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Executive summary

Global Parliamentary Report 2017

Parliamentary oversight: Parliament's power to hold government to account

Purpose

The second *Global Parliamentary Report* is about parliament's role in oversight of government, and parliament's power to hold government to account for its actions and decisions.

Parliament has a unique *constitutional* oversight function. It is the only actor with a political mandate from the people to monitor the management of the state by the government.

Oversight is less well understood as a specific field of activity than parliament's other core tasks of lawmaking and representation. It is very important and deserves more focus from parliament, government, citizens and the international community.

The analysis, conclusions and recommendations in the report are grounded in parliamentary practice and experience: 150 national parliaments contributed to the preparation of the report.

The IPU and UNDP want this report to be practical and useful. For this reason, it includes numerous examples of how parliaments and Members of Parliament (MPs) carry out

oversight in their countries, as well as tips for Members of Parliaments (MPs) on ways to approach oversight.

We hope this report will stimulate action to strengthen parliament's oversight role. The future positive development of parliaments depends, in large part, on what oversight can deliver for the populations they serve.

Objectives of the report

Provide a global perspective on how oversight is practised

Make recommendations for strengthening oversight

Be a catalyst for a renewed focus in parliaments on oversight

Why oversight matters

The fundamental objectives of parliamentary oversight are to promote people’s freedoms and well-being and to improve governance. Oversight processes assess the impact of government action on society, help ensure that appropriate resources are provided to implement government programmes, identify unintended or negative effects of government policy and actions, and monitor the meeting of national and international commitments.

Oversight and accountability are major dimensions of the complementary democratic mandates of government and parliament. The distinct and separate roles of parliament and government need to be well understood. Governments provide services to citizens; parliaments hold governments to account by questioning and challenging their actions and policies and making recommendations for change.

“The important thing is to put government under pressure. Even if it is your own party that is in government.”

Baroness Gloria Hooper, Member of the House of Lords, United Kingdom¹

Effective oversight has two positive outcomes: improved process and improved policy.

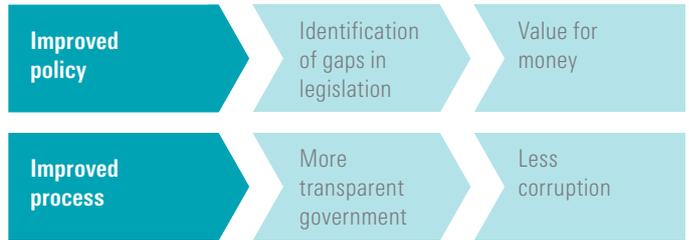
- Effective oversight brings more people into decision-making so that decisions better reflect the interests of the society as a whole; it improves accountability and transparency and reduces corruption; it enhances parliament’s legitimacy as a responsive, inclusive and representative institution.
- There is also a strong link between effective oversight and economic and human development: policy and legislation are strengthened and governance becomes more effective as a consequence of review and amendment.

“Effective oversight can be defined as being capable to see for oneself whether what the government says is true or not. The participation of citizens in pointing out problematic areas is crucial. MPs can, whenever they see or hear something abnormal, ask the government, ‘What’s going on?’ ‘What are you doing to solve this?’ or ‘How are you using public money?’”

Orfelina Liseloth Arias, Member of the House of Representatives, Dominican Republic

Globally, parliamentary oversight is expected to underpin progress toward the development goals that have been jointly defined by all countries and set out in the 2030 Agenda for Sustainable Development.

The impact of effective oversight



Democracy without oversight?

What would happen if oversight did not exist? The simple fact of knowing that questions may be asked, that one may be required to justify one’s actions, creates a different mindset among governments and their administrations. This is one of the most important contributions of oversight to democracy. It is no coincidence that the first action following a coup d’état is often to abolish or suspend parliament.

A commitment to engage constructively in oversight is embedded in the constitutional mandate to represent the diverse interests of society. It is part of the “contract of trust” between MPs and citizens. The responsibility for oversight therefore lies with all members of parliament, whether or not they are members of the political party currently in government.

The enabling environment for parliamentary oversight

The report investigates the rich (and often complex) environment in which parliamentary oversight takes place.

Oversight and accountability: the parliamentary environment

Culture	Processes	Relationships	MPs
Political space	Mandate	External oversight institutions	Incentives
Government	Powers		Public demand
Role of the opposition	Tools	Civil society	
	Resources	Media	
Political parties			Citizens

Culture: The political space for oversight does not exist everywhere. To strengthen the oversight culture, parliament must ensure that all stakeholders – the population at large, the government, the opposition, etc. – understand and accept the purpose and benefit of oversight. It is of fundamental importance that the opposition or minority parties in parliament are able to participate fully in oversight of the government.

¹ Where an interview with an MP is quoted in the report, the title of the MP at the time of the interview (Speaker, Member of the National Assembly, etc.) is indicated. Some MPs may have changed role or left office since the interview was carried out.

Processes: Work in *committees* is a major focus for parliamentarians and takes place in a wide variety of sectoral and cross-cutting areas. The report discusses the composition, powers and resources necessary and available to committees to carry out their work successfully.

In the *plenary context* oversight is conducted by means of a range of procedures, notably motions, questions, interpellations and financial oversight.

The scrutiny of the government's budget is a top priority for parliaments. Qualitative enhancements to budgets, such as gender mainstreaming, can be driven by parliamentary oversight.

Relationships: Parliament's ability to conduct meaningful oversight frequently depends upon opening up government proposals to the wider world, and this makes the nature of parliament's relationship with a range of external players of prime importance. Parliament requires the insights and expertise of such external bodies to complement and enrich its own oversight activities and conclusions.

MPs: Individual MPs have many motivations for engaging in oversight. These motivations range from helping constituents, to taking forward policy goals, to more personal drivers of professional development and advancement.

Challenges

Despite its importance, oversight is often difficult in practice. A survey of more than 350 MPs from 120 countries – including MPs from parties in government and in opposition, men and women, and of all ages – drew out a wide range of challenges. Here are a few representative ones:

Political space	"a non-cooperative government that doesn't tolerate the opposition" (opposition MP from Guinea)
Party politics	"fear of embarrassing government" (MP from governing party in Mauritius)
Resources	"lack of funding for committees" (opposition MP from Ireland)
Parliamentary powers	"lack of implementation by the government of the recommendations of standing committees" (MP from governing party in Pakistan)
Competing demands	"constituency issues vs national issues – more often than not constituency issues take precedence over national" (MP from Bhutan)
Commitment	"commitment from MPs to carry out oversight from top down, through implementation to impact in our society" (opposition MP from Indonesia)

Critical resource gulfs

Focus groups and other research conducted for this report repeatedly identified two critical resource gulfs. First, there is the information gulf between the legislative and executive branches that often disadvantages parliaments.

The second gulf is between established and relatively well-resourced parliaments and their emerging and/or less well-resourced counterparts. Though even well-supported parliaments face challenges, the challenges cited by developing parliaments are often much more dramatic and difficult to overcome.

Information

Information is a critical political resource because it can be used to sway decisions, and it is essential to effective oversight. The gulfs between parliament and government and between parliaments in more or less well-resourced environments take many forms. But one area in which all parliamentarians are disadvantaged is the information asymmetry between the executive and legislative branches.

"We have been asking for a gender-sensitive budget in the parliament so that we can assess these programmes and policies, to see if they have translated into real impacts and empowerment for women. What we got was half a page in the budget telling us that the general spending on women was 20 per cent, without any details on where these numbers came from. I want to know whether the government is talking about women who work in the public sector or the private sector, for example? What is the total amount spent on women [in each sector]?"

Rula Al-Farra, Member of the House of Representatives, Jordan

Good oversight depends on having good information about government practices. Because the executive governs and is responsible for generating much of the relevant information, it naturally has more and better information than most MPs about how government operates and about government policies and delivery. The resource gulf exacerbates the problem, as MPs – including most backbench MPs from the governing party and usually all MPs in opposition – have fewer resources to hire staff who could help diminish the knowledge gap.

Fortunately, parliamentarians can get a lot of information without paying for it. Parliaments do not work in a vacuum. It is the richness of the information environment that surrounds a politician that determines how well informed he or she is.

There are many potential sources of information for the interested and active parliamentarian. Civil society organizations, audit agencies, bureaucrats (through freedom of information requests), public interest groups and the media can offer a range of resources, including connections with politically active sections of the public, audit and specialist policy expertise, visibility and other resources useful in oversight. They

can be more than just passing sources of useful information: they can become partners and allies in joint oversight efforts.

“So, what we each do is build up our own network of people in ministries, in NGOs, who are constantly feeding you information. That is the only way you can get it, because, if you try to get it officially, you will be stonewalled, either by an official or by the minister himself or the president.”

Robert Alfred Lees, Member of the National Assembly, South Africa

Human and financial resources

Oversight requires that a parliament is able to act independently of the government, which means having its own budget, staff and physical premises. Governments can and have frustrated parliamentary oversight and other core functions by denying parliaments these essential resources.

Effective oversight depends on many things that require resources, such as adequate salaries, professional support and other dedicated resources. In practice, those undertaking oversight are often less well funded than those being overseen, particularly in resource-poor countries. In many parliaments, MPs work without staff support and serve on committees with limited professional support and sometimes without regular places to meet. It is essential that government and parliament have the (different) resources necessary to undertake their separate and distinct mandates.

“We have started a National Assembly Fund. The government allocated the money to the parliamentary fund. We now don’t have to go to the government and say, ‘We want to oversee [you], give us money.’ They used to [decide]. Now the Parliamentary Service Commission decides how the money is to be spent.”

Anne Makinda, Speaker of the National Assembly, United Republic of Tanzania

Key findings

Parliamentary oversight is and will remain a political activity

- As a matter of principle, oversight should be a rigorous, constructive and evidence-based process designed to promote people’s well-being, monitor the achievement of development goals and priorities, and improve governance. It should cover all areas of government, at all times, and should be the shared responsibility of all parliamentarians.
- Each country practises oversight in accordance with its political, cultural and historical context. There is significant variety among countries in the practice of oversight, and in the political space available for oversight.
 - In some contexts, the obligation for government to provide information in a timely manner is well established, and government engagement with oversight has become part of the political culture.
 - In others, the rules are not systematically applied (for example, ministers may decline to appear before parliament, information may not be made available to parliament, deadlines for answering questions may not be kept).
 - In other contexts, parliamentary questioning is perceived as a challenge to the power of government (and MPs who do speak out, usually from the opposition, may end up losing their mandate, or even in prison). Protecting MPs’ freedom of expression is a crucial condition for being able to carry out oversight.

Party politics plays a major role in determining oversight activities. The well-defined roles of political parties in government and opposition tend to be characterized by a dynamic mix of confrontation and cooperation.

Political competition can be a catalyst for oversight. It is important that the opposition should be able to use oversight tools to question and challenge government.

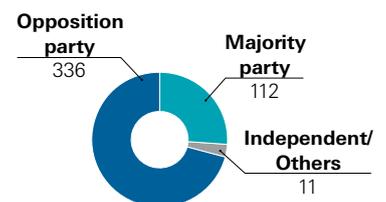
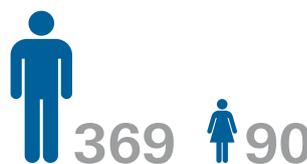
Protecting the rights of MPs to carry out oversight

Cases being examined by the IPU Committee on the Human Rights of Parliamentarians, 2016

459 MPs
in **42** countries

Most common violations

- 1 Lack of fair trial and other unfair proceedings
- 2 Undue suspension and loss of parliamentary mandate
- 3 Violation of freedom of expression
- 4 Arbitrary detention of parliamentary mandate



An effective system of oversight remains an aspiration for many parliaments

An effective system of oversight requires:

a strong mandate with clearly defined powers to hold government to account	committed and willing participants who are prepared to use the powers available to them to hold government to account	sufficient capacity in parliament to give teeth to these powers, including independent sources of research and analysis and a sliding scale of possible sanctions
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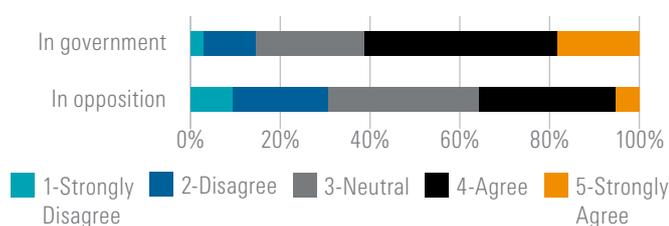
Parliaments are convinced of the importance of oversight, and frequently identify the strengthening of oversight systems as one of the goals of parliamentary development.

The mandate for oversight is set out in the constitution and law in nearly all countries. Parliaments sometimes lack the means or the will to use the powers available to them to constrain the government.

MPs' perceptions of government responsiveness to parliamentary oversight are influenced by whether their party is in government or in opposition. For example, members of government parties appear more optimistic about parliament's capacity for oversight, while members of parties in opposition tend to judge government to be less responsive, and oversight to be less effective.

MPs' perceptions of government engagement with parliamentary oversight

"Government ministers cooperate sufficiently"
In government/In opposition



Source: IPU/UNDP (2016). *Survey of parliamentarians, Question 2* (base: 280 MPs – 185 in government, 95 in opposition).

MPs tend to identify resource constraints (for example, staff, money, information) as the greatest single challenge to effectiveness. Women MPs are infrequently in a position of authority, such as committee chair, from which to carry out oversight activities across the broad spectrum of policy areas.

High levels of turnover of MPs following elections are frequently observed and can have an impact on the quality

of oversight. While turnover is a natural and beneficial part of parliamentary elections, very high turnover involves some risk of loss of institutional memory, and a break in continuity in committee membership from one legislature to the next.

51 per cent – median level of turnover of MPs at elections, based on data from 175 parliamentary chambers

Parliamentary capacity for oversight is closely linked to the overall strength of parliament. Well-resourced parliaments are much more likely to dedicate staff to support parliamentary committees, provide research services and specialized budget analysis, including gender analysis.

Responsibility for oversight is widely distributed. Parliaments have a central role, but they are far from being the only actors. Government ministries, specialized oversight bodies such as supreme audit institutions, civil society, the media and professional groups all contribute to a rich oversight network.

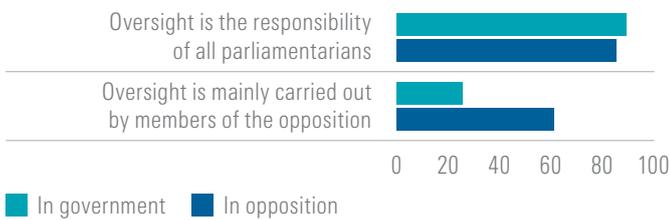
A majority of parliaments have procedures in place for systematic interaction with supreme audit institutions. However, interactions with other external oversight institutions such as national human rights institutions and ombudspersons are less systematic.

Assessing the impact of government action on gender equality is an integral component of oversight and enhances oversight's overall effectiveness. Parliaments oversee progress toward gender equality in many different ways. Specialized committees and cross-party caucuses monitor the status of gender equality in society and can bring forward legislation in response to gaps they have identified. Gender-responsive budgeting provides parliament with tools to oversee the impacts of government policy on women and men. However, parliaments should do more to mainstream gender into all oversight activities, for example by building specific capacity for gender-based research and analysis.

Most MPs express commitment to oversight. But in practice, prioritization and capacity issues often limit their engagement in oversight activities

- There is broad consensus that oversight is the responsibility of all MPs. But MPs from opposition parties consider that they shoulder a disproportionate share of the burden. MPs need to be accountable to citizens for the way in which they carry out their oversight role.

Percentage of MPs who agree or strongly agree with these statements



Source: IPU/UNDP (2016). *Survey of parliamentarians Question 2*.

- Limited public demand leads MPs to fear punishment from their electorate if they devote time to what can be perceived as obscure oversight activities in the national parliament, rather than being seen to address the specific priorities of their constituents.
- MPs also hesitate to invest time and effort in oversight activities if they feel that the results are uncertain, or may be ignored by government.
- Members of the party or parties in power have a common – and overwhelming – interest in keeping government in their hands. For majority-party MPs, oversight business frequently raises a conflict between being on the same team as the government, and fulfilling their separate role as the people’s representatives.
- While recognizing the reality of working in a political environment, there are multiple ways in which members of the party in government can still carry out their oversight role. They may typically be less confrontational or aggressive in questioning ministers than MPs from the opposition, but still raise issues that are constructive and evidence-based. Government backbenchers may see informal lobbying of ministers as a more discreet alternative to the potential embarrassments of formal oversight. Such an approach may take various forms, including writing a letter, requesting a meeting and raising a question in committee.
- There are compelling reasons why MPs should engage more deeply in oversight, whatever their political affiliation. All MPs have an interest in improving the quality of government. Oversight tools help MPs to serve their constituents, to achieve their policy goals and to advance their political career.
- By building public demand for transparency and accountability, committed reformers are more likely to be in a position to shape the political environment in favour of greater oversight. Opportunities to strengthen oversight may arise at times of crisis, or in the context of wider political reforms. It is important for reformers to be ready to seize the opportunity.

“A parliamentarian who is not curious is a curious parliamentarian.”

Michèle André, Senator, France

Parliamentary oversight:	
An opportunity to steer government policy towards their political goals	Produces benefits for society

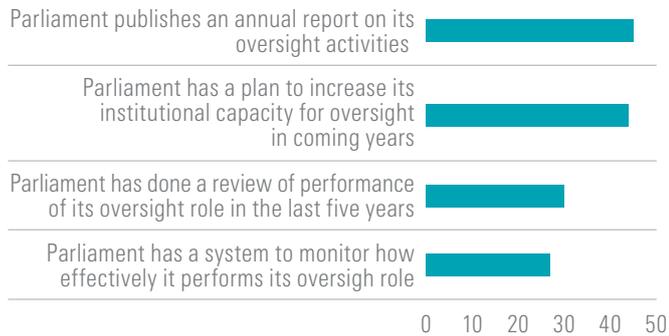
Five reasons why MPs carry out oversight

1. **probity** – assessing the presence or absence of corruption
2. **fidelity** – assessing the degree to which government follows the law
3. **equity** – assessing the fairness of government distribution of costs or benefits
4. **efficiency** – assessing the ratio of costs to benefits
5. **effectiveness** – assessing the degree to which actions have their intended effects

Oversight is a marker of parliament’s relevance in the 21st century

- Public expectations of high levels of probity in public life, of a fair distribution of resources among regions and social groups, of value for money in public spending, are well established, and growing. Parliamentary oversight contributes to all of these goals, and more.
- There is scope for parliament, and MPs, to communicate their oversight activities more effectively, making the connection between oversight activities in parliament and changes in people’s lives on the ground, and in doing so to increase public understanding of how oversight works and to further build public demand.
- Parliaments need to be accountable to the people for the way they carry out their oversight role. A relatively small proportion of parliaments have systems in place to track the recommendations that they make to government, and government responses. Many parliaments do not monitor and evaluate the quality of their oversight performance. Parliamentary efforts to make the results of their oversight activities visible to the public are limited.

Parliamentary monitoring of oversight performance



Source: IPU/UNDP (2016). *Questionnaire for parliaments, question 2 (base for question: 103 parliamentary chambers)*.

- Agenda 2030 and the Sustainable Development Goals' acknowledgement of parliament's responsibility to hold government accountable for its commitments to eradicate poverty and achieve sustainable development offer an opportunity to parliaments and MPs to increase their engagement in crucial matters of national development.
- Sustainable Development Goal 16 and its targets on effective, accountable and inclusive institutions create a new impetus for parliament and MPs to represent the people's voice and interests in oversight of government.

Questions for assessing parliamentary involvement with the Sustainable Development Goals (SDGs)

- To what extent does parliament review, debate and take action on progress reports or other relevant documents produced by the government about the implementation of the SDGs and/or national sustainable development plans?
- To what extent is parliament able to ensure follow-up on recommendations about SDG implementation from global bodies, namely the High-Level Political² Forum?
- To what extent can parliament initiate and run its own inquiries into issues related to SDG implementation?
- How effective is parliamentary monitoring of the government's development policy, whether as a donor or recipient of overseas development assistance?
- How effective is parliamentary monitoring of the government's interactions with international development partners (i.e.: bilateral donors, regional bodies and multilateral organizations)?

Source: IPU and UNDP (2017). *Parliaments and the Sustainable Development Goals: A Self-Assessment Toolkit*. www.ipu.org/pdf/publications/sdg-toolkit-e.pdf.

A scenario for change

The report makes 28 recommendations that set out a scenario for institutional change in the direction of greater oversight. While priorities for strengthening oversight will need to be determined according to the national context, the recommendations are considered as being universally relevant to all countries.

The recommendations are primarily addressed to parliament as an institution; some are addressed to individual MPs. The recommendations are also addressed to political parties, which hold great influence over parliamentary decision-making and the behaviour of individual MPs. They are similarly important for governments, which hold great responsibility for enabling a constructive oversight relationship with parliament, and which have a strong interest in enhancing the transparency and accountability of public authorities by means of effective oversight. And the recommendations are relevant to all people and civil society organizations that want to improve the quality of their institutions of government.

² The High-Level Political Forum of the United Nations Economic and Social Council is responsible for overall implementation and oversight of the SDGs.

Recommendations for change

Establish oversight as a top priority for parliament

1. Signal that parliament is committed to its oversight function
2. Bring together all stakeholders to define and commit to a constructive oversight process
3. Assess parliament's strengths and weaknesses regarding its oversight function
4. Commit to regularly review and report on how parliament performs its oversight role

Strengthen the mandate and capacity for oversight

5. Ensure that formal powers to oversee the government are clearly established in law and parliamentary rules
6. Ensure the financial and administrative autonomy of parliament and a dedicated professional staff
7. Allocate time in plenary for oversight
8. Ensure that committee rules and practices support oversight
9. Ensure clear mandate, procedures and capacity for budget oversight
10. Mainstream gender and human rights into all oversight activities
11. Develop specific research capacity to support oversight
12. Build oversight skills and limit the impact of turnover at elections
13. Solicit outside help

Co-produce oversight with partners

14. Recognize that effective parliamentary oversight is co-produced by the efforts of MPs, civil society and other oversight institutions, with the support of the general public
15. Take evidence in committee from a wide range of sources
16. Strengthen relations with supreme audit institutions and other oversight institutions

Make good use of parliament's oversight powers

17. Make oversight consequential by keeping track
18. Consider ways to achieve government compliance with oversight requirements

Build public support for oversight

19. Adopt ethics rules and practices to promote parliamentary legitimacy
20. Establish communication strategies to publicize parliament's oversight work
21. Consider how best to use the media in oversight activities
22. Make parliamentary records publicly available
23. Position parliament as a leader on the Sustainable Development Goals

Seize the opportunities available to MPs to shape the oversight environment

24. Make better use of existing opportunities
25. Take advantage of windows of opportunity
26. Create and join reform coalitions
27. Participate in alternative and cross-party working groups
28. Elect and support parliamentary leaders who favour oversight



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ISBN 978-92-942-698-0

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Layout: Simplecom

Printed in France by Courand et Associés



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