

International Consensus on Standards for Democratic Parliaments

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Overview of Presentation

1. The value of developing consensus/plural approaches
2. Areas of consensus among the major frameworks
(CPA, APF, SADC PF, COPA, NDI)
3. The COPA Benchmarks in Comparative Perspective
4. Potential Next Steps

The Value of Developing Consensus/Plural Approaches

- **Common Frameworks:**
 - Provide a single set of principles that all parliaments can strive to achieve
 - Provide unique starting point for parliamentary strategic planning
 - Facilitate donor coordination on parliamentary development
 - Allow for creation of common assessment tool for effectiveness of parliamentary development and aid interventions

The Value of Building Consensus/Plural Approaches

- **Plural Approaches:**

- Diverse frameworks with legitimacy are preferable to a common framework with less parliamentary support
- Multiple discussions are helpful in building awareness among MPs
- “Competitive” dynamics among actors are often healthy in driving change
- Multiple frameworks with strong commonality is helpful in reinforcing legitimacy with respect to the areas of overlap

Areas of International Consensus*

- **Core Values of Democratic Parliaments** - “A democratic parliament is one that is representative of the political will and social diversity of the population, and is effective in its legislative, oversight and representation functions, at the subnational, national and international levels. Crucially, it is also transparent, accessible, and accountable to the citizens that it represents.”

Participants’ Statement, International Conference on Benchmarking and Self-Assessment for Democratic Legislatures, hosted by WBI and UNDP, Paris, March 2010

* Includes CPA, NDI, APF, SADC PF and COPA frameworks.

Areas of International Consensus, cont.

- **Institutional Independence** - Examples include parliamentary immunity, budgetary autonomy, control over staff, recourse to own expertise, sufficient resources to perform constitutional functions, adequate physical infrastructure, control over own internal rules, and calling itself into extraordinary session.
- **Democratic Legitimacy and Representation** - Examples include democratic elections, lower house elected through universal suffrage, regular periodic elections, and no restrictions on candidacy by race and gender, language or religion.



Areas of International Consensus, cont.

- **Procedural Fairness** - Examples include written procedural rules, plenary sittings in public, order of precedence of motions and points of order, meaningful opportunity for debate, use of official languages, right of all members to express their views freely, and arrangements to ensure that opposition and minority parties can contribute effectively to the work of parliament.
- **Parliamentary Organization** - Examples include right of legislatures to form committees, presumption that legislation is referred to committees, election of committee chairs and leadership according to procedures, right to form parliamentary party groups, right to permanent, professional, nonpartisan staff, and protection of head of the nonpartisan service from undue political pressure.

Areas of International Consensus, cont.



- **Core Legislative and Oversight Functions** - Examples include the ability of lower house to initiate legislation; rights to propose amendments and to amend legislation; right to consult experts and staff on legislation; ability to hold public hearings or receive testimony from experts; right to subpoena or obtain documents; methods for protecting witnesses; right to information from independent, non-partisan audit body.

Areas of Less Consensus

- **Characteristics Associated with the Type of Parliamentary System** – No-confidence votes and impeachment; vetoes and veto overrides; role in the budget process and money bills; roles and powers of upper houses; ex-post financial review and public accounts committees in Commonwealth systems; executive appointments, etc.
- **Political Finance** – Degree of specificity and type of approach with respect to asset disclosure, election expenses, etc.
- **Parliamentary Values and Ethical Issues** – Defining “accountable,” “transparent,” or “responsive;” positive actions to accommodate past discrimination; gender equity, integration of international human rights agreements, rights of disabled; requirements of religious oaths, etc.

Areas of Less Consensus, cont.

- **Criteria around specific innovations or “Emerging” Practices** – Use of ICTs, constituency development funds (CDFs), independent bodies to set parliamentary compensation; relations with ombudsmen, human rights commissions, anti-corruption commissions, etc.
- **Criteria that are Highly Dependent on Size of Jurisdictions or Availability of Resources** – Particular challenges of small island states (committees vs. committee of the whole, size/structure of staff), etc.
- **International affairs** – Parliamentary oversight of the executive; role in diplomacy; relations with other parliaments, etc.

The COPA Benchmarks in Comparative Perspective

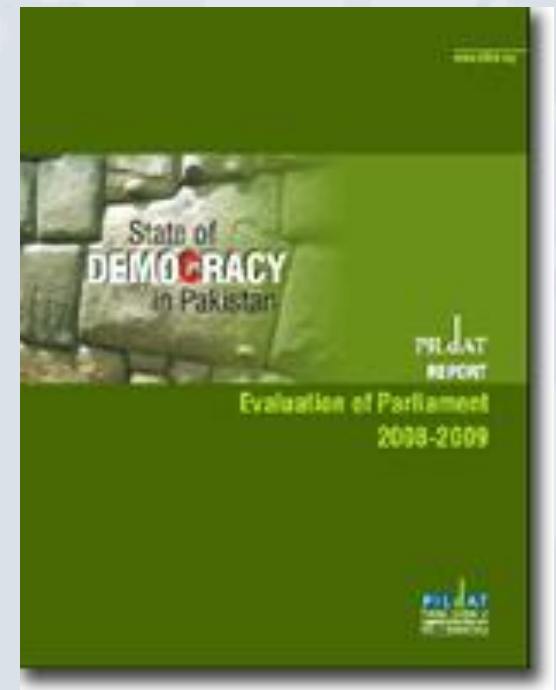
- **Emphasis on values and the conduct of parliamentary work** – Quality of debate on electoral system/structures; standards of electoral campaign conduct; striving for consensus by committees; promotion of national cohesion, freedom of expression, dialogue and cooperation between parties and civil society, etc.
- **Active promotion of commonly shared values** – Participation of under-represented groups; special measures to ensure women's participation (with APF/SADC); transparent procedures for compensation of MPs for duties performed (with APF); creation of independent disciplinary body to investigate corruption, etc.

The COPA Benchmarks in Comparative Perspective, cont.

- **Greater inclusion of standards affecting institutions beyond parliament:**
 - Parties – Limitations on removal of MPs from office; compliance of party by-laws with fair and transparent campaign finance rules, due process, accountability, etc.; respect and promotion of democratic rules and values; internal democracy.
 - Elections – Integrity and independence of electoral management and supervisory bodies; international observers, etc.
 - Ombudsman – Office with power to investigate human rights violations (similar to NDI), etc.

Potential Next Steps

- **Developing and conducting parliamentary self-evaluations**
 - Effective strategic planning exercise
 - May be facilitated internally, by an external consultant or by civil society
- **Reconciling broad standards for democratic parliaments with duties of the individual MP**
 - Developing a parliamentary code of conduct



Potential Next Steps

- **Encouraging responsible civil society monitoring initiatives**
 - Working with “PMOs” to strengthen monitoring tools (e.g. standards for parliamentary openness and transparency)



- **Continued dialogue and promotion of standards**
 - AGORA Portal for Parliamentary Development: www.agora-parl.org