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The Rwandan Parliament's Self-Assessment Exercise: Insights and Issues

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Summary

This short case study describes the experience of the Rwandan parliament's self-assessment exercise which took place in two stages, in December 2008 and March 2009. This paper does not go into the detail of the assessment itself, but seeks to provide some insights which other parliaments may find useful. First, it identifies how the self-assessment process may provide advantages for parliaments either contemplating reforms or developing (or reviewing) a parliamentary Strategic Plan. The purpose of the self-assessment toolkit is designed by the IPU to allow the institution to engage in a level of detailed analysis and introspection which it would otherwise rarely undertake. In Rwanda this process meant that the assessment highlighted issues which would perhaps not otherwise have emerged. It encouraged Members of Parliament (MPs) to understand the deeper causes of the problems that they faced, the constraints on the development of the parliament and to look for practical and innovative solutions which they could take forward.

Second, the paper explores four sets of issues identified by the Rwandan parliament. These are:

- i) Recruiting, training and retaining parliamentary staff. Many developing parliaments lack skilled staff, especially in highly technical areas such as legislative drafting. The self-assessment exercise showed how that limited capacity is having an adverse impact on both legislative and oversight work within the committees and plenary session. All the politicians believed that needed to be addressed, but the process emphasised the importance of finding ways to retain staff by addressing issues such as training and professional development.
- ii) Ensuring that parliamentary procedures are understood and used by politicians. In every parliament around the world there is a gap between an institution's formal powers and the ability or willingness of MPs to use them. This is usually caused either by a lack of capacity (such as staffing or infrastructure), a lack of understanding of parliamentary mechanisms or few political incentives for MPs to use them. The self-assessment process identified small, practical measures which the Rwandan parliament could take to improve matters in each of these areas.
- iii) Measures to strengthen parliament that do not require rule-change. There is often a desire in new parliaments to find rules-based solutions to improve effectiveness. Most often this manifests itself as an argument for an extension of formal powers. This may sometimes be effective, but parliaments should also seek to find ways of enhancing their effectiveness by changing practice rather than procedure. In Rwanda the Senate identified three areas where they could play a more significant role – namely, post-legislative scrutiny, post-hoc scrutiny of finance and analysis of international treaties – which did not require reform of parliamentary rules.
- iv) Monitoring and implementation of the Strategic Plan. The ultimate purpose of the self-assessment exercise was to refine the parliament's Strategic Plan. As well as revising the content of the plan, the process highlighted weaknesses in its structure. The MPs believed that the Strategic Plan needed to be subject to more regular review and more specific in locating responsibility for elements of the plan.

Although the self-assessment process highlighted a number of important issues for the Rwandan parliament, it is not an exhaustive exercise. In other cases it is likely to highlight possible reforms or measures to address the weaknesses it identifies, but these then need to be discussed, developed and implemented by the wider parliament. The self-assessment provides a baseline from which a parliament can examine its progress. But, ultimately, any self-assessment should be regarded as the start of a process rather than an event in itself.

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Introduction

The Rwandan parliament approached the Inter-Parliamentary Union in 2008 to facilitate a self-assessment exercise as part of parliament's review of its Strategic Plan. The self-assessment exercise took place in two separate stages. The first was conducted with the appointed Senate (second chamber) in December 2008, and the second took place in March 2009 with the elected Chamber of Deputies. Both chambers appointed *ad hoc* committees to work with the IPU's facilitator and address the questions set out in the IPU toolkit over the course of a week.

The parliament's Strategic Plan covers the period 2006-2010, identifying areas for development within the institution. The Plan has six 'strategic orientations' which cover improving the legislative process, strengthening oversight, effective supervision of the fundamental principles of the constitution, improving communication, promoting parliamentary diplomacy and dialogue, and, finally, developing the administrative capacity of the parliament, especially in relation to ICT. Under each of those six headings there are specific objectives, activities and indicators.

The self-assessment exercise was seen as a useful vehicle for measuring progress against the Strategic Plan. The assessment was timely in that the exercise took place during the middle of the implementation of the Strategic Plan, offering a useful point at which to reflect on its contents. In addition, the Chamber of Deputies was keen to ensure that the review took place shortly after the election in the autumn of 2008. A majority of the Members of Parliament (41 of 80) were newly-elected in the 2008 election. The Strategic Plan needs to take account of the views of these new Members and give them the opportunity to shape its contents. The self-assessment was therefore intended to initiate a process by which the new Parliament could feel some ownership of the Strategic Plan and ensure all Members' commitment to its delivery. The specific objectives were to identify the parliament's strengths and weaknesses in the key strategic orientations, identify ways in which its performance might be strengthened in these areas and suggest ways in which the Parliament's Strategic Plan could incorporate these elements.

Themes and outcomes

The results of any self-assessment exercise will be specific to that particular parliament. Both the analysis and the conclusions will include a level of detail which is perhaps only of interest to that parliament. This is true in the case of the Rwandan parliament, and many of the suggestions are only relevant to either the Senate or the Chamber of Deputies. The appendix includes more detail about the specific process used in Rwanda, however, the main body of this report focuses on four broad themes which are likely to be of interest to other parliaments.

i) Recruitment, training and retention of parliamentary staff

A theme which recurred throughout discussions with both Chambers of the Rwandan parliament was staffing. Although not related to a specific section or question in the toolkit, the issue emerged in almost every discussion of factors inhibiting parliament's ability to scrutinise legislation or ministers. It graphically highlighted the fact that a parliament with too few employees - or where staff lack the training and skills to support Members and committees - will impact on almost every aspect of parliament's performance.

The number and quality of staff is an issue that affects many developing parliaments, but is critical to the institution's effectiveness. Staff are an essential source of technical and procedural advice for Members, and will therefore need high-level skills in complex areas such as legislative drafting, financial scrutiny and running committee inquiries. But, apart from the specific tasks that the staff perform, they perform a vital stabilising role. For example, it is common for new parliaments to go through a high turnover of Members at elections, so that 70% or 80% of its MPs are elected each time. In such circumstances there is little consistency and a limited institutional culture. The danger

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is that each parliament will start from zero, repeat the activity of its predecessor, and suffer the same weaknesses and instability.

Parliamentary staff perform two vital functions. First, they provide continuity between elections. Parliament needs to retain and build its institutional memory, and this exists in the on-going presence of the staff. Second, they must be the principal source of independent and authoritative advice for Members on the rules of procedure. This is especially important in fragile political environments or post-conflict settings where the interpretation of the rules can be highly-contested, and will determine who controls parliament - and how. In short, while politicians determine the substance of parliamentary activity, the staff exist to protect the integrity of the institution.

The Rwandan parliament faces three sets of problems in this context. First, recruiting suitably qualified staff within a reasonable timescale. Second, matching the skills of the staff to the needs of Members, committees and the plenary session. Third, losing staff once they were trained to other, more lucrative jobs in the public and private sector.

A number of specific proposals were made which could improve the parliament's internal processes, but it was also suggested that Parliament needs to find a way of motivating individuals to join and stay in the service of Parliament. The most obvious way to do this would be to create a viable career structure within the parliament which would offer staff opportunities for advancement and professional development. This would include training and the chance to earn professional qualifications. In addition, the committees felt that staff needed to be paid a salary which reflected their qualifications, experience and the demands of the job. Working in parliament sometimes involved long and anti-social hours, and these should be recognised. There is still the danger that staff may opt for better-paid jobs outside at some stage, and it was suggested that in return for improved conditions, salary and professional training staff should commit themselves to a contract with the parliament which would last a set number of years.

These are a good start and may – or may not – work. However, the important point about the self-assessment exercise was that it forced MPs and Senators to think about the factors that would motivate or de-motivate staff. If the Strategic Plan can take into account the incentive structures that influence the quality and performance of staff, it is much more likely to include measures that address the underlying problems.

ii) Closing the gap between having and using powers

In every parliament around the world there is a gap between the institution's formal powers and the extent to which politicians are willing or able to use them. Few, if any, parliaments effectively use all of their powers to scrutinise legislation or hold ministers to account. This is usually for one of three reasons, namely, lack of capacity, lack of understanding or lack of political will. Each of these were illustrated during the Rwandan self-assessment.

a) Lack of capacity

Although both chambers were broadly happy with the process for examining bills, they felt the process was hampered at various stages by limitations of time and staff. The Senate *ad hoc* committee, for example, highlighted the fact that they were given little notice that a bill was being passed to them from the Chamber of Deputies and, subsequently, a very short period within which to conduct their scrutiny. In this instance they argued that a clearer annual timetable for the introduction of legislation from government, and better formal co-ordination between the two chambers would improve their ability to anticipate and prepare for certain bills.

The committees also highlighted two concerns relating to staff capacity. First, the Senate committee emphasised the fact that they had too few staff to help committees with the process of drafting and tabling amendments to legislation. In short the Senators needed more trained staff who understood

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legal drafting and could put their suggestions into the appropriate format. Without being able to call on such expertise, the process becomes time-consuming and difficult, limiting the amount of legislation that could be scrutinised.

Second, the Chamber of Deputies committee highlighted the difficulty of initiating legislation. In principle, all MPs are allowed to introduce bills but they lack the technical expertise, professional support and time to draft such bills. While the committee welcomed the fact that they had the right to initiate laws, they either have to find private consultants to help them with the process or spend a lot of their time ensuring that the legislation is correctly drafted. This is an expensive and time-consuming activity which severely limits the ability of Members to bring forward bills. MPs are busy with many other tasks and, in practice, legislation tends to derive mainly from the government. In other words, a valuable parliamentary tool was rarely, if ever, used.

b) Lack of understanding

The committees in both chambers of the Rwandan parliament believed the rules relating to the questioning of ministers were adequate and that ministers were responsive to their requests for information. In addition, they pointed out that Members could, and did, regularly go out to look at projects to see how far ministers were delivering on their commitments. Accountability of public bodies similarly was achieved via ministerial scrutiny which takes place in both the plenary session and committee. In other words, parliament had a number of opportunities to examine government and information was generally provided without complaint.

However, the broader discussion within the *ad hoc* committees revealed levels of concern. First, the Senate has procedures which allow for highly topical questioning, but it is used infrequently by Senators. The committee believed that greater use of this provision would be highly beneficial, and could improve the profile and public approval of the Senate. The problem, they believed, was that many Senators did not know the provisions existed, or if they did, they did not know how to use the procedure. They suggested that the procedures be tweaked so that they were more easily comprehensible and that Senators should be actively encouraged to use them.

The Chamber of Deputies committee came to a similar conclusion, suggesting that despite comprehensive procedures for questioning ministers MPs are not properly trained in using the rules or the purpose and mechanisms of parliamentary oversight. As such, they felt that MPs should be offered more guidance and training explaining the purpose of parliamentary oversight and how to use parliamentary procedure. This is especially pertinent at the start of a parliament. With more than half of Rwanda's MPs elected in the autumn the committee felt that an induction programme for new Members would improve performance.

c) Lack of political will

A lack of parliamentary willingness to scrutinise government normally stems from the balance of parties within the institution. In other words, a governing party will usually have a majority of members in the parliament, and in such circumstances it is difficult to persuade MPs of the governing party to engage in thorough scrutiny of their ministerial colleagues. Their prospects of achieving a career in government normally depend on allegiance to their party chiefs. The *ad hoc* committees in Rwanda did not believe this was an issue. They emphasised the importance of Articles 9 and 54 of the constitution which stress the importance of national unity and the eradication of division within Rwandan society. Parliamentary activity is therefore characterised by a consensual rather than adversarial approach to oversight.

In Rwanda the limited uptake of oversight techniques suggest a more subtle type of limited political will. In short, the fact that Senators and MPs needed to be encouraged to make greater use of parliamentary tools implies there were few incentives to use them. However, the Chamber of Deputies highlighted one way in which this may be overcome.

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One of the biggest improvements identified by the committee was the quality of budget scrutiny in the last five years. The MPs believed that this was largely due to the fact that individual committees had been criticised for their failure to ensure their policy area was sufficiently funded by government, with particular concern about the amounts allocated to gender issues. This criticism came from inside the parliament but also from civil society organisations. The effect has been twofold. First it has meant that those committees that were criticised have become much more assiduous in examining the parts of the budget affecting their policy area. Second, other committees and outside organisations have become aware of the influence that they could have on the budget process, and have also improved the quality of their scrutiny. The example shows how a combination of external and internal pressure can raise the quality of oversight. If Parliament can find other ways to generate public interest in such matters, so that there is wider recognition of Parliament's powers, it is likely to improve the quality of performance in every area.

In summary, the self-assessment revealed that, initially, both the Senate and the Chamber of Deputies believed there was little wrong with the procedures for executive oversight. It seems that they are comprehensive and technically sound. However, the discussion prompted both committees to suggest ways in which increased capacity, training for members and political pressure could be utilised to ensure that the tools are used more effectively.

iii) Identifying roles outside the rules

The third theme reflects the tendency in many developing parliaments to look for rules-based solutions to problems of parliamentary effectiveness. In other words, new parliaments will often argue for an extension of their formal powers, for example, to give them authority in new areas or to demand responses from government ministers. The assumption is that these new powers will prompt a qualitative change in parliamentary oversight or tilt the balance of power from government towards parliament. Rule changes can achieve significant results, provided they are designed to address a very specific problem. However, they are unlikely to alter fundamentally the relationship between government and parliament.

Rule changes are, in addition, difficult to achieve. It may be that a parliamentary committee will develop a set of coherent changes that seem likely to address commonly-accepted problems. However, any changes will need to be supported by a majority in parliament. It is likely that they will need to be debated in the plenary session, and will be subject to amendment. It is unlikely that the proposals will emerge from that process of debate and amendment in the same form they started. And, given that government MPs tend to dominate parliaments, the final outcome may indeed be worse and weaken oversight rather than strengthen it. Even if the rule changes are approved by parliament, there is then the question of how they will be interpreted and implemented.

These difficulties can be overcome, but it can be a long and complex process, requiring a sophisticated political strategy to get such changes through. As such, it is equally important to look at the ways in which the current rules of procedure can be used to promote different approaches to scrutiny or find new areas for oversight. The self assessment by the Rwanda Senate identified three specific examples, where it believed it could play an important and effective role without any change to procedural rules.

In the first instance the committee raised concerns about how well laws were being followed up by the Senate once they had been passed and whether they were being implemented in the form envisaged by parliament. Within the *ad hoc* committee there was no clear sense as to how fully the Executive was enacting land laws or environmental laws. There was general agreement that the Senate needs a more systematic way of assessing implementation, a role that should be undertaken by the standing committees. This task would enable the committees to engage in greater

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consultation with individuals and organisations as to how the law works in practice and whether further action is needed.

Second, in common with many parliaments the second chamber has a limited influence over government finance. The Senate sought to enhance its budget scrutiny role in two ways. Although the Senate does have the ability to make recommendations to the Chamber of Deputies, the Chamber of Deputies is free to ignore this advice without explanation. It was suggested that the Senate should be given the opportunity to explain and defend the reasons for its recommendations before the appropriate committee of the Chamber of Deputies. This would not take away from the primacy of the Chamber of Deputies, but would provide for a more illuminating discussion about the contents of the budget and the reason for certain spending priorities. The other suggestion was that the Senate might wish to take a greater role in the whole budget process including post hoc scrutiny of finance. That is, whereas its influence over expenditure decisions might be limited, its committees could develop their role in examining how money is spent, whether it was spent effectively and whether such lessons might improve the quality of future government spending.

Third, around a quarter of the Senators cited scrutiny and influence over foreign policy as a serious deficiency. Discussions within the *ad hoc* committee suggested that the Senate's weakness is that it tends to react to the government's policy once it has happened, rather than shaping its priorities in advance. Although the government is not obliged to provide information on its international agreements, ministers do report to the Senate on the outcomes of such meetings. However, it is difficult for any parliamentary institution to unpick or reject an international agreement once it has been signed. Members felt that the government should be more open with the Senate, particularly in relation to trade negotiations, such as those relating to the East African community. They felt that ministers should seek advice and guidance from parliament before developing agreements with other countries.

However, achieving that would be difficult given the Senate's limited capacity and resources. Developing a pool of international experts and academics to work with the Foreign Affairs Committee, on whose expertise they could draw, for example, might improve their impact. In addition, they believed that the committees need better co-ordination to ensure that international agreements were followed. For instance, by the Foreign Affairs Committee should identify the salient items and then submit their findings to the Economic Affairs Committee to pursue the financial commitments, and the Political Affairs Committee, who would consider the implications for inter-parliamentary dialogue.

In summary, the self-assessment process encouraged the Senators to think about innovative ways in which they might address the difficulties. Whereas the 'obvious' answer to any of the challenges highlighted might have been in changing the rules to give the Senate more formal power, that process would have been difficult and contentious. Instead, the committee focussed on small, practical measures where they would fill an existing gap in oversight.

iv) Monitoring and Implementation of the Strategic Plan

The ultimate purpose of the self-assessment was to help in the process of reviewing the Strategic Plan. In that context it highlighted a number of issues that perhaps might not have emerged in a straightforward internal review. However, it also highlighted three structural weaknesses in the plan itself which may have broader application for other parliaments.

First, the Plan does not identify who is responsible within the institution for ensuring that its contents are implemented. Although it delegates responsibility to a particular division or section, 'ownership' of those responsibilities is not clear. In such circumstances it is easy for aspects of the Plan to slip or not to happen at all. The more specific the Action Plan can be in locating responsibility with committees or Senators, the more likely it is to achieve its objectives.

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Second, the provisions within Strategic Plan are not subject to regular progress reviews. The Chamber of Deputies' committee felt that the Plan should be subject to routine evaluation. This would best be undertaken by the parliamentary Bureau in conjunction with the Secretary General. This panel would identify who was responsible for different aspects of the Plan and ask them to report once or twice a year on developments. The panel would then be able to offer periodic assessments of progress and ensure the continuing development of the institution.

Third, the Parliament's Strategic Plan is focused very much on the development of institutional infrastructure, rather than institutional performance. This is entirely understandable, the first stages in building an effective institution lie in ensuring it has the necessary resources to function properly. However, as the parliament develops it is equally important to build a parliamentary culture where members understand their roles and responsibilities. The self-assessment process brought out the fact that although an institution may have adequate tools to do the job, its effectiveness depends on members' willingness to use them. The Senate might wish to incorporate measures and indicators into the Action Plan which obliged individual Senators or Committees to take greater responsibility for improving their performance in key areas of scrutinising legislation or holding government to account.

Conclusion

Although the self-assessment process highlighted a number of important issues for the Rwandan parliament, it is not an exhaustive exercise. The process offered three main advantages over an internally-conducted review. First, the IPU facilitator was able to provide an external perspective on the contents of the Plan and the progress of the parliament, offering international comparisons and expertise where appropriate. Second, by using the self-assessment toolkit, the Rwandan parliamentarians addressed questions about the performance of the institution that perhaps they would not have otherwise considered in their Plan. This meant that, thirdly, their analysis did not focus solely on progress against existing measures, but recommended new activities and indicators to be included in a revised and strengthened Strategic Plan.

The value of the self-assessment toolkit is in its adaptability as a tool to address a number of different issues of parliamentary performance. By comparison with other international benchmarking exercises, it does not provide any definitive answers or indicators. However, that strength depends ultimately on the willingness of the politicians in that parliament to engage with the issues. The process is likely to highlight possible reforms or measures to address the weaknesses it identifies, but these then need to be discussed, developed and implemented by the wider parliament. It is that task of reflecting and absorbing the lessons of the assessment which will determine the institution's future effectiveness. The self-assessment, in that sense, provides a baseline from which a parliament can examine its progress. But, ultimately, any self-assessment should be regarded as the start of a process rather than an event in itself.

Appendix: The process of conducting the self-assessment in Rwanda

The self-assessment toolkit is designed to be used in a variety of ways, so that parliamentarians themselves can determine which elements are most suitable to their context. In Rwanda, as mentioned, the self-assessment took place in two stages, the first was an assessment of the Senate, the second an assessment of the Chamber of Deputies. Each Chamber has slightly different responsibilities within the Strategic Plan, but both are responsible for improving the performance of the institution in its key areas. The process differed a little in the two chambers but had the same five stages, which may provide a guide for other parliaments, and are explained below.

Importantly, the process is designed to draw on the expertise within the institution, and the role of the facilitator is therefore to guide the discussions and provide expert advice, rather than make external recommendations.

i) Appointment of *ad hoc* committee

The first stage in the process was to appoint an *ad hoc* committee that would be the principal focus for the self-assessment exercise. Each chamber nominated seven members to serve on their committee (although in practice fewer members participated). The membership of the committee needs to be regarded as legitimate within the parliament if its recommendations are to have authority, and therefore needs to be carefully balanced and representative of gender, region, religion, race, political party and any other relevant cleavage in that context. The committee therefore needs to be large enough to be representative, but small enough to ensure thorough deliberation, discussion and decision-making. (It may be suitable in some parliaments to use pre-existing committees, such as a *Members Affairs* or *Procedures* committee.)

ii) Examine, amend and adapt self-assessment toolkit questions

The self-assessment toolkit has been designed as a generic document so that it can be used in many circumstances. However, with such a document there will inevitably be questions or issues that are less relevant than others in different contexts. Some questions may be excluded, whilst others may need to be re-worded or amended to be understood or to capture the important issues for that institution.

In Rwanda the *ad hoc* committees spent half a day going over the questions to make them most relevant. For example, the Senate refined the section on 'parliamentary oversight of the executive' so that it included specific reference to the Senate's role in protecting Articles 9 and 54 of the Rwandan constitution, which relate to preserving national unity. Questions also had to be adapted to account for the fact that the Senate is not a party political body. In contrast, the Chamber of Deputies decided not to look at section of the toolkit on international issues, as they felt this was not relevant for the delivery of the Strategic Plan.

iii) Distribute amended questions to Members

The amended questions were then distributed to the members of the relevant Chamber. In the case of the Senate this was a relatively easy task as it has only 26 Members. The chair of the *ad hoc* committee convened a plenary sitting of the Senate to explain the document with the facilitator and answer any queries. Each Member was asked to fill out the questionnaire, rating the Senate's performance on a scale 1 to 5. This is a relatively quick process, and was completed within two hours. In the end, 21 members of the Senate filled out the survey forms providing a strong basis on which to assess opinion.

The process was more difficult with the Chamber of Deputies with 80 members. Due to timing many of the members were not in Kigali at the time of the self-assessment. Therefore the decision was taken to confine the survey to the members of the *ad hoc* committee. This is still workable but not ideal. With such a small group it is difficult to get a representative sample, and in such

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circumstances the final recommendations that come out of the self-assessment process should be regarded as interim. They would need to be circulated to the parliament for discussion and debate at a later stage to ensure that members are able to shape those findings. Other parliaments with large numbers of members will need to find a way of balancing representativeness with manageability.

iv) Collation and analysis of results

The purpose of the self-assessment survey is not, primarily, to be used as a form of quantitative analysis or to provide opinion poll quality results. The survey provides a snapshot and a basis from which to form a more considered judgement about the performance of the institution. For that reason, the numbers can be used in a variety of ways. In Rwanda it was decided to put all the figures into a simple spreadsheet and calculate the average mark for each question. (The responses to each question were in rows, and each Member was given a column, although no names were included.) This way the *ad hoc* committee could judge not only the average, but see the range of marks for each issue. In some areas the parliament scored consistently amongst different Members, while others showed a disparity of opinion amongst Members, with marks ranging between 1 and 5.

Such insights provided a useful basis from which to build discussion within the *ad hoc* committees. However, it was equally important to capture the comments in response to the open-ended questions, which often clarified why certain members had given certain marks. Deciding whether to provide mean, median or mode scores will depend on the context, but they offer a variety of interpretations which are likely to improve the quality of the analysis from the *ad hoc* committee.

v) Deliberation, discussion and recommendations

The most important part of the self-assessment process is in the analysis and discussion of the results. As mentioned, in Rwanda this was conducted by the *ad hoc* committees, but in other exercises it has been carried out with a larger group of politicians and even a plenary session. The purpose of this stage is to consider the reasons for the marks, what it says about parliamentary performance and how any deficiencies might be addressed. The *ad hoc* committees first looked at the average marks and discussed whether they were a fair reflection on their chamber, then sought to understand why it had been marked by Members that way. In other words, understanding Members' perceptions of the parliament was as important as judging the effectiveness of the institution itself.

The analysis of the self-assessment survey, however, provided only one half of the analysis. The second half was to apply these insights to the operation and delivery of the Strategic Plan. The committees therefore went through each of the 'strategic orientations', activities and indicators in the Plan, drawing on the survey results where directly relevant, using Members' comments to understand the reasons for underperformance and basing recommendations on those results. Although the principal purpose of the exercise was to go through the Strategic Plan, the self-assessment survey was an important first step in understanding wider strategic concerns and it highlighted issues that would otherwise not have emerged.