made elsewhere, they typically require little in the way of internal complexity and information processing capacity. While these things may help members in more active legislatures to make decisions, they are not needed when the only decision to

be made is to endorse outcomes of other decision-making processes. Rubber stamp legislatures, by definition, do not make independent contributions to the process of governing their societies.

While the term "rubber stamp" is often used in an unflattering fashion and equated with undemocratic, being a "rubber stamp" is not necessarily undemocratic, nor bad. Leaving aside non-democratic societies, a rubber stamp legislature may be justified in democratic terms if the decision made by the external body should be made by them for democratic reasons. The clearest example is the American Electoral College whose members should not interject their personal views after the plurality of the people have made their choice for president.

Sometimes proponents of strong party systems, in which the political parties are expected to go to the people with a detailed program, advocate a minimum of legislative involvement and prescribe strict discipline over the dominant party's legislative members. The reasoning is that when the people vote for a party's candidates, they simultaneously vote for the party's program, and obligate the winners to follow through on what amounts to their campaign pledge. The legislature should then "rubber stamp" the popular decision for to do otherwise would be undemocratic. Critics of this view argue that voters may vote for a candidate for many reasons, and their positions on issues or a party's platform may not have been decisive. In any event, electoral promises and platforms are typically at highly general levels and do not reveal precise legislative preferences held by voters (if indeed preferences ever exist at that exact a level). So these critics reason, the representative may have many reasons for believing that the people have not spoken so precisely and clearly as the advocates of the rubber stamp legislature believe. Furthermore, representatives may feel that they too have some of the same right to interpret popular preferences as the party leadership in the executive branch.

## **2. Arena Legislatures**

We will skip for now the emerging legislature and next deal with the arena type legislature. An arena legislature is a place where societal differences are represented and articulated. Public policies are debated from different perspectives and actions of government are assessed by different criteria. It is a place, in short, of speech and debate. The best known example is the British House of Commons.

The rationale for such bodies is that they represent society in its diversity and society as a whole. So their job is to debate and evaluate from different perspectives, and reconcile differences to the extent possible to sustain collective action. Thus they typically need some internal structure to advance both goals-- a party leadership system which can organize debate, rules which permit orderly discussion, and a committee structure capable of channeling business.

An arena legislatures draws its legitimacy from its representativeness and not necessarily its special claim to shape policy beyond the need to articulate the diversity of societal preferences and to press government or party leaders to heed these concerns. So policy initiatives most frequently come from outside the institution which serves as a conveyor belt from both party leaders and society. Thus the arena legislature's need for inside capacity is limited to what it required to evaluate proposals from the perspectives represented by members. It needs enough internal capacity to serve as an informed critic and a refiner of proposals shaped mainly by outside actors in the executive branch or in the party system.

## **3. Emerging legislatures**

An emerging legislature is the process of change from one type to another. The most frequent path is for a legislature without much internal structure and capacity to try and develop more of the things necessary to play a larger role in governing a society. Examples of such legislatures include Bolivia, a number of other Latin American legislatures, and many of those found in the former Soviet Union and its satellites. (It is possible for the transition to be in the other direction. In the United States, for example, the California State Legislature, under the impact of popularly passed initiatives imposing term limits and staff ceilings, has lost power).

Legislatures may emerge for a variety of reasons. Societal demands may increase in their complexity. Political mobilization may occur making the politically relevant portions of society larger and more diverse. Scholars have identified changes in the American party system—brought on by industrialization—as one reason that the United States House of Representatives shifted from a late 19<sup>th</sup> century Speaker-centered system to a more decentralized and structured 20<sup>th</sup> century pattern. The recent movement of Mexico from its 20<sup>th</sup> century pattern of single party domination to a more

competitive system has energized efforts to build capacity in its House of Deputies and reduce dependence on the executive.

#### 4. Transformative legislatures

The rarest type of legislature, these are legislative bodies capable of both representing and shaping societal demands. They both articulate diverse societal preferences and serve as an independent shaper of the policies that emerge. Typically, executive branches of government have an easier time shaping policies because they are hierarchically organized and by their nature represent a narrower more professional set of concerns than do legislatures. Transformative legislatures both represent and lead. To do so requires an internal structure capable of channeling conflict and reconciling differences, as well as information capacities up to the task of initiating and perfecting policies. Not surprisingly, there are not many examples of such legislatures, and those that do exist do not always live up to the requirements. The best example is probably the U.S. Congress. Parliamentary systems are somewhat less likely to develop along these lines than are presidential systems with their explicit separation of powers and election systems between executives and legislatures. In any event, the type is rare enough that most presidential and parliamentary systems fall into other categories.

To contrast the transformative with the arena legislative types it is useful to use a metaphor. An arena legislature might be thought of as a thermometer, a device that registers the temperature around it. A transformative legislature is more like a thermostat, a device that can -- within the limits of climate control machinery capacities -- determine the temperature around it. Unlike these devices, it is possible for legislatures to be more or less like one device or the other at different times in its history.

### B. Impact of Legislative Structure on Behavior

#### Presidential and Parliamentary Systems

As the foregoing discussion indicates, transformative and arena legislatures are the two types of legislatures capable of serving to a degree as independent centers of power, or having a claim to a share in governing that is separate from that of the executive. The next issue is the extent to which that claim to power is pressed to the point that the legislature, rather than agencies outside the legislature, determine what goes on inside.

**Structure influences behavior.** Whether a legislature is part of a parliamentary or presidential system undoubtedly affects relations between the legislature and executive, between the public and their representatives, and the between the representatives themselves. Generalizations about the magnitude and character of structural effects are difficult to make because government structures vary considerably within and between types. Some portion of apparent differences are due to other factors (including the state of the party system, the number of parties, how competitive, institutionalized, or centralized they are); and the partisan balance (in parliamentary systems the state of coalitions, in presidential systems the extent of "divided government" if and when different parties control the executive and legislative branches).

One way to summarize some of these differences is to compare features of the United Kingdom's Parliament with those of the United States Congress. The U.K. has influenced many African states, which adopted some form of the Westminster model (indeed even countries with a separately elected president like Uganda call their legislature parliament). The United States, through its constitutional structure admired by many 19<sup>th</sup> and early 20<sup>th</sup> century revolutionaries, influenced many nations of Latin America. The U.K. sees less conflict between the executive and legislature than does the United States. Parliament compared to Congress has a less developed internal structure of committees, and rank and file members have less power and less capacity for independent action. The parliamentary role is one of an arena for national debate whereas Congress plays that role along with larger lawmaking and oversight roles.

**Table 2: Legislative Structure and Behavior**

#### The United Kingdom and United States

The United Kingdom	The United States
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<p>The Prime Minister is selected from among and by the parliamentary majority, retains his/her position until he/she loses party support or the majority party calls for new parliamentary elections.</p>	<p>The President is elected in a national election. Members of Congress are elected by separate constituencies that represent the nation in the aggregate. Only when the presidential candidates fail to achieve a majority will the outcome be decided in the House of Representatives. Presidents serve for a fixed term and can be removed by impeachment. Caveat: In those Latin American nations with parties not strong enough to win presidential elections outright, elections are more frequently decided in legislatures.</p>
<p><b>REPRESENTATION:</b> Popular will translated into majority party dominance</p>	<p><b>REPRESENTATION:</b> Popular will translated through the efforts of separately elected officials</p>
<p>Greater incentive for party discipline. The majority party and its' government retain power as long as members maintain enough unity. The electoral fate of the government and of individual members is tied together. Caveat: Incentives for unity are influenced by the size of the majority, a minimum winning coalition needs more unity (and offers more rewards to members) than a larger majority.</p>	<p>Less incentive for party discipline. Separate terms and separate constituencies encourage independence. Caveat: In the late 19<sup>th</sup> century, parties in the House of Representatives maintained high levels of discipline and unity. This was a period of close national party competition and disciplined voting.</p>
<p><b>LAWMAKING:</b> Less need for a committee structure. Ministries and parties may provide the expertise that would otherwise be provided by committees.</p>	<p><b>LAWMAKING:</b> Incentive exists for a strong committee system. Caveat: The strength of the committee system has varied considerably over time, and the relative capacity of committees to command deference to their expertise continues to vary within periods.</p>
<p>Professional staff support tends to be minimal. Caveat: The Australians with the same model have a more extensive staff system than that found in the U.K.</p>	<p>More extensive professional staff support. Caveat: Level of institutionalization is an important variable, the surge in congressional staff is a post World War II phenomenon. The larger American states started developing their more elaborate staff structures beginning the 1960s.</p>
<p>Less of a need for rank-and-file legislators to develop policy expertise. (Although "shadow" ministers are expected to do so)</p>	<p>Individual legislators have some incentive to develop policy expertise.</p>
<p>Policymaking functions tend to be concentrated in parties or ministerial bureaucracy.</p>	<p>Legislative policymaking functions tend to be concentrated in specialized committees. Caveat: Many presidential systems of Latin America lack much in the way of policy-making capabilities, and members have deferred to parties or ministries.</p>
<p><b>OVERSIGHT:</b> Oversight powers include the threat of removal (votes of no confidence), ministerial question periods, and the power to investigate. In general, the majority party is not inclined to investigate operations of government for deficiencies and problems, and the minority party lacks the means. Majority party members often want to gain a place in the government, and this career goal discourages a more adversarial stance. Caveat: There are devices for parliamentary oversight such as directly questioning ministers and in some African nations there have been parliamentary investigations of executive branch performance, primarily regarding corruption.</p>	<p><b>OVERSIGHT:</b> Oversight powers include threat of impeachment, committees can compel testimony and require information of executive officials, and Congress can review some administrative regulations.</p> <p>Members often make a career of legislative membership. Committees and members can gain influence by finding problems with how government is performing. Caveat: In Latin American systems without "divided government," few oversight activities are undertaken.</p>

It is useful to remember that these lists of differences apply to comparisons between the U.K. and U.S. rather than to parliamentary and presidential systems in general. There are significant variations across these types and within types, and across time.

### **Other important types of structures**

Another important type of system is that of contemporary France, which combines an independently elected president as head of state with prerogatives in foreign affairs, and a prime ministerial-parliamentary system. Portugal and Finland are other examples. For now, the function of the French legislature appears to be to support the government.

The French practice of having both a president and parliament is found in parts of Africa. Uganda, for example, has a parliament but it also has a separately elected President with vast executive powers. And Ethiopia has shifted between having a prime minister and president without changing the chief executive or much of the legislative structure.

Given the variation, it is difficult to generalize about the impact of these structures beyond the obvious, the executive president is the strongest official, prime ministers are nominally (and often realistically) more subject to parliamentary control.

Finally, there are a large number of constitutional and absolute monarchies in the world. In both types of monarchies, the monarch is the head of state and has the formal power to dissolve the legislature. The realm of constitutional monarchs goes from nominal (the monarch's role in the Netherlands, U.K., Denmark, and Sweden is largely a symbolic one) to more significant (at times under special circumstances in Spain and Thailand).

### **What types of generalizations can be made?**

How much of the differences among generic types of legislatures can be attributed to constitutional design and what other variations are associated with design? It is worth addressing at this point the view, sometimes held by individuals from presidential-congressional systems, that parliaments are necessarily weak, rubber stamp bodies for decisions made elsewhere.

On the whole, the strongest parliaments are less assertive and powerful as legislatures than are the strongest congresses. Parliaments are less likely to develop large expert staff to rival government ministries, and they are less likely to exercise aggressive legislative oversight since their own allies are typically in charge of executive agencies. They are also more likely to encourage conformity and obedience to party leaders as a means for members to get ahead. There is, however, considerable variation among parliamentary and congressional legislative bodies. The decision to choose a parliamentary or Westminster form does not automatically foreclose the exercise of a degree of independent power. While the strongest legislatures -- those capable of transforming societal demands made upon them and channeling them in new directions -- are found in congressional systems, there are rubber stamp congresses as well as powerful parliaments. Under military governments in Latin America, congresses were often reduced to rubber stamp bodies despite their formal independence. And some parliaments, and more often parliamentary parties, have carved out a policy role for themselves. In Great Britain, for example, the Tory parliamentary party (comprised of party members in Parliament) is an important implementer of the national party's policies, individual members of both parties perform considerable constituency service functions, and important oversight activities are sometimes conducted through parliamentary questioning and other means of inquiry. Choosing the parliamentary form alone does not, based on the experience of other parliamentary systems, relegate legislatures to a wholly passive or rubber-stamp role.

### **C. Influence of Party Systems**

Scholars agree that there are a number of other variables beyond structure which shape the degree of independence and assertiveness a given legislature exhibits. Among the most important are those having to do with the party system.

#### **Does one party dominate the system?**

If one party—or political group/interest/individual—controls both the executive and legislature, then the chances for independent legislative decision-making diminish. When the PRI controlled Mexican politics, the Congress was what one observer called "the world's largest rubber stamp." When control

over the government was divided between the PRI, which won the Presidency, and their opponents in the House of Deputies, the House became more assertive. In Parliamentary systems the prime minister and parliamentary majority must co-exist. The tightness of the relationship, and the capacity of the dominant party's leaders to control outcomes, is at its maximum when it rules without coalition partners. When control is divided, and a coalition is necessary, then the relationship between parliament and executives can grow more critical as the legislature becomes an arena in which to criticize the government (as in the Israeli Knesset in recent years).

### **Who controls the nomination and election of representatives?**

The most independent representatives are associated with single member, plurality districts, in which nomination is determined by district based processes (such as primaries). At the other end are representatives who are selected by and are dependent on party leaders. The former have stronger electoral incentives to develop ties to constituents, while the latter looks to the party hierarchy.

## **IV. CONTEMPORARY PROBLEMS FACED BY LEGISLATURES**

All legislatures experience difficulties in performing some of their functions, and newly developed legislatures are likely to experience difficulties with all of them. Common problems faced by legislatures include the following.

### **1.Lack of political will and institutional consciousness**

In many legislatures, member loyalties to political parties or leaders far outweigh concerns for the legislature as an institution. An institutional consciousness may be weak or non-existent, and members lack a vision or concern for the power and development of their legislature. Unless at least some key members are concerned about legislative power and the legislature as an institution, it is unlikely to improve.

### **2. Poor perceptions by, and relations with civil society**

Individuals and groups in civil society may not understand the workings of the legislature, and are often unskilled in articulating their needs to the legislature. In many systems legislators and constituents rarely interact, and institutional weaknesses make it difficult for legislators to respond to citizen needs even when they understand them. A legislature unresponsive to the needs of the electorate will tend to lack public support. Finally, legislatures often poorly represent women and other marginalized groups in society.

### **3.Lack of formal lawmaking and oversight authority**

As we noted above, legislatures sometime lack the constitutional or legal authority to carry out a significant lawmaking or oversight role, or there may be aspects of this authority which are lacking. While systems of divided government tend to vest greater independent lawmaking and oversight authority in legislatures, legislatures in all systems frequently lack the human and material capacity required to utilize the powers they do possess.

### **4. Inadequate access to information**

In every democratic political system, legislatures have some responsibility for government oversight, and for analyzing and amending, or at least commenting on legislation and budgets they pass. Much of the information required for this comes from the executive, and some comes from sources outside the government or even outside the country. Many legislatures lack access to the information required for them to adequately analyze government proposals.

### **5.Inadequately prepared legislators**

One goes to law school to become a lawyer, and to medical school to become a doctor, but how does one learn to be an effective legislator? The job of a legislator is complex, yet few legislatures provide adequate training opportunities for either new or returning members. Legislators, therefore, are often unaware of their authority, how to best organize their time and conduct their business, or how to deal effectively with citizens and the press.

### **6.Lack of, and inadequately trained staff**

As demands on legislatures grow, so does the need for professional staff. Many developing nations have no tradition of professional legislative staff, and those which do tend not to have sufficient numbers of prepared staff. Staff may turn over regularly and never have time to develop the expertise they need.

## **7. Ineffective organization and facilities**

Many developing legislatures suffer from inadequate facilities and equipment. Meeting rooms, sound systems, phones, copy machines, offices – all tend to fall short of what is required for the institution to function effectively. Legislative rules and procedures may make it needlessly difficult to conduct business.

## **V. LEGISLATIVE DEVELOPMENT**

### **A. What is Legislative Development?**

Legislative development programs, quite simply, are sets of activities designed to ameliorate the problems described above. They are programs designed to help legislatures become more open, responsive, and effective institutions. Legislative development programs attempt to:

1. Build internal support for legislative strengthening;
2. Strengthen representation, by helping legislatures better communicate with citizens, and by helping society better interact with the legislature;
3. Strengthen lawmaking and oversight capabilities of the legislature;
4. Strengthen legislative organization and facilities.

In this section, 36 legislative development activities are described, all of which aim to assist legislatures in accomplishing the above four goals.

### **B. Role of External Agencies**

While budgets for some donor agencies may be decreasing, many are spending a growing percentage of their budgets on governance programs. Within the field of governance, legislative development is one of the areas of growth. What types of organizations are working in this field, and what are they doing? This section describes some of them.

#### **1. Funding organizations: Bilateral**

Government foreign assistance programs from such nations as the United States, Canada, Australia, Belgium, France and the U.K. have made legislative development an area of focus over the past decade. US assistance through the U.S. Agency for International Development began aiding legislatures in a limited way in the 1970s, but assistance grew more rapidly beginning in the late 1980s and early 1990s. Initial emphasis was on Latin America, spread to Eastern Europe in the early 1990s, and is now focuses increasingly on Africa. During the Reagan and Bush administrations, USAID programs emphasized institutional strengthening. Under President Clinton, the emphasis has shifted more toward citizen participation with legislatures. Canada, sometimes working through the Parliamentary Centre of Ottawa, has also worked a good deal in Africa, where Canadian fluency in French has proven particularly useful. France works through the Assemblée Internationale des Parlementaires de Langue Francaise (AIPLF). It was created in 1967 and is the only inter-parliamentary organization representing parliamentarians from the world's Francophone nations. Australia has focused much of its assistance in the Southeast Asia region. Belgium, working with AWEPA, amongst other agencies, has focused much assistance on Africa and conducted meetings and conferences for legislators. The U.K. has also provided assistance to legislatures in developing countries, including in the Middle East and East Africa.

#### **2. Funding Organizations: Multilateral**

Both regional and worldwide funding organizations have also become active in legislative development. Governance has become an increasingly larger component of UNDP's programs; nearly 50% of UNDP's program resources were dedicated to governance over the period 1992-1996. An estimated US\$35 million was dedicated to programs aimed at strengthening parliaments during that time. The United Nations Development Programme has managed large legislative development

programs in such nations as Ethiopia and Mozambique. In Ethiopia, UNDP combined the resources of a number of donor agencies to fund a parliamentary strengthening project larger than any individual donors were prepared to support.

The Inter-American Development Bank has added projects designed to reform the state and strengthen civil society to its more traditional infrastructure development programs. Reasoning that a state based on the rule of law and an efficient market economy requires an effective legislative branch, the IADB has provided technical assistance to many of the nations of Latin America, including Ecuador, Peru and Bolivia. The Organization of American States (OAS) also provides development support to both national and provincial level legislatures, but on a smaller scale. The World Bank funded a multi-year project with the National Congress of Chile to strengthen the library and the research capabilities of the Congress.

### **3. Legislative/Parliamentary Associations**

Many organizations of parliamentarians and parliamentary staff exist for professional exchange and development purposes; perhaps the best known is the Inter-Parliamentary Union (IPU) of Geneva, Switzerland. The IPU is an association of parliaments rather than parliamentarians, and holds conferences, promotes participation of women in politics, and collects and disseminates information on parliaments. The IPU runs a technical cooperation program to mobilize support for parliamentary assistance, and has developed an English/French database on the role, structure, and working methods of parliaments – PARLINE.

The National Conference of State Legislatures is an association of the 50 state legislatures of the United States. While its major function is to provide assistance to state legislative staff and members, it plays a growing role in assisting legislatures in developing nations.

The Parliamentary Assembly of the Council of Europe and the European Parliament established the International Institute for Democracy (IID). It serves as a clearinghouse for the dissemination of information on the efforts of institutions and organizations involved in the promotion of democracy, and organizes seminars on parliamentary practice and procedures for parliamentarians and civil servants of parliaments in newly emerging democracies.

### **4. Other**

Other groups involved in parliamentary strengthening include institutions associated with political parties, such as the National Democratic Institute (NDI) and International Republican Institute (IRI) of the United States. The U.S. Government, through the National Endowment for Democracy, funds both of these institutes, which provide assistance to political parties and to legislatures.

A number of universities are active in legislative development, among them the State University of New York (SUNY), the University of Texas (UT), the Catholic University of Valparaiso in Chile (UCV), and the University of Brasilia (UB) in Brazil. SUNY, UCV and UB all provide academic training for legislators and staff, and SUNY and UT manage large legislative strengthening projects. Canada's Parliamentary Centre of Ottawa provides assistance to Canada's Parliament and to developing legislatures – most often with funding from the Government of Canada. Finally, the US Congressional Research Service spent \$28 million in Eastern Europe in the early 1990s in an effort to develop in these legislatures strong analytical capabilities and library facilities. In recent years, development activities of the CRS have been curtailed dramatically.

## **VI. GLOBAL EXPERIENCES AND LESSONS LEARNED**

### **A. Examples of Activities**

What types of activities are included in legislative development programs, and how are they conducted? This section describes many of them, gives some specific examples, and comments on their implementation. It corresponds to the problems listed in Section IV.

#### ***Sample activities to help build internal support for legislative development***

##### **1. Establish a legislative modernization group**

Legislative strengthening programs must be built upon a base of support within the legislature if they are to be effective and endure. Legislatures in many nations have established legislative



modernization groups to provide this support. Modernization groups are multi-party boards of legislators responsible for the institutional development of the legislature. Typically, they help build internal support, direct institutional strengthening activities, and deal with problems and difficulties related to legislative modernization. Donors sometimes require legislatures to establish modernization groups before providing funding or loans (see Colombia example, below), and provide them assistance as part of a long-term project (see Bolivia).

### **Bolivia: Legislative Modernization Committee**

The USAID legislative strengthening project in Bolivia (1992-1998) helped establish the Legislative Modernization Commission (CML), a bicameral committee chaired by the President of the Congress and comprising political leaders from both houses of the Congress. The CML has permanent status in Bolivia's legislative rules, and has survived three national elections and three changes of political parties in power. Committee members met regularly and also used the group to spearhead electoral reforms in 1997.

### **Colombia: *Comision Accidental***

Before granting Colombia a \$4.9 million loan to strengthen its legislative branch, the Inter-American Development Bank required the Congress to establish a bi-cameral committee responsible for legislative strengthening. The Colombian Congress responded by establishing a two-house modernization committee, and required that its members remain intact for the four-year life of the Congress. (Leaders and members of Colombia's other committees rotate on a yearly basis). The presidents of each house (who rotate each year) become members of the committee upon completing their one-year term as president.

### **Uganda: Parliamentary Commission**

In Uganda, the Parliamentary Commission, a joint parliamentary-executive board, oversees the management and development of the Ugandan Parliament. The board was established by law in 1997, and is presently overseeing the implementation of a plan establishing permanent, professional staff in the Parliament. MPs recognize the Parliamentary Commission as the unit responsible for institutional development, and which negotiates with and oversees the work of outside donors.

### **Zimbabwe: Parliamentary Reform Committee**

Aware of Zimbabwe's need for a more representative and effective parliament, the Parliament of Zimbabwe established the Parliamentary Reform Committee. The Committee conducted a series of public hearings throughout the nation in 1998, to learn society's impressions of the Parliament's performance, and to determine what could be done to improve it. Legislators, local government officials, and CSOs testified about Parliament's deficiencies, and made scores of recommendations. The Parliamentary Reform Commission published the findings and recommendations, and is now in the process of implementing them. Recommendations, if fully implemented, will open the legislative process and grant the Parliament a stronger policy-making and policy-oversight role.

## **2. Conduct legislative leader study tours**

Meeting with counterparts responsible for legislative modernization in other nations can help political leaders develop a vision for their own institution. A study tour designed to help leaders develop a vision for their legislature, and their role in it, would most likely visit other legislatures whose leaders have organized to modernize. As one example, First Vice President Carimo of Mozambique's National Assembly met with the leaders of Bolivia's CML while attending a legislative conference in Bolivia in 1996. This experience helped him envision a similar committee and similar reforms in Mozambique, which he later helped to implement.

When conducting legislative study tours, it is important to design them to accomplish specific development objectives, and to make sure that all political parties are included.

## **3. Draft parliamentary development plans**

How can legislatures, whose leaders change regularly, maintain some consistency in their modernization efforts? One means is through the use of parliamentary development plans. Parliamentary development plans (which exist for Uganda and Guatemala) are comprehensive

statements of a legislature's physical, organizational, and member needs. They help legislatures define their development goals, help legislators set priorities in spending their own resources, and can be used by legislative leaders to solicit donor assistance. (Legislatures requesting assistance will generally be more successful if they request specific assistance that is part of a well-defined development plan).

Parliamentary development programs must "belong" to local legislative leaders. Consultants, therefore, will need to work closely with leaders in developing them.

### **Administer legislative questionnaires/Conduct decision workshops**

How can rank and file MPs be given a voice and a stake in the legislative modernization process? Two methods used are legislative questionnaires and decision-workshops. The USAID project in Bolivia queried legislators about their institutional support needs through a professionally designed questionnaire, and then used the findings in developing project activities. State University of New York consultants to the Assembly of Benin in 1998 presented program options to Assembly leaders, and asked them to rank order their preferences for a program. USAID used these findings in designing assistance activities for the Assembly.

Keep in mind that questionnaires and decision workshops are likely to raise MPs expectations regarding legislative assistance, so be prepared to use recommendations in program design.

### ***Sample activities to help strengthen relations between the legislature and civil society***

Legislatures are, first and foremost, representative institutions. An efficient legislature that does not relate to its constituents is not an effective legislature. But when citizens knowledgeably engage in the legislative process, the legislature is legitimized as a lawmaking institution. Legislators are often poorly equipped to understand the needs of and to communicate with the electorate, and civil society organizations (CSOs) tend not to be experienced in dealing with legislatures.

We divide activities under this section into two parts: (1) activities that help legislatures better communicate with citizens and (2) those which help citizens to interact more effectively with the legislature.

#### ***(1) Helping legislatures better communicate with citizens***

##### **5.Allow greater access to legislative facilities**

It is common practice in many nations to keep citizens away from government buildings. While legitimate security concerns may partly explain this, many legislatures could be more open to citizens. Programs to help open legislatures involve building or redesigning legislative space, building offices for legislators or meeting rooms where legislators can meet with constituents, and generally adjusting security.

Opening legislatures should, however, be done with care. Allowing citizens easier access to legislators, especially in very poor nations, must be done in such a way that they are not so deluged with citizen concerns that they are unable to attend to their other responsibilities. Remember that construction programs tend to be very expensive.

##### **6.Develop public information units, visitor information centers**

Legislative public information units and visitor information centers provide information to citizens about their legislature, its purposes, activities and members. Some conduct regular tours for citizens and student groups, and may conduct "mock legislative sessions" for students. They may also assist committees in conducting public hearings and open meetings. Assisting such centers may include training for their staff (through visits to information units in other legislatures, for example), assistance in producing materials, assisting in managing public hearings, and operational assistance. A USAID funded project in Guatemala helped to develop a legislative information center, and provided an internship in a foreign legislature for a member of the professional staff.

##### **7.Develop and disseminate informational materials**

Legislative programs help legislatures produce publications such as legislative directories, pamphlets explaining the working of the legislature (how a bill becomes a law, how to contact your legislator),

educational coloring books for children, and legislative newsletters. The State University of New York has produced such materials for use by legislatures in Chile, Mozambique, Guatemala, and Bolivia.

### **8. Conduct programs in constituent relations**

Few parliamentarians are trained to deal effectively with constituents, and many are reticent to engage citizens in either in public or private forums. Workshops on constituent relations and conducting constituent casework can help provide legislators with strategies and information to help them do so more successfully. The National Democratic Institute and other organizations have conducted such workshops for legislators.

### **Train legislators in press relations**

Legislators in many nations are not well prepared to deal successfully with the press. Training programs in press relations, often conducted by legislators and members of the press, help legislators and staff write press releases, conduct public meetings, and deal more successfully with the press. The New York State Senate's public information office conducts training seminars in press relations for state senators, and the Center for Legislative Studies and Assistance (CEAL) in Chile also provided assistance to legislators in their relations with the press.

### **10. Media coverage of legislative sessions**

Peru's legislative sessions are carried live on cable TV. Mozambique's National Assembly produces a regular newsletter describing both plenary and committee events (through USAID funding and assistance by the State University of New York), and other legislatures find ways to inform citizens about legislative sessions and events. An inexpensive method of informing citizens about legislative happenings is through the use of cassettes and the radio. Radio is the communications medium probably most accessible to citizens in developing countries. Information offices could produce a weekly summary of legislative events to be played on radio stations nationwide. The information office could customize the tape by allowing a legislator in whose district the radio broadcasts to do a brief introduction at the beginning of the tape.

### **11. Develop constituent software**

How do legislators stay current on constituent contacts? The CEAL project in Chile designed constituent software to help legislators in this task. Using this database software, legislators or their staff would track each contact or correspondence with constituents. Constituent software programs may be especially useful for nations with single member electoral districts, where a legislator's re-election chances are likely to depend on successful relations with his or her constituents.

### **12. Assist with publishing the legislative record**

Legislatures are often months late in writing and distributing their legislative record. Offices that produce the record may be inadequately staffed, and requirements that the record be verbatim slow the process. Assistance may include consulting on redesign of the record, funding assistance for staff producing the record, and funding to help distribute the legislative record more widely. Peru now releases both legislative summaries and its journal of daily debate on daily basis.

### **Develop interactive web sites**

Under the same project, Peru developed and now maintains an Assembly web site. The site contains the daily journal, legislative summaries, and the full text of legislation before the Assembly. Citizens use the web page to write to the Assembly and comment on legislation under consideration. Consulting, equipment, and operational assistance were all provided to the Assembly through the IADB.

### **Draft civil society organization directories**

Representative legislatures need to hear from civil society organizations on proposed legislation, and on how well the laws in force are working. A directory of civil society organizations would help legislators in this task. The directory would be updated yearly, and would contain substantive and contact information on each CSO in the nation. Chile maintains such a publication.

### **Increase participation of marginalized groups in the legislature**

The percentage of women and members of other marginalized groups serving in legislatures worldwide is much lower than their percentage of the population. It is widely assumed that legislators from such groups are better able to understand and respond to the needs of similar groups in society. Some nations attempt to remedy this situation by setting aside specific seats from members of such groups (Uganda has special representation for women, handicapped, and salaried employees). Others nations, such as Argentina, set quotas, requiring that political parties run a certain percentage of women.

## ***(2) Helping society better interact with the legislature***

### **Train CSOs in legislative relations**

Legislative projects also help civil society to interact more successfully with legislatures. Assistance may include training programs in how the legislature operates and with whom to deal on specific issues (conducted by CEAL in Chile), and training in presenting testimony in public hearings and open meetings (conducted by SUNY in Mozambique). This kind of assistance also benefits the legislature, as CSOs trained in presenting testimony are more likely to limit their remarks to legislation being discussed, and to provide more constructive suggestions.

### **Train journalists in legislative rules and procedures**

Worldwide the quality of press coverage of legislatures varies significantly, and much of it is poor. Training programs for journalists instruct them in how the legislature functions, and how to read legislation and anticipate its impact, and generally help them report accurately on events in the legislature. Both CEAL and the University of Florida have provided such training in Latin America.

## **18.Support public interest forums/candidate information programs**

A number of CSOs conduct activities to inform citizens about their legislature and legislators, and help underrepresented groups, such as women, be heard in the legislative process. Examples include all of the following: Poder **Ciudadano** in Argentina conducts citizen workshops on issues such as reducing corruption and improving relations between legislators and the electorate. The **Center for Legislative Development** of the Philippines and the **Forum for Women in Development** of Uganda hold workshops that bring together legislators and CSO representatives for discussions on issues of concern. In Colombia, the University of the Andes developed a "Virtual Candidate" program prior to the most recent congressional elections in that country. The program distributed detailed information throughout the nation through a system of Colombian universities that participated.

## ***Sample activities to strength lawmaking, oversight and management capabilities***

### ***Formal lawmaking and oversight authority***

## **19.Constitutional and rules reform**

Legislatures vary in terms of their formal budget, lawmaking, and oversight powers. Legislatures sometimes increase their power through changing the constitution or basic law (as in the British Parliament's assumption of the power to tax). They may also enact laws expanding legislative authority (such as when the U.S. Congress passed the Budget and Impoundment Act to limit Presidential discretion, or when the Ugandan Parliament passed a law in 1997 giving it greater power over its own budget and staffing). Legislatures may also lose power through reforms, as was the case for the Congress of Ecuador, which lost its power to remove the President from office in the constitutional reform of 1998.

Legislative programs are generally not involved in such reforms, but study tours, conferences and consultancies that expose leaders to other systems may encourage such changes.

## ***Access to information***

## **20.Develop expert data bases/expert reports**

A great deal of information needed to resolve public policy problems exists in developing nations, but legislatures do not have systems for tapping this expertise. An increasingly common form of legislative assistance is to develop databases of local experts, and a system of expert reports. The State University of New York has developed such systems in Chile, Guatemala and Mozambique.

Local consultants develop a database of local experts, by subject area, upon which committees and members can draw for assistance and advice on proposed legislation. These same experts are called upon to draft reports on legislation being considered by the executive, and to be used in the development of the legislature's own proposals.

### **Develop budget software**

Legislators need accurate information to contribute effectively to the budget process. Since budgeting is largely a cumulative exercise, legislators need to know what was spent in previous years in order to formulate good questions regarding current proposed budgets. The SUNY/CEAL project in Chile developed software to do just that. University students input budget information (what was budgeted, and what was spent, by line item) for the previous three years, and the budget software made this information easily retrievable. Legislators were then able to quickly understand the yearly actual and percentage change in each budget line, helping them to ask more informed questions of ministries.

### **Consult on budget format and presentation**

Executive budget formats tend to be confusing, sometimes by design. Budget consultants can recommend changes in budget format to make it easier for legislators and the public to understand. SUNY budget consultants provided the Bolivian House Budget Committee with 25 specific recommendations for making the executive budget clearer and easier to understand.

### **Develop budget offices**

Professional budget staff helps legislators fulfill both their budget making and budget oversight roles. Many legislatures utilize the services of legislative-based budget offices (such as the Congressional Budget Office in Washington, D.C., the new Congressional Budget Office in the Mexican House of Deputies, and the budget staff in Bolivia's Congressional Research Service). Consultants who work in such offices in other systems can assist in office design, and workshops and internships in other legislatures can help in staff development.

## **24. Strengthen legislative libraries**

Most legislatures, even the poorest, have some sort of library. But in nations where the legislature has never played a significant policy-making role, the library tends to be poorly prepared to respond to legislator needs. Legislative programs have assisted library development in a number of nations, including Gaza (UK) and in Uganda (USA). Assistance may include:

- Consulting on design/redesign of library services,
- Training programs for library personnel,
- Development of library holdings, and
- Design and implementation of information systems.

### ***Training for legislators***

## **25. Train legislators in policy-making, legislative procedures and committee processes**

The process of defining a public policy issue or problem, working with others to conceptualize a solution, putting that solution in clear legislative language, and then working it through the legislative process into law – is complex. The SUNY project in Mozambique developed such a program for MPs. The Mozambican Assembly continues to draw on this expertise, and nearly half of the nation's new laws are initiated in the Assembly.

## **26. Conduct new member orientations**

Publics are demanding more accountable, expert and productive legislatures, which listen to and respond to the needs of constituents. Many of the world's legislatures train new legislators to perform their new tasks, and legislative development programs assist in this process. New member orientation programs help them understand and perform their new jobs quickly and well.

## **27. Train legislators in oversight techniques**



One of the most difficult things for a legislature to do is to get the executive to accept the legislature's oversight role. Training programs in oversight techniques, such as the one provided by the National Democratic Institute in Gaza in 1997, may help. Strategies used by other legislatures are presented, and may include – using questioning periods more effectively, learning to apply interest groups pressure on the executive, better utilizing the public accounts committee, etc.

### **28. Conduct gender awareness training, develop women's caucuses**

Many legislatures in the world are attempting to help women play a greater and more significant political role. Strategies include requiring gender impact statements on legislation introduced (Australia), requiring all political parties to run a minimum percentage of women candidates (Argentina), establishing women's caucuses, and conducting gender awareness training programs.

#### *Developing professional staff*

### **29. Conduct training programs for professional staff (budget, research, committee clerks, library)**

Modernizing legislatures frequently take on professional staff to provide legislators with information and to help them function more effectively. This professional staff may include committee clerks (to manage committees more professionally), budget staff (to help legislators with their budget-making and budget-oversight responsibilities), and library research staff (who provide legislators with the information they need to make informed decisions). Legislative development programs supply a broad array of training programs for these new staff including:

- Master degree and certificate programs (which include internships in legislatures – SUNY, University of Brasilia, Catholic University of Valparaiso),
- Short courses in country, focusing on specific needs of each group. Committee clerks, for example, are trained in committee record keeping, committee management, committee reporting, conducting open meetings, and conducting public hearings. Research staff is trained in conducting legislative research, obtaining information from ministries and other sources, and presenting findings to members. Budget staff receives training in presenting complex budget information to legislators.

### **30. Provide training and assistance in conducting public hearings and open committee meetings**

Some legislatures have attempted to permit greater public participation in the lawmaking process, and results have been mixed. Mexico and Bolivia instituted public hearings in the 1990s, which were not very successful. In Mexico, they tended to degenerate into complaint sessions against the ruling party – the PRI – so PRI legislators quickly soured on them, and stopped them. Bolivia 1997 rules reforms required all committees to hold at least one public hearing (or open meeting) per week. But because committees were not experienced in holding open meetings, they tended to ignore the rule. Mozambique's experience was more successful. SUNY assisted the Assembly with hearings on age limits in nightclubs in 1997, and during 1998-99, managed public hearings nationwide on ratifying a new constitution. SUNY assisted civil society by publishing and distributing a summary of proposed constitutional changes, and trained citizen groups to prepare testimony and to speak at the hearings. Legislators are indicating an interest in making public hearings a normal feature of their legislative process.

### **31. Establish parliamentary internships**

In many nations (United States, Chile, Brazil, etc.) university interns supplement full time staff and help meet the research needs of legislatures. Legislative development programs often help develop internships in developing legislatures. The cost of such programs is usually low, as interns receive a stipend for their service, and often receive academic credit as well.

#### *Organizational and facilities development*

### **32. Improve legislative facilities and equipment**

Organizations assisting legislatures sometimes include in their programs specific activities to develop the facilities of the legislature. Programs may build offices, supply furniture and equipment, install phone systems, etc. Such improvements, while often necessary, tend to be expensive. We have three recommendations with regard to physical improvements:

- Improvements and equipment should be means to specific ends, not ends in themselves. New computers, for example, should fulfill a specific purpose in helping the legislature better fulfill its representation, lawmaking, and oversight functions.
- Distribute the benefits equitably. In El Salvador, administrative reforms were held up until copiers and other equipment was provided to minority parties.
- If providing new equipment or software, remember to include in the budget funds for training, and consider the need for maintenance and upgrading.

### **33.Design and develop bill drafting systems**

Professional bill drafters help legislators put their preferences into proper legal language, and to accurately amend draft legislation they receive from the executive. Imprecise language muddies legislative intent, and allows ministries undue latitude in interpretation. There are a variety of institutional arrangements for bill drafting systems, ranging from ad hoc systems, where legislators might ask friends and associates to draft legislation, to centralized bill drafting systems servicing the needs of the whole legislature. Bill drafting reform efforts have generally moved toward institutionalizing the process and establishing centralized professional, non-partisan systems. Assistance programs help design these programs, and train new staff. The USAID program in Bolivia established a professional bill drafting service.

### **34.Design and develop bill status systems**

As the volume of legislation handled by a parliament grows, it becomes increasingly difficult for either legislators or the public to know the status of any particular piece of legislation. Bill status systems, in place in most developed legislatures – and in a growing number of developing legislatures – can help. At a very basic level, posting and publishing weekly the status of bill before the legislature may provide legislators and the public the information they need. At another level, a more complex bill tracking system on the Web may be needed. Peru operates such a system, and Nicaragua will soon follow. Legislators and citizens can use the system to read the full text of legislation and to follow it through the legislative process.

### **35.Improve management rules and procedures**

Legislative rules of procedure govern all aspects of parliamentary management: how a bill becomes a law, procedures for questioning ministers, division of leadership responsibilities – even the basic housekeeping issues of a legislature. Rules reform generally seeks to simplify and streamline legislative procedures, so that the rules help, rather than hinder the legislature in conducting its business. Ideally, reforming the rules will help a legislature become more efficient, more effective, and more democratic internally. Rules reforms may:

- Shift work from plenary to committee, where more detailed discussions may take place,
- Provide for longer terms for committee leaders and members, allowing them time to develop expertise in their areas of responsibility,
- Limit debate time on non-controversial legislation, enabling the legislature to devote the time required to the more difficult issues about which they must deliberate.

Outside consultants, especially those who have assisted other legislatures in reforming their rules, can be helpful in this process. But the process must be directed locally. The Lower House of the Bolivian Congress rewrote its rules in 1997, changing its electoral system (mixed single member district and party list) and requiring that the legislative process be opened to greater public participation.

### **36.Draft manuals on legislative procedures and operations**

Legislative performance and public confidence in the legislature should improve as recurring activities are regularized. Regular procedures, manuals and forms can be developed for purchasing, accounting, and employment practices of legislatures. Regular procedures reduce employee and legislator discretion. Consultants helped develop such manuals in Guatemala.

Table 4, Sample Legislative Activities, lists each of the activities given above.

## B. Lessons Learned

- **Importance of leadership support**

The first two "lessons learned" deal with the political nature of legislative projects. Legislative leaders must support any program to strengthen the legislature, and must be an integral part of the program if it is to succeed. Unlike hierarchical executive agencies, which generally have clear lines of authority, it may be difficult at times to determine who speaks for the legislature. Legislative power relationships are fluid, and a good deal of project time may have to be spent developing working relationships with legislative leaders – at the same time acting in a non-partisan manner and maintaining excellent relations with all parties.

- **Balancing political participation**

In legislative project, one must take care to balance the participation of all parties. Reform committees should include representatives from all – or at least all major – political parties. Invitation lists for legislator study tours abroad must be developed in collaboration with the leaders of various parties, and publications, equipment, and other benefits must be distributed fairly. Since leaders may change so frequently in legislatures, the groups out of power at one moment will be in power the next, and project longevity will therefore depend on good relations with all parties.

- **Multi-donor support**

UNDP, because of its unique position as a multinational organization with a major focus on governance, is experienced in putting together multi-donor packages to support legislative development. The UNDP Parliamentary program in Ethiopia is an excellent example. UNDP is also experienced in coordinating with other donors in delivering legislative assistance programs. In Mozambique, for example, the UNDP holds regular donor coordination meetings and develops programs in harmony with USAID, the Italian Government, and others. As programs to assist legislatures continue to grow, this kind of coordination will become increasingly important.

- **Sustainability**

It is important to start working toward sustainability from the beginning of a project. Strategies, which have been tried to assure sustainability, include:

**Making changes permanent in legislative rules:** Institutionalizing new groups and services in the legislative rules increases the likelihood that they will survive past the end of the project. The Congress of Bolivia made both its modernization committee and its new congressional research service permanent through reforming the rules, and both continue to work seven years after they were first established, and after project funding has ended.

**Phase-out funding:** Make efforts to get the host legislature to pay for new services on a phase-in basis. Project funds covered 100% of the cost of the Bolivian Congressional Research service in its first year and 50% in the second year. The Bolivian Congress shared costs equally in year two and covered them at 100% in year three.

**Maintenance agreements:** Consider requiring legislative leaders to sign an agreement to maintain new equipment before having it installed.

Table 3

### Sample Legislative Activities

<i>Problem Addressed</i>	<i>Activity</i>
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<p>1. Need for internal support for legislative development</p>	<ol style="list-style-type: none"> <li>1. 1. Establish a legislative modernization group</li> <li>2. Conduct legislative leader study tour</li> <li>3. Draft parliamentary development plans</li> <li>4. Administer legislative questionnaires, conduct decision workshop</li> </ol>
<p>2. Poor perceptions by, and relations with civil society</p> <p>(1) Helping legislatures better communicate with citizens</p>	<ol style="list-style-type: none"> <li>1. 5. Allow greater access to legislative facilities</li> <li>6. Develop public information units, visitor information centers</li> <li>7. Develop and disseminate informational materials</li> <li>8. Conduct programs in constituent relations</li> <li>9. Train legislators in press relations</li> <li>10. Media coverage of legislative sessions</li> <li>11. Develop constituent software</li> <li>12. Assist with publishing the legislative record</li> <li>13. Develop interactive web sites</li> <li>14. Draft civil society organization directories</li> <li>15. Increase participation by marginalized groups</li> </ol>
<p>(2) Helping society better interact with the legislature</p>	<ol style="list-style-type: none"> <li>16. Train CSOs in legislative relations</li> <li>17. Train journalists in legislative rules and procedures</li> <li>18. Support public interest forums/candidate information programs</li> </ol>
<p>3. Lack of formal lawmaking and oversight authority</p>	<ol style="list-style-type: none"> <li>19. Constitutional and rules reform</li> </ol>
<p>4. Inadequate access to information</p>	<ol style="list-style-type: none"> <li>20. Develop expert data bases/expert reports</li> <li>21. Develop budget software</li> <li>22. Consult on budget format and presentation</li> <li>23. Develop budget offices</li> </ol>

	24. Strengthen legislative libraries
5. Inadequately prepared legislators	25. Train legislators in policy-making, legislative procedures, and committee processes 26. Conduct new member orientation programs 27. Train legislators in oversight techniques 28. Conduct gender awareness training, establish women's caucuses
6. Lack of, and insufficiently trained staff	29. Conduct training programs for professional staff 30. Provide training and assistance in conducting public hearings and open committee meetings 31. Establish parliamentary internships
7. Ineffective organization and facilities	32. Improve legislative facilities and equipment 33. Design and develop bill drafting systems 34. Design and develop bill status systems 35. Improve management rules and procedures 36. Draft manuals on legislative procedures and operations