



NATIONAL
DEMOCRATIC
INSTITUTE
FOR INTERNATIONAL AFFAIRS

STRENGTHENING THE
ACCOUNTABILITY PROCESS
AND
PARLIAMENTARY REFORM

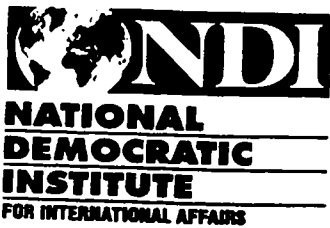
A REPORT ON THE PARLIAMENTARY
ROUNDTABLE
BHURBAN, PAKISTAN
MARCH 1-2, 1997

**STRENGTHENING THE ACCOUNTABILITY PROCESS AND
PARLIAMENTARY REFORM:**

**A Report on the Parliamentary Roundtable
held in Bhurban, Pakistan**

March 1-2, 1997

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Dear Member of Parliament:

This report contains a list of the recommendations made by participants at the post election parliamentary roundtable hosted by the National Democratic Institute for International Affairs (NDI) with assistance from the Human Rights Commission of Pakistan in Bhurban March 1-2. Participants at the roundtable asked that these recommendations be shared with you. The recommendations, while not exhaustive, cover the broad range of issues that were discussed during the two-day meeting. These specific recommendations reflect the view of individual members and, though many of them received wide support, they are not necessarily the consensus of the roundtable. They do, however, offer areas for future study and reform.

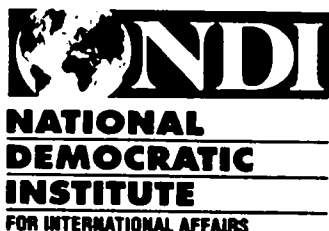
Roundtable participants reached a general consensus on two broad principles: continuing and strengthening the accountability process, and improving the capacity of parliament and its members. The attached document contains the list of specific actions identified during the roundtable to meet these objectives. We hope you will find this information useful. If you have further questions or if NDI can be of assistance to you in any way, please do not hesitate to contact us.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dean Pittman", is written over a horizontal line.

Dean Pittman
NDI Senior Officer

Attachments as stated



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NDI Programs to Strengthen Newly Democratizing Legislatures

The National Democratic Institute for International Affairs has conducted a variety of programs to help strengthen legislatures in democratizing countries throughout the world. While variations in constitutional and electoral systems provide different foundations for legislatures, NDI's programs are adapted to suit various political and legal situations.

NDI's programs provide technical assistance to support the development of representative, accountable and transparent legislatures that are responsive to the electorate, participate in the drafting of legislation and oversee the executive branch. In general, NDI conducts legislative development programs in countries that have recently experienced democratic elections. NDI gears its programs towards strengthening the role of the legislature in a country's governance.

NDI's programs with developing legislatures are usually implemented by field staff with legislative experience who provide ongoing consultations, advice and information on democratic legislative practices. The programs are supplemented by periodic workshops at which legislators from other, relevant systems lead discussions and share information on topics of concern to in-country legislators. To date, NDI has included in this manner more than fifty legislators from two dozen countries in its programs.

Institutional Development: Technical Assistance Programs

While NDI designs its programs to address the specific needs of a given legislature, developing legislatures often face similar developmental hurdles. NDI provides technical assistance to new legislators engaged in the institution-building process on a range of topics including:

- committees;
- constituency relations;
- executive-legislative relations;
- legislative drafting;
- legislative transparency.
- political parties in the legislature; and
- rules of procedure.

NDI has also conducted general orientation programs for newly-elected legislators and training programs for legislative staff.

Recognizing that accountable, transparent and representative legislatures develop in large measure in response to public demand, NDI has also worked with organizations and institutions outside the legislature, conducting programs for the media and for non-governmental organizations, addressing their respective roles in the legislative process.

Issue-Specific Workshops

Another type of program is designed to help legislatures address substantive issues of legal reform central to democratic transitions such as laws regulating access to government information, election laws, ethics rules (financial disclosure obligations of elected and appointed officials) and the reorganization of local government or establishment of an independent judiciary. NDI has also assisted legislatures reviewing draft constitutions, focusing particularly on the role of the legislature in a democratic system.

These projects frequently are organized in partnership with the relevant legislative committees, and NDI invites international experts to share their experience and knowledge in the specific policy area under consideration. Rather than direct legislators to enact specific laws or policies, NDI's goal is to provide a menu of comparative options and to demonstrate generically how laws can be made -- how expert research, political objectives and the public interest are reconciled in the context of important structural issues.

NDI's Legislative Research Series

NDI has published the first two papers in its Legislative Research Series, a series intended to provide legislators in developing democracies with comparative information about legislative practices and democratic norms around the world. These papers provide urgently needed and up-to-date information from legislatures in countries from all the regions of the world about practical questions of importance to legislators in new or newly democratic legislative bodies.

The first, 17-page paper, *Presiding Officers: Speakers and Presidents of Legislatures*, compares the characteristics and functions of the speaker in various legislative systems using three models -- Westminster, U.S. Congress and French Bureau. *Committees in Legislatures: A Division of Labor* is a 47-page document that explores the structure and function of legislative committees. This second paper in the series has an extensive appendix of detailed information on specific issues collected from 20 legislatures around the world presented in chart form about the rules and practices of their committee systems.

At the outset of 1997, NDI is conducting legislative programs in: Georgia, Guyana, Kyrgyzstan, Malawi, Mozambique, Namibia, Nepal, Russia, South Africa, Ukraine and West Bank/Gaza.

For further information; please contact Susan R. Benda, Senior Program Officer for Democratic Governance.

POST-ELECTION PARLIAMENTARY ROUNDTABLE
Bhurban, Pakistan
March 1-2, 1997

I. SUMMARY

Following Pakistan's February 3 elections, the National Democratic Institute, with in-country assistance from the Human Rights Commission of Pakistan and funding from the United Nations Development Programme, sponsored a two-day roundtable for Pakistan's political, government and civic leaders to allow an open and frank exchange on issues important to Pakistan's democratic development, including the accountability process and parliamentary reform. It marked the first time in recent Pakistani history high-level representatives from all major political parties agreed to meet together to discuss political and institutional issues affecting Pakistan's democratic future. During the roundtable, participants developed an extensive list of recommendations addressing specific targets for reform and reached general consensus on several fundamental principles, including continuation of the accountability process and the need to strengthen the institution of parliament and its members.

II. BACKGROUND AND GENERAL DISCUSSION

In January 1997, NDI sponsored an eight-member pre-election mission to Pakistan to assess preparations for the February 3 national and provincial elections and examine other challenges to democratic progress in the country. At the conclusion of the pre-election mission NDI issued a statement addressing specific concerns about the election process and broader recommendations on institutional reforms necessary to strengthen democracy in Pakistan. An NDI technical team remained in Pakistan through the elections to continue to monitor the electoral process and to prepare a comprehensive report on election-related challenges for Pakistan's democracy. During the post-election period, NDI met with leaders of government, political parties and non-governmental organizations who suggested it would be useful to bring all parties together to discuss in an open and constructive manner some of the issues raised during the electoral campaign.

In response, NDI, with country assistance from the Human Rights Commission and funding in part from the UNDP, organized a two-day roundtable on March 1-2 in Bhurban, Pakistan. The 32 participants included top elected officials from the major political parties, including the Pakistan Muslim League (PML), Pakistan People's Party (PPP), Muhajir Quami Movement (MQM), Awami National Party (ANP), Jamaat-Islami (JI), Pakistan Tehrik-I-Insaaf (PTI) and Independents. Also participating were the former Speaker and the current Acting Speaker of the National Assembly, Additional Secretary of the National Assembly, Chief Commissioner of the Ehtesab Commission, Secretary of the National Election Commission, Joint Secretary of the Law Commission, Deputy Speaker of the NWFP Provincial Assembly, chairman of the Pakistan branch of Transparency International, the former accountability advisor to the President, the former Minister of Law and a former judge (Complete participant list attached). The roundtable was moderated by Fernando

Marques da Costa, senior advisor to the President of Portugal and a former MP, Dean Pittman, NDI Senior Program Officer, and Asma Jahanghir of the Human Rights Commission of Pakistan.

The first day of the conference focused on the accountability process, its strengths and weaknesses, and how future accountability of government and elected officials could be addressed. The second day included discussions on the role of parliament, the role of parliamentary committees and the role of a member of parliament. The discussions provided an in-depth and informed view of these topics and, though lively, were marked by a great deal of cooperation and consensus.

Regarding the ongoing accountability process, delegates strongly agreed that the process of investigating and cleansing government of corrupt officials should continue and that the process should be strengthened and its scope expanded. They noted further that in order to be successful, the process had to be even handed and fair. In addressing parliamentary reform, the participants concurred that the capacity of the institution, its members and staff should be significantly increased. Participants saw a need to improve the training and expertise of parliamentarians, to provide better information to legislators and to increase the transparency of the legislation process. Some of these recommendations also focused on educating the citizenry on the role of parliament and the role of elected officials. A representative list of specific recommendations made by the participants is included at the end of this report.

III. INDIVIDUAL RECOMMENDATIONS

As mentioned above, the roundtable produced a broad range of specific recommendations for strengthening the accountability process and reforming parliament. Though the participants were not ready to reach a public consensus, many of the suggestions and comments listed below were supported by most of the participants. Occasionally there were differences on details, but agreement on the general principle. At the roundtable's request these recommendations will be sent to each participant as well as the Speaker of the National Assembly and Chairman of the Senate.

A. ACCOUNTABILITY

1. General

- A stronger tie should be developed between civil society and the government to address accountability.
- Political parties should take responsibility for the accountability of their members.
- There should be constraints on government's discretionary powers.
- Accountability must be pursued in a fair and equitable manner; it should focus on all political parties equally.
- Accountability must be an ongoing process and not tied to any political party or government.
- A new election law should be passed to limit campaign spending.
- Public or community initiatives should be encouraged to look into corruption, civic education is needed.

- The President should also be held accountable for any corrupt practices.
- Persons involved in extrajudicial killings should be held accountable.
- There should be a provincial ombudsman.

2. Strengthening the Accountability Process

- An effective law should be enacted to continue the accountability process which now functions under an ordinance promulgated by the Caretaker Government.
- The Accountability Commission should be financially independent.
- The Chief Ehtesab Commissioner should be provided the resources necessary to conduct his work.
- The Accountability Commissioner must be allowed to select his own team of auditors and private investigators.
- The accountability process should be independent of the government.
- The Chief Ehtesab Commissioner should be held personally responsible for those working under him.
- Persons should not be investigated by lower ranking officers.
- FIA and the police need to be examined by the Ehtesab Commission.
- Private individuals should be encouraged to file accountability complaints.

3. Transparency

- Declarations of wealth should be required for all those in government.
- Access to information in government should be increased.
- Media should be independent and trained to look into government dealings.
- Candidates for political office should continue to have to file papers on assets and liabilities.
- Ordinary citizens should have access to information so they too can engage in the process of accountability.
- Public watchdog groups should be encouraged to monitor government activities.
- The current access to information bill is deficient and needs to be improved.

4. The Judiciary

- Accountability should be expanded to include the judiciary (though some noted that the judiciary is accountable to the Supreme Judicial Council and should be excluded from the jurisdiction of the Ehtesab Commission).
- Merit should be the basis for the selection of judges.
- The judiciary should be strengthened.
- Confidence should be instilled in the lower judiciary.
- The judiciary should be required to conclude cases in a timely manner.
- The trial of judges should be allowed as per the Constitution.
- The selection process for judges must be reviewed.

B. PARLIAMENT

1. Parliamentary Procedures

- Parliament should focus its primary attention on legislation; at least 1-3 hours a day should be reserved for the consideration of legislation.
- Parliament should meet at least 5-6 hours per day.
- The number of days that parliament meets should be increased to 165.
- Parliament should meet year round.
- The rules need to be revised to allow for the debate of legislation; currently the government has to reach agreement with the opposition to suspend the rules so that legislation can even be debated.
- A modus operandi should be developed between the government and the opposition so that they can work together more effectively and if necessary agree to disagree.
- The process of amending legislation should be simplified.
- The opposition should be allowed to amend legislation.
- The relationship between the national and provincial assemblies should be strengthened.
- The house should continue to meet even when a minister cannot be present.
- Ministers should only have to be present in the Assembly when issues he or she is responsible for are before parliament.
- Quorums should only be required when legislation is going to be passed
- Laws should be debated and enacted by parliament, not through presidential ordinance.
- Legislation should begin in parliament and then go to the cabinet, not vice versa.
- The Law Ministry should be provided with professional legislative drafters.
- The Speaker, the leader of the government and the leader of the opposition should meet at the beginning of each session.
- The Deputy Speaker should continue to be from the opposition
- A press release should be issued daily by the Speaker outlining the work done in the Assembly.
- Proceedings of Parliament should be televised.
- The rules of procedure should be enforced.
- Circumstances under which an ordinance can be issued should be defined.
- An information system to track the movement of different legislative items and bills should be designed.
- Question hour should be taken more seriously by government.
- A list should be made public of all "calling attention notices" to allow members to know where the Speaker used his discretion.
- MNA's should be given oversight of important areas including the judiciary, military and finance.
- A pool of staff should be made available to members of the parliament.
- A campaign should be undertaken to build the image of the parliament.
- Constituencies should be smaller.

2. Committees

- Committees should be strengthened
- There should be a standing committee for each ministry.
- There should be continuity in the work of the Public Accounts Committee even when the government is dissolved.
- The Government Assurance Committee should be more active.
- The Business Advisory Committee should be headed by the Speaker.
- Committee reports should be discussed in depth and followed up on.
- Committee members should be selected on merit.
- Legislation should be developed to regulate committee member selection.
- Committees should draft legislation.
- Committees should be required to meet regularly.
- Standing committees should conduct business in a transparent manner.
- A joint committee from both houses to review legislation should be created.
- Procedural reforms should be made to allow for more rapid consideration of legislation.
- The practice of placing a bill twice before the Law Minister and twice before parliament should be reduced.
- Time limits should be specified for each stage of legislation.
- More weight should be given to committee opinions.
- Committees should interact more with outside experts.
- A committee should be installed to keep up with constitutional amendments.
- The executive branch should relinquish some of its powers to the committees.
- Committees should hold hearings for all key appointments.
- An Ethics Committee should be created.
- Committees should be provided with three to four full time professional staff.
- The chairmen of the standing committees should be held accountable for delays.
- Ministries and the Assembly should be required to reply to committee reports.
- Media coverage of the committee meetings should be allowed.
- Public hearings should be encouraged.

3. Members of Parliament

- Members should introduce more private member bills.
- Points of order should not be misused (now sometimes used as an excuse to speak).
- The standard of debate should be raised.
- Members should be made aware that they can amend and introduce legislation.
- A "zero hour" should be introduced, similar to India's, to allow members to raise issues of individual concern.
- Members of the National Assembly should be provided with office space and a staff.
- A new census should be conducted to bring in more middle class and urban professionals to parliament.
- The government should be confined to the constitution and not victimize the opposition.

- Members of the National Assembly should be given technical assistance in drafting legislation and developing a plan of action for enacting legislation.
- Political parties should reward those members who show initiative and action in parliament.
- Members need to look to NGOs, professional groups, for expertise and information on developing legislation.
- Citizens should be made aware that drafting legislation is an important aspect of the MNA's work.
- Civic education should be conducted to create public demand for better, more qualified candidates.
- Parliament should review the privileges of members.
- A code of conduct should be developed for members.
- Members should receive better education on parliamentary procedures.
- A directory or manual should be created to assist parliamentarians to conduct research on the Internet.
- Constitutional qualifications for becoming an MNA should be reviewed.
- Compensation for members of the National Assembly should be increased to prevent corruption.

IV. Other Institutional Reforms

- Article 58(2)b should be abolished.
- Real land reform should be undertaken.
- Political parties should be given assistance to organize at the grass roots level.
- Local bodies elections should be held in order to decentralize authority.
- Recommendations from this conference should be distributed to the Speaker of the National Assembly, the Chairman of the Senate and all other members of the parliament.

PARTICIPANTS

Political Party Representatives

Senator Ch. Anwar Bhinder	PML
Dr. Mahar Liaquat Ali	PML
MNA Ahsan Iqbal	PML
Senator Aitzaz Ahsan	PPP
MNA Naveed Qamar	PPP
Senator Mian Raza Rubbani	PPP
MNA Qazi Khalid Ali	MQM
*MNA Asfandyar Wali Kahn	ANP
Senator Khurhsid Ahmad	Jamaat Islami
Mr. Mian Ihsan-Ul-Haq	PPP (SB)
*MNA Latif Afridi	FATA
*Senator Hafiz Hussain Ahmed	JUI
MNA Daniyal Aziz	Independent
Mr. Hamid Khan	PTI
Government Officials	
Mohammed Jaffar Iqbal	Deputy Speaker, National Assembly
*Secretary Abdul Rauf Khan Lughmani	Secretary, National Assembly
Mr. Jonaid Iqbal	Additional Secretary, National Secretary
Mir Abdul Jabbar Khan	Speaker, Baluchistan Provincial Assembly

Justice Ghulam Mujaddid Mirza

Chief Commissioner, Ehtesab Commission

Secretary Khan Ahmed Goraya

Secretary, National Election Commission

Dr. Faqir Hussain

Joint Secretary, Law Commission

MPA Haji Mohammad Adeel

Deputy Speaker, NWFP Provincial Assembly

Mr. Yousaf Raza Gillani

Former Speaker, National Assembly

NGOs

Mr. Mian Mumtaz Rafee

Transparency International

Dr. Inayatullah

Human Rights commission of Pakistan

Other

Mr. Najam Sethi

Former Accountability Advisor

Mr. Fakhruddin G. Ebrahim

Former Minister of Law

Justice Dilawar Mahmood Mian

Former Judge

** Unable to attend due to extenuating circumstances.*

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