

Evaluating parliament: objectives, methods, results and impact
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Speaking Notes for Senator Donald Oliver

For the Association of Secretaries General of Parliament's Conference:

"Evaluating parliament: objectives, methods, results and impact"

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Bonjour,

C'est avec grand plaisir que je me joins à vous aujourd'hui pour discuter du thème de l'évaluation des parlements, un domaine de travail qui m'apparaît de plus en plus comme devant s'inscrire dans nos efforts pour renforcer la légitimité des institutions démocratiques d'aujourd'hui. Après tout, une réflexion sérieuse et honnête sur le fonctionnement des parlements constitue une première étape importante pour déterminer comment ceux-ci pourraient mieux fonctionner. En répertoriant les lacunes des usages et des procédures parlementaires, nous mettons la table pour des réformes qui amélioreront les méthodes par lesquelles les parlements communiquent avec la population et la représentent, s'acquittent de leur fonction de surveillance et évaluent la législation.

En fin de compte, les évaluations amènent les assemblées législatives et les institutions qui les appuient à évaluer à quel point elles font preuve de démocratie parlementaire, en mettant l'accent sur les grandes questions que sont la transparence, la représentativité et la responsabilisation. Ces évaluations sont des exercices de réflexion constructifs permettant

de conférer aux institutions démocratiques une légitimité et de la renforcer à une époque où la confiance du public dans le parlement est loin d'être acquise.

La question à se poser, c'est évidemment comment et selon quelle norme un parlement devrait évaluer sa performance comme institution démocratique. Aujourd'hui, nous avons eu la chance d'être informés au sujet des divers outils et méthodes d'évaluation qui ont été créés par des organismes qui se spécialisent dans la gouvernance démocratique. J'ai le plaisir de pouvoir contribuer à ces présentations en traitant d'une petite étude de cas, celle de l'expérience récente du Canada, qui s'applique à un des outils dont il a été question plus tôt aujourd'hui, les points de repère établis à l'intention des législatures démocratiques par l'Association parlementaire du Commonwealth.

To begin, I will briefly summarize the CPA's Benchmarks (*trying my best to highlight the main points graciously shared by the CPA during their presentation on the subject in the previous session*), before moving on to discuss the reasons motivating our decision to apply these standards to Canada's parliament.

Recognizing that legislatures, development organizations, and parliamentary associations are increasingly interested in tracking and measuring the quality of parliaments as democratic institutions, the CPA led an initiative to codify and synthesize recommendations for democratic legislatures in 2006. A Study Group hosted by the Parliament of Bermuda and composed of legislators from Commonwealth countries, parliamentary officials, academics and legislative development specialists from the United Nations Development

Program, the World Bank Institute, and the National Democratic Institute for International Affairs took on this task, eventually publishing a comprehensive list of benchmarks covering all aspects of parliament and its functions, from elections to dissolutions, from parliamentary parties to parliamentary staff, from the functions of the legislature to the values underpinning the performance of these functions.

As a member of the CPA, Canada's parliament was asked to undertake a self-evaluation using these benchmarks in December of 2008. With this request, the CPA suggested that such an exercise might help us to strengthen our performance as a democratic institution by allowing us to determine whether or not we are up to speed, so to say, with advances in parliamentary practices and procedures. What's more, the CPA wished to know whether or not the Benchmarks are suitable universal standards relevant to all of the varied forms of parliamentary democracy practiced throughout the Commonwealth. To this end, the CPA also requested that we report back to them on our experience applying the Benchmarks in the uniquely Canadian context.

Given its commitment to promoting the values of parliamentary democracy, the Canadian Branch of the CPA was happy to lead by example in assessing Canada's parliamentary practices and procedures in light of the CPA's recommendations.

And now, it's time to answer the million dollar question – how did we measure up?

I'm happy to report that in almost all cases, Canada's parliament fully complies with the recommendations outlined in the benchmarks. Before getting into specific results, I would like to first explain how we actually completed the evaluation, with the hope that this will contribute to a fruitful discussion on the practical considerations at play when evaluation methods and tools like the CPA benchmarks are adapted for use by parliaments.

Representatives from the strategic and corporate planning offices of Canada's Senate and House of Commons as well as subject area experts and procedural offices rated our parliament's compliance with the specific benchmarks. While not asked to do so specifically by the CPA, they applied a five point ranking scheme. A score of 5 indicated that the benchmark was fully met, and a score of 1 indicated that the benchmark was not met, and that there were no plans to meet this benchmark in the future. Scores in between 1 and 5 reflected differing degrees of compliance, and/or plans for compliance. In certain cases, an explanation of the ranking was also included. These notes were particularly helpful in instances where it was necessary to explain why and how the Senate and the House of Commons rank differently for the specific benchmark.

For our purposes, the five point ranking scheme was appropriate, as simple 'yes' or 'no' responses to certain benchmarks would not fully reflect the nature of compliance. However, even with this slightly more nuanced grading scheme, we still faced some challenges when quantifying the degree to which particular benchmarks are met by Canada's parliament.

For example, it was difficult to ensure that our evaluation reflected the difference between rules of procedure, and the procedures that are actually followed in practice. For instance, we scored 1 – entirely non-compliant – for the benchmark dealing with the legislature’s right to override an executive veto, since technically, the Crown has supreme veto powers in Canada. This low score does not reflect the reality that in practice, the Crown’s veto power is never exercised.

This divide between technical rule and actual practice also works in reverse. Certain benchmarks recommend rules of procedure that don’t exist in Canada, but that are followed nonetheless as a matter of custom. One weakness of our evaluation was our inability to properly reflect this difference between rule and practice in quantifiable scores using our five-point scale. In the case of Canada’s parliament, it is particularly important that evaluations draw out this distinction, as unwritten conventions not included in our Constitution have a significant influence on the nature of our parliament’s organization and functioning.

In addition, there are instances in which the measures prescribed by a benchmark fall outside of the mandate of Canada’s parliament, and instead, are the responsibility of other organizations and federal agencies. For example, contrary to what is recommended in one benchmark, our parliament does not have “special measures to encourage political participation of marginalized groups with the view to accomplishing precisely defined and time-limited objectives”. Instead, this task is undertaken by individual political parties and federal agencies focused on elections and political participation. A low ranking for this

benchmark does not necessarily mean that the goals of the benchmark are not accomplished in Canada, or that the values underpinning the benchmark are not prioritized by Canada's parliament. Rather, the ranking simply indicates that parliament is not the body responsible for achieving these goals.

All that said, even these more problematic aspects of the self-evaluation reinforced the important place that such exercises have in healthy democratic institutions. That is, in drawing out the peculiarities of Canada's parliament, and assessing the ways in which our practices *can* – or in certain cases where constitutional and jurisdictional issues arise, *cannot* – conform with the recommendations of the CPA, we were invited to reflect on our work from an incredibly valuable vantage point to which institutions are not generally afforded access – one other than our own.

While we have not used the results of this evaluation exercise to inform changes to parliamentary practice, this opportunity to compare Canadian practices with international standards will surely provide a useful starting point for any future reforms.

In sum, the evaluation allowed us to engage in thoughtful reflection on how we work, an activity that is not always prioritized amidst the day-to-day business of getting this work done.

Today I'm eager to build on the lessons we've learned so far through this self-evaluation by discussing your own experiences with evaluation methods and tools. These occasions provide much-needed opportunities to not only build an international consensus on standards for healthy democratic legislatures, but also, to share practical advice for the application of these standards in our home parliaments. I hope that my discussion of Canada's recent experience with such standards will contribute to our work together today, and I look forward to speaking about it with you personally as the day moves forward.

Thank you!