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Legislative Strengthening Program

CONCEPT PAPER ON OPTIONS FOR THE MISSION OF THE IRAQ CENTER FOR PARLIAMENTARY DEVELOPMENT

June 2010

Contract No. 263-I-03-06-00015-00 (REDI Task Order No. 3)

June 20, 2010

This document was produced for review by the U.S. Agency for International Development (USAID). It was prepared by AECOM. The authors' views expressed in this document do not necessarily reflect the views of USAID or the United States Government.

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REDI Task Order No. 3

USAID/Iraq SO10: Capacity of National Government Institutions Improved

Program Area: Good Governance

Program Element: GJD 2.1- Legislative Function and Process

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June 2010

Submitted by:

AECOM

2101 Wilson Boulevard, Suite 700

Arlington, VA 22201, USA

T: +1.703.528.7444

www.aecom.com

In association with:

Management Systems International

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I. Background

The Legislative Strengthening Program (LSP), funded by the United States Agency for International Development (USAID) and implemented by AECOM, is promoting a new era of political stability in Iraq. LSP provides a range of support to strengthen Iraq's parliament, the Council of Representatives (COR). LSP is guiding the COR along a more sustainable democratic path, promoting greater transparency and accountability.

LSP's team of international and local specialists are building the capacity of the members and staff of parliament to debate laws in a formal constructive environment, form and run parliamentary committees, analyze and properly consider proposed legislation, improve the functioning of the COR's Presidency Council (PC), improve the ability of parliament to oversee the executive branch, review and analyze the national budget, and bring the national government closer to constituents in the provinces.

The idea of a parliamentary development center was conceptualized by the former Speaker, who envisioned that such a center would strengthen democratic institution building and generate awareness about parliamentary functions and good governance. The former Speaker authorized the COR's Members Affairs and Parliamentary Development Committee (MAPDC) to initiate the process of establishing the Iraq Center for Parliamentary Development (ICPD) with the cooperation of LSP. The Chairperson of the MAPDC established an interim board in January 2009 consisting of: three Members of Parliament (MPs); two Directors General (DGs), DG of the Research and Studies Directorate and DG of the Parliamentary Affairs Directorate; and one COR Advisor, the Research & Studies Advisor. The board was set up to address issues concerning the establishment of the ICPD, including a facility and its governance.

The ICPD aims to offer a sustainable platform to enhance the understanding of parliamentary democracy, develop capacity of the COR by establishing a variety of training for MPs and parliamentary staff, organize seminars and workshops, and facilitate the COR's representation at international parliamentary bodies. The establishment and development of the ICPD remains a high priority for LSP.

II. Concept of Parliamentary Institutes

If strengthening the effectiveness and authority of the parliament is a goal of post-conflict democratic state building then building information and research capacity for parliament is key. Information is essential for a legislature to effectively carry out its constitutional roles of passing of laws, oversight over the executive, and connecting with constituents. In his article "Legislative Research: Essential Roles and Standards of Excellence", William Robinson argues that creating a research unit dedicated to providing information to the parliament improves the effectiveness of the legislative branch at four levels: micro-policy, institutional, political, and constitutional.¹ Research improves parliament's analysis of key policy issues. With enhanced research and information resources, parliament can conduct in-depth and comparative studies to help parliamentarians develop better policy solutions. Information helps improve institutional dynamics in the parliament by "facilitating political agreement by narrowing the debate to differences in values, rather than over the facts of cases."² Access to credible information strengthens the legitimacy of the legislature by providing evidence for policy decisions. Access to information is also necessary for parliament to effectively carry out its budgetary oversight responsibilities.

The high demand and level of importance attached to information often leads legislatures to establish parliamentary institutes. Parliamentary institutes provide additional specialized informational capacity which, in post-conflict countries, is necessary to enable nascent democratic institutions to take root.

¹ William H. Robinson, *Legislative Research: Essential Roles and Standards of Excellence*, 561

² *Ibid.*, 562

These institutes provide information capacity beyond those supplied by a parliament's Secretariat office or parliamentary library. Parliamentary information services need to offer "analysis and understanding of the work of the Parliament itself;" access to government information – reports, policy proposals, budgets, and draft laws; and information on activities of the judiciary, which sheds light on how the law is being applied.³ In countries with developing democratic institutions, parliamentary institutes can be used to provide MPs with the training and information they need to fulfil their constitutional responsibilities. It is a place where the capacity of individual parliamentarians and their staff is enhanced, which therefore builds the effectiveness of the parliament as a whole.

III. Various Models of Parliamentary Institutes

Given the wide range of information needed there has been an equally wide range of units developed to manage this information gathering and development. Models from developing and developed countries offer some insights about what structure, tasks and services should be part of a parliamentary center in Iraq, but it is difficult to find a good model for a parliamentary institute in a post-conflict country. Increased efficacy is even more important in strengthening parliaments in a post-conflict country. In a post-conflict society, the legitimacy of state institutions is often under question, and in former authoritarian countries many citizens lack certain knowledge and intellectual skills necessary to support functioning democratic state institutions.

Parliamentary centers can be:

- Internal – part of the parliament;
- External – independent, outside of the parliament, similar to a nongovernmental organization; or
- Mixed – outside of the parliament, but possibly including the Speaker or other leadership from the parliament as members of its board.

The level of autonomy of an institute is important. Parliamentary institutes face the problem of needing to balance operating autonomously in order to provide credible and unbiased information while also maintaining a close relationship with the parliament in order to be responsive to MPs' needs.

Internal parliamentary institutes therefore have the challenge of providing information without government influence. However, they, "do not run the risk of upsetting parliamentary administration," and are not likely to become co-opted or taken over by special interest groups seeking to advance very narrow policy issues.⁴

External institutes have the challenge of providing relevant information. However, they have the ability to develop innovative approaches to increase their efficiency and "link parliaments and civil society organizations."⁵ Another benefit of an independent parliamentary center is the ability to bring in outside experts and staff as employees. This helps build up independent expertise on parliamentary procedures and issues, ensures unbiased research, and helps strengthen the connection between MPs the public.

Mixed institutes are a combination of both external and internal institutes. They are independent institutes but are formally linked to the parliament by having MPs sit on the institute's board or sometimes by being required to report to the parliament. This helps to formally link the institute and parliament.

³ Dermont Englefield, "Introduction to the 1990 Edition", *Parliamentary Library Research and Information Services of Western Europe*, ed. Jennifer Tanifield, (Brussels: European Centre for Parliamentary Research and Documentation, 2000).

⁴ Robert Miller, Riccardo Pelizzo and Rick Stapenhurst, *Parliamentary Libraries, Institutes and Offices: The Sources of Parliamentary Information*, (Washington, DC: The World Bank Institute, 2004), 9, citing Stephen Frantzich.

⁵ *Ibid.*, 9

Services Offered by Parliamentary Centers

Parliamentary institutes provide different services in various countries. They all, however, share a similar mandate of “increasing capacity and offering services to Members and staff of Parliament.”⁶ They all provide some variety of research or training, or a combination of the two. External parliamentary institutes always provide information, and sometimes provide both information and training, while internal institutes usually provide either information or training.

- a) Research
Parliamentarians and parliamentary staff need specialized research information on relevant policy issues.
- b) Training
Government officials need training to provide them with tools to access and use information in a way that supports the efficacy of the legislature and other state institutions.
- c) Budget Services
Regardless of the different models and access to budgetary power, both Westminster parliaments and presidential legislatures face the problem of executive dominance of information. As a result, a number of legislatures and parliaments have created special budget units to provide specialized budgetary research and analysis. Examples of successful models of budgetary units include the Congressional Budget Office (CBO) created in the United States, and the Center for the Study of Public Finance in Mexico. These research units function independently from the legislature and provide independent and unbiased analyses on a variety of fiscal issues from taxation to spending. Independent information is the key factor in parliament being able to effectively carry out its budgetary oversight responsibilities.
- d) Conferences and Outreach
Most parliamentary institutes have an international component. Other parliaments and parliamentary institutes are a rich source for information. Study tours to other parliaments, both developed and developing, allows MPs to build relations with and learn from other parliamentarians. The Centre for Legislative Development in the Philippines was the result of an exchange program and exposure to the Congressional Research Services of the U.S. Congress. Hosting international and other regional parliamentary officials provides lessons learned about the functions of parliaments as well as builds important relationships with other MPs. In addition to liaising with other legislatures, it is important to develop the capacities of advocates and civil society groups who work with parliament to protect citizens' rights.

International Examples

After reviewing the structures, roles, and functions of various parliamentary centers in other established democracies, LSP selected the following four models to present to the COR for its consideration.

- a) Centre for Democratic Institutions, Australia

The Centre for Democratic Institutions (CDI) was established by the Australian government to support the efforts of new democracies in the Asia-Pacific region to strengthen their own political systems. The core budget is provided by AusAID, Australia's Agency for International Development. CDI is based in the Crawford School of Economics and Government at the Australian National University in Canberra. CDI delivers a range of training courses for parliaments. These include training for members of parliamentary committees on ways to conduct a committee inquiry, for speakers and clerks, and for mid-level parliamentary officials. The training focuses on the fundamental principles and doctrines underlying the practice of

⁶ Comparison of Parliamentary Training Institutes, USAID report, April 2007; prepared by Eleanor Valentine, Jeremy Kanthor, Zafar Habib, and Khalid Mehmood, p. 6

responsible parliamentary government. Many of these programs are conducted in partnership with other organizations, including the World Bank Institute, the United Nations Development Program, and parliamentary research centers at various Australian and international universities. It also conducts in-country induction programs for newly elected parliamentarians and offers courses designed primarily for up-and-coming political leaders. These courses emphasize the roles, functions and responsibilities of successful government officials.

b) King Prajadhipok's Institute, Thailand

The King Prajadhipok's Institute (KPI) was established by the Thai National Assembly through the Parliament Act of 1998. KPI is an independent, public, academic organization under the supervision of the President of the National Assembly through the institute's Council. The institute's work includes research, training, conducting seminars, and disseminating information on the development of democracy. It promotes cooperation among domestic and international organizations in affairs related to the development of democracy, politics, and governance. The institute also provides consultations on good governance at the local and national levels.

c) Bangladesh Institute of Parliamentary Studies

The Bangladesh Institute of Parliamentary Studies (BIPS) was established in 2001 by an Act of Parliament. BIPS functions under the stewardship of a governing board, chaired by the Speaker. An executive committee, consisting of seven members, is responsible for implementing the decisions of the governing board. A full-time Rector acts as the Chief Executive Officer and reports to the board through the executive committee. The Rector is responsible for the administration of BIPS. Functions of BIPS include providing expert assistance in parliamentary matters to MPs, enabling them to play a more effective role as representatives of the Bangladesh people. It undertakes research on issues of parliamentary interest, arranges seminars, conferences, and workshops, and conducts orientation courses on parliamentary practices and procedures for officers and staff of the Government and the Parliament Secretariat.

d) Bureau of Parliamentary Studies and Training, Library, Reference, Research, Information and Documentation Service, Lok Sabha, Parliament of India

While many parliamentary centers are independent institutions, the Bureau of Parliamentary Studies and Training (BPST) is working as an in-house institution. Established in 1976 as an integral part of the Library, Reference, Research, Information and Documentation Service (LARRDIS) of the Lok Sabha Secretariat, (BPST) functions under the overall control and supervision of Secretary General. BPST is the premier capacity building body of the Indian Parliament. Its activities include organizing: (1) orientation programmes, seminars and workshops for MPs and state legislatures; (2) training and refresher courses for officers of the parliamentary staff and state legislatures; (3) appreciation courses for senior and middle level officers of the Government of India; (4) international training programs for foreign parliamentary officials; (5) short study visits for Members of foreign and state legislatures, government officials, scholars, students and others; and (6) regular attachment programs in which MPs and parliamentary and other government officials of foreign countries are able to shadow someone from the Indian Parliament. BPST focuses exclusively on parliamentary training.

Summary of Models

These bodies have a wide range of structures and undertake a broad range of activities, providing the Iraq COR with a variety of possible models. Whether they reside within a parliament or sit independently from it, all four models seek to develop and implement training to MPs and parliamentary staff alike, with an emphasis on the fundamental principles and doctrines that provide the foundation for responsible parliamentary governance. Research is of significant importance to each institution, as are orientations, inductions, one-on-one mentoring programs, study tours, and cooperation with parliaments of other countries. The range of beneficiaries of these activities is wide, taking in MPs, committee staff, general

parliamentary staff, parliamentary leadership, other government officials, local level parliamentary officials, foreign parliamentary officials, scholars, and students. A number of these centers are very active in seeking support from international and domestic partners to promote the development of democracy, politics, and good governance.

IV. Devising a Model for Iraq

Initially, the ICPD was conceptualized as an independent center, associated with the parliament, similar to the centers in Thailand and Bangladesh. Training for MPs and parliamentary staff, as well as detailed research on issues of importance to the COR in support of work on long-term policy issues and a more informed debate, were envisaged as its major activities. It was anticipated that both the ICPD and the Research Directorate in the COR Secretariat would have separate yet complementary roles. It was envisioned that, while the ICPD would be involved in strategic and comprehensive research, which is less time-sensitive, the Research Directorate would continue to work on operational and immediately needed research, primarily for MPs.

Keeping such a distinct mandate in view, a structure was prepared with training and research as its two main components. The structure was approved by the interim board of the MAPDC in June 2009, and job descriptions were prepared by LSP for a wide range of positions by August 2009. Draft legislation to establish the ICPD as a legal entity was also produced.

However, strong differences among the Members of the interim board began to gradually surface and became prominent by September 2009. The Research Directorate DG continuously raised concerns about the perceived duplication of research work by the center. LSP delineated on a number of occasions the specific significance of analytical and strategic research to be undertaken by the ICPD versus the more operational research, effectively catering to the day-to-day research and reference requirements of MPs, done by the Research Directorate. The entrenched, internal politics of the COR, disagreement within the Secretariat on the ICPD's governance structure and mandate, and the objections of the Research Directorate DG created implementation challenges for LSP for the remainder of 2009, in the lead up to the elections which were held in March 2010, and during the time prior to the seating of a new parliament.

At this point, LSP adjusted its strategy and engaged the PC of the COR more fully on ICPD planning. The PC designated the Secretary General to take charge of ICPD issues. During a meeting with LSP in September 2009, the Speaker gave assurances for the establishment of the ICPD and allocation of the former National Council Building to house ICPD. An Administrative Order to this effect was issued in September 2009. The organizational structure of the ICPD was revised frequently in consultation with the Secretary General and the Research & Studies Advisor, and it was finalized in February 2010. Throughout these consultations, in order to provide a fuller perspective on the role and functions of parliamentary centers in other well established democracies, LSP advised on other models, emphasizing that research constitutes the core activity. The Secretary General supported the model of the BPST, which works prominently as an in-house institution of the Indian Parliament, for the ICPD. The Secretary General preferred to have an expanded organizational structure, as compared with the BPST, however, because he felt that the ICPD could evolve as an independent institution in a few years time.

Though the key areas, namely information management, institutional development, and administration, remain in the revised design, their roles have been redefined and structures remodelled to avoid any conflict, especially with the Research Directorate. The scope of research is now confined to research used for training purposes and to enhance the quality and relevance of training courses. The center will be developed mainly as a high level training institution for the MPs, COR staff, government officials and members and staff of provincial councils. Training activities undertaken by the Training Department under the Administrative Directorate of the COR will merge with the ICPD.

The ICPD will support and streamline the information management of the COR by studying and assessing the training needs of MPs and officials of the COR. High quality training will be developed with a view to embracing international best practices and conforming to International Organization for

Standardization standards. The ICPD will conduct training programs, workshops, conferences and study visits for parliamentary officials to enhance understanding about their special role and duties as officials of the COR. This will be supplemented by training to refine their specific job skills. The ICPD will be involved in organizing orientation programs for newly elected MPs on parliamentary norms, practices and procedures in order to equip them with the necessary information and skills required to serve effectively as legislators. Specific training programs, workshops, forums and study visits will also be organized for policy makers and officers of the executive branch to enable them to have a better understanding of the role, functions and significance of legislature in a democratic polity. The ICPD will build linkages with other parliamentary institutes internationally and conduct a speaker's forum to facilitate exchanges of opinions on a wide range of issues.

Accordingly, LSP revised the mandate of each department and section, including associated job descriptions, incorporating suggestions and inputs received from the Secretary General and Research & Studies Advisor. They are slated to be prepared by July 2010 and then finalized in consultation with the governing board.

The ICPD Governing Board

The original design of the ICPD Governing Board included three MPs, three COR DGs, and three members from civil society; however the Secretary General later dismissed this model. He devised a new plan for a governing board consisting of seven members, including: (1) the Secretary General; (2) the DG of the ICPD; (3) the Chair of the MAPDC or an MAPDC committee member; (4) the Research & Studies Advisor; (5) a Member of the Research Directorate; (6) the DG of the Parliamentary Affairs Directorate; and (7) a representative from the Ministry of Planning's Counselling and Administrative Development Center. In order to promote a broad range of representation, LSP will continue to recommend that preeminent Iraqis from civil society serve on the center's governing board.

It is anticipated the governing board will have the powers and duties to control and supervise activities of the center, to provide policy direction to the center, to set its general governance guidelines, and to monitor its overall performance. The board will also establish medium- and long-term strategic plans for the center; issue regulations on the delegation of responsibilities and administration of the center; approve its annual budget and assess the expenditures of the center; issue and oversee policies on personnel management of the center; monitor and evaluate staff performance; and tend to other administrative matters.

ICPD Budget

There is a general budget for various COR departments, but funding is not earmarked separately under different units, such as directorates and committees. The Secretary General informed LSP that in the 2010 budget there is no specific allocation for the ICPD. However, the budget for training has been increased, as all COR Training Department activities are being shifted to the center, with funds allocated for equipment, logistics, and ICPD staff salaries. The Secretary General anticipates that a separate line item will be added for expenditures pertaining to the ICPD in the 2011 budget. These modifications support the center's revised mandate. The Secretary General felt it important to have a separate budget for the center to ensure its continued development and further evolution as an independent institution which is consistent with its original design. In his view, the ICPD will initially operate as an in-house body and gradually evolve into an independent center. Having its own budget is a significant factor in the ICPD's autonomy.

ICPD Mission

The ICPD will be an internal institute, a new directorate of the COR. It will provide training to MPs and staff. As well, it will establish relationships with other parliaments regionally and internationally as a resource for the MPs and staff. LSP is supporting the development of the ICPD through a comprehensive program of capacity building and information management, as well as a limited program of procurement. LSP is assisting the COR to establish the ICPD and achieve its mission to enhance parliamentary capacity by providing services to parliament on a non-partisan, credible, accurate, timely basis.