

Member Orientation Handbook

About the SADC Parliamentary Forum the Voice of Parliamentarians in SADC

The Southern African Development Community Parliamentary Forum (SADC PF) is the Community's parliamentary institution, and was established in 1996 in accordance with Article 9 (2) of the SADC Treaty. The Summit of SADC Heads of State and Government approved the formation of the SADC Parliamentary Forum as an autonomous institution of SADC in September 1997. Membership in the SADC Parliamentary Forum is open to national assemblies of parliaments whose countries are members of the SADC.

The SADC Parliamentary Forum brings together the more than 1,800 parliamentarians in the following SADC member states: Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

The SADC Parliamentary Forum provides a regional mechanism at the legislative level to accelerate the process of establishing the legislative, regulatory, policy, institutional and democratic environments for regional integration.

Vision Statement

To achieve comprehensive, effective and sustainable regional integration and prosperity, based on democratic governance, freedom, gender equity and equality in the SADC region; and to bring about a united SADC family conscious of its common identity and sense of dignity.

Mission Statement

To bring about a convergence of economic, political, and social values in SADC and help create the appropriate environment for deeper regional cooperation through popular participation.

Guiding Principles

That the destiny of all (SADC) peoples is inextricably linked and that regional development is imperative, thus the need to forge a SADC identity;

That some of the decisions taken by SADC may require the passage of legislation by national parliaments of SADC. Prior knowledge of SADC activities is therefore critical; and

That parliamentarians, as the elected representatives of (SADC) peoples, are among the appropriate and foremost stakeholders in the success of building SADC.

Commitment

The SADC Parliamentary Forum is committed to the struggle for justice, democracy, gender equality and equity, the rule of law, sustainable development and good governance in the SADC region. The SADC Parliamentary Forum believes that democracy is a necessary precondition for social, political and economic transformation and that parliamentarians are important catalysts in that process.

Objectives

The objectives of SADC Parliamentary Forum are:

- a) To strengthen the implementation capacity of SADC by involving parliamentarians in SADC activities;
- b) To facilitate the effective implementation of SADC policies and projects;
- c) To promote the principles of human rights, gender equality and democracy within the SADC region;
- d) To familiarize the people of the SADC countries with the aims and objectives of SADC;
- e) To inform SADC of popular views on development and other issues affecting SADC countries;
- f) To provide a forum for discussion on matters of common interest to SADC;
- g) To promote peace, democracy, gender equality, security and stability on the basis of collective responsibility by supporting the development of permanent conflict resolution mechanisms in the SADC region;
- h) To contribute to a more prosperous future for the peoples of SADC by promoting collective self-reliance and economic efficiency;
- i) To hasten the pace of economic cooperation, gender equality and development integration based on the principles of equity and natural benefits;
- j) To strengthen regional solidarity and to build a sense of accountability in the region and in the operations of SADC institutions;

- k) To encourage good governance, gender equality, transparency and accountability in the region and in the operations of SADC institutions;
- l) To facilitate networking with other organizations of parliamentarians;
- m) To promote the participation of non-governmental organizations, business and intellectual communities in SADC activities;
- n) To study and make recommendations on any issue in order to facilitate the more effective and efficient harmonization of laws; and
- o) To provide any other service that may be in the furtherance of the objectives of SADC and the SADC Parliamentary Forum.

The programs of the SADC Parliamentary Forum are set out in the 5-year Strategic Plan 2000-2005, which can be accessed on our website (sadcpf.org). These programs are conceptualized and implemented through the following four Regional Standing Committees:

- Standing Committee on HIV-AIDS
- Standing Committee on Regional Integration
- Standing Committee on Gender, Democracy and Conflict Management/Peace Building
- Standing Committee on Inter-Parliamentary Cooperation

Specifically, the SADC Parliamentary Forum has been implementing the following programs, among others:

Program Areas

- Engendering Parliaments
- Elections Management
- Conflict Management HIV-AIDS
- Regional Integration
- Parliamentary Leadership Training
- On-Line Information Centre (QLIC)

1. **The Role of Parliaments in Strengthening Democracy:** Comments on the Democratic Transition in the SADC Region

The SADC region is in transition. As we struggled for and won independence over the past four decades, we did so with a view toward improving the lives of the people of our nations and toward creating conditions in which individuals and families could prosper, reach their potential as human beings, and enjoy the fruits of our independence. While there are notable exceptions, we have generally fallen short of these goals.

In many of our new democracies, colonialism quickly gave way to single party rule, military dictatorships, and even civil war. Our institutions were not yet mature, and most parliaments had little autonomy. In many cases, they were not allowed to carry out their traditional functions of representation, lawmaking, and oversight, notwithstanding the liberal provisions in their constitutions. Power was often personalized in a leader who ruled with little real oversight, and parliamentary growth and development was stunted. Parliaments were often viewed as an extension of the leader or the party caucus. SADC peoples' living standards failed to grow as we had hoped, and in many nations actually declined. The economies we inherited generally developed poorly after independence, and problems of poverty, and lack of education and economic opportunity were compounded by the scourges of HIV / AIDs, malaria, tuberculosis and corruption.

Yet in the midst of these difficulties we have made several advances. South Africa and Namibia surprised the skeptics, making a remarkably peaceful transition to independence, while at the same time driving the affliction of apartheid from the continent. Bloody civil wars in Mozambique and Angola ended, and Mozambique has now conducted a number of democratic elections, demonstrating that former enemies can together govern a nation. Three economies in the SADC region - those of Mozambique, Botswana, and Mauritius - are among the fastest growing in the world, and standards of living are rising. Compared to 15 years ago, we are making political decisions more through discussion and compromises, and less often through recourse to bullets and bayonets.

We need strong engendered democratic institutions, including effective, representative parliaments, if we are to be nations where women and men have real voice in public affairs and have the potential to improve their lives. Effective parliaments can help our people realize their potential.

Legislatures are the people's branch of government, the institution where citizen interests and preferences are expressed and transformed into policy, and the point which, at least potentially, people most closely engage their national government. As such, legislatures are key to achieving the democratic potential embodied in free and fair elections. While legislatures are central to democracy, they tend to inherit a position of weakness relative to the executive. Moreover, legislatures must function effectively to reinforce democracy and make public policies effective. If the voices of those most affected by government policies are not heard in the policymaking process, those policies will not be as successful as they can be.

Legislatures fulfill a number of important functions in a democracy: they represent people and groups, reflecting and bringing their needs, aspirations, problems, concerns, and priorities to the policymaking and policy-amending process; they make laws, the rules that govern a nation; and they practice oversight, assuring that laws and programs are carried out legally, effectively, and according to legislative intent.

When a legislature is ineffective in carrying out these functions, society suffers.

Our parliaments have generally not functioned well, and our societies have suffered. A report summarizing the December 3 - 4, 1998 meeting of parliamentarians hosted by the Parliament of Zimbabwe in Harare describes these difficulties accurately. According to the report, a lack of "facilities, resources, and expertise" hinders African parliaments from performing adequately; parliamentary staffing and facilities tend to be inadequate, and MPs often lack sufficient training; many have never held elected office before. Greater technical expertise is a necessary, but not sufficient, condition for improving our parliamentary performance. Political environments in Africa, our strong centralized executives and weak opposition parties, intolerant politics, and lack of respect for political institutions are all somewhat to blame. Many of our nations have not yet developed the concept of a loyal opposition, or an understanding of power sharing - realizing that one's political opponents may be in power one day, and therefore treating them as we would hope to be treated if we found ourselves in the opposition. Executives and ruling parties need to recognize that minority parties are legitimate, and minority parties must learn to play their role in the opposition.

A second deficiency named in the report is accountability and transparency, requiring parliaments to be accountable to the electorate, and executives accountable to parliaments. In many cases, institutional structures for accountability and transparency are in place, but the political environment makes them ineffective.

Executives often avoid answering questions put to them by MPs, and committees lack any mechanism to ensure that their recommendations and decisions are implemented. Independent audit agencies, such as auditors general, tend to be poorly funded.

African parliamentarians are increasingly required to report their assets and declare gifts. They are also expected to oversee the executive to limit executive corruption. In recent years, with the encouragement of Civil Society Organizations (CSOs) like Transparency International and an increasingly free press in the region, public tolerance for corruption is diminishing. Still, executives are reticent to provide information that might limit their autonomy, even if they are not doing anything illegal or immoral, making it difficult for parliaments, and the public, to know precisely how their governments are spending the public's money.

Third, the Zimbabwe report discusses representation and participation - the issue of integrating different social groups and interests into the political process, while at the same time maintaining political stability. The impact of different electoral systems and regime types on representation is being debated and experimented with in the region. Political systems should ensure truly representative parliaments responsive to the needs of all citizens, and not simply to elites. Broad-based political parties are relatively rare in much of Africa. Instead, political patronage, ethnic-based parties, and personalization of politics often reinforce the dominance of ruling parties and fragment parties of the opposition. Women, who constitute more than half of the SADC population, are under-represented in politics and in parliaments.

Because of its settler colonial past, the SADC region has a keen understanding that government that is not representative of the population is not democracy. But, until recently that understanding was based almost entirely on race. When less than fifteen percent of the population in Namibia, Zimbabwe or South Africa constituted the majority of those countries parliaments, there was naturally an outcry. The same outcry did not extend to the fact that, on average there are five times more men than women in the parliaments of the region and an even higher proportion at local government level.

This under-representation not only limits the effectiveness of parliaments but also contradicts one of the central tenets of representative democracy.

The recognition by parliaments that equal representation of women and men in decision-making positions is a prerequisite for democracy and a matter of fundamental human rights and justice should be at the core of parliament's role in strengthening democracy. Parliaments can create systems that facilitate the notion of an engendered democracy, which recognizes the need for participatory democracy that resolves power relations across class, race and gender divides. Some SADC member states have adopted specific measures including constitutional or legislated quotas to attain the "critical mass" of at least 30 percent women in positions of power and decision-making.

This handbook and seminar will address many of these issues. The combination of general, and country-specific material presented in the seminars is designed help you reflect on the workings of your own political system, and to place them in a broader context. It is our hope that this handbook - with its information presented under the auspices of SADC PF with the cooperation of local, regional and international resource persons and your own questions and discussions - will spark debate and inquiry to help you maximize your performance as an MP, and assist you in establishing the conditions under which your people will be able to improve their lives.

Suggested Readings

Bratton, Michael and Nicolas van de Walle, *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*. Cambridge University Press, 1997.

Nakamura, Robert and John Johnson, *A Concept Paper on Legislatures and Good Governance*. New York, 1999.

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2. Roles of MPs: Relations Representation and Constituent

What This Unit Will Cover

- General information on the roles of MPs and parliaments in representation and constituent relations
- Representation and gender
- *Hon. Member, You Promised*, a humorous look at promises MPs make to get elected
- Discussion questions
- Suggested Readings

General Information: Representation and Constituent Relations

Throughout the SADC region, constituents are well acquainted with their MPs, and successful MPs are rarely far beyond the reach of the people of their districts. But what, exactly, do MPs do for constituents? This module examines MPs relations with constituents, and includes an entertaining look at promises candidate make, and expectations citizens may have of their MPs.

MPs and parliaments link individuals and groups to their government. They do this by informing citizens about MP and parliament activities, by providing citizens and groups a voice in public policy and budgets, and by assisting constituents with their individual concerns. How MPs do this depends on a variety of factors, including the nation's electoral system, its political environment, and the parliament's capacity.

Informing citizens about the activities of individual MPs and the parliament: Parliaments, unlike executive bureaucracies, conduct their business in public. Plenary sessions are open to the press and public, and may be covered on TV and radio. Committee meetings in some Sub-Saharan African nations, such as South Africa and Uganda, are open to the press, and citizens may register on-line to attend meetings of committees of the South African Parliament. Volunteers with the Parliamentary Monitoring Group attend all open committee meetings and hearings of the Parliament, and makes notes of the meetings available on-line. In general, MPs make themselves more available to the public - especially to their own constituents - than do other government officials. Many parliaments reach out and provide information to the public, through:

- Newsletters and publications, such as children's books, (Uganda, Kenya, Mozambique);
- Press offices and visitor information centers (Zambia, Uganda, South Africa);
- Web sites (most of the parliaments in the SADC region);
- Publishing Hansards (parliamentary record) through parliamentary web sites (Zimbabwe); and
- Publishing member directories, providing photographs and biographical information on MPs on web sites, and as publications (Zimbabwe, Uganda).

Enabling citizens and groups to impact government policy: Parliaments do not just send out information, they also act as "eyes and ears", listening to citizen concerns, and providing mechanisms through which citizens and groups can influence government policies. Legislatures in presidential or hybrid systems are more likely to develop significant policy-making capacities than are those in pure parliamentary systems (see Module 3 *Roles of MPs: Lawmaking*), yet all legislatures should allow citizens some voice in influencing policy.

Responding to constituents: Finally, parliaments link citizens to their government through MP constituent services. MPs in some nations cut through the "red tape" that keeps constituents from receiving normal government benefits, and may speak to government ministries on behalf of constituents. Constituent services have been a problem for MPs in several African countries, where some citizens have come to expect MPs to provide them with money, goods and services, often from their own resources.

Regarding Citizen demands on MPs, Kenya Parliament Speaker Hon. Ole Kaparo wrote, "As poverty continues to hit a majority of our people, Members of Parliament have correspondingly been called upon by the electorate to sponsor both social and personal projects which traditionally would have been taken care of by the Government. Originally, *harambee* projects were meant to take care of the little things in the village, which could not attract Government funding. The situation has changed over the years such that even students who join the local state sponsored universities have to conduct harambees to raise some of their fees! Indeed, some Members of Parliament have raised millions of shillings to assist their constituents and yet when the multi-party era set in, the voters still went ahead to humiliate them at the polls, The harambee spirit in the form it is practiced at the moment is simply unsustainable."4 MPs at one pilot seminar in 2003 stated that some constituents view them as "walking bags of money" or "walking ATM machines."

A growing number of Parliaments assist MPs in their relations with constituents. Parliaments may provide

offices and meeting spaces for MPs in the capital, funding for district offices, and sometimes adjust parliamentary calendars to enable MPs to spend time each month at home with constituents. Following are specific examples:

- Kenya's parliament recently acquired and refurbished offices adjacent to the parliament. MPs who took office in 2003 were the first to occupy them.
- The Ugandan parliament re-acquired and upgraded old parliamentary office space occupied by government ministries during the years parliament was closed. MP offices are now located in this space.
- Soon after democracy was re-established in Chile in the early 1990s, parliament adjusted its calendar so that MPs could spend one week each month in their districts.
- Poland's Parliament provided legislators office space in local party offices.
- The Palestinian Legislative Council established regional legislative offices used by all political parties. (this was not ideal, however, as citizens were often confused about which member to approach, and were concerned about the lack of privacy in the offices.)
- Zambia examined a number of district office alternatives in 2003, including locating offices at five central points; situating an office in Kanyama, Lusaka province, with a toll-free telephone; providing funds for two MPs to travel around their constituencies and hold meetings on a published schedule, rather than having a fixed office; and establishing a mobile office in Eastern Province.
- South Africa's National Assembly grants each party funding (the amount is based on the number of party members in the Parliament) to use at its own discretion for constituent services. Kenya initiated a similar system in 2003, providing funds for each MP to use in district development projects.

Factors influencing representation and constituent services

Electoral and political systems, the political environment and parliamentary resources may all affect relations between MPs and constituents.

Electoral systems: MPs in every democracy depend on citizen votes to get and stay - in office, but some electoral systems provide greater incentives for MPs to attend to constituent needs. MPs elected through constituency-based (or plurality-majority, or single-member district) electoral systems are likely to be very conscious of constituents needs, and to desire to provide good constituent services. MPs in Kenya, Uganda, and Zambia are elected through constituency-based systems. (Candidates run in single-member constituencies/districts, and the candidate receiving the most votes wins). Constituents will more likely re-elect an MP responsive to their needs, so MPs will strive for good constituent relations. Critics of constituency-based systems claim that they lead to gender distortions in representation, due to the strong patriarchal prejudices against women contesting elections directly with men.

In proportional representation (PR) electoral systems, also used widely in the SADC region (South Africa and Namibia, for example), parties devise a list of electoral candidates ranked in order. Citizens vote directly for a party, rather than a particular candidate, and the number of legislative seats per party is determined according to the proportion of votes won by each party. A party winning 35 percent of the vote, for example, earns approximately 35 percent of the seats in the house. Since one's position on the list (which is determined by one's party) is key to being elected, MPs will be especially responsive to their party, and feel less pressured to serve constituents than their single-member district counterparts. Parties, consequently, are expected to play a major role in representing the needs of constituents.

A third type of electoral system, semi-proportional, combines aspects of both PR and constituency-based systems. In a bicameral legislature, for example, members of one house may be chosen by plurality-majority, while members of the other are selected based on proportional representation. Alternatively, a certain number of legislative members in a given chamber may be chosen through a PR system, and others through single-member districts. Germany, Mexico, Bolivia, and Russia all use variants of semi-proportional electoral systems.

Political environment and parliamentary resources: Effective representation and constituent relations are hindered in some nations by a legacy of less-than-open political systems, and a lack of contact with expert resources available in the nation. Another hindrance is the lack of expert staff to support MPs in responding to constituent requests. Few legislatures in developing countries have either the staff or funding to assist MPs in answering constituent requests. Well-funded political parties sometimes assist MPs in dealing with constituents and their requests, but political parties in poorer nations rarely have sufficient funds to do so. When parties do control such resources, they are able to use them to reward or punish MPs for fidelity or infidelity to the party.

Parliaments, representation, and human rights: As representatives of all groups within society, parliaments may use their powers to protect specific groups and to limit abuses of human rights. Nations sometimes establish

upper houses, specifically representing ethnic and other groups to ensure that the rights of these groups are respected and are taken into consideration at the national level. Burundi and Ethiopia have established upper houses for just this purpose. Uganda's parliament provides special representation and protection for the human rights of specific groups in the nation. Seats are set aside for representatives of women, youth, and workers, to ensure that their voices are heard in the development of national policies, and that their human rights are not abused. Executive dominance, lack of parliamentary resources, and a lack of enforcement powers may curtail MPs' abilities to protect the human rights of groups such as prisoners, journalists, and women. Yet despite these limitations, parliaments have been able to use tools at their disposal, such as hearings, investigations, private member bills, and their access to the press to the protect the human rights of their citizens.

Gender and Representation

Gender representation in parliaments can refer to the presence of women and men as MPs in decision-making positions, but can also refer to the interests and needs of women and men being factored into the decision-making process and political agendas.

The recognition and acknowledgement of gender inequalities by MPs allows them to analyze a parliament's effectiveness in representing the people by considering how well gender proportions in society are reflected in the parliament. This is a challenge to parliaments of the SADC region in which more than 50 percent of the countries' populations are female and these are substantially under-represented in parliaments. In addition, most SADC parliaments have almost no provisions designed to achieve any measure of gender balance.

But gender representation is more than a matter of numbers in parliament. While gender parity is a laudable objective, MPs must also be able to articulate the views and concerns of those they represent and to enact policies and programs that will benefit their lives. In exercising their representational duties, MPs must consider the needs of all people in the constituency - women and men, girls and boys. Regular contact at the constituency level enables the MP to keep in touch with the needs in the constituency, receive feedback from the electorate on any public issue and ensure voter access to their representative.

The real challenge is for MPs is to use a gender perspective that will enable them to consider both women and men's interests in the decision-making process, recognizing the fact that women and men do not participate equally in decision making, though women play an important role at community and grass-roots levels. Effective representation and constituent relations focuses on politicizing issues of everyday life in order to make it more democratic. Both women and men must see their experiences reflected in the political agenda.

MPs can bridge the gender gaps by the way they define their tasks, for example:

- Do MPs acknowledge the unequal gender relations by singling out women as an important social category/group to represent?
- Do parliamentarians cultivate plenty of contact with various women's organizations?
- Do MPs view gender equality in the extent to which they are actively promoting gender equality issues in their work?

Honorable Member, You Promised

The following humorous excerpt by former MP Michael Matuare of Zimbabwe captures much of the challenge MPs face in dealing with constituents.

Han. Member, You Promised

To be there for your constituents, i.e., to be seen, reached, smelt and be accessible to them round the clock. No strict office hours; no vacation/leave; or personal time. You could in a way be referred to as a roaming prisoner.

To be the people's representative/emissary to and from the capital In a consistent manner. Indeed, you have assumed the role of a glorified postman/ messenger and bearer of good news, bad news and in fact all news. However, for political and survival reasons you are expected to bring good news and gifts of all manner of description and value to key people and institutions on a regular basis if you still want to remain popular.

To be the Principal Agent/Proponent and Activist for ensuring that there is improvement in the infrastructure and service provision of the Constituency, including:

- a) Upgrading of roads, bridges and related infrastructure;
- b) Improvement of health services and facilities, e.g., clinics, staff;
- c) Improvement of schools and related facilities;

- d) Identifying donors and NGOs to bring material and financial resources for projects in the area;
- e) Organizing scholarships and employment for a host of demanding political stakeholders including campaign supporters and party activists.

Nurturing and maintaining the support of spouses, family (immediate and suddenly extended) and a plethora of friends, acquaintances and hangers-on.

To be the chief celebrant/benefactor at feasts, weddings, field days and graduations of various sorts. Your contribution must be seen to be the largest or among the large ones.

To be the chief sympathizer/principal mourner in cases of bereavement and death. You are expected to play the role of undertaker when and if we as your constituents cannot afford a coffin or access a vehicle to ferry our beloved relative for burial.

To be the individual but unofficial/substitute social welfare unit for all those in need in your constituency including the various fundraising functions to which you are invited, may decline to attend but to do so at great personal risk to your political career.

To be your party's most ardent defender, promoter/public relations agent. You are expected to be a party loyalist, worker, volunteer and resource mobilizer. In this case your personal resources, vehicle, house, telephone, time, etc, are part of the party's pool of resources to be accessed as and when required.

To be the willing and unwilling subject/object of close public scrutiny and examination. The media are this unique type of vulture that love fresh meat in the form of errant public officials behind whom or who are associated with scandal or who occupy houses with cupboards full of skeletons.

For those who serve in cabinet your constituents expect that you can marshal and commandeer resources easily and can get development finances without much difficulty.

Discussion Questions

1. What methods does your parliament use to inform citizens about the activities of parliament, to enable citizens and groups to impact government policy, and to respond to individual citizen concerns?
2. What electoral system does your parliament use? How does your electoral system impact on constituent services?
3. In what ways might your parliament more effectively incorporate gender concerns into issues of representation and constituent services?

Suggested Readings

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The Legislature and Constituency Relations. United Nations Development Program, New York, NY: 1999. Available at [http://magnet.undp.org/Docs/parliaments/notes/ Constituency%20Relations%20%20.htm](http://magnet.undp.org/Docs/parliaments/notes/Constituency%20Relations%20%20.htm)

3. Roles of MPs: Lawmaking

What This Unit Will Cover

- General information on the roles of MPs and parliaments in lawmaking
- Gender in lawmaking
- Discussion questions
- Suggested Readings

General Information: Roles of MPs and Parliaments in Lawmaking

If you ask citizens what parliaments do, many would reply, "They make laws" – the rules that govern society. But the role parliament plays in the lawmaking process varies from nation to nation, and even in the same parliament over time. We may think of a parliament's lawmaking role as moving along a continuum.

- A. At one extreme are "rubber stamp" legislatures, which simply endorse decisions made elsewhere.
- B. Next are those that actively debate proposals, and have some ability to influence government to make changes to their proposals.
- C. Continuing to move right on the continuum, we come to legislatures that make significant amendments to executive proposals, and many of their amendments become law. Some may even introduce legislation.
- D. Finally come what are known as "transformative" legislatures. Transformative legislatures may amend nearly all government proposals, and make and pass their own proposals into law.

A number of factors help determine the lawmaking role your parliament 'currently plays; among them regime type, formal legislative powers, the political environment, and legislative capacity.

Regime type: Legislatures in parliamentary systems, where the chief executive and cabinet are members of parliament selected from the majority party or coalition within the legislature, have less incentive to develop significant lawmaking capacities than do legislatures in other systems. Because legislative and executive powers are fused, committees defer to the executive and tend to play a lesser lawmaking role. Policy decisions are generally made within the ruling party or coalition and government ministries.

In presidential systems, by contrast, legislatures are elected separately from the executive. The two branches of government are independent of each other, especially if the president appoints the cabinet from outside the legislature, as is done in Angola, Mozambique and the US. The centre for conflict over policy making is usually between the executive and the legislature. There are clear incentives for the legislature to develop a strong committee system and professional staffs. Individual legislators can influence policies and laws.

Finally, hybrid political systems share characteristics of both parliamentary and presidential regimes. There are different hybrids, but a common version in Africa has the president directly elected through a nationwide vote (as in presidential systems), but appointing cabinet ministers from the parliament (as in parliamentary systems). Kenya, Zambia and Uganda are hybrid systems with growing parliamentary lawmaking roles.

Formal lawmaking powers: Formal lawmaking powers, described in the constitution and standing orders, also help determine the lawmaking role parliament will play. Most systems allow members to introduce legislation (private member bills), and some, such as Mozambique and Uganda, permit committees to introduce legislation. Most parliaments have formal authority to override a presidential veto, but the percentage of votes required to do so varies. Namibia, for example, requires a two-thirds majority, while Malawi requires a simple majority, within certain time restrictions. Several African nations have established committees responsible for overseeing ministries, to which the house refers legislation in their subject area. Called departmental committees, sectoral committees, or standing committees, they are empowered to receive public comment on and amend executive proposals.

Political environment: Third, a nation's political environment helps determine the parliament's lawmaking role. By political environment we mean such factors as:

- The type of lawmaking role parliament's leaders and members desire, and the intensity of their desire;
- The willingness of the executive and other power brokers (such as political parties) to share their lawmaking role with parliament; and
- Demands from groups in society that parliament play a greater lawmaking role.

One indication of a changing political environment in much of sub-Saharan Africa likely to impact the legislature's lawmaking role is the pressure exerted to end one-party regimes in the 1990s. Demands from citizens, organized groups in society, and parliamentarians helped bring about the change. Now that political

systems have become more open, many of these groups will expect their parliaments to be responsive to their concerns in the lawmaking process.

Legislative capacity: Finally, the legislature's technical capacity and resources influence its ability to play a major lawmaking role. Most parliaments, both within Africa and outside, do less than their formal lawmaking powers allow, and a major reason for this is limited legislative capacity. Conducting hearings, factoring public and expert comment into amending legislation, and drafting amendments and legislation all require professional staff and facilities that are often in short supply in legislatures. A number of parliaments in the region are working to upgrade their technical capacity, and we note many of these activities in Module 10, Building a Stronger Parliament.

Gender in Lawmaking

Gender-sensitive lawmaking in SADC countries has received endorsement at the highest political levels. It is the central strategy of the 1997 SADC Declaration on Gender and Development, which commits all SADC countries to

"Repealing and reforming all laws, amending constitutions and changing social practices which are still subject to gender discrimination and enacting empowering gender-sensitive law."

These changes are necessary as many of the inequalities between women and men in SADC countries are embodied in laws that legally enshrine subordinate roles for women. Other laws are often misinterpreted and manipulated to favor men. A gender analysis of SADC marriage laws, for example, reveals that equality of status and rights between men and women in marriage is neither recognized nor adequately protected in most countries, although almost all SADC constitutions have constitutional guarantees to equality before the law. Exceptions can be found in a few countries such as Namibia and South Africa, which have specific legislation addressing equality issues within marriage. Given this reality, laws, in and of themselves, cannot achieve gender equality. Therefore, a comprehensive context of achieving full gender equality needs to be established.

Some of the principal issues concerning gender-sensitive lawmaking in parliament are the degree to which the institution exercises its own initiative in legislating gender-sensitive laws and policies and the degree to which it influences the passage of gender-sensitive legislative proposals received from the executive. Many parliaments in the region have limited authority, or limited capacity, to enact private member bills, but numbers of private member bills in sub-Saharan Africa are increasing. The underlying reality making gender-sensitive lawmaking necessary is that we live in a society where women and men follow different paths in life and have different living conditions and needs. Because of this, societal rules and laws will affect men and women differently. MPs must therefore ensure that a gender perspective is integrated into all proposed legislation, policy formulation and review, and that all bills tabled before parliament include a full Gender Impact Analysis/ Assessment.

Gender-responsive lawmaking requires that MPs understand the impact of proposed laws and how they might be better designed to achieve outcomes which meet the needs of women and men, girls and boys as well as different groups of women, men and children. This approach is based on an appreciation that equality should not be confused with uniformity and in fact uniformity can be often the enemy of equality. It involves the development of an analysis, which reflects an understanding of the law/policy's gendered implications by

- Questioning the assumption that laws and policies are "gender-neutral" in their effects;
- Identifying implicit and explicit gender issues;
- Assessing whether the law/policy will continue or change existing inequalities between men and women (and groups of men and women) and patterns of gender relations; and
- Determining whether and to what degree proposed laws/policies enhance women and men's democratic rights.

Discussion Questions

1. What role does your parliament play in the lawmaking process?
2. How do the four factors listed (i.e., regime type, formal lawmaking powers, political environment, and legislative capacity) impact the roles your parliament plays in lawmaking?
3. How would it benefit your nation to mainstream the gender perspective in lawmaking?

Suggested Readings

Johnson, John and Jesse Biddle. Understanding Representation: Implications for Legislative Strengthening, Center for Democracy and Governance, Washington, D.C., USAID. 2001. Available at

<http://www.cid.suny.edu/Publications/pnach303.pdf>

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Olson, David and Michael Mezey, Eds. Legislatures in the Policy Process. New York: Cambridge University Press, 1991.

Reyes, Socorro, and Ma. Lourdes J. Brillantes. Legislative Support Services in Asia: An Introductory Survey. Quezon City, Philippines: Congressional Research and Training Service. 1994.

Robinson, William H. "Building a Parliamentary Research Capability," IFLA Journal 17 (International Federation of Library Associations and Institutions), no. 4. 1991.

4. Roles of MPs: Parliament and the Budget

What This Unit Will Cover

- General information on the roles of MPs and parliaments in the budget process
- Gender budgeting
- Discussion questions
- Suggested readings

General Information: Roles of MPs and Parliaments in the Budget Process

Parliamentary approval for taxing and spending can be traced back 800 years to the British House of Commons, the "Mother of all Parliaments." As the King needed funds to conduct wars and run the monarchy, local communities, represented in the Commons, were called upon to provide them. With time, the Crown made regular requests for funds, and only representatives of local communities were empowered to grant the King the money he requested. The requirement that the King request local representatives to collect taxes for his expenses represented a significant limitation on royal prerogatives. By 1422 there could be no statute and no tax without parliamentary authority, and, within Parliament, without the Commons' agreement.

The requirement that parliaments approve executive taxing and spending continues today in virtually all democratic political systems, but, as was the case with lawmaking, the extent of parliamentary involvement varies – and for many of the same reasons. Using the same four criteria applied to lawmaking – regime type, formal powers, political environment, and parliamentary capacity – we now consider the parliament's role in the budget process.

Regime type and formal budget powers: Parliaments in presidential and hybrid systems, with distinct separations between legislative and executive powers, have greater incentives to play an independent budget-making role than do parliaments in pure parliamentary systems. Formal budget-making powers in several sub-Saharan African nations empower parliaments to debate and accept or reject – but not change – the executive's proposed budget. Consequences for rejecting the budget can be severe. In Mozambique, for example, the constitution empowers the National Assembly to "appraise and approve the State plan and budget and the respective reports concerning their implementation;" however, "Should the Assembly of the Republic, after debate, reject the Government's program, the President of the Republic may dissolve the Assembly and call new general elections" (Sections 135(h) and 136(3)). When parliamentary budget powers are so constrained, parliament exercises its influence more indirectly during the budget debate, where MPs point out problems with the budget, and their criticisms can be presented to the electorate through the press.

Constitutions in the region frequently prohibit parliaments from "budget making" through the legislative process. Malawi's constitution prohibits both the National Assembly and Senate from proceeding on legislation which imposes or alters a tax, or imposes any charge upon the Consolidated Fund, "... except upon the recommendation of the Minister responsible for Finance." (Section 57:1). South Africa's constitution states that the National Assembly may "(b) initiate or prepare legislation, except money bills" (Section 55(1)(b)).

Several regional parliaments are making better use of the budget-debate period. In Zimbabwe, for example, local experts are contracted to review the executive's proposed budget as soon as it is released. These experts draft committee budget reports, with observations and possible questions, and makes presentations to committees within a few days of the budget's release. The Institute for Democracy in South Africa provides budget training for parliamentary staff and for civil society organizations. The budget debate in Kenya is divided into two parts; the debate on spending takes place beginning mid-June, when the budget is presented, and the debate on taxation occurs around October. In recent years (2001 - 2003), a budget workshop has been conducted during each budget season, and MPs, Treasury officials and societal groups (such as the Stock Exchange and budget research CSOs) meet to discuss needed changes to the budget. Parliamentary powers to amend the spending plan are limited, though parliament does have authority to amend the government's plan for raising revenues. In 2001, parliament rejected the government's proposal to charge VAT on commercial property in Nairobi, and reduced excise taxes on several manufacturing inputs. Finance Committee members introduced 38 amendments to the government's tax plan, and the government accepted more than half of them.

Other parliaments have increased their budgetary powers. Several (including South Africa, Tanzania, Malawi, Mozambique, Ghana, Uganda, and Kenya) now receive tentative long-term (3-years, generally) spending plans through the Medium Term Expenditure Review (MTEF) budgets. One of the most significant regional initiatives was Uganda's 2001 Budget Act, which substantially increased parliament's budget powers. The Act

- Requires several advance reports on the government's spending and taxing plans (essentially giving the parliament a role in the budget drafting stage);

- Establishes a permanent Parliamentary Budget Committee; and
- Establishes a permanent Parliament Budget Office (PBO) within the Parliamentary Service, consisting of full- and part-time professional budget staff, to assist parliament in carrying out its budget and oversight responsibilities. Parliaments in Kenya, Zambia, and Ghana are considering establishing similar budget offices, and in 2003 a Kenyan MP introduced a private member bill to establishing a PBO. The proposal has widespread support.

Political environment and legislative capacity: As is true with lawmaking, a nation's political environment affects the parliament's role in budgeting. The political environment includes the budget-making role parliament's leaders and members want to play – and the intensity of their desire; the willingness (or unwillingness) of the executive and other power holders (such as political parties) to allow parliament a greater role; and, demands from groups in society that parliament play a greater lawmaking role.

A common shortcoming for parliaments wishing to be more effective in budget making (and in oversight, as we shall see later) is lack of access to budget expertise. Executive budgets are large, complex, and difficult to understand (sometimes by design), and legislators all over the world need help understanding them. Some legislatures address this need through hiring short-term experts to assist them in analyzing the executive budget (similar to the Zimbabwe case, mentioned above) or rely on partnerships 'with academia or civil society groups. A more expensive approach is to build greater budget capacity in-house – such as Uganda's Parliamentary Budget Office.

Gender Budgeting

Budgets are not neutral instruments, though a budget appears to be a gender-neutral policy instrument set out in terms of financial aggregates, totals, subtotals of expenditure and revenue and the resulting budget surplus or deficit. There is no particular mention of women or of men. However, budgets affect different people – women, men, boys and girls – differently. Thus, the way government collects its revenue and spends its money will mean very different things to women and men in rural areas, or to middle class women and men.

The rationale for gender budgeting is straightforward, but highly political. Simply put, every cent spent by government has a different impact on women and men, boys and girls. Therefore, budget allocations by government should be carefully determined and monitored. This requires parliamentary action geared towards gender budgeting work.

What is gender budgeting? "Gender-sensitive budgets," "gender-budgets", or "gender responsive budgets" entail a breakdown of the government's budget according to its impact on women and men, boys and girls and different groups of women and men, taking cognizance of the society's underpinning gender relations. Therefore, it is important to appreciate the fact that gender-sensitive budgets are not separate budgets for women or for men, but rather are analyses of actual budgets through a gender lens.

All budgets share common characteristics. There are, however, many differences – such as in the form in which they are presented and in the level of detail provided. There can be a single budget for the whole country or separate budgets for different levels (national, provincial/regional, local). It is important for MPs wanting to do gender budget work to understand the budget development process. The timetable for the process provides clues as to the most effective point for intervention.

A gender-sensitive analysis of the budget is based on the premise that budgets must follow policy. A gender-sensitive analysis of budgets can be conducted by using different approaches depending on the availability of information, expertise of personnel and other resources. For example the gender-sensitive budget exercise in South Africa contains two components - one outside government and one inside government. In the SADC region, gender budgeting initiatives have to be seen in the context of political and economic liberalization.

One gender-sensitive budget strategy is to work through committees to identify gender issues and gender-target allocations specific to given sectoral budgets such as education, land, water, agriculture, industry, health and welfare. By employing the gender-budgeting approach, parliamentarians require government departments/sectors to produce expenditure analysis for their gender impacts within each budget cycle.

The following are some of the methods that MPs can use to do a gender analysis of the budget

- Analyze the situation of women and men in relation to the sector concerned – agriculture, land, industry, labor, social welfare, health, education, information, defense and security.
- Examine the sector's policy to see if it addresses gender issues identified in the situational analysis.
- If the policy is gender sensitive, analyze the budget to establish whether sufficient financial and other resources have been allocated to translate the policy into reality.

- Assess how the resources have been used – for example, how many women and men receive a service and at what cost?

In addition to the committee-based gender budget analysis, parliamentary finance committees as well as individual portfolio committees can hold public hearings on what the budget should contain in advance to its presentation.

In examining spending, MPs need to consider expenditure in terms of three categories:

- Expenditures targeted at gender issues and groups of men or women, boys or girls such as special employment programs for unemployed young men and women, domestic violence counseling for men, women's health programs;
- Spending related to equal employment opportunities by government agencies; and
- General budget expenditures available to both women and men but analyzed for their gender impact, for example who benefits mostly from government spending on primary health care, government supported literacy programs and farming subsidies.

Most government spending tends to fall in the general budget category and unless this category is gender sensitive we cannot say that the budget is engendered. Gender budgeting is a process that can only be developed over a period of time. Incorporating the gender perspective in national budgetary processes is dependent on the magnitude of gender inequality, the priority given to gender issues in the national development agenda, and competing demands on government capacity and resources. Materials on gender-budgeting experiences of countries such as South Africa and Australia provide important insights on gender-budgeting strategies. Similarly, gender analyses of the parliament's own budget can be an easy starting point.

Discussion Questions

- What budget-making powers does your own parliament possess, and in what ways could they be utilized more effectively? Are efforts under way to increase parliamentary budget powers?
- Does the parliament do a gender analysis of the budget? How could gender budgeting be made a part of your budget process?
- Do civil society organizations and expert associations work with parliament in the budget-analysis process? Why or why not?

Suggested Readings

Krafchik, Warren and Joachim Wehner, *The Role of Parliament in the Budgetary Process*. Available through the International Budget Project website. <http://www.internationalbudget.org/resources/library/parliament.pdf>

Parliament and the Budgetary Process, Including from a Gender Perspective. Nairobi, Kenya: May 2000. Available through the Inter Parliamentary Union at <http://www.ipu.org/splz-e/kenya.htm>

Wildavsky, Aaron, *The New Politics of the Budgetary Process*, 4th Edition. Boston, MA: Addison-Wesley, 2000.

5. Roles of MPs: Oversight

What This Unit Will Cover

- General information on parliamentary oversight
- Gender oversight
- Discussion questions
- Suggested readings

General Information: Parliamentary Oversight

Oversight is the monitoring of executive activities for efficiency, probity, transparency and fidelity, to ensure that funds appropriated by the parliament are used legally, effectively, and for the purposes for which they were intended. The previous unit on budgeting dealt with the "before" role parliaments play in the budget process – their involvement in helping to set spending priorities, and in approving methods of collecting revenue to cover these expenses. Oversight, by contrast, is the "after" stage – looking back on government spending and activities to determine whether there was waste or corruption, and to ask "value for money" questions.

How is oversight practiced in sub-Saharan Africa? Oversight tools available to MPs vary from nation to nation, but all parliaments in the SADC region have access to at least some of the following.

Questions to ministers: MPs typically address questions to the Speaker, who determines whether and when they will be presented to the appropriate minister for response. MPs use question times to inquire into government projects in their constituencies, or may use them to inquire into the living conditions of specific groups, or the status of prisoners, journalists, ethnic groups and others who may be abused by those in power. Supplemental questions may also be raised during the question period. This tool is typically weakened by the lack of sanctions available for ministers who fail to answer questions adequately, or to follow up on questions. Hon. Ogalo of Uganda, speaking at the SADC PF pilot orientation program in Lesotho, recommended reforming the rules of the house to provide for sanctions against ministers who fail to answer questions, and requiring that parliament keep a record of promises made by ministers, and, if they are not kept, that parliament express its displeasure to the executive via a resolution.

Public accounts committees: Given the region's colonial heritage, many parliaments in the SADC region are rooted in the Westminster system and practice oversight through public accounts committees (PACs). Since the creation of the Public Accounts Committee in the Gladstonian Reforms of 1861, PACs have become ubiquitous throughout the Commonwealth. The tremendous expansion and scope of government and of state-owned enterprises during the second half of the 20th century made PACs, which are charged with overseeing government expenditures, even more important.

In Commonwealth nations, independent assessment agencies, often called auditors-general (A.G), review government accounts and present audit findings to PACs. PACs study the results, invite ministers, permanent secretaries or other ministry officials to the committee for questioning, and issue a report of their findings. Typically, the government is required to report back to parliament on PAC recommendations within a specified period, usually two to six months. More often than not, opposition members chair PACs in the commonwealth.

PACs in African parliaments typically face a number of challenges. For one, auditors general are often poorly funded, and their reports may be lengthy, complex, poorly organized, and difficult to understand. Funding and staff shortages mean that reports are often years late, so ministry officials needed for questioning might have moved on. Another weakness in the current system is that auditors general appointed by the executive often have little incentive to uncover problems that could embarrass those who appointed them. Investigating report findings is time and labor intensive. Parliaments need professional staff, but they are often not available. Finally, governments are often not responsive to parliament, and there are few tools at a parliament's disposal to compel government compliance.

South Africa Public Accounts Committee Arm's Deal Investigation

Following the release of an Auditor General report stating that he had detected "material deviations from generally accepted procurement practices" and recommending an audit of a R43.8 billion arms deal, the Standing Committee on Public Accounts (SCOPA) issued a resolution on November 4, 2000, instructing the Auditor-General, the Special Investigating Unit (SIU), the Public Prosecutor, and the Investigating Directorate of Serious Economic Offences (together comprising the Joint Investigating Team - JIT), to investigate the allegations of malfeasance. During the investigation the judge heading the SIU was replaced and the Special

Investigating Unit was excluded from Joint Investigating Team. The investigation, completed in late 2001, concluded that there was no evidence of any improper or illegal conduct by the Government. It noted, however, that criminal investigations of certain government officials were ongoing and urged their speedy completion.

Departmental (sessional, permanent) committees: These committees oversee specific ministries and handle legislation related to those ministries. MPs can use committee meetings to which ministers are invited to ask questions about implementation of laws and to offer advice. Committees are also able to use their oversight powers to protect the human rights of citizens. Burundi's Standing Committee for Justice and Human Rights, for example, visited prisons in the country to examine inmate conditions, and later drafted a report to the government with significant recommendations. A lack of funds and professional staff did not prevent the committee from acting.

Select (investigative) committees: These are temporary committees with jurisdiction limited to investigating the matter for which they were established. According to Hon. Ogalo, "These committees can be very effective as far as oversight is concerned because they address a specific issue already identified and seek to suggest corrective measures." The following text box illustrates the effectiveness of investigative committees in two African countries.

Select Committees in Kenya and Uganda

Uganda's Constitution gives parliament the power to censure ministers, and parliament has made use of this power. Section 118 states that "(1) Parliament may, by resolution supported by more than half of all members of Parliament, pass a vote of censure against a Minister on any of the following grounds: (a) abuse of office or willful violation of the oath of allegiance or oath of office; (b) misconduct or misbehavior; (c) physical or mental incapacity, namely, that he or she is incapable of performing the functions of his or her office by reason of physical or mental incapacity; (d) mismanagement; or (e) incompetence. Upon a vote of censure being passed against a Minister, the President shall, unless the Minister resigns his or her office, take appropriate action in the matter."

Between 1997 and 1999, parliament worked through its select committees to conduct nine high-profile investigations of government officials accused of corruption, two of which led to the censure of the Minister of State for Education and the forced resignation of the Minister of State for Privatization. Following a parliamentary investigation of the vice president in her second role as Minister for Agriculture, the President was forced to remove her from her ministerial position and reshuffle the Cabinet. Presidential inquiries led to the departure of the President's own brother from an important post and other resignations in anticipation of censure or other actions. Another example of oversight, though one which did not produce the same definitive actions, was the effort of a parliamentary minority to question and hold to account the President's actions in waging war in the Democratic Republic of the Congo. A war powers act was introduced, and questions were raised in parliamentary forums about the conduct of the war.

In 2001, parliament established the Select Committee on the Ministry of Defense on Allegations of Mismanagement, Abuse of Office and Corruption in the Ministry of Defense, to investigate payroll inefficiencies and procurement procedures. The committee recommended several improvements, which are being implemented in the military. Among other issues, the committee investigated alleged embezzlement of 1.2 billion Uganda shillings meant for troops in the DRC, the purchase of military helicopters that could not fly, the purchase of rotten canned food for the military, and the purchase of ill-fitting uniforms.

Investigative committees typically do not possess enforcement powers, but their shedding light on the misuse of funds can have a deterrent effect on corruption, especially when the media covers corruption cases. Media publication of the Kenya Anticorruption Committee's "List of Shame" pressured the government to reduce corrupt activities. And now that KANU is no longer in power, prosecutors are using the Anticorruption Committee's information in their investigations of alleged corruption.

Working in partnership with anti-corruption organizations: International organizations and associations also work with MPs to combat corruption. One such organization, Transparency International (TI), funds national chapters to research and report on corruption in their nations. TI then rank orders countries in terms of corruption, and conducts annual international meetings attended by parliamentarians, government officials and CSO representatives. Another anti-corruption organization, The African Parliamentarians Network Against Corruption (APNAC), seeks to strengthen the capacity of parliaments to exercise accountability over the management of public funds. According to its website, national chapters have been established in Uganda, Kenya, Tanzania, Ghana, and South Africa.

Gender Oversight

Helping bring about gender equality is another important piece in the complex puzzle of parliamentary oversight. MPs exercise gender oversight by monitoring the implementation of gender-sensitive laws and policies such as national gender policies as well as regional and international instruments or agreements that promote gender equality and eliminate discrimination.

The oversight instruments available to parliament empower MPs to hold organs of the state accountable in their implementation of national, regional and international commitments to achieve gender equality and eliminate discrimination. MPs must be aware of the national, regional and international frameworks on gender in order to perform their oversight role effectively. One of parliament's most effective oversight powers is its ability to obtain information from the executive. Both the question periods for ministers and committees, described above, are means through which MPs are able to investigate government performance with regard to promoting gender equality and eliminating discrimination.

SADC countries through the ministers responsible for gender and women's affairs have adopted frameworks for reporting on the implementation of the 1997 SADC Declaration on Gender and Development and the 1998 SADC Addendum on the Prevention and Elimination of Violence Against Women and Children. All SADC countries (except Swaziland, which is in the process of doing so) have ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and are obliged to report to the United Nations Committee on CEDAW every four years on what they have done to promote gender equality and eliminate discrimination.

The existence of watchdog institutional mechanisms that promote gender equality and that are accountable to parliament, such as human rights and gender commissions, also enhance parliamentary oversight on gender equality. In the context of the gender agenda, MPs can exercise their oversight functions by

- Examining the position of women and men, boys and girls in each sector, e.g., health, labor, education;
- Examining reports to regional and international bodies to check whether government is meeting its commitments on gender equality;
- Analyzing the budget to see what government is spending to address the needs of women and men, boys and girls; and
- Checking how laws and administrative structures are working to address gender gaps.

Discussion Questions

- Describe the oversight powers of your own parliament. In what ways could they be utilized more effectively?
- Do civil society, expert associations and the media assist your parliament in carrying out oversight responsibilities? Are there ways they could be brought into the process?
- Is parliamentary oversight on gender equality institutionalized? How effective is it?
- How might oversight methods used in other nations in the region be applied in your nation?

Suggested Readings

APNAC Website. www.parlcent.ca/anticorruption/gopac.html

"Governing Systems and Executive-Legislative Relations (Presidential, Parliamentary and Hybrid Systems)," a UNDP concept paper available at <http://mirror.undp.org/magnet/Docs/parliaments/>

Nakamura, Robert and John Johnson. "Rising Legislative Assertiveness in Uganda and Kenya," a paper delivered at the International Political Science Association. Durban, South Africa: 2003. Available at <http://www.cid.suny.edu/Publications>

Ogalo, Hon. Dan Wandera, "Oversight and the Role of Members of Parliament," presented at SADC PF Parliamentary Professional Performance and Development Seminar. Maseru, Lesotho: 29 September – 1 October 2003.

6. Parliamentary Committees

What This Unit Will Cover

- General information on parliamentary committees
- Gender and committees
- Discussion questions
- Suggested readings

General Information: Parliamentary Committees

Parliamentary committees allow groups of legislators to review policy matters and proposed bills, or conduct oversight more closely than would be possible by the entire chamber. Committees may be temporary (ad hoc) or permanent. Ad hoc committees are formed to review particular bills and are disbanded when their work is completed. Permanent standing (or departmental) committees' jurisdictions tend to mirror the structure of cabinet ministries, and may be involved in both legislation and in oversight. Other permanent committees may focus on oversight (P ACs), or may be responsible for rules, management, or housekeeping matters of the house.

Committee leaders tend to have different roles in different governing systems. In presidential systems they usually lead the floor debate on bills over which their committee has jurisdiction, while in parliamentary systems this is the job of the relevant cabinet minister and the opposition spokesperson (sometimes the "shadow minister"). In some countries, committee chairs are drawn only from the governing party, and in others, certain chairmanships are reserved for the opposition.

Parliamentary plenary sessions in Africa are generally open to the public (although actually attending may be difficult), but committee meetings are very often closed. Committee sessions in South Africa are open to the public, and citizens may find schedule information on line. Uganda's are open to the press and public as well, but leaders of many African parliaments have been reluctant to open their meetings, fearing that the presence of citizens and the press will stifle real debate.

Stronger committees in African parliaments: Several African parliaments have strengthened their committees in recent years, and required that legislation be referred to them early in the legislative process. Committees in Zimbabwe and Mozambique have held public hearings to elicit citizen and expert comment on legislation. Ministries in Zimbabwe are required to make quarterly spending reports to committees, and clerks and outside experts work with committee members to prepare questions and issues for discussion with ministry officials. Sessional committees in Uganda are even involved in the budget preparation process. Before the government sends its budget to parliament, sessional committees review proposed allocations to the ministries they oversee and submit reports with comments and recommendations to the Budget Committee. Budget Committee recommendations are sent to the Speaker, and ultimately to the President for use in finalizing the proposed budget.

The work that takes place in committees can facilitate cross-party dialogue. Because committee meetings bring members from many political parties together to deal with common problems, they present opportunities for MPs to reach consensus on important national issues. The process of reaching consensus in committee may carry over into other areas as well. Such cross-party dialogue tends to be easier when the government does not have a strong position on a particular policy, and in presidential and hybrid political systems, where the implications of changing government legislation in committee, or voting against one's governing party, are not as severe.

Parliamentary staffing and information needs: Staff size, level of professionalism and access to resources reflect the relative importance of parliament and of committees in a given system. Parliamentary staff members may be institutional (serving the needs of the parliament) or personal (assigned to specific MPs), and carry out housekeeping and management responsibilities, arrange and staff committee meetings, conduct research, assist in drafting legislation, and pro-vice expert advice.

Increased responsibilities and information needs strain committee resources, and some parliaments in the region are building greater internal expertise to cope with this increased demand. Donors and outside experts provide some of this assistance. In addition, parliaments are making their own investments in developing professional, in-house expertise. Uganda expanded from an estimated nine parliamentary service staff in 1997, to 60 by 2000, and Kenya's Parliament is in the midst of a major expansion of professional staff. In some cases, university graduate interns complement professional staff.

In-house resources are rarely sufficient for growing committees. As the need for expert information grows, many committees are establishing relations with and taking advantage of the increasing expertise in regional civil society organizations (CSOs) and think tanks. Some of the brightest minds in the region work for CSOs (such as the Institute for Democracy in South Africa, IDASA, and the Institute for Economic Affairs, IEA, in Kenya) and committees increasingly tap their expertise to help them amend legislation, and to be more effective in the budget process. Some parliamentary projects have published easy-to-use directories, enabling parliamentary committees to quickly and easily contact outside experts and organizations able and willing to assist them with budgets and legislation.

Before finalizing this section of our discussion on committees, we should point out that strong committees shift the balance of power toward the legislature - and away from the executive and political parties. For this reason, advocates of pure parliamentary political systems (in which the legislature and executive are fused) do not favor strong committees. They argue that political parties are the bodies directly responsible to citizens, and that the focus should be on them - rather than on committees. They fear that strong committees tend to reduce party discipline and diminish distinctions between parties, and that they could undermine the executive.

Gender in Committees

Much of parliament's important work is carried out in committees. The simple fact that there are more men than women in parliaments means that male MPs need to be more gender conscious in dealing with subjects covered by their committees. Both male and female MPs need to know the technical and gender issues in the ministries covered by the committees they sit on.

As greater numbers of women have become MPs, it has become obvious power relations tend to ensure that men's committee work and women's committee work is "appropriately" allocated along gender lines. The distribution of women MPs in committees is symptomatic of the gender stereotypes that still pervade parliaments. The majority of women MPs are presumed to be more interested in participating in committees that focus on "soft" issues such as health, welfare, development, agriculture and education. Fewer women are active in "hard" committees such as land affairs, defense, foreign affairs, justice, public accounts, trade and industry, science and technology and finance, even though women have particular needs and interests in these areas as well.

It is notable that chairs and vice-chairs of committees in SADC parliaments reflect the traditional model of parliament as a male domain. Once women become MPs, their access to the power structures of these institutions remains a challenge. Women MPs predominate in leading committees on gender and women's affairs, social welfare and developmental issues. Some parliaments, however, such as Uganda's and South Africa's, are beginning to allow women to chair some of the more prestigious committees - such as defense, foreign affairs, public accounts, finance, security, and mining - which are traditionally reserved for men.

Some gender specialists argue that in common with many other institutionalized systems, parliament is characterized by a high level of aggression in which the loudest voice and the most truculent approach wins. It is argued that the parliamentary committee system reduces the adversarial nature of parliaments and encourages more open and larger debate to facilitate the legislative process. Some parliaments have established specialized committees on gender equality, and these include women and men from all political parties. Although the jurisdiction of committees differs from parliament to parliament, it is clear that in addition to specialized committees on gender equality, gender as a crosscutting issue must be addressed in the work of all committees.

Discussion Questions

1. Describe the committee system and its effectiveness in your own parliament. Has it undergone changes in recent years?
2. Has your parliament conducted public hearings? If so, how successful have public hearings and committee meetings been?
3. Is there a specialized committee on gender equality, and how effective is it? Do other committees pay attention to gender issues in their work? If not, why not, and what needs to be done?

Suggested Readings

Fenno, Richard. *Congressmen in Committees*, Reprint. Berkeley, CA: Institute for Governmental Studies Press, 1998.

Legislative Committee Systems, a UNDP concept paper. available at <http://magnet.undp.org/docs/parliaments/Legislative%20Committee%20System.htm>

7. Political Parties in Parliament

What This Unit Will Cover

- Overview on political parties in parliament
- Gender in political parties
- Discussion questions
- Suggested readings

General Information: Political Parties in Parliament

Along with committees, political parties are a major means of organizing the work of the legislature and developing public policy. The role of political parties in a given legislature may be influenced by the following: type of governing system (i.e., parliamentary, presidential or hybrid); whether and how many political parties are in parliament; the relationship between the executive and legislature (are the president and the majority party/coalition from the same party?); historic and cultural developments; and relative strength of internal party structures and resources.

What is a political party? A political party is an organization that mobilizes voters on behalf of a common set of interests or ideologies. Political parties in the West grew out of craft guilds, professional associations, and interest groups. In some African nations, parties have emerged around certain leaders, or through a civic movement to change the government. These parties face the challenges of building a party identity and constituency and developing party discipline within parliament. They are often inexperienced at being accountable to voters and may have few resources for developing internal party structures to make them effective players in parliament.

Political party systems: Modern political systems are often characterized as multiparty, two-party systems and one-party systems. In two or multi-party democracies, the political party winning the most votes gains control of the legislature. In a parliamentary system, a majority win by a political party also gives the party control of the executive. The head of the winning party becomes the prime minister (chief executive), with party members being appointed to the cabinet. In presidential and hybrid systems - where the president and legislature are elected separately - political control of the legislature does not guarantee a party control of the executive branch.

It is common in multiparty systems for a party to win more seats than any other party, but not more than all or some of the other parties combined. Parties may then form coalitions to achieve a majority and, theoretically, pass legislation that meets its policy agenda and block opposition legislation. Party leaders in such situations know that the theory may not work out in practice, as coalition partners often find it difficult to compromise on their own agendas in order to arrive at a consensus with coalition partners.

In a one-party system, candidates are promoted or nominated by the single party and MPs do not organize within parliament on a partisan basis. In practice, one-party systems tend to reduce parliamentary autonomy. Yet even multi-party systems may act like one-party systems if a single party dominates and is able to suppress competition from other parties.

The party in government: Party discipline - the idea that legislators must vote with their respective parties - is especially important in parliamentary systems. Government MPs failing to vote with their party could bring down the government and result in the legislature being dissolved. Party leaders in parliamentary systems, therefore, will likely view such MPs as a threat and not nominate them to run in the next election. To help ensure party discipline, important decisions are made in party caucuses (meetings of the parliamentary parties), rather than within the parliament itself.

In presidential and most hybrid systems, there is a looser connection between the chief executive and legislative leadership than in parliamentary systems. Members may be freer to identify with the needs of their constituencies (especially in single member districts), and committees - more than party caucuses - may be the place substantive policy work takes place. This is not always the case, however. In presidential systems in Latin America, for example, party leaders make most decisions in party meetings and committees tend to be weak.

Parties in parliaments encourage member discipline by meting out punishment and rewards and through naming and empowering party whips to enforce member adherence to party interests. Parliamentary leaders in presidential and hybrid political systems may also insist on party discipline - and punish members who do not vote with their parties - but the consequences of weak party discipline are most severe in parliamentary systems. In some parliaments, the whips also play a role in selecting the representatives of their party to

participate in international parliamentary bodies and missions - a reward for faithful members.

Gender in Political Parties

A central issues for political parties is deciding who will to stand as a candidate for the political party in the next election. Political parties hold the key to accessing parliament, so it is at the party level that the almost unanimously endorsed principle of equality must be put into practice. While the processes of nominating candidates differ in political parties, if the parties are democratic, they should strive towards equal representation of women and men in positions of power and decision-making. Available evidence suggests that party leaders, a broader set of party officials, or significant portions of the people play the gatekeeper role in terms of women's and men's access to parliament and other positions of power and decision-making.

To parties, the most valued characteristic of a potential candidate is that candidate's track record in the party organization. But despite the fact that women are the majority of supporters of and voters in political parties in the SADC region, men dominate power structures of parties and candidate nominations. The lack of a gender-balanced representation prevalent at party leadership levels has been carried through to candidate lists for election to positions of power and decision-making. Despite the high level of women voter turnout in SADC countries, political parties have not yet made a clear link between the women's vote and the need for unequivocal policies and practices aimed at achieving gender equality.

While political parties in the SADC region are increasingly voicing support for gender equality, women continue to be marginalized within political parties. A study done by the IPD reveals that there are difficulties within parties, especially when it comes to nominating candidates and in particular female candidates. According to the available information, women candidates are seen as a "liability" and some political parties openly express this sentiment, based on the belief that the electorate is reluctant to vote for women candidates.

It is often argued that women and men participate equally in politics and the existence of women's wings (or councils, leagues, or sections) - a common feature of most parties in the SADC region - is used widely used as an illustrative example. However, an analysis of these structures tends to show that they have reinforced the stereotypes that assign women an inferior status by serving as the hospitality wing of the party. The real test for political parties is to move beyond the rhetoric on gender equality to reform their systems, structures, selection procedures and attitudes to make inroads for equal representation of women and men in positions of power and decision making.

In the context of the notion of the politics of presence, gender concerns are better represented in a parliament with a critical mass of women compared to one with few or no women MPs. This notion highlights the fact that the few women actually serving in parliaments instinctively fear being marginalized by raising issues that will be perceived as feminist. They become afraid to move against the mainstream, which may be described as the "malestream," and in that way find themselves acting as "honorary men" by adopting male behaviors, promoting the patriarchal agenda, and beginning to regard gender as politically irrelevant.

Changing the male "face" of politics remains one of the greatest challenges to political parties in the region. Quotas are one way of correcting the gender distortion in politics and positions of power. The question of quotas for women candidates is germane and has been the subject of debate among women and men. For some, the introduction of a quota system is a form of affirmative action - necessary now until things are more equal. For others, quotas are nothing more than reverse discrimination, and women who get into positions through a quota are seen as appointed because of their gender, rather than elected because of their skills. This is more likely to be true when the women are elected in a separate ballot. Still, though, many political parties dismiss affirmative action between genders, but not between races, as undemocratic.

Indeed, practical action from political parties is needed to match their rhetorical commitment to gender equality with policies and programs that redress the structural causes of gender inequality. This is not something that can be left to chance. It must be a part of a deliberate strategy and must have strong political backing starting at the political party level. It seems that there are very few political parties in the SADC region with Gender Policy Frameworks in place. However, political parties whose manifestos feature gender equality have instituted the voluntary party quota and it is no coincidence that some of them have the highest representation of women in parliament in SADC - for example, FRELIMO in Mozambique, the African National Congress in South Africa, Chama Cha Mapincli in Tanzania and South West Africa Peoples Organization in Namibia.

Besides voluntary party quotas, legislated and constitutional quotas (as in Tanzania, Uganda, Italy, and Namibia, for example) have boosted the level of representation of women. Different electoral systems lead to different outcomes and the impact of electoral systems on women's representation cannot be overlooked. There is overwhelming evidence to show that women are more likely to get elected under the proportional

representation system than under the constituency-based system. Angola, Mozambique, Namibia and South Africa use the proportional representation electoral systems (as do the Nordic countries Sweden, Norway, Finland, Iceland and Denmark) and do have consistently high rates of women's representation in parliament. A favorable electoral system on its own will not guarantee the equal representation of women. The electoral system is helpful to women only if parties are committed to gender equality.

Discussion Questions

1. Is your political system presidential, parliamentary, or hybrid? How does the type of political system affect the role of your political party in parliament?
2. How significant a role do women play in your party? Does your party have a gender policy and mechanisms for ensuring equal representation within party structures and in party political positions?
3. How would you characterize party discipline in your parliament?

Suggested Readings

Political Parties in the Legislature, a UNDP concept paper available at <http://magnet.undp.org/Docs/parliaments/>

The Impact of Electoral Design on the Legislature, a UNDP concept paper available at <http://mirror.undp.org/magnet/Docs/parliaments/>

8. Keys to Being a Successful MP

What This Unit Will Cover

- Keys to being a successful MP
- Gender sensitive MPs
- Discussion questions

Keys to Being a Successful MP

As important as the technical detail included in these modules is for MPs, the information means little if MPs are not effective in their dealings with constituents, staffs, other MPs, the media, and their families. In 2003, Deputy Clerk Patrick Gichohi of the Kenya Parliament drafted a guide designed to help MPs in these very practical areas. Mr. Gichohi presented a summary of the booklet in the two pilot SADC PF seminars in 2003. His sessions proved to be very popular, and much of what follows is excerpted from his booklet.

Honor the legislature as an institution: Great institutions grow out of men and women of great character. To work well, government requires a bond of trust between citizens and their representatives. It behooves every member of the house to grow and develop this trust. Developing trust calls for understanding, patience and a realization of a common purpose and destiny. Every member should try to appeal to the best instincts in colleagues, talk about what they stand for and what they intend to do during their term, and work as hard as possible to achieve their goals.

Master the standing orders: Being an effective legislator depends on mastering the standing orders. Just like in a game of football, a brilliant player who does not know and respect the rules of the game will lose. The same applies to legislating. You need to know the rules of the game.

The first-time legislator is well advised to carry the standing orders book with him or her at all times. They can refer to it as they observe the process of parliamentary democracy unfold. The standing orders might seem strange to the first-timer, but with a little exposure they 'will start to make sense. Mastery of the rules of the house will make a difference in your legislative career, whether it is just beginning, or is several years old. Get acquainted with experienced parliamentarians and seek their advice routinely.

Adhere to the code of ethics: When you become a member of the house you receive the title, "Honorable." and become responsible for conducting yourself in a manner that befits the title. Every member shares responsibility for the way parliament and its members are viewed. The public demands a higher standard of conduct of those individuals upon whom they confer such an honor.

Understanding legislative etiquette and ethical responsibilities is vital, not only to the institution and the constituents, but also to every member's career. "If it won't appear good tomorrow, don't do it today." That's the advice a veteran American legislator gave in judging those instances that are perfectly legal, but could raise questions about a member's behavior and character. Make sure you understand and adhere to the code of ethics. Politicians are rarely prepared for close scrutiny of their behavior. Ask yourself, "Would I be embarrassed to see my actions reported in the newspaper?" When in doubt, seek expert advice on the code of ethics and then make your judgment.

It is sometimes hard to be sure how to act, but there are two important pointers: Avoid anything that could be interpreted as a conflict of interest. Even the appearance of impropriety would be disastrous for your career as a parliamentarian. Secondly, adhering to rules and agreed upon practices and norms is cardinal to every parliamentarian for effective leadership/debate. Always keep in mind that your "enemies" are watching and waiting to strike.

Get legislative help: You cannot be an expert in everything. You should not try to be all things to all people. Pursue committee assignments in your areas of interest, and be ready to help negotiate an issue even if you are not the major sponsor. As you become expert on specific issues, you will be the member colleagues turn to for help and information. This will assist you in developing your negotiating skills and in building your reputation among your colleagues and the larger citizenry among your colleagues and the larger citizenry as a serious lawmaker.

Parliament has facilities to assist you in building a legislative career. Seek advice, knowledge and experience freely. Members are also important resource people. Seek information where it can be found, keeping in mind that information is power. Lobbyists and pressure groups are paid representatives whose job is to sell a particular point of view and are ever willing to give information promoting their views. Always remember though, that every coin has two sides, and so does every issue.

The legislature has staff in which members can trust. Every member should consider the benefits of hiring specialized staff. If you do hire staff, be sure to take advantage of their assistance for research and briefings before every committee meeting. You should also take time to review the bills or motions on the agenda with legislative staff. You will be more effective and your point of view will influence the decision of the committee and parliament at large.

Master the mass media: The media are the link between the public and their representatives in government, and are thus an integral part of any democracy. Reporters have a responsibility to keep the public informed and should take that charge seriously. Members of the legislature have a duty to contact reporters regularly to inform them of their position on issues and what they are doing.

Maintaining a good working relationship with the media is as important as is maintaining any other complementary partnership. There are instances when the media do a good job and deserve acknowledgement and praise, and there are times they might cross the line and deserve constructive criticism. The legislature needs to develop a rapport with the media, just as one must develop an open channel of communication in a partnership with a spouse, siblings, business or professional colleagues. The media serve as the barometer of public opinion, so you need to keep a keen eye on the issues they raise.

Watch out for overexposure by the media. Media hype has been known to build one up and also to bring one's career crashing down. A reasoned response to media reports is essential in building and sustaining a legislative career. Consider when and how to react to media reports. This discretion will earn you respect and confidence.

Manage your time: There are few careers as time demanding as that of an honorable member. A legislator is on call 24 hours a day. Time is a scarce resource that must be well managed. Organize, prioritize and commit yourself to those things you consider important and you will always be one step ahead in legislative work. An effective legislator is always punctual, gets to the floor on time, keeps appointments, and gets to committee meetings on time. The manner in which you manage your time reflects on you as an individual. The parliamentary calendar is very strict; if you miss a date to introduce a bill or motion, it could be a whole year before you get another chance to do so.

Every legislator also has a personal private life that demands time. Just as it is crucial to attend to your duties as a legislator, it is equally important to attend to your non-legislative responsibilities. You cannot afford to ignore these duties and break links with family and other colleagues; at the end of your term, when you revert to private life, you will need these links.

Know when to take the microphone: A great part of a legislator's job involves making speeches. Prepare before you speak. Some great speakers have stated that it takes ten times as much time to prepare a speech as to deliver it. A person's character is revealed by their speech. A powerful speech is not measured by its length; be brief and to the point and don't try to speak on everything. Always do your assessment before speaking on the floor. Speaking on every bill or going to the microphone too often will diminish your effectiveness.

Civility in speech is not only decorous and befitting an honorable member; it indicates that the speaker has prepared. A well-balanced speech is more likely to be listened to by all sides than an inflammatory one full of innuendos or insults.

Be part of the solution: There is a common saying, "If you are not part of the solution, you are part of the problem." controversial, even inflammatory issues will often be brought up in parliament, and some will occur in your constituency. As an elected leader, many people will be watching how you react to such situations and many will take their cue to speak or act from you. You must always consider the consequences of whatever course of action you choose.

Jumping on an issue to enhance your visibility is politics at its worst. Use your skills and your office as a parliamentarian to help find solutions. Whether it is a new bill in parliament or a community project, work with local agencies and government to find the best solutions. Ask questions, do research and show that you can be a positive influence both on your fellow parliamentarians and on the community at large.

Being a solution seeker sometimes means working with people with whom you might not agree politically. Seeking solutions entails building consensus and being willing to compromise. It helps to approach issues with an open mind rather than with a set position; adopting a new position as a result of new insights is a mark of strength and not weakness. Leadership demands a levelheaded, non-emotional approach to issues, and accepting that you may be wrong. The politician driven by a desire to use his or her position and influence to

solve the problems faced by the country and mankind in general becomes a statesman or stateswoman.

Don't burn bridges: There are neither permanent enemies nor permanent friends in politics. At times you will be upset with or even loathe certain colleagues, but remember that today's adversary may be tomorrow's ally. Every legislator must develop a thick skin. As long as members separate the individual from the issue, it will be possible to debate and discuss rationally and decently. You should develop a reputation for being forthright and honest, and expect to be treated as you treat those with whom you disagree.

No matter where you are in your parliamentary career, you will need good relations with your colleagues.

Vote your conscience: Be careful about measures you choose to support. History is replete with examples of members who sign on to bills and motions only to renounce them when they come up for debate on the floor. Scrutinize bills and motions beforehand to avoid the embarrassment of having to vote against a bill or motion you have signed on to.

There are instances when, after you have promised to vote a certain way, you get fresh insight or information that leads you to change your mind. When this occurs, make your new position known to all. Credibility is the golden coin of any parliamentarian.

Stay in touch with constituents: It is easy as a member of the house to be consumed by the grandeur of the position and forget that all members are responsible to citizens. Constituents will not always agree with their leader, but they will respect such a leader for thinking through the issues and consulting them before arriving at a decision. Remember to return phone calls, answer letters, have meetings and do whatever it takes to ensure that the constituents know what you are doing. It is difficult to build a strong bond with your constituents simply through press releases. However, if you are a skilled writer, consider writing a weekly column for your constituents and the general public.

Gender- Sensitive MPs

Politically prudent MPs are gender sensitive, because women, as the majority of supporters of political parties in the SADC region, wield huge potential power. MPs who seek to be effective in parliamentary work need to be gender sensitive. Even at the level of language and communication, MPs and parliaments need transformation and strengthening. For example, using "he" to also mean "she," "manpower" instead of "staff," "one man one vote" instead of "one person one vote," "Chairman" instead of "Chairperson" or "Chair," and other informal and formal parliamentary language, signals to women that parliament is a male preserve. If a female MP takes a stand she is accused of being too sensitive, overbearing or plain ridiculous, and even women join in the mockery. As a bottom line, gender-inclusive language should become the norm for all MPs, and in all parliaments.

Guidelines for gender sensitive MPs include the following:

- Do not assume that all people will be affected by or benefit from laws, policies and programs in a uniform manner;
- Ensure that opportunities to promote gender equality are identified;
- Ensure that adequate resources are allocated to address gender issues;
- Monitor the implementation of commitments on achieving gender equality;
- Consult and engage both women and men in the constituencies, and promote women as decision makers;
- Use gender sensitive language;
- Do use the excuse of "culture" to justify failures to achieve gender equality and sensitivity.

Discussion Questions

1. Why is it important that parliamentarians be gender sensitive? What might you or your party do to better respond to the needs of women and men, boys and girls?
2. What specific ideas from this module might help you succeed as an MP?
3. In which of these areas do you consider yourself in need of improvement? In which do you consider yourself especially strong?

9. Parliament's regional and international roles

What this unit will cover

- Information on regional and international roles for MPs in the SADC region
- Discussion questions
- Suggested readings

General Information: Regional and International Roles for MPs in the SADC Region

Throughout the democratic world, parliaments are the only legally constituted bodies of popularly elected representatives that can effectively hold the executive branch of government accountable for the implementation of national, regional and international commitments and programs. In addition to exercising oversight on the executive, parliaments discharge the crucial constitutional mandate of making laws for the good governance of their countries as well as appropriating resources for the management of affairs of the nation.

The influence and responsibilities of MPs are, however, confined not only to their national boundaries but may extend to the region as a whole, given that some of the decisions that are made at the local level have far-reaching implications at the regional and international levels. For instance, MPs are expected to ratify and monitor the implementation of regional and international treaties and protocols, all of which affect the lives of their constituents.

The SADC Parliamentary Forum: The establishment of the SADC Parliamentary Forum in 1996 provided MPs from SADC member states with a forum for the analysis and scrutiny of issues of mutual interest within the region, with the view to adopting common and mutually beneficial positions on those matters, as well as advancing the SADC agenda of regional integration as enunciated in the SADC Treaty. When the Forum was established, it was observed, "what was lacking in the Windhoek Treaty ... was the relevant institutional structure that would enable the people and their elected representatives to find appropriate and adequate channels of participation in regional, social, cultural, political and economic development activities."

Indeed, the delayed ratification and implementation of SADC protocols and other agreements can be attributed to the inadequacy of that treaty. To date, SADC Heads of State and Government have approved twenty-four protocols on matters ranging from shared water courses, transport, communications and meteorology, health, and combating illegal drugs to mining, education and training, wildlife and energy, among others. Due to the lack of involvement of MPs in the development of these protocols, leading to a limited common understanding of their importance, a good number of them still have to be ratified before they can take effect.

The current wave of globalization and increasing interdependence among SADC member states, including the New Partnership for Africa's Development (NEPAD) and the African Union, among other initiatives, requires leaders in general and MPs in particular to act locally but think regionally and globally. It is in this context that over the past eight years, the SADC Parliamentary Forum has provided MPs in the region an opportunity to play a more influential role in regional and international matters.

The SADC Parliamentary Forum seeks to provide a more heightened and effective participation of MPs in

- The effective implementation of SADC policies and programs;
- Hastening the pace of economic development and integration throughout the region, including poverty reduction and the fight against HIV / AIDS;
- Accelerating the ratification of protocols by Parliaments of SADC member states;
- Promoting the harmonization of socioeconomic and political development policies and programs in SADC;
- Promoting peace, democracy, human rights, gender equality, security and stability;
- Supporting the development of permanent conflict resolution mechanisms in the SADC region;
- Encouraging good governance, transparency and accountability in the region through election observation, capacity building and lobbying and advocacy workshops, among other programs; and
- Facilitating inter-parliamentary cooperation and the exchange of ideas and best practices in areas of mutual interest.

This is in line with the vision and mission of the SADC Parliamentary Forum, which is "to bring about convergence of economic, political, and social values in SADC and help create an appropriate environment for deeper regional cooperation through popular participation." The long-term goal of the SADC Parliamentary Forum is to be transformed into a regional parliament with legislative powers. This should further strengthen the hand of MPs in decision making at regional and international level.

The Pan African Parliament: The proposed establishment of the Pan African Parliament at the continental level further underscores the role of the MP in the development of the continent as a whole. By bringing popularly elected representatives of the peoples of the continent together as a single legislative body, the vision of the African Union and the diverse views of the peoples of the continent should find expression in the work and programs of the African Union. Without that voice, the African Union, and indeed SADC, could remain the exclusive domain of the executive and therefore far removed from common citizens. The challenges posed by globalization, HIV / AIDS, corruption, persistent threats to peace and security through simmering conflict and gender inequality on the African continent require the full participation of MPs, both men and women alike.

New Partnership for Africa's Development (NEPAD): The last three years have seen the unveiling of what promises to be Africa's best chance for sustained development and a considerable reduction in the levels of poverty on the continent. As a home-grown African initiative aimed at lifting Africa from poverty, hunger and disease, and at raising economic growth to 7 percent as well as increasing Africa's share of world trade from the current paltry 2 percent, NEPAD provides vast opportunities for growth and development, in partnership with the developed world. It lays the foundation for the development process, and identifies some of the fundamentals for such growth. These include equal partnership between and participation of all stakeholders, good economic, corporate and political governance as well as transparency. It is worth noting however, that the noble intentions of NEPAD could come to naught if there is no adequate participation of all stakeholders, particularly parliamentarians.

Parliamentarians have a major stake in NEPAD, first from the point of view of popularizing the NEPAD agenda in their constituencies and in their governments' programs. Second, MPs could also monitor their respective government's commitment to NEPAD-related goals and objectives. This could include benchmarks on good corporate governance and transparency and fighting corruption by providing a conducive legal environment for the enforcement of the set standards and monitoring the implementation process. Third and finally, parliaments could also ensure the appropriation of adequate financial and other resources to facilitate the implementation of projects and programs.

Parliaments and international commitments: Depending on the constitutional and legal framework of a particular country, it is usually the constitutional responsibility of parliaments to ratify their respective government's accession commitment to international legal instruments and declarations. These could be the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the International Criminal Court (ICC), and the Millennium Development Goals (MDGs), among others. In order for Parliament to expeditiously ratify such international instruments, and more importantly, monitor the implementation thereof by their governments, MPs should become familiar with the principles underlying such conventions - otherwise, MPs are unable to discharge their constitutional mandate.

Discussion Questions

1. Are you aware of SADC protocols approved by your government, but not yet ratified?
2. Is your parliament involved in any way in the implementation of NEPAD, such as overseeing the role of the executive in its implementation, or in popularizing the NEPAD agenda in your constituencies?
3. What could SADC PF do to better facilitate interparliamentary cooperation and exchange of ideas and best practices?

Suggested Readings

NEPAD Website. <http://www.touchtech.biz/nepad/flies/en.html>

Windhoek Initiative. SADC Parliamentary Forum, Windhoek, Namibia: 1994.

10. Building a Stronger Parliament

What This Unit Will Cover

- General information on parliamentary strengthening initiatives
- Examples of parliamentary enhancement activities
- Discussion questions
- Suggested readings

General Information: Parliamentary Strengthening Initiatives

The growing effort to strengthen parliaments is, to some degree, related to the remarkable increase in the numbers of democratic regimes worldwide, and to the numbers of people living in democracies. Consider the dramatic changes over the past three decades: civilian governments replaced dictatorships in Southern Europe – in Greece and Spain in the 1970s; during the 1970s and 1980s, civilian governments replaced nearly every dictatorship in Latin America; the Asian nations of the Philippines, Korea, and Taiwan became democracies; following the breakup of the Soviet Union, elections have been held and parliaments established in its former republics in both Eastern Europe and Central Asia; and in sub-Saharan Africa, apartheid is now history and multiparty politics is becoming the norm. According to one measure, in 1950, only 31 percent of the world's population lived in countries that could be defined as democracies. By 2000, the figure had doubled.

Donors (such as the United Nations Development Program [UNDP], the US Agency for International Development [USAID], the UK Department for International Development [DFID], the Canadian International Development Agency [CIDA], the Inter American Development Bank [IADB], and now even the International Monetary Fund [IMF] and the World Bank) have supported legislative strengthening projects, but real and lasting change depends on local efforts and on local support. This comes, primarily, from within parliaments. Political will – the desire of MPs and parliamentary leaders to build stronger parliaments – is fundamental. In addition, others who hold power, such as executives and political parties, must be willing or be persuaded to grant parliaments a greater role. We have examined how factors such as regime type (i.e., whether the political system is presidential, parliamentary, or hybrid) can impact on how strong a parliament becomes. This module describes some things parliaments are doing to strengthen themselves.

Examples of Parliamentary Enhancement Activities

Scores of parliamentary strengthening activities have been or are being conducted in sub-Saharan Africa. As committees' roles have grown, many of these activities have focused on building committee expertise, or on building expert support for committees both within and outside of the parliament. Several examples follow.

Parliamentary commissions/reform committees: Over the past decade, a number of parliaments in Latin America and Africa established parliamentary commissions (known as modernization committees in Latin America) to oversee and manage their institutional development. Parliamentary commissions are made up of institutional and political leaders in the parliament, but their charge is limited to institutional development; they do not focus on political issues. Constitutional amendments establishing these commissions sometimes make them administratively independent of the executive. In 1997, both Tanzania and Uganda enacted legislation establishing such parliamentary boards (the Parliamentary Service Commission in Tanzania, and Parliamentary Commission in Uganda) responsible for the budgets, staffing, and institutional development of the parliaments. Kenya followed in 1999 and enacted legislation establishing its own Parliamentary Service Commission, effectively "delinking" the development and administration of the parliament from the control of the executive. These changes allow the parliaments to develop their own professional staffs and develop as a more independent branch of government.

Parliamentary development plans: Several parliaments have drafted institutional development plans, and are in the process of implementing them. These plans present a vision for the institution, with specific steps and timetables for its development. Planned activities may include programs, facility and equipment upgrades, new institutional and staffing structures and planned hires, and capacity building and orientation training for members and staff. Parliamentary commissions typically oversee the implementation of these development plans. Given the potential for frequent changes in parliamentary leaders, development plans - with staged implementation of their various components - can help the institution to continue to develop, even as leaders change.

Orientation programs for MPs: If done on a regional basis, MP orientation programs facilitate the sharing of information and experiences among MPs from a number of nations. This SADC PF seminar is one such initiative to be delivered under the auspices of the envisaged SADC PF Regional Parliamentary Leadership Centre (SADC PF, CPA). Orientation programs provide initial guidance, advice and background information to newly elected legislative representatives in the forms of seminars, visits, and handbooks such as this one.

In-country training for professional staff: Theme areas include training in conducting legislative research, budget analysis, making presentations to MPs, and computer use.

International training experiences: Parliaments provide for exchanges for clerks within the Commonwealth Parliamentary Association, and some parliamentary development programs include internships in foreign legislatures. Within the SADC region, some parliaments send staff members to the Eastern and Southern African Management Institute for management training.

Research assistance to committees through internship programs: Several donor-supported programs have instituted parliamentary internships (in Zimbabwe, Kenya, and Uganda, for example). Interns in Kenya are assigned to committee clerks, and conduct much of the research for the committees they serve. Internship programs are also an effective means of recruiting talented young people to parliamentary service.

Human rights training/activities for MPs: The UNDP has conducted activities to help parliamentarians better understand their role in the protection of human rights. In the late 1990s, UNDP conducted a project in Burundi entitled, "Support to the Process of Peace and National Reconciliation," which involved MPs in tours organized by the ministry in charge of human rights. The tours were designed to sensitize MPs to human rights issues, and to develop community awareness of human rights in all provinces of the country. Additional training for MPs is planned on parliamentary mechanisms and procedures for control of human rights, and on mechanisms and procedures for parliamentary human rights inquiry.

Expert studies on legislation provided to committees: Committees take advantage of resident expertise by contracting with experts from local universities and CSOs to conduct research on issues or legislation. These experts prepare reports for committees or testify at committee meetings.

Seminars and study tours on specific issues for committees: Donors sometimes conduct informational seminars or study tours for committees. These may involve foreign travel to examine how other nations deal with particular issues under the committee's jurisdiction, and seminars in which outside experts share their experiences with committee members. Finance committees from a number of nations have traveled to Uganda, for example, to examine its budget office. Within the region, a number of committees have traveled to South Africa to investigate the workings of the parliament.

Expert directories: These directories provide committees with information on local experts willing and able to assist them on committee issues.

Training for bill-drafters and budget-experts: Committees in some African parliaments are amending a growing number of bills, and even introducing legislation. Others have become more involved in the budget process. Training programs in bill drafting and budget analysis help parliamentary staff develop the skills they need to enable parliaments to be effective in these new roles.

Assistance in establishing parliamentary research centers, bill-drafting services, and budget offices: More assertive parliaments need more skilled staff, and they also need new kinds of facilities within the institution (such as research centers and budget offices) to carry out their expanded roles. Local and international assistance is sometimes provided to help them do so.

Member offices and staff: Some parliaments in the region have built or refurbished offices for members, and are providing some funding for personal staff for members.

Engendering parliaments assistance: Most modules of this handbook have stressed the roles parliaments can play in promoting equality between women and men and in enhancing the roles of women in parliaments. SADC PF can provide specific assistance to parliaments in this regard. This includes training in gender analysis skills, gender capacity training for MPs and parliamentary staff and access to information on gender. The SADC Gender Unit has also developed the "Gender Tool Kit for SADC Decision Makers" which includes guidelines for transforming the rules, regulations and institutional practices of parliament to enhance its gender sensitivity.

Computers and network development: Professional assistance can help parliaments to develop coherent information systems, in which all program components are able to communicate and which can be expanded as needs grow. For some specific regional information in this field, readers may consult the 2001 survey commissioned by the SADC PF on Internet connection of SADC parliaments.

Parliamentary library strengthening: Parliaments are upgrading their library holdings, training staff, developing expanded library facilities, working on weeding out collections, developing new acquisition policies and connecting to the Internet.

Strengthening linkages with citizens: Module 2, Representation and Constituent Relations, described ways parliaments and MPs attempt to better link constituents with government, and many of these measures have been introduced or strengthened through parliamentary development programs. These include establishing or strengthening press or public affairs offices and visitor information centers; assisting parliaments in publishing newsletters; keeping citizens up-to-date by providing the Hansard and legislative information (including bill status) on-line; logistical assistance and provision of guidelines or manuals in conducting public hearings.

Discussion Questions

1. Is your parliament involved in efforts to strengthen itself institutionally? If so, what is the program designed to accomplish, and when?
2. Has a gender perspective been incorporated into your parliamentary strengthening programs? If so, what impact has it had on parliamentary practice and procedures?
3. If, your parliament were to begin an institutional strengthening program, what might be its priority areas?
4. Does the parliament have a strategic development plan?

Suggested Readings

Robinson, William, and Janice Hyde. "A Framework for Assessing Legislatures and Information Capabilities in Emerging Democratic Nations," Paper presented at the APPAM Conference, November 3, 1995, Washington, D.C.

USAID Handbook on Legislative Strengthening. Center for Democracy and Governance, Washington, D.C., USAID, February 2000. Available at <http://www.cid.suny.edu/>