

USAID Program and Operations  
Assessment Report No. 20

# **Assisting Legislatures in Developing Countries:**

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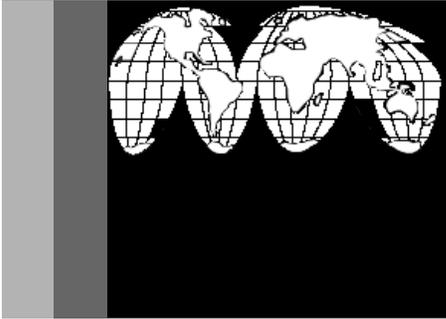
## ***A Framework for Program Planning and Implementation***

by

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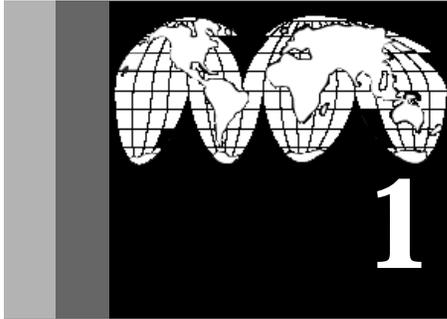
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# Introduction

**A**IDING LEGISLATURES in developing countries is a relatively new donor activity. USAID has been involved in a concerted way only since the late 1980s. Experience is therefore limited and there is little conventional wisdom on when and how to provide assistance. Because adequate experience has not yet been amassed and because legislative assistance is typically conducted amidst host country partisan politics, it is one of the more controversial and challenging of contemporary donor programs.

From July 1995 to March 1996 CDIE undertook the first large-scale, systematic study of recent donor activity with developing country legislatures. The study was based on a two-stage model widely used in CDIE evaluations. In the first stage, evaluators assessed assistance USAID and other donors provided to the legislatures of Bolivia, El Salvador, Nepal, Poland, and the Philippines. The five countries were

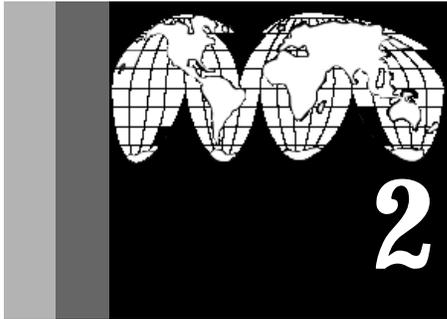
selected for their geographic diversity and the differing approaches of the assistance provided.<sup>1</sup> The country studies looked at the legislatures' background, structure, and functions, as well as the impact of the assistance. CDIE published a report on each country, describing donors' experience and summarizing significant findings and lessons learned.<sup>2</sup>

This synthesis, which brings together the results of the five country studies and related information from other sources, comprises the second stage.<sup>3</sup> The report summarizes recent USAID and other donor experience with legislative assistance, describes major lessons learned from these efforts, and offers ideas and suggestions for future programming. Its purpose is to help USAID staff and other development practitioners understand the nature of legislative assistance, the kinds of programs it encompasses, and the factors to consider in trying to decide when and how to provide it.

<sup>1</sup> CDIE's sample is not representative of all types of recent legislative assistance. Budget, staff, and institutional constraints precluded CDIE's including a more diverse geographic sample or cases where the program was unsuccessful, which might have provided an added perspective. However, efforts were made to minimize the effects of such gaps through Washington-based key informant interviews, document reviews, and related research.

<sup>2</sup> *Strengthening the Legislature and Democracy in the Philippines*, PN-ABS-535; *Modernizing Bolivia's Legislature*, PN-ABS-537; *Legislative Strengthening in El Salvador*, PN-ABS-549; *Legislative Strengthening in Poland*, PN-ABY-213; and *Parliamentary Assistance in Nepal*, PN-ABY-218.

<sup>3</sup> Other sources include experience with legislative assistance programs in other countries and input from a 10-member advisory group of members of the five CDIE evaluation teams and other USAID staff. The report also draws on the results of the February 1996 International Conference on Legislative Modernization, organized by USAID/Bolivia and USAID's Center for Democracy and Governance. The conference, in Santa Cruz, Bolivia, brought together 100 participants from 13 countries to discuss their views on and experiences with legislative modernization.



# The Legislature And Legislative Assistance

**L**EGISLATIVE ASSISTANCE generally centers on legislatures' basic functions—lawmaking, representation, and oversight—in presidential and parliamentary systems.<sup>4</sup>

Lawmaking, also referred to as the legislative process, involves introducing, considering, and enacting laws. In some presidential systems, laws originate primarily in the legislature and are drafted by legislative staff. However, in most parliamentary systems ministries or administrative agencies draft the bills. The resultant legislation is normally introduced as a government bill by the relevant minister. At the weak extreme in either type of system, legislatures may be little more than a rubber stamp for a strong executive (or civil service), adding little to the formulation or review of legislation.

Representation has at least two dimensions: legislators act as intermediaries for constituents in dealings with government agencies, and legislators act individually or collectively to represent public interests and concerns on legislative matters. The degree and strength of this function depend on the electoral system, legislators' contacts with constituents, and the ex-

tent to which the legislature as a whole reaches out to the people to seek input on legislation or keep them aware of major issues under consideration.

Legislative oversight involves reviewing executive branch agencies' authority, implementation of legislation, and use of appropriated funds. A legislative oversight agency, such as the U.S. General Accounting Office, may exercise oversight through audits or investigations. Legislative committees conduct hearings to review existing laws or consider new legislation.

In most presidential systems, legislative oversight is normally a routine part of the checks and balances inherent in the separation of powers. In most parliamentary systems, however, it may be politically difficult for legislative committees to question or subpoena ministers, who are also members of parliament. In such cases, a regularly scheduled question-and-answer period can serve the purpose by giving opposition members a chance to question ministers, challenge the government, and debate their policies and actions.

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<sup>4</sup>The major difference between presidential and parliamentary systems lies in the nature and extent of the separation of powers. In presidential systems, legislative and executive powers are more strictly separated, as reflected in separate elections for president and legislators. In parliamentary systems, the lines between the two branches are less distinct, primarily because the legislature selects the head of government.

# Legislative Assistance Defined

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For the purposes of this report legislative assistance is broadly defined.<sup>5</sup> It refers to all types of activities that help legislatures become more efficient, effective, and democratic. It encompasses long- and short-term activities. And it can be part of a specific legislative development project or a broader democracy and governance initiative. Specifically, it may include:

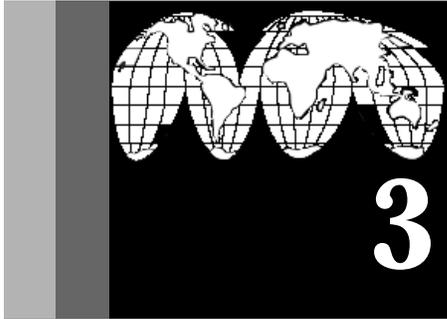
- observation tours to expose members and support staff to other legislative systems and operations
- workshops and seminars to increase staff and members' knowledge about their jobs, the legislative process, and the legislature's relationship with the executive and judicial branches

- infrastructure improvements, training, and technical support to increase the legislature's efficiency and effectiveness

Legislative assistance also refers to support to entities outside the walls of the legislature. These may include nongovernmental organizations, citizen groups, media, and other branches of government that influence the legislature, monitor its activities, or affect its overall responsiveness, transparency, and effectiveness. Such activities include supporting groups and individuals who analyze and develop positions on legislative proposals, awarding grants to groups that train members and staff, and supporting efforts to promote public awareness and understanding of the legislature's functions and responsibilities.

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<sup>5</sup> Since no one term encompasses the variety of roles and functions for which legislatures are typically responsible, the terms legislative assistance, legislative development, and legislative strengthening are often used interchangeably. However, there are subtle differences in meaning. Legislative assistance implies a donor role, both in terms of activities inside and outside the legislature. Legislative development conveys a sense of comprehensive institutional development that does not necessarily imply a donor role. Legislative strengthening, the term generally used in USAID, implies a need to strengthen the legislature in relation to the executive branch.



# Overview of USAID Programming

**D**URING THE 1990s a scattering of USAID Missions have undertaken legislative assistance in response to compelling developments in their host countries. With little relevant Agency experience to rely on, Missions for the most part have done what made sense in defining issues and problems in the legislative arena and devising appropriate programs. Reflecting the diversity of circumstances in individual countries, program approaches have varied, as illustrated in the CDIE case studies.

## Features of the Impact Evaluations

The case studies of the legislatures in Bolivia, El Salvador, Nepal, the Philippines, and Poland show that assistance provided was appropriate and interventions resulted in important accomplishments. Each case displays features that reflect different Agency approaches to and experience with legislative assistance.

For **the Philippines'** Congress, the distinguishing feature was the emphasis of assistance on "external forces programming." Borrowed from The Asia Foundation, this term refers to assistance to groups outside the legislature that promote legislative development. Donors and Filipino leaders believed the congress did not

need major donor assistance, primarily because it had a long history as a viable institution. What was needed, donors and Filipino leaders concluded, was for congress to become an agent of reform by developing a better relationship with civil society and modeling democratic principles and behavior. Accordingly, USAID, the Ford and Asia foundations, and other donors emphasized assisting groups outside the legislature that were working to make congress and the legislative process more transparent, accountable, and responsive.

In **El Salvador**, the program emphasized the National Assembly's role in national reconciliation following the country's long civil war. USAID assistance focused on advancing the democratic process by building citizen confidence in the legislature as a democratic institution. Project activities—technical support, infrastructure improvements, and a public awareness campaign—were intended to strengthen the Assembly's ability to engage in more thoughtful and informed policy dialog both internally and with other branches of government.

In **Bolivia**, legislative assistance has been part of the Mission's broader democracy and governance portfolio, which aims to develop effective, transparent, and accountable public

institutions. Taking into account the historical dominance of Bolivia's executive branch, USAID has concentrated on helping congress strengthen its role. It has supported a multipartisan group of legislators, the Committee for Legislative Modernization, which has become an engine for internal reform and improved legislative performance. USAID has also helped congress increase its ability to analyze policy and critically review the national budget.

Assistance to **Nepal** was part of an urgent international response to the unforeseen 1990 popular revolt against the country's king. As part of this "Movement for Restoration of Democracy," the king's powers were curtailed, a multiparty democracy was instituted, and a parliament accountable to the people was established. USAID rapidly assembled a program to respond to these unique circumstances, centering assistance on the new parliament through the Mission's broader Democratic Pluralism Initiative. Under the initiative, assistance went directly to parliament and local NGOs to help the new legislature function using basic democratic principles and procedures.

**Poland** received legislative assistance during 1990-95 as part of a U.S. Congress effort to support the fledgling democracies of central and Eastern Europe following the demise of their communist governments. The program, known as the Frost Task Force (after its chairman, Rep. Martin Frost), was funded through USAID but administered and implemented by the Congressional Research Service. The program was based on the premise that "freedom and democracy are closely linked to information" and that an independent, democratic legislature depends on "information resources, information technology, and the analytic capacity to use those tools effectively." The main objectives were to increase the staff's analytical capability and improve the legislature's in-

formation infrastructure. The program offered extensive training and technical support for professional and support staff. It provided considerably more computer hardware than was provided in the other four case study countries.

## Categories of Legislative Assistance

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The country studies and information from other sources suggest that assistance to developing country legislatures generally falls within one or more categories: staff support, institutional development, infrastructure, and external forces. (See table 1 on following page).

The first approach, legislative staff support, is often modeled on the services the nonpartisan Congressional Research Service (CRS) provides to the U.S. Congress. CRS staff or former staff have provided short-term technical assistance or training on a number of USAID projects, including the Frost Task Force program in Poland and other central and Eastern European countries. In Bolivia, some of the functions of the National Congressional Research Center, established in 1993 with USAID funding, are based on CRS concepts that emphasize developing a nonpartisan, in-house staff capability to do legislative research, policy analysis, and bill drafting. In other instances, such as El Salvador and Nepal, legislative staff support may include workshops on legislative procedures, issues seminars, and training on technical subjects, such as budget analysis.

Comprehensive institutional development, the second approach, involves looking at all facets of institutional activity to identify major problems and needs, rather than isolating an area. The focus is on integrating interventions that strengthen the role of legislators and staff, while improving the legislature's relations with the public and other branches of government.

**Table 1. Legislative Assistance Categories**

CATEGORY	DESCRIPTION
<b>Legislative Staff Support</b>	<ul style="list-style-type: none"> <li>• Inside the legislature, primarily with career professional staff.</li> <li>• Develops skills and abilities staff need for legislative functions, such as policy analysis, budget review, bill drafting, and research.</li> </ul>
<b>Comprehensive Institutional Development</b>	<ul style="list-style-type: none"> <li>• Inside the legislature, with staff and legislators of all parties and factions.</li> <li>• Considers the institution as a whole, including roles of legislators and staff, links with the public and other government branches.</li> <li>• Aims to improve effectiveness of key legislative functions, such as oversight, budget, lawmaking, and representation.</li> <li>• Examines how the legislature models democratic principles, through internal operating rules, committee composition, or procedures for disseminating information.</li> </ul>
<b>Physical and Administrative Infrastructure Development</b>	<ul style="list-style-type: none"> <li>• Inside the legislature, to develop physical or administrative infrastructure for efficient, effective operations.</li> <li>• Improves production, tracking, and filing of legislative documents, and publication of proceedings.</li> <li>• Improves buildings and facilities, such as legislative chambers, committee rooms, and member offices.</li> <li>• Provides office and other equipment, including telephones, copiers, computers, sound and vote-tabulation systems.</li> </ul>
<b>External Forces Programming</b>	<ul style="list-style-type: none"> <li>• Outside the legislature, including civil society and the media.</li> <li>• Develops independent centers to provide research, analysis, and training support for members and staff.</li> <li>• Works with organizations that monitor legislative developments, promote public awareness of and input into legislative activities, or advocate for legislation.</li> <li>• Promotes transparency in the legislative process and legislators' actions through media coverage and polls.</li> </ul>

In both Bolivia and El Salvador, USAID supported such comprehensive institutional development.

The third approach addresses physical and administrative infrastructure, such as chambers for plenary sessions, committee meeting rooms, and offices for individual members. For a new or reconstituted legislature, infrastructure development is essential both as a symbol of its importance as a government institution and to help the legislators work efficiently. In El Salvador, for example, USAID assistance helped remodel the National Assembly's office building to provide all deputies with some office space. The offices not only gave deputies a place to meet with colleagues and constituents, they promoted a sense of equal participation among opposition members who hadn't had office space and thus felt less a part of the institution.

USAID and other donors have also provided assistance for administrative infrastructure improvements. In El Salvador, Nepal, and Poland, these included office equipment, such as computers and software, telephones, and copying machines. USAID assistance also went to purchase books and other publications. In all three countries, the assistance helped increase the legislatures' efficiency and effectiveness.

The fourth approach, external forces programming, can take different forms. It can support establishment of a self-sufficient organization outside the legislature that provides technical assistance to members and staff, such as the Congressional Research and Training Service in the Philippines. By providing training on practical matters, such as office management, bill drafting, technical writing, policy analysis, and the budget process, this organization had a significant effect on congress.

External forces assistance can also go to an organization that represents and advocates for NGOs and interest groups. Interestingly, after

several successful years, the Congressional Research and Training Service shifted its attention from providing congressional training to supporting groups that lobby the legislature in behalf of disadvantaged people. Reflecting this new emphasis, the organization changed its name to the Center for Legislative Development.

Lastly, such support can go to public interest groups, media, and watchdog organizations that promote public awareness and understanding of the legislature's role and the legislative process. Watchdog groups can affect the legislature's transparency, accountability, and responsiveness by monitoring its activities and providing information on members' background and performance.

## Comparing Legislative Assistance Programs

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CDIE found one or more of four common themes in the five impact studies and other legislative assistance programs it examined. First, most assistance programs address legislative staff support functions, even if that is not the primary goal. For example, many USAID projects have supported development of staff research and policy analysis capability.

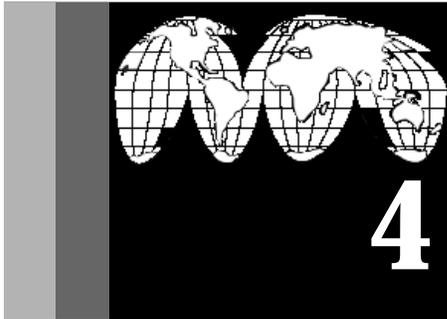
Second, legislative assistance is often part of a significant change in the polity. Among the five case study countries, for instance, the programs in Nepal, the Philippines, and Poland were byproducts of major "democratic" or "defining" events. Widespread popular unrest and opposition to the existing order had caused a dramatic change in the government and the selection of a more democratic alternative. The Bolivian program became possible in large part because relatively fair national elections in 1985, 1989, and 1993 had effectively ended the

country's long-lived cycle of military interventions and de facto governments. Finally, the project in El Salvador was conceived during the peace process that ended the country's 12-year civil war.

Third, the program's primary purpose is frequently to correct the imbalance between the legislative and executive branches. This was the case in Bolivia and El Salvador. Typically, the legislature had been the far weaker partner. In some cases, executive branch dominance was based on the constitution or established tradition; in others, the legislature had neither the resources nor technical capacity to assume its constitutional role.

Lastly, participant training is frequently a central element. In El Salvador, Nepal, and Po-

land, this consisted mostly of trips to the United States or neighboring countries. Nepalese constitution drafters and members of the newly elected parliament used their experiences visiting legislatures in the United States as the basis for providing input into the design of a committee system for the legislature. Similarly, deputies and senior officials of El Salvador's National Assembly drew relevant lessons from the cooperative working relationships and strikingly different legislative styles they witnessed while visiting the legislatures of Chile and Argentina. Under Poland's program, 47 parliamentary staff spent several weeks visiting the U.S. Congress and state legislatures and attending workshops organized by the Congressional Research Service.



# Analyzing the Legislature and Political Context

**T**HE CDIE CASE STUDIES show that analysis of the host-country political context and the legislature's role and functions are key facets of planning and implementing any legislative assistance program. This section focuses on how such analysis can help provide background information practitioners need to make informed decisions as they consider prospective legislative assistance interventions.<sup>6</sup>

## The Host-Country Political Context

Examining the host-country political context helps shed light on factors that set the stage for key decisions, most notably, the question of whether to move ahead, proceed with caution, or drop the idea. CDIE's experience suggests such analysis can begin with categorizing potential recipient countries in one of two groups: those with no democratic legislature (type 1 in table 2) and those with an evolving or already established democratic legislature (types 2, 3, and 4 in the table).

Assistance may be worthwhile only under certain conditions in countries without a democratic legislature. For example, if there is civil war, widespread public unrest, or breakdown of government institutions, assistance aimed at helping the legislature draw aggrieved parties into a dialog on reconciliation might be worthwhile. Countries such as Lebanon, Liberia, and Somalia might fit this circumstance.

Countries with a rubber-stamp legislature offer similar challenges. With no independent power, these legislatures may give the appearance of being democratic, but their sole real function is to legitimize actions of an authoritarian leader. Under these circumstances, it is unlikely a donor can either strengthen the legislature or help make the political system more democratic. Assistance in such cases might be worthwhile only if there is sufficient political will to make the legislature independent, accountable, and able to withstand pressure from other centers of political power.

<sup>6</sup>This discussion and those in the following sections are set out in a sequence that does not necessarily correspond to the way things work in the field. While it is logical for program planners to first analyze the matter, then develop objectives, and next select those with whom to work on their achievement, CDIE found this sequence is uncommon. The process is typically neither clearly defined nor step-by-step. It occurs along a continuum where analysis, objectives, and partner selection are combined in a broad mix at successive stages of program planning and implementation.

Countries such as El Salvador, Nepal, or Poland that have just experienced a democratic or “defining” event (type 2) raise different questions. Such situations often prompt calls for immediate assistance leaving no time for careful background analysis. In these cases, the nature and extent of the event may determine the type of assistance. For instance, if the country is pre-democratic, as in the case of Poland, there will likely be an opportunity for donors to support establishment of a new or reconstituted legislature. In post-conflict countries, such as El Salvador, the value and type of donor assistance

might be based on whether the country has a history of democratic government, with or without a democratic legislature.

If the country has a rubber-stamp legislature before the defining event, assistance might be determined by the degree to which any of its prior functions and procedures could be put to use as part of the new legislature. For example, in Nepal, the former National Panchayat<sup>7</sup> became the core of the secretariat for the new democratic parliament. In most respects, the break with the legislative past was complete.

**Table 2. Analyzing the Political Context**

Country Type	Characteristics
<b>Type 1. no democratic legislature</b>	
<b>a. pre-democratic</b>	<ul style="list-style-type: none"> <li>• No legislature at all</li> <li>• Authoritarian or unelected executive</li> <li>• Government not accountable</li> </ul>
<b>b. failed state</b>	<ul style="list-style-type: none"> <li>• May or may not have legislature</li> <li>• Widespread civil, political breakdown</li> </ul>
<b>c. rubber stamp legislature</b>	<ul style="list-style-type: none"> <li>• Elected or appointed legislature has no real power</li> <li>• Often a one-party or partyless system</li> <li>• Executive or bureaucracy may be powerful and unaccountable</li> </ul>
<b>Type 2. just after a “defining” or “democratic” event</b>	<ul style="list-style-type: none"> <li>• Major event has established accountability of government to people or brought in competing and previously disenfranchised groups</li> <li>• Democratic institutions being established</li> <li>• Major redefinition of powers of legislature and executive</li> </ul>
<b>Type 3. fledgling democratic legislature</b>	<ul style="list-style-type: none"> <li>• Legislature with new powers is in place and functioning</li> <li>• Legislature still struggling to define its role</li> </ul>
<b>Type 4. established democratic legislature</b>	<ul style="list-style-type: none"> <li>• Accountable legislature well established and accepted</li> <li>• Legislature trying to improve its efficiency and effectiveness</li> </ul>

<sup>7</sup> From 1961–90, this body functioned as a pseudo-legislature. Although it did enact laws, it did not have the power or independence to do so without the tacit approval of the king or palace bureaucracy.

USAID, the U.S. Information Agency, and The Asia Foundation were therefore able to focus assistance on the new parliament's basic organization and role.

Countries with an evolving or established democratic legislature (types 3 and 4 in the table), obviously offer more promise for assistance. Countries with established democratic legislatures have more of a history and record of performance to examine in deciding what kind of assistance might be most useful. In the Philippines, for example, the legislature had a long and largely positive history before the 1986 EDSA Revolution, which ended 14 years of authoritarian rule by President Ferdinand Marcos. That meant USAID did not have to help the congress define its basic role and functions, but could focus on helping it become more transparent, accountable, and responsive.

## The Legislature's Role and Functions

In considering legislative assistance, it is also important to examine the legislature's relationship with other branches of government, political parties, and civil society. The utility of this exercise is demonstrated below in the series of questions culled from practitioners with whom CDIE spoke. The questions, it should be noted, were not applied in decision-tree fashion. A given answer did not lead sequentially to a specific action. The questions were, instead, part of the broader process of trying to make informed decisions on a systematic basis in an area of activity about which little was known.<sup>8</sup>

In assessing the legislature's relationship with other branches of government, practitio-

ners said the primary aim is to determine whether the legislature has real power or is a rubber stamp for others, such as the president, military, or bureaucracy. In other words, what is the nature of checks and balances operating in the system and how are they working? Figure 4.1 lists questions to consider.

### Figure 4.1. The Legislature's Relationship With Other Branches of Government

- What are the executive and judicial branches' constitutional responsibilities regarding the legislature?
- How is the executive branch accountable to the legislature?
- What are the roles of the legislature and the executive in initiating, considering, and enacting legislation?
- In what ways does the legislature exercise oversight of government expenditures and the implementation of laws?
- What role does the legislature play in developing the national budget?
- What role does the legislature play in selecting or removing executive or judicial branch officials?

Analysis of the legislature's relationship with political parties should include issues such as how parties operate in the legislature and the degree to which they respect and cooperate with each other. Figure 4.2 suggests some questions to consider.

<sup>8</sup> This is one of the special challenges presented by legislative assistance, since it is such a new program area. Over time, it is reasonable to assume a step-by-step, decision-tree exercise will become more feasible, as donors gain more experience and more studies of legislative assistance are conducted.

## **Figure 4.2. The Legislature's Relationship With Political Parties**

### **Party Organization**

- How are parties organized and funded?
- To what extent do they have distinct ideologies?
- How democratic are they?
- How are party leaders selected and are they members of the legislature?

### **Elections**

- By what process do parties select candidates to run for the legislature?
- What roles do national and local party organizations play?
- What role do parties play in campaign financing?

### **Party Discipline**

- Do individual legislators have a voice in determining the legislative agenda?
- How strong is party control over members?
- Can a member oppose an official party position in committee discussions, floor debates, or final votes and if not, how are dissenters dealt with?

### **Party Relations**

- What is the nature of relations between majority and opposition parties?
- How is power shared if no party has a majority?
- What role do parties play in the selection of legislative leaders and staff?
- What party interests are threatened by proposed reforms?

Finally, practitioners suggested examining a legislature's relationship with civil society. In particular, it is important to know how such organizations and interest groups participate in the legislative process. Figure 4.3 suggests questions for this analysis.

## **Figure 4.3. The Legislature's Relationship With Civil Society**

### **Civil Society Organizations**

- How do civil society organizations interact with the legislature?
- Do they have an understanding of the legislative process and realistic strategies to engage it?
- To what extent do they monitor the progress of legislation or directly communicate their views to legislators?

### **Interest Groups**

- How do interest groups interact with the legislature?
- Is the legislature strongly influenced by traditional elites or classes and, if so, how is such influence handled?
- Are important socioeconomic groups ignored by the legislature and, if so, what effect does this have on it and the wider political arena?

### **Media**

- How do media cover the legislature and the process by which legislation is introduced, considered, and enacted?
- Is media coverage restricted in any way?
- In what ways does media coverage increase public awareness and understanding of the legislature's activities?

Those CDIE interviewed also emphasized the importance of analyzing the legislature's performance in lawmaking, oversight, and representation. Figure 4.4 outlines questions that might be posed to a small sample of legislators from different parties, legislative staff, and other close observers.

#### **Figure 4.4. The Legislature's Functions**

- Does the legislature carry out its lawmaking, oversight, and representation functions efficiently and effectively? What are the most significant accomplishments and problems?
- Does the legislature solicit and use public input in its deliberations, and is it functioning in a transparent manner?
- Is the legislature a forum for constructive debate on important national issues? Does it help bridge social and political cleavages?
- How does the legislature choose its leadership and committee heads? How are committee assignments made? How are legislative staff hired and for whom do they work?
- What demands do constituents place on their representatives, and how do they respond? How do legislators communicate with their constituents and vice versa?
- Do legislators have an office and staff in their district? How much time do legislators spend in their district?

## **Assessing Interest and Commitment**

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It is essential—"the heart of the matter," as one former legislator who was involved in a USAID-sponsored assistance project put it—to consider who will be needed to institute and carry out a prospective assistance initiative. Practitioners said they try to anticipate potential winners and losers—in the legislature itself, as well as elsewhere in the government—from projected assistance activities. In addition, they said they try to weigh disincentives that may make it difficult for important individuals or groups to become or remain involved. Even small changes that may help the legislature function more effectively—for example, the number of plenary sessions or committee meetings—can also cause some members to lose power or resources.

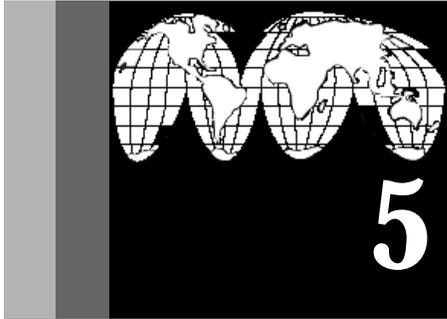
## **Getting the Information**

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In analyzing the host-country political situation, practitioners used interviews or targeted workshops to garner enough details to begin assessing prospective interventions. These two methods provided necessary contacts, reactions to possible U.S. involvement in legislative development, and insight into the kinds of access the Mission would need to provide the planned assistance.

To help identify interview subjects, practitioners developed lists of important legislators, legislative staff, outside observers (such as academics and journalists), and others in the executive or judicial branches with influence on or otherwise involved in legislative activities. From this list, practitioners interviewed 5 to 10 individuals from majority and minority political parties, different government institutions, and varied professional backgrounds and political outlooks.

Practitioners also used conferences or workshops on legislative development to gather background information. A number of U.S. organizations, accessible through USAID channels, conducted such workshops, including the National Democratic Institute, International Republican Institute, National Association of State Legislatures, The Asia Foundation, and various universities and private consulting firms.



## Formulating Objectives

**T**HE HOST-COUNTRY POLITICAL context, the legislature's role and functions, and the type of activity proposed will determine assistance objectives. Generally, objectives are to help legislatures redress imbalances with the executive branch; become more efficient, effective, and democratic; and improve their transparency, accountability, and responsiveness. Objectives can also be to increase public understanding of and involvement with the legislature.

### Balancing Executive-Legislative Relations

Among developing countries in general, and those studied for CDIE's assessment in particular, the executive branch dominates the political landscape. Either constitutionally or by historical precedent, it directly or indirectly controls the budget, legislation, appointments, and other areas that, in mature democracies, typically fall within the legislature's domain. Accentuating this imbalance, the vast majority of newly elected legislators are unfamiliar with both the legislative process and the legislature's role as a democratic institution.

Redressing the imbalance in the executive-legislative relationship has been near or at the

top of the list of many assistance efforts. In El Salvador, for example, USAID's legislative strengthening project aimed to increase deputies' access to policy information and enhance their role in overseeing the budget and formulating the national agenda. In some instances, legislatures have specifically requested assistance along these lines. In Bolivia's case, even the president supported the idea of increasing the independence and capabilities of the congress.

Areas where assistance can help legislatures become more powerful and independent include

- oversight of executive branch expenditures, operations, and implementation of laws
- information access and analytical capability to enable it to play an informed role in the budget process
- amendment of the constitution or revision of laws to strengthen its role and functions
- establishment of positive executive-legislative branch working relationships.

# Improving the Legislature

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A second major category of objectives is improving legislatures' performance and accountability.

## More efficient, effective, and democratic

There are many structural, functional, and administrative improvements that can help a legislature become more efficient, effective, and democratic. Many legislators in developing countries come to their position with little or no relevant background or experience. They know nothing about the institution's role, their responsibilities, or how to do their job. Legislatures in these countries, reflecting their newness or historically weak status, are typically ill prepared to function efficiently or effectively, let alone democratically. They have insufficient staff, grossly inadequate facilities and equipment, and poor organization and administration.

USAID programs in Bolivia, El Salvador, and Poland emphasized helping improve legislative performance. In Poland, for example, the objective was to jump-start the new parliament by strengthening its infrastructure, with particular emphasis on research and information capabilities. In Bolivia, assistance centered on modernizing the congress to help it more effectively oversee the budget and represent the public.

Areas to concentrate on to help legislatures become more efficient, effective, and democratic include

- legislative staff and legislators' job knowledge and proficiency
- institutional capacity to handle routine legislative tasks, such as research and analysis, bill drafting and tracking, and information storage and retrieval
- physical and administrative infrastructure, such as legislative buildings and facilities, communications systems, and basic office equipment
- internal operating rules and procedures
- administrative, accounting, and personnel systems and procedures
- response to and delivery of constituent services<sup>9</sup>

## More transparent and accountable

Just as the executive branch needs the check the legislature provides to keep it accountable and transparent, the legislative branch needs checks. Regularly scheduled elections are one of the essential mechanisms for this. But equally important are the means by which the legislature is held accountable and transparent between elections. The media and public interest and advocacy organizations have central roles to play in this regard.

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<sup>9</sup>In many countries, either because of the form of government (such as a parliamentary system), the type of electoral system (such as a party-list system), or historical precedent, the representation function is weak, if not entirely absent. In El Salvador, for example, the constitution stipulates that deputies represent "the entire people," rather than constituents of the area from which they are elected. El Salvador also has a party-list electoral system, which impedes representation. While some proponents maintain that a party-list system works better for minorities or produces less volatile legislative bodies, it usually does so at the expense of more direct interaction between constituents and legislators.

Among the CDIE case studies, USAID programs in the Philippines and El Salvador addressed accountability and transparency. One of the El Salvador project's three main objectives was improving citizen understanding of the legislature's role and functions. In the Philippines USAID helped a variety of organizations outside the legislature that are involved in monitoring legislators' performance and informing the public about legislative happenings.

A legislature's internal rules and procedures also play a key role in promoting transparency and accountability. They can, for example, determine the degree to which those inside and outside the body have access to information and documents, such as schedules of legislative activities, current versions of legislation, and records of plenary sessions and committee meetings. The Poland program, in keeping with its focus on information resources and capabilities, helped enhance parliament's transparency by providing equipment that made it possible to produce transcripts of proceedings overnight—a task that formerly took six months to complete. This new capability, in turn, has enhanced the ability of the media and interest groups to track legislative developments.

Areas where assistance can help legislatures become more transparent and accountable include

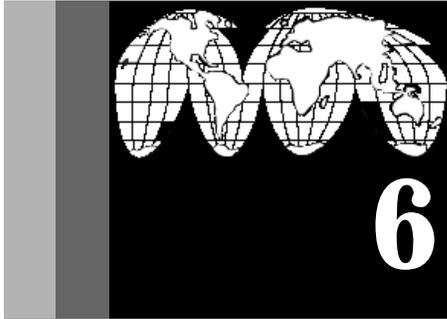
- the legislature's ability to produce and make public in a timely fashion transcripts of plenary sessions or committee meetings, summaries of important debates and decisions, and schedules of activities
- reform of rules and procedures to provide for more open meetings, including plenary sessions, committee meetings, and public readings of proposed bills

- development of a code of conduct for legislators and staff
- promotion of media access to and coverage of legislators, the legislative process, and the legislature's role in the wider political arena
- support for NGOs and other groups that make information publicly available on legislators' performance—voting records, attendance, committee assignments, and leadership positions—and monitor legislative developments, such as tracking bills through the legislative process

## Increasing public understanding and involvement

Without public understanding and involvement, legislatures are hampered in their efforts to become effective, democratic institutions. Disinterest and large-scale public ignorance and misunderstanding of what legislatures do are among the greatest difficulties newly established or reconstituted legislatures must face.

Ways to increase public understanding and involvement include media education and information campaigns (as in the El Salvador project), public hearings in the field, and electoral reforms that bring people and their representatives closer together (the Bolivia program).



# Selecting Host Country Partners

**S** ELECTION OF HOST COUNTRY partners<sup>10</sup> always involves considerable thought and effort. However, in the case of legislatures, this task is perhaps even more difficult because of the range of people whose support or involvement is needed to plan and implement an assistance activity. For instance, legislators serve in numerous leadership roles—party heads, committee chairs, and other top-level positions in the organization. Typically, there are different types of political and non-political staff with diverse responsibilities, influence, and tenure. Looking at the broader political arena, many government organizations and private sector individuals and interests interact with and influence the legislature.

## Host-Country Partner Alternatives

Potential host-country partners in legislative assistance programs generally fall within five broad groups, operating either inside or outside the legislature, as outlined in table 3.

### Working “Inside the Walls” Of the Legislature

Assistance inside the legislature includes observation visits to the United States or neighboring countries for legislators, programs to build capacity of professional staff, and programs to help administrative staff develop a legislative information infrastructure. In choosing partners for this type of activity, consideration should be given to which partners should receive assistance and which partners to work with in planning and implementing the programs.

#### Partners for assistance

Many programs have concentrated on legislators, because of their preeminent role in achieving results. However, USAID and other donors have also commonly supported programs primarily for professional or administrative staff. Staff-centered assistance can be more attractive for several reasons. Donors need not be concerned about perceptions of involvement in partisan politics. And staff are comparatively more accessible and have potentially greater career longevity.

<sup>10</sup>As used here, partners refers to host country groups with which USAID Missions or their intermediaries work to achieve development objectives. Intermediaries are groups or individuals who act on USAID’s behalf to achieve specified objectives. These include contractors hired to provide technical assistance or groups that have received grants for a specific assistance activity.

**Table 3. Host-Country Partner Alternatives**

Partner Alternatives	Characteristics
<p><b>“INSIDE THE WALLS”</b></p> <p><b>Legislators</b></p>	<p>Reform-minded top-level leaders, committee chairs, party heads, and others committed to greater legislative efficiency, effectiveness, and democratic functioning.</p>
<p><b>Professional Staff</b></p>	<p>Career legislative staff—as distinct from those on individual members’ payroll—who work on substantive legislative matters, such as bill drafting, research, policy analysis, and budget review.</p>
<p><b>Administrative Staff<sup>11</sup></b></p>	<p>Staff responsible for: administrative functions, such as scheduling plenary sessions and committee meetings, preparing calendars and agendas, and printing and disseminating bills, meeting transcripts, and other documents; and physical infrastructure, such as the legislature’s buildings, office furnishings and equipment, and communications systems.</p>
<p><b>“OUTSIDE THE WALLS”</b></p> <p><b>Organizations that support the legislature’s functions and operations</b></p>	<p>Organizations that influence and provide information about the legislature, such as research/policy institutes, think tanks, academic institutions, and polling firms.</p>
<p><b>Organizations that advocate for groups or interests</b></p>	<p>Organizations that represent and advocate for different interests or groups in a development sector, such as agriculture, housing, health, or population.</p>
<p><b>Organizations that inform and educate</b></p>	<p>Media, watchdog groups, and other public interest organizations that promote awareness and understanding of the legislature’s role and the legislative process.</p>

<sup>11</sup> Some legislatures may define staff categories differently than those set forth in this table. For instance, instead of general distinctions between professional and administrative staff, staff may be organized along functional lines.

In some cases, however, staff development activities should complement those for legislators. For example, in a country where the legislature has played a rubber stamp role in the budget process, strengthening the professional staff's budget analysis capability alone will not likely correct the imbalance between legislative and executive branches. In addition, the legislature's leadership and relevant committees will need both a vision of their potential role and the skills to attain it.

Before substantial resources are invested, consideration should be given to partners' expected tenure. In addition to the customary vulnerability presented by scheduled elections, term limits are a factor in some countries. Longevity can be an issue in staff-focused assistance, as well. In Poland, for example, parliament experienced difficulty retaining staff trained through a USAID-supported project because of low salaries and the lack of a career service. In El Salvador some long-time employees left the Assembly after new professional staff were brought in under project auspices at higher pay. Those who left, CDIE was told, clearly felt slighted by their new colleagues' salary arrangements.

### **Partners for program planning and implementation**

It is very important to have the support of key legislative leaders and the country's president or other ranking officials, since program decisions are often made or approved by one leader. Key leaders on whom the program relies for support should ideally be nonpartisan, committed to democratic principles, and relatively secure in their positions.

A bipartisan group of legislators responsible for program planning and implementation may also help ensure broad-based support for assistance. For example, Bolivia's congress established the Committee for Legislative Mod-

ernization to initiate discussions on and plans for legislative reforms. This bipartisan group of influential legislators was the steering committee for the USAID assistance program and the key body to determine project priorities. It proposed and successfully advocated for major changes, such as altering constitutionally mandated election procedures to make the congress more representative and democratic. Though members hold radically different political views, the committee became an engine of bipartisan reform that shows every potential for continuing to serve an important purpose after the USAID program ends.

### **Working "outside the walls"**

Organizations that support the legislature's functions and operations can also be partners. In Chile, USAID supported development of a think tank, the Center for Legislative Studies and Assistance, which provides the legislature with policy-oriented research and analysis. In the Philippines, the Center for Legislative Development started out providing members of congress with bipartisan "info-packs" on legislative issues (modeled on those prepared by the U.S. Congressional Research Service). It gradually broadened its services to include training legislative staff in areas such as bill drafting and policy analysis.

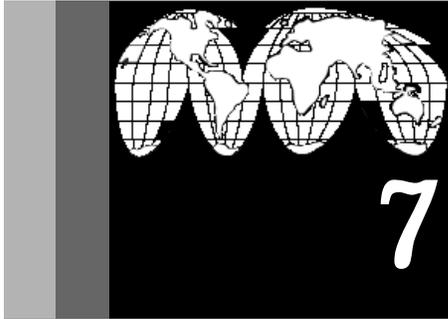
Groups that represent and advocate for citizens and interest groups, including NGOs and PVOs from various development sectors, are also potential partners. USAID assistance to these groups has often helped promote national legislation associated with Mission programs in areas such as community forestry, child labor, family planning, and contract law.

The third partner type outside the legislature consists of media, watchdog groups, and other public interest organizations that inform and educate the public on the legislature's role and

functions. In addition to increasing public awareness and understanding of the legislature, these partners promote institutional transparency, accountability, and responsiveness. In Nepal and the Philippines USAID had many such partners. For example, the Society for Constitutional and Parliamentary Exercises in Nepal and the Center for Legislative Development in the Philippines promoted public discussion of legislative issues and helped citizens understand the legislative process.

With donor support, the Press Institute of Nepal trained journalists in the organization of parliament and the legislative process—critical information in a country where the people were

almost totally uninformed about their legislature. In the Philippines, media-related partners included the Center for Investigative Journalism, Congress Watch, and the Social Weather Stations. The journalism center analyzed and published information on the economic interests and family ties of legislators. Congress Watch systematically monitored and publicized legislators' voting records and other performance indicators. The Social Weather Stations conducted polls on important legislative issues.



# Observations And Lessons Learned

**L**EGISLATIVE ASSISTANCE OFFERS much promise and many challenges for development practitioners, given its comparative newness. CDIE's first-of-its-kind systematic examination of recent USAID and other donor experience shows evidence of both. In the promise column, legislative assistance is viable and capable of promoting democracy and strengthening democratic institutions. The CDIE evaluation teams found that programs in each country were well conceived and implemented and helped improve legislatures' performance and ability to function more democratically. For example, assistance helped two of the five legislatures become more independent and assertive in their relationships with the executive branch. In three of the five cases it helped increase the legislatures' efficiency and effectiveness or made them more transparent and accountable.

However, there are also formidable challenges. Legislative assistance deals with the most political of governmental institutions. That means significant potential risks. The electoral process, shifts in institutional leadership, and sudden social or cultural changes can weaken or even nullify assistance efforts. Many with long work experience in the development arena hesitate to get involved, reflecting a longstanding donor aversion to entanglement in politics. For these and other reasons, legislative assistance may be ill suited for some US-

AID Missions and other donors. Experience is still comparatively limited and much remains to be learned about what works in different situations.

CDIE's study and this report, which summarizes its major themes, suggest there is a sound framework to help practitioners determine a legislature's suitability for assistance. This framework consists of analysis of the host country political context and the legislature's role and functions, a checklist for formulating objectives, and methods for identifying and selecting partners. The following lessons learned, distilled from the case studies and related information sources, further support these systematic efforts to move legislative assistance from an incipient thought to a decision to proceed, and then into design and implementation.

## Planning

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### **Seek and maintain broad-based support.**

Comprehensive institutional change requires not only early commitment of high-ranking members and executive branch officials, but ongoing support from key legislators, staff, and

political factions. In Bolivia, for example, initiating legislative assistance would have been difficult without the nonpartisan support of powerful legislators and the country's president and vice president.

Absent such support, efforts can be jeopardized. In Nepal, for instance, the first speaker was instrumental in helping USAID design and implement its legislative assistance agenda. He was not reelected, however, and his successor showed less interest in the program.

In Bolivia, the multipartisan Committee for Legislative Modernization has taken ownership of the reform process. It functions as the internal locus for identifying problems, setting priorities, and proposing future directions. In El Salvador, the ruling party is ambivalent about a stronger, more independent legislature. But the multipartisan technical committee established to coordinate and manage the USAID assistance program there has played an important part in garnering acceptance for proposed activities. Ideally, such groups should continue to play a useful role after the assistance program's completion.

## **Consider the legislature's status as a democratic institution.**

Countries with evolving or established democratic legislatures generally offer more promise for assistance than do those in failed or pre-democratic states or in countries where the legislature has functioned as a rubber stamp. However, in such cases, there are countries where legislative assistance may be worthwhile. Assistance can be part of a broader reconciliation, as in El Salvador, aimed at bringing conflicting parties into a reconstituted democratic system of government. Similarly, assistance can be justified if legislative and executive branch

leaders have sufficient political will to transform a rubber-stamp legislature into a more independent and accountable body. Program planners should also take advantage of defining events, such as in Nepal, where momentous changes that promised a more democratic form of government provided an opportunity for legislative assistance.

## **Pilot activities may be advantageous.**

In Bolivia, USAID began informal support for legislative strengthening well before initiating a formal bilateral program. During this period the Mission had a chance to learn about how the legislature was functioning, establish trust with partners, and determine the viability of more comprehensive assistance activities. A program can be small and narrowly focused until trust is established with partners, and key legislative players become interested and committed to more comprehensive institutional reform.

Short-term training or observation tours, internships, new member orientations, seminars or workshops, and newsletters are relatively inexpensive interventions that can be good initial activities. However, because these may not be sufficient to effect broader institutional change, donors should consider making those that are successful part of more comprehensive legislative development activities.

## **Design**

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### **Look at the legislature's needs holistically.**

Technical assistance has often concentrated on one area of the legislature, such as develop-

ing an independent, nonpartisan research, analysis, and information management capability. However, case study findings suggest that stand-alone activities can be insufficient to meet the diverse needs of a newly democratic legislature. Accordingly, interventions should look on the institution as a whole, including roles of legislators and staff, and the legislature's relationships with other branches of government and the public. In the case of information resources, for instance, it is not enough to simply provide computers and other equipment. Equally important is training to set up and operate the equipment to accomplish specific objectives, such as improved bill tracking or timely production of transcripts of plenary sessions and committee meetings.

### **Emphasize enhancement of the legislature's role in the budget process.**

USAID assistance has most often centered on enhancing a legislature's capacity to perform tasks such as research, analysis, and bill drafting. Only rarely has it addressed the legislature's capability to review and analyze the national budget. The Bolivia case is a notable exception, demonstrating what a powerful tool such a capability can be in strengthening a legislature's position in relation to the executive branch. Over a relatively short period, technical assistance helped the staff become more capable of analyzing the budget and improved legislators' ability to use the information effectively. With these new skills, the legislature became meaningfully involved in an area that had previously been the sole preserve of the executive branch.

### **Provide training in the United States and neighboring countries with similar legislatures.**

The Poland and El Salvador case studies highlight the utility of such training. Participants developed valuable professional relationships and contacts. More important, deputies and other senior officials from El Salvador profited from witnessing cooperative working relationships and strikingly different operational approaches in their visits to the Chilean and Argentine legislatures. Members and staff of the Polish parliament moved beyond abstract notions of democratic governance by experiencing the real thing firsthand in the United States. Regional seminars and conferences also helped Polish parliamentarians and staff learn about the standards their laws would have to meet to be consistent with those of the western European democracies with which Poland is developing relations.

### **Support host country partners "outside the walls."**

An effective democratic legislature seeks and uses input from individuals and interests beyond its walls. Partners that support the legislature's functions and operations, advocate in behalf of different groups and interests, and promote public awareness and understanding are critical to both the legislature's performance and its transparency, accountability, and responsiveness.

# Management

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## **Use low-key, nonpartisan approaches to minimize risks in politically sensitive situations.**

To diminish political risks, assistance should be nonpartisan. USAID/Honduras stopped a small legislative assistance program after the leader of the legislature replaced the nonpartisan professional staff of the policy analysis unit with party members who did not have the requisite skills. Also, in selecting potential partners, consider whether the organization is publicly regarded as having a political bias that could jeopardize the perception of an assistance program's neutrality.

## **Distribute benefits evenly.**

Training, travel, and equipment should be distributed fairly among all parties and factions. In Nepal, for instance, legislators went on observation tours to the United States or neighboring countries in groups painstakingly assembled to include different parties and interests.

## **Modify program strategy or activities based on periodic assessments of progress and risks.**

Donors should continue to analyze the political context and the legislature's status over the life of the assistance program both to determine progress made and to assess changes that have come about as a result of elections and other developments.

## **Establish an independent internal analytical capability.**

Background analysis is vitally important for legislative assistance, perhaps more so than for any other area of development activity. Though much information may come from outside sources, Missions should develop their own analytical capability, particularly if the legislative development program is ongoing and comprehensive. It is particularly valuable to have someone on staff who is plugged into the legislature, knows the key players personally, and can operate in a highly charged political environment.

## **Challenge existing attitudes that undermine an effective, democratic legislature.**

Although deliberate attempts to promote an American-style legislature can be problematic, principles and procedures that help define a legislature as democratic, such as fair treatment of opposition and minority parties or open plenary and committee meetings, should always be part of assistance programs.

Legislatures serve as a role model and can foster or hinder political development in other areas to the extent they operate under democratic principles. The closed process by which political parties in El Salvador choose Assembly candidates, for example, diminishes its stature as an institution committed to democratic principles.