Guidebook for Implementing Legislative Programs

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Guidebook for Implementing Legislative Programs

National Democratic Institute for
International Affairs
2000

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This Guidebook is based on the experience of NDI staff, working with developing legislatures worldwide, who met to discuss the issues of effectively implementing legislative development projects. Special thanks are owed to former Member of Congress Jim Shannon, and Congressional Research Service Specialist, Stan Bach, NDI friends who facilitated the Jerusalem discussion. Thanks are also owed to long-term NDI staffers Derek Butler, Erin Martin, and Maryam Montague, all of whom have all been in-country advisors for legislative development projects in more than one country. They carefully reviewed the draft Guidebook and offered useful comments and suggestions. Kenneth Wollack, NDI president, and Thomas Melia, NDI vice president for programs, provided thoughtful insights on the draft document.

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The United States Agency for International Development (USAID) provided the funds to develop and publish this Guidebook. NDI wishes to thank Pat Isman-Fn'Pierre, Stephen Brager and Dana Peterson at USAID's Center for Democracy and Governance for their support with this endeavor.

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The National Democratic Institute is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices, and institutions. The Institute works with courageous democrats who are struggling to promote peaceful political reform. It establishes partnerships with political leaders who have begun the difficult task of building stable pluralistic institutions and creating better lives for their citizens.

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This publication was produced with support provided by the U.S. Agency for International Development (USAID), Office of Democracy and Governance, Bureau for Democracy, Conflict and Humanitarian Assistance through Award No. AEP-5468-A-00-5038-00. The opinions expressed herein do not necessarily reflect the views of USAID.

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Preface

NDI staff met for three days in Jerusalem and, subsequently, in Washington, D.C. to discuss what works and what does not work in international legislative strengthening programs. The meetings were based on an assumption that underpins much of today's democratic development assistance but is no longer frequently articulated: despite cultural, historical, and political characteristics unique to each country, the path to democratic development is a shared one in which different countries have much in common. This assumption has been reinforced by the exchanges of democratic development experience across geographic regions.

The Jerusalem meeting was attended by NDI staff involved in legislative programs in 15 countries, plus several other legislative development experts. Program staff included three former provincial or state legislators (American, Belgian, Canadian), two former staffers of the Canadian Parliament, eight former staffers of the U.S. Congress, and two Americans who had worked in state legislatures. This Guidebook covers discussions at the meetings and lessons learned as reflected in memoranda, reports, and other documents from NDI's legislative programs over the years *(see Appendix A, Description of NDI Legislative Development Programs).*

NDI's experience has demonstrated that there are certain building blocks for legislatures in transition. Members of newly democratic legislatures invariably need to organize party caucuses and committees, improve their capacity to engage in lawmaking, and develop a relationship with the executive and the electorate. The legislature needs to develop as a representative institution through a variety of means, from staff training to publishing a record of its votes.

One lesson learned from this experience is that the distillation of "best practices" from a range of legislative development projects is challenging. The challenge comes, in part, from the broad array of projects that promote the democratic development of legislatures. For example, only a few of the 15 country projects represented at the Jerusalem meeting focused on developing committees, but these projects are widespread. Other innovative projects may respond to specific needs of a particular legislature, such as developing the parliament's press office or assisting in the development of a new legislative chamber meant to incorporate the interests of provincial and local governments. While they are likely to be adapted in other country projects, they are not yet ready for a comparative discussion.

The diversity of legislative programming also reflects, in part, the divergent political climates in which NDI works. This necessitates that the staff be innovative, flexible, responsive, and creative. In some countries, democratic reformers are at the helm of the legislature; in others, they are not. The different political context has critical ramifications for the type of projects that are launched and for partnership issues. This also presents an obvious limit to the comparability of legislative development projects.

The distillation of "lessons learned" was hampered by time constraints in the Jerusalem meeting and in Guidebook preparation. On some issues of relevance to all projects, such as developing and maintaining partnerships, much more could be said. The nuggets of wisdom on this and

other questions lie with the devilish details, and the Guidebook would have benefited from a more in-depth discussion and analysis than took place in Jerusalem. Two hours were spent discussing partnership and partisanship. A structured discussion in which all 15 participants contributed on the subject for at least twice as long might have been worthwhile.

These constraints notwithstanding, NDI's global view of legislative development and its ability to distill best practices is greatly advanced by the Institute's recognition of the importance of cross-fertilization of projects across regions. The governance team in NDI's Washington office serves as a source of expert advice and assistance and as a resource center for the Institute's legislative projects worldwide. The existence of the governance team (and other functional teams for civic, party, and election programs) means that every legislative development project benefits from those that preceded it.

Ultimately, the Institute's successes are due to the individuals in charge of implementing these projects. They are veterans of legislative, campaign, and public interest careers. Political astuteness and adroitness are job requirements. NDI's in-country program staff must be "doers" who can "stand behind" local actors. They have to gain the trust of their local partners, be respected by all parties, adapt what they know from their own experience, and learn from others when that experience is inadequate.

In-country staff need to keep sight of a project's objectives, be creative in their programs, and not lose sight of the agenda for change. They need to be patient, be humble, and maintain a sense of humor. All of this is asked of them. In return, they are offered a difficult, but unusually rewarding opportunity to participate in the historic democratic transition underway in the country where they work.

One final caveat is in order. This book addresses only one part of legislative development work, project implementation. The decision of whether to engage in such projects in a particular country and the design of such projects is made by different people at different points in time. The review of that process is left for another day. Meanwhile, the goal is for the lessons set forth in this Guidebook to make a modest contribution to the delivery of more effective assistance to democratic reformers in legislatures worldwide.

Introduction

This Guidebook is intended to assist staff implementing legislative programs in developing democracies. From its 15 years of work with emerging, democratic legislatures in more than 30 countries, the staff and volunteer experts for the National Democratic Institute for International Affairs have learned important lessons about assisting in the process of legislative development. This Guidebook attempts to capture some of those lessons, in order to inform NDI and other implementers.

Why Legislatures?

The legislature is an institution central to democratic government, so long as it is visible, accessible, and accountable to the citizenry. Because the legislature reflects in its ranks a broad spectrum of the country's political opinion, it should be the principal forum for debate on public policy issues and a place for compromise and consensus building.

A public that has lived under an autocratic regime looks to the legislative branch to ensure that the executive will not rule absolutely and that the voice of the electorate will be heard. Thus, legislatures are often the bellwether of democracy.

NDI's legislative development programs are intended to promote the development of competent, accountable, transparent, and responsive legislatures capable of representing the electorate, overseeing the executive, and participating in the development of laws and policies. These are ambitious goals and experience shows that they are not accomplished within a short time frame.

Which Legislatures?

Three threshold questions are central to the decision of whether to implement a legislative development program: Is the legislature a legitimate institution with multiple political parties? Is the political climate right for the development of a democratic legislature? And, do the legislators have the will to build towards that end?

New, multiparty legislatures that emerge from transition elections are often built from a rubber stamp, undemocratic institution. Newly elected legislators are often unfamiliar with the role of a democratic legislature and the executive may be reticent to share power. At the same time, the electorate may have high expectations of the legislature. Thus, NDI's legislative development projects often must focus on working with the legislators themselves, augmenting the capacity of these politicians to fulfill their new role in a more pluralist political system.

Where to Focus?

Numerous facets of a legislature need to be addressed, including infrastructure (from office space and meeting rooms, to phones, computers, and Internet access), information resources (such as a library or research service) and staffing (policy-oriented advisors and clerks, secretaries, and maintenance personnel).

The legislature is a political institution. Political parties serve as the basis for the legislature's organization. The legislature, in turn, provides a vehicle for the political parties to debate public policy. NDI recognizes the political nature of the legislative institution. Thus, much of NDI's work is with helping members of parliament in their role as politicians. This includes working with their caucuses, checking up on the executive, and bringing constituents into the political process.

During the past 15 years, NDI has focused primarily on the political organization of legislatures, providing advisory assistance to members of parliaments on rules of procedure, operations of party caucuses, committees, constituency relations, and oversight of executive agencies. The services have included providing comparative information about the fundamentals of the democratic process for law drafting, including constitutional frameworks, election laws, local government laws, and anti-corruption rules and laws. In addition, NDI has become increasingly engaged in staff training and other areas of institutional development, all with the aim of making the institution more visible to the public and more relevant to the country's governance.

How to be Helpful?

Experience has demonstrated that it is optimal to have long-term advisors living in the country. These advisors, who usually have held elected office or served as legislative staff, are available to new legislatures on a regular basis. Their overall responsibility for implementing a program includes providing one-on-one consultations with legislators on a range of issues.

NDI's in-country assistance is usually augmented by a series of seminars, workshops, or roundtables, which often include legislators from relevant countries who have expertise on the topic to be addressed. This "peer exchange" can be an effective means of translating one legislature's solution to another's problems. NDI's programs include *pro bono* legislators from 50-some countries around the world, thereby ensuring that the United States does not become the sole model for new legislatures, particularly those operating in a parliamentary setting.

NDI also organizes study missions abroad for legislators to observe better-established legislatures in operation. These missions involve a limited number of legislators and are usually comprised of multiparty groups. Study missions have proved to be most effective when focused on a particular topic or issue.

In addition to its *pro bono* network of legislators and other experts, NDI brings to its projects a library of information (from legislatures, academics, and other institutions) on issues of concern to legislators in emerging democracies. The Institute publishes a Legislative Research Series which to date includes four comparative papers on speakers, committees, cameral structure, and legislative ethics. This information, as well as timely commentary about democratic norms relevant to draft laws, is easily available to NDI's in-country advisors worldwide.

Section 1

The Goal

The goal of legislative development ("strengthening") programs is to foster representative, transparent (open), competent, and accountable legislatures. Development efforts focus on the legislature becoming more responsive to the electorate and taking a more active role in the process of making laws and in oversight of the executive.

Legislative projects come in a variety of forms. In general terms, these projects are either aimed at (1) training elected members on how to perform their roles or (2) assisting in the institutionalization of the legislature itself (aspects that will endure regardless of change in membership at each election). The former may include, for example, assistance to members on how they can better communicate with constituents. The latter may involve assistance in the development of effective and fair rules of procedure or a system to facilitate public access to the legislature. The goal of both is to increase the representative capacity of the legislature.

What can be done to enhance the capacity of legislators to do their jobs?

Training members will probably be the single most important activity of a legislative development program. The goal is to enhance members' capacity to perform their duties. Activities can include helping them make better use of the legislative institution, establish better relationships with the executive, and involve constituents in the legislative process. This Guidebook reviews three types of member training programs.

In this Guidebook, the first topic for member training is that of working with committees. The objective is to help make the committees a venue for serious discussion of draft bills and to give the public opportunities to participate in those discussions. This can be accomplished through programs at which legislators from other countries (trainers) describe the activities of committees in their systems. Efforts can also be specifically focused on individual committee chairs and staff members interested in obtaining assistance with such matters as preparing agendas and organizing hearings.

The second topic for training members is oversight of and relations with the executive. The objective is to make certain that the executive implements the law in an efficient and effective manner consistent with the law. Training members of an oversight committee in reviewing the executive's expenditure of funds is an example of oversight assistance that has been effective.

The third topic for training members, establishing accountability to constituents, may not be a focus or high priority of legislators in developing democracies. But members can gain much from their involvement with constituents, including the information they need for decision-making and the outside support they need for legislation. The training opportunities are broad and often involve working with the political parties. These opportunities include helping members work with the media, prepare for and conduct town meetings, and involve constituents in the legislative process.

Are there ways to help legislators with making better laws?

In Westminster-style parliaments and presidential-parliamentary "hybrid" legislatures,[1] the executive branch initiates and drafts legislation. The role of legislators is to scrutinize those drafts and help the public understand the need for them. In many instances, the parliament in a new democracy will consider basic legislation that relates to democratic structures and processes. This may include establishing an electoral system; regulating nongovernmental organizations (NGOs); or adopting a new local government, media, or ethics law.

Assistance can include helping the members find good examples of such laws in other countries and training members to read critically and analyze the executive's drafts. Other projects could cover advising the legislature on how to prepare amendments to the executive's proposals, how to draft bills for individual members, and how to hold public hearings on proposed legislation. In the case of basic legislation, the assistance could include providing substantive information about relevant democratic norms.

What about assistance to the institution *per se*?

In addition to working directly with members, some projects are aimed at improving the institution itself. Two types of such programs are described here. The first is training the staff. Well-trained staff can provide the members with needed information and help make the institution run smoothly. Programs can include training research staff on how to find and present information or training committee staff on how to prepare agendas and keep records.

A second program involves improving the institution's facilities. The Guidebook provides examples of library improvements to allow members access to better information, and computer assistance to help the institution operate more efficiently. Institutional assistance programs can be expensive and should not be viewed as a substitute for working directly with members to build their capacity to fulfill their tasks. However, institutional development may make more sense than, for example, member training programs in an election year when lawmakers are more interested in nonparliamentary matters.

Is the program in tune with the parliament's desires?

If a program is to be successful, it must meet the training and technical assistance needs of the members and staff. Some program guidance will be provided in the grant or perhaps in a baseline assessment prepared before the program was funded. But the specifics of the program can be formulated only after learning what the parliament wants. Learn of the leaders' desires by putting listening skills to use.

When talking with the leaders, ask them what they perceive to be their training and technical assistance needs. Be cautious when promoting ideas. Leaders may agree to a training program in order to be polite. A great deal of time and effort could go into a program that the leaders really don't much want. When the parliamentary leaders and in-country staff are in sync, the most successful results will occur.

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[1]This Guidebook uses the terms "parliament" and "legislature" interchangeably except where otherwise specified.

How can a program be sustained?

Along with early planning on how to evaluate the program, give equal consideration to how it can be sustained. For a new member orientation program, for example, consider who will take it over when it is completed. The legislature's leadership and staff should be partners in the implementation of such a program with the expectation that, following subsequent elections, the parliament will regularly orient new members. Perhaps the local university will have an interest in getting involved and make a long-term commitment to orienting or training legislators.

Build sustainability into the program. Some projects have a longer "shelf life" than others. For example, publishing the rules of procedure in a small and easily used booklet is a concrete contribution to educating members about the rules and may assist in better use of, and adherence to, parliamentary rules. Such a booklet will exist for years after a training program is concluded. If the members find it valuable, they will find a way to update and republish it.

Providing technical assistance for the development of a parliamentary newsletter, as was done in Namibia, is an example of a well-constructed plan. The project included an exit strategy stating that help with the project would continue until a specified date at which time it became the sole responsibility of the parliament. Parliamentary staff have been trained in every aspect of publication from writing to layout and now publish it on their own.

If good precedents are set and reinforced, these practices should be sustained beyond the duration of the program. If legislators become accustomed to meeting with constituents regularly, if committees hold public hearings, and party caucuses hold regular and effective meetings, such democratic practices can be sustained beyond the term of the grant.

One way to advance sustainability is by asking the participants at the end of a workshop to suggest what follow up training they would like and, perhaps, describe what they have learned and how they intend to implement it. Observe them at work and see if the program results are still being implemented. If not, do something about it.

Consider the local project staff when it comes to sustaining the program. As these people will remain in the country after the project is completed, they may be able to promote or monitor the project goals. In particular, if they move on to NGOs or working directly with the parliament, they may be in a position to continue work on strengthening the parliament.

Develop a program to "train the trainers." When members or staff members have completed a training program, consider which of them might be good at training. Then work with them on how they might be able to train their colleagues.

Section 2

Objectives and Results

Some programs are clear successes; some are not. Most lie somewhere in between. But how does one know whether a program is successful? The results of a program can be determined only with good knowledge of the parliament, clear program objectives, and an effective method of measuring program outcomes.

The primary purpose of an evaluation is to determine if the program is on track. A good evaluation determines if the program is meeting the needs of the parliament and making progress toward the stated objectives.

Is the program working?

Immediately upon commencing a program, staff must give attention to evaluating it. This can be a difficult task. In-country staff may be setting up an office and building new relationships with the parliament's leaders at the same time. They may not have been involved in preparing the grant application and have not participated in the development of program goals and objectives. They may feel that there is too much emphasis on getting immediate results. What can be done?

At the outset of the program, devise an evaluation framework and give careful attention to stock-taking within the first few months. Involve local project staff in program evaluation. Consider inviting some local partners into the evaluation discussion at the outset. While political considerations or personalities may render some office holders inappropriate for this effort, certain legislators, staff, or outside observers could be asked for their expectations of the program. What do they believe would constitute success or progress? How can this be demonstrated or quantified?

Once the program is underway, its original objectives may prove to be unrealistic. If so, the program should be adjusted. While this may require consultation with the funding organization, the program should be sufficiently flexible to allow for adjustment of objectives or indicators.

What are "objectives" and "indicators?"

Objectives are what the program is trying to achieve. For example, in a program to help legislators improve constituent relations, the objectives might be to improve legislators' responsiveness to constituents' concerns and enhance the public's understanding of the parliament.

Indicators are evidence that the program is having an effect. In the above example, an indicator (result) might be that the targeted legislators develop new ways of communicating with their constituents, such as creating newsletters, writing columns in local newspapers, appearing on radio call-in shows, or organizing public meetings in their districts at which constituents participate and voice their concerns. Another indicator might be that citizens in those districts

are more confident that their legislators are working to represent their interests and solve their problems than they were before the program was implemented. This could be measured by using focus groups before and after a program.

The program's objectives and the methodology used to measure results are usually a matter of particular interest to funding agencies. It is important that, at the outset of a program, there be a meeting of minds between the implementing organization and the funding agency about evaluation methodology.

What are the standard tools for gathering information?

A baseline assessment of a legislature is a report on how the institution is organized and functions. It is a "snapshot" -- an "aerial photo" or overview -- of a legislature that can be taken before a funding proposal is developed (*see Appendix B, NDI Outline for Baseline Assessment of a Legislature; November, 1995*).

A baseline assessment can be a comprehensive 70-page document that takes several months to prepare or a 15-page document that results from a weeklong assessment mission. The scope of the baseline assessment depends on the size of the program and the time and staff available in advance. Assessments are written to advise a funding agency or implementing organization about program design; they identify issues and suggest programming areas. They should provide an overview that touches on all aspects of the legislature's organization and operations *(see Appendix C, The First Months of the Palestinian Legislative Council (Baseline Assessment); May 1996).*

From the baseline assessment, a detailed and focused benchmark is prepared to establish standards for evaluation purposes. Whereas the baseline assessment shows the big picture, the benchmark is specific to the elements of the baseline that are covered in the program. The benchmark – a "photo taken with a zoom lens" -- should be written soon after a program is implemented and should include in-depth information in the relevant areas.

If a program is focused on constituent relations, the benchmark should include detailed information about what legislators are doing in relationship to their constituents. This information could be gathered by interviewing each of the party groups in the parliament about current practices, such as whether they have newsletters or hold town meetings. Ideally, it would be double-checked with other sources such as journalists, academics, civic leaders, other institutions, NGO staff, or diplomats. This information must be recorded; otherwise, there is no benchmark from which progress can be measured.

It takes time to prepare a benchmark, and it is difficult to operate a program and prepare a benchmark at the same time. It cannot be done immediately upon arrival, because in-country staff need time to settle in and get organized, but it should be done within a matter of weeks or at most a couple of months. Unlike the more detailed baseline assessment, the benchmark need be no more than 10 pages. It should be prepared before a workshop or other major program event takes place.

As an example, NDI prepared a benchmark on the issues central to its program for the Palestinian Legislative Council. *(see Appendix D, NDI Benchmark of the PLC as of October 1996).* A part of the program, assisting with plenary proceedings, is discussed below *(see Case Study).*

Case Study: NDI Assessment of Palestinian Legislative Council Plenary Proceedings Project
NDI's program of assistance to the Palestinian Legislative Council (PLC) included a focus on assisting the Council's organization of its plenary proceedings.

The benchmark (written in the second month of the grant) described in detail the poor organization and inefficiency of the Council's plenary sessions. It noted that the Standing Orders were not followed for plenary sessions:

> The Standing Orders call for the agenda to be distributed 48 hours before the session, but it is usually distributed the day of the session. More than one hour of an approximately three-hour plenary may be spent amending the agenda even though this is in violation of the Standing Orders.

Program activities aimed at remedying these problems included the following: NDI printed and distributed small binders containing the Standing Orders which PLC members carried with them and used to raise points of order on rule violations. NDI organized a workshop on plenary procedures and a follow-up "mini workshop" on setting and amending agendas. NDI's in-country advisor worked closely with key members to assist them in developing familiarity with the Standing Orders. In addition, select members were sent on study missions to Hungary and Georgia to consider plenary issues, among other topics.

For the program, NDI staff developed an evaluation framework that included, in chart form, objectives to be achieved, indicators of the program's success, and tools for evaluation. The objectives were the extent to which (1) plenary proceedings adhered to the Standing Orders; (2) debate was in accordance with parliamentary standards; and (3) the Council's consideration of legislation became more efficient. The framework included indicators, such as more efficient and effective plenary proceedings *(see Appendix E, NDI Assistance Program to the Palestinian Legislative Council: Framework for Evaluation of Program Results).*

To gather the evaluative information, NDI developed plenary evaluation forms and kept minutes of plenary sessions. The evaluation forms added little to the work of NDI's staff, who regularly attended Council proceedings. The plenary evaluation included such questions as how much time was spent debating the agenda itself, whether the plenary session debated the draft legislation line by line, and whether the rules regarding motions and amendments were adhered to. The forms, filled out at every Council session, created a record that tracked progress over the 15-month grant period.

NDI's final report on the program noted that plenary agendas were consistently amended and adopted within 15 to 30 minutes, which amounted to one hour total per month, versus the 4 to 6 hours per month spent on agenda setting at the outset. In addition, NDI records indicated that over the course of the program, members had become noticeably more familiar with the Standing Orders and were increasingly raising points of order when the Speaker ignored the rules.

Without the benchmark, the articulated objectives, and procedures to make an ongoing record of plenary proceedings, the impact of this project would have been virtually impossible to document *(see Appendix F, NDI Final Report, Building the Capacity of the Palestinian Legislative Council October 1996 to April 1998).*

With the benchmark completed, identify the tools for collecting information that will track the effectiveness of the program. For example, if the objective is to increase the capacity of a legislature's committees to consider legislation, an indicator of progress would be that the committees meet regularly and that there are public hearings on draft bills. A tool for gathering that information might include periodic consultations with committee chairs and staff, review of committee records, and press coverage of the legislature.

Be prepared to develop some quantitative measures of the program's performance. For a constituent relations program, performance measures might include tracking the number of constituent requests handled by a member's office before and after a training program on that topic. For a program on better public involvement with the Parliament in Ghana, the performance indicators included, over a three-year period, percent of bills changed, percent of bills that directly reflected civic involvement, and number of bills for which a member proposed an amendment. For the civic involvement, for example, it showed the percentages increasing from 19% in 1997 to 50% in 1998 to 62% in 1999.

This record should reflect not only an increase in the number of requests responded to, but the manner in which the legislature responds to such requests. An analysis of a legislature's activities is critical to a sound evaluation of program impact. In the example of Ghana, the evaluation highlighted the significance's of the legislature's amendment of a government bill:

> On the last day of the Second Meeting an amendment proposed by the majority requiring the National Media Commission (NMC) to investigate whether state media are complying with Article 55(11) of the Constitution (requiring equal access to State-owned media) passed. Despite watering down the Motion this episode was a moral victory for the minority parties as it demonstrated a strategy for future action, i.e., introduce motions that the majority would, in the end, be forced to accept in one form or another or risk flouting the Constitution or appearing to the public in an unfavorable light. *(see Appendix G, Evaluation Memorandum to USAID Mission - Ghana program; February 1999.)*

Be cautious with numbers. Make sure that what is counted matters. It may appear impressive that the number of bills adopted by the Parliament has increased. But in reality the Parliament might be merely rubber-stamping the executive's proposals and doing so more rapidly or efficiently. Counting bills is easy. But collecting meaningful numbers can be time consuming and expensive.

Although evaluation might appear to be primarily a numbers game, it is not. Measures should include non-quantitative ones, such as interviews with members detailing what they have learned from the training and how they have put this knowledge to use. Anecdotes can be very useful here. Keep a pen and pad with you and be ready to jot down a member's comment on how he effectively used information learned in a training program to perform his job.

As for detailed records of activities, the evaluation of a constituency office project in South Africa focused on the African National Congress (ANC) field offices' organization and

operations *(see Case Study)*. Before and after the workshops, staff gathered information about how these offices were functioning, including, for example, whether the office had a system to record contacts and interaction with constituents. In addition, the report noted that staff of offices that had benefited from the project's training workshops had made strides towards establishing the offices as information resources for the community:

> Most of the offices [of the staff who had participated in the training program] had at least a few bills, acts, government gazettes or other legislative information. Some had pamphlets or brochures related to school bursaries, job listings or news events. One administrator proudly described her ambitions to develop the office into an "information center" for the community (she keeps stacks of local and national newspapers that people can come and read if they cannot afford their own—three men were doing so on the office porch when we were there).

As this example illustrates, specific indicators and detailed records of activities will provide the data necessary to prepare thorough, informative reports on the project. A mid-term evaluation will also reveal whether the program is on course.

Case Study: NDI Constituency Outreach Workshops in South Africa's Northern Province
NDI conducted two constituency outreach programs in the Northern Province. One was held for legislators and one for constituency office staff.

For members, training emphasis was on the nature of casework, creating a constituency profile, educating constituents about government, and working with the local political party. For the office staff, the training covered the basics of casework and constituency profiles, but then emphasized uses for the constituency profile, promoting the office, facilitating community development, and reporting to members. A second day of training for the staff covered how to run an office.

Six months after the workshops, the ANC Chief Whip from the Northern Province and NDI staff conducted an evaluation of ANC constituency offices in the province to learn if the sessions had made a difference and to identify future training needs.

The evaluation team toured nine constituency offices to assess the skill level of staff who NDI had trained, as compared to a few offices whose staff did not participate in the training. The assessment tool was an 11-page survey form. The first portion of the form was for the evaluators to observe whether, for example, the office could be seen from the street, and if legislative publications were to be found in it. The second portion was an interview with staff to learn such information as how they interact with constituency groups, what kinds of people come into the office, and what problems those people have.

The team found that constituency office staff who participated in the training were able to describe, with varying degrees of confidence, their role in the office. Further, the team found that most offices had adopted the following staff practices suggested at the training:

- Meet regularly with the legislator with whom they work
- Play an active role in arranging appointments and developing programs
- Devise a system to record and track casework and keep a logbook to record visitors
- Develop relations with NGOs, local government councilors, and other community leaders
- Interact with government offices to assist constituents in resolving casework

The team also found that legislators who attended the workshop were regularly visiting the constituency office—at least twice a month.

In contrast, in one office where neither the legislator nor the office administrator had attended the workshop, the team found that it was bare and deserted. The administrator was unable to speak in more than general terms about the role of a constituency office. The office did not have relations with any organizations, except with the local ANC. Neither the legislator nor the administrator participated routinely in community functions. And the administrator played no role in scheduling appointments or providing community access for the legislator.

Based on the evaluation, the team was able to identify office needs, such as better outside markings, and future training needs, such as improving the staff's understanding of the role of legislators and preparation of agendas for town meetings.

Should an outside expert evaluate the program?

Consider employing an outside expert to review the project at mid-point or after its completion. The person should read all the paperwork related to the program and interview the key participants involved, perhaps first soliciting their opinions through a questionnaire. Using this information, the expert should write a report on the program's effectiveness.

While use of such an outside expert may work best for a specific, targeted project, such a person could also be employed for a multi-year, multi faceted program. The person hired for such a project should have experience as a program evaluator, be an expert in legislatures, or be a very able observer.

Final evaluations should take place within a year after completion of the project, but long enough after completion so that the results are discernable. The consultant's evaluation and report should take no more than two months to complete.

Evaluating a South Africa Project

NDI used a consultant to evaluate a 1997 project to assist with the development of local governance. The program included three major activities in support of the local governance policy process, including two study missions to the U.S. and bringing in an international expert on urban development and local government.

The evaluator (1) interviewed NDI staff involved in the project, (2) analyzed the models for comparison provided by staff for the study mission, (3) interviewed the key participants and policy makers affected by the project, and (4) reviewed relevant legislation and policy papers, articles, press releases, and other documents.

The 15-page evaluation, which took about six weeks to prepare, showed that the program had helped local governments develop policy options, provided models for effective public-private partnerships, contributed specific language for a white paper on metropolitan governance structures, and facilitated a dialogue between South African leaders and their American political counterparts.

Should a comprehensive monitoring and evaluation plan be implemented?

A comprehensive monitoring and evaluation plan is best suited for multi-year projects. It requires substantial resources, perhaps including a staff person whose sole responsibility is data collection and analysis. As with any method of evaluation, it also requires detailed planning at the outset of the program on how to collect the information.

Such a monitoring and evaluation plan was used to track the progress of a large, multifaceted project to assist the Namibian Parliament. The plan set forth four program objectives or outcomes. One of the objectives was: "A legislative process that is open to input from constituents, and involves direct contact between MPs, interest groups, NGOs and constituents." The indicators of progress towards that end included the adoption of procedures that facilitate involvement by interest groups, NGOs, and constituents and the adoption of laws and practices that increase public access to information. The data were obtained through consultation with parliamentary clerks, as well as by reviewing Parliament's official documents.

Another objective was that "Members communicate with constituents through media or community outreach." The two main indicators for this outcome were functioning constituency offices and a functioning parliamentary information office. The term function was defined: "'Functioning' is understood to mean that these offices are staffed and able to respond to both constituent and public concerns." An indicator of success was that the parliamentary

information office be able to produce materials and provide services for MPs and information to the media and the public. One way of tracking progress towards this goal was that program staff identified 10 members (from both ruling and opposition parties) and interviewed them twice a year.

Evaluations are usually not this time consuming and expensive. But it takes time to develop indicators, to devise methods for gathering information (both during the program's implementation and at its conclusion), and to ensure that the data are obtained and analyzed. Anecdotal information, including what legislators themselves say, is important. A quote from a committee chair, for example, explaining that his committee became more effective after he learned how to create and manage a meeting agenda, is an effective demonstration of program achievements.

What if the evaluation shows the program is not working?

Consult with the home office and the funding organization. Adapt and make adjustments when necessary. A program may not meet its objectives for many reasons, including political factors. The legislative leaders may not be supportive, or internal or external issues may distract them. The objectives should be structured so that they can be adjusted.

The outcome of activities outlined in the proposal may turn out to be less effective than anticipated and the activities may need to be revised. If, for example, a workshop to train committee chairs on committee and parliamentary procedures does not foster committee development, try one-on-one advising and see if that is more successful. Communicate with local partners and others to explore why the program may not be effective and collaborate on possible revisions.

What questions should be asked regarding program results?

- ☐ Who is going to prepare the benchmark for the program, and when should it be done?
- ☐ Is there a reasonable chance to meet the objectives for the program, or do the objectives need to be revised?
- ☐ Is there a systematic method of collecting data to measure results, and is it in place at the outset of the program?
- ☐ Who is going to evaluate the program? When will the evaluation occur? Is it budgeted?

Section 3

Training Methods

The task is to train members and staff in developing democracies. The obvious question is: What training do they need and what approach will be most effective? The training needs should be found in the program objectives. The program likely will include bringing in outside trainers for workshops or one-on-one consultation. It may involve taking members or staff on a study tour. And in-country staff will have the opportunity to use their expertise to train and provide technical assistance.

Training must be provided in a respectful manner that conveys the deference due to an elected legislator. New legislators' perceptions of their needs will often be at variance from what an outside expert might believe or what he or she might be able to provide. These differences need to be diplomatically addressed. A commitment to the training program is best obtained at the outset of the program, an issue that is more thoroughly addressed in section 4, on partnership and partisanship.

When formulating a training program, consider other organizations that may be involved with the parliament and what training they are offering or considering. Coordinated training is in everyone's best interest. But it may not be possible to influence what other agencies do. Where one agency is responsible for member training and another for staff, there is a risk that if the staff training is not implemented, work with members will be hindered.

The timing, setting and duration of training programs, such as workshops, need to take into account the legislators' schedules, comfort, and other needs if they are to be well attended and effective.

Can seminars be made more effective?

Seminars (or workshops) for members or staff will almost certainly be a part of the program. Seminars are a popular and effective method for training. The key is selecting the right topic, time, and site for the seminar. If the members and staff find the topic relevant and the arrangements convenient, they will attend *(see Appendix H, index of selected NDI Legislative Workshops, October 1999).*

One approach to planning for a seminar is to target individual members to attend, conduct pre-workshop interviews, and ask potential participants what they are interested in and what they want to achieve. This ensures that the agenda reflects their interests and that they buy into the session.

Seminars may not be effective if they are too long. Members may not, for example, sit through a three-day workshop, though they might be willing to participate for a day or half day.

Interactive exercises. Give strong consideration to how to get the participants involved in the seminars. One way to make a workshop interactive is to use case studies and case scenarios. This approach can be particularly successful if the participants develop a set of recommendations for change to take to their leaders and the in-country staff follow up on the recommendations. In Ghana, committee members were highly receptive to participating in a mock hearing exercise that employed hypothetical bills and testimony *(see Section 5 for a case study of this project).*

Building on local traditions. Be aware of what works in accordance with the country's traditions. A program in Yemen provided training sessions for committee chairs and vice chairs. For each of two days, open dialogue in a traditional Yemeni setting (a "mufrijs," or large, ornately decorated room in which participants sit on low cushions) took place in the evening. Much Yemeni business and discussion occur in such a setting. This approach was particularly important because the training took place in an arrangement that was familiar to and accepted by the participants. It fostered informal discussions.

Involving members and staff. Seminars can be structured in such a way that members and staff can participate in joint or separate sessions. There are several advantages to including staff in member training. It creates an atmosphere in which members and staff think about change and learn about new or improved ways of doing things. The staff learn what the members learn, thus enabling staff to better anticipate members' needs or expectations. Joint meetings can also foster communication, with members and staff learning from each other. But keep in mind that members or staff could be inhibited from a frank discussion by the others' presence.

In the Yemen example, member training was followed by a day devoted exclusively to staff. This allowed the staff to take advantage of the experts who had been brought in for member training. As was the case with the members, the staff worked with the trainers to identify future training needs and develop recommendations for improving staff services.

What about working with small groups and individuals?

Some of the most successful work can be done with small groups and individuals. In such a case, in-country staff may do the training or use the trainers brought in for a larger program. Small group training can be tailored for specific needs and has the advantage of informality. It can be conducted as a follow-up to a larger session, and focus on the issues raised in the larger group.

In Namibia, a trainer for research and committee staff met with top staff managers and used his management expertise to discuss new concepts and trends. During the same period, another workshop trainer was able to critique the work of an individual staff member who was interested in establishing a parliamentary newsletter.

Individual and small group consultations can be among the more rewarding activities. It requires good judgment as to when such training efforts will be welcome by members or staff. But it can make a significant contribution by helping members and staff with immediate matters. It takes time to organize a large seminar; with a small group, assistance can be on a moment's notice.

What to look for in trainers?

In general, the most effective trainer is a peer—a legislator from another country who is quick to understand the local political situation and to suggest, without being proscriptive, approaches and practices from his or her own system that are relevant to the developing legislature. A legislator from a transitional legislature, preferably one that is more advanced, can be very effective. Much can be learned from those who have faced similar obstacles to democratization. A Hungarian member was of great interest to Latvian legislators; South Africans often have great weight in west and southern Africa.

Trainers must be thoroughly briefed about the objectives of the workshop and their role in it, the country in which they will be working, the country's legislature, and the overall project. A well-prepared statement of program objectives (terms of reference) and a briefing book can clearly set out the expectations of the trainers. These should be prepared well in advance so the trainers have ample time to read them.

Use trainers to provide information that helps parliamentarians promote democracy. While there will be times that offering advice is inappropriate, trainers can present information in a way that has the effect of advising. In the course of a program, participants may ask trainers for advice. In some situations, they can assist workshop participants in developing recommendations for change.

At a workshop in Yemen, trainers emphasized how committee leaders might increase their legitimacy, thereby enabling committees to hold the executive accountable to the legislature. During the final sessions of the workshop, the participants agreed upon several recommendations to be submitted for consideration by the parliament's leaders.

Selecting trainers. Finding the right trainers is critical to the program's success. Keep in mind that the legislator who is best at getting his or her bills passed or the most prominent legislative staff director may not be a good presenter. Look for people who are adept at explaining concepts that the audience can easily place in context.

A former member of Congress provided Bulgarian Parliamentarians with training on working with NGOs. He was able to give examples of his experiences working with NGOs and, most important, share with the Bulgarians the lessons he had learned (*see Section 7 for a case study of his experience*).

Local academics may be good trainers. A Namibian staff training program was introduced by a university professor who was able to put the country's legislative history in a context for the staff of the new Parliament. University faculty have been employed to train staff in the South African national and provincial legislatures in the basics of research.

Trainers as a resource team. After being involved in a program, most trainers will leave with an increased interest in—and understanding of—the country, its parliament, and the program. Continue to use them on an informal or formal basis.

Informally, contact them for additional information and advice. More formally, set up a resource team. Under this arrangement, trainers would agree to serve as advisors for the program. They could help with answering specific questions raised by deputies, evaluating the progress of the program, and locating other trainers.

Such a team was set up after a group of seven members of the South African Parliament, two South African provincial legislators, and a member of the Namibian Parliament participated on an ethics study mission to Ireland and the United Kingdom. It is described in more detail in Section 8 on Lawmaking.

Where is the best spot to hold a training session?

Picking the location for the training program is not simple. If the workshop is for legislators who are committee chairmen, it might seem appropriate to hold the session in the parliament's building. But in such a setting the legislators may be distracted by telephone calls, personal business, and other matters. The trainers may not have their attention. At a program in Yemen, for example, the setting was the parliament's chamber. Members treated it like a regular sitting by reading, talking, and coming in and out. On the other hand, if the workshop is away from the capital, some potential participants may be unwilling to commit the time to travel. A local hotel may be the best alternative.

The location for the training should relate to the purpose of the program. For example, if the training is on constituent relations, it may be appropriate to conduct it away from the capital. This has several advantages. It gives the members a chance to meet with constituents and learn of their concerns first hand. It gives them the opportunity to conduct a public meeting outside the parliament. And it gives the constituents an opportunity to see the parliament's committees in action. Such a constituency relations program was successfully conducted in Ghana *(see Section 7 for a case study of this project).*

What kinds of training are in-country staff likely to do?

In-country staff take on the characteristics of ongoing consultants. Much of their work will be providing training and technical assistance to small groups or individuals. Depending on the staff's background and relationship with the parliament, they will find many opportunities. In-country staff can help legislators find resource materials, put them in contact with counterparts in other countries, and assist in such matters as agenda planning.

Determining when to bring in an outside trainer is one of the tasks of in-country staff. In Macedonia, in-country staff did all the advance work for a review of parliamentary staffing. A consultant was brought in to conduct an independent review. Members treated his study as if they had commissioned it and quickly followed through on the recommendations *(see Section 9 for a case study of this project).*

In Malawi, the staff worked closely with members to prepare a constituency relations handbook

(see Section 7 for a case study of this project). For training workshops, staff can provide the opening overview and facilitate discussion of what the participants learned and view as future training needs.

In-country staff will often be called upon to provide comparative information. Legislators like to be innovative, but they also like good models. Use the home office staff to aid in developing comparative charts and good examples.

What about study missions?

Taking members from one country to learn of issues or procedures in another country's legislature can be an expensive but effective method of training. These trips usually involved no more than a dozen legislators and last less than 10 days. Study missions can forge consensus on an issue. Taking South African legislators tasked with developing a code of conduct for legislators on a study mission to Ireland and the United Kingdom allowed them to meet with a range of experts who had recently been engaged in developing similar codes in their own countries. Study missions can also help parliamentarians overcome partisan differences by bringing them to a neutral site. Important side benefits can also occur, including development of relationships among members of different parties and establishment of ongoing contacts between the countries.

If study missions are done in conjunction with other activities, preceding or following the study mission, there is a strong multiplier effect. Study missions can educate, motivate, and reinforce members *(see Appendix I, NDI memos: "Organizing a Study Mission: Beyond Logistics"* and *"Practical Lessons Learned: U.S.-based Study Missions").*

Advance planning. Before proposing a study mission, make sure the objectives are clearly set out. Also make sure that the participants understand the mission objectives and the format. Do so by giving them the terms of reference of the mission and a draft agenda well before they depart. This is particularly important if the parliament has proposed the mission. The parliament's leaders or the mission's participants may have unstated interests or they may state their agreement but not really buy in to the plan.

Where to visit. Be certain that the host country is willing to spend the time with the group. If they have too many visitors, the host country may give a "canned" presentation or make the delegation feel as if it is imposing. Locate a good contact person in the country who can help with logistical and program arrangements. Optimally, there will be an affiliated office in the destination country; if not, a trainer from that country is an ideal person to assist with organizing a study mission. In any case, advance staff will be necessary to ensure that the logistics are in place and the meetings confirmed.

Choosing the country to visit requires research and advance consultation with the hosts. Find out what the two countries have in common. Are there commonalities so that the participants and the hosts can learn from each other, or are they rivals and thus have potential barriers to learning? One country's parliament may appear to be an excellent example for another parliament. But if the members have a different perspective they may not be willing to listen and learn.

If the country to be observed has had similar experiences and has successfully developed reforms, study mission participants may identify with them. If so, when they return home they may be willing to propose and implement procedures they have observed.

If the study mission is to the United States, keep in mind that the group may want to see Congress and government agencies. But such institutions may be of limited relevance, because they are so large and the staff so specialized, and the group not be given much access. On a study mission of Georgian legislators, some Congressional presenters were too busy for advance briefings and many did not read the advance briefing materials. The Georgians learned more from their time with a state legislature *(see Section 6 for a case study of this project).*

Who should participate. Have a good idea of who should participate in the study mission, based on who would get the most out of the tour, who would best share the information with colleagues, who would try to implement reforms learned from the tour, and who would provide a good balance of parties and interests. But be aware that the decision on who should go may require much negotiation with the parliament's leaders.

Setting the agenda and selecting the presenters. In setting the agenda, consider the matters of how much to pack into the agenda and how to make the program relevant. Over-scheduling is a real problem. Too many activities in a short period leaves little time for participants to digest the information they are receiving. Too much free time, on the other hand, may lead them to believe the program is not serious.

Selecting the right presenters and making certain they understand the goals of the study mission is just as important. Some information may be difficult for members to absorb. For example, if the topic is the difference between the federal budgetary process and the budgetary process in state and local governments in the United States, the visitor may be confused by the levels of government and, thus, find the topic bewildering. Make sure that the presenters understand what the group is seeking to learn. Also make sure that the presenters have at least a rudimentary understanding of the parliament's structure and needs.

Be flexible and adjust the program if it is not working. During the course of the study mission it may become apparent that a particular topic has struck a chord with the group. If so, try to schedule a more in-depth follow-up presentation on that topic. And if the group is simply not interested in a subject, it is better to cut short a presentation on that subject rather than waste the presenter's time.

Be thinking throughout the mission of how to describe the tour in the report on it. See what the participants found of particular interest and don't forget the participants' anecdotes. Consider follow up before the trip even starts. Ask the participants to consider what activities might be appropriate upon their return. Help the participants decide how they want to characterize the mission. A group of legislators from Madagascar was faced with a press conference immediately upon their return from a study mission to South Africa and Namibia. Throughout the trip they were encouraged to think about what message they wanted to give on their return home.

Are staff attachments or internships abroad a possibility?

Internships may be an option, particularly for staff. These attachments usually last from six to eight weeks and are intended to expose the participants to the institution so that they can take back ideas and implement them at home. The key is finding a host legislature that has staff positions or processes from which the visitor can learn and staff who are willing to devote the time and attention to the visitors *(see Appendix J, NDI Final Report on Staff Attachment to Maryland General Assembly for Clerks of the Malawi National Assembly; January 29 to February 20, 1998).*

If the attachment is to be in the United States, consider a state legislature. Develop contacts with the legislature, perhaps by using one of its staff members as a trainer. A host who has previously visited the interns' country will likely have some understanding of its culture and the institution's needs.

Arrange for someone (either a legislative staff member or a co-worker) to make the logistical arrangements, ranging from housing to bus passes. Place two interns together in the legislature, if possible.

Work out program arrangements with the host. Make sure that the program meets the needs and expectations of the interns, and that all responsibilities are clearly allocated. Set up a communication system to keep abreast of the program. One method, used for six Namibians who were placed in three state legislatures, was to bring the group together at the midpoint of the internship so they could share what they had learned and agree on what they wanted to accomplish in the remaining time *(see Section 9 for a case study of this project).*

Set up reporting criteria so the interns can clearly describe what they gained from the program and how they implemented the knowledge upon their return. Also, ask the host for an evaluation.

Is help with lawmaking a part of training?

The parliament may need assistance in shaping the content of laws. The members may need help in finding model legislation, comparative studies, and analyses of other countries' laws. They may need analyses of proposals before the parliament. In-country staff can train the parliament's staff in how to locate legislative models and how to prepare analyses. In addition, in-country staff can assist legislators in obtaining information about draft bills from experts within the community, and encourage the members to contact them directly and/or to hold hearings at which the experts can present their views. If the draft bills pertain to democracy-related issues, such as an election or freedom of information law, the in-country expert (with help from the home office) may be able to provide substantive comparative information about democratic standards relevant to those issues.

Another training opportunity is to bring together the members and the government's ministers to work out the details of legislation. This can be done through a session which functions much like a hearing in that experts on the topic expedite debate among the parties. This approach fosters communications between the members and the ministers and encourages development of good public policy. In Nepal, a critical step before enactment of an ethics code was a workshop for some 150 members, representatives of the government, and NGOs, where they learned how

such codes were successfully implemented in other countries *(see Section 8 for a case study of this project).*

Training the members and staff in how to critically read and amend draft bills may be a worthwhile endeavor. Reading a bill is not the same as reading a newspaper article. Reading a bill requires making sure that all terms are appropriately referenced. All unclear words must be challenged and any ambiguities clarified. If the members and staff do not have experience in reading critically, show them the importance of not taking words for granted. Further, show members and staff that a legal background is not a requirement for analyzing bills.

If the parliament has an interest in independently drafting bills, there may be an opportunity to train members and staff to do such drafting. In a training program in Ghana, where there was interest in private members' bills, the trainers found that the members did not completely trust the staff to implement their intent in the course of drafting. This required some rather fundamental training on how to manage and develop confidence in staff.

Can technical assistance be considered training?

Providing technical assistance on draft laws can be a form of training. It can help the legislators spot good laws, it can teach them to read critically, and it can encourage them to use their staff, and community expertise to find and analyze good draft laws.

Other forms of technical assistance also involve training. If the program is to assist with the development of a library, a research office, or another institution, staff members will need training if the office is to have any ongoing role with the parliament. In Guyana, a frustration with the library assistance program was that the Parliament did not readily carry through on its agreement to hire library staff *(see Section 10 for a case study of this project).* Members may also need training on the use of a new or expanded institution.

As is the case with library assistance, an information technology program requires training. Little benefit is gained from buying computers and placing them on staff desks if those staff are not trained in how to use them. They may need training in many areas, ranging from how to type to how to use desktop publishing programs. In the southern Africa region, a computer assistance program is tied to training and to a strategy of how it is to be sustained *(see Section 11 for a case study of this project).*

What questions should be asked before starting a training program?

- ☐ Is it clear what type of educational approach is appropriate for the parliament, based on its traditions and the country's history and culture?
- ☐ Are training methods, from workshops to study missions, identified, and is there a plan for which to use?
- ☐ Are the training needs for members and staff clearly set out?

- ☐ Have the parliament's leaders bought into the training program?
- ☐ Are the legislators open to training alongside members of their staff?
- ☐ What are good sites at which to hold training workshops? When does it make sense to hold a workshop in the parliament building; when is it best to organize a workshop out of town?
- ☐ Have potential trainers and training participants been identified?

Section 4

Partnership and Partisanship

Are the program objectives of the in-country staff and those of the presiding officer or the parliament's leadership in sync? The program emphasizes promoting democracy while strengthening the institution. The Speaker and legislative leadership operate in a political environment. Power relationships with multiple political parties and particular policy issues may affect their priorities.

Are these interests compatible? Can a program operate successfully without the Speaker's support? Does a memorandum of understanding help in maintaining autonomy over a program while ensuring legislative support? How can a particular program be coordinated with other legislative programs and other donor agencies? These and other issues must be addressed when establishing partnerships.

Whom to work with?

The objective should be to develop relationships with a range of political and staff leaders who will support the program. One of the first tasks facing an in-country staff member on a new project is determining who these people may be. In the case of partners, such as NGOs or donor or program agencies, this may be set out already in the project proposal. With regard to legislators and staff in the parliament, the decision can be made only after assessing the parliament's needs and clearly setting out the project's goals.

Involve the leaders whose support is necessary to carry out the project. Depending on the project, they may be the presiding officer, majority and minority party leaders, committee chairmen, staff heads, and others. Finding the leaders who are receptive to and supportive of the program can be challenging. Ultimately, the key is access: Get the support of those who can open doors.

How critical is the Speaker?

The presiding officer[2] may want to build a strong, independent parliament. If so, this fits well with the objective of promoting parliamentary development. The task becomes one of making certain the program maintains its democratic objectives and is compatible with the Speaker's vision.

If the Speaker views his or her role as making sure that the parliament does not get in the way of the executive, a very different set of challenges to a program will arise. If the Speaker is not committed to the democratic development of the parliament, consider working with other leaders.

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[2]Called "Speaker" in this Guidebook, but referring to any presiding officer.

The Speaker's endorsement is a big help and makes access much easier. The Speaker's endorsement encourages members and staff to attend and participate in programs. Work toward a good relationship with the Speaker by giving him special information on a topic that interests him, for example. Consult with him on agenda development. In the best case, such as in Namibia, the Speaker will have a vision for the democratic development of the institution and will be an active supporter, a valuable resource, and advisor for the program.

Although a program can operate without the Speaker's support, is it worthwhile when the leadership is not supportive? Ukraine provides an interesting case. Whereas prior leaders had been ambivalent about programs, new leaders made work logistically harder by limiting foreigners' access to the parliament building. So, the program has emphasized working with party factions; the Speaker is not really needed. The factions agree on program agendas, dates, and logistics. The programs are held outside the parliament building and are relatively successful.

One could argue that programs, such as in Ukraine, are as important as those in countries where the leadership is friendly. This is because of the importance of supporting aspiring democrats who labor without the assistance of parliamentary leaders. Not as much will be accomplished, and a great deal of heavy lifting may be required. But the contribution to democratic development can still be significant.

Even if the Speaker is not initially supportive, there may be ways to work with him. A lesson was learned from one project that was discontinued, perhaps in large part because of the lack of the Speaker's support. He should have been asked, for example, to open more workshops. And he should have been kept informed of the important issues relating to all project activities. Had the Speaker been given more ceremonial responsibilities, he might have been brought on board, at least to the extent of allowing other members to partake in democracy training opportunities.

Determine what the Speaker wants to get from the relationship. Do not spring any surprises. Invite the Speaker to all meetings, even knowing he won't attend. Be aware of protocol, and do not send someone of low rank to attend briefings or deliver messages if that person may not be well received.

Consider an advisory committee. In Nepal, a steering committee includes the Speaker's secretary (a political appointee). The committee meets often and is able to inform the Speaker of what is going on without placing unnecessary demands on his time. In Namibia, a program advisory committee includes the presiding officers of both houses.

If the Speaker is inexperienced or wants to know everything going on with the program, keep her well informed. But do not allow her to control the program. Her support is important, but she should not have a veto over all aspects of the program. By actively engaging the Speaker in all projects and keeping her informed about the program, she is involved. Still, her permission to proceed is neither sought nor expected.

What about other leaders?

Usually other leaders in addition to the Speaker will be involved. This may require establishing legitimacy with the opposition. In the unique case of Yemen, the Speaker is from the principal opposition party and two Deputy Speakers are from the government party while a third is from yet another, smaller opposition party. Here, a great deal of political creativity is involved to maintain a good relationship between the government and the opposition.

Strive for a high degree of openness with leaders of all parties (transparency). Tell them what is being done for the other parties, and make certain that all parties know of the openness. The advantage of transparency is in avoiding political intrigues. By carefully working with all parties, a position of trust can be established with all. Correspondingly, avoid pitting one party against another. In Georgia, for example, the minority is not told of the substance of strategic work with the majority, and vice versa. But when working toward a common goal, complete openness is stressed.

Sometimes staff leaders provide the best avenue for success. In Guyana, a strategic evaluation of whom to work with led to the chief clerk of the legislature. This person was perceived as nonpartisan in a highly divided parliament and was widely respected by all sides. In Malawi, the Speaker and clerk are primary contacts because the training program involves much overlap between members and staff.

How can program autonomy be maintained?

A common problem is maintaining control of the program while building ownership at the same time. The legislature's leadership can attempt to intervene in a way that can wreak havoc on a program's implementation.

In one instance, the Deputy Speaker made last minute changes to a list of people invited to a workshop, doubling participation without regard to the agenda and number of trainers for the program. This situation might have been avoided if the workshop had been held off-site rather than in the parliament building. In other legislatures, leaders have intervened so that programs were delayed, thereby creating scheduling and notification problems. Seek out positive alternatives to these tactics.

Autonomy issues also arise with study missions, particularly if the leadership believes that it has the prerogative to select participants. This can be a delicate matter.

So what can be done? In two words: communicate and negotiate. Keep the leaders informed of program activities, but realize that asking for their advice must include a strategy of how to act on or deflect some proposals. Be certain that the leaders agree on the goals and parameters of the program.

Establish a relationship in which the leaders understand who makes final program decisions. It may be advisable to put things in writing, such as in Namibia where written guidelines set out study mission criteria. In fact, the guidelines were prompted by a misunderstanding over control of study missions. The guidelines include such things as a statement that study missions are to be focused on countries with parallel experiences in democratic development. They also have a

requirement that each member of the delegation prepare a written evaluation of the mission upon its completion.

Is an MOU sometimes helpful?

An informal relationship with the parliament usually works to mutual advantage. With informality, a program can be structured such that it allows a response to changing needs and can be easily adjusted in areas that are not working. In certain cases, though, a memorandum of understanding (MOU) can be helpful. With a two-house parliament, for example, an MOU may forestall conflicts between the chambers over the program.

Memorandum of Understanding (MOU)
An MOU is a formal agreement between the agency providing training or other developmental services and the institution with which it is working. It specifies the responsibilities of both parties.

It may state, for example, that the parliament agrees to hire staff and the agency agrees to train them. The chief executive officer of both organizations usually signs the agreement.

An MOU can help ensure the legislature's commitment to sustaining the program by placing the agreement in writing. It helps formalize the commitment on the part of the parliament that might not have been made in a more informal relationship

Once the MOU is signed, it may have been useful even if it was never invoked or referred to again. And proposing an MOU to the leaders may achieve the objectives. In Bulgaria, for example, the leaders of the parliamentary parties did not sign an MOU, but they informally agreed to its contents thereby making sure members attended training programs and the leaders otherwise saw to the program's implementation.

MOUs do not add to or subtract from a relationship with the parliament. They can't create good relationships with the legislature. In fact, an MOU can personalize the relationship with the Speaker and might cause other participants to become skeptical. Before proposing an MOU, be sure who the program's supporters are.

In Namibia, an MOU put on paper the common vision with the parliament. It helped solidify the parliament's commitment to the program and agreement to hire research, library, and committee staff. It helped promote a direct relationship with the parliament and served as a valuable guideline for programs which almost always fell within the range of the MOU's goals.

In the case of Guyana, no MOU was prepared because the relationship with the parliament's clerk, the chief contact for a library development project, was already strong. But an MOU might have helped in bargaining with the Minister of Finance to fund a librarian position. Without appropriate library staff, the program was not sustainable.

Preparing an MOU is work. It requires carefully describing the relationship in accordance with the specifications of the grant. If it is too tightly written, it can place unnecessary and rigid constraints that could discourage adjustments in the program *(see Appendix K, Amendment (to update) Memorandum of Understanding between the Parliament of Namibia and the National Democratic Institute for International Affairs; October 1998-September 2002).*

Per Diem for parliamentarians?

In some developing democracies, particularly in western and southern Africa, legislators have refused to participate in a program unless they are given a per diem or honorarium. These legislators expect payment for attendance at a workshop and even for public forums organized for them in their districts, similar to what they are given for attendance in parliamentary sessions. In effect, they are asking to be given financial assistance or incentives to do their job.

The simple answer to this problem is to say that the assistance program just does not include pay. Nonetheless, some organizations do pay members' per diem. The legislators know who will pay and potential participants may drop out because of a no-pay policy.

Another approach is to inform the members that the grant does not allow such payments, if the grant contains such a provision. And a positive alternative is to hold district workshops when the parliament is not in session and when the legislators are expected to be in their districts.

Can the program be coordinated with other programs and donors?

Almost certainly, others will be working with the parliament. Other international agencies from countries with a long democratic tradition will be involved. Other American organizations and contractors, likely with USAID funding, are active. Foundations with a policy or program agenda may be there. And local NGOs should be active, promoting women's issues, agrarian interests, and the like.

It may be possible to benefit from the synergy of parallel projects supporting civil society advocacy. Simultaneous "inside-out" (working within the parliament) and "outside-in" (working to push the parliament from civil society) approaches may well be effective in enhancing constituent outreach, lawmaking, strengthening of committees, etc.

How to coordinate these efforts to support parliamentary strengthening? The parliament can be the coordinator. A proposal in Georgia would establish a coordinating council composed of the head of the research department, legislators from various parties, and others. Its role would be to coordinate the legislature's requests for donor assistance and review the various departments' funding requests. The goal is to avoid simultaneous requests to donor agencies for the same project.

Another option is to have the international NGOs working in legislative development coordinate on their own initiative. In Yemen, for example, the NGOs and donors communicate informally, but the Parliament is not involved in coordination.

A legislative coordinating committee may not solve all problems. Ghana has such a committee, but it has not been active. Apparently the legislator in charge found too many other demands on his time. The donors still meet, but the Parliament's involvement is lacking.

When agencies coordinate their programs, two benefits occur. First, the parliament is less likely to play agencies against each other. Second, communication among counterparts can help resolve potential program redundancy and confusion.

If coordination meetings are limited to donors, ask to be allowed to observe or at least read the minutes. Alternatively, work with embassy or USAID staff to learn of the agenda and tell them how it affects the program.

What questions should be asked when considering whom to work with?

- ☐ Does the Speaker clearly understand the project and is he or she supportive?
- ☐ What is the commitment of the Speaker to an independent, democratic legislature?
- ☐ Are the other leaders who should be involved identified?
- ☐ Has a strategy been developed to avoid political intrigues?
- ☐ Are relationships with the leaders well established? Would an MOU advance the relationships?
- ☐ Are the other agencies working in the country identified, along with what their programs entail? Is there an established and ongoing system for good communication?

Section 5

Member Training: Effective Committees

Committees are central to the American legislative process and play an increasingly significant role in the parliaments of most mature democracies. A legislature that delegates some of its functions to committees can become more effective, simply because committees have the potential to examine matters more closely than the full legislative chamber.

Because the establishment of an effective committee system is important to building the strength of the institution, it is often a focus of legislative strengthening projects. Parliaments in developing democracies almost certainly will have a more or less established committee system. But chances are the committees are not operating effectively.

The role of committees is emphasized throughout this Guidebook. Section 6 covers committees' role in oversight of the executive. Section 7 shows how committees can be used to involve constituents. Section 8 describes the role of committees in draft legislation. Section 9, on staff training, includes working with committee staff.

Why work with committees?

Committees provide one of the best opportunities for interaction between legislators and the public and legislators and the executive. The parliament in a developing democracy will likely have a number of committees. They may be accessible for programs and have a potential for change. For example, most newly democratic legislatures do not hold regular public hearings. In order to encourage this practice, start by working with one ambitious, interested committee chair. If one hearing is held, other committees may copy the precedent.

- By holding public hearings at which government and NGO witnesses testify, the committees can become the center for informed debate on public policy issues. Committee members will learn from the witnesses and develop ideas, opinions, and insights. They will develop relationships with ministry officials and important civic leaders. With media-coverage of hearings, committee members will become brokers of the public debate.

- Committees provide members with the opportunity to become experts on specific public policy issues. Using this expertise, they can help improve legislation by giving careful scrutiny to bills before them. Informed committee members can effectively balance government ministers by countering ministerial assertions with facts and analysis they have gathered from other expert sources.

- Committees provide an opportunity for leadership development. Active committee members are likely to become the parliament's future leaders. Emerging party leaders are generally selected to head committees. Several are likely to become committed to advancing the vitality of the legislature and its democratic potential. They are likely to take advantage of training programs and should be targeted for assistance.

- Committees provide the best vehicle through which to query executive branch ministers and other officials. With the expertise of committee members, committees provide an excellent forum for legislative oversight. Further, when the Question Period is unsuccessful, committees are a viable alternative for scrutiny of the government.

What are the hurdles to developing a strong committee system?

Committees are an important building block for legislatures and can be a good investment of training program efforts. Unless the parliament delegates matters to committees and gives them a role in review, it is unlikely that committees will have developed beyond a "rubber stamp" for the executive.

Indeed, in some countries the committees are essentially extensions of individual ministries. For example, in Bangladesh for most of the 1990s, committee chairs were ministers themselves. This structure mitigates against any oversight initiatives, and is not conducive to even convening of committee meetings. Thus, some legislatures' Standing Orders prohibit ministers from serving as committee chairs.

There may be a number of challenges in pursuing an expanded role for committees. The parliament's leaders may have little interest in developing a role for committees in the review of legislation. They may view committees as creating power bases for committee chairs, thus encouraging rivals, or as an organ to criticize the government. If the Standing Orders permit it, they may assign few, if any, bills to committees. In Macedonia and Namibia, for example, much legislation is "fast tracked" and not referred to a committee. In some countries committees rarely meet.

Committee development may be more important to the opposition than to the legislature's leadership. If so, seek out legislators who want to see the committees meeting regularly and want to ensure that bills are referred to committees. For example, if the rules call for regular committee meetings, legislators can raise awareness that the committee should be meeting.

Committees may be dormant because the political party caucuses are not developed and have not seized the committee as a fertile arena of activity. In such circumstances, it may make sense to first work with the party caucuses and include committee work as part of that agenda.

Are there good models for the committees' role of reviewing legislation?

When it comes to reviewing legislation, committees play very different roles in American and parliamentary systems. In the American system, committees often draft bills and substantially revise the executive's proposals. Pure Westminster-model committees, in contrast, serve more to process the bills and to help ensure transparency and accountability. The executive proposes

the legislation and the committee makes, at most, minor changes. But such committees can serve an important role of brokering compromises and building political support for legislation.

Most developing democracies (and most countries, for that matter) follow neither the American nor Westminster examples strictly; instead, they are hybrids. In these situations, the executive drafts the bills. The role of committees is probably not clearly defined or developed. They may be looking for models.

Many European parliamentary systems differ significantly from the Westminster model. In Belgium, Germany, and the Netherlands, for example, committees play an important role by bringing in outside experts and advocates to explain legislative proposals. In Manitoba and other Canadian provinces, committees receive and actively debate bills. These may be models to examine.

Strong committees in the American sense may not be appropriate for all developing democracies. But the United States example has influenced the development of stronger committees in more established parliaments in Europe and the Americas.

NDI Paper on Comparative Committee Systems
To provide lawmakers in emerging democracies with information on how committees operate, NDI published a practical paper in 1996, *Committees in Legislatures: A Division of Labor.*

The 47-page document discusses why committees are important, and describes the different kinds of committees. It also provides texts and comparative charts on such matters as the appropriate number of committees, how parties are represented on them, the role of staff, and how meetings are conducted. It focuses on the importance of public access and the role of public hearings.

Referenced countries include Argentina, Canada, El Salvador, France, Germany, Hungary, Jordan, Malawi, Mexico, Namibia, Romania, Senegal, South Africa, Thailand, the United Kingdom, and the United States.

What training for committees?

Training opportunities are numerous. Committee chairs can be helped with developing agendas and procedures. Chairs and members can learn why and how to involve the public. They can be assisted with scrutinizing and amending bills and with establishing an ongoing dialogue with the executive branch.

Probably the most popular method of training committees is through sessions where trainers (preferably legislators who have headed committees in other countries) present the important and varied roles of committees in their own systems.

Interactive exercises. One successful workshop in Ghana used a case study approach in which members were given a timely and relevant hypothetical bill along with the kind of testimony that a committee could expect to receive in a more advanced process *(see Case Study).*

Ghanaian legislators were engaged in that exercise and, in evaluating the workshop, gave high marks to the mock hearing approach. Several members said that public hearings should become a regular part of their legislative process *(see Appendix L, briefing materials for NDI Ghana Mock Hearing, December 1997, including background information, witness statements).*

Case study: Committee Training in Ghana
In response to Ghanaian legislators' interest in improving their ability to research, draft, and amend legislation and to be more responsive to their constituents, NDI sponsored a three day workshop on how committees might be used accordingly.

Program objectives were: (1) to expose members to methods for bringing the public into the legislative process, (2) to enhance members' ability to draft and critically review legislation, and (3) to provide the members with the skills to effectively use the committee system.

For the program, NDI brought in four trainers: members of the Irish and South African Parliaments, a former member of the U.S. Congress, and a state legislative bill drafter. The format for this workshop was to use two plenary sessions of presentations from the trainers followed by questions from participants. Next, the group was split in half to participate in simulated hearings on a mock bill. The program concluded with an evaluation in which the participants identified future training needs.

For the opening plenary presentation, the trainers described the function, structure, and powers of committees in their countries. Use of a South African trainer here was particularly effective, because he urged the participants to put an "African face" on the process and to become regional role models. Questions from the participants included how to reconcile consensus and party line voting, how whips function in other Parliaments, and the role of committees in oversight of the ministries. A second plenary, on the bill drafting process, led to questions concerning the competence of staff to draft legislation and how they could be trusted to keep the member's intent in drafting the language.

The innovative focus of the workshop was a simulation, using a mock bill on solid waste disposal, an issue of considerable concern in Ghana. NDI sought to orient the members on use of the committee hearing as a means for information gathering and problem solving. A second purpose was to strengthen the members' skills in preparing for hearings, questioning witnesses, and seeking relevant information.

All participants were provided with an abbreviated version of the mock bill, and the group was divided into committee members, NGO and civil society witnesses, and informal observers and advisors. The trainers helped the "committee members" develop questions for witnesses and focus on material needed for the mock hearing. They gave the "witnesses" short testimony (prepared by NDI staff) that highlighted the positions of the NGOs and others.

The "committee members" asked pointed and relevant questions covering the multifaceted policy implications of the bill. The "witnesses" successfully challenged the committee to take their views into account with concise and persuasive testimony.

Lessons Learned
- Using plenary sessions was effective because the ideas that trainers presented to the participants in the plenary could be put to practical use in the smaller workshops.
- Trainers from three countries gave the participants a good variety of experiences.
- Simulations work when the topics are relevant and the participants are well briefed on the purpose.
- By holding the workshop some 120 km from the capital, members were able to give their full attention to the proceedings.

A workshop on committees for the Northern Ireland Assembly was designed to demonstrate to participants how all parties could work together at the committee level to solve a public policy issue. In such a sectarian environment in which guns, ethnicity, and sovereignty issues threaten to be an explosive mix, it was important to identify a practice topic that was relevant but not politically divisive.

The case study involved public transportation. Participating assembly members were divided into three multi-party groups and given a time period to deal with the issue as if they were in a committee session. The responses from each group were similar: determine if there really is a problem, hold hearings, confer with experts, and report the findings. More important, many members realized that they could work with their colleagues from other parties in a constructive manner.

In-country staff can follow workshops with smaller "mini" sessions. In-country staff can offer services directly to a committee chair, almost as a regular staff person, or they can work in partnership with the parliament's staff. In-country staff can, for example, assist a chair in setting up a hearing by working on such matters as establishing the agenda, who to invite to participate, how to publicize the hearing, and how to conduct a public meeting. A mini-workshop on agenda setting for committees of the Palestinian Legislative Council, for example, assisted committee chairs in drafting agendas.

Focus on specific committees with unique problems. A training program in Bangladesh focused on two committees: Business Advisory and Rules of Procedure. All members of both committees were invited to attend. The two committees were chosen as the program focus because disputes over committee composition (reflecting tension between the parliament's political parties that threatened the institution's ability to function) were causing a major political impasse.

At the time of the workshop, the Parliament had created 12 committees and envisioned as many as 47. The major opposition party was boycotting committees, contending that it was not being given sufficient membership on them. The two committees chosen for the workshop were generally accepted as important, even by the opposition.

For this workshop, legislators who sat on comparable committees in the Australian and Indian Parliaments were brought in to discuss the obstacles they had faced with similar committees in their countries. The participants were broken into working groups and the trainers helped them focus on such matters as committee composition and development of a list of recommendations on how best to confront the issues they face.

In Nepal and Malawi, assistance was focused on strengthening the Public Accounts Committees, as they were central to the legislatures' oversight capacity *(see Section 6, Oversight and Relations with the Executive).*

What questions should be asked when considering committee training?

- ☐ Do the Standing Orders clearly set forth the role or power of committees?
- ☐ Have the parliament's leaders articulated a role for committees, and is there a consensus in the parliament about the functions they should perform?
- ☐ Are the committees stable? Will committee leaders likely serve in that capacity over an extended period of time so that training can be sustained?
- ☐ Are some committee chairs committed to developing their committees and can they be the focus of training?
- ☐ What kind of training approach will be well received?

Section 6

Member Training: Oversight and Relations with the Executive

Most developing democracies lack a tradition of executive accountability to the legislature. The ruling party may see its role as an extension of the government, particularly if ministers sit in parliament. The executive may ignore the parliament and is likely to view it as a nuisance or an impediment to getting things done.

For their part, legislators may believe they do not get the respect they deserve from the executive and may not know how to command the executive's attention and cooperation. One of the first tasks may be to help legislators and the executive branch understand their roles and relationships in a democracy. Obviously, a review of the country's constitution is an important first step in this process.

In a parliament, the government depends on the support of the majority. The incentives and mechanisms differ from those of the presidential system, in which the executive and legislative branches have separate electoral bases. In the parliamentary system, the government's majority is obliged to support the government.

The lack of such support will cause a new election. In a separated system like that of the United States, the majority in the legislature may not be from the same party as that of the executive. Even if it is, its support of the government has no bearing on the executive's ability to stay in office.

These differences have fundamental implications for the relationship between the two branches and for the legislature's oversight function. Further, some mechanisms are peculiar to each system. Westminster-style parliaments make use of the Question Time and Public Accounts Committees for oversight. In a presidential system, numerous committees assume the oversight function.

What are the legislature's oversight options?

Legislators in developing democracies can oversee the government's actions in a number of ways, including effectively using the plenary's question period, asking questions in committee meetings, thoroughly examining the proposed national budget, and using the Public Accounts Committee to review expenditures and activities. It is important to review the legislature's legal authority to obtain information and cooperation from the executive.

The "Question Time." Traditionally, Westminster-style parliaments set aside a time for members to pose questions, orally or in writing, of the government's ministers. This concept arises from the very essence of legislative function, that the government explain itself to the elected representatives of the people.

The most important part of Question Time is when opposition members pose hard questions for the government ministers, using factual information from research or newspaper accounts of problems or scandals. The members frame questions about what the government will do about a problem or why the government failed to act to prevent it in the first place. Members belonging to governing parties typically use their questions to help the government frame its accomplishments. The ministers are usually given a set time to respond. Their responses may then serve as the basis of extensive legislative debate.

The question period provides training opportunities. Members may need assistance in framing questions. More challenging, they may need help in making the question period effective. In some cases, the legislators may not be using the procedure at all or need rather basic information on how to use it.

As part of the West Bank and Gaza project, a member of the Australian Parliament was brought in to describe his country's question period during a workshop on executive-legislative relations. The Palestinian Legislative Council's Standing Orders provided for such a period but the members had not used it. After the workshop, the members made it a regular part of their sessions.

In Ghana, the Question Time was ineffective, as the government's ministers simply did not respond: 254 questions to the ministers were pending over a 16-month period, leading in-country program staff to conclude that committees may be a better vehicle for oversight training than the traditional Westminster mechanism.

During the 1999 session, however, the Parliament's leaders made a concerned effort to get the ministers to respond and the backlog was reduced to about 60. Still, some members say that the ministers do not adhere to time limits for answering questions, avoid answering, and make empty promises and assurances. In part because of the limited effectiveness of the Question Time, training in Ghana was expanded to include working with the Government Assurances Committee, which is charged with investigating and following up on assurances and promises.

The downside of the question procedure is that the parliament may have few sanctions when a minister does not answer. In Yemen, the constitution provides for Parliament calling in ministers for questions but it does not specify procedures. Members complain that the ministers ignore them and say they have no recourse when the ministers don't respond. Ministers, on the other hand, contend that the members do not understand the formal channels for conducting executive-legislative relations.

Oversight by committees. Although not as active as committees in the United States, parliamentary committees in many countries engage in serious oversight. Ministers or their top staff in developing democracies, such as Romania, frequently appear before the relevant committees to explain their legislative proposals. Through their scrutiny of legislative proposals, committee members have the opportunity to ask the ministers about how laws are being implemented and other activities of interest or concern to the parliament.

Public Accounts Committee. In many parliaments a Public Accounts Committee is charged

with reviewing government expenditures. A member of the opposition usually chairs the committee, thus providing an avenue for opposition members to obtain information about and review the expenditures of the executive.

The Malawi Public Accounts Committee was taken on a study tour to view its counterpart committee in Namibia, a southern African country with an active Public Accounts Committee. (Malawi's committee had been inactive since the government's Auditor General died and the committee refused to work with the Assistant Auditor General.) After evaluating Namibia's committee, the Malawi committee started writing reports. But the committee still does not hold open meetings, publicly identify the witnesses appearing before it, or make its findings public. So there is much more work to be done.

Other committees may also have an oversight role. In Nepal, the State Affairs Committee is charged with reviewing the annual report of the country's leading anti-corruption commission. It makes its own recommendations and sees whether the commission's recommendations are implemented by the executive.

NDI work with Nepal's Public Accounts Committee
NDI organized a workshop to assist Nepal's Public Accounts Committee in more effectively carrying out its duties. The workshop was conducted at the request of the committee chair who was interested in oversight issues. In addition to committee members, the Auditor General and Deputy Auditor General attended.

At the workshop, legislators from Australia and India, and a British clerk described how their Public Accounts Committees operated. They stressed the importance of advance planning and development of a yearly calendar. They urged the Nepal committee to develop a closer working relationship with the Auditor General. Further, the foreign legislators suggested that the Nepali committee members set an example of ethical standards by publicly declaring their assets.

Based on the workshop the Nepal committee developed a year-long calendar of activities. The committee entered into a cooperative relationship with the Auditor General, increasing its contact with him from little more than twice a year to regular briefings. And the members disclosed their assets even though Nepali law does not require it (*see Appendix M, terms of reference, agenda and press coverage of 1996 NDI workshop with the Nepali Public Accounts Committee*).

Budget review. Another oversight opportunity is through budget review. By thoroughly analyzing and debating the government's budget, the parliament can see that the public's priorities are addressed. The leadership of the Namibian Parliament is particularly interested in budget review, through committee and plenary session review of the government's proposed budget, and through reviews by the Public Accounts Committee.

Review of the government's proposed budget requires knowledge of the budget document, the ability to analyze it, and the political will and political capacity to see that the legislature's view of the public's interests are incorporated. The Malawi training program emphasized developing the parliament's ability to review the budget. As in most new democracies, the government holds all the data and the Finance Minister has been reluctant to provide the basic budget document to the parliament in a timely manner. The parliament has not insisted that the government cooperate and may have little recourse in the face of government intransigence. Development of the analytical abilities of legislators and their staff may strengthen the parliament's ability to argue for its access to budget information. Members need staff for good budget review. Identify staff who are interested in budgetary issues and gain the leaders support for helping them develop this

expertise. Combined member and staff training in budget analysis may be effective.

Evaluating the executive. Another key opportunity for oversight is through an agency responsible for reviewing the executive's implementation of programs. Critical evaluation of the government's program by the legislature is a relatively new exercise in emerging democracies. The legislature may want to consider establishing an independent agency under its jurisdiction with auditing capacity (such as the U.S. General Accounting Office).

Alternatively, staff can be trained to review executive programs. To conduct such evaluations, the staff must be trained and given the authority to gain access to government data. They must also develop the skill to effectively report back to a legislative oversight committee, such as the Public Accounts Committee. Combining the staff's review of program effectiveness with the Auditor General's review of expenditures could lead to significant oversight.

Oversight of the military. Civil-military relations are a particularly timely topic for post-authoritarian countries. In democracies, civilian authorities and the legislature oversee the direction, management, and control of the armed forces. Emerging democracies may need assistance in developing such oversight capabilities. The role of defense committees in established democracies can be looked to as a model for assisting in oversight of the defense community.

Is the purpose of oversight to find wrongdoing?

Critical for the development of a successful system of government review is educating the participants about the purpose and procedures of oversight. It is tempting to conclude that oversight is successful when wrongdoing is uncovered and addressed. But the primary purpose of oversight is to assure accountability, not to uncover corruption. Oversight need not be a negative exercise. One of its goals should be to foster cooperation between the executive and legislature.

Can a Minister for Government Relations help?

Some countries have sought to improve communications between the parliament and the executive through a minister given that specific responsibility. One of the results of a study mission of members of the Palestinian Legislative Council to Georgia was a recommendation that a liaison, based on the Georgian example, be established between the executive and legislature. As one of his responses to PLC members' insistence on governmental financial accountability, the Palestinian Authority chairman named a PLC member as government liaison.

Similarly, one result of a legislative program in Madagascar was the appointment of a minister responsible for legislative affairs. A seminar in Yemen recommended such a position but did not specify duties. Yemen is looking at Madagascar's experience. As countries appoint ministers with the responsibility of improving communications and relations, the opportunities for assistance include providing information on what is working well and where.

What are the training opportunities?

A variety of approaches for training members on relations with the executive can work, as is the case with training members in other areas of their legislative activities. Including representatives from the government in the training workshops can help develop relationships and foster

understanding between legislators and the government. Taking members to another country to see operations first hand can be productive and can reinforce topics covered during in-country training.

In Georgia, the ministers and chancellor's office are invited to legislative workshops and briefings. This helps get them involved in interactions with the members and can put them on the spot. Similarly, in Nepal the Finance Minister was included in a conference as a chief guest. This was important because the ethics recommendations from the conference would have significant financial implications. The Minister was pleased with the press coverage and has developed a good relationship with the in-country staff.

In Georgia, members were provided with a U.S. Congressional oversight manual, and are using it to develop one of their own. It will give members ideas on how to check up on the government. Preparation of this manual is far more than an academic exercise.

NDI conducted a study tour to the United States for Georgian legislators. The program was for the Georgians to observe oversight methods in Congress and a state legislature. In addition to observing operations the Georgians had the opportunity to exchange ideas with American legislators. From the American experiences in dealing with executive agencies, the Georgians were able to take home many ideas for their own system *(see Case Study).*

Case Study: Oversight Study Tour of Georgian Legislators
Three members of the Georgian Parliament, representing the ruling and opposition parties, and two staff were invited by NDI to the United States to observe oversight in a state legislature and Congress.

In Massachusetts, the group was given an orientation to three types of oversight. First, they heard from the House Speaker and the Senate Ways and Means Committee chairman about the importance of the legislature's role in the budgetary process. They reviewed the process from the executive's submission of the draft budget to the legislature's negotiations in conference committee. The Speaker described budgetary review and revision as the legislature's most important oversight tool. The Georgians were most interested in how the legislature is able to stay involved throughout the year by reopening parts of the budget when the governor requests supplemental funds.

From the Senate Post Audit Committee, an example of child welfare review served as the focus of the presentation. The group learned how the committee collects information and prepares for hearings. Much of the emphasis was on the importance of staff research and witness selection for hearings. The committee's staff described how they prepare the committee report, which often serves as a catalyst for corrective legislation. Publicity from the committee report was cited as having provided significant impetus to the government's reform of its child welfare system.

The Senate majority leader provided several examples of how the legislature has investigated allegations of waste and corruption. He emphasized the importance of focusing on issues, rather than individuals. The group was particularly interested in how legislators respond to personal attacks and the Senator outlined how to use the media to explain your side. Finally, the state auditor described how his independent office conducts financial audits of government officials, agencies, and programs. The group learned about the relationship between the auditor and the attorney general and about the rules governing financial disclosure by elected officials.

The group received similar, though less detailed, training in Washington from the General Accounting Office and various congressional staff and agencies. They observed congressional committee meetings and attended an NDI-organized roundtable of NGOs and others who monitor government spending.

From the study tour, the Georgians were highly impressed with the importance of the budget as an oversight tool. Particularly from the Massachusetts Ways and Means Committee chairman, the group gained knowledge on techniques and procedures for ensuring that the budget is implemented in the way the parliament intends. Perhaps the most important result of the visit was the assurance the delegation received that they are on the right track in developing an oversight capacity.

Lessons Learned
- The American example of oversight is relevant to emerging democracies, particularly in terms of legislative control over the budget.
- State legislatures and governments may be better examples for emerging democracies because they are of a smaller scale than Washington and may give the study mission more careful attention.
- Some oversight problems are difficult to translate, such as where a developing legislature does not exercise the necessary budget control at the federal level.

What questions should be asked when considering oversight?

- ☐ Do the committees have a relationship with the relevant executive branch ministries? If not, how can such relationships be encouraged?
- ☐ What is the best approach to promoting legislative oversight of the executive? For example, is developing Question Time a good use of resources or would it be more effective to work with specific committees?
- ☐ What leverage does the legislature have to encourage executive cooperation?
- ☐ Does the parliament have staff members interested in and available to help with budgetary or program review?
- ☐ What are the prospects for an oversight role to be sustained?

Section 7

Member Training: Dealing with the Public

Legislators in developing democracies may not be accustomed to communicating with constituents, NGOs, or the media. They may either believe it is not important or it is too time consuming. To newly elected legislators, the prospect of communication with the public may simply be too intimidating. They may even think it is not their job. Thus, the task may be twofold: to help members realize that outreach is important and to train them in how to do it.

Is working with constituents a basic part of a legislator's job?

Fundamental to a legislator's responsibilities is helping the public understand parliament's functions and responding to the public's concerns. One might think that legislators would be attuned to this task. But don't be surprised if this is not the case with legislators' perceptions in developing democracies.

Legislators elected from party lists may see little reason to be concerned about constituents. In a proportional list system they may not have a district or may not be assigned to one. They may see no reason to communicate with the public, except, perhaps during election periods. Their loyalty is likely to be with the leadership of the party that selects them, and unless that leadership rewards members for constituent work they may find no political incentive to pursue it. They may fear that contact with their constituents will lead to demands they cannot meet.

The opposite may occur, as well. In Nepal, some members are so focused on elections that they see little reason to work on national policy issues. They view their constituent work as helping individuals get jobs, often with the government, or helping constituents pay for such events as weddings.

What is to be done?

When designing a training program, consider "constituents" from two perspectives. First, there are the residents of the district the member represents. They may have little knowledge of the parliament and its members' roles and responsibilities. Second, there are constituent groups, such as farmers and women, that may or may not be organized. It is easy to overlook this second kind of constituent, but try to address members' relations with these groups when bringing members and citizen groups together.

Bulgaria provides an example of where extensive efforts to train members in constituent work have paid off. Work with members and district staff has included individual consultations, single party training sessions, all-party workshops with international trainers, and intensive work with selected district office staff.

The Bulgarian program trains members on how to respond to constituents' problems and concerns and how to establish communication links so that citizens can become involved in the legislative process. A major program emphasis is on follow-up. After workshops are held on a topic, such

as communicating with constituents, individual district evaluations and consultations are conducted to see if the ideas are being implemented and to assist with their implementation.

The program includes development and distribution of a constituent relations handbook that Bulgarian members have found useful for creating district profiles and for casework tracking. Members and the political parties have also been interested in advice on how to set up a low-budget office, how to use volunteers, and how to obtain donated equipment and furniture. The Parliament is considering a proposal to set up an internship program that would give members staff assistance, while the interns would gain political and office skills and experience.

While the Bulgarian legislators have not considered every idea or recommendation appropriate, they have been receptive to advice on such matters as how to encourage contact with constituents who belong to opposing parties. (In this instance, one recommendation was to publish the district office telephone number in the local newspaper since constituents belonging to the opposition party might be more comfortable talking on the telephone rather than stopping by the constituency office.)

Understandably, most of the questions that come into the district offices in Bulgaria concern local matters. District office staff have been receptive to proposals that they establish contacts with local officials and serve as a referral center. They have also shown interest in helping prepare brochures that would educate the local populace about the duties of a member and what he or she can do for them.

The local nature of constituent work can pose challenges. In South Africa, for example, although there is a national electoral list and no natural, geographic constituencies, the ruling African National Congress assigns members to districts. Local party branches often administer constituent services. Members are hesitant to compete with the party branch offices, particularly since the local party branches have their own constituency staff. Worse, they are reluctant to meet with constituents and to speak out on constituent interests because they are not confident that they know what the parliamentary party's position is or may become. Finally, party leaders expect the members to be loyal to the party, not the constituency. These factors create a disincentive for members to engage in constituent work. When this is the case, consider working with the party leaders to explore how the connection of members to their voters can improve the party's performance in the parliament.

In Malawi, legislators have been hesitant to become involved with constituents. Some believe they are doing constituent work if they attend a presidential speech in their district. Others say they do not have the funds for a district office and thus can't provide constituent services. NDI sought to target its efforts in this area and its work with a group of legislators led to a constituent services handbook *(see Case Study and Appendix N, title page and table of contents, Constituency Handbook for Members of Parliament (NDI Malawi, 1996)).*

The handbook has proved popular with Malawi's members who have updated and redesigned it to include more specific information on local facilities, such as schools and markets, and more general contact information, rather than specific names of ministers who change so often.

As for district staff, the Malawi legislators were able to add a "constituency allowance" to the national budget but very few of them use the money for this purpose. It was, in effect, a pay raise. And despite all efforts to assist in constituency outreach, it appears that many citizens still say they never see their legislators.

Case Study: Constituency Handbook for Malawi Legislators

Malawi citizens have high expectations for their government, but are becoming increasingly concerned that their legislators are not fulfilling their responsibilities. Legislators, on the other hand, contend that constraints keep them from doing their jobs effectively. NDI responded to this situation with a proposal to assist members in their relations with constituents.

The Speaker and political party leaders created a working group of interested legislators, the Constituency Outreach Supervisory Committee, which served as the core body to guide the program. The committee included a mix of nationally prominent figures and relatively obscure backbench members who spend most of their time at home in their villages.

The committee readily identified two major constraints: lack of district offices and lack of information. To meet the need for district offices, the group drafted a proposal for government-funded constituency offices. They actively lobbied fellow members, ministers, and parliamentary committees for the funding.

For the second need, information, the committee guided the development of a Constituent Handbook. The committee outlined the elements of what they thought should be included in the handbook and NDI staff in Lilongwe created a draft for their review. From the beginning, the handbook was designed to be a practical tool with emphasis more on contact lists, for example, than on lengthy "how to do it" essays.

The handbook is introduced with a concise one-page essay "Why Should I Work in My Constituency?" That is followed by such basic information as a definition of case work and how members can gauge public opinion. Next comes the bulk of the book: names of contacts at the national level and pages for members to fill in district and local information. An example of local data is district water supply information, including the number of boreholes and shallow wells in the constituency. Finally, the handbook contains sources of funding for small-scale development projects and loans.

The supervisory committee arranged for a two-day seminar for a select group of members to introduce the handbook and explain its use to them. The goal was that they, in turn, would train other members in its use. An unforeseen government crisis delayed this process. But the supervisory committee members were enthusiastic and hope to maintain the document as well as develop other products, such as a parliamentary newsletter.

Lessons Learned

- NDI's original proposal was for much of the program to be carried out through the party caucuses, but the supervisory committee insisted from the beginning that the outreach program be nonpartisan.
- The supervisory committee and other active members were critical to the program's success. And they have shown continuing interest in constituency communication proposals.
- The emphasis in constituency outreach programs must be on what is practical. The handbook is an example of something members can use right away and tailor to meet their needs.

What can be done to bring legislators and NGOs together?

Non-governmental organizations represent the aggregated interests of the public and serve as a conduit between the public and the legislature. Newly elected legislators who find it difficult to respond to the suggestions, demands, and complaints of different individuals may find it more manageable to address groups, including religious, business, unions, or other NGOs. Work to improve communications between members and NGOs can make an important contribution to enhancing legislative accountability.

Members seek information, and NGOs should be one of their best sources. NGOs want access, and training programs can help members understand how allowing such access will benefit them and the legislative process. Keep in mind that NGOs will be working with the parliament long after the program is completed.

How to involve NGOs? One method of bringing members and NGOs together is to use NGO staff as trainers or facilitators at workshops or conferences. This has worked particularly well in South Africa where the members and NGOs have a longstanding relationship based on a unified stance against apartheid. Take advantage of NGOs networks with other civic partners and let them help organize public meetings.

In Ghana, a local NGO assisted in organizing a member-constituent program. One of the reasons for working with the NGO was to keep the parliament from controlling the agenda and using the program to talk about what happens in parliament rather than receive questions from the audience. Because the majority party chose not to participate in the program, some local officials made a last minute effort to call off the program. But the NGO's effective work with the media ensured a large turnout for the program. The NGO provided needed logistical support and was instrumental in drawing a large audience to meet with the group of members *(see Case Study).*

Case Study: Regional Public Forum in Ghana
With an objective of fostering the involvement of civil society in the formulation of national public policy, NDI sponsored a parliamentary forum in Kumasi, capital of the Ashanati region. The program's theme was "Obiara Nka Bi," which translates as "everybody should speak his or her own mind." Six members from the Parliament's minority were selected by their caucus to attend the forum, which was successful even though the majority faction members did not participate.

NDI contracted with a Kumasi NGO, Leaders of Tomorrow Foundation, for all of the logistical arrangements. Use of the local NGO achieved an objective of fostering local initiative and limited the opportunity for the Parliament to influence the program. NDI provided technical advice, particularly on how to get the most benefit from available resources.

The forum was well publicized. Newspapers and television provided extensive advance coverage and told the general public how to take advantage of the forum and meet members of Parliament. When the meeting date had to be changed at the last minute, local radio stations made repeated announcements of the change. The day before the forum, NDI staff were interviewed by a local station, explaining the purpose of the forum. More than 300 people, with diverse backgrounds and from diverse groups, attended.

One of the legislators described, for the audience, the role of the Parliament as deliberative, legislative, and investigative as well as that of controlling and supervising the budget. He explained how a bill becomes a law and distinguished between the executive's bills and those of private members. He urged civic groups to take advantage of the fact that members can sponsor bills on their behalf even though they are difficult to enact.

More than two hours of the one-day program were dedicated to questions from those in attendance. They covered many areas of public policy, including health, education, environment, and public finance. The six members answered the questions relating to their specializations in the Parliament, thereby providing the audience with the greatest expertise. One indication of the audience's interest and enthusiasm for the program was that after two hours of questions and answers, not all questions from the audience had been fielded.

Lessons Learned
- Partnership with local NGOs allows greater community involvement in program planning. Their involvement also reduces some of the expense of NDI and Parliament staff traveling to the region for advance planning.
- Allow as many people as possible to ask questions relevant to their particular constituencies, thereby fostering local participation.
- Using the local media resulted in widespread advance publicity, and using the local language allowed the participants to participate comfortably.
- A small group of knowledgeable legislators can provide a valid representation of the Parliament and hold down workshop costs.
- Follow up on a program. Once local interest is aroused, it should be maintained with sustainable follow up programs at close intervals. Assist members or local NGOs in organizing such programs with an agreed upon plan that they will continue organizing forums on their own in the future.

Don't rely exclusively on one NGO. In Malawi, a particularly active NGO proposed a program to bring students to the Parliament for first hand experience. A great deal of time and effort was put into the program, which brought 75 to 80 students to meet members and tour the facility. But after six visitations, neither the NGO nor the Parliament continued the program.

How can communications between NGOs and legislators be fostered? In Kyrgyzstan, a proposed law regulating NGOs provided an excellent opportunity to foster communication between NGOs and members. For this bill, Parliament conducted a public hearing, the first ever in the country, attended by 150 NGO representatives. As a result of the hearing, a working group of members and NGO representatives was created to deal with future issues of common interest.

A Bulgarian workshop for members and civic leaders provides an example of how an accomplished trainer can help the participants see the mutual benefits of consultation and cooperation. The trainer was a former member of Congress who was able to describe the benefits he had found working with NGOs. He characterized NGOs as resources when dealing with issues and observed that they could be particularly useful in a country, such as Bulgaria, with a shortage of staff. He gave the Bulgarian legislators ideas as to how they could work creatively with NGOs in the constituency.

The workshop employed role-playing exercises. One exercise was based on a draft election law in which a representative of a highly respected NGO with a stake in the proposed bill participated. In a second exercise another representative of the same NGO described how a proposed bill on local government reform provided no role for citizens.

In both exercises, members asked pointed questions of the NGO representatives, helping the legislators to learn if the NGO had a good grasp of the issues and could provide them with useful information. The NGO, in response, tried to pin the members down and get a commitment of support. In both exercises the members listened and appeared sympathetic but made no guarantees for implementation. They did agree to discuss the issue with their colleagues and to provide an opportunity for the NGO to testify before the appropriate committee.

Member and NGO Communications in Bulgaria
For an NDI workshop on member-NGO relations and working with constituents, the trainer, a former U.S. Congressman, provided the group with three case studies based on his legislative experience.

In the first case, a citizens' group was concerned that the local airport would allow large planes that would disrupt the neighborhood. The former Congressman explained how he kept his constituents informed about airport-related developments and succeeded in preventing even larger planes from using the airport. This successful effort discouraged a potential political opponent from attempting to exploit the issue in a campaign.

In the second instance, a business group asked for his help in cutting senior citizens' pensions. He refused but was able to find other areas in which he could work with the business group.

Finally, he was faced with the closing of a military base in his district and the loss of 5,000 jobs. Here he worked with labor unions, business leaders, small shopkeepers, and the government to find a solution that would allow most of those affected to find jobs in the district.

By employing case studies from his own experience, the Congressman was able to show the legislators how they might work with NGOs for the benefit of their constituencies.

From the session, the members and NGOs learned the importance of direct relationships and dialogue and the need to set realistic goals in which government is not expected to solve all of society's problems. They stressed that they must maintain communication even if they disagree on one issue, for there will be others on which they may seek out each other's assistance.

Be aware of potential down sides when bringing members and NGOs together. An explosion in the number of NGOs in Nepal, from 3,000 to 40,000 in five years, has resulted in many that are unaccountable and ineffective. In the republics of the former Soviet Union, some NGOs are not sustainable and others are not interested in reform or remain committed to former governments. In Ukraine, the most effective NGOs are adopted by a political party, thereby compromising their nonpartisanship.

Is it a good idea to work with the media?

Programs aimed exclusively at legislative-media relations are not common. But when such programs are undertaken, a media component is often part of them. Among the items to consider before undertaking such an endeavor is whether a training program should focus on the media's understanding of the parliament, whether legislators and the legislative press staff should be trained in how to effectively use the press, or whether a combination of approaches might be successful.

Kyrgyzstan presents a good example of working with legislators and the media. In that country, the media are controlled by the executive branch and usually report on Parliament in a negative manner, characterizing it as corrupt and ineffective. The Parliament's press service staff is small, poorly paid, and ineffective.

The training program in Kyrgyzstan had two components. For working with members in media relations, experts were brought in to demonstrate how to craft a message and how to use the media to their advantage. In addition, the trainers worked with the media to change their perception of the legislature and to emphasize the importance of distinguishing between editorializing and objective reporting.

Focusing on the media, a yearlong series of workshops in Namibia used a local NGO and South African university trainers. The first emphasis was on teaching journalists how to improve their reporting skills, how to editorialize, and how to increase public awareness of the role of Parliament. The next phase will emphasize reporting on the Parliament and formalizing the relations between the legislature and the media.

Programs in Georgia have included assisting the media in advocating against a draft law that would have limited access to state information and working with the media on draft legislation. An effort to help create a public relations office for the legislature included bringing journalists to the capitol to see the legislature at work.

In Bulgaria, training sessions were conducted for members and staff on media and press relations. Using Bulgarian journalists and a former press secretary to an American Congressman, more than 60 members were given a perspective on the media and provided with informal rules and guidelines for dealing with the media. In a role-playing session, members were video taped while

being asked tough questions by role-playing journalists. The tapes were then evaluated. Among the advice given the members was to use more resounding voices on the radio and to keep answers short and to the point.

Much of the work is done with the print media, but in Kyrgyzstan a project was developed to give legislators the opportunity to debate issues on a television call in show. This series was carried on a small television station, but it was highly rated because open debates in that country are relatively new.

The next phase of the television outreach in Kyrgyzstan is a weekly half-hour public affairs program. It will include a moderator and journalists as well as proponents and opponents of a particular issue. A studio audience will be present for the proceeding, which will include "man on the street" interviews. Among the topics to be covered are ethics and corruption in government, press freedoms, land reform, and local elections. The program will be aired twice during the week and a tape will be made available to stations throughout the country.

What questions should be asked before embarking on a legislator-constituent program?

- ☐ Does the electoral system provide incentives for constituency outreach?
- ☐ Do the members see a need for improved communications with their constituents? What are their most urgent needs?
- ☐ Do NGOs have well-established relationships with the parliament and, if so, might the NGOs be partners in advancing legislative accountability?
- ☐ Do the members know how to interact with journalists and work with the media to promote their points of view?
- ☐ Does parliament have an effective press service?

Section 8

Lawmaking

The executive may take the initiative in proposing laws, but parliament has a significant role of carefully scrutinizing the proposed bills. Members may need assistance in reading and analyzing legislation and in developing policy expertise on the issues. Assistance may include facilitating discussions among concerned NGOs, ministries, and members and helping organize the process of bill consideration and adoption. This sort of assistance can be provided on almost any draft bill.

Assistance with the substance of legislation can be offered on bills that relate to democratic performance, such as laws relating to elections and political parties, ethics and public integrity, access to government records, intergovernmental relations, the media, privileges and immunities of members, and NGO regulation. For these issues, assistance can include providing comparative information and model laws, obtaining expert review of draft laws, and bringing in international experts to articulate democratic standards and offer their experiences and advice. This section discusses specific efforts to assist the development of ethics laws and constitutional reform.

What can be done to develop legislators' lawmaking capacity?

Newly democratic legislatures usually lack information about policy issues. Unless legislators can develop such expertise, the parliament cannot play its part in the lawmaking process. Committees can be a focus for the development of policy expertise since they are organized by subject matter. Unless committees develop such expertise, their recommendations on draft bills will not be given much weight or deference by their colleagues or the executive branch.

Legislative staff are critical to policy expertise. But developing legislatures frequently lack experienced research staff. Committee staff duties tend to be limited to clerical services. The political parties may have policy staff but they are usually inadequate. Because legislators rarely have their own staff, and if they do they are usually not policy experts, legislators must rely on the executive or outside resources. If the parliament is to advance beyond "rubber stamping" the executive's legislation, it must have its own information base. (Training staff for this role is the subject of Section 9.)

In-country program staff can encourage members to use NGOs and others, such as academics, to provide expert testimony. Matching policy experts with the committees can additionally foster ongoing relationships. Other assistance can include providing examples of intent statements for bills (explanations of the purpose of the proposed legislation) so that the members can determine if they want to request such summaries from the ministry proposing the bill.

A big contribution may be in assisting members in reading draft bills. Most legislators have not been trained in critically reading bills and may be intimidated from trying to do so. The members may be receptive to training on reading, analyzing, and amending bills. Correspondingly, the parliament's staff can be trained in critical reading and in how to draft amendments so members do not need to rely on the government for modifications to bills.

What can be done to assist in the development of "good governance" laws?

Provide the members with information. This can include background on the issues raised by a draft bill and examples of similar laws adopted in more developed democracies. A translation of South Africa's code of conduct into Georgian provided members of that Parliament with a document they could read and modify to meet their own needs. (Georgian legislators were quick to grasp concepts and open to new ideas, but they needed good examples.) In Ghana, providing members with freedom of information laws from other countries met their need for a model.

Take members on a study mission or bring in experts. In South Africa, assistance to drafters of an ethics code included sending members on a study mission to Ireland and Great Britain, where Parliaments had recently reformed their codes of conduct The study mission allowed South Africans to meet with a range of experts in each country and to learn about the context, process, and results of their respective reforms.

A group of Irish and British legislators and staff who had been engaged in ethics reform from the outset formed a resource team to provide advice and commentary (by E-mail) on drafts of the South African code as it was developed. This resource team remained on call for the duration of the deliberations. After the South African Parliament adopted a code of ethics and financial disclosure requirements for legislators, a member of the ethics resource team was brought to South Africa to assist in the rules' implementation *(see Appendix O, table of contents, introduction and charts from Ethics Resource Team Report presented to the Joint Subcommittee on Ethics, Parliament of the Republic of South Africa January 23, 1996).*

Help members with the bill adoption process. By working with the legislature in a political context, procedural assistance can be of even more value than promoting any particular piece of legislation. In Ukraine, assistance on draft legislation dovetailed with an emphasis on helping legislators with strategies and policies. There, work with the factions resulted in a committee agreeing to hold an open public hearing, attended by 100 participants.

Try different approaches. Consider a "statement," which is a public pronouncement by an international team of visiting experts of what a parliament might do to address the need for reform. This approach was employed in Nepal where international trainers met with a wide variety of participants and key resource people in order to develop a statement that contained a set of recommendations on how to address the problem of corruption. The statement was publicized and many of the recommendations were acted upon, including a code of conduct for legislators and executive branch officials. This code has been adopted by the upper house and is under consideration in the lower house.

What are the advantages and risks of working on draft laws?

By providing substantive assistance on draft laws, the research and the articulation of democratic standards is likely to contribute to the development of better laws. It should broaden the scope of

debate and can build relationships between legislators and international experts that will be useful in future endeavors.

The risk is that it may be seen as interventionist and may lead to a lack of local ownership of the resulting policy in the long run. In addition, when foreigners conduct the policy research and analysis for draft legislation, in-country legislators are not learning by doing themselves. Still, the research and analysis done by foreigners may demonstrate how such work should be conducted and will serve as a model for future work by the legislators, staff, and local NGOs.

Is the objective a new law or to strengthen parliament's role?

Assistance with draft bills helps members legislate—helps get the body working. Such assistance may start with specific objectives, but ongoing communications with the NGO community and the executive are more important than commitment to a specific bill. In Georgia and Kyrgyzstan, for example, the work on corruption legislation had a parallel objective of strengthening the role of parliament in its dealings with the executive.

Work in assisting with draft legislation may produce dual results: help make the legislative product better and help make the process of drafting legislation more effective.

Are there some subjects appropriate for substantive advice and assistance?

Consider topics that relate to the development of an open, democratic system. At the beginning of this section, a number of such subjects, such as election and NGO legislation were identified. Many developing democracies are facing ethics and corruption issues. These issues provide examples of the assistance a training program can provide.

In Georgia, a country with a tradition of corruption, legislators asked for assistance because of political problems they were encountering. The Justice Minister was not forthcoming on a proposed ethics law. The challenge was to provide some momentum for the process and bring the government and parliament together to see if they could work out a solution.

To accomplish the objective, members, ministers, judges, and university faculty were joined in a seminar with international experts. The group resolved that the best approach would be a gradual, phased-in ethics program. Three weeks later, more than 100 people attended an open public hearing on the subject. This added pressure for the government to act on the bill.

The result was an ethics law. In its initial phase, it is limited to constitutional officers and appointed governors. But the law will ultimately apply to 500 public servants. Public officials are now filing financial statements and the press is making note of who has filed and who has not. The next step is a workshop to discuss deficiencies in the enforcement of the law's provisions relating to private employment of government officials and gift and bribery issues.

Using resource materials prepared for a South Africa project, NDI embarked on a major legislative initiative in Nepal, a country with a serious problem of corruption *(see Case Study)*. NDI assistance ranged from providing background information to helping draft codes of conduct for ministers, members, and civil servants.

Case Study: Ethics Draft Legislation in Nepal

Nepal is one of the poorest countries in the world. Public servants are poorly paid and have a long tradition of corruption. Civil servants' salaries are only $60 to $100 per month. Members of Parliament make $100 to $150 a month; ministers, $200.

Public employees find it very difficult to live on such salaries and this contributes to widespread public corruption. Civil society is concerned about corruption, but it is weak. The press is concerned, but it is perceived as partisan. Ministers are concerned, but some have their fingers in the till.

NDI started its project with a key informant survey, interviewing 50 people in and out of Parliament. The interviews were conducted in a private, informal manner. The approach was to ask the interviewees to define the issues, drawing out their analysis and suggestions of others who should be interviewed.

With this information the NDI staff conducted research for the members—in particular a summary of Nepal's laws on ethics. This led to legislators requesting research, including examples of other countries' anti-corruption laws.

Using a "statement" approach to legislative proposals, NDI developed a list of the problems and possible solutions. For outside expertise, an international team, including distinguished legislators known for their work on ethics issues from Britain, South Africa, and the United States was employed. This team held a series of closed door meetings with the local participants and from this issued a public set of recommendations.

The next day NDI sponsored a workshop for about 150 members and representatives of the government, NGOs, the press, and donor agencies. Although there was concern that including the press could inhibit open discussion, the involvement of the press helped generate support for reform.

With vigorous follow-up, some of the recommendations were adopted or likely will be implemented. The Parliament's ethics committee met for the first time. Codes of conduct for members and ministers have been developed and accepted by one chamber and are likely to become law. And public awareness of governmental ethics has increased.

Lessons Learned

- Be forward looking, avoid finger pointing and look to the future. This makes the participants more comfortable, for they then realize they are not legislating past behavior.
- Be flexible when dealing with a sensitive subject like ethics. If the initial objectives change during the course of the program, adjust the approach.
- Hold resident staff to the highest ethical standards. Staff or the sponsoring organization may come under scrutiny.

What about constitutional reform?
Technical assistance may be useful when new democracies consider constitutional revision. Among the kinds of assistance, consider providing comparative information about democratic norms, assisting members in reviewing the draft constitution, and assisting with developing the means by which the public can be engaged in discussion about proposed constitutional changes.

Georgian legislators were helped in their post-Soviet constitutional debate with conferences that brought parliamentary experts from Canada, France, Hungary, and Poland to discuss substantive and procedural issues, such as division of power between the executive and legislative branches and how to achieve consensus on the constitution. For a similar conference in Poland the participants discussed the relative merits of presidential and parliamentary systems and the role of economic rights in a constitution.

In the first stage of all-party constitutional negotiations in South Africa, members were provided with information on elections and intergovernmental relations. Later, a study mission to the United States allowed Constitutional Commission members to consult with experts on economic and human rights issues and on the role of the judiciary in governmental systems. Other assistance, before adoption of the constitution, included providing information on independent election authorities, political party funding, and bicameral legislatures.

Constitutional Assistance in Malawi
NDI provided forums for leaders of political parties, NGOs, and traditional authorities to plan how to lobby a national constitutional conference in Malawi.

For the conference, NDI provided all delegates with an annotated review of the constitution and organized a session for parliament on "The Role of Parliament in Malawi's Constitutional Democracy." Legislators from four countries (France, Portugal, Sonth Africa and the United States) presented information about the powers and authorities of the executive, legislative and judicial branches of government in their countries.

The experts discussed not only the formal constitutional arrangements, but also the political implications and realities that resulted from constitutional design.

After adoption of the South African constitution, legislative participants were taken to such countries as Guyana to help with constitutional reform. For this project, a Namibian legislator, who was an expert on constitutional reform, participated as well.

What about helping individual members with their bills?
Perhaps nowhere is the distinction between American and Westminster systems more pronounced than in the role of individual members in proposing bills. American legislators are expected to propose bills and legislation is often identified with their names. The executive offers many major legislative proposals, but individual legislators may respond with their own initiatives. In the Westminster system, in contrast, private members' bills are on less important matters and are rarely enacted.

Some legislators in developing democracies are interested in individual legislative initiatives for at least two reasons. First, private members' bills offer an alternative to the government's proposals and may result in a more independent branch of government with better legislation. Second, private bills give minority parties an opportunity to provide positive alternatives rather

than just opposing the government. Consider assistance with private bills when there is a demand for such instruments from interested legislators. In some countries with more American-style systems, such as Nigeria, assisting with private member bills may be particularly helpful.

In Namibia, the first private bill (to add a second official language) was introduced shortly after independence. The significance was in the development of a private initiative, not in the subject. Most parliaments will see few private bills, but the ability to propose them is important and contributes to the ability to review and amend the government's draft bills. (Section 9, on training staff, includes a discussion of the drafting of private member bills.)

What questions should be asked when assisting with the lawmaking function?

- ☐ Can work with draft legislation help make the institution more democratic or should training efforts be placed elsewhere?
- ☐ What is the objective with draft legislation? Is it to raise legislators' or the public's awareness of an issue? Is it to get a bill passed? Is it to serve as a vehicle for other assistance in reforming the legislative process?
- ☐ Are members interested in taking the initiative to propose laws?
- ☐ Is the leadership interested in an independent bill drafting capability?

Section 9

Institutional Assistance: Training Staff

In addition to helping legislators with the skills to perform their jobs, programs can be aimed at strengthening the institution *per se*, in ways that will be sustainable beyond the terms of office of the individual legislators.

One of these kinds of projects is working with the staff. Assisting staff can range from group training for the research or committee staff in how to respond to a member's question to working one-on-one with the clerk on how to organize the records for the plenary.

In most developing democracies, the staff of the legislature are nonpartisan and often are civil servants. One can sometimes find a few "political" staff working for the parliament's leaders, hired by the party caucuses in the parliament, and occasionally hired by individual members. Most staff training is directed towards the nonpartisan staff because they are committed to the institution and have greater tenure.

Why work with parliamentary staff?

Well-trained staff enhance the legislature's ability to perform virtually every function. Research staff provide members with information to make better informed decisions about public policy. Parliamentary staff also ensure that the plenary operates smoothly and that committee meetings are organized and documented. They provide a range of support services to members, including clerical and logistical.

As a result of elections, or elevation to other political offices, individual legislators come and go. Staff can constitute much of the institution's stability and its "institutional memory." Thus, projects aimed at the staff can be more sustainable.

Finally, staff may be more receptive to a training program. If elected members are uninterested in or to busy for training, consider the staff. The payoff can include a more competent staff. It can also result in members' recognition and use of a better-trained staff.

What to consider when training staff?

In some countries, staff are members of the national civil service and may have little loyalty to the parliament. In others, staff are holdovers from a legislature's authoritarian past and may not be receptive to democratic change. In such cases, training efforts could be wasted. In some legislatures, staff may be undereducated and underpaid. In others, staff may be well educated, but trained in disciplines that have little relevance to the legislative process. In such cases, the training may need to begin with basic staffing tasks, such as how to approach legislators or take minutes at meetings.

American legislative staff often are deeply involved in the policy process, even advising members on political strategy. Parliamentary staff, in contrast, may be limited to a much more clerical or

neutral information-provision role. Likely, a developing parliament will use no model in its pure form. Look for various models that can be adapted to the country.

Avoid getting too far ahead of the leaders' vision and don't promote a staff role that is not to the leaders' liking. One of the program's contributions can be to help staff and legislators better understand and appreciate one another.

Are workshops the way to go?

Bringing staff together for training can accomplish several objectives. First, the trainers can provide their information and experiences to a group, thus maximizing the exposure to learning. Second, bringing the group together can foster staff communication and shared learning. Third, the group can set an agenda on how to implement what they have learned and identify their future training needs.

A training program in Namibia provides an example. At a workshop for 20 research and committee staff, four primary objectives were set forth:

- To formulate a research plan
- To identify and locate the sources of information
- To understand, interpret, and analyze the data
- To organize and present research findings

From the primary objectives, came additional objectives:

- To promote the staff's professionalism
- To improve the staff's ability to organize their time
- To improve staff teamwork

For this workshop, the group was divided in half with each given a topic that was expected to be soon debated in the parliament. Staff were briefed on the conduct of research, including the use of statistical data, taken to the national library and archives to see what is available, and trained on use of the Internet. Using the materials they gathered in the training sessions, the two groups wrote the first staff research reports for the members of parliament.

Another Namibian training program brought in three U.S. state legislative staff to train in research methods, committee procedures, and plenary session management. One of the sessions in this program was on communicating with members. The trainers, acting as members, engaged in a role-playing exercise in which the staff were shown how to clarify requests and confirm deadlines. Taking advantage of the expertise of one of the trainers, senior managers were also brought together for a program on innovative management methodology.

Trainers have worked with staff in Malawi on Hansard (record of debate) preparation. Ghanaian staff have been trained by an American state legislative drafter on how to research and analyze legislation.

When developing the agenda for a staff training workshop, consider concluding the program with the staff identifying what they will do with the information they have gained. A training program in Yemen led to committee staff recommendations that included proposals that qualifications and hiring standards be set for committee staff.

Are staff study missions and internships worthwhile?

Staff can be sent on study missions and internships. Study missions can provide staff with a quick overview of one or more legislatures in a short time. Several Namibian staff, for example, were sent to observe the South African Parliament, an example of a larger institution. Staff from five African countries were brought to the United States for an intensive two week tour of American state legislatures.

Internships, sometimes called "attachments," offer staff an opportunity to be placed in another legislature for a longer period, from several weeks to a few months. Three staff from the Malawi Parliament were placed with the Maryland legislature for six weeks. Staff internships in state legislatures can be very effective and a good investment, as was the case in Namibia where staff brought back ideas to implement in their Parliament *(see Case Study)*.

Case Study: Namibian Staff Internships in Three State Legislatures
NDI arranged for six Namibian Parliamentary staff to be placed in three American state legislatures for a two-month period. Participating states were selected after considering several factors. First, NDI looked for states with a strong nonpartisan staffing tradition, since the Namibian staff are nonpartisan. Second, it sought states with enough staff to provide a broad range of services and yet not so large as to overwhelm the interns. Third, it needed states in which there were contacts who were willing to accept interns and coordinate the program for them. With these criteria, placements were arranged in Colorado, Connecticut, and Wisconsin.

For the Namibian staff placements, NDI sought plenary clerks, researchers, and committee staff. Staff from each of the Parliament's two chambers were also a priority. Based on knowledge from prior work with the staff and observation of them in other training programs, NDI offered recommendations to the legislative leaders. In some cases the Parliament's leaders agreed; in others, they insisted on their own choices.

NDI staff visited each U.S. site in advance and arranged for housing, transportation, and other needs of the interns. During the visit NDI also developed work plans with the host state. NDI was thus able to place two clerks with the Secretary of the Senate in Wisconsin, which manages the plenary; two committee staff with the Colorado Legislative Council, which staffs committees; and a committee staffer and a researcher with the Connecticut Legislative Research Office, which works with committees in addition to its research role.

The staff were given the opportunity to observe legislative operations, with particular emphasis on those that relate to their duties at home. They attended floor and committee sessions and worked directly with the state staff. They were able to discuss the role of staff with their American counterparts. At the mid-point of the internship the six staff gathered in Washington, along with the host state coordinators, to share experiences and determine what needed to be accomplished in the remaining month.

From the internship, they brought back many ideas, including improvements for the plenary operations, a systematic checklist system for committee meetings, and ideas for a Parliamentary newsletter.

Lessons Learned
- Intern placements take a great deal of time and effort on the part of the host state. One person in each state should be responsible for the program, a substantial commitment for him or her.
- One can't always control who is selected for an internship. Refusing to accept the leaders' choice could pose a delicate problem, but the person they select may not be appropriate for, or adapt well to, the program.
- Placing interns during a state's legislative session places a particular burden on the host. But it is the best way for the interns to observe the process.
- A mid-term gathering of the interns is valuable. In addition to sharing experiences, it reinvigorates them for the remainder of the placement.

Should the staffing system be reevaluated?

A developing democracy's staffing system may be a carry-over from the prior government. Staff members may have little commitment to the fundamental reforms the parliament is considering. The staff may not be interested in the concept of objectivity or the role of nonpartisan staff. Supervisors may lack skills in motivating staff and instilling good work habits.

Some of the problems may be structural. In some countries, such as Namibia and Nigeria, staff are employees of the government. In such a case, staff members may lack commitment to the parliament. In other cases, the parliament's organization of staff may not provide for needed services.

Macedonia is an example where the staff structure was in need of review. Deputies were generally dissatisfied with the staff, expressing a need for different staff, changes in staff management, and improved skills. As one leader put it, "We want our laws to meet the scrutiny of the European Union and we need staff to help us get there."

Most of the parliament's leaders believed that staff, at least those hired since the change in government, were partisan and could not be trusted. Their opinion of staff may or may not have been valid. But it is clear that the deputies would not make much use of staff under present conditions. Poor work habits, such as playing compnter games, could be easily identified with a walk through the Parliament. The deputies were concerned that the Secretary General, who is responsible for maintaining the staff, is also an active party member. The deputies were skeptical that a party activist could administer nonpartisan staff in a neutral manner. To complicate matters, some deputies expressed concern that the President of the Assembly (Speaker) was attempting to assume too much power and this was reflected through staff recruitment and management.

In addition, the Macedonian deputies were frustrated by the staff's lack of expertise and provided numerous examples of staff not being able to provide needed information. One related that staff had been unable to adequately draft a bill setting up an affirmative action program for public employees. He said he would have to write his own resolution for presentation in the plenary since he could not get a draft bill.

All of the leaders expressed the need for partisan staff. They view of the role of these staff to take the work of the nonpartisan staff and others and to put a party "spin" on it.

NDI's approach was to bring in a consultant with extensive experience in state legislatures *(see Case Study)*. The consultant was charged with recommending changes in the staff structure, including management, and a training program. To the Parliament's leaders, it was as if they had employed the person. They attended the interviews, gave frank assessments of their frustrations and needs, and took the recommendations seriously. Most important, they adopted all of the recommendations as their own.

Case Study: Assessing Staffing Needs in Macedonia

Macedonia's 120-member Parliament saw a new governing coalition formed after the 1998 elections. Three of the six party groups (caucuses) make up the new majority. The largest party from the prior government heads a viable opposition. As part of the negotiations to form a government, a smaller majority group was allowed to choose the President of the National Assembly and the Secretary General.

Legislative staff work under the direction of the Secretary General. Staff are supposed to be nonpartisan, but some deputies contend that all recent hires have come from the Secretary General's party. The deputies appear to make little use of staff. Many, if not most, legislators do their own research.

In its discussions with the Parliament's leaders, NDI concluded that an outside evaluation of the situation was needed. For the review, NDI chose a former staff head of a U. S. state legislative research office, who had experience working with developing parliaments in eastern Europe and elsewhere.

Advance work was critical for the consultant's review. In addition to a providing background on the country and its parliament, NDI in-country staff prepared a list of questions that needed to be addressed. The NDI local staff made the necessary appointments, critical to an efficient review. When deputies encountered schedule conflicts, the NDI staff quickly rescheduled.

In the interviews, the deputies identified several concerns: lack of legislative staff expertise, lack of trust in the staff, and lack of political assistance. They provided examples of staff inadequacies, such as being unable to make simple calculations during a committee meeting. Most stated in strong terms their lack of confidence in the nonpartisanship of staff. Most important, they expressed a desire to see the system change.

The consultant's recommendations meshed well with the deputies' concerns. The seven point proposal, drafted after eight days of interviews, called for creating an oversight committee from all party groups to ensure that staff are nonpartisan, beefing up nonpartisan research staff, giving each party group its own staff, and training staff and members. NDI staff translated the proposal into Albanian and Macedonian for the party group leaders.

The proposal was so well received by the party group leaders that they instructed NDI to prepare a plan for implementing the recommendations. The consultant quickly prepared this document, aided by NDI's Washington-based governance team, which provided examples of countries, such as Hungary, with nonpartisan secretaries general. Two days later the coordinators met again and instructed NDI to draft a letter for their signature. The letter, to the President, would ask that all of the recommendations be implemented, though the incumbent secretary general would be allowed to serve out her term.

NDI in-country staff continued follow up with the deputies, drafting the letter immediately and obtaining the leader's signatures. They briefed the two party coordinators who were unable to attend the second meeting. And they are closely monitoring the progress toward implementing the recommendations.

Lessons Learned

- Do the necessary background work, including appointments, so the consultant can efficiently spend his or her time in the country.
- Have an action plan so that the deputies can see a clear way to implement the proposal.
- Make use of the Washington office for needed background and comparative information about parliamentary practices.
- Follow up after the consultant leaves to see that the progress continues.

What about helping the parliament develop a bill drafting capacity?

Some parliaments are interested in drafting bills independent of the executive, usually for individual members. To develop a bill drafting capability, the parliament will need help. Consider offering examples of how legislative bill drafting offices are trained and organized in other countries, how committee staff can be employed to draft bills, how private attorneys can provide drafting services on a contractual basis, and how NGOs or university faculty can informally help with bill drafts.

Each of these approaches for preparing private bills has advantages and disadvantages. For example, a legislative bill drafting office gives the parliament independent legal capability and expertise and can be used for preparing amendments as well. On the other hand, such an office may be expensive and underused. Contracting with private attorneys may save money, but independent attorneys may not gain the members' confidence. Carefully weigh the alternatives and discuss them with the legislators involved.

One U.S. state legislative drafter, who twice traveled to Ghana to assist members and staff with bill drafting, prepared a version of a bill drafting manual for members of Ghana's Parliament. The document defines the Ghanaian terms used in bill drafting and describes the structure of bills. For example, it defines the word "consolidation" (putting several bills on the same topic into one act) and how clauses, paragraphs, and subparagraphs fit in a bill. It sets out criteria for determining if a bill is clear and advises how standard words in bills, such as "shall" and "may," should be used. It includes a code of conduct for staff. All of this information is tailored to the constitution and politics of Ghana *(see Appendix P, table of contents, Researching and Analyzing Legislation: A manual for members of the Parliament of Ghana and the Parliamentary staff,1999).*

This bill drafting manual was aimed at two objectives: (1) background information for a member training and (2) establishing a set of standards for members interested in private drafts, but unsure how to have them prepared and skeptical of empowering staff to do so.

What questions should be asked when training staff?

- ☐ How does staff training fit into the overall program?
- ☐ What is the mix of "permanent" nonpartisan civil service type staff as compared with the "political" staff that work for individual members or party caucuses.
- ☐ Have staff members who could make good use of training been identified?
- ☐ Does the training program include ways to ensure implementation of staff training? Can the training be sustained?
- ☐ Are there members interested in a parliamentary bill drafting capability and, if so, have staff been identified who might be trained to draft bills?

Section 10

Institutional Assistance: Libraries and Publications and Promoting Transparency

In this section, three kinds of programs geared towards the development of the institution's facilities or services are discussed: (1) helping create or enhance a legislative library; (2) publishing documents, such as directories of members and "how a bill becomes a law" brochures; and (3) promoting transparency.

Why engage in developing institutional resources?

As with a trained staff, the legislative library and some of the legislative publications will last longer than the results of any particular election. Thus, the program may have lasting benefits. There are other reasons to be involved. The library should be a focus of information for an independent parliament. And it can provide access to information that is critical for trained staff.

The institution's transparency is enhanced when it publishes information about its operations, such as a pamphlet on how a bill becomes a law and a directory of its members and their contact information. With this education function, the public can better understand the process and how they might influence it. These sorts of informational materials also contribute to legitimizing the institution in the eyes of the people who may have been suspicious of the legislature as an independent body or who may have never considered the legislature to be of much importance.

In addition, public confidence in the legislature is enhanced by opening the institution's operations to public scrutiny. Transparency is a prerequisite to accountability. Unless the public knows what the legislature is doing, it cannot participate in the legislative process and hold the members accountable.

Institutional development activities may be the best use of resources at times when other programs are not feasible because of election cycles or other factors that make member training unwise. Still, such activities should not replace a political program because they do not necessarily foster democratic reform and they only indirectly increase the capacity of politicians to make the institution better.

When is a library project appropriate?

Legislative leaders may look to donor agencies to develop or improve the institution's facilities, such as its library. These projects involve training, but the primary focus may be on purchasing books or equipment, building or remodeling a facility, and hiring staff to operate it. They have been undertaken in Ghana, Guyana, and Namibia and are in the planning stage in Malawi and South Africa.

An effective parliament must have access to information. One way to insure that its information is objective and that the information providers are responsive may be for the parliament to have its own well-stocked and well-staffed library. But a national or university library can serve much of the legislature's needs if a good relationship is established.

In the case of Guyana, the library project was in response to a specific request of the Guyanese to provide such assistance *(see Case Study)*. The project cost about $100,000, including $25,000 for books. Namibia provides an example of a less costly program of library support. The approach there was to place emphasis on Internet access and user training as an alternative to purchase of a large resource collection.

Be careful. Some libraries have been provided with books and equipment but are not adequately staffed. Others have been equipped with computers without the expertise to make them functional. The parliament may be happy to accept books but has no real interest in hiring the staff to develop an effective reference capability. Remember that a legislative library's biggest users will probably be the research service. Consider whether the research office has adequate staff to make proper use of the library.

A library is not the only way to build an information capacity for the legislature. For example, legislators gain much information from the public hearing process, particularly when experts and concerned citizens come together. This method provides an important additional benefit of strengthening the legislature's relationship with the electorate. So, consider information enhancement alternatives to library improvements.

Case Study: Legislative Library for Guyana

NDI has been involved in Guyana since 1992. In 1995, following the first credible elections in the country's history, NDI's program was expanded to include strengthening Parliament. NDI's assessment found that the Parliament had few staff and resources. Of the 30 staff, only two had legislative experience and almost all institutional knowledge lay with the highly respected clerk who had served for 40 years.

NDI determined that the initial project would be to strengthen the institution's resources by developing the legislative library. This project, concluded the assessment, would provide the Parliament with a much-needed resource, and plant a seed for further projects. NDI decided to work through the nonpartisan clerk, rather than the legislative leadership, because of his knowledge, prestige, and objective credentials.

Before the project, the library was limited to an attic of materials with which only the clerk was familiar. NDI brought in two specialists, one from the Caribbean and one from the Library of Congress, to train staff and oversee the project. The Caribbean consultant fostered a regional link, important to Guyana which sees itself as part of that region in an historical and political context.

Next, NDI created a planning committee including other donor agencies, such as USAID which was developing a Supreme Court library for the country, and local parties. This planning committee helped establish cooperative links at the local and regional level. To inform members and other potential users, a newsletter was established to keep them informed of the progress.

The library project (1) created good will for NDI because members recognized the service and began asking for other help; (2) enhanced public access to the Parliament because it is open to the public; and (3) gave members opportunities to become more professional through use of the new resources.

Lessons Learned

- Conduct a needs assessment, using library and information technology experts, before commencing any project of this size. In this case, the assessment was through the planning committee and the cooperative links they created at the local and regional level.
- Make certain that all legislators will have equal and unfettered access to the resources in a project such as library development.
- Projects must be sustainable. Have a strategy to gain the legislature's commitment to hiring and retaining staff to run it. In this case the project was not sustainable over the long term because it did not include funds for a librarian and there was no on-site computer capacity.
- Training is critical. Staff must have the necessary training to make the service effective and efficient.

Why get involved with publishing documents?

Most newly democratic legislatures lack publications about their operations. Such publications can serve a vital function of informing the public about the legislature's organization and activities. Informing the public is the most basic step in a legislature becoming more transparent and implicitly communicates the legislature's commitment to the public.

Brochures take on a symbolic importance. In South Africa, simple parliamentary publications explaining the role of the institution were seen by average citizens as a remarkable departure from pre-apartheid days when the public was not deemed of sufficient importance to merit attention. In Malawi, such a pamphlet, produced in conjunction with the parliament, provides basic information that is particularly helpful to groups, such as NGOs, that are learning to follow and become part of the process *(see Appendix Q, Malawi Parliament: The People's Voice, brochure published by NDI and the Parliament of Malawi).*

Directories of members can be useful for the local media, NGOs, and the general populace. Particularly useful are those that provide the name, background, picture, and other information on legislators. They can be prepared in conjunction with NGOs or with the parliament itself. As a note of caution, the Namibian experience found that the process of producing such a document with uniform pictures and biographies was labor intensive and time consuming. To hold down the printing cost, consider offering the brochures and directories to newspapers for publication *(see Appendix R, introduction and table of contents to the Namibian Parliamentary Directory, 1996/97).*

What can be done to advance legislative transparency?

In the legislative context, transparency refers to parliament's accessibility to the public. It is widely accepted that a legislature should operate in full view of the public; yet, no institution is completely open. The U.S. Congress, for example, adopts a budget in which certain appropriations are hidden for national security reasons. In some democracies, committees meet behind closed doors. Nonetheless, the standard for a democratic legislature is a high degree of openness.

Working with the institution's leadership, much can be done to institutionalize transparent procedures and practices. Some issues of transparency, such as recording votes, are governed by the rules of procedure; others, like public access to plenary, may be informally arranged. The checklist[3] of legislative transparency includes such questions as:

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[3]This list, and comparative charts containing information about North American and European legislatures, is found in *In the Public Eye: Parliamentary Transparency in Europe and North America*, edited by Edwin Rekosh, International Human Rights Law Group (1995).

- Is there an official source that provides draft bills to the public?
- Are votes recorded and made public?
- Can the public observe plenary session debates?
- Is there a public record of plenary session debates?
- Are committee meetings and hearings open to the public?

One way to assist reformers in advancing the issue is to provide comparative information that sets forth the democratic norms. The legal procedures committee of the Palestinian Legislative Council drafted the Council's first Standing Orders. The committee was told that 18 out of 20 democratic legislatures held open committee meetings or allowed the committees to decide whether to deliberate in public. It used this information and changed its draft rules so that the committees, and not the Council, had the power to decide whether to hold open meetings. (See NDI *Committees* paper, discussed on page 28.)

Another approach is to assist the leadership with organizing a system that facilitates public access to plenary sessions. The Georgian legislature became much more "public friendly" when it set up an orientation booth in the lobby of the parliament to welcome and process visitors, replacing a person who sat at the front doors with the apparent purpose of keeping the public out.

As with all endeavors, promoting public access to the legislature is a project that requires creative thinking, the identification of opportunities, and the mobilization of appropriate resources and allies.

What questions should be asked concerning library, publication, or transparency projects?

☐ Who is going to use the library or a brochure? How will its use be measured?

☐ Does the library or the publication make the legislature more independent or more democratic?

☐ What can be done to promote the legislature's transparency?

☐ How will the institutional developments be sustained over the long run?

Section 11

Institutional Assistance: Information Technology

How does computer assistance help developing democracies promote, strengthen, and maintain democratic institutions? There is, of course, no necessary correlation between democracy and efficiency. But an inefficient and ineffective institution cannot advance a democratic transition.

Parliaments can use information technology to keep better records, improve management of their proceedings, establish communications with constituents, promote intergovernmental relations, and allow members and staff easier access to information. But be cautious lest the parliament become dependent on the program and have no plan for assuming computer administration and maintenance.

What services can be offered?

Information technology services can be categorized in three areas: (1) consultations and assessments; (2) training; and (3) project development.

- Consultations and assessments are "safe" services. This involves telling the legislature how to get started when it does not know how. Then, step away. This way advice is offered with no long-term commitment or expenditure.

- Training can range from how to move the mouse to the use of information technology for streamlining the legislative process. Basic skills training, such as typing, should be farmed out.

- Project development, such as developing parliamentary computer networks, is a large undertaking. Unless carefully planned, it can result in an expectation of support for the program beyond the agreed upon time frame. Before becoming involved in creating databases and other such projects, have a clear understanding with the parliament of its role and responsibility for securing staff and funding.

Information technology can play an important role in democratic development. It helps the legislature solve problems, such as efficiently processing materials, and thus function better. In Guyana, for example, work to automate Hansard production, should result in more rapid preparation and distribution of the document.

Information technology can better disseminate information and thus make the institution more transparent. In Bulgaria, bill summaries can now be transmitted through the computer system to rural areas, thus improving their availability.

Information technology can help with oversight. Namibian legislators are eager to develop an oversight capacity, and computers will make a major contribution to their ability to analyze the executive budget.

Be careful not to get too far ahead of the country. In Nepal, for example, only 35 percent of the people are literate, so sophisticated information technology has little relevance. Don't automate inefficiencies. Make sure there is a thorough review of information processes and needs before pursuing a project. Developing countries, in particular, face a problem of computer staff being in great demand. As soon as they are hired and trained for the parliament they may be snatched away and then new staff must be hired and trained. So, get parliament's commitment to provide incentives to keep computer staff before starting a training program.

Information technology may be an area in which to work effectively with NGOs and other donor agencies. They can provide the equipment and the training. Field staff, in turn, can give advice and assistance in effective use of the technology.

Be cautious about some things. Make sure the parliament is committed to sustaining any information technology program. Be careful with databases and websites. Databases are doomed to fail unless there is a maintenance plan. They are usually created for a specific project with a lack of consideration of the process. As a result they usually don't last more than six months. If the parliament is interested in a database, prepare a paper system first and see if they can keep it current and have the motivation and skills to sustain it.

Websites, like databases, are a maintenance headache. They are quickly out of date and require updating. When possible, farm the work out to local vendors. Buy hardware and software locally. It may cost more initially, but local support for maintenance and repair is essential.

Is there a role for limited information technology assistance?

Information technology is not just buying computers. In fact, avoid buying computers. Instead, emphasize melding information technology knowledge with legislative experience. Make use of the unique knowledge of a legislature's policy needs and the technical know how of an information technology expert.

In South Africa, the in-country staff person responsible for the legislative development program brings the information technology expert to meetings concerning the parliament's system. They work together to translate the legislature's needs into appropriate language that helps the staff person understand technical terms and the expert to directly respond to the parliament's technical staff (*see Case Study*).

Case Study: Computer Assistance in the Southern Africa Region

NDI's information technology involvement in the Southern Africa region began with the Namibian Parliament. Here, NDI provided the staff with the infrastructure, including computers, and trained the research staff in use of the Internet. More specialized assistance has included development of brochures and newsletters. From an attachment in an American state legislature, staff brought back ideas for improved production of the Hansard and systematic tracking of committee activities.

In South Africa, information technology efforts have involved work with the national and provincial legislatures. One of NDI's major efforts has been to help the National Council of Provinces (NCOP) create NCOP *Online*!, an Internet-based data management and communication system. The project united a variety of international public and private interests in a close and mutually beneficial partnership.

NDI managed and oversaw the design and implementation of the project. Funding was made available by NDI through its private funds and its current grant from USAID. Microsoft South Africa donated computer software. The NCOP provided funding and designated staff to manage and run the system. This joint effort has underpinned the success of the initiative.

NCOP *Online*! integrates worldwide web, electronic mail, fax broadcasting, and other technologies to link Parliament to the nine provincial legislatures and local government associations. Bills, government reports, and public submissions are sent within eight minutes from Parliament across the country through a pro-active messaging system and website. At the same time, all information is simultaneously available to members of the public who subscribe to the messaging service, or to those who check the website.

Since the launch of NCOP *Online*! in October 1999, the response has been positive, with more than 200 organizations and individuals signing up for free subscription. Staff members from provincial legislatures and the NCOP have also reported that members are better informed and that Parliament has saved money. Just two weeks after the launch of NCOP *Online*!, a resident of Johannesburg made the first on-line submission on a pending education bill.

The Malawi project involves all levels of information technology support. Here it was critical to gain the support of the Parliament before proceeding. First, NDI assessed the legislature's needs to include hiring and retaining information technology staff. With that commitment, NDI agreed to purchase computers and the materials for staff training. All training will be in-house or farmed out to local venders.

Lessons Learned

- Projects must be sustainable. Get the legislature's commitment to hire staff and maintain the equipment over the long term. The NCOP *Online*! project provides a good example of the parliament taking over management.
- Training is important. Make sure users have the basic skills for the equipment.
- Keep good data on the use of the system. This helps justify the expenditure and gives a basis for determining what improvements may be needed.

What questions should be asked about information technology projects?

- ☐ Does the program include provision for an information technology expert who would provide a solid assessment of the parliament's computer needs?
- ☐ Is there a defined and limited role for the assistance?
- ☐ Is the parliament committed to an information technology program? Has it agreed to continue computer support?
- ☐ Is there an exit strategy? Who will maintain and upgrade the computer system in the absence of in-country information technology staff?

Conclusion

The goal of legislative development programs is to foster representative, transparent, competent, and accountable legislatures. The goal of this Guidebook is to provide in-country staff with some ideas as to how to accomplish this ambitious goal. Here is some advice for consideration.

Communicate

Meet with the legislative leaders. Meet with other people working in the country. Meet with observers of the parliament. Meet with colleagues working on similar programs in other countries.

Work on listening skills so that these people's observations are not filtered through preconceived ideas. Keep a note pad and pen handy at all times to write down their suggestions. Don't hesitate to ask for further clarification. Try the "I'm thinking about....what do you think" approach. The person may be pleased that you are seeking his or her opinion, may help develop an idea, or may ward off a bad idea.

Learn who to trust. Use good judgment when meeting with people. Recognize that they may not be objective. After all, members of parliament, NGO representatives, and others are advocates. Take advantage of their advocacy and carefully place their proposals in context. Try out their ideas on others, while maintaining confidentiality when appropriate.

Involve

Get the actors involved in the program. Work with the legislative leaders and staff so that they become partners. Help them realize that the program is for them and that they will benefit by becoming active participants.

When meeting with the legislative leaders and listening to their program suggestions, think how legislators might become part of the program. Maybe a leader could open a session. Maybe the Speaker could urge other legislators to attend a program. Maybe the leaders could become active participants in a workshop or study mission.

Remember that staff members often exert quiet influence behind the scenes. They may be seeking a greater role in the legislative process and a legislative development program may dovetail nicely with their ambitions. Their involvement in the program may increase the professionalism of the parliament.

Learn

Any legislative strengthening program can expect some successes as well as some ideas that just do not work out as planned. More critical than what works and what does not work is learning from the experience. Build on achievements. Correspondingly, if a training effort was not a success, determine why and how it should be modified or replaced.

The case studies in this Guidebook include "lessons learned." Here, colleagues have observed what worked well and not so well. Learn from their experiences. Share your successes and failures with your colleagues. Nobody expects perfection from a legislative development program.

Set up a good evaluation system right away. Only with an objective evaluation can one really learn if the program is working. Consider a mid-point evaluation so that the program can be adjusted, if need be, before it is too late.

Try a variety of approaches to learn of the value of seminars and study missions. Carefully prepare evaluation forms to elicit frank responses and suggestions for future programs. Interview key participants and learn how they have put information from the training to work in their legislative activities.

Sustain

Consider the short- and long-term benefits of training and technical assistance programs. How will they be continued? Are there advocates in the parliament who will press for change? Part of the planning for any effort should include how it will be sustained.

All legislative strengthening programs are for a limited duration. Consider who will take over a legislative orientation program. Consider whether training in bill drafting is the best use of resources if no requests for such drafts are in the offing. Consider whether work to help a committee become active will result in it serving as a model for others.

The goal of a legislative development program is to make a contribution to the development of a representative, transparent, competent, and accountable legislature. This goal is for the short and long run and results from cumulating efforts over time. Encouragement, in the form of practical, substantive and moral support to the elected members and the staff of legislatures, is a vital part of that transition.

Appendix A

A 2-page description of
NDI's legislative development programs
as of 2000

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NDI Programs to Strengthen Newly Democratizing Legislatures

The National Democratic Institute for International Affairs is conducting a broad range of programs to strengthen emerging, democratic legislatures throughout the world. While variations in constitutional and electoral systems provide different foundations for legislatures, NDI's programs are designed to suit local political and legal situations.

NDI's programs provide technical assistance to support the development of representative, accountable and transparent legislatures that are responsive to the electorate, participate in the drafting of legislation and oversee the executive branch. Invariably, NDI conducts legislative development programs that attempt to "level the playing field" in countries that have recently experienced democratic elections but have a legacy of executive branch rule.

NDI's legislative strengthening projects are generally implemented by in-country expert staff who provide ongoing advice and information on democratic legislative practices to legislative leaders. The projects include periodic workshops at which legislators from other, relevant systems lead discussions and share information on topics of concern to in-country legislators.

Technical Assistance to Members

While NDI designs its programs to address the specific needs of a given legislature, developing legislatures often face similar developmental hurdles. NDI provides technical assistance to legislators on a range of topics such as:

- committees;
- constituency relations;
- executive-legislative relations;
- legislative drafting;
- party caucus organization; and
- rules of procedure.

NDI has also conducted general orientation programs for newly-elected legislators.

Assistance with Legal Reform

NDI also assists legislators to participate effectively in the development of laws central to democratic transitions. Thus, for example, if the legislature is reviewing a draft election law, or a draft law that regulates public access to government information, the Institute has assisted with the development of a process that ensures public consultation and debate.

This assistance - usually implemented in partnership with the relevant legislative committee - has included the solicitation of expert opinion from around the world about relevant democratic norms. NDI's goal is to provide a menu of democratic options and to demonstrate generically how laws can be made -- how expert research, political objectives and the public interest are reconciled in the context of important structural issues.

In this manner, NDI has assisted in the development not only of election and access to information laws, but also to the adoption of ethics rules (imposing financial disclosure requirements on elected and appointed officials) and constitutions.

Institutional Assistance

NDI legislative programs also aim at strengthening the institution per se. These programs include training legislative staff, improving research facilities, assisting the legislature in developing materials to educate the public (such as member directories or a pamphlet on "how a bill becomes a law"), and helping to modernize the institution's information technology.

NDI's Legislative Research Series

Since 1996, NDI has been publishing a Legislative Research Series - a series of papers designed to provide legislators in developing democracies with comparative information about legislative practices and democratic norms. These papers provide urgently needed and up-to-date information from legislatures around the world about practical questions of importance to legislators in new or newly democratic legislative bodies.

To date, the Institute has published four papers: *Presiding Officers: Speakers and Presidents of Legislatures* compares the characteristics and functions of the speaker in various legislative systems in the context of three models, Westminster U.S. Congress and the French Bureau. *Committees in Legislatures: A Division of Labor* explores the structure and function of legislative committees. It includes charts with detailed information on specific committee-related issues collected from 20 legislatures around the world. *One Chamber or Two? Deciding Between a Unicameral or Bicameral Legislature* reviews the attributes of bicameral and unicameral legislatures, their differences and the benefits and repercussions of implementing either model, using examples and case studies from 18 countries. Published in 1999, *Ethics in Legislatures: A Comparative Analysis*, outlines the key issues of legislative ethics, including codes of conduct, ethics rules and financial disclosure mechanisms, and institutional designs of education and enforcement systems. It compares ethics rules for legislators in 20 countries, with detailed description of rules and laws in 20 pages of comprehensive tables.

In the beginning of 2000, NDI is conducting legislative programs in: Angola, Bangladesh, Bosnia and Republica Srpska, Georgia, Ghana, Guyana, Indonesia, Kyrgyzstan, Macedonia, Malawi, Montenegro, Morocco, Namibia, Nepal, Nigeria, Romania, Russia, Slovakia, South Africa, Turkey, Ukraine and Yemen. For further information, please contact Susan R. Benda, Director of Governance Programs or Lisa Clarke, Governance Program Officer.

Appendix B

NDI's outline for a baseline assessment of a legislature (to inform program design)

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Working to strengthen and expand democracy worldwide

OUTLINE FOR A BASELINE ASSESSMENT OF A LEGISLATURE

The outline below sets forth areas and aspects of a legislature that should be investigated and analyzed in a report to inform the design of an NDI legislative program.

I. The Power of the Legislature (vis-à-vis the Executive and the Judiciary)

A. Constitutional Authority: Non-legislative Functions

1. Does the legislature vote to appoint/approve/confirm members of the cabinet? Does it have the authority to dismiss or censure (reprimand) cabinet members and/or the entire cabinet?
2. Does the Constitution give the legislature the authority to convene its sessions or is this a power of the executive branch?
3. Does the legislature have the power to appoint members to constitutional and other courts?
4. Must or can ministers be drawn from the membership of the legislature?
5. Under what circumstances, if any, can the president or prime minister dissolve the legislature?

B. Constitutional Authority: Legislative Powers

1. Can the legislature override a presidential veto? If so, by what percentage vote?
2. What is the legislature's role in the budget process? Can it amend the executive's budget? Reduce and/or increase expenditures and/or taxes?
3. Can the president rule by decree (if so, under what circumstances?)
4. Who determines the legislature's budget?
5. Is the legislature budget shaping (like in the US) and/or budget amending (like in Germany, and/or budget approving (like in the UK)?

C. Structure of the legislature

1. How many chambers are there and what are they called?

2. What are the key functions of each chamber (and limitations of each)?
3. How are differences in bills adopted by each chamber resolved
4. Who do the members of each chamber represent? How are they elected/appointed/selected and what are their terms?

II. The Legislative Function:

A. Organization of Chamber(s)
1. Infrastructure
a. Building/premises (adequate space, offices for MPs or parties, accessible to public)
b. Staffing and research/library: How many staff persons work for parliament? (positions, training; ability to research issues and draft legislation; additional party/political staff?)
c. Are the internal communication systems, such as computers, voting/transcribing/printing systems adequate?
d. Leadership (what is role and power of speaker – is he partisan or impartial; is he assisted by deputies and/or whips? Do minority parties have formal leadership?)
e. Is there a body that functions like a presidium, steering committee, "council of elders," etc.? If so, what are its formal and actual powers?

B. Legislative Schedule/Calendar
1. Duration of sessions (when and for how long; who decides)
2. Committee and plenary meetings at different times?
3. How is the daily/weekly schedule for plenary sessions determined, in theory and in practice?
4. Other issues? (see "plenary" below for detailed information about schedule of debate, etc.)

C. Legislative Process
1. Legislation
a. Public and private bills (number of each)?
b. How are bills drafted, introduced and considered? Who has the right of legislative initiative? How often do individual members introduce bills? How often are their bills considered? When the executive drafts bills, is there consultation with MPs? If so, who, when, how?
c. Are draft bills available? (to MPs, public, press)

2. Budget Process
    a. Is there a coherent legal and administrative framework for the budget process (for example, a budget law) which sets forth the role of the legislature, and the responsibilities of the executive vis-à-vis the legislature?
    b. Is relevant fiscal and budgetary information available to the public?
    c. Is the budget preparation, execution and reporting open?
    d. Are there independent assurances of integrity, such as a national audit body, or equivalent organization appointed by the legislature with the responsibility of providing timely reports to the legislature and public on the financial integrity of government accounts?
    e. Does the legislature have an independent research capacity on budgetary issues?
3. Plenary
    a. How is debate organized?
        What is mechanism for determining who has floor, whether amendments are permitted, who speaks for how long on a particular bill?
    b. Are plenary rules clear and followed?
    c. Does the presiding officer typically act in a fair, partisan or arbitrary manner? Are there often problems in preserving decorum and avoiding personal attacks in debate?
    d. What decisions, if any, require more than a simple majority vote?
    e. Can citizens/press attend plenary debate?
    f. Is a record kept of plenary debates (available on timely basis)?
    g. How are votes cast/recorded?
    h. Is plenary consideration usually substantive or cursory?
4. Committees
    a. How many committees? Number of members on each?
    b. Types of committees – select, standing, ad hoc?
    c. How often do committees meet? Who decides when a committee meets and for what purpose?
    d. How is membership determined? Are ministers members? How are chairpersons selected?
    e. Role of committee in legislative process (necessary stage)?
    f. Are committee meetings open to the public?
    g. Do committees hold public hearings at which outside experts and/or government officials testify?

h. Can committees require attendance of government personnel and/or papers?
i. Do committees issue reports (what kind)?

5. Efficiency
   a. Are plenary sessions run efficiently? How long does the average issue normally take for consideration
   b. If the plenaries are inefficient, does it make sense to delegate additional matters to the committees?
   c. If there is an efficiency problem, what problems and/or solutions do legislators provide?

D. Profile of Legislators
1. Professional background/qualifications/age/gender
2. Percentage from prior one-party systems? Average length of term?
3. Training
   a. Does the institution provide an orientation program for new members?
   b. Is there any on-going training and/or staff support for learning how to read legislation, follow the legislative process, etc.
4. What is the turnover rate? (What percentage of incumbents were re-elected in the previous election(s)?)

E. Role of Parties
1. Describe party leadership structure within parliamentary parties (are there whips? Formal positions recognized by the institution? Staff for party leaders?)
2. How are party groups formed? Is there a minimum number of members needed to form a party group?
3. What powers or benefits are accorded to formally organized party groups? What is the status of the independents?
4. Is party discipline strictly enforced? If so, how? If not, is this seen as problematic?
5. Do parties have caucuses that meet and coordinate strategy?
6. What are the rights of the opposition parties?
7. How do parties select candidates?
8. Do parties have structure outside the legislature, e.g. in the constituencies?
9. Do the Constitution, laws or rules permit, impede or prohibit party switching under some or all circumstances?

III. The Representative Function

A. Electoral System
1. Relationship with geographic area: extent to which MPs are elected by region and/or otherwise have ties to a region or geographic area

2. Is there a threshold percentage for a party to hold seats?

B. Institutional System

1. Schedule (does the legislative schedule permit time with constituency?)
2. Provision for District offices: are there funds or offices provided by parliament? The parties?
3. Travel: is it difficult: Is it possible? Are funds provided by either the parliament or the parties?
4. Does the institution provide telephones, postage and other supplies?
5. Do members or parties have staff representation in districts and regions?

C. Political Culture/Practice

1. Do MPs feel that they represent an electorate from a geographic region and/or do they believe it is important to communicate with them?
2. Do MPs believe they have a primary loyalty to parties and not to the electorate and/or do they believe that their constituency is their parties' supporters, regardless of geographic location?
3. Do MPs communicate with a constituency? If so, how?
4. Are MPs interested in developing mechanisms for communicating with a constituency?
5. Do MPs believe that they have a right or responsibility to act as an ombudsman for their constituents (i.e. to assist their constituents with problems that they have with the government/administration)? If so, how much time/effort to they devote to this?
6. What do MPs believe is the most pressing problem(s) confronting the legislature?
7. Are there other, traditional forms of governing authority (e.g. tribal), and if so, how do the legislators relate to those authorities?

D. Intermediaries

1. Media: what forms of media cover the legislature – it is televised, on radio is there special access to plenary/committees/draft laws for press? What restrictions are there on freedom of the press?
2. NGOs: are there NGOs that follow the legislative process and communicate on issues with citizens? Do they lobby the ministries and/or the legislature? If so, what are their techniques?
3. What is the public's view of the legislature? (is ethics/corruption an issue; is legislature viewed as freely and fairly elected; is it viewed as relevant and/or important)

IV. Quantitative and Qualitative Assessment

A. The Legislative/Policy Function

1. How many bills adopted per session (or last session)?
2. Are bills amended after introduction? If so, is that done in committee or plenary? Have amendments that the government opposed been adopted?
3. To what extent is the legislature a functioning institution that has an impact on the policy-making process?

B. The Representative Function

1. To what extent does the legislature operate in a democratic manner by following set rules of procedure (standing orders); do these rules secure some rights to the opposition/minority?
2. To what extent is the legislature composed of individuals who believe themselves to be, and act as, representatives of the electorate?
3. To what extent do the media, NGOs and citizens have access to and contact with the legislature and what do they believe to be the critical issues for reform?

C. Areas for Programming

1. What areas are most pressing for reform?
2. In what areas do legislators believe they need assistance?

Appendix C

Excerpts from a 72-page assessment of the
Palestinian Legislative Council
written by NDI in May 1996

A REPORT ON THE FIRST MONTHS OF THE PALESTINIAN LEGISLATIVE COUNCIL

MAY 1996

Written by: Susan R. Benda and Kevin Johnson, with assistance from Thomas O. Melia

Under contract with the United States Agency for International Development; West Bank and Gaza

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NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

The National Democratic Institute for International Affairs (NDI) was established in 1983. By working with political parties, civic organizations, parliaments and other institutions, NDI seeks to promote, maintain and strengthen democratic institutions in new and emerging democracies. The Institute is headquartered in Washington, D.C. and has a staff of 175 with field offices in Africa, Asia, Eastern Europe, Latin America and the Caribbean, the Middle East and the former Soviet Union.

NDI has supported the development of democratic institutions in more than 60 countries. Programs focus on six major areas: political party training; election processes; strengthening legislatures; local government; civic organization; and civil-military relations.

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INTRODUCTION

On January 20, 1996, Palestinian residents of the West Bank, East Jerusalem and the Gaza Strip elected an 88-member Palestinian Council and the Ra'ees of the Executive Authority of the Palestinian Interim Self-Government Authority, who is also the 89th member of the Council.[1] The election of the Council represents a significant initial achievement of the Palestinian-Israeli peace process as well as an important step toward democratic Palestinian government. Under the terms of the September 28, 1995 Interim Agreement between Israel and the Palestinian Liberation Organization, the Council will exercise limited legislative authority over portions of the West Bank and Gaza Strip for an interim period not extending beyond May 4, 1999. The Council is the first popularly-elected body to represent the Palestinians of the West Bank and Gaza; several Council members stated that they hope it will be the first democratic legislative body in the Arab World.

The National Democratic Institute for International Affairs ("NDI") conducted an assessment of the PLC during March and April 1996 under a contract with the United States Agency for International Development. NDI's objective was to obtain a "snapshot" of the PLC in its opening weeks, in large measure by meeting with Council members to ascertain their views of the obstacles and opportunities faced by the Council and the individual members. NDI also set out to assess the weakness and strengths of the nascent institution, to gather information about the Council's technical assistance and infrastructure needs and the plans of various donor agencies.[2]

From March 7 to 20, NDI's assessment team met with 22 members of the Council as well as with journalists, civic leaders, academics, and representatives of donor organizations. NDI representatives subsequently met with seven additional Council members, met additional times with some key members and attended most of the Council's plenary sessions through April 25. In response to requests from individual members of the Council ("MCs"), the assessment team also provided information and consultations to assist the Council's March 7 to March 21 review of the draft Standing Orders.

The assessment team was led by the Honorable Ross Reid, a former Member of the Canadian Parliament (1988-1993) and former Minister of Fisheries and Oceans in the Canadian government (1993-1994). Mr. Reid directed NDI's parliamentary program in Ukraine (1994-1995) and since that time has served as a full time advisor to NDI's programs with legislatures in several states of the former Soviet Union and elsewhere. Susan R. Benda, NDI's Senior Program Officer for Governance Programs also participated in the assessment. Ms. Benda, a lawyer with substantial legislative experience as a lobbyist for the American Civil Liberties Union and the private sector, coordinates NDI legislative programs and directs the Institute's comparative

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[1] The Interim Agreement uses the word "Council" to refer both to a governing body that includes legislative, judicial and executive functions and to the legislative part of that body. To avoid confusion, this report will use the term "Palestinian Interim Self Government Authority" or "PISGA" or "Interim Authority" to refer to the governing body as a whole and "Palestinian Legislative Council" (or "PLC" or "Council") to refer to the legislative branch.

[2] One section of this report, on donor assistance for the PLC, was confidentially submitted to the Agency for International Development, West Bank and Gaza, and does not appear in this version.

research on legislative practices around the world. The third member of the assessment team, NDI Senior Program Officer Kevin Johnson, is the Chief of Mission of NDI's West Bank and Gaza programs and directed NDI's international observation program for the Palestinian elections. (See Appendix A, NDI Delegation Biographies and List of NDI Meetings with Council Members and Summary of NDI Programs in the West Bank and Gaza Strip.)

The assessment mission was supported by NDI's West Bank and Gaza staff, Reema Abu-Hamdia and Bassam Nasser, respectively, and NDI's Democratic Governance team in Washington.

I. EXECUTIVE SUMMARY

Outlined below are the mission's principal findings:

A. The Role and Independence of the Council

1. The Council begins its work facing several significant limitations. The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (Washington, September 28, 1995) ("Interim Agreement," "the Agreement," or "Oslo II Agreement") prevents the Council from legislating on final status negotiations issues. Israeli control over West Bank and Gaza borders limits the Council's ability to address day-to-day Palestinian needs. The Palestinian Authority ("PA" or "the Authority") and its leader, Yasser Arafat, may be reluctant to share decision-making with the Council. Despite these obstacles, Council members say they are committed to establishing a viable, independent legislative body. The opening sessions of the Council have demonstrated this commitment, as the members have moved quickly to assert their institutional independence and to establish democratic legislative procedures that can provide the basis for an effective legislature.

2. Fateh, Yasser Arafat's broad political movement which controls the Palestinian Authority bureaucracy and security forces, enjoys a substantial majority in the Council. Approximately 64 of the 88 Council members are Fateh affiliated. The Fateh majority, however, has not developed into a cohesive voting block aligned with the Authority. In the opening sessions, Fateh members have voted against Arafat's proposals and argued against him on the floor. Independent Council members have emerged as important voices and have been elected to chair four of the eleven committees.

3. There is some concern that Yasser Arafat will turn to the quasi-statal institutions of Palestine Liberation Organization ("PLO"), such as the Palestinian National Council and the PLO Executive Committee, which predate the Council, in order to diminish the power of the Council. The Council's second session raised important questions about the relationship between the Council, which has an electoral mandate but only represents the residents of the West Bank and Gaza, and PLO institutions, which are not based on elections but nominally represent Palestinians inside and outside of the territories. During the March 21 session, the Council accepted that PLO Executive Committee members can participate in the Council's plenary debates although they

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cannot vote on Council decisions. But they rejected Arafat's proposed assertion that the Council is part of Palestinian National Council ("PNC"), and therefore bound by its regulations.

4. To date, political affiliation has not played a determining role in the Council. Council members appear to be taking positions based on their individual beliefs. At the same time, political factions within the Council do not appear to have organized coherent positions or strategies. It is possible that political affiliation may become more important as the Council shifts from establishing its procedures to considering legislation. Some members spoke of new groups that may emerge in the future. For example, some younger Fateh members say that they may form a new group that may include Independents; also, several Islamist members may combine to form a group.

5. Relations between members and constituents appear at this point to be significantly more developed than in many other new legislatures. Members strongly believe that the fact that they were elected provides them with a legitimacy and a power base that is unprecedented in Palestinian and Arab politics. Members appear to regard responding to their constituent's needs as an important part of their responsibility. At the same time, many members hope that active constituents mobilized in support of democratic issues will strengthen the independence of the Council. Some members have begun to set up constituency offices, often in coordination with other members from the same constituency. Many are engaged in responding to constituents' concerns, particularly in relation to arrests by Palestinian security forces.

6. Israeli government restrictions on travel between Gaza and the West Bank are a critical problem facing the Council. Although Council plenary sessions have taken place on schedule, many members have experienced long delays and some harassment as they travel between the West Bank and Gaza. Travel restrictions also delayed the first round of committee meetings and hindered committee consideration of the draft Standing Orders. As the committees meet more regularly, and until members receive VIP passes or other assurances from the Israeli government that they can travel freely, travel logistics will continue to complicate the work of the Council.

B. Establishment of Legislative Systems

1. The Council has taken several steps toward establishing its internal mechanisms. It has elected its leadership, reviewed and adopted Standing Orders, formed committees and elected committee officers. For the most part, this process has taken place without incident. A significant exception is that the Council disregarded the newly-adopted Standing Orders during the formation of committees. (It is primarily the responsibility of the Speaker to ensure that the Sanding Orders are adhered to, although every Council member has the right to raise a point of order to object that a rule is being violated.)

2. The review and ratification of the Basic Law is a critical next step. Until the Basic Law is adopted, important questions concerning the power of the institution remain unresolved, and consideration of draft legislation may be postponed. The draft Basic Law debate will include

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discussion of the powers of the executive, including whether the Ra'ees[3] will have a veto power, whether the Council will have a role in the approval of judges and how the "secondary legislative powers" of the Ra'ees will be defined. (The fourth draft Basic Law was prepared by the Legal Committee of the Palestinian National Council and submitted to the PA's Ministry of Justice in December 1995, which published the draft in January 1996.)

3. Council members say that they are eager to begin work on legislation and oversight of the executive, and that a number of important draft laws are awaiting consideration. Priorities on the future legislative calendar may include laws pertaining to local government functions and elections, non governmental organizations ("NGOs"), and the operations of security forces. Members also say that it is important to establish a unified set of laws to replace the existing mixture of Egyptian, Jordanian, British, Ottoman, and Israeli laws.

C. Standing Orders

1. During consideration of the Standing Orders, members demonstrated their concern that the Council function according to democratic rules. The Justice Ministry draft of the Standing Orders was reviewed and substantially amended by the temporary Legal Committee, which received many suggestions from members outside of the committee, and then was further amended during floor debate. The final version of the Standing Orders includes several significant changes that potentially strengthen the role of the Council, including mandatory committee referral of draft bills and individual rather than collective approval of ministers.

2. Calendar and scheduling provisions in the Standing Orders, as amended, give the Council sufficient control over its own schedule. The Council will meet in two regular sessions from February to June and from September to December. Extraordinary sessions can be called by the Cabinet or by one quarter of the Council members.

3. Members are committed to a strong committee system. The Standing Orders provide the basic elements of a viable committee system, particularly following the amendment to the draft Standing Orders that makes committee consideration a mandatory stage in the legislative process. Each of the eleven committees has oversight responsibilities. In addition, the amended Standing Orders allow committees to decide to make their meetings open to the public.

4. Draft laws can be introduced by the Cabinet or by one or more Council member(s). Draft laws are first considered in committee and then in plenary. The question of whether a draft law adopted by the Council can be vetoed by the Ra'ees awaits the completion of the Basic Law.

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[3]The term "Ra'ees" is the agreed-upon term found in the English version of the Interim Agreement. In Arabic, "Ra'ees" (reportedly) means both the English word "chairman," proposed by the Israeli side and "president," proposed by the Palestinian side. Thus, the term "Ra'ees" is used throughout this report except for verbatim quotations from documents that use other terms.

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5. One unusual feature of the Standing Orders is that there is no provision for nominal votes; thus the Council normally will not record the votes of each member individually, by name. The absence of this provision will make it more difficult for the public to track the voting records of members. In addition, while the Standing Orders require that Council minutes be taken and published in a journal; as of May 1, however, no such minutes have been made publicly available.

6. To date, the Council has not been particularly rigorous in applying the Standing Orders, particularly in the context of plenary debate. Speaker Ahmad Qrie'h (Fateh, Jerusalem) has been challenged by some Council members for displaying favoritism in the way in which he calls on members to speak in plenary session.

D. Legislative-Executive Relations

1. Although the Interim Agreement does not provide for a clear division of power among different branches of government, Council members see themselves as part of an independent legislature that is separate from, and has authority to oversee, the executive branch. Adoption of the Basic Law should clarify the establishment of distinct and separate branches of government.

2. Council oversight of the Palestinian Authority is a top priority for many Council Members. Members say that the Council must gain control over the PA budget and must be able to respond to constituent concerns about PA human rights abuses. Most members concede that it will be difficult for the Council to develop these powers in practice, and many appear unfamiliar with the mechanisms necessary to implement oversight of the executive.

3. Many aspects of legislative-executive relations remain to be determined. The first stage will take place with the completion of the Basic Law. The relationship will be further defined by laws adopted, relationships developed and precedents set in the Council's first months.

4. In the Council sessions to date, heated arguments have taken place between Council members and Yasser Arafat. During these confrontations, Arafat has attempted to intimidate Council members. Council members have so far held their ground and have won some initial procedural battles. On March 21, the Council voted against swearing its oath to the Ra'ees and voted for individual approval of ministers. On April 10, the Council resisted an attempt by the Executive to lift the immunity of members who had criticized the PA.

E. Infrastructure

1. The Council has decided to meet in both the West Bank and in Gaza. The facilities in both locations are barely adequate for basic Council functions. The Gaza building has space for plenary meetings, for leadership offices and for some committee meetings. The Ramallah site is temporary and inadequate. At present there are no offices for members at either the central or constituency level, no permanent committee meeting rooms, and only very limited office space for Council staff. Neither Gaza nor Ramallah has sufficient gallery space to accommodate press and the public.

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2. The Council has begun hiring staff, notably the Director General, who is the top administrative official. It has developed an administrative and staffing plan, but is still significantly short of needed staff. The staff plan envisions hiring one clerk for each of the eleven committees. The Council intends to hire a core staff of approximately twenty by August.

3. The Council's ongoing costs, including members' salaries, staff salaries, maintenance and upkeep of facilities, publication of documents, etc., will have to be met from the budget of the PA. The Authority has not yet established a budget for the PLC, although as of April members had begun receiving salaries.

F. Transparency and Access

1. Although the Interim Agreement and the Standing Orders provide for open sessions and publication of minutes, at present information about the Council is very difficult to obtain. Council activities are given only superficial coverage in the Palestinian radio and television, which are PA controlled, or in the Palestinian press, which is intimidated by and deferential to the PA. Not all session have been open to the public, and when open, very few visitors can attend because of space limitations. A closed circuit television has been set up for the last few Ramallah sessions to allow journalists to follow the proceedings, an improvement over the arrangements at the first four sessions.

2. Many Palestinians are skeptical about what the Council can achieve. Given the virtual absence of press coverage of the Council's activities, Palestinians are unaware of the important steps toward institutional independence that the PLC has made.

3. Some Palestinian NGOs have begun working with the Council. The human rights organization Al-Haq consulted with members about the draft Standing Orders and intends to work with the Council on the revision of the criminal laws and other issues relevant to their concerns. The Palestinian Center for Peace and Democracy has developed a plan for constituency-level, town-meeting-style discussions with members. NDI's Civic Forum program has conducted approximately 200 discussion sessions on citizen-representative relations that have allowed Palestinians to discuss strategies for staying involved in the work of the Council. Civic Forum moderators and participants have also organized meetings with twelve Council members to date. On the whole, however, there is less NGO activity around the Council than might be expected given the extensive network of Palestinian NGOs.

II. THE POLITICAL CONTEXT

The Council will begin its work within a complex, multi-layered political environment. There are at least three distinct sets of factors that need to be considered in an assessment of the Council. These include the ongoing peace process, the institutional legacy of the Palestinian liberation movement and the Palestinian electorate.

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Appendix D

NDI benchmark of the Palestinian Legislative Council as of October 1996

Memo to the Files

To: Les, Sean, Olga, Arsala, Reema, Bassam, Susan, Interested Parties.

From: Myrna Phillips and Laura Abrahams

Re: Benchmark of the PLC

Date: As of October 1996

Background

The Palestinian Legislative Council (PLC, or Council) was elected on January 20, 1996, as the first-popularly elected body to represent the Palestinians of the West Bank and Gaza Strip. The PLC is composed of 89 Members--88 plus the *Ra'ees* of the Palestinian Interim Self-Governing Authority. Under the terms of the September 28, 1995 Interim Agreement between Israel and the Palestinian Liberation Organization, the PLC will exercise limited legislative authority over portions of the West Bank and Gaza Strip for an interim period not exceeding beyond May 4, 1999.

The PLC is empowered with adopting legislation within its jurisdiction, providing that it is consistent with the Declaration of Principles or the Interim Agreement. The Agreement has a quasi-constitutional status, as laws must conform with its provisions. However, there is no judicial system for enforcing the Agreement. Presumably, the parties to the Agreement will enforce its terms by political means, should either deem enforcement necessary.

The Council held its inaugural session on March 7, 1996, and has been meeting regularly since. **After seven months of existence, the Council continues to struggle to have a significant impact on the legislative process, a role in overseeing the activities of the executive, and a positive image with the public.**

This baseline assessment characterizes the operations of the PLC around the time of the

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beginning of NDI's current cooperative agreement (October, 1996), and draws on information gained in NDI's "Assessment of the First Months of the Palestinian Legislative Council" (May, 1996). NDI's continuous field presence since the initial assessment has enabled NDI staff to attend nearly all of the sessions of the PLC, as well as conduct ongoing consultations with Members.

NDI's current program with the PLC is a 16-month legislative development project funded by the United States Agency for International Development's West Bank and Gaza Mission, and is structured around the observations and information gathered during NDI's initial assessment of the PLC's operations. Areas of focus for workshops, consultations, and study missions to foreign legislatures, include: **the role of committees, plenary organization, legislative-executive relations, the budget process, public input, and legislative transparency.**

Powers of the Legislature

In the absence of a Basic Law, outlining the respective powers of the legislature, executive and the judiciary, the PLC continues to operate with limited and uncertain authority.

To date, a Basic Law (interim constitution) has not been passed. The Council spent the majority of its summer session debating various drafts, and submitted the first reading of a draft to the Executive in August 1996. As the Executive has not signed the Basic Law, the Council continues to operate without a constitutional framework.

Institutional Infrastructure

The Council's plenary facilities are inadequate, and there is a need to develop research facilities. Internal communication is only in the early stages of development.

The Council has convened most of its sessions since the summer in Ramallah, in the Ministry of Education building. There is a Council building in Gaza, but the space is hardly

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adequate for Members, let alone the press or other observers. As a result, the Council, when it convenes in Gaza, has been meeting in the larger Shawwa Center. In Ramallah, there is a Council administrative building, which has adequate space for offices for Council committees and for the Office of the Council (leadership), and mailboxes for Members. Even this administrative building space, however, is inadequate to serve all of the needs of the Members, as, for instance, there is no individual office space for members to do work, no research facilities, and the like.

There are plans to establish a parliamentary library, but this is still in the early stages of development. In addition to the development of a library, there is a clear need to develop research capacity among Council staff, as their current responsibilities are mostly administrative (i.e. taking minutes of committee meetings).

The Council has inadequate internal communication systems. There are generally two people taking minutes of the plenary sessions, and committee clerks take minutes of committee meetings. According to one Member, however, "I rely more on my memory than the [official] notes, which are often wrong." Votes are recorded by the Secretary General, but these are not available to the public--only someone attending and watching a session would be able to determine how Members vote on a given issue. Recently, a general switchboard was installed in the Council administrative building, but it is still extremely difficult to access members and staff through this facility, since there is only one number and the line is often busy or unanswered.

Legislative Schedule

The process of setting and amending the plenary agenda is unorganized, and does not follow the procedure outlined in the Council's Standing Orders. Moreover, the lack of long-range planning of the work of the Council hinders the ability for the Council to set long-term goals and strategies.

The Standing Orders call for legislative sessions that are four months in duration. Based on observation of the first seven months of Council operations, however, it is clear that this

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schedule is not followed, and that the duration of sessions is unpredictable and can be extended by the Speaker. According to the Speaker, the decision to extend the first session of the PLC was because there is no budget from the Executive, and because of the Israeli Government decision to expand settlements in Jerusalem.

The Speaker sets the agenda and schedules review of legislation. The Standing Orders call for the agenda to be distributed 48 hours before the session, but it is usually distributed the day of the session. More than one hour of an approximately three-hour plenary session may be spent amending and adopting the agenda, even though this is in violation of the Standing Orders (Article 16:b).

The plenary and committees meet at different times. The plenary generally meets for two to three hours on average each Wednesday and Thursday, while committees meet for approximately two to three hours on Mondays and Tuesdays. The Standing Orders do not mention committee meetings, and there is no set schedule. Some committees, for example, meet more than twice a week which presents scheduling problems for Members who sit on more than one committee.

Legislation

The Council lacks a clear process through which draft legislation is considered. Moreover, most of the line-by-line review of legislation occurs in the plenary, not in committees, as is the case in other legislatures.

Both public (government) and private (individual Member) bills can be submitted to the Speaker for consideration in the plenary debate. However, all of the legislation handled by the Council to date has come from the Executive. In the case of both public and private bills, the bill should be referred to the "relevant committee," but, in practice, it is submitted to the Legal Committee for review. After committee review, a bill will pass through two readings; the first to introduce the bill, and the second to consider proposed amendments presented during the first

reading. If the Council accepts the principle of a bill, its articles are read line by line during the plenary debate (Article 66:b). While votes should be taken on any proposed amendments, this does not usually occur. In addition, there is often more than one amendment on the floor at the same time, and there is general confusion as to which amendments are being discussed and what conclusions are being drawn. When an issue appears to be stalemated, it is referred back to the Legal Committee, usually without instructions. Each draft law approved by the Council "shall be forwarded to the President of the PNA [Palestinian National Authority] for assent and publication," (Article 66:c), but there is no time limit for the President to consider the bill. As a result, the approval of draft legislation can be prevented indefinitely.

There is no explicit provision for making draft laws available to the public or the press. Draft bills are sometimes available to the public for anyone attending the sessions who explicitly asks, but are difficult to obtain. Bill summaries are not available to anyone, including Members.

The Council's substantive capacity to review, amend and draft legislation will depend on a range of factors, including knowledge of individual Members and their ability to learn about the issues, as well as utilizing the staff and facilities that are made available to them. The Council, to date, has not drafted any laws. Moreover, the Council and its Members are currently operating without staff trained to draft bills or to assist in the review of government-introduced legislation. The majority of Council Members lack legislative drafting or policy-making experience, and their staff suffer from the same lack of experience. Often, bills are presented and the first reading begins immediately, without giving Members adequate time for research or analysis. While there are proposed plans for a parliamentary library/research facility, this project, part of the EU assistance plan, has not begun.

Plenary Sessions

Plenary sessions of the Council lack organization and efficiency. There is a dire need for Members to understand and abide by their Standing Orders and to set positive precedents for plenary procedures.

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While the Council passed Standing Orders in the early months of their existence, it is clear that there is a desperate need for greater organization and efficiency of the plenary session. As of October 1996, Standing Orders are not followed during plenary proceedings, neither by Members nor by the Speaker. Members lack even rudimentary knowledge of rules of order, i.e., the need for proposing a "motion" to make decisions or to take action.

Setting of and Adherence to the Agenda

The legislative agenda of the Council is unclear. The Speaker generally indicates--either during a Council meeting or at its conclusion--the issues that will be included in the agenda for the next meeting. It also appears that he communicates the upcoming agenda to some Council members prior to meetings, although this is not always done at least two days before the meeting, as set forth in the Standing Orders (Art. 16). Sometimes, Members receive the agenda the same day as the plenary session, with no time to prepare themselves or propose amendments to the agenda.

Even once an agenda appears to have been set, it is often amended to include an urgent matter (i.e. settlements, strikes, closures, prisoners). While chapter three of the Standing Orders addresses "Urgency Procedures", the rules are rarely followed when an urgent matter arises. As a result, extensive time is often spent during the plenary discussing the substance of the matter before determining whether a certain issue is indeed an emergency.

No clear method of organization of the plenary debate exists, which seems to be partly due to a lack of understanding of and adherence to the Standing Orders, as well as a lack of clarity of the rules themselves. On any given issue, the Secretary General takes down the names of Members who wish to speak, and they are called on in that order. There is no specified limit on the time spent on a certain issue or on the length of time a Member speaks, and it is clear that Members are not treated equally in the deliberations. The Speaker does not always act in a fair

manner--some Members are always allowed to speak, while others are often ignored. Points of order are often ignored as well, and rarely given precedence. Moreover, while the Standing Orders prevent Members from speaking on an issue more than once (Article 24), or from repeating a point made by another member (Article 34), these clauses are also often violated.

Voting Procedures

While the Standing Orders stipulate that a quorum must be verified before the taking of a vote, this is rarely followed, and voting has often been conducted in the absence of a quorum of members. Often, several issues (i.e. amendments to a bill) are on the floor at the same time, and it is unclear what is being voted on. Votes are cast by Members raising their hands, and the vote is recorded by the Speaker. All decisions are determined by simple majority. There is no provision for nominal votes in the Standing Orders, so the Council will normally not record the votes of each Member, individually, by name. In the absence of unrecorded votes, and strong political party affiliation where voting patterns are predictable, it is virtually impossible for citizens to track voting patterns of their representative, and to hold Members accountable for policies.

Recording Proceedings

While the Council has a clerk to take the minutes of the plenary sessions, the minutes are not accessible by the public. Moreover, these minutes are a "summary of the debate," not a written record. The Standing Orders provide for the publication of a Council gazette, in which these minutes should be included (Article 19); to date, however, this publication has not been produced. Thus, outside of attending the session, there is little way for the public to be adequately informed of the work and discussions of the Council.

Public Access to Plenary Proceedings

Plenary sessions are open to the press and the public, except for when the Council decides

to meet *in camera*. Rarely, however, are there many outside observers, except for a handful of journalists and NGO representatives. In "exceptional cases" the Council may meet in secret if the Ra'ees of the Palestinian National Authority, the Speaker, or one-third of the members request that the meeting be secret (Article 20). There is no explanation, however, of what constitutes "exceptional cases" for the purpose of this rule.

Committees

Committees of the PLC need to develop greater capacity in the areas of drafting and reviewing legislation, conducting oversight of the executive, and in encouraging public participation in the policy-making process.

Committees need to develop capacity in several areas in order to enhance their role in the Council. In terms of draft legislation, for example, committees play a limited role, as line by line consideration of draft laws occurs in the plenary. Instead of bills being reviewed by the "relevant" committees, they are referred to the Legal Committee. Instead of focusing on draft legislation, committees spend a majority of their time in the handling of constituent concerns, and many are frustrated with the inability to answer and respond effectively to these concerns. As many of the constituent offices (see below) are not adequately equipped to register and respond to these complaints, members use their committee meetings to address these issues.

There are eleven committees in the PLC. While the Standing Orders stipulate that no more than nine members may serve on each committee (Article 44), most committees have more members, the largest with 23. The Speaker formed the committees based on requests from Members. Ministers and Deputy Ministers are excluded from committee membership. Each individual committee elected their chairman and rapporteur. Committees generally meet on Mondays and Tuesdays while Council is in session, yet will meet more frequently if a pressing issue is on the agenda.

The Standing Orders call for committees to meet in secret, but they can become open to

the public by a vote of the committee. As of October 1996, none of the committee meetings are open to the public. While committee reports are presented to the Council on a regular basis, the reports are not easily accessible to the public. Minutes from committee meetings are not available to the public.

Ministers can attend any committee meeting. Committees, through the Speaker and the Executive, can request the attendance of any minister to a committee meeting (Article 55). To date, no committee has held a public hearing, although there is a strong interest among committee members to enhance their links with the community, and encourage public input in draft legislation. This would also enhance the relationship, particularly in the area of oversight, between the legislature and the executive.

Legislative-Executive Relations

Relations between the legislature and the executive are characterized as extremely strained, due particularly to the failure of the executive and legislature to work together to pass the basic law and budget. Both are still being held with the executive. Unlike other legislatures, moreover, the PLC lacks institutional mechanisms though which legislative-executive relations are enhanced.

In the absence of a Basic Law, and the vagueness of how these relations are outlined in the Interim Agreement, relations between the Legislature and the Executive can be characterized as being unclear and contentious. In the absence of a Basic Law, many aspects of legislative-executive relations remain to be determined. Nonetheless, Council Members see themselves as part of an independent legislature that is separate from, and has authority to oversee, the executive branch.

The PLC has not implemented institutional mechanisms such as Question Period, or a legislative requirement for Ministers to submit reports; both of which are mechanisms, existent in many other legislatures, giving the legislature a mandate to officially question Ministers and requiring that accurate information be provided by the executive, thus reinforcing the legislature's

oversight function of its executive, and the executive's accountability to the legislature. According to Article 70 of the Standing Orders, Members can submit questions in written form to the Speaker who directs them to the relevant minister. This should be included in the plenary agenda at the minimum of one week after submission. In practice, this procedure is rarely used. In practice, the main area of legislative-executive interaction is with respect to draft legislation; namely, the receipt by the Council of the Basic Law from the Executive.

To date, no committee of the Council or individual members have held public hearings, another potential/common mechanism for interaction between the legislative and executive branches.

While the Interim Agreement stipulates that not more than 20 percent of the Cabinet may be appointed from other than elected Council members, 33 percent (seven out of 21) of the cabinet positions were appointed by the *Ra'ees*. This unilateral decision also strained relations.

The Budget Process

The review and passage of the budget has not followed the process outlined in the Standing Orders. The Council has not received any budget for 1997, and the Budget Committee has not been able to perform all of their duties. This remains a serious point of contention between the legislature and the executive.

The budget process to date has not followed the process stipulated in the Standing Orders. Specifically, while the budget, according to the Standing Orders (Article 68), should be handed down from the executive at least four months before the beginning of the next fiscal year (i.e., October), the Council has not received the budget as of October 1996.

Council members remain extremely determined to obtain information from the PA about the budget and government spending. As of October 1996, this information has not been forthcoming from the Executive, and remains a point of contention between the Council and the

Executive. Council members remain determined to find out what funds the PA has, and how it is spending them. The obtaining of this information, however, while critical, continues to be hindered by the Executive; in reality, the *Ra'ees*.

The two Council committees charged with budgetary oversight are the Budget Committee and the Human Rights and Oversight Committee. Again, neither has received the budget from the Executive.

Constituent Relations

While Members are interested in better serving their constituents, and realize that they were elected by the people, to date, constituency relations are not systematized, facilities for adequate constituent offices and have not been provided, and Members and their staff alike lack the capacity to adequately handle constituent complaints.

Most Members desire stronger links with their constituents; they recognize that they were elected by people who want to feel that their interests are represented, and that this type of power base is unprecedented in Arab politics. This is apparent through the participation of Members in town hall meetings, and direct contact with constituents through constituent offices.

Some constituents send letters and complaints directly to the Council. In this case, the Speaker distributes the letter to the relevant committee (on a functional, rather than on a district basis).

Relations between Members and their constituents have developed on an informal level, despite the lack of material infrastructure to support this relationship. The Council has not provided Members with adequate funds to communicate with constituents or to cover the expenses of constituent offices. In the absence of such support, some Members have personally funded their own individual offices or have opened joint offices. Some district offices have been opened; however, these are clearly understaffed and lack sufficient resources and staff training.

The development of constituency offices in all districts, therefore, remains a critical priority. However, the often unpredictable nature of the plenary schedule and committee meetings makes the allocation of time, including meeting with constituents on a regular basis, difficult.

Transparency and Access

The general public remains extremely separated from the Council, and access to information about the Council hinders the degree of transparency of PLC deliberations. The role for outside groups in the policy-making process is still limited.

Public access to Council deliberations is limited by the lack of knowledge, interest and space. There is very limited information available about the activities of the Council. There exists a great deal of self-censorship in the media, which limits the amount of information the general public received about the Council. Although coverage in the print media of Council sessions has improved and have become more focused on substantive issues, there is still inadequate coverage. As of October 1996, Council sessions are not televised, although an important session might be mentioned on the nightly Palestinian news. The Council sessions are video and audio taped, but to date these are for internal use only.

An extensive network of Palestinian non-governmental organizations (NGOs) has the potential to play an important intermediary role between the Council and Palestinians. Already, there are NGOs that follow the legislative process, and work on drafting and analyzing legislation. Bir-Zeit University, for example, drafted a version of the Basic Law. The Center for Palestine Research and Studies (CPRS) has worked on analyzing and translating legislation. Members have expressed the interest to develop stronger ties to NGOs in this area, as well as in conducting public hearings on pending legislation.

Conclusion

Despite the obstacles, both internal and external, that the PLC continues to face, it is clear

that Members are interested in seeing the Council develop into a democratic parliament that could serve as a model for the rest of the region. This goal, however, will be elusive unless and until the Council addresses several deficiencies. Overall, there is a need for greater adherence to the Council's internal rules, in order to increase the organization and efficiency of the plenary sessions, as well as the need for passage of the legislation that will help to clarify the role of the PLC vis- à-vis the Executive. Moreover, the committees need to enhance their capacity to develop and review legislation, as well as include public participation in this process. There is a critical need for greater transparency of Council deliberations, which is possible through increased media coverage of Council deliberations, as well as a published record of Council proceedings. In terms of the budget, it is critical for the process to follow the guidelines outlined in the Standing Orders. Finally, in the area of constituent relations, while Members desire stronger links with their constituents, the lack of material support for constituent offices and training for office staff remains the biggest obstacle towards achieving this goal.

Appendix E

A framework for evaluating the results of NDI's programs with the Palestinian Legislative Council, specifying tools used to monitor progress towards these results (1996)

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NDI Assistance Program to the Palestinian Legislative Council

Framework for Evaluation of Program Results

1996

Overall Result: Enhanced Capacity of the PLC to Perform Functions of a Legislative Body

OBJECTIVE/RESULT to be achieved	**INDICATORS** of progress	**TOOLS**[1] for evaluation
Increased capacity demonstrated by PLC committees* to consider legislation, and encourage useful public participation in the policy making process [related to USAID objective: "PLC Develops Enhanced Legislative and Deliberative Capacity."] *NDI, at least initially, will work closely with two committees to achieve these results	The extent to which: -committee meetings are held regularly and attended; -committees hold at least some public hearings; -public has notice of and access to committee hearings; -committees identify and utilize independent expertise to inform its consideration of legislation; -committees have an impact on plenary deliberations	Through NDI's work with two committees, the following methods will be used to track indicators: -NDI minutes of plenary and committee sessions -committee records/tracking form -press coverage/announcements -committee records/tracking form -consultations with committee members/staff -press -committee records/tracking form -committee records/tracking form -NDI minutes from committee meetings [and committee reports] -anecdotal file -comparison of drafts of legislation -data collection (tracking number of amendments proposed, i.e.)
Develop the capacity of the PLC to include public input, as it exists, into the legislative process [related to USAID objectives: "PLC Develops Enhanced Legislative and Deliberative Capacity" "PLC Members Demonstrate Growing Responsiveness to Constituent Interests."]	The extent to which: -Council members, as individuals or as members of committees convene public meetings and/or hearings and invite community experts to testify; -Council members, as individuals or as members of committees discuss specific issues related to pending or proposed legislation with constituents/outside experts, NGOs, interest groups.	-press announcements -consultations with Members/staff -committee records -NDI minutes -anecdotal file -evaluation information from NDI's Civil Society Program -focus group information

[1]While tools are specified for each indicator, several or all tools will be used to track indicators.

Establish rules and practices that **make PLC operations known and or accessible to the public** [related to USAID objective: "PLC Members Demonstrates Growing Responses to Constituent Interests"]	The extent to which: -the public is informed of, and has access to, plenary and committee sessions; draft bills; voting records; and records of plenary and committee sessions	-PLC Gazette -process of obtaining draft legislation/other PLC documents -focus group information -press announcements
Increased efficiency and clarity of and adherence to the **plenary procedures** [related to USAID objective: "PLC Develops Enhanced Legislative and Deliberative Capacity"]	The extent to which: -plenary proceedings adhere to the PLC's Standing Orders; -debate is parliamentary and time is allocated fairly to diverse Members, groups, and/or points of view; -the Council's consideration of legislation becomes more efficient	-plenary summary/ evaluation form -NDI minutes -plenary summary/evaluation form -NDI minutes
Legislative-executive relations are promoted and enhanced, particularly in the area of oversight [related to USAID objective: "PLC Demonstrates Increasing Ability to Exert Oversight of EA."]	The extent to which: -the Council is able to summon the executive branch to testify at hearings or respond to legislative inquiries;	-NDI minutes -consultations with Council members, staff
The Budget Committee plays a useful role in the **budget process** [related to USAID objective: "PLC Develops Enhanced Legislative and Deliberative Capacity"]	The extent to which: -the Budget Committee's work informs and facilitates the Council's review of the budget process	-NDI minutes -committee records/tracking form

Monitoring and Evaluation Tools

The following is a list of monitoring and evaluation tools that will be used to track NDI's PLC legislative assistance program:

Plenary Summary\Evaluation Forms: NDI will develop and utilize a form for the evaluation of efficiency and organization of the plenary that will be filled out after every session attended by NDI staff. Anecdotal evidence will also be included in the analysis.

Committee Tracking Form\Committee Reports: NDI will work with committee members and staff (initially focusing on the two "pilot committees") to develop and implement a tracking mechanism (or form) for committees to record important aspects of their work, such as when committees held meetings, who attended, what was discussed, whether the meeting was open to the public, whether experts testified, how their work affected plenary sessions, etc.. These forms would be collected through regular consultations with committee staff. Committee reports will also be used to track developments (or alternatively, if forms are not developed).

Minutes from Plenary Sessions and Committee Meetings: NDI will continue taking minutes of all plenary and committee meetings attended by NDI staff. These transcripts will be analyzed to track program results. These will be backed by official minutes as available publicly.

Media Monitoring: NDI will monitor print media and will seek information from with other media monitoring groups (i.e. JMCC). The monitoring will focus on articles related to the PLC and legislative issues.

Questionnaires: Questionnaires will be distributed at the end of each workshop\study mission which will ask members to evaluate the useful aspects of the international models presented, and whether the exposure to other legislative systems has enhanced their ability to perform their own functions. Questions will also be asked to track the use of information gained from previous activities in the program.

Member/Staff Consultation: NDI will have conversations on a regular basis with Council members and staff to solicit information from them on PLC progress. The use of this tool can be increased as necessary to provide information that may not have been gathered through other tools.

Focus Groups: NDI plans to conduct focus group research in mid-1997 (in the middle of the program), and in early 1998, (toward the end of the program), which will measure attitudes towards Palestinian democracy, including the work of the PLC.

PLC Official Documents: NDI will regularly review these documents, including the Government Gazette and the PLC official minutes, where available, and significant and relevant developments will be reported. Versions of draft legislation (i.e. only legislation reviewed by the committees with which NDI is working) will also be analyzed for content and changes.

Materials Distribution File: NDI will maintain a data base to track all materials given by NDI to Council Members, both in the workshops and study missions, as well as individual requests for information. Any follow-on consultations with members will also be included in this file.

Appendix F

Excerpts from NDI's final report to USAID on its 1996-1998 project to build the capacity of the Palestinian Legislative Council

BEST AVAILABLE COPY

Final Report

BUILDING THE CAPACITY OF THE PALESTINIAN LEGISLATIVE COUNCIL

USAID Cooperative Agreement No.
294-0007-A-6591-00
October 1996 to April 1998

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I. EXECUTIVE SUMMARY

In the two years since the historic elections to the Palestinian Legislative Council (PLC), the Council has emerged as a central institution in the effort to develop a democratic political system in the West Bank and Gaza Strip. Despite the Council's limited jurisdiction and setbacks to its work from both internal and external sources, a large number of PLC Members have demonstrated a commitment to making the Council a responsive and responsible legislature. The National Democratic Institute's (NDI) assistance to the PLC has been driven by the belief that the Council can become a competent, responsive, transparent and accountable institution, and consequently serve as a vehicle for constructive citizen participation and democratic governance. A legislature with these qualities will be able to function as a responsible check on the executive and provide a transparent national forum for the discussion of public policy and for the development of compromise and consensus.

NDI has worked with the PLC since its first legislative session in March 1996. NDI staff have attended nearly every PLC plenary session, observed the proceedings, taken exhaustive notes and consulted with PLC Members about their concerns. During the 18-month period covered by this grant, NDI conducted a series of activities designed to address *four major topic areas, or modules*: (1) the role of committees in a legislature; (2) plenary organization; (3) legislative-executive relations; and (4) constituency relations. These topics were highlighted in workshops and study missions that provided PLC Members with comparative information from around the world. The topics were further complemented through a series of mini-workshops on specific aspects of plenary procedure, a two-day retreat with the Council's Economics Committee, the provision of relevant materials on all topics in Arabic, and ongoing formal and informal consultations with PLC leadership and individual Members.

NDI's workshops brought legislators from eight countries -- Australia, Canada, Georgia, Ireland, Nepal, South Africa, Sweden and the United States -- to meet and discuss legislative issues with their peers in the Legislative Council, providing the Palestinian legislators with an expert sounding board and a broad range of options from which to develop their institution.

In order to reinforce topics raised in workshops and enable Members to view the operations of other transitional legislatures first-hand, NDI organized study missions to Hungary and the Republic of Georgia. The purpose of the study missions was to expose PLC Members to the proceedings of the legislature; meet with Members of parliament, their leadership, and committee chairs; and meet external actors in the legislative process to discuss the challenges of making the transition to democracy and strategies that can be employed to develop a strong legislature.

In addition, NDI resident staff organized several smaller-scale programs, including a retreat with the Economics Committee to address committee issues in-depth and mini-

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workshops on specific articles of the rules of plenary procedure which were open to all interested Members. Throughout the period of this grant, NDI staff responded on a continual basis to requests for information and assistance from individual Members. NDI also translated relevant materials into Arabic on all four topic areas mentioned above and distributed these materials to Council Members within the context of each specific program activity.

Throughout its work, NDI has established its credibility among Palestinian legislators as a professional, reliable and responsive partner with a breadth and depth of information about legislative practices worldwide that is unparalleled. NDI has engaged PLC Members in an ongoing discussion about issues of concern to them and has solicited ongoing feedback about how to address most effectively the needs of the Legislative Council.

Over the course of this grant period, the Council, with assistance from NDI, accomplished the following:

- **Increased adherence to the Council's Standing Orders**, which enhances the overall efficiency and organization of Council sessions. Towards that end, on the PLC's first anniversary in March 1997, NDI published and distributed to all PLC Members the Council's Standing Orders in a hand-size binder. This has prompted Members to read and invoke the rules during plenary and has contributed to a marked increase in reference and adherence to the Standing Orders. NDI also produced, in Arabic, a "wheel" with Robert's Rules of Order for quick reference on parliamentary motions.

- **Institutionalization of question period**, whereby PLC Members ask questions -- previously submitted to the Speaker -- of Ministers at a specified time each week. At the beginning of NDI's program with the PLC, question period was provided for in the Standing Orders but had not yet been put into practice. NDI first stressed to Council Members the importance of question period during a March 1997 workshop dealing with plenary procedures. In May of 1997, NDI, in cooperation with Associates in Rural Development (ARD) and the Center for Palestine Research and Studies (CPRS), organized a workshop on the topic of legislative-executive relations. This workshop included an in-depth presentation from an NDI-sponsored Australian Member of Parliament (MP) about the importance and utility of the question period. The PLC instituted this practice shortly thereafter, and the Council now devotes a portion of its Thursday sessions to the formal questioning of ministers.

- **Improvements in setting and adhering to the Council's agenda.** NDI's March 1997 workshop on plenary procedures focused in part on scheduling the work of a legislature. This was followed by two mini-workshops, held in the West Bank and repeated in Gaza, specifically addressing procedures for adopting and amending agendas. Since that time, the Office of the Council has

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been more systematic in distributing its agenda in advance, resulting in Members being better prepared for debate and less time being spent on arguing and amending the agenda, leaving more time for addressing the substantive issues before the Council.

- **Creation of the Council Affairs Committee (CAC)** to organize the overall administrative matters and planning of the Council's work, including scheduling of legislation and committee reports, and setting the short- and long-term work plans of the Council. Swedish, Canadian and Georgian parliamentarians who participated in NDI's workshop on plenary organization in March 1997, described the committees in their respective legislatures that perform the functions of the CAC. Immediately thereafter, several Members who had attended the workshop recommended to the Speaker the formation of a similar committee within the PLC. In response to a subsequent request by the Speaker, NDI staff obtained additional detailed written materials from those international participants regarding their respective committees and delivered these materials to the Speaker. The Council Affairs Committee was formed in May 1997 and finally began operating in October of the same year.

- **Improvements in the functioning of committees**, which now spend less time handling constituent complaints and more time engaged in actual legislation. NDI conducted a workshop on the role of committees in December 1996 that emphasized the legislative, policy and oversight functions of committees. Since that time, some PLC committees have shifted focus away from responding to constituent complaints and are now playing an improved, though still inadequate, role in developing and managing legislation and executive-legislative relations. NDI resident staff worked intensively with the Economics Committee, at the request of its chair, to advise it in the functioning of committee meetings and to assist committee Members in the short- and long-term scheduling of committee work.

- **The issuing of a report, by a special committee of the PLC, describing and condemning corruption within the Palestinian Authority.** The Council's report, issued in July 1997 in response to a report of the General Comptroller of the Palestinian Authority, was widely reported and served to put the PLC "on the map" as an institution with oversight authority and the capacity to hold the executive accountable on issues of urgent concern to the Palestinian electorate. The primary authors of the report had been active participants in the joint NDI/ARD/CPRS workshop on legislative-executive relations that took place in May 1997.

At the conclusion of this program, the Council had demonstrated significant, albeit incomplete, improvement in a number of important areas, most notably in adherence to rules

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of procedure, in setting the legislative agenda and handling draft legislation, in committee work and in meaningful oversight of the executive. NDI's program contributed directly to these results by providing legislators with comparative information and practical advice on how to organize an effective, democratic legislature. NDI believes that with continued improvement of the kind witnessed to date, the Palestinian Legislative Council can indeed become a crucial and effective institution in the consolidation of Palestinian democracy.

II. BACKGROUND

A. The Palestinian Legislative Council: A Brief Background

The Palestinian Legislative Council was elected on January 20, 1996 to serve as the legislative branch of the Palestinian Interim Self-Governing Authority in accordance with the Declaration of Principles, the Cairo Accords and the Interim Agreement. The Council is the first legislative body to represent Palestinian residents of the West Bank, Gaza Strip and East Jerusalem. Since their election, Council Members have struggled hard to establish the Council's independence and to nurture the new source of political strength that brought them to office -- their popular mandate. Below is a summary of some of the singular characteristics of and challenges faced by the PLC.

1. Limitations in Jurisdiction

Although the Palestinian Legislative Council faces unique challenges, it is of enormous potential importance to the prospects for democracy in the West Bank, Gaza Strip and East Jerusalem. Some of the PLC's unique circumstances include the fact that:

- the basis for the PLC is an agreement between the Israeli government and the Palestinian Liberation Organization (PLO);
- the Council does not represent a nation-state and is a legislature of limited jurisdiction;
- this is the first elected body to represent Palestinians living in the West Bank, Gaza Strip and East Jerusalem; and
- the State of Israel wields a significant degree of control over the lives of the electorate represented by the Council.

The Council faces a number of additional challenges, many of which relate directly to unusual limitations that have made it difficult for the institution to evolve into a fully functioning legislative body. The Council has no antecedent that it is reforming, but rather faces the formidable task of building itself from scratch. Moreover, the Palestinian Authority, in place two years before Yasser Arafat and the PLC were elected, is unaccustomed to power sharing. The Council also works in an environment in which its jurisdiction is limited. Council Members are powerless to adopt laws in several areas of great importance to their constituents, such as Israeli government closures of the Palestinian Territories, the ongoing

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In addition, Members regularly consulted with Phillips regarding specific questions that arose *during* plenary sessions, including how amendments were considered, the voting process and the process for reviewing draft laws. In addition, many questions were asked regarding the appropriate role of a speaker in the plenary. The presence of NDI representatives at a majority of the Council sessions enabled Phillips to give timely advice to Members as issues arose.

NDI was also approached by a small group of PLC Members who were interested in becoming "in-house" parliamentarians for the Council. Phillips worked with these Members on developing this role by learning the rules and strategies they can employ to encourage greater overall adherence to the Council's standing orders.

In addition, when the Council instituted a question period, several Members requested information from Phillips on how question period is organized and conducted in other legislatures.

IV. EVALUATION OF PROGRAM RESULTS

The following section consists of a detailed discussion of the progress made by the PLC during the course of this grant. Each sub-section below addresses one of the major topic areas, or modules, around which NDI structured its assistance program to the Council. With regard to each module discussed, an overview of PLC practices at the beginning of NDI's grant is followed by anecdotal evidence illustrating the impact of NDI's activities on the functioning of the Council. Throughout this section, specific reference is made to relevant evaluation factors stipulated in the Evaluation of Program Results agreed upon by NDI and USAID at the start of this grant.

A. COMMITTEES

When NDI began its program with the PLC, Council sessions were held two days a week and committee meetings were scheduled on other days, usually Saturdays, Sundays or Mondays. This resulted in committee meetings being held on a very haphazard basis. None of the committees met on a regular basis or in a regular location. Members and staff could never know in advance or organize their schedules around committee meetings, nor did they know whether the meetings would take place in Ramallah or Gaza. Although the Standing Orders allowed committee meetings to be closed to the public unless committee Members voted to hold open meetings, none of the committees chose the latter option. NDI's work with the Economics Committee provides an illustrative example of the progress that was made.

NDI held its first workshop, entitled "The Role of Committees," in December 1996. The importance of transparency in committee work was discussed at length, as was the committees' primary responsibility for legislation and oversight of the executive.

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NDI began its work with the Economics Committee at the end of December 1996, shortly after NDI's workshop on the role of committees in the legislature, held in mid-December. At that time, the committee meeting agenda was vague and most of the meeting time was spent discussing complaints and letters from constituents. Meetings often ended without decisions having been made and usually without a time and date having been set for the following meeting. At the beginning of NDI's program, legislation was not a focal point of committee meetings. Furthermore, Council committees had conducted no committee hearings on either policy or legislation.

At the first meeting of the Economics Committee following the workshop (which had been attended by the Committee's chairperson and *rapporteur*), the Committee voted to hold open meetings. Because of this commitment to transparency, NDI staff approached the committee Chair with a proposal for NDI to observe Committee proceedings and offer assistance on procedural matters where applicable. The Chair and the Committee Members welcomed this suggestion, and NDI worked with the Economics Committee for the duration of its program with the PLC. The decision to hold open meetings, which encourages public participation in the policy making process, is now the standard practice of the Economics Committee.

Following the workshop on plenary procedures and the discussion of parliamentary calendars, the schedule for Council meetings changed to holding four sessions in one week, leaving alternate weeks free for committee meetings. From that time on, the Economics Committee began to meet in Gaza on a regular basis. (This schedule could not be followed at all times, however, due to the many external factors, such as Israeli border closures and, at times, a lack of adequate meeting space.) The Economics Committee recognizes the importance of regularly scheduled meetings, not only for the Members to be able to schedule their other legislative duties, such as constituency work, but also for the public to be able to access the Committee as the need arises. The Committee's decision to hold open meetings thus serves to encourage public participation in the policy making process.

The Economics Committee organized a meeting with selected representatives of the business community to review issues of common concern with them. NDI met with the clerk and the Committee chair following this meeting to review the outcome and to offer constructive criticism of the process. This meeting was a good beginning for the Committee and also encouraged public participation in the policy making process.

NDI approached the Chair of the Economics Committee after a period of observation of the Committee's meetings and suggested that NDI organize a "retreat" for Committee Members. The agenda for the retreat included: setting meeting agendas; making decisions; and developing short- and long-term plans to organize committee work and to set priorities for the Committee's work on legislation, budget review, and other issues referred to the it by the plenary. This retreat was held in October 1997 and by all reports was useful to Committee Members. At a meeting of the Committee following the retreat, a member suggested that the

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Committee not entertain constituents' complaints unless such complaints had broad economic policy implications. He stated that the Committee's main responsibility was legislation and oversight of the executive and that individual complaints should be the responsibility of individual Members at the constituency level. The Committee agreed with the proposal, which echoed the presentations of all experts at NDI's workshop on committees in December 1996 and which was emphasized by NDI staff in all their work with PLC committees. This represented a major policy shift that has resulted in an enhanced legislative and deliberative capacity on the part of the Economics Committee as per IR 3.2.2.

B. PLENARY PROCEDURES

Increased Adherence to Standing Orders

When NDI staff began observing the PLC sessions in December 1996, sessions were chaotic. Members yelled at the Speaker who, in turn, shouted back at them. The Speaker either ignored points of order or argued with Members who raised them. He overruled objections to the proceedings by shouting the Members down. NDI staff observed that although Members were aware that the Standing Orders were not being followed during plenary sessions, they were not able to effectively challenge either the Speaker or fellow Members, as they did not have copies of the Standing Orders available to them during plenary. The Speaker constantly expressed his opinion on the substance of issues rather than restricting himself to the role of a neutral chairperson.

On the first anniversary of the PLC in March 1997, NDI printed and distributed small binders containing the Standing Orders to Members. Members immediately put the information to use and effectively raised points of order seven times during the session at which the binders were distributed. Thereafter, some Members took it upon themselves to be the guardian of the rules and constantly raised points of order that made reference to violations as they arose.

Members' interventions occasionally met with success. One Member on October 27, 1997 raised a point of order when a committee chair referred to an issue which had yet to be introduced in plenary for debate. The Speaker and the committee chair conceded that the Member was correct. This Member had attended all NDI workshops, the study mission to Hungary and the Economics Committee retreat.

Another Member, upon his return from the study mission to Georgia, challenged the Speaker on January 8, 1998, for comments which he made from the chair. This Member had been impressed by the Georgian Speaker, who was adamant that his role as Speaker required him to be totally neutral on issues before the house. The PLC Speaker was put in the position of attempting to justify his intervention.

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At the close of NDI's program, the Speaker, who did not attend any of NDI's activities, continued to exercise his control over PLC sessions in a rather "unparliamentary" fashion. However, many Members are now versed in their own Standing Orders and regularly raise points of order and challenge the Speaker's arbitrary methods. While it is clear from their comments to NDI staff that these Members are aware of each violation and choose to tolerate the infractions in deference to the present Speaker, they do have the ability to invoke the Standing Orders when they desire and they often, in fact, do so.

By the end of this project, there was greater adherence to the Standing Orders than the minimal adherence that was the norm in October 1996. This led to more efficient plenary procedures and to an enhanced legislative and deliberative capacity as per IR 3.2.2.

Improvements in Voting Procedures

The April 28, 1997 session of the PLC provides a good example of the state of affairs regarding legislation and voting procedures in the PLC near the beginning of NDI's program. This particular session dealt with amendments to the Standing Orders. Although Members had been told to submit their amendments to the Legal Committee several days beforehand, Members proposed new amendments from the floor. As the committee chair read one amendment, he was instructed by the Speaker to "move on," with the result that the article was not dealt with. The norm to that date had been for the chair of the Legal Committee to shepherd any legislation, as well as the Standing Orders, through the house, including completing the analysis of amendments in their committee (even though the Legal Committee had no expertise on the subject matter of the legislation).

This session was also an example of how votes were handled by the Speaker. Voting was conducted in a most disorganized manner – points of order in relation to votes were ignored; Members proposed amendments while the Speaker called a vote on another item; votes were taken even when there was no longer a quorum; and votes were taken and re-taken on amendments even though it was not always clear on which article the voting was taking place.

When the first Deputy Speaker, Abu Naja, was in the Chair for the September 18 session, the legislation proceeded with a greater degree of efficiency and in a more organized manner. Members were clear on which amendment they were debating, and an orderly vote was conducted on each and every amendment. This orderly procedure did not continue; when the Speaker returned to the Chair, he reverted to his usual unparliamentary behavior. However, it is clear that some Members, such as the Deputy Speaker, Abu Naja, and the chairs of committees who attended NDI activities, are versed in and can implement parliamentary procedures when provided the opportunity to do so.

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Improvements in Handling Legislation

A marked change has occurred in the way the PLC conducts legislation. This change is evidenced by a comparison of PLC sessions held in June 1997 with those held only a few months later in September and November 1997. On June 2, 1997, the chair of the Legal Committee, rather than the "relevant" committee (as stipulated in the Standing Orders), presented proposed amendments to the Civil Service Law. It was still accepted that the Chair led the debate on draft laws before the plenary; on July 14, 1997, he similarly introduced the amendments to the Local Government Law.

By September 17, 1997, however, the chair of the Natural Resources Committee (and not the chair of the Legal Committee) presented the Petroleum Law for first reading and steered it line-by-line through the plenary the following day.

NDI's resident director of the PLC program, Myrna Phillips, had also suggested to PLC Members that the procedure for presenting amendments needed improving and recommended that present clauses should be shown side by side with proposed amendments to facilitate comparison. On September 30, 1997, amendments were presented to PLC Members on a new form clearly showing the original version in one column with the amended version in the next column.

Again during the November 24-26, 1997, session, the Precious Metals Stamp Bill and the Petroleum General Agency Bill were carried through first and second readings by the Chairs of the relevant committees (the Economics Committee and Natural Resources Committee, respectively), not the Legal Committee. On January 7, 1998, the *rapporteur* of the Interior Committee led the debate on amendments to the Firearms Bill and, since that date, this has become the established procedure. (The rapporteur was a participant in two NDI workshops and the Economics Committee Retreat.) Further evidence of progress came when, on the same day, the Chair of the Interior Committee successfully argued that a certain draft law must be referred to the relevant committee, contradicting one Member's suggestion that it be forwarded to the Legal Committee.

The proper role of committees in the legislative process is one area in which a definite shift has occurred and in which current practice of the PLC now conforms to standard democratic legislative procedure. The Council has adopted the procedure of relevant committees reviewing legislation, proposing and analyzing amendments, and steering the legislation through the plenary. There has been a gradual but steady improvement from April 28, 1997, through January 7, 1998, and to the present in the way in which legislation is dealt in plenary session. In addition, relevant committees, having debated the merits of proposed amendments in committee sessions, are more knowledgeable about the subject matter and are therefore more competent to answer policy questions during plenary debates than is the Legal Committee. Meanwhile, the role of the Legal Committee has been limited, as per standard procedure, to reviewing legislation for legal technicalities.

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Setting the Agenda

When NDI began observing sessions of the PLC, the amount of time taken in plenary to adopt the agenda was quite lengthy. There were many sessions in which half of the first day was taken up by efforts to amend the agenda. As the PLC referred to a week of sittings as a "session" and generally met for two days a week, this meant that the Council dealt with the agenda four times a month, at the beginning of each week. This process took an hour or more once a week, totaling four to six hours a month -- or roughly a full one quarter of the Council's time in session -- just to set the agenda.

Another faulty procedure used regularly at the beginning of NDI's observation of the PLC was for a Member to raise an issue he/she wanted to add to the agenda followed by lengthy speeches on the substance of the issue. In fact, the matter was very thoroughly discussed whether they decided to add it to the agenda or not. However, no action or resolution would result.

To help remedy this situation, NDI first raised the issue of adopting an agenda at the NDI workshop on plenary procedures, held in March 1997. All the foreign MPs who participated in the workshop presented their calendars for parliamentary work, noting that they all had parliamentary house committees in which a formalized process for setting agendas was used.

These concepts were reinforced at NDI's mini-workshop entitled "Setting and Amending Agendas," which was held in both Ramallah and Gaza on May 3 and 4, 1997. Myrna Phillips pointed out to the Members then, and on many other occasions, that the Standing Orders had very specific requirements regarding distribution of the agenda, i.e., requiring that it be received by Members two days in advance. NDI staff discussed with Members the importance of their having as much advance notice of issues as possible, which is particularly important in order to provide them with adequate time for analyzing pending legislation and for discussion with constituents and experts. Members were also advised that deadlines for placing items on the agenda should be followed, as this would save precious time in plenary for substantive debate. NDI staff also discussed the procedure for moving that an item of urgent importance be added, seconded and voted on. The debate on the substance would then properly be left until that item was reached on the amended agenda and a decision could be made as to what action, if any, the Council wished to take on the matter.

Members who participated in the NDI study missions to Hungary and Georgia in June and November, respectively, had an opportunity to observe other parliamentarians' methods for determining their agendas. In discussions with staff, leadership and committee Chairs, PLC Members gleaned much valuable advice on this topic.

The result was that by the fall of 1997, much less time was spent in plenary session on adopting agendas, and agendas were consistently amended and adopted within 15 to 30 minutes

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of the call of that agenda item. For example, in the PLC's December 8, 1997 session, amendment of the agenda plus adoption of the minutes took only half an hour. Another sign of progress in this area was the decision by the Council to move to sitting on four consecutive days on alternate weeks. This resulted in the agenda being adopted at the first day of each four-day session, with the agenda being adopted only twice a month now instead of four times. Thus, in comparison, the Council today spends one hour total per month setting the agenda versus the four to six hours per month it had previously spent on setting the agenda. In addition, the agenda is now consistently distributed to Members the required 48 hours in advance, per the Standing Orders.

The combination of improvements in all these areas related to the agenda indicate that the PLC has substantially increased the efficiency and clarity of the plenary procedures and deliberative capacity, which can be linked to the IR 3.2.2. objective for an enhanced legislative and deliberative capacity.

Another major step in improving the Council's plenary procedures -- and a direct result of NDI's plenary procedures workshop -- was the establishment of the Council Affairs Committee at the opening of the Council's second session in September 1997. The Membership of this committee was finally determined in October 1997 and the new committee's mandate was formulated to deal with organizational issues such as the Council's agenda. The establishment of this committee directly enhanced the efficiency of the PLC, therefore enhancing its legislative and deliberative capacity as well.

C. LEGISLATIVE-EXECUTIVE RELATIONS

Institutionalization of Question Period

At the outset of NDI's program, the PLC had no formal or informal methods in place to oversee executive actions. The Standing Orders, however, do contain several provisions related to executive oversight, including a stipulation for question period, a requirement for submission of the budget to the Council, and the ability of the Council to set up *ad hoc* or special committees to oversee the executive.

The issue of question period was first raised with Members by the Canadian Deputy Speaker, Peter Milliken, during NDI's March 1997 workshop on plenary procedures. In the May workshop on legislative-executive relations, question period was the topic of a presentation by Australian parliamentarian Christopher Pyne. NDI workshops provided Council Members with information on organizing a question period as a vehicle for holding Cabinet ministers accountable. Members who participated in the study mission to Hungary in June 1997 had a further opportunity to observe a question period in progress.

After the idea of a question period was raised by Members who had participated in these NDI activities, the PLC held its first question period on July 3, 1997. Members pointed

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out that question period was a requirement in the Standing Orders which was not being enforced. Question period is now a regular -- and important -- weekly feature of the plenary procedures of the PLC, and ministers take more seriously their responsibility to attend Council sessions and respond to Members' questions.

By encouraging the implementation of the Standing Orders on question period, and by offering practical advice and models as to how to proceed on this issue, NDI played an important role in assisting the PLC to incorporate question period as a formal part of its operations, which in turn greatly increases the PLC's ability to exert oversight of the Executive Authority as per I R 3.2.2.

Holding the Executive to Account

In May 1997, NDI, in conjunction with ARD and CPRS, held a workshop on legislative-executive relations. This workshop, designed and organized by NDI, included several agenda items aimed at providing Council Members with tools for holding Members of the executive accountable. Besides question period, the budget review process was presented as a method to oversee executive policy priorities. The May workshop addressed the Council's right to hold Cabinet Ministers accountable for their actions and expenditures, as well as the public's right to know how the executive is spending money on its behalf.

When charges of corruption were brought to the attention of Council Members in July 1997, Members were determined to exercise their authority and hold the Ministers accountable. The Council established a "Special Oversight Committee" and proceeded to hold hearings to gather evidence and question ministers. On July 15, 1997, the Committee presented its report to the Council. Following question period that day, the media attending that PLC session further challenged the ministers in the hall to account for their decisions. There was an attempt in plenary to close the session for the debate on the corruption report, but Members advocating transparency carried the vote and the session remained open. On July 30, the ministers responded, sometimes very emotionally, to the charges in the report. Members responded to the ministers' statements the next day and the Speaker stated, "This is an important example [of oversight of the executive], unprecedented in the Arab world."

The debate on the corruption report continued off and on throughout the summer and fall of 1997 and included threats by Council Members to hold a vote of no confidence in President Arafat's cabinet. The President finally agreed to address the recommendations of the Special Oversight Committee. On December 30, 1997, the Speaker announced the following list of eight promises to which the President had conceded in a meeting with the Speaker:

1) the President would issue decrees to implement Council resolutions;
2) the corruption report would be addressed and some ministers would be replaced;
3) the President would sign laws that had been forwarded to him;
4) the President would consult with the PLO regarding the Basic Law;

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5) the President would recognize the Council's right to legislate;
6) the budget would be presented to the Council by the end of January 1998;
7) the executive would proceed with the development plans; and
8) the President would appoint a "parliamentary minister" to act as a liaison between the Council and the President.

The President's agreement to the Council's conditions represented a significant accomplishment for the PLC, and in the Council's session of January 6, 1998, Members voted to end debate on the corruption report. Although most of the President's promises have yet to materialize, the first step has been taken in holding the President and the executive accountable to the legislature.

Through NDI's work with the Special Oversight Committee and the Council Members in general, the PLC's capacity to exercise oversight of the executive authority has improved. This is in accordance with one of the main objectives of this program as stated in IR 3.2.2.

V. CONCLUSION

During the 18 months of this project, NDI was able to provide the PLC Members with targeted assistance in procedural and strategic areas relevant to any emerging democratic legislature. This assistance yielded tangible results including increased adherence to the Council's Standing Orders; institutionalization of question period; improvements in setting and adhering to the Council's agenda; creation of the Council Affairs Committee; improvements in the functioning of committees; and the issuing of a report, by a special committee of the PLC, describing and condemning corruption within the Palestinian Authority. These results concretely support the achievement of USAID's goal of developing an enhanced legislative and deliberative capacity within the PLC and increasing the ability of the PLC to exert oversight of the Executive Authority. While the PLC has made significant strides in these areas, it also experiences the sort of slippage and backsliding common to a developing legislature. Consistent outside support for democratic practices will be necessary if the Council's progress is to be sustained, let alone improved upon.

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Appendix G

A memorandum from NDI's resident director to the USAID Mission in Ghana, reporting on the impact of NDI's legislative programs in 1999

MEMO

To: Greg Wiitala, USAID-Ghana Project Chief

From: Stephen Terravecchia, NDI-Ghana Resident Director

Subject: Democracy and Governance Performance Monitoring; Ghana Parliament Third Session, 1999

Date: February 29, 2000

NDI-Ghana has actively monitored the overall effectiveness of the legislative process and the participation and impact of civil society in the formulation and enactment of public policies in Parliament during the Third Session of the Second Parliament of the Fourth Republic.

During 1999 there has been a marked increase in the number and quality of legislative initiatives proposed by private members. There were a total of 8 private member motions (2 in the First Meeting, 1 in the Second, and 5 in the Third) introduced as opposed to 1 in 1998. Minority party members have started to use the private member motion, floor amendments, and Questions to the Minister as a means to debate important issues, make the Government accountable, obtain publicity, and raise public awareness. Because of the increased number of Questions Answered by Ministers, the Government Assurances Committee has been under increased pressure to oversee Ministerial promises. NDI is working with that Committee to conduct hearings and investigations. On the down side there has still not been any private member legislation introduced during the 1999 session. However, NDI is hopeful that the eventual establishment of the parliamentary drafting unit will set the stage for more private member activity. Committees have been much more active in seeking the input of civil society in the lawmaking process. Committees have become proactive, especially the Constitutional, Legal and Parliamentary Affairs Committee with whom we provide technical assistance and conduct workshops.

NDI's targets for 1999 were met in most circumstances. The most disappointing was that no private member bill has been introduced yet. The most encouraging numbers are the growth in civil society input in legislation and the use of Motions, Questions to the Minister and Amendments to enhance the democratic process. We are confident that our program is proving a positive impact at Parliament but are concerned that some of the performance indicators are too broad in scope and do not accurately reflect NDI's impact. Within the following analysis NDI has made recommendations on how to improve our performance indicators so as to better reflect NDI's impact on civic input in the public policy decision-making process .

SO4: Public Policy Decisions Better Reflect Civic Input.

I. <u>Performance Indicator</u>: Percentage of legislative initiatives amended/proposed by

Parliamentarians and the percentage of those which are the result of civic input.

Legislation. In 1999, Parliament passed 13 bills including the Institute of Professional Studies Bill, the Customs and Excise (Duties and Other Taxes) (Amendment) Bill, the National Road Safety Commission Bill, the Driver Vehicle Licensing Authority Bill, the 1999 Appropriation Bill, the Citizenship Bill, the Immigration Bill, the Tolls (Amendment) Bill, the Political Parties Bill, the Forestry Commission Bill, The Fines (Penalty Units) Bill, the Traditional Medicine Practice Bill, and the Value Added Tax (Amendment) Bill. There was an increase in the percentage of bills changed during the 1999 session. Ten of the thirteen bills (77%) were substantially amended on the floor of Parliament. The overall quality and quantity of the amendments shows that committees are seriously analyzing legislation and offering substantive modifications. As in past years no private member legislation (0%) was introduced. Early in the year there was information that the NPP had sent a private member legislation to the Attorney General's drafting office for review but that it had been rejected as unconstitutional because it included an appropriation and/or revenue clause. Our current efforts to establish a parliamentary drafting office in cooperation with the Parliamentary Service will encourage private members to draft their own legislative initiatives by providing an objective, non-partisan parliamentary institution. In addition, NDI is providing technical assistance to FIDA-Ghana and the Women's Caucus to draft legislation relative to spousal abuse for possible introduction as private member legislation.

Private members proposed amendments on four bills (31%), one of which passed. It should be noted that, though a private member's influence to affect legislation continues to be limited on the floor of Parliament, within the confines of the Committee private members have greater leeway. For example, NDI has and continues to provide technical assistance and conduct roundtable discussions with the Constitutional, Legal and Parliamentary Affairs Committee and NDI often observes their committee meetings. The Chairman, Hon. Bagbin,. is committed to finding consensus on issues, and making the NPP members stakeholders in legislation referred to the Committee. Accordingly, amendments to their legislation (and they handled about 30-40% of legislation in Parliament) though listed as Committee amendments and not private member proposed amendments, are clearly the result of a vibrant and inclusive deliberative process.

Eight of the thirteen bills (62%) received substantial input from civil society. This showed a greater emphasis by Parliament, from the Speaker to Committee chairmen, about the need for civil society advocacy in the deliberative process. The Speaker at nearly every public appearance urges civil society to interact with Parliament. Those bills which did receive input did so for two reasons. First, issues which would naturally draw attention from civil society caused civil society to initiate contact with Parliament. For example, the Citizenship Bill went to the core of what it means to be Ghanaian as opposed to the Penalty Unit bill which was a technical statutory modification and held little interest with the general public. The second reason is that Committee Chairmen who value the input of civil society in the deliberative process sought out civil society

memoranda and testimony.

Following are a few illustrative examples of the lawmaking process during 1999 demonstrating civil society input, the committee deliberative procedures and the amendment process:

- The Customs and Excise (Duties and other Taxes) (Amendment) Bill was referred to the Committee on Finance. The Committee met only twice to consider the legislation. During one of the meetings representatives from Unilever and PZ Ltd were present. The Committee, in its report to the Parliament, noted the assistance of PZ Ltd. and Unilever for their contributions during its deliberations. The bill seeks tariff changes to some commodities announced in the 1999 Budget, abolishes a special tax to reflect an ECOWAS agreement, and imposes a higher tariff to protect some locally produced commodities. During the consideration stage 13 amendments were offered including one by a private member which failed. Overall 9 of the proposed amendments passed.

- The Driver and Vehicle Licensing Authority Bill was referred to the Committee on Roads & Transport. The Committee advertised the bill and sought memoranda. They received memoranda from the Ghana Private Road Transport Union, National Association of Driving Schools, National Insurance Corp., Ghana Insurers Assoc., National Assoc. of Garages, Ghana Automobile Assoc., TeknikArts Consultants, and Mr. Charles Reindorf. The Bill changes VELD to the Driver and Vehicle Licensing Authority and promotes improved driving standards and road safety. The bill encourages private sector participation in vehicle testing. During deliberations five committee amendments were offered and passed.

- Though the 1999 Appropriation Bill was introduced and adopted in one day it should be noted that there were 5 substantive amendments proposed, all by private members, and one was adopted. Despite this show of active opposition to the bill the actual review of the Budget is done in each Committee when reviewing the budget estimates for the Ministries. However, committee members routinely complain that they do not have the time, staff capabilities or relevant information from the Ministries to properly review the Budget Estimates for the Ministries.

- The NPP introduced two controversial amendments to the Political Parties Bill, one establishing a political parties fund and the second requiring payment for the use of state assets and facilities for political party activity. The former was withdrawn after the majority agreed to revisit the issue when economic circumstances would allow the Government to fund the program. Dr. Obed Asamoah, Minister of Justice declared, "A more acceptable scheme would be considered in due course." The latter amendment was

defeated but again the majority party agreed to the general merit of the proposal and that Parliament should arrive at a national consensus on the issue of state assets for political party activity.

- On the last day of the Session the Government lost a vote requiring a two-thirds vote of all members for a gas tax exemption to certain companies. This is the first vote the Government had lost in this Parliament and shows the increased vitality of the minority parties, the frustration by some NDC backbenchers who were absent for the vote and the slight loosening of party control over their members.

Motions. During the 1999 Session there were 119 Motions moved in Parliament, 55 by Ministers, 56 by Committee Chairmen, and 8 by private members (7%). The percentages are not indicative of the importance the minority parties have begun to place on this procedure. The private member motion was used as a tactic to debate important issues that would otherwise be ignored, make the Government accountable, obtain publicity and raise public awareness. In this manner the state of Ghana's economy and the role of the Finance Minister were debated in a Motion calling for the Minister to resign. Short of private member legislation, it is a means for civil society's voice to be heard. NDI has been stressing this avenue in its technical assistance to individual parliamentarians and in its parliamentary advocacy workshops with NGOs. The following are some of the examples of private member motions during the 1999 Session:

- Hon. Nana Akufo Addo (NPP) introduced a motion requiring the National Media Commission and state media to take immediate steps to ensure compliance with a Supreme Court decision (NPP v.s. GBC, Writ No. CSI/93) granting equal time, space, and access to all activities of all registered parties. Days of parliamentary debate and publicity ensued. On the last day of the Second Meeting an amendment proposed by the majority requiring the National Media Commission (NMC) to investigate whether state media are complying with Article 55(11) of the Constitution (requiring equal access to State-owned media) passed. Despite watering down the Motion this episode was a moral victory for the minority parties as it demonstrated a strategy for future action, i.e., introduce motions that the majority would, in the end, be forced to accept in one form or another or else risk flouting the Constitution or appearing to the public in an unfavorable light.

- Hon. Addo again used this strategy by introducing a Motion calling on the President to fulfill his Constitutional obligations by submitting to Parliament an annual report on all steps taken to ensure realization of the Constitutional Policy Objectives (basic human rights, a healthy economy, the right to work, education, and health care). The Motion was withdrawn by Hon. Addo only after consultations with House leadership promising that the Executive would take up the issue in the next Annual report to Parliament.

Questions to Ministers. One of the complaints voiced by parliamentarians during the 1998 session was the failure of Ministers to appear before Parliament to answer questions asked by parliamentarians. At the close of 1998 there was a backlog of over 250 questions unanswered. During the 1999 Session there was a concerted effort by Parliamentary leadership to rectify the situation. In 1999 Ministers answered 310 Questions and reduced the backlog to approximately 60 questions at the close of the Session. There are still grumblings from backbenchers that Ministers still do not adhere to the time limits for answering Questions, avoid answering Questions, and make empty promises and assurances. NDI is conducting workshops and providing technical assistance with the Government Assurances Committee, an oversight committee designed to investigate and follow-up on assurances, promises and undertakings made by Ministers during Question period. During the 1999 Session the Committee met only three times and submitted no reports to Parliament for consideration. Based on our work with the Committee NDI contends that the Committee will show more activity during the 2000 session. In addition, NDI is training civil society regarding the importance of Questions to Ministers and introducing the Committee to civil society organizations who may be interested in following up on Ministerial Assurances.

Petitions. The Petition process was used for the first time in this Parliament during the 1999 session. The process permits civil society to directly request Parliament to address pressing issues. The process as described in the Standing Orders is fairly complex. The National Union of Ghana Students (NUGS) submitted a petition requesting Parliament to review the recent 300% tuition fee increase while a group of minority parties issued a petition requesting Parliament to investigate the state of the Ghanaian economy. Though both were submitted to the Speaker in violation of Petition rules they was accepted nonetheless by the Speaker. NDI has emphasized the proper process and its procedural rules in its lobbying/advocacy training.

Following are the performance indicators for SO4:

Description And units	1997	1998	1999
a. % of bills changed	56%	67%	77%
b. No. of L.I proposed by MP			
Bills	0%	0%	0%
Motions			7%
c. % of bills that	19%	50%	62%

directly reflect civic input			
d. No. of bills that an MP proposes an amendment	12.5%	7%	31%

Intermediate Result 4.1 Enhanced Capacity of Parliament to Represent Citizen's Interests.

II. Performance Indicator: Improvement in Quality of Legislative Debates.

NDI compiled data relative to the quality of legislative debate using a matrix prepared in cooperation with the USAID-Ghana mission. We have noted a number of deficiencies in the process. Most importantly, the plenary debate is not usually where the important work is done. The committee process, where most of our data collection is focused, is a more accurate indicator of the health of parliamentary democracy in Ghana. We can still catch the important indicators which do occur on the floor, private member motions, amendments, Questions to the Ministers through our other performance indicators and qualitative analysis. In addition, with our reduced staff and time constraints it has become difficult to have someone covering parliamentary plenary sessions. We have often been reduced to reading through the Hansards and though accurate, they are unable to recreate the atmosphere of live debate. Finally, the subjective nature of the matrix leaves its conclusions in doubt and does not directly indicate NDI's impact on strengthening the legislative process. Two matrices for the same debate may have wildly divergent results. For these reasons, NDI suggests that we discontinue use of the matrix.

The components of the matrix are scored from 1(Never or poorly) to 5(excellent at every opportunity) and are identified as follows:

A. Consideration of substantive effects of the bill.
B. Use of facts, figures, data, and analysis drawn from reference service, Internet, think tanks, NGOs or any other sources.
C. Focus on constituent interests in considering legislation; MPs in touch with constituents; information obtained from constituents.
D. Thoughtful use of legislative models and experience from other countries.
E. Inclusion and reference to testimony and memoranda from civil society.
F. Debates between different factions and parties.
G. Relevant government agencies and Ministries work with Parliament on drafting legislation.

H. Drafting competence, clarity of language, internal consistency, and consistency with other laws.

Description And units	A	B	C	D	E	F	G	H
a. Quality of Leg. Debates Matrix/1999	4.7	3.6	3.1	2.7	2.5	3.8	3.2	4.0

NDI reviewed a sampling of parliamentary debates on bills, motions, questions to ministers, and statements. The worst performing components, committee testimony/memoranda, legislative models and comparative experiences, and constituent interests are three areas that NDI has focused its efforts. By encouraging more and open public hearings and civil society input at these hearings NDI believes that all of these indicators will rise over the upcoming years. However, NDI believes it would be useful if we could narrow the focus to committees with whom we work with to accurately reflect our impact on the Parliament. The net is now so wide that results cannot be attributed to our efforts.

III. Performance Indicator: Number of open committee meetings held and percentage of which include interaction with civil society.

There were 428 committee sittings during the 1999 Session, 29% of which included civil society interaction. This indicator shows no improvement from last year but does show an increase in the actual number of committee meetings held over the past two Sessions. Since there are very few rooms for committees to meet committees often meet in public sitting areas located throughout the Parliament. At times Committees are able to book private rooms or the Speakers conference room though there is clearly not enough space. This deficiency discourages committee meetings and especially public meetings. Committee meetings are not open to the public unless the Committee decides to open the meeting or the Chairman allows a member of the public to attend an otherwise closed meeting. Standing Order 199. NDI has reviewed the Votes and Proceeding documents to determine the number of actual committee meetings and the number of those meetings which include interaction with civil society.

Over the past year NDI has come to believe that the accuracy of our civil "interaction" data is at best a rough estimate and is actually more reflective of civil society presence, not "interaction" at committee meetings. There is no way for NDI to know if a Committee was reviewing written memoranda from civil society during a committee meeting which should be construed as "interaction with civil society." Clearly, the data from legislative initiatives shows that Committees are considering memoranda and interacting with civil society on an increased basis. Such interaction is not picked up under this performance indicator. The Votes and

Proceedings only note whether there is civil society presence at the meeting. In addition, as the independent evaluation found these indicators may not be addressing NDI's impact on the process. I would suggest that under this category NDI compiles the number of committee meetings and percentage of those meetings that include civil society interaction in only those committees NDI is actively involved with so that we can show a "before" and "after" picture and ensure more accurate data and a more accurate reflection of our impact on the process.

Description And units	1997	1998	1999
a. # of Comm. Meetings	385	362	428
b. % of Comm Mtgs w/ civil soc.	26%	29%	29%

Appendix H

The index to a notebook that includes the key documents from NDI's legislative workshops held between 1994 and 1999. The notebook is updated annually and distributed to NDI staff engaged in legislative development

NDI LEGISLATIVE PROGRAMS

(Updated October 1999)

This index contains terms of reference, agenda and bios of international faculty. For further information about these programs, including copies of reports, contact NDI's Democratic Governance team.

TAB 1.....LEGISLATIVE ASSESSMENT MISSIONS

Madagascar Democratic Consolidation in Madagascar: The Role of an Effective Legislature - Assessment Mission, *December 4-13, 1995*

Serb Republic Parliamentary Assessment Mission in the Serb Republic, Bosnia-Hercegovina, *February 1999*

Togo Baseline Assessment of the National Assembly of Togo, *November 26-December 4, 1996*

West Bank/ Gaza Assessment of the First Three Months of the PLC, *March 1996*

TAB 2 ..... BUDGET

Georgia Bringing the Budget into the Political Process, *October 1998*

Nigeria National Assembly Budget Program, *July 1999*

TAB 3.....CIVIL-MILITARY RELATIONS

Georgia Civil-Military Relations Seminar, *May 1998*

Senegal Role of the Legislature in Defense and National Security Issues, *April 1999*

TAB 4.....COMMITTEES IN LEGISLATURES

Bangladesh Function of the Business Advisory and Rules Committee, *April 1997*

Ghana Role of Committees in the Legislative Process, *December 1997*

Nepal Role and Powers of the Public Accounts Committee, *September 1996*

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Northern Ireland Strengthening Committees: Legislation, Oversight and Public Participation in the Northern Ireland Assembly, *April/May, 1999*

West Bank/ Gaza Role of Committees in the Legislative Process, in Encouraging Public Participation and in Overseeing the Executive, *December 1996*

TAB 5.....CONSTITUENCY OUTREACH

Bulgaria Constituent Liaison Program - Media Seminar, *July 1998*

Bulgaria Constituent Liaison Workshop, *October 1997*

Mozambique Conference on Parliamentary Constituent Outreach, *March 1997*

West Bank/ Gaza Seminars on Constituency Outreach for members of the Palestinian Legislative Council, *October 1997*

Yemen Constituency Relations Training, *August 1999*

TAB 6.....CONSTITUTIONAL DEVELOPMENT AND CONSULTATION

Albania Constitutional Process Mission, *March 1998*

Guyana Constitutional Reform Assessment, *December 1996*

West Bank/ Gaza The Palestinian Basic Law, *May 1996*

TAB 7.....ETHICS

Georgia The Development of a Conflict of Interest Law, *March 1997*

Kyrgyzstan Governmental Ethics, *April 1998*

Nepal Role of the Government, Parliament and Independent Constitutional Bodies in Establishing an Ethics Regime: Problems and Necessary Reforms, *August 1, 1998*

South Africa *Ethics Study Mission to London for South African MPs, *November 1995*

Turkey Strengthening Democracy through Parliamentary Reform, *June 1997*

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Turkey Code of Conduct for Parliamentarians and Executive Officials, *April 1997*

TAB 8.....INTER- and INTRA-GOVERNMENTAL RELATIONS

Georgia Mid-term Assessment of the Georgian Parliament: Legislative-Executive Relations, *January 1998*

Kyrgyzstan Strengthening Intraparliamentary and Parliamentary-Executive Relations, *October 1996*

Yemen Legislative-Executive Relations in Yemen, *March 1999*

West Bank/ Gaza Legislative-Executive Relations, *April 1997*

TAB 9.....ROLE OF NGOs IN THE LEGISLATIVE PROCESS

Albania How to Participate in the Legislative Process, *April 1995*

Bulgaria Lobbying Regulations Workshop, *March 1999*

Bulgaria Bulgarian Parliament NGO Relations Program, *September 1998*

TAB 10.....ORIENTATION/OVERVIEW OF THE LEGISLATURE

Cote d'Ivoire Seminar on the Role of the Legislature in Consolidating Democracy, *October 1997*

Georgia Parliamentary Leadership and Orientation Program, *January 1996*

Liberia The Liberian Legislature: A New Democratic Beginning, *March 1998*

Madagascar Democratic Consolidation in Madagascar: The Role of an Effective Legislature, *May 1996*

TAB 11.....PARTIES IN THE LEGISLATURE

Macedonia The Role of the Parliamentary Group in the Legislature, *March 1999*

Morocco Coalition Building Among Parties in Parliament, *July 3-5, 1998*

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Nepal Party Discipline: Whips and Anti-Defections Measures, *August 1997*

Northern Ireland The Politics of Governing: Political Parties and the Northern Ireland Assembly, *November 1998*

TAB 12.....RULES OF PROCEDURE

Indonesia Consultations on Indonesian Rules of Procedure, *April 1999*

West Bank/ Gaza Workshop on Organization of the Plenary Session for the Palestinian Legislative Council, *March 1997*

TAB 13.....LEGISLATIVE STAFF TRAINING

Madagascar Skills-Building for Parliamentary Staff Members, *June 1996*

Malawi *Staff Attachment Study Mission, *January-February 1998*

Namibia Research Skills Training, *September 1996*

TAB 14.....TRANSPARENCY: ACCESS TO GOVERNMENT INFORMATION

Georgia Freedom of Information and the Media, *July 1996*

Latvia Access to Government Information, *October 1994*

Togo Legislative Training Program on Access to Information, and its Implications for the Parliament, Media and Civil Society, *August 1997*

Appendix I

Two NDI in-house memoranda reflecting
lessons learned in organizing study missions;
the latter focuses on study missions to the United States

Organizing a Study Mission: Beyond Logistics
prepared by Marissa Brown

NDI seems to be organizing more and more study missions taking people from one country to learn from what is happening in another. Bringing people from one country to another to observe elections or organizing activities has long been a part of NDI programming. In Guyana for example, the founders of the Electoral Assistance Bureau credit an NDI-sponsored study mission to Paraguay to observe the electoral process, as the impetus for forming an election-monitoring group. However, the quantity and topics for NDI study missions has expanded significantly in the last few years. South African legislators who visited Ireland to look at the subject of legislative ethics returned and adopted a legislative disclosure law. Numerous other instances exist where NDI staff report that this type of programming can be an effective learning experience for study mission participants.

This document summarizes thoughts from several of the NDI staff people who have organized and accompanied study mission delegations. In particular this paper draws from a session at the southern Africa regional retreat, brown bag lunches in Washington and conversations with various people at NDI. I hope this document will help you and that you in turn will share your thoughts with me so that I can add to it.

Study Mission Goals

It is important to define the study mission's goals, and to relate them to the participants. In order to facilitate this process, the goals should probably reflect the following characteristics:

- Dialogue and interaction on neutral ground;
- Concrete, policy-specific outcomes;
- Benefits to NDI relationship-building.

Defining Study Mission Content

Who defines a study mission?

There are a number of considerations in addressing the topic of a study mission. First, it does not matter where or how the idea originated. Whether NDI thought of the idea, or the people in the country requested it seems to have little connection to the ultimate success or failure of a study mission. More important is to make sure the participants understand the goals and objectives of the study mission and the general format.

How does this study mission fit into the big picture?

Perhaps equally important to informing the participants is linking the program to the goals and objectives of your overall country program. A study mission is one tool in the toolkit of programming that NDI conducts. Make sure that the meetings and issues reflect and enhance other NDI endeavors in the country, making the study mission more useful to NDI and the participants.

Choosing Destinations

Success Story or Experiment Gone Wrong?

Consider in your choice of study mission site what the participants' perceptions are of the host country, but do not nix a place merely because of uninformed attitudes. Review your choice with potential participants, and

examine the two countries for common history or situations. Do the participants see the host country as a "success story"? Do they want to learn from the other country or are they rivals? Is there an interesting story of how a particular policy did not work that the study mission participants can learn from?

Too many visitors?

Another important element in your choice is delegation saturation syndrome (DSS) - the overuse of a host country. If there are numerous visitors from one country in a short period of time, it can hinder the willingness of NDI's contacts to meet with (yet) another group of visitors. Worse, they can agree to meet with your participants and do a very rote meeting that is not helpful to the study mission participants.

The all important NDI Office

The presence of an NDI, office in the host country is preferable, but various successful study missions have occurred where none exists. In these cases, significant advance work is necessary for ensuring that logistical questions are dealt with as early as possible. In order to organize the program on site, it is necessary that one logistics person arrive at least three weeks in advance. If there is an NDI office or if you are visiting another region, you should inform that office and the relevant NDI regional staff in Washington well in advance of the trip of your plans. You can expect that office to have contact information and some insights into who can be helpful to you in that country (but only if you let them know early and keep them involved in the process). Remember, you are coming and going, but NDI has connections in the country before you come and after you go. Think about how you would want someone to organize something in the country you work in and act accordingly.

Identifying 'Participants

Setting the parameters

Often, NDI is not in a position to choose directly the participants in its study missions. NDI often has to ask institutions such as parliaments or political parties to nominate participants. There is no perfect way to make sure all your participants are the best and the brightest but setting clear parameters and criteria for participation is very useful. That way, the organization or individuals responsible for choosing the study mission participants understands what type of participant to select. It is in the organization's interest to choose well, since the possibility exists for future programs that will benefit that organization and its members.

Perceptions are KEY

Be aware of how participants perceive the opportunity. Often participants are unsure why they are picked to participate in a study mission, so conversations with them are just as important as establishing the parameters for participation with the leadership. Second, there can be some very hard feelings regarding the opportunity to participate in study missions; the issue of patronage arises where the same "lucky" individuals are given the chance to participate in programs while others are left out. Again perceptions are the key, and having established criteria can explain perceived biases.

Diversity vs. Homogeneity

Consider the intrapersonal dynamics within the delegation. Such dynamics can have a significant affect on the cohesion of the group and the quality of discussion and learning. One of the goals of conducting a study mission is often to allow for dialogue to occur on neutral ground, but if that is the goal the participants have to understand and accept the diversity of the delegation. On one delegation, more than six political parties were represented and there was considerable infighting and rehashing of issues rather than learning from the experiences in the host country.

Very Important People

Sometimes, the delegation will consist of people who are very important in their own country. A delegation with some high level participants may affect your delegation. Depending on their expectations, they might think they deserve deferential and different treatment than the other delegates. They may want to arrange other meetings. Or other members of the delegation may be so aware of their place in the hierarchy, that they may be unwilling to ask questions or actively take part. Be aware of these issues and think though how to address them.

Agenda

Over- vs Under-scheduling: The NDI dilemma.

In determining the agenda, consider the implications of over vs. under-scheduling Cramming lots of activities into a short time can make each activity less useful than fewer, targeted and specific programs. More often than not, NDI programs are chock full of program and have little time for participants to synthesize or process the information they are receiving. Particularly in countries where there is interpretation, give your participants a break and make sure the agenda includes time for the participants to interact informally and discuss what they heard that day.

Program Continuity

The agenda should have a logical flow of beginning, middle and end. This way, participants can utilize the skills and knowledge they gain at initial orientation activities to better benefit from later meetings with presenters. Also, make sure that each agenda item fits into the "why?" of your program, or rather that it will help meet the goals and objectives of the study' mission.

Great expectations and small expectations

Give the participants a terms of reference and a draft agenda so that they understand the thinking behind the study mission, have background on the topic and the purpose of the various meetings and sessions. A terms of reference should clarify for participants what the study mission is about, and what issues they will be addressing. Tell the participants who their fellow delegates are and what will be expected of them. Do you want them to write a report based on their experiences? If so, you have to explain that from the outset.

Secondly, although you have been living and breathing the Parliament of India for the last three weeks, your participants will more likely have told friends and family they are going to India. Don't forget to let them see it. Often groups are dismayed to learn how little of the culture and sites they will be able to squeeze into their trip. It will only ease the pain to let them know ahead of time that there won't be too much time for sightseeing.

Flexibility, agility and flexibility.

As much as you think you have planned the perfect schedule in advance, be prepared to be flexible. As a program progresses, the focus may shift slightly or the delegates may learn one thing that leads them to other questions. Therefore, you may want to schedule new meetings that may be more educational to the delegates. If everyone is notified at the start of the program that the itinerary can and will change, you can alleviate surprise at schedule modifications. A corollary to this is to allow extra time in your schedule for everything. If every delegate asks a question at the end of a meeting, it is apt to run a very long time. Double that amount of time with interpretation.

Briefing Materials

Terms of Reference

It is important to inform not only the participants what the objectives of the study mission are, but also the presenters. Each presenter should receive a letter or memo outlining what topic you expect her to address and why it is important in the context of the group that is meeting with her.

Briefing Books

Develop the briefing materials based on the goals of the program, and prepare them in a briefing book to be given to the participants and presenters. Make sure that the materials are relevant. For example, if the mission will study the rules of procedure of the host's senate, provide the rules of that country, any supporting documentation, and even comparison info from other nations. Reinforce the important briefing materials with face-to-face meetings and discussions. Remember your participants have full-time jobs that may not include time to read the thousand-page briefing book you prepare. Think about how to get them the information in the best way. Briefing materials should also include contact information and orientation materials so that the participants have an idea of who they are meeting, and be able to get around in an emergency.

Staffing

Two heads are better than one

Overwhelmingly, people who have accompanied study missions suggest that more than one NDI person accompany the group. They also suggest there should be a division of responsibilities, on person should conduct the advance and logistics, while the other should perform the program work and draft the report. This is important to consider ahead of time, since one person may have to leave a meeting to cancel an appointment while the other needs to stay and make sure to take notes on the substance of the meeting.

Follow Up: Your work is never done

A study mission is only as good as the final report

If no one knows what happened on the study mission, it will be difficult to determine if it had an impact on the overall program. In short, it is crucial to the program to write an effective report summarizing what the delegation heard and analyzing how it affects outcomes in the country the participants are from. In order to accomplish this effectively, it needs to be clear at the outset who will bear primary responsibility for writing the report and ideally what kinds of information will be included. One hint to remember in writing is that describing a study mission is like describing a conference, it is not enough to say a "NDI sent a study mission to New Zealand", you should explain what a study mission is and what the purpose of the delegation was.

Contacts, contacts, contacts

As the person responsible for a study mission, you most likely work in the country from which the study mission participants are from. Please do not forget that NDI works (has worked or will work) in the host country again and you need to maintain NDI's contacts. Please write and send thank you letters promptly to everyone who met with or helped the study mission. Also remember to add your new contacts into Telemagic, so that the next person who heads to that country knows with whom NDI has been in contact.

Lessons Learned

In conducting a number of study missions some general lessons have been learned. Right now these are assertions collected from the people who have managed study missions. Please test these out and let me know if you think they hold true in your experience.

Size

Most staff involved in study missions agree that it is useful to have delegations numbering between six and ten. Dividing that delegation further can be a useful way to ensure that all the participants get individual attention and get the most out of the program.

Length

Remember you will be spending a lot of time with the delegates on the study mission. Generally, a study mission shouldn't last much more than ten days and should probably be closer to one week. Participants have trouble continuing to learn and process information after that point and NDI staff are too exhausted to be as effective.

Staffing

Two people are the smallest number of people necessary to accompany a delegation. Another role of thumb is that one person should be primarily responsible for putting together a delegation and should share information with everyone involved. With too many people with equal responsibility for the delegation things can fall through the cracks.

To: Interested NDI Staff
From: Strategy & Evaluation Team
Re: Practical Lessons Learned: U.S.-based study missions
Date: April 18, 1997

From October 26 to November 9, 1996, NDI organized several practical study programs in the United States for political organizers from around the world. The purpose of the programs was to familiarize participants with U.S. political processes, focusing specifically on the American party system, party organization during an election cycle, campaign strategies and activities, voter education and election monitoring.

The programs (for Jordanian women, Russian political party activists and Ukrainian political party activists) began with a five-day stay in Washington, D.C., where participants received an introduction to the U.S. political system, including an overview of the history and current status of the Democratic and Republican parties and the issues driving their campaigns. Participants had the opportunity to discuss public opinion research, message development, media relations, fundraising, voter targeting and contact, field organizing, civic advocacy, coordinated campaigns and voter participation with American experts. Following the Washington component of the program, participants traveled to sites throughout the country to observe firsthand the activities surrounding the congressional, senatorial and presidential races.

The following is a brief overview of the lessons learned from the observation programs by the individuals who hosted them The purpose of this paper is to share with future observation program coordinators/trainers/interpreters useful information gleaned from these experiences. The lessons learned are presented from the perspective of the program leaders, not from the program participants.

The information below was presented at a brown bag lunch that was organized by Marissa Brown. It was attended by: Julie Burkley, Karina Milosovich, Allison Bishop, Tina Monson, Kathryn O'Kane and Chrissy Mataya. Because each group had different experiences, the lessons that they learned/shared were of a wide variety. Therefore, the tips that they pass on are not ranked in order of importance.

Programming

- Before the program begins, provide the participants a confirmation letter and a series of questions concerning what the delegates are interested in learning. The staff can use the delegate's responses to alter their agenda to include activities that would be most interesting and beneficial. Having a sense of the type of questions you should expect from your delegation will better prepare you once the program begins.

- During the program, allow lots of time for questions. If possible, alert the speakers in advance that the group will probably raise many questions. Let the speakers know what type

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of questions they may ask.

- It is important to increase the amount of time devoted to individualized programming. For example, set up targeted consultations for parties or regions, if not for individuals. Also, schedule periods for lecture and roundtable formats on issues such as strategy, campaign financing, election law, voter and candidate registration, targeting voters, contacting voters, and developing databases of voters.

- Try to plan a program in a small town or observe a small race. In less urban areas, foreign visitors are a novelty and thus attract a great deal of attention because they so rarely visit these areas. As such, most people go out of their way to accommodate you. Press coverage may be easier to get, and more time can be spent with the principal political activists from the U.S.

Scheduling

- Maintain flexibility in the schedule. This point cannot be overstated. As a program progresses, the focus may change or the delegates may grow interested in unscheduled activities. Therefore, you may want to cancel meetings during the course of the program to pursue an activity that may be more appealing and educational to the delegates. If everyone is notified at the start of the program that the itinerary can and will change, nobody will be surprised or unsettled by schedule modifications and the program will run more smoothly.

- Schedule down time. Members of the delegation will be overwhelmed at times -- often because it is their first visit to the U.S. It is important to allow time for reflection and communication after a day's activities. "Unpack" the schedule by leaving time for breaks. Do not schedule a full day of meetings and events, and notify the people with whom you are meeting and your delegates of your intended schedule. It is important to set aside some time to allow delegates to do some sightseeing or shopping. Often delegates are pressured by their families to bring American goods back home with them. If you schedule time for these activities at the beginning of the trip, the delegates will be less preoccupied with their shopping during the program.

- Allow extra time in your schedule for everything - activities may run later or longer than scheduled; participants may want to spend a few minutes after a meeting in further discussion, etc. Padding your schedule with additional time will alleviate stress as you move from place to place and from appointment to appointment.

- When traveling, divide your delegation into small groups (four or fewer). Large groups of people are difficult to manage. Even eating lunch can take forever if everyone needs the menu translated individually. Also, potential appointments may be more hesitant to schedule your group if they believe that it will take a big production to arrange it. Participants also want to feel like they are getting some personal attention from the NDI staff, which is a

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difficult feat to achieve when the numbers are large.

Participants

- Before the program, attempt to collect as much information about the delegates as possible. This homework will pay big dividends as it will help you anticipate the needs and desires of the delegates so that scheduling will be an easier task.
- When putting together a group of participants that may be drawn from competing parties, avoid sacrificing cooperation for diversity. A diverse group of participants may provide the program a greater basis for provocative discourse. However, a delegation that constantly expresses many opposing viewpoints or that carries a lot of negative baggage from home may resist cooperation and can result in confrontation.

Staffing

- Ideally, each group should be accompanied by at least two staff members at all times. Divide time among the two staffers: assign one person to conduct all advance and logistics arrangements, and assign another to perform the program work and question preparation.

Speakers/Trainers/Interpreters

- When choosing trainers and interpreters, ideally use people who are familiar with NDI. Interpreters can play a major role in the success of the program. Meet with them in advance of the program to discuss the schedule and any suggestions or concerns. During the program you may want to help them out by indicating to a speaker if she/he needs to speak a bit slower or by structuring question/answer periods to better suit the interpreter's speed.

Appendix J

NDI final report reviewing a month-long internship
of two Malawian parliamentary officials
in the Maryland General Assembly

Staff Attachment to the Maryland General Assembly
for the
Deputy Clerk and Senior Clerk Assistant of the Malawi National Assembly
January 29 - February 20, 1998

FINAL REPORT

Summary

The National Democratic Institute for International Affairs (NDI) sponsored two Malawian parliamentary officials to visit the Maryland General Assembly from February 2 to February 20, 1998. Deputy Clerk Fahrrad Assani and Senior Clerk Assistant Henry Njolomole studied Maryland's parliamentary rules and procedures and gained hands-on legislative experience in the office of the Clerk of the House of Delegates and with some of Maryland's committees.

The program's objective was to provide practical information that can be used to increase the effectiveness of the Malawi National Assembly. Assani and Njolomole remarked that the program was useful and informative, and noted some practices that they will recommend to the Parliament in Malawi, including a page/internship system, a bill drafting section in Parliament, and a legislative documents print shop. Other aspects of the visit included exposure to

- Maryland's bill drafting and document management procedures;
- the legislative committee structure and its operations;
- the roles of House, Senate, and committee leaders;
- the roles of other legislators and legislative staff;
- the library and information services provided to staff and members of the public;
- the use of computers in daily operations; and
- the General Assembly's relations with advocacy and lobbying groups, the media, and the Executive branch.

(A detailed program outline is attached.)

Background

Since 1993, NDI has sought to strengthen Malawi's democratic institutions by working with political parties, traditional authorities, the media, and most recently, Parliament and women's and civic organizations, helping them participate more fully in that nation's evolving democracy. In June 1997, NDI sponsored a study mission to the US for the Speaker and Clerk of the Malawi National Assembly, during which time they visited the Maryland legislature. Following that successful visit and at the request of the Speaker and Clerk, NDI arranged for a three-week visit for Deputy Clerk Fahrrad Assani and Senior Clerk Assistant Henry Njolomole at the Maryland General Assembly.

The Malawi Parliament faces several challenges that Assani and Njolomole identified as key areas of interest to them during their stay: the efficient allocation and use of resources (space,

time, money, and staff); the establishment of a functioning committee system; increasing the capacity of parliamentary staff to develop and maintain the institutional memory of a legislative body; parliamentary communication with the private sector and media; and cooperation among a bicameral legislature.

Program Consultations

Efficient Use of Resources

Assani and Njolomole inquired about ways to use the Malawian Parliament's limited resources more creatively and productively. Currently, MPs in Malawi do not have offices nor staff. They work from their homes or hotels when Parliament is in session. Several committees have not yet held inaugural sessions, and most do not yet hold regular meetings. One obstacle to holding regular meetings, and holding meetings while Parliament is in session, is the lack of space available to MPs.

This trip highlighted for Assani and Njolomole the importance of logistical improvements in Malawi. Also, they were impressed by the fact that in Maryland, legislators hold a plenary session in the morning and reserve afternoons for committee meetings. They thought this to be an efficient use of time.

After visiting the Legislative Print Shop, the visitors became very interested in its operation and management, including how the wastage of ink and paper is avoided and the rate at which documents are turned around. They remarked that one of their recommendations for the Malawi Parliament will be to establish its own print shop. Currently, Parliament depends on the Government's printing facilities, where there is a different set of priorities. As a consequence, materials are not returned to Parliament in a timely fashion. The Clerks say that people in Malawi want information from Parliament, but often the information becomes available after some of its relevancy has been lost.

More broadly, at a roundtable discussion on the management of resources by legislative staff, Assani and Njolomole were able to ask more in depth questions. The discussion was attended by managers and staff from the offices of the Clerk and Senate Secretary and the Library and Information Services and Legislative Document Management departments. In addition, the visitors were able to discuss fiscal issues with policy analysts.

Increasing the Capacity of Parliamentary Staff

Parliamentary clerks in Malawi play a critical role in the operations of the National Assembly. Elections scheduled for the first half of 1999 may lead to a wide turnover of MPs. The Clerks, therefore, may perform a critical role by providing continuity in the development of Malawi's legislature. They want to improve their own performance as well as other parliamentary staff and MPs.

Assani and Njolomole witnessed in Maryland the usefulness of cross-training staff members. In

the Clerk's office there, staff are trained to perform all the major functions of the office, in the event of emergency or absence. Also, Chief Clerk Mary Monahan plays an active role in the daily operations of the office. Monahan explained to the visitors how cross-training has benefitted her office, and how, in contrast, the lack of such training has disadvantaged the Senate Secretary's office and made them dependent on Monahan's office to train new staff. The visiting Clerks noted that Monahan's office is in fact good at training others.

In a meeting with Cheryl Hixson, Chair of the House Ways and Means Committee, the Clerks inquired about the training of committee staff. Assani and Njolomole observed that the committee staff in Maryland are neutral, which is very important to providing quality service to all committee members. The visitors also inquired about the educational and professional background of committee staff.

Assani and Njolomole met with policy analysts and bill drafters, and were convinced that researchers and bill drafters should be added to the parliamentary staff in Malawi. Having policy analysts on staff would facilitate researching issues and analyzing and debating legislation. The visitors repeatedly said that they were impressed by the depth of knowledge of the staff and legislators. They attended county delegation meetings and were struck by the extent to which Delegates were informed about the issues on the table before them. The presence of bill drafters would increase the likelihood of MPs initiating legislation; presently, all bills come from the executive branch of government. The ability to draft and introduce legislation would also help the Parliament to assert its independence from the executive. Assani and Njolomole are recommending that the Malawi Parliament establish a modest bill drafting section.

The page and intern system at the Maryland House also impressed the Malawians. They met with the page/intern coordinator, and observed pages on the floor of the House. Such a system would help fill the gap caused by a shortage of parliamentary staff in Malawi, and demonstrates a sense of patriotism by the students who participate. NDI has shared with Assani and Njolomole information about page/intern systems in the US Congress and some state legislatures.

Committee System

During the one-party era, MPs in the Malawi Parliament spent little time considering legislation. They have since repeatedly expressed their desire for a strong parliamentary committee system to allow for careful consideration of legislation, oversight of the executive and public input into the legislative process; however, committees generally remain a weak part of the parliamentary structure in Malawi. Assani and Njolomole also cited the need in Malawi for a stronger committee system and for more public involvement in the system. After witnessing the "mechanics of how legislation moves" in Maryland and working with committee staff to prepare for hearings, they described the committee system in Maryland as effective and "aggressive." Since returning to Malawi, the Clerks have convinced Parliament to send three bills to committee, which has happened only once before.

In the meeting with Hixson, Assani and Njolomole asked about relations between the Ways and Means Committee and the State Controller and Treasurer, and the occurrence of partisanship

among committee members.

Assani and Njolomole were in Maryland during heated public debate about an issue dear to farmers. Farmers and other interested parties assembled at the State House in large numbers for a joint hearing on environmental matters. The Malawians were astonished by the amount and intensity of public participation and the sheer number of farmers who signed up to testify before the committee. They have said that they will encourage committees in Malawi to hold sessions in public.

External Communication

Assani and Njolomole had several opportunities to meet lobbyists and witness Maryland legislators interact with them. However, they were not entirely impressed. They felt that such interaction would be considered corruption in Malawi. The visitors thought that the ability of lobbyists to "wine and dine" elected representatives compromised the integrity of the officials, and made them look like "pawns." They conceded that in Maryland, such efforts may have only a subtle effect or no effect at all, but would go a long way in influencing an MP in Malawi where poverty is much greater. They noted lobbying tactics as one aspect of the Maryland legislative system that they would not want to take back to Malawi.

The visitors also met with a senior reporter for the Associated Press, who briefed them on the activities of the Capitol Press and media services. They also met with the Chief Legislative Officer to Governor Parris N. Glendening to discuss executive-legislative relations.

Bicameral Relations

The Malawi National Assembly is currently a unicameral body with plans to establish a Senate in 1999. One item of interest to Assani and Njolomole was how the bodies of a bicameral legislature cooperate on the passage of legislation while maintaining their independence. In Maryland, they saw how the two houses relate to each other, and "how to work in harmony."

On the floor of the House of Delegates, the visitors were impressed by the fact that Delegates are permitted to make announcements near the end of the session. In Malawi, it is the Speaker who makes all announcements. Assani and Njolomole feel that this lends to a tense and serious environment in Parliament, wherein the Speaker is elevated above the MPs and the latter do not feel free to speak.

Conclusion

Assani and Njolomole both remarked that their time spent in Annapolis was educational and relevant. They were influenced to make recommendations to the Malawi Parliament that can make it a more productive and representative institution, and have begun to see changes. Participants in Maryland have also said that the program was a good learning experience for them.

Participants in Maryland agreed that the Assembly there provided a good model for the

Malawians. According to one description, "Maryland is an evolved Malawi," in that the General Assembly was once unicameral and made up of farmers and fishermen who represented largely uneducated constituencies and found it a hardship to leave their families to attend sessions. It was also said that Maryland has been used as an observation tool by many emerging democracies because it is open and accessible, and the compressed 90-day session can allow observers to see every facet of the legislative process.

There was also agreement that the Malawians had the skills level and experience necessary for the program. Participants in Annapolis said that they were impressed by Assani and Njolomole's ability to absorb so much information and to piece together the various aspects of the program to understand the entire legislative process. At one point, Monahan said that the visitors were "absorbing like sponges."

Overall, the Annapolis and Malawi participants expressed great satisfaction with the program.

Acknowledgments

There were many people in Maryland who invested a great deal of time and energy into the development and execution of the staff attachment program. Mary Monahan and Anita Bavis of the Chief Clerk's Office and Sherry Little of Legislative and Information Services were instrumental in designing the program outline and the daily agenda. Other staff in the Chief Clerk's office and Johanne Greer of the Office of the Secretary of the Senate also played an important role in designing the agenda for the visitors and steering them through the program. William Addison, Secretary of the Senate, although the Clerks did not spend as much time in his office as originally intended, was very enthusiastic about the program and offered input in its development. Delegates Clarence Davis, Nathaniel Exum, and Frank Boston took a personal interest and arranged meetings and/ or invited Assani and Njolomole to functions. On their last day at the State House, Assani and Njolomole were recognized by Speaker Casper Taylor on the floor of the House and presented small gifts. They were later given gifts for themselves and family by the staff of the Chief Clerk's office. NDI is grateful to all of the above, and they have been thanked personally.

Appendix K

Memorandum of Understanding between NDI and the National Assembly of Namibia regarding a multi-year legislative development program

AMENDMENT

MEMORANDUM OF UNDERSTANDING BETWEEN THE PARLIAMENT OF NAMIBIA AND THE NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

PROGRAM: DEMOCRATIC INSTITUTION BUILDING OCTOBER 1998 - SEPTEMBER 2002

This document serves to amend the Memorandum of Understanding (MOU), signed on 30th October 1995, between the National Assembly of Namibia (NA) and the National Council of Namibia (NC) and the National Democratic Institute for International Affairs (NDI). The original MOU related to activities to be carried our under a "Democratic Institution Building" grant from the United States Agency for International Development (USAID) in response to requests by Namibian parliamentary leaders for assistance in strengthening the Parliament. Based on the progress made during the past three years and new requests for support from both Houses of Parliament, NDI and USAID have entered into a follow-on cooperative agreement for the "Consolidation of Democracy." This new agreement will continue to support the institutional development of the Namibian Parliament through September 2002. The amended MOU sets forth the arrangements between NDI and the National Assembly and the National Council for implementing the follow-on cooperative agreement. It defines the roles and responsibilities of each party and the agreed-to collaboration, coordination and interaction. The amended MOU covers implementation, administration, reporting and evaluation.

The amended MOU also outlines the financial obligations of each organization, including the obligation by the Namibian government to provide in-kind contributions and to make a clear commitment to provide for recurring costs of the program after its conclusion. This amended MOU is valid for the duration of the program, October 1998 - September 2002, although it can be amended during the course of the program with the agreement of all three parties and the concurrence of USAID.

NDI recognizes the sovereignty of Namibia and the institutional autonomy and integrity of Parliament. The program is intended to support Namibian efforts to strengthen the Parliament, and NDI will not interfere with its work or take sides on any public policy issue. Those decisions are rightfully left to Namibian citizens and elected representatives. The program responds to the initiatives of Namibian leaders, and will not seek to impose any other ideas or solutions.

INTRODUCTION

For the past seven years the National Assembly, National Council and NDI have undertaken a program to strengthen the institution of Parliament. The primary goal of that program which will continue through the duration of the program is to promote accountability among Members of Parliament and staff, transparency in the legislative process and public access to decision-making. The Speaker and Chairperson continue to acknowledge that public participation is vital to the integrity of the legislative process, and remain committed to proactively lead efforts to revise relevant structures or introduce new systems of operation to further open Parliament to the public.

The programmatic approach is two-fold. First, the National Assembly, the National Council and NDI will continue to work cooperatively within the Parliament on the institutional changes and capacity-building needed to increase public access and strengthen the legislative branch's ability to function as an independent branch of government, as provided in the Namibian Constitution. Secondly, NDI will work with community-based organizations, non-governmental organizations (NGOs) and the media to expand their respective roles in the legislative process. The two approaches are complementary and will therefore have integrated program components.

The joint effort between Parliament and NDI is meant to complement and support other initiatives by the Parliament and by other funding agencies to strengthen day-to-day operations of the legislative branch. NDI's program will not address all of those initiatives. It will be balanced in its approach to working with the NA and NC, and will continue to work with both houses in an effort to address their needs for developing the respective institutions and members, taking into account their constitutional and political mandates. In order to sustain relevancy, unique programs may be designed for the two houses and for political parties serving in government and opposition.

While program design will be conducted with the full participation of the NA and NC, NDI retains financial responsibility for this cooperative agreement with USAID. NDI and parliamentary leaders and staff will continue to work together to design, schedule and organize programs and meet regularly to evaluate progress and plan future activities. Decisions on program activities will be jointly determined through a process of consultation which will include the Speaker and the Chairperson or their designees, NDI management, and the Project Advisory Committee. All program personnel will share information that will enable comprehensive monitoring and evaluation of the project. USAID, along with the U.S. Embassy and the United States Information Service in Namibia, will be consulted on the implementation of program activities.

PROGRAM ACTIVITIES

The NA, NC and NDI will engage in activities through the four-year program that will include technical assistance, consultancies, workshops and conferences, focus groups, assessments, individual consultations and public forums. These program activities will support Parliament's efforts to:

- Create the structures and further develop the skills to function as an independent branch of national government;
- Enhance the capacity of Members and staff of the National Assembly and National Council to carry out legislative and outreach functions;
- Increase the capacity and willingness of the media to provide information on the national legislative process and on policy and advocacy issues;
- Consider legislation that will institutionalize the concepts of accountability and transparency, including ethics legislation.

The above objectives includes those that relate directly to the strengthening of the Namibian Parliament. The program also includes other activities that will be conducted outside of the Parliament, and therefore are not covered by this MOU, such as developing the skills of NGOs to advocate on behalf of their interests. During the last two years of this grant, the focus of NDI's program will shift emphasis towards strengthening the capacity of civil society to participate in the legislative process.

ADMINISTRATION

NDI will have principal responsibility for the administration of this project, and will schedule all activities with the concurrence of the Speaker and Chairperson. NDI will employ staff members specifically to monitor the progress of project activities, provide regular and timely reports, maintain accessible project files and records, conduct ongoing evaluations and keep current financial records. The Speaker and Chairman shall make information available and provide access to people as both parties agree may be required for this program. Similarly, NDI will respond to all requests by the Speaker and Chairperson for briefings and information about the program.

The project's Project Advisory Committee will continue with its present membership as well as new members who may be added from time to time. The PAC will continue to provide input on and evaluate the concepts, methodology and resource application of project activities in the program design. NDI will continue to consult with the Speaker and Chairperson regarding the responsibilities of PAC members and composition. The PAC will continue to be advisory and will have no fiduciary responsibility or decision making authority. Accordingly, the PAC's recommendations will not be binding but NDI is committed to incorporating advice of the committee in the program design. PAC members will not be compensated, nor will they have any authority or direct input into program activities from which they or their institutions might benefit financially.

FINANCES

USAID/Namibia has awarded NDI US$1,862,860 to carry out its program activities during Phase I from 1 September 1998 through 30 September 2000. Funding for Phase II program activities during the last two years of the cooperative agreement is contingent on final approval by USAID. USAID holds NDI fiscally responsible for all expenditures from this cooperative agreement in compliance with U.S. government regulations. Any direct expenditure of funds from the NDI agreement can only be made with prior NDI authorization. These funds will be used by NDI in maintaining an office and staff; providing subgrants to local and U.S. non-governmental organizations and other contractors; and, together with the government's in-kind contribution, covering expenses of the parliamentary program activity agreed upon under the terms of the USAID/NDI cooperative agreement. In the event that NDI's funding for this program is reduced, altered or rescinded by USAID, at any point during the course of the program, NDI's program activities will be similarly affected, and all parties' obligations under this MOU will be affected.

The Parliament of the Republic of Namibia continues its clear commitment to sustaining the program after its completion by providing for recurring costs for the structures and services created in the program, particularly computer and legislative support services and library resources. Funding provided to NDI under the cooperative agreement with USAID will not cover costs for hiring any parliamentary staff.

This funding to NDI is covered by the 1990 Economic and Technical Assistance Agreement between the Governments of the United States and the Republic of Namibia, and includes provision for tax-exempt status for U.S. grantees. The offices of the Speaker and the Chairman agree to support NDI when necessary in its claim to the benefits of these provisions, such as receiving a tax-free identification number, and the corresponding right to purchase or import goods for this program without paying these duties or taxes. If necessary, the Parliament will nominate a staff member to assist NDI in these matters.

MONITORING AND EVALUATION

NDI will work with the NA and NC to conduct a continuing program to measure and monitor the success of project activities. Maintenance of the system to measure the success of the program will require access to relevant information such as order papers and schedules of legislative activity. The NA and NC will continue to assist in establishing and maintaining these record-keeping systems including records of relevant actions by both houses of Parliament. NDI will continue to be provided access to this information by both houses.

NDI will be responsible for submitting programmatic and financial reports to USAID and for participating in regular meeting with USAID. Narrative reports will be given to the Speaker and Chairperson. The NA, NC and NDI will respond to all responsible requests by USAID for participating in evaluations of program activities following the closing of the cooperative agreement.

The signatures below of the heads of the National Assembly, National Council and National Democratic Institute indicates that each institution agrees to the terms of this Memorandum of Understanding.

For the National Assembly
Hon Dr. Mose Tjitendero

06-04-99
Date

pp.
For the National Council
Hon Kandy Nehova

06-04-99.
Date

pp.
For the National Democratic Institute
Kenneth D. Wollack, President

6/4/99
Date

Appendix L

Background information provided to
Ghanaian legislators at a 1997 NDI workshop to
prepare them to participate in a mock hearing

MOCK HEARING BACKGROUNDER

Context

In the fictional republic of Xanadu, a public policy debate has opened on the issue of solid waste disposal. Xanadu is a new democracy with good economic prospects, a fast-growing, mostly rural population, and a budding environmental movement. The multi-party Parliament of Xanadu has received a number of requests over the last several months from various interest groups to consider legislation on solid waste disposal. The catalyst for this surge of interest in the issue was the release of a comprehensive survey conducted by a highly regarded independent (domestic) public policy organization, which indicated that 80% of the citizens of Xanadu felt that garbage was a "serious national problem". Press reports noted the survey in their articles, and published photographs of garbage piles in the streets of the capital, generating further public interest. Civil society began to mobilize and demand that steps be taken to bring the proliferation of garbage under control. Pressure mounted in Parliament, as more constituents contacted their Member to register their views.

Finally, after weeks of silence, the Committee on Natural Resources & Industrial Management, scheduled a public hearing to listen to a cross-section of witnesses testify on various aspects of the issue. With a view to reassuring the public, the Chair of the Committee issued a statement (with the blessing of the Speaker) affirming Parliament's intention to get appropriate legislation on the books in short order. Having raised expectations, the Committee is under pressure to produce. Prior to the hearing, most probably the first of several, Committee members set about learning as much as they could about the solid waste disposal situation in Xanadu, consulting informally with interested parties. In the process, Members of the Committee were deluged with information and proposals from both supporters and opponents of solid waste disposal legislation. It was proposed that, rather than bringing a specific legislative proposal to the table at this juncture, it might be wise for the Committee to continue listening to what people had to say, and set a goal of establishing the scope of the legislation. The Chair reasoned that it was still too early to commit to specific proposals, and that more had to be learned.

It was agreed that the first public hearing held by the Committee on the issue would be premised upon the release of a very broadly-worded and preliminary "statement of purpose" which would hint at the prospective content of the future legislation, but could be amended over the course of the hearings. This way, the focus of the hearings would remain on the general scope of the proposed legislation and not the technical and legislative details. In brief, the Committee sought to establish its credibility and demonstrate publicly that it was willing to listen closely to the concerns of the citizenry.

The Witnesses & the Interests They Represent

The Committee invited five witnesses to testify on the solid waste disposal issue, each representing a particular point of view, each bringing unique information on the subject to the discussion. The Committee selected these five witnesses on the basis of inquiries received from each of the interest groups they represent, following the release of the survey. Below are thumbnail sketches of the interest groups and their agendas:

Witness #1: The Environmental Lobby – A nascent environmental movement is beginning to emerge in Xanadu. It isn't entirely clear how organized they are, how many members they claim, or how coherent their message is, as this is the first opportunity an environmentalist has had to appear before any parliamentary committee on an issue. It is known that some of the environmental groups are offshoots or replicas of some of the international environmental NGOs which have appeared in the region in recent years. Xanadu is rich in natural resources and biological diversity, so there is concern among environmentalists about the pace and direction of development. The solid waste disposal issue struck a chord with the environmental lobby because it has implications for land use planning, degradation of public spaces, loss of biodiversity, and Xanadu's identity.

Witness #2: The Public Health Lobby – Solid waste disposal is a natural issue for the public health community which seeks to ensure that any standard-setting or policy planning which might impact the general health of Xanadu's citizens. Their agenda is a simple one: keep the environment as clean and healthy as possible, and minimize, treat, recycle or dispose of waste which poses public health risks. One of their principal concerns is dissemination of information on the connection between a clean environment and good health. They would like to see more government investment in public education and information campaigns on health issues.

Witness #3 : The Business Lobby – The business community is the lead opponent of any measures which would entail additional costs on their production. Proposed legislation to mandate certain businesses to develop solid waste disposal plans would do precisely that. The economy of Xanadu is booming because of the high number of start-up businesses being formed, and a steady stream of foreign investment. The business community is thriving because markets for goods are being created fast, and because to this point it has been relatively inexpensive to start a business. On principle, the business community objects to any government interference in the free market, particularly of the regulatory variety.

Witness #4: Decentralized Government Lobby – The current government has spoken frequently on the need to devolve power to the district and municipality levels. The problem is that a proper evaluation or assessment of which aspects of governance and public administration are most appropriately handled at lower levels, and which are not. Public opinion strongly favors decentralization, particularly in the rural areas where residents feel separated from the government in the capital. Solid waste disposal planning is viewed by these advocates as a chance to become more involved in governance.

Witness #5: Expand Central Government Lobby – Certain elements in Xanadu, remnants from an earlier time in Xanadu's history, are interested principally in maintaining a strong central government. Any opportunity they see to control government purse strings and authority is fair game. Legislation which promotes a new revenue stream to underwrite the costs of a nationwide solid waste disposal plan is attractive in this regard.

For Mock Committee Hearing
Sunday, 9:00 – 11:00 AM, Coconut Grove

STATEMENT of PURPOSE

for Solid Waste Disposal Bill

Statement of Purpose: This bill proposes to require the Government of Xanadu to develop a plan for the nationwide management of solid waste/litter. It establishes a national prohibition on the improper disposal of solid waste/litter and allows creation of disposal facilities only upon compliance with conditions required by the Government. It imposes a tax on waste delivered to such disposal facilities and deposits the receipts into a fund from which it will be allocated for solid waste management and public education activities. It requires businesses and industries meeting specified criteria to develop solid waste disposal plans which must be consistent with and certified by the Government. It commissions an impact assessment study to clarify the availability of public lands for waste disposal and conservation purposes.

WITNESS #1: Mr. _____ from the ***Keep Xanadu Beautiful Alliance***

- As a matter of national pride and reputation, Xanadu must take steps to ensure that the integrity of its environment is protected. Xanadu is endowed with abundant scenic beauty and an extraordinarily diverse natural resource base, both of which are important parts of Xanadu's historical and cultural identity. How we, as a nation, go about the business of dealing with the trash and refuse we produce is, whether we like it or not, a reflection of ourselves as responsible citizens, and of the values we attach to the land we call 'home'. If we continue to look away as the garbage piles up in the public spaces, lakes, rivers, beaches, forests and villages of our beautiful country, what message are we sending to the next generation, those who must oversee the stewardship and livability of Xanadu?

- Last week, I took my family to the beach for a day of fishing, swimming, and relaxation. To my astonishment, a flotilla of garbage made its way down the coastline, along the beach, fouling the water, filling the air with an awful smell, and spoiling the day. It seems that everywhere we go these days, there are piles of trash. Where are the public trash receptacles? Where are the trash collection people? Where are the civic education programs for teaching people about waste disposal? Why does it appear that there has been no strategic thinking in connection to the disposal of solid waste in Xanadu? My point is that without some kind of regulatory code governing how individuals, businesses and industries may create and dispose of waste, <u>all</u> citizens of Xanadu will be adversely affected. Irresponsible disposal of waste only diminishes the recreational, aesthetic, commercial, and social benefits all citizens have the right to expect from our environment As the survey indicates, people in Xanadu are concerned.

- From the vantage point of Xanadu's ability to attract both visitors and investors, the issue of solid waste disposal takes on even greater significance. What international hotel chain would want to build on the polluted beach where my family and I went last weekend? Who would want to visit our capital city when people dump their trash in the streets? If Xanadu is to become a leading tourist destination in the region, there must be a vigorous public commitment to keeping the country clean. If Xanadu is to become a magnet for investment, the proper level of basic infrastructure and services should be available to build investor confidence and create an investor-friendly environment. The viability and appeal of Xanadu's presentation to the community of nations outside its borders will, in part, hinge on how it "looks" and how it "feels", as a place to visit and conduct business. An inadequate solid waste disposal system, in our view, severely undercuts Xanadu's prospects in this regard.

- While we applaud the committee's efforts to consider the proposed bill on solid waste disposal in Xanadu, we feel that there is another subsidiary subject which must be addressed by any final legislation: the creation of conservation areas. Clearly, solid waste disposal facilities/sites are necessary in Xanadu. That being said, however, parts of Xanadu are veritable biological laboratories, containing species of flora and fauna which have yet to be documented, as well as virgin habitat zones and ecologically sensitive areas.

The integrity of these areas must be protected as they offer important insights and knowledge to ongoing efforts to preserve biodiversity, as well as potential for sustainable development activities. Therefore, we would request the committee to give due consideration to adding provisions to the proposal which would enable Xanadu to determine which areas are suitable for waste disposal and which are off-limits to same.

- My Alliance represents over 25 membership organizations, comprised of 150,000 people, who share a common concern to protect the environment of Xanadu. We regularly monitor the state of Xanadu's natural resources and the trends which impact the country's environmental health. Our organizations are staffed by specialists, scientists, and field researchers who bring a wealth of knowledge and information to the table. It is our view that, if the current legislative proposal contains a tax aimed at generating a revenue stream for solid waste disposal activities/investment, as a collective burden, our members are prepared to accept and promote such an idea to the public-at-large. We would add that businesses should also be called upon to support a tax proposal. At this point in time, public attitudes toward environmental integrity must be adjusted, or there is a risk that prevailing attitudes of indifference will become entrenched. In short, Mr. Chairman, our Alliance commends your committee for organizing this hearing, and respectfully offers itself as a resource to the Committee as it prepares this important bill.

WITNESS #2: Mr. _____, *Village Health Consultant*

- The current state of solid waste disposal practices in Xanadu is, in my view, unacceptable and has created a growing public health hazard. In my travels throughout the country, I have visited hundreds of towns and villages to survey public health and sanitation conditions. It is glaringly obvious that a link exists between the prevalence of waste/garbage in and around communities and the degree of health/safety risks to the communities' residents. What I am most concerned about is that, from a public health education perspective, we may not be doing our best to provide citizens with the information they need to make informed decisions which impact their health and well-being. In the context of the proposed legislation on solid waste disposal, I think there may be an opportunity to address this, to a limited extent.

- Let's start with the facts: in many villages, people dispose of their rubbish in an ad hoc manner, allowing it to accumulate in random piles around the compounds, near water sources, and in areas where children play. Animals roam freely through these villages, eating the garbage, and acting as vehicles of transmission for germs/bacteria. The piles of garbage attract flies, mosquitoes and other insects which are also capable of transmitting germs and disease to humans. In many places, people walk barefoot and risk exposure to topical infection. Further, as members of the committee are aware, Xanadu is located in a tropical climatic zone, where the hot and humid conditions allow diseases/germs to incubate more rapidly than normal, thereby increasing the likelihood of contact with village residents. Worst of all, the unsanitary conditions are embedded in these villages through contamination of the food chain and the sources of drinking water by solid waste. The statistics we have gathered show that in a number of villages, the incidence of diarrhea, gastrointestinal disorders, worms/parasites, and other illnesses associated with unhealthy sanitary conditions was unusually high.

- An additional public safety risk is posed by the random discarding of bottles and cans, both of which can inflict severe injury to unsuspecting individuals. From records of public hospitals in the capital city, over 75% of wounds treated have resulted from young children stepping on the sharp, rusty lid of a can or on a shard of glass from a broken bottle, causing serious wounds and potential infection. We live in a time where bottled – glass and plastic – and canned products have become staples in our households. This is all well and good, provided people are aware of the potential dangers of these objects, and informed of appropriate ways to store them or alternative ways to use them. On this point, I would urge the committee to consider the costs and benefits of a pilot recycling program, aimed at reducing the proliferation of used bottles and cans in the country. As an element of a nationwide solid waste management plan, a recycling program would address what is becoming a serious public health hazard.

- In some of our towns and villages, solid waste disposal has been handled quite admirably by local authorities, and this has had a visible impact on the relative public health in these areas. For instance, a few communities in the midwestern part of the country have decided that the best way to deter residents from littering or tossing their rubbish

randomly is to levy a fine or, alternatively, order the violating individual to spend a period of time picking up trash. These communities are, by and large, cleaner and safer, and more importantly, AWARE that these conditions translate into fewer illnesses and injuries, and contribute to a cleaner water supply. I cannot stress enough the correlation between public health and effective solid waste disposal in the communities I have visited. The more people knew about this connection, the more willing they were to adjust their attitudes and behaviors.

- I would suggest, therefore, that the proposed solid waste legislation build in a public education component which would provide local schools with an "extension" curricula on sanitation and village health, and which would provide local authorities – perhaps drawn from the district assemblies or village councils – with training on managing waste disposal at the community level, and negotiating community standards and regulations on the matter. I believe this kind of educational outreach would yield the best cure for some of the public health concerns raised by the solid waste issue: prevention. Lastly, I offer my consultation to the committee, and would be happy to provide documentation of my research in rural Xanadu to help make the case for a strong, proactive bill.

WITNESS #3: Mr. _____ of the *Xanadu Free Enterprise Business Council*

- We on the Council are certainly aware that effective solid waste disposal is an important societal objective. The business community recognizes the long-term benefits of cleaning up Xanadu, in terms of improved public health, more community responsibility and engagement, an enhanced environmental quality, and, of course, an attractive business climate. We are, however, disappointed that the proposed legislation may contain provisions which would place a heavy regulatory burden on the affairs and enterprises of the business sector, and entail what we view as exorbitant added costs. We would therefore hope to prevail on the committee to reconsider this brand of interventionist public-policymaking, and explore other alternatives.

- People in Xanadu purchase the products of several manufacturers represented on the Roundtable. They buy toothpaste, batteries, potato chips, canned foods, beer, detergent, motor oil, light bulbs, athletic shoes, electric fans, roofing supplies, and countless other consumer items which have become more and more indispensable in our daily lives. People buy these things because they want them or need them; it is the supply of and demand for these goods which determines their price, and, inevitably, their market share and affordability. When we produce these things to bring to market, we are supplying a service to the people of Xanadu, reflecting the costs of production plus an incentive for us to continue producing. We do not agree with the logic that, because we produce and sell these items, we should be held accountable for their disposition once they have outlived their usefulness. It is the individual citizen's decision to buy; ownership of and responsibility for what is bought is transferred to the citizen. In requiring businesses to develop solid waste disposal plans, this proposal blurs the lines of accountability. It will also increase the costs of production.

- The simple fact is that if businesses – manufacturers and distributors – must assume additional production costs to ensure that the volume of waste generated is kept to a minimum, in addition to paying a tax surcharge on waste delivered to disposal sites and landfills, then these costs will be passed along to the consumer. In this instance, nobody wins. The higher prices will result in fewer buyers, and the manufacturers will reduce production thereby necessitating layoffs, not to mention a lull in consumer confidence which will hurt the economy of Xanadu, generally. Furthermore, the healthy flow of foreign investment into Xanadu is put at some risk with a broader regulatory regime. This is not good business, and is a disincentive for the business community.

- We understand, also, that the legislation may launch inquiries into the feasibility of mandating product packaging materials which are deemed biodegradable, that is, capable of being decomposed by natural biological processes. In the first place, it is the Council's view that the science behind biodegradability is imperfect and unreliable, and until we know with greater certainty what distinguishes "biodegradable" packaging material from industry-standard packaging material in terms of environmental impact, we will regard such claims as specious. Secondly, if in the highly unlikely event that "biodegradable" packaging material does prove itself to be more environmentally friendly, then business is

faced with a situation in which it must acquire very specialized technology to produce this material. Surely you recognize the extremely high costs this would entail for many smaller businesses, especially. Such a measure would force many businesses into bankruptcy.

- It has been brought to our attention that a recycling measure is under consideration for inclusion in the bill. Until it is demonstrated to us through exhaustive research that 1) it is feasible to begin recycling in Xanadu, given the infrastructure, technology, and training deficiencies; 2) the cost of recycling is not prohibitive; and 3) there is a potential local/regional market for recycled waste products such as cans and bottles, the Council will continue to stand firmly against legislation which promotes the implementation of mandatory recycling.

- In brief, Mr. Chairman, while we sympathize with the problems which arise from inadequate solid waste disposal systems in Xanadu, the Council cannot concur with public policy-making which unfairly targets the business community. Solid waste disposal is a public domain problem, better left to the public sector or citizen action to resolve.

WITNESS #4: Mr. _____, Mayor of the municipality of Unicorn

- At issue here, in my view, is the appropriate level of government for which the proposed solid waste disposal legislation is proper and manageable. The residents of Unicorn feel quite strongly that this is a matter best left to local authorities and villagers. As you are aware, we do have local council and district assembly structures in place. We feel that in many instances, our structures of governance are not given enough room to operate. We keep hearing about the need to decentralize government; well, the solid waste disposal issue provides a good opportunity to for us to see what we can do.

- If the proposed legislation were to allow municipalities to take responsibility for the management, regulation, collection, storage and processing of solid waste, in close consultation with the government's overall waste management plan, it would unburden the government from significant administrative and oversight responsibilities. Municipalities could be empowered to develop project management and public administration skills, as well as contribute to a worthwhile societal goal. From an enforcement perspective, municipal responsibility makes sense because the immediacy of community consensus and pressure to comply with waste disposal rules and regulations is, we think, much more likely to produce results than the threat of sanctions from government enforcement officials 700 kilometers away. You will recall the second witness who testified that a local fine or penalty for violating the law had served the community well as a deterrent. Basically, municipal responsibility will make Unicorn a stronger and cleaner community, because it is up to us to follow through.

- As far as knowing what the solid waste disposal needs are in Unicorn, nobody is as well-placed as its residents. We see each other carrying rubbish around the village every day, we know how high the piles of trash get before we decide to burn them, if someone steps on a piece of broken glass we all know about it and know where to clean up, and we just know more than anyone about our neighbors business – even how many trips to the grocery store they make each week, which gives us a rough idea of how much trash they will produce. We just have the best understanding of what we need to manage our own solid waste. We would be able to monitor waste patterns effectively, identify violators with greater ease, and make local arrangements to handle problems which might come up, without calling on the government to help us.

- Also, Unicorn sees municipal responsibility as an opportunity to generate jobs and income in the region. As you know, there is a bit of unemployment and underemployment out here. A solid waste disposal management plan would entail facility construction, transport, maintenance, security, collection, and technical personnel. Certainly, Unicorn would be able to provide capable and qualified people to assume these roles, and this would give the local business community a boost. And even though it would be a share of the tax revenue funding the municipal administration and management of these jobs, we would, I'm sure, come to think of it as a community enterprise more than a government handout.

- In sum, I believe that the proposed legislation should enable municipalities all across Xanadu to take responsibility for their own solid waste disposal planning, and to keep the revenues generated by fines and penalties. We are well aware that the government will have the lead role in standard-setting and policy. But the implementation and execution, we feel, belong in the hands of the people who are producing the waste in the first place.

WITNESS #5: Hon. _____, Minister of Taxation and Inland Revenue

- I must confess that I disagree completely with the testimony of the previous witness. I, too, strongly support legislation mandating a national solid waste disposal plan for Xanadu. But if you allow its execution to be managed by rural authorities, I think we're asking for trouble. The central government should, at all times, have full control of this process. The central government is the only authority in Xanadu capable of mobilizing the expertise and resources that will be required to implement this proposed project on a national scale.

- Management of solid waste is a profession, a science which requires long-term strategic projections and analysis of what the solid waste situation in Xanadu will be like in 5, 10, 20 years. It requires constant vigilance over and consultation with the business and industrial sectors to keep abreast of technological developments and product information which might impact solid waste disposal patterns. It requires a window on the international scene so that Xanadu can remain in compliance with global environmental standards concerning solid waste disposal. And it requires constant oversight and review of developments on the ground. These are the affairs of the central government.

- The way I look at it, this initiative is best viewed as a national investment in the health of Xanadu's environment. All citizens of Xanadu should be of one mind on this issue, as it affects all of our lives in the same ways. A national commitment to address the solid waste disposal problem begins with the government setting the priorities and providing the resources.

- Another reason it is imperative for the government to retain full control over the initiative is the threat of corruption at the municipal level. Without exclusive government spending and accounting authority, there is a greater risk that revenues earmarked for solid waste disposal purposes will be misspent or wasted. Corruption is endemic at the local level, where authorities and officials are not as well-trained and effective at their jobs. The last thing Xanadu needs is a scandal involving a solid-waste disposal project. The government would be in the best position to continuously monitor its management of the initiative to ensure that corrupt practices are identified and rooted out of the system.

- Lastly, I live in the capital city where festering garbage heaps, contaminated drinking water, and unsanitary conditions are a facts of daily life. Things are pretty bad here. The only authority with the clout to improve the solid waste disposal practices in this city is the central government. When the central government talks, the citizens of Xanadu listen. I wish to thank the Chairman for allowing me to testify before this important committee.

Appendix M

The terms of reference and agenda provided to the international trainers to prepare them for the 1996 NDI workshop with the Nepali Public Accounts Committee and press coverage of that workshop

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TO: International Participants
FROM: Maryam Montague, Senior Program Officer for Asia Programs
DATE: September 6, 1996

RE: Terms of Reference for Parliamentary Program in Nepal

I INTRODUCTION

Thank you for agreeing to participate in the National Democratic Institute for International Affairs' (NDI) parliamentary program in Nepal, scheduled from September 15 to September 21, 1996. You will be part of a small delegation that will include an MP currently a member of a Public Accounts Committee (India), an MP who formerly sat on a Public Accounts Committee (Australia) and the Chief Clerk of a Public Accounts Committee (United Kingdom). (Short biographies of the delegation members are included in your briefing book.) NDI Senior Program Officer for Democratic Governance Susan Benda and I will also be joining the delegation. We have planned a busy and interesting program for you and are confident that your experience will be welcomed by the Nepali parliamentarians and will assist them in their work.

This memo provides information about NDI's plans and objectives for the program concentrating on the activities with the Public Accounts Committee of Nepal's House of Representatives. The briefing book, sent via DHL and scheduled to arrive September 10 or 11, summarizes the political situation in Nepal, with a focus on the Parliament and the activities of the Public Accounts Committee (PAC). **While all the reading in this briefing book is helpful to understand the overall political climate and parliamentary system in Nepal, not all of it is imperative. However, it is crucial that you read this memo, the Briefing Paper and the Logistics Memo. You should also familiarize yourself with the rules for the Nepali House of Representatives, and we recommend that you review some of the enclosed news articles.** Senior Program Officer Susan Benda and I, along with Public Accounts Committee Chairman Hridayesh Tripathi will also conduct a briefing session upon your arrival in Kathmandu . If you have any additional questions, please do not hesitate to telephone us in Washington D.C. at 202-328-3136.

Background on the Nepali Parliament

Nepal is in a critical stage of its political development as it struggles to emerge from a long history of authoritarian political rule. In only its second term as a representative multiparty political institution and having failed to complete its initial term, the House of Representatives remains relatively weak. The result of the 1994 national elections was that the United Marxist-Leninist Party (CPN-UML), with 88 of the 205 seats, formed a minority government; no other

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party could forge a coalition to form a new government. Less than a year later, the CPN-UML lost in a vote of no confidence. The new government coalition, comprised of the Nepali Congress party (NC), Rashtriya Parajatantra Party (RPP) and the Sadbhavana Party, has been in place for approximately one year.

Overview of the Parliament's structure

The 1990 constitution provides for a bicameral Parliament consisting of a 205-member House of Representatives (*Pratindhi Sabha*) and a 60-member National Assembly (also referred to as the National Council) (*Rastriya Sabha*). The members of the House of Representatives are elected by simple majority from single-member constituencies in 75 districts. Of the 60 members of the National Assembly, 35 are elected by the House, 15 are indirectly elected by the country's five regions and ten are appointed by the King. In general, bills may be introduced in either House of Parliament; however, the finance bill must be introduced in the House of Representatives.

The rules of the House of Representatives provide for seven committees of the House. These committees are the Public Accounts Committee, the Finance Committee, the Foreign and Human Rights Committee, the Natural Resources Committee, the Population and Social Welfare Committee, the State Affairs Committee and the Development and the Communications Committee. No members of the House, with the exception of Ministers, may simultaneously be members of more than one committee. **For more general information on the Nepali parliamentary committees, please see Rules 182 to 208 in the House of Representatives Rules of Procedure included in your briefing book.**

Overview of the Nepali Public Accounts Committee

Many political observers agree that the Nepali Public Accounts Committee is one of the country's most effective committees. The committee meets regularly and receives very good press coverage.

As you know, the Nepali PAC has the authority to examine the public accounts or public assets of any account which it deems necessary. According to the Chairman of the Public Accounts Committee, Hridayesh Tripathi, despite the achievements of Nepal's PAC, the committee still faces a number of challenges. For example, the Chairman has told NDI that although the PAC has completed its annual discussion of the irregularities of the ministries and public enterprises reported by the Auditor General's office, the committee faced many problems in the process. Chairman Tripathi asserts that the concerned ministries and public enterprises have neither provided information at the stipulated times, nor have they provided the explanatory notes regarding the irregularities mentioned in the Auditor General's report. For this reason, the PAC has not been able to discuss the irregularities incorporated in the recent reports of the Auditor General. Similarly, Chairman Tripathi reports that the committee's decisions have not been fully implemented by the ministries and public enterprises. Chairman Tripathi believes that the failure

to implement these decisions is a serious challenge to the committee in its attempts to establish sound economic discipline. (In your briefing book please find a comprehensive list of the reports submitted by the Nepali PAC since 1992. Note that the current Public Accounts Committee has only been in place since 1994.)

II THIS MISSION AND POSSIBLE FOLLOW-ON PROGRAM ACTIVITIES

We have asked you to join us in Nepal based on your experience in working with the Public Accounts Committee in your own country. Your role in the mission will be twofold: 1) to provide technical assistance and advice to members of Nepal's Public Accounts Committee during a two-day seminar program; and 2) to conduct a parliamentary needs assessment in order to determine possible future programs to support the Nepali Parliament. This section will discuss these two components in more detail.

You will arrive in Kathmandu by the early afternoon of September 15. I will meet you at the airport and accompany you back to your hotel. At approximately 3:00 that afternoon, **Susan Benda and I will brief you fully on the plans for the coming days.** We will also answer any questions you may have on the mission's format and purpose at this time. As mentioned above, the program will be broken down into the following two components: support for the PAC and a parliamentary needs assessment.

A. Support for the Public Accounts Committee (PAC)

Based on the request from the Chairman of the Public Accounts Committee in Nepal, NDI has organized this program to help enhance the efficiency and effectiveness of the committee. At the briefing meeting on the afternoon of September 15, we will discuss in some detail the two-day seminar to support the Nepali PAC, including goals for the individual plenary and workshop sessions. In particular, we will review ideas for the scenario included in the seminar format. We will encourage you to help us shape a final agenda.

On September 15, we will also have an early dinner with the Chairman of Nepal's Public Accounts Committee to learn more about issues that may be raised during the two day seminar. In particular, the Chairman will discuss the strengths and weaknesses of the committee. Foremost among the Nepali PAC's concerns may be the lack of staff and financial resources. The challenge confronting you, the international participants, will be to acknowledge these limitations and obstacles, and offer practical solutions that are sensitive to the Nepali situation.

As many of the Nepali PAC members are not comfortable conversing in English, NDI has arranged for translators to be present during the seminar. The translators will meet with you either on September 15 or 16 to discuss any technical language that you may be using during your presentations for the seminar.

The seminar will take place from September 17 to 18. All 34 members of the committee have been invited to attend the seminar. (In your briefing book, presently en route to you, please find a document that lists the members of the committee.) Additionally, the Chairs of the other six committees will be attending the opening and closing sessions of the seminar. The Auditor General will also give a presentation during the opening plenary. We are hoping that the Speaker of the House of Representatives will formally open the program.

Included with this memo you will find a draft agenda for the seminar to support the Public Accounts Committee (it will also be in the briefing book). The seminar is designed to be as interactive as possible so as to create a learning environment that fosters informal and open discussion. This interactive approach will continue throughout the seminar. Consequently, as we proceed, changes may be made to the program agenda according to the interests and needs of the Nepali members or the international team.

The seminar includes a combination of plenary and workshop sessions. **The agenda, attached to this document, includes times, topics, and presenters for the plenary sessions. As you will note on the agenda, all the plenary sessions include a Nepali speaker.** We have scheduled the Nepali speakers to precede the international speakers. Based on past experience, we anticipate that this will allow the international speakers to directly address issues raised by the Nepalis. We expect that the international speakers will have prepared remarks in advance but will adapt them somewhat according to what they hear from their Nepali counterpart speakers. **Please refer to the agenda to become familiar with your schedule of presentations. Presentations should be approximately 15 minutes long. We would appreciate it if you would prepare an outline for your presentations to share with the Nepali participants. Additionally, we would like each of the international participants who are not giving formal presentations for plenary sessions to make brief comments at the end of each of the plenaries.** Following the presentations and comments by the international faculty, the floor will be open to questions and all the international guests will be invited to respond to questions, as appropriate.

In addition to plenary sessions, the seminar format includes a number of workshops, which will allow for more detailed discussions of plenary topics. Matters of specific interest can be explored in these smaller working groups of approximately 17 participants. **The international participants will be asked to join these workshops to help facilitate discussion.**

Please think about any materials you can bring with you that demonstrate the work of your committee, such as reports, meeting agendas, press coverage, etc. NDI staff members are happy to make copies of your materials upon your arrival. Please advise us in advance if you will need overhead or slide projectors during the plenary or workshop sessions.

Upon concluding the seminar, we will circulate an evaluation form to Nepali participants.

B. *Parliamentary Needs Assessment*

September 16, 19, and 20 have been reserved for meetings with key members of the parliament. The primary objectives of these meetings are three fold: 1) to learn more about the functioning and structure of the Nepali Parliament; (an outline for a parliamentary baseline assessment is attached with this document.) 2) to better understand the issues and difficulties of particular concern to the Nepali Parliament; and 3) to discuss the possible focus and timing of a NDI-Nepali Parliament program. It is NDI's hope that the parliamentary assessment portion of this mission will allow us to design a future program with topics and a timetable that are responsive to the Nepali Parliament's interests and needs.

The schedule for these meetings is in the process of being arranged but will include meetings with:

- the Speaker of the House of Representatives
- the Deputy Speaker of the House of Representatives
- the Chairman of the National Assembly
- the Vice Chairman of the National Assembly
- the Minister of Home Affairs
- the political party Parliamentary leaders
- representatives from important House Committees, including the Foreign Affairs and Human Rights Committee
- the Secretary-General of the Parliamentary Secretariat
- a group of the eleven women MPs

You will receive a formal schedule of meetings upon your arrival in Kathmandu.

Based on the findings of the needs assessment, NDI may decide to co-sponsor with the Nepali Parliament a two or three-day symposium in Kathmandu with parliamentarians from each of the political parties represented in the parliament and government representatives. For such a program, NDI would be able to invite to Kathmandu current and former parliamentarians from countries with similar legislative and electoral systems and/or regional affinities with Nepal, such as Australia, India, Ireland, Japan, New Zealand, Sweden, the United Kingdom and the United States, to share their expertise and experiences with Nepali parliamentary leaders and members.

Through a series of workshops and plenary sessions, the symposium would provide an opportunity for international participants to discuss, with their Nepali counterparts, some or all of the topics listed below. It is also possible that the assessment mission will suggest additional or different program topics that would be more appropriate for the Nepali parliament.

- ***The Role of Political Parties in a Multiparty Legislature.*** This topic addresses the relationship within and between the political parties in the parliament, including the

systems of consultation between the majority and minority parties (prior to submission of policy proposals as well as in regards to timetables for action), the concept of a loyal opposition, the role of backbenchers, and selection and function of legislative leaders.

- ***The Parliament as an Institution.*** The parliament must develop an institutional capacity that enables it to function effectively. Participants will examine the setting of the parliamentary agenda, the rules of procedure governing floor debate and voting procedures, the role of committees, and parliamentary staff and information resources. This discussion may include the relationship of the parliament to the government, as well as matters such as parliamentary oversight of executive branch activities and access to government information.

- ***The Responsibilities of Parliament and Parliamentarians to Constituents.*** Participants will examine the obligations of parliamentarians to the electorate, addressing such issues as methods for assisting constituents and addressing their needs and concerns, the role of the legislator as a representatives of his or her constituents' views, and the importance of the legislator as an public educator on democratic governance.

- ***The Legislative Process.*** This session could include a discussion of current legislative procedures -- how a bill becomes a law -- to educate new members about the process, from the introduction of legislation, plenary and committee consideration and amendment and how bills are reconciled between the two chambers. A review of these procedures may also reveal problems and/or issues in the legislative process about which international participants would have some insights.

To obtain a sense of NDI's legislative programs, please see the packet of materials about legislative programs included with your briefing book, as well as selected parliamentary conference agendas. We have provided this information to give you an idea of the parliamentary conference topics and formats that NDI has conducted elsewhere in the world.

III MISSION FOLLOW-UP

We request that you submit a short report to NDI Washington within two weeks from the conclusion of the program giving your impressions of the program's accomplishments, weaknesses, and ideas for follow-up programming. Your thorough evaluation of the program will strengthen future NDI work with the parliament in Nepal and elsewhere. We will send you a copy of our report on the mission.

IV NDI'S EXPERIENCE IN NEPAL

The National Democratic Institute for International Affairs (NDI) has been involved in Nepal since April 1994 when a small NDI team traveled to Nepal to assess potential program opportunities.

In August 1994, at the request of National Election Observation Commission (NEOC), a coalition of six Nepali human rights NGOs interested in national nonpartisan monitoring, NDI began a program to build confidence in the electoral process. NDI sent three field representatives to work in Nepal from September through December 1994. In addition to strengthening the ability of NEOC to carry out election monitoring efforts, NDI activities concentrated on developing in political parties the ability to monitor elections and to supporting NGOs' education of voters about the electoral process. The program also promoted the participation of women in politics, advised members of the media on election coverage, and coordinated and briefed a number of international observers.

During 1995, NDI returned to Nepal on several occasions to evaluate the election support program and monitor political developments. In late November 1995, an NDI staff member and an Australian member of parliament (MP) conducted an assessment of Nepal's parliament during which they held meetings with the speaker of the House of Representatives, MPs from both the Upper and Lower Houses, members of all major political parties and party factions, and members of parliamentary committees. The program in which you are participating to support the Nepali PAC is based on recommendations made during that assessment mission.

The Role and Powers of the Public Accounts Committee
Seminar: September 17 and 18, 1996 in Kathmandu, Nepal

Organized by the Nepali Public Accounts Committee (PAC) and
The National Democratic Institute for International Affairs (NDI)

Agenda

Day One
September 17, 1996

Morning

8:30-9:00 **Registration and Breakfast**

9:00-9:45 **Overview Plenary: The Role, Composition and Essential Powers of the Public Accounts Committee**

Chairman of the Public Accounts Committee Hridayesh Tripathi opens the sessions by discussing the role, powers and method of work of the Committee in Nepal, as well as the responsibilities of the accounting officers. International Participants Australian Bob Brown, British Ken Brown and Indian Ajit Jogi will then briefly comment on the similarities and differences between the Nepal institutions and their own.

11:30-1:00 **Plenary Two: The Public Accounts Committee's Relationship with the Government and Parliament**

Honorable K.P. Oli, Nepali PAC member and Honorable Ajit Jogi, member of the Indian Rajya Sabha (Council of States) and a current member of its Public Accounts Committee, give presentations on the independence of the Public Accounts Committee in their systems, their Committee's access to government information and relationship with other members of parliament and parliamentary committees.

General Discussion

1:00-2:00 **Lunch**

Afternoon

2:00-3:30 **Plenary Three: The Public Accounts Committee's Relationship with Institutions, Experts, the Press and the Auditor General's Office**

Honorable P. Thapa, member of the Nepali PAC, and the Chief Clerk of the British Committee of Public Accounts, Ken Brown, give presentations on the Committee's relationship with each sector and whether and how the committee works with each to promote an agenda. The Nepal Auditor General will then describe the role and function of the Auditor General's office and its relationship to the Nepal PAC.

General Discussion

3:45-4:45 **Working Groups: Each participant attends one workshop that will make recommendations to the plenary.**

Working Group A
How the Committee can improve its relationship with the parliamentary leadership, ministers and other members of parliament.

Working Group B
How the Committee can improve its relationship with institutions, experts, the press and the Auditor General's office.

5:00-6:00 **Plenary Four: A spokesperson from each working group presents a summary of the group's discussion and recommendations.**

General Discussion

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Day Two
September 18, 1996

Morning

8:30 **Breakfast**

9:00-10:00 **Plenary Five: Obstacles for the Public Accounts Committee**

Honorable K. G. Shrestha, member of the Nepali PAC, makes a presentation on the Committee's challenges in conducting its work (including the issue of corruption and the lack of transparency in the Nepal budget with respect to foreign grants). He then comments on what resources the Committee has, as well as what resources the Committee continues to need (and possible strategies for getting them). Australian MP Bob Brown follows the presentation and comments on the same subject.

General Discussion

10:15-11:15 **Plenary Six: Looking to the Future: Finding Opportunities, and Creating and Implementing an Agenda.**

Honorable D. K. Upadhyaya, member of the Nepali PAC, discusses the Committee's goals for the coming year. International participants comment.

General Discussion

11:30-12:30 **Working Groups: The plenary splits into two smaller working groups to detail an agenda for the coming year and further discuss methods of agenda implementation.**

12:30 - 1:30 **Lunch**

Afternoon

1:30-2:30 **Plenary Seven: A spokesperson from each working group presents a summary of the group's discussion. International participants comment.**

2:45-3:30 **Plenary Eight: Scenario**

International Participants present and distribute a hypothetical scenario for consideration by the Nepal committee members. The scenario would detail a situation (and an underlying set of assumptions) which a Public Accounts Committee might address. International participants would answer questions on the scenario.

3:45-4:45 **Working Groups**

The plenary breaks into two working groups to examine the scenario in closer detail and work out a strategy for addressing the hypothetical situation. International participants are available to answer additional questions about the scenario.

4:45-5:30 **Plenary Nine: A spokesperson from each working group presents a summary of the groups discussion and strategy for addressing the situation presented in the scenario. International participants comment.**

Evaluation

Closing Remarks

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Transcript of Nepal Radio News Broadcast on NDI/PAC Program
September 19, Kathmandu Nepal

Chairman of the House of Representatives Public Accounts Committee (PAC), Hridayesh Tripathi, has expressed determination to make arrangement for the committee members to submit statements of their annual income and expenditures and to make public such statements by realizing the fact that morality and economic activities of the committee members significantly affect its works.

MP Tripathi made this remark while winding up the two-day seminar on the role and powers of the Public Accounts Committee jointly organized by the Public Accounts Committee and the National Democratic Institution here today.

The press is given access, except in some special situations. The PAC meeting, bearing in mind that the wrong decisions taken by the government would percolate to the grassroots, and the decision-makers would be alert, said the PAC chairman, adding that procedural matters will be improved through cordial relations with the Parliament, the government and attorney general.

Secretary General at Parliament Secretariat Jeevan Lai Satyal, noted that the seminar has further encouraged the PAC's role in the consolidation of democracy in the country.

Senior Programme Officer of the Nepal Democratic Institute (sic), Miss Maryam Montague, also expressed her views on the occasion.

Earlier, PAC member Krishna Gopal-Shrestha complained that the responsible bodies are not found to have streamlined their financial irregularities. Means and resources have been missappropriated. The ministries are not found to have obtained approval of the Finance Ministry while taking foreign aid, loans or grants and including them in annual programmes, and the ministers and high-ranking officers are found to have interfered in the decision-making process and the works of the public corporations and other government bodies.

Saying that the government has not taken any initiative to stop such interferences. MP Shrestha remarked that as the government decisions and works are not carried out in a transparent manner, it has encouraged only those who are engaged in committing irregularities.

Speaking of the need to make the committee secretariat well-equipped, arrange for international visits and studies and make public the property statements of its members, another PAC member Deep Kumar Upadhyaya noted that the PAC is more effective as compared with other parliamentary committees.

Commenting on the views expressed by the two MPs, Indian Rajya Sabha member Ajit Jogi said the committee should focus its attention on only one or two issues and complete it with firm determination and enthusiasm.

There is a lack of transparency in India as the PAC activities are not disseminated through the mass media, said Mr. Jogi, adding that as the press has direct access to the PAC meeting in Nepal,

it has won the people's faith, and this is the most commendable aspect of all.

Australian MP Bob Brown and Chief Clerk of the British Committee of Public Accounts Ken Brown also expressed their views at the function.

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Transcript of Nepal TV News Broadcast on NDI/PAC Program
September 19, Kathmandu Nepal

The Seminar on "The Role of and Powers of the Public Accounts Committee" jointly organized by the Public accounts Committee (PAC) of the House of Representatives and National Democratic Institute of USA concluded today.

Discussions were held on the government expenditures, revenue collection, advance, financial acts and measures to control the corruptions during the seminar. At the seminar, views were exchanged among participants on reducing the government expenditures, proper utilization of the revenue, and maintaining of financial discipline.

Talking to our reporter, Chairman of the Public Accounts Committee, Hridayesh Tripathi, said that the seminar has given directions towards maintaining financial discipline and making the role of Public Accounts Committee clearer.

Australian MP and participant of the seminar, Bob Brown, said that the main duty of PAC is to help the government to maintain financial discipline.

Likewise, chief clerk of the British Public Accounts Committee, Ken Brown, said that the seminar was successful.

At the concluding program, General Secretary at the Parliament Secretariat, Jeevan Lal Satyal, and Senior Program Officer of National Democratic Institute, Maryam Montague, also expressed their views on the role of the public accounts committee.

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Transcript of Nepal TV News Broadcast on NDI/PAC Program
September 18, Kathmandu Nepal

A two-day seminar on the Role and Powers of the Public Accounts Committee began in the Parliament Secretariat today.

The seminar is organized by the Public Accounts Committee, Nepal, and the National Democratic Institute for International Affairs of the USA.

Member of the Indian Rajya Sabha and a current member of its Public Accounts Commitee, Ajit Jogi, Australian Member of Parliament Bob Brown and the chief clerk of the British Committee of Public Accounts, Ken Brown, are also participating in the seminar.

Discussions are being held on the role of the Public Accounts Committee and its relationship with the government and the parliament. Today's session was chaired by Chairman of the Public Accounts Committee, Nepal, Hridayesh Tripathi.

-##-

PAC members to disclose personal assets

By a Post Reporter

KATHMANDU, Sept 18 - The Public Accounts Committee (PAC) members will be disclosing their property to the public and will persuade other parliamentarians to follow suit.

On the concluding day of the international seminar of PAC members from Nepal, India, Australia and United Kingdom, the Nepalese participants decided to set an example by making public their personal property.

Australian PAC member Bob Brown revealed that the parliament members in his country have to disclose their property within four months of their election and ministers have to hand in property statements every year. The cabinet members have to sell any company shares they own and have to give up any position they hold in any private companies.

During the discussions, he said the Nepalese PAC seem to be trying to do too much too soon. The committee need to set priorities and take time to develop their programs instead of exhausting themselves by attempting to do too much in too little time.

The Ministers of United Kingdom have not yet been involved in corruption, claimed British parliament member Ken Brown. However he admitted that some bureaucrats have been found involved in corruption cases.

The accused officials are interrogated by PAC and if found guilty, the committee will recommend the government to punish them, he said.

Indian Rajya Sabha member Ajit Jogi said corruption is widely spread in India and ministers have big role in the promoting of irregularities. PAC is the watchdog of corruption and it needs to be strengthened to discourage politicians to get involved in corruptions.

"I do not remember how many threatening calls I have got so far as a PAC member," he said. "But despite all the hurdles the truth always wins in the end."

The latest was when he spoke in the house about the bill proposed to reserve a third of the seats in the parliament for women.

The participants also presented a hypothetical scenario for consideration by the Nepalese members which detailed a situation that PAC might have addressed.

Earlier in the day, Member Krishna Gopal Shrestha presented a paper on the committee's challenges in conducting its work which included the issue of corruption and the lack of transparency in the Nepal budget with respect to foreign grants.

"Although there is provision that every ministry should consult the Finance Ministry before accepting any foreign grant aid, loan or assistance, they are not abiding by the rules," he said. "Thus making it impossible to ascertain which nation or donor provided what kind of fund and for what purpose."

He said PAC has asked all ministries to abide by the rules prescribed for accepting foreign funds but in vain.

The two-day international seminar on role and powers of PAC concluded here Wednesday. The program was sponsored by Nepalese PAC and the National Democratic Institute for International Affairs.

The Kathmandu Post (daily)
September 19, 1996 FRONT PAGE

THE RISING NEPAL SEP 14, EDITO.

Public accounting

THE news that representatives from four countries, including Nepal, sat together to discuss ways as to how to keep the public accounts transparent is welcome. At a two-day seminar on the "Role and Powers of the Public Accounts Committee", jointly organised by the House of Representatives Public Accounts Committee (PAC) and the National Democratic International Institute for International Affairs, participants exchanged views on the activities, experiences and the role of the PAC in their respective countries. This sharing of experiences must have given new insights into the effective functioning of PAC. Chairman of the House of Representatives PAC, Mr. Hridayesh Tripathi, while highlighting its role and responsibilities in Nepal, said that the committee's meetings are open to the press as they evaluate effectively and independently the account keeping and economic activities of the government. Such transparency in dealing with the government's account keeping and economic activities has all the scope to discourage financial irregularities. In Nepal, the PAC has already done some good works as regards maintaining financial discipline in different ministries and corporations.

Its role as watchdog has raised hopes among the public that defaulters cannot expect to be scrutiny-free. That ministers and secretaries are frequently called in for explaining the rationale of their decisions on financial matters must go a long way in deriving the intended results. In India and Britain, the PAC chairpersons are usually the lawmakers from the opposition parties, by rule or convention. The present chairman has done well to establish such independent credibility by carrying out PAC's work in the best possible manner. As the body has been raising people's awareness about the necessity of transparency in government's financial dealings, it has also drawn laurels for its work. But then, there may still be room for reforms. The lawmakers, whose task it is to constitute the committee, must see to it that the body is further strengthened. They can learn from others' experience and come up with ways to address their own needs for the best of impact.

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Meet on PAC's role winds up

Kathmandu. Sept. 18 (RSS): Chairman of the House of Representatives Public Accounts Committee (PAC) Hridayesh Tripathy has expressed determination to make arrangements for the committee members to submit statements of their annual income and expenditures and to make public such statements by realising the fact that morality and economic activities of the committee members significantly affect its works.

MP Tripathy made this remark while winding up the two-day seminar on the "Role and Powers of the Public Accounts Committee jointly organised by the Public Accounts Committee and the National Democratic Institution here today.

The press is given access, except in some special situations, the PAC meeting bearing in mind that the wrong decisions taken by the government would percolate to the grassroots and the decision-makers would be alert, said the PAC chairman, adding that procedural matters will be improved through cordial relations with the Parliament, the government and Attorney General.

Secretary general at Parliament secretariat Jeevan Lal Satyal noted that the seminar has further encouraged the PAC's role in the consolidation of democracy in the country.

Senior programme officer of the Nepal Democratic Institute Miss Maryam Mantagu also expressed her views on the occasion.

Earlier, PAC member Krishna Gopal Shrestha complained that the responsible bodies are not found to have streamlined their financial irregularities, means and resources have been misappropriate, the ministries are not found to have obtained approval of the Finance Ministry while taking foreign aid, loans or grants and including them in annual programmes, and the ministers and high-ranking officers are found to have interfered in the decision making process and the works of the public corporations and other government bodies.

Saying that the government has not taken any initiative to stop such interferences, MP Shrestha remarked that as the government decisions and works are not carried out in an transparent manner, it has encouraged only those who are engaged in committing irregularities.

Speaking of the need to make the committee secretariat well-equiped, arrange for international visits and studies and make public the property statements of its members.

See PAC-Page 8

PAC: Media's direct access hailed

another PAC member De. Kumar Upadhyay noted that th PAC is more effective a compared with othe parliamentary committees.

Commenting on the view expressed by the two MPs Indian Rajya Sabha Membe Ajit Jogi said the committe should focus its attention o only one or two issues an complete it with firm determination and enthusiasm.

There is a lack o transparency in India as th PAC activities are no disseminated through the mas media, said Mr Jogi, addin that as the press has direc access to the PAC meeting i Nepal, it has won the people' faith and this is the mos commendable aspect of all.

Australian MP Bob Brow and chief clerk of the Britis Committee of Public Account Ken Brown also expressed thei views at the function.

The Rising Nepal (daily)
Sep 19, 1996 FRONT PAGE

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PAC interaction ends with many resolutions

'Nepal's PAC maybe in too much of a hurry'

Special to Everest Herald

KATHMANDU, September 18 - The two day seminar on the "Role and power of the Public Accounts Committee" jointly organized by Nepal's PAC and International Institute for International Affairs concluded here today with a number of resolutions to be applied in the Nepali context.

Australian PAC member Bob Brown, English member Ken Brown and Ajit Jogi of Rajya Sabha (India) formed the international attendance at the two-day exercise.

During the closing ceremony, Nepali PAC members MPs Deep Kumar Upadhaya and Krishna Gopal Shrestha presented two papers for discussion on the problems and challenges faced by PAC in the Nepali context.

The seminar suggested that PAC should fix its priorities on major issues, bureaucrats should be trained as per the new constitution and political system, cases filed against big business houses and firms that do not pay taxes in time should be settled soon and some of the model projects be monitored under a performance audit.

It also suggested that foreign grants, loans and technical assistance be reflected in the annual budget, and any transfer of accounts that are not spent be informed to the House.

The seminar also discussed the role of INGOs that are involved in various sectors. The PAC members advised that the INGOs be allowed to work under a particular law.

Till date almost all the INGOs in Nepal have been functioning without meeting any legal procedures.

Indian PAC member Jogi viewed that a PAC member should be honest and courageous. "A PAC member should go ahead with his duties undeterred by the threats that come from different walks of life," the Rajya Sabha MP said.

Earlier, PAC member Shrestha mentioned in his paper that high ranking bureaucrats often remained indifferent in submitting the mandatory annual account report. He said the fiscal arrears are soaring due to the inaction of the concerned officials regarding misuse of national property.

He remarked that there was no transparency on whether the government takes any action against those who misuse state property. MP Shrestha also pointed out in his paper that none of the ministries follow the rules and regulations of the Finance Ministry while accepting foreign grant, aid, loan and technical assistance.

(Please see PAC Page 8)

PAC-interactio

(Continued from Page

He also said that unauth interference from the ministe senior officials in the day-to-day of the government departmen corporations have crippled the r of all state-owned organizations

MP Deep Kumar Upad claimed that PAC was the active and effective comm compared to other ones in Ne

MP Upadhaya said in his p that PAC should make an an work plan in order to imple its targets effectively.

He also observed that t secretariat has to be well-equipp stop irregularities and arrears governmental departments corporations. Australian PAC mem Bob Brown was of the opinion Nepal's PAC is trying to tackle problems too quickly. He u country's PAC members to iden the priority issues and work on it.

Everest Herald (daily)
September 19. 1996

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The Kathmandu Post (daily)
September 18, 1996
FIRST PAGE

Int'l PAC meet begins

By a Post Reporter

KATHMANDU, Sept 17 - To bring better understanding among the Public Accounts Committees (PAC) of different countries, a two day seminar got underway here Tuesday.

The seminar, being participated in by PAC members of Nepal, India, Australia and the United Kingdom, held discussion on the problems and achievements of the committees in their respective countries. Ideas and experiences were also exchanged during the meeting.

The transparency of the meetings and the criteria the committees use in allowing the press and public to get access to information and the meeting dominated the seminar.

The Nepalese committee in recent days have been open to the press. Newspaper reporters are now allowed into their meetings without any restrictions following the policy of transparency.

However, the press in other countries have restrictions or limited access to the meetings.

In India, the PAC meetings are restricted to the press, said Indian Rajya Sabha member Ajit Jogi. The Indian legislators feel that the witnesses or officials would not be able to talk freely and fearlessly in the presence of the press.

The press is not allowed in the room when an official is being cross examined and the witnesses are sometimes asked to speak off the record which would not be possible with the press being present in the room.

Jogi said the media is a very powerful tool in the present democratic society and the time has come for the Indian committee to open the meetings to the public with exception of sensitive issues like national defence or nuclear power.

Bob Brown of Australian PAC said the press is invited in when confronted with controversial issues that is of interest to the people of the country.

He said the committee in his country monitors the implementation of government's policies. It can call up the secretaries and employees but not ministers and it can also fine US $ 500 and hand down up to six month's imprisonment.

British participant Ken Brown said they decide it beforehand whether the issue should be made public or not when the meetings are closed to the press, information is handed to the public after the meeting holding back few parts of the meeting.

Welcoming the participants, Nepalese PAC chairman Hridyesh Tripathi said he and his colleagues were pleased to receive the guests and lauded their interest and initiative in sharing their rich experience concerning the functioning of PAC and in making it more effective in the days to come.

The function of PAC in Nepal is to deliberate on the reports submitted by the Auditor General, to examine any other public accounts or properties which deem necessary and to submit the committee's report to the House prior to the presentation of the budget in the parliament.

PAC has been able to generate a sense of awareness and responsibility among ministers, government secretaries and chief executives of public enterprises, concerning their role in keeping a clean accounting system, he said. The meetings attended otherwise in a not much responsible manner has gained seriousness again.

Regarding their relationship with the press, members said the activities of the press are conducted respectfully and prestigiously. "PAC here conveys the message of its activities to the people by means of the press".

Although there is no provision in the rules and regulations for the press to observe the committee's meetings, they have decided to keep the meetings open to the press.

The seminar entitled "role and powers of the Public Accounts Committee" is jointly organised by the House of Representatives Public Accounts Committee (PAC) and the International Institute for International Affairs.

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PAC: Body that functions differently worldover

Kathmandu, Sept 17 (RSS): A two-day seminar on the "Role and Powers of the Public Accounts Committee" jointly organized by the House of Representatives Public Accounts Committee (PAC) and the International Institute for International Affairs got underway here today.

The seminar being organized with the objective of exchanging views on the activities, experiences and the role of the PAC's is being participated in by the PAC members of India, Britain and Australia including Nepal.

Set up with the aim of strengthening democratic institutions and pluralistic norms in new and developing democratic countries in 1983, the National Democratic Institute for International Affairs has been carrying out its work for the past two years in Nepal.

Addressing the seminar Chairman of the House of Representatives PAC Hridayesh Tripathy said there is a provision for incorporating a total of 35 members on the committee and its prime responsibility is to evaluate effectively and independently account-keeping and economic activities of the government.

The committee's meeting is open to the press for apprising it about the committee's activities, he added.

Indian Rajya Sabha member Ajit Jogi noted that the PAC in India acts on the principle that money should not be spent and people not be taxed without their consent, adding the committee has a total of 22 members from the Lok Sabha (Lower House) and the Rajya Sabha (Upper House).

MP Jogi said the leader of the main opposition party becomes the Chairman of the committee, the PAC forwards only suggestions to the government rather than putting pressure on it and the press has no access to the committee in course of investigations.

Chief clerk of the British Committee of Public Accounts Ken Brown said the British PAC has 15 members. The committee chairman is usually chosen from the opposition party, the government accepts suggestions forwarded by the committee and the press has no access to formal meeting of the committee.

Australian PAC member Bob Brown informed the seminar that the committee in his country monitors the implementation of government's policies, it can call up the secretaries and employees but not ministers and it can also fine U.S. $ 500 and hand down up to six month's imprisonment.

Speaking on the PAC's relation with government and Parliament, MP Wangchhe Sherpa remarked that the PAC has a direct relation with the government ministries, and secretaries and constitutional bodies and can demand any paper or document in the course of study. It may call up the Prime Minister, ministers, secretaries or other senior officials at its meeting, he further said.

MP Pari Thapa threw light on relationships between committee and the press say that the press has access to committee meeting though it not mentioned anywhere in regulations.

An interaction among participants was also held the occasion.

Meanwhile, the meeting the House of Representativ Finance Committee was he under the chairmanship of t Committee member Bhar Mohan Adhikari.

At today's meetin clausewise discussions bega on the bill designed to amen the Securities Transaction Ac 2040.

The Rising Nepal (daily)
Sep 18, 1996 FRONT PAGE

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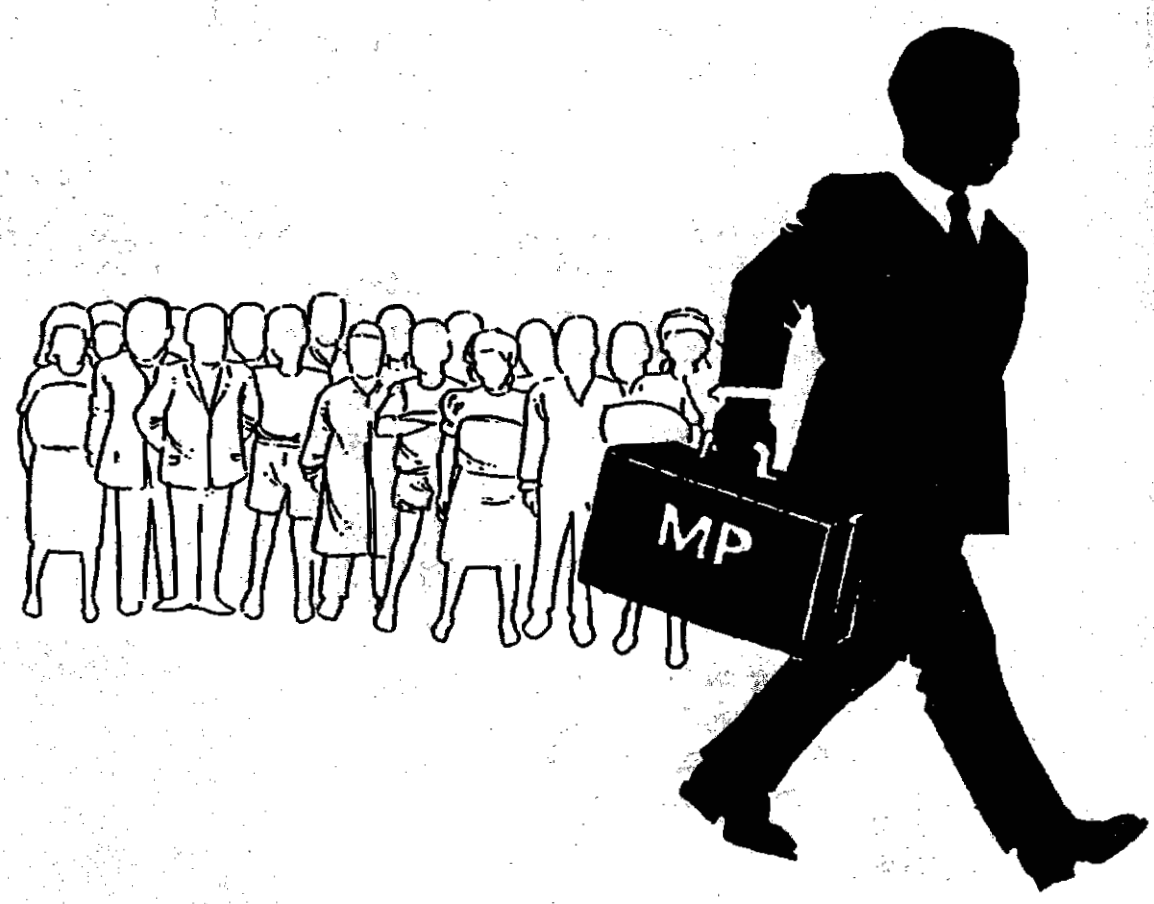
Appendix N

Excerpts from NDI's 1996 Constituency Handbook for Members of Parliament in Malawi

CONSTITUENCY HANDBOOK

For Members of Parliament



This Handbook was created by Members of Parliament with the assistence of The National Democratic Institute for International Affairs (NDI)

NDI's work in Malawi is carried out under a grant from
The United States Agency for International Development
USAID

GUIDELINES FOR CONSTITUENCY WORK BY MEMBERS OF PARLIAMENT

When you were elected as a Member of Parliament, you assumed certain basic responsibilities to your constituents. As an MP, you have a responsibility to:

Represent Your Constituents in Parliament
You have been elected to represent the interests of your constituents in Parliament. Representing your constituency is your primary responsibility as an MP. In order to do this effectively, you must know your constituency well and understand the problems and opinions of your constituents.

Be Accessible to Your Constituents
As their elected representative, your constituents have a right to see and speak with you on a regular basis. It is your responsibility to make yourself available and accessible to the people you represent.

Initiate and Promote Political, Economic and Social Development in Your Constituency
You have the ability to help facilitate and promote development in your constituency. Your constituents want development, and they expect you to help them improve their own lives.

Mobilize Human and Financial Resources for the Development of Your Constituency
You are in a unique position to help promote the self-help ethic among your constituents and to help the people you represent to find funding for their development projects. You have a responsibility to use your position and influence to promote development.

Act as an Educator, Learner and Communicator
Through your work in your constituency, you can help your constituents learn about democracy, the economy and development, and keep them informed of current government policies. You can also learn from your experiences and spread your knowledge to other constituents and other MPs.

Act as a Leader in Your Constituency by Doing Case Work and Mediating
You have a responsibility to those you represent to help them solve disputes among themselves and to ensure that the government works in the interests of all your constituents.

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HOW TO USE THIS BOOK

This handbook has been created to help you as you work in your constituency. It has been designed by a group of Members of Parliament representing all three political parties. This handbook is for your personal use - you should write in it, customize it, add to it or take pages out - whatever you think works best. Sections of this handbook will be edited or changed in the future as needed, so you will be provided with additional or modified sections from time to time. If you have any comments, suggestions or ideas about the handbook, please inform one of the MPs listed on the following page so your ideas can be included in the future.

The handbook is divided into several sections with a numbered tab at the start of each section. Some sections provide useful information, such as contact addresses or the general election results from your district. Other sections provide space for you to collect information about your constituency or give advice and examples of constituency outreach work that has been done in Malawi. There are yellow explanation sheets at the start of each section and in other places in the handbook. These yellow sheets explain the purpose of each section and how the handbook can be used. Different topics within the sections are divided by blue pages.

Your constituents have high expectations of you as an MP. They want you to represent them in Parliament, to act as a bridge between the people and the government and to bring development to your constituency. Your challenge is to meet the expectations of your constituents using the few resources at your disposal. We hope this handbook will help you meet the challenge.

ACKNOWLEDGEMENTS

This handbook was created by a multipartisan group of six MPs who worked together for several months, beginning in December 1995. This supervisory committee includes Mr. S.K. Banda, Ms. C.T. Kainja, Mr. M.M. Kalele, Mr. F.M. Kangaude, Mr. F.S. Mphepo and Mr. J.K. Luwe. This group also formulated the proposal for the creation of constituency offices included in this handbook. The Speaker of the National Assembly, Hon. R.T.C. Munyenyembe, and Mr. B.H. Kawonga also contributed to the design of the handbook.

The Guidelines for Members of Parliament that appear at the front of the handbook were created during a constituency outreach seminar held on 14 and 15 June 1996. The seminar participants included the members of the supervisory committee listed above, plus:

Mr. S.J. Chimole
Mr. G.D. Kalomba
Mr. M.L. Kisyombe
Mr. L.M. Kungwezo Banda
Mr. Y.A. Lambat
Mr. M.B. Matengula
Mr. U.B. Mussa
Mr. D.J. Nyirenda

The Parliament of Malawi has few material resources, but it does have a wealth of human talent and expertise in the field of constituent relations and outreach. Each of the MPs listed on this page has initiated substantial activities in his or her constituency and has received training in constituency outreach techniques. If you have any questions, comments or suggestions, or if you would just like to talk to someone about the activities you are carrying out in your constituency, contact one of the MPs listed in this section. They might be able to give you some useful advice or help you to solve a problem you have been experiencing. They can also put you in touch with donor organizations or places where you can find information and support.

The work of the supervisory committee was assisted by the National Democratic Institute for International Affairs (NDI). Staff members at Parliament also provided assistance. NDI provided funding for all aspects of this programme, including the printing of this handbook and the holding of the constituency outreach seminar. The National Democratic Institute's activities in Malawi are conducted under a grant from the United States Agency for International Development (USAID).

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- Development of Malawi Traders Trust (DEMATT)
- Small Enterprise Development Organization of Malawi (SEDOM)
- National Association of Business Women (NABW)
- Malawi Rural Finance Corporation (MRFC)

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Appendix O

Excerpts from the 1996 report of NDI's Ethics Resource Team to the South African Parliament's Joint Subcommittee on Ethics

THE ETHICS RESOURCE TEAM

A Report Presented To

The Joint Subcommittee on Ethics

Parliament of The Republic of South Africa

23 January 1996

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Introduction

Defining a code of ethics is vital to the development of democratic institutions which are transparent and accountable to the citizens of the country. An effective code of ethics, including provisions for financial disclosure, assures the public that government decisions are made fairly and without the inappropriate influence of private interests. Most importantly, an effective code of ethics creates guidelines on how to avoid corruption in government, and establishes mechanisms to decisively respond to cases where corruption has occurred. A code of ethics is essential to building the public's confidence and trust in elected representatives and democratic institutions.

Given the importance of a code of ethics to the development of democracy in South Africa, the National Democratic Institute for International Affairs (NDI) has created an Ethics Resource Team (ERT) to assist parliament with its deliberations. The purpose of the ERT is to provide members of parliament with access to an expanded cadre of international practitioners and experts who will be available to supply information and advisory opinions on a wide range of ethics issues as they arise.

There are two forms of assistance provided by the ERT. The first is comparative information which is gathered and compiled by NDI's professional research staff based in Washington D.C.. This report includes three charts comparing ethics rules and laws which have been passed in ten other countries. The charts compare what interests are required to be declared, methods of implementing ethics rules and laws, and sanctioning mechanisms. This report is also accompanied by a Ethics Resource Book which includes the actual rules and laws from the ten countries. These materials will hopefully provide a useful resource for the ethics deliberations in South Africa.

The second form of assistance are the ERT experts and practitioners who have agreed to follow South Africa's ethics debate and provide regular advisory opinions. NDI staff in Cape Town send memoranda about developments in the ethics debate to the ERT

members. The memoranda also include questions which have been raised by members of parliament in committee meetings or directly with the NDI staff. The ERT members then respond to the questions with short papers. The opinions put forth by the members of the team are entirely their own. NDI does not advocate any particular political positions, but is interested in presenting a range of informed opinions and options to inform the ethics debate. Within this report, a reader may in fact find areas where members of the team disagree, and offer different recommendations. It is up to the elected representatives of South Africa's Parliament to judge which proposals and suggestions are useful to the South African context.

This is the first report of the NDI Ethics Resource Team. The first section of the report presents the comparative charts. These charts may be used by the reader to gain an understanding of how different parliaments have addressed financial disclosure issues. The second section of the report includes the advisory responses from the members of the ERT. These responses will provide the reader with a wide range of perspectives on ethics issues.

The ERT will continue to be available to respond to requests and questions from parliament. Members of the team may also be available to conduct video conferences with key leaders in South Africa's ethics debate. Finally, as the ethics debate progresses, the team may be called upon to provide annotated reviews of legislative proposals. Annotated reviews have proven useful in other countries where parliaments have requested more detailed background on various legislative proposals before final consideration.

The NDI Ethics Resource Team is an innovative approach to providing responsive and ongoing support to parliament. By assisting parliament to conduct a thorough investigation of ethics issues, the ERT hopes that the political parties may be able to develop a consensus for an effective code of ethics for the benefit of democracy in South Africa.

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The Ethics Resource Team

The Ethics Resource Team (ERT) makes use of professional research staff within NDI as well as individuals invited to participate on the team because of their expertise in ethics issues or their experience with legislative institutions. Participants for the ERT have been selected based on their knowledge of ethics issues and their practical experience with legislative institutions.

In selecting outside participants, the ERT has initially focused on individuals from the United States, but as the program progresses members from other countries will be added as well. The team currently includes three members of the United States Congress representing both the Democratic and Republican political parties, a counsel on ethics for the House of Representatives, the special assistant to the director of the department which monitors ethics rules for the executive branch, two representatives of civic organizations which have been involved in ethics issues, and two leading academics from Harvard University. Short biographies of the ERT members are included with their advisory responses. The initial membership of the team includes the following individuals:

Cong. Elizabeth Furse
United States House of Representatives

Stuart Gilman
Special Assistant to the Director
United States Office of Government Ethics

Cong. Amo Houghton
United States House of Representatives

Cong. Harry Johnston
United States House of Representatives

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Bernard Raimo
Counsel for the Committee on Standards of Official Conduct
United States House of Representatives

Frederick Schauer
Frank Stanton Professor of the First Amendment
Harvard University

Robert L. Schiff
Staff Attorney
Public Citizen

Dennis Thompson
Director of the Program in Ethics and the Professions
Harvard University

Fred Wertheimer
Former President
Common Cause

ERT Advisory Opinions

The ERT has been organized to provide a steady flow of assistance throughout the legislative process. In order to communicate with a broad range of practitioners and experts on a consistent basis, NDI is utilizing the system of electronic mail (email) over the internet. By using electronic mail, communication is transmitted instantaneously to ERT members keeping them informed about the political situation in South Africa and

developments concerning the ethics debate. Through email, ERT members are also able to quickly respond to requests for advice.

Following the last meeting of the Joint Subcommittee on Ethics (26 September 1995), a detailed memorandum was sent by email to each member of the ERT. (See Appendix I) The content of the memorandum was derived from the discussions of the subcommittee about financial disclosure, and also included suggested questions for each member of the team to address. ERT members have subsequently submitted their responses, which are included in this report. It is important to again emphasize that the opinions expressed in these papers belong solely to the members of the ERT, and are not advocated by NDI.

The papers presented in this report by the ERT cover a wide range of issues. The members of Congress address the purpose of financial disclosure rules, their views on the rules in the United States Congress, their concerns about privacy, and their thoughts on the implementation of financial disclosure. The two legal counsels, Stuart Gilman and Bernard Raimo, provide an in depth analysis of the principles underpinning ethics legislation, and the implementation of rules in the categories of disclosure which have been raised by the subcommittee in South Africa.

The representatives of civic organizations, Fred Wertheimer and Robert Schiff, provide an outsider's perspective on the importance of ethics rules in maintaining the confidence of the public in democratic institutions. Frederick Schauer, a legal expert on privacy, reviews the ethical foundation for financial disclosure rules, and addresses privacy issue in the context of financial disclosure. Finally, Dennis Thompson, a pre-eminent scholar of the philosophy of ethics as well as an experienced observer of the United States Congress, discusses the advantages and disadvantages of several ethics proposals.

It is interesting to note that the members of the ERT emphasize the need for South Africa's Parliament to develop a strong consensus for its own code of ethics. Members of

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the team are aware that rules or laws cannot be prescribed from afar. However, the papers presented in this report represent the thinking of individuals who are committed to the development of democracy and the principle of transparent, accountable government. Their contributions may prove valuable to those leaders who are moving forward to develop a South African consensus for a comprehensive code of ethics.

The National Democratic Institute (NDI)

The National Democratic Institute for International Affairs (NDI), based in Washington, D.C., conducts nonpartisan political development programs throughout the world. By working with political parties, legislatures, civic organizations and other institutions, NDI seeks to promote, maintain and strengthen democratic institutions in new and emerging democracies. Since 1990 NDI has had an active program in South Africa; first in assisting the negotiations and preparations for the April 1994 elections, and subsequently in supporting the development of their parliamentary organization and processes.

Patricia Keefer is the Director of NDI's programs in the southern Africa region, and is based in Johannesburg. Roger Berry is the Director for the ethics project. Roger is based in NDI's offices in Cape Town and maintains regular contact with both parliamentary leaders and staff. He is also responsible for managing communication with the members of the ERT. Patrick Henry is the NDI Research Officer who is directing the comparative research for the ERT. He is responsible for compiling the NDI comparative ethics charts, and for supporting the ERT members from the Washington office. Susan Benda, an NDI Program Officer for parliamentary programs, has also assisted in the development of the comparative materials. This project is funded by a two-year grant from the United States Agency for International Development (USAID).

The activities of the ERT have been coordinated with the office of the Speaker of the National Assembly, Mrs. Frene Ginwala, and parliament's Joint Subcommittee on Ethics. In the future, the ERT will be available to assist the Rules Committees of both the Assembly and the Senate as well as the political parties represented in parliament.

Appendix P

Excerpts from NDI's 2000
"Manual on Researching and Analyzing Legislation"
written for Members and Staff of the Ghanaian parliament

RESEARCHING AND ANALYSING LEGISLATION:

A MANUAL FOR MEMBERS OF THE PARLIAMENT OF GHANA AND THE PARLIAMENTARY STAFF

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This manual has been funded by
the United States Agency for International Development.

ACKNOWLEDGEMENTS

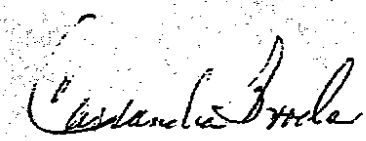
It is the hope of the National Democratic Institute for International Affairs (NDI) that this manual becomes an effective tool for parliamentarians and parliamentary staff to review and analyse legislation. NDI would especially like to thank the Clerk of Parliament, Rex Owusu Ansah for his assistance in editing this manual. His suggestions and insight into the parliamentary process in Ghana were invaluable.

This manual was prepared by Mr. Alan Boright, a consultant for NDI and legislative counsel to the Vermont State Legislative Council. Mr. Boright prepared the manual based upon an assessment done in Ghana and guided by the Ghana Constitution and applicable laws, rules, and parliamentary practices. Mr. Stephen Terravecchia, NDI legislative advisor in Ghana edited the manual with the assistance and advice of Mr. Rex Owusu-Ansah, Clerk of Parliament.

The United States Agency for International Development (USAID) provided the financial assistance that enabled NDI to undertake this work. We are grateful to USAID Program and Project Development Office Chief Gregg Wiitala, and USAID Democracy and Governance Advisor Sean Hall.

We believe that this manual will contribute to the deliberative process by which public policy is formed in Ghana.

Sincerely,



Cassandra Woods
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CHAPTER I: THE LEGISLATIVE PROCESS

"Subject to the provisions of this Constitution, the legislative power of Ghana shall be vested in Parliament, and shall be exercised in accordance with this Constitution." Ghana Constitution, Art. 93(2). Accordingly, researching and analysing legislation are among the fundamental duties of a Member of Parliament. These tasks require a factual and legal understanding of the lawmaking process. They also require a thorough knowledge of the rules governing the structure and content of legislation. The following is a brief summary of the legislative process in Ghana.

- **Introduction of Bills**

A bill is the draft version of a law passed by Parliament. Bills are proposed by a Member of Parliament (MP), group of Members or by Ministers, and approved by the cabinet. Members can also introduce bills without consulting the cabinet. However, this has not been the practice because Parliament, as yet, does not possess the capacity for legislative drafting. Bills are drafted by the Attorney-General's Office and revised in consultation with the cabinet.

After a bill is approved by the cabinet, it is returned to the Attorney-General's Office and the draftsperson in charge of the bill forwards it to the government printers -- the *Assembly Press* -- for publishing. Copies of the bill are then made available to the Clerk of Parliament, who on the instructions of the Speaker transmit the bill to the Business Committee to be laid on the table.

All bills (with the exception of "urgent" bills) must be published in the *Gazette* at least 14 days before they are introduced to Parliament.[1] With the exception of urgent bills, bills cannot be introduced that have been substantially changed since publication in the *Gazette*.[2]

Bills affecting taxation, national debt and changes to the Consolidated Fund are governed by special rules.[3]

- **Form and Content**

A bill has a "long" title and is divided into separate and successive clauses.[4] Matters within a bill must relate to each other.[5]

A bill must be accompanied by an explanatory memorandum that describes what the bill is, why it is needed and how it proposes to work. The memorandum must be signed by a Minister or a Member introducing the bill.[6]

Parliament cannot pass laws that alter a court's decision or judgement between parties to that decision or judgement. Parliament cannot pass laws that retrospectively limit or restrict personal rights and liberties.[7] Parliament cannot pass laws that establish or authorise the establishment of a body with authority to impose a common religious or political programme.[8]

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Parliament may not proceed upon a bill or amendment that makes provision for the imposition of increased taxation, or a charge on the Consolidated Fund or any other public fund.[9] Parliament may not introduce a bill affecting the institution of the chieftaincy without prior reference to the National House of Chiefs.[10]

- **Urgent Bills**

If the appropriate Committee decides that a bill is urgent, it can be introduced without prior publication in the *Gazette*. Copies of the bill are distributed to the Members, and the bill may pass through all of the stages in one day.[11] Urgent bills must be published in the *Gazette* within 24 hours of their first reading.[12]

- **First Reading**

To present a bill, the Speaker reads the name of the bill's signatory. The Clerk then reads aloud the long title of the bill and the bill is considered read the First Time.[13]

After the First Reading, the bill is referred to the appropriate Committee for consideration.[14]

- **Committee Consideration and Report**

Committees have all the powers, rights and privileges as are vested in the High Court of Justice or a Justice of the High Court to enforce the attendance of witnesses, examine them under oath, compel the production of documents and request to examine witnesses abroad.[15] The evidence of all witnesses shall be recorded and a copy provided to the witness.[16] Documents received by the Clerk of the Committee shall not be withdrawn or altered without the approval of the Committee.[17]

After considering the bill, the appropriate Committee submits a report to the House.[18] Committees cannot consider for more than three months a bill presented to Parliament by, or on behalf of, the President.[19]

A Committee considering a bill must report to the House before the end of each session of Parliament. If a Committee is unable to complete consideration of the bill before the end of the session, it will report this to the House.[20] All uncompleted business pending before the House or its committees lapses with the Session.

- **Second Reading**

If a motion is made to read the bill a Second Time, there will be a full debate on the principles of the bill. The explanatory memo and the report of the Committee form the basis of

the debate.

If the motion is carried, the Clerk reads aloud the long title of the bill, which is then considered as read a Second Time.[21]

- **Consideration Stage**

After the bill has been read a Second Time, it reaches the Consideration Stage. At least 48 hours must pass between the Second Reading and the Consideration Stage (this does not include days on which the House does not sit). The Consideration Stage deals only with the details and not the principles of the bill.

If the bill has many proposed amendments, in a process called winnowing, the Business Committee will meet on the bill and amendment sponsors and members of the appropriate Committee will be asked to determine the order of amendments and to merge or drop redundant or related amendments.

The House may make relevant and consistent amendments during the Consideration Stage.[22] The Speaker reads aloud the number of each clause and the Clerk reads the marginal note of each clause. If no amendment is offered, the Speaker puts the question "That clause . . . stand part of the bill."[23] When the question is agreed to then that clause stands as part of the bill.

- **Amendments**

Members may move to amend a clause that has been read but not yet agreed to. The Speaker announces the proposed amendment to a clause, and the House then considers it.[24] After the clause has been considered, and after any proposed amendment to it has been agreed to or negatived, the Speaker puts the question "That clause ... (or clause ... as amended) stand part of the bill."[25]

A new clause may be considered at its appropriate place in the bill or after all of the clauses in the bill have been read.[26] The title of the new clause is read by the Clerk and taken to have been read a First Time. The question is then put "That the clause be read a second time." If it is agreed to, amendments may then be proposed to the new clause. The final question to be proposed is "That the clause (or the clause as amended) be added to the bill."[27]

New schedules are considered and treated the same way as new clauses.[28] After a new clause or schedule has been agreed to by the House (or amended and agreed to), the House may only resume consideration of it at a second consideration stage.[29] See Appendix B for further information on amendments.

- **Optional Second Consideration Stage**

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A Member (or a Minister) can propose to delete, amend or add a provision contained in a bill that has moved through the consideration stage. This can only happen, however, if before a Member rises to move the third reading of the bill, a motion is made that the bill pass through a Second Consideration Stage. Such a motion requires no notice.

If the motion is agreed to, the bill immediately passes through the Second Consideration Stage. Whether the whole bill or only provisions of it must pass through the Second Consideration Stage, depends upon the circumstances.[30]

- **Third Reading**

At least 24 hours must pass between a bill's passage through the consideration stage and its Third Reading (this does not include days on which the House does not sit). A motion may then be made to read the bill a Third Time.[31]

The Member in charge of a bill (or the Minister who introduced it) may, at any point, make a motion without notice to withdraw the bill.[32]

Bills must be read three times and have passed through the consideration stage to be considered passed.[33]

- **Presentation to President**

A bill passed by Parliament must be presented to the President for his assent. The President must inform the Speaker within seven days whether he assents or refuses to give assent, unless the Council of State indicates that it is considering the bill.[34]

If the President refuses to assent to the bill he must, within 14 days of the refusal, either

(a) submit a memorandum to the Speaker stating specific provisions of the bill which in his opinion should be reconsidered by Parliament (including his recommendations for amendments); or
(b) inform the Speaker that he has forwarded the bill to the Council of State for consideration and comments, or that the Council is considering the bill.[35]

The President must assent, upon presentation, to all bills certified by the Speaker as financial matters.[36]

- **Reconsideration in Parliament**

When Parliament reconsiders a bill, it takes into account the President's or the Council's comments, or both.[37]

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If a bill is reconsidered and passed by Parliament by a resolution supported by at least two-thirds of all Members, the President must assent to it within 30 days after the resolution is passed.[38]

Diagram 1.

Step-by-Step Summary Chart of How a Bill becomes a Law in the Parliament of the Republic of Ghana

STEP	TIME FRAME	ACTION	COMMENTS
Step 1.	No time limit.	According to common practice, the government, an MP or group of MPs submits a proposal for legislation to the cabinet. If the cabinet approves, a parliamentary draftsperson from the Attorney-General's Office is directed to draft the bill. The proposal's wording is fine tuned during consultations between the cabinet and the draftsperson.	Legislation that incurs costs to the state must be introduced by a Minister or Member on behalf of the President. A Member has the power to introduce a bill without consulting the cabinet, but this has not been the practice.
Step 2.	Upon completion of drafting.	The draft bill is published in the *Ghana Gazette*. It is considered "mature" after two weeks.	
Step 3.	At maturation (two weeks after publication).	The parliamentary draftsperson submits 200 or more copies of the proposed legislation to Parliament. The Clerk informs the Business Committee chairperson who schedules the First Reading.	Proposed bills must be accompanied by an explanatory memo that sets forth the policy and principles of the bill, the defects of existing law, if any, the remedies proposed to deal with those defects and the necessity for its introduction.

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Step 4. On a date scheduled by chair of Business Committee.		The proposed bill is introduced before the House for its first reading.	The Clerk reads the long title of the bill and it is considered read a first time.
Step 5.	After First Reading.	Proposed bill is referred to the appropriate Committee for further review and examination.	The Committee is expected to draft a report on the bill. Memos my be submitted by interested persons. Committees have up to three months to consider draft legislation proposed by the President.
Step 6.	Upon completion of the Committee's deliberations.	The Committee report on the bill is submitted to the House.	
Step 7.	Upon submission of the Committee's report.	Second Reading of the bill in the House and debate of the bill and contents of the Committee report.	Only principles of the bill and contents of the committee report are open for discussion.
Step 8.	At least 48 hours after second House reading.	Bill reaches the "consideration" stage.	Only details of the bill are open for discussion at this stage. Any amendments to the bill are made at the consideration stage on a clause-by-clause basis. Each clause is amended and approved as appropriate.
Step 9. (*Optional*)	After consideration stage.	Second consideration stage.	Members are permitted to request a second consideration stage for the entire bill or sections thereof.
Step 10.	Upon passage from consideration stage (but not less than 24 hours after).	Third reading of the bill in the House. House vote on the bill. If passed, bill is sent to the President for assent.	All bills (unless deemed "urgent" by a Committee) must be read three times to the House and pass through at least one consideration stage. Urgent bills can be introduced and passed the same day.

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Step 11.	Seven day limit.	President considers bill.	The President has seven days to assent or refuse to assent, unless the Council of State considers the bill.
Step 12.	Within 14 days of refusal to assent.	President states the provisions that he would like reconsidered and/or his recommendations for amendments OR he informs the Speaker that the Council of State is considering the bill.	When Parliament reconsiders the bill, it takes into consideration the President's or the Council's comments.
Step 13.	After receipt of the President's statement on refusal to assent.	Parliament reconsiders the bill. If the bill is passed by a resolution supported by at least two-thirds of all Members, the President shall assent to it within 30 days after the passing of the resolution.	A bill does not become law until it has been duly passed and assented to and has been published in the *Gazette*.

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Appendix Q

Copy of a color brochure produced by NDI and the Parliament of Malawi to educate the public about the powers and responsibilities of Parliament

MEMBER OF PARLIAMENT

A Member of Parliament is a person elected by the general citizenry in a particular consituency to represent them in the National Assembly.

According to the Malawi Constitution, a person can be nominated or elected as Member of Parliament if he or she is a citizen of the Republic and has attained the age of twenty-one years; is able to speak and to read the English language well enough to take an active part in the proceedings of Parliament; and is a registered voter in a constituency.

Upon election to Parliament, the Member of Parliament takes an Oath of Allegiance before assuming duties of the office.

PUBLIC ACCOUNTABILITY

Obligations of an MP: A Member of Parliament has to bear in mind that any decisions he or she makes in the National Assembly affect the welfare of the people in the country. The laws passed in Parliament affect not only the general public but also the Members of Parliament as citizens of the country.

Whilst political party affiliation is necessary for a Member of Parliament in the National Assembly, it is not a sufficient condition for running the affairs of the country. Thus a Member of Parliament must first and foremost be accountable to the electorate.

A Member of Parliament should consult and inform his or her constituents about matters affecting them.

Obligations of the Public: The Malawi Constitution provides that all citizens of the country who have attained the age of 18 are eligible to vote in any general election, by-election, presidential election, local government election or referendum.

It is therefore paramount that every citizen must exercise his or her right to vote in an election for a Parliamentarian. Those who deliberately choose not to participate in an election process give up their right to representation.

It is the responsibility of the citizenry to ensure that the person they elect to Parliament has the calibre and capacity to effectively handle the tasks of the National Assembly as outlined above.

The people in a constituency should freely inform their parliamentarian of problems and issues affecting their area.

For more information contact:
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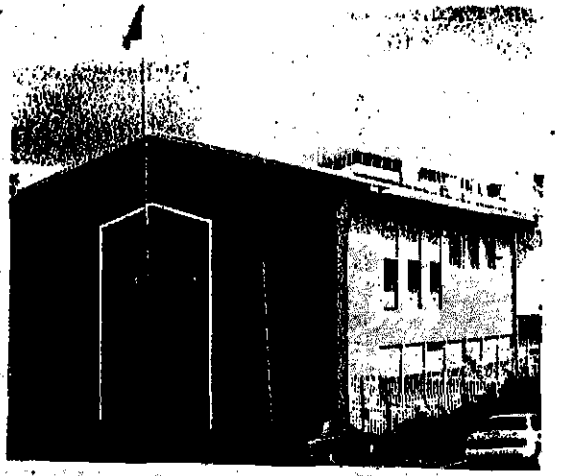
Fax.: (265) 523 290

MALAWI



PARLIAMENT

THE PEOPLE'S VOICE

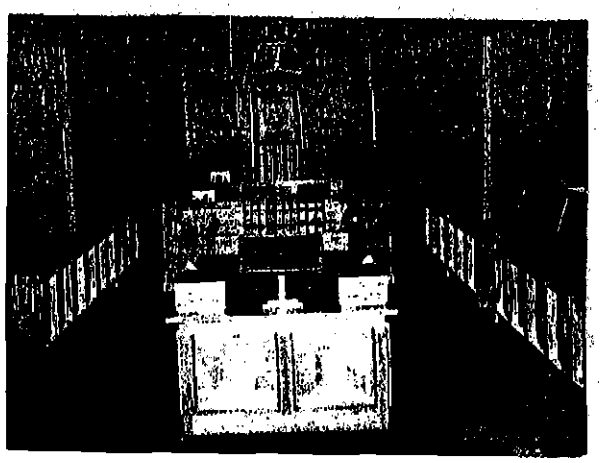
Parliament is a legislative body vested with powers and responsibilities to make laws governing a nation.

According to the Constitution, Parliament consists of the National Assembly, the Senate and the President as Head of State.

The National Assembly is comprised of only elected Members of Parliament. It has powers to receive, amend, accept or reject legislation presented before it.

The Speaker of the National Assembly presides and directs all the activities of Parliament and safeguards its rights and dignity.

All vested powers in Parliament originate from the electorate.



Parliament Chamber

PARLIAMENT AT WORK

The work of Parliament follows established forms and procedures designed to support and facilitate the democratic process.

Making Laws: Recommendation to change existing or to make new laws in the form of a Bill can be suggested by the President, a Cabinet Minister, or by a Member of Parliament. An ordinary citizen or group of people can also propose a Bill through a Member of Parliament. Government or a Member of Parliament introduces a Bill into the National Assembly. The Bill is then debated and voted on. If the Bill passes, it is sent to the President for him to sign. If the President refuses to sign the Bill, it is sent back to Parliament without becoming a law. Once the President has agreed to sign the Bill and it is published, the Bill officially becomes law.

State Budget: An important task of Parliament is to decide on revenues and expenditures of the State. Parliament decides, for example on taxes to be paid to the State and on the allocation of funds for health, education, social services, and roads, etc.

Parliament can also authorise Government to spend or borrow funds for the running of the State.

Monitoring: Government must implement the decisions of Parliament. Members of Parliament scrutinise activities and performance of the Executive Branch of Government to ensure, for example that, Government departments spend prudently and according to the approved budget. Members of Parliament can through committee hearing or in parliamentary sessions, question Cabinet Ministers about certain Government undertakings and make recommendations.

Speaker's gravel

Debates: Parliamentarians mostly conduct their business in the National Assembly through debates. Debates essentially stem from matters of national interest. It is also possible for Government through a Minister to inform Parliament orally on current issues.

Questions: Asking questions is one of the efficient ways of obtaining information on a current problem from a Ministry through a Cabinet Minister, or in some cases from the President.

Voting: Most issues in Parliament are resolved through voting. A Member of Parliament has an absolute and a constitutional right to exercise a free vote in any and all proceedings of the National Assembly, even in contradiction to recommendations of his or her political party. A Parliamentarian has to vote according to what he or she considers to be in the best interest of the country as a whole.

Prepared by Development Information Services P o Box 1732 Blantyre Tel. 265-630033 with assistance from National Democratic Institute for International Affairs (NDI)

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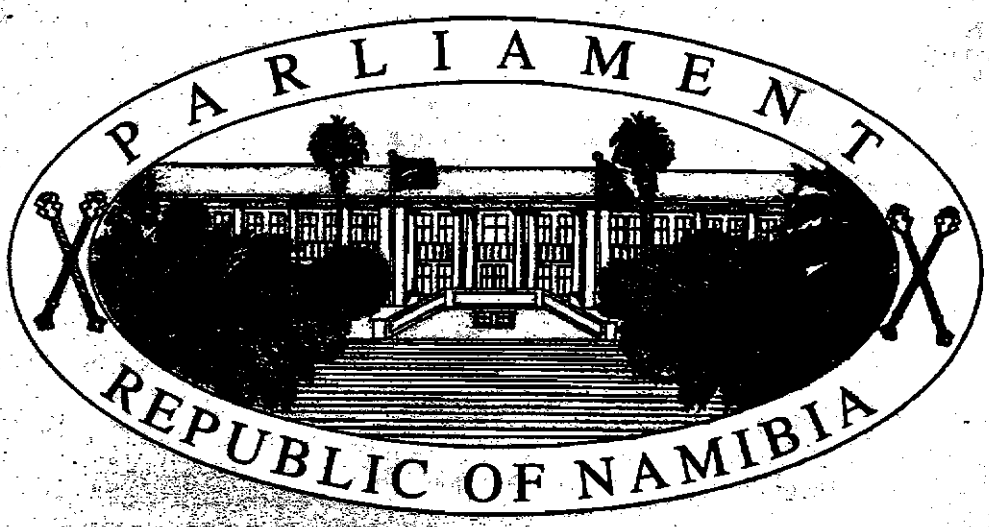
Appendix R

Excerpts from a Directory of Members of the Namibian Parliament produced by the Parliament and NDI (1997)



Namibian Parliamentary Directory 1996/97

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New Namibia Books (Pty) Ltd.
P. O. Box 21601
Windhoek
Namibia

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The publication of this book was made possible through a grant from the National Endowment for Democracy (NED), Washington, DC, United States of America.

The text on pp 69-72 'How a Bill becomes a Law' is adapted from *How Laws are Made* by the Legal Assistance Centre, Windhoek, 1996.

Set in 9pt and 10pt Times
Nama/Damara fonts based on Nama Fonts by African Languages Department, University of Namibia

Printed and bound in Namibia by
Capital Press, Windhoek

99916-31-19-4

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GEINGOB, HAGE G. (Swapo) *Legislative Profile*: Prime Minister since March 1990. Member of the National Assembly since 1990. *Personal*: Born 03 August 1941, Grootfontein, Otjozondjupa region. Resides in Windhoek, Khomas region. *Education*: Teacher's Certificate, Augustineum Training College, 1961. B.A., Fordham University, USA, 1970. M.A., International Relations, New School of Social Science, USA, 1974. *Career*: Teacher, Tsumeb Primary School, 1961. Exile, 1962-89. Swapo Assistant Representative to Botswana, 1963-64. Petitioner at the UN and to the Americas, Swapo, 1964-71. Associate Political Affairs Officer, UN Secretariat, 1972. Swapo Ongulumbashe Medal for Bravery and Long Service, 1987. Founder and Director, UN Institute for Namibia (UNIN), 1975-89. Swapo Election Director, 1989. Chairman, Constituent Assembly, 1989. *Legislative Interests*: General.

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WITBOOI, HENDRIK (Swapo) *Legislative Profile*: Deputy Prime Minister since 1995. Minister of Labour and Manpower Development, 1990-95. Member of the National Assembly since 1990. *Personal*: Born 07 January 1934, Gibeon, Hardap region. Resides in Windhoek, Khomas region. *Education*: Primary and secondary education in Namibia and South Africa. Two Honorary Degrees from Paul Quin, USA, and St Augustine, USA, 1990. *Career*: Teacher. Secretary to Chief Samuel Witbooi, 1958. Joined Swapo after the collapse of the Namibian National Convention, 1976. Was elected the Swapo Secretary for Education and Culture on the National Executive Committee, and Chief of the Witboois, while in detention, 1978. Member of the Swapo delegation that negotiated the UN Plan for Namibian Independence, 1978-89. Vice-President of Swapo since 1984. *Legislative Interests*: Labour and human resources development.

BEST AVAILABLE COPY

MUYONGO, MISHAKE (DTA) *Legislative Profile*: Official Leader of the Opposition since 1990. Shadow President. Shadow Prime Minister. Shadow Minister of Foreign Affairs. Member of the National Assembly since 1990. *Personal*: Born 28 April 1940, Linyanti, Caprivi region. Resides in Katima Mulilo, Caprivi region. *Education*: Primary and secondary education in Namibia, Southern Rhodesia (Zimbabwe) and South Africa. Teacher's Diploma, Mafikeng Teachers' Training College, South Africa, 1963. *Career*: Teacher, 1964. Business Owner in Caprivi since 1988. Politician. Exile, 1964-85. *Legislative Interests*: Education, foreign affairs, and home affairs.

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AMATHILA, BEN (Swapo) *Legislative Profile*: Minister of Information and Broadcasting since 1993. Minister of Trade and Industry, 1990-93. Member of the National Assembly since 1990. *Personal*: Born 01 October 1939, Walvis Bay, Erongo region. Resides in Windhoek, Khomas region. *Education*: Primary and secondary education in Namibia. *Career*: Political Organizer and Politician since 1958. Exile, 1966-89. Organizer and Swapo Representative to the Nordic countries and Western Europe, 1971-78. *Legislative Interests*: Economics.

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