Guidebook for Implementing Legislative Programs

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

The Guidebook was written by Susan Benda, NDI director of governance programs, and Allan Green, a legislative development consultant, with the able assistance of Lisa Clarke, NDI program officer for governance programs.

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For further information on NDI=s governance programs, please contact Lisa Clarke, The National Democratic Institute for International Affairs, 1717 Massachusetts Avenue, N.W, 5th Floor, Washington, DC 20036. Telephone: (202) 328-3136. Fax: (202) 939-3166. E-mail: demos@ndi.org. Internet: http://www.ndi.org.

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

Table of Contents

Appendices

Preface

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

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

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

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

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

The distillation of Alessons learned@ was hampered by time constraints in the Jerusalem meeting and in Guidebook preparation. On some issues of relevance to all projects, such as developing

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

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

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

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

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

Introduction

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

Why Legislatures?

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

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

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

Which Legislatures?

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

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

Where to Focus?

Numerous facets of a legislature need to be addressed, including infrastructure (from office space and meeting rooms, to phones, computers, and Internet access), information resources (such as a

library or research service) and staffing (policy-oriented advisors and clerks, secretaries, and maintenance personnel).

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

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

How to be Helpful?

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

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

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

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

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Section 1

The Goal

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

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

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

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

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

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

The third topic for training members, establishing accountability to constituents, may not be a focus or high priority of legislators in developing democracies. But members can gain much from their involvement with constituents, including the information they need for decision-

making and the outside support they need for legislation. The training opportunities are broad and often involve working with the political parties. These opportunities include helping members work with the media, prepare for and conduct town meetings, and involve constituents in the legislative process.

Are there ways to help legislators with making better laws?

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

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

What about assistance to the institution *per se*?

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

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

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

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

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[1]This Guidebook uses the terms Aparliament@ and Alegislature@ interchangeably except where otherwise specified.

When talking with the leaders, ask them what they perceive to be their training and technical assistance needs. Be cautious when promoting ideas. Leaders may agree to a training program in order to be polite. A great deal of time and effort could go into a program that the leaders really don=t much want. When the parliamentary leaders and in-country staff are in sync, the most successful results will occur.

How can a program be sustained?

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

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

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

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

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

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

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

Section 2

Objectives and Results

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

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

Is the program working?

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

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

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

What are Aobjectives@ and Aindicators?@

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

Indicators are evidence that the program is having an effect. In the above example, an indicator (result) might be that the targeted legislators develop new ways of communicating with their constituents, such as creating newsletters, writing columns in local newspapers, appearing on radio call-in shows, or organizing public meetings in their districts at which constituents participate and voice their concerns. Another indicator might be that citizens in those districts are more confident that their legislators are working to represent their interests and solve their problems than they were before the program was implemented. This could be measured by using focus groups before and after a program.

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

What are the standard tools for gathering information?

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

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

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

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

It takes time to prepare a benchmark, and it is difficult to operate a program and prepare a benchmark at the same time. It cannot be done immediately upon arrival, because in-country

staff need time to settle in and get organized, but it should be done within a matter of weeks or at most a couple of months. Unlike the more detailed baseline assessment, the benchmark need be no more than 10 pages. It should be prepared before a workshop or other major program event takes place.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Should an outside expert evaluate the program?

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

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

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

> **Evaluating a South Africa Project**
> NDI used a consultant to evaluate a 1997 project to assist with the development of local governance. The program included three major activities in support of the local governance policy process, including two study missions to the U.S. and bringing in an international expert on urban development and local government.
>
> The evaluator (1) interviewed NDI staff involved in the project, (2) analyzed the models for comparison provided by staff for the study mission, (3) interviewed the key participants and policy makers affected by the project, and (4) reviewed relevant legislation and policy papers, articles, press releases, and other documents.
>
> The 15-page evaluation, which took about six weeks to prepare, showed that the program had helped local governments develop policy options, provided models for effective public-private partnerships, contributed specific language for a white paper on metropolitan governance structures, and facilitated a dialogue between South African leaders and their American political counterparts.

Should a comprehensive monitoring and evaluation plan be implemented?

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

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

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

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

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

What if the evaluation shows the program is not working?

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

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

What questions should be asked regarding program results?

G   Who is going to prepare the benchmark for the program, and when should it be done?

G   Is there a reasonable chance to meet the objectives for the program, or do the objectives need to be revised?

G   Is there a systematic method of collecting data to measure results, and is it in place at the outset of the program?

G   Who is going to evaluate the program? When will the evaluation occur? Is it budgeted?

Section 3

Training Methods

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

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

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

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

Can seminars be made more effective?

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

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

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

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

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

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

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

What about working with small groups and individuals?

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

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

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

What to look for in trainers?

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

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

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

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

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

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

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

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

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

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

Where is the best spot to hold a training session?

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

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

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

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

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

In Malawi, the staff worked closely with members to prepare a constituency relations handbook *(see Section 7 for a case study of this project).* For training workshops, staff can provide the opening overview and facilitate discussion of what the participants learned and view as future training needs.

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

What about study missions?

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

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

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

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

Choosing the country to visit requires research and advance consultation with the hosts. Find out what the two countries have in common. Are there commonalities so that the participants and the hosts can learn from each other, or are they rivals and thus have potential barriers to

learning? One country=s parliament may appear to be an excellent example for another parliament. But if the members have a different perspective they may not be willing to listen and learn.

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

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

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

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

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

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

Be thinking throughout the mission of how to describe the tour in the report on it. See what the participants found of particular interest and don=t forget the participants= anecdotes. Consider follow up before the trip even starts. Ask the participants to consider what activities might be appropriate upon their return. Help the participants decide how they want to characterize the

mission. A group of legislators from Madagascar was faced with a press conference immediately upon their return from a study mission to South Africa and Namibia. Throughout the trip they were encouraged to think about what message they wanted to give on their return home.

Are staff attachments or internships abroad a possibility?

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

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

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

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

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

Is help with lawmaking a part of training?

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

Another training opportunity is to bring together the members and the government≤s ministers to work out the details of legislation. This can be done through a session which functions much like a hearing in that experts on the topic expedite debate among the parties. This approach fosters communications between the members and the ministers and encourages development of good public policy. In Nepal, a critical step before enactment of an ethics code was a workshop for some 150 members, representatives of the government, and NGOs, where they learned how such codes were successfully implemented in other countries *(see Section 8 for a case study of this project).*

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

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

Can technical assistance be considered training?

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

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

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

What questions should be asked before starting a training program?

G   Is it clear what type of educational approach is appropriate for the parliament, based on its traditions and the country≤s history and culture?

G   Are training methods, from workshops to study missions, identified, and is there a plan for which to use?

G   Are the training needs for members and staff clearly set out?

G   Have the parliament=s leaders bought into the training program?

G   Are the legislators open to training alongside members of their staff?

G   What are good sites at which to hold training workshops? When does it make sense to hold a workshop in the parliament building; when is it best to organize a workshop out of town?

G   Have potential trainers and training participants been identified?

Section 4

Partnership and Partisanship

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

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

Whom to work with?

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

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

How critical is the Speaker?

The presiding officer[1] may want to build a strong, independent parliament. If so, this fits well with the objective of promoting parliamentary development. The task becomes one of making certain the program maintains its democratic objectives and is compatible with the Speaker=s vision.

If the Speaker views his or her role as making sure that the parliament does not get in the way of

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[1]Called ASpeaker@ in this Guidebook, but referring to any presiding officer.

the executive, a very different set of challenges to a program will arise. If the Speaker is not committed to the democratic development of the parliament, consider working with other leaders.

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

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

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

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

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

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

If the Speaker is inexperienced or wants to know everything going on with the program, keep her well informed. But do not allow her to control the program. Her support is important, but she should not have a veto over all aspects of the program. By actively engaging the Speaker in all

projects and keeping her informed about the program, she is involved. Still, her permission to proceed is neither sought nor expected.

What about other leaders?

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

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

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

How can program autonomy be maintained?

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

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

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

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

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

Is an MOU sometimes helpful?

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

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

> **Memorandum of Understanding (MOU)**
> An MOU is a formal agreement between the agency providing training or other developmental services and the institution with which it is working. It specifies the responsibilities of both parties.
>
> It may state, for example, that the parliament agrees to hire staff and the agency agrees to train them. The chief executive officer of both organizations usually signs the agreement.

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

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

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

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

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

Per Diem for parliamentarians?

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

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

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

Can the program be coordinated with other programs and donors?

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

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

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

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

A legislative coordinating committee may not solve all problems. Ghana has such a committee,

but it has not been active. Apparently the legislator in charge found too many other demands on his time. The donors still meet, but the Parliament=s involvement is lacking.

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

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

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

G   Does the Speaker clearly understand the project and is he or she supportive?

G   What is the commitment of the Speaker to an independent, democratic legislature?

G   Are the other leaders who should be involved identified?

G   Has a strategy been developed to avoid political intrigues?

G   Are relationships with the leaders well established? Would an MOU advance the relationships?

G   Are the other agencies working in the country identified, along with what their programs entail? Is there an established and ongoing system for good communication?

Section 5

Member Training: Effective Committees

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

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

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

Why work with committees?

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

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

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

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

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

What are the hurdles to developing a strong committee system?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

What questions should be asked when considering committee training?

G Do the Standing Orders clearly set forth the role or power of committees?

G   Have the parliament=s leaders articulated a role for committees, and is there a consensus in the parliament about the functions they should perform?

G   Are the committees stable? Will committee leaders likely serve in that capacity over an extended period of time so that training can be sustained?

G   Are some committee chairs committed to developing their committees and can they be the focus of training?

G   What kind of training approach will be well received?

Section 6

Member Training: Oversight and Relations with the Executive

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

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

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

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

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

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

The ΑQuestion Time.@ Traditionally, Westminster-style parliaments set aside a time for members

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to pose questions, orally or in writing, of the government≈s ministers. This concept arises from the very essence of legislative function, that the government explain itself to the elected representatives of the people.

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

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

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

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

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

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

Oversight by committees. Although not as active as committees in the United States, parliamentary committees in many countries engage in serious oversight. Ministers or their top staff in developing democracies, such as Romania, frequently appear before the relevant

committees to explain their legislative proposals. Through their scrutiny of legislative proposals, committee members have the opportunity to ask the ministers about how laws are being implemented and other activities of interest or concern to the parliament.

Public Accounts Committee. In many parliaments a Public Accounts Committee is charged with reviewing government expenditures. A member of the opposition usually chairs the committee, thus providing an avenue for opposition members to obtain information about and review the expenditures of the executive.

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

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

> **NDI work with Nepal's Public Accounts Committee**
> NDI organized a workshop to assist Nepal's Public Accounts Committee in more effectively carrying out its duties. The workshop was conducted at the request of the committee chair who was interested in oversight issues. In addition to committee members, the Auditor General and Deputy Auditor General attended.
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> At the workshop, legislators from Australia and India, and a British clerk described how their Public Accounts Committees operated. They stressed the importance of advance planning and development of a yearly calendar. They urged the Nepal committee to develop a closer working relationship with the Auditor General. Further, the foreign legislators suggested that the Nepali committee members set an example of ethical standards by publicly declaring their assets.
>
> Based on the workshop the Nepal committee developed a year-long calendar of activities. The committee entered into a cooperative relationship with the Auditor General, increasing its contact with him from little more than twice a year to regular briefings. And the members disclosed their assets even though Nepali law does not require it (*see Appendix M, terms of reference, agenda and press coverage of 1996 NDI workshop with the Nepali Public Accounts Committee*).

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

Review of the government≠s proposed budget requires knowledge of the budget document, the ability to analyze it, and the political will and political capacity to see that the legislature≠s view of the public≠s interests are incorporated. The Malawi training program emphasized developing the parliament≠s ability to review the budget. As in most new democracies, the government holds all

the data and the Finance Minister has been reluctant to provide the basic budget document to the parliament in a timely manner. The parliament has not insisted that the government cooperate and may have little recourse in the face of government intransigence. Development of the analytical abilities of legislators and their staff may strengthen the parliament=s ability to argue for its access to budget information. Members need staff for good budget review. Identify staff who are interested in budgetary issues and gain the leaders support for helping them develop this expertise. Combined member and staff training in budget analysis may be effective.

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

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

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

Is the purpose of oversight to find wrongdoing?

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

Can a Minister for Government Relations help?

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

Similarly, one result of a legislative program in Madagascar was the appointment of a minister responsible for legislative affairs. A seminar in Yemen recommended such a position but did not specify duties. Yemen is looking at Madagascar=s experience. As countries appoint ministers

with the responsibility of improving communications and relations, the opportunities for assistance include providing information on what is working well and where.

What are the training opportunities?

A variety of approaches for training members on relations with the executive can work, as is the case with training members in other areas of their legislative activities. Including representatives from the government in the training workshops can help develop relationships and foster understanding between legislators and the government. Taking members to another country to see operations first hand can be productive and can reinforce topics covered during in-country training.

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

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

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

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

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

From the Senate Post Audit Committee, an example of child welfare review served as the focus of the presentation. The group learned how the committee collects information and prepares for hearings. Much of the emphasis was on the importance of staff research and witness selection for hearings. The committee's staff described how they prepare the committee report, which often serves as a catalyst for

corrective legislation. Publicity from the committee report was cited as having provided significant impetus to the government's reform of its child welfare system.

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

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

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

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

What questions should be asked when considering oversight?

G Do the committees have a relationship with the relevant executive branch ministries? If not, how can such relationships be encouraged?

G What is the best approach to promoting legislative oversight of the executive? For example, is developing Question Time a good use of resources or would it be more effective to work with specific committees?

G What leverage does the legislature have to encourage executive cooperation?

G Does the parliament have staff members interested in and available to help with budgetary

or program review?

G   What are the prospects for an oversight role to be sustained?

Section 7

Member Training: Dealing with the Public

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

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

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

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

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

What is to be done?

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

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

The Bulgarian program trains members on how to respond to constituents= problems and concerns and how to establish communication links so that citizens can become involved in the legislative process. A major program emphasis is on follow-up. After workshops are held on a topic, such as communicating with constituents, individual district evaluations and consultations are conducted to see if the ideas are being implemented and to assist with their implementation.

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

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

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

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

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

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

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

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

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

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

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

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

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

Lessons Learned
! NDI=s original proposal was for much of the program to be carried out through the party caucuses, but the supervisory committee insisted from the beginning that the outreach program be nonpartisan.
! The supervisory committee and other active members were critical to the program=s success. And they have shown continuing interest in constituency communication proposals.

! The emphasis in constituency outreach programs must be on what is practical. The handbook is an example of something members can use right away and tailor to meet their needs.

What can be done to bring legislators and NGOs together?

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

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

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

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

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

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

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

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

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

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

Don≠t rely exclusively on one NGO. In Malawi, a particularly active NGO proposed a program to bring students to the Parliament for first hand experience. A great deal of time and effort was put into the program, which brought 75 to 80 students to meet members and tour the facility. But after six visitations, neither the NGO nor the Parliament continued the program.

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

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

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

In both exercises, members asked pointed questions of the NGO representatives, helping the legislators to learn if the NGO had a good grasp

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

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

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

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

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

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

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

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

Is it a good idea to work with the media?

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

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

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

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

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

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

guidelines for dealing with the media. In a role-playing session, members were video taped while being asked tough questions by role-playing journalists. The tapes were then evaluated. Among the advice given the members was to use more resounding voices on the radio and to keep answers short and to the point.

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

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

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

G Does the electoral system provide incentives for constituency outreach?

G Do the members see a need for improved communications with their constituents? What are their most urgent needs?

G Do NGOs have well-established relationships with the parliament and, if so, might the NGOs be partners in advancing legislative accountability?

G Do the members know how to interact with journalists and work with the media to promote their points of view?

G Does parliament have an effective press service?

Section 8

Lawmaking

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

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

What can be done to develop legislators= lawmaking capacity?

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

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

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

A big contribution may be in assisting members in reading draft bills. Most legislators have not

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

What can be done to assist in the development of Agood governance@ laws?

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

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

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

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

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

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

By providing substantive assistance on draft laws, the research and the articulation of democratic

standards is likely to contribute to the development of better laws. It should broaden the scope of debate and can build relationships between legislators and international experts that will be useful in future endeavors.

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

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

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

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

Are there some subjects appropriate for substantive advice and assistance?

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

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

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

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

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

for ministers, members, and civil servants.

Case Study: Ethics Draft Legislation in Nepal

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

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

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

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

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

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

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

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

What about constitutional reform?

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

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

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

> **Constitutional Assistance in Malawi**
> NDI provided forums for leaders of political parties, NGOs, and traditional authorities to plan how to lobby a national constitutional conference in Malawi.
>
> For the conference, NDI provided all delegates with an annotated review of the constitution and organized a session for parliament on AThe Role of Parliament in Malawi=s Constitutional Democracy.@ Legislators from four countries (France, Portugal, South Africa and the United States) presented information about the powers and authorities of the executive, legislative and judicial branches of government in their countries.
>
> The experts discussed not only the formal constitutional arrangements, but also the political implications and realities that resulted from constitutional design.

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

What about helping individual members with their bills?

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

Some legislators in developing democracies are interested in individual legislative initiatives for

at least two reasons. First, private members= bills offer an alternative to the government=s proposals and may result in a more independent branch of government with better legislation. Second, private bills give minority parties an opportunity to provide positive alternatives rather than just opposing the government. Consider assistance with private bills when there is a demand for such instruments from interested legislators. In some countries with more American-style systems, such as Nigeria, assisting with private member bills may be particularly helpful.

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

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

G Can work with draft legislation help make the institution more democratic or should training efforts be placed elsewhere?

G What is the objective with draft legislation? Is it to raise legislators= or the public=s awareness of an issue? Is it to get a bill passed? Is it to serve as a vehicle for other assistance in reforming the legislative process?

G Are members interested in taking the initiative to propose laws?

G Is the leadership interested in an independent bill drafting capability?

Section 9

Institutional Assistance: Training Staff

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

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

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

Why work with parliamentary staff?

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

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

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

What to consider when training staff?

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

American legislative staff often are deeply involved in the policy process, even advising members on political strategy. Parliamentary staff, in contrast, may be limited to a much more clerical or neutral information-provision role. Likely, a developing parliament will use no model in its pure form. Look for various models that can be adapted to the country.

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

Are workshops the way to go?

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

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

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

From the primary objectives, came additional objectives:

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

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

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

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

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

Are staff study missions and internships worthwhile?

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

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

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

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

NDI staff visited each U.S. site in advance and arranged for housing, transportation, and other needs of the interns. During the visit NDI also developed work plans with the host state. NDI was thus able to

place two clerks with the Secretary of the Senate in Wisconsin, which manages the plenary; two committee staff with the Colorado Legislative Council, which staffs committees; and a committee staffer and a researcher with the Connecticut Legislative Research Office, which works with committees in addition to its research role.

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

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

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

Should the staffing system be reevaluated?

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

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

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

Most of the parliament's leaders believed that staff, at least those hired since the change in government, were partisan and could not be trusted. Their opinion of staff may or may not have been valid. But it is clear that the deputies would not make much use of staff under present conditions. Poor work habits, such as playing computer games, could be easily identified with a walk through the Parliament. The deputies were concerned that the Secretary

General, who is responsible for maintaining the staff, is also an active party member. The deputies were skeptical that a party activist could administer nonpartisan staff in a neutral manner. To complicate matters, some deputies expressed concern that the President of the Assembly (Speaker) was attempting to assume too much power and this was reflected through staff recruitment and management.

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

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

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

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

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

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

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

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

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

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

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

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

What about helping the parliament develop a bill drafting capacity?

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

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

One U.S. state legislative drafter, who twice traveled to Ghana to assist members and staff with bill drafting, prepared a version of a bill drafting manual for members of Ghana=s Parliament. The document defines the Ghanaian terms used in bill drafting and describes the structure of bills. For example, it defines the word Aconsolidation@ (putting several bills on the same topic into one act) and how clauses, paragraphs, and subparagraphs fit in a bill. It sets out criteria for determining if a bill is clear and advises how standard words in bills, such as Ashall@ and Amay,@ should be used. It includes a code of conduct for staff. All of this information is tailored to the

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constitution and politics of Ghana *(see Appendix P, table of contents, Researching and Analyzing Legislation: A manual for members of the Parliament of Ghana and the Parliamentary staff,1999).*

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

What questions should be asked when training staff?

G How does staff training fit into the overall program?

G What is the mix of Apermanent@ nonpartisan civil service type staff as compared with the Apolitical@ staff that work for individual members or party caucuses.

G Have staff members who could make good use of training been identified?

G Does the training program include ways to ensure implementation of staff training? Can the training be sustained?

G Are there members interested in a parliamentary bill drafting capability and, if so, have staff been identified who might be trained to draft bills?

Section 10

Institutional Assistance: Libraries and Publications and Promoting Transparency

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

Why engage in developing institutional resources?

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

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

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

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

When is a library project appropriate?

Legislative leaders may look to donor agencies to develop or improve the institution=s facilities, such as its library. These projects involve training, but the primary focus may be on purchasing books or equipment, building or remodeling a facility, and hiring staff to operate it. They have

been undertaken in Ghana, Guyana, and Namibia and are in the planning stage in Malawi and South Africa.

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

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

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

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

Case Study: Legislative Library for Guyana

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

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

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

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

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

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

Why get involved with publishing documents?

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

Brochures take on a symbolic importance. In South Africa, simple parliamentary publications

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

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

What can be done to advance legislative transparency?

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

Working with the institution≠s leadership, much can be done to institutionalize transparent procedures and practices. Some issues of transparency, such as recording votes, are governed by the rules of procedure; others, like public access to plenary, may be informally arranged. The checklist[1] of legislative transparency includes such questions as:

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

One way to assist reformers in advancing the issue is to provide comparative information that

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

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

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

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

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

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

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

G What can be done to promote the legislature=s transparency?

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

Section 11

Institutional Assistance: Information Technology

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

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

What services can be offered?

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

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

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

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

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

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

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

executive budget.

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

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

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

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

Is there a role for limited information technology assistance?

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

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

Case Study: Computer Assistance in the Southern Africa Region

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

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

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

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

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

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

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

What questions should be asked about information technology projects?

G   Does the program include provision for an information technology expert who would provide a solid assessment of the parliament=s computer needs?

G   Is there a defined and limited role for the assistance?

G   Is the parliament committed to an information technology program? Has it agreed to continue computer support?

G   Is there an exit strategy? Who will maintain and upgrade the computer system in the absence of in-country information technology staff?

Conclusion

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

Communicate

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

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

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

Involve

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

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

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

Learn

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

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

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

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

Sustain

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

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

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

Apendices

We regret, due to copyright restrictions, that we are unable to make the appendices to this document available on the Web.